

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 08-05

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, CERTIFYING THE RESULTS OF THE REFERENDUM HELD ON JANUARY 29, 2008, REGARDING REPEAL OF REQUIREMENT OF MAJORITY VOTE; REPEAL OF QUALIFICATION FOR SPECIFIC COUNCIL SEAT; REPEAL OF REQUIREMENT OF RUN-OFF ELECTION; DECLARATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter empowers the Town Council to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Section 13.01 of Article XIII of the Town Charter provides that the Council may, by ordinance, propose amendments to the Charter with such ordinance(s) to be submitted to the electors, as provided by general law; and

WHEREAS, the Town Council of the Town of Fort Myers Beach passed Ordinance 07-06 and Resolution 07-34 calling for a referendum election for the purpose of submitting to the qualified electors of the Town, the question of approval of an amendment to the Town Charter regarding the repeal of the requirement of majority vote for election of councilmembers; repeal of qualification for a specific council seat; and related matters, as permitted by the Charter and as set forth with specificity below; and

WHEREAS, the aforesaid referendum election in the Town of Fort Myers Beach was duly held on the 29TH day of January, 2008, in accordance with all applicable laws.

IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section One. Whereas Clauses The above "Whereas" recitals are incorporated herein by reference.

Section Two. Certification of Results of Election. It is hereby certified that the appropriate election officials have canvassed the ballots and certified same to the Lee County Supervisor of Elections and the Supervisor has in turn, certified the election results to the Town Council of the Town of Fort Myers Beach, Florida.

Section Three. Referendum Regarding Repeal of Requirement of Majority Vote for Election of Council; Repeal of Qualification for a Specific Council Seat and Related Matters. This Referendum inquired as follows:

Should the Town Charter be amended to eliminate the requirement of candidates to seek election to a specific council seat and to provide that eligible candidates

receiving the greatest number of votes fill the available seats without requiring a majority vote?

Section Four. Vote Tabulation for Referendum. The votes received for this Referendum question are as follows:

Yes	#1,779	Percentage: 62.2%
No	#1,082	Percentage: 37.8%

Section Five. Declaration as to Results of Referendum. The Town Council hereby declares that the Town Charter **IS AMENDED** and the requirement that candidates seek election to a specific council seat and that eligible candidates receiving the greatest number of votes fill the available seats must receive a majority vote **IS** eliminated.

Section Six. Effective Date. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach, Florida.

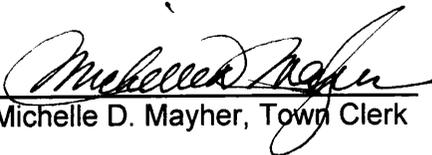
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon motion by Councilmember Shenko and second by Vice Mayor Kiker and being put to a vote, the result was as follows:

Dennis Boback, Mayor	aye	Larry Kiker, Vice Mayor	aye
Herb Acken, Councilmember	aye	Charles Meador, Jr., Councilmember	absent
William Shenko, Jr., Councilmember	aye		

APPROVED THIS NINTH DAY OF FEBRUARY, 2008.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Michelle D. Mayher, Town Clerk

By: 
Dennis C. Boback, Mayor

Approved as to legal sufficiency and form by:


Anne Dalton, Town Attorney