

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 08-10

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, REQUESTING APPOINTMENT OF THE TOWN CLERK TO THE TOWN CANVASSING BOARD FOR PURPOSES OF THE GENERAL ELECTION TO BE HELD ON APRIL 8, 2008; 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, the Town Charter of the Town of Fort Myers Beach, Florida was adopted as Chapter 95-494, Laws of Florida; and 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, on August 20, 2007, the Town Council of the Town of Fort Myers Beach passed Ordinance 07-05 amending the Town Charter to move the regular election of the member of the Town Council to the 2<sup>nd</sup> Tuesday of April, for 2008; and

WHEREAS, Section 102.141, Florida Statutes, as construed for municipal elections, provides that the canvassing board for Town elections performs various functions in relation to Town elections and further states that its members shall be the Supervisor of Elections, a county court judge, who shall act as chair, and the chair of the Town Council; and

WHEREAS, F.S 102.141(1)(c), as construed for municipal elections, provides that if the Mayor of the Town Council is unable to serve or is disqualified, a substitute member of Council shall be appointed and F.S. 102.141(1)(d) provides that if a substitute member cannot be appointed as provided elsewhere, the chief judge of the judicial circuit in which the county is located shall appoint as a substitute member a qualified elector who is not a candidate with opposition in the election and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed.

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. Designation of Town Clerk as Town Member of the Canvassing Board. Having first ascertained that Michelle Mayher, Town Clerk for the Town of Fort Myers Beach, is a qualified elector of the Town, is not a candidate with opposition in the April,

2008 election, and is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed, the Town Council hereby determines that Michelle Mayher, Town Clerk, should be its representative on the Municipal Canvassing Board for the general election to be held on April 8, 2008 and she shall provide all duties attendant thereupon pursuant to State Statute.

SECTION THREE. Appointment by the Chief Judge of the Twentieth Judicial Circuit.

The Town Council hereby requests the Chief Judge of the Twentieth Judicial Circuit to appoint Michelle Mayher, Town Clerk, as its representative on the Municipal Canvassing Board for the April 8, 2008, general Town election and authorize her performance of any and all duties customarily attendant thereupon.

SECTION FOUR. 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 Meador and second by Vice Mayor Kiker and being put to a vote, the result was as follows:

Dennis Boback, Mayor aye  
Herb Acken, Councilmember aye  
William Shenko, Jr., Councilmember aye

Larry Kiker, Vice Mayor aye  
Charles Meador, Jr., Councilmember aye

APPROVED THIS 19<sup>th</sup> DAY OF FEBRUARY, 2008.

ATTEST:

By:   
Michelle D. Mayher, Town Clerk

TOWN OF FORT MYERS BEACH

By:   
Dennis C. Boback, Mayor

Approved as to legal sufficiency and form by:

  
Anne Dalton, Town Attorney