

RESOLUTION NUMBER 08-12

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS  
BEACH, FLORIDA, CALLING FOR ELECTION; APPLICABLE LAW; POLLING  
PLACES, NOTICE; CANVASSING; DECLARATION  
AND PROVIDING AN EFFECTIVE DATE

WHEREAS, 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 of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Florida Statute 100.3605 provides that the governing body of a municipality may, by ordinance, change the date for election of members of the governing body of the Town and provide for orderly transition of office resulting from such date changes; and

WHEREAS, Town Ordinance 07-05 provides that the 2008 regular election of members of the council shall be held on the second Tuesday of April, 2008, for the reasons set forth in said Ordinance; and

WHEREAS, the referendum election of January 29, 2008 resulted in the electors of the Town eliminating the requirement for candidates to seek election to a specific Council seat and further provided that in the event that more candidates qualify for election than there are open council seats, those candidates shall participate in the regular election, with the candidates receiving the most votes cast being elected to the available council seats, as set forth with specificity in Town Resolution 08-09; and

WHEREAS, at 12:01 pm on February 25, 2008, following the closure of the qualification period, the Town Clerk certified that five ( 5 ) candidates have qualified for election to one of the three available Council seats, i.e., seats #3, #4, and #5 for the election to be held on April 8, 2008, as set forth in specificity in Town Resolution 08-11.

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

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

Section Two. Purpose: Calling for Election. There is hereby called a general election in the Town of Fort Myers Beach, Florida, to be held on the 8<sup>th</sup> day of April, 2008, for the purpose of having all of the qualified electors within the Town determine the members of the council for seats #3, 4 and 5.

Section Three. Applicable Law. Said election shall be conducted according to the requirements of Florida law governing municipalities.

Section Four. Polling Places. The election shall be held at the precinct polling places heretofore designated by the Supervisor of Elections in Lee County, Florida. The polls shall be opened and closed as provided by law and the ballot shall contain the names of the candidates to be voted upon in said election.

Section Five. Authorization of Town Council or Designees. The Town Council or its designees are hereby authorized to take all those actions necessary to comply with the requirements set forth in Florida law regarding municipal elections.

Section Six. Notice of Election. The publication of notice of this election shall be had in a newspaper of general circulation within Lee County and the first publication shall be at least 30 days prior to the 8<sup>th</sup> day of April, 2008. The publication shall be made at least twice; once in the fifth week and once in the third week prior to the week in which the election is to be held.

Section Seven. Canvassing. The appropriate election officials shall canvass the ballots and certify same to the Lee County Supervisor of Elections. The Supervisor shall, in turn, certify the election results to the Town Council of the Town of Fort Myers Beach.

Section Eight. Declaration. The Town Council shall declare the results thereof and such returns shall be recorded in the minutes of the first Town Council meeting after certification.

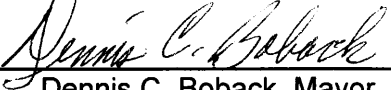
Section Nine. Effective Date. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember Shenko and seconded by Vice Mayor Kiker and upon being put to a vote, the result was as follows:

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

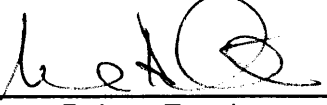
ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH ON THE 3<sup>rd</sup> DAY OF MARCH, 2008.

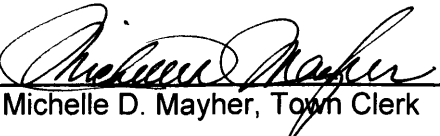
TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By:   
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

ATTEST:

By:   
Anne Dalton, Esquire  
Town Attorney

By:   
Michelle D. Mayher, Town Clerk