

1. Requested Motion:

Meeting Date: February 19, 2013

Motion to approve Resolution 13-04, Cancelling the March 12, 2013 Election and re-electing incumbents Dan Andre and Alan Mandel to a new three (3) year term, commencing March 18, 2013.

Why the action is necessary: The Resolution calls for the upcoming March 12, 2013 Election for Council Seats #1 and #2 to be cancelled. The candidate qualifying period commenced at noon on Friday, January 18, 2013 and ended at noon on Friday, January 25, 2013. The only qualified candidates were incumbents Dan Andre and Alan Mandel, thus the two incumbents have been re-elected, unopposed, to a new three (3) year term.

What the action accomplishes: Cancels the March 12, 2013 Election for Council Seats #1 and #2, re-elects incumbents Dan Andre and Alan Mandel to a new three (3) year term, and saves the Town \$20,000 in election costs.

2. Agenda:

3. Requirement/Purpose:

4. Submitter of Information:

Consent
 Administrative

Resolution
 Ordinance
 Other

Council
 Town Staff
 Town Attorney

5. Background: Adhering to Article V of the Town Charter outlining election of Town Council members, the Town Council adopted *Resolution 12-25 Calling for March 12, 2013 Elections for Council Seats #1 and #2* at the November 5, 2012 Regular Meeting. The candidate qualifying period ran from noon on Friday, January 18, 2013 to noon Friday, January 25, 2013. Incumbents Dan Andre and Alan Mandel were the only qualified applicants to submit an application during the qualifying period. Section 5.07 of the Town Charter provides that in the event that more candidates qualify for election than there are open council seats, those candidates shall participate in the regular election and the candidate or candidates receiving the most votes cast shall be elected to the open council seat or seats. Since there were not more candidates qualifying for election than there are open Council seats, an election is unnecessary.

6. Alternative Action: Do not adopt the resolution.

7. Management Recommendations: Approve the resolution.

8. Recommended Approval:

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

9. Council Action:

Approved Denied Deferred Other

RESOLUTION NUMBER 13-04

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, CANCELLING THE MARCH 12, 2013 ELECTION; CONFIRMING THAT THE TWO INCUMBENT COUNCIL MEMBERS WHOSE TERMS ARE EXPIRING ARE THE ONLY CANDIDATES WHO QUALIFIED AS CANDIDATES FOR SAID ELECTION; CERTIFYING THAT, SINCE THE NUMBER OF CANDIDATES QUALIFYING DOES NOT EXCEED THE NUMBER OF OPEN SEATS, THE TWO INCUMBENT COUNCIL MEMBERS ARE DEEMED RE-ELECTED FOR ANOTHER TERM; PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 5.01 of the Town Charter provides that the regular election of the members of the Council shall be held on the second Tuesday in March and that candidates must qualify during the designated qualifying period; and

WHEREAS, the Town Council, on November 5, 2012, adopted Resolution 12-25 that called for an election on March 12, 2013 and specified the candidate qualifying period, which for 2013 commenced at noon on Friday, January 18, 2013 and ended at noon on Friday, January 25, 2013; and

WHEREAS, the only persons who qualified to be a candidate for Town Council during the designated qualifying period are the two incumbents whose current terms will expire in March, 2013; and

WHEREAS, Section 5.07 of the Town Charter provides that in the event that more candidates qualify for election than there are open council seats, those candidates shall participate in the regular election and the candidate or candidates receiving the most votes cast shall be elected to the open council seat or seats; and

WHEREAS, since there were not more candidates who qualified for election than there are open Council seats an election is unnecessary; and

WHEREAS, by cancelling the March 12, 2013 regular municipal election, the Town will realize a savings of up to \$20,000.00; and

WHEREAS, the Town Council finds it appropriate to confirm, by this duly adopted resolution, that the two incumbent council members, Alan Mandel and Dan Andre, shall be deemed to have been elected, unopposed, to a new three (3) year term.

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

Section 1. Whereas Clauses. The above "Whereas" recitals are incorporated herein by reference.

Section 2. The Town Council hereby declares that the regular municipal election, originally scheduled for March 12, 2013, is cancelled, because there are not more candidates who qualified for election than there are open Council seats.

Section 3. The Town Council hereby confirms that the two incumbent Council members whose terms are expiring, Alan Mandel and Dan Andre, are the only persons who qualified to run for the two (2) open Town Council seats during the designated qualifying period.

Section 4. The Town Council certifies that, since the number of candidates qualifying does not exceed the number of open seats, Alan Mandel and Dan Andre are HEREBY deemed re-elected, unopposed, for a three year term commencing March 18, 2013.

Section 5. 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 Council Member _____ and seconded by Council Member _____ and upon being put to a vote, the result was as follows:

Bob Raymond, Mayor
Joe Kosinski, Council Member
Dan Andre, Council Member

Alan Mandel, Vice Mayor
Jo List, Council Member

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

DULY ADOPTED ON THIS 19th DAY OF FEBRUARY, 2013.

By: _____
Bob Raymond, Mayor

Approved as to legal sufficiency:

ATTEST:

By: _____
Fowler White Boggs Town Attorney

By: _____
Michelle Mayher, Town Clerk