

## RESOLUTION 07-34

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, PRESENTING REFERENDUM QUESTIONS FOR PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FORT MYERS BEACH REGARDING ELECTION BY PLURALITY, ELIMINATION OF REQUIREMENT TO RUN FOR SPECIFIC COUNCIL OFFICE, ELIMINATION OF REQUIREMENT FOR RUN-OFF ELECTION, AND RELATED MATTERS

WHEREAS, the Town Council of the Town of Fort Myers Beach, Florida, has duly passed ORDINANCE No. 07-06 on September 10, 2007; and

WHEREAS, the aforesaid Ordinance shall be submitted to the electors of the Town of Fort Myers Beach, Lee County, Florida for consideration, in accordance with applicable law and provisions of the Charter of the Town of Fort Myers Beach, Florida and as set forth in specificity below; and

WHEREAS, this Resolution is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

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

SECTION ONE. PURPOSE. A referendum election is hereby ordered and called for the purpose of submitting to the qualified electors of the Town of Fort Myers Beach, Lee County, Florida, the question of approval of amendments to the Town Charter.

SECTION TWO. APPROVAL BY MAJORITY. The amendment shall take effect if approved by a majority of the qualified electors of the Town voting on each such referendum question in the election to be held on January 29, 2008.

SECTION THREE. REQUIREMENTS OF LAW. Said referendum election shall be conducted according to the requirements of the Florida Election Laws. The Supervisor of Elections of Lee County, Florida is hereby directed to present the ballot question set forth below to the voters of Fort Myers Beach, Florida and to hold the referendum election thereon on the Presidential Preference Primary day of January 29, 2008.

SECTION FOUR. POLLING PLACES AND CONDUCT OF ELECTION. The referendum election shall be held at the polling places duly designated by the Supervisor of Elections of Lee County, Florida and conducted by election officials duly appointed by applicable General Law. The hours of election, absentee voting, canvassing, delivery of ballots and publication of notice of the referendum question shall be as provided by the requirements of law.

SECTION FIVE. AUTHORIZATION OF TOWN COUNCIL OR DESIGNEES. The Town Council or its designees are hereby authorized to take all those actions

necessary in order that this referendum question is properly placed on the ballot for the Presidential Preference Primary election of January 29, 2008.

SECTION SIX. BALLOTS. The ballots to be used in said referendum shall be in the form as provided by law and shall contain the question to be voted upon. Said question shall be in substantially the following form:

OFFICIAL BALLOT

CHARTER AMENDMENT FOR ELCTION BY PLURALITY VOTE AND ELIMINATION OF QUALIFICATION FOR SPECIFIC COUNCIL SEAT

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?

Shall the above described amendment be adopted?

Yes for Approval     

No for Rejection     

SECTION SEVEN. NOTICE OF ELECTION. The publication of notice of this referendum 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 29<sup>th</sup> day of January, 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 referendum is to be held.

SECTION EIGHT. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption.

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

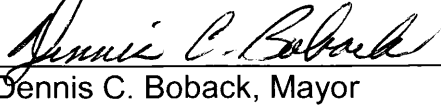
Dennis C. Boback, Mayor nay  
Larry Kiker, Vice Mayor aye  
Herb Acken aye  
Charles Meador, Jr. aye  
William Shenko, Jr. aye

DULY PASSED AND ENACTED this 10<sup>th</sup> day of September, 2007

ATTEST:

TOWN OF FORT MYERS BEACH

By:   
Michelle D. Mayher

By:   
Dennis C. Boback, Mayor

  
Anne Dalton, Town Attorney