

ORDINANCE NO. 18-05

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RELATING TO THE 2019 ELECTIONS CYCLE; AMENDING SECTION 5.01, ELECTIONS OF THE CHARTER, PROVIDING FOR AN ALTERNATE DATE THAN THAT SET FORTH IN TOWN CHARTER SECTION 5.01, FOR THE 2019 ELECTION TO ALLOW THE ELECTION TO COINCIDE WITH ELECTION DATE OF OTHER MUNICIPALITIES IN LEE COUNTY; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; CONFLICTS OF LAW, SEVERABILITY; MODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council recognizes that is in the best interests of its residents to reduce costs and barriers to the free exercise of their voting rights; and

WHEREAS, the Lee County Supervisor of Elections has suggested that the Town move its 2019 year election from the second Tuesday in March (March 12, 2019), to March 5, 2019, the date other municipalities in Lee County are holding elections; and

WHEREAS, the Town has the legal authority to adopt this Ordinance pursuant to its broad home rule powers and Florida Statutes ss. 100.3605, 101.75, and 166.021(4); and

WHEREAS, the Town, by changing the 2019 election date, will be able to eliminate voter confusion and benefit from cost sharing to be obtained regarding conducting its election in concert with other Lee County municipalities; and

WHEREAS, the Town hereby desires to change the qualifying and election dates of its governing board as set forth in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

SECTION 1: LEGISLATIVE AND ADMINISTRATIVE FINDINGS

The above recitals are true and correct and incorporated herein as though fully set forth below.

SECTION 2: ELECTION DATE

For the 2019 Election year only, the provisions of the Town of Fort Myers Beach Charter s. 5.01 relating to Elections will be deemed amended as follows with strike through indicating amended provisions and underlining indicating replacement provisions.

ARTICLE V. NOMINATIONS AND ELECTIONS; TERMS OF OFFICE

Sec. 5.01. Elections.

The regular election of the members of the council shall be held on the ~~second~~ first Tuesday in March, except in presidential preference primary years when it shall be held on the third Tuesday in March or as otherwise provided by general law. The time period that candidates must qualify shall be from noon of the 50th day prior to the election to noon of the 46th day, or as adjusted by a holiday or leap year.

SECTION 3: CODIFICATION AND SCRIVENER'S ERRORS

The Town Council does not intend that this Ordinance be made part of the Code of Ordinances, Town of Fort Myers Beach, Florida. Clarification of ambiguous wording that does not affect the intent can be corrected with the authorization of the Town Manager without the need for a public hearing.

SECTION 4: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

SECTION 5: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion will be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6: EFFECTIVE DATE

This Ordinance takes effect immediately upon adoption by the Town Council.

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THE FOREGOING ORDINANCE was adopted by the Town Council upon a motion by Vice Mayor Shamp and seconded by Council Member Cereceda and upon being put to a roll call vote, the result was as follows:

Tracey Gore, Mayor	aye
Joanne Shamp, Vice Mayor	aye
Dennis C. Boback, Council Member	aye
Bruce Butcher, Council Member	aye
Anita Cereceda, Council Member	aye

DULY PASSED AND ADOPTED this 7th day of May, 2018 by the Town Council of the Town of Fort Myers Beach.

ATTEST:

By: 
Michelle D. Mayher, Town Clerk

By: 
Tracey Gore, Mayor

Approved as to form and legal sufficiency:

By: 
Peterson Law Group, Town Attorney