

**RESOLUTION NO. 19-40**

**A RESOLUTION OF THE TOWN OF FORT MYERS BEACH CORRECTING SCRIVENER'S ERRORS IN ORDINANCE 19-08 CALLING AN ELECTION ON AMENDMENTS TO THE TOWN CHARTER TO BE HELD ON TUESDAY, MARCH 17, 2020; PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL PROPOSED AMENDMENTS TO THE TOWN CHARTER, SUCH CHARTER AMENDMENT CONCERNING THE DATE OF TOWN ELECTIONS AND TERMS OF OFFICE SO THAT THE TOWN'S REGULAR ELECTION COINCIDES WITH FEDERAL AND STATE ELECTION DATES AND ESTABLISHING FOUR (4) YEAR TERMS OF OFFICE FOR TOWN COUNCILMEMBERS; PROVIDING FOR REQUISITE BALLOT LANGUAGE; AND AN EFFECTIVE DATE**

**WHEREAS**, on August 5, 2019, pursuant to Section 166.031, *Florida Statutes*, and following the Town of Fort Myers Beach Council's review of proposed changes to the Town of Fort Myers Beach ("Town") Charter, the Town Council approved Ordinance 19-08 proposing amendments to the Town Charter for submission to the electors of the Town; and

**WHEREAS**, upon transmittal of Ordinance 19-08 to the Lee County Supervisor of Elections Office ("Supervisor of Elections") for preparation of the requisite ballot for submission of the proposed Charter amendments to the electors of the Town the Supervisor of Elections discovered several scrivener's errors concerning the wording and word count of the proposed Charter amendments, the Supervisor of Elections requested that the Town correct the scrivener's errors; and

**WHEREAS**, Section 5 of Ordinance 19-08 authorizes the Town Council to revise the ballot questions and corresponding Notice of Election by Council Resolution.

**NOW, THEREFORE, BE RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:**<sup>1</sup>

Section 1. The above recitals are true and correct and incorporated herein by this reference.

Section 2. An election is called for Tuesday, March 17, 2020, to present to the electors of the Town each of the ballot questions provided in Section 5 of this Resolution.

Section 3. Balloting shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. at the regular polling places for Town elections or as otherwise provided by the Lee County Supervisor of Elections in accordance with applicable law. All qualified electors residing within the Town who are timely registered shall be entitled to vote. Early voting may be provided as authorized by law.

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<sup>1/</sup> Additions to existing text are shown by underline, and deletions are shown as ~~striketrough~~.

Section 4. That notice of the election shall be published in accordance with Section 100.342, *Florida Statutes*, in a newspaper of general circulation within the Town at least thirty (30) days prior to the election, the first publication to be in the fifth week prior to the election, and the second publication to be in the third week prior to the election, and shall be in substantially the following form:

#### NOTICE OF ELECTION

PUBLIC NOTICE IS GIVEN THAT PURSUANT TO AN ENABLING ORDINANCE DULY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA (THE "TOWN"), AN ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE TOWN ON TUESDAY, MARCH 17, 2020, BETWEEN THE HOURS OF 7:00 AM AND 7:00 PM, AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSITIONS SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN.

There ~~is one (1)~~ are two (2) proposed amendments to the Town Charter, which proposals are ~~is~~ commonly referred to by the following ballot titles:

1. Election Date ~~and Terms of Office~~
2. Terms of Office

Polling place information, as well as the full text of the proposed Town Charter amendments and the enabling ordinance for this election are available at the Office of the Town Clerk, located at:

2525 Estero Boulevard, Fort Myers Beach, FL 33931  
Contact: Michelle Mayher, Town Clerk

The Town Clerk may combine this Notice of Election with other Notices of Election for any other Charter amendments.

Section 5. The form of ballot for each of the proposed Charter amendments shall be as follows:

1. ELECTION DATE

The Town Charter currently provides that the regular election of members of the Town Council shall be held on the second Tuesday in March. It is proposed that the Charter be amended to revise such provisions by moving the regular election of members of the Town Council to the first Tuesday after the first Monday in November, so as to coincide with federal and state election dates.

Shall the above-described Charter amendment be adopted?

Yes

No

## 2. TERMS OF OFFICE

~~The Town Charter currently provides that each term of office for Town Councilmembers is three (3) years, with a term limit of two (2) consecutive terms (e.g., a total of six (6) consecutive years in office). It is proposed that the Charter be amended to revise such provisions by increasing the term of office to four (4) years (a one (1) year increase), with a term limit of two (2) consecutive terms (e.g., a total of eight (8) consecutive years in office). Extending the term of office by one (1) year will ensure that all regular Town Council elections coincide with federal and state election dates as set forth in proposed Charter amendment number one above.~~

The Town Charter currently provides for 3 year terms with a maximum of 2 consecutive (total of 6 years) for each Councilmember. It is proposed that the Charter be amended to increase the term of office to 4 years with a maximum of 2 consecutive terms (total of 8 years) to ensure that regular Town Council elections coincide with federal and state election dates as set forth in proposed Charter amendment number one.

Shall the above-described Charter amendment be adopted?

Yes

No

The order of presentation of the above listed ballot items on the ballot may be revised pursuant to Section 8, below. The ballot questions and corresponding Notice of Election may be revised by Council Resolution.

Section 6. All other provisions of Ordinance 19-08 shall remain unchanged and in full force and effect.

Section 7. Copies of this Resolution and Ordinance 19-08 are on file in the office of the Town Clerk located at 2525 Estero Boulevard, Fort Myers Beach, Florida 33931, and are available for public inspection during regular business hours.

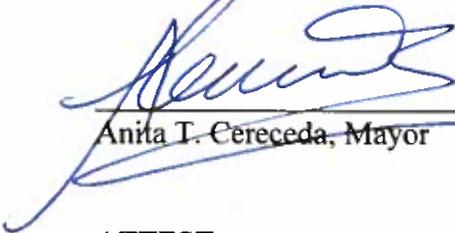
Section 8. That this Resolution shall become effective immediately upon adoption.

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

Anita Cereceda, Mayor	Aye
Ray Murphy, Vice Mayor	Aye
Joanne Shamp, Councilmember	Aye
Rexann Hosafros, Councilmember	Aye
Bruce Butcher, Councilmember	Aye

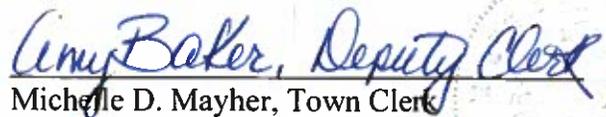
ADOPTED this 9<sup>th</sup> day of December, 2019 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH



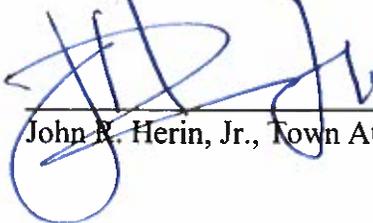
Anita T. Cereceda, Mayor

ATTEST:



Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM:



John R. Herin, Jr., Town Attorney