

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.

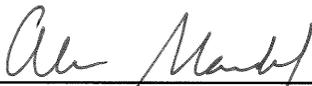
Section 5. Effective Date. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member List and seconded by Acting Vice Mayor Kosinski and upon being put to a vote, the result was as follows:

Bob Raymond, Mayor	excused absence	Alan Mandel, Acting Mayor	aye
Joe Kosinski, Acting Vice Mayor	aye	Jo List, Council Member	aye
Dan Andre, Council Member	aye		

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

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

By: 
Alan Mandel, Acting Mayor

Approved as to legal sufficiency:

ATTEST:

By: 
Fowler White Boggs Town Attorney

By: 
Michelle Mayher, Town Clerk