

Town of Fort Myers Beach  
 Agenda Item Summary

Blue Sheet Number: 2009-132

**1. Requested Motion:**

Adopt Resolution 09-31, calling for Election.

**Meeting Date: Oct 19 2009**

**Why the action is necessary:**

Lee County Supervisor of Elections requires written notice of election 120 days' prior to the general election.

**What the action accomplishes:**

Adoption of Resolution 09-31, calling for election provides required notice to Lee County Supervisor of Elections.

**2. Agenda:**

Consent  
 Administrative

**3. Requirement/Purpose:**

Resolution  
 Ordinance  
 Other

**4. Submitter of Information:**

Council  
 Town Staff  
 Town Attorney

**5. Background:** Article X of the Town Charter empowers the Town to adopt resolutions as may be required for the proper governing of the Town. The next regular election of the Town Council seats #1 and #2 will be held on March 09, 2010. Adoption of resolution 09-31 provides for calling for election, qualifying, notice, canvassing and declaration.

**6. Alternative Action:**

**7. Management Recommendations:**

**8. Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Cultural Resources Director	Town Clerk
						

**9. Council Action:**

Approved     Denied     Deferred     Other

RESOLUTION NUMBER 09-31

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, CALLING FOR ELECTION; QUALIFYING, APPLICABLE LAW; POLLING PLACES, NOTICE; CANVASSING; DECLARATION AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Article V of the Town Charter provides that the term of office for all members of council shall be for three (3) years; and

WHEREAS, the term of office of the councilmembers currently holding Seats #1 and #2 expires upon certification of the March 9, 2010 election results in accordance with Florida statute and the commencement of the first Town Council meeting following said general election, in accordance with Article V, Section 5.02 of the Town Charter; and

WHEREAS, Article V of the Town Charter provides for the regular election of the members of council on the second Tuesday in March; and

WHEREAS, Article V of the Town Charter further 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.

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. Purpose: Calling for Election. There is hereby called an election in the Town of Fort Myers Beach, Florida, to be held the 9th day of March, 2010, for the purpose of having all of the qualified electors within the Town to determine the members of the council for seats #1 and #2.

Section 3. Qualifying Period. The period of qualifying as a candidate for council seats #1 and #2 commences at noon on Tuesday, January 19, 2010 and ends at noon on Monday, January 25, 2010.

Section 4. Applicable Law. Said general election shall be conducted according to the requirements of Florida law governing municipalities.

Section 5. Authorization of Town Council or Designees. The Town Council, through the Town Manager or designee, is hereby authorized to take all those actions necessary to

comply with the requirements set forth in Florida law and the Town Charter and Ordinances regarding municipal elections.

Section 6. Polling Places. The election shall be held at the precinct polling places heretofore designated by the Supervisor of Elections in Lee County, Florida. The polls shall be opened and closed as provided by law and the ballot shall contain the names of the candidates to be voted upon in said election.

Section 7. Notice. During the thirty (30) day period prior to the beginning of the qualifying period, the Town shall publish a notice of general election. Said notice shall be published two (2) times in a newspaper of general circulation within the Town, in accordance with the requirements of Section 100.021, Florida Statutes. The Town Manager is hereby authorized to coordinate with the Supervisor of Elections with regard to other notice requirements and to publish such additional election-related notices as are required by Florida Statute.

Section 8. Canvassing. The appropriate election officials shall canvass the ballots and certify same to the Lee County Supervisor of Elections. The Supervisor shall, in turn, certify the election results to the Town Council of the Town of Fort Myers Beach.

Section 9. Declaration. The Town Council shall declare the results thereof and such returns shall be recorded in the minutes of the first Town Council meeting after certification.

Section 10. 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 Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_, and upon being put to a vote, the result was as follows:

Larry Kiker, Mayor  
Tom Babcock, Councilmember  
Bob Raymond, Councilmember

Herb Acken, Vice Mayor  
Jo List, Councilmember

**TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH**

**DULY ADOPTED ON THIS 19th DAY OF OCTOBER, 2009.**

By: \_\_\_\_\_  
Larry Kiker , Mayor

Approved as to legal sufficiency:

ATTEST:

By: \_\_\_\_\_  
Anne Dalton, Esquire  
Town Attorney

By: \_\_\_\_\_  
Michelle Mayher, Town Clerk