

1. Requested Motion:

Meeting Date: December 6, 2010

Approve Resolution Number 10-28 calling for election; qualifying, applicable Law; Polling Places, Notice; canvassing; declaration and providing an effective date.

Why the action is necessary:

Council approval required.

What the action accomplishes:

This action calls the election to be held March 8, 2011 for the purpose of having all of the qualified electors within the Town to determine the members of the council for seats #3, #4 and #5 in accordance with the Town Charter and Florida Statutes.

2. Agenda:

☒ Consent
☐ Administrative

3. Requirement/Purpose:

☐ Resolution
☐ Ordinance
☒ Other

4. Submitter of Information:

☐ Council
☐ Town Staff
☒ Town Attorney

5. Background:

This resolution was prepared by the Town Attorney

6. Alternative Action:

none

7. Management Recommendations:

Approve proposed resolution.

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 10-28

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 terms of office of the councilmembers currently holding Seats #3, #4 and #5 expire upon certification of the March 8, 2011 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 8th day of March, 2011, for the purpose of having all of the qualified electors within the Town to determine the members of the council for seats #3, #4 and #5.

Section 3. Qualifying Period. The period of qualifying as a candidate for council seats #3, #4 and #5 commences at noon on Tuesday, January 18, 2011 and ends at noon on Monday, January 24, 2011.

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 Council Member _____ and seconded by Council Member _____ and upon being put to a vote, the result was as follows:

Larry Kiker, Mayor
Tom Babcock, Council Member
Bob Raymond, Vice Mayor

Alan Mandel, Council Member
Jo List, Council Member

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

DULY ADOPTED ON THIS 6th DAY OF DECEMBER, 2010.

By: _____
Larry Kiker, Mayor

Approved as to legal sufficiency:

ATTEST:

By: _____
Fowler White Boggs
Town Attorney

By: _____
Michelle Mayher, Town Clerk