

ORDINANCE NO. 15 – 06

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RELATING TO ELECTIONS; AMENDING SECTION 5.01, ELECTIONS OF THE CHARTER, PROVIDING FOR TOWN ELECTIONS TO COINCIDE WITH THE SPRING PRESIDENTIAL PRIMARY ELECTIONS; 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 2016 year election from the second Tuesday in March, March 8, 2016, to the date of the presidential preference primary which is March 15, 2016; and

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

WHEREAS, the Town hereby desires to change the qualifying and election dates of its governing board, and

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 hereby adopted as the legislative findings of the Town Council.

SECTION 2: ELECTION DATE

Article V, Nominations and Elections; Terms of Office, Section 5.01, Elections, of the Charter of the Town of Fort Myers Beach, Florida, is hereby amended as follows:

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 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 ~~second Tuesday in March~~ 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 intends that this Ordinance be made part of the Code of Ordinances, Town of Fort Myers Beach, Florida; and that sections of this Ordinance can be renumbered or re-lettered to the appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or re-lettered and typographical errors and clarification of ambiguous wording that do 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 shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6: MODIFICATION

It is the intent of the Council that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications will be incorporated into the final version of this Ordinance.

SECTION 7: EFFECTIVE DATE

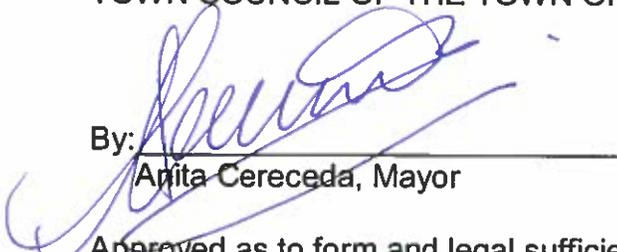
This Ordinance shall take effect immediately upon adoption by the Town Council.

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The foregoing Ordinance was adopted by the Town Council upon a motion by Council Member Stockton and seconded by Vice Mayor Andre and upon being put to a vote, the result was as follows:

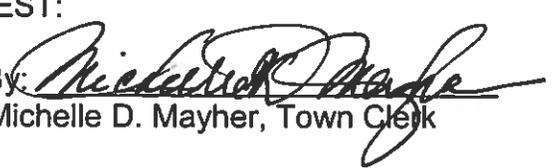
Anita Cereceda, Mayor	aye	Dan Andre, Vice Mayor	aye
Rexann Hosafros	aye	Alan Mandel	aye
Summer Stockton	aye		

DULY PASSED AND ADOPTED THIS 17TH DAY OF AUGUST 2015, BY THE
TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 

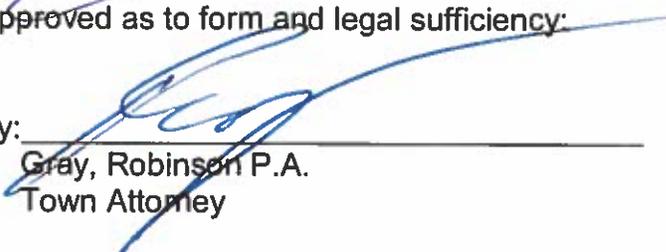
Anita Cereceda, Mayor

ATTEST:

By: 

Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By: 

Gray, Robinson P.A.
Town Attorney