

1. Requested Motion: Motion to introduce ordinance 12-11, Canvassing Board composition, and set a public hearing date for January 7, 2013 at 9:00 AM. **Meeting Date:** 12/17/12

Why the action is necessary: State law provides that prior to adoption of an ordinance, it must be read by title at a public meeting at least once prior to the date when it is adopted.

What the action accomplishes: Introduces the ordinance by reading the title and sets a public hearing date for the ordinance.

2. Agenda:

Consent
 Administrative

3. Requirement/Purpose:

Resolution
 Ordinance
 Other

4. Submitter of Information:

Council
 Town Staff
 Town Attorney

5. Background: The Town is required by state elections laws to canvass the votes of Town elections. The state statutes, however, do not contain any provisions concerning the composition of the election canvassing board. Many municipalities prescribe the composition of the canvassing board in their Charter. The town of Fort Myers Beach Charter does not contain any provisions concerning the composition of the Town's canvassing board. In the absence of a charter provision, it is appropriate to adopt an ordinance that prescribes the composition of the canvassing board.

6. Alternative Action: Decline to introduce the proposed ordinance and set a public hearing date.

7. Management Recommendations: Introduce the ordinance and set a public hearing date.

8. Recommended Approval:

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

9. Council Action:

Approved Denied Deferred Other

ORDINANCE 12-11

AN ORDINANCE CREATING A NEW DIVISION 12 IN CHAPTER 2, ARTICLE IV OF THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES, "ELECTION CANVASSING BOARD;" CREATING SECTION 2-460, "CREATION AND PURPOSE; COMPOSITION;" CREATING SECTION 2-461, "DUTIES;" PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section 1. Chapter 2, Article IV, Division 12, Sections 2-460 through 2-461 of the Town of Fort Myers Beach Code of Ordinances is hereby created as follows:

Division 12. Election Canvassing Board

Sec. 2-460. Creation and purpose; composition.

(a) There is hereby established a Town of Fort Myers Beach election canvassing board for the purpose of canvassing the votes cast in Town elections as required by the election laws of the State of Florida. In the event that any member of the canvassing board is unable to serve, the town council shall name a replacement for that member.

(b) The Town of Fort Myers Beach Canvassing board shall consist of the mayor or a councilperson designated by the mayor, the Town Clerk, and the Lee County Supervisor of Elections. If any member of the canvassing board is an incumbent who is a candidate for re-election, then that member may not serve and the Town Council shall appoint a replacement for that member.

Sec. 2-461. Duties.

The duties of the election canvassing board shall include canvassing the returns of the election, general supervision of election procedures, investigation and determination of any administrative challenge of the election and any other procedural responsibilities related to the election as provided by applicable law.

Section 2. 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 hereof.

Section 3. Effective Date. This ordinance shall take effect immediately upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by _____ and seconded by _____ and upon being put to a vote, the result was as follows:

Bob Raymond, Mayor
Joe Kosinski
Dan Andre

Alan Mandel, Vice Mayor
Jo List

DULY PASSED AND ADOPTED THIS ____ DAY OF _____ 2012, BY THE

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH.

ATTEST:

By: _____
Bob Raymond, Mayor

By: _____
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By: _____
FOWLER WHITE BOGGS, Town Attorney