

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 08-11

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, PROVIDING NOTICE OF QUALIFICATION OF CANDIDATES FOR SEATS THREE, FOUR AND FIVE; 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 IV of the Town Charter provides that each member of Council shall be a Town resident and a registered voter and shall have resided within the corporate limits of the Town for a minimum of one year prior to qualifying for election; and

WHEREAS, Florida Statute 100.3605 provides that the governing body of a municipality may, by ordinance, change the date for election of members of the governing body of the Town and provide for orderly transition of office resulting from such date changes and Town Ordinance 07-05 provides that the 2008 regular election of members of the council shall be held on the second Tuesday of April, 2008, for the reasons set forth in said Ordinance; and

WHEREAS, the qualification period for candidates to qualify for election to council office on April 8, 2008, ends at noon on Monday, February 25, 2008; and

WHEREAS, the referendum election of January 29, 2008 resulted in the electors of the Town eliminating the requirement for candidates to seek election to a specific Council seat and further provided that in the event that more candidates qualify for election than there are open council seats, those candidates shall participate in the regular election, with the candidates receiving the most votes cast being elected to the available council seats, as set forth with specificity in Town Resolution 08-09; and

WHEREAS, at 12:01 pm on February 25, 2008, following the closure of the qualification period, the Town Clerk certified that five (5) candidates have qualified for election to one of the three available Council seats, i.e., seats #3, #4, and #5 for the election to be held on April 8, 2008.

IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. Candidates for Seats Three, Four and Five. The names of the candidates who have qualified for election to one of the three available Council seats (Seats #3, #4, and #5) shall appear alphabetically on the ballot as follows:

Council Members for Seats 3, 4, 5

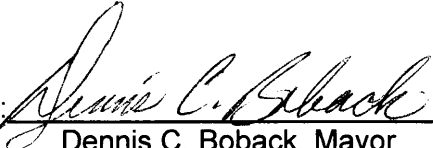
Tom Babcock
Stephen Light
Jo List
Bob Raymond
David Tezak

Section 2. Effective Date. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach, Florida.

The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember Shenko and seconded by Council member Acken and upon being put to a vote, the result was as follows:

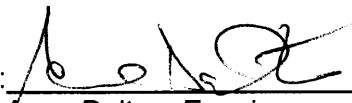
Dennis C. Boback, Mayor	aye
Larry Kiker, Vice Mayor	aye
Herb Acken	aye
Charles Meador, Jr.	absent
William Shenko, Jr.	aye

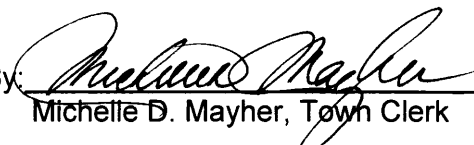
ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH ON THE THIRD DAY OF MARCH, 2008.

By: 
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

ATTEST:

By: 
Anne Dalton, Esquire
Town Attorney

By: 
Michelle D. Mayher, Town Clerk