

RESOLUTION NUMBER 20-12

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, CERTIFYING THE RESULTS OF THE 2020 TOWN ELECTION FOR SEATS THREE, FOUR AND FIVE AND CHARTER AMENDMENTS; DETERMINING COUNCILMEMBER SEAT ASSIGNMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the State Constitution and Chapter 166, *Florida Statutes* provide that municipalities have the governmental, corporate, and proprietary powers to conduct municipal government, perform municipal functions, render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

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

WHEREAS, the Town Charter requires periodic elections for membership on the Town Council; and

WHEREAS, pursuant to the above authority, the Town Council called an election in the Town of Fort Myers Beach, which was duly held on March 17, 2020, for the purpose of having all of the qualified electors within the Town determine the members of the Town Council for seats #3, #4 and #5; and

WHEREAS, pursuant to the above authority and Section 166.031, *Florida Statutes*, the Town Council called a referendum in the Town of Fort Myers Beach, which was duly held on March 17, 2020, for the purpose of having all of the qualified electors within the Town determine certain proposed amendments to the Town Charter.

NOW, THEREFORE, IT IS RESOLVED BY THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA THAT:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein.

Section 2. The Lee County Canvassing Board has canvassed the ballots and certified same to the Lee County Supervisor of Elections (“SOE”); and, the SOE has in turn, certified the election results to the Town Council of the Town of Fort Myers Beach, Florida. The Town Council accepts and certifies the results of the election as provided by the SOE.

Section 3. The votes received by the candidates for Councilmember Seats 3, 4 and 5 are as follows (Exhibit "A").

<u>NAME</u>	<u>NUMBER OF VOTES</u>	<u>PERCENTAGE</u>
Dan Allers	1272	21.45%
James Atterholt	1443	24.33%
Robert "Bob" Burandt	395	6.66%
Bruce Butcher	893	15.06%
Forrest "Butch" Critser	501	8.45%
David Drumm	330	5.56%
William "Bill" Veach	1096	18.48%

Section 4. In accordance with Town Charter Section 4.01 (b) "assignment of open seat numbers shall be alphabetically by incoming Council Members' last names", and declares Dan Allers elected as Council member for **Seat #3**; James Atterholt elected as Councilmember for **Seat #4**; and William "Bill" Veach elected as Councilmember for **Seat #5**.

Section 6. The votes received for the Referendum questions are as follows (Exhibit "B"):

Referendum #1 (Election Date)			
Yes	1877 votes	Percentage:	83.46%
No	372 votes	Percentage:	16.54%
Referendum #2 (Terms of Office)			
Yes	1348 votes	Percentage:	60.21%
No	891 votes	Percentage:	39.79%

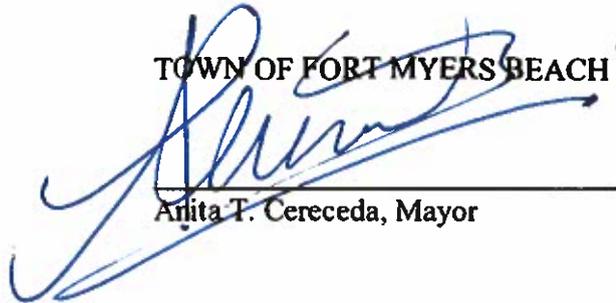
Section 7. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Hosafros and seconded by Council Member Shamp, and upon being put to a vote, the result was as follows:

Anita T. Cereceda, Mayor	aye
Ray Murphy, Vice Mayor	aye
Joanne Shamp, Councilmember	aye
Rexann Hosafros Councilmember	aye
Bruce Butcher, Councilmember	aye

ADOPTED this 6th day of April, 2020 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH



Anita T. Cereceda, Mayor

ATTEST:



Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:



John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 9th day of April 2020.

Certificate of Official Returns, March 17, 2020. Town of Fort Myers Beach Regular Election – Council Seats

****Official Results****

**CERTIFICATE OF COUNTY CANVASSING BOARD
LEE COUNTY
MUNICIPAL ELECTION HELD IN CONJUNCTION WITH THE
PRESIDENTIAL PREFERENCE PRIMARY ELECTION
TOWN OF FORT MYERS BEACH REGULAR ELECTION
March 17, 2020**

State of Florida, County of Lee
Town of Fort Myers Beach

We, the undersigned, TARA P. PALUCK, County Judge, BRIAN HAMMAN, County Commissioner, and TOMMY DOYLE, Supervisor of Elections, constituting the Board of County Canvassers in and for said Town, do hereby certify that we met on the Twenty-seventh day of March, A.D., 2020, and proceeded publicly to canvass the votes given for the office and persons herein specified at the **Town of Fort Myers Beach, Regular Election** held on the Seventeenth day of March, A.D., 2020, as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

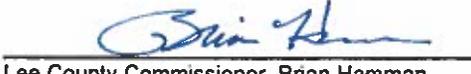
For the Town Fort Myers Beach, Town Council Seats (Vote for 3), the whole number of votes cast was 5930 of which:

Dan Allers (NON)	received	<u>1,272</u>	votes
Jim Atterholt (NON)	received	<u>1,443</u>	votes
Robert "Bob" Burandt (NON)	received	<u>395</u>	votes
Bruce Butcher (NON)	received	<u>893</u>	votes
Forrest "Butch" Critser (NON)	received	<u>501</u>	votes
David R. Drumm (NON)	received	<u>330</u>	votes
William "Bill" Veach (NON)	received	<u>1,096</u>	votes

Signed this Twenty-seventh day of March, A.D., 2020:



Lee County Judge, Tara P. Paluck



Lee County Commissioner, Brian Hamman



Lee County Supervisor of Elections, Tommy Doyle

****Official Results****

**CERTIFICATE OF COUNTY CANVASSING BOARD
LEE COUNTY
MUNICIPAL ELECTION HELD IN CONJUNCTION WITH THE
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March 17, 2020**

State of Florida, County of Lee
Town of Fort Myers Beach

We, the undersigned, TARA P. PALUCK, County Judge, BRIAN HAMMAN, County Commissioner, and TOMMY DOYLE, Supervisor of Elections, constituting the Board of County Canvassers in and for said Town, do hereby certify that we met on the Twenty-seventh day of March, A.D., 2020, and proceeded publicly to canvass the votes given for the Proposed Amendments to the Charter of the Town of Fort Myers Beach at the Town of Fort Myers Beach Regular Election held on the Seventeenth day of March, A.D., 2020, as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

**Charter Amendment One
Election Date**

The Town Charter currently provides that the regular election of members of the Town Council shall be held on the second Tuesday in March. It is proposed that the Charter be amended to revise such provisions by moving the regular election of members of the Town Council to the first Tuesday after the first Monday in November, so as to coincide with federal and state election dates.

Shall the above-described Charter amendment be adopted?

Yes	<u>1877</u>	votes
No	<u>372</u>	votes

**Charter Amendment Two
Terms of Office**

The Town Charter currently provides for 3 year terms with a maximum of 2 consecutive terms (total of 6 years) for each Councilmember. It is proposed that the Charter be amended to increase the term of office to 4 years with a maximum of 2 consecutive terms (total of 8 years) to ensure that regular Town Council elections coincide with federal and state election dates as set forth in proposed Charter amendment number one.

Shall the above-described Charter amendment be adopted?

Yes	<u>1,348</u>	votes
No	<u>891</u>	votes

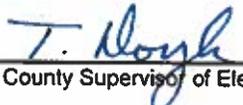
Signed this Twenty-seventh day of March, A.D., 2020:



Lee County Judge, Tara P. Paluck



Lee County Commissioner, Brian Hamman



Lee County Supervisor of Elections, Tommy Doyle