

ORDINANCE NO. 233

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING SUBPART B, RELATED LAWS, ARTICLE II. ELECTIONS; CREATING NEW SECTIONS 15 ENTITLED "2016 MUNICIPAL ELECTION DATE", SECTION 16 ENTITLED "QUALIFYING PERIOD FOR 2016 ELECTION DATE", AND SECTION 17 ENTITLED "BEGINNING DATE FOR TERM OF OFFICE"; ESTABLISHING MARCH 15, 2016 AS THE MUNICIPAL ELECTION DATE FOR 2016; ESTABLISHING THE QUALIFYING PERIOD FOR THE 2016 MUNICIPAL ELECTION; ESTABLISHING THE BEGINNING DATE FOR THE TERM OF OFFICE; PROVIDING FOR AUTHORITY; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR A PURPOSE; PROVIDING FOR CREATION OF NEW SECTIONS 15, 2016 MUNICIPAL ELECTION DATE, SECTION 16, QUALIFYING PERIOD FOR 2016 ELECTION DATE AND SECTION 17 BEGINNING DATE FOR TERM OF OFFICE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA ("TOWN"), AS FOLLOWS:

SECTION 1: AUTHORITY.

The authority for the enactment of this Ordinance is Sections 166.021 and 166.041, Florida Statutes and Section 101.75, Florida Statutes and other applicable Florida law.

SECTION 2: LEGISLATIVE FINDINGS AND INTENT.

WHEREAS, this Ordinance amends Subpart B, RELATED LAWS, ARTICLE II ELECTIONS of the Town of Cinco Bayou, Code of Ordinances, by creating Section 15, 2016 Municipal Election date to establish March 15, 2016 as the municipal election date for 2016; Section 16, Qualifying Period for 2016 Election Date to establish the Qualifying Period for the 2016 Election Date to commence at noon on Monday, January 4, 2016 and terminate at noon on January 8, 2016; and Section 17, Beginning Date for Term of Office, to establish the term of office to begin within 30 days of March 15, 2016; and

WHEREAS, the Florida Legislature has enacted Legislation establishing March 15, 2016 as the presidential preference primary date for Florida for the 2016 year; and,

WHEREAS, the Town Council believes that having the Town municipal elections on the same date as the Florida presidential preference primary will reduce the expenses of the election; and,

WHEREAS, the Town Council wishes to reduce expenses for the Town wherever feasible; and,

WHEREAS, due to the uncertainty of future dates, the Town Council does not wish to change future election dates at this time; and,

WHEREAS, the Town Council wishes to establish the qualifying period for the 2016 municipal elections to conform with Florida Statutes and other elections being held in Okaloosa County, and,

WHEREAS, the Town Council wishes the term of office to begin within 30 days of the second Tuesday in March, and

WHEREAS, public hearings have been conducted regarding this ordinance by the Town Council after due public notice; and,

WHEREAS, the Town Council has determined that this ordinance is in the best interests of the Town and its citizens.

SECTION 3: PURPOSE.

The purpose of this Ordinance is to establish March 15, 2016 as the municipal election date for 2016, to establish the qualifying period for the 2016 elections, and to establish the beginning date for the term of office. The Florida Legislature has established March 15, 2016 as the presidential preference primary date for 2016. Currently, the municipal elections for the Town are held on the second Tuesday in March. By establishing March 15, 2016 as the municipal election date for 2016, the Town of Cinco Bayou will reduce election expenses for the Town by having one combined election on March 15, 2016. The Town of Cinco Bayou is uncertain about the change in dates for future elections and does not desire to address any election year other than 2016. The Ordinance will also establish the qualifying period for the 2016 municipal elections to commence at noon on Monday, January 4, 2016 and terminate at noon on the January 8, 2016 to conform to Florida Statutes and other elections being held in Okaloosa County and will establish the beginning date for the term of office, for those elected in the 2016 elections, to begin within 30 days of March 15, 2016. The additional Sections are set forth herein.

SECTION 4: AMENDMENT TO SUBPART B, RELATED LAWS, ARTICLE II. ELECTIONS OF THE TOWN OF CINCO BAYOU ORDINANCES, CREATING SECTION 15 ENTITLED "2016 MUNICIPAL ELECTION DATE".

Subpart B, RELATED LAWS, ARTICLE II. ELECTIONS, Section 15. "2016 Municipal Election Date" of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby added to read as follows:

Section 15. 2016 Election Date.

The 2016 municipal election shall be held on March 15, 2016 notwithstanding any provisions of the Town of Cinco Bayou Code of Ordinances to the contrary.

SECTION 5: AMENDMENT TO SUBPART B, RELATED LAWS, ARTICLE II. ELECTIONS OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES, CREATING SECTION 16 ENTITLED "QUALIFYING PERIOD FOR 2016 ELECTION DATE".

Subpart B, RELATED LAWS, ARTICLE II. ELECTIONS, Section 16. "Qualifying Period for 2016 Election Date" of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby added to read as follows:

Section 16. Qualifying Period for 2016 Election Date.

The qualifying period for the 2016 municipal election shall commence at noon on Monday, January 4, 2016 and shall terminate at noon on January 8, 2016.

SECTION 6: AMENDMENT TO SUBPART B, RELATED LAWS, ARTICLE II. ELECTIONS OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES, CREATING SECTION 17 ENTITLED "BEGINNING DATE FOR TERM OF OFFICE".

Subpart B, RELATED LAWS, ARTICLE II. ELECTIONS, Section 17. "Beginning Date for Term of Office" of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby added to read as follows:

Section 17. Beginning Date for Term of Office.

The term of office for those persons elected in the 2016 municipal elections shall begin within 30 days of March 15, 2016.

SECTION 7: INCORPORATION INTO CODE OF ORDINANCES.

This ordinance shall be incorporated into the Town of Cinco Bayou's Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 8: SEVERABILITY.

If any section, phrase, sentence, 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 9: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its final passage and adoption by the Town Council and signature of the Mayor.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF CINCO BAYOU, FLORIDA ON THIS 12th DAY OF NOVEMBER 2015.

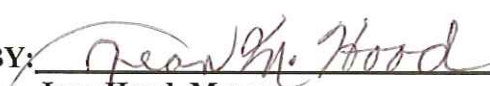
ATTEST:

**THE TOWN OF CINCO BAYOU,
FLORIDA**

BY:


Keith Williams, Town Manager/Clerk

BY:


Jean Hood, Mayor

[SEAL]

The form and legal sufficiency of the foregoing has been reviewed and approved by the Town Attorney.


C. Jeffrey McInnis,
Town Attorney

