

ORDINANCE NO. 223

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA RELATING TO ELECTION DAY; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR MODIFYING THE 2012 TOWN OF CINCO BAYOU TOWN COUNCIL ELECTION DAY; PROVIDING THE ELECTION DAY FOR COUNCIL MEMBERS TO BE HELD TO COINCIDE WITH THE PRESIDENTIAL PREFERENCE PRIMARY ELECTION IN JANUARY 2012; PROVIDING FOR THE QUALIFYING PERIOD FOR THE MUNICIPAL ELECTION IN 2012 TO BE NOVEMBER 21, 2011 THROUGH NOVEMBER 25, 2011; PROVIDING FOR TERMINATION OF EXISTING AND COMMENCEMENT OF FUTURE TOWN COUNCIL MEMBERS TERMS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Section 166.021, and Section 101.75 Florida Statutes, and Article VIII, Section 2(b), Florida Constitution.

SECTION 2. LEGISLATIVE FINDINGS OF FACT AND INTENT.

WHEREAS, during the 2011 legislative session, the Florida Legislature amended Section 103.101 Florida Statutes to create a committee to set the Presidential Preference Primary date; and

WHEREAS, on September 30, 2011 the Presidential Preference Primary Date Selection Committee selected January 31, 2012 as the date for the Presidential Preference Primary; and

WHEREAS, in the past many of Florida's municipalities have held their general elections at the same time as Florida's Presidential Preference Primary election; and

WHEREAS, Section 101.75 Florida Statutes authorizes municipalities to change the dates of their municipal election to coincide with any statewide election date; and

WHEREAS, the term of office for any current elected municipal official whose term was due to expire in March 2012 shall expire as provided by the relevant municipal charter or ordinance;

WHEREAS, the Florida legislature has provided that the term of office for any elected municipal official in 2012 shall commence as provided by the relevant municipal charter or ordinance; and

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

WHEREAS, due to the uncertainty of future dates, the Town Council doesn't wish to change future election dates through this Ordinance; and

WHEREAS, the Town Council of the Town of Cinco Bayou has determined that it is in the best interests of the citizens of the Town of Cinco Bayou to modify the municipal election date in 2012 to coincide with the Presidential Preference Primary in January of 2012.

SECTION 3. MODIFYING THE TOWN OF CINCO BAYOU ELECTION DATE FOR THE 2012 ELECTION YEAR.

The Town of Cinco Bayou Town Council election date for the 2012 election year is hereby modified as follows: Elections for members of the town council for the 2012 municipal election year shall be held so that it coincides with the date of Florida's Presidential Preference Primary election in 2012.

SECTION 4. ESTABLISHING THE QUALIFYING PERIOD FOR THE 2012 MUNICIPAL ELECTION.

The qualifying period for the Town of Cinco Bayou Town Council election in 2012 is modified to commence at Noon on November 21, 2011 and terminate at Noon on November 25, 2011.

SECTION 5. ESTABLISHING THE TERMINATION DATE AND COMMENCEMENT DATE FOR THE TERMS OF TOWN COUNCIL MEMBERS FOR THE 2012 ELECTION YEAR.

Consistent with Section 18-4 of the Town Code of Ordinances, the terms for the current Town Council members now elected will expire at midnight on Saturday, March 31, 2012. The terms for the newly elected Town Council members in the 2012 election will commence on April 1, 2012.

SECTION 6. CONFLICTING PROVISIONS. Town Ordinances and Town Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 7. SEVERABILITY. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the Town Council and signature by the Mayor.

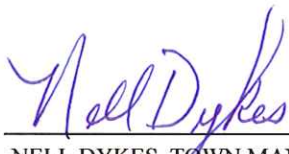
ADOPTED THIS 31st DAY OF OCTOBER
2011

By: _____


THERESA FARLEY, MAYOR

ATTEST:

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



NELL DYKES, TOWN MANAGER/CLERK



C. JEFFREY MCINNIS, TOWN ATTORNEY

First Reading: October 13, 2011
Second Reading: October 31, 2011

