

ORDINANCE NO. 216

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING SUBPART B, RELATED LAWS, ARTICLE II. ELECTIONS; CREATING A NEW SECTION 12 ENTITLED "2008 MUNICIPAL ELECTION DATE", SECTION 13 ENTITLED "QUALIFYING PERIOD FOR 2008 ELECTION DATE", AND SECTION 14 ENTITLED "BEGINNING DATE FOR TERM OF OFFICE"; ESTABLISHING JANUARY 29, 2008 AS THE MUNICIPAL ELECTION DATE FOR 2008; ESTABLISHING THE QUALIFYING PERIOD FOR THE 2008 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 SECTION 12, [2008 MUNICIPAL ELECTION DATE], SECTION 13, [QUALIFYING PERIOD FOR 2008 ELECTION DATE] AND SECTION 14 [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 12 [2008 Municipal Election date] to establish January 29, 2008 as the municipal election date for 2008; Section 13 [Qualifying Period for 2008 Election Date] to establish the Qualifying Period for the 2008 Election Date to commence at noon on Monday, November 19, 2007 and terminate at noon on December 3, 2007; and Section 14 [Beginning Date for Term of Office], to establish the term of office to begin within 30 days of March 11, 2008; and

WHEREAS, the Florida Legislature has enacted Legislation establishing January 29, 2008 as the presidential preference primary date for Florida for the 2008 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 2008 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 January 29, 2008 as the municipal election date for 2008, to establish the qualifying period for the 2008 elections, and to establish the beginning date for the term of office. The Florida Legislature has established January 29, 2008 as the presidential preference primary date for 2008. Currently, the municipal elections for the Town are held on the second Tuesday in March. By establishing January 29, 2008 as the municipal election date for 2008, the Town of Cinco Bayou will reduce election expenses for the Town by having one combined election on January 29, 2008. 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 2008. The Ordinance will also establish the qualifying period for the 2008 municipal elections to commence at noon on Monday, November 19, 2007 and terminate at noon on the December 3, 2007 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 2008 elections, to begin within 30 days of March 11, 2008. 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 12 ENTITLED "2008 MUNICIPAL ELECTION DATE".

Subpart B, RELATED LAWS, ARTICLE II. ELECTIONS, Section 12. "2008 Municipal Election Date." of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby added to read as follows:

Section 12. [2008 Election Date.]

The 2008 municipal election shall be held on January 29, 2008 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 13 ENTITLED "QUALIFYING PERIOD FOR 2008 ELECTION DATE".

Subpart B, RELATED LAWS, ARTICLE II. ELECTIONS, Section 13. "Qualifying Period for 2008 Election Date." of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby added to read as follows:

Section 13. [Qualifying Period for 2008 Election Date.]

The qualifying period for the 2008 municipal election shall commence at noon on Monday, November 19, 2007 and shall terminate at noon on the December 3, 2007.

SECTION 6: AMENDMENT TO SUBPART B, RELATED LAWS, ARTICLE II. ELECTIONS OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES, CREATING SECTION 14 ENTITLED "BEGINNING DATE FOR TERM OF OFFICE".

Section 14. [Beginning Date for Term of Office.]

The term of office for those persons elected in the 2008 municipal elections shall begin within 30 days of March 11, 2008.

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 13th DAY OF September 2007.

ATTEST:

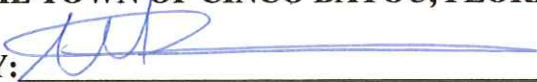
BY:



**Nell Webb,
Town Manager/Clerk**

THE TOWN OF CINCO BAYOU, FLORIDA

BY:



**Mike Iovieno,
Mayor**

[SEAL]



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


**C. Jeffrey McInnis,
Town Attorney**