

## ORDINANCE NUMBER 211

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING THE EXISTING PROCEDURES FOR RUNOFF ELECTIONS AND/OR TIE VOTES AS FOUND IN THE TOWN OF CINCO BAYOU CODE ORDINANCES CHAPTER 18, SECTION 18-3; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING AMENDMENT TO ELECTION PROCEDURES CHAPTER 18, SECTION 18-3 BY REVISING THE PROCEDURE FOR RUNOFF ELECTIONS AND/OR TIE VOTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; 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*.

### **SECTION 2: FINDINGS OF FACT.**

**WHEREAS**, this Ordinance amends Chapter 18, Section 18-3 of the Town of Cinco Bayou Code of Ordinances, to revise the procedure for breaking tie votes in an election; and,

**WHEREAS**, the Council believes that the current protocol for resolving tie votes is too expensive and burdensome to the Town; and,

**WHEREAS**, public hearings have been conducted 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 amend the Code of Ordinances to change the manner in which tie votes are decided. Currently, in the event of a tie vote for a position on the Council, the

Town holds a run off election. This Ordinance simplifies the manner in which the tie votes are decided by eliminating the run off election and in its place implementing election by lot. The amendments are set forth herein.

**SECTION 4: AMENDMENT TO CHAPTER 18, Section 18-3, TOWN OF CINCO BAYOU CODE OF ORDINANCES.**

Section 18-3, of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended in its entirety to read as follows:

**Section 18-3. Tie Votes.**

In the event of a tie vote where there are more candidates than available seats on the Council, the candidates receiving equal votes shall draw pre-marked golf balls to decide who will be elected to the available seat(s). One ball for each candidate shall be placed in a dark, non-transparent container. If there is one seat available one ball shall be marked with a number "1", no other balls shall be marked. If there are two seats available, one ball shall be marked with a number "1" and one ball marked with a number "2", no other balls shall be marked. If more than two seats are available, the same method shall be applied. Each candidate shall draw one ball from the container without looking into the container. The candidate or candidates who draw the pre-marked ball(s) shall be declared elected.

**SECTION 5: 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 6: REPEAL OF CONFLICTIN ORDIANCES AND RESOLUTIONS**

All ordinances and resolutions of the governing body in conflict herewith are hereby repealed.

**SECTION 7. EFFECTIVE DATE.**


This Ordinance shall take effect immediately upon its final passage and adoption.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF CINCO BAYOU, FLORIDA ON THIS 11 DAY OF MAY 2006.**

ATTEST:


THE TOWN OF CINCO BAYOU, FLORIDA

BY:   
Nell Webb  
Town Manager/Clerk

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

