



Item No. 12.2.a

AGENDA ITEM MEMORADUM

Town Attorney

Susan L. Trevarthen

Department

Department Director

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input type="checkbox"/> Oct 11, 2011	Sept 30th
<input type="checkbox"/> Oct 25, 2011	Oct 14th
<input checked="" type="checkbox"/> Nov 8, 2011	Oct 28 th
<input type="checkbox"/> Nov 29, 2011	Nov 10 th
<input type="checkbox"/> Dec 13, 2011	Dec 2 nd

*Subject to Change

- Presentation Reports Consent Ordinance
 Resolution Quasi-Judicial Old Business New Business

FY2011 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC

SUBJECT TITLE: Ordinance 2011-18: Second Reading of Ordinance Setting 2012 Election Dates

EXPLANATION: Attached for second reading is an Ordinance setting the election, qualifying dates and schedule for swearing in of the newly elected officials for the 2012 elections to coincide with the January 31, 2012 Presidential Preference Primary as permitted under Section 101.075, Florida Statutes. The attached Ordinance was revised as directed by the Town Commission on first reading.

The Ordinance will be effective on the day of approval, which will also be the first day of qualifying. The Ordinance will be effective as of 12:01 A.M. on the effective date and, therefore, qualifying documents submitted on November 8 will comply with the Ordinance. The qualifying period closes on November 22 as required by the Supervisor of Elections' schedule. The Ordinance will also schedule the swearing in of the newly elected Town Commissioners (and, if applicable, the Mayor-Commissioner) for the first regular Town Commission meeting that is at least two days after the certification of the election results by the Supervisor of Elections

EXPECTED OUTCOME: Approval of the attached Ordinance (Exhibit 1) on Second Reading.

Exhibit 1 – Ordinance 2011-18

Reviewed by Town Attorney
 Yes No

Town Manager Initials _____

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ORDINANCE 2011-18

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA SETTING JANUARY 31, 2012 FOR THE TOWN'S 2012 GENERAL MUNICIPAL ELECTIONS DATE TO COINCIDE WITH THE PRESIDENTIAL PREFERENCE PRIMARY DATE AS ALLOWED BY SECTION 101.75, FLORIDA STATUTES; ESTABLISHING THE QUALIFYING PERIOD FOR THE 2012 GENERAL MUNICIPAL ELECTIONS TO OCCUR FROM NOON ON TUESDAY, NOVEMBER 8, 2011 THROUGH NOON ON TUESDAY, NOVEMBER 22, 2011, AS REQUIRED BY THE SUPERVISOR OF ELECTIONS; PROVIDING FOR THE DATE ON WHICH ELECTED OFFICERS TAKE OFFICE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

19 **WHEREAS**, Section 101.75, Florida Statutes, provides that the Presidential Preference
20 Primary shall occur on the last Tuesday in January, which for the 2012 Presidential Preference
21 Primary Election will be on January 31, 2012; and,

22 **WHEREAS**, Section 101.75, Florida Statutes, provides authority for municipalities that
23 would otherwise conduct their General Municipal Elections in March of the years in which there is
24 a Presidential Preference Primary, to move their elections to the same date as the Presidential
25 Preference Primary by adopting an ordinance; and,

26 **WHEREAS**, the Broward County Supervisor of Elections ("Supervisor") has established
27 dates and deadlines for the January 31, 2012, election, and has provided that all qualifying periods
28 be completed no later than Tuesday, November 22, 2011 in order to meet the Supervisor's timeline
29 for preparation of the January 31, 2012, ballot; and,

30 **WHEREAS**, should the Town of Lauderdale-By-The-Sea, Florida (hereinafter referred to
31 as the "Town") decide to hold a separate General Municipal Election in March, then the Town will
32 be responsible for the total election costs of approximately \$30,000.00; however, if the Town
modifies its 2012 General Election date to coincide with the Presidential Preference Primary, then it

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1 shall only be responsible for limited election costs resulting in a significant financial savings to the
2 Town; and

3 **WHEREAS**, Section 101.75, Florida Statutes, provides for the ordinance moving the
4 Town's General Municipal Election, to establish a two-week qualifying period for the election; and

5 **WHEREAS**, the Town Commission deems it to be in the best interests of the citizens and
6 residents of the Town to modify its General Municipal Election in 2012, to coincide with the
7 Presidential Preference Primary; and

8 **WHEREAS**, the current Mayor-Commissioner has indicated that in the event she is not re-
9 elected, she may resign after the election allowing for swearing in of the new Mayor-Commissioner
10 at the same time as the Town Commissioners elected in the same January 2012 election; and

11 **WHEREAS**, The Town Commission desires to schedule the swearing in of duly elected
12 officers.

13 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
14 **TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA THAT:**

15 **SECTION 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as true
16 and correct and incorporated herein by this reference.

17 **SECTION 2.** The Town Commission of the Town of Lauderdale-By-The-Sea, Florida,
18 pursuant to the authority of §101.75, Florida Statutes, modifies the date of its 2012 General
19 Municipal Election to occur on January 31, 2012 to coincide with the Presidential Preference
20 Primary.

21 **SECTION 3.** The Town Commission hereby provides that the qualifying period for the

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1 2012 General Municipal Election shall run for fourteen (14) calendar days from noon on Tuesday,
2 November 8, 2011 through noon on Tuesday, November 22, 2011.

3 **SECTION 4.** Town Commissioners who are elected in the January 2012 election shall be
4 sworn in and assume the duties of office at the commencement of a Commission meeting that shall
5 be held at the first Regular Town Commission Meeting that is at least two (2) days following the
6 release of the certification.

7 **SECTION 5.** The Mayor-Commissioner who is elected in the January 2012 election shall
8 be sworn in and assume the duties of office (i) upon the end of the current Mayor-Commissioner's
9 term or (ii) subsequent to receipt of a resignation from the current Mayor-Commissioner. If such
10 resignation occurs no later than the day before the commencement of the meeting at which swearing
11 in of the Town Commissioners takes place, as provided in Section 4, then the newly elected Mayor-
12 Commissioner shall be sworn in at that meeting. Otherwise, the newly elected Mayor-
13 Commissioner shall be sworn in as soon as possible, following the subsequent resignation or end of
14 the term of office of the current Mayor-Commissioner, at a properly convened Regular or Special
15 Meeting of the Town Commission.

16 **SECTION 6.** The term of office for the Town Commissioners currently seated in Seat 3
17 and in Seat 4 shall, pursuant to the authority of F.S. § 101.3605 and § 166.021(4), be extended until
18 their successors to office are sworn in. The term of office for the current Mayor-Commissioner
19 shall remain the same, unless shortened by the Mayor-Commissioner's resignation.

20 **SECTION 7.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in
21 conflict herewith are hereby repealed to the extent of such conflict.

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1 **SECTION 8.** If any clause, section or other part of this Ordinance shall be held by any
2 court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid
3 part shall be considered as eliminated and in no way affecting the validity of the other provisions of
4 this Ordinance.

5 **SECTION 9.** This Ordinance shall take effect immediately upon its adoption.

6 Passed on the first reading, this ____ day of _____, 2011.

7 Passed on the second reading, this ____ day of _____, 2011.

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Mayor Roseann Minnet

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	First Reading	Second Reading
Mayor Minnet	_____	_____
Vice-Mayor Dodd	_____	_____
Commissioner Clottey	_____	_____
Commissioner Sasser	_____	_____
Commissioner Vincent	_____	_____

20 **Attest:**
21 _____
22 Town Clerk, June White, CMC

23 (CORPORATE SEAL)

24 **Approved as to form:**
25 _____
26 _____
27 Town Attorney, Susan L. Trevarthen