

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2011-002

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, REVISING AND RESTATING RESOLUTION 2010-015; AMENDING SECTION 7 TO CLARIFY THAT THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS IS A MEMBER OF THE TOWN'S CANVASSING BOARD; DESIGNATING THE DATE, TIME AND PLACE TO QUALIFY AND FILE FOR THE OFFICE OF TOWN COUNCIL MEMBER FOR SEAT 5 PRIOR TO THE MUNICIPAL GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 8, 2011, PURSUANT TO THE TOWN CHARTER, SECTION 7, AND CHAPTERS 97 - 106, FLORIDA STATUTES; THE ELECTION FILING PERIOD OPENS PROMPTLY AT 12:00 NOON ON JANUARY 25, 2011 AND CLOSSES PROMPTLY AT 12:00 NOON ON FEBRUARY 1, 2011; SETTING FILING FEES; AUTHORIZING THE TOWN CLERK TO APPOINT ELECTION BOARDS FOR ELECTION PRECINCT 6080; AUTHORIZING THE SUPERVISOR OF ELECTIONS TO CONDUCT THE TOWN ELECTION, APPOINTING THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS TO HANDLE ALL MUNICIPAL ABSENTEE BALLOTS AND TO REPRESENT THE TOWN OF LOXAHATCHEE GROVES AT ALL LOGIC AND ACCURACY TESTS OF THE OPTICAL SCANNING VOTING EQUIPMENT PRIOR TO THE MUNICIPAL ELECTION; AUTHORIZING THE TOWN CLERK OR DESIGNEE TO HANDLE CERTAIN ELECTION MATTERS; OPTING OUT OF EARLY VOTING; CONFIRMING RESOLUTION 2010-015 EXCEPT AS REVISED HEREIN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves shall conduct its annual Municipal General Election on Tuesday, March 8, 2011, pursuant to the Town Charter, Section 7, and pursuant to the Florida Constitution and Chapter 97 - Chapter 106, Florida Statutes.

WHEREAS, one polling place is provided for the Town, Precinct 6080, and shall be open between the hours of 7:00 a.m. - 7:00 p.m. on Election Day, March 8, 2011; and

WHEREAS, registered voters shall have the opportunity to cast their vote for candidates who have filed and qualified for the Office Town Council Member Seat 5, pursuant to the Town Charter of the Town of Loxahatchee Groves, Palm Beach County, Florida; and ,

WHEREAS, the Palm Beach County Supervisor of Elections has advised that the Town's Resolution 2010-015 must be amended to specifically appoint her as a member of the Town's Canvassing Board.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT RESOLUTION 2010-015 IS REVISED AND RESTATED:

Section 1. Any qualified elector [registered voter] of the Town of Loxahatchee Groves, Florida, who is qualified to hold an elective office under the Charter and Code of Ordinances of the Town of Loxahatchee Groves, Florida, and who desires to become a candidate for the Office of Town Council Member for Seat 5 shall file with the Municipal Filing Officer [Town Clerk], a fully executed Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates [DS-DE 9] form; provide a Notice of Intent that his/her name be placed upon the ballot for election to declare themselves a bona fide candidate for such office; and file other forms necessary to be declared a candidate for the Office of Town Council Member for Seat 5.

Section 2. The Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates [DS-DE 9] that has been executed and signed by the candidate and accepted and signed by the Campaign Treasurer); the written Notice of Intent to Seek Election for Office of Town Council Member for Seat 5; and other required documents must be provided by the candidate to the Municipal Filing Officer [Town Clerk] during the Filing and Qualifying Period that opens promptly at 12:00 Noon, Tuesday, January 25, 2011 and closes promptly at 12:00 Noon, Tuesday, February 1, 2011.

Section 3. No filing fee needs to be submitted with the qualifying papers.

Section 4. Pursuant to Section 3 of the Town Charter, each candidate for the Office of Town Council Member for Seat 5 shall be a qualified elector [registered voter]. All candidates for the Office of Town Council Member for Seat 5 must be a resident of the Town of Loxahatchee Groves for at least one (1) year prior to qualifying.

Section 5. Precinct 6080 is hereby authorized for the Municipal Election to be held on Tuesday, March 8, 2011, for the Office of Town Council Member for Seat 5, which is within the Town of Loxahatchee Groves, Florida.

Section 6. The Town Council requests and authorizes the Palm Beach County Supervisor of Elections to conduct its municipal election consistent with the Town Charter, Florida law, the Agreement between the Town and the Palm Beach County Supervisor of Elections, and this resolution.

Section 7. The Town Council hereby authorizes the Town Clerk to notify the Palm Beach County Supervisor of Elections of her appointment as a member of the Town's Canvassing Board to the extent not inconsistent with the Town's Charter, to handle the Town's Absentee Ballots and to represent the Town of Loxahatchee Groves at all Logic and Accuracy Tests of the Optical Scan Voting Equipment prior to the Municipal Election scheduled for Tuesday, March 8, 2011. The Town Clerk, or her designee, is authorized to attend, and to the extent necessary represent, the Town and its Canvassing Board at all Logic and Accuracy Tests and on election night at the offices of the Palm Beach County Supervisor of Elections' Office.

Section 8. Upon closing the polls at 7:00 p.m. on Tuesday, March 8, 2011, the Town Clerk shall ensure the secure transport of the paper ballots cast and appropriate cartridges to the Palm Beach County Supervisor of Election's Office, and the electronic transmission of election information as necessary or required by the Palm Beach County Supervisor of Elections. Upon the receipt of all optical scanned voting ballots and cartridges and provisional ballots, the Palm Beach County Supervisor of Elections shall count all the ballots, including the absentee ballots, optical scanned paper ballots, and provisional ballots for all Precincts located within the Town of Loxahatchee Groves. The Palm Beach County Supervisor of Elections shall officially certify the election results for the Municipal Election as soon as possible after all ballots have been counted from the election of March 8, 2011 and shall send the Official Certified Municipal Election Results to the Town Clerk.

Section 9. Upon the Town Clerk's receipt of the "Certified" Municipal Election Results from the Palm Beach County Supervisor of Elections, the Town's Canvassing Board shall meet as soon as practicable to canvass and certify the election results. The candidate(s) for the Office of Town Council Member for Seat 5 receiving the highest number of votes validly cast shall be declared elected. In the event of a tie vote, a runoff election shall be held pursuant to Town Charter, Section 7(c). Following the Canvassing Board's certification, each newly elected Town Council Member shall be administered the Oath of Office and assume the duties of the office with a ceremonial induction occurring at the next regular meeting of the Town Council following the General Election held in accordance with Section 7(e) of the Town Charter.

Section 10. That for purposes of this election and any future municipal election, the Town Council hereby determines that due to the ability of registered voters to cast absentee ballots for a municipal election that early voting is not necessary for a municipal election, and that it is in the best interest of the Town to opt out of early voting for municipal elections.

Section 11. Except as revised herein, Resolution 2010-015 is restated and confirmed.

Section 12. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 13. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

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Section 14. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES THIS 15TH DAY OF FEBRUARY, 2011.

ATTEST:

TOWN OF LOXAHATCHEE GROVES, FLORIDA

Ann Harper
Ann Harper, Town Clerk

David Browning
Mayor David Browning

APPROVED AS TO LEGAL FORM:

Michael D. Cirullo, Jr.
Michael D. Cirullo, Jr. Town Attorney

Dennis C. Lipp
Vice-Mayor Dennis C. Lipp

Ronald Jarriel
Council Member Ron Jarriel

Ryan Liang
Council Member Ryan Liang

Jim Rockett
Council Member Jim Rockett

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STATE OF FLORIDA
COUNTY OF Palm Beach

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of:
Resolution 2011-002
as recorded in the Office of the Town Clerk.

WITNESS my hand and official seal this 16th day of FEB A.D. 20 11.

TOWN OF Loxahatchee Groves
BY: Ann Harper