

ORDINANCE 2006-01

AN ORDINANCE OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA, AMENDING THE TOWN CHARTER COUNCIL SEAT CANDIDATE QUALIFYING PERIOD; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the current Town of Grant-Valkaria Charter states that the candidate qualifying ends forty-five (45) days prior to the date of an election; and,

WHEREAS, due to the Help America Vote Act (HAVA) additional demands have been placed on the Supervisor of Elections Offices; and,

WHEREAS, the Brevard County Supervisor of Elections has requested that municipalities change their qualifying dates to end at least sixty-four (64) days prior to the General Election; and

WHEREAS, the Interim Council wishes to revise the qualifying period described in Section 6. Town Elections, of the Charter to be consistent with the Supervisor of Elections election schedule; and

WHEREAS, Town of Grant-Valkaria Charter Section 10(3)(e)1., and Section 10(3)(e)4. authorize the Interim Council to adopt regulations necessary to ensure the proper conduct of the first election, and to coordinate with the Supervisor of Elections in regard to the first election; and

WHEREAS, Florida Statute §100.3065 states that the governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes; and,

WHEREAS, this language has been interpreted by the Attorney General of Florida as permitting the amendment of the candidate qualifying period provided for in a municipal charter without a referendum by the general electorate (see, AGO 2000-61).

NOW, THEREFORE BE IT ORDAINED BY THE TOWN OF GRANT-VALKARIA OF BREVARD COUNTY, FLORIDA that;

SECTION 1. AMENDMENT.

SECTION 6. (8)(c) of the Grant-Valkaria Charter is hereby amended to read as follows:

“ (c) The qualifying period shall not be less than ~~45~~ sixty-seven (67) days and not more than ~~60~~ seventy-five (75) days prior to the elections. If there is an insufficient number of candidates at the conclusion of the qualifying period, all candidates shall be seated according to

paragraph (1) (c) and subsections (6). ~~The qualifying period shall be extended 5 business days for the remaining open seat or seats.~~”

SECTION 2. CODIFICATION. It is the intention of the Interim Council of the Town of Grant-Valkaria, Brevard County, Florida and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Charter of the town of Grant-Valkaria, Florida; that the sections of their Ordinance may be renumbered or re-lettered to accomplish such intention; and the word “Ordinance” may be changed to “Section,” “Article” or other appropriate designations.

SECTION 3. SEVERABILITY. In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of the ordinance shall not be affected and it shall be presumed that the Interim Council of the Town of Grant-Valkaria did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Interim Council would have enacted the remainder of this ordinance without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 4. CONFLICT. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

SECTION 5. EFFECTIVE DATE. The ordinance shall take effect immediately upon its adoption.

The foregoing Ordinance was moved for adoption by council member _____ . The motion was seconded by Council member _____ and, upon being put to a vote, the vote was as follows:

Council member Jim Tonti _____
Council member Denise Burr _____
Council member Tim Reynolds _____
Council member Bonnie Allen _____
Council member Lisette Kolar _____

PASSED AND ADOPTED by the Interim Council, Town of Grant-Valkaria, Brevard County, Florida this 23rd day of August, 2006.

BY:

Town of Grant-Valkaria
Tim Reynolds, Chair, Interim Council

First Reading: 08/09/2006
Second Reading: 08/23/2006

ATTEST:

Karlene Folts
Interim Town Clerk