

ORDINANCE 2008-02

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 sixty-seven (67) 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 seventy-four (74) days prior to the General Election; and

WHEREAS, the Town 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, 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 seventy-four (74) days and not more than eighty-two (82) 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 Town 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 Town Council of the Town of Grant-Valkaria did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town 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 Vice Mayor Hackford. The motion was seconded by Council Member Faden and, upon being put to a vote, the vote was as follows:

Mayor Del Yonts	<u>Aye</u>
Vice Mayor Joe Hackford	<u>Aye</u>
Council Member Danielle Morgan	<u>Aye</u>
Council Member Pat Bryan	<u>Aye</u>
Council Member Cathy DeMott	<u>Aye</u>
Council Member Dan Faden	<u>Aye</u>
Council Member Jason Mahaney	<u>Aye</u>

PASSED AND ADOPTED by the Town Council, Town of Grant-Valkaria, Brevard County, Florida this 28th day of May 2008.

BY:

(signature on file)

Mayor Del Yonts, Town of Grant-Valkaria

First Reading: May 14, 2008

Second Reading: May 28, 2008

ATTEST:

(signature on file)

Susanne Krueger, Town Clerk