

RESOLUTION NO 2019-R-02

A RESOLUTION OF THE CITY OF EDGEWATER, FLORIDA; CALLING A SPECIAL ELECTION - PRIMARY (IF NECESSARY) AND GENERAL, TO FILL THE VACANCY IN CITY COUNCIL - DISTRICT 2 FOR THE UNEXPIRED TERM; ESTABLISHING A QUALIFYING PERIOD; PROVIDING FOR A CANVASSING BOARD; APPROVING AN AGREEMENT WITH THE VOLUSIA COUNTY SUPERVISOR OF ELECTIONS TO CONDUCT THE ELECTION AND TO PROVIDE POLL WORKERS; ELECTING NOT TO PROVIDE EARLY VOTING; REPEALING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on January 3, 2019 District 2 Councilwoman Amy Vogt submitted her Notice of Resignation effective January 4, 2019.

WHEREAS, pursuant to Section 3.09 (d)(4) of the City Charter, a vacancy in the Council shall be filled by special election when the vacancy occurs with more than six (6) months before the next regularly scheduled election. The next election is scheduled for the fall of 2020, therefore the City Council must fill the vacancy by special election.

WHEREAS, pursuant to Section 3.09 (d)(4) of the City Charter, the special election shall be scheduled not sooner than 60 days, nor more than 90 days following the occurrence of the vacancy and if a primary is necessary, it shall be held as required by the election laws of the State of Florida.

WHEREAS, therefore the special election to fill the vacancy in District 2 must occur no sooner than March 5, 2019 (60 days) and no later than April 4, 2019 (90 days).

WHEREAS, City Council has selected February 19, 2019 as the date for the Special Primary Election (if needed) and April 2, 2019 as the date of the Special General Election.

WHEREAS, the City must designate a canvassing board to canvass the results of the special election.

WHEREAS, the City must enter into a contract with the Volusia County Supervisor of Elections to conduct the special election, which will include providing poll workers.

NOW THEREFORE BE IT ENACTED by the City Council of the City of Edgewater Florida.

SECTION 1. The City Council hereby calls a Special Election – Primary to occur on February 19, 2019 as the date for the Special Primary Election (if needed) and April 2, 2019 as the date of the Special General Election, to fill the vacancy in District 2 with the candidate elected to serve the unexpired term of District 2.

SECTION 2. The City Council hereby establishes the qualifying period for the Special Election – Primary, commencing at noon on Monday, January 14, 2019 ending at noon on Wednesday, January 16, 2019.

SECTION 3. The City Council hereby appoints Robin Matusick, City Clerk/Paralegal and Brenda Dewees, Interim City Manager as the City of Edgewater’s canvassing board for this election.

SECTION 4. The City Council hereby approves the attached agreement with the Volusia County Supervisor of Elections marked as Exhibit “A” and authorizes the Interim City Manager to execute same.

SECTION 5. The Volusia County Supervisor of Elections shall provide all poll workers for this election pursuant to the approved agreement.

SECTION 6. The City hereby elects not to provide for early voting for the Special Election – Primary and Special Election – General.

SECTION 7. Conflicting Provisions. All conflicting ordinances and resolutions are hereby superseded by this resolution to the extent of such conflict.

SECTION 8. Severability and Applicability. If any portion of this resolution is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this resolution. If this resolution or any provisions thereof shall be held to be inapplicable to any person, property, or circumstances, such holdings shall not affect its applicability to any other person, property, or circumstance.

SECTION 9. Effective Date. This resolution shall become effective immediately upon passage and adoption.

SECTION 10. Adoption.

After Motion by _____ with Second by _____ the vote on this resolution held on January 7, 2019 was as follows:

	AYE	NAY
Mayor Mike Thomas	_____	_____
Councilwoman Christine Power	_____	_____
DISTRICT 2	<u>VACANT</u>	
Councilwoman Megan O’Keefe	_____	_____
Councilman Gary Conroy	_____	_____

PASSED AND DULY ADOPTED this 7th day of January, 2019.

ATTEST

**CITY COUNCIL OF THE
CITY OF EDGEWATER, FLORIDA**

Robin L. Matusick
City Clerk/Paralegal

By: _____
Mike Thomas
Mayor

For the use and reliance only by the City of Edgewater, Florida. Approved as to form and legality by: Aaron R. Wolfe, Esquire
City Attorney
Doran, Sims, Wolfe & Kundid

Approved by the City Council of the City of Edgewater at during the Council meeting held on the 7th day of January, 2019 under Agenda Item 8_____

~~Struck through~~ passages are deleted
Underlined passages are added