

City of Palm Coast, Florida Agenda Item

Agenda Date : May 19, 2021

Department	CITY CLERK	Amount
Item Key	10843	Account
		#
Subject	EMERGENCY ORDINANCE 2021-XX RELATING TO CONDUCTING A SPECIAL ELECTION FOR THE VACANT SEAT OF MAYOR	
Presenter :		
Background :	Option 1 Waives the petition requirement Option 2 Waives both qualifying methods-petition requirement and qualifying fee Option 3 Does not waive either qualifying methods – 497 petitions would be required or pay the \$1,140 qualifying fee	
TIMELINE:	For petitions: May 24, 2021 through May 28, 2021 to collect and have verified by the SOE. Qualifying week is June 1, 2021 through noon, June 7, 2020 with qualified candidates names presented to the SOE for the printing of ballots. Election day: July 27, 2021 Certification election: July 30, 2021	
Recommended Action :	FOR COUNCIL CONSIDERATION AND DIRECTION	

EMERGENCY ORDINANCE 2021-_____

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING ARTICLE IV, CITY COUNCIL OF THE CITY OF PALM COAST CHARTER REGARDING “QUALIFYING FOR OFFICE” AND ARTICLE VII, ELECTIONS, WITH LIMITED APPLICABILITY TO ESTABLISHMENT OF QUALIFYING DATES FOR THE CITY OF PALM COAST’S JULY 27, 2021 SPECIAL ELECTION ONLY, PURSUANT TO FLORIDA STATUTE SECTIONS 100.3605(2) AND 166.021(4), PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND EFFECTIVE DATE

WHEREAS, Fla. Stat. 166.041 allows for the adoption of an emergency ordinance to address an emergency; and

WHEREAS, Fla. Stat. 166.041 provides that an emergency ordinance may be adopted at the meeting at which it is introduced by an affirmative vote of at least four members of the Council; and

WHEREAS, an emergency exists in that Mayor Holland resigned effective May 18, 2021; and

WHEREAS, the vacancy triggers the application of Article IV (7)(e) of the City Charter, which addresses the procedures for filling Mayoral vacancies; and

WHEREAS, this vacancy requires the Vice Mayor to assume the office of Mayor, and for the City Council to call a Special Election for July 27, 2021, and to establish special qualification dates for the voters to elect the Mayor, and to set the qualifying date by ordinance, as required by Fla. Stat. 100.3605; and

WHEREAS, the Supervisor of Elections has indicated that all candidates to appear on the ballot of the Special Election must be provided to the Supervisor no later than noon, June 7, 2021; and

WHEREAS, due to the Supervisor’s deadline for the ballot, the Charter requirements, and other legal requirements favoring election over appointment to fill a vacancy in office, it is not possible for Council to hold two readings of this ordinance to set the qualifying dates, necessitating that this ordinance be adopted at one reading as an emergency ordinance; and

WHEREAS, words with double underlined type shall constitute additions to the original text and strike through shall constitute deletions to the original text, and asterisks (* * *) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The above-referenced recitals are confirmed, adopted, and incorporated herein by reference.

SECTION 2. AMENDING ARTICLE IV, CITY COUNCIL. The City Council of the City of Palm Coast hereby amends Article IV, for purposes of the July 27, 2021 special election for Mayor only:

(b) Qualifications for office:

3. Each individual seeking to qualify as a candidate for Mayor shall:

a. Qualify for office with all requirements as in a regular election except, for this Special Election only, the sole method of qualifying is to pay the qualifying fee of ten percent of salary of the office are required for this Special Election only.

SECTION 3. AMENDING ARTICLE VII, ELECTIONS. The City Council of the City of Palm Coast hereby amends Article VII Elections, Subsection 3, Qualifying for Office, as follows, for purposes of the July 27, 2021 special election for Mayor only:

(3) *Qualifying for office.* Any person who wishes to become a candidate for a City elective office shall qualify with the City Clerk as provided below. In addition, candidates shall qualify as provided in paragraph (1)(b) of Article IV.

The qualifying dates for the Mayor for the July 27, 2021 Special Election only is as follows:
Noon, June 1, 2021 through noon, June 7, 2021.

SECTION 4. ESTABLISHING END OF SPECIAL ELECTION QUALIFYING PERIOD. The qualifying period set forth in this ordinance is only for purposes of the Special Election on July 27, 2021, and is not intended to permanently amend the City Charter.

SECTION 5. SEVERABILITY. If any section or portion of a section of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity, force or effect of any other section or part of this Ordinance.

SECTION 6. NON-CODIFICATION INTO THE CHARTER. The provisions of Sections 2 and 3 of this Ordinance deal with the limited change in qualifying date for the City's July 27, 2021 Special Election, and shall not become part of the City's Charter Articles IV and VII. All remaining language in the Charter dealing with qualifying for office and elections not otherwise in conflict with or expressly referred to in this Ordinance shall apply to said Special Election for vacant Mayor seat.

SECTION 7. NOTIFICATION TO FLAGLER COUNTY SUPERVISOR OF ELECTIONS. The City Clerk is hereby directed, upon adoption of this Ordinance, to notify the Flagler County Supervisor of Elections of the subject changes in qualifying dates, and transmit official copies of this Ordinance to the Flagler County Supervisor of Elections.

SECTION 8. CONFLICTS. All ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

Adopted at a special meeting by the City Council of the City of Palm Coast on this 19th day of May, 2021.

CITY OF PALM COAST, FLORIDA

ATTEST:

EDDIE BRANQUINHO
ACTING MAYOR

VIRGINIA A. SMITH, CITY CLERK

Approved as to form and legality:

William Reischmann Jr., Esq.

EMERGENCY ORDINANCE 2021-_____

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING ARTICLE IV, CITY COUNCIL OF THE CITY OF PALM COAST CHARTER REGARDING “QUALIFYING FOR OFFICE” AND ARTICLE VII, ELECTIONS, WITH LIMITED APPLICABILITY TO ESTABLISHMENT OF QUALIFYING DATES FOR THE CITY OF PALM COAST’S JULY 27, 2021 SPECIAL ELECTION ONLY, PURSUANT TO FLORIDA STATUTE SECTIONS 100.3605(2) AND 166.021(4), PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND EFFECTIVE DATE

WHEREAS, Fla. Stat. 166.041 allows for the adoption of an emergency ordinance to address an emergency; and

WHEREAS, Fla. Stat. 166.041 provides that an emergency ordinance may be adopted at the meeting at which it is introduced by an affirmative vote of at least four members of the Council; and

WHEREAS, an emergency exists in that Mayor Holland resigned effective May 18, 2021; and

WHEREAS, the vacancy triggers the application of Article IV (7)(e) of the City Charter, which addresses the procedures for filling Mayoral vacancies; and

WHEREAS, this vacancy requires the Vice Mayor to assume the office of Mayor, and for the City Council to call a Special Election for July 27, 2021, and to establish special qualification dates for the voters to elect the Mayor, and to set the qualifying date by ordinance, as required by Fla. Stat. 100.3605; and

WHEREAS, the Supervisor of Elections has indicated that all candidates to appear on the ballot of the Special Election must be provided to the Supervisor no later than noon, June 7, 2021; and

WHEREAS, due to the compressed timeline for this special election and the pandemic, the Council will waive the petition and qualifying fee requirements under the Charter to ensure that all eligible candidates are able to run for this seat without health risks or financial hardship; and

WHEREAS, due to the Supervisor’s deadline for the ballot, the Charter requirements, and other legal requirements favoring election over appointment to fill a vacancy in office, it is not possible for Council to hold two readings of this ordinance to set the qualifying dates, necessitating that this ordinance be adopted at one reading as an emergency ordinance; and

WHEREAS, words with double underlined type shall constitute additions to the original text and strike through shall constitute deletions to the original text, and asterisks (* * *) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The above-referenced recitals are confirmed, adopted, and incorporated herein by reference.

SECTION 2. AMENDING ARTICLE IV, CITY COUNCIL. The City Council of the City of Palm Coast hereby amends Article IV, for purposes of the July 27, 2021 special election for Mayor only:

(b) Qualifications for office:

3. Each individual seeking to qualify as a candidate for Mayor shall:

a. Qualify for office with all requirements as in a regular election except neither a petition supporting candidacy nor payment of a qualifying fee of ten percent of salary of the office are required for this Special Election only.

SECTION 3. AMENDING ARTICLE VII, ELECTIONS. The City Council of the City of Palm Coast hereby amends Article VII Elections, Subsection 3, Qualifying for Office, as follows, for purposes of the July 27, 2021 special election for Mayor only:

(3) *Qualifying for office.* Any person who wishes to become a candidate for a City elective office shall qualify with the City Clerk as provided below. In addition, candidates shall qualify as provided in paragraph (1)(b) of Article IV.

The qualifying dates for the Mayor for the July 27, 2021 Special Election only is as follows:

Noon, June 1, 2021 through noon, June 7, 2021.

SECTION 4. ESTABLISHING END OF SPECIAL ELECTION QUALIFYING

PERIOD. The qualifying period set forth in this ordinance is only for purposes of the Special Election on July 27, 2021, and is not intended to permanently amend the City Charter.

SECTION 5. SEVERABILITY. If any section or portion of a section of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity, force or effect of any other section or part of this Ordinance.

SECTION 6. NON-CODIFICATION INTO THE CHARTER. The provisions of Sections 2 and 3 of this Ordinance deal with the limited change in qualifying date for the City’s July 27, 2021 Special Election, and shall not become part of the City’s Charter Articles IV and VII. All remaining language in the Charter dealing with qualifying for office and elections not otherwise in conflict with or expressly referred to in this Ordinance shall apply to said Special Election for vacant Mayor seat.

SECTION 7. NOTIFICATION TO FLAGLER COUNTY SUPERVISOR OF ELECTIONS. The City Clerk is hereby directed, upon adoption of this Ordinance, to notify the Flagler County Supervisor of Elections of the subject changes in qualifying dates, and transmit official copies of this Ordinance to the Flagler County Supervisor of Elections.

SECTION 8. CONFLICTS. All ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

Adopted at a special meeting by the City Council of the City of Palm Coast on this 19th day of May, 2021.

CITY OF PALM COAST, FLORIDA

ATTEST:

EDDIE BRANQUINHO
ACTING MAYOR

VIRGINIA A. SMITH, CITY CLERK

Approved as to form and legality: _____
William Reischmann Jr., Esq.

EMERGENCY ORDINANCE 2021-_____

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING ARTICLE IV, CITY COUNCIL OF THE CITY OF PALM COAST CHARTER REGARDING “QUALIFYING FOR OFFICE” AND ARTICLE VII, ELECTIONS, WITH LIMITED APPLICABILITY TO ESTABLISHMENT OF QUALIFYING DATES FOR THE CITY OF PALM COAST’S JULY 27, 2021 SPECIAL ELECTION ONLY, PURSUANT TO FLORIDA STATUTE SECTIONS 100.3605(2) AND 166.021(4), PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND EFFECTIVE DATE

WHEREAS, Fla. Stat. 166.041 allows for the adoption of an emergency ordinance to address an emergency; and

WHEREAS, Fla. Stat. 166.041 provides that an emergency ordinance may be adopted at the meeting at which it is introduced by an affirmative vote of at least four members of the Council; and

WHEREAS, an emergency exists in that Mayor Holland resigned effective May 18, 2021; and

WHEREAS, the vacancy triggers the application of Article IV (7)(e) of the City Charter, which addresses the procedures for filling Mayoral vacancies; and

WHEREAS, this vacancy requires the Vice Mayor to assume the office of Mayor, and for the City Council to call a Special Election for July 27, 2021, and to establish special qualification dates for the voters to elect the Mayor, and to set the qualifying date by ordinance, as required by Fla. Stat. 100.3605; and

WHEREAS, the Supervisor of Elections has indicated that all candidates to appear on the ballot of the Special Election must be provided to the Supervisor no later than noon, June 7, 2021; and

WHEREAS, due to the Supervisor’s deadline for the ballot, the Charter requirements, and other legal requirements favoring election over appointment to fill a vacancy in office, it is not possible for Council to hold two readings of this ordinance to set the qualifying dates, necessitating that this ordinance be adopted at one reading as an emergency ordinance; and

WHEREAS, words with double underlined type shall constitute additions to the original text and strike through shall constitute deletions to the original text, and asterisks (* * *) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The above-referenced recitals are confirmed, adopted, and incorporated herein by reference.

SECTION 2. AMENDING ARTICLE IV, CITY COUNCIL. The City Council of the City of Palm Coast hereby amends Article IV, for purposes of the July 27, 2021 special election for Mayor only:

(b) Qualifications for office:

3. Each individual seeking to qualify as a candidate for Mayor shall:

a. Qualify for office with all requirements as in a regular election, by submitting petitions supporting candidacy as verified by the Flagler Supervisor of Elections or payment of a qualifying fee of ten percent of salary of the office are required for this Special Election only.

SECTION 3. AMENDING ARTICLE VII, ELECTIONS. The City Council of the City of Palm Coast hereby amends Article VII Elections, Subsection 3, Qualifying for Office, as follows, for purposes of the July 27, 2021 special election for Mayor only:

(3) *Qualifying for office.* Any person who wishes to become a candidate for a City elective office shall qualify with the City Clerk as provided below. In addition, candidates shall qualify as provided in paragraph (1)(b) of Article IV.

The qualifying dates for the Mayor for the July 27, 2021 Special Election only is as follows:

Noon, June 1, 2021 through noon, June 7, 2021.

SECTION 4. ESTABLISHING END OF SPECIAL ELECTION QUALIFYING PERIOD. The qualifying period set forth in this ordinance is only for purposes of the Special Election on July 27, 2021, and is not intended to permanently amend the City Charter.

SECTION 5. SEVERABILITY. If any section or portion of a section of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity, force or effect of any other section or part of this Ordinance.

SECTION 6. NON-CODIFICATION INTO THE CHARTER. The provisions of Sections 2 and 3 of this Ordinance deal with the limited change in qualifying date for the City's July 27, 2021 Special Election, and shall not become part of the City's Charter Articles IV and VII. All remaining language in the Charter dealing with qualifying for office and elections not otherwise in conflict with or expressly referred to in this Ordinance shall apply to said Special Election for vacant Mayor seat.

SECTION 7. NOTIFICATION TO FLAGLER COUNTY SUPERVISOR OF ELECTIONS. The City Clerk is hereby directed, upon adoption of this Ordinance, to notify the Flagler County Supervisor of Elections of the subject changes in qualifying dates, and transmit official copies of this Ordinance to the Flagler County Supervisor of Elections.

SECTION 8. CONFLICTS. All ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

Adopted at a special meeting by the City Council of the City of Palm Coast on this 19th day of May 2021.

CITY OF PALM COAST, FLORIDA

ATTEST:

EDDIE BRANQUINHO
ACTING MAYOR

VIRGINIA A. SMITH, CITY CLERK

Approved as to form and legality:

William Reischmann Jr., Esq.

City of Palm Coast, Florida Agenda Item

Agenda Date : MAY 19, 2021

Department	CITY CLERK	Amount
Item Key	10844	Account #
Subject	RESOLUTION 2021-XX CALLING FOR A SPECIAL ELECTION FOR VACANT MAYOR SEAT	
Presenter :		
Background:	<p>Option 1 Waives the petition requirement Option 2 Waives both qualifying methods-petition requirement and qualifying fee Option 3 Does not waive either qualifying methods – 497 petitions would be required or pay the \$1,140 qualifying fee</p> <p>TIMELINE: For petitions: May 24, 2021 through May 28, 2021 to collect and have verified by the SOE. Qualifying week is June 1, 2021 through noon, June 7, 2020 with qualified candidates names presented to the SOE for the printing of ballots. Election day: July 27, 2021 Certification election: July 30, 2021</p>	
Recommended Action :	FOR COUNCIL CONSIDERATION AND DIRECTION	

RESOLUTION 2021-_____
SPECIAL ELECTION 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, CALLING FOR A JULY 27, 2021 SPECIAL ELECTION FOR VACANT MAYOR SEAT; PROVIDING FOR SPECIAL ELECTION PROCESSES AND PROCEDURES; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 18, 2021, Mayor Holland resigned as Mayor; and

WHEREAS, the vacancy triggers the application of Article IV (7)(e)(1) of the City Charter, which addresses the procedures for filling vacancies in the office of Mayor; and

WHEREAS, this vacancy requires a special election within 30 days following the occurrence of such vacancy; and

WHEREAS, it is necessary due to the timing of the resignation to call a Special Election on July 27, 2021, and to outline the processes for the Special Election; and

WHEREAS, the City Council desires to establish the Special Election date and qualification dates for the voters to elect the Mayor, and will also set the qualifying date by emergency ordinance, as required by Fla. Stat. 100.3605; and

WHEREAS, all City of Palm Coast registered voters shall be eligible to elect a Mayor; and

WHEREAS, the City has given notice to the Flagler County Supervisor of Elections, who has approved the special election dates as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Palm Coast, Flagler County, Florida, that:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS OF CITY COUNCIL. The above recitals (whereas clauses) are hereby adopted as the Legislative and Administrative Findings of the City Council of the City of Palm Coast.

SECTION 2. CALL OF SPECIAL ELECTION.

The City Council of the City of Palm Coast hereby calls a Special Election to be held July 27, 2021.

SECTION 3. SPECIAL ELECTION QUALIFYING PERIOD.

The qualifying period of the above described Special Election for the city of Palm Coast is hereby ratified and shall begin at noon, June 1, 2021 through noon, June 7, 2021. No petitions to qualify will be accepted by the City Clerk nor the Flagler County Supervisor of Elections. The qualifying fee of \$1,140 will be due by noon, June 7, 2021 to the City Clerk.

SECTION 4. DETERMINATION OF OFFICE.

In the event not more than one person qualifies as a candidate for this Special Election for Mayor, that seat shall not be listed on the Special Election ballot and that candidate shall be deemed to be the winner of the seat. In the event there is more than 1 candidate for this seat, the candidate receiving the highest number of votes cast for the office in the special election shall be elected to such office. If the vote at the special City election results in a tie, the outcome shall be determined by lot as follows:

1. At the first regularly scheduled council meeting after the election, the Supervisor of Elections of Flagler County shall toss a coin. In alphabetic order, the two candidates shall call the coin.
2. The candidate whose call matches the coin toss shall be declared the winner.

SECTION 5. AUTHORIZATION AND DIRECTION TO PROCEED. The City Clerk is hereby authorized and directed to proceed with all Special Election arrangements required for the above-described election, in accordance with the Charter of the City of Palm Coast and applicable law.

SECTION 6. IMPLEMENTING ACTIONS.

The City Manager, or designee, is hereby authorized to take any action necessary to implement the action taken in this Resolution.

SECTION 7. SEVERABILITY.

If any section or portions of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 8. CONFLICTS.

All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 9. EFFECTIVE DATE.

This Resolution shall take effect immediately upon adoption by the City Council.

DULY PASSED and **ADOPTED** at by the City Council of the City of Palm Coast, Florida, passed this 19th day of May 2021.

CITY OF PALM COAST, FLORIDA

EDDIE BRANQUINHO, ACTING MAYOR

ATTEST:

VIRGINIA A. SMITH, CITY CLERK

Approved as to form and legality

William E. Reischmann, Jr., Esq.

RESOLUTION 2021-_____
SPECIAL ELECTION 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, CALLING FOR A JULY 27, 2021 SPECIAL ELECTION FOR VACANT MAYOR SEAT; PROVIDING FOR SPECIAL ELECTION PROCESSES AND PROCEDURES; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 18, 2021, Mayor Holland resigned as Mayor; and

WHEREAS, the vacancy triggers the application of Article IV (7)(e)(1) of the City Charter, which addresses the procedures for filling vacancies in the office of Mayor; and

WHEREAS, this vacancy requires a special election within 30 days following the occurrence of such vacancy; and

WHEREAS, it is necessary due to the timing of the resignation to call a Special Election on July 27, 2021, and to outline the processes for the Special Election; and

WHEREAS, the City Council desires to establish the Special Election date and qualification dates for the voters to elect the Mayor, and will also set the qualifying date by emergency ordinance, as required by Fla. Stat. 100.3605; and

WHEREAS, all City of Palm Coast registered voters shall be eligible to elect a Mayor; and

WHEREAS, the City has given notice to the Flagler County Supervisor of Elections, who has approved the special election dates as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Palm Coast, Flagler County, Florida, that:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS OF CITY COUNCIL. The above recitals (whereas clauses) are hereby adopted as the Legislative and Administrative Findings of the City Council of the City of Palm Coast.

SECTION 2. CALL OF SPECIAL ELECTION.

The City Council of the City of Palm Coast hereby calls a Special Election to be held July 27, 2021.

SECTION 3. SPECIAL ELECTION QUALIFYING PERIOD.

The qualifying period of the above described Special Election for the city of Palm Coast is hereby ratified and shall begin at noon, June 1, 2021 through noon June 7, 2021. No fee nor petitions to qualify will be accepted by the City Clerk nor the Flagler County Supervisor of Elections.

SECTION 4. DETERMINATION OF OFFICE.

In the event not more than one person qualifies as a candidate for this Special Election for Mayor, that seat shall not be listed on the Special Election ballot and that candidate shall be deemed to be the winner of the seat. In the event there is more than 1 candidate for this seat, the candidate receiving the highest number of votes cast for the office in the special election shall be elected to such office. If the vote at the special City election results in a tie, the outcome shall be determined by lot as follows:

1. At the first regularly scheduled council meeting after the election, the Supervisor of Elections of Flagler County shall toss a coin. In alphabetic order, the two candidates shall call the coin.
2. The candidate whose call matches the coin toss shall be declared the winner.

SECTION 5. AUTHORIZATION AND DIRECTION TO PROCEED. The City Clerk is hereby authorized and directed to proceed with all Special Election arrangements required for the above-described election, in accordance with the Charter of the City of Palm Coast and applicable law.

SECTION 6. IMPLEMENTING ACTIONS.

The City Manager, or designee, is hereby authorized to take any action necessary to implement the action taken in this Resolution.

SECTION 7. SEVERABILITY.

If any section or portions of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 8. CONFLICTS.

All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 9. EFFECTIVE DATE.

This Resolution shall take effect immediately upon adoption by the City Council.

DULY PASSED and **ADOPTED** at by the City Council of the City of Palm Coast, Florida, passed this 19th day of May 2021.

CITY OF PALM COAST, FLORIDA

EDDIE BRANQUINHO, ACTING MAYOR

ATTEST:

VIRGINIA A. SMITH, CITY CLERK

Approved as to form and legality

William E. Reischmann, Jr., Esq.

RESOLUTION 2021-_____
SPECIAL ELECTION 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, CALLING FOR A JULY 27, 2021 SPECIAL ELECTION FOR VACANT MAYOR SEAT; PROVIDING FOR SPECIAL ELECTION PROCESSES AND PROCEDURES; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 18, 2021, Mayor Holland resigned as Mayor; and

WHEREAS, the vacancy triggers the application of Article IV (7)(e)(1) of the City Charter, which addresses the procedures for filling vacancies in the office of Mayor; and

WHEREAS, this vacancy requires a special election within 30 days following the occurrence of such vacancy; and

WHEREAS, it is necessary due to the timing of the resignation to call a Special Election on July 27, 2021, and to outline the processes for the Special Election; and

WHEREAS, the City Council desires to establish the Special Election date and qualification dates for the voters to elect the Mayor, and will also set the qualifying date by emergency ordinance, as required by Fla. Stat. 100.3605; and

WHEREAS, all City of Palm Coast registered voters shall be eligible to elect a Mayor; and

WHEREAS, the City has given notice to the Flagler County Supervisor of Elections, who has approved the special election dates as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Palm Coast, Flagler County, Florida, that:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS OF CITY COUNCIL. The above recitals (whereas clauses) are hereby adopted as the Legislative and Administrative Findings of the City Council of the City of Palm Coast.

SECTION 2. CALL OF SPECIAL ELECTION.

The City Council of the City of Palm Coast hereby calls a Special Election to be held July 27, 2021.

SECTION 3. SPECIAL ELECTION QUALIFYING PERIOD.

The qualifying period of the above described Special Election for the City of Palm Coast is hereby ratified and shall begin at noon, June 1, 2021 through noon, June 7, 2021. In order to qualify for office all requirements as in a regular election are hereby established by submitting petitions supporting candidacy as verified by the Flagler Supervisor of Elections or payment of a qualifying fee of ten percent of salary of the office are required for this Special Election only.

SECTION 4. DETERMINATION OF OFFICE.

In the event not more than one person qualifies as a candidate for this Special Election for Mayor, that seat shall not be listed on the Special Election ballot and that candidate shall be deemed to be the winner of the seat. In the event there is more than 1 candidate for this seat, the candidate receiving the highest number of votes cast for the office in the special election shall be elected to such office. If the vote at the special City election results in a tie, the outcome shall be determined by lot as follows:

1. At the first regularly scheduled council meeting after the election, the Supervisor of Elections of Flagler County shall toss a coin. In alphabetic order, the two candidates shall call the coin.
2. The candidate whose call matches the coin toss shall be declared the winner.

SECTION 5. AUTHORIZATION AND DIRECTION TO PROCEED. The City Clerk is hereby authorized and directed to proceed with all Special Election arrangements required for the above-described election, in accordance with the Charter of the City of Palm Coast and applicable law.

SECTION 6. IMPLEMENTING ACTIONS.

The City Manager, or designee, is hereby authorized to take any action necessary to implement the action taken in this Resolution.

SECTION 7. SEVERABILITY.

If any section or portions of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 8. CONFLICTS.

All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 9. EFFECTIVE DATE.

This Resolution shall take effect immediately upon adoption by the City Council.

DULY PASSED and **ADOPTED** at by the City Council of the City of Palm Coast, Florida, passed this 19th day of May 2021.

CITY OF PALM COAST, FLORIDA

EDDIE BRANQUINHO, ACTING MAYOR

ATTEST:

VIRGINIA A. SMITH, CITY CLERK

Approved as to form and legality

William E. Reischmann, Jr., Esq.