



PORT ORANGE CITY COUNCIL

SPECIAL MEETING

Council Chambers

Tuesday, January 8, 2019 @ 5:30 PM

SPECIAL MEETING AGENDA

Pursuant to Section 3.06 of the Charter of the City of Port Orange, the Mayor has called a **Special Meeting** of the City Council to be held for the following purposes:

OPENING

1. Silent Invocation
2. Pledge of Allegiance
3. Roll Call

DISCUSSION ITEMS

4. Declaration of Vacant Council Seat District 1
5. Resolution No. 19-4 - Calling for a Primary and Special Election to elect a Council Member for District 1 and providing for qualifying dates
6. Discussion regarding process for interim council member.

ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED.

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

ANY INVOCATION THAT IS OFFERED BEFORE THE OFFICIAL START OF THE CITY COUNCIL MEETING SHALL BE THE VOLUNTARY OFFERING OF A PRIVATE PERSON, TO AND FOR THE BENEFIT OF THE CITY COUNCIL. THE VIEWS OR BELIEFS EXPRESSED BY THE INVOCATION SPEAKER HAVE NOT BEEN PREVIOUSLY REVIEWED OR APPROVED BY THE CITY COUNCIL OR THE CITY STAFF, AND THE CITY IS NOT ALLOWED BY LAW TO ENDORSE THE RELIGIOUS BELIEFS OR VIEWS OF THIS, OR ANY OTHER SPEAKER. PERSONS IN ATTENDANCE AT THE CITY COUNCIL MEETING ARE INVITED TO STAND DURING THE OPENING INVOCATION AND PLEDGE OF ALLEGIANCE.

HOWEVER, SUCH INVITATION SHALL NOT BE CONSTRUED AS A DEMAND, ORDER, OR ANY OTHER TYPE OF COMMAND. NO PERSON IN ATTENDANCE AT THE MEETING SHALL BE REQUIRED TO PARTICIPATE IN ANY OPENING INVOCATION THAT IS OFFERED. A PERSON MAY EXIT THE CITY COUNCIL CHAMBERS AND RETURN UPON COMPLETION OF THE OPENING INVOCATION IF A PERSON DOES NOT WISH TO PARTICIPATE IN OR WITNESS THE OPENING INVOCATION.



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 01/08/2019

Consent item: No

SUBJECT: (4) Declaration of Vacant Council Seat District 1

DEPARTMENT: City Manager

GOAL:

RECOMMENDED MOTION: Move to declare a vacancy for the council member seat in District 1.

SUMMARY: Charter Section 3.05(a) provides as follows:

Vacancies. The office of a council member shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office, such forfeiture to be declared by the remaining members of the council.

Project No.: Funding Account No.:

Presenter:

ATTACHMENTS:

1.	Charter Section 3.05	Charter Section 3.05.pdf
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Robin Fenwick
Margaret Roberts
Jake Johansson
Robin Fenwick

Created/Initiated - 12/29/2018
Approved - 01/03/2019
Approved - 01/03/2019
Final Approval - 01/03/2019

- **Sec. 3.05. - Vacancies; forfeiture of office; filling of vacancies.**

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(a)

Vacancies. The office of a council member shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office, such forfeiture to be declared by the remaining members of the council.

(b)

Forfeiture of office. Any member of the city council who shall cease to reside within the city or to have or possess any of the qualifications herein imposed for members of the city council or who shall, while in office, be convicted of a felony, shall forfeit his office, and the seat shall be deemed to be vacant immediately. Absence from three consecutive regular meetings of the city council shall operate to vacate the seat of a member unless a leave of absence is first granted by the city council or such absence is excused by the city council by approval of a motion setting forth the fact of such excuse, duly entered in the minutes.

(c)

Filling of vacancies. A vacancy of the council shall be filled in one of the following ways: (1) If there are less than twelve (12) months remaining in the unexpired term or if there are less than twelve (12) months before the next regular city election, the council by a majority vote of the remaining members shall choose a successor to serve until the newly elected council member is qualified; (2) if there are more than twelve (12) months remaining in the unexpired term and no regular city election is scheduled within twelve (12) months, the council shall fill the vacancy on an interim basis as provided in (1), and shall schedule a special election and a primary election to fill the vacancy for the remainder of the unexpired term. The special election and primary election may be held on the day of any state or county primary or general election. Notwithstanding any quorum requirements established herein, if at any time the membership of the council is reduced to less than a quorum, the remaining members may by majority vote appoint additional members under either (1) or (2) above.

(d)

Extraordinary vacancies. In the event that all members of the council are removed by death, disability, law or forfeiture of office, the governor shall appoint an interim council that shall call a special election as provided in (c) above.

(Ord. No. 1993-30, § 1, 8-10-93; Ord. No. 1993-31, § 1, 8-10-93)

Editor's note— Ord. No. 1993-30 and Ord. No. 1993-31 were approved at a special election held on October 5, 1993.

Declare the office to be vacant pursuant to Section 3.05 (a)

Resolution calling the special election

May be good to Appoint someone who does not want to run

Take steps each meeting

Declare the vacancy

Discuss and offer candidates



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 01/08/2019

Consent item: No

SUBJECT: (5) Resolution No. 19-4 - Calling for a Primary and Special Election to elect a Council Member for District 1 and providing for qualifying dates

DEPARTMENT: City Clerk

GOAL:

RECOMMENDED MOTION: Move to approve Resolution No. 19-4 calling a special election to elect a Council Member for District 1, and providing for election dates and the qualifying period.

SUMMARY: The City Council has declared the vacancy in the Council Seat for District 1. Pursuant to Charter Section 3.05(c) the city council is required to call a special election of the voters to fill the vacancy.

Project No.: Funding Account No.:

Presenter:

ATTACHMENTS:

1.	Reso. No. 19-4	Reso. No. 19-4.pdf
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Robin Fenwick
Margaret Roberts
Jake Johansson
Robin Fenwick

Created/Initiated - 12/29/2018
Approved - 01/04/2019
Approved - 01/04/2019
Final Approval - 01/04/2019

RESOLUTION NO. 19-4

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA CALLING A PRIMARY ELECTION AND A SPECIAL, AS NEEDED, FOR THE PURPOSE OF ELECTING THE CITY COUNCIL MEMBER FOR DISTRICT 1; PROVIDING FOR THE QUALIFYING PERIOD AND ELECTION DATES; AUTHORIZING THE CITY CLERK TO PROCEED WITH ALL ELECTION ARRANGEMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has declared a vacancy in the District 1 Council Seat, pursuant to the requirements of Charter Section 5.05(a) upon the death of a council member; and

WHEREAS, the Charter Section 3.05(c) of the City of Port Orange, Florida, provides that a special election and a primary election, as needed, shall be held in the event of a council member vacancy in office; and

WHEREAS, the City Council desires to establish the special and primary election dates and the qualifying dates for the voters to elect the council member for District 1; and

WHEREAS, Charter Section 5.02 and 5.05(b) provides that any person who has been a resident of the City of Port Orange in District 1 for at least 12 months and is a registered voter (of Volusia County) may become a candidate for nomination to the office of city council member whenever the candidate files a petition signed by fifty (50) qualified electors of the city with the city clerk, requesting that said candidate's name be placed on the ballot in the ensuing elections for council member in District 1. Said candidate shall file such papers and pay such fees as may be required by law with the city clerk during normal business hours during the qualifying period; and

WHEREAS, all City of Port Orange registered voters shall be eligible to elect a council member at-large for District 1.

WHEREAS, the city has given notice to the Supervisor of Elections, who has approved the primary and special election dates as set forth hereinafter.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, FLORIDA, as follows:

Section 1. The City Council of the City of Port Orange hereby calls a Primary Election to be held Tuesday, April 30, 2019.

Section 2. The City Council hereby calls a Special Election to be held on Tuesday, June 11, 2019.

Section 3. The qualifying period of the above described primary and special elections for the City of Port Orange are hereby ratified and shall begin on Monday, February 18, 2019 at 12:00 noon. The final time of qualifying shall be Friday, February 22, 2019 at 12:00 noon. No petitions to qualify will be accepted by the City Clerk after that date and time.

Section 4. In the event not more than one person qualifies as a candidate for a designated seat on the City Council to be filled at an election, that seat shall not be listed on the primary or special election ballot. Each unopposed candidate shall be deemed to have voted for himself/herself.

Section 5. The City Clerk is authorized and directed to proceed with all election arrangements required for the above-described elections in accordance with the Charter of the City of Port Orange and applicable law.

Section 6. This resolution shall become effective immediately upon adoption.

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, CMC, City Clerk

Adopted on the day of

Reviewed and Approved: _____
Margaret T. Roberts, City Attorney



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 01/08/2019

Consent item: No

SUBJECT: (6) Discussion regarding process for interim council member.

DEPARTMENT: City Attorney

GOAL:

RECOMMENDED MOTION:

SUMMARY: Charter Section 5.05(c) provides that the council by a majority vote of the remaining members shall choose a successor to serve until the newly elected council member is qualified to serve for District 1.

City Council may discuss the process that will serve the city's best interests.

Project No.: Funding Account No.:

Presenter:

ATTACHMENTS:

Margaret Roberts
Margaret Roberts
Jake Johansson
Robin Fenwick

Created/Initiated - 01/02/2019
Approved - 01/03/2019
Approved - 01/03/2019
Final Approval - 01/03/2019
