

**RESOLUTION 2015-10**

**A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA RELATING TO THE RESULT OF THE CITY ELECTION THAT WAS TO BE HELD TO REPLACE A COUNCIL MEMBER FOR A VACATED CITY COUNCIL SEAT ON NOVEMBER 3, 2015 TO FILL THE CURRENT VACANT SEAT FOR THE REMAINDER OF THE TERM VACATED; PROVIDING THAT THE RESULTS OF THE ELECTION HAVE BEEN ASCERTAINED AS LORRAINE GEIGER WAS THE SOLE CANDIDATE TO QUALIFY TO BE PLACED ON THE BALLOT; PROVIDING FOR THE FILLING OF THE VACANT SEAT UNTIL NOVEMBER 3, 2015 AND PROCLAIMING THE RESULTS OF THE ELECTION PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Daytona Beach Shores received the resignation of City Council Member Henry Fehrmann, dated June 19, 2015, which resignation was based upon the change in residency of City Council Member Fehrmann as he relocated to the State of Georgia; and

WHEREAS, the *City of Daytona Beach Shores City Charter* now provides, in pertinent part, as follows with regard to vacations of office and the election process that relates to the replacement of City Council Members who have vacated their office:

For the interim period until the General Election at which a vacancy in the office of a Council Member or a Mayor-Council Member, vacancies in the office of Council Member or a Mayor-Council Member shall be filled within thirty (30) days by the appointment of a successor by the majority vote of the remaining members of the City Council. If the majority of the remaining members of the City Council fail to fill the vacancy through appointment within the thirty-day period, a special election to fill the vacancy shall be called and held in a manner coordinated by the City Clerk with the Supervisor of Election and adopted by resolution of the City Council.<sup>1</sup>

; and

**WHEREAS**, the City Council of the City of Daytona Beach Shores called an election to be held on November 3, 2015 to fill the aforementioned vacancy in office; and

**WHEREAS**, the City of Daytona Beach Shores opened a qualification for the election such that candidates could qualify to be placed on the ballot relating to the election to be held on November 3, 2015; and

**WHEREAS**, Lorraine Geiger was the sole candidate to qualify to be placed on the ballot relating to the election to be held on November 3, 2015 and she was, thus, unopposed; and

**WHEREAS**, the City Council of the City of Daytona Beach Shores desires to fill the vacancy in office through November 3, 2015 and to declare the winner of the November 3, 2015 election; an

**WHEREAS**, this Resolution is enacted pursuant to the home rule powers of the City of Daytona Beach Shores as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 100, *Florida Statutes*; Chapter 166, *Florida Statutes*, and other applicable controlling law; and

**WHEREAS**, Article VIII Section 2(b) of the *Constitution of the State of Florida* states that municipalities shall have the governmental powers to enable them to conduct municipal government, perform municipal functions, render municipal services and exercise any power for municipal purposes except when expressly prohibited by law.

**NOW, THEREFORE, BE IT ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA AS FOLLOWS:**

**SECTION ONE: LEGISLATIVE AND ADMINISTRATIVE FINDINGS AND INTENT.**

(a). The City Council of the City of Daytona Beach Shores hereby adopts and

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<sup>1</sup> Section 2.05 of the *City Charter*, as enacted in Ordinance Number 2015-03.

incorporates into this Resolution the recitals (whereas clauses) set forth herein as the legislative and administrative findings and intent of the City Council.

(b). The City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Resolution.

**SECTION TWO. CITY ELECTION RESULTS; UNOPPOSED ELECTION OF LORRAINE GEIGER; REPLACEMENT OF FORMER CITY COUNCIL MEMBER FEHRMANN.**

(a). Lorraine Geiger is unopposed and is hereby declared the victorious candidate at the November 3, 2015 Election to fill the vacated term of former City Council Member Henry Fehrmann.

(b). The City Council of the City of Daytona Beach Shores hereby appoints Lorraine Geiger to fill the vacated term of former City Council Member Henry Fehrmann through November 3, 2015 until she takes office on the basis of her election to that position.

**SECTION THREE: IMPLEMENTING ADMINISTRATIVE ACTIONS.**

The City Manager and City Clerk are hereby authorized and directed to implement the provisions of this Resolution and to take any and all necessary administrative actions to bring into effect the provisions of this Resolution.

**SECTION FOUR: SAVINGS; EFFECT OF RESOLUTION.**

The prior actions of the City of Daytona Beach Shores in terms of the matters relating to the conduct of elections and actions of the electorate of the City of Daytona Beach Shores in the process of electing public officials, as well as any and all related matters and processes and procedures of the City pertaining thereto, are hereby ratified and affirmed.

**SECTION FIVE: CONFLICTS.**

All resolutions or parts thereof in conflict with this Resolution are hereby repealed to the extent of such conflict.

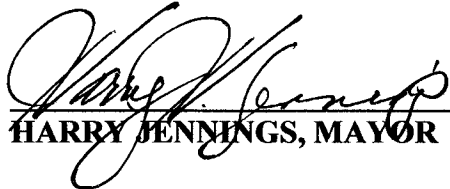
**SECTION SIX: SEVERABILITY.**

If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION SEVEN: EFFECTIVE DATE.**

This Resolution shall take effect immediately upon enactment.

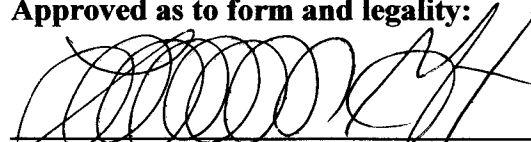
**CITY OF DAYTONA BEACH SHORES, FLORIDA**

  
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**HARRY JENNINGS, MAYOR**

  
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**MICHAEL T. BOOKER, CITY MANAGER**

  
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**CHERI SCHWAB, CITY CLERK**

**Approved as to form and legality:**

  
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**LONNIE GROOT, CITY ATTORNEY**

Passed and adopted on first reading this 3<sup>rd</sup> day of September, 2015.

Posted this 4<sup>th</sup> day of September, 2015.