

RESOLUTION 2018-19

A RESOLUTION OF THE CITY COUNCIL OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ACCEPTING THE CANVASSING OF THE VOTES FOR THE GENERAL ELECTION AND SPECIAL ELECTION HELD IN THE CITY OF DAYTONA BEACH SHORES HELD ON NOVEMBER 6, 2018 AS WELL AS THE REFERENDUM ELECTION HELD THAT DATE; DECLARING THE RESULTS OF THE GENERAL ELECTION FOR THE OFFICE OF MAYOR; DECLARING THE RESULTS OF THE SPECIAL ELECTION OF CITY COUNCIL MEMBER SEAT 4; DECLARING THE ELECTION OF TWO CITY COUNCIL MEMBERS FOR SEAT 1 AND SEAT 3 WITHOUT OPPOSITION; DECLARING THE RESULTS OF 2 PROPOSALS TO AMEND THE *CITY CHARTER*; DECLARING OTHER PERTINENT MATTERS; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the candidates referenced in this Resolution have met the requirements for office of Mayor and Council Members in compliance with Sections 2.01 and 2.02 of the *City Charter of the City of Daytona Beach Shores* and other applicable provisions of controlling law; and

WHEREAS, the *City Charter of the City of Daytona Beach Shores* establishes rules and regulations for the General Election of Municipal Officers within the City of Daytona Beach Shores; and

WHEREAS, a General Election for vacancies on the City Council of the City of Daytona Beach Shores was called for November 6, 2018 and was held in accordance with the controlling provisions of law; and

WHEREAS, a Special Election for the vacancy of City Council Seat 4 was called for November 6, 2018 and was held in accordance with the controlling provisions of law;

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

SECTION ONE: GENERAL ELECTION HELD.

(a). A General Election was held November 6, 2018, in the City of Daytona Beach Shores.

(b). Lorraine Geiger and Nancy Miller qualified for and ran in a contested election for the office of Mayor.

(c). The candidates for City Council Member Seat 1 and City Council Member Seat 3, Rick Frizalone and Mel Lindauer, respectively, were unopposed.

SECTION TWO: ELECTION RESULTS AS TO MAYOR.

(a). The City Council of the City of Daytona Beach Shores hereby accepts that the Volusia County Canvassing Board has lawfully and accurately canvassed the votes cast in the General Election for the office of Mayor in accordance with Section 6.06 of the *City Charter of the City of Daytona Beach Shores* and other controlling law as follows:

City Council Mayor

<u>Candidate:</u>	<u>Votes Received:</u>
Lorraine Geiger:	1,102
Nancy Miller:	1,944

(b). Although Section 102.168(2), *Florida Statutes*, relating to contesting of elections, provides that a “. . . contestant shall file a complaint, together with the fees prescribed in Chapter 28, with the Clerk of the Circuit Court within 10 days after midnight of the date the last board responsible for certifying the results officially certifies the results of the election being contested” and, accordingly, the statutory time period for contesting elections has not run since the votes have been counted and canvassed in accordance with the controlling requirements of Florida law; the City Council Mayor opponent, , has conceded the results of the election for City Council Mayor.

SECTION THREE: DETERMINATION OF WINNER AS TO MAYOR.

Pursuant to the results of the General Election held on November 6, 2018, the following candidate is hereby declared to be elected:

Mayor: Nancy Miller

SECTION FOUR: DETERMINATION OF WINNER AS TO SEAT 1 AND SEAT 3.

Pursuant to the General Election held on November 6, 2018, the following two City Council Members were elected or re-elected, respectively, without opposition:

Seat 1: Rick Frizalone.

Seat 3: Mel Lindauer.

SECTION FIVE: SPECIAL ELECTION HELD.

- (a). A Special Election was held November 6, 2018, in the City of Daytona Beach Shores.
- (b). Michael Politis and John Schmitz qualified for and ran in a contested election for the office of City Council Seat 4.

SECTION SIX: ELECTION RESULTS AS TO SEAT 4.

(a). The City Council of the City of Daytona Beach Shores hereby accepts that the Volusia County Canvassing Board has lawfully and accurately canvassed the votes cast in the General Election for the office of City Council Seat 4 in accordance with Section 6.06 of the *City Charter of the City of Daytona Beach Shores* and other controlling law as follows:

City Council Seat 4

<u>Candidate:</u>	<u>Votes Received:</u>
Michael Politis:	1,803
John Schmitz:	990

(b). Although Section 102.168(2), *Florida Statutes*, relating to contesting of elections, provides that a “. . . contestant shall file a complaint, together with the fees prescribed in Chapter 28, with the Clerk of the Circuit Court within 10 days after midnight of the date the last board responsible for certifying the results officially certifies the results of the election being contested” and, accordingly, the statutory time period for contesting elections has not run since the votes have been counted and canvassed in accordance with the controlling requirements of Florida law; the City Council Seat 4 opponent, , has conceded the results of the election for City Council Seat 4.

SECTION SEVEN: DETERMINATION OF WINNER AS TO SEAT 4.

Pursuant to the results of the Special Election held on November 6, 2018, the following candidate is hereby declared to be elected:

Seat 4: Michael Politis

SECTION EIGHT: CITY COUNCIL JUDGE OF ELECTIONS.

The City Council is, under controlling law, the judge of the election and qualifications of its member, and for such purpose shall have the power to subpoena witnesses and require the

production of records, but the decision of the City Council in such case shall be subject to review by the Courts.

SECTION NINE: PROPOSED CHARTER AMENDMENTS.

(a). With regard to the proposals to amend the *City Charter*, the electorate of the City voted as follows:

Question 1 (Term Limits):	Total Votes	For	Against
	3,025	2,475	550

Question 2 (Term Limits Contingent):	Total Votes	For	Against
	3,007	2,427	580

(b). Based upon the aforestated votes, Question 1 was approved and Question 2 was approved.

SECTION TEN. IMPLEMENTING ADMINISTRATIVE ACTIONS.

The City Manager, City Clerk and City Attorney are hereby authorized and directed to implement the provisions of this Resolution by means of such actions as may be deemed appropriate.

SECTION ELEVEN. SAVINGS.

The prior actions of the City of Daytona Beach Shores relating to the elections of the City and any and all related activities are hereby ratified and affirmed.

SECTION TWELVE. CONFLICTS.

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

SECTION THIRTEEN. SEVERABILITY.

If any section, sentence, phrase, word, or portion of this Resolution is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Resolution not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION FOURTEEN: EFFECTIVE DATE.

This Resolution shall take effect immediately upon its adoption.

CITY OF DAYTONA BEACH SHORES, FLORIDA

MAYOR,

Attest:

CITY MANAGER, MICHAEL T. BOOKER

CITY CLERK, CHERI SCHWAB

Approved as to form and legality:

CITY ATTORNEY, LONNIE GROOT

Adopted this 13th day of November, 2018.

Posted this ___ day of November, 2018.