

RESOLUTION NO. 2010-95

AN EMERGENCY RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ELECTIONS; CREATING THE VILLAGE CANVASSING BOARD FOR THE PURPOSE OF CANVASSING ELECTION RETURNS FOR THE NOVEMBER 16, 2010 RUN-OFF ELECTION FOR THE MAYOR SEAT AND DISTRICT 1 COUNCIL SEAT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, as Section 10-3(d) of the Code of Ordinances of the Village establishes that in order for a candidate to be duly elected to office, said individual must receive a number of votes greater than 50 percent of the total number of ballots cast; and

WHEREAS, as there are currently four candidates in the race for the Mayor Seat and three candidates in the race for Council Seat District 1, the possibility of a run-off exists; and

WHEREAS, Section 10-3(e) provides that a run-off election between the two candidates who received the most votes be held; and

WHEREAS, as the run-off date of November 16, 2010 does not coincide with an existing County election, the Village must create its own Canvassing Board. Section 10-11(b) provides that such board shall be composed of three individuals:

a member of the Miami-Dade County judiciary, the Miami-Dade County clerk, or his or her deputy clerk, and a member of the clergy who either resides in the village or represents a church within the village. If any of these individuals are unable to serve, then the village clerk is instructed to fill the vacancy with an elected or appointed official from another municipality within Miami-Dade County.

WHEREAS, Section 5.1(C) of the Charter mandates that the, "Council shall hold no meetings between the general election and the swearing in of those newly elected or re-elected Council members except in the case of an emergency affecting life, health, property or the public

peace.” This Resolution is deemed an emergency, as the Village must convene a Canvassing Board in order to properly certify the results of the Run-Off election.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The following persons have agreed to serve and are appointed to the Village Canvassing Board:

The Honorable Judge Victoria del Pino

Pastor Craig Branson

Village of Pinecrest Councilman Bob Ross


Section 2. The canvassing board shall meet to conduct pre-count logic and accuracy test of the optical scan system used for paper ballots, canvass of presumed invalid absentee ballots, absentee ballots opening and processing, duplication of ballots as needed, and, if needed, provisional ballots validation, opening and processing.

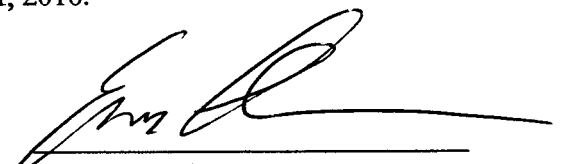
Section 3. The Canvassing Board shall terminate upon completion of the process.

Section 4. This resolution shall take effect immediately upon enactment.

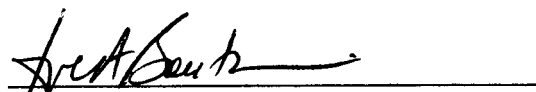
PASSED and ADOPTED this 18th day of October, 2010.

Attest:


Meighan Alexander
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


Eve A. Boutsis,
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller	<u>YES</u>
Council Member Howard J. Tendrich	<u>YES</u>
Council Member Shelley Stanczyk	<u>YES</u>
Vice-Mayor Brian W. Pariser	<u>YES</u>
Mayor Eugene P. Flinn, Jr.	<u>YES</u>