

RESOLUTION NO. 08-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CALLING FOR A NONPARTISAN ELECTION TO BE HELD ON TUESDAY, MARCH 09, 2021; AND A SECOND NONPARTISAN ELECTION, IF NECESSARY, ON TUESDAY, MARCH 23, 2021; SUCH ELECTIONS TO BE HELD FOR THE ELECTION OF TWO CITY COMMISSIONERS AND A MAYOR; APPOINTING THE CITY CLERK, THE DEPUTY CITY CLERK, AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS, OR DESIGNEE, AS ADDITIONAL MEMBERS OF THE CITY OF DELRAY BEACH CANVASSING BOARD TO CANVASS ALL ABSENTEE BALLOTS; TO CANVASS THE MUNICIPAL ELECTION, ALONG WITH THE CITY'S CANVASSING BOARD; AND TO CONDUCT THE LOGIC AND ACCURACY TESTING FOR ALL ELECTION MACHINERY; AUTHORIZING THE CITY CLERK TO DO ALL THINGS NECESSARY TO CONDUCT THE NONPARTISAN ELECTION; PROVIDING THE TIME, MANNER, AND MEANS OF HOLDING SAID ELECTION, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Charter and the Code of Ordinances of the City of Delray Beach, provide for a Nonpartisan Election to be held in March for the electorate to elect two (2) city commissioners and a Mayor at such time; and

WHEREAS, if two or more candidates tie for the highest number of votes from all electors casting ballots for that seat for Commissioner, then these candidates shall be declared candidates for a second nonpartisan election to be held on Tuesday, March 23, 2021; and

WHEREAS, in the year 2021, two (2) seats on the City Commission and 1 seat for the Mayor are up for election; and

WHEREAS, the City Commission directs that the Nonpartisan Election be held on Tuesday, March 09, 2021; and

WHEREAS, the City Commission authorizes and directs the City Clerk to do all things necessary and prudent to conduct the Nonpartisan Election, and if necessary, a Second Nonpartisan election, and to provide all notices required in accordance with Article V, "Elections" of the Charter of the City of Delray Beach, Chapter 34, "Elections", and General Law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS, that:

Section 1. The foregoing recitals are hereby confirmed and ratified.

Section 2. The City Commission orders, authorizes, and calls for the holding of a Nonpartisan Election, to be held in the City of Delray Beach, Palm Beach County, Florida between the hours of 7:00 am and

7:00 pm on the 9<sup>th</sup> day of March, 2021 for the purpose of electing qualified candidates as provided by law to fill two (2) City Commission seats and one (1) Mayor seat.

Section 3. The City Clerk is hereby authorized and directed to do all things necessary and prudent to conduct the March 09, 2021 Nonpartisan Election; and the March 23, 2021 Second Nonpartisan Election, if necessary, and is further authorized to designate polling locations within the municipal boundaries in accordance with applicable laws and state guidelines.

Section 4. The City Clerk is hereby authorized and directed to assign sufficient poll workers to facilitate all the precincts within the municipal boundaries; schedule training for poll workers and to establish a pay scale applicable to the duties and responsibilities of the election staff.

Section 5. The City Commission hereby requests that the Palm Beach County Supervisor of Elections (SOE), or designee, provide the necessary voting equipment, conduct the logic and accuracy testing for all election machinery and tabulation equipment, and canvass all vote-by-mail ballots for said elections and is hereby requested and authorized to provide the necessary training to the poll workers as approved by the City Clerk.

Section 6. The City Commission hereby designates the SOE, or designee, as an additional member of the City's Canvassing Board and designates the City Clerk and the Deputy City Clerk as members of the City's Canvassing Board.

Section 7. Pursuant to Section 5.05 of the City Charter of the City of Delray Beach, the Supervisor of Elections shall ascertain the votes of the City election and deliver the results to the Mayor and the City Clerk who shall transmit such returns to the Commission at a meeting to be held not more than eleven (11) days after such election.

Section 8. The City Commission shall convene not later than eleven (11) days after such election and shall canvass the returns and, in the absence of a declaration of a contest by any of the candidates in such election, shall declare the results of the election as shown by the returns made by the Supervisor of Elections.

Section 9. The City Clerk, no later than noon the second day thereafter, shall furnish a certificate of election to each person shown to be elected.

Section 10. This resolution shall become effective immediately upon passage.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

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Shelly Petrolia, Mayor

Approved as to Form and Legal Sufficiency:

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Lynn Gelin, City Attorney