RESOLUTION NO. 2017-02

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA CALLING A SPECIAL ELECTION IN THE VILLAGE TO BE HELD ON MARCH 28, 2017, FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS OF THE VILLAGE OF BISCAYNE PARK THE CANDIDATES TO FILL THE VACANCY CREATED BY THE RESIGNATION OF DAVID COVIELLO; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on December 5, 2016, then Mayor David Coviello announced his resignation from the Village Commission, effective March 31, 2017, leaving nineteen (19) months left in his unexpired term which would have expired November, 2018; and

WHEREAS, Section 2.05 of the Village's Code of Ordinances, entitled "Vacancies; forfeiture of office; filling of vacancies", subsection (C)(1)(b) states: "If six (6) months or more remain in the unexpired term, the vacancy shall be filled pursuant to a Special Election which shall occur within forty five (45) days from the date of said vacancy or as soon as allowed by the Supervisor of Elections, in no case to exceed ninety (90) days"; and

WHEREAS, the Village Commission desires to fill the vacancy by special election held on March 28, 2017;

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution upon adoption hereof.

Section 2. In accordance with the provisions of Section 2.05 of the Village's Code of Ordinances, a special election is hereby called and shall be held in the Village of Biscayne Park on March 28, 2017, for the purposes of submitting to the qualified electors of the Village of Biscayne Park the candidates to fill the vacancy created by the resignation of the Mayor.

Section 3. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 4. Candidate qualifying for Village of Biscayne Park Commissioner shall commence at noon on February 13, 2017 and end at 5:00 pm on February 28, 2017.

Section 5. The result of such election shall be determined by the qualified electors residing in the Village of Biscayne Park for the Commission vacancy. The polls at such election shall be open from 7:00 am until 7:00 pm on the day of such election.

Section 6. All qualified electors of the Village of Biscayne Park shall be entitled to vote for the Commission vacancy election. The Village's registration books shall remain open

at the Office of the Miami-Dade County Supervisor of Elections until twenty nine (29) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of general election laws.

Section 7. The form of the ballot for this election shall be in accordance with the requirements of general election laws.

Section 8. Absentee paper ballots for this election may be used by qualified electors of the Village of Biscayne Park for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 9. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 10. This special election shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Village's Code of Ordinances. The Village Mayor, or his designee, the Finance Manager, and the Village Clerk, are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 11. This election shall be canvassed by the Village Canvassing Board, in accordance with the provisions of Section 2-33 of the Village's Code of Ordinances.

Section 12. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 19th day of January, 2017.

Tracy Truppman, Mayor

Attest:

Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

The foregoing resolution upon being put to a vote, the vote was as follows:

Mayor Truppman: Yes
Vice Mayor Coviello: Yes
Commissioner Johnson-Sardella: Yes
Commissioner Ross: Yes
Commissioner Tudor: Yes