

RESOLUTION NO. 21-R46

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, SETTING A DATE FOR A **SPECIAL ELECTION** FOR THE PURPOSE OF FILLING THE VACANCY OF CITY COMMISSIONER, DISTRICT 1, SEAT 5; ESTABLISHING A QUALIFYING PERIOD; AND SETTING THE DATE FOR A RUNOFF ELECTION IF NECESSARY AFTER THE SPECIAL ELECTION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Commissioner Rufus J. Alexander, III died on July 28, 2021 while in office, thus creating a vacancy for District 1, Seat 5; and

WHEREAS, Article III, Section 28, of the City Charter entitled "Filling of Vacancies" states: "At the time the vacancy occurs, if there is more than six (6) months before the next general election, a special election shall be set as early as legally possible and no temporary appointment shall take place"; and

WHEREAS, Article VI, Section 52(h), of the City Charter states: "Special municipal elections for any purpose shall be held in the same manner as a regular election except the city commission, by resolution or by ordinance, shall fix the date of holding such special election, the office to be balloted upon and a qualifying period for candidates, or the question to be balloted upon"; and

WHEREAS, Article VI, Section 52(d) of the City Charter states: "When three (3) or more persons qualify as candidates for any of the designated seats of the city commission or mayor to be filled, the persons' names who so qualified shall appear on the ballot and be voted upon at a primary election to be held on the day established by F.S. § 100.061 prior to the general election. Each candidate receiving a majority of the votes cast at the primary election for a designated seat shall be declared elected without the necessity of being voted upon in the regular city election. In the event no single candidate receives a majority of the votes cast in the primary election for a designated seat, the two (2) persons receiving the highest number of votes cast for that designated seat on the city commission or mayor shall be voted upon at the regular city election conducted on the date of the general election held on the first Tuesday after the first Monday in November of even-numbered years"; and

WHEREAS, the City Commission determines it is of vital importance to the citizens of Fort Pierce to have full representation on the City Commission in a timely and expeditious manner.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE

CITY OF FORT PIERCE, FLORIDA:

SECTION 1. The City Commission of the City of Fort Pierce, pursuant to Article III, Section 28 and Article VI, Section 52(H) of the City Charter, hereby sets the date for a Special Election to be held on December 7, 2021, for the purpose of filling the vacancy of City Commissioner, District 1, Seat 5.

SECTION 2. The City Commission of the City of Fort Pierce, pursuant to Article VI, Section 52(h) of the City Charter, hereby establishes the qualifying period for the Special Election to begin at noon on September 13, 2021 and end at noon on September 17, 2021.

SECTION 3. The City Commission of the City of Fort Pierce, pursuant to Article VI, Section 52(d) of the City Charter, hereby sets the date for a Run-Off Election to be held on February 8, 2022, for the purpose of filling the vacancy of City Commissioner, District 1, Seat 5, in the event a run-off election is necessary.

SECTION 4. This resolution shall become effective upon adoption.

IN WITNESS WHEREOF, this Resolution has been duly adopted on this 16th day of August, 2021.

LINDA HUDSON, MAYOR COMMISSIONER

ATTEST:

LINDA W. COX, CITY CLERK

(CITY SEAL)

APPROVED AS TO FORM
AND CORRECTNESS:

TANYA EARLEY
INTERIM CITY ATTORNEY