

ORDINANCE NO. 2011-\_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PALM COAST, FLORIDA, AUTHORIZING THE CITY OF PALM COAST 2011 MUNICIPAL ELECTION TO BE CONDUCTED AT SIX (6) MASS VOTING (POLLING) LOCATIONS, AS PROVIDED FOR IN THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF PALM COAST AND THE FLAGLER COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR CONFLICTS; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Coast previously entered into an Interlocal Agreement with Flagler County Supervisor of Elections whereby the Flagler County Supervisor of Elections (hereinafter "Supervisor") shall conduct the City of Palm Coast 2011 Municipal Election, in accordance with Chapters 97-106, Florida Statutes; and

**WHEREAS**, the parties to that Agreement recognize that Chapters 97-106, Florida Statutes, together referred to as the *Florida Election Code*, governs the conduct of municipalities' elections in the absence of an applicable special act, charter, or ordinance provision; no such charter or ordinance provisions may be adopted by a municipality which conflicts with, or exempts a municipality from any provision in the *Florida Election Code* that expressly applies to municipalities, pursuant to Section 100.3605, Fla. Stat.; and

**WHEREAS**, in said Agreement, the parties agree that the City is to hold the City of Palm Coast 2011 Municipal Election at six (6) mass voting (polling) locations, as provided in Paragraph No. 22 therein; and

**WHEREAS**, as allowed by Section 100.3065, Fla. Stat., there is nothing in the *Florida Election Code* which preempts the City of Palm Coast from electing to hold the City of Palm Coast 2011 Municipal Election at six (6) mass voting (polling) locations, as provided in the aforescribed Interlocal Agreement; and

**WHEREAS**, conducting the 2011 Municipal Election at six (6) mass voting (polling) locations will reduce the cost of said election, therefore providing a savings to the City of Palm Coast and provide convenience to the Voters; and

**WHEREAS**, the purpose of this Ordinance is to authorize and direct that the City of Palm Coast 2011 Municipal Election shall be held at six (6) mass voting (polling) locations, as provided in the aforescribed Interlocal Agreement.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The City Council of the City of Palm Coast hereby ratifies and incorporates by this reference Resolution No. 2011-\_\_\_\_ and the Interlocal Agreement for election services between the City of Palm Coast and Flagler County Supervisor of Elections, authorizing and providing that the 2011 City of Palm Coast Municipal Election to be held at six (6) mass voting (polling) locations as provided therein.

**SECTION 2.** A certified copy of this Ordinance shall be provided to the Division of Elections and the Flagler County Supervisor of Elections

**SECTION 3. CONFLICT.** Any prior Ordinance or policy of the City which is inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION 4. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon execution.

Approved on first reading this 15th day of March 2011.  
Adopted on second reading this 5th day of April 2011.

CITY OF PALM COAST, FLORIDA

\_\_\_\_\_  
Jon Netts, Mayor

ATTEST:

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Virginia A. Smith, City Clerk

Approved as to form and legality

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William E. Reischmann, Jr., Esq.