

8. **CONSENT AGENDA**

- d. **RESOLUTION 11-009 DESIGNATING THE TWO CANDIDATES WHO HAVE OFFICIALLY QUALIFIED FOR THE OFFICE OF SANIBEL CITY COUNCIL; FINDING AND DECLARING THAT THE TWO QUALIFIED CANDIDATES ARE UNOPPOSED FOR THE TWO AVAILABLE CITY COUNCIL SEATS; FINDING AND DECLARING THAT PURSUANT TO THE SANIBEL CHARTER, THE SANIBEL CODE OF ORDINANCES AND GENERAL LAW THAT SUCH TWO QUALIFIED AND UNOPPOSED CANDIDATES HAVE BECOME COUNCIL MEMBERS ELECT AND SHALL TAKE OFFICE AS CITY COUNCIL MEMBERS ON MARCH 15, 2011; DECLARING THAT THE CITY OF SANIBEL MUNICIPAL ELECTION SCHEDULED FOR MARCH 1, 2011 IS HEREBY CANCELED SINCE THERE ARE NO OTHER ELECTION CONTESTS OR BALLOT MEASURES TO BE PRESENTED TO THE ELECTORATE AT SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE**

CITY OF SANIBEL

RESOLUTION 11-009

A RESOLUTION DESIGNATING THE TWO CANDIDATES WHO HAVE OFFICIALLY QUALIFIED FOR THE OFFICE OF SANIBEL CITY COUNCIL; FINDING AND DECLARING THAT THE TWO QUALIFIED CANDIDATES ARE UNOPPOSED FOR THE TWO AVAILABLE CITY COUNCIL SEATS; FINDING AND DECLARING THAT PURSUANT TO THE SANIBEL CHARTER, THE SANIBEL CODE OF ORDINANCES AND GENERAL LAW THAT SUCH TWO QUALIFIED AND UNOPPOSED CANDIDATES HAVE BECOME COUNCIL MEMBERS ELECT AND SHALL TAKE OFFICE AS CITY COUNCIL MEMBERS ON MARCH 15, 2011; DECLARING THAT THE CITY OF SANIBEL MUNICIPAL ELECTION SCHEDULED FOR MARCH 1, 2011 IS HEREBY CANCELED SINCE THERE ARE NO OTHER ELECTION CONTESTS OR BALLOT MEASURES TO BE PRESENTED TO THE ELECTORATE AT SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, there are currently two seats on the Sanibel City Council which will be required to be filled as a result of the expiring four year terms of two Council members; and

WHEREAS, during the qualifying period there were two people qualified as City Council candidates, specifically (in alphabetical order) Doug Congress and Councilman Jim Jennings; and

WHEREAS, since there are exactly two qualified candidates and two City Council seats to be filled, the two qualified candidates are deemed to be unopposed and are further deemed to be Council members elect as of the end of the candidate qualifying period; and

WHEREAS, according to law, when qualified and unopposed, Council members' names are not to be placed on any ballot and, since there are no other ballot measures to be presented to the electorate as part of the general election, there is no need or requirement that an election take place;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sanibel, Florida:

SECTION 1. The City Council hereby finds and declares as follows:

- (a) Doug Congress and Jim Jennings (in alphabetical order) having duly qualified during the candidate qualification period for the office of Sanibel City Council are hereby designated as the two qualified candidates for the two available City Council seats;

- (b) Doug Congress and Jim Jennings, as designated qualified candidates who are unopposed for the two available City Council seats, are hereby deemed Council members elect who shall take office as City Council members in accordance with all requirements of law on March 15, 2011; and
- (c) The March 1, 2011 election is hereby canceled, in accordance with the Sanibel Charter, the Sanibel Code of Ordinances and general election law. There is no need or requirement that the unopposed qualified candidates be placed on a ballot and there are no other election contests or ballot measures to be presented to the Sanibel electorate.

SECTION 2. Effective date.

This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Sanibel, Florida, this 1st day of February, 2011.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM:

Kenneth B. Cuyler

Kenneth B. Cuyler, City Attorney

1/20/11

Date

Vote of Council members:

Ruane _____
Denham _____
Harrity _____
Jennings _____
Pappas _____

Date filed with City Clerk: _____