

**CITY OF WESTLAKE**

**RESOLUTION NO. 2021-26**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, DELEGATING ALL CANVASSING DUTIES, AS DEFINED IN THE FLORIDA ELECTION CODE AND THE FLORIDA ADMINISTRATIVE CODE, TO THE COUNTY CANVASSING BOARD ESTABLISHED IN ACCORDANCE WITH SECTION 102.141, F.S., AUTHORIZING AND DESIGNATING THE CITY CLERK TO SERVE AS THE CITY'S OFFICIAL REPRESENTATIVE IN ALL TRANSACTIONS WITH THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS IN RELATION TO MATTERS PERTAINING TO THE USE OF THE REGISTRATION BOOKS AND RECORDS NECESSARY FOR HOLDING MUNICIPAL ELECTIONS WITHIN THE CITY; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 102.141, F.S., provides for the establishment of a canvassing board for Palm Beach County; and

**WHEREAS**, the Palm Beach County Supervisor of Elections ("PBSOE") requires that the City Council designate, by resolution, a canvassing board for the City's municipal elections; and

**WHEREAS**, designating the Palm Beach County Canvassing Board as the City of Westlake's (the "City") canvassing board for municipal elections would remove redundancy of officials attending the same election activities, such as pre-election testing of tabulation equipment, opening, tabulation, duplication, and the canvassing of ballots; and

**WHEREAS**, the City Council has determined that the responsibility to canvass the returns is a ministerial and non-legislative function that can be delegated by the City Council and that the Palm Beach County Canvassing Board is designated as the City's canvassing board for municipal election purposes; and

**WHEREAS**, the City Council further seeks to designate and appoint the City Clerk as the City's official representative in all transactions with the PBSOE, in relation to matters pertaining to the use of the registration books and records herein mentioned for holding municipal elections within in the City; and

**WHEREAS**, the City Council finds that designating the Palm Beach County Canvassing Board as the City's canvassing board for municipal election purposes and that designating the City Clerk as the City's official representative in all transactions with the PBSOE, as set forth herein, is in the best interests of the citizens and residents of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA:**

**SECTION 1. RECITALS.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed by the City Council and incorporated herein by this reference.

**SECTION 2.** The City Council hereby designates the Palm Beach County Canvassing Board as the City's canvassing board for municipal elections, in accordance with the Florida Election Code and the Florida Administrative Code. The Palm Beach County Canvassing Board will handle the canvassing of ballots for the City's general municipal election and for runoff elections, if necessary. The City Council hereby further authorizes and designates the City Clerk to serve as the City's official representative in all transactions with the PBSOE in relation to matters pertaining to the use of the registration books and records for holding municipal elections in the City.

**SECTION 3. CONFLICTS.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 4. SEVERABILITY.** If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

**SECTION 5. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its passage and adoption.

**PASSED AND APPROVED** by City Council for the City of Westlake, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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City of Westlake  
Roger Manning, Mayor

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Zoie Burgess, City Clerk

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Approved as to Form and Sufficiency  
Interim City Attorney