

ORDINANCE NO. 2022-02

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER ____ OF THE CITY’S CODE OF ORDINANCES ENTITLED “_____”; CREATING SECTION _____, TO BE ENTITLED “VACANCY IN CANDIDACY;” ESTABLISHING PROCEDURES, PURSUANT TO SECTION 166.031, F.S., TO FILL A VACANCY IN CANDIDACY CAUSED BY THE DEATH, WITHDRAWAL OR REMOVAL FROM THE BALLOT OF A QUALIFIED CANDIDATE FOLLOWING THE END OF THE QUALIFYING PERIOD WHICH LEAVES FEWER THAN TWO CANDIDATES REMAINING TO FILL A POSITION ON THE CITY COUNCIL; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.031, F.S., requires the City of Westlake to establish, by ordinance, procedures to fill a vacancy in candidacy caused by the death, withdrawal or removal from the ballot of a qualified candidate following the end of the qualifying period which leaves fewer than two candidates remaining to fill a position on the City Council; and

WHEREAS, the City Council finds that the procedures to fill a vacancy in candidacy, as set forth in this ordinance, are in the best interests of the citizens and residents of the City of Westlake.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE CITY OF WESTLAKE, FLORIDA, as follows:

SECTION 1. Recitals. The foregoing recitals are confirmed, adopted and incorporated herein and made a part hereof by this reference.

SECTION 2. The City Council hereby amends Chapter _____ entitled “_____,” by creating Section _____, to be entitled “Vacancy in Candidacy,” as follows:

Sec. _____ Vacancy in Candidacy

- (a) In the event of death, withdrawal or removal from the ballot of one or more qualified candidate(s) for mayor or city council which occurs after the close of qualification for candidates for mayor or city council, and if the death, withdrawal or removal leaves only one candidate for mayor or city council

for that district, then in that event, the one remaining candidate shall be deemed elected and shall take office in accordance with the procedures set forth in the City Charter or Code of Ordinances.

(b) In the event of death, withdrawal or removal from the ballot of one or more qualified candidate(s) for mayor or city council which occurs after the close of qualification for candidates for mayor or city council, and if said death, withdrawal or removal leaves no candidate for mayor or city council for that district, then and in that event, qualification shall be reopened for a period five (5) days immediately following the death, withdrawal or removal from the ballot of a qualified candidate for mayor or city council prior to election. A special election shall be conducted sixty (60) days after the close of the special qualification period for mayor or city council.

SECTION 4. Codification. It is the intention of the City Council of the City of Westlake that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Westlake, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word “Ordinance” may be changed to “Section,” “Article” or such other word or phrase in order to accomplish such intention.

SECTION 5. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions which are in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION 6. Severability. Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

SECTION 7. Effective Date. This ordinance shall be effective upon adoption on second reading.

PASSED this 14th day of February 2022, on first reading.

PUBLISHED on this 2nd day of March 2022 in the Palm Beach Post.

PASSED AND ADOPTED this 14th day of March 2022, on second reading.

City of Westlake
Roger Manning, Mayor

ATTEST:

Zoie Burgess, City Clerk

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY