

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2012-13**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO ELECTIONS; PROVIDING FOR VACANCY IN CANDIDACY PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town Council finds that it is in the best interest of the Town to provide for a process to address vacancy in candidacy consistent with Section 166.031(6), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, THAT:

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2.** Vacancy in candidacy for Councilmember. Vacancies in candidacy of Councilmembers shall be addressed as follows:

(1) If after the close of the qualifying period for filing as a candidate for Councilmember, the death, withdrawal or removal of a candidate leaves only one candidate, then that candidate will be deemed elected pursuant to Section 7(7)(b) of the Town Charter.

(2) If after the close of the qualifying period for filing as a candidate, the death, withdrawal or removal of a candidate leaves no candidate for the office of Councilmember:

a. if the Palm Beach County Supervisor of Elections has confirmed that there is sufficient time for a second qualifying period in order to permit the election to proceed on its scheduled date, the qualifying period for that office shall be reopened following the date the vacancy occurs for a period of five (5) days, and shall be immediately advertised and noticed by

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the Town Clerk.

b. if the Palm Beach County Supervisor of Elections has confirmed that there is not sufficient time for a second qualifying period in order to permit the election to proceed on its scheduled date, the Town Council shall, within 30 days after the date when the successful candidate for the office would have assumed office, appoint by majority vote of the Town Council a person having the qualifications for the office to fill the vacancy until the next regularly scheduled town election at which time an election shall be held to fill the remainder of the term of that seat.

**Section 3.** It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Town's Code of Ordinances upon the codification of the Town's ordinances.

**Section 4.** All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of such conflict.

**Section 5.** If any Section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**[REMAINDER OF PAGE INTENTIONALLY BLANK]**

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Section 6. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 4<sup>TH</sup> DAY OF DECEMBER, 2012.

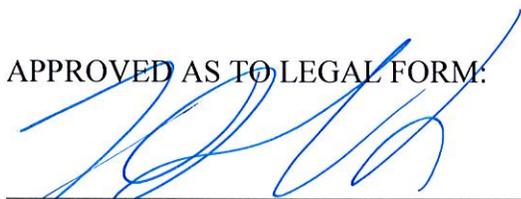
PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 15<sup>TH</sup> DAY OF JANUARY, 2013.

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FLORIDA

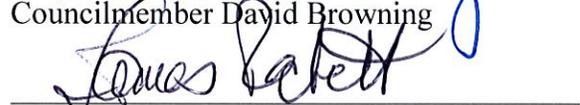
ATTEST:

  
TOWN CLERK

APPROVED AS TO LEGAL FORM:

  
Office of the Town Attorney

  
Councilmember David Browning

  
Vice Mayor Jim Rockett

  
Council Member

  
Council Member

  
Council Member