



CITY OF BELLE ISLE, FLORIDA CITY COUNCIL AGENDA ITEM COVER SHEET

Meeting Date: September 21, 2021

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Discuss Qualifications of Nicholas Fouraker to run for Reelection

Background: In October of 2019, Mayor Fouraker told the City Council that he was in the process of selling his home, and the closing for the new home is scheduled for the end of October. The new home is infested with mold and he was not able to find an available rental home in the City limits. Due to the circumstances, he requested Council approval for the short term residence outside the City limits until the renovations are completed. Council unanimously passed a motion to approve his request.

At the October 6, 2020 Council meeting, Mayor Fouraker gave an update on the progress of his house construction and stated that due to the pandemic, the house would not be finished soon. He thanked the Council for their continued support for this issue.

Throughout this period and continuing to September 2021, there has been questions raised as to whether the Mayor would qualify for the March 2022 election is he decided to run again for Mayor and whether the City Council had the authority to pass a motion to allow the Mayor to temporarily live outside the City.

The City Attorney will discuss these issues with the City Council. According to the City Charter, Section 3.03 - Judge of election and qualification of members: ***The city council shall be the judge of the election and qualification of its own members, subject to review by the court.***

After discussion, the City Attorney will make a recommendation to the Council as to the qualifications of Mayor Fouraker to qualify for the March election. Qualifying for the March election begins in November 2021.

Staff Recommendation: Discuss with the City Attorney to determine if the Mayor qualifies for the March 2022 election.

Suggested Motion:

(If it is determined the Mayor can qualify for the March Election): **After hearing evidence presented by the City Attorney and discussion, I move that the City Council determine that Nicholas Fouraker is qualified as a candidate for the March 2022 Municipal Election.**

(If it is determined the Mayor cannot qualify for the March Election): **After hearing evidence presented by the City Attorney and discussion, I move that the City Council determine that Nicholas Fouraker is not qualified as candidate for the March 2022 Municipal Election.**

Alternatives: None

Fiscal Impact: None

Attachments: None at the time of publication of this memorandum