



Meeting Name: Special Town Council Meeting
Meeting Date: December 12, 2024
Prepared By: C. Copeland-Rodriguez, MMC, Town Clerk
Item Title: Filling of Vacant Seat #3

DISCUSSION:

Mayor Wheeler called for a Special Town Council Meeting (*see attached notice*) to discuss additional options for filling the vacant Town Council Seat #3.

Town Charter, Article III, Section 6(b) for Filling of Vacancies:

If there is a vacancy on the council, including both the office of mayor or any councilmember seat, the council by a majority vote of the remaining members may choose a successor mayor or councilmember as applicable, to serve until the next regular town election at which time an election shall be held regardless of whether an election of the seats in which the vacancy occurred is scheduled. If the election for the seats in which the vacancy occurred is not scheduled, the election for those seats shall be for the remainder of the term of the seat or seats in which the vacancy occurred. Any elector seeking appointment to the council including both the office of mayor or any councilmember seat, shall meet all of the requirements for election set forth in section 1(b) above and shall complete and submit the required affidavit and ethics commission form 1. The council shall consider such documentation when choosing a successor.

Therefore, at the December 6, 2024, Special Town Council Meeting, Council was provided the following options based upon the Town Charter:

OPTION #1: The remaining four members of the Town Council may appoint a fifth member of the Council to serve until the next Town general election to be held in March 2026. The Town Charter does not prescribe any specific method for filling a vacancy on the Town Council. Other municipalities that have been faced with this task have generally proceeded in one of two ways:

- Appoint an experienced person (generally a former member of the Town Council) who does not wish to be a permanent member of the Council to serve until the next Town election. Under this scenario, the learning curve is much shorter and the seat is “open” in March.

- Appoint the person that the Council believes is most qualified to serve until the next Town election, irrespective of whether that person wishes to become an elected member of the Town Council in the future. If the Council chooses this scenario, it may but is not required to advertise the vacancy, solicit letters of interest, compile a list of finalists and conduct interviews.

OPTION #2: Leave the Seat vacant until the March 2026 Election. However, please be advised that failing to appoint or fill the vacancy can hamper the effective operation of the Town Council, introducing the possibility of tie votes on important matters of Town business and requiring unanimous votes for variances and administrative appeals when acting as the Board of Adjustment (and unanimous votes for ordinances in the event one member of the Town Council is absent or recused).

ADDITIONAL INFORMATION:

Also, at the December 6, the Council discussed the options of possibly reopening the qualifying period to include Seat #3 for the upcoming March 11, 2025, Municipal Election; or conduct a Special Election for Seat #3. Staff reached out to the Palm Beach County Supervisor of Elections office (SOE) to inquire about the above election options and received the following information:

-In order to be included in the upcoming March 11, 2025, Municipal Election, the SOE is willing to extend the ballot deadline until December 26, 2024. Unfortunately, due to the process of requiring approval of a resolution to reopen the qualifying period and advertising requirements (twice within a 30-day period), the deadline would not be reached for the March 11th election.

- If the Town is interested in conducting a Special Election for Seat #3, the SOE provided a ballpark figure of \$200,000. *Please note that this figure is just for the SOE's services to conduct the election and does not include paying poll workers, advertisements, delivery of equipment, or any other costs that may be involved.*

(See attached email.)