



Meeting Name: Town Council Meeting
Meeting Date: January 24, 2024
Prepared By: C. Copeland-Rodriguez, Town Clerk
Item Title: Filling of Town Council Vacancy – Seat #2

DISCUSSION:

The resignation of Elaine K. Cotronakis (Seat #2) has created a vacancy on the Town Council as defined in Article III, Section 6(a) of the Town Charter. Article II, Section 6(b) of the Town Charter prescribes the method for filling such a vacancy: *"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."*

Based on the foregoing, the Town Charter, the remaining members of the Town Council may appoint a fifth member of the Council to serve until the next Town election which is to be held in March 2024. Ms. Cotronakis' term expires March 2024; therefore, whoever is appointed to her former seat will only serve until the March 27, 2024 Town Council meeting as the newly elected Council members will be sworn in on that date.

The Town Charter does not prescribe any specific method for filling a vacancy on the Town Council. The Council may appoint any person who meets the requirements set forth in Section 1(b) of the Town Charter for persons seeking election to the Town Council. The person appointed will be required to complete the Ethics Commission Form 6 (in lieu of Form 1) in accordance with the recent statutory amendment.

In 2021, the Town Charter was amended by referendum to make the filling of a vacancy until the next Town election permissive, rather than mandatory. However, failing to 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).

Please note that Seat #2 will be recognized as Seat Mayor effective March 2024 per the Town Charter. Town Staff is available to answer any questions that the Council may have on this item.

RECOMMENDATION:

Staff recommends the Town Council consider the appointment of a fifth member of the Council to serve until the March 27, 2024 Town Council Meeting.