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**Meeting Name:** Special Town Council Meeting  
**Meeting Date:** December 6, 2024  
**Prepared By:** C. Copeland-Rodriguez, MMC, Town Clerk  
**Item Title:** Discussion on Filling of Town Council Vacancy (Seat #3)

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#### **DISCUSSION:**

At the November 20, 2024, Special Town Council meeting, the Council requested for staff to add a discussion item to the Special Town Council meeting on December 6<sup>th</sup> regarding the filling of the Town Council seat.

The resignation of Jacob Rosengarten has created a vacancy for the Town Council as defined in Article III, Section 6(a) of the Town Charter. Article III, Section 6(b) provides for the *filling of vacancies* as follows:

*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 Council can select from the following options:

**OPTION #1:** Based upon the Town's Charter, 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).

Please note that staff will place an item on the agenda for the December 17<sup>th</sup> Town Council meeting for the appointment of the new Council Member.