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October 29, 2026

Mayor and Commissioners
City of Lake Worth Beach

Re: Commission Vacancy and Subsequent Procedures

Mayor and Commissioners,

This letter serves as an analysis of the City Charter for the City of Lake Worth Beach as well as Florida law regarding the resignation or vacancy of a seat on the Commission.

Article III Section 5 of the City's Charter, titled Vacancies; Forfeiture of office; filling of vacancies, states:

(a) *Vacancies.* The office of the mayor or of a commissioner shall become vacant upon the death, resignation, removal from office in any manner authorized by law, or forfeiture of such office by a member; such vacancy to be declared by the remaining members of the commission.

(b) *Forfeiture of office or candidacy.* The mayor or a commissioner shall forfeit such office or candidacy if lacking at any time during a term of office or candidacy any qualification for the office prescribed by this charter or by law.

(c) *Filling of vacancies.* A vacancy of the city commission shall be filled in one of the following ways:

(1) If there are less than six (6) months remaining in the unexpired term or if there are less than six (6) months before the next regular city election, the city commission by a majority vote of the remaining members shall choose and appoint a successor to serve until a newly elected commissioner or mayor is qualified. Such appointment shall be made no later than twenty-four (24) hours prior to the opening of the qualifying period for the next city election. If a vacancy occurs after the opening of the qualifying period for the next city election, then this deadline will not apply.

(2) If there are more than six (6) months remaining in the unexpired term and no general city election is scheduled within six (6) months, the city commission shall fill the vacancy by a special election to be held no more than sixty (60) days following the occurrence of the vacancy. If a run-off election is necessary, it shall be scheduled two (2) weeks after the special election.

Sarah Malega, Commissioner of District 1, announced her resignation on October 28, 2026. With her resignation, the seat becomes vacant as per the City's Charter. The next municipal election is scheduled for March 9, 2027, and as such there are less than six (6) months remaining in her unexpired term. This allows for the remaining Commissioners to appoint a successor to the seat by a majority vote. If appointed, that individual will serve from the appointment until such time that the March 9, 2027 election has been certified. (See Article III, Section 2 for election procedure).

The appointment must be made no later than twenty-four (24) hours prior to the opening of the qualifying period. Qualifying begins on November 10, 2026 at 12:00pm, and as such the appointment must be complete before November 9, 2026 at 12:00pm.

The Mayor has called for a special meeting on Monday, November 2, 2026 at 6:00 p.m. so that the Commission can declare the seat vacant and discuss the topic of vacancy. Staff will prepare a "Notice of City of Lake Worth Beach Commission Vacancy" requesting applications from qualified individuals who might be interested in serving the remainder of the unexpired term.

Any individual being considered must be qualified for the seat.

The City's Charter in Article III Section 1 states that "each commissioner shall reside in one of the single-member districts established, and only one commissioner may reside in each district, except for the mayor who shall reside within the city." To comply with this section, the Commission should only consider individuals who reside within District 1.

Additionally, Article V Section 2, states in subsection (a) "Any person who has been domiciled within an election district for a period of not less than six (6) months immediately preceding the first day of the qualifying period shall be eligible to qualify for office of city commissioner from said district. For purposes of this subsection, a person shall be considered to be domiciled where he or she has established a fixed habitation or primary abode and intends to remain indefinitely." To comply with this section, the Commission should only consider individuals who have been domiciled within District 1 for a period of at least 6 months from November 10, 2026.

The Mayor has called a second special meeting on Friday, November 6, 2026 at 9:00 a.m. To move forward with an appointment, the City Commission can begin accepting applications immediately following the November 2, 2026 meeting with a submittal deadline of November 5, 2026 at 3:00 p.m. The Commissioners can then review the applications and vote on a potential appointment at the second special call meeting on November 6th, 2026 at 9:00 a.m. An applicant must receive a majority of the vote to fill the seat.

Please let me know if you have any questions,

Sincerely yours,



Glen J. Torcivia
City Attorney

cc: Troy Perry, City Manager
Teanna McKay, Assistant City Manager
Elizabeth Lenihan, Assistant City Attorney
Melissa Coyne, City Clerk