

M E M O R A N D U M

To: Tom Harmer, Town Manager
From: Trish Shinkle
Report date: March 2, 2021
Meeting date: March 22, 2021
Subject: Appointment to Commission District Seat 5

Recommended Action

Proceed with advertising the Commission District 5 vacancy and schedule the appointment at a Special Meeting to be held on April 19, 2021.

Background

Due to the resignation of Commissioner Ed Zunz, effective March 22, 2021, immediately following the March 22, 2021, Emergency Meeting, a vacancy will exist on the Town Commission. Commissioner Zunz verbally announced his resignation at the March 1, 2021, Regular Meeting.

The Town Charter provides for two methods to fill a vacancy, as follows:

Article II, Section 8. - Vacancies, Subsection (a):

Vacancies in the Town Commission shall be filled by the Town Commission, with any person so appointed to be a qualified elector from the district of the vacated Commissioner, to serve until the next general municipal election. At the next general municipal election, the vacancy shall be filled by election; the person elected in such election to serve the remaining unexpired term of the Town Commissioner whose vacant office is being filled, or

If a vacancy is not filled by the Town Commission within thirty (30) days after the vacancy occurs, a special election shall be held, as authorized by the Supervisor of Elections, after such a vacancy occurs; and the person so elected shall serve the remaining unexpired term.

Historically, the Town Commission has advertised Commission vacancies and accepted resumes from individuals seeking to serve on the Commission and has made appointments prior to the 30 day requirement. Individuals who apply for this vacancy must be a registered voter and reside in District 5 and will serve until March 2022, at which time they would be required to qualify as a candidate in the March 2022 General Election.

A copy of the proposed public notice is attached and, if the Commission desires to fill the vacancy in this manner, it will be forwarded to the Longboat Key News and Longboat Key Observer, as well as posted on the Town's website. The Town Clerk's office will forward letters of interest and/or resumes that are received following verification of voter and residency status.

A Special Meeting would then be scheduled prior to April 21, 2021, to make an appointment and comply with the requirements of the Town Charter. The Special Meeting could be scheduled for the same day as the April 19, 2021, Regular Workshop.

Alternatively, the Commission can schedule a Special Election through coordination with both Supervisor of Elections (SOE) offices. This option would delay the filling of the vacancy as the Town Commission would have to set a qualifying period and be required to pay for the election, and candidates would be subject to the financial filing requirements throughout the election process. The Special Election would be followed by a Statutory Meeting seven to ten days following the election to certify the results and seat the new Commissioner.

To schedule a Special Election, the Town Commission would have to adopt an Ordinance setting the date and time of the election, provide for early voting, and approve the ballot layout. Two hearings on the Ordinance is required by Florida Statutes. The SOE's office normally requires a 90 day notice to schedule an election. As such, the Special Election process could realistically take up to 120 days or more to fill the vacancy, depending on the SOE's availability to schedule and run an election and the ability to reserve the Island Chapel for the selected date. The cost of the election would be dependent on the number of days approved for early voting, SOE's charges, advertising, and ballot printing, and is estimated to be between \$9,000 and \$15,000.

Staff Recommendation

Proceed with advertising the vacancy and schedule the appointment at a Special Meeting to be held on April 19, 2021.

Attachments

Proposed Public Notice - Available in the Town Clerk's Office

End of Agenda Item