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MEMORANDUM

TO: Mayor & City Council

FROM: Robert W. Batsel, Jr., City Attorney

DATE: December 3, 2025

RE: City Council Vacancy, Appointment, and Special Election

Mayor & Council Members,

Following Councilwoman Frink's resignation, City Council is now obligated to fill the resulting vacancy. The purpose of the following is to provide guidance for your consideration based upon my review of the City Charter and Florida law, as well as consultation with our City Clerk, Mia Fink, and Citrus County Supervisor of Elections, Mo Baird.

Section 3.05 of the City Charter, entitled "Qualifications of Elected Officers; Vacancies and Special Elections," provides as follows:

No person shall be eligible for election to public office who shall not at the time of their election be United States citizen, be a minimum of twenty-one (21) years old, be a qualified elector of the City and have resided within the corporate limits of said City for a period of six (6) months prior to election, and in case any officer shall remove their residence beyond the limits of the said City, their office shall thereupon immediately become vacant. In case any vacancy shall occur in any city office, such vacancy shall be filled by a majority vote of all members of the City Council, and the person so appointed by the City Council shall hold office until the next regular election of officers and until his/her successors are elected and qualified; provided that if a regular election of officers of the said City be not held within ninety (90) days after such vacancy in any office shall occur as aforesaid, a special election shall be held to fill such vacancy to be called by the City Council.

Appointment of Interim Successor

Thus, City Council's first responsibility is to fill the vacancy by appointing a qualified individual by majority vote. Since the next regular City Council election is not scheduled to occur within ninety days after the vacancy, a special election will need to be called. In the interim, the appointed individual will serve.

The Charter does not include a timeline or procedural requirements for filling the vacancy. While it remains entirely within City Council's discretion, it is my understanding that, on two prior occasions, the City Council chose to provide a reasonable time for submission of applications of qualified electors who have resided in the City for at least six (6) months. If there is consensus, it would be appropriate for City Council to request that the City Clerk (by a motion that is approved by a majority of members) to advertise notice of a vacancy and invite interested qualified individuals to apply within a stated period. The form of application can vary and range from a formal application to simply a letter of interest and any supporting documents the applicant deems appropriate, such as a resume, curriculum vitae, or other indication of his or her fitness to serve. Of course, we recently went through this exercise following the unfortunate loss of Mr. Fitzpatrick in 2023, so the City Clerk has forms and prior procedure to rely upon if Council desires to utilize them. The timeline for the foregoing is flexible, but I suspect that Ms. Fink would like to receive application packages at least ten days prior to the City Council meeting when the matter will be considered. The following dates would be options:

<u>Council Meeting</u>	<u>Application Deadline</u>
January 12, 2026	January 2, 2026
January 26, 2026	January 16, 2026
February 9, 2026	January 30, 2016

On the date chosen, the item would be placed on the agenda for City Council's selection of an interim successor by a majority vote.

Special Election

Upon appointment, the interim successor will serve until he or she, or another candidate, is elected in a special election to fill the vacancy, which needs to be called by City Council.

Pursuant to Section 7-2, City Code of Ordinances, "*(s)pecial elections may be held under the call of the mayor at any time when directed by the city council.*" Thus, it would be appropriate for City Council to act, by motion, and authorize the mayor to call a special election on a date certain. When considering the following, it may be helpful to note that the term of Mrs. Frink's vacant seat expires on the first Monday of December, 2027, pursuant to Section 3.02 of the City Charter. Concerning the date and type of special election, we will discuss at our meeting of December 8. Supervisor Baird will be present to help guide our discussion, but City Council will be asked to consider the following three options:

1. Standalone Municipal Election. This option would result in an election to be held with only the vacant seat on the ballot, which could be held earlier than the other two options but would carry an estimated cost of \$11,166.70 and require significant effort by Ms. Baird's staff in the wake of the Senate District 11 special election of December 9 and during preparation for the August primary mentioned below. I will defer to Ms. Baird's expertise and am uncertain whether or how much this would expedite the City's timeline in light of the statutory requirements.
2. August 18 Primary Election. This option would add the vacant seat to the primary election ballot at no additional cost to the City. The benefits include added cost and a defined timeline, while the potential downsides would be an 8-month delay and the obvious need for the candidates to run for an August election only to be running for reelection in November at the end of the current term.

3. November 3 General Election. Like option 2, this option would carry no additional cost and would add the seat to the general election ballot. The benefits include reduced cost and elimination of the need for the candidate to immediately run for reelection, but the potential downside is that the term of the interim successor would be approximately ten months.

Upon Council's direction, we will continue to work with Supervisor Baird's office and bring back a contract for consideration at an upcoming meeting. It is important to note that we sincerely appreciate Supervisor Baird and her staff making themselves available to assist us on short notice and during a special election.

Conclusion / Suggested Action

Based on the foregoing, I recommend the following action by City Council:

1. Motion to direct the City Clerk to advertise notice of a vacancy on City Council and invite qualified candidates to submit applications on or before (date) for consideration by City Council on (date).
2. Motion to authorize the Mayor to call a special election to fill the vacancy for City Council Seat 3, to be held on _____.