

1 | DATE: November ~~13~~29, 2017

2 | VERSION: #~~1~~2 of November ~~13~~29, 2017

3 | AUTHOR: Commissioner Stan Mills

4 | RE: Discussion of possibly amending the City Charter relative to the process for the  
5 | filling of vacant seats of the Mayor and Commissioner for introductory discussion at the  
6 | Commissioners' workshop of January 8, 2018

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8 | Current language in the City Charter establishes the process for filling a vacant Mayoral or Commissioner  
9 | seat simply as "The Commissioners of Rehoboth Beach shall fill such vacancy for the residue of the  
10 | whole term."

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12 | Other than nominating and conducting a vote by the Mayor and Commissioners, this process omits the  
13 | details of how nominees are brought forward and evaluated before being nominated. Additionally the  
14 | existing process omits the "voice" of the voters whether through not affording public comment or not  
15 | through the process of conducting an election.

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17 | One important point for our awareness might be that a "filled vacancy" is for the duration of the  
18 | unexpired term – which could be up to three years – and not just filled until the next election which, of  
19 | course, could be up to one year.

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21 | This paper is developed to start conversation on the topic of whether or not to amend the City Charter  
22 | relative to the process for filling a vacant Mayor or Commissioner seat.

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25 | Current Charter language:

## 26 | ELECTIVE OFFICES

### 27 | Section 5.

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29 | (a) The six offices of Commissioners of Rehoboth Beach and the office of Commissioner of  
30 | Rehoboth Beach with the title of Mayor of the City of Rehoboth Beach, with duties hereinafter to be  
31 | prescribed, shall be elective. All other offices shall be appointive and the person or persons filling such  
32 | appointive offices shall be appointed by the Commissioners of Rehoboth Beach in the manner hereinafter  
33 | to be prescribed. Six offices of Commissioner of Rehoboth Beach shall be for a three year term. The  
34 | office of Commissioner of Rehoboth Beach with the title of Mayor of the City of Rehoboth Beach shall  
35 | be for a three year term and in every event that a person shall be nominated to this office, the ballots shall  
36 | not only specify that he seeks the Office of Commissioner of Rehoboth Beach, but also that he seeks that  
37 | office with the title of Mayor of the City of Rehoboth Beach, with duties hereinafter to be prescribed.

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39 | (b) The qualifications for the office of Commissioner of Rehoboth Beach as well as the office of  
40 | Commissioner of Rehoboth Beach having the title of Mayor of the City of Rehoboth Beach shall be as set  
41 | forth in Section 3 of this Charter.

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43 | (c) In the case of a vacancy created in any office of Commissioner of Rehoboth Beach, or in the  
44 | office of Commissioner of Rehoboth Beach having the title of Mayor of the City of Rehoboth Beach,  
45 | either by death, resignation, loss of residence in the City of Rehoboth Beach, or other disqualifying event,  
46 | or otherwise, The Commissioners of Rehoboth Beach shall fill such vacancy for the residue of the whole  
47 | term.

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49 | (Yellow emphasis added by Stan.)

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52 Possible ways to address the filling of vacant seat(s).

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- 54 1. Leave the Charter as it is. I.e. that “The Commissioners of Rehoboth Beach shall fill such  
 55 vacancy for the residue of the whole term.”
- 56 2. Leave the Charter as it is (I.e. that “The Commissioners of Rehoboth Beach shall fill such  
 57 vacancy for the residue of the whole term.”) but establish a policy for how nominees are brought  
 58 forward and evaluated.
- 59 3. Leave the Charter as it is (I.e. that “The Commissioners of Rehoboth Beach shall fill such  
 60 vacancy for the residue of the whole term.”) but ~~Amend~~ amend the Charter to allow the filled  
 61 seat to expire at the next municipal election and for the seat to be filled by special election at the  
 62 next municipal election if the duration of the unexpired term extends past the next municipal  
 63 election.
- 64 4. Amend the Charter to allow for the next highest vote recipient/candidate of a municipal election  
 65 to fill the vacancy provided the vacancy is created by the outcome of a municipal election.
- 66 5. Amend the Charter to allow for the vacancy to remain if fewer than \_\_ (to be determined) months  
 67 remain in the unexpired term and otherwise allowing for a special election to fill the vacancy.
- 68 6. Other.
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71 #5 recommended by Commissioner Mills for consideration to allow for voter input and to fulfill City  
 72 Charter “Elective Offices” §5(a) which says that the offices of the Mayor and Commissioners “shall be  
 73 elective.” Proposed language:

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75 If the vacancy shall be less than ~~six~~ six ~~eight~~ eight months in duration, then the seat shall remain vacant. If  
 76 the vacancy should be in excess of ~~six~~ six ~~eight~~ eight months in duration then a special election shall be  
 77 held within 30 – 60 days after the date the vacancy is created.

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80 Additional notes.

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82 Expenditures to run a special election in Rehoboth Beach: \$8,500.00 (approximate)

83

84 From Edgewater County. Excerpted.

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86 Vacancies occurring more than one hundred eighty (180) days following an election.

87 •A notice of the vacancy is posted and published for at least fourteen (14) but no more than thirty  
 88 (30) days prior to making the appointment. After thirty (30) days, if there are no applications, the  
 89 application period will be held open for an additional thirty (30) days. During this application period,  
 90 those interested and qualified to fill the vacancy may submit an application to the City Clerk. The  
 91 names of those persons who are considered for appointment are posted and published as part of  
 92 the agenda for the meeting at which the Council will consider and make the appointment.

93 •At the next regular Council meeting following the close of the application period, or as soon as  
 94 practicable thereafter, Council acts by a majority vote to appoint a member from the applications  
 95 submitted.

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