



AGENDA MEMORANDUM

Legal Department

City Council Meeting Date: July 16, 2024

To: City Council
From: John Agnew, City Attorney
Date: June 28, 2024

SUBJECT: First Reading of an Ordinance to Amend the City Charter to allow City Council greater flexibility in determining interim Council Member appointments and any necessary special election following a vacancy in its membership.

BACKGROUND: Pursuant to Sanibel Charter Sec. 3.07. – Vacancies, forfeiture of office; filling of vacancies, City Council is mandated to appoint an interim member to City Council if a City Council Member vacancy arises. Additionally, in the event a special election is required to elect a new member, this section of the Charter requires it to occur within a tight 30-day window, between 120 and 150 days.

At its February 6, 2024, regular scheduled meeting, City Council directed a draft ordinance be prepared to provide flexibility on when and if to appoint an interim member to City Council following a vacancy and the timing of any necessary special election following a vacancy. City Council detailed many reasons for the requested flexibility, including the significant impracticalities of making interim appointments for relatively short periods of time and the challenges for the Lee County Supervisor of Elections to conduct a special election within the tight 120 to 150-day window of time mandated by the Charter. The significant impracticalities of certain interim appointments cited by City Council include a short window of service (less than six months) and also the increased financial reporting burden to such interim appointees created by the 2023 legislative change in Florida law requiring City Council Members to complete and file a Form 6, rather than the Form 1 (which change is currently suspended by an injunction).

During its March 5, 2024, regular meeting, City Council directed the draft ordinance be brought back for further discussion as to the timing of the referendum that would be required for its adoption.

At its April 2, 2024 meeting, City Council reached consensus that a greater number of voters would vote during the March 4, 2025 election and therefore the referendum must be submitted to the Supervisor of Elections by November 4, 2024, requiring First Reading be scheduled no later than September 9, 2024, and Second Reading for October 1, 2024.

RECOMMENDED ACTION: Staff recommends City Council schedule the Ordinance for Second Reading on August 20, 2024.