

**THE FOLLOWING IS ALTERNATIVE LANGUAGE FOR SECTION 2.5 OF THE CHARTER
(alternative to what is found on page 12 of 39 above):**

Section 2.5 Vacancies; Forfeiture of Office; Filling of Vacancies

(A) Vacancies. The office of a council member shall become vacant upon his/her death, resignation, disability, suspension or removal from office in any manner authorized by law or by forfeiture of his/her office.

(B) Forfeiture of Office

(1) Forfeiture by Disqualification. The mayor, vice-mayor or council member, shall forfeit his/her office if at any time during his/her term s/he:

(a) ceases to maintain his/her permanent residence in the town. Provided, however, that a residential area council member who ceases to reside in his/her respective residential area during his or her term, but continues to reside within the town, shall not forfeit his/her office under this paragraph but shall continue to serve until the next regularly scheduled town election, at which time an election shall be held to fill the seat for the unexpired term or a new term, if applicable.

~~(b) in the case of a residential area council member, upon his/her ceasing to reside in his/her respective residential area; a residential area council member shall not forfeit his/her office under this paragraph if, in the process of relocating within a residential area, s/he lives outside of his/her residential area but within the town for a period of no more than 90 days.~~

~~(c)~~ (b) intentionally commits any prohibited act pursuant to this charter as determined by a court of law.

~~(d)~~ (c) otherwise ceases to be a qualified elector of the town.

(2) Forfeiture by Absence. Any member of the town council who fails to attend town council meetings without good cause for a period of three (3) consecutive months, shall be subject to forfeiture of his or her office according to the procedures in Section 2.5(B)(3) of the town charter.

(3) Procedures. The council shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a council member's office, including but not limited to whether or not good cause for absence has been or may be established. The burden of establishing good cause shall be on the council member in question; provided, however, that any council member may at any time during any duly held meeting move to establish good cause for the absence of him/herself or the absence of any other council member, from any past, present or future meeting(s), which motion, if carried, shall be conclusive. A council member whose qualifications are in question, subject to due process or who is otherwise subject to forfeiture of his/her office, shall not vote on any such matters. The council member in question shall be entitled to a public hearing upon request regarding an alleged forfeiture of office. If a public hearing is requested, notice thereof

shall be published in one or more newspapers of general circulation in the town at least one week in advance of the hearing. Any final determination by the council that a council member has forfeited his/her office shall be made by a minimum of three council members by resolution. All votes and other acts of the council member in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

(C) Filling of Vacancies. A vacancy on the council shall be filled as follows:

- (1) If less than six months remain in the unexpired term, the vacancy shall be filled by resolution of the council, at its next regularly scheduled meeting.
- (2) If six months or more remain in the unexpired term, the vacancy shall be filled by resolution of the council, at its next regularly scheduled meeting or a special meeting to be held no later than 30 days after the vacancy occurs. The nominee shall fill the vacancy until the next scheduled regular county-wide election in Miami-Dade County at which time an election shall be held to fill the vacancy for the balance of the term. However, if the council is unable to confirm a nominee, a special election to fill that vacancy shall be held no later than 90 days following the occurrence of the vacancy.
- (3) If the mayor's position becomes vacant, the vice-mayor shall complete the term of mayor, even if said complete term shall cause the vice-mayor to exceed the term limits as specified in Section 2.3 (E). The vacancy of vice-mayor thus created shall be filled in the manner that the vacancy of a council member is generally filled under this article. If the elected mayor shall be returned to office, s/he shall automatically resume the duties of the office for the remainder of the term for which elected, and the vice-mayor shall be returned to complete the balance of his/her term. The appointment **or election** of the person to complete the term of the vice- mayor shall be automatically rescinded.
- (4) A vacancy in seats 1-3 shall be filled by a qualified elector residing in the respective residential area. A vacancy for vice-mayor shall be filled by any qualified elector of the town.
- (5) Persons filling vacancies shall meet the qualifications specified in this article.
- (6) If no candidate for a vacancy meets the qualifications under this article for that vacancy, the council shall appoint a person qualified under this article to fill the vacancy.
- (7) In the event that the number of council members to make a quorum are removed by death, disability, recall, forfeiture of office and/or resignation, the governor of the State of Florida shall appoint additional interim council members to fill vacancies who shall call a special election within not less than 45 days or more than 60 days after such appointment. Such election shall be held in the same manner as the first elections under this charter; provided, however, that if there are less than six months remaining in any of the unexpired terms, such interim council appointee(s) by the governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates provided for in this article.