



Cover Memorandum/Staff Report

File #: 25-979

Agenda Date: 8/12/2025

Item #: 7.E.

TO: Mayor and Commissioners
FROM: Lynn Gelin, City Attorney
DATE: August 12, 2025

DISCUSSION CONCERNING FILLING THE VACANCY CREATED BY THE RESIGNATION OF VICE MAYOR LONG

Recommended Action:

The Commission is asked to provide direction on the procedure for filling the vacancy created by Vice Mayor Rob Long's resignation.

Background:

On July 23, 2025, Vice Mayor Rob Long submitted an irrevocable letter of resignation pursuant to Section 99.012(3), Florida Statutes, in light of his intention to qualify as a candidate for the Florida House of Representatives, District 90, seat. The resignation is effective December 8, 2025.

Section 3.08 of the City of Delray Beach Charter provides that "the office of a Commissioner, including the Mayor, shall become vacant upon the incumbent's death, resignation, forfeiture, or removal from office in any manner authorized by law. Any vacancy in the membership of the Commission, other than at the close of a regular term, shall be filled according to the following procedure.

(A) *Vacancy in Office of Commissioner.* In the event of a vacancy other than in the office of the Mayor, the remaining Commissioners, including the Mayor, shall appoint, by a majority vote, a qualified person to fill the vacancy.

(1) If the term of office in which the vacancy occurs expires on the last Thursday in March following the next regular City election, the person so appointed shall only serve until that date.

(2) If the vacancy occurs sixty (60) or more days preceding the date of the next regular City election, and if the term of office in which the vacancy occurs does not expire on the last Thursday in March following that election, the person so appointed shall serve until the last Thursday in March and the remainder of the unexpired term shall be filled at that election.

(3) If the vacancy occurs less than sixty (60) days preceding the date of the next regular City election, and if the term of office in which the vacancy occurs does not expire on the last Thursday in March following that election, the person so appointed shall serve for the entire remainder of the unexpired term.

(4) If a majority of the remaining Commissioners, including the Mayor, are unable to agree, after

two (2) regular meetings, upon the appointment of an individual to fill a vacancy. The Commission shall call a special election to fill the vacancy. The special election shall be held within sixty (60) calendar days of the second regular meeting.”

In light of Vice Mayor Long’s resignation, the remaining Commissioners and Mayor Carney are required to appoint, by a majority vote a qualified person to fill the vacancy. Vice Mayor Long is not permitted to vote on this matter. Thereafter, the person appointed will serve until the last Thursday in March.

City Attorney Review:

Approved as to form and legal sufficiency.