



## Legislation Details (With Text)

**File #:** 20-0314      **Version:** 1      **Name:**  
**Type:** Discussion Items      **Status:** General Agenda  
**File created:** 12/30/2020      **In control:** Town Commission  
**On agenda:** 1/5/2021      **Final action:** 1/5/2021  
**Title:** Discussion of Absence of the Mayor  
**Sponsors:** JP Murphy  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

### Summary

**To:** Mayor Gary H. Katica & Commisisoners  
**From:** JP Murphy, Town Manager  
**Date:** 12/30/2020  
**Subject:**  
Discussion of Absence of the Mayor

### Summary:

The Town Code of Ordinances Section 2.03 - Vacancies, governs vacancies and forfeitures of office. The verbatim code is as follows:

Sec. 2.03. - Vacancies.

(a) *When vacancy occurs.* The office of a commissioner shall become vacant upon his death, resignation, forfeiture or removal from office in any manner authorized by law.

(b) *Forfeiture of office.* A commissioner shall forfeit his office if he:

- (1) Lacks at any time during the term of his office any qualification for the office prescribed by this charter or by law.
- (2) Is convicted of a crime involving moral turpitude.
- (3) Fails to attend four (4) consecutive regular meetings of the commission, unless such absence is excused by the commission.

(c) *Filling of vacancies.* A vacancy in the commission shall be filled by majority vote of the remaining members of the commission, and the person so elected shall serve as commissioner until the next regular election. Any person elected to fill such a vacancy shall possess all the qualifications required of a commissioner by this Charter and by law. At the next regular town election a special ballot shall be voted upon to elect a commissioner to serve any remainder of the unexpired term of the office filled by vote of the commission.

Additionally, Section 2.05 - Judge of Qualifications provides that: The commission shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of office, and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged

with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the town at least one week in advance of the hearing. Decisions made by the commission under this section shall require at least three (3) affirmative votes.

At the December 15<sup>th</sup>, 2020 meeting, the Commission asked that this item be place on the agenda for discussion purposes. The Mayor has not attended 11 of 24 meetings this year, and 5 of the last 5 meetings since in person attendance was required.