



CITY OF Boca Raton

201 WEST PALMETTO PARK ROAD • BOCA RATON, FL 33432
PHONE (561) 393-7789
FAX: (561) 393-7784
(FOR HEARING IMPAIRED) TDD (561) 367-7043
www.myboca.us

DATE: October 6, 2026

TO: Mayor and City Council

FROM: Mark Sohaney, City Manager 

SUBJECT: **Seat C Temporary Appointment – Updated Recommendation and Proposed Process**

This memorandum updates my prior recommendation regarding the anticipated Seat C vacancy. Council has not decided whether to make a temporary appointment or whether to adopt an application, interview, or selection process. The matter will be discussed at the October 13, 2026, Council Workshop. The approach, selection considerations, and schedule below are my recommendations for Council's consideration; they are not established Council policy or an approved process.

BACKGROUND AND COUNCIL CONSIDERATION

Council Member Drucker's resignation becomes effective November 10, 2026. As explained in the City Attorney's accompanying memorandum, a temporary appointment would cover the remainder of the current term, which ends March 30, 2027. The new Council term begins March 31, 2027.

The first question for Council is whether it wishes to exercise its authority under the City Charter to make a temporary appointment. The Charter permits, but does not require, Council to make an appointment. If Council decides to proceed with an appointment, it may then determine the application process, selection considerations, interview format, and timetable.

At the October 13 Workshop, I recommend that Council first discuss whether to make a temporary appointment and, if Council decides to proceed, provide direction on the application process, selection considerations, interview format, and timetable. Council may decide to appoint or not to appoint, subject to applicable legal requirements and the City Attorney's guidance. If Council elects to appoint, it may accept, modify, or decline the recommended process and policy considerations outlined in this memorandum.

My recommendation regarding the process applies if Council first elects to fill the vacancy by appointment. In that event, I recommend that Council use a public application and interview process and be prepared to make a temporary appointment promptly after the vacancy becomes effective. I have not recommended leaving the seat unfilled. My comments regarding the appointment's duration and its proximity to the March election relate to potential selection considerations, not to a determination that Council must fill the vacancy.

RECOMMENDED APPROACH AND SELECTION CONSIDERATIONS

If Council elects to proceed with an appointment, I recommend a transparent process that provides interested residents an opportunity to apply, allows Council sufficient time to review qualified applicants, and positions Council to consider an appointment at its regular meeting on November 10.

Council's decision to initiate an application and interview process would not obligate Council ultimately to make an appointment; Council retains its discretion throughout the process, and any appointment would require the affirmative vote required by the Charter.

I also recommend that Council consider the temporary appointment as a caretaker role. In addition to meeting the legal qualifications for Council service, the appointee should be prepared to assume the responsibilities immediately, devote the necessary time to the position, and serve effectively during the approximately four-and-one-half-month interim period.

Because voters will separately elect the Council Member who will serve the new Seat C term beginning March 31, Council may also wish to discuss whether an applicant's intention to seek election to Seat C or Seat D in March 2027 should be considered as part of the selection process. In my view, selecting an appointee who is not seeking election would help preserve a neutral playing field and avoid an actual or perceived advantage of incumbency. Whether and how to use that consideration is a policy determination for Council; it is not an additional legal qualification, an automatic disqualification, or a condition that Council must adopt.

Council retains responsibility for deciding whether to appoint and, if it proceeds, whom to select. Council may consider the factors below, an applicant's election intentions, or other selection criteria it determines appropriate, subject to applicable legal requirements. No otherwise qualified applicant would be excluded solely on the basis of a policy preference in this memorandum unless Council has directed how that consideration is to be applied, consistent with the City Attorney's guidance.

Other factors Council may wish to consider include:

- prior public or civic service;
- familiarity with City government and current City issues;
- experience participating in governmental or organizational decision-making;
- availability to attend Council meetings, workshops, briefings, and other required functions;
- ability to assume the responsibilities of the office immediately; and
- demonstrated involvement in and commitment to the Boca Raton community.

PROPOSED PROCESS AND TIMELINE

If Council decides at the October 13 Workshop to proceed with an appointment process, I recommend the following schedule:

- **October 13, 2026 – Council Workshop:** Council first discusses whether it wishes to proceed with a temporary appointment and, if so, provides direction on the proposed process, selection considerations, application requirements, interview format, and timetable.
- **October 14, 2026 – Applications Open:** Following Council direction, staff publicly announces the opportunity, posts the application and legal qualifications, and begins accepting applications.
- **October 30, 2026, at 12:00 noon – Applications Close:** Staff reviews application completeness and coordinates verification of the basic legal qualifications with the City Clerk and City Attorney. Application materials are provided to Council sufficiently in advance of the interviews.
- **November 9, 2026, at 6:00 p.m. – Special Council Meeting:** Council conducts public interviews of applicants in accordance with the process and format established by Council.
- **November 10, 2026 – Regular City Council Meeting:** After the resignation becomes effective, Council considers a temporary appointment. If Council selects an appointee in accordance with applicable requirements, the appointee may be sworn in following the appointment and serve through March 30, 2027.

This schedule is proposed and remains subject to Council direction. The application form, interview format, voting procedure, and meeting arrangements would be finalized by staff in coordination with the City Clerk and City Attorney, only after Council provides that direction.

NEXT STEPS

At the October 13 Workshop, I request Council direction first on whether it wishes to proceed with a temporary appointment and, if so, whether to adopt or modify the recommended approach and timetable.

If Council directs staff to proceed, staff will implement the approved process beginning October 14. If Council elects not to appoint or directs a different approach, staff will proceed in accordance with that direction and the City Attorney's guidance.

The purpose of this recommendation is to provide Council with a clear, transparent, and timely option if it elects to fill the vacancy by temporary appointment. The decision whether to appoint, the process to follow, the selection criteria, and the ultimate appointment remain Council decisions, subject to applicable legal requirements.



CITY OF Boca Raton

CITY HALL
201 WEST PALMETTO PARK ROAD • BOCA RATON, FL 33432
PHONE: (561) 393-7700
(FOR HEARING IMPAIRED) TDD: (561) 367-7043
www.myboca.us

TO: Mayor and City Council

FROM: Joshua P. Koehler *gpk*
City Attorney

DATE: August 14, 2026

SUBJECT: Seat C vacancy – temporary appointment and election process

Council Member Drucker has submitted an irrevocable resignation from Seat C, effective November 10, 2026, in connection with her candidacy for Palm Beach County Clerk of the Circuit Court and Comptroller.¹ Her resignation will create a vacancy for the remainder of her current Council term, which ends March 30, 2027.

Section 3.08(c) of the City Charter authorizes the City Council to appoint a qualified person to temporarily fill the vacancy and serve through the remainder of Council Member Drucker's current term. The new Seat C term begins March 31, 2027, and the voters will elect a new Council Member at the March 9, 2027, Uniform Municipal Election.

This memorandum summarizes the Charter provision and law governing the vacancy, the City's prior practice, and the City Council's discretion in selecting a temporary appointee. The City Manager is separately providing Council with his recommended process and timeline for making the appointment.

EXECUTIVE SUMMARY

- **Vacancy date:** Seat C becomes vacant on November 10, 2026, when Council Member Drucker's resignation takes effect.
- **Temporary appointment:** Section 3.08(c) expressly authorizes the City Council to appoint a qualified person to temporarily fill the vacancy. The appointment requires three (3) affirmative votes.
- **Length of appointment:** The appointee may serve through the end of Council Member Drucker's current term at midnight on March 30, 2027.
- **Regular election:** The voters will elect a Council Member for the new Seat C term at the March 9, 2027 Uniform Municipal Election. That new term begins on March 31, 2027.

¹ Section 99.012(3), Florida Statutes (the "Resign-to-Run" law), requires an elected official running for another office with an overlapping term to submit an irrevocable written resignation before qualifying for the new office. Council Member Drucker complied with these requirements by submitting her irrevocable resignation on May 26, 2026, effective November 10, 2026. Accordingly, her Council seat will become vacant on November 10, 2026 (the date she would take office as Clerk if elected).

- **Appointment process:** Neither the Charter nor the City Code prescribes a particular application or selection process. The process is ultimately for the City Council to determine, and the City Manager is separately providing his recommended process and timeline.
- **Prior City practice:** In both 2020 and 2022, the City Council used a temporary appointment to fill a Council vacancy through the remainder of the existing term, with the appointment ending when the succeeding term began.

WHAT THE CHARTER PROVIDES

Section 3.08(c) of the City Charter governs the filling of a vacancy in a Council seat. It reads as follows:

“If a vacancy occurs in the council for any reason whatsoever, other than a vacancy in the office of mayor, a special election shall be held to fill the vacancy for the remainder of the unexpired term. The special election shall be held no later than the Tuesday following the ninetieth (90th) day after the vacancy occurs, or as soon thereafter as practicable; provided, however, if the vacancy occurs within one hundred fifty (150) days of a previously scheduled federal, state, countywide, or city election, or within one hundred fifty (150) days of the date of a Uniform Municipal Election, the special election may be held concurrently with such election, if practicable. For the period prior to the special election, the council, by a majority vote of its remaining members, including the mayor, may appoint a qualified person to temporarily fill the vacancy and serve until the office is filled by election.”

The Charter generally requires a special election to fill the remainder of an unexpired Council term. That election ordinarily must be held by the Tuesday following the ninetieth (90th) day after the vacancy, or as soon thereafter as practicable.²

However, the Charter also allows the special election to be combined with another scheduled election. If the vacancy occurs within one hundred fifty (150) days of a federal, state, countywide, City, or Uniform Municipal Election, the special election may be held at the same time (again, if practicable).

Until the office is filled by election, the City Council “may” appoint a qualified person to serve temporarily in the vacant seat. Because Section 3.08(c) requires a majority vote of the remaining members, an appointment requires three (3) affirmative votes.

APPLICATION TO THE SEAT C VACANCY

Applied here, Seat C becomes vacant on November 10th. The March 9th election occurs one hundred nineteen (119) days later. Council Member Drucker’s current term ends March 30, 2027, and the new Seat C term begins the next day, March 31st, one hundred forty-one (141) days after the vacancy. Both dates fall within the Charter’s one hundred fifty (150) day period.

² The ninetieth (90th) day following the November 10th vacancy is February 8, 2027. The Tuesday following the 90th day is February 9, 2027. The Palm Beach County Supervisor of Elections will not conduct a separate municipal election for Seat C on that date, and, more importantly, the Charter does not require one.

The City Council may therefore appoint a qualified person to serve the remainder of Council Member Drucker's current term through March 30th, a period of approximately 4 ½ months, because the regularly scheduled Seat C election will occur, and the office will be filled by election, within the Charter's 150-day window.

PRIOR CITY PRACTICE

In October 2020, after Council Member Jeremy Rodgers' military deployment created a Seat C vacancy, the City Council appointed Yvette Drucker to serve the remainder of the term through March 2021. Similarly, after Council Member Andy Thomson resigned in November 2022 under the "Resign-to-Run" law, the City Council appointed Fran Nachlas to serve the remainder of the Seat A term through March 2023. In both instances, the temporary appointment bridged the vacancy through the expiration of the existing term.³

APPOINTMENT PROCESS

Neither the Charter nor the City Code requires a specific process for selecting the temporary appointee. The person must be qualified and receive the required majority vote of the remaining Council Members, but there is no required application period, interview process, selection criteria, or nomination procedure. The appointment process is therefore for the City Council to determine. The City Manager is separately providing Council with a recommended process and timeline for applications, candidate review, interviews, and the final appointment.

COUNCIL'S DISCRETION IN SELECTING THE APPOINTEE

The Charter sets the minimum qualifications to serve: the appointee must be a registered voter and City resident. It does not require Council to choose any particular qualified applicant. The four remaining Council Members therefore have discretion to select among qualified applicants and may consider factors such as experience, availability, familiarity with City issues, independence, and the temporary nature of the appointment. Simply put, the Charter determines who is eligible; the City Council decides whom to appoint.

TECHNICAL NUANCE

There is one technical nuance in the Charter language that, if read literally and in isolation, could suggest the highly unusual result of two separate elections for the same Seat C appearing on the same March ballot. However, when Section 3.08(c) is read as a whole and in light of its purpose (maintaining continuous representation and ensuring that voters select the succeeding Council Member), the City is on solid legal

³ The City has used temporary appointments to fill Council vacancies for decades. In 1981, John Meyer resigned and Alan Alford was appointed. In 1992, Steven Abrams resigned and was reappointed. In 2001, Susan Whelchel resigned and Jack Davenport was appointed. In 2008, Peter Baronoff resigned and Michael Mullaugh was appointed.

ground appointing a qualified person through March 30th, with the elected successor taking office when the new term begins on March 31st.⁴

CONCLUSION

Section 3.08(c) of the City Charter gives the City Council a clear mechanism to maintain full representation following Council Member Drucker's resignation. The City Council may appoint a qualified person to serve temporarily through the remainder of her current term, while the voters select the Council Member who will serve the succeeding term.

Please feel free to call me if you have any questions or would like to discuss this matter further.

cc: Mark Sohaney, City Manager
Mary Siddons, City Clerk

⁴A literal reading of the Charter in isolation could theoretically produce two legally distinct contests for the same seat on the same March ballot: one special election for the final twenty-one (21) days of the current term, and one regular election for the new term beginning March 31st. That structure creates an obvious potential for significant voter confusion (including confusion over why Seat C appears twice on the same ballot, whether voters may vote in both contests, and which term each contest concerns) with little practical benefit. By the time the special election is canvassed, certified, and the winner takes office, only a handful of days of the current term may remain. That result is not compelled when Section 3.08(c) is read as a whole, particularly because the Charter permits a concurrent special election only "if practicable," and the entire vacancy period is resolved within its 150 day framework. In practical effect, the March 9th regular election serves the Charter's electoral purpose by allowing the voters to select the successor who will take office immediately upon expiration of the current term.