

**RESOLUTION NUMBER 26-035**

**A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING THE TOWN COUNCIL'S POLICIES AND PROCEDURES MANUAL TO ADD SECTION 13 FOR THE INTERVIEW/SELECTION PROCESS FOR APPOINTMENT TO A VACANT TOWN COUNCIL SEAT IN THE EVENT OF A DECLARATION OF A VACANCY CONSISTENT WITH SECTION 4.06 OF THE TOWN OF FORT MYERS BEACH CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, Section 2 of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, Article X of the Town Charter empowers the Town Council to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

**WHEREAS**, in the recent past, the Town Council has amended its Policies and Procedures Manual by approval of Resolutions 23-182 and 24-178 and now desires to further amend its Policies and Procedures to provide for a uniform and transparent process for the appointment of individuals to fill vacancies consistent with Section 4.06 of the Town of Fort Myers Beach Town Charter; and

**WHEREAS**, adoption of this Resolution promotes public participation and is in the best interest of the Town and its residents.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:**

Section 1. The foregoing "Whereas" clauses are ratified and confirmed as being true and correct, are the legislative and administrative findings of the Town Council and made a specific part of this Resolution.

Section 2. Section 13 as provided in Exhibit A shall be added to the Town Council's Policies and Procedures Manual and is approved.

Section 3. This Resolution shall take effect immediately upon its adoption by the Town Council.

**THE FOREGOING RESOLUTION** was adopted by the Town Council upon motion by Vice Mayor Safford and seconded by Council Member King, and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	Aye
Scott Safford, Vice Mayor	Aye
John King, Council Member	Aye
Rebecca Link, Council Member	Aye
Vacant, Council Member	N/A

**ADOPTED** this 2<sup>nd</sup> day of February 2026, by the Town Council of the Town of Fort Myers Beach, Florida.

**TOWN OF FORT MYERS BEACH**

*Dan Allers*

Dan Allers (Feb 3, 2026 11:39:40 EST)

\_\_\_\_\_  
Dan Allers, Mayor

**ATTEST:**

*Amy Baker*

Amy Baker (Feb 3, 2026 12:01:02 EST)

\_\_\_\_\_  
Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

*[Signature]*

[Signature] (Feb 2, 2026 16:52:22 EST)

\_\_\_\_\_  
Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this Feb 3, 2026.

## **EXHIBIT “A”**

### **13. Interview and Selection Process for Vacant Town Council Seats**

In the event of a vacancy on the Town Council pursuant to Section 4.06 of the Town Charter, the Town Council shall:

1. Declare and announce at a public meeting the reason for the vacancy.
2. Direct the Town Manager or designee to notify the public as soon as reasonably practicable, by the most appropriate means, including but not limited to posting on the Town’s website, issuance of a press release, social media, or advertisement, that a vacancy on the Town Council has occurred. Such notice shall include instructions on how to apply to serve as a Town Council Member and notice that a Form 1 must be filed with the Florida Commission on Ethics pursuant to Florida law.
3. Appoint an individual who is qualified as provided in Section 4.01(c) of the Town Charter to serve as a Town Council Member for the remainder of the unexpired term.

To promote consistency and transparency and to ensure compliance with Florida’s Government-in-the-Sunshine Law, the interview and appointment process shall be conducted during a publicly noticed meeting in the Sunshine.

### **INTERVIEW PROCESS FOR APPOINTMENT TO VACANT TOWN COUNCIL SEAT**

The Town Clerk or designee shall administer the interview process on behalf of the Town Council.

### **PUBLIC COMMENT**

Public comment shall be conducted in accordance with the Town Council’s established public comment procedures. Members of the public may be offered the opportunity to provide general public comment during the designated public comment portion of the meeting or to provide public comment specific to the applicant interview agenda item prior to the commencement of applicant interviews, unless otherwise decided by the Town Council.

### **INTERVIEW FORMAT**

Each applicant shall participate in the following structured interview process in a public meeting, which shall include the following components, unless otherwise decided by the Town Council:

1. Opening Statement  
Each applicant shall be provided with the opportunity to present an opening statement without interruption.
2. Standardized Question Period  
Each applicant shall be interviewed individually and asked the same set of questions.
3. Clarifying Question Period  
The Town Council may ask limited clarifying questions related to an applicant’s prior responses.

## **TOWN COUNCIL DELIBERATION AND VOTE**

Following conclusion of all applicant interviews:

- Town Council shall deliberate in a public meeting.
- Candidates shall not participate in Town Council deliberations
- The Town Council shall select the appointee by a majority vote, using a voting method determined by the Town Council and conducted in compliance with applicable law. The voting methods may include verbal or written ballot.

If no applicant receives a majority vote by eligible members, the Town Council may take alternative action, including but not limited to additional voting, continuation of the matter to a subsequent publicly noticed meeting, or readvertising the vacancy.

## **APPOINTMENT AND OATH**

Upon appointment by majority vote:

- The appointment shall be announced on the record.
- The Oath of Office shall be administered immediately or at a future identified public meeting.

Nothing in this section shall be interpreted to supersede or conflict with applicable provisions of the Town Charter, the Code of Ordinances, Florida Statutes, or other applicable federal, state, or local laws. In the event of a conflict, the applicable law shall control.