

**DISTRICT 5 COMMISSION VACANCY
INSTRUCTIONS & INFORMATION**

All individuals interested in the District 5 Commission seat should submit a letter of interest and a resume to the City Clerk's Office, 2345 Providence Blvd., 2nd Floor, Deltona, FL 32725 or via e-mail at jraftery@deltonafl.gov by 5:00 p.m. on Friday, September 8, 2017. Any person appointed to fill a vacant seat on the Commission is required to meet the qualifications of the seat to which he/she is appointed except the petition requirement and each qualification must be specifically indicated in the letter of intent. The City Commission at their Regular Commission Meeting to be held on Monday, September 18, 2017 will appoint by a majority vote a person to fill the vacancy until the next regularly scheduled City election to be held in November, 2018.

City Charter:

Section 5. City Commission.

(2) TERMS OF OFFICE.

The term of office for each Commissioner shall be four (4) years. Term of office for each Commission shall be 4 years except that, in order to provide for staggering of terms, the initial term of office for District Seats One, Three, Five and the Mayor's Seat shall be for 2 years. Neither the Mayor nor any other Commissioner may serve more than two successive 4-year terms in the same seat. Each Commissioner shall remain in office until his or her successor is elected and assumes the duties of the position at the first meeting of the new Commission which shall be held on the first Monday following the regularly scheduled general election.

(3) POWERS AND DUTIES OF COMMISSION.

Except as otherwise prescribed herein or provided by law, legislative and police powers of the City shall be vested in the Commission. The Commission shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the City by law.

(6) COMPENSATION AND EXPENSES.

(a) Compensation. The Mayor and members of the City Commission shall receive annual compensation, payable bi-weekly, equivalent to average annual salary of the Mayor and Commissioners in the cities within Volusia County. Said compensation shall not include benefits, except medical benefits under the City's group health insurance plan, the premium costs of which shall be fully paid by the members of Commission who elect coverage. Said compensation shall be identified as a line item within the annual budget and shall be automatically adjusted every two years coincident with adoption of the annual budget.

(b) Expenses. The Commission may provide for reimbursement of actual expenses incurred by its members while performing their official duties.

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(7) VACANCIES, FORFEITURE OF OFFICE; SUSPENSION; FILLING OF VACANCIES.

(a) Vacancies. A vacancy in the office of a Commissioner shall occur upon the death of the incumbent, removal from office as authorized by law, resignation, and appointment to other public office which creates dual office holding, judicially determined incompetency, or forfeiture of office as herein described.

(b) Forfeiture of office. A Commissioner shall forfeit his or her office upon determination by the Commission, acting as a body, that he or she:

1. Lacks at any time, or fails to maintain during his or her term of office, any qualification for the office prescribed by this Charter or otherwise required by law;
2. Is convicted of a felony, or enters a plea of guilty or nolo contendere to a crime punishable as a felony, even if adjudication of guilt has been withheld;
3. Is convicted of a first degree misdemeanor arising directly out of his or her official conduct or duties or enters a plea of guilty or nolo contendere thereto, even if adjudication of guilt has been withheld;
4. Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
5. Is absent from three consecutive regular Commission meetings without being excused by the Commission.

(c) Suspension from office. A Commissioner shall be suspended from office by the Commission acting as a body upon return of an indictment or issuance of information charging the Commissioner with any crime which is punishable as a felony or with any crime arising out of his or her official conduct or duties which is punishable as a misdemeanor. Pursuant thereto:

1. During the period of suspension, the Commissioner shall not perform any official act, duty, or function, or receive any pay, allowance, emolument, or privilege of office.
2. If the Commissioner is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered in such manner that suspension would no longer be required as provided herein, the suspension shall be lifted by the Commission, and the Commissioner shall be entitled to receive full back pay and such other emoluments or allowances as he or she would have been entitled to had the suspension not occurred.

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(d) Filling of vacancies.

1. If a vacancy occurs in the office of Mayor, the Vice Mayor shall serve as Mayor until a new Mayor is elected at the next regularly scheduled City election and assumes the duties of his or her office. The Commission shall fill the Commissioner's seat temporarily vacated by the Vice Mayor by appointment as herein provided.
2. If any vacancy occurs in the office of any Commissioner other than the Mayor and the remainder of the unexpired term is less than 2 years, the remaining Commissioners shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy for the remainder of the unexpired term. If, however, the remainder of the unexpired term exceeds 2 years, the remaining Commissioners shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy until the next regularly scheduled City election.
3. Any person appointed to fill a vacant seat on the Commission is required to meet the qualifications of the seat to which he or she is appointed, except the petition requirement.