

From: Kenneth Weiss kweiss1@tampabay.rr.com

Subject: Unlawful extension of time to qualify

Date: Dec 27, 2023 at 4:51:25 PM

To: Andrew Dickman andrew@dickmanlawfirm.org, Matthew McConnell  
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Andrew, I know it's a difficult situation, but I see no legal basis for extending the time to qualify because only one person submitted an application for a position and was present. This appointment agenda cannot be resolved on an ad hoc basis, as was done on December 21. The city issued a notice. Candidates responded. There was no condition as to the number of candidates. The candidate for District 2 was present. If you had postponed ALL of the decisions it might have been defensible, but the fact that you chose District 4 is a clear indication that the commission was ready to make decisions and the only reason it didn't select Lisa Robinson is because they didn't like her. That's not sufficient. If only one candidate qualifies for an election, that person is elected. There is no asking for more candidates. That is the law and that should have been followed.

So, in my opinion, there's a way to avoid litigation. Explain to the Commission that you have reevaluated the decision not to appoint a district 2 Commissioner. If you do some research I'm sure you will find precedent. You can then ask the newly appointed District 2 Commissioner if he would consider resigning and ask the Commission to appoint Ms. Robinson. Because that is the law, Andrew. I know in the hot and heavy intensity things happen. This was one of them. I respectfully request that you consider the above. I never give odds on winning, I only tell clients which side I'd rather be on. And in this one, it is not the commission. Anyone watching that meeting can tell right away that some of the commissioners, one in particular, had an agenda, especially when paired with video of the selection of the District 2 Commissioner today.

I realize there is probably not much of a chance that you would propose this to the Commission, especially if Mr. F, is still on it. But please think about it.

Regards,

Ken