



City of North Miami Beach, Florida

MAYOR AND COUNCIL

COUNCIL CONFERENCE

Tuesday, July 20, 2010

6:30 p.m.

Fourth Floor, Council Chambers

AGENDA

- 1. Group 7 Vacancy Appointment Process (*Susan A. Owens, City Clerk*)**



City of North Miami Beach
Interoffice Memorandum

Office of the City Clerk

TO: Honorable Mayor and City Council
FROM: Susan A. Owens, CMC, City Clerk *SAO*
DATE: July 20, 2010

RE: Appointment Process for Council Vacancy

BACKGROUND

Councilman Julien has submitted a resignation letter with an effective date of November 1, 2010. His resignation will create a vacancy on the Council of just over six (6) months. Pursuant to Section 19 of the City Charter, the City Council is vested with the responsibility to fill such vacancies in elective office if there is less than one year left in the individual's term.

At the July 6, 2010 Council Conference, a draft procedure to fill this vacancy was presented to the City Council for their consideration; and, after discussion, further research and options were requested. Staff researched the issue further and has compiled several appointment process options based upon the thirteen (13) responses received from comparable municipalities in Miami-Dade, Broward, and Palm Beach counties.

RECOMMENDATION

Staff is requesting that the Council review the attached options and provide direction as to how they wish to proceed. Once the appointment process has been confirmed, a schedule will be prepared and the vacancy will be advertised.

CC: Kelvin L. Baker, City Manager
Darcee S. Siegel, City Attorney

2010 Appointment Process Options for Council Vacancy Group 7

Step 1: Find Applicants*

- Option 1- Request for Letters of Interest/Application Process (*Council will need to decide whether or not to issue a Cone of Silence*)
- Option 2- Council members bring forth individual nominations (*Council will need to ensure nominee meets with City Clerk at least 2 weeks before nomination is made in order to determine if applicant is qualified to hold office*)

*To be qualified to fill this vacancy, all applicants:

1. Must be qualified to hold office pursuant to the terms of the Charter of the City of North Miami Beach and the laws of the State of Florida;
2. Must be a registered elector of the City of North Miami Beach;
3. Must have resided within the City limits for at least one (1) year prior to November 2, 2010;
4. Must be fingerprinted by the City of North Miami Beach Police Department and pass a background check;
5. Must submit a sworn oath stating that the applicant is qualified to run for office (form to be provided by City Clerk); and
6. Must submit a completed 2009 Form 1 Financial Disclosure Form.

Step 2: Council Review of Applications

- Option 1a- Individual interviews
- Option 1b- Public meeting interviews/presentations of all applicants
- Option 2a- Shortlist, then individual interviews
- Option 2b- Shortlist, then public interviews/presentations
- Option 3a- Individual interviews, then shortlist
- Option 3b- Public meeting interviews/presentations of all applicants, then shortlist

Step 3: Selection of Applicant

- Option 1- Motion to appoint made by any Council member
- Option 2- Use pre-determined rating sheet (highest score gets nomination)
- Option 3- Use pre-determined rating sheet to identify top two applicants, then a motion to appoint either of these two applicants made by any Council member

Step 3A: In the Event There is a Tie/No One Receives the Required Number of Votes

- Option 1- Nominations can be remade until a consensus is reached
- Option 2- Council can shortlist to the closest three (or any number) and re-rate/re-vote on only those applicants
- Option 3- Nomination can be made by lot in a manner prescribed by ordinance (Charter provision for general election tie-breakers)
- Option 4- Council can throw out all applications and seek new applicants
- Option 5- Council can choose to leave the seat vacant until the May 2011 election