

THOMAS SCOTT – District 5
Chairman
MARY MULHERN – District 2 At-Large
Open Positions – District 3 At-Large
District 4



GWEN MILLER – District 1 At-Large
Chairman Pro-Tem
CHARLIE MIRANDA – District 6
JOSEPH CAETANO – District 7

June 28, 2010

Dear prospective City Council member,

Thank you for your participation in this important civic process.

On June 24th, the City Council heard the petition of Mangroves Bar and Grill, Inc., File No. V10-216. Because it failed to receive four votes either to approve or deny as required by the City Charter, it was rescheduled for a vote on July 29, 2010, when a full Council will be seated.

The public hearing has closed, and no further evidence will be taken. Newly appointed City Council members will need to view the hearing on DVD and review the record prior to voting.

It would be prejudicial to receive any additional evidence outside of what occurred up to the close of the hearing, and City Council members have been advised to ignore any attempts to raise the matter before the vote, whether in person, by telephone, e-mail or in writing.

The law considers communication outside the public hearing to be *ex parte*, and provides that if communications outside the public hearing occur, the sum and substance of the communication and the individuals with whom it occurred must be disclosed publicly at the meeting prior to the vote. Any *ex parte* communication can be a basis to challenge a City Council decision in court, and failure to make the required disclosure of *ex parte* communications could jeopardize City Council's decision, whatever it is.

Please be advised that in all quasi-judicial matters, including this petition, City Council members will be asked to disclose *ex parte* communications. Those communications would include any that newly appointed Council members had in the matter before taking office.

If you have any question on this issue, please contact me by e-mail at martin.shelby@tampagov.net, or leave a message at City Council, 274-8131, and I will return your call. Please refer general questions on the application process to the Office of the City Clerk at cityclerk@tampagov.net or by calling 274-8397.

Best wishes,

Martin Shelby
City Council Attorney

cc: Chairman and Members of the Tampa City Council
Ronald L. Weaver, Esq.
Charles R. Fletcher, City Attorney
Rebecca Kert, Assistant City Attorney
Shirley Foxx-Knowles, City Clerk



City Council Appointment Policy and Procedure Guidelines for filling vacancies in District 3 At-Large existing on June 24, 2010 and District 4 existing on June 23, 2010

Summary of the applicable provisions of the City Charter and Related Laws:

- **Section 8.21. Filling of Vacancies.**

“...All vacancies in city council that shall exist with fifteen (15) months or less of the term remaining shall be filled by a majority vote of the remaining city council...Vacancies filled by appointment must be made within thirty (30) days from the time the vacancy exists.”

- **Section 2.07. Action.**

“The council shall act only by ordinance or resolution; four members shall constitute a quorum; no ordinance or resolution or motion shall be passed, adopted, or made except upon the affirmative vote of four members...”

- **Section 2.02. Qualifications—Limitations on Terms.**

“Each member of the city council shall have been a resident and elector of the city for one year immediately preceding the commencement of the office for which elected and shall continue to be a resident and elector of the city during the term of office. Additionally, the members of the city council representing districts 4 through 7 shall have been residents of the respective districts from which elected for six months immediately preceding commencement of the term of office, and each shall continue to be a resident of the district from which elected during the term of office...”

Timeline summary of the selection process:

Thursday, June 24, 2010:	City Council approves the selection process, timeline, and the form of the application.
Monday, June 28, 2010:	City Clerk makes the form available to the public at noon.
Monday, July 12, 2010:	5:00 P.M. deadline for application submission.
Tuesday, July 13, 2010:	Compiled applications distributed to City Council.
Monday, July 19, 2010:	Two-minute presentations from applicants and selection by ballot of City Council. City Council passes a resolution making the appointments.
Thursday, July 22, 2010:	The new Council members are administered the oath of office and take their seats.

Policy and procedure guidelines governing the selection process:

1. City Council shall adopt these policy and procedure guidelines to govern the selection process for vacancies that exist in District 3 At-Large and District 4.
2. Applications shall only be accepted on forms approved for such purpose by City Council.
3. The application form shall be available at noon on Monday, June 28, 2010, by direction of City Council on June 24, 2010.
4. The application form shall be available both in hard copy at the City Clerk's Office and by electronic means of distribution (PDF).
5. An applicant shall only apply for one vacancy.
6. All submitted applications must bear the applicant's notarized signature affirming the truth of its contents.
7. To be considered, all applications must be physically received by 5:00 P.M. on Monday, July 12, 2010, in the Office of the City Clerk.
8. Under no circumstances will applications be accepted past the deadline for submission, nor will the deadline be extended.
9. City Council will receive the compiled applications on Tuesday, July 13, 2010.
10. At the special call meeting of Monday, July 19, 2010, at 9:00 A.M., the matter of each district vacancy shall be taken separately.
11. The District 3 At-Large vacancy shall be filled first.
12. City Council shall hear two-minute presentations from those applicants who wish to appear, in alphabetical order of their last names.
13. Members of City Council may question individual applicants following each presentation.
14. City Council shall vote by ballot, with each district's ballot listing the applicants for that district in alphabetical order of their last names.
15. Each vacancy shall be filled by majority vote of the remaining City Council.
16. Should no applicant receive at least three votes, a run-off ballot shall be prepared and the vote taken.
17. City Council shall appoint the selected applicants by resolution on Monday, July 19, 2010, who will then take office after being sworn in on Thursday, July 22, 2010.

Narrative description of the selection process:

- a) On **Thursday, June 24, 2010**, a draft of the application form was reviewed by City Council at its regular meeting.
- b) On **Thursday, June 24, 2010**, City Council directed the City Council Attorney to update the form and guidelines, and directed the Clerk to make the application available to the public at noon on **Monday, June 28, 2010**, in hard copy at the City Clerk's Office and by electronic means of distribution (PDF).
- c) The application shall include an invitation to those who will have submitted a completed application to appear before City Council beginning at **9:00 A.M. on Monday, July 19, 2010**, for a two-minute introduction and presentation to City Council.
- d) An applicant shall designate the office to which she or he is applying, and shall not be permitted to apply simultaneously for both districts that will be vacant at the time of selection. In the event that the applicant does not designate the district to which appointment is sought, or if both positions are designated, the City Clerk shall reject the application(s).
- e) The City Clerk shall only accept applications on the approved form. The completed application shall bear the notarized signature of the applicant affirming that the answers and

statements contained therein are true. The City Clerk shall reject any application submitted without the applicant's notarized signature.

- f) All applications submitted become public records. It is the applicant's responsibility to comply with all requirements for application and appointment. This includes the residency requirements of the City Charter and the execution of the required loyalty oath and financial disclosure forms subsequent to appointment.
- g) The deadline for submission shall be at **5:00 P.M.** on **Monday, July 12, 2010**. All applications must be physically received by that time in the Office of the City Clerk in order to be considered. Under no circumstances will applications be accepted past the deadline nor will the deadline be extended.
- h) On **Tuesday, July 13, 2010**, copies of the compiled applications shall be distributed to City Council members for their review.
- i) At the special call meeting of **Monday, July 19, 2010**, beginning at **9:00 A.M.**, the matter of each district vacancy shall be taken separately, with the At-Large district being filled first. City Council shall hear two-minute presentations from those applicants who wish to appear, in alphabetical order of their last names. Members of City Council may question individual applicants following each presentation.
- j) A vote of City Council by those members then present shall be taken. A ballot shall have been prepared for Council members to be distributed at the time of selection. The completed ballots, which are public records, shall be signed and dated. Each member of City Council shall select only one name.
- k) Each vacancy shall be filled by majority vote of the remaining City Council. The City Clerk shall tally the vote and announce the results. The applicant who receives three or more votes shall be the person selected to fill the remaining term of office.
- l) In the event no applicant receives the requisite three votes, only the applicants receiving the greatest and the next greatest or equal number of votes shall be eligible for another ballot. The City Clerk will then distribute another ballot to City Council with the only names legible being those of the applicants in the run-off, and shall tally and announce the results. The applicant who receives three or more votes shall be the person selected.
- m) After selection for both districts' vacancies, City Council shall pass a resolution appointing the selected applicant for each district.
- n) As the first order of business after roll call at a special call meeting at **9:00 A.M.** on **Thursday, July 22, 2010**, the newly appointed Council members shall be administered the oath of office by the City Clerk and take their seats.



DO NOT WRITE OR TYPE IN THIS BOX

**City Council Appointment Application
for filling vacancies in District 3 At-Large existing on June 24, 2010
and District 4 existing on June 23, 2010**

INSTRUCTIONS:

- Please note that, pursuant to Florida Statutes, Chapter 119, this application and any other related written or electronic communication shall become a public record and is subject to public disclosure.
- Please type or print legibly using black ink only.
- Please review the guidelines for the application process that are attached to this application.
- A completed, notarized application is required for consideration. A resume or any other supporting documents may be attached.
- Applicants who submit a completed application are invited to appear before City Council beginning at 9:00 A.M. on Monday, July 19, 2010, for a two-minute introduction and presentation to City Council.
- Refer any questions to Office of the City Clerk at 274-8397.

**APPLICATION DEADLINE: MUST BE RECEIVED IN PERSON OR BY MAIL TO
CITY CLERK, 315 E. KENNEDY BLVD., 3rd FL., TAMPA, FL 33602, NO LATER THAN
MONDAY, JULY 12, 2010, 5:00 P.M.**

1. NAME _____
2. OFFICE SOUGHT: (CHECK ONLY ONE)
DISTRICT 3 AT-LARGE _____ DISTRICT 4 _____
3. HOME ADDRESS _____
CITY _____ STATE _____ ZIP _____
HOME PHONE (____) _____
CELL PHONE (____) _____
E-MAIL _____
4. HOW LONG HAVE YOU LIVED AT YOUR PRESENT ADDRESS? _____
IF LESS THAN ONE YEAR, PLEASE LIST YOUR PREVIOUS ADDRESS:

5. ARE YOU A REGISTERED VOTER IN THE CITY OF TAMPA? _____ HOW LONG? _____
6. HOW LONG HAVE YOU BEEN A RESIDENT OF TAMPA? _____

14. HAVE YOU, MEMBERS OF YOUR IMMEDIATE FAMILY, OR BUSINESSES OF WHICH YOU OR MEMBERS OF YOUR IMMEDIATE FAMILY HAVE BEEN AN OWNER, OFFICER OR EMPLOYEE, HELD ANY CONTRACTUAL OR OTHER DEALINGS DURING THE LAST THREE (3) YEARS WITH ANY CITY OF TAMPA GOVERNMENT AGENCY OR DEPARTMENT? _____

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(IF YES, PLEASE ATTACH ADDITIONAL SHEET WITH DETAILS.)

15. HAVE YOU BEEN CONVICTED OF A FELONY OR MISDEMEANOR? _____

(IF YES, PLEASE ATTACH A SEPARATE SHEET EXPLAINING THE DETAILS OF THE CONVICTION.)

16. ARE YOU AWARE THAT APPOINTMENT TO THE TAMPA CITY COUNCIL WILL REQUIRE YOU TO COMPLY WITH THE CITY OF TAMPA ETHICS CODE AND FLORIDA STATE LAW GOVERNING ELECTED OFFICIALS? _____

17. ARE YOU WILLING TO FILE THE FINANCIAL DISCLOSURE FORMS AS REQUIRED BY FLORIDA LAW AND THE CITY ETHICS CODE? _____

18. DO YOU INTEND TO BE A CANDIDATE FOR TAMPA CITY COUNCIL IN THE MARCH, 2011, MUNICIPAL ELECTION? _____

19. IF YOU ARE APPOINTED, DO YOU KNOW OF ANY REASON WHATSOEVER WHY YOU WILL NOT BE ABLE TO ATTEND REGULARLY SCHEDULED MEETINGS OR OTHERWISE FULFILL THE DUTIES OF OFFICE? _____ IF YES, PLEASE EXPLAIN: _____

20. PLEASE LIST ANY CIVIC, CHARITABLE, BUSINESS OR PROFESSIONAL ORGANIZATIONS OF WHICH YOU ARE, OR HAVE BEEN, AFFILIATED. PLEASE INCLUDE YOUR DATES OF MEMBERSHIP AND THE CAPACITY IN WHICH YOU SERVE OR HAVE SERVED.

(ATTACH SHEET WITH ADDITIONAL INFORMATION IF NEEDED.)

21. WHY DO YOU WANT TO SERVE AS A MEMBER OF TAMPA CITY COUNCIL? _____

22. WHAT DO YOU BELIEVE QUALIFIES YOU FOR APPOINTMENT TO SERVE AS A MEMBER OF THE TAMPA CITY COUNCIL? _____

23. PLEASE INCLUDE ANY ADDITIONAL INFORMATION YOU WISH TO ADD FOR CITY COUNCIL'S CONSIDERATION OF YOUR APPOINTMENT. _____

I, _____, swear or affirm that the information provided on this application and on any attached sheets is true and correct. I acknowledge that the information I have provided is subject to verification.

State of Florida
County of _____

(Signature of Applicant)
Sworn to and subscribed before me this _____ day of
_____, 2010.

(Signature of Notary Public)

(Stamp or Seal of Commissioned Notary Public)
Personally known ____ or Produced ID ____ Type of ID _____