

RESOLUTION NO. 95-517

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ADOPTING RULES OF PROCEDURE FOR NOMINATION AND SELECTION OF CANDIDATES TO FILL PERMANENT VACANCIES IN THE CITY COMMISSION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission enacted Ordinance No. 95-39 to provide for the filling of vacancies in the office of Mayor and City Commissioner; and

WHEREAS, subsection (b) of such Ordinance provides that once a permanent vacancy occurs in the office of Mayor or City Commissioner, the City Commission shall within fifteen days of the vacancy appoint an eligible person to fill the position either until a special election occurs or until the end of the term; and

WHEREAS, subsection (b) of such Ordinance further provides that the City Commission shall by Resolution establish a procedure for nomination and selection of appointments;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

95-517

Section 1: General Rules of Procedure.

1. A quorum must be present in order for the City Commission to proceed to fill a permanent vacancy.
2. All Commissioners present shall be required to cast a vote of their choice on each ballot.
3. A candidate for a permanent vacancy must be eligible to hold the seat in accordance with the requirements of the City Charter.
4. While the City Commission may request applications for the vacant position, nominees need not be limited to the pool of applicants.
5. An individual Commissioner may interview one or more applicants at the Commissioner's discretion or the City Commission may interview applicants during a public meeting, but interviews shall not be mandatory.
6. On a ballot, a Commissioner shall vote only for a person who is among those nominated.
7. Regardless of the number of members of the City Commission present for a ballot, a successful candidate for the vacancy must receive at least four (4) votes.

8. The rules of procedure set forth in this Section 1 may not be amended; provided, however, that all rules set forth in this Resolution may be repealed in their entirety.

Section 2: Rules of Procedure Relating to Nomination and Selection.

1. Prior to accepting nominations, the Mayor shall open the meeting to public comment, including presentations by applicants if desired, subject to time limitations set by the Mayor.

2. Prior to each ballot, the Mayor shall allow for discussion only by members of the City Commission.

3. First Ballot: The Mayor shall call for nominations from members of the City Commission, including the Mayor. Each Commissioner, including the Mayor, may nominate the number of persons that he or she desires. The Mayor shall then declare the nominations closed. After discussion, if any, each Commissioner, including the Mayor, shall declare his or her respective vote from among the names in nomination. In the event one nominee receives at least four votes, then that person shall become the appointee to the seat, pending verification of the eligibility by

the City Clerk.

4. Second Ballot: Any nominee from the First Ballot that received at least one vote shall automatically have his or her name placed in nomination. The Mayor shall then call for additional nominations by Commissioners, including the Mayor, from among the pool of persons nominated on the first ballot. By majority vote, the City Commission may nominate any additional eligible person not nominated on the first ballot. After the nominations are closed, discussion, voting and selection shall occur as provided under the rules of the First Ballot.

5. Third Through Tenth Ballots. The Third through Tenth ballots shall proceed in the identical manner as the Second Ballot, except that if a person does not receive a vote on a preceding ballot then his or her name shall not be placed in nomination automatically.

6. At any point during the first ten ballots, a majority plus one of the City Commission members present may declare an impasse. If no person is selected to fill the vacancy by the end of the Tenth Ballot, then an impasse shall be reached and there shall be no further ballots. In either event of impasse, the City Commission shall then call a Special Election in accordance with the

requirements of Ordinance 95-39 (subsection (b)).

7. The rules of this Section 2 may be amended at any time by majority vote of the City Commission.

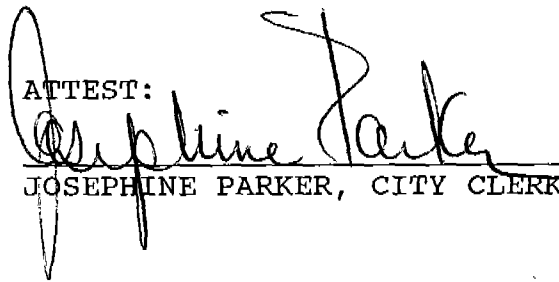
Section 3: This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 19 day of December, 1995.

Authenticated by the presiding officer and Clerk of the Commission on December 19, 1995.

Filed with the Clerk December 20, 1995.

ATTEST:


JOSEPHINE PARKER, CITY CLERK


DENNIS J. WARDLOW, MAYOR