

CITY OF OPA-LOCKA

The City of Bright Opportunities



SPECIAL COMMISSION MEETING Agenda

**Monday, August 7, 2023
3:00 PM**

*Commission Chamber
780 Fisherman Street, 3rd Floor
Opa-locka, FL 33054*

City Commission

**Mayor John H. Taylor, Jr.
Vice Mayor Natasha L. Ervin
Commissioner Sherelean Bass
Commissioner Joseph L. Kelley
Commissioner Veronica Williams**

Appointed Officials

**Interim City Manager Darvin Williams
City Attorney Burnadette Norris-Weeks
City Clerk Joanna Flores, CMC**

NOTE: All persons speaking shall come forward and give your full name and address, and the name and address of the organization you are representing.

There is a three (3) minute time limit for speaker/citizens forum and participation at all city commission meetings and public hearings. Your cooperation is appreciated in observing the three (3) minute time limit policy. If your matter requires more than three (3) minutes, please arrange a meeting or an appointment with the City Clerk prior to the commission meeting. City of Opa-locka Code of Ordinances Section 2-57

DECORUM POLICY

Any person making impertinent or slanderous remarks or who become boisterous while addressing the commission, shall be declared to be out of order by the presiding officer, and shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission be granted by the majority vote of the commission members. City of Opa-locka Code of Ordinances Section 2-58

NOTICE TO ALL LOBBYISTS

Any person appearing in a paid or remunerated representative capacity before the city staff, boards, committees and the City Commission is required to register with the City Clerk before engaging in lobbying activities. *City of Opa-locka Code of Ordinances Section 2-18*

FLORIDA STATUTES, CHAPTER 285.0105

"If a person decides to appeal any decision made by the Board, Agency or Commission with respect to the proceedings, and that, for such purpose, that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

PROCEDURES FOR PUBLIC PARTICIPATION

How to watch the meeting

Members of the public can watch public meetings and public hearings at <https://www.youtube.com/user/CityofOpaLocka>

City Commission Meetings are held in-person while allowing virtual participation. Members of the public wishing to address the Commission may do so in person or virtually.

To participate virtually, please register by the meeting start time via the City of Opa-locka website at www.opalockafl.gov.

CITY OF OPA-LOCKA
"The City of Bright Opportunities"

AGENDA
SPECIAL COMMISSION MEETING
August 7, 2023
3:00 PM

1. **CALL TO ORDER:**
2. **ROLL CALL:**
3. **INVOCATION:**
4. **PLEDGE OF ALLEGIANCE:**
5. **PUBLIC INPUT:**
(agenda items only)
6. **DISCUSSION ITEMS:**
 1. **CITY MANAGER RECRUITMENT PROCESS**
 2. **STATE AND NATIONAL CRIMINAL HISTORY SCREENING FOR CITY MANAGER**
7. **RESOLUTION:**
 1. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING A LEVEL 2 BACKGROUND SCREENING PROCESS FOR SHORTLISTED CANDIDATES FOR THE POSITION OF CITY MANAGER; REQUIRING THAT ESTABLISHED POLICIES AND PROCEDURES OF THE CITY OF OPA-LOCKA ARE FOLLOWED FOR BACKGROUND SCREENING; REQUIRING THE PRODUCTION OF INFORMATION AND FORMS FROM SHORTLISTED CANDIDATES, AS NEEDED; REQUIRING THE HUMAN RESOURCES DIRECTOR TO ENGAGE AN INDEPENDENT PROFESSIONAL BACKGROUND SCREENER ON AN EMERGENCY BASIS UP TO A SET AMOUNT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by Mayor Taylor***
8. **ADJOURNMENT:**

For further information, please contact the Office of the City Clerk by telephone at (305) 953-2800 or email jflores@opalockafl.gov.

RESOLUTION NO. 23-XXXX

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING A LEVEL 2 BACKGROUND SCREENING PROCESS FOR SHORTLISTED CANDIDATES FOR THE POSITION OF CITY MANAGER; REQUIRING THAT ESTABLISHED POLICIES AND PROCEDURES OF THE CITY OF OPA-LOCKA ARE FOLLOWED FOR BACKGROUND SCREENING; REQUIRING THE PRODUCTION OF INFORMATION AND FORMS FROM SHORTLISTED CANDIDATES, AS NEEDED; REQUIRING THE HUMAN RESOURCES DIRECTOR TO ENGAGE AN INDEPENDENT PROFESSIONAL BACKGROUND SCREENER ON AN EMERGENCY BASIS UP TO A SET AMOUNT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Resolution 23-002, the City established a search committee to select a permanent City Manager, which consisted of the City Commission of the City of Opa-Locka, consistent with City of Opa-Locka Code of Ordinances; and

WHEREAS, Specifically, Section 2-3.1 of the City of Opa-Locka's Code of Ordinances entitled "National Criminal History Screening for City Manager" provides: "Pursuant to F.S. § 166.0442, as such may be amended from time to time, state and national criminal history background checks shall be required for the city manager. Each such person shall be fingerprinted who is applying for city manager or continuing employment or appointment as city manager. The City of Opa-Locka Human Resources Department, its successor department, and other applicable departments shall conduct such state and national criminal history background checks"; and

WHEREAS, said Section further provided that "Fingerprints obtained pursuant to the authority of this section **shall be submitted to the Florida Department of Law Enforcement for a state criminal history records check and also to the Federal Bureau of Investigation for a national criminal history records check**" and that "the information obtained from each respective criminal history record check conducted pursuant to this section shall be used to determine a person's eligibility for employment or appointment and to determine a person's eligibility for continued employment and appointment"; and

WHEREAS, the City Commission desires to discard, rescind and reperform any prior criminal background checks that may have previously been conducted on behalf of the City; and

WHEREAS, the City Commission also desires to conduct Level 2 background checks for shortlisted candidates to comply with the current Policies and Procedures for Background Screening that are established by the City (See, Background Screening, Finding 47 with Effective Date January 2020) and a part of this Resolution; and

WHEREAS, the current Policy and Procedures for Background Screening was submitted to the State of Florida's Oversight authority to satisfy Finding 47 of the State of Florida Auditor General's Operational Audit. Receipt of the City's Policies and Procedures was acknowledged by the Auditor General through its Report No. 2023-185 issued April 2023; and

WHEREAS, according to the City's Policy and Procedures for Background Screening, a Level 2 background screening process is required. The City's Human Resources Department shall ensure that state and national criminal history background checks are conducted and that all other Policies and Procedures for Background Screening receive compliance; and

WHEREAS, the City's Background Screening process specifically states: "an acceptable background screening will verify that an individual is who they claim to be; check and confirm the validity of the person's criminal record, education, employment history, and other activities from their past. An employee background check reviews a person's criminal records, driving records, and whether they are on a terror watch list or sex offender registry and may include a credit and credential check"; and

WHEREAS, as contemplated by the City's Policy and Procedures for Background Screening and the City's definition of "Professional Background Screener", the City Commission hereby authorizes the immediate hiring of a Professional Background Screener for the benefit of the Human Resources Department **on an emergency basis** to perform all of the services necessary to produce and compile all information referenced within the City's Policies and Procedures for Background Screening and the City's Code of Ordinances up to an amount not to exceed Ten Thousand Dollars (\$10,000.00); and

WHEREAS, as set forth within the City's Policies and Procedures for Background Screening, it shall be disqualifying for any candidate to interfere with the background process and a candidate shall only engage with the Human Resources Department or other authorized entity (Professional Background Screener) to the extent required to complete the City's employment application, provide driver's license information, and complete authorization forms necessary for the state and nation criminal background check and other background screening contemplated by the City's Policies and

Procedures for Background Screening and also relevant City ordinances; and

WHEREAS, the Professional Background Screener shall be completely independent and shall not have performed services for the City of Opa-Locka in the past or have any relationship, personal or professional with any of the shortlisted applicants; and

WHEREAS, the Professional Background Screener shall provide to the Human Resources Director other information referenced within the City's Policy and Procedures for Background Screening to include reference checks, employment and educational verification, license verification, social security verification, motor vehicle records checks, credit history and other specialized checks. The Professional Background Screener may also provide newspaper checks and any other information that may be relevant for City Commission consideration of character and overall fitness for the job of City Manager; and

WHEREAS, the City's Policies and Procedures for Background Screening provides that "the Human Resources Department will commission background screening, upon receiving signed authorization" and "failure to submit a signed authorization form shall forfeit consideration for employment." Should an applicant fail to comply following written notice from the Human Resources Director or Professional Background Screener for more than a forty-eight hour period, said applicant shall be considered disqualified from the process; and

WHEREAS, the opening of information to be received by the Human Resources Director from the FBI, FDLE or the Professional Background Screener shall be in the presence of the City Clerk, the Professional Background Screener and the City Chief of Police (Active, Interim, Acting) and the contents shall be provided to the City Commission immediately upon opening of information by the Human Resources Director; and

WHEREAS, the City Commission has determined that it is in the best interests of the City and its residents to strictly follow the processes outlined by this resolution: to authorize a Level 2 Background Screening Process for shortlisted candidates for the position of City Manager; require that already established policies any procedures of the City of Opa-Locka pertaining to background screening be followed; require that forms of shortlisted candidates be provided as requested; engage an Independent Professional Background Screener on an emergency basis up to an amount of Ten Thousand Dollars (\$10,000,00).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OPA LOCKA, FLORIDA:

SECTION 1. RECITALS ADOPTED.

The recitals to the preamble herein are incorporated by reference.

SECTION 2. AUTHORIZATION

The City Commission of the City of Opa-Locka, Florida hereby authorizes and mandates strict adherence to this Resolution. The City Commission further authorizes a Level 2 Background Screening Process for shortlisted candidates for the position of City Manager. The City Commission hereby requires that already established policies and procedures of the City of Opa-Locka pertaining to background screening be strictly followed. The City Commission further requires completion of forms by shortlisted candidates within a forty-eight hour (48) period. The City Commission shall engage for the benefit of the Human Resources Director an Independent Professional Background Screener on an emergency basis up to an amount of Ten Thousand Dollars (\$10,000.00).

SECTION 3. SCRIVENER'S ERRORS.

Sections of this Resolution may be renumbered or re-lettered and corrections of typographical errors, which do not affect the intent of this Resolution may be authorized by the City Attorney without need of public hearing, by filing a corrected copy of same with the City Clerk.

SECTION 4. CONFLICT

To the extent that there is conflict with this Resolution and any prior Resolution or policy of the City, this Resolution shall control.

SECTION 5. EFFECTIVE DATE

This Resolution shall take effect upon the adoption and shall be provided to Governor or Governor's Designee.

PASSED and ADOPTED this ____ day of _____, 2023.

John Taylor, Mayor

ATTEST:

Joanna Flores, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Burnadette Norris-Weeks, P.A.
City Attorney

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Bass	_____ (Yes)	_____ (No)
Commissioner Kelley	_____ (Yes)	_____ (No)
Commissioner Williams	_____ (Yes)	_____ (No)
Vice Mayor Ervin	_____ (Yes)	_____ (No)
Mayor Taylor	_____ (Yes)	_____ (No)

RESOLUTION NO. 23-002

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, ESTABLISHING A SEARCH COMMITTEE CONSISTENT WITH CITY OF OPA-LOCKA CODE OF ORDINANCES SECTION 2-8.4; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on April 5, 2022, the City Commission appointed Darvin Williams as Interim City Manager for a term not to exceed nine (9) months starting on April 5, 2022 and ending approximately January 5, 2023; and

WHEREAS, the City of Opa-Locka City Commission desires to conduct a search for a permanent City Manager; and

WHEREAS, Section 2-8.4 of the City of Opa-Locka's Code of Ordinance (applicable code) requires a five member search committee for the purpose of soliciting, screening and recommending candidates for the position of city manager and all other appointed city officials; and

WHEREAS, the applicable city code also provides that the City Commission may serve as the City's search committee and City Commission desires to appoint itself as the search committee with the sole authority to select a permanent City Manager for the City of Opa-Locka; and

WHEREAS, within seven (7) days, the City Commission hereby authorizes the City Clerk to engage with the Florida League of Cities, the Florida City and County Management Association or other similar group to obtain a viable solicitation document that can be utilized for the search of a permanent city manager; and

WHEREAS, the solicitation document shall be presented to the City Commission at or before its January 25, 2023 Regular Commission meeting for Commission approval; and

WHEREAS, thereafter, City Commission will make all efforts to review applications, conduct interviews and select a permanent City Manager.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE CITY COMMISSION OF THE CITY OF OPA- LOCKA, FLORIDA:

SECTION 1. The recitals to the preamble herein are incorporated by reference.

SECTION 2. AUTHORIZATION

The City Commission of the City of Opa-Locka hereby establishes a search committee consistent with City of Opa-Locka Code of Ordinances Section 2-8.4 and further authorizes the City Clerk to engage with the Florida League of Cities, the Florida City and County Management Association or other similar group to obtain a viable solicitation document that can be utilized for the search of a permanent city manager and presented no later than January 25, 2023 regular City Commission meeting.

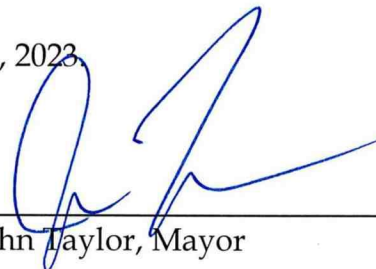
SECTION 3. SCRIVENER'S ERRORS

Sections of this Resolution may be renumbered or re-lettered and corrections of typographical errors, which do not affect the intent of this Resolution may be authorized by the Interim City Manager, following review by the City Attorney, without need of public hearing, by filing a corrected copy of same with the City Clerk.

SECTION 4. EFFECTIVE DATE

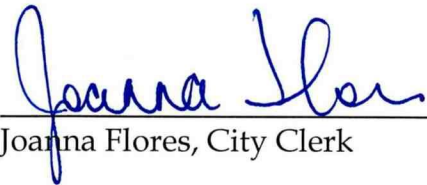
This Resolution shall take effect upon the adoption and is subject to the approval of the Governor or Governor's Designee.

PASSED and ADOPTED this 11th day of January, 2023.



John Taylor, Mayor

ATTEST:



Joanna Flores, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Burnadette Norris-Weeks, P.A.

Moved by: Commissioner Kelley

Seconded by: Vice Mayor Ervin

VOTE: 5-0

Commissioner Bass	YES
Commissioner Kelley	YES
Commissioner Williams	YES
Vice Mayor Ervin	YES
Mayor Taylor	YES

Sec. 2-3.1. - National criminal history screening for city manager.

Pursuant to F.S. § 166.0442, as such may be amended from time to time, state and national criminal history background checks shall be required for the city manager.

Each such person shall be fingerprinted who is applying for city manager or continuing employment or appointment as city manager. The City of Opa-Locka Human Resources Department, its successor department, and other applicable departments shall conduct such state and national criminal history background checks.

Fingerprints obtained pursuant to the authority of this section shall be submitted to the Florida Department of Law Enforcement for a state criminal history records check and also to the Federal Bureau of Investigation for a national criminal history records check. The information obtained from each respective criminal history record check conducted pursuant to this section shall be used to determine a person's eligibility for employment or appointment and to determine a person's eligibility for continued employment and appointment.

(Ord. No. 17-10, §§ 2, 3, 8-2-17)

Editor's note— Ord. No. 17-10, §§ 2, 3, adopted August 2, 2017, set out provisions intended for use as § 2-3. For purposes of classification, and at the editor's discretion, these provisions have been included as § 2-3.1.