

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, April 17, 2018 10:31 AM
To: Sanchez, Rodzandra (COE)
Cc: Perez, Martha D. (COE)
Subject: FW: Yvonne Hamilton, Clerk, North Bay Village, Sunshine Law, INQ 18-92
Attachments: Norman Powel email response.pdf

INQ 18-92 Hamilton

From: Perez, Martha D. (COE)
Sent: Friday, April 13, 2018 2:57 PM
To: YHamilton@nbvillage.com
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Yvonne Hamilton, Clerk, North Bay Village, Sunshine Law, INQ 18-92

Dear Yvonne,

You inquire whether the process for the selection of the new North Bay Village Police Chief is subject to Florida Statute § 286.011, the Sunshine Law. You advised that the North Bay Village Manager has selected five Village employees (department heads) to assist him with the selection process for the Chief of Police. This group will be involved with the review of applications and the ranking of the applicants.

Please note, the selection process you've described is subject to the Sunshine Law. The Sunshine Law applies when a group is convened by a Village official to assist him with the screening of applications and rankings in recommendation for the position of Police Chief. See Krause v. Reno, 366 So.2d 1244 (Fla. 3rd DCA 1979); See also Wood v. Marston, 442 So.2d 934 (Fla. 1983).

This opinion is based on the facts as provided by the requestor. If any of these facts change, please contact us.

Sincerely,

Martha D. Perez
Staff Attorney
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
19 West Flagler St. Suite 820
Miami, FL 33130
(305)350-0656
PEREZMD@miamidade.gov

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Diaz-Greco, Gilma M. (COE)

From: Norman Powell <NPowell@nbvillage.com>
Sent: Friday, April 13, 2018 9:22 PM
To: Yvonne Hamilton; NPowell@nbvillage.com; Marlen Martell
Cc: VILLAGECOMMISSION@nbvillage.com; Perez, Martha D. (COE); daveraben@gmail.com

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Good Evening Yvonne,

Thank you for the *after the fact* information. However, I would have expected that if you had any questions or concerns regarding the legality of any Village process or matter, you would contact this office first for a legal opinion. In any event, the facts you provided Ms. Perez at the Ethic Commission and apparently others are completely incorrect. The Village Manager did not select or appoint any department heads or any group of individuals to comprise a formal or informal selection committee to rank, evaluate or recommend applicants for the Police Chief's position. Moreover, there has been no meeting convened or planned to evaluate the applications.

I trust that the next time you have any legal question regarding the actions of the Village Commission, its Members or the Village Administration, you will first familiarize yourself with the applicable facts or circumstances and then begin with this office for a legal opinion since that is what my responsibilities include as the Village Attorney.

Commissioners please do not respond.

Norman C. Powell, Esq.,
Village Attorney
Law Offices of Norman C. Powell
1666 J.F. Kennedy Causeway, Suite 420
North Bay Village, Florida 33141
Telephone: 786-275-6923
Facsimile: 786-348-0167
E-mail: npowell@nbvillage.com

From: Yvonne Hamilton
Sent: Friday, April 13, 2018 5:09 PM
To: Norman Powell (NPowell@nbvillage.com); Marlen Martell
Subject: RE: Public Records Request

Norman:

While we are on the subject of selection committee....

The manager discussed with me her thoughts for the process to evaluate the applicants for the Police Chief's position. I discussed that the Sunshine Regulations would apply, because of the fact that the individuals will be involved in the decision making process by ranking the applicants and recommending the top three. She suggested I contact others about the matter, considering her own experience. I reached out to Myra at the Ethics Commission (didn't realize she would make it that formal), and she concurred as outlined below. While I cited an example of five department heads reviewing individually, it also applies to two or more. I also spoke with the Village Clerk of North Miami Beach. Please keep in mind that my actions are only to ensure we comply with the Government in the Sunshine Regulations.

Sincerely,



Yvonne P. Hamilton, CMC
Village Clerk
North Bay Village
1666 Kennedy Causeway, #300
North Bay Village, FL 33141
Telephone (305) 756-7171
Facsimile (305) 756-7722
yvonne.hamilton@nbvillage.com

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Sincerely,

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