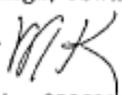


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MEMORANDUM

DATE: May 30, 2000
TO: Robert Middaugh, Town Administrator
FROM: Monroe Kiar 
RE: Control Number 000502/Establishing Unified Board Absentee Procedures

Question:

Should the Board that a person is appointed to make the determination as to whether or not to remove a person who has three consecutive unexcused absences, or the individual councilmember (or appointing entity) make the determination as to whether or not to remove a member for such absences?

Answer:

This is a policy decision that will have to be made by the Town Council.

Discussion:

The Council needs to make a determination as to which of these conceptual positions it wishes to adopt:

- a. The board, committee or agency itself being given the right to determine removal when there are unexcused absences, or
- b. The councilmember, or entity which did the appointing having the right to remove the person for unexcused absences.

One problem with choice a. is that there are some bodies which the Town Council appoints a member to, and which other bodies appoint members to. Specific examples of these are the Board of Trustees of Firefighters Pension Plan [2 appointed by Town Council; 2 appointed by majority of firefighters; and 1 appointed by majority of the other 4]; Board of Trustees of Police Officers Pension Plan [2 appointed by Town Council; 2 appointed by majority of police officers; and 1 appointed by majority of other 4]; and Joint Economic Development Steering Committee [2 appointed by Town Council; 1 appointed by Planning and Zoning; 1 appointed by Community Redevelopment Agency; 1 appointed by Davie Economic Development Council; 1 appointed by Davie/Cooper City Chamber of Commerce Economic Development Board; 1 appointed by South Florida Educational Center; 1 appointed by Davie Merchants and Industrial Association; and 1 appointed by Steering Committee]. In the situation of this Joint Economic Development Steering Committee, the Town Council appoints 2 of the 9 members. If there are unexcused absences by 1 of its 2 appointees, under a. above, the Joint Economic Development Steering Committee would determine whether the person should be removed, while under b. above, the Town Council would make the decision. Of course, the Town Council would have absolutely no control over other appointees on the board for which there were unexcused absences, such as the Davie/Cooper City Chamber of Commerce Economic Development Board, South Florida Educational Center, and Davie Merchants and Industrial Association, for example.

There is a cautionary mention that should be made concerning the Board of Trustees of Firefighters Pension Plan and the Board of Trustees of Police Officers Pension Plan. In each of those, the Town Council appoints 2 members, the firefighters and police officers appoint 2 members, and 1 is appointed by the majority of the other 4. The concern if the Board removes rather than the entities which appointed removed, is that the firefighters or police officers could be upset if the board removed a person who they wanted on the board, even if there were unexcused absences. Certainly as far as those two boards are concerned, having the entity which appoints having the authority to remove would seem to be preferable (in other words, especially in those two circumstances, alternative b. would be preferable to alternative a.).

With any attempt to fashion a resolution or ordinance, there is a potential that in certain circumstances, the result may be not what was desired or planned for. As a practical matter, given the various ways in which boards, committees and agencies are appointed, it is anticipated that it will be less problematic to have the individual or entity that does the appointing make the decision as to whether an individual board, committee or agency person be removed, rather than have the particular board, committee or agency to which the person is appointed make that decision. However, it needs to be made clear that is the Town Council which needs to make the policy decision on which of the two alternatives it considers more desirable.

MDK/gmv