

MIAMIBEACH

OFFICE OF THE CITY ATTORNEY
OFFICE OF THE CITY CLERK

LTC No. 136-2024

LETTER TO COMMISSION

TO: Mayor Steven Meiner and Members of the City Commission

FROM: Ricardo J. Dopico, City Attorney and Rafael E. Granado, City Clerk



DATE: April 11, 2024

SUBJECT: PROPOSED CHRONOLOGIES AND PROCEDURES FOR THE SELECTION/APPOINTMENT OF THE NEW CITY MANAGER

At the April 3, 2024 City Commission meeting, in addition to appointing Rickelle Williams to serve as Interim City Manager effective April 4, 2024, and providing for a transition period for City Manager Alina T. Hudak, the Commission directed the Human Resources Department to commence the City Manager search process by developing a procurement document¹ for a national search firm and to return to the City Commission for further development. Following the Commission meeting, we learned that the City has an existing professional services agreement with GovHR USA, a division of MGT of America Consulting, LLC, to provide executive recruitment services. Based on this discovery, and in anticipation of the Special Meeting of the City Commission scheduled for April 18, 2024, we thought it would be helpful to provide the Mayor and City Commission with some information that may be relevant to the decisions to be made at the Special Meeting.

Attached are two chronologies and possible procedures drafted by the City Attorney and City Clerk in consultation with Human Resources for the selection/appointment of the new City Manager depending on whether the Commission wishes to proceed with the existing executive recruitment firm or to conduct a new procurement process to select a firm. The outlined procedures are largely based on the processes that were followed for the selection of City Manager Morales in 2013 and City Manager Hudak in 2021. We do not presume that these are the only two options to proceed, but we believe that seeing these potential critical paths may help to inform the discussion and decision-making process at the April 18, 2024 Special Meeting. **It is important to note that the attached chronologies are estimates based on certain assumptions (indicated below) and will be subject to review and acceptance by the executive search firm that is selected to conduct the search. Further, any additional steps or procedures the Commission wishes to include may impact the timeline.**

Estimated Chronology 1:

Chronology 1 reflects an estimate of a likely timeline if the City Commission chooses to proceed with MGT of America Consulting, LLC (which acquired GovHR USA on December 8, 2023), the City's existing executive search consultant. MGT of America was selected by the City in 2024 pursuant to a competitive procurement process (Invitation to Quote (ITQ) 2023-0370-02) that was issued by the Human Resources Department. Representatives of MGT of America are available

¹ Although the After-the-Fact Resolution refers to an RFQ (i.e. Request for Qualifications), we suggest for the Commission's consideration that the more appropriate procurement process in the circumstances would be an ITQ (i.e., Invitation to Quote).

to meet with the Mayor and Commissioners at their convenience. We estimate that if the City Commission selects to follow this timeline, the new City Manager could be sworn in during the City Commission meeting on September 11, 2024.

Estimated Chronology 2:

Chronology 2 reflects an estimate of a likely timeline if the City Commission chooses *not* to proceed with MGT of America but instead directs staff to issue an Invitation to Quote (ITQ) for an executive search firm. We estimate that if the City Commission selects to follow this timeline, the new City Manager could be sworn in at the City Commission meeting on December 11, 2024. A draft ITQ is attached as **Exhibit A**.

As has been done in the two prior selections/appointments of new City Managers, we recommend that City Clerk Rafael E. Granado be the point of contact between the search firm, applicants, and the City Commission. The City Attorney shall provide legal support to the City Clerk and City Commission throughout the search process.

We request that the City Commission discuss the attached procedures/timelines, provide input and direction, and approve a process at the April 18, 2024, Special Commission Meeting, enabling us to promptly proceed with the implementation of the process that will guide this crucial decision.

**ESTIMATED CHRONOLOGY OF PROCESS MILESTONES FOR THE
SELECTION/APPOINTMENT OF THE NEW CITY MANAGER IF THE CITY COMMISSION
CHOOSES TO PROCEED WITH MGT OF AMERICA**

The below timeline is based on the following assumption(s):

- MGT of America will post the position/job description on or about May 16, 2024, and maintain the posting for 30 days. MGT of America will evaluate and interview candidates over a two-week period and provide a list of recommended finalists not later than July 3, 2024.
- The candidate selected to serve as City Manager will commence serving within approximately 60 days from the date of appointment (to allow time for the successful candidate to provide notice to their employer, relocate, etc.).

Chronology 1

April 18, 2024 – Special City Commission Meeting

It is proposed that the City Commission conceptually approves (a) the process for selection and appointment of the new City Manager, (b) the issuance of a service order pursuant to the existing Professional Services Agreement dated January 19, 2024, between the City and MGT of America, and (c) the authorization of the City Attorney and the City Clerk to manage the process with MGT of America.

- The recruitment firm will assist with the following:
 - Develop recruiting specifications, in conjunction with the City Commission and other City officials, which address the specific duties, responsibilities, operational issues, traits, and other factors that are relevant to the position of City Manager;
 - Develop minimum qualifications and desired qualifications for the position of City Manager;
 - Develop a timeline for completing the phases of the process;
 - Conduct a search with recruiting activities, including selected advertising and networking;
 - Develop recruiting specifications to encompass a nationwide search;
 - Prepare recruiting materials that present an accurate profile of the position and environment;
 - Contact potential candidates through written material, advertising, and direct recruiting;
 - Develop criteria for evaluating candidates;
 - Develop a list of finalists, together with the City Commission, utilizing generally accepted screening practices and procedures to be detailed in a report;
 - Screen and evaluate candidates to establish a qualified group;
 - Research candidates' personal, professional, and academic qualifications thoroughly and discreetly;
 - Consolidate the findings of the final candidates in clear, objective profiles detailing: current situation, experience, skills, and performance that are directly appropriate to the position; and

- Develop and participate in the selection process, including meetings with the Mayor and Commissioners.

May 15, 2024 – City Commission Meeting

The City Commission, with the assistance of the recruitment firm, will finalize:

- Recruiting specifications;
- Minimum qualifications and update the latest job description, if necessary, for the position of City Manager;
- A timeline for completing the phases of the process;
- Recruiting/advertising specifications to encompass a nationwide search; and
- Criteria for evaluating candidates.

A copy of the current City Manager job description is attached as **Exhibit B**.

Prior to a Special City Commission Meeting on July 10, 2024

The recruitment firm will:

- Provide the complete list of applicants to the City Commission; and
- Provide a list of recommended finalists (shortlist).

July 10, 2024 – Special Commission Meeting (to occur before or following the start of the Presentations and Awards Meeting)

Having been provided information on the final shortlisted candidates by the recruitment firm, the City Commission will select the applicants to be interviewed, develop and approve a process and timeline for one-on-one interviews, and develop a process for final interviews before the entire City Commission.

July 24, 2024 – Commission Meeting

The City Commission will:

- Conduct interviews of the final candidates at the public meeting;
- Following the interviews, the City Commission will vote to select the new City Manager (Majority vote required); and
- Authorize the City Attorney and the Chair of the Finance and Economic Resiliency Committee to negotiate an Employment Contract with the new City Manager.

September 11, 2024 – Commission Meeting

- The City Commission will consider/approve the City Manager's Employment Contract; and
- If the Employment Contract is approved, the City Clerk will swear in the new City Manager.

**ESTIMATED CHRONOLOGY OF PROCESS MILESTONES FOR THE
SELECTION/APPOINTMENT OF THE NEW CITY MANAGER IF THE CITY COMMISSION
CHOOSES NOT TO PROCEED WITH MGT OF AMERICA**

The below timeline is based on the following assumption(s):

- ITQ will be issued on April 19, 2024, and responses will be due 21 days later on May 10, 2024;
- TBD² shall rank the responsible, responsive firms and present the top three bidders to the Commission for final selection and approval of an executive search firm at a Special City Commission Meeting on May 22, 2024;
- The selected firm will post the position/job description on or about July 1, 2024, and maintain the posting for 30 days. The selected firm will evaluate and interview candidates and provide a list of recommended finalists not later than September 1, 2024;
- The August Commission recess has some impact on the timeline;
- The candidate selected to serve as City Manager will commence serving within approximately 60 days from the date of appointment (to allow time for the successful candidate to provide notice to their employer, relocate, etc.).

Chronology 2

April 18, 2024 – Special City Commission Meeting

It is proposed that the City Commission conceptually approves (a) the process for selection and appointment of the new City Manager, (b) the issuance of an Invitation to Quote (ITQ) for an executive search firm, (c) the designees to rank and select the top responding firms for the next City Commission Meeting, and (d) the authorization of the City Attorney and the City Clerk to manage the process with the selected executive recruiting firm.

May 22, 2024 – Special City Commission Meeting (to occur before or following the start of the Presentations and Awards Meeting) Commission to approve executive search firm. In the most recent City Manager recruitment process, the search firms that responded to the ITQ were ranked by the City Clerk, the City Attorney, and the Chief Procurement Officer. The City Commission may choose to follow the same approach or devise a different process for ranking the firms that respond to the ITQ.

- The recruitment firm will assist with the following:
 - Develop recruiting specifications, in conjunction with the City Commission and other City officials, which address the specific duties, responsibilities, operational issues, traits, and other factors that are relevant to the position of City Manager;
 - Develop minimum qualifications and desired qualifications for the position of City Manager;
 - Develop a timeline for completing the phases of the process;
 - Conduct a search with recruiting activities, including selected advertising and networking;
 - Develop recruiting specifications to encompass a nationwide search;

²The City Commission should provide direction as to who should rank search firms that respond to the ITQ. In the most recent City Manager selection process, the City Commission delegated this task to the City Clerk, the City Attorney, and the Chief Procurement Officer.

- Prepare recruiting materials that present an accurate profile of the position and environment;
- Contact potential candidates through written material, advertising, and direct recruiting;
- Develop criteria for evaluating candidates;
- Develop a list of finalists, together with the City Commission, utilizing generally accepted screening practices and procedures to be detailed in a report;
- Screen and evaluate candidates to establish a qualified group;
- Research candidates' personal, professorial, and academic qualifications thoroughly and discreetly;
- Consolidate the findings of the final candidates in clear, objective profiles detailing: current situation, experience, skills, and performance that are directly appropriate to the position; and
- Develop and participate in the selection process, including meetings with the Mayor and Commissioners.

June 26, 2024 – City Commission Meeting

The City Commission, with the assistance of the recruitment firm, will finalize:

- Recruiting specifications;
- Minimum qualifications and update the latest job description, if necessary, for the position of City Manager;
- A timeline for completing the phases of the process;
- Recruiting/advertising specifications to encompass a nationwide search; and
- Criteria for evaluating candidates.

A copy of the current City Manager job description is attached as **Exhibit B**.

Before the September 11, 2024 Commission Meeting

The recruitment firm will:

- Provide the complete list of applicants to the City Commission; and
- Provide a list of recommended finalists (shortlist).

September 11, 2024 – Commission Meeting

Having been provided information on the final shortlisted candidates by the recruitment firm, the City Commission will select the applicants to be interviewed, develop and approve a process and timeline for one-on-one interviews, and develop a process for final interviews before the entire City Commission.

October 9, 2024 – Special City Commission Meeting (to occur before or following the start of the Presentations and Awards Meeting)

The City Commission will:

- Conduct interviews of the final candidates at the public meeting;
- Following the interviews, the City Commission will vote to select the new City Manager (Majority vote required); and
- Authorize the City Attorney and the Chair of the Finance and Economic Resiliency Committee to negotiate an Employment Contract with the new City Manager.

December 11, 2024 – Commission Meeting

- The City Commission will consider/approve the City Manager's Employment Contract; and
- If the Employment Contract is approved, the City Clerk will swear in the new City Manager.