



Agenda Cover Memorandum

Meeting Date: February 6, 2017

Meeting Type: COW (Committee of the Whole) City Council Budget Workshop

Item Title: Approve the Mayoral appointment and City Council confirmation of Charlie Melidosian to fill the vacancy of Fifth Ward Alderman

Action Requested:

| | | | |
|-------------------------------------|--------------------|--------------------------|----------------------|
| <input checked="" type="checkbox"/> | Approval | <input type="checkbox"/> | For discussion |
| <input type="checkbox"/> | Feedback requested | <input type="checkbox"/> | For your information |

Staff Contact: Cheryl Peterson, Deputy City Clerk Phone: 847/318-5464
Email: cpeterso@parkridge.us

Background:

After the passing of Alderman Knight, the City's Attorneys prepared a memorandum regarding the "Filling a Vacancy in the Office of Alderman" (dated December 22, 2016).

A news release was sent to news media and posted to the City's website on or around the first of the year in search of Aldermanic candidates. The City was fortunate to have received ten applications.

As applications were being received, Acting Mayor Maloney formed a committee consisting of five residents from the Fifth Ward to represent the Fifth Ward Aldermanic Candidate Interview Committee. The Committee included Michael Reardon, Chairman, Joan Sandrik, Judy Barclay, Sue Knight, and Sal Raspanti.

A total of eight candidates (Anthony Rigali, Joe Baldi, Gareth Kennedy, Steve Schermerhorn, Anita Rifkind, Charlie Melidosian, Helen Fanning, and Eric Bangeman) were interviewed; two applicants (Linda Nagle and Mark Anderson) withdrew. Interviews were expeditiously scheduled for January 23 and 24. The Interview Committee deliberated following the interviews on January 24 and continued deliberations on January 29.

Requirements of the Open Meetings Act were followed; all meetings to be open to the public; Agendas were posted 48 hours in advance; draft /approved minutes were posted; and, an audio recording of each meeting was posted under each meeting date.

After the Interview Committee completed its task, Chairman Reardon informed Acting Mayor Maloney of the Committee's recommendation in writing. The Interview Committee believed that the Fifth Ward will continue to be well represented by the appointment of Charlie Melidosian.

According to City Attorney Tappendorf, Acting Mayor/Alderman Maloney is to be included in this vote.

Recommendation:

Approve the Mayoral appointment and City Council confirmation of Charlie Melidosian to fill the vacancy of Fifth Ward Alderman

Attachments:

Related information; Attorney Memo, news release

Candidate information and resumes can be found under the meeting dates January 23 and 24, 2017

MEMORANDUM

To: Acting Mayor and City Council
City of Park Ridge

CC: Joe Gilmore, Acting City Manager

From: Adam B. Simon
Julie A. Tappendorf

Subject: Filling a Vacancy in Office of Alderman

Date: December 22, 2016

This memorandum explains how a vacancy occurs in an elected City office and, for the position of Alderman, how to fill the vacancy, and how long the successor will serve. All of the rules described below are based on Section 3.1-10-50 of the Illinois Municipal Code, which comprehensively describes the creation of vacancies and the process for replacing the former official.¹

When a Vacancy Occurs

There are a variety of ways by which a vacancy can be created in an elected City office. Table 1, attached this memo, presents a list of the most frequent causes for vacancies and the effective date on which the office becomes vacant in each circumstance. Special attention needs to be paid to the effective date of the vacancy because it affects both when a successor must be appointed and how long the successor will serve.

Procedure for Filling the Vacancy

When a vacancy is created in the office of Alderman, an appointment by the Mayor or Acting Mayor of a qualified person to fill a vacancy must be made within 60 days after the effective date of the vacancy. The appointment may be made by the Mayor or Acting Mayor delivering the name of the nominee to the Corporate Authorities in writing. It does not need to be presented during a meeting.

¹ The process to fill a vacancy in the office of Mayor is not addressed in this memo, but the rules which apply are found in the same section of the Illinois Municipal Code.

ANCEL, GLINK, DIAMOND, BUSH, DICIANNI & KRAFTHEFER, P.C.

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Once the appointment of a qualified person has been forwarded to the Corporate Authorities², the Corporate Authorities must act on the appointment within 30 days. The vote of the Corporate Authorities on whether to consent to the Mayor's appointment must comply with the Open Meetings Act. If the appointment fails to receive the consent of the Corporate Authorities within 30 days, the Mayor or Acting Mayor must appoint and forward to the Corporate Authorities a second qualified person and the process is repeated.

If the appointment of the second qualified person also fails to receive the consent of the Corporate Authorities, then the Mayor or Acting Mayor, without the consent of the Corporate Authorities, may make a temporary appointment only from the two failed nominees. The person receiving the temporary appointment will serve until an appointment has received the consent of the Corporate Authorities, or until a person has been elected, whichever occurs first.

How Long Does the Appointee Serve?

The term for which the appointee serves will depend on the effective date of the vacancy, as described in Table 1.

If a vacancy occurs and there remains an unexpired portion of the term of at least 28 months, and the vacancy occurs at least 130 days before the next scheduled Consolidated Election, then the vacancy must be filled for the unexpired portion of the term at that election. If a vacancy occurs with less than 28 months remaining in the unexpired portion of the term or less than 130 days before the Consolidated Election, then the appointee completes the remainder of the term until a candidate is elected again for a full term in the normal course.

Fifth Ward Alderman

Due to Alderman Knight passing away less than 130 days before the election on April 4, 2017, the person appointed to fill his vacancy will serve until the end of his term in April 2019.

Please feel free to contact either one of us if you have any follow up questions.

² The Corporate Authorities includes the Mayor and Aldermen, so in the event of a tie, the Mayor may vote to approve the appointment. Likewise, an Acting Mayor who has elected to continue voting as an Alderman may vote to approve the appointment.

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Table 1

Reason for Vacancy

Effective Date of Vacancy

Resignation³

- Unconditional Resignation
- Conditional Resignation

The date designated on the letter of resignation, if any, or the date on which the appointing authority receives the letter of resignation⁴, whichever is later

The date on which the condition of resignation occurs or the date on which the appointing authority receives the letter of resignation, whichever is later

Death

The date the office holder dies.

Physical or Mental Disability

Upon a finding by the Corporate Authorities following certification by a guardian ad litem or physician

Ineligibility

- Removal (by a court)
- Discontinuation of Residency

Upon a finding by the Corporate Authorities that the relevant condition has occurred resulting in the vacancy.

Criminal Offense⁵

The date of the written guilty plea agreement or the date of conviction (when the jury returns its verdict)

Being Indebted to the City

30 days following the final determination of indebtedness (unless payment is made)⁶

4832-6646-9951, v. 2

³ A resignation is not effective unless it is in writing, signed by the person holding the elective office, and notarized.

⁴ If a resignation is delivered to the City Clerk, the Clerk shall forward a certified copy of the written resignation to the Mayor or Acting Mayor within 7 business days after receipt of the resignation.

⁵ The disqualifying criminal offenses include felony, bribery, perjury, or other "infamous crime" under State or federal law.

⁶ There is a very specific statutory procedure to determine whether a debt exists and how to confirm it.



A Wonderful Place

City initiates process to fill vacant Fifth Ward Aldermanic Seat

The City mourns the passing of Fifth Ward Alderman Daniel Knight. Alderman Knight served the City since April 2011. His unfortunate and untimely death causes a vacancy in the office of Fifth Ward Alderman. The City Attorney has provided information to Acting Mayor Maloney and the City Council as to the process and timeline for filling the vacancy.

Acting Mayor Maloney is required by law to forward to the City Council for approval his choice of replacement before February 20, 2017. The manner in which the Acting Mayor arrives at his choice is up to him. Upon presentation of the nominee, the City Council will have 30 days to accept or reject his recommendation.

In order to qualify to fill the vacancy, interested candidates must be residents of the Fifth Ward and must have resided there for at least one full year preceding the appointment. The candidate selected to fill the vacancy may serve until April 2019 for the remaining two years of Alderman Knight's term.

Acting Mayor Maloney requests that any Fifth Ward resident who is interested in filling this vacancy forward a letter of interest, along with a resume, to his attention at City Hall, c/o Deputy Clerk Cheryl Peterson, City Administration. Please email cpeterso@parkridge.us or fax your information to 847/318—5300. The deadline for submission is 5:00 p.m., January 16, 2017.

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Peterson, Cheryl

From: Tappendorf, Julie <jtappendorf@ancelglink.com>
Sent: Monday, January 30, 2017 1:10 PM
To: Peterson, Cheryl
Cc: Maloney, Marty; Adam B. Simon
Subject: RE: Appointment of Fifth Ward Alderman
Attachments: Creating and Filling a Vacancy in Office of Alderman.doc

Marty can definitely vote. State statute provides that the "corporate authorities" vote to advise and consent in the Mayor's appointments. The corporate authorities includes the Mayor and the Aldermen. So, he has the appointing authority, and the authority to approve his own appointment.

Adam will be at the meeting and can answer any questions that come up about the process.

Julie

Julie A. Tappendorf, Partner



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Peterson, Cheryl

From: Michael Reardon <MFReardon@msn.com>
Sent: Sunday, January 29, 2017 5:54 PM
To: Maloney, Marty
Cc: Peterson, Cheryl; joansandrik@comcast.net; parkridgejudy@gmail.com; rdlas124@comcast.net; knightsusan316@gmail.com
Subject: Fifth Ward Alderman Selection Committee

Marty,

Thanks for the opportunity to be part of the committee to recommend an alderman for the opening in the fifth ward.

As you know, we interviewed eight people for the aldermanic position. We were fortunate to have multiple candidates who were very well qualified and it was difficult to choose between the top three candidates - Helen Barrett Fanning, Gareth Kennedy, and Charles Melidosian. Each has specific talents and skills that would enable her/him to be an excellent alderman.

The committee members met again this afternoon to review the candidate profiles and continue discussions. The discussion today, together with the discussion we had last week, led us to consensus on a preferred candidate. The members of the committee recommend that Charles Melidosian be appointed to serve as the Fifth Ward Alderman.

As noted earlier, this was a very difficult decision as Helen Barrett Fanning and Gareth Kennedy are very well qualified. The members of the committee believe that both could bring significant value to appointed or elected office in Park Ridge. We encourage you to speak with each of them and suggest that they participate in the COW and City Council meetings and consider running for the aldermanic position in 2019.

Cheryl Peterson was incredibly helpful to me throughout this process and made the work of this committee much easier.

To the committee members, I'd like to thank each of you for your open minded approach, your willingness to listen, and your deliberate judgement. It was a pleasure working with each of you.

Mike Reardon

Sent from Outlook