

ORDINANCE NO. 17-____

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES,
FLORIDA, ENACTING SECTION 2.56, TITLED TOWN
ATTORNEY SELECTION AND APPOINTMENT;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
INCLUSION IN CODE; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the Town of Miami Lakes (“Town”) Charter (“Charter”) was amended on May 17, 2016; and

WHEREAS, Section 3.7 of the Town’s Charter now provides that “The Town Council shall appoint an individual attorney or law firm to act as the Town Attorney under such terms, conditions, qualifications, and compensation as may be established by the Council;” and

WHEREAS, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Adoption. The Town Council hereby amends Chapter 2, Article III, of the Town Code to include a new Section 2.56 Town Attorney Selection and Approval Process which shall read as set forth in **Exhibit “A”** hereto, which is incorporated herein.

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered

to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

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FIRST READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Tony Lama	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Nelson Rodriguez	_____

Passed and adopted on first reading this _____ day of April, 2017.

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SECOND READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on second reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Tony Lama	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Nelson Rodriguez	_____

Passed and adopted on second reading this ____ day of _____, 2017.

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT “A”

[...]

Section 2.56 - Town Attorney Selection and ~~Approval Process~~ Appointment.

- (a) *Function.* The Town Attorney shall serve as legal counsel for the Town and shall serve at the pleasure of the Town Council and provide legal advice and representation as needed to Town Council, Management and Staff.
- (b) *Vacancy.* A vacancy of Town Attorney may occur through resignation of the Town Attorney or removal of the Town Attorney by resolution of the Town Council.
- (c) *Selection.* Should a vacancy occur, the Town Council shall, by resolution, initiate a Town Attorney Selection Process which shall be carried out in the following manner:
 - (1) *Town Council Workshop:* Within ten days of initiating a Town Attorney Selection Process, the Town Council shall set a date for a Town Council Workshop to discuss and decide among other matters: the review qualifications for a new Town Attorney and whether the Town Attorney will be in house or outside counsel lawyer or law firm; determine a search method for Town Attorney, whether the search will be done locally or nationally, whether a search firm will be engaged to assist; determine an interview methodology for Town Attorney candidates.
 - (2) *Resolution adopting the Town Council Workshop Findings and Appointing a Selection Committee:* After the conclusion of the Town Council Workshop, a resolution shall be adopted by the Town Council which shall include the findings of the Workshop. Additionally, each council member shall appoint a resident of Miami Lakes, who shall have resided in the Town for a period of no less than two (2) years, to serve as a member of a Selection Committee. The ~~Town Attorney~~ Town Manager shall serve as a non-voting member of the Selection Committee to provide guidance and serve as a liaison between the committee and Town.
 - (3) *Position shall be advertised:* The position shall be advertised in a newspaper of general circulation and provide no less than 30 days to submit applications for consideration.
 - (4) *Selection:* The ~~Town Attorney~~ Town Manager and the search firm, if any, otherwise, the Town HR liaison will narrow the applicant list to 10 to 15 applicants to be interviewed by the Selection Committee. The Selection Committee shall be responsible to interview each candidate and present a short list of five (5) to seven (7) candidates to the Town Council. Town Council shall take into consideration the Selection Committee’s suggestion; however, the Town Council may consider other candidates that may or may not have been interviewed or considered by the Selection Committee.
- (d) *Appointment.* The Town Attorney shall be appointed by resolution of the Town Council.