

RESOLUTION NO. 19 - _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA AMENDING THE SPECIAL RULES OF ORDER OF THE TOWN OF MIAMI LAKES F/K/A THE TOWN COUNCIL MEETING RULES AND PROCEDURES; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 4.1 of the Charter of the Town of Miami Lakes, Florida (the “Town”) provides that the Town Council shall determine its own rules of procedure and order of business; and

WHEREAS, in Resolution No. 01-37, the Town Council adopted the Comprehensive Council Meeting and Agenda Procedures and thereafter amended them by Resolution No. 03-122, No. 07-516, No. 07-557, No. 07-592, No. 14-1256, No. 15-1272, No. 15-1324, and 19- 1601 and which are now known as the “Special Rules of Order of the Town of Miami Lakes” (collectively, “Special Rules of Order”); and

WHEREAS, the Town Council desires to provide amendments and corrections to the Special Rules of Order in order to streamline and correct inconsistencies; and

WHEREAS, the Town Council finds that amending the Special Rules of Order in this manner is in the best interest of the Town.

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

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Amending the Special Rules of Order. The Town Council hereby amends the Special Rules of Order in its entirety as attached hereto in Exhibit “A.”

Section 3. Effective Date. This Resolution shall be effective immediately upon adoption.

Passed and adopted this 11th day of December 2019

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

Mayor Manny Cid _____

Vice Mayor Nelson Rodriguez _____

Councilmember Carlos O. Alvarez _____

Councilmember Luis Collazo _____

Councilmember Josh Dieguez _____

Councilmember Jeffrey Rodriguez _____

Councilmember Marilyn Ruano _____

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”

SPECIAL RULES

(Deleted Language shall appear with ~~Strike-throughs~~ and additions underlined)

Special Rules of Order of the Town of Miami Lakes

Section 1. Town Council Meetings.

1.1 Regular Meetings. The Town Council shall hold regular meetings once or twice a month as may be determined by the Council on the ~~second~~ third and/or fourth Tuesday of each month, except for the month of December, at 6:30 p.m. in Town Hall or such other location as may be designated by the Town Council from time to time. All regular meetings shall be open to the public and shall be publicly noticed as may be required by Florida Law. Copies of the agenda shall be made available to the public upon entering the Town Council Chambers for all public meetings. A link of the Regular Council Meeting Agenda shall be sent to the Town residents, as determined by the Town Manager. Council meetings will be conducted in a businesslike yet open and friendly way, so as to allow the efficient accomplishment of Town business without unnecessary formalities or delays while respecting the right of each individual to express his/her opinion.

1.2 Special Meetings. Special meetings of the Town Council may be held upon the call of at least four (4) Councilmembers. Whenever a Special Meeting is called, forty-eight (48) hour notice, which is defined as two full calendar days, shall be given to the public. Shorter time may be given as the majority of the Council determines necessary, in case of an emergency affecting life, health, property or the public peace. Notice to the public shall be posted at Town Hall and other advertisements that may be required by law. Notices shall state the place, date and hour of the meeting and the purpose for which such meeting is called, and no further business shall be transacted at the meeting except as stated in the notice. A complete agenda package shall also be posted on the Town's website. All meetings shall be open to the public, except as may be expressly exempted by state law.

1.3 Robert's Rules of Order. Except as expressly provided in these procedures, all meetings of the Town Council shall be governed by the rules of procedure provided by Robert's Rules of Order, Newly Revised Edition, as amended from time to time. All items placed on the Special Meeting or Regular Meeting Agenda are actionable, unless expressly prohibited by a special rule or existing law.

1.4 Majority Defined. Subject to any restrictions in the Town Charter, the term majority as stated in these rules shall be defined as more than half of the Council Members present at any meeting at which a quorum exists.

1.5 Parliamentarian. The Town Attorney shall serve as the Parliamentarian and shall advise and assist the Council on matters of parliamentary law. Two-thirds of the Council can request the services and advice of a professional parliamentarian on a specific issue.

1.6 Participation and Attendance by Electronic or Telephonic Means. An absent member of the Town Council may participate and attend a Town Council meeting by electronic or telephonic means and may vote on all matters which come before the Council for a vote, but, said absent member shall not count toward determining the presence of a quorum.

Section 2. Duties and Responsibilities of the Mayor.

2.1 Mayor to Serve as Presiding Officer. The Mayor shall be the presiding officer at all Town Council meetings. The Vice Mayor shall act as the presiding officer during the absence of the Mayor. In the absence of both the Mayor and Vice Mayor, the remaining Council Members shall, by majority vote, select a presiding officer to carry out the functions of Mayor as defined in this Resolution. The Mayor shall decide on all questions of order subject to Roberts Rules of Order or these Procedures with the assistance of the Parliamentarian. Unless a conflict of interest precludes voting, the Mayor shall vote on all questions and items and be called last. The Vice Mayor shall be called before the Mayor. The Mayor shall introduce agenda items by the agenda item number. The Town Attorney shall read the titles of legislation as requested by the Mayor. Thereafter, the Mayor may call upon the Town Manager to give any needed explanation of the item up for consideration. Following this, the item shall be opened for Town Council discussion or public hearing as required by the item under the guidelines established herein. When an agenda item is sponsored by a member of the Council, the Mayor shall call on that member for opening comments. All comments or questions by the attending public shall be directed to the Mayor. At the discretion of the Mayor, voting upon a motion may be by voice vote, other than for ordinances. When roll call votes are necessary, the Town Clerk, at the direction of the Mayor, shall call the roll and record the vote. The Town Clerk shall for each succeeding roll call vote, rotate the order of Council Members' votes.

2.2 Mayor to Maintain Decorum At Council Meetings. The Mayor and Council will develop, foster and encourage open, honest, but gentle, communication between all Members of the Council and the public. All speakers must address their remarks to the Mayor, or the presiding officer in the Mayor's absence, in a courteous tone. Should a member of the audience become unruly, or behave in any manner that disrupts the orderly and efficient conduct of the meeting, the Mayor is given the right and the authority to require such person to leave the Council Chambers to be accompanied, if necessary, by the Sergeant-At-Arms. In the event the audience or a part thereof becomes unruly or disruptive, the Mayor may either recess or adjourn the meeting. Any person who makes threats of physical violence shall be subject to immediate ejection from the meeting.

2.3 Sergeant-At-Arms. A Town of Miami Lakes police officer shall serve as the Sergeant-At-Arms and carry out all orders and instructions given by the Mayor or a majority of the Council for the purpose of maintaining order and decorum at Town Council meetings.

Section 3. Order of Business.

3.1 Order of Business. The order of business of the Town Council at its regular meetings shall be as follows:

- (1) Special Presentations shall take place prior to the commencement of the Regular or Special Meeting
- (2) Call to Order
- (3) Roll Call
- (4) Invocation
- (5) Pledge of Allegiance
- (6) Order of Business: Deferrals, Additions and Deletions
- (7) Public Comments
- (8) Appointments
- (9) Committee Reports
- (10) Consent Calendar
- (11) Ordinances – First Reading (No Public Hearing)
- (12) Public Hearings – Ordinances – Second Reading
- (13) Resolutions
- (14) New Business

- (15) Reports
- (16) Adjournment

Section 4. Council Discussion.

4.1 Discussion by Council Members. Initial discussion by Members of the Town Council, including the Mayor, on any agenda item shall be limited to three (3) minutes, and, if they so desire be afforded one (1) minute for incremental rebuttal. The sponsoring Councilmember shall have two (2) minutes to introduce the item/motion. The Town Clerk shall keep the time of the speeches and rebuttals and shall report the same when asked by the Mayor or a Council Member through the Mayor (See Section 4.3 entitled Closing Debate). The aforementioned time limits may be amended during a discussion on a particular agenda item by a majority vote of the Town Council. A Council Member, once recognized by the Mayor, shall direct all comments or questions on the subject matter being discussed to the Mayor only. Council Members shall not engage in cross conversation with other members of the public. Members of the Town Council shall not interrupt another member who has the floor. The Mayor shall not unreasonably withhold or delay recognition of any Member of the Town Council desiring to speak. The Mayor shall recognize other members of the Council in rotation and not call on any member a second time or subsequent time until such time as all members who wish to have had an opportunity to speak.

4.2 Questions by Council Members. In the event a Council Member wishes to direct questions to another Member or to the public during a public meeting or presentation, the questions shall be directed to the Mayor who, in turn, will recognize the Council Member or member of the public who wishes to answer the specific questions. In the event a member wishes to direct a question to the Town Manager or Town Attorney, the question shall be directed through the Mayor who will, in turn, recognize the member. All questions of Town staff shall be made through the Town Manager.

4.3 Closing Debate. The motion to close debate shall be approved by an affirmative vote of two-thirds of quorum. Calling the questions to close debate shall take precedence in such circumstances and shall be voted on with no further discussion.

Section 5. Public Participation and Discussion.

5.1 Public Hearings. Individuals wishing to speak on matters that appear on the agenda as “Public Hearings” shall fill out a speaker’s card. Speakers cards shall be delivered to the Town Clerk who shall retain possession of the cards for the entirety of the meeting. Speakers shall be called to the podium by the Town Clerk in the order that the speaker’s cards are received and shall be recognized by the Mayor. The public shall be permitted to speak after the Mayor opens an item for Public Hearing. After the Public Hearing is closed by the Mayor, only members of the Town Council or Administration shall discuss the item.

5.2 Addressing Council, Manner and Time. To ensure the orderly conduct of and efficiency of the meeting, public comments shall be limited to three (3) minutes maximum per person; however, the Mayor may authorize the extension of the aforesaid time frame, after due consideration that others have had an opportunity to speak. Any extension granted should apply to other individuals speaking on the same subject. Each person who wishes to address the Council shall fill out a speaker’s card and shall step up to the speaker’s podium and shall give his/her name and address when called to the podium by the ~~Town Clerk~~ Mayor. ~~Speakers Cards shall be delivered to the Town Clerk who shall retain possession of the cards for the entirety of the meeting. Speakers shall be called to podium by the Town Clerk in the order that the speaker’s cards are received and shall be recognized by the Mayor.~~ No person other than the Council and the person recognized by the Mayor as having the floor shall be permitted to enter into discussion without the permission of the Mayor. All questions from the public to the Council shall be addressed through the Mayor.

5.3 Public Comments. An individual may speak during the Public Comments portion of the agenda and/or may speak on a particular agenda item during the Council discussion on the particular item. If speaking on a particular Agenda item, the speaker shall limit his/her comments to the subject of the Agenda item under consideration. The Mayor may limit irrelevant or repetitive comments to ensure the orderly conduct and efficiency of the meeting.

5.4 Remote Public Comments. Remote pre-recorded or live public comments are permissible. All remote public comments shall adhere to the rules as stated in Section 5.3 in its entirety.

Section 6.

Council Meeting Items.

6.1 Special Presentations. This section of the agenda is reserved for presentations, proclamations or special recognition made by the Mayor or Council Member(s). Council Members may request that proclamations be processed and prepared by the Mayor's Office for the next Town Council meeting. During the Special Presentations section of the agenda, the Mayor will recognize the recipient(s) and acknowledge the Council Member who requested the Special Presentation who will then present the presentation, proclamation or special recognition.

6.2 Consent Calendar. There shall be a consent agenda during each regular Town Council meeting. The consent calendar shall contain resolutions, approval of minutes, motions, and other pertinent matters which, in the opinion of the Town Manager, may be handled and implemented without necessity for discussion. Unless a Council Member specifically requests that an item be removed from the consent calendar, such items shall be approved and adopted by a main motion and majority vote.

6.3 Ordinances – First Reading. Ordinances for first reading are placed on the agenda to determine if a majority of the Town Council decides that the matter should proceed to a public hearing. As such, there shall be no discussion either by the public or the Council unless a majority of the Council decides by vote to waive the rule.

6.4 Public Hearings. Ordinances for second reading or items requiring a public hearing shall be placed on this portion of the agenda.

6.5 Ordinance Renewal. Once action is taken on a proposed Ordinance, or Resolution, neither the same matter its repeal or rescission may be brought before the Council again during the six (6) months period following the said action. Two-thirds of the Council may agree to waive the rule.

6.6 Resolutions. Resolutions not included on the consent agenda shall be placed on this portion of the agenda.

6.7 Mayor and Councilmember Reports. This section of the agenda shall be utilized for the Mayor and Councilmembers to provide informational reports. Such reports ~~are non may be actionable and this provision shall not be waived.~~ The Mayor and Councilmembers will be limited to two (2) reports per meeting each. A written memorandum or form provided for such purposes shall state the purpose and title of the report. The Mayor and Town Councilmembers shall update the Council on conferences attended on behalf of the Town. The conference update shall be under the Report section of the agenda, provided however, that such updates shall not be considered part of the two (2) report maximum provided in this section.

6.8 Town Manager and Town Attorney Reports. This section of the agenda shall be utilized for the Town Manager and Town Attorney to provide informational reports, which may be actionable. All reports shall state (along with a description of the item) whether they are informational or seek direction from the Town Council.

6.9 New Business. While the Town Manager may initiate the preparation of policy legislation or action by the Town Attorney, a Council Member who wishes to request the preparation of policy legislation by the Town Attorney or Administration shall place such requests for consideration by the Town Council under this section of the agenda. A signed, written memorandum or form provided for such purposes shall state the purpose of the item/action, the major points to be covered, the reasons for necessary action, the action desired by the Council Member, and a gross estimate of the Fiscal Impact of the item and the portions of the Town's Strategic Plan which are satisfied by the New Business Item. If, during discussion of the New Business item, there are material changes to the item, then before the New Business item returns to the Council for action, the Town Manager shall provide a report at the next regularly scheduled Council meeting, with a revised gross estimate of the Fiscal Impact of the changed New Business Item. Items not approved by the Council under New Business cannot come back before the Council for six (6) months. The Mayor and Councilmembers will be limited to three (3) New Business items per meeting. Said document shall be provided to the Town Manager prior to the deadline for closing the agenda and placed in the agenda packages. The request shall not be acted upon until such request is approved by a majority vote of the Town Council.

6.10 Adjournment. All meetings of the Town Council, whether they are special or regular meetings, shall be adjourned at no later than 11:00 p.m. The Town Council may, by affirmative vote of two-thirds of Councilmembers present at the meeting, extend the meeting beyond the time limit. In that event, the motion to continue the meeting must provide for a specific time for adjournment which the Town Council will honor for the purposes of continuing the meeting.

Section 7.

Council Agenda Preparation.

7.1 Placement of Items on Agenda. Resolutions, ordinances, reports and New Business shall be identified on the agenda as to the sponsoring Council Member or Mayor or as a recommendation from the Town Manager. Ordinances, resolutions and reports will be placed on the agenda on a first come basis. New Business items will be placed on the agenda on first come basis. ~~However, all first priority items will be placed on the agenda prior to any second priority items. All second priority items will be placed on the agenda prior to any third priority items. All items that are deferred from a meeting will need to be resubmitted and will be placed on the agenda as per the above criteria without giving any additional priority in its placement on the agenda.~~

7.2 Agenda Closing Dates. All information relating to items to be placed on the agenda shall be submitted by a Council Member to the Town Manager by 12:00 p.m. (noon), the Thursday two weeks prior to a regular meeting. All appropriate background material shall accompany the item in the form of a signed memorandum. The Town Clerk shall provide Council Members all the new business items and reports by 6 p.m. of that same day. A complete package of all agenda materials shall be delivered electronically or by other means to the Members of the Town Council by the Town Clerk no later than Wednesday prior to the date of the meeting. In addition, a complete agenda package shall also be posted on the Town's website and a paper copy available at Town Hall for citizen review by the close of business on Thursday prior to the date of the meeting. In the event pertinent information relating to an agenda item is missing or unaccounted for prior to the meeting, the Mayor or a Council Member may invoke the four (4) day rule, which automatically and without discussion removes the item from the agenda at the meeting.

7.3 Additional Items After Agenda Closing. No additional items shall be added to the agenda after the agenda package has been delivered to the Council unless it is deemed to be an emergency. An item requiring Council action and not included in the agenda may be added to the agenda by five (5) affirmative votes of the Town Council upon a determination that the items is necessary and an emergency, in which case the four-day rule shall be waived. Copies of all backup material shall be made available to the public on the date of the meeting.

7.4 Preparation of Legislation. All Ordinances and Resolutions shall show the name of each Council Member and whether such Member voted for, against, or failed to vote. All Ordinances and Resolutions, once approved by the Town Council, shall be executed by the Mayor and attested to by the Town Clerk.

7.5 Sequence of Agenda Items. Upon request by the Mayor and/or other Members of the Council, items on the agenda may be moved out of sequence in order to expedite the matters before the Town Council, upon a two-thirds vote of the Council.

7.6 Amendment of Special Rules of Order. These Special Rules of Order may be amended by a vote of two-thirds of quorum.