



Item No. 3a

AGENDA ITEM MEMORADUM

Town Clerk

Department

June White

Department Director

COMMISSION MEETING DATE - 7:00 PM		Deadline to Town Clerk
<input type="checkbox"/>	Feb 27, 2012 SPECIAL ORGANIZATION MEETING	Feb 17

*Subject to Change

SUBJECT TITLE: Discussion and/or Action Concerning Town Commission Protocols and Procedures for Conducting Town Business

EXPLANATION: The Town Code provides that the Town Commission may establish procedures relative to Town Commission meetings and agendas. Procedures for regular and special commission meetings are determined, as well as the duties of the Mayor, the order of business, public participation, the placement of items on the agenda, etc.

EXHIBITS: Resolution 2011-17 - Commission Meeting and Agenda Procedures adopted June 28, 2011.

Reviewed by Town Attorney
 Yes No

Town Manager Initials CW

RESOLUTION 2011-17

1 **A RESOLUTION OF THE TOWN COMMISSION OF THE**
2 **TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA,**
3 **REVISING THE COMMISSION MEETING AND AGENDA**
4 **PROCEDURES; PROVIDING FOR CONFLICTS;**
5 **PROVIDING FOR SEVERABILITY; AND PROVIDING**
6 **FOR AN EFFECTIVE DATE**

7
8 **WHEREAS,** Section 2-19 "Minutes and Procedures of Meetings," of the Code of
9 Ordinances of the Town of Lauderdale-By-The-Sea, Florida, provides that the Town
10 Commission may establish procedures relative to Town Commission meetings and agendas; and

11 **WHEREAS,** the Town Commission adopted Resolution 2011-05 on March 22, 2011,
12 amending and replacing Resolution 2010-21 which set forth such procedures; and

13 **WHEREAS,** the Town Commission seeks to revise the Commission Meeting and
14 Agenda Procedures to provide for Roundtable meetings only on an as needed basis; and

15 **WHEREAS,** the Town Commission therefore repeals Resolution 2011-05 and replaces
16 it with this Resolution; and

17 **WHEREAS,** these procedures shall be administered and implemented with flexibility,
18 to assure that the will of the majority is accomplished while the rights of the minority are
19 protected, to the end of accomplishing Town business in an efficient, effective and respectful
20 manner; and

21 **WHEREAS,** the adoption of these procedures is in the best interest of the Town of
22 Lauderdale-By-The-Sea.

23 **NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN**
24 **COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS**
25 **FOLLOWS:**

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27 **Section 1. Recitals.** The recitals contained in the preamble to this Resolution are
28 incorporated by reference herein.

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29 **Section 2. Procedures Adopted.** The following Town Commission Meeting and
30 Agenda Procedures are hereby adopted:¹

31 A. **TOWN COMMISSION MEETINGS**

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33 i. **Regular Meetings.** Pursuant to Town Code Section 2-16, the Town Commission
34 shall hold regular meetings each month at Jarvis Hall, and may decide not to have
35 a regular meeting in a given month. Regular Commission meetings are
36 traditionally held at 7:00 p.m. ~~on Tuesdays.~~ The Commission may cancel or
37 reschedule regular Commission meetings as it determines to be necessary. A
38 regular meeting may be recessed to a later date certain which is announced at the
39 regular meeting. All meetings shall be open to the public, except as may be
40 expressly exempted by state law, and shall include a section devoted to public
41 comment. The Town Manager or his or her designee (hereinafter referred to as
42 "the Town Manager") shall attend regular meetings, shall prepare an agenda with
43 appropriate backup, and shall assure that relevant staff persons are present for the
44 items on the agenda. The Town Attorney or his or her designee (hereinafter
45 referred to as "the Town Attorney") shall attend regular meetings. The purpose of
46 such meetings is to conduct the business of the Town. If an item results in
47 extensive discussion at a regular meeting, any Commissioner² may move that the
48 item be continued to a roundtable. Items requiring Commission action to become
49 effective must return to a regular or special Commission meeting if such action is
50 to be taken.

51
52 ii. **Roundtable Workshop Meetings.** The Town Commission shall meet as
53 ~~needed at least once a month~~ in a roundtable to be conducted as a public meeting
54 and provide for a public comment period as described below in Sub-section F.ii.
55 Roundtables, when held, are traditionally held on the second and fourth
56 ~~Wednesdays of each month at 7:00 pm, if the amount of business to be conducted~~
57 ~~justifies having two roundtables in a month. The Town Commission shall~~
58 ~~determine whether the amount of business in a given month justifies one or two~~
59 ~~roundtable meetings, and schedule them accordingly.~~ The Commission may
60 schedule, cancel or reschedule roundtable meetings of the Commission as it
61 determines to be necessary. A roundtable may be recessed to a later date certain
62 which is announced at the roundtable. The Town Commission shall discuss the
63 agenda items and provide feedback, but shall not take action at roundtables. The
64 Town Manager shall attend the roundtable, prepare an agenda with appropriate
65 backup, and assure that relevant staff persons are present for the items on the
66 agenda. The Town Attorney shall attend roundtables.

67
68 iii. **Special Meetings.**
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¹ Changes from Resolution 2011-05 are shown in strikethrough and underline text, to indicate deletions and additions respectively.

² All references to Commissioner herein shall be construed to also refer to the Mayor-Commissioner.

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- 70 (a) Special meetings shall be handled as provided in Town Code Section 2-18.
71
72 (b) With the written notice and following the procedures required in Section
73 2-18, the Commission may hold special meetings at any time on the call of
74 the Mayor, the Manager or any Commissioner, upon no less than 24
75 hours' notice to each Commissioner and the public. Alternatively, special
76 meetings may be called on such shorter notice as any two (2)
77 Commissioners shall deem necessary in case of an emergency affecting
78 life, health, property or the public peace. Immediately upon convening
79 such special meeting, the Town Commission shall consider any such
80 determination of emergency, and may continue the meeting if an
81 emergency is found to exist by at least three (3) Commissioners.
82 Emergency special meetings shall always be scheduled with as much
83 notice as is possible under the circumstances.
84
85 (c) A majority of the Commissioners shall constitute a quorum to transact
86 business, but a lesser number may meet and adjourn from time to time
87 and, if necessary, may compel the attendance of absent Commissioners.
88 Commission meetings are traditionally held at 7:00 p.m., but shall be
89 scheduled to accommodate the schedule of all Town Commissioners as
90 much as is feasible. The Town Manager shall attend the special meeting,
91 shall prepare an agenda with appropriate backup, and shall assure that
92 relevant staff persons are present for the items on the agenda. The Town
93 Attorney shall attend special meetings. Only those matters listed on the
94 agenda of the special meeting shall be discussed, and no additional items
95 may be added at the special meeting.
96
97 (d) Notice to the public shall be accomplished by posting at the Town Hall.
98 Notices shall state the place, date and hour of the special meeting and the
99 purpose for which such meeting is called and no further business shall be
100 transacted at the meeting, except as stated in the notice. Discussions at a
101 special meeting shall be limited to the items listed on the agenda for such
102 meetings. All special meetings shall be open to the public, except as may
103 be expressly exempted by state law.
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105 (e) A special meeting may be recessed to a later date certain which is
106 announced at the special meeting.
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108 iv. **Robert's Rules of Order.** For matters not addressed by this Resolution, all
109 meetings of the Town Commission shall be governed by the rules of procedure
110 provided by Robert's Rules of Order. Unless objection thereto is made by a
111 Commissioner, the Mayor may refrain from a too rigid enforcement of such rules,
112 in order to expedite the transaction of business. The Mayor may make and second
113 motions upon passing the gavel to the Vice-Mayor.
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115 **B. DUTIES AND RESPONSIBILITIES OF THE MAYOR**

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- i. **Mayor to Serve as Presiding Officer.** The Mayor shall be the presiding officer at all Town Commission 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 Commissioners shall, by majority vote, select a presiding officer (Mayor Pro Tem) to carry out the functions of Mayor for that meeting, as defined in this Resolution.
 - ii. **Mayor to Determine Questions of Order.** The Mayor may determine questions of order raised by the Commission or ask the Town Attorney to advise on such questions. The Town Attorney shall be the parliamentarian and shall decide appeals by the other Commissioners of the Mayor's ruling on a point of order. Such decisions shall be guided by the law that parliamentary procedure shall not be used to thwart the will of the majority of the Commission. A majority vote of the Town Commission, following a proper motion and a second appealing the Mayor's or Town Attorney's decision, will ultimately govern appeals of questions of order. The Mayor may consult with the Town Attorney for advice on any question of order at any time.
 - iii. **Mayor's Conduct of the Meeting.** In accordance with Town Charter Section 5.2(1), the Mayor shall have a voice and a vote on all questions and items, and be called last, but does not have veto power. The Mayor may make and second motions upon passing the gavel. The Mayor shall introduce agenda items by the agenda item and number. The Town Attorney shall read the titles of legislation as may be 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 Commission discussion or public hearing as required by the item, under the guidelines established herein. All comments or questions by the attending public shall be directed to the Mayor. All motions shall be read aloud before a vote is taken. After a decision is made, it shall be read back by the Town Clerk as clearly and concisely as possible.
 - iv. **Mayor to Maintain Decorum at Town Commission Meetings.** Should a member of the audience become unruly or behave in any improper manner prejudicial to the proper conduct of the meeting, the Mayor shall maintain order and decorum in accordance with Section 2-23 of the Code. All comments shall relate to Town business. The broadest possible accommodation shall be provided for statements of personal opinion, but no one shall engage in personal attacks. Proper titles shall be used at all times, to contribute to a respectful and business-like atmosphere. The Mayor may interrupt to maintain order and decorum, but such interruption shall not reduce the speaker's time. The Mayor is given the right and the authority to require such person to leave Jarvis Hall, to be accompanied, if necessary, by a Police Officer, in accordance with Section 2-23. In the event the audience, or a part thereof, becomes unruly, the Mayor may either recess or adjourn the meeting. Persons violating Florida Statute Section 871.01

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161 may be arrested by police officers present and noting the willful interruption or
162 disturbance.

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164 **C. ORDER OF BUSINESS**

165
166 The order of business of the Town Commission at the regular Commission meetings shall
167 be as follows:

- 168
169 (1) Call to Order/Invocation/Pledge of Allegiance
170 (2) Additions, Deletions, Deferrals of Agenda Items
171 (3) Special Presentations
172 (4) Public Comments
173 (5) Town Manager Report
174 (6) Town Attorney Report
175 (7) Public Safety Discussion
176 (8) Approval of Minutes
177 (9) Consent Agenda
178 (10) Ordinances
179 (11) Resolutions
180 (12) Quasi-Judicial Public Hearings
181 (13) Commissioner Comments
182 (14) Old Business
183 (15) New Business
184 (16) Adjournment

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186 Where any applicable law may require a different order or procedure for the Commission
187 meeting, such as for meetings involving the budget, those laws shall be followed and the
188 meeting procedures altered as may be appropriate.

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190 **D. COMMISSION DISCUSSION**

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192 i. **Discussion by Commissioner.** Discussion by Commissioners shall be limited to
193 three minutes except as may otherwise be determined by a majority of the Town
194 Commission. Each Commissioner shall be afforded the opportunity to offer
195 rebuttal on each item discussed, which shall also be limited to three minutes. A
196 Commissioner, once recognized by the Mayor, shall direct all comments or
197 questions on the subject matter being discussed to the Mayor only.
198 Commissioners shall not engage in cross conversation with other Commissioners
199 or the public, and shall not engage in personal attacks. Commissioners shall not
200 interrupt another Commissioner who has the floor, and shall be polite and
201 respectful. Those who are disruptive shall receive at least one warning before
202 being ejected in accordance with Code Section 2-23. The Town Manager may
203 play a role in keeping the Town Commission discussion on topic and keeping the
204 meeting moving forward. The Mayor shall not unreasonably withhold or delay
205 recognition of any Commissioner desiring to speak. The Mayor shall recognize
206 other Commissioners in rotation and not call on any Commissioner a second time

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207 or subsequent time until such time as all Commissioners shall have had an
208 opportunity to speak.

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210 ii. **Questions by Commissioners.** In the event a Commissioner wishes to direct
211 questions to another Commissioner or to the public, the questions shall be
212 directed to the Mayor who, in turn, will recognize the Commissioner or member
213 of the public who wishes to answer the specific questions. In the event a
214 Commissioner wishes to direct a question to the Town Manager, the question
215 shall be directed to the Town Manager through the Mayor, who will, in turn,
216 recognize the Commissioner. All questions of Town staff shall be made through
217 the Town Manager.

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219 E. **PUBLIC PARTICIPATION AND DISCUSSION**

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221 i. **Public Hearings.** Individuals wishing to speak on matters that appear on the
222 agenda as "Public Hearings" need only to be recognized by the Mayor. The
223 public shall be permitted to speak after the Mayor opens an item for Public
224 Hearing, for a maximum of three minutes each. After the Public Hearing is
225 closed by the Mayor, only Commissioners or Town administration shall discuss
226 the item.

227
228 ii. **Addressing Commission: Manner and Time.** Public discussion at public
229 hearings or at items which are opened to public discussion (other than the general
230 Public Comment portion of the meeting) shall be limited to three minutes
231 maximum per person. However, the Mayor may authorize the extension of this
232 time frame, after due consideration for the substance, content, and relative
233 importance of the subject. Each person who addresses the Commission shall
234 approach the speaker's podium, shall give his or her name and state whether he or
235 she is a resident of the Town. No person other than the member of the public
236 recognized by the Mayor as having the floor shall be permitted to enter into
237 discussion without the permission of the Mayor. No person shall approach the
238 dais without first receiving permission from the Mayor. All questions from the
239 public to the Commission shall be addressed through the Mayor, and shall be
240 handled in the manner that the Mayor sees fit. The normal practice shall be for
241 the Town Manager to designate a staff person to follow up on questions or
242 requests, and to avoid conversation between the public speaker and the members
243 of the Commission or the Town administration. Any answers that may be given
244 shall not reduce the speaker's time. Speakers shall conduct themselves in a polite
245 and respectful manner, and shall use proper titles when addressing
246 Commissioners, the Mayor or other Town officials or staff by name. Persons who
247 are disruptive shall receive at least one warning before being ejected in
248 accordance with Code Section 2-23.

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250 F. **COMMISSION MEETING ITEMS**

251

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- 252 i. **Special Presentations.** This section of the agenda is reserved for
253 presentations, proclamations or items of special recognition.
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- 255 ii. **Public Comments.** Individuals wishing to speak on matters not on the agenda
256 for a public hearing, but still pertinent to the Town, may do so by signing in with
257 the Town Clerk prior to the meeting. A statement shall be included in the agenda
258 of each Commission meeting at which public comments is an item on the agenda,
259 summarizing these procedures. The Mayor will recognize those persons who
260 signed in under the agenda item "Public Comments," and may also recognize
261 other persons who desire to speak. The time limit for each person to speak shall
262 be three (3) minutes. The speaker is allowed uninterrupted time to present his or
263 her point of view. Persons may reserve their comments for one agenda item at the
264 time that the item is being discussed, in lieu of using their public comment time.
265 The Town Manager shall follow up on public comments as appropriate, and shall
266 inform the Town Commission of any such follow up.
267
- 268 iii. **Town Manager Report.** Pursuant to Charter Section 5.5(5), the Town
269 Manager shall attend all meetings of the Commission and has the right to take part
270 in the discussion, but not to vote. The Town Manager shall recommend for
271 adoption such measures as the Manager deems appropriate, necessary or
272 expedient for the interests of the Town. This section of the agenda shall be
273 utilized by the Town Manager for reports and additional items for Commission
274 direction or action. The Town Manager shall produce a written progress report
275 for all major pending events in the Town, and an updated version shall be
276 provided as backup for the Town Manager Report at each regular Commission
277 meeting. The Manager may show an item as complete when he or she deems it
278 so, in a separate section at the bottom of the progress report. Upon approval of
279 the report by the Town Commission, the completed item may be removed from
280 the next progress report.
281
- 282 iv. **Town Attorney Report.** The Town Attorney shall make any report to the
283 Commission at this point in the agenda. However, if the Town Attorney has
284 substantial matters for the Commission to discuss or decide, they shall be
285 presented as agenda items.
286
- 287 v. **Public Safety Discussion.** The chiefs of the Town's police, fire and emergency
288 medical service providers will attend each regular Commission meeting, and be
289 available to answer questions from the Commission on their activities during this
290 section of the agenda.
291
- 292 vi. **Consent Agenda.** There shall be a consent agenda during each regular Town
293 Commission meeting. The consent agenda shall contain motions and other
294 matters which, in the opinion of the Town Manager, may be handled and
295 implemented without necessity for discussion. Unless a Commissioner
296 specifically requests that an item be removed from the consent agenda, such items
297 shall be approved and adopted by a single motion and vote of the Commission.

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- vii. **Ordinances and Public Hearings.** Ordinances or other items requiring a public hearing shall be placed on this portion of the agenda.
 - viii. **Resolutions.** Resolutions not included on the consent agenda shall be placed on this portion of the agenda. The Mayor may allow public comments on Resolutions.
 - ix. **Commissioner Comments.** This section of the agenda shall be utilized by the Mayor and Commissioners to provide informational reports. Each Commissioner and the Mayor shall have a maximum of five minutes for such reports, and there shall be no discussion with other Commissioners of such items. The order of speaking shall be determined at random.
 - x. **Old and New Business Commissioner Agenda Items.** Commissioners may submit a request for the preparation of policy, legislation or action by the Town Attorney or Town Manager. Except for informational reports, 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, whether visual aids such as maps, plans, photos or PowerPoint-style presentations may be appropriate, and the specific action or motion desired by the Commissioner. This agenda request shall be provided to the Town Manager prior to the deadline for closing the agenda of the meeting for which it is requested, and date stamped on the front of the first page upon receipt by Town staff. If the item can be resolved by the Town Manager without action of the Commission, the Manager shall be given the opportunity to do so. Once heard, the request shall not be acted upon until such request is approved by motion of the majority of the Town Commission. As much as possible, the topic of the report or item shall be provided to the Town Manager prior to the close of the agenda, so that the item may be noticed to the public.
 - xi. **Adjournment.** All meetings of the Town Commission, whether they be special or regular meetings, shall be adjourned at 11:00 p.m. However, the Town Commission, by affirmative vote of four (4) Commissioners present at the meeting, may extend the meeting beyond the time limit. In any event, the motion to continue the meeting must provide for a specific time frame which the Town Commission will honor for the purposes of continuing the meeting.
- F. **COMMISSION AGENDA PREPARATION**
- i. **Agenda Closing Dates.** The agenda for all regular meetings of the Town Commission shall be closed by noon on the Monday of the week prior to the date of the meeting. The agenda for all roundtable meetings of the Town Commission shall be closed by noon on the Tuesday of the week prior to the date of the meeting. The Manager shall determine the agenda closing date for any special

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344 meetings at least seven (7) days prior to the date of the meeting. No additional
345 items shall be added to the agenda of the regular meeting after the agenda closing
346 date unless it is deemed to be an emergency. An emergency item requiring
347 immediate Commission action may only be added to the agenda by majority vote
348 of the Town Commission at the meeting. Alternatively, the item may be deferred
349 to a date certain.

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351 **ii. Placement of Commissioner Items on Agenda.**

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353 (a) Regular Meetings. All appropriate background material shall
354 accompany the item on the form given for this purpose, and the action proposed
355 to be taken shall be clearly stated. All information relating to items to be placed
356 on the agenda shall be submitted by the Town Commissioner to the Town Clerk
357 by 12:00 noon on the Monday of the week prior to a regular meeting. A complete
358 package of all agenda material shall be provided to the Town Commission by the
359 Town Clerk no later than 5:00 p.m. on the Friday prior to the regular meeting, and
360 is also posted on the Town website. In the event that pertinent information
361 relating to the agenda item is missing or unaccounted for prior to the meeting, the
362 Town Commission may remove the item from the agenda at the regular meeting.
363 Voluminous agenda items, such as the responses to requests for proposals or
364 qualifications, shall be provided to the Town Commission by the Town Clerk no
365 later than 5 p.m. on the Thursday prior to the date of the regular meeting, if
366 feasible. Any PowerPoint-style presentations to be presented at a regular
367 Commission meeting by Town staff, or by other persons if an advance copy of
368 such presentation has been provided to the Town staff, shall be provided to the
369 Commission by the Town Clerk at least 48 hours prior to the meeting time, if
370 feasible.

371
372 (b) Roundtable Workshop Meetings. All appropriate background material
373 shall accompany the item on the form given for this purpose, and the item of
374 discussion and any action to be considered shall be clearly stated. All information
375 relating to items to be placed on the agenda shall be submitted by the Town
376 Commissioner to the Town Clerk by 12:00 noon on the Monday of the week prior
377 to a ~~regular~~ roundtable meeting. Items requiring no backup shall be submitted to
378 the Clerk by noon on Wednesday, one week prior to the roundtable meeting. A
379 complete package of all agenda material shall be provided to the Town
380 Commission by the Town Clerk no later than 5:00 p.m. on the Monday prior to
381 the date of the roundtable meeting, and is also posted on the Town website. The
382 Town Commission may discuss the item, defer the item to a later roundtable, or
383 indicate that the item is ready to be placed on the agenda of a regular or special
384 commission meeting for action.

385
386 **iii. Preparation of Legislation.** All Ordinances and Resolutions shall show the
387 name of each Commissioner and whether such Commissioner voted for, against
388 or failed to vote. All Ordinances and Resolutions, once approved by the Town
389 Commission, shall be executed by the Mayor and attested by the Town Clerk.

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- iv. **Sequence of Agenda Items.** Upon request by the Mayor, items on the agenda may be moved out of sequence in order to expedite the matters before the Town Commission, or assure that items that are related to each other are considered in context.
 - v. **Procurement/Purchasing Agenda Items.** The Town Manager shall provide suitable relevant backup and information on the item, including any information on past experience with bidders or responders on a purchasing item.
 - vi. **Minutes.** The Town Clerk shall have minutes ready for approval on the next available Commission meeting agenda if feasible, given the number and length of pending minutes and other workload considerations. Minutes shall record all actions taken by the Commission, and shall contain sufficient detail regarding decisions made, comments received, and discussion of the Commission.

406 **G. OTHER PROCEDURES**

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- i. **Town Charter.** Nothing herein shall conflict with procedures mandated by the Town Charter.
 - ii. **Motion to Reconsider.** A motion to reconsider any question which has been determined by the Town Commission may be made only by a Commissioner who voted on the prevailing side and who, not later than the next regular meeting following that on which such question was so determined, requested that a motion to reconsider be placed on the next regular meeting agenda.
 - iii. **Roll Call Vote.** Any Commissioner may demand the yeas and nays on any question submitted, or to be submitted, to voice vote and, when so demanded, the Town Clerk shall call the roll of Commissioners present and record the vote of each Commissioner.
 - iv. **Tie Vote.** Tie votes automatically fail.
 - v. **Action Agenda.** An action agenda shall be circulated by the Town Clerk within forty-eight hours of each Commission meeting if feasible, containing a brief description of action taken or discussion among the Commission on each agenda item.
 - vi. **Order of Seating.** On the Commission dais (facing the audience), the Town Clerk shall be seated at the left end and the Town Manager shall be seated at the right end. The Mayor shall be seated in the center of the dais, with the Town Attorney seated to his or her left side.
 - vii. **Waiver of the Procedures.** The intent of these procedures is to assure the smooth and efficient functioning of the Commission meeting, and to prioritize the

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completion of Town business. The procedures shall always be applied and interpreted to carry out the will of the majority of the Commission while giving due consideration to the rights of the minority. However, any Commissioner may propose to waive the strict application of the procedures in a particular circumstance. The procedure shall be waived upon a proper motion, second and approval of the waiver by a simple majority. A permanent change to the procedures shall be accomplished by adopting an amending Resolution.

H. QUASI-JUDICIAL PROCEEDINGS

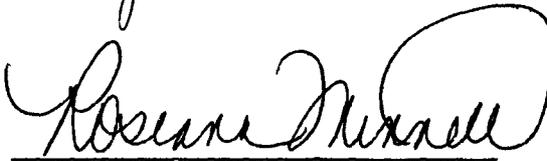
Quasi-judicial proceedings shall be excepted from this Resolution and shall be governed by Town Code.

Section 3. Conflict. All resolutions or parts of resolutions in conflict herewith, including Resolution 2010-21 and Resolution 2011-05, be and the same are hereby repealed to the extent of such conflict.

Section 4. Severability. The provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution 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 Resolution, but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED THIS 28 day of June, 2011.

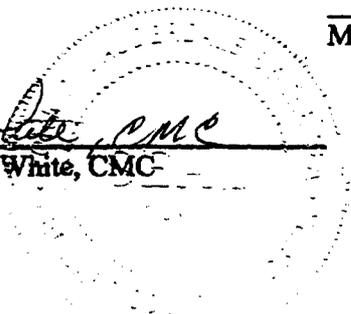


Mayor Roseann Minnet

ATTEST:



Town Clerk June White, CMC



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471
472 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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475  _____

476 Town Attorney Susan L. Trevarthen

(for)