2H

RESOLUTION 2010-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING COMMISSION MEETING AND AGENDA PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

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

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

WHEREAS, the Town Commission desires to adopt procedures for Town Commission meetings and agendas, as provided herein, by resolution; and

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

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

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

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

A. TOWN COMMISSION MEETINGS

i. **Regular Meetings**. Pursuant to Town Code Section 2-16, the Town Commission shall hold regular meetings on the second and fourth Tuesdays of each month at Jarvis Hall. Commission meetings are traditionally held at 7:00 p.m. The Commission may cancel or reschedule regular Commission meetings as it determines to be necessary. A regular meeting may be recessed to a later date certain which is announced at the regular meeting. All meetings shall be open to the public, except as may be expressly exempted by state law, and shall include a section devoted to public comment. The Town Manager shall attend regular meetings, shall prepare an agenda with appropriate backup, and shall assure that relevant staff persons are present for the items on the agenda. The Town Attorney shall attend regular meetings. The purpose of such meetings is to conduct the business of the Town. If an item bogs down in extensive discussion at a regular meeting, any Commissioner[1] may move that the item be continued to a roundtable. Items requiring Commission action to become effective must return to a regular or special Commission meeting if such action is to be taken.

ii. **Roundtable Workshop Meetings**. The Town Commission shall meet at least once a month in a roundtable to be conducted as a public meeting, but without public comment. The Commission may cancel or reschedule roundtable meetings of the Commission as it determines to be necessary. A roundtable may be recessed to a later date certain which is announced at the roundtable. The Town Commission shall discuss the agenda items and provide feedback, but shall not take action at roundtables. The Town Manager shall attend the roundtable, prepare an agenda with appropriate backup, and assure that relevant staff persons are present for the items on the agenda. The Town Attorney shall attend roundtables.

iii. **Special Meetings**.

(a) Pursuant to Town Code Section 2-18, with the written notice required therein, the Commission may hold special meetings at any time on the call of the Mayor or any two (2) Commissioners, upon no less than 48 hours' notice to each Commissioner and the public, or such shorter time as any three (3) Commissioners shall deem necessary in case of an emergency affecting life, health, property or the public peace. Immediately upon convening such special meeting, the Town Commission shall consider any such determination of emergency, and may continue the meeting if an emergency is found to exist by at least three (3) Commissioners. A majority of the Commissioners shall constitute a quorum to transact business, but a lesser number may meet and adjourn from time to time and, if necessary, may compel the attendance of absent Commissioners. Commission meetings are traditionally held at 7:00 p.m., but shall be

[1] All references to Commissioner herein shall be construed to also refer to the Mayor-Commissioner.

scheduled to accommodate the schedule of all Town Commissioners as much as is feasible. The Town Manager shall attend the special meeting, shall prepare an agenda with appropriate backup, and shall assure that relevant staff persons are present for the items on the agenda. The Town Attorney shall attend special meetings.

(b) Notice to the public shall be accomplished by posting at the Town Hall. Notices shall state the place, date and hour of the special 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. Discussions at a special meeting shall be limited to the items listed on the agenda for such meetings. All special meetings shall be open to the public, except as may be expressly exempted by state law.

(c) A special meeting may be recessed to a later date certain which is announced at the special meeting.

iv. **Robert's Rules of Order**. For matters not addressed by this Resolution, all meetings of the Town Commission shall be governed by the rules of procedure provided by Robert's Rules of Order. Unless objection thereto is made by a Commissioner, the Mayor may refrain from a too rigid enforcement of such rules, in order to expedite the transaction of business. The Mayor may make and second motions without passing the gavel to the Vice-Mayor.

B. DUTIES AND RESPONSIBILITIES OF THE MAYOR

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 shall be the parliamentarian and shall decide on all questions of order subject, however, to an appeal by the other Commissioners. A majority vote of the Town Commission, following a proper motion appealing the Mayor's decision and a second, will govern appeals of questions of order. The Mayor may consult with the Town Attorney for advice on any question of order.

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 without 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 may be arrested by police officers present and noting the willful interruption or disturbance.

C. ORDER OF BUSINESS

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

(1) Call to Order/Invocation/Pledge of Allegiance
(2) Additions, Deletions, Deferrals of Agenda Items
(3) Special Presentations
(4) Departmental Reports and Town Manager Report
(5) Public Comments
(6) Consent Agenda, Including Approval of Minutes
(7) Ordinances
(8) Resolutions
(9) Quasi-Judicial Public Hearings
(10) Commissioner Comments
(11) Adjournment

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

D. COMMISSION DISCUSSION

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

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

E. PUBLIC PARTICIPATION AND DISCUSSION

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

ii. **Addressing Commission: Manner and Time**. Public discussion at public hearings or at items which are opened to public discussion (other then the general Public Comment portion of the meeting) shall be limited to three minutes maximum per person. However, the Mayor may authorize the extension of this time frame, after due consideration for the substance, content, and relative importance of the subject. Each person who addresses the Commission shall

approach the speaker's podium, shall give his or her name and state whether he or she is a resident of the Town. No person other than the member of the public recognized by the Mayor as having the floor shall be permitted to enter into discussion without the permission of the Mayor. No person shall approach the dais without first receiving permission from the Mayor. All questions from the public to the Commission shall be addressed through the Mayor, and shall be handled in the manner that the Mayor sees fit. The normal practice shall be for the Town Manager to designate a staff person to follow up on questions or requests, and to avoid conversation between the public speaker and the members of the Commission or the Town administration. Any answers that may be given shall not reduce the speaker's time. Speakers shall conduct themselves in a polite and respectful manner, and shall use proper titles when addressing Commissioners, the Mayor or other Town officials or staff by name. Persons who are disruptive shall receive at least one warning before being ejected in accordance with Code Section 2-23.

F. COMMISSION MEETING ITEMS

i. **Special Presentations.** This section of the agenda is reserved for presentations, proclamations or items of special recognition.

ii. **Departmental Reports.** Departmental reports are presented once a month, at a regular meeting of the Commission. All department heads shall attend the Commission meetings at which their departmental reports are scheduled to be presented. Any other items on the agenda for that meeting that involve their departments will be taken out of order at the beginning of the meeting to allow the involvement of the department head if requested by any Commissioner. If items involving department heads are placed by a Commissioner on the agenda of a Commission meeting at which departmental reports are not scheduled to be presented, the Commissioner may indicate that they wish for the relevant department head to attend that meeting, and the item will be taken out of order at the approximate time at which reports would normally be heard. All staff members present at the meeting, other than the Town Clerk and Town Manager, shall be seated at a staff table located directly in front of the Commission dais.

iii. **Town Manager Report.** Pursuant to Charter Section 5.5(5), the Town Manager shall attend all meetings of the Commission and has the right to take part in the discussion, but not to vote. The Town Manager shall recommend for adoption such measures as the Manager deems appropriate, necessary or expedient for the interests of the Town. This section of the agenda shall be utilized by the Town Manager for reports and additional items for Commission action. The Town Manager shall produce a written progress report for all major pending events in the Town, and an updated version shall be provided as backup for the Town Manager Report at each regular Commission meeting. The Manager may show an item as complete when he or she deems it so, in a separate

section at the bottom of the progress report. Upon approval of the report by the Town Commission, the completed item may be removed from the next progress report.

ii. **Consent Agenda**. There shall be a consent agenda during each regular Town Commission meeting. The consent agenda shall contain the minutes of previous Commission meetings, resolutions, motions and other pertinent matters which, in the opinion of the Town Manager, may be handled and implemented without necessity for discussion. Unless a Commissioner specifically requests that an item be removed from the consent agenda, such items shall be approved and adopted by a single motion and vote of the Commission.

iii. **Public Hearings**. Ordinances or other items requiring a public hearing shall be placed on this portion of the agenda.

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

v. **Public Comments**. Individuals wishing to speak on matters not on the agenda for a public hearing, but still pertinent to the Town, may do so by signing in with the Town Clerk prior to the meeting. A statement shall be read at the beginning of the public comments summarizing these procedures. The Mayor will recognize those persons who signed in under the agenda item "Public Comments" and shall also recognize other persons who desire to speak. The time limit for each person to speak shall be three (3) minutes. The speaker is allowed uninterrupted time to present his or her point of view. Persons may reserve their comments for one agenda item at the time that the item is being discussed, in lieu of using their public comment time. The Town Manager shall follow up on public comments as appropriate, and shall inform the Town Commission of any such follow up.

vii. **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.

viii. **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, and date stamped on the front of the first page upon receipt by

Town staff. 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. 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 shall be provided to the Town Manager prior to the close of the agenda, so that the item may be noticed to the public.

viii **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 prior to the date of the meeting. The Manager shall determine the agenda closing date for any special meetings at least seven (7) days prior to the date of the meeting. No additional items shall be added to the agenda of the regular meeting after the agenda closing date unless it is deemed to be an emergency. An emergency item requiring immediate Commission action may only be added to the agenda by majority vote of the Town Commission at the meeting. Alternative, the item may be deferred to a date certain.

ii. **Placement of Items on Agenda**. All appropriate background material shall accompany the item in the form of a signed memorandum. All information relating to items to be placed on the agenda shall be submitted by the Town Commissioner to the Town Clerk by 12:00 noon the Monday prior to a regular meeting. A complete package of all agenda material shall be provided to the Town Commission by the Town Clerk no later than 5:00 p.m. on the Friday prior to the date of the regular meeting. In the event that pertinent information relating to the agenda item is missing or unaccounted for prior to the meeting, the Town Commission may remove the item from the agenda at the regular meeting. Voluminous agenda items, such as the responses to requests for proposals or qualifications, shall be provided to the Town Commission by the Town Clerk no later than 5 p.m. on the Thursday prior to the date of the regular meeting, if feasible. Any PowerPoint-style presentations to be presented at a regular Commission meeting by Town staff, or by other persons if an advance copy of such presentation has been provided to the Town staff, shall be provided to the Commissioners by the Town Clerk at least 48 hours prior to the meeting time, if feasible.

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

vi. **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.

vii. **Minutes**. The Town Clerk shall have minutes ready for approval on the next available Committee 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.

G. OTHER PROCEDURES

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, 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 right 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 completion of Town business. 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 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 ___ day of _____, 2010.

_____
Mayor

ATTEST:

_____
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____

Town Attorney