

ORDINANCE NO. 2003-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO RULES OF PROCEDURE FOR THE CITY COUNCIL; REPEALING SECTION 2-1 OF ARTICLE 1, CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR PURPOSE AND INTENT; ESTABLISHING PROCEDURES FOR MEETINGS OF THE CITY COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, under Section 4.1 of the City Charter of the City of Miami Gardens, the City Council has the authority to determine its own rules of procedure to govern council meetings; and

WHEREAS, the City Council adopted Robert 's Rules of Order as its temporary rules of procedure; and

WHEREAS, on August 27, 2003, a City Council Workshop was held in which the City Council determined that it is in the best interest of the City to adopt its own rules of procedure.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The foregoing recitals are incorporated herein by reference and made part hereof.

Section 2. **Purpose and Intent.** The purpose of this Ordinance is to establish uniform procedures for the conduct of council meetings to ensure that the public is provided with an opportunity to be heard. It is the intent of the City Council not to be bound by the technical formalities of Robert's Rules of Order or similar technical parliamentary rules, but instead to conduct council meetings in an informal and relaxed manner to enhance public participation.

Section 3. **Regular Meetings.**

(a) **Number of Meetings.** The City Council shall hold at least eleven (11) regular meetings in each calendar year, at such times and places as the Council may prescribe.

(b) **Time.** The City Council shall hold regular meetings on the second and fourth Wednesday of each month at 7:00 p.m., except the day fixed for any regular meeting may be changed by the City Council if the day is a designated legal holiday. Unless otherwise determined by the City Council, all council meetings shall commence at 7:00 p.m. and shall end no later than 12:00 a.m. No meeting of the City Council shall extend later than 12:00 a.m. except upon the affirmative vote of the majority vote of the members present at the meeting. ~~The City Council shall hold special meetings as provided by Section 4.1 of the City Charter.~~

(c) **Special Meetings.** Special meetings may be held on the call of the Mayor or upon the call of four (4) Council Members upon no less than 48 hours notice to the public or such shorter time as a majority of the Council deems necessary in case of an emergency affecting life, health, property or the public peace. Whenever a special meeting is called, the request for the special meeting shall be made in writing and served upon the City Clerk.

(d) **Place.** All meetings of the City Council shall be held at such place designated by the City Manager subject to the approval of the City Council.

(~~d~~) (e) **Public Notice.** Public notice of all meetings shall be given in accordance with Chapter 286 of the Florida Statutes by the City Clerk. In addition to the notice required by state law, notice shall be posted at City Hall and other places designated by the City Council and a copy of the meeting agenda shall be available at places designated by the City Council. A City Bulletin Board shall be established in a public place at City Hall for posting of public notices, including meeting notices.

Section 4. Officers.

(a) **Presiding Officer.** In accordance with Section 2.1 of the City Charter, the Mayor shall be the Presiding Officer at meetings of the City Council. In the absence of the Mayor, the Vice Mayor shall preside at all meetings of the City Council. In the absence of the Vice Mayor, the City Council shall select one of its members as a temporary Presiding Officer. The Presiding Officer shall preserve strict order and decorum at all meetings of the council. The Presiding Officer has the power, among other things, to recognize a speaker, secure and retain the floor for the speaker and keep order during the meeting.

(b) **City Clerk.** In accordance with Section 3.6 of the City Charter, the City Clerk shall be responsible for preparing the minutes for all council meetings. The City Clerk or a designated Deputy Clerk shall act as Clerk for the City Council. The City Clerk shall prepare the minutes and shall certify all ordinances and resolutions adopted by the City Council. The City Clerk shall give notice of all council meetings to its members and the public.

(c) **City Attorney.** The City Attorney, or such member of the Office of the City Attorney, as may be designated, shall be available to the City Council at all meetings. The City Attorney shall act as parliamentarian, and shall advise and assist the Presiding Officer in matters of parliamentary law.

Section 5. Agenda.

(a) **Preparation.** There shall be an official agenda for every meeting of the City Council. The City Manager and/or Clerk shall be responsible preparing an agenda for each meeting. The agenda shall be distributed to the Mayor, Council Members, City Manager, City Attorney and City Clerk, and placed at the designated sites as far in advance of the meeting as time for preparation will permit.

(b) **Items.** Any City Council member, the City Manager, the City Attorney, and the City Clerk may place matters on the agenda.

(c) **Preparation of Ordinances and Resolutions.** The City Attorney, when requested, shall prepare ordinances and resolutions. Ordinances may be introduced and listed by title and shall be read by title only before consideration by the City Council on first reading. On first reading of ordinances there may be discussion by the City Council and/or City staff, but not members of the general public unless otherwise directed by the Presiding Officer. On second reading there may be discussion by the City Council, City staff and/or members of the general public. On first reading and second reading, a roll call vote is required for the passage of an ordinance. Only resolutions and motions may be enacted by voice vote calling for “yes” or “no” on the question.

(d) **Approval by City Attorney.** All ordinances, resolutions and contract documents, before presentation to the Council, shall have been reduced to writing and shall have been approved as to form and legal sufficiency by the City Attorney.

(e) **Action by Resolution or Ordinance.** Any actions of the City Council may be taken by motion, resolution or ordinance except that any actions of the Council which ~~provides for raising revenue, appropriating funds or incurring indebtedness (other than refunding indebtedness), which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed~~ are set forth in Section 4.3 of the City Charter shall be by ordinance.

(f) **Statement of Fiscal Impact.** Prior to the second reading of any ordinance, the City Manager shall prepare a written statement setting forth the fiscal impact, if any, of a proposed ordinance. No ordinance shall be considered on second reading if the statement of fiscal impact is not submitted with the ordinance as part of the agenda. The provisions of this rule shall apply on any emergency ordinance or any budget ordinance.

(g) **Withdrawal of Agenda Items.** A sponsor of an agenda item may withdraw the item at any time. An agenda item shall be deemed withdrawn upon its third deferral. The provisions of this rule shall not apply to zoning applications to amend the Comprehensive Master Plan.

(h) **Minutes.** Minutes of regular and special meetings shall be recorded. Such minutes shall be maintained in the Office of the City Clerk. All minutes shall be summary in nature and not verbatim. It shall not be necessary to read the minutes prior to approval. Written minutes of all meetings shall be available for public inspection not later than 30 days after the conclusion of the meeting as stated in the CITIZENS’ BILL OF RIGHTS.

Section 6. Call to Order.

(a) The Presiding Officer or in his/her absence the Vice Mayor shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order.

(b) In absence of the Presiding Officer and the Vice Mayor, the City Clerk or an assistant to the City Clerk shall call the Council to order, whereupon a temporary Presiding Officer shall be elected by the members of the Council then present.

(c) Upon the arrival of the Presiding Officer or in his/her absence the Vice Mayor, the temporary Presiding Officer shall immediately relinquish the position of Presiding Officer upon the conclusion of the business immediately before the Council.

Section 7. Roll Call. Before proceeding with the business of the Council, the City Clerk or an assistant to the City Clerk shall call the roll of the members, and the names of those present shall be entered in the minutes.

Section 8. Quorum. A majority of the members of the Council shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present within thirty (30) minutes of the commencement of the meeting, ~~those names of Council Members in attendance shall be named~~ recorded in the record and shall adjourn to a later time until a quorum is established.

Section 9. Robert's Rules of Order. Robert's Rules of Order Newly Revised shall govern the proceedings of the Council in all cases, unless they are in conflict with the rules established by this Ordinance.

Section 10. Order of Business. Promptly at the hour set by this Ordinance on the day of each regular meeting, the members of the Council shall take their seats, and the business of the Council shall be taken up for consideration and disposition in the following order:

- (a) Call to Order/Roll Call.
- (b) Invocation.
- (c) Pledge of Allegiance
- (d) Approval of Minutes.
- (e) Order of Business.
- (f) Special Presentations.
- (g) Zoning Matters.
- (h) Ordinances for First Reading.
- (i) Ordinances for Second Reading "Public Hearings".
- (j) Resolutions
- (k) Reports of City Manager and City Attorney.
- (l) Reports of Mayor and Council Members.
- (m) Requests, Petitions & Other Communications from the Public.
- (n) Adjournment.

The Presiding Officer has the authority to change the order of business stated above subject to the approval of the City Council.

Section 11. Rules of Debate.

(a) **Questions Under Consideration.** On any agenda item, in order for debate to ensue, the Presiding Officer shall call for a motion to accept the matter at hand, whether it is an ordinance, resolution, motion, etc. for "discussion purposes only", and upon receipt of a second to that motion, debate may begin. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, (to lay pending question aside temporarily when something else of immediate urgency has arisen), to postpone, or to amend the motion until the question is decided. These motions shall have preference in the order in which they are mentioned and the first two shall be decided without debate. Final action upon a pending motion may be deferred until a date certain by a majority of the members present. If, after debate, the motion requires amendment, then Council member making a motion shall state as follows: "I move we adopt Ordinance (Resolution) as read" ["as amended" by Council member _____]. The City Attorney or the City Clerk may request and/or assist with a restatement of the motion for the record. The Council member seconding motion shall say, "I second the motion ["as amended"]".

(b) **As to the Presiding Officer.** The Mayor, as Presiding Officer, shall not move or second an item of debate. The Presiding Officer, however, upon relinquishing the chair, may move or second an item to vote, subject only to such limitations as are imposed by these rules upon all members.

(c) **Improper References to Avoid.** Every member desiring to speak for any purpose shall address the Presiding Officer, and upon recognition, shall be confined to the question under debate avoiding all personalities and indecorous language.

(d) **Interruption, Call to Order, Appeal a Ruling of the Chair.** A member, once recognized, shall not be interrupted when speaking unless it is a call to order or as herein otherwise provided. If a member shall cease speaking until the question or order to be determined by the Presiding Officer, and if in order, the member shall be permitted to proceed. Any member may appeal to the Council from the decision of the Presiding Officer upon a question of order when, without debate, the Presiding Officer shall submit to the Council the question, "Shall the decision of the chair be sustained?" and the Council shall decide by a majority vote.

(e) **Time Limit for Debate.** The debate by the Council members on any one item on the agenda shall not exceed one-half (1/2) hour unless additional time is granted by the Presiding Officer upon approval of the City Council.

(f) **Privilege of Closing Debate.** The Council member sponsoring or moving the adoption of an ordinance, resolution or motion shall have the privilege of closing debate.

(g) **Method of Voting.** After the debate is closed and/or the motion is restated, if necessary, the Presiding Officer shall call for a vote on the motion. In accordance with Section 4.1 of the City Charter, voting shall be by roll call or voice vote. Ordinances require a roll call vote by calling the names of the Council members alphabetically by surname, except that the names shall be rotated after each roll call vote, if requested, so that the Council member who voted first at a preceding roll call vote shall vote last upon the next roll call vote, provided, however, that the Presiding Officer, shall always cast the last vote.

The Clerk shall call the roll, tabulate the votes, and announce the results. The vote upon any resolution, motion or other matter may be by voice vote as previously noted, provided that the presiding officer or any Council member may require a roll call to be taken upon any resolution or motion.

(h) **Explanation of Vote, Conflict of Interest.** There shall be no discussion by any Council member voting, and the Council member shall vote "yes" or "no". Any Council member, upon voting may give a brief statement to explain his or her vote. A Council member shall have the privilege of filing with the City Clerk a written explanation of his or her vote. Any Council member with a conflict of interest on a particular matter shall refrain from voting or otherwise participating in the proceedings related to that matter and may leave the Council chambers until the consideration of that matter is concluded. Any such Council member who does not leave the chambers shall be deemed absent for purposes of constituting a quorum, counting the vote, or for any other purpose.

(i) **The Votes.** Whenever action cannot be taken because the vote of the City Council has resulted in a tie, the status quo shall continue in effect and the proposed ordinance, resolution or motion that produced the tie vote shall be removed from the agenda without prejudice to its reintroduction on a de novo basis at a later time, provided that in quasi-judicial matters unless the Council designates a different time for such reconsideration.

(j) **Vote Change.** Any Council member may change his or her vote before a recess or adjournment is called, whichever occurs first, but not thereafter. In this case, the City Clerk shall call back the vote and verify the outcome for the Presiding Officer.

(k) **No Motion or Second.** If an agenda item fails to receive a motion or second, it shall be removed from the agenda and may be reintroduced at the same meeting or a subsequent meeting.

(l) **Adjournment.** A motion to adjourn shall always be in order and decided without debate.

(m) **Suspension of the Rules.** No rule of procedure adopted by the City Council shall be suspended except by an affirmative vote of two-thirds (2/3) of the Council members present.

Section 12. Reconsideration. Except in quasi-judicial matters, an action of the City Council may be reconsidered only at the same meeting at which the action was taken, or, if not, at the next regular meeting thereafter. A motion to reconsider may be made only by a Council member who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. A motion to reconsider shall not be considered unless at least the same number of Council members is present as participated in the original vote, or upon affirmative vote of two-thirds (2/3) of those Council members present. Adoption of a motion to reconsider shall rescind the action reconsidered. Quasi-judicial matters may be reconsidered only at the same meeting at which the action was taken.

Section 13. Committees.

(a) In accordance with Section 3.9 of the City Charter, the Council may create communities, boards, and commissions to assist in the conduct of the operation of the City government with such duties as the Council may specify not inconsistent with the City Charter of City Code.

(b) The members of each committee shall select a Chairperson. Each member of the Council shall appoint one (1) member to each committee unless the City Council specifies a different method for the selection of members of a committee. This provision shall not apply to the Charter Revision Commission created under Section 6.2 of the City Charter

(c) Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council.

(d) No committee so appointed shall have powers other than advisory to the Council or the City Manager except as otherwise specified by the City Charter or City Code. Such committees shall be governed by these rules of procedure and if advisory, shall be subject to the Florida Sunshine and Public Records laws.

Section 14. Public Participation.

(a) **Citizens' Presentations.** Any citizen shall be entitled to be placed on the official agenda of a regular meeting of the Council and be heard concerning any matter within the scope of jurisdiction of the City Council. Only Council members and the City Manager may place a citizen on the official agenda.

(b) **Public Hearings.** Any citizen shall be entitled to speak on any matter appearing on the official agenda under the section entitled "Public Hearings".

(c) **Public Discussion on Agenda Items.** No citizen shall be entitled as a matter of right to address the Council on any matter listed or added to the official agenda which is not scheduled for citizen's presentations, public hearing, discussion or debate unless the Presiding Officer has granted the request to address the Council.

(d) **Registration of Speakers.** The Presiding Officer may require the registration of speakers. If so, the City Clerk shall prepare appropriate cards, which indicate the speaker's name, the agenda item on which he or she is speaking in favor of or against the proposed item.

(e) **Failure to Register.** If registration is required on a particular agenda item, failure to comply with the registration provisions of this section shall prohibit a person from speaking.

(f) **Manner of Addressing the Council and Time Limit.** Each person, other than members of the City staff, who addresses the Council shall step up to the podium and shall give the following information in an audible tone of voice for the minutes.

(1) Name

- (2) Address
- (3) Whether the person speaks on his or her own behalf, a group of persons, or a third party; or if the person represents an organization; and whether the view expressed by the speaker represents an established policy of the organization approved by the board or governing council;
- (4) Whether the person or any immediate family member has a personal financial interest in the pending matter;

Unless further time is granted by the City Council, the speaker shall be limited to five (5) minutes. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than Council members and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked a Council member except through the Presiding Officer.

(e) **Decorum.** Any person making personal, impertinent, or slanderous remarks or who become boisterous while addressing the Council shall be barred from further appearance before the Council by the Presiding Officer, unless permission to continue or again address the Council is granted by a majority vote of the Council.

Section 15. Sergeant -At-Arms. The District Commander of the Miami-Dade County Police Department located in Miami Gardens, or such member(s) of the Police Department as he may designate, shall be sergeant-at-arms of the Council meetings. He, or they, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting.

Section 16. Lobbyist Disclosure. In accordance with Section 7.6 of the City Charter, any person who addresses the City Council on behalf of an individual, corporation or special interest group for compensation must disclose that representation when stating his or her name. In addition, a lobbyist, as defined by Miami-Dade County Code, is required to comply with the following requirements:

- (a) Register with the City Clerk prior to lobbying any City government official, i.e., City Council member, City Manager, employee, board or committee member; and
- (b) Disclose in writing all persons and/or entities the lobbyist is representing and submit a letter of permission from said person or entity; and
- (c) Submit a full disclosure of the comprehensive terms of all compensation or consideration the lobbyist is being paid for such activities; and
- (d) Disclose in writing all City government officials directly contacted by the lobbyist, any expenditures involved, any fundraising or campaign contributions made directly or indirectly by the lobbyist to any City government officials or on their behalf.

Any violation of this section shall be subject to penalties under the Code of Ethics of Miami-Dade County.

Section 17. Non-Compliance with Procedural Rules. If a procedural rule of this Council is not complied with as a result of either mistake, inadvertence or excusable neglect, as those terms are defined by law, by either the Presiding Officer or the parliamentarian, then the validity of the underlying substantive ordinance resolution, motion or other action shall in no way be affected thereby, and the failure of compliance with said procedural rule shall not be the basis for any person or party to challenge any ordinance, resolution or other action of this Council.

Section 18. Severability. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 19. Repealer. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed. Section 2 – 1 of Chapter 2, Article I of the Code of Miami-Dade is hereby repealed in its entirety.

Section 20. Effective Date. This ordinance shall be effective ten (10) days after second reading.

PASSED on first reading the 10 day of Sept., 2003

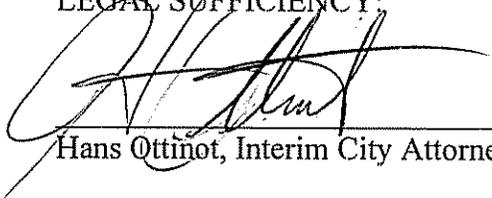
PASSED AND ADOPTED on second reading this 24 day of Sept., 2003.


Shirley Gibson, Mayor

ATTEST:


Rowetta Taylor, Acting City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


Hans Ottinot, Interim City Attorney

Motion on second reading by: Councilmbr. Pritchett

Second on second reading by: Councilmbr. King

VOTE:

Mayor Shirley Gibson	<u> x </u> (Yes)	<u> </u> (No)
Vice Mayor Aaron Campbell	<u> x </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> x </u> (Yes)	<u> </u> (No)
Councilman Oscar Braynon II	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Audrey King	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Barbara Watson	<u> x </u> (Yes)	<u> </u> (No)