

ORDINANCE NO. 16 - 1654

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI. - "RULES OF PROCEDURE FOR TOWN MEETINGS"; SPECIFICALLY AMENDING SECTIONS 2-201, 2-202, 2-203, 2-204, 2-205, 2-206, 2-207, 2-208 AND 2-209; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 20 of the Town of Surfside Charter provides that the Town Commission of the Town of Surfside shall fix its rules of procedure; and

**WHEREAS**, the Town desires to amend Article VI. - "Rules of Procedure for Town Meetings;" and

**WHEREAS**, the ordinance amends Section 2-201. - Rules of procedure for the Town Commission to include rules of procedure for Town boards and committees; and

**WHEREAS**, the amendments to the ordinance do not conflict with the provisions in Section 2-151 Personnel Appeals Board Section, 2-185 Pension Board, Section 70-124 Resort Tax Board or Sections 90-15, 90-16, 90-17, 90-18 of the Zoning Code for Planning and Zoning and Design Review Board members; and

**WHEREAS**, the ordinance amends Section 2-204 to distinguish continuing committees, sub-committees and ad hoc committees and includes specific procedures for committees; and

**WHEREAS**, the ordinance provides for rules for submission of electronic files; and

**WHEREAS**, the ordinance provides for a definition of liaison; and

**WHEREAS**, the ordinance provides for correction of a few minor scrivener's errors; and

**WHEREAS**, the Town Commission held its first public reading on November 9, 2016 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on December 13, 2016 and further finds the proposed change to the Code necessary and in the best interest of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:**

**Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by this reference:

**Section 2. Town Code Amended.** Article VI. – “Rules of Procedure for Town Meetings” of the Surfside Town Code of Ordinances are hereby amended and shall read as follows:

## **ARTICLE VI. - RULES OF PROCEDURE FOR TOWN MEETINGS**

Sec. 2-201. - Rules of procedure for the town commission and town boards and committees.

*Rule 2.01 Governing rules; amendment.* Except as may be provided in the Chapter, the Town of Surfside Code, Florida laws or by these rules as set forth in this ordinance, questions of order, the methods of organization and the conduct of business of the town Commission and town boards and committees and to the extent there is no conflict, the town Commission, and town boards and committees shall be governed by Mason’s Manual of Legislative Procedure (2010 1953 Edition). Once enacted, and except as already amended by the provisions contained herein, these rules may be amended by two-thirds vote of the entire town commission.

Sec. 2-202. - Officers.

*Rule 3.01 Presiding officer.* The mayor, ~~or a member of the commission designated by the mayor,~~ shall preside at all meetings of the town commission at which he or she is present. In the absence of the ~~presiding officer mayor,~~ the vice mayor shall act as mayor. In the absence of both the mayor and vice mayor, the town commission 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 commission. A majority vote of the members present shall govern and conclusively determine all questions of order not otherwise covered. 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 time the floor is taken subject to Mason’s Rules and to the rules contained in this article.

*Rule 3.02 Clerk.* The town clerk shall act as clerk of the commission. The clerk of the commission shall call the roll, prepare the minutes and shall be custodian of the records and shall certify all ordinances and resolutions adopted by the commission, and perform such other duties as required by the Town Charter.

*Rule 3.03 Town attorney.* The town attorney, or such member of the office of the town attorney as may be designated, shall be available to the commission at all meetings: the town attorney shall act as parliamentarian, and shall advise and assist the presiding officer in matters of parliamentary law.

*Rule 3.04 Sergeant-at-arms.* The town police chief, or such other town official or employee as the chief may designate, shall be the sergeant-at-arms of the town commission meeting, at the request of the presiding officer or the town manager. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer or the town manager for the purpose of maintaining order and decorum at the meetings.

Sec. 2-203. - Meetings.

*Rule 4.01 Regular Meetings.*

- (a) The commission shall hold regular meetings in accordance with its Charter or, if the Charter provision is amended, in accordance with an ordinance duly adopted by the commission, as may be amended from time to time.
  - (1) All regular and zoning meetings shall be held irrespective of whether or not any particular commission member (including the Mayor) may be able to attend unless otherwise agreed by a majority of the commission. Such meetings shall be held in the commission chambers at 9293 Harding Avenue, Surfside, Florida 33154, or such location as may be approved by a majority of the commission members present and shall be open to the public and all news media.
  - (2) Regular meetings may be otherwise postponed or canceled by resolution or motion adopted at a regular meeting by a majority of the commission members present.
  - (3) No meeting shall continue beyond 11:00 p.m. unless by a vote of the majority of the members of the commission present, the commission agrees to extend the meeting beyond this time.
  - (4) Workshops may be scheduled at the request of the town manager, the town attorney or a majority of the commission at any time, provided appropriate notice is given.
- (b) Zoning matters shall be scheduled as part of regular town commission meetings unless otherwise decided by the commission.
- (c) The second reading (public hearing) of the annual budget ordinance or resolution shall be considered at a meeting at which the said budget ordinance or resolution and the levy of the millage are the only items on the agenda.

*Rule 4.02 Special meetings; emergency meetings.*

- (a) Special meetings. A special meeting of the commission may be called by a majority of the members of the town commission or the town manager. ~~Whenever a special meeting is called, a notice in writing signed by such majority shall be served upon the clerk.~~ The clerk shall forthwith serve either verbal or written notice upon each member of the commission stating the date, hour and place of the meeting and the purpose for which such meeting is called; and no other business shall be transacted at that meeting. At least twenty-four (24) hours notice must elapse between the time the clerk receives notice in writing and the time the meeting is to be held.
- (b) Emergency meetings. An emergency meeting of the town commission may be called by the mayor in accordance with prescriptions of the town charter whenever in his or her opinion an emergency exists that requires immediate action by the commission. Whenever such emergency meeting is called, the mayor shall notify the clerk who shall forthwith serve either verbal or written notice upon each member of the commission, stating the date, hour and place of the meeting and the purpose for which it is called, and no other business shall be transacted at that meeting. At least 24 hours shall elapse

between the time the clerk receives notice of the meeting and the time the meeting is to be held.

- (c) If after reasonable diligence, it is impossible to give notice to each commissioner, such failure shall not affect the legality of the meeting if a quorum is present. The minutes of each special or emergency meeting shall show the manner and method by which notice of such special or emergency meeting was given to each member of the commission, or shall show a waiver of notice. All special or emergency meetings shall be open to the public and shall be held and conducted in the Commission Chambers, Town Hall, 9293 Harding Avenue, Surfside, Florida 33154, or other suitable location within the Town of Surfside, Florida. Minutes thereof shall be kept by the town clerk.
- (d) No special or emergency meeting shall be held unless notice thereof is given in compliance with the provisions of this rule, or notice thereof is waived by a majority of the entire membership of the commission and in accordance with the town charter.

Rule 4.03 Electronic Files presented at Public Meetings. Electronic files to be presented at public meetings in the Town of Surfside must be provided to the town clerk by noon on the business day prior to the scheduled meeting.

Sec. 2-204. - Committees-, *Sub-committees and Ad Hoc Committees.*

*Rule 5.01 Continuing Committees, Sub-committees and Ad Hoc Committees.*

There may be such—standing continuing committees, sub-committees and ad hoc committees of the town commission created by resolution as the town commission deems necessary to conduct the business of the town appropriately and in accordance with the town charter. Such committees shall be governed by these rules of procedure and if advisory, shall be subject to the Florida sunshine and public records laws. Each member of the town commission shall appoint one (1) member to each committee. All appointments are at the will of the appointing member of the town commission and may be removed at any time by the appointing member of the town commission. Members of committees shall be appointed to serve until the expiration of the committee or to the end of the appointing member of the town commission's term.

- (1) Continuing Committees and Sub-committee Committees. Continuing committees and sub-committees shall exist until abolished by the town commission or shall have a sunset provision.
- (2) Ad Hoc Committees. The expiration date for each ad hoc committee shall be designated at the time of formation, or the ad hoc committee shall expire when the ad hoc committee reports to the commission that its designated goal or goals have been accomplished.
- (3) All continuing committees, sub-committees and ad hoc committees shall abide by the following procedures:

- a. Mission Statement. A mission statement shall be developed by the town commission.
- b. Public Meetings. All meetings and business of any committee, sub-committee or ad hoc committee shall comply with the Florida Statutes including that all committee meetings shall be open to the public at all times, noticed, and minutes of the meetings shall be taken and retained in the office of the town clerk. All committee members shall be subject to the State of Florida, Miami-Dade County and Town of Surfside Conflict of Interest and Code of Ethics Ordinance.
- c. Agenda. The Committee chairperson shall prepare the agenda for the committee meeting. In the chairperson's absence, the vice chairperson shall prepare the agenda. Any committee member may propose additional agenda items at any time. Items proposed after the agenda is distributed may only be heard under "New Business" and upon an affirmative vote of the majority of the committee. Each agenda shall also include a section for public comment.
- d. Public Appearances and Requests. Any person may appear before any committee during the public comment portion of the meeting.
- e. Quorum. A quorum shall be fifty percent (50%) plus one of the committee members. Provided there is a quorum, a majority of those present and voting shall be required to adopt any motion or take any action.
- f. Voting. Each committee member shall be entitled to one (1) vote. The committee shall act as a body in making its decisions. No committee member present at a meeting may abstain from voting unless the committee member possesses a conflict of interest, as provided in either the Florida Statutes or the Miami-Dade County Code of Ethics.
- g. Attendance. In the event that a committee member fails to attend three (3) regularly scheduled meetings in any one calendar year, the committee member may be removed from the committee and the town commission will be notified of the vacancy.
- h. Appointments, Vacancies and Resignations. Each person appointed to a committee, sub-committee or ad hoc committee shall be appointed by the town commission in the following manner:
  - (1) The mayor and each member of the town commission shall appoint one member to each committee.
  - (2) Should any appointee resign or be removed during the term of the committee, sub-committee or ad hoc committee, the appointing commissioner may select another appointee in accordance with the procedure outlined as follows:

Upon notification of the vacancy, the town clerk shall notify the town commission, in writing. The town commission shall establish a deadline for the submission of letters of interest to serve on the committee at a commission meeting.

- (i) Any person who wishes to serve on a committee and who meets the qualifications of office as set forth in the resolution creating or re-authorizing the committee, shall submit his or her name together with a letter of interest to the town clerk by the deadline established by the town commission. Thereafter, the town clerk shall provide the town commission with the names and letters of interest.
  - (ii) Nominations and appointments to fill the vacancy shall be made at a town commission meeting. Appointments to fill a mid-term vacancy shall only be made for the remainder of the term of the committee member being replaced.
- i. Reappointment. Committee, sub-committee or ad hoc committee members shall be eligible for reappointment and shall hold office until their successors have been duly appointed and qualified.
  - j. Residency Requirement. Committee, sub-committee or ad hoc committee members shall be registered qualified electors of Miami-Dade County, Florida, whose legal residence is in the Town of Surfside.
  - k. Compensation. All committee, sub-committee or ad hoc committee members shall serve without compensation and shall not otherwise obtain direct or indirect financial gain from their service on a committee.
  - l. Oath Requirement. All committee, sub-committee or ad hoc committee members shall be required to subscribe to an oath or affirmation to be administered by and filed with the town clerk, swearing to support, protect and defend the Constitution and laws of the United States and of the State of Florida, the Charter and all ordinances of the Town of Surfside and Miami-Dade County, and in all respects to faithfully discharge their duties.
  - m. Financial Disclosure Requirement/Standards of Conduct. If required by law, committee members shall file appropriate annual financial disclosure forms. All committee members shall be subject to the Standards of Conduct for Public Officers and Employees set by federal, state, county or other applicable ethics or conflicts of interest laws.
  - n. Officers and Elections. Except as provided otherwise in the resolution creating or re-authorizing a committee, each committee shall elect a chairperson, vice-chairperson and secretary at the first committee meeting.

- o. Records. Minutes of all committee meetings shall be prepared by the town administration and shall be available for public inspection. The minutes shall be forwarded to each committee member for review and shall be approved by the committee at a public meeting. Once approved, the meeting minutes shall be forwarded to the town clerk for filing. Attendance and absences must be recorded and submitted to the town clerk along with the minutes. The secretary of a committee, sub-committee or ad hoc committee shall prepare a final report to be submitted to the town clerk which shall be presented at a regular town commission meeting.

Rule 5.02 Town Commission Liaison; Appointment and Definition.

- (1) Appointment: The mayor shall designate and appoint one member of the town commission as the liaison to each board, committee and subcommittee of the town commission.
- (2) Definition: The town commission liaison is defined as a nonvoting member of a board, committee or sub-committee who communicates the activities of the board, committee or subcommittee to the town commission. The liaison's role is limited to responding to questions posed by members of the board, committee or sub-committee to which the liaison serves. All remarks from the liaison shall be addressed to the chair who serves as the presiding officer.

Sec. 2-205. - Conduct of meetings; agenda.

*Rule 6.01 Call to order.* Promptly at the hour set for each meeting, the mayor and the members of the town commission, the town attorney, the town manager and the town clerk shall take their regular stations in the commission chambers. The presiding officer shall take the chair and shall call the town commission to order immediately. In the absence of the presiding officer, the town clerk shall then determine whether a quorum is present and in that event shall call for the election of a temporary presiding officer. Upon the arrival of the presiding officer, the temporary presiding officer shall relinquish the chair upon the conclusion of the business immediately before the Commission.

*Rule 6.02 Roll call.* The town clerk shall call the roll of the members, and the names of those present shall be entered in the minutes. In the event the roll call reflects the absence of any member on official town business that fact shall be noted in the minutes. Any town commissioner who intends to be absent from any town commission meeting shall notify the town clerk ~~of the board~~ of the intended absence as soon as convenient.

Rule 6.03 Participation by Physically Absent Member of the Town Commission, Town Board or Committee not permitted. A Member of the Town Commission, Town Board or Committee is not permitted to participate and/or vote telephonically and/or by interactive video.

*Rule 6.034 Quorum.* A majority of the members of the town commissioners then in office shall constitute a quorum. No ordinance, resolution or motion shall be adopted by the town commission without the affirmative vote of the majority of all the members present.

*Rule 6.045 Failure to attain a quorum.* Should no quorum attend within ~~30~~ 15 minutes after the hour appointed for the meeting of the commission, the presiding officer or the town clerk may adjourn the meeting ~~until another hour or day unless by unanimous agreement, those members present select another time.~~ The names of the members present and their action at such meeting shall be recorded in the minutes by the town clerk.

*Rule 6.056 Agenda.*

- (a) *Order of business.* There shall be an official agenda for every meeting of the commission which shall determine the order of business conducted at the meeting. The order of business shall be as follows: (1) call to order/roll call of members, pledge of allegiance, ~~approval of minutes,~~ agenda/order of business (additions/deletions), special presentations, (2) quasi-judicial hearings (3) consent agenda at the pleasure of the commission, approval of minutes, town manager, town attorney reports (4) ordinances ~~and public hearings, which shall be held at a specially scheduled time, if the notice so states,~~ (5) resolutions (6) good and welfare shall be heard at a time certain: at 8:15 p.m. — 9:15 p.m. (7) ~~town manager and town attorney reports, if any~~ (8) unfinished business and new business (9) mayor, and town commission ~~communications~~ and staff communications.
- (1) Items shall be considered in the order in which they are placed on the agenda unless a majority of the commissioners determines to deviate from the printed agenda.
  - (2) The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda, ~~for discussion and debate.~~ In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, members of the town commission ~~members~~ shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence. The rules of section 2-207(e) as set forth hereinbelow shall be observed during this portion of the Agenda.
  - (3) The town commission shall not take action upon any matter, proposal, or item of business which is not listed upon the official agenda, unless it is approved at the meeting by a majority of the entire commission, which shall have first consented to the matter for consideration. No ordinance, resolution or other matter listed on the agenda for public hearing or the vote thereon may be deferred until a later time unless a majority of the entire town commission shall vote in favor of such deferral.
- (b) *Authority to place items on agenda.* Matters may be placed on the agenda by any member of the town commissioner, the town manager, the town attorney and the town clerk ~~of the commission.~~



- (c) *Approval of minutes.* All minutes shall be summary in nature ~~and verbatim~~. A copy of such completed minutes shall, ~~upon completion by the clerk, be delivered to the town manager placed on a regular agenda and town attorney. the minutes of prior meetings~~ may only be approved by a majority of the members of the town commissioners present ~~at a meeting of the commission~~, and upon such approval shall become the official minutes.

*Rule 6.06Z Ordinances, resolutions, motions, contracts.*

- (a) *Preparation and enactment of ordinances.* The town attorney shall prepare ordinances and resolutions. Ordinances may be introduced, listed by title and shall be read by title only before consideration by the town commission on first reading. At public hearing, each ordinance shall be voted on individually by a call of the roll. Only resolutions and motions may be enacted by voice vote calling for “ayes” or “no” on the question.
- (b) *Approval by town attorney.* All ordinances, resolutions and contract documents, before presentation to the town commission, shall have been reduced to writing and shall have been approved for form and legality by the town attorney. ~~Prior to presentation all such documents may be referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution or contract document would devolve.~~
- (c) *Introduction and sponsorship.* Ordinances, resolutions and other matters and subjects requiring action by the town commission may be introduced and sponsored by the mayor or any a member of the town commission, except that either the town manager, ~~or~~ the town attorney or town clerk may present ordinances, resolutions and other matters or subjects to the town commission for consideration, and any commissioner may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted in accordance with law; otherwise they shall not be considered.
- (d) *Sunset.* There is no requirement for any ordinance to contain a sunset provision.
- (e) *Zoning exception.* The provisions of this Rule 6.06 shall not be applicable to zoning resolutions which shall be governed exclusively by the Zoning Code ~~and applicable caselaw interpreting same.~~
- (f) *No commission jurisdiction.* Prior to the commission's considering any resolution over which the commission does not have substantive jurisdiction, including resolutions expressing the commission's intent or opinion, a preliminary vote shall be taken to determine whether it is appropriate for the commission to consider such resolution. Unless the commission, by a two-thirds vote of the members present, agrees to consider the resolution, the resolution shall be deemed to have failed. If the commission agrees to consider the resolution, the resolution shall be heard after all other resolutions sponsored by commissioners have been addressed by the commission. If the commission decides to discuss such resolution, the resolution shall require a two-thirds affirmative vote of the commissioners present in order to be passed. The provisions of this ordinance shall not apply to resolutions relating to state or federal legislative priorities.

**Rule 6.078 Statement of fiscal impact required for ordinances; exceptions.** Prior to the second reading of any ordinance, the town manager shall prepare a written statement setting forth the fiscal impact, if any, of the 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 not apply to any emergency ordinance or any budget ordinance or resolution.

**Rule 6.089 Limitation on agenda items.** No commissioner shall sponsor or cosponsor a total of more than three ordinances for first reading and three resolutions at any commission meeting. This provision shall not be applied to ordinances ~~of~~ resolutions which are intended to correct scrivener's errors.

Sec. 2-206. - Public participation.

**Rule 7.01 Persons authorized on the dais.** No person, except town officers or their representatives, shall be permitted on the dais unless authorized by the presiding officer or a majority of the town commission.

**Rule 7.02. Citizens presentations; public hearings.**

- (a) **Citizens' presentations.** Any citizen shall be entitled to be placed on the official agenda of a regular meeting of the town commission and be heard concerning any matter within the scope of the jurisdiction of the town commission. Only members of the town commissioners and the town 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 "public hearings."
- (c) **Public discussion on agenda items.** No citizen shall be entitled ~~as a matter of right~~ to address the town commission on any matter listed on or added to the official agenda which is not scheduled for public hearing, discussion or debate. When the town commission considers an agenda item that is not a public hearing and on which the public comment is either unanimously in favor or unanimously against the item's passage, input from members of the public shall be limited to no more than three five minutes on any given item-, unless an extension is granted by a majority of the members of the town commission.

**Rule 7.03 Registration of speakers.**

- (a) Registration of speakers ~~may~~ shall be required. ~~—if requested by the clerk and provided~~ The town clerk shall prepare appropriate registration cards. The cards shall ~~require~~ include a place for the speaker to provide his/her name, address, and the agenda item on which he or she is speaking if registration is required on a particular agenda item, failure to comply with the registration provisions of this paragraph shall prohibit a person from speaking.

- (b) For any single (1) agenda item, and except for zoning, no more than one-half hour per side shall be allocated to speakers from the public. The presiding officer shall limit the time of each individual speaker in order to insure compliance with this rule.

*Rule 7.04 Addressing commission, manner, time.* Each person, other than salaried members of the town staff, who addresses the town commission shall step up to a podium and shall give the following information in an audible tone of voice for the minutes:

- (a) Name;
- (b) Address;
- (c) Whether the person speaks on his or her own behalf, a group of persons, or a third party; if the person represents an organization, the person shall also indicate the number of members in the organization, the annual dues paid by the members, the date of the most recent meeting of the organization's board or governing council, and whether the view expressed by the speaker represents an established policy of the organization approved by the board or governing council, if requested; if the person is speaking on behalf of a group, s/he shall be required to register as a lobbyist if required by that ordinance and shall state for the record: (i) Compensation, if any, (ii) whether the person or any immediate family member has a personal financial interest in the pending matter, other than as set forth in (i) if requested.

Unless further time is granted by the town commission and with the sole exception of zoning items which shall not have a prescribed time limit unless imposed by the chair in accordance with the advice of the town attorney, the statement shall be limited to the times prescribed herein. All remarks shall be addressed to the town commission as a body and not to any member thereof. No person, other than the mayor, and members of the town commissioners and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the commission, without the permission of the presiding officer. No question shall be asked of any member of the -a town commissioner except through the presiding officer.

*Rule 7.05 Decorum.* Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the town commission shall be barred from further appearance before the town commission by the presiding officer, unless permission to continue or again address the town commission is granted by the majority vote of the town commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the town commission chambers by the presiding officer. Persons exiting the town commission chambers shall do so quietly.

Sec. 2-207. - Rules of debate

*Rule 8.01 Rules of debate.*

- (a) Questions under consideration. 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 postpone, or to amend until the question is decided. These motions shall have preference in the order in which they are mentioned. and the first two (2) A

~~motion to adjourn and a motion to lay on the table 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. 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 the 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 the commissioner making a motion shall state as follows: "I move we adopt Ordinance (resolution) as read" ["as amended" by Commissioner \_\_\_\_\_]. The town attorney or the town clerk may request and/or assist with a restatement of the motion for the record. The commissioner seconding said 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, vote, subject only to such limitations as are by these rules imposed upon all members.
- (c) *Getting the floor, improper references to be avoided.* 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 be called to order, the member shall cease speaking until the question of order is determined by the presiding officer, and if in order, the member shall be permitted to proceed. Any member may appeal to the town commission from the decision of the presiding officer upon a question of order when, without debate, the presiding officer shall submit to the town commission the question, "Shall the decision of the chair be sustained?" and the town commission shall decide by a majority vote.
- (e) *Time limit for debate.* Debate on any motion pertaining to an item on the consent agenda shall be limited to three minutes. After three minutes of debate the item shall be removed from the consent agenda, if any, and placed on the regular town commission agenda. The discussion by the town commissioners on any one item shall not exceed one-half hour or unless an extension is granted by a majority of votes of the town commission.
- (f) *Privilege of closing debate.* Any town commission member (including the presiding officer) shall have the privilege of closing the debate by making a motion to that effect and provided it is affirmed by vote of a majority of the town commissioners present.
- (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. Voting shall be by roll call or voice vote, or paper ballot (at the decision of the majority of the commission in certain

circumstances) depending on whether the ballot is on an ordinance or resolution or motion. Ordinances require a roll call vote by calling the names of the members of the town commissioners alphabetically by surname, except that the names shall be rotated after each roll call vote, if requested, so that the commissioner who voted first on a preceding roll call shall vote last upon the next subsequent matter; provided, however, that the presiding officer, if a member of the town commission, shall always cast the last vote.

The town 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 commissioner may require a roll call to be taken upon any resolution or motion.

- (h) *Explanation of vote; conflicts of interest.* There shall be no discussion by any town commissioner voting, and the town commissioner shall vote yes or no. Any town commissioner, upon voting, may give a brief statement to explain his or her vote. A town commissioner shall have the privilege of filing with the clerk a written explanation of his or her vote. Any town commissioner with a conflict of interest on a particular matter shall refrain from voting or otherwise participating in the proceedings related to that matter and must ~~may~~ leave the commission chambers until the consideration of that matter is concluded. ~~Any such commissioner 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) *Tie votes.* Whenever action cannot be taken because the vote of the town commissioners 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 zoning and other quasi-judicial matters when action on a resolution results in a tie vote, such resolution shall be carried over to the next regularly scheduled meeting for the consideration of such quasi-judicial matters unless the town Commission designates a different time for such reconsideration.
- (j) *Vote change.* Any town commissioner may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first, but not thereafter. In this case, the town 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 shall be reintroduced only in accordance with the renewal provisions of Rule 8.01(m).
- (l) *Reconsideration.* An action of the town Commission may be reconsidered only at the same meeting at which the action was taken, or, if not, at the next meeting thereafter a motion to reconsider may be made only by a town Commissioner 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 town Commissioners is present as participated in the original vote, or upon

affirmative vote of two-thirds of those commissioners present. Adoption of a motion to reconsider shall rescind the action reconsidered.

- (m) *Renewal.* Once action is taken on a proposed ordinance or resolution neither the same matter nor its repeal or rescission may be brought before the town ~~Commissioner~~ again for a three-month period following the said action unless application for renewal by three commissioners is first submitted to the presiding officer. Should an ordinance or resolution be proposed that raises the same previously resolved matter, or its repeal or rescission, in different or modified form during the three-month period, the presiding officer may declare the proposal out of order.
- (n) *Adjournment.* A motion to adjourn shall always be in order and decided without debate.
- (o) *Suspension of the rules.* No rule of procedure adopted by the town commission ~~this board~~ shall be suspended except by an affirmative vote of two-thirds of the members of the town ~~commissioners~~ present.

Sec. 2-208. - Additional ordinances ~~prescribing~~ prescribing town commission procedure.

*Rule 9.01 Representation of Town of Surfside.* Whenever the town commission deems it necessary or desirable that the town commission shall be represented at meetings, conferences or other occasions involving other governmental entities, agencies, officials or groups, or non-governmental organizations, or departments, agencies or officials of the town government, the presiding officer may designate members of the town commission to represent the Town commission at such meetings, conferences or other occasions, with the consent of the designee. A majority of the members of the town ~~commissioners~~ then present may disapprove any such appointment. Such representatives shall have no power to act for or on behalf of the town commission, or to make any commitment or binding obligation on behalf of the town commission or the town. Such representatives shall report to the town commission with regard to such meeting, conference or other occasion.

*Rule 9.02 ~~Nonecompliance~~ Noncompliance with procedural rules.* If a procedural rule pursuant to this Article VI. – “Rules of Procedure for Town Meetings” ~~of this board~~ 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 board~~.

Sec. 2-209. - Amendment to rules of procedure for town meetings.

Once adopted, changes to these rules may be made as changes to any other ordinance are made by a majority vote and after two readings of the amendatory ordinance.

**Section 3. Severability.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of

Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

**Section 5. Conflicts.** Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

**Section 6. Effective Date.** This ordinance shall become effective upon adoption.

**PASSED** and **ADOPTED** on first reading this 9<sup>th</sup> day of November, 2016.

**PASSED** and **ADOPTED** on second reading this 13<sup>th</sup> day of December, 2016.

On Final Reading Moved by: Commissioner Karukin

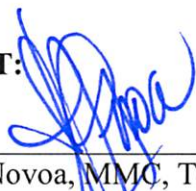
On Final Reading Second by: Commissioner Gielchinsky

**FINAL VOTE ON ADOPTION:**

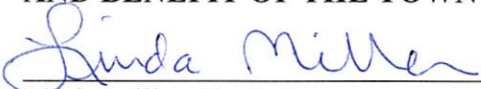
Commissioner Daniel Gielchinsky  
Commissioner Michael Karukin  
Commissioner Tina Paul  
Vice Mayor Barry Cohen  
Mayor Daniel Dietch

yes  
yes  
yes  
Absent  
yes

  
\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**   
\_\_\_\_\_  
Sandra Novoa, MMC, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Linda Miller, Town Attorney