

ORDINANCE NO. 17 - 11663

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI. - “RULES OF PROCEDURE FOR TOWN MEETINGS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

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

3 **WHEREAS**, the Town Commission adopted rules of procedure which have been
4 incorporated into Article, VI, Chapter 2 of the Town Code of Ordinances; and

5 **WHEREAS**, the Town Commission desires to amend Article VI. – “Rules of Procedure for
6 Town Meetings;” and

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

11 **WHEREAS**, the Town Commission held its first public reading on September 18, 2017 and
12 recommended approval of the proposed amendments to the Code of Ordinances having complied
13 with the notice requirements by the Florida Statutes; and

14
15 **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on
16 these regulations as required by law on October 10, 2017 and further finds the proposed change to
17 the Code necessary and in the best interest of the community.

18
19 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
20 **THE TOWN OF SURFSIDE, FLORIDA:**

21
22 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by
23 this reference:

24
25 **Section 2. Town Code Amended.** Article VI. – “Rules of Procedure for Town Meetings”
26 of the Surfside Town Code of Ordinances are hereby amended and shall read as follows¹:

27 **ARTICLE VI. - RULES OF PROCEDURE FOR TOWN MEETINGS**
28

¹Additions to the text are shown in underline. Deletions are shown in ~~striketrough~~. Additions made after first reading are shown in double underline. Deletions made after first reading are shown in ~~double striketrough~~.

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

30 *Rule 2.01 Governing rules; amendment.* Except as may be provided in the Charter, the
31 Town of Surfside Code, Florida laws or by these rules as set forth in this ~~Article~~ordinance,
32 questions of order, the methods of organization and the conduct of business of the town
33 commission and town boards and committees and to the extent there is no conflict, the town
34 commission, and town boards and committees shall be governed by Robert's Rules of Order
35 ~~Mason's Manual of Legislative Procedure (2010 Edition)~~. Once enacted, and except as already
36 amended by the provisions contained herein, these rules may be amended by ~~two-thirds~~
37 majority vote of the entire town commission.

38 Sec. 2-202. - Officers.

39 *Rule 3.01 Presiding officer.* The mayor shall preside at all meetings of the town
40 commission at which he or she is present. In the absence of the mayor, the vice mayor shall act
41 as mayor. In the absence of both the mayor and vice mayor, the town commission shall select
42 one of its members as a temporary presiding officer. The presiding officer shall preserve strict
43 order and decorum at all meetings of the commission. A majority vote of the members present
44 shall govern and conclusively determine all questions of order not otherwise covered. The
45 presiding officer has the power, among other things, to recognize a speaker, secure and retain
46 the floor for the speaker and keep order during the time the floor is taken subject to Robert's
47 ~~Mason's~~ Rules and to the rules contained in this article.

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

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

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

61 Sec. 2-203. - Meetings.

62 *Rule 4.01 Regular Meetings.*

63 (a) The commission shall hold regular meetings in accordance with its Charter or, if the Charter
64 provision is amended, in accordance with an ordinance duly adopted by the commission, as
65 may be amended from time to time.

66 (1) All regular and zoning meetings shall be held irrespective of whether or not any
67 particular commission member (including the Mayor) may be able to attend unless

68 otherwise agreed by a majority of the commission. Such meetings shall be held in the
69 commission chambers at 9293 Harding Avenue, Surfside, Florida 33154, or such
70 location as may be approved by a majority of the commission members present and shall
71 be open to the public and all news media.

72 (2) Regular meetings may be otherwise postponed or canceled by resolution or motion
73 adopted at a regular meeting by a majority of the commission members present.

74 (3) No meeting shall continue beyond 11:00 p.m. unless by a vote of the majority of the
75 members of the commission present, the commission agrees to extend the meeting
76 beyond this time.

77 (4) Workshops may be scheduled at the request of the town manager, the town attorney or a
78 majority of the commission at any time, provided appropriate notice is given.

79 (b) Zoning matters shall be scheduled as part of regular town commission meetings unless
80 otherwise decided by the commission.

81 (c) The second reading (public hearing) of the annual budget ordinance or resolution shall be
82 considered at a meeting at which the said budget ordinance or resolution and the levy of the
83 millage are the only items on the agenda.

84 *Rule 4.02 Special meetings; emergency meetings.*

85 (1a) Special meetings. A special meeting of the commission may be called by a majority of
86 the members of the town commission or the town manager. The clerk shall forthwith
87 serve either verbal or written notice upon each member of the commission stating the
88 date, hour and place of the meeting and the purpose for which such meeting is called;
89 and no other business shall be transacted at that meeting. At least twenty-four (24) hours
90 notice must elapse between the time the clerk receives notice in writing and the time the
91 meeting is to be held.

92 (2b) Emergency meetings. An emergency meeting of the town commission may be called by
93 the mayor in accordance with prescriptions of the town charter whenever in his or her
94 opinion an emergency exists that requires immediate action by the commission.
95 Whenever such emergency meeting is called, the mayor shall notify the clerk who shall
96 forthwith serve either verbal or written notice upon each member of the commission,
97 stating the date, hour and place of the meeting and the purpose for which it is called, and
98 no other business shall be transacted at that meeting. At least 24 hours shall elapse
99 between the time the clerk receives notice of the meeting and the time the meeting is to
100 be held.

101 (3e) If after reasonable diligence, it is impossible to give notice to each commissioner, such
102 failure shall not affect the legality of the meeting if a quorum is present. The minutes of
103 each special or emergency meeting shall show the manner and method by which notice
104 of such special or emergency meeting was given to each member of the commission, or
105 shall show a waiver of notice. All special or emergency meetings shall be open to the
106 public and shall be held and conducted in the Commission Chambers, Town Hall, 9293
107 Harding Avenue, Surfside, Florida 33154, or other suitable location within the Town of
108 Surfside, Florida. Minutes thereof shall be kept by the town clerk.

109 (4d) No special or emergency meeting shall be held unless notice thereof is given in
110 compliance with the provisions of this rule, or notice thereof is waived by a majority of
111 the entire membership of the commission and in accordance with the town charter.

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

115 Sec. 2-204. – Boards, cCommittees, sub-committees and ad hoc committees.

116 *Rule 5.01 Boards, Ccontinuing committees, sub-committees and ad hoc committees.* There
117 may be continuing committees, sub-committees and ad hoc committees of the town commission
118 created by resolution as the town commission deems necessary to conduct the business of the
119 town appropriately and in accordance with the town charter. Such committees and all Town
120 Boards to the extent these provisions do not conflict with other governing procedures or
121 requirements specific to a particular Board, shall be governed by these rules of procedure and
122 shall be subject to the Florida sunshine and public records laws. Each member of the town
123 commission shall appoint one (1) member to each committee. All appointments are at the will
124 of the appointing member of the town commission and may be removed at any time by the
125 appointing member of the town commission. Members of committees shall be appointed to
126 serve until the expiration of the committee or to the end of the appointing member of the town
127 commission's term.

128 (a1) *Continuing committees and sub-committee committees.* Continuing committees and sub-
129 committees shall exist until abolished by the town commission or shall have a sunset
130 provision.

131 (b2) *Ad hoc committees.* The expiration date for each ad hoc committee shall be designated at the
132 time of formation, or the ad hoc committee shall expire when the ad hoc committee reports to
133 the commission that its designated goal or goals have been accomplished.

134 (c3) All continuing committees, sub-committees and ad hoc committees shall abide by the
135 following procedures:

136 (1)a- *Mission statement.* A mission statement shall be developed by the town
137 commission.

138 (2)b- *Public meetings.* All meetings and business of any committee, sub-committee or ad
139 hoc committee shall comply with the Florida Statutes including that all committee
140 meetings shall be open to the public at all times, noticed, and minutes of the meetings
141 shall be taken and retained in the office of the town clerk. All committee members shall
142 be subject to the State of Florida, Miami-Dade County and Town of Surfside Conflict of
143 Interest and Code of Ethics Ordinance.

144 (3)e- *Agenda.* The committee chairperson shall prepare the agenda for the committee
145 meeting with the assistance of the committee staff liaison. ~~In the chairperson's absence,~~
146 ~~the vice chairperson shall prepare the agenda.~~ Any committee member may propose
147 additional agenda items at any time. Items proposed after the agenda is distributed may
148 only be heard under "New Business" and upon an affirmative vote of the majority of the
149 committee. Each agenda shall also include a section for public comment.

- 150 (4)d. *Public appearances and requests.* Any person may appear before any committee
 151 during the public comment portion of the meeting.
- 152 (5)e. *Quorum.* A majority of the appointed members of the committee shall constitute a
 153 quorum, shall be 50 percent plus one of the committee members. Provided there is a
 154 quorum, a majority of those present and voting shall be required to adopt any motion or
 155 take any action.
- 156 (6) *Failure to obtain a quorum.*
- 157 a. If, 48 hours prior to a regular meeting, the clerk has not received confirmation of
 158 attendance from a sufficient number of committee members to constitute a quorum,
 159 the meeting shall be canceled for lack of a quorum.
- 160 b. Should no quorum attend any meeting within 15 minutes after the hour appointed for
 161 the meeting, the presiding member or the town clerk may adjourn the meeting. The
 162 names of the members present at such meeting shall be recorded in the minutes.
- 163 (7)f. *Voting.* Each committee member shall be entitled to one vote. The committee shall act as
 164 a body in making its decisions. No committee member present at a meeting may abstain
 165 from voting unless the committee member possesses a conflict of interest, as provided in
 166 either the Florida Statutes or the Miami-Dade County Code of Ethics and submits the
 167 appropriate form to the town clerk.
- 168 (8)g. *Attendance.* In the event that a committee member fails to attend three regularly
 169 scheduled meetings in any one calendar year, the committee member may be removed
 170 from the committee and the town commission will be notified of the vacancy.
- 171 (9)h. *Appointments, vacancies and resignations.* Each person appointed to a committee,
 172 sub-committee or ad hoc committee shall be appointed by the town commission in the
 173 following manner:
- 174 a1. The mayor and each member of the town commission shall appoint one member to
 175 each committee.
- 176 b2. Should any appointee resign or be removed during the term of the committee, sub-
 177 committee or ad hoc committee, the appointing commissioner may select another
 178 appointee in accordance with the procedure outlined as follows:
- 179 Upon notification of the vacancy of an at-large member, the town clerk shall notify
 180 the town commission, or in the case of an individual appointment, the town
 181 commissioner responsible for the appointment with a copy to the remainder of the
 182 town commission, in writing. The town commission shall establish a deadline for
 183 the submission of letters of interest to serve on the committee at a commission
 184 meeting.
- 185 1.(i) Any person who wishes to serve on a committee and who meets the
 186 qualifications of office as set forth in this code and in the resolution creating or
 187 re-authorizing the committee, shall submit his or her name and committee
 188 application available from the town clerk or on the town website together with a
 189 letter of interest to the town clerk by the deadline established by the town

190 ~~commission.~~ Thereafter, the town clerk shall provide the appointing town
191 commissioner or the entire town commission, as applicable, with the names and
192 submitted material(s) ~~letters of interest.~~

193 2.(ii) Nominations and appointments to fill the vacancy shall be made at a town
194 commission meeting. Appointments to fill a mid-term vacancy shall only be
195 made for the remainder of the term of the committee member being replaced.

196 (10)i. *Reappointment.* Committee, sub-committee or ad hoc committee members shall be
197 eligible for reappointment and shall hold office until their successors have been duly
198 appointed and qualified.

199 (11)j. *Residency requirement.* Committee, sub-committee or ad hoc committee members
200 shall be registered qualified electors of Miami-Dade County, Florida, whose legal
201 residence is in the Town of Surfside.

202 (12)k. *Compensation.* All committee, sub-committee or ad hoc committee members shall
203 serve without compensation and shall not otherwise obtain direct or indirect financial
204 gain from their service on a committee.

205 (13)l. *Oath requirement.* All committee, sub-committee or ad hoc committee members
206 shall be required to subscribe to an oath or affirmation to be administered by and filed
207 with the town clerk, swearing to support, protect and defend the Constitution and laws of
208 the United States and of the State of Florida, the Charter and all ordinances of the Town
209 of Surfside and Miami-Dade County, and in all respects to faithfully discharge their
210 duties.

211 (14)m. *Financial disclosure requirement/standards of conduct.* If required by law,
212 committee members shall file appropriate annual financial disclosure forms. All
213 committee members shall be subject to the standards of conduct for public officers and
214 employees set by federal, state, county or other applicable ethics or conflicts of interest
215 laws.

216 (15)n. *Officers and elections.* Except as provided otherwise in the resolution creating or
217 re-authorizing a committee, each committee shall elect a chairperson, and vice-
218 chairperson ~~and secretary~~ at the first committee meeting.

219 (16)o. *Records.* Minutes of all committee meetings shall be prepared by the town
220 administration and shall be available for public inspection. The minutes shall be
221 forwarded to each committee member for review and shall be approved by the
222 committee at a public meeting. Once approved, the meeting minutes shall be forwarded
223 to the town clerk for filing. ~~Attendance and absences must be recorded and submitted to~~
224 ~~the town clerk along with the minutes.~~ The ~~chair~~secretary of a committee, sub-committee
225 or ad hoc committee, working with the staff liaison, shall prepare a final report
226 summarizing the committee's activities, accomplishments, challenges and
227 recommendations during the term. Such report shall be presented for review and
228 approval by the committee no later than the last meeting of the term, and to be submitted
229 to the town clerk for transmittal to the town commission which shall be presented at the
230 first a regular town commission meeting after the election.

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Rule 5.02 Town commission liaison; appointment and definition.

(a) *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.

(b) *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 subcommittee 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 town commission meeting shall notify the town clerk 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 6.04 Quorum. A majority of the members of the town commission 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 6.05 Failure to attain a quorum. Should no quorum attend within 15 minutes after the hour appointed for the meeting of the commission, the presiding officer or the town clerk may adjourn the meeting. The names of the members present and their action at such meeting shall be recorded in the minutes by the town clerk.

Rule 6.06 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.

(1) The order of business shall be as follows:

- 268 (a~~1~~) order of business
- 269 a. call to order,[#]
- 270 b. roll call of members,
- 271 c. pledge of allegiance,
- 272 d. agenda/order of business (additions/deletions),
- 273 e. special presentations,
- 274 ~~(b) public comment on agenda items~~
- 275 (b~~2~~) quasi-judicial hearings
- 276 (c~~3~~) consent agenda at the pleasure of the commission, approval of minutes, town
- 277 manager, town attorney reports
- 278 (d~~4~~) ordinances,
- 279 (e~~5~~) resolutions
- 280 (f~~6~~) good and welfare shall be heard at a time certain at 8:15 p.m.
- 281 (g~~7~~) unfinished business and new business
- 282 (h~~8~~) mayor, town commission and staff communications.
- 283 (2~~1~~) Items shall be considered in the order in which they are placed on the agenda unless a
- 284 majority of the commissioners determines to deviate from the printed agenda.
- 285 ~~(3) The public comment on agenda items portion of the meeting shall be restricted to~~
- 286 ~~discussion on agenda items which are not scheduled for public hearing. Each speaker~~
- 287 ~~shall be given no more than three minutes to address the agenda, unless by vote of a~~
- 288 ~~majority of the members of the commission present, it is agreed to extend the time~~
- 289 ~~frames.~~
- 290 (3~~2~~) The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to
- 291 discussion on subjects not already specifically scheduled on the agenda. In no event shall
- 292 this portion of the agenda be allotted more than 45 minutes with each speaker to be given
- 293 no more than three minutes, unless by vote of a majority of the members of the
- 294 commission present, it is agreed to extend the time frames. Likewise, members of the
- 295 town commission shall be restricted to speaking three minutes each unless an extension
- 296 is granted in the same manner as set forth in the prior sentence. ~~The rules of section 2-~~
- 297 ~~207(e) as set forth hereinbelow shall be observed during this portion of the agenda.~~
- 298 (4~~3~~) The town commission shall not take action upon any matter, proposal, or item of
- 299 business which is not listed upon the official agenda, unless it is approved at the meeting
- 300 by a majority of the entire commission, which shall have first consented to the matter for
- 301 consideration. No ordinance, resolution or other matter listed on the agenda for public
- 302 hearing, or the vote thereon, may be deferred until a later time unless a majority of the
- 303 entire town commission shall vote in favor of such deferral.
- 304 (b) *Authority to placing items on agenda.*

305 (12) Ordinances, Resolutions and Ordinances may be prepared and scheduled on the agenda
306 at the direction of the town commission, a town commissioner with the support of the
307 majority of the commissioners present at a town commission meeting, or by the town
308 manager, town attorney or town clerk.

309 (24) All other matters. Matters, other than ~~resolutions or ordinances~~, may be placed on the
310 agenda by any member of the town commission, the town manager, the town attorney
311 and the town clerk. ~~Members of the town commission may, at a town commission~~
312 ~~meeting, direct the town manager or the town attorney to prepare an resolution or~~
313 ~~ordinance for placement on the agenda for the following agenda.~~

314 (32) Deadline. In no event may any town commissioner place an item on an agenda unless
315 all materials for the item are provided to the town clerk by 12:00 noon seven working
316 days prior to the meeting date unless approved by the Town Manager. Any complete
317 item provided after 12:00 noon seven working days prior to the meeting date shall be
318 distributed to the commission with a "7-day cover memo" and shall be added to the
319 agenda only if a majority of the commissioners present consent to the addition of the
320 item to the agenda.

321 (c) *Approval of minutes.* All minutes shall be summary in nature. A copy of such completed
322 minutes shall be placed on a regular agenda and may only be approved by a majority of the
323 members of the town commission, and upon such approval shall become the official minutes.

324 *Rule 6.07 Ordinances, resolutions, motions, contracts.*

325 (a) *Preparation and enactment of ordinances.* The town attorney shall prepare ordinances and
326 resolutions. Ordinances may be introduced, listed by title and shall be read by title only
327 before consideration by the town commission on first reading. At public hearing, each
328 ordinance shall be voted on individually by a call of the roll. Only resolutions and motions
329 may be enacted by voice vote calling for "ayes" or "no" on the question.

330 (b) *Approval by town attorney.* All ordinances, resolutions and contract documents, before
331 presentation to the town commission, shall have been reduced to writing and reviewed for
332 form and legality by the town attorney. Ordinances, resolutions and contract documents, in
333 their final form as approved by the Town Commission shall be have been approved as to
334 form and legality by the town attorney prior to execution.

335 (c) *Introduction and sponsorship.* Ordinances, resolutions and other matters and subjects
336 requiring action by the town commission may be introduced and sponsored by the mayor or
337 any member of the town commission, ~~except that either~~ † The town manager, the town
338 attorney or town clerk may present ordinances, resolutions and other matters or subjects to
339 the town commission for consideration, and any commissioner may assume sponsorship
340 thereof by moving that such ordinance, resolution, matter or subject be adopted in accordance
341 with law; otherwise they shall not be considered.

342 (d) *Sunset.* There is no requirement for any ordinance to contain a sunset provision.

343 (e) *Zoning exception.* The provisions of this Rule 6.06 shall not be applicable to zoning
344 resolutions which shall be governed exclusively by the Zoning Code.

345 ~~(f) *No commission jurisdiction.* Prior to the commission's considering any resolution over which~~
346 ~~the commission does not have substantive jurisdiction, including resolutions expressing the~~
347 ~~commission's intent or opinion, a preliminary vote shall be taken to determine whether it is~~
348 ~~appropriate for the commission to consider such resolution. Unless the commission, by a~~
349 ~~two-thirds vote of the members present, agrees to consider the resolution, the resolution shall~~
350 ~~be deemed to have failed. If the commission agrees to consider the resolution, the resolution~~
351 ~~shall be heard after all other resolutions sponsored by commissioners have been addressed by~~
352 ~~the commission. If the commission decides to discuss such resolution, the resolution shall~~
353 ~~require a two-thirds affirmative vote of the commissioners present in order to be passed. The~~
354 ~~provisions of this ordinance shall not apply to resolutions relating to state or federal~~
355 ~~legislative priorities.~~

356 *Rule 6.08 Statement of fiscal impact required for ordinances; exceptions.* Prior to the
357 second reading of any ordinance, the town manager shall prepare a written statement setting
358 forth the fiscal impact, if any, of the proposed ordinance. No ordinance shall be considered on
359 second reading if the statement of fiscal impact is not submitted with the ordinance as part of
360 the agenda. The provisions of this rule shall not apply to any emergency ordinance or any
361 budget ordinance or resolution.

362 *Rule 6.09 Limitation on agenda items.* No commissioner shall sponsor or cosponsor a total
363 of more than three ordinances for first reading and three resolutions at any commission meeting.
364 This provision shall not be applied to ordinances or resolutions which are intended to correct
365 scrivener's errors.

366 Sec. 2-206. - Public participation.

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

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

371 (a) *Citizens' presentations.* Any citizen may request ~~shall be entitled~~ to be placed on the official
372 agenda of a regular meeting of the town commission and be heard concerning any matter
373 within the scope of the jurisdiction of the town commission outside of Good and Welfare.
374 Only members of the town commission and the town manager may place a citizen on the
375 official agenda.

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

378 (c) *Public discussion on agenda items.* ~~No citizen shall be entitled to address the town~~
379 ~~commission on any matter listed on or added to the official agenda which is not scheduled for~~
380 ~~public hearing, discussion or debate except during Public Comment on Agenda Items unless~~
381 ~~the item is opened for public comment and the speaker recognized by the Chair~~
382 ~~Good and Welfare.~~ When the town commission considers an agenda item that is open for public
383 hearing, discussion or debate that is not a public hearing and on which the public comment is
384 either unanimously in favor or unanimously against the item's passage, input from members

385 of the public shall be limited to no more than three minutes on any given item, unless an
386 extension is granted by a majority of the members of the town commission.

387 *Rule 7.03 Registration of speakers.*

388 (a) Registration of speakers shall be required. The town clerk shall prepare appropriate
389 registration cards. The cards shall include a place for the speaker to provide his/her name,
390 address, lobbyist registration status which may be verified by the town clerk prior to
391 speaking, and the agenda item on which he or she is speaking ~~if registration is required on a~~
392 ~~particular agenda item.~~

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

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

399 (a) Name;

400 (b) Address;

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

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

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

424 disallowed in the town commission chambers by the presiding officer. Persons exiting the town
425 commission chambers shall do so quietly.

426 Sec. 2-207. - Rules of debate.

427 *Rule 8.01 Rules of debate.*

428 (a) *Questions under consideration.* When a motion is presented and seconded, it is under
429 consideration and no other motion shall be received thereafter, except to adjourn, to lay on
430 the table, to postpone, or to amend until the question is decided. These motions shall have
431 preference in the order in which they are mentioned. A motion to adjourn and a motion to lay
432 on the table shall be decided without debate. Final action upon a pending motion may be
433 deferred until a date certain by a majority of the members present.

434 (b) *As to the presiding officer.* The mayor, as presiding officer, may vote on but shall not move
435 or second an item of debate. The presiding officer, however, upon relinquishing the chair,
436 may move or second an item, ~~vote,~~ subject only to such limitations as are by these rules
437 imposed upon all members.

438 (c) *Getting the floor, improper references to be avoided.* Every member desiring to speak for any
439 purpose shall address the presiding officer, and upon recognition, shall be confined to the
440 question under debate avoiding all personalities and indecorous language.

441 (d) *Interruption; call to order; appeal a ruling of the chair.* A member once recognized shall not
442 be interrupted when speaking unless it is a call to order or as herein otherwise provided. If a
443 member be called to order, the member shall cease speaking until the question of order is
444 determined by the presiding officer, and if in order, the member shall be permitted to
445 proceed. Any member may appeal to the town commission from the decision of the presiding
446 officer upon a question of order when, without debate, the presiding officer shall submit to
447 the town commission the question, "Shall the decision of the chair be sustained?" and the
448 town commission shall decide by a majority vote.

449 (e) *Time limit for Consent agenda debate.* The presiding officer shall open for public comment on
450 any items on the consent agenda, prior to commission consideration of the consent agenda.
451 There shall be no dDebate on any motion pertaining to an item on the consent agenda,
452 however, any member of the town commission may pull an item from the consent agenda for
453 consideration shall be limited to three minutes. After three minutes of debate the item shall be
454 removed from the consent agenda, if any, and placed on the regular town commission
455 agenda. The discussion by the town commission on any one item shall not exceed one half
456 hour or unless an extension is granted by a majority of votes of the town commission.

457 (f) *Privilege of closing debate.* Any town commission member (including the presiding officer)
458 shall have the privilege of closing the debate by making a motion to that effect and provided
459 it is affirmed by vote of a majority of the town commission present.

460 (g) *Method of voting.* After the debate is closed, and/or the motion is restated if necessary, the
461 presiding officer shall call for a vote on the motion. Voting shall be by roll call or voice vote,
462 or paper ballot (at the decision of the majority of the commission in certain circumstances)
463 depending on whether the ballot is on an ordinance or resolution or motion. Ordinances
464 require a roll call vote by calling the names of the members of the town commission in

465 ~~rotating order, provided that the vice-mayor shall vote next to last and alphabetically by~~
466 ~~surname, except that the names shall be rotated after each roll call vote, if requested, so that~~
467 ~~the commissioner who voted first on a preceding roll call shall vote last upon the next~~
468 ~~subsequent matter; provided, however, that the presiding officer, if a member of the town~~
469 ~~commission, shall always cast the last vote.~~

470 The town clerk shall call the roll, tabulate the votes, and announce the results. The vote upon
471 any resolution, motion or other matter may be by voice vote as previously noted, provided
472 that the presiding officer or any commissioner may require a roll call to be taken upon any
473 resolution or motion.

474 (h) *Explanation of vote; conflicts of interest.* There shall be no discussion by any town
475 commissioner voting, and the town commissioner shall vote yes or no. Any town
476 commissioner, upon voting, may give a brief statement to explain his or her vote. A town
477 commissioner shall have the privilege of filing with the clerk a written explanation of his or
478 her vote. Any town commissioner with a conflict of interest on a particular matter shall
479 refrain from voting or otherwise participating in the proceedings related to that matter and
480 must leave the commission chambers until the consideration of that matter is concluded and
481 file the proper form with the town clerk.

482 (i) *Tie votes.* Whenever action cannot be taken because the vote of the town commissioners has
483 resulted in a tie, the status quo shall continue in effect and the proposed ordinance, resolution
484 or motion that produced the tie vote shall be removed from the agenda without prejudice to
485 its reintroduction on a de novo basis at a later time, ~~provided that in zoning and other quasi-~~
486 ~~judicial matters when action on a resolution results in a tie vote, such resolution matter shall~~
487 ~~be carried over to the next regularly scheduled meeting for the consideration of such quasi-~~
488 ~~judicial matters unless the town commission designates a different time for such~~
489 ~~reconsideration.~~

490 (j) *Vote change.* Any town commissioner may change his or her vote before the next item is
491 called for consideration, or before a recess or adjournment is called, whichever occurs first,
492 but not thereafter. In this case, the town clerk shall call back the vote and verify the outcome
493 for the presiding officer.

494 (k) *No motion or second.* If an agenda item fails to receive a motion or second, it shall be
495 removed from the agenda and shall be reintroduced only in accordance with the renewal
496 provisions of Rule 8.01(m).

497 (l) *Reconsideration.* An action of the town commission may be reconsidered only at the same
498 meeting at which the action was taken, or, if not, at the next meeting thereafter a motion to
499 reconsider may be made only by a town commissioner who voted on the prevailing side of
500 the question and must be concurred in by a majority of those present at the meeting. ~~A~~
501 ~~motion to reconsider shall not be considered unless at least the same number of town~~
502 ~~commissioners is present as participated in the original vote, or upon affirmative vote of two-~~
503 ~~thirds of those commissioners present.~~ Adoption of a motion to reconsider shall rescind the
504 action reconsidered.

505 (m) *Renewal.* Once action is taken on a proposed ordinance or resolution neither the same matter
506 nor its repeal or rescission may be brought before the town commission again for a three-

507 month period following the said action unless application for renewal by three commissioners
508 is first submitted to the presiding officer. Should an ordinance or resolution be proposed that
509 raises the same previously resolved matter, or its repeal or rescission, in different or modified
510 form during the three-month period, the presiding officer may declare the proposal out of
511 order.

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

513 (o) *Suspension of the rules.* No rule of procedure adopted by the town commission shall be
514 suspended except by an affirmative vote of a majority two-thirds of the members of the town
515 commission present.

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

517 *Rule 9.01 Representation of Town of Surfside.* ~~Whenever~~ The presiding officer town
518 commission may, with the consent of the designee, designate a member(s) of the town
519 commission to represent the town commission at such meetings, conferences or other occasions
520 as deemed deems it necessary or desirable that by the town commission, ~~shall be represented at~~
521 ~~meetings, conferences or other occasions involving other governmental entities, agencies,~~
522 ~~officials or groups, or non-governmental organizations, or departments, agencies or officials of~~
523 ~~the town government, the presiding officer may designate members of the town commission to~~
524 ~~represent the town commission at such meetings, conferences or other occasions, with the~~
525 ~~consent of the designee. A designation must be ratified by a majority of the members of the~~
526 ~~town commission then present may disapprove any such appointment.~~ Such representative(s)
527 shall have no power to act for or on behalf of the town commission, or to make any
528 commitment or binding obligation on behalf of the town commission or the town. Such
529 representatives shall report to the town commission with regard to such meeting, conference or
530 other occasion.

531 *Rule 9.02 Noncompliance with procedural rules.* If a procedural rule pursuant to this
532 Article VI. — "Rules of Procedure for Town Meetings" is not complied with as a result of
533 either mistake, inadvertence or excusable neglect, as those terms are defined by law, by either
534 the presiding officer or the parliamentarian, then the validity of the underlying substantive
535 ordinance, resolution, motion or other action shall in no way be affected thereby, and the failure
536 of compliance with said procedural rule shall not be the basis for any person or party to
537 challenge any ordinance, resolution or other action.

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

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

541 Secs. 2-210—2-225. - Reserved.

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

545 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and it is
546 hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of
547 Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to
548 accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other
549 appropriate word.

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

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

555
556 **PASSED and ADOPTED** on first reading this 18th day of September, 2017.

558 **PASSED and ADOPTED** on second reading this 10th day of October, 2017.

561 On Final Reading Moved by: Commissioner Karukin

562 On Final Reading Second by: Commissioner Paul

566 **FINAL VOTE ON ADOPTION:**

567 Commissioner Daniel Gielchinsky
568 Commissioner Michael Karukin
569 Commissioner Tina Paul
570 Vice Mayor Barry Cohen
571 Mayor Daniel Dietch

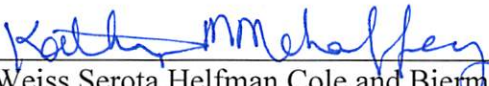
yes
yes
yes
Absent
yes



Daniel Dietch, Mayor

577 **ATTEST:**
578 
579 _____
580 Sandra Novoa, MMC, Town Clerk

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

584 
585 _____
586 Weiss Serota Helfman Cole and Bierman, P.A.
587 Town Attorney