

RESOLUTION NO. 2001-091

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA AMENDING RESOLUTION NO. 28-85, SECTION 4.1, WHICH SECTION IS ENTITLED "REGULAR MEETING" TO COMMENCE REGULAR COMMISSION MEETINGS AT 7:00 P.M. AND SECTION 6.1, WHICH SECTION IS ENTITLED "ORDER OF BUSINESS" TO REVISE THE GENERAL RULE AS TO THE ORDER OF BUSINESS IN REGULAR MEETINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERANCE; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. That Section 4.1 of Resolution 28-85, which section is entitled "Regular Meeting", shall be amended to commence regular commission meetings at 7:00 p.m.

Section 2. That Section 6.1 of Resolution 28-85, which section is entitled "Order of Business", is amended to read as follows:

1. **CALL TO ORDER:**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **CITIZENS' COMMENTS:**

ADDRESSING THE COMMISSION: COMMENTS BY DANIA BEACH CITIZENS OR INTERESTED PARTIES THAT ARE NOT PART OF THE REGULAR AGENDA MAY BE MADE DURING EACH COMMISSION MEETING DURING THE PERIOD SET ASIDE FOR "CITIZEN COMMENTS." A THIRTY (30) MINUTE "CITIZEN COMMENTS" PERIOD SHALL BE DESIGNATED ON THE AGENDA FOR CITIZENS AND INTERESTED PERSONS TO SPEAK ON MATTERS NOT SCHEDULED ON THAT DAY'S AGENDA. THE CITIZEN COMMENTS PERIOD SHALL BEGIN PROMPTLY AT 7:00 PM. EACH SPEAKER SHALL BE LIMITED TO 3 MINUTES FOR HIS OR HER COMMENTS. PERSONS DESIRING TO SPEAK DURING THE CITIZEN COMMENT PERIOD SHALL INFORM THE CITY CLERK IMMEDIATELY PRIOR TO THE BEGINNING OF THE MEETING OF THEIR INTENTION TO SPEAK. IF MORE THAN 10 SPEAKERS EXPRESS A DESIRE TO SPEAK, THE COMMISSION SHALL DETERMINE ON A MEETING BY MEETING BASIS WHETHER TO (A) EXTEND THE TIME ALLOTTED FOR CITIZEN COMMENTS TO ACCOMMODATE ALL SPEAKERS, OR (B) WHETHER TO LIMIT THE NUMBER OF SPEAKERS OR AMOUNT OF TIME PER SPEAKER. A SPEAKER'S TIME SHALL NOT BE TRANSFERABLE TO ANOTHER SPEAKER.


5. **PRESENTATIONS AND SPECIAL EVENT APPROVALS:**
6. **PROCLAMATIONS:**
7. **CONSENT AGENDA (including expenditures):**
8. **BIDS AND REQUESTS FOR PROPOSALS:**
9. **PUBLIC HEARINGS AND SITE PLANS:**
10. **COMMISSION COMMENTS:**
11. **DISCUSSION AND POSSIBLE ACTION:**
12. **APPOINTMENTS:**
13. **ADMINISTRATIVE REPORTS:**
14. **ADJOURNMENT**

Section 3 That all resolutions or parts of resolutions in conflict with the foregoing are repealed to the extent of such conflict.

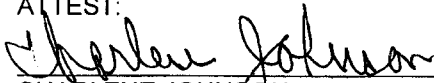
Section 4 That if any word, phrase, clause, subsection or section of this resolution is for any reason held unconstitutional or invalid, the invalidity shall not affect the validity of the original Resolution or this Resolution.

Section 5 This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED on this 22nd day of May, 2001.



 PATRICIAL FLURY
 MAYOR - COMMISSIONER

ATTEST:


 CHARLENE JOHNSON
 ACTING CITY CLERK

ROLL CALL:
 COMMISSIONER BERTINO - YES
 COMMISSIONER MCELYEA - YES
 COMMISSIONER MIKES - YES
 VICE-MAYOR CHUNN - YES
 MAYOR FLURY - YES

APPROVED AS TO FORM AND CORRECTNESS:

BY: 
 THOMAS J. ANSBRO
 CITY ATTORNEY

A RESOLUTION OF THE CITY OF DANIA, FLORIDA, PRESCRIBING RULES OF PROCEDURE FOR CITY COMMISSION MEETINGS; AND PROVIDING THAT ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH BE REPEALED TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DANIA, FLORIDA:

Section 1. AUTHORITY

1.1 Charter: The Charter of the City of Dania provides that: "The Commission shall prescribe its own rules, regulations and order of business, and shall keep minutes of its proceedings". (Part II, Article 7, Section 5) Accordingly, the following rules shall take effect immediately upon adoption by the city commission and shall remain in effect until such time as new rules are adopted by the city commission.

Section 2. DEFINITIONS

2.1: For the purpose of these rules the word, "mayor" shall include the vice mayor and the mayor pro tem, when appropriate; the word, "commission" shall mean city commission; and the word, "city" shall mean the City of Dania, Florida.

Section 3. GENERAL RULES

3.1 Meetings to be Public: All official meetings of the commission, except where state and local law allows executive sessions for certain limited topics, shall be public. The minutes of the proceedings, except those for the said executive sessions, shall be open to public inspection.

3.2 Quorum and Vote: A majority of all members of the city commission shall constitute a quorum but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of three (3) members shall be necessary to pass any ordinance on a reading or adopt a resolution, and the passage of all ordinances and resolutions shall be taken by yeas and nays and entered upon the minutes. (Part II, Article 7, Section 6, City Chart

3.3 Minutes of Proceedings: An account of all proceedings of the commission shall be kept by the city clerk and entered in a book constituting the official record of the commission.

3.4 Ordinances and Resolutions Confined to One Subject: Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. (Section 166.041(2), Florida Statutes)

3.5 Right of Floor: Any member desiring to speak shall be recognized by the mayor and shall confine his or her remarks to the subject under consideration or to be considered.

3.6 City Manager: The city manager shall attend all meeting of the commission unless excused. The city manager may make recommendations to the commission and shall have the right to take part in all discussions of the commission, but shall have no vote.

3.7 City Attorney: The city attorney shall attend all meetings of the commission unless excused and shall, upon request, give opinions, either written or oral, on questions of law. The city attorney shall act as the commission's parliamentarian.

3.8 City Clerk: The city clerk shall attend all meetings of the commission unless excused and shall keep the official minutes and perform such other duties as may be required.

3.9 Officers and Employees: Department heads of the city, when there is pertinent business from their departments on the agenda, shall attend such commission meetings when requested by the city manager. The police chief or a designated subordinate shall attend all commission meetings.

3.10 Rules of Order: "Roberts Rules of Order Revised" shall govern the proceedings of the commission in all cases, unless they are in conflict with these rules.

Section 4. TYPES OF MEETINGS

4.1 Regular Meeting: The commission shall meet in the commission chambers for regular, adjourned and special meetings. The regular commission meetings are to commence at 8:00 P.M., on

the second and fourth Tuesday of each month, unless otherwise specified at least two (2) weeks in advance.

4.2 Biennial Organizational Meeting: On the first Tuesday following each biennial regular election, the city commission shall meet at the usual place for holding the meetings of the legislative body of the city, at which time the newly elected city commissioners shall take the prescribed oaths of office and assume the duties of their respective offices. (Part II, Article 7, Section 1, City Charter)

4.3 Special Meeting to Seat a New Member: On the first Monday following the election of a new member, elected at other than a biennial regular election, the commission shall meet to receive such new member. (Part II, Article 7, Section 2, City Charter)

4.4 Special Meetings: The mayor, any two (2) members of the city commission or the city manager may call special meetings of the city commission upon at least six (6) hours written notice to each member, the city manager, city clerk-auditor, city attorney and chief of police, served personally or left at his/her usual place of residence. The regularity or validity of any proceedings, taken at any special meeting at which a majority of members of the city commission and the city clerk are present shall not be questioned on account of any omission or irregularity in calling such a special meeting. The call for a special meeting shall specify the day, the hour and the location of the special meeting and shall list the subject or subjects to be considered. Only such business may be transacted at a special meeting as may be listed in the call for said meeting or an incident thereto.

4.5 Adjourned Meetings: Any meeting of the commission may be adjourned to a later date and time, provided that no adjournment shall be for a longer period than until the next regular meeting.

4.6 Workshop Meetings: The commission may meet informally in workshop meetings (open to the public) at the call of the mayor, or any two (2) members of the commission or city manager, to review forthcoming programs of the city, receive progress reports on current

programs or projects, or receive similar information from the city manager. No vote or polling of the commissioners shall be taken at said workshop meetings.

4.7 Emergency Meetings: Emergency meetings may be held on the call of the mayor, two (2) members of the commission or the city manager whenever there is a public emergency affecting life, health property or the public peace, and whenever practicable, upon no less than one (1) hour notice to each member and the public.

4.8 Attendance of Media at Commission Meetings: All official meetings of the city commission and its committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

Section 5. MAYOR AND DUTIES

5.1 Mayor - Commissioner: The mayor-commissioner, if present, shall preside at all meetings of the commission. In the absence of the mayor, the vice mayor shall preside. In the absence of the mayor and the vice mayor, any member of the city commission may be designated as mayor pro tem for such meeting. The mayor shall have a vote in the proceedings of the city commission and shall vote last upon roll call. (Part III, Article 2, Sections 2 & 3(a), City Charter

5.2 Call to Order: The meetings of the commission shall be called to order by the mayor, or in his or her absence, by the vice mayor. In the absence of both the mayor and the vice mayor, the meeting shall be called to order by the city clerk for the selection of a mayor pro tem from any of the commissioners present.

5.3 Preservation of Order: The mayor shall preserve order and decorum; and, confine the debate of the commissioners and the public to the question under discussion.

5.4 Points of Order: The mayor shall determine all points of order, subject to the rights of any member to appeal to the commission. If any appeal is taken, the question shall be, "Shall the decision of the mayor be sustained?"

5.5 Questions to be Stated: The mayor shall state all questions submitted for a vote and announce the result. A roll call vote shall

be taken for the adoption of an ordinance or resolution. A roll call vote may be taken on matters other than ordinances and resolutions upon the request of any member of the commission.

5.6 Substitution for Mayor: The mayor may call on the vice mayor to temporarily conduct the meeting in order to make a motion. Such substitution shall not continue beyond the action on that motion.

Section 6. ORDER OF BUSINESS AND AGENDA

6.1 Order of Business: The general rule as to the order of business in regular meetings shall be as follows:

1. Invocation and Pledge of Allegiance to the Flag
2. Call to Order and Roll Call
3. Consent Agenda
4. Presentations
5. Bids
6. Public Hearings
7. Proposals
8. Purchases
9. Occupational Licenses Requests
10. Agreements
11. Appointments
12. Discussion
13. Administrative Reports
14. Commission Comments
15. Citizens' Comments
16. Adjournment

6.2 Agenda: The order of business of each meeting shall be as contained in the agenda prepared under the direction of the city manager or his designee. The agenda shall be a listing by topic of subjects to be considered by the commission and shall be delivered to members of the commission each Thursday preceding the meeting to which it pertains.

6.3 Presentation by Members of Commission: The agenda shall provide a time when the mayor or any commissioner may bring before the commission any business that he/she feels should be deliberated

upon by the commission. The matters need not be specifically listed on the agenda, but formal action on such matters shall be deferred until a subsequent commission meeting, except that immediate action may be taken upon a vote of a majority of all members of the commission present.

6.4 Approval of Minutes: The minutes of a commission meeting may be approved on the consent agenda if the city clerk previously furnished each member with a copy thereof.

Section 7. ORDINANCES, RESOLUTIONS AND MOTIONS

7.1 Form: Ordinances and resolutions shall be presented to the commission only in printed or typewritten form.

7.2 City Attorney to Approve: All ordinances and resolutions shall be "Approved as to Form and Correctness" by the city attorney. Such approval shall be so indicated by signature on the last page of the ordinance or resolution before presentation to the commission.

7.3 City Manager to Review: All ordinances and resolutions shall be reviewed by the city manager. Such review shall be so indicated by recommendation included in the agenda backup material presented to the commission.

7.4 Distribution of Ordinances and Resolutions: The city manager or his designee shall have copies of all proposed ordinances prepared for distribution to all members of the commission with the agenda backup material for the commission meeting at which the ordinance is to be introduced.

7.5 Ordinances Deferred, Emergencies: Ordinances introduced at a commission meeting on first reading shall not be finally acted upon no sooner than the next official meeting of the commission; except that an emergency ordinance may be acted upon on first and second readings at the same meeting by an affirmative vote of at least two-thirds (four [4] members) of the commission.

7.6 Reading by Title Only: Upon being introduced, each proposed ordinance shall be read by title only, unless any member of the commission requests a full reading of the ordinance.

7.7 Consideration of Ordinances: Each proposed ordinance shall be read by title or in full two times. Except in case of a bill for an emergency ordinance, not more than one such reading shall be on the same day, and at least ten (10) days shall elapse between introduction and final passage.

7.8 Recording of Votes: The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the official record of the commission. (Section 166.041(4), Florida Statutes)

7.9 Majority Vote Required: An official vote of a majority of a quorum present is necessary to pass a motion, except that 2/3 (4 members) of the membership of the commission is required to adopt an emergency ordinance.

7.10 Tie Vote: In the event of a tie in votes on any motion, the motion shall fail.

7.11 Numbering Ordinances and Resolutions: Upon passage, a number shall be assigned to each ordinance or resolution by the city clerk.

7.12 Ordinance and Resolution Passage Procedure: When passed by the commission, all ordinances and resolutions shall be signed by the mayor and be attested by the city clerk and it shall be immediately filed and thereafter preserved in the office of the city clerk.

7.13 Requests for Ordinances or Legal Opinions: Any member of the city commission may request the city manager to have prepared proposed ordinances with such ordinances to be placed on the agenda of the next scheduled commission meeting, provided the ordinance can be drafted and distributed to members of the commission in accordance with time schedules set forth in 7.4 of these rules. Any member of the city commission may request verbal or written legal opinions relating to city business from the city attorney.

7.14 Voting Conflicts: No member of the city commission may vote in his or her official capacity upon any measure which inures to his/her special private gain and shall, prior to the vote,

publicly state to the assembly, the nature of his/her interest in the matter from which he/she is abstaining and within fifteen (15) days after the vote, file a memorandum of voting conflict with the city clerk who shall incorporate it into the minutes.

Section 8. CREATION OF COMMITTEES, BOARDS & COMMISSIONS

8.1 Citizen Committees, Boards and Commissions: The commission may create committees, boards and commissions to assist in the conduct of the operation of the city government with such duties as the commission may specify not inconsistent with the City Charter or City Code.

8.2 Membership and Selections: Membership and selection of members shall be as provided by the commission if not specified by the City Charter or City Code. 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 commission. No committee so appointed shall have powers other than advisory to the commission, except as otherwise specified by the City Charter or City Code. A volunteer membership list shall be established and distributed to the city commission to aid in their selection of board, committee and commission members.

8.3 Removal of Members of Boards, Committees and Commissions: The commission may remove any member of any board, committee or commission which it has created or as created by the City Charter by a vote of at least a majority of the commission.

Section 9. CITIZEN'S COMMENTS AS AN AGENDA ITEM

9.1 Addressing the Commission: Comments by Dania citizens or interested parties that are not a part of the regular agenda must be given in writing or communicated verbally prior to 4:00 P.M. the second (2nd) and fourth (4th) Mondays of each month. Comments of any nature will be responded to by the office of the city manager. In the event that the concern remains unresolved, the citizen(s) or party may be placed on the citizen's comments agenda and asked to address the city commission during the meeting. Emergencies may be

given to the mayor, a city commissioner or the city manager prior to the beginning of the meeting. The mayor or commissioners may relinquish part or all of their comment time to a citizen's request if they so desire.

9.2 Manner of Addressing the Commission - Time Limit: Each person addressing the commission shall step up to the microphone, shall give his/her name and address in an audible tone of voice for the record and, unless further time is granted by the commission, shall limit his/her address to three minutes. All remarks shall be addressed to the commission as a body and not to any member thereof. No person other than members of the commission, city manager and the person having the floor shall be permitted to enter into any discussion, either directly or through the members of the commission. When requested by any member of the commission, the city manager, city attorney, as well as staff members, may enter into discussion. No questions shall be asked the commissioners, except through the mayor.

9.3 Personal and Slanderous Remarks: Any person making personal, impertinent slanderous remarks, or who shall become boisterous while addressing the commission, may be required to leave the meeting and may be barred by the mayor from further audience before the commission.

9.4 Reading of Protests: Interested persons or their authorized representatives, may address the commission for the reading of protests, petitions, or communications relating to any matter over which the commission has control when the item is under consideration by the commission, if a majority of the commission present agrees to let them be heard.

9.5 Written Communications: Interested parties or their authorized representatives, may address the commission by written communication in regard to any matter concerning the city's business or over which the commission has control at any time by direct mail or by addressing such communication to the city clerk who will distribute copies of same to the commissioners.

Section 10. SUSPENSION AND AMENDMENT OF THESE RULES

10.1 Suspension of These Rules: Any provision of these rules

not governed by the City Charter, State Statutes or City Code, may be temporarily suspended by a vote of a majority of the commission.

10.2 Amendment of These Rules: These rules may be amended or new rules adopted, by a majority vote of all members of the commission, provided that the proposed amendments or rules shall have been introduced into the record at a prior commission meeting.

Section 11. That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 12. That this resolution shall be in force and take effect immediately upon its passage and adoption.

PASSED and ADOPTED on this 23rd day of July, 1985.


MAYOR - COMMISSIONER

ATTEST:


CITY CLERK - AUDITOR

APPROVED FOR FORM AND CORRECTNESS

By: 
FRANK C. ADLER, City Attorney