



**VILLAGE OF BISCAYNE PARK**  
640 NE 114TH STREET  
BISCAYNE PARK, FL 33161  
TEL: 305 899 8000 FAX: 305 891 7241  
www.biscayneparkfl.gov

Mayor and Commission

Roxanna Ross  
Mayor

Albert Childress  
Vice Mayor

Robert "Bob" Anderson  
Commissioner

Steve Bernard  
Commissioner

Bryan Cooper  
Commissioner

Ana Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria Camara  
Village Clerk

**AGENDA**  
**REGULAR COMMISSION MEETING**  
Ed Burke Recreation Center - 11400 NE 9th Court  
Biscayne Park, Florida 33161  
Tuesday, March 16, 2010

- 1 **Call to Order**
- 2 **Roll Call**
- 3 **Pledge of Allegiance**
- 4 **Presentations**
  - 4.a Certificate of Appreciation to North Shore Medical Center, Patricia Sechi.
  - 4.b Police Chief Mitchell Glansberg presentation and recognition of police officers.
  - 4.c FMIT (Florida Municipal Insurance Trust) - Jim McGinn to present a check to the Village for \$6,250.
- 5 **Additions, Deletions or Withdrawals to Agenda**
- 6 **Public Comments Related to Agenda Items**
- 7 **Consent Agenda**
  - 7.a Certification of State Forfeiture Funds for Crime Watch tables
- 8 **Public Hearings**

< None >
- 9 **Ordinances - FIRST READING**
  - 9.a **Ordinance 2010-3**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA ADOPTING THE **EVALUATION AND APPRAISAL REPORT BASED AMENDMENTS TO THE COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL TO REVIEW AGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

9.b **Ordinance 2010-4**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING THE MUNICIPAL CODE OF THE VILLAGE OF BISCAYNE PARK BY ADOPTING A **CODE OF CONDUCT** FOR ALL ELECTED OFFICIALS, BOARD MEMBERS AND VILLAGE EMPLOYEES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSSION; PROVIDING FOR AN EFFECTIVE DATE.

9.c **Ordinance 2010-5**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING THE MUNICIPAL CODE OF THE VILLAGE BY ADOPTING **COMPREHENSIVE PROCEDURES GOVERNING COMMISSION MEETINGS**; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

**Ordinances - SECOND READING**

< None >

**10 Resolutions**

10.a Resolution 2010-8

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, REQUESTING THAT THE **UNITED STATES POSTAL SERVICE REPLACE THE MAILBOX** WHICH WAS REMOVED FROM THE LOCATION OF 9TH AVENUE AND 113TH STREET IN THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

10.b Resolution 2010-10

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK URGING THE **FLORIDA LEGISLATURE TO PROVIDE EACH REGION OF THE STATE, INCLUDING SOUTHEAST FLORIDA AND MIAMI-DADE COUNTY, ITS FAIR SHARE OF STATE FUNDING** BASED ON WHERE REVENUE IS GENERATED; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

10.c Resolution 2010-11

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK URGING MEMBERS OF THE **FLORIDA LEGISLATURE TO SUPPORT AND OPPOSE CERTAIN ISSUES DURING THE 2010 LEGISLATIVE SESSION**; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

10.d Resolution 2010-12

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **GIVING THE VILLAGE MANAGER APPROVAL TO MAKE BUDGETARY ADJUSTMENTS TO THE ADOPTED BUDGET AS A RESULT OF DEPARTMENTAL RESTRUCTURING; PROVIDING FOR AN EFFECTIVE DATE**

**11 Old Business**

**12 New Business**

Commissioner Cooper: Direction to Attorney to draft a resolution  
12.a supporting environmental efforts as per resolutions adopted by sister cities in southeast Florida.

**13 Good & Welfare**

**14 Reports**

14.a Committee Reports

- i > Parks & Parkway Advisory Board

14.b Village Attorney

14.c Village Manager

- i > Stormwater Project update
- ii > Recreation Center Project Bid update
- iii > Finance Director status.

14.d Commissioner Comments

- i > Vice Mayor Al Childress
- ii > Commissioner Bob Anderson
- iii > Commissioner Steve Bernard
- iv > Commissioner Bryan Cooper
- v > Mayor Roxanna Ross

**15 Announcements**

All public meetings are held at the Ed Burke Recreation Center, 11400 NE 9th Court, Biscayne Park.

Wednesday, March 17th - Parks & Parkway Advisory Board at 6:00PM

Wednesday, March 31st - Adult Easter Egg Hunt at 8:00PM

Saturday, April 3rd - Kid's Easter Egg Hunt at 10:00AM

Monday, April 5th - Planning & Zoning at 6:30PM

Tuesday, April 6th, Regular Commission Meeting at 7:00PM

Please visit our website regularly at [biscayneparkfl.gov](http://biscayneparkfl.gov) and click on the Calendar of Meetings & Events to view the full schedule.

## 16 Adjournment

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

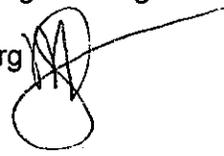
In accordance with the Americans with Disabilities Act of 1990, persons needing special accomodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (4) days prior to the proceeding for assistance.

**DECORUM** - Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.

**BISCAYNE PARK POLICE DEPARTMENT**

**MEMORANDUM**

TO:  Ms. Ana M. Garcia, Village Manager

FROM: Chief Mitchell Glansberg 

DATE: March 8, 2010

CC: Mayor Roxanne Ross, Village Commission, Mrs. Maria Camara,  
Village Clerk

RE: Agenda Item: Expenditure of Crime Watch Funds

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**State Forfeiture Funds Expenditure:**

The Village of Biscayne Park Police Department is seeking expenditure of not more than \$250.00 from the Village of Biscayne Park Police Department's Crime Watch account to be utilized for the purchase of four (4) new meeting and presentation tables for Crime Watch. The tables will be utilized by the Police Department as well as the Villages Citizens Crime Watch to further the Villages Crime Watch and Crime Prevention initiatives. The Villages Crime watch account is funded from State Forfeiture proceeds from the Village of Biscayne Park Police Department.

**CERTIFICATION:**

*I, Mitchell S. Glansberg, Chief of Police, certify that all funds from the above request(s) will be utilized for law enforcement purposes and comply with the requirements of the State of Florida Forfeiture Guidelines and The Department of Justice/Treasury Forfeiture Guidelines, where applicable. The above request has been reviewed and approved by the office of the City Attorney.*

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Mitchell S. Glansberg  
Chief of Police



# Village of Biscayne Park

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March 10, 2010

To: Mayor Roxana Ross  
Vice Mayor Al Childress  
Commission Bob Anderson  
Commissioner Steve Bernard  
Commissioner Bryan Cooper

From: Ana Garcia, Village Manager

## **Re: Ordinance 2010-3 – Adopting the Evaluation and Appraisal Report**

### **Background Analysis:**

On February 16, 2010, the Village of Biscayne Park Planning & Zoning Board, acting as the Local Planning Agency, reviewed the proposed Comprehensive Plan Evaluation and Appraisal Report-Based Amendments. The board voted to recommend that the Commission transmit the amendments to the State for preliminary sufficiency review upon first reading of the Ordinance, after directing staff and the consultants to make the changes listed.

Subsequently, on March 2, 2010, at the regular Commission meeting, a motion was made and unanimously passed to move the first reading to date certain March 16, 2010. This would allow for the posting of the ordinance and all related documents including the original 1988 Comprehensive Plan to the website, and also to have a hard-copy available at Village Hall, for resident review.

### **Fiscal/Budgetary Impact:**

As per budgetary appropriations and grants.

### **Recommendation:**

Manager recommends approval at first reading, as per the direction of the Planning & Zoning board's recommendation.

**ORDINANCE NO. 2010-3**

**AN ORDINANCE OF THE VILLAGE COMMISSION OF  
THE VILLAGE OF BISCAYNE PARK, FLORIDA  
ADOPTING THE EVALUATION AND APPRAISAL  
REPORT BASED AMENDMENTS TO THE  
COMPREHENSIVE PLAN; AUTHORIZING  
TRANSMITTAL TO REVIEW AGENCIES; PROVIDING  
FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE  
DATE**

WHEREAS, the Florida legislature intends that local planning be a continuous and ongoing process; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to periodically assess the success or failure of the adopted plan to adequately address changing conditions and state policies and rules; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to adopt needed amendments to ensure that the plan provides appropriate policy guidance for growth and development; and

WHEREAS, on August 5, 2008, the Village adopted its Evaluation and Appraisal Report by approving Ordinance 2008-2; and

WHEREAS, the Florida Department of Community Affairs found the adopted EAR sufficient; and

WHEREAS, the Village has completed its proposed Evaluation and Appraisal Report-based amendments consistent with the requirements of Chapter 163, Part II, F.S., and Rule 9J-5 and 9J-11, F.A.C.; and

WHEREAS, the Village Commission, upon first reading of this Ordinance, authorized transmittal of the EAR-Based Amendments to the Department of Community Affairs and review agencies for the purpose of a review in accordance with Sections 163.3184, 163.3187, 163.3189 and 163.3191, Florida Statutes;

**NOW, THEREFORE BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:**

**Section 1.** Each and all the foregoing Whereas clauses are true and correct and are incorporated herein.

**Section 2.** The 2010 Evaluation and Appraisal Report-Based Amendments to the Village of Biscayne Park Comprehensive Plan, attached as Exhibit "A" to this Ordinance and as revised to address any objections, recommendations and comments provided by the Department of Community Affairs and review agencies, are hereby adopted and transmitted to the Department of Community Affairs and review agencies.

**Section 3.** **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4.** **Effective Date.** This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

**The foregoing ordinance upon being put to a vote, the vote was as follows:**

\_\_\_\_\_  
Roxanna Ross, Mayor

Attest:

Mayor Ross \_\_\_\_\_  
Vice Mayor Childress \_\_\_\_\_  
Commissioner Anderson \_\_\_\_\_  
Commissioner Bernard \_\_\_\_\_  
Commission Cooper \_\_\_\_\_

\_\_\_\_\_  
Village Clerk

Approved as to form:

\_\_\_\_\_  
John J. Hearn, Village Attorney

All related documents to Ordinance 2010-3 can be found on our website as follows:

Click on 'Information for Residents'  
Click on the item titled:

**Ordinance 2010-3 Evaluation and Appraisal Report Based  
Amendments to the Comprehensive Plan**

Under this item you will find the following documents:

**1988 Comprehensive Plan** which is the Village of Biscayne Park's currently adopted Comprehensive Plan dated December 1988.

**Biscayne Park EAR Sept 08:** 2008 Comprehensive Plan Evaluation and Appraisal Report that was approved on August 5, 2008.

**Biscayne Park Amendments:** 2010 Applications to Amend the 1988 Comprehensive Plan based on the adopted 2008 Evaluation and Appraisal Report.

**Biscayne Park Comp Plan w/ Amendments:** 1988 Adopted Comprehensive Plan as updated by the proposed 2010 Evaluation and Appraisal Report Based Amendments.

A printed version of all these documents is available at Village Hall for viewing.



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March 10, 2010

To: Mayor Roxana Ross  
Vice Mayor Al Childress  
Commission Bob Anderson  
Commissioner Steve Bernard  
Commissioner Bryan Cooper

From: Ana Garcia, Village Manager

**Re: Ordinance 2010-4 Code of Conduct**

### **Background Analysis:**

The Commission of the Village of Biscayne Park finds it to be in the best interests of its citizenry to adopt a code of conduct for all elected officials, board members and public employees. Per Commission request, this ordinance was drafted from the current ordinance used in the City of Doral.

### **Fiscal/Budgetary Impact:**

< None >

### **Recommendation:**

Village Manager will incorporate code of conduct administratively for all staff, and recommends dialogue and consensus among all elected officials, and to adopt same.

**ORDINANCE NO. 2010-4**

**AN ORDINANCE OF THE VILLAGE COMMISSION OF  
THE VILLAGE OF BISCAYNE PARK, FLORIDA,  
AMENDING THE MUNICIPAL CODE OF THE VILLAGE  
OF BISCAYNE PARK BY ADOPTING A CODE OF  
CONDUCT FOR ALL ELECTED OFFICIALS, BOARD  
MEMBERS AND VILLAGE EMPLOYEES; PROVIDING  
FOR CONFLICT; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR INCLUSION; PROVIDING FOR AN  
EFFECTIVE DATE**

WHEREAS, the Village Commission of the Village of Biscayne Park finds it to be in the best interests of its citizenry to adopt a code of conduct for all elected officials and board members; now, therefore

BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

Section 1. The Municipal Code of the Village of Biscayne Park is hereby amended by adopting comprehensive procedures governing Village Commission meetings as follows:

**Sec. 2-1. Code of conduct for all elected officials, board members and public employees.**

(a) Declaration of policy. High moral and ethical standards among public officials, both elected and appointed, and public employees are essential to gain and maintain the confidence of the public because such confidence is essential to the conduct of free government. They are the agents of the people and hold their positions for the benefit of the people. The proper operation of democratic government requires that public officials be independent and impartial when establishing policy and that their positions never be used for personal gain.

All elected and appointed officials, Village employees, and others who participate in the Village's government are required to subscribe to this chapter and the conflict of interest and code of ethics ordinance codified as subsection 2-11.1 of the Code of Miami-Dade County. All elected and appointed officials, Village employees, and others who participate in the Village's government are required to understand how those ordinances apply to their specific responsibilities. All elected and appointed officials shall receive a copy of this section and will subscribe to the standards delineated in the code when carrying out their responsibilities.

(b) Definitions. Below is a list of terms with their associated meanings. The following terms for purposes of interpreting this code of conduct shall have the meanings indicated below:

Attitude. The manner in which one shows one's dispositions, opinions, and feelings.

Behavior. External appearance or action; manner of behaving; carriage of oneself.

Civility. Politeness, consideration, courtesy.

Conduct. The way one acts; personal behavior.

Courtesy. Politeness connected with kindness.

Decorum. Suitable; proper; good taste in behavior.

Grandstanding. Utilizing public meeting time ostentatiously and hampering the efficient conduct of business.

Manners. A way of acting; a style, method, or form; the way in which things are done.

Point of order. An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration.

Point of personal privilege. A challenge to a speaker to defend or apologize for comments that a fellow member considers offensive.

Propriety. Conforming to acceptable standards of behavior.

Protocol. The courtesies that are established as proper and correct.

Public disruption. Behavior that disrupts the proceedings in a manner obviously hostile to the purpose of the meeting.

Public official. Any appointed or elected official and specifically includes, but is not limited to, the Mayor and Village Commission, and all board and committee members.

(c) Minimum standards. This code of conduct is designed to address the manner in which public officials should treat one another, Village staff, constituents, and others they come into contact with in representing the Village of Biscayne Park.

Public officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone

that can help guide public officials to take appropriate actions even in the most difficult situations. The Village's code of conduct includes the following minimum standards:

(1) Uphold the United States and Florida Constitutions, laws and regulations and the Village of Biscayne Park's Charter, ordinances and regulations, and never knowingly be a party to their evasion.

(2) Place the Village's rules, codes and interests ahead of any group or individual interests or concerns. No public official shall put individual concerns or interests before that of the Village and the Village's Code of Ordinances, before, during or after making a recommendation or a decision on a pending application.

(3) Seek to find and use the most equitable, efficient, effective and economical means for getting tasks accomplished, and not unnecessarily burdening staff with time consuming, unnecessary or frivolous requests related to personal concerns or individual points of view.

(4) Adopt policies (and programs, as applicable) that support the rights and recognize the needs of all citizens regardless of race, sex, sexual orientation, age, religion, creed, country of origin or disability. Avoid adopting policies (or supporting programs) or engaging in activities that discriminate against or offend individuals because of race, sex, sexual orientation, age, religion, creed, country of origin or disability.

(5) Ensure the integrity of the actions of each board, committee or the Village Commission by avoiding discrimination through the dispensing of special favors, or unfair privileges to anyone, whether for remuneration or not.

(6) Make no private promises of any kind binding upon the duties of any office, since a public official is a public servant, and should have no private work which can be binding on public duty.

(7) Do not take public positions or engage in any activity that advocates or supports an applicant, group, organization, business or position on any matter or issue that will come before your respective board or committee. No appointed public official shall advocate, lobby, or take any action involving the community or the Village Commission on an item that has been considered or is to be heard by that appointed public official's board or committee. The appointed board or committee, as a whole, shall issue a recommendation in its official capacity to the Village Commission. The individual appointed board or committee members shall not advocate to the public, or appear before the Village Commission on an item upon which their respective board or committee will consider or has considered, as doing so would provide an appearance of undue influence, bias and improper conduct. An appointed public official may only appear before the Village Commission on matters considered or to be considered by their respective board or committee if specifically invited by the Commission to do so. Appointed public officials may, however, appear before the Village Commission on all other Village business.

(8) Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.

(9) Expose through appropriate means and channels, corruption, misconduct or neglect of duty whenever discovered.

(10) Adhere to the principle that the public's business should be conducted consistent with the Sunshine law and following the letter and spirit of the Sunshine law by using closed meetings only to deal with certain legal and labor matters as provided under Florida law.

(11) Avoid using a position of public trust to gain access to the media or the dais for the purposes of criticizing colleagues, other public officials, citizens or staff, impugning their integrity or vilifying their personal beliefs.

(12) Make sure, when responding to the media, or to public comments, that a clear distinction is made between personal opinion or belief and a decision made by the applicable board, committee or Village Commission.

(13) Pledge to honor and uphold these principles, ever conscious that public office (whether appointed or elected) is a public trust.

(d) Village meetings.

(1) The Mayor will chair official meetings of the Village Commission, unless the Vice-Mayor or another Commission member is designated as chair of a specific meeting. The chair maintains order, decorum, and the fair and equitable treatment of all speakers, keeps discussion and questions focused on specific agenda item under consideration, and makes parliamentary rulings with advice, if requested, from the Village Attorney who acts as an advisory parliamentarian. Chair rulings may be overturned if a Commission member makes a motion as an individual and the majority of the Commission votes to overrule the chair. These rules of decorum supplement and enhance the Village's meeting procedures ordinance found elsewhere in this Code.

(2) Board and committee meetings. The board or committee chairman will chair official meetings of their respective board or committee, unless the vice-chair or another member is designated as chair of a specific meeting. The meeting chair maintains order, decorum, and the fair and equitable treatment of all speakers, keeps discussion and questions focused on the specific agenda item under consideration, and makes parliamentary rulings with advice, if requested, from the board attorney (where applicable) who acts as an advisory parliamentarian. Chair rulings may be overturned if a member makes a motion as an individual and majority of the board votes to overrule the chair.

(e) Rules of decorum.

(1) All public officials shall practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

(2) All public officials shall honor the role of the chair in maintaining order. It is the responsibility of the chair to keep the comments of Commission members or board members on track during public meetings. Public officials shall honor efforts by the chair to focus discussion on current agenda items and to halt nonproductive grandstanding. If there is disagreement about the agenda or the chair's actions, those objections shall be voiced politely and with reason, following procedures outlined in parliamentary procedure.

(3) Avoid personal comments that could offend other persons. If an individual member of the Commission, board or committee is personally offended by the remarks of another member the offended public officials shall make notes of the actual words used and call for a "point of personal privilege" that challenges the offending member to justify or apologize for the language used. The chair will maintain control of this discussion.

(4) Demonstrate effective problem-solving approaches. The Village Commission and each public board and committee has a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

(5) Public officials should refer to one another formally during public meetings by their official titles followed by the individual's last name.

(f) Correspondence signatures.

(1) Public officials do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Commission meetings or other official Village meetings. Village staff will prepare official letters in response to public inquiries and concerns. If correspondence is addressed only to one (1) public official, that public official should check with staff on the best way to respond to the sender. At all times, public officials will make sure to comply with the Village's quasi-judicial procedures, comply with the Jennings Rule, and adhere to the state's Sunshine laws.

(2) Public officials are to check with Village staff on correspondence before taking action. Before sending correspondence, public officials should check with Village staff to see if an official Village response has already been sent or is in progress.

(g) Conduct with Village staff. Governance of a Village relies on the cooperative efforts of all public officials. The Village Commission sets policy and the Village Manager, together with Village staff, implements and administers the Commission's policies. To allow proper governance and to ensure non-interference with the Village Manager's application or implementation of the Village Commission's policies, public officials shall comply with the following guidelines:

(1) Public officials shall treat all staff as professionals with clear, honest communication that respects the abilities, experience and the dignity of each individual. Public officials shall maintain an attitude of courtesy and consideration toward all colleagues, public officials and staff during all discussions and deliberations.

(2) Questions/inquiries to Village staff:

- a. General public official communications with Village staff should be limited to normal Village business hours unless the circumstances warrant otherwise. Responses to public official questions posed outside of normal business hours should be expected no earlier than the next business day.
- b. Routine requests for information and inquiries. Public officials may contact staff directly for information made readily available to the general public on a regular basis (e.g., "What are the recreation center's hours of operation?"). Under these circumstances staff shall treat the public official no differently than they would the general public, and the public official shall not use his/her/their elected or appointed status to secure preferential treatment. The Village Manager does not need to be advised of such contacts.
- c. Nonroutine requests for readily available information. A public official may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., "How many traffic lights are there in the Village?").
- d. Nonroutine requests requiring special effort. Any public official request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) must be directed to the Village Manager, (e.g., "Please provide a matrix reconciling data from various traffic studies"). The Village Manager shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such requests shall be copied to all public officials on the board, the Village Manager, the Village Attorney as appropriate and affected department heads. The procedure outlined in this subsection does not preclude a public official from making a public records request under Chapter 119, Florida Statutes.
- e. Meeting requests. Any public official request for a meeting with staff must be directed to the Village Manager. When in doubt about the appropriateness of a communication with staff, public officials shall ask the Village manager for advice.
- f. Public safety restrictions. Under certain circumstances, requests for information regarding operations or personnel of the department of public safety may be legally restricted under state law to protect minors, certain victims and law enforcement officers and their investigations. Accordingly, it shall be the policy of the Village of Biscayne Park to strictly comply with all applicable legal authorities governing the release of public safety information and records.

(3) Do not disrupt Village staff from their jobs. Public officials should not disrupt Village staff while they are engrossed in performing their job functions in order to have their individual needs met.

(4) Never publicly criticize an individual employee. Public officials shall never express concerns about the performance of a Village employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the Village Manager.

(5) Public officials shall not become involved in administrative functions. Public officials shall not attempt to influence Village staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of Village licenses and permits.

(6) Public officials shall not attend meetings with Village staff unless requested by staff. This restriction does not apply to board or committee members sitting in on meetings concerning matters that do not come before their respective boards or committees for consideration.

(7) Requests for staff support shall be made to the Village Manager who is responsible for allocating Village resources.

(8) Public officials shall not solicit political support from staff. Public officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from Village staff. Village staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

(h) Conduct with members of the public.

(1) Make no promises on behalf of the entire body. Public officials will frequently be asked to explain an action of the body or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of Village policy and to refer to Village staff for further information. It is inappropriate to overtly or implicitly promise action by the body, or to promise Village staff will do something specific (fix a pothole, plant new flowers in the median, etc.).

(2) Make no personal comments about other public officials. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other public officials, their opinions and actions.

(i) Conduct with other public agencies.

(1) Public officials should be clear about representing the Village, a board of the Village or personal interests. If a public official appears before another governmental agency or organization or meets with the agency representative or staff to give a statement on an issue, the public official must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the Village; 2) whether this is the majority or minority opinion of the body s/he represents. If the public official is representing the Village, the public official must support and advocate the official Village position on an issue, not a personal viewpoint.

(2) Correspondence also should be equally clear about representation. Village letterhead may be used when the public official is representing the Village and the Village's official position. A copy of official correspondence should be given to the Village Clerk to be filed in the Commission office as part of the permanent public record. It is best that Village letterhead not be used for correspondence of public officials representing a personal point of view or a dissenting point of view from an official Village Commission or Village board position. However, should public officials use Village letterhead to express a personal opinion, the official Village position must be stated clearly so the reader understands the difference between the official Village position and the minor viewpoint of the public official.

(j) Conduct with boards and Commissions.

(1) Public officials may generally attend any public meeting, which are always open to any member of the public. There are specific exceptions in the case of quasi-judicial proceedings. If in doubt, the official should seek guidance from the Village attorney's office. However, public officials should be sensitive to the way their participation could be viewed as unfairly affecting the process. No public comments by an appointed public official at a Village Commission meeting may be made where the board or committee's recommendation is presented, unless that board or committee member is specifically invited to speak by the Mayor or by the Commission.

(2) It is inappropriate for a public official to contact a committee, board or Commission member to lobby on behalf of businesses or developers.

(j) Commission conduct with the media. Public officials are frequently contacted by the media for background and quotes. Most members of the media represent the highest levels of journalistic integrity and ethics and can be trusted to keep their word. But one (1) bad experience can be catastrophic. Words that are not said cannot be quoted. The Mayor is the official spokesperson and representative of the Village's position. The Mayor is the designated representative of the Commission to present and speak on the official Village position. If an individual public official is contacted by the media, the public official should be clear about whether their comments represent the official Village position or a personal viewpoint. The public official should choose words carefully and cautiously. Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

(k) Sanctions.

(1) Public disruption. Members of the public who do not follow proper conduct after a warning in a public hearing shall be barred from further testimony at that meeting or removed from the Commission chambers.

(2) Inappropriate staff behavior. Public officials should refer to the Village Manager any Village staff who do not follow proper conduct in their dealings with Commission members, board members, other Village staff, or the public. These employees may be disciplined in accordance with standard Village procedures for such actions.

(3) Public officials' behavior and conduct. Public officials who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Commission. Serious infractions of the code of ethics or code of conduct could lead to other sanctions as deemed appropriate by the Commission and as provided under law. Failure of an appointed public official to comply with the Village's, County's, and State's ethics codes shall result in removal of the public official.

(4) Appointed public officials. Violation of this code by an appointed public official, for a first offense, shall result in sanctions which sanctions may include removal of the appointed public official from the board or committee. A second violation of this code by an appointed public official shall result in removal of that appointed public official from the board or committee.

(l) Impartiality. No official or employee shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

(m) Use of public property. No official or employee shall use his/her position to request, use or permit the use of any Village-owned or Village-supported property, vehicle, equipment, material, labor or service for the personal convenience or the private advantage of himself or of any other person. This rule shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such publicly-owned or publicly-supplied property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

(n) Influence of board members by Mayor and Commission members, appearance before boards. The Mayor and Commission members of the Village are hereby prohibited from:

(1) Attempting directly or indirectly to improperly influence the decision or official act of any member of any board of the Village;

(2) Appearing before any such board except upon invitation of a majority of the members of such board; provided, however, that if the Mayor or a Commission member shall appear before such board without invitation, he shall be presumed to have a financial or personal interest in any matter which he shall have advocated or espoused before the board and shall be disqualified to vote thereon in his official capacity.

(3) Excepted from the provisions hereof is participation by the Mayor or members of the Commission in the acts and deliberation of any board of which they are ex-officio members.

Section 2. Repeal of Conflicting Provisions. To the extent any provisions of the Code conflict with this Chapter, those provisions are repealed in its entirety.

Section 3.     Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4.     Inclusion in the Code. It is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Village of Biscayne Park, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5.     Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

**The foregoing ordinance upon being put to a vote, the vote was as follows:**

\_\_\_\_\_  
Roxanna Ross, Mayor

Attest:

Mayor Ross \_\_\_\_\_  
Vice Mayor Childress \_\_\_\_\_  
Commissioner Anderson \_\_\_\_\_  
Commissioner Bernard \_\_\_\_\_  
Commission Cooper \_\_\_\_\_

\_\_\_\_\_  
Village Clerk

Approved as to form:

John J. Hearn, Village Attorney



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000  
Fax: 305 891 7241

## Mayor and Commission

Roxanna Ross  
Mayor

Albert Childress  
Vice Mayor

Robert "Bob" Anderson  
Commissioner

Steve Bernard  
Commissioner

Bryan Cooper  
Commissioner

Ana Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria Camara  
Village Clerk

March 10, 2010

To: Mayor Roxana Ross  
Vice Mayor Al Childress  
Commission Bob Anderson  
Commissioner Steve Bernard  
Commissioner Bryan Cooper

From: Ana Garcia, Village Manager

## **Re: Ordinance 2010-5 Procedures for Governing Commission Meetings**

### **Background Analysis:**

Per Commission request, this ordinance was drafted from the current ordinance used in the City of Doral. It will serve as a tool to enhance productivity, to promote a respectful environment, to clarify procedures and deadlines, and define where responsibilities lie from management, to elected officials, and to our volunteer boards.

### **Fiscal/Budgetary Impact:**

< None >

### **Recommendation:**

Village Manager will incorporate administratively for all items pertaining to staff, and recommends dialogue and consensus among all elected officials, and to adopt same.

**ORDINANCE NO. 2010-5**

**AN ORDINANCE OF THE VILLAGE COMMISSION OF  
THE VILLAGE OF BISCAYNE PARK, FLORIDA,  
AMENDING THE MUNICIPAL CODE OF THE VILLAGE  
BY ADOPTING COMPREHENSIVE PROCEDURES  
GOVERNING COMMISSION MEETINGS; PROVIDING  
FOR CONFLICT; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR INCLUSION; PROVIDING FOR AN  
EFFECTIVE DATE**

WHEREAS, the Village Commission of the Village of Biscayne Park finds it to be in the best interests of its citizenry to adopt comprehensive procedures governing Commission meetings;

BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

Section 1. The Municipal Code of the Village of Biscayne Park is hereby amended by adopting comprehensive procedures governing Village Commission meetings as follows:

Sec. 2-18. Comprehensive procedures for Village Commission meetings.

(a) This section shall govern the procedures for meetings of the Village Commission.

(b) Definitions. References in this article to the Florida Statutes shall be interpreted as meaning Florida Statutes as amended from time to time.

(1) Chair means the presiding officer of the Village Commission. The Mayor is the presiding officer, under the Charter, when present. In the absence of the Mayor, the Vice-Mayor shall become the presiding officer. In the absence of both the Mayor and Vice-Mayor, the remaining Village Commission members shall elect a chair for the meeting.

(2) Journal of proceedings means that an account of all proceedings of the Village Commission shall be kept by the Village Clerk and shall be the official record of the Village Commission.

(3) Meeting shall mean any regular, special or workshop meeting of the Village Commission.

(4) Quorum shall mean a majority of the members of the Village Commission.

(c) Village Commission meeting procedures. Section 4.01 of the Charter of the Village of Biscayne Park authorizes the Village Commission to determine and adopt its own rules of procedure for Village Commission meetings. Except as otherwise provided by Village Charter, Village Code or laws of the State of Florida, the functioning and proceedings of the Commission shall be governed by these Commission rules of procedures.

(d) Rules of procedure for Village Commission meetings.

(1) On matters involving parliamentary procedure not provided for in these Commission rules of procedure, the Village Attorney's latest revised edition of Robert's Rules of Order shall be referenced by the Mayor as persuasive rather than binding, and the Mayor's determination shall be final.

(2) The Village Attorney shall act as parliamentarian and, when applicable, shall interpret Robert's Rules of Order for the Commission.

(3) These rules of procedure shall not be altered except by an amending ordinance. These rules of procedure may be suspended, when appropriate, by a majority vote of the Commission.

(e) Village Commission meeting agenda.

(1) The Village Manager shall be responsible for preparing the agenda for all Village Commission meetings. The Charter officials shall meet with the Mayor to finalize the agenda. Village staff may request that a matter of business be placed on the agenda provided sufficient notice is provided to the Village Commission and the Village Manager. Items previously brought before the Village Commission for consideration or for an expression of interest on three (3) occasions, may not be brought forward for reconsideration or expression of interest again before six (6) months have lapsed from the last consideration or expression of interest pertaining to said item, unless a super majority four-fifths (4/5) of the Village Commission agrees to reconsider the item. All proposed agenda items shall be delivered to the Village Clerk's office at a minimum of ten (10) days prior to a regular Village Commission meeting.

(2) Members of the Village Commission may submit items for placement on the agenda. All proposed agenda items shall be delivered to the Village Clerk's office at a minimum of ten (10) days prior to a regular Village Commission meeting. These items shall be part of the meeting notice and part of the meeting agenda. No member of the Village Commission may present more than three (3) items at any meeting.

(3) Except for emergency matters or other special matters requiring the immediate attention of the Village Commission, a listing of business to be considered by the Village Commission shall be prepared by the Village Manager. The Village Manager shall attempt to deliver the listing of business to each member at least seventy-two (72) hours prior to each regular Village Commission meeting.

(4) It is the responsibility of the Village Clerk to compile and deliver the agenda and all supporting documentation under the general supervision and direction of the Village Manager. All members of the Village organization are encouraged to cooperate with the Clerk in making the agenda complete and accurate. Additional items may only be added to the agenda under exigent circumstances to protect the life, health, safety and welfare of the citizens and residents of the Village. The Village Manager may request additional time to study an item not included on the agenda but presented for action at the meeting.

(5) The Village Commission may, upon a majority vote of its members, modify the contents of the agenda at a Village Commission meeting.

(6) Any member of the Village Commission may pull an item off of the consent agenda for discussion and a separate vote on that item. No vote of the Village Commission is required to pull the item off the consent agenda.

(7) Village Commission workshops may be held from time to time for the special purpose of affording the Village Commission an opportunity to discuss items that may be considered at a future Village Commission meeting. Only items on a workshop agenda may be discussed at a Village Commission workshop. Additional items may only be added to the agenda under exigent circumstances to protect the life, health, safety and welfare of the citizens and residents of the Village.

(f) Notice of meetings.

(1) Public notice and posting: The Village Clerk shall publish monthly in a newspaper of general circulation in the Village and post a statement in at least two (2) locations of the dates, times and places (subject to change) of the Village Commission meetings regularly scheduled for the upcoming month. Said publication shall occur no later than the day preceding the first regular meeting of the month. The Village Clerk may use any other medium appropriate for notice of public meetings.

(2) The Village Clerk shall also post a notice of the date, time, and place of each Commission meeting, regular or otherwise, a minimum of twenty-four (24) hours prior to the meeting.

(g) Order of business.

(1) The Mayor shall take the chair at the hour appointed for the meeting of Village Commission and shall call the meeting to order and direct the Clerk to call roll. In the absence of the Mayor, the Vice-Mayor shall preside. If a quorum is present, the meeting shall continue.

(2) The general order of any regular or alternate meeting, which any member of the Village Commission can alter upon request and acceptance, should be as follows. This order and content may vary in consideration of time constraints and/or actual items being considered:

- a. Call to order
- b. Roll call of members

- c. Pledge of Allegiance
- d. Public comments related to agenda
- e. Presentation
- f. Additions, deletions or withdrawals to agenda
- g. Consent agenda
- h. Public hearings
- i. Ordinances
- j. Resolutions
- k. Old business
- l. New business
- m. Good and welfare
- n. Reports
- o. Announcements

(h) Rules for conduct of business.

(1) Village Commission's duties.

a. Recognition shall be given only by the presiding officer. Upon being recognized the member may proceed.

b. No member may filibuster. No member may speak more than five (5) minutes continuously, except by leave of the Mayor. The decision of the Mayor is final, unless a majority of the Village Commission votes to the contrary.

c. A member may speak a second time on any one (1) question only after all members have been given an opportunity to speak.

d. The Mayor shall regulate debate in any other manner that she/he deems necessary, provided that the rights of all persons to express their views are respected.

e. Questions and comments by members of the Village Commission should be reserved insofar as possible for the end of a presentation to avoid interrupting the speaker, disrupting the time-keeping process and duplicating ground the speaker may cover. All members of the Village Commission shall be permitted to speak on any matter and shall not be ruled out of order by the presiding officer unless the member has made abusive, derogatory or rude remarks. No member of the Village Commission shall be limited in his or her debate on any issue, except as otherwise provided herein, unless the member engages in abusive, derogatory or rude comment.

f. All members of the Village Commission shall accord the utmost courtesy to each other, to Village employees, and to public members appearing before the Village Commission, and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

g. The Village Manager may speak to any matter on which he or she has information for the Village Commission.

h. It shall be unlawful for any individual or member of the Village Commission to disturb or disrupt a meeting of the Village Commission or refuse to obey the orders of the Mayor or presiding officer in the conduct of the meeting. Any individual or member of the Village Commission who causes a disruption or disturbance of the meeting shall be warned by the Mayor or presiding officer that the conduct is interfering or disturbing the order of the meeting and shall be given the opportunity to cease the conduct constituting an interruption or disturbance. If the individual or member of the Village Commission fails to cease the offending conduct and continues to interrupt or disturb the meeting, the individual or member of the Village Commission shall be removed from the meeting by the Police Chief or his authorized agent in attendance at the meeting if so directed by the Mayor or presiding officer. Once removed, the individual or member of the Village Commission shall be barred from further audience for the remainder of the meeting.

i. In the event that the Mayor or presiding officer fails to act, any member of the Village Commission may move to require the presiding officer to act to enforce the rules, and the affirmative vote of the majority of the Village Commission members present at that time shall require the presiding officer to act.

j. Any individual or Village Commission member who, at a Village Commission or board meeting, willfully interrupts or disturbs such meeting in violation of Section 871.01, Florida Statutes, entitled "Disturbing Schools and Religious and Other Assemblies," is subject to arrest by those law enforcement officers present. No action by the presiding officer is required for a law enforcement officer to enforce Section 871.01, Florida Statutes, as may be amended from time to time.

k. Each public officer serving on the Village Commission or an advisory board of the Village, when appearing before any other governmental body or within the contents of any written communication, pledges to inform the recipient of the oral or written communication that the issue before such governmental body or in writing has or has not been addressed officially by the Village Commission or the advisory board of which he or she is a member; and further pledges to inform the recipient(s) of the oral or written communication of any official position taken by the Village Commission or an advisory board and indicate that his or her appearance or written correspondence is or is not authorized by the Village Commission or an advisory board. When a member of the Village Commission is representing the Village Commission before another governmental body, said member of the Village Commission shall, at a minimum, update the other members of the Village Commission and the Village Manager at the next scheduled Village Commission meeting.

(2) Residents/Interested parties' duties.

a. Members of the public may speak only at times designated by the Mayor or presiding officer

b. The member of the public shall step to the floor microphone and state her/his name and address in an audible tone for the Clerk's record.

c. Remarks shall be limited to the question(s) under discussion, unless such remarks come during the public participation section of the meeting.

d. During public participation any member of the public may speak to any issue that is not on the agenda for public hearing during the Village Commission meeting. Speakers will be limited to three (3) minutes during this time. There will be a thirty-minute aggregate time limit for this item, and speakers are encouraged to sign up in advance with the Village Clerk prior to their participation.

e. All remarks shall be addressed to the Village Commission as a body through the Mayor, and not to any member thereof.

f. Cumulative and repetitive testimony should be avoided on any matter. Persons of the same position as the previous speaker may simply state their names, address and the positions with which they agree.

g. Any person making disruptive, impertinent or slanderous remarks, or who shall become boisterous while addressing the Village Commission and refuses to stop may be requested to leave the meeting by the Mayor, pursuant to subsections(h)(1)h. and (h)(1)i.

h. Persons whose allotted time to speak has expired shall be so advised by the Village Clerk to conclude. Public hearings consist of those agenda items where the public may participate. The public shall speak only on the agendized subject. Speaking time for members of the public is limited to three (3) minutes for any particular topic. Additional time may be added by the Village Commission. Members of the public shall not delegate or give their time, or any portion thereof, to another party. For a public hearing, the Village Commission may set an aggregate time limit for public comment. When an issue has been designated as quasi-judicial, public remarks shall only be heard during a quasi-judicial hearing that has been properly noticed for that matter.

(i) Enforcement.

(1) During Village Commission meetings, Village Commission members shall preserve order and decorum and shall neither by conversation nor otherwise delay or interrupt the proceedings or the peace of the Village Commission nor refuse to obey the rules of the Village Commission.

(2) Anyone in the audience creating an atmosphere detrimental or disturbing to the conduct of the meeting will be asked to leave by the Mayor, pursuant to subsections (h)(1)h and (h)(1)i.

(3) The order, if not heeded, will then cause the police to eject the person from the Commission Chambers upon instruction from the Mayor, pursuant to subsections (h)(1)h and (h)(1)i.

(j) Procedure for Village Commission actions.

(1) A member may speak on any item to be considered by the Village Commission; call for the question (for the question to be called, requires a 2/3 vote of the Village Commission); ask for a statement of the question (which the Mayor or Clerk shall render); call for a division of the questions (the Mayor shall render a decision regarding

the divisibility of any question and said decision shall be subject to appeal as is a question of order); and question the Village Manager or Village Attorney.

(2) Pursuant to subsection (e), any member may introduce items to be considered by the Village Commission, such as the member deems appropriate. It is preferred that it be submitted to the Village Manager to be included on an appropriate agenda.

(3) The Village Commission may consider and act upon such other business as may come before it. When new business is offered as a motion and seconded, it shall be written and read to the Village Commission by the Village Clerk before debate. After a motion has been read by the Village Clerk, it shall be deemed to be in the Village Commission's possession and may be withdrawn only by leave of the Village Commission.

(4) Form of ordinances/resolutions shall contain not more than one (1) subject, which shall be fully described in the title in easily understood terms.

(5) Motion to reconsider: Any member who voted on the prevailing side may move a reconsideration of any action of the Village Commission, provided that the motion be made not later than the next regular meeting after such action was taken. A motion to reconsider shall be in order at any time, except when a motion on some other subject is pending. A motion to reconsider being laid upon the table may be taken up and acted upon at any time.

(6) Motion made and additional proper motions: When a question is before Village Commission or under debate, or a motion has been made, no other motion shall be proper, except the following and these take precedence according to the order listed:

- a. To adjourn;
- b. To table until future stated time;
- c. Requested cessation of debate and vote are taken;
- d. To refer to a standing or ad hoc committee;
- e. To amend the matter under discussion;
- f. To postpone action for an indefinite time or to a certain date.

(7) Questions without debate: The following questions shall be considered without debate:

- a. To adjourn;
- b. To lie on the table;
- c. To take from the table;
- d. All questions relating to priority.

(8) Motion to postpone – Adjourn.

a. A motion to postpone (to a day certain or indefinitely) shall not again be allowed at the same reading of the ordinance or resolution under consideration.

b. A motion to adjourn shall always be in order, but if decided in the negative, it shall not be entertained again until some motion, order, or decision has taken place.

(9) Motion to take from the table: A motion to remove any matter from the table shall be in order after consideration of one (1) question succeeding the tabling. This item may be overturned by a majority vote of the Village Commission.

(10) Motion to amend or revise: A motion to amend or revise shall be divisible into two (2) separate motions: a motion to strike and a motion to insert. A refusal to strike is equivalent to agreeing to the matter in the form. However, this does not preclude further amendment by way of addition.

(11) Appeal decision of the chair: On appeal from the decision of the chair, no member shall speak more than once, and the chair shall have preference.

(12) Call to order: Can be made at any time when the order of business is being varied from. It requires no second, and is in order when another has the floor, even though it interrupts a speech, as a single member has a right to demand that the order of business be conformed to.

(k) Voting procedures.

(1) Every member present, when a question is put, shall vote unless the member has a conflict of interest. Any member abstaining from voting must make a brief statement for such request and will fill out all appropriate paperwork to be filed with the Village Clerk at the meeting where the conflict is announced, pursuant to Chapter 112, Florida Statutes, as amended from time to time. The question shall then be immediately taken without further debate.

(2) Voting on all legislation shall be oral and in open Village Commission meetings. No proxy votes are permitted. When the Village Clerk calls the roll, each member shall respond "yes," "no," "aye," or "nay." No other comment is permitted during voting. The order of voting shall rotate in a random manner except the Mayor votes last.

(3) The Village Clerk will announce whether the matter passed or failed.

Section 2. Repeal of Conflicting Provisions. To the extent any provisions of the Code conflict with this Chapter, those provisions are repealed in its entirety.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall

remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Village of Biscayne Park, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

**The foregoing ordinance upon being put to a vote, the vote was as follows:**

\_\_\_\_\_  
Roxanna Ross, Mayor

Attest:

Mayor Ross \_\_\_\_\_  
Vice Mayor Childress \_\_\_\_\_  
Commissioner Anderson \_\_\_\_\_  
Commissioner Bernard \_\_\_\_\_  
Commission Cooper \_\_\_\_\_

\_\_\_\_\_  
Village Clerk

Approved as to form:

\_\_\_\_\_  
John J. Hearn, Village Attorney



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000

Fax: 305 891 7241

## Mayor and Commission

Roxanna Ross  
Mayor

Albert Childress  
Vice Mayor

Robert "Bob" Anderson  
Commissioner

Steve Bernard  
Commissioner

Bryan Cooper  
Commissioner

Ana Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria Camara  
Village Clerk

March 10, 2010

To: Mayor Roxana Ross  
Vice Mayor Al Childress  
Commission Bob Anderson  
Commissioner Steve Bernard  
Commissioner Bryan Cooper

From: Ana Garcia, Village Manager

## **Re: Resolution 2010-8 Requesting USPS To Replace Mail Box**

### **Background Analysis:**

For many years, the US Postal Service supplied a mail box on the southwest corner of the Ed Burke Park which was utilized by many residents for its convenient proximity. In January 2010, the mailbox was removed by the US Postal Service and it has greatly affected the ability of residents to have access to a local mailbox. Once adopted, this resolution will be forwarded to the Postmaster of Miami, David Boardman, and the North Miami Branch supervisor.

### **Fiscal/Budgetary Impact:**

< None >

### **Recommendation:**

Manager recommends adoption.

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**RESOLUTION NO. 2010-8**

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**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, REQUESTING THAT THE UNITED STATES POSTAL SERVICE REPLACE THE MAILBOX WHICH WAS REMOVED FROM THE LOCATION OF 9<sup>TH</sup> AVENUE AND 113<sup>TH</sup> STREET IN THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, for many years the United States Postal Service supplied a mailbox at the southwest corner of 9<sup>th</sup> Avenue and 113<sup>th</sup> Street which was used regularly by numerous residents of the Village of Biscayne Park; and

WHEREAS, the mailbox was a great service to the residents of the Village as there are no post office branches located in the immediate vicinity; and

WHEREAS, having the mailbox in the Village allowed those residents who did not have convenient access to a vehicle or public transportation to securely and timely mail their bills and other correspondence; and

WHEREAS, the removal of the mailbox by the United States Postal Service has greatly affected the ability of residents to have access to a local mailbox; and

WHEREAS, the Village Commission deems it to be in the best interests of its residents to request the replacement of the mailbox at 9<sup>th</sup> Avenue and 113<sup>th</sup> Street; now, therefore

**BE IT RESOLVED BY THE COMMISISON OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:**

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**Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution upon adoption hereof.

**Section 2.** The United States Postal Service is hereby requested to replace the mailbox formerly located at 9<sup>th</sup> Avenue and 113<sup>th</sup> Street in the Village of Biscayne Park.

**Section 3.** The Village Clerk is authorized to transmit this Resolution to the appropriate officials at the United States Postal Service.





Date: 03/09/2010

To: Vice Mayor Al Childress  
Commissioner Bob Anderson  
Commissioner Steve Bernard  
Commissioner Bryan Cooper

From: Mayor Roxanna Ross

Re: Resolution 2010-10 - Supporting Miami-Dade County Commission Resolution R-70-10,  
Adopted 01/21/2010, urging fair allocation of state funding

---

**REQUEST:**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK URGING THE FLORIDA LEGISLATURE TO PROVIDE EACH REGION OF THE STATE, INCLUDING SOUTHEAST FLORIDA AND MIAMI-DADE COUNTY, ITS FAIR SHARE OF STATE FUNDING BASED ON WHERE REVENUE IS GENERATED; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

**BACKGROUND AND ANALYSIS:**

Resolution R-70-10 was adopted by the Miami-Dade County Commission on 1/21/2010, urging the Governor and Legislature to allocate state funding in a more equitably based on where revenue is generated. Other municipalities have supported this measure by adopting similar resolution. It is in the best interest of our residents to adopt this Resolution and support the measure initiated by the Miami Dade County Commission.

**FISCAL/BUDGETARY IMPACT:**

Minimal impact caused by the transmittal of an adopted resolution to the appropriate governing bodies.

**RECOMMENDATION:**

Upon review for sufficiency by our Village Attorney, Mayor recommends approval.

**RESOLUTION NO. 2010 – 10**

**RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK URGING THE FLORIDA LEGISLATURE TO PROVIDE EACH REGION OF THE STATE, INCLUDING SOUTHEAST FLORIDA AND MIAMI-DADE COUNTY, ITS FAIR SHARE OF STATE FUNDING BASED ON WHERE REVENUE IS GENERATED; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

WHEREAS, it has long been the public perception that the residents of Miami-Dade, Broward and Palm Beach Counties pay more in taxes to the State of Florida than these counties get back in state programs and services; and

WHEREAS, a 2008 study by the Miami Herald confirmed this perception and concluded that the people of Miami-Dade, Broward and Palm Beach Counties sent over \$7.15 billion in tax revenues to Tallahassee annually, but only received \$6.69 billion back, resulting in a difference of \$460 million, which equals \$144 for every adult residing in these two counties; and

WHEREAS, including Palm Beach County in the equation will likely bring the annual difference to more than one-half billion dollars annually between the tax revenue contributed by these three Southeast Florida counties and the funding allocated back to these three counties; and

WHEREAS, the Florida Legislature should strive as much as possible to distribute funding to different regions of the state in relation to where the revenue is generated to provide each region its fair share of state funding; and

WHEREAS, current economic pressures impact upon state funding which has become more scarce, resulting in program and service cuts, increasing the importance of equitable distribution of state funds by the Legislature,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, that this Commission:

Section 1: Urges the Florida Legislature to provide each region of the State of Florida, including Southeast Florida and Miami-Dade County, its fair share of state funding based on where revenue is generated.

Section 2: Directs the Clerk of the Village to transmit copies of this Resolution to the Governor, Senate President, House Speaker, Mayor and Members of the Miami-Dade County Commission.

Section 3: Directs the Village Manager to include this item in the 2010 state legislative package, and Village elected officials to advocate for the issues identified in Section 1, above.

Section 4: Severability: Should any section, paragraph, sentence, phrase, clause or other part of any provision of this Resolution be declared by a court of competent jurisdiction to be invalid, unlawful, or unconstitutional, the same shall not affect the validity of this Resolution as a whole or any part thereof and to that extent, the terms of this Resolution are hereby declared to be severable.

Section 5: Effective Date: This Resolution shall become effective immediately upon its passage and adoption by majority vote of the Commission of the Village of Biscayne Park, Florida.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

The foregoing resolution upon being put to a vote, the vote was as follows:

\_\_\_\_\_

Roxanna Ross, Mayor

Attest:

\_\_\_\_\_

Village Clerk

Approved as to form:

\_\_\_\_\_

John H. Hearn, Village Attorney

Mayor Ross \_\_\_\_\_

Vice Mayor Childress \_\_\_\_\_

Commissioner Anderson \_\_\_\_\_

Commissioner Bernard \_\_\_\_\_

Commissioner Cooper \_\_\_\_\_



Date: 03/11/2010

To: Vice Mayor Al Childress  
Commissioner Bob Anderson  
Commissioner Steve Bernard  
Commissioner Bryan Cooper

From: Mayor Roxanna Ross

Re: Resolution 2010-11 - Supporting The Florida League of Cities  
2010 Legislative Action Agenda

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**REQUEST:**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT AND OPPOSE CERTAIN ISSUES DURING THE 2010 LEGISLATIVE SESSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

**BACKGROUND AND ANALYSIS:**

The Florida League of Cities (FLC) is the united voice for Florida's municipal governments. Its goals are to promote local self-government and serve the needs of Florida's municipal governments. The League is founded on the belief that local self-government is the keystone of American democracy. The FLC has established its 2010 Legislative Action Agenda to serve the interests of municipal governments. That agenda is articulated in this Resolution for consideration by the Commission. The Commission may choose to support the entire agenda in whole, or select only those issues that best serve the interests of our residents for adoption.

**FISCAL/BUDGETARY IMPACT:**

Minimal impact caused by the adoption and transmittal of resolution to the appropriate governing bodies.

**RECOMMENDATION:**

Upon review for sufficiency by our Village Attorney, Mayor recommends approval.

**RESOLUTION NO. 2010 – 11**

**RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT AND OPPOSE CERTAIN ISSUES DURING THE 2010 LEGISLATIVE SESSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

WHEREAS, a majority of Florida's municipalities are challenged to meet the increasing infrastructure, affordable housing, transportation, service demands and water quality needs of their citizens; and

WHEREAS, Florida municipalities are dependent on other governmental entities for financial stability and presently the state, counties, and school districts, control most funding sources authorized for implementing growth management capital improvements and complying with concurrency requirements; and

WHEREAS, municipal self-determination and local self-determination are constantly under challenge from a variety of public and private interests; and

WHEREAS, the role and function of municipal government is constantly evolving from new demands from its citizens and businesses;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, that this Commission:

Section 1: Urges Governor Charlie Crist and members of the Florida Legislature to act on the following issues:

- A. Amendment 4: Support legislation which requires that as a prerequisite to filing an application for a comprehensive plan amendment or development order, an applicant must meet minimum requirements established in statute for citizen input and participation; but, oppose Amendment 4, the proposed constitutional amendment that would require voter approval of all changes to local comprehensive land-use plans.
- B. Department of Community Affairs (DCA) Agency Sunset Review: Support legislation resulting from agency sunset review that maintains the DCA as a distinct department; but, that clarifies the role of the state in the local comprehensive planning process while respecting municipal home rule, and which provides the DCA and municipalities with the necessary tools to carry out state growth management mandates.
- C. Effective Public Notice: Support legislation that authorizes municipalities to provide effective public notice and advertising for various appropriate matters by means other than newspapers, such as direct mailings, physical posting of property, Internet posting, free

publications, government access television channels, and other suitable alternatives. (Ad valorem millage-setting notices would continue to be provided in newspaper ads.)

- D. Energy Policy: Support legislation that provides incentives for the development and implementation of renewable and alternative energy and transportation fuel sources; encourages mass transit and energy-efficiency practices; provides funding for local governments to assist in state energy policies such as green building and carbon emission reductions; and provides technical assistance and funding to municipalities to implement a comprehensive sustainable energy policy. But oppose legislation that authorizes oil and gas exploration within Florida's territorial waters until an unbiased study commission comprised of scientists, local governments, business interests, other experts and interested parties has analyzed the economic and environmental impacts resulting from all new energy sources, including solar, tidal, biomass and other alternative options, as well as oil and gas exploration within Florida's territorial waters.
- E. Foreclosures: Support legislation that provides increased lien superiority for municipal repair and maintenance liens on properties that have undergone foreclosure proceedings.
- F. Issue Campaign Financing/Prohibition on Local Government Expenditures: Support legislation to remove any restrictions on municipalities when they make expenditures in issue campaigns.
- G. Municipal Firefighter or Police Officer Pension Plans: Support legislation that provides comprehensive municipal firefighter and police officer pension reform. Any comprehensive pension reform package should address the issue of statutory presumptions, and maximum benefits should be based on actual base salary. Alternatives to defined benefit programs should be incentivized and cities that join the Florida Retirement System for firefighters or police officers should be allowed to purchase past service credit at the 3 percent rate, rather than the current law 2 percent rate. Pensions boards should not consist of a majority of plan members and all plans and plan expenses should receive third party independent review. If a firefighter or police officer pension plan does not accept insurance premium tax revenues, then the insurance premium tax should not be charged in that jurisdiction.
- H. Revenue Caps: Oppose legislation that includes "one size fits all" caps on revenues and expenditures. If the Legislature chooses to move forward with a Taxpayer Bill of Rights (TABOR) proposal, such a proposal must address the following principles:
  - (1) Any revenue cap proposal must include a complete prohibition on unfunded mandates to local governments or an exemption of any unfunded mandates from the cap.
  - (2) Any revenue cap proposal must apply equally to all levels of government in Florida, including state government;
  - (3) Any revenue cap proposal must focus on revenues or expenditures, but not both;

- (4) The following revenue sources should be exempt from any revenue cap proposal: proprietary funds; state and federal funds; referendum expenditures, if any; one-time revenues including but not limited to donations, grants, sale of property, settlement of disputes, etc.; revenues not subject to the control of the receiving government; revenues committed to the repayment of debt; franchise fees and contractual revenues; revenues from voluntary recreational services; and funds received or expended in response to a catastrophic event.
  - (5) Any revenue cap proposal should exempt all cities with a population of 10,000 or less.
  - (6) Any revenue cap proposal should include a “time-out” provision in case it becomes necessary to suspend the revenue cap proposal.
  - (7) Any growth multiplier should reflect the inflation of the expenses incurred by local governments in providing services to citizens.
- I. Unfunded Mandates: Support legislation that strengthens the prohibition on existing and new unfunded mandates, requires enhanced quantification of the costs to cities and necessitates full funding sources be assigned whenever unfunded mandates are identified.
- J. Water Management District Governance: Support legislation that amends the powers and duties of water management districts. Such legislation should:
- (1) require legislative ratification of any proposed rule change by a water management district that imposes a financial impact on a local government;
  - (2) require water management districts to conduct a comprehensive assessment of existing water supplies and analyze the impact of the existing consumptive-use permitting process on regional water supplies;
  - (3) clarify that water management districts lack authority over reclaimed water;
  - (4) specify that water management districts have no authority to require local government adoption or repeal of ordinances or to mandate the review or approval of any ordinance; and
  - (5) Restore the authority of the governing boards, eliminated by SB 2080 during the 2009 legislative session, to take final action on permit applications or petitions for variances or waivers of permitting requirements.

Section 2: Directs the Clerk of the Village to transmit copies of this Resolution to the Governor, Senate President, Speaker of the House, the Miami-Dade County Legislative Delegation and the Florida League of Cities.

Section 3: Directs the Village Manager to include this item in the 2010 state legislative package, and Village elected officials to advocate for the issues identified in Section 1, above.

Section 4: Severability: Should any section, paragraph, sentence, phrase, clause or other part of any provision of this Resolution be declared by a court of competent jurisdiction to be invalid, unlawful, or unconstitutional, the same shall not affect the validity of this Resolution as a whole or any part thereof and to that extent, the terms of this Resolution are hereby declared to be severable.

Section 5: Effective Date: This Resolution shall become effective immediately upon its passage and adoption by majority vote of the Commission of the Village of Biscayne Park, Florida.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

The foregoing resolution upon being put to a vote, the vote was as follows:

\_\_\_\_\_

Roxanna Ross, Mayor

Attest:

\_\_\_\_\_

Village Clerk

Approved as to form:

\_\_\_\_\_

John H. Hearn, Village Attorney

Mayor Ross \_\_\_\_\_

Vice Mayor Childress \_\_\_\_\_

Commissioner Anderson \_\_\_\_\_

Commissioner Bernard \_\_\_\_\_

Commissioner Cooper \_\_\_\_\_



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000  
Fax: 305 891 7241

## Mayor and Commission

Roxanna Ross  
Mayor

Albert Childress  
Vice Mayor

Robert "Bob" Anderson  
Commissioner

Steve Bernard  
Commissioner

Bryan Cooper  
Commissioner

Ana Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria Camara  
Village Clerk

March 10, 2010

To: Mayor Roxana Ross  
Vice Mayor Al Childress  
Commission Bob Anderson  
Commissioner Steve Bernard  
Commissioner Bryan Cooper

From: Ana Garcia, Village Manager

## **Re: Resolution 2010-12 Departmental Budgetary Adjustments to the Adopted Budget**

### **Background Analysis:**

Through a complete review and analysis of all departments, positions and associated responsibilities, in an effort to realize improved efficiencies and monetary savings for the Village, changes have been made in the structuring of departments and positions have been consolidated. As a result, budgetary adjustments must be made.

### **Fiscal/Budgetary Impact:**

Taking current budgeted amounts from the adopted FY2009-10 Budget and making adjustments for proper reallocation as follows:

- \$27,843 from General Government to Finance
- \$5,700 from Public Works to Recreation

### **Recommendation:**

Manager recommends adoption.

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**RESOLUTION NO. 2010-12**

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**A RESOLUTION OF THE VILLAGE COMMISSION OF THE  
VILLAGE OF BISCAYNE PARK, FLORIDA, GIVING THE  
VILLAGE MANAGER APPROVAL TO MAKE BUDGETARY  
ADJUSTMENTS TO THE ADOPTED BUDGET AS A RESULT  
OF DEPARTMENTAL RESTRUCTURING; PROVIDING FOR  
AN EFFECTIVE DATE**

10 WHEREAS, the Village of Biscayne Park adopted its FY 2009-2010 Annual Budget in  
11 September 2009; and

13 WHEREAS, the Village Manager has reviewed and analyzed all current department  
14 structures and all current positions and their associated responsibilities looking for improved  
15 efficiency and monetary savings; and

16 WHEREAS, an employee of 32 years of service retired as of March 12, 2010; and

17 WHEREAS, a position in General Government was eliminated and as a result, a  
18 necessary, in-house full time position in Finance was created; and

19 WHEREAS, the need for additional staffing hours will be required at the Ed Burke  
20 Recreation Center due to the change in daylight savings time and upcoming spring and summer  
21 season; and

22 WHEREAS, a budgetary adjustment of \$27,483 from General Government to Finance,  
23 and \$5,700 from Public Works to Recreation will be made; now therefore

24  
25 **BE IT RESOLVED BY THE COMMISISON OF THE VILLAGE OF BISCAYNE**  
26 **PARK, FLORIDA, THAT:**

27 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being  
28 true and correct and hereby made a specific part of this Resolution upon adoption hereof.

29 **Section 2.** The budgetary adjustments are consistent with the necessary department  
30 restructuring and consolidation of positions.

