

**ORDINANCE NO. 22-287**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING ARTICLE III, SECTION 2-55 OF THE TOWN CODE TITLED “TOWN MANAGER”; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (DIEGUEZ/CID)**

**WHEREAS**, Section 2-55 of the Town of Miami Lakes (the “Town”) Code details the function and appointment of the Town Manager; and

**WHEREAS**, the current Town Manager serves the Town under an employment agreement; and

**WHEREAS**, Section 2-55 is silent regarding the procedure and time-frame required to review and discuss the renewal of the Town Manager’s employment agreement prior to its natural expiration; and

**WHEREAS**, during the October 2021 Town Council Meeting, the Town Council instructed the Town Attorney to amend the Town Code in order to adopt a policy which provides that the Town Council will discuss the Town Manager’s employment agreement six (6) months prior to the agreement’s natural expiration; and

**WHEREAS**, on January 11, 2022 the Town Council met and passed the proposed Ordinance in first reading; and

**WHEREAS**, on February 8, 2022 the Town Council met and passed the proposed Ordinance in second reading.

**THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AS FOLLOWS:**

**Section 1. Recitals.** Each of the above stated recitals is true and correct and is incorporated herein by this reference.

**Section 2. Amending Article III, Chapter 2-55, “Town Manager.”** The Town Council hereby amends Article III, Chapter 2-55, “Town Manager” as provided for in this Ordinance.

**Section 3. Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

**Section 4. 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 5. Inclusion in the Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary, the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

**Section 6. Effective Date.** That this Ordinance shall be effective immediately upon its adoption on second reading.

**FIRST READING**

The foregoing ordinance was offered by Councilmember Dieguez who moved its adoption on first reading. The motion was seconded by Councilmember Collazo and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	Absent
Vice Mayor Jeffrey Rodriguez	Yes
Councilmember Carlos O. Alvarez	Yes
Councilmember Luis E. Collazo	Yes
Councilmember Joshua Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Marilyn Ruano	Absent

Passed on first reading this 11<sup>th</sup> day of January 2022.

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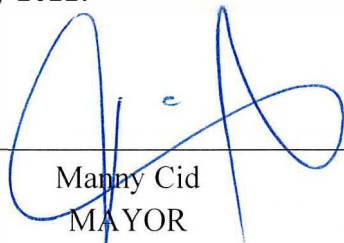
Additions to the Ordinance in First Reading shall be reflected by underlined, and deletions shall be reflected as ~~strike-throughs~~. Additions to the Ordinance between first reading and second reading shall be reflected by a double underline, and deletions between first reading and second reading shall be reflected by a ~~double-strike through~~.

**SECOND READING**

The foregoing ordinance was offered by Councilmember Dieguez who moved its adoption on second reading. The motion was seconded by Councilmember Fernandez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	Absent
Vice Mayor Jeffrey Rodriguez	Yes
Councilmember Carlos O. Alvarez	Absent
Councilmember Luis E. Collazo	Yes
Councilmember Joshua Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Marilyn Ruano	Yes

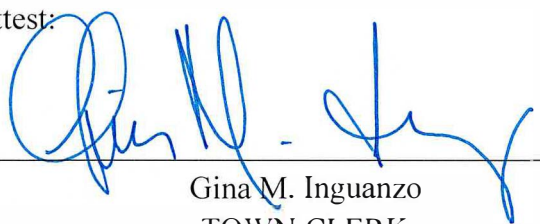
Passed and adopted on second reading this 8<sup>th</sup> of February 2022.



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Manny Cid  
MAYOR

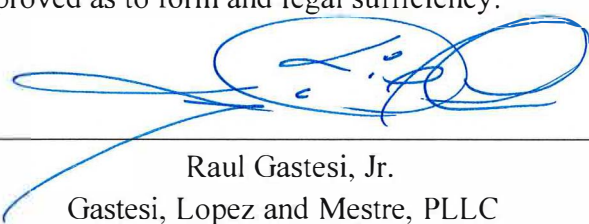
Attest:



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Gina M. Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:



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Raul Gastesi, Jr.  
Gastesi, Lopez and Mestre, PLLC  
TOWN ATTORNEY

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**Sec. 2-55. Town Manager.**

- (a) *Function.* The Town Manager shall serve as the chief administrative officer of the Town, and shall be expected to carry out all the functions and duties as detailed in Section 3.3 of the Town Charter.
- (b) *Vacancy.* A vacancy of Town Manager may occur through resignation of the Town Manager or removal of the Town Manager by resolution of the Town Council.
- (c) *Selection.* Should a vacancy occur, the Town Council shall, by resolution, initiate a Town Manager selection process which shall be carried out in the following manner:
  - (1) *Town Council workshop.* Within ten days of initiating a Town Manager selection process, the Town Council shall set a date for a Town Council workshop to discuss and discuss among other matters: the review qualifications for a new Town Manager; determine a search method for Town Manager, whether the search will be done locally or nationally, whether a search firm will be engaged to assist; and determine an interview methodology for Town Manager candidates.
  - (2) *Resolution adopting the Town Council workshop findings and appointing a Town Manager Selection Advisory Committee.* After the conclusion of the Town Council workshop, a resolution shall be adopted by the Town Council, at the next scheduled Town Council Meeting which shall include the findings of the workshop. Additionally, each Council Member shall appoint a resident of the Town of Miami Lakes, who shall have resided in the Town period of no less than two years, to serve as a member of a Town Manager Selection Advisory Committee. The Town Attorney, or the Town Attorney's designee, shall serve as a non-voting member of the Town Manager Selection Advisory Committee to provide guidance and serve as a liaison between the committee and the Town.
  - (3) *Position shall be advertised.* The position shall be advertised in a newspaper of general circulation and provide no less than 30 days to submit applications for consideration.
  - (4) *Selection and Retention of a Search Firm.* The Town Council shall authorize staff to retain the services of a Search Firm to review potential Town Manager Candidates and prepare a list of 15 qualified candidates to be evaluated by the Town Manager Selection Advisory Committee. The Town Manager Selection Advisory Committee may interview some or all candidates with conforming application and present a short list of seven candidates, composed of five with two alternates, to the Town Council. Once the 15 candidates have been identified, the entire process shall conclude within three months, unless extended by the Town Council. Council shall take into consideration the Town Manager Selection Advisory Committee's suggestion; however, the Town Council may consider other candidates that may or may not have been interviewed or considered by the Town Manager Selection Advisory Committee.
- (d) *Employment Agreement expiration.* Six (6) months before the natural expiration of a permanent Town Manager's employment agreement, the Town Council shall discuss, during the next Regular Town Council meeting, the existing Employment Agreement's expiration.
- (e) *Appointment.* The Town Manager shall be appointed by resolution of the Town Council.

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