

RESOLUTION NO. 14- 1258

A RESOLUTION OF THE TOWN OF MIAMI LAKES, FLORIDA, ESTABLISHING THE TOWN OF MIAMI LAKES BUSINESS TAX EQUITY STUDY ADVISORY COMMISSION AND ESTABLISHING PROCEDURES FOR APPOINTMENT OF MEMBERS, A TIMETABLE AND RULES OF PROCEDURE; PROVIDING FOR SUNSET PROVISION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the “Town”) is a municipal corporation with such power and authority as has been conferred upon it by the Florida Constitution; and

WHEREAS, Section 205.0535, Florida Statutes, was enacted to permit municipalities to establish reclassification and revision ordinances for business taxes; and

WHEREAS, state law provides that prior to the adoption of a reclassification and revision ordinance, the municipality must establish an equity study commission and appoint its members; and

WHEREAS, the Town Council desires to establish the Town of Miami Lakes Business Tax Equity Study Commission (the “Equity Study Commission”), which shall serve as the Equity Study Commission pursuant to Section 205.0535(2), Florida Statutes (2014), and to establish procedures for appointment of members; and

WHEREAS, Section 205.0535(2), Florida Statutes (2014), provides that each member of the Equity Study Commission must be a representative of the business community within the Town; and

WHEREAS, the Town Council believes that it is in the best interest of the Town to establish the Equity Study Commission, provide procedures for appointment of members, and provide a timetable and rules of procedures; and

WHEREAS, the Town Council hereby finds and declares that adoption of this resolution is necessary, appropriate and advances the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Commission Established. The Equity Study Commission is hereby established to serve as the Equity Study Commission pursuant to Section 205.0535, Florida Statutes (2014). The Commission shall consist of seven (7) members.

Section 3. Authority. The Commission shall recommend to the Town Council changes to the business taxes in accordance with Section 205.0535(2), Florida Statutes (2014). The powers and duties of the Equity Study Commission (the “Commission”) shall be solely of an advisory nature to the Town Council and the Town Manager. Accordingly, although Commission members shall comply with the applicable requirements of the Code of Ethics for Public Officers and Employees as provided for in Part III of Chapter 112, Florida Statutes, Commission members shall be exempt from the provisions of the Miami-Dade County Ethics Code, which is provided by Section 2-11.1 of the County Code, pursuant to the advisory board exemption.

Section 4. Qualifications. In accordance with Section 205.0535(2), Florida Statutes (2014), each member of the Commission shall be a representative of the business community within the Town. In addition, each member of the Commission shall own or be employed by a business entity that possesses a valid Business Tax Receipt from the Town of Miami Lakes at the time of the appointment and throughout the term of service on the Commission.

Section 5. Appointments. The Mayor and each Councilmember shall each appoint one (1) Commission member by memorandum to the Town Manager.

Section 6. Chair of the Commission. The Mayor shall designate his appointee to serve as the Chairperson for the Commission and the Vice-Mayor shall designate his appointee to serve as the Vice Chairperson.

Section 7. Timetable. The timetable for the Commission process, attached hereto as Exhibit “A,” is hereby adopted.

Section 8. Rules of Procedure. The Rules of Procedure for the Commission, attached as Exhibit “B,” are hereby adopted.

Section 9. Implementation. The Town Manager and/or his or her designee is authorized to take all actions necessary to implement the provisions of this resolution.

Section 10. Sunset Provision. Upon the Town Manager certifying that the duties of the Commission have been finally and fully completed and that the new Ordinance adopting the reclassification and rate structure has become effective, the work of the Commission and the term of office of Commission members shall immediately conclude and terminate.

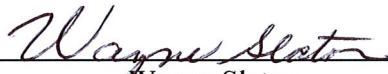
Section 12. Effective Date. This Resolution shall be effective immediately upon adoption.

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Passed and adopted this 14th day of October, 2014.

The foregoing resolution was moved for adoption by Cid, Vice Mayor. The motion was seconded by Lama, Councilman and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	<u>Yes</u>
Vice Mayor Manny Cid	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Tony Lama	<u>Yes</u>
Councilmember Ceasar Mestre	<u>Yes</u>
Councilmember Frank Mingo	<u>Yes</u>
Councilmember Nelson Rodriguez	<u>Yes</u>




Wayne Slaton
MAYOR

Attest:



Marjorie Tejeda
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT "A"

PROPOSED TIMETABLE FOR EQUITY STUDY COMMISSION

- 1) **Establish Commission**
October 14, 2014
- 2) **Appoint Commission members**
October 28, 2014
- 3) **Commission meetings to perform statutory tasks**
**November 1, 2014 –
February 9, 2015**
- 4) **Town Council reviews recommendations of the Commission**
February 10, 2015
- 5) **Amended Business Tax Ordinance to be considered
(Ordinance 1st Reading)**
March 10, 2015
- 6) **Town Council adopts Business Tax Ordinance including new rate structure and
classifications
(Ordinance 2nd Reading)**
April 14, 2015
- 7) **Business Tax Ordinance in effect in time for Sale of Local Business Tax Receipts**
April 15, 2015

EXHIBIT “B”

**RULES OF PROCEDURE FOR TOWN OF MIAMI LAKES
BUSINESS TAX EQUITY STUDY ADVISORY COMMISSION**

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Section 1. GENERALLY

These Rules of Procedure, as amended from time to time, shall govern the Town of Miami Lakes Business Tax Equity Study Advisory Commission (hereinafter, the “Commission”) in the conduct of its business.

Section 2. MEETINGS

Section 2.1 Generally. The business of the Commission shall be conducted at regular meetings only. All meetings shall be scheduled to provide sufficient notice to the public and shall be open to the public. At a meeting, four (4) members in attendance shall constitute a quorum. Failure to obtain a quorum shall result in cancellation of the meeting. Prior to each meeting, the Town Manager and/or his or her designee (hereinafter “Town Manager”) in coordination with the Chairperson will determine the agenda of the order of business, showing in the exact order what is to come before the Commission.

Section 2.2 Meeting Time and Location. Regular meetings of the Commission shall be held from time to time as designated by the Town Manager in coordination with the Chairperson at the Town of Miami Lakes Government Center. The Town Manager may cancel a meeting if there is no business to conduct.

Section 2.3 Commission Member Attendance. All Commission members shall attend all meetings and remain until the meetings are adjourned or the member is excused by the Chairperson. A request to be excused and notice of a member’s intention to be absent shall be communicated to the Town Manager.

Section 3. OFFICERS

Section 3.1 Selection. The Chairperson shall be designated by the Mayor, and the Vice Chairperson shall be designated by the Vice Mayor. In the event neither the Chairperson nor the Vice Chairperson attends a meeting, the Commission shall select from its members a Chairperson Pro-Tempore for that meeting.

Section 3.2 Duties and Responsibilities. It shall be the duty and responsibility of all officers to be thoroughly familiar with the applicable Town of Miami Lakes Code of Ordinances and Chapter 205, Florida Statutes, as they apply to the Commission and these Rules of Procedures.

- 1) **Chairperson.** The Chairperson is the presiding officer, when present and eligible, at all meetings of the Commission. As presiding officer, the Chairperson’s duties are generally as follows:

- a) To open all meetings at the time at which the Commission is to meet, by taking the chair, calling the members to order and calling the roll.
- b) To announce the business before the Commission in the order in which it is to be acted upon.
- c) To recognize members entitled to the floor; to state and put to vote all questions which are regularly moved or necessarily arise in the course of business, and to announce the result of the vote. When a motion has been seconded it is the duty of the Chairperson, unless he or she rules it out of order, immediately to state the question that is before the Commission for its consideration and action. If the question is debatable or amendable, the Chairperson shall immediately ask, "Is there any discussion?" If no one responds, then he or she shall put the question. If the question cannot be debated or amended, he or she shall immediately put the question after stating it. The responsibility of announcing the vote lies with the Chairperson, and he or she therefore, shall have the right to have the vote taken again if he or she is in doubt as to the result. In announcing the vote, the Chairperson shall state first whether the motion is carried or lost; second, what is the effect or result of the vote; third, what is the immediately pending question or business before the Commission. If there is none, he or she shall ask, "What is the pleasure of the Commission?"
- d) To protect the Commission from annoyance from evidently frivolous or dilatory motions by refusing to recognize them. Whenever the Chairperson is satisfied that members are using procedures merely to obstruct business, he or she shall either not recognize them or rule them out of order. While the Chairperson shall always be courteous and fair, he or she shall be firm in protecting the Commission from imposition, even though it is done in strict conformity with procedural rules.
- e) To assist in expediting the business in every way compatible with the rights of the members, as by allowing brief comments when undebatable motions are pending, if he or she thinks it advisable; to restrain the members when engaged in debate, within the rules of order; to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order. To authenticate, by his or her signature, when necessary, all the proceedings of the Commission, declaring its will and in all things obeying its commands.

- 2) **Vice Chairperson.** The Vice Chairperson shall become the Chairperson Pro-tempore upon the absence of the Chairperson at any meeting of the Commission.

Section 4. CONDUCT OF BUSINESS

The business of the Commission shall be conducted as follows:

Section 4.1 Motions. Actions by or decision of the Commission shall be determined by motions duly moved and seconded and carried by a majority of the members present.

Section 4.2 Voting. It is a rule that all members shall vote on all questions. No one can vote or participate in debate or discussion on an item at public hearing or a question or a proposal in which he or she has a conflict of interest, as provided by the Code of Ordinances and state law.

The method of taking a vote shall be by roll call (yeas and nays). A quorum must be present in order to vote. On a tie vote, the motion is lost.

When a vote is to be taken, the Chairperson puts the question in a form similar to this, "As many as are in favor of the question will, as their names are called, answer yes (or yea); those opposed will answer no (or nay)." The Chairperson shall direct the Clerk to call the roll. The clerk calls the roll, and each member as his or her name is called answers yes or no.

A motion to approve, when defeated by a vote, shall be considered as a motion to deny which was approved by vote.

A motion to deny, when defeated by a vote, shall not be considered as a motion to approve. In this instance, there must be placed before the Commission a motion to approve.

Section 4.3 Minutes. Minutes of the Commission shall contain a concise and accurate summary of actions taken at meetings, but shall not include verbatim comments from Commission members or of persons making presentations to the Commission.

Section 4.4 Town Attorney. The Town Attorney shall rule on all legal questions and the Commission shall rely only on the advise of the Town Attorney for such questions.

Section 4.5 Town Manager. The Town Manager shall be an ex-officio member of the Commission, with the right to participate in the discussions; however, he

or she shall not have the right to vote on Commission business nor be counted toward a quorum.

Section 4.6 Town Clerk. The Town Clerk or the Deputy Town Clerk (“Town Clerk”) shall be the clerk for the Commission. The Town Clerk shall give notice of all Commission meetings to its members and the public, and shall keep minutes of the Council proceedings. The Town Clerk shall perform such duties as the Town Manager may prescribe from time to time. The Town Clerk shall report to the Town Manager.

Section 4.7 Public Comment. The Commission shall hear Public Comment, as it deems appropriate, and may limit the comments to three (3) minutes.

Section 5. ETHICAL CONDUCT

The Commission is an instrument of the Town providing an important function with imposed obligations, responsibilities and duties. In accepting an appointment to serve as a member of the Commission, one also accepts and adopts the requirements of state law and the requirements of the Town of Miami Lakes Code of Ordinances as his or her standard of conduct.

In addition, Commission appointees shall not subvert the integrity of the Commission as a whole or of any member of the Commission, or any Town official.

Section 6. AMENDMENTS

These Rules of Procedure may be amended by the Town Council by resolution.

An amendment, having been adopted, goes into effect immediately upon its adoption, unless the motion to adopt specifies a time for its going into effect.