

RESOLUTION NO. 22-1823

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO TOWN CHARTER SECTION 4.2 (b), PROVIDING THE MAYOR AND TOWN COUNCIL CONTINUAL AUTHORITY TO MAKE GOOD FAITH INQUIRIES OF TOWN EMPLOYEES SUBJECT TO THE DIRECTION AND SUPERVISION OF THE TOWN MANAGER; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (CID)

WHEREAS, the Town of Miami Lakes (the “Town”) Charter, Section 2.1 provides:

There shall be a Town Council (the “Council”) vested with all legislative powers of the Town. The Council shall consist of the Mayor and Six At-Large Councilmembers as described below (“Councilmembers”). References in this Charter to the Council and/or Councilmembers shall include the Mayor unless the context dictates otherwise; and

WHEREAS, in addition to the Town Mayor’s legislative duties and powers, Section 2.2 (a) of the Town Charter provides that:

..... (iii) The Mayor shall be recognized as head of the Town government for all ceremonial purposes, for purposes of military law, and for service of process; (iv) The Mayor shall be the official designated to represent the Town in all dealings with other governmental entities; (v) Execute contracts, deeds, and other documents on behalf of the Town as authorized by the Council; and

WHEREAS, in order for the Town Mayor and Town Council to carry out their legislative and executive functions, it is often necessary for them to perform independent research and investigations, and seek inquiries from Town Staff; and

WHEREAS, the opportunity for the Town Council to obtain greater knowledge on matters that will come before them will serve the public good by providing for better discussion on issues, disclosure of information to the public, and greater transparency; and

WHEREAS, the Town Charter, Section 4.2 (b) provides:

Except for purposes of inquiries and investigations made in good faith and in accordance with a resolution adopted by the Council, the Council and any of its individual members shall deal with town employees who are subject to the direction and supervision of the Town Manager solely through the Town Manager, and neither the Council nor its members shall give orders to any such employee either publicly or privately....

WHEREAS, solely in furtherance of performing their legislative and executive functions, the Town Council and Town Mayor are desirous to have continual authority to discuss, request information, and perform inquires from Town Staff.

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 incorporated herein by this reference.

Section 2. Authority to Perform Good Faith Investigation and Inquires of Town Staff.
Pursuant to Town Charter Section 4.2(b), for the purpose of carrying out and exercising their legislative and executive duties, the Town Council and Town Mayor shall have the continual authority to conduct good faith investigations and inquiries of Town Staff. The Town Council and Town Mayor shall be prohibited from ordering or providing any instruction to Town Staff. As provided in the Town Charter, a violation of this provision of the Town Charter may result in the violators removal from office.


Section 3. Effective Date. This Resolution shall be effective immediately upon adoption.

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Passed and adopted this 30th day of March 2022.

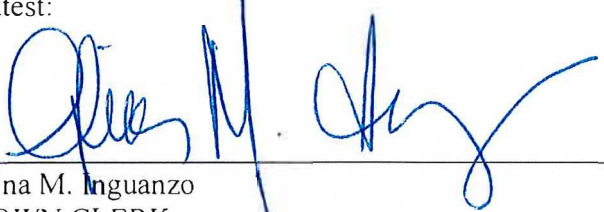
The foregoing resolution was offered by Mayor Cid who moved its adoption. The motion was seconded by Vice Mayor Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	Yes
Vice Mayor Jeffrey Rodriguez	Yes
Councilmember Carlos O. Alvarez	Absent
Councilmember Luis E. Collazo	No
Councilmember Tony Fernandez	Yes
Councilmember Josh Dieguez	Absent
Councilmember Marilyn Ruano	No



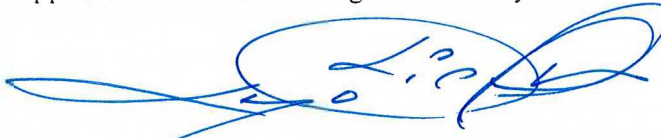
Manny Cid
MAYOR

Attest:



Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



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