

From: Defillipo, Anthony

Sent: Thursday, September 23, 2021 11:55 AM

To: Ottinot, Hans <Hans.Ottinot@citynmb.com>; Sorey, Arthur <Arthur.Sorey@citynmb.com>; Bernard, Andrise <Andrise.Bernard@citynmb.com>; jose.arrojo@miamidade.gov; howardrosen@miamisao.com

Subject: City Commission meetings and procedures

Dear Arthur and Hans,

As the Mayor of this City, let me remind you that I am the Chair of Commission meetings. Article II, Sec. 2-1 of our City Charter clearly states, "The Mayor shall preside over meetings of the Commission and shall cast his/her vote on any motion, resolution or ordinance submitted for consideration of the Commission."

I am writing this email to clarify [Robert's Rules](#) with respect to meeting interruptions. According to the [University of New Hampshire](#)'s explanation of Robert's Rules, speakers may be interrupted only for the following:

- **POINT OF INFORMATION**, to obtain information about business;
- **PARLIAMENTARY INQUIRY**, to obtain information about the rules or to ask about the correct motion to accomplish a desired result;
- **QUESTION OF PRIVILEGE** if you cannot hear, a safety issue arises or you are uncomfortable, it's noisy, etc... but only if necessary;
- **POINT OF ORDER**, if you see a breach of the rules or improper decorum in speaking; the point of order must be raised immediately after the error is made;
- **APPEAL OF A CHAIR'S RULING**, if you disagree with the Chair's ruling.

During the last several meetings, one of the Commission members has been continuously interrupting the proceedings by raising a multitude of questions of privilege and points of order. These interruptions are not only time-consuming, but are causing unnecessary turmoil on the dais, and they must be stopped.

Therefore, in order to keep these interruptions at a minimum, I wanted to reiterate from Robert's Rules exactly what these privileged points are and how they are to be applied, as follows:

Questions of Privilege. Questions relating to the rights and privileges of the assembly, or to any of its members, take precedence of all other motions except the three preceding relating to adjournment and recess, to which they yield. If the question is one requiring immediate action it may interrupt a member's speech; as, for example, when, from any cause, a report that is being read cannot be heard in a part of the hall. But if it is not of such urgency it should not interrupt a member after he has commenced his speech.

In summary, the motion to *Raise a Question of Privilege*:

- Can interrupt a speaker who has the floor, but only if the motion's object would be lost by waiting. Otherwise, the motion can interrupt pending business, but the member offering it must first obtain recognition by the chair.
- Doesn't need to be seconded, but if the solution to the problem being addressed requires another motion, that motion needs to be seconded.
- Isn't debatable regarding whether to allow the question of privilege, but if the privilege, when granted, puts a main motion before the assembly, then that main motion is debatable.
- Can't be amended regarding whether to allow the question of privilege, but if the privilege, when granted, puts a main motion before the assembly, then that main motion is amendable.

- Is decided (ruled on) by the chair.
- Can't be reconsidered if it's the chair's decision (ruling).

Questions of Order. A *Question of Order* takes precedence of the pending question out of which it arises; is in order when another has the floor, even interrupting a speech or the reading of a report; does not require a second; cannot be amended or have any other subsidiary motion applied to it; yields to privileged motions and the motion to lay on the table; and must be decided by the presiding officer without debate, unless in doubtful cases he submits the question to the assembly for decision, in which case it is debatable whenever an appeal would be.

In Summary, a point of order:

- Can interrupt a speaker who has the floor.
- Doesn't need to be seconded.
- Isn't debatable.
- Can't be amended.
- Is decided by the chair.
- Can't be reconsidered.

Please note that in both instances, a ruling by the Chair "can't be reconsidered." As Chair of the Commission meetings, once I make my ruling, I will not accept any further debate or argument from members of the Commission, and especially, from the City Attorney.

Furthermore, let me remind you that the City Attorney's presence in Commission meetings is solely in an advisory position. He is not a de facto member of the Commission, and he serves at the pleasure of the Mayor and Commission. The bullying by the City Attorney is unacceptable and will not be tolerated any further.

I am putting you on notice that until we return to Commission Chambers for meetings, I will be moderating all future Zoom format meetings. Regardless of the format of the meetings, I never yielded the control of presiding the meetings to anyone. The City Manager and/or his assistants had absolutely no right to presume my duties, and it stops immediately.

I trust that you are in complete understanding of my directive, and that there will be no further discussion or debate about my decisions.

Mayor Anthony F. DeFillipo
City of North Miami Beach

Cc: Jose Arrojo, Executive Director, Miami-Dade County Commission on Ethics and Public Trust
Howard Rosen, State Attorneys Office