


**CITY OF MIAMI
CITY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Commissioner Tomas P. Regalado

FROM: Maria J. Chiaro, Interim City Attorney 

DATE: September 7, 2004

RE: Cancellation of City Commission Meetings
(MLA -04-00010)

You have asked the following questions:

1. On what basis can a regular or special City Commission meeting be canceled?
2. If a meeting is cancelled other than by City Commission action and it is not an emergency, what recourse does the City Commission have?
3. What are the consequences of the cancellation of the special City Commission meeting scheduled for September 7, 2004, on the planning and zoning items scheduled to be addressed.

As to question number 1, Section 2-32(c) of the City Code provides as follows:

... the City Commission may, by resolution, designate a substitute day or time upon which regular City Commission meetings shall be held whenever, in the opinion of a majority of the members of the City Commission, there is good cause for such substitution.

It is clear and unambiguous that regular meetings of the City Commission are mandatory and may not be canceled, absent a valid emergency, but may be rescheduled by resolution of the City Commission.

Section 2-33(l), of the City Code provides the following:

Special meetings. Nothing in this section shall prohibit either the Mayor, or the commissioner designated as the presiding officer of the City Commission, or three City Commissioners, upon the written notice delivered to the City Clerk, from calling special meetings at any time set by the City Clerk, provided that reasonable advance notice of same is given to the Mayor, each member of the Commission, City Manager, City Attorney and the public. No business shall be conducted or a vote taken at a special City Commission meeting on business other than the subject(s) for which the special meeting is called.

The language set forth in Section 2-33(l), above in the City Code does not *expressly* grant authority to the Mayor, the Commission or the presiding officer to cancel or reschedule a meeting that has been duly called. It would logically follow, however, that a majority of the City Commission which is empowered to reschedule regular City Commission meetings, is also empowered to reschedule special City Commission meetings.

As to question 2, once a special meeting has been duly scheduled and noticed, it may not be canceled or rescheduled, absent emergency, except by a resolution of the City Commission. Therefore, if a meeting has been invalidly canceled, the City Commission may conduct the meeting as noticed. In the event that the time noticed has lapsed, the special meeting may be called as provided for in Section 2-33(l).

With regard to question 3, since the P&Z items were not continued by the local legislative body whose meeting was canceled, such items must be re-noticed in the manner required by law in order to be lawfully heard.

MJC/RÖD/dd

cc: Mayor and Members of the City Commission
Joe Arriola, City Manager
Priscilla A. Thompson, City Clerk
Elvi Gallastegui-Alonso, Agenda Coordinator
Teresita L. Fernandez, Executive Secretary
Department of Hearing Boards