

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA AMENDING CHAPTER 2 “ADMINISTRATION”, ARTICLE II “TOWN COUNCIL” TO REORGANIZE ITS PROVISIONS, TO PROVIDE FOR ADOPTION BY RESOLUTION OF SUPPLEMENTAL RULES OF PROCEDURE, DECORUM, AND ORDER FOR MEETINGS OF THE TOWN COUNCIL AND TOWN BOARDS, AND TO REPLACE REFERENCES TO CITIZEN REQUESTS WITH REFERENCES TO PUBLIC COMMENTS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Section 5 of Charter of the Town of Loxahatchee Groves, Florida, authorizes the Town Council to determine times and places and its own rules and order of business for the conduct of meetings of the Town Council; and

WHEREAS, Chapter 2, Article II of the Code of Ordinances provides rules of procedure, decorum, and order for meetings of the Town Council and Town boards; and

WHEREAS, the Town Council wishes to amend Chapter 2, Article II, to remove outdated provisions and provide for the adoption by resolution of supplemental rules of procedure, decorum, and order; and

WHEREAS, the Town Council finds it is in the best interest of the Town to adopt this Ordinance and that said Ordinance serves a public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: The Town Council for the Town of Loxahatchee Groves hereby amends Chapter 2 “Administration”, Article II “Town Council” as follows:

Sec. 2-22. - Special meetings of town council.

- (a) The town clerk shall, at the request of the mayor or on written request of three or more council members, call special meetings of the town council by notifying, in writing, or otherwise, all of the members of the town council that a special meeting has been called and supplying said members with the time, date and place thereof.
- (b) Except in cases of an emergency meeting, notification supplied to each town council member and the public, pursuant to this section, whether in writing or otherwise, must be received at least 72 hours prior to the scheduled time of said special meeting.
- (c) Special meetings of the town council shall be called solely for specific and stated purposes only. It is the intention of the town council that no items shall be added to a special meeting agenda other than those items for which the meeting was called.

Sec. 2-23. Town council meetings generally.

- (a) *Ground rules for behavior of members of the town council.* The following shall constitute the guidelines for behavior to be adhered to by members of the town council in their respective roles as elected public officers of the town:
 - (1) Members of the town council shall:
 - a. Forgive each other;
 - b. Each conduct themselves with dignity;
 - c. Agree to disagree with each other; and
 - d. Show respect for the points of view of other members of the town council.
 - (2) Members of the town council shall not:
 - a. Falsely accuse another member of the town council of wrongdoing;
 - b. Criticize each other in a rancorous or unprofessional manner;
 - c. Make personal attacks on another member of the town council or a member of the public; or
 - d. Individually act without the support of the town council.
- (b) *Procedures and scope.*
 - (1) The Charter of the town provides that the town council may determine its own rules of procedure. All other municipal meetings shall be conducted in accordance with the procedural requirements as established by resolution of the town council or, if no resolution exists or it is silent on a matter of procedure, Roberts Rules of Order shall apply, said rules of order being incorporated into this section by reference.
 - (2) The town council, the town manager, the town clerk, and the public shall be governed by the terms, conditions, and provisions of this section as the basis and framework for procedures of the town council as well as any supplemental rules of procedure, decorum, and order adopted by resolution of town council.

- (3) Members of the town council and other public officers attending or participating in any regular or special meeting of the town council shall abide by the standards of conduct and values set forth in the Town of Loxahatchee Groves Code of Ethics for Public Officers.
- (c) *Agenda.* The town clerk shall prepare the agenda for each town council meeting. Citizens requesting to address the town council may be scheduled on the agenda by giving to the town clerk's office their name, address, phone number and subject on which they wish to address the town council pursuant to subsection (f) of this section.
- (d) *Duties and responsibilities of mayor.*
 - (1) The mayor or presiding officer at any regular or special meeting of the town council shall only introduce agenda items by the agenda item number and the brief title as listed on the agenda with no further explanation or comment. Thereafter, the mayor or presiding officer may call on the town manager, and the town manager or his designee shall furnish a brief explanation of the item under consideration. The item shall then be opened for public hearing or discussion by the town council as required for the particular item under the time limits imposed by this section.
 - (2) Any comments or questions by the attending public shall be directed to the mayor or presiding officer. Members of the town council shall direct all comments and questions on the subject matter being discussed to the mayor or presiding officer only and shall not engage in cross conversations with other members of the public or direct any questions to other members of the town council or to the public. The mayor or presiding officer shall not unreasonably withhold or delay recognition of any member of the town council desiring to speak. The mayor or presiding officer shall recognize other members of the town council in rotation and not call on any member a second and subsequent time until such time as all members of the town council shall have had the opportunity to speak.
 - (3) If the mayor or presiding officer desires to participate in a discussion, he shall do so only when the speaking member of the town council has relinquished the floor. The mayor or presiding officer shall not interrupt a speaking member of the town council for the purpose of comment.
 - (4) The mayor or presiding officer shall not use his power as chair to dominate debate or discussion, nor shall the mayor or presiding officer unreasonably cut short or prolong any debate, discussion, or taking of a vote.
 - (5) Motions to change the order of business shall require a majority vote of the town council.
 - (6) A member of the town council may not reintroduce any discussion item that has failed due to lack of second for at least six months after the motion failed, unless either an emergency exists and the public business requires reconsideration of the item, or a member of the town council who was on the prevailing side of the prior vote, introduces the discussion item for reconsideration.
 - (7) The mayor or presiding officer, in consultation with the town attorney, shall make rulings on parliamentary procedure. At least three votes of members of the town council are required to overrule the mayor or presiding officer on rulings of parliamentary procedure.

- (8) The mayor or presiding officer may, during town council proceedings, request that the town council move on to the next item on the meeting agenda by voting or otherwise.
- (e) *Time of meetings.* All regularly scheduled meetings of the town council shall begin at such time as is established by resolution of the town council. ~~no later than 7:00 p.m. and shall end on or about 11:00 p.m.~~ By majority vote of those present, the town council may extend the length of the council meeting. Agenda items scheduled but not considered during a meeting ~~shall be automatically set over by the town clerk to the next town council meeting or may be considered at a special meeting called for that purpose in the manner provided herein.~~ In setting matters over to the next meeting or a special meeting, the town clerk is directed to take into consideration all notice provisions relative to municipal ordinances and, specifically, F.S. §166.041.
- (f) *Town council discussion.*
- (1) Discussion by a member of the town council shall not be limited, unless a motion to limit debate is made and adopted. Each member of the town council shall be afforded the opportunity to offer rebuttal to each item discussed. A motion to limit debate shall take precedence over all motions, except a motion to adjourn, a point of order, or a motion to table. The motion to limit debate shall not be debated and, to be adopted, shall require an affirmative vote of at least supermajority of the members of the town council present.
 - (2) Each member of the town council and the public who desires to speak shall address the mayor or presiding officer, and upon recognition by the mayor or presiding officer, shall confine himself to the issues under debate, avoiding all personalities and indecorous language.
 - (3) Members of the town council shall not interrupt anyone who has the floor, unless it is to call the meeting to order, or as otherwise provided in this section. If a member of the town council desires to direct questions to another member of the town council or the public, the questions shall be directed to the mayor or presiding officer who in turn will recognize the individual who wishes to answer the specific question. If a member of the town council wishes to direct a question to town staff, the question shall be directed to the town manager, through the mayor, who will, in turn, recognize such member of town staff.
 - (4) While the town council is in session, members of the town council and the public present at the meeting shall not, by conversation or otherwise, delay or interrupt the proceedings, nor the peace of the town council.
 - (5) Members of the town council may request that the mayor or presiding officer recess the public meeting.
- (g) *~~Citizen requests~~ Public Comments.*
- (1) ~~The town council, on each night that a regularly scheduled meeting is to be held, shall convene at 7:00 p.m. Citizens requests shall be entertained on or about 8:45 p.m. Any citizen desiring to address the town council during this time interval must submit a written request to the town clerk prior to 8:45 p.m., but subject nonetheless to the discretion of the mayor or presiding officer. Citizen requests will be held in the priority order in which they are received by the town clerk.~~

- (2) ~~Each request shall succinctly detail the matter to be brought before the town council, and shall contain the name, address, and phone number where the citizen can be reached if the need arises; and shall be dated and signed by the citizen.~~
- (3) ~~Subject to the waiver rule contained within this section, public discussion comments by individual citizens shall be limited to three minutes during the citizens request period. The town clerk shall be charged with the responsibility of notifying each citizen 30 seconds before said time shall elapse and when said time limit has expired.~~
- (h) *Waiver of rules.* By majority vote, the town council may ~~invite citizen discussion on any agenda item and thereby~~ waive the proscriptions otherwise outlined in the section or in any resolution adopted pursuant to subsection 2-23(g)(2). ~~In every case where a citizen is recognized by the mayor to discuss an agenda item, the citizen shall step to the podium, state his name and address for the benefit of the town clerk, and identify any group or organization he represents. The citizen shall then succinctly state his position regarding the item before the town council.~~
- (i) *Decorum to be maintained.* Order shall be maintained at each town council meeting and the mayor is hereby empowered to order from the room any citizen who refuses to comply with the rules and regulations outlined in this section.
 - (1) It shall be unlawful for any individual or member of the town council to disturb or disrupt a meeting of the town council or refuse to obey the orders of the mayor or presiding officer in the conduct of the meeting. Any individual or member of the town council who causes a disturbance of the meeting shall be warned by the mayor or presiding officer or, alternatively, by a majority vote of the town council, with dispatch, that the conduct is interfering or disturbing the order of the meeting and shall be given the opportunity to cease the conduct constituting an interruption or disturbance. If, after sufficient warning, the individual or member of the town council fails to cease the offending conduct and continues to interrupt or disturb the meeting, the individual or member of the town council shall be removed from the meeting by an authorized law enforcement officer or his authorized agent in attendance at the meeting if so directed by the mayor or presiding officer. Once removed, the individual or member of the town council shall be barred from further audience for the remainder of the meeting.
 - (2) In the event the mayor or presiding officer shall fail to act, any member of the town council may move to require the mayor or presiding officer to act to enforce the rules of this section, and the affirmative vote of a majority of the members of the town council present at that time shall require the mayor or presiding officer to act.
 - (3) If the audience or a part thereof becomes unruly, the mayor is empowered to either recess or adjourn the meeting.
 - (4) Any individual or member of the town council who, at a town council or board meeting, willfully interrupts or disturbs such meeting in violation of F.S. § 871.01, entitled "Disturbing Schools and Religious and Other Assemblies," is subject to arrest by those law enforcement officers present. No action by the mayor or presiding officer is required for a law enforcement officer to enforce F.S. § 871.01. The mayor and town council shall be guided by the following definitions/elements of disturbance under the aforementioned statute:

- a. To commit an offense under F.S. § 871.01, a person must have deliberately acted to create a disturbance. That is, he must act with the intention that his behavior impede the successful functioning of the assembly in which he has intervened, or with reckless disregard of the effect of his behavior;
 - b. The acts complained of must be such that a reasonable person would expect them to be disruptive; and
 - c. The acts must, in fact, significantly disturb the assembly.
- (5) In addition to any other remedy provided by law, a violation of this subsection (i) may be prosecuted as a municipal ordinance violation through the issuance of a notice to appear, served on the violator as set forth in Rule 3.125, Florida Rules of Civil Procedure, as amended from time to time.
- (j) *Expression of opinion.* Nothing herein shall be construed to limit any member of the public from expressing their opinions outside of a public meeting or by expressing their opinions in written form to the town council.
- (k) *Application to town boards.* ~~All references in this section to "town council" shall also mean the~~ The provisions of this section also apply to the various town boards provided for in this Code or created by the town council. Town council may adopt by resolution supplemental rules of procedure, decorum and order that apply to town boards.
- ~~(l) *Special meetings.* Special meetings of the town council shall be called solely for specific and stated purposes only. It is the intention of the town council that no items shall be added to a special meeting agenda other than those items for which the meeting was called.~~

Section 3: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4: Severability. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 5: Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this ordinance may be re-numbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 6: Effective Date. This ordinance shall take effect immediately upon adoption.

Councilmember Maniglia offered the foregoing ordinance on first reading.

Councilmember Herzog seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, COUNCILMEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, COUNCILMEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 7th DAY OF May 2024.

Councilmember Shorr offered the foregoing ordinance on second reading.

Councilmember Danowski seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, COUNCILMEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, COUNCILMEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 6 DAY OF June 2024.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Valerie Oakes
Town Clerk

AK
Mayor Anita Kane

Margaret Herzog
Vice Mayor Margaret Herzog

APPROVED AS TO LEGAL FORM:

E. Galt
Office of the Town Attorney

Laura Danowski
Councilmember Laura Danowski

Phillis Maniglia
Councilmember Phillis Maniglia

Robert Shorr
Councilmember Robert Shorr