

ORDINANCE NO. O-2-17

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA; AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 2, ADMINISTRATION, ARTICLE II, TOWN COMMISSION, SECTION 2-26. REGULAR MEETINGS. BY AMENDING THIS SECTION TO ADD A PROCESS FOR CALLING SPECIAL MEETINGS OF THE TOWN COMMISSION AND TO PROVIDE FOR NOTICE REQUIREMENTS; AND SECTION 2-27. RULES GOVERNING CONDUCT OF MEETINGS. BY AMENDING THIS SECTION MAKING REFERENCE TO RULES OF DECORUM AND PUBLIC PARTICIPATION PREVIOUSLY ADOPTED BY THE TOWN COMMISSION BY RESOLUTION; AND SECTION 2-28. CONDUCT OF SPECTATORS AT MEETINGS RESTRICTED. AMENDING THIS SECTION TO CONFORM TO RULES OF DECORUM AND PUBLIC PARTICIPATION PREVIOUSLY ADOPTED BY THE TOWN COMMISSION BY RESOLUTION; PROVIDING THAT ALL OTHER SECTIONS AND SUBSECTIONS OF CHAPTER 2 WILL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 2, Article II of the Town's Code of Ordinances sets the administrative process by which Town meetings are conducted; and

WHEREAS, the Town Commission desires to codify recurring regular meeting dates and times; and codify the process by which special meetings are held, and the notice requirements for special meetings; and cross-reference decorum and public participation requirements adopted by resolution in September 2013; and codify procedures for making public comment during Town Commission meetings; and

WHEREAS, the Town Commission believes the following amendments to the Town Code of Ordinances will be in the best interest of the citizens of The Town of Palm Beach Shores.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA:

Section 1. The facts and recitations contained in the preamble of this ordinance are adopted and incorporated by reference as if set forth in this section.

Section 2: Chapter 2, Article II, Sec. 2-26 of the Code of Ordinances of the Town of Palm Beach Shores, Florida, is hereby amended by codifying recurring regular town commission meeting dates and times; and by codifying the process by which special meetings are held, and the notice requirements for special meetings; providing that Sec. 2-26 of the Code of Ordinances of the Town of Palm Beach Shores shall hereafter read as follows:

Sec. 2-26. – Regular and special meetings.

The regular meetings of the town commission shall be held at least once a month, on the third Monday of each month, at 7:00 pm or at any other such time and place as may be rescheduled established by the town commission at their discretion, from time to time.

Special meetings of the town commission may be called at any time by the mayor or by a majority of the town commission; however, at least three days' notice of such special meeting must be given.

(a) Notice, contents. Such notice may be by announcement at a regularly scheduled town commission meeting or may be in writing, signed by the town manager or mayor. If notice is given by mail, it shall be mailed to the residence of each commissioner, and the notice period shall begin on the date of mailing. The contents of the notice shall be placed in a conspicuous place in the town hall, and shall also be posted on the town's website.

(b) Waiver of notice. If all commissioners consider the matter to be taken up at the special meeting to be urgent and of sufficient importance to the welfare of the town, the three-day notice requirement may be waived by the unanimous consent of all five commissioners. Such waiver shall be in writing and shall be appended to the minutes of the special meeting. The notice shall still be placed in a conspicuous place in the town hall, and shall also be posted on the town's website.

(c) Limitation on consideration of business. The only matters to be considered at special meetings shall be those matters set forth in the notice.

Section 3: Chapter 2, Article II, Sec. 2-27 of the Code of Ordinances of the Town of Palm Beach Shores, Florida, is hereby amended by referencing rules of decorum and public participation for public meetings as previously adopted by the Town Commission by resolution; providing that Sec. 2-27 of the Code of Ordinances of the Town of Palm Beach Shores shall hereafter read as follows:

Sec. 2-27. - Rules governing conduct of meetings; public participation.

The town commission does hereby adopt the following rules governing its meetings. In all matters of parliamentary procedure, Robert's Rules of Order shall govern and shall be substantially complied with-apply. Decorum and public participation at meetings shall be in accordance with Resolution R-7-13 passed and adopted by the town on September 16, 2013, as same may be amended from time to time.

(1) The town commission rules and order of business shall be observed in all cases, unless suspended temporarily for a special purpose of an emergency nature by a unanimous vote of all members present. Any member may move at any time for the suspension of any rule, and such motion must be seconded to entitle it to consideration.

(2) If any member, in speaking or otherwise, transgresses the rules of the commission, the presiding officer shall, or any member can, call him to order; in which case the member so called to order shall immediately cease discussion unless permitted by the presiding officer to explain; and the commission, if appealed to, shall decide the question without debate. If the decision be in favor of the member so called to order, he shall be at liberty to proceed; if otherwise, he shall not proceed in order.

(3) A member about to speak shall respectfully address the chair, and shall not commence to speak until recognized by the presiding officer. When two or more members request to speak at the same time, the presiding officer shall determine which one is recognized.

(4) Every member while speaking shall confine himself to the subject under debate, shall refrain from personalities and shall not refer to any other member of the commission except in a respectful manner.

(5) Unless a member who has the floor yields for that purpose, no member shall interrupt another while speaking, except to propound a parliamentary inquiry or make a point of order.

Section 4: Chapter 2, Article II, Sec. 2-28 of the Code of Ordinances of the Town of Palm Beach Shores, Florida, is hereby amended to codify procedures for making public comment during Commission meetings; providing that Sec. 2-28 of the Code of Ordinances of the Town of Palm Beach Shores shall hereafter read as follows:

Sec. 2-28. - Conduct of spectators at meetings restricted.

(a) It shall be the duty of the chief of police or his representative to be present and on official duty at all special and regular meetings of the town commission.

(b) Except during such periods of time at such meetings as the town commission shall set aside for public discussion, it shall be unlawful for any person present as a spectator to interrupt or disturb the proceedings in any manner by voice, action or otherwise.

(c) During periods set aside for public discussion of any nature, any person desiring to speak shall secure the permission of the presiding officer by first silently raising his hand and being recognized. Each speaker is only allowed one (1) opportunity per topic to speak for a maximum of three (3) minutes unless allowed additional time by the presiding officer. Any citizen desiring to speak shall identify him/herself by name and address, and if the speaker is speaking for a group or organization, she/he should so state. Citizen comments shall be directed to the Commission, as a body through its presiding officer. Citizens shall not attempt to engage members of the Commission in a debate over the issue raised, but shall simply make their statement and request that the Commission consider the matter. The use of profanity, obscene language, threats or any violent or abusive conduct by any person shall constitute a violation of this section.

(d) It shall be the duty of the chief of police or his representative, upon the order of the presiding officer at any such meeting, to forcibly if necessary, evict any person violating the provisions of this section from the commission meeting hall.

Section 5: Each and every other section and subsection of Chapter 2 – Administration of the Code of Ordinances of the Town of Palm Beach Shores shall remain in full force and effect as previously adopted.

Section 6: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 7: Should any section or provision of this ordinance, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

Section 8: Specific authority is granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores, Florida.

Section 9: This ordinance shall take effect immediately upon adoption.

FIRST READING this 17th day of April, 2017.

SECOND AND FINAL READING this 15th day of May, 2017

TOWN OF PALM BEACH SHORES

Myra Koutzen, Mayor
Myra Koutzen, Mayor

Attest:

Evyonne Browning
Evyonne Browning, Town Clerk

Approved as to form and legal sufficiency.

Keith Davis
Keith Davis, Town Attorney

(Seal)

