

ORDINANCE NO. 2019-008

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING SECTIONS OF CHAPTER 2, ADMINISTRATION, ARTICLE II, CITY COMMISSION, TO ADOPT AND CODIFY A COMMISSION PROTOCOL MANUAL ESTABLISHING RULES FOR COMMISSIONER CONDUCT, INTERACTIONS WITH CITY ADMINISTRATION AND MEETING PROCEDURE; PROVIDING FOR AMENDMENT AND ENFORCEMENT OF THE PROTOCOL MANUAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

timely and proper manner. Therefore, a summary of the rules of decorum contained in this section, prepared by the City Attorney, shall be read by the City Clerk prior to the first public comment of every meeting and included in the published agenda.

(d) Decorum and Disorderly Conduct.

(1) *Disorderly Conduct.* It is prohibited for any person to disturb or interrupt any meeting of the City Commission or otherwise fail to comport with the rules of decorum herein. The following behavior shall not be considered orderly or decorous:

- a. The use of obscene or profane language.
- b. Loud and disruptive speech or other loud and boisterous behavior.
- c. Any physical violence or the threat thereof.
- d. Use of "fighting words" (e.g. words likely to cause a fight, that are threatening or tending to cause a breach of the peace, or speech that threatens harm).
- e. Engaging in personal attacks. Remarks should be directed to the presiding officer or the Board as a whole and not to individual Commissioners.
- f. Irrelevant, impertinent, or slanderous remarks. Speakers shall confine their comments solely to the agenda item being discussed or, during non-agenda public comment, to matters related to City business. Unless it is an agenda item, speakers are prohibited from discussing their own pending court cases and filed claims or complaints against the City or City personnel.
- g. Engaging in electioneering or campaign activities.
- h. Engaging in commercial speech or advertising unrelated to an item on the agenda.

(2) Unruly audience behavior such as applause, audible conversations, booing, harassing remarks or other audience outburst will not be tolerated. The City Commission is not allowed to consider such material and it intimidates and takes time away from other speakers.

(3) It is prohibited for any person by speech or otherwise to delay or interrupt the proceedings or the peace of the City Commission or disturb any person having the floor. No person shall refuse to obey the orders of the presiding officer. Disorderly conduct determined by the presiding officer or a majority of the City Commission to be intended as a disruption of the meeting and a failure to comply with any lawful decision or order of the presiding officer or of a majority of the City Commission, shall constitute a disturbance.

(4) If the presiding officer or a majority of the commission declares an individual out of order, the individual will be cautioned. The individual shall be allowed the opportunity to conclude remarks on the subject in a decorous manner within the designated time limit. The presiding officer may bar any person failing to comply as cautioned from making any additional comments during the meeting, unless permission to continue or again address the commission is granted by the majority of the commission members present.

(5) Any person who becomes disruptive or interferes with the orderly business of the commission may be removed from the commission chambers or other meeting room for the remainder of the meeting and may be arrested by the police chief, or designee, subject to F.S. § 810.08(1) or §871.01.

(e) Meeting Protocol and Procedure. The City Commission will adopt and maintain a Protocol Manual. The Protocol Manual will govern the issues of meeting protocol and procedure. The manual may be periodically amended by motion approved by a majority vote of the full commission, but any rule not made mandatory by the Charter may be temporarily suspended by a majority vote of the commission present.

Sec. 2-36 – Adopting, Suspending, Repealing or Amending Rules

The commission will adopt and maintain a Protocol Manual stating the policies and procedures governing, among other things, the protocol between the City Manager, City Attorney, Staff and the City Commission, involving matters in and out of the City, as well as the public. The manual may be periodically amended by motion approved by a majority vote of the full commission. Any rule not made mandatory by the Charter may be temporarily suspended by a majority vote of the commission present but shall not be repealed or amended unless by a four-fifths vote of the commission

Sec. 2-37. - Punishing absent members; expelling disorderly member; compelling attendance; enforcing protocol.

The commission may punish its members for nonattendance, or disorderly conduct, or violations of the protocol manual and, four-fifths of its members concurring, may expel a member for nonattendance or for improper conduct in office. They may compel the attendance of absent members by fines and penalties. They may censure members in

violation of the commission's rules, as stated in the Protocol Manual. Members censured for violations of the Protocol Manual may forfeit pay in accordance with the provisions of the manual.

SECTION 3. Conflict. All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.


SECTION 4. Severability. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 5. Codification. It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

SECTION 6. Effective date. This Ordinance shall take effect immediately upon adoption.


PASSED AND ADOPTED on 1st reading on April 3, 2019.

PASSED AND ADOPTED on 2nd reading on May 22, 2019.



JOY D. ADAMS
MAYOR

SPONSORED BY: VICE MAYOR SABRINA JAVELLANA

ATTEST


JENORGEN GUILLEN, CMC
CITY CLERK

194 APPROVED AS TO LEGAL SUFFICIENCY AND
195 FORM

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199 JENNIFER MERINO
200 CITY ATTORNEY
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FIRST READING VOTE ON ADOPTION

Mayor Adams	<u>No</u>
Vice Mayor Javellana	<u>Yes</u>
Commissioner Butler	<u>Yes</u>
Commissioner Lazarow	<u>Yes</u>
Commissioner Lima- Taub	<u>No</u>

FINAL VOTE ON ADOPTION

Mayor Adams	<u>NO</u>
Vice Mayor Javellana	<u>yes</u>
Commissioner Butler	<u>yes</u>
Commissioner Lazarow	<u>yes</u>
Commissioner Lima- Taub	<u>NO</u>