

1 RESOLUTION NO. 2012 – 83

2
3 A RESOLUTION OF THE MAYOR AND CITY
4 COMMISSION OF THE CITY OF HALLANDALE BEACH,
5 FLORIDA, ADOPTING THE AMENDED PROTOCOL
6 MANUAL AND DIRECTING THE CITY MANAGER TO
7 FACILITATE ITS IMPLEMENTATION; AND PROVIDING
8 FOR AN EFFECTIVE DATE.
9

10
11 WHEREAS, the Mayor and City Commission adopted the Protocol Manual in
12 May, 2010 and has made amendments to the Manual periodically since its adoption; and
13

14 WHEREAS, City Administration has reviewed the current Protocol Manual and its
15 amendments and is recommending that the Manual be amended to consolidate the
16 periodic amendments into one document; and
17

18 WHEREAS, the City Administration has proposed other amendments to the
19 Protocol Manual which will assist with the proper operation of democratic government by
20 establishing policies for public officials and employees, members of boards and
21 committees and for good governance; and
22

23 WHEREAS, one of the essential purposes of the Protocol Manual is to ensure
24 that City operations and City Commission meetings will be carried out in a uniform and
25 professional manner; and
26

27 WHEREAS, the Mayor and City Commission have determined that it is in the
28 best interest of the residents of the City of Hallandale Beach, that the operation of the
29 City be conducted with trust and transparency, which is provided by the adoption of the
30 amended Protocol Manual.
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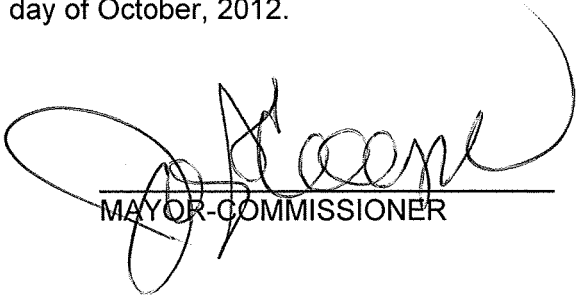
32 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY
33 COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:
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35 **SECTION 1. Adoption of the Amended Protocol Manual.** The Mayor
36 and City Commission hereby adopt the amended Protocol Manual, and authorize the
37 City Manager to facilitate the implementation of the City's Protocol Manual; and to

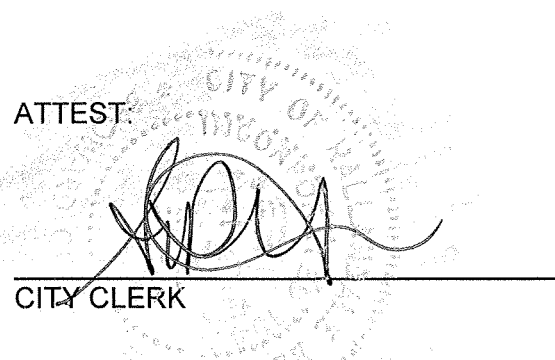
ensure that staff adheres to the Protocol Manual in its entirety,, and direct the City Clerk to distribute accordingly.

SECTION 2. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

APPROVED AND ADOPTED this 3rd day of October, 2012.


MAYOR-COMMISSIONER

ATTEST:


CITY CLERK

Approved as to legal sufficiency and form


V. LYNN WHITFIELD
CITY ATTORNEY

VOTE
AYE/NAY

Mayor Cooper	☒
Vice Mayor Sanders	☒
Comm. Lewy	☒
Comm. London	☒
Comm. Ross	☒

CITY OF HALLANDALE BEACH

PROTOCOL MANUAL

REVISED OCTOBER 3, 2012

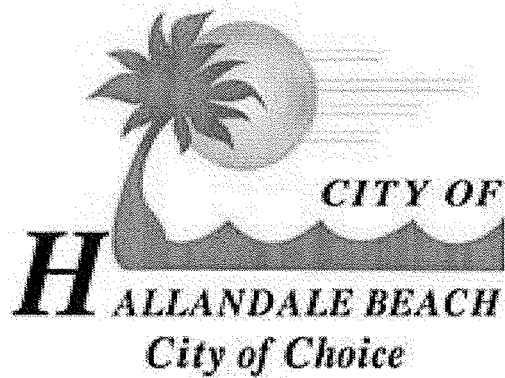


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CITY OF HALLANDALE BEACH
PROTOCOL MANUAL

1. PURPOSE AND OVERVIEW

Although the relationship between the City Manager, City Attorney, Staff and the City Commission is generally discussed in the City Charter, the Protocol Manual, created in 1985, and periodically amended, is intended to provide City Commission policies and procedures pertaining to terms of 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 relationship between the City Manager, City Attorney, Staff and the City Commission is generally discussed in the following sections of the City Charter:

Section 3.07(3) "Interference with Administration"
Section 3.08 "Investigations"
Section 6:01 "City Attorney"
Sections 6:03 – 6:07 "City Manager"
Sections 7.01 - 7:03 "Official Conduct"

Further, Florida Statutes Chapter 112, Part III entitled "Code of Ethics for Public Officers and Employees" contains standards of conduct for public officers, employees of agencies and local government attorneys. Broward County Section 1-19 Code of Ethics for Elected Officials has been made applicable to municipal elected officials. Also, the City Commission has adopted a "Code of Ethics Manual" for elected and appointed officials, employees, and members of Advisory Boards and Committees and other organizations. The Florida Statutes, County's Code of Ethics and the City's Code of Ethics Manual are companion documents to this Protocol Manual.

2. CITY COMMISSIONER ISSUES

A. Proclamations, Certificates of Recognition or Appreciation and Keys to the City

All proclamations certificates of recognition or appreciation and keys to the City shall be requested through the office of the Mayor and shall be presented at the discretion of the Mayor.

Recognition of persons or organizations at Commission meetings shall be placed on the agenda at the discretion of the Mayor and only after advance notification to the City Commission. This is to be coordinated

through the City Manager's Office.

Certificates for Board and Committee members received for service do not require approval by the City Commission.

A Key to the City may be presented to any person who has performed an action or service beneficial to the City. When a Key to the City is given out, it is to be announced for public knowledge at the next Commission meeting under the Commission Communication portion of the agenda. A list of persons receiving a Key to the City shall be maintained by the City Clerk's Office.

B. Titles and Powers of Commissioners Associated with Broward, Florida and National League of Cities

The title of Mayor is changed to Director for Broward and Florida League of Cities business. The Mayor, as Director, is authorized to select the first and second alternates (when necessary due to absence or unavailability of the Director) to respond to requests from the Broward and Florida League of Cities. The response or action taken shall be disclosed at the next City Commission meeting Commissioner's Communications category of the agenda. (Refer to Agenda Preparation Administrative Policy No. 2002.001, as amended).

A delegate and alternate to the National League of Cities will be designated by the City Commission, as appropriate. The Mayor is the delegate to the United States Conference of Mayors.

C. Authority of Vice Mayor as Acting Mayor

The Vice Mayor has full authority as Acting Mayor in absence of the Mayor. (Refer to the City Charter Section 3.04)

D. Authority of City Manager at Various Meetings

The City Manager is empowered to make decisions on behalf of the City at various meetings, including meetings pertaining to legislative issues, and these decisions will be reported to the City Commission at the next available Commission meeting under the "City Manager Communications" category of the agenda. (Refer to Agenda Preparation Administrative Policy No. 2002.001, as amended).

E. Attendance by Commission members and the City Manager at Events

Attendance at meetings/events/activities/seminars "Events" by Commission Members where the Member is representing the City must be

disclosed at the Commissioner's Communications section preceding the Event(s) which the Commissioner plans to attend. If a budgetary expenditure for such attendance is necessary, the City Manager may approve it.

The City Manager is authorized to approve expenditures related to urgent matters, such as legislative issues and disclosure of these items would necessarily occur at the next City Commission Meeting.

City partnership in community events including financial or in-kind contributions are to be discussed at the Commissioner's Communications portion of the agenda.

A verbal report regarding Events attended by members of the City Commission and the City Manager shall be provided at the next available City Commission meeting under the "Commissioner's Communication" category of the agenda. (Refer to Agenda Preparation Administrative Policy No. 2002.001, as amended).

F. Attendance at City Manager or Departmental Staff Meetings

No City Commissioner shall attend a City Manager or departmental staff meeting without prior concurrence from the City Manager. The City Commission shall be notified of each instance in which a commissioner has been approved to attend a City Manager or departmental staff meeting.

G. Disclosure of Authority to Speak for City Commission outside the City

Any City Commissioner who speaks or provides written or e-mail communications pertaining to the City, to a commission, committee, group, agency or other entity or to any member, employee or agent of same, outside of the City, must state whether or not the comments or remarks are authorized (by vote or consensus) by the City Commission, and disclose to such commission, committee, group, agency or other entity or to any member, employee or agent of same that such representation was by a vote or consensus, and report same at the next City Commission meeting, or state whether or not he or she is communicating in the Commissioner's personal capacity, and if so, such Commissioner shall inform the outside commission, committee, group, agency or other entity, or to any member, employee or agent of same, of the Commission's official position, if any. Any such written communications shall be provided to the City Manager. See paragraph 10 pertaining to communications within the City. For Land Use Plan

Amendments, there shall be no advocacy by City Commissioners.

H. Authority to Testify at a Quasi-Judicial Public Hearing

A City Commissioner shall not testify at any Quasi-Judicial Public Hearing on behalf of the City, unless authorized by the City Commission.

I. Presentation Commemorating Commissioners, Vice Mayor and Mayor

All members of the City Commission shall be recognized with a commemorative award at the conclusion of their term, whether or not they will continue to serve on the Commission. Mayors and Vice-Mayors shall also receive a commemorative award at the conclusion of their term, whether or not they will continue to serve on the Commission. All commemorative awards shall include the time period of service.

J. City Commissioners serving on other government Boards or Committees as a representative of the City

City Commissioners serving on other governmental boards and committees as a representative of the City, shall represent the City's interest, that is, the will of the majority of the Commission, when taking action on that Board or Committee.

K. Trust Funds

The City has established Trust Accounts for stated purposes. All checks shall be made payable to the City of Hallandale Beach or other account established for the stated purpose. A receipt shall be provided for any donation. All money contributed shall be deposited within two business days. Records of donations and disbursements shall be maintained by the Finance Department. All disbursements shall adhere to Commission policies and procedures. If a Trust Account has surplus funds, these funds shall be dedicated to City related projects of a similar nature.

L. Modifications to the Protocol Manual

The Protocol Manual may be amended or modified by majority vote of the Commission.

M. Commission Salary

The annual salary of the Commission shall be considered as part of the annual budget review process. (Refer to Ordinance No. 2007-013)

N. Candidate Forums

Commissioners shall inform the City Manager of any Candidate Forums they are invited to attend. The Commissioner receiving the invitation shall inform the full Commission of the place, date and time for the forum and shall also inform the City Clerk's Office, which will place the information on the government channel and the City's Website calendar.

O. Legislative Issues

The Mayor or other designee is authorized to represent the interest of the City pertaining to legislative issues.

3. CITY COMMISSION/CITY MANAGER RELATIONS

A. Employment of the City Manager

The City Commission directly employs two (2) individuals with the City, the City Manager and the City Attorney. In accordance with the City Manager form of Government, all communications regarding day-to-day operation of the City must be with the City Manager who is delegated by the City Charter to manage the day-to-day operations of the organization.

B. Directing and Obtaining Information from the City Manager

There are three methods by which the City Commission may obtain information or request follow up action from the City Manager. The distinction is whether a motion was passed to direct the City Manager. The three methods of obtaining information or action from the City Manager are not public records requests. Public records requests are requests made under F.S. 119.07.

To require action by the City Manager, a majority vote or consensus of the Commission is required. All instructions are made by Motion.

Commission Agenda Directives (CADs) are the results of Motions approved by a majority of the Commission and are the most significant Commission instructions. The City Manager has the authority to establish priorities and schedules for any CAD unless otherwise directed by the Commission.

The Commission may, as individuals or as a body, make requests for information or request follow up actions which are not directly part of a Motion but are associated with a Commission Motion or result from

Commission discussions. These types of requests are Agenda Requests (ARs) and occur during Commission Meetings and are the results of comments or questions or follow up actions related to formal Motions or to discussions at the meetings. The request resulting from comments, questions or follow up actions shall be put in writing and shall be addressed by the City Manager within ten (10) working days, or as otherwise directed during the Commission meeting. The fiscal impact associated with an AR shall be included in the response, as applicable.

A request from an individual Commissioner is a Commission Request (CR) and is generally not made during a Commission meeting. It shall be in writing and shall be answered and entered into the CR file folder within ten (10) working days, or the Commissioner is to receive a memo from the City Manager explaining the reason for the delay and when the answer will be forthcoming.

Commissioner Requests are either operational or informational in nature. An operational CR concerns issues such as a sidewalk that is in disrepair. Informational Commissioner Requests ask for information pertaining to City operations, such as the production of invoices over a number of years. Operational requests shall be given priority over informational requests.

C. Commission Policies and Procedures

Commission policies are motions made by the Commission relating to certain guidelines, procedures and directions on various subject matters such as Commission Meeting policy. Policies are made only by Motion, and comments made by individual Commissioners should not be considered policy statements as a majority vote of the Commission is required to create a directive. Comments made, questions asked or follow up actions associated with directives are considered Agenda Requests.

D. Customer Concerns

All customer concerns (CCs) are to be referred to the City Manager's office and a response will be made within a reasonable time in accordance with the Administrative Policy governing customer concerns.

E. Special Events

The City Manager and City Commission must be made aware of all meetings scheduled in City facilities, including meetings involving other cities and/or outside groups.

The City Manager will advise City Commission of Special Events

approved by the City Manager. These meetings and Special Events will be included on the Commission Calendar as directed by the Commission.

If community meetings are not underway within 15 minutes of the scheduled time, staff shall consult with the City Manager as to appropriate action.

F. Dismissal or Suspension of Employees Under Criminal Circumstances

The City Manager shall report to the City Commission any employees who have been dismissed or suspended under criminal circumstances and follow up actions taken.

G. Commissioner Membership on Boards and Committees

Each Commissioner shall inform the City Manager of their appointment or selection to serve on any Boards or Committees.

H. Commissioner Involvement in the City's Purchasing Process

Pursuant to Section 3.07(3) of the City Charter and 23-105(b) of the Code, and the Broward County Code of Ethics, Section 1-19 (6) Procurement Selection Committee; the City Commission is prohibited from interfering with municipal operations of the City. The City Commission shall not be involved in the preparation, submittal and evaluation of bids, requests for proposals and other purchases, including attendance at or participating in presentations to or deliberations by a selection committee or contact with persons, firms, organizations and corporations submitting bids or proposals to the City. Following an evaluation of responses received for bids, request for proposals, and other purchases, the City Manager shall have the authority to recommend to the City Commission award of contracts.

After placement on the agenda, the City Commission reviews the City Manager's recommendations and may direct any communications, inquiries or questions regarding the contract award to or through the City Manager.

City Code 2-3 governs the registration and activities of Lobbyists in the City. In accordance with the Ordinance, lobbyists must cease all contact and communication with the City Commission forty-eight (48) hours before the date set for a decision on a matter, unless a City Commissioner makes the contact.

City ordinance 23-105(b) drops a first cone of silence, for procurement/purchases, at the time a procurement item, e.g., a bid is prepared. For the first 'cone', the language says that the Commission "shall not be involved" which would be even broader than a simple cone of silence.

This first cone of silence is not lifted, and hence Commissioners cannot meet with prospective vendors, until the cone is lifted, which under part (b) occurs when a matter is placed on the Agenda, and it is at this time that the City's Lobbyist ordinance of more general application applies. And even when it is 'lifted', when placed on agenda, the code states that the city commission may direct any "communication, inquiries or questions regarding the contract award to or through the city manager" i.e., the Commission is simply permitted to contact the manager at that point as an exception to the "shall not be involved"-language.

No City Board, Agency or Committee shall be contacted forty-eight (48) hours before the date set for a decision on a matter.

I. Involvement of Lobbyists in the City's Purchasing Process

Before lobbying a member or members of the City Commission regarding a city procurement, all persons, firms, organizations and corporations seeking procurement from the city or the award of funds for goods and services must first submit a completed and notarized Lobbyist Registration Form/Oath to the City Clerk's Office.

Unless contacted by a City Commissioner through the City Manager, lobbyists shall cease all contact and communication with the City Commission within the period of time as stated in the lobbying ordinance before the date set for a decision on a matter, and as provided in 23-105(b).

Lobbyists shall be identified on the City's website.

J. Disclosure of Meeting with Lobbyist

To further promote full and complete transparency, City Commissioners must disclose any and all lobbying activity that knowingly occurs between themselves and individual lobbyists or their principals or employees outside their City Commission offices. This shall include communicating by any form of telephonic or electronic media.

The disclosure shall include the lobbyist's name; the lobbyist's principal, including his or her employer or business; the entity for which he or she is

lobbying; the date, time and location of the meeting; and the specific purpose and subject matter of the meeting.

The disclosure shall be made in accordance with Section 1-19 (c)(3) of the Broward County Code of Ordinances and Standard of Conduct within ten (10) business days of the lobbying activity, but must, in any event, be made prior to any vote on a matter that was the subject of the lobbying activity.

The disclosure shall be made in a legible manner and filed for public inspection in a database designated by the City Manager, which database shall be searchable both in hardcopy and by internet.

4. CITY ATTORNEY/LEGAL ISSUES

A. Duties of the City Attorney

The City Attorney acts as legal advisor to the City Commission, City Manager, and City Boards and Committees. The City Attorney shall prepare and approve all ordinances, resolutions or regulations submitted for consideration of the Commission. (Refer to City Code Section 2-362)

To require the drafting of Ordinances by the City Attorney, a majority vote or consensus of the Commission is required. All instructions are made by Motion.

An individual Commissioner may request information from the City Attorney, such as the legal interpretation of a City Code, such request shall be in writing and by Internal Work Order. The City Attorney shall provide a written response within ten (10) days or a written reason for a delay in responding. Copy of the Internal Work Order shall be maintained by the City Attorney's office.

Research requested by a Commissioner of the City Attorney, shall be by vote or consensus, unless otherwise required through the CR process.

A Commissioner may request an ethical advisory opinion from the City Attorney in accordance with Broward County Code of Ethics. Any request for an ethical advisory opinion shall be in writing and signed by the Commissioner. The requests shall state all material facts necessary for the attorney to understand the circumstances and render a complete and correct opinion.

Pursuant to Florida Statutes 286.011(8), the City Attorney may request an attorney-client Executive Session to consider strategy and possible

settlement of cases. The Executive Session shall be preceded by a Special or Regular Commission meeting which will be recessed for the Executive Session. At the conclusion of the Executive Session or attorney-client session, the Special or Regular Commission meeting will reconvene.

Due to the highly confidential and sensitive nature of matters discussed during Executive Sessions, notes taken by all persons in attendance at Executive Sessions and documentation and materials distributed at such Sessions shall be privileged, and given to the City Clerk at the conclusion of the session who shall maintain such in a confidential file until the privacy of the Executive Session privilege no longer applies due to the conclusion of litigation. Access to notes taken by a Commissioner or to materials distributed may be viewed only by the City Commission, City Manager, or City Attorney at the office of the City Clerk, and shall be returned to the City Clerk.

The City Attorney shall participate in the negotiation process for all transactions which involve more than \$50,000. The City Attorney shall also partake in all negotiations in which the subject matter of a dispute could foreseeably lead to litigation. (Refer to City Code Section 2-362)

B. Litigation and Disclosure of Information

Matters in litigation or when litigation is reasonably foreseeable require confidentiality and shall not be discussed other than in executive session, unless otherwise absolutely necessary.

C. Reports

The City Attorney shall provide a quarterly report to the Commission regarding the status of cases and a quarterly report on the work performed by the office, as directed by the Commission.

5. CITY COMMISSION/STAFF RELATIONS

A. Initiation of Staff Actions/Interference with Administration

In accordance with Section 3.07(3), Paragraph 3, of the City Charter, the Commission may initiate staff actions and requests for information only after first going through and obtaining approval of the City Manager. Members of the Commission shall not give orders to any officer or employee.

Attendance at meetings by staff, including Commission meetings, is controlled by the City Manager.

B. Commission Investigations and Inquiries

In accordance with Section 3.07(3) of the City Charter, individual Commissioners may make investigations and inquiries or obtain answers to questions from staff provided work is not interrupted. The response to the question shall be readily available to staff and the timeframe for verbally responding to the Commissioner shall not exceed ten (10) minutes. A Commissioner may ask and request information on materials that exist but cannot generate a new report without following the same policy as Commission Requests (CRs) or Agenda Requests (ARs).

A Commissioner may not ask and request information from staff regarding topics which are not part of authorized work. Authorized work is activity approved or permitted by the City Manager/City Attorney or designee.

However, staff shall not initiate any action other than verbal responses without having prior approval of the City Manager/City Attorney. The Commission may not interfere with the administration of the City. Commission Directives may only be made as a body to the City Manager/City Attorney. Recommendations for change or improvement in City Government operations shall be made through the City Manager. The City Manager is directly responsible for obtaining action including development of recommendations, when needed for Commission consideration, and reporting on a schedule that is satisfactory to the Commission.

C. Information Related to Agenda Items

The City Manager is responsible for placing matters on the Agenda. Since each Commissioner has the opportunity to meet with the City Manager on an individual basis regarding the agenda, no agenda items shall be deferred before the Commission meeting unless the City Manager has information which indicates the item should be deferred. In this case, each Commissioner would have the information regarding the reason(s) for the recommended deferral.

D. Notification of Staff and City Awards

The Commission shall be notified when staff and City programs receive recognition and/or awards.

F. Notification of Settlement Agreements

The Commission shall be notified either by memorandum from the City Manager or notified at the next available City Commission meeting when a settlement agreement within the City Manager and City Attorney's authority of \$20,000 is reached.

6. COMMISSION MEETING ISSUES

A. Procedures for Commission Meetings

Procedures and Schedules for Commission meetings are adopted by Resolution. Administrative Policy 2002.001, Agenda Preparation, as amended, further describes agenda policies and procedures. Resolution 2009-02 shall govern the City Commission's actions during Commission Meetings. The City Manager shall designate a qualified employee as the official parliamentarian for Commission meetings.

B. Public Participation

A "Public Participation" section shall be on each Commission agenda and the Public shall be informed that speaking is subject to the following conditions:

1. Speakers' comments must pertain to city business or concern.
2. Comments shall be limited to three minutes in duration, as may be extended at the discretion of the Mayor.
3. Since school age children frequently attend Commission meetings, and may observe meetings when telecast the use of unpleasant or vile language will be immediate reason for the person being out of order and denied the remainder of podium time.
4. In the case where there is one Public Hearing for an agenda item, the item shall be scheduled for consideration during the evening (6:00 P.M. or later).

C. Prohibiting Commission Meetings on Holidays and Election Days

Commission meetings shall not be scheduled on holidays, including on the evening before significant religious holidays. If a Commission meeting falls on an Election Day, it shall be scheduled the following day.

D. Cone of Silence Advisory Boards and Committees

Commissioners shall not communicate with any Advisory board or Committee members, forty-eight (48) hours before a scheduled meeting.

E. Consideration of Agenda Items Initiated by Members of the City Commission Which Require Extensive Staff Research Time

Agenda items requested by a City Commissioner that require extensive staff research time in excess of fifteen (15) minutes must be first authorized by the City Commission before placement on the Commission agenda. The City Manager/City Attorney shall determine whether a Commissioner requested item must first be approved by the Commission based on the amount of staff time involved.

Items determined to require extensive staff research time must be mentioned during a Regular or Special meeting of the City Commission during the Commissioner's Communications portion of the meeting in order to gain approval by motion to direct staff to conduct the research or complete the requested task.

F. Meeting Minutes

The minutes from meetings of the City Commission, Boards and Committees shall contain action taken and include motions and votes on motions. Verbatim minutes are not desired. If meeting specifics are needed, the recording of the meeting can be reviewed. These Board and Committee meeting minutes, once approved, are provided to the City Clerk's Office. The City Clerk's Office provides the Board and Committee meeting minutes electronically to the City Manager and the City Commission. City Commission meeting minutes are provided electronically to the Commission via the electronic agenda maker system for review, amending as needed and approval.

G. Appointments to Advisory Boards and Committees

Appointments to Advisory Boards and Committees shall be made during

the “Commissioner Communication” portion of the Commission agenda. The City Clerk’s Office shall forward through the City Manager applications received for consideration and the current openings for new appointments.

H. Recognition of Members of the Armed Forces

Members of the Armed Forces, past and present, shall be invited to be recognized at Commission meetings preceding Veterans Day and Memorial Day. The City Clerk’s Office is responsible for coordinating this recognition.

I. Community Meetings Regarding Proposed Major Developments

Applicants/Developers shall hold community meetings regarding a proposed major development to obtain public comment prior to consideration before the Local Planning Agency (Planning and Zoning Board), as applicable, and the City Commission. Commissioners are observers and shall not seek to influence the public pertaining to the developer’s presentation. The notification process for such meetings is described in the City’s Code section 32-1003. See also Administrative Policy No. 2014.011, as may be amended. Commissioners carry with them the imprimatur of Commissioner within the City, and accordingly, unlike in paragraph 2G, do not speak in a personal capacity while within the City.

J. Commission Meeting Breaks

Members of the Commission may request a short meeting recess through the Mayor in order to take care of hygiene or related matters.

K. Matters to include ordinances, resolutions and motions on a specific subject brought before the City Commission that fail, collectively are “Matters.”

Matters brought before the City Commission by a Commissioner that fail shall not be brought back for six months, unless another Commissioner moves the matter, and a majority of the Commission agrees to consider same.

7. SPECIAL MEETINGS ISSUES

A. Calling Special Meetings

Special Meetings of the City Commission may be held at any time on call of the Mayor or any three (3) Members of the Commission. Special Meetings may be set at any Commission Meeting upon Motion passed setting the time and matters to be considered at a Special Meeting. Whenever practicable, there shall be no less than twelve (12) hours notice to each Member and the public. Refer to Code Section 2-34(c).

B. Calling Meetings to Discuss Collective Bargaining

Pursuant to the City's Charter, the City Manager is responsible for the Administration and all affairs of the City and supervision of departments. As the Chief negotiator in labor relation matters, and in accordance with Florida Statutes Section 447.605, the City Manager, may request that the Commission meet in private to consider negotiations related to collective bargaining. The meeting time and place shall be as mutually agreed upon by the City Manager and the City Commission.

No member of the City Commission shall disclose to any person, orally or in writing, any information learned or matters discussed at the executive session.

Due to the highly confidential and sensitive nature of matters discussed during Executive Sessions, notes taken by all persons in attendance at Executive Sessions and documentation and materials distributed at such Sessions shall be privileged, given to the City Manager at the conclusion of the Executive Session, and shall be kept by the City Clerk in a confidential file until the privacy of the Executive Session privilege no longer applies due to the signing and approval of a collective bargaining agreement. Access to notes taken by a City Commissioner or to materials distributed may be viewed at the office of the City Clerk by a City Commissioner, City Manager, or City Attorney, and shall be returned to the City Clerk.

8. WORKSHOPS

The purpose of the City Commission workshops will be for the City Commission to hear presentations and reports and conduct discussion in order to provide the City Manager with consensus on matters that will require formal action at a Regular or Special Commission meeting in the future.

Workshops are to be no longer than two hours unless the City

Commission by formal action dictates an extension.

8. AGENDA ISSUES

A. Consent Agenda

The City Commission Agenda may include a "Consent Agenda" where items are to be numbered in sequence and each item shall include non-controversial matters including, but not limited to, approval of bids, grants not requiring a match and approval of minutes. Grants requiring a match may be placed on Consent Agenda at the City Manager's discretion.

- The "Consent Agenda" may be voted on in its entirety via voice vote; however, during time prescribed on the City Commission Agenda, any Member of the Commission may request to have any item removed from the Consent Agenda in which case, that item shall be separately discussed and voted upon. In order to review specific items from the Consent Agenda, there must be a Motion, a Second and a majority vote for approval to pull the Item from the Consent Agenda.

B. Emergency Agenda Items

Only emergency or urgent items should be offered by the City Manager or by individual Commissioners for inclusion on a Supplemental Agenda. An item shall require the affirmative vote of three (3) members of the City Commission to be considered as a Supplemental Agenda.

C. Items Not Requiring Agenda Consideration

The following items do not require placement on the agenda:

1. Applications for repetitive grant applications.
2. Bids based on grant awards provided Commissioners are notified by memo within a reasonable amount of time prior to bid being awarded.
3. Any other matters which the City Manager has been given specific authority to execute or purchase in the provisions of the City Code of Ordinances.

D. Reports

Where a report relating to City business shall be presented a copy of the report shall be given to each Commissioner in addition to the copies provided by staff. Powerpoint presentations shall be provided to the City Commission, within forty-eight (48) hours of any meeting when a powerpoint presentation will be presented, if a person comes to a meeting with a powerpoint presentation and the City staff does not know of it, the City Commission shall have the discretion to determine whether or not the powerpoint can be viewed.

E. Procedures if Full Commission is Not Present

If less than the full Commission is present, an applicant shall be entitled to a continuance until the next regular meeting when the full Commission is expected to be present.

The procedure is as follows: The presiding officer shall open the Public Hearing; announce the above policy; advise the Applicant that three affirmative votes are necessary for an item to pass, and then ask the Applicant if a continuance is desired. If so, a Motion to Continue shall be made in accordance with this policy. Adoption of the Motion is at the discretion of the Commission.

F. Notification to Commission of Other Entity Agenda Items Impacting the City of Hallandale Beach

The City Commission shall be advised in advance when an item is on the agenda of another entity which impacts the City of Hallandale Beach. Such entities include but are not limited to the Broward County Commission, the Broward County Planning Council, the South Florida Regional Planning Council, the South Florida Water Management District and municipalities.

G. “Commissioner Communications” Section of the Agenda

This section of the agenda shall provide the opportunity for Commissioners to report on events they attended or meetings held with outside agencies when acting in accordance with Section 2E as a City Commissioner or to request consensus for staff to conduct extensive research in accordance with Section 6E..

H. Presentation of Beautification Awards and Recognitions for Holiday Lights

Presentation of Beautification and Holiday Light Awards will be held at Evening Commission Meetings to facilitate community participation. The meetings when these awards are presented will begin at 6:30 P.M.

I. Delivery of Agenda to City Commission

The regular agenda will be provided to the City Commission no later than the close of business on the Wednesday prior to the City Commission meeting date.

9. ORDINANCE ISSUES

A. Ordinances Pertaining to Applications

The City Attorney is authorized to prepare ordinances or orders for City Commission consideration on applications that have been heard by the Planning & Zoning Board.

B. Ordinances Required for Consistency with County and State Laws

The City Attorney is authorized to prepare Ordinances which are needed to maintain consistency with regulations of higher authorities, such as County and State laws.

C. Ordinances Generally

Ordinances may be prepared and presented for placement on the Agenda by the City Attorney, when requested by the City Manager, without prior City Commission Approval or Direction.

Ordinances on second reading will have public hearing; no public hearing will be required for Ordinances on first reading. With the exception of ordinances that involve land use, only ordinances on second reading will be advertised.

10. ADVISORY BOARD/COMMITTEE ISSUES

A. Relationship of Commissioners and Members of Boards and Committees

Commissioners may attend meetings of Hallandale Beach Boards and Committees, and are observers and shall not seek to influence the decision making by the Board or Committee. This policy is applicable to

the two Safe Neighborhood District Advisory Boards as well.. For Land Use Plan Amendments there shall be no advocacy by City Commissioners.

If more than one Commissioner is in attendance at a Board or Committee meeting they shall not discuss with each other any matters likely to come before the City Commission.

B. Nuisance Abatement Board

The Mayor and Vice-Mayor are the Chair and Vice-Chair of the Nuisance Abatement Board, which is comprised of the five Commissioners. The terms of office are the same as the terms of office as City Commissioners.

C. Annual Advisory Board and Committee Banquet

An annual Board and Committee Banquet shall be held in which members of Boards and Committees receive service awards commiserate with their tenure of service. Service awards will be presented in accordance with the following guidelines:

1. Certificates of Appreciation to be presented to members of special boards and Committees, when active, such as the Charter Review Committee.
2. Certificates of Appreciation to be presented to alternate members of regular advisory boards and committees with five (5), ten (10) and fifteen (15) years of service.
3. Certificates of Appreciation and Lapel Pins to be presented to members of regular advisory boards and committees with five (5), ten (10) and fifteen (15) years of service and be eligible for service awards.
4. Certificates of Appreciation and Plaques to be presented to members of regular advisory boards and committees with twenty (20), twenty-five (25), and thirty (30) years of service and for subsequent periods upon attainment of five more years of service.

Members of the two Safe Neighborhood District Advisory Councils shall be included in the recognition and be eligible for service awards.

The City Manager has discretion when inviting persons to the annual banquet.

D. Board and Committee Alternate Members

In the event a member will be absent from a Board or Committee meeting the alternate shall be notified to attend. Alternates shall be permitted to vote when a full board is not present. Additional responsibilities for alternates are described in the Board and Committee Administrative Policy No. 2026.006, as amended.

E. Resignations/Terminations of Advisory Board and Committee Members

Resignations/Terminations of members of Advisory Boards and Committees shall be provided to the City Commission.

11. COMMISSION CODE OF CONDUCT

A. Inappropriate Behavior

Commissioners shall refrain from insulting or making personal attacks on fellow Commissioners and shall refrain from belittling staff members.

B. E-mail and Other Communications

Commissioners' communications to City employees or to others using City resources or under color of official City office, shall not contain material of any vulgar, sexual or sexually suggestive nature, disparage in any way, any racial, ethnic, religious or gender group, violate guidelines or laws relating to copyright or intellectual property rights, or contain any physically threatening language directed to any person.

C. Campaign Free Zones

A City Commissioner shall not use City staff, property, offices or facilities to further or deter the candidacy of any candidate for public office including but not limited to the Office of City Commissioner nor engage in same at City Commission meetings, workshops and/or forums, nor shall any person at such meeting engage in campaign speech or conduct, including wearing clothing or items in support or opposition of any candidate running for office in Hallandale Beach. Candidates who are public officials, Board Members, etc. may continue to carry out their normal duties. Upon the opening of a campaign account or six (6) months prior to an election, no City Commissioners shall use City facilities or properties to advertise or promote any function using his/her name or likeness.

D. Matters in Litigation or Foreseeable in Litigation

A Commissioner has the right to talk with individuals concerning problems or issues facing the City.

Commissioners shall not participate in any non-city authorized meeting or proceeding where matters in litigation are to be discussed and, because statements made by a commissioner may be used against the city in litigation, any communication by a commissioner relating to matters in litigation or foreseeably subject to litigation, shall be with the City Attorney only. Unless authorized by the City Commission, City Commissioners shall not speak, where or when issues related to City litigation are likely to be discussed, but may speak at other portions of a meeting that do not involve issues involved in City litigation.

No member of the City Commission shall disclose to any person, orally or in writing, any information learned or matters discussed at the executive session, or in any discussion with the City's Attorney concerning pending litigation, or foreseeably subject to litigation.

E. Discussion of Matters Not Related to Litigation

Commissioners should not make any commitments concerning City business matters and should advise the other party that the proposed deal, project, contract or concept can only come to fruition through a vote of the full City Commission.

F. Suggestions to City Staff

A City Commissioner shall not approach any City employee with suggestions regarding hiring or firing of City staff.

G. Abstaining from Voting

No Member of the City Commission who is present at a Commission Meeting may abstain from voting in regard to any matter, ruling or act, except when there appears to be a possible conflict of interest under the provisions of the Florida Statutes Section 112.3143 or Section 286.012, Florida Statutes, with respect to any such member, there is, or appears to be, a possible conflict of interest under the provisions of s. 112.311, s. 112.313, or s. 112.3143. In such case, the Member must comply with the disclosure requirements of the Statute and shall make such personal interest known in the record of minutes of the meeting. A member of the City Commission having a Conflict of Interest with an item on the agenda must disclose this conflict and then leave the Commission Chambers during discussion and vote on the item. Any member present at the

meeting but absent from the dais during a vote, upon his/her return to the dais, will be required to record their vote or the reason for his/her abstention as noted above.

For further information, refer to the City's Code of Ethics Manual.

H. Removal from Commission Meetings in the City, City Commission Public Meetings, Meetings of Boards or Committees, collectively "Meetings."

It shall be unlawful for any individual, including a member of the City Commission, Boards or Committees to disturb or disrupt Meetings or refuse to obey the orders of the Presiding Officer of the Meetings concerning the conduct of the meetings. Any individual, member of the City Commission, Boards or Committees who causes a disruption or disturbance of the meeting shall be warned by the Presiding Officer that the conduct is interfering or disturbing the order of the meeting and shall be given the opportunity to cease such conduct. If such individual or member of a Board or Committee, or of the Commission fails to cease the offending conduct and continues to interrupt or disturb the meeting, such individual, or member, shall be removed from the meeting by a Sergeant-at-Arms, designated by the Chief of Police, if so directed by the Presiding Officer, or by a vote of the majority of the body, should the Presiding Officer fail to give such direction. Once barred by the Presiding Officer, such individual or member shall be barred from the remainder of the meeting. Following expulsion as directed by the Presiding Officer or Chair, such individual may be subject to arrest as determined by law enforcement, to include a violation of Section 871.01, Florida Statutes, for willfully interrupting or disturbing any assembly of people for any lawful purpose, and no action by the Presiding officer is required for law enforcement to carry out its duties under law and enforce it.

12. PRIVILEGES

The following is a partial list of privileged and exempted documents pursuant to Chapter 119, Florida Statutes:

473.318 External Auditor -Working Papers.

All statements, records, schedules, working papers, and memoranda made by a certified public accountant or firm or her or his employee incident to, or in the course of, professional services to a client, except the reports submitted by the certified public accountant or firm to the client and except for records which are part of the client's records, shall be and remain the property of the certified public accountant or firm in the

absence of an express agreement between the certified public accountant or firm and the client to the contrary

288.075 Economic Development Agency Confidentiality of Records.—

Upon written request from a private corporation, partnership, or person, information held by an economic development agency concerning plans, intentions, or interests of such private corporation, partnership, or person to locate, relocate, or expand any of its business activities in this state are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 12 months after the date an economic development agency receive a request for confidentiality or until the information is otherwise disclosed, whichever occurs first.

This law is set to sunset on October 2, 2012, unless reviewed and saved from repeal through reenactment by the Legislature.

112.324 Commission on Ethics Procedures on complaints of violations; public records and meeting exemptions.--

The complaint and records relating to the complaint or to any preliminary investigation held by the Commission on Ethics are confidential and exempt from the provisions of s. 119.07(1) and any proceeding conducted pursuant to a complaint or preliminary investigation, is exempt from s. 286.011, until the complaint is dismissed as legally insufficient, until the alleged violator requests in writing that such records and proceedings be made public, or the Commission on Ethics determines, based on such investigation, whether probable cause exists to believe that a violation has occurred.

In no event shall a complaint under this part against a candidate in any general, special, or primary election be filed or any intention of filing such a complaint be disclosed on the day of any such election or within the 5 days immediately preceding the date of election.

This law is set to sunset on October 10, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

Any knowing disclosure that is privileged shall be considered a violation and subject to sanctions under paragraph 13, Violations of Protocol Manual.

13. VIOLATIONS OF PROTOCOL MANUAL

Any violations of the Protocol Manual shall be presented by a Motion for Censure to the City Commission setting forth the facts of the alleged violation, and if seconded, the Motion shall be heard at the following Commission meeting. At the following meeting, the censure proceedings shall be conducted as a quasi-judicial meeting. The Commissioner who allegedly violated the Protocol Manual shall be given an opportunity to speak, and if a majority of the Commission votes in favor of the Motion for Censure, the Commissioner subject to the Motion shall be censured for his or her violation of the Protocol Manual. Appeal from a decision of Censure shall be as provided by law.

The City Attorney shall not participate in any censure motion or proceeding and shall depart the Commission Chambers upon the introduction of any Motion for Censure and at any subsequent censure proceedings for any alleged violation of the Protocol Manual. Any violation of the Protocol Manual shall be subject to the penalties set forth in Section 1-8 of the City Code. The City Attorney shall not prosecute a proceeding under Section 1-8, arising out of an alleged violation of the Protocol Manual. Appeal from an order under Section 1-8, shall be as provided by law.