

1 EXHIBIT 1

2
3 ORDINANCE NO. 2017 -

4
5 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
6 THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING
7 CHAPTER 2, ADMINISTRATION, ARTICLE II, CITY
8 COMMISSION, SECTION 2-33, MEETING TIME AND PLACE AS
9 PRESCRIBED, SECTION 2-34, PROCEDURE AND MEETINGS,
10 AND SECTION 2-38, DISTURBANCES AND DISORDERLY
11 CONDUCT, TO ESTABLISH REGULATIONS FOR ORDERLY
12 MEETINGS AND PUBLIC PARTICIPATION; REQUIRING THE
13 OBSERVANCE OF DECORUM; PROVIDING FOR REMOVAL
14 FROM MEETINGS; PROVIDING FOR CONFLICT; PROVIDING
15 FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND
16 PROVIDING AN EFFECTIVE DATE.
17

18 WHEREAS, the Mayor and City Commission as the duly elected governing body for the
19 City of Hallandale Beach, Florida hold regularly scheduled public meetings to discuss, review
20 and act upon items of concern and conduct the business of the City; and
21

22 WHEREAS, the Mayor and City Commission desire to establish its policy in support of
23 open and participatory government while conducting business in an efficient and orderly
24 manner; and
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26 WHEREAS, certain behaviors, language and outbursts may intimidate other members of
27 the public from speaking and participating in the City's governance; and
28

29 WHEREAS, during the first public reading of the proposed ordinance the City
30 Commission publicly approved several minor, non-material, amendments as reflected below;
31 and
32

33 WHEREAS, the Mayor and City Commission find that it is in the best interest of the City
34 of Hallandale Beach to adopt regulations, provide for public notice of the rules of decorum and
35 establish a process for addressing individuals found to be out of order.
36

37 NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF
38 HALLANDALE BEACH, FLORIDA:
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SECTION 1. Chapter 2 Administration of the Code of Ordinances of the City of Hallandale Beach, Florida is hereby amended to read as follows:

Sec. 2-33. - Meeting time and place as prescribed.

~~The commission shall meet at such time and place as may be prescribed by resolution. All meetings of the commission shall be public.~~

(a) Regular. The commission shall meet at such times and places as shall be specified by resolution. All meetings, formal or informal, of the city commission, all committees and all boards, elective or appointive, administrative or advisory, shall be conducted in open session; and the press and public shall be permitted to attend any of such meetings.

(b) Special. Special meetings may be held on the call of the mayor or of a majority of the members of the commission, and whenever practicable, upon no less than 12 hours' notice to each member and the public.

(c) Workshop. In addition to regular and special meetings, the mayor or the commission, by a majority vote, may decide to hold workshop meetings for information on and discussion of municipal and related matters, which meetings may be conducted like regular meetings; except that no resolution or ordinance may be adopted at a workshop meeting.

(d) Organization. Following the regular city election and certification by the supervisor of elections, or as soon as may be practicable thereafter, if there has been a disputed election, the commission shall call a meeting at the city hall, at which time the newly elected commissioners shall assume the duties of their offices. No regular meeting shall be held until results are certified by the supervisor of elections.

Sec. 2-34. - Procedure and meetings.

~~(a) Organization. Following the regular city election and certification by the supervisor of elections, or as soon as may be practicable thereafter, if there has been a disputed election, the commission shall call a meeting at the city hall, at which time the newly elected commissioners shall assume the duties of their offices.~~

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~~(e) Rules and journal. The commission shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. The journal shall be a public record.~~

~~(f)(a) Voting. Voting on ordinances and resolutions shall be by a rolling randomized roll call and shall be recorded in the journal. A majority of the commission shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission. No action of the commission, except as otherwise provided in the preceding sentence and in Charter § 3.09(3), shall be valid or binding unless adopted by the affirmative vote of the majority of the commission.~~

(b) Presiding Officer and Sergeant-at-Arms.

(1) The presiding officer of the City Commission shall be the Mayor or, in the Mayor's absence, the Vice Mayor. In the absence of both the Mayor and the Vice Mayor, a temporary presiding officer shall be selected by seniority of office of those commissioners present. The presiding officer shall preserve order and decorum at all regular and special meetings of the City Commission and shall have the authority to regulate irrelevant debate, repetitious discussion and disruptive behavior at a public meeting. The presiding officer shall decide all questions of order and decorum, subject, however, to an appeal of said decision forthwith by a member of the City Commission, in which event a majority vote of the City Commission shall govern and conclusively determine such question of order or decorum.

(2) The chief of police, or his designee, shall be the sergeant-at-arms of the city commission meetings. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer, or the majority of the commission if an appeal has been taken, for the purpose of maintaining order and decorum in the city commission meeting. Upon instruction of the presiding officer, it shall be the duty of the sergeant-at-arms to take appropriate and lawful action to maintain the order and decorum of the meeting.

(c) Public Participation. The City Commission recognizes the importance of protecting the right of its citizens and taxpayers to express their opinions on the operation of City government and encourages citizen participation in the local government process. The City Commission also recognizes the necessity for conducting orderly and efficient meetings in order to complete City business in a

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, annoying, 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. Speakers may not address Commissioners by name and personal attacks against individual Commissioners, the Commission, the City Manager or Staff are prohibited.

f. Irrelevant, impertinent, or slanderous remarks. Speakers shall confine their comments solely to the agenda item being discussed or 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

165 the presiding officer or of a majority of the City Commission, shall
166 constitute a disturbance.

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

175 (5) Any person who becomes disruptive or interferes with the orderly
176 business of the commission may be removed from the commission
177 chambers or other meeting room for the remainder of the meeting and
178 may be arrested by the police chief, or designee, subject to F.S. §
179 810.08(1) or §871.01.

180 **Sec. 2-38. - Disturbances or disorderly conduct. Reserved.**

181 ~~In case of any disturbance or disorderly conduct, the presiding officer shall have~~
182 ~~the power to require the commission chamber to be cleared if necessary, or to~~
183 ~~expel any member of the audience causing such disturbance or disorderly~~
184 ~~conduct.~~

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186 *****

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

190
191 **SECTION 4. Severability.** Should any provision of this ordinance be declared by a court
192 of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a
193 whole, or any part thereof, other than the part declared to be invalid.

194
195 **SECTION 5. Codification.** It is the intention of the Mayor and City Commission that
196 the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such
197 intention the words "ordinance" or "section" may be changed to other appropriate words.

198
199 **SECTION 6. Effective date.** This Ordinance shall take effect immediately upon
200 adoption.

202 PASSED AND ADOPTED on 1st reading on May 3, 2017.
203 PASSED AND ADOPTED on 2nd reading on _____, 2017.
204

205 _____
206 JOY F. COOPER
207 MAYOR
208

209 SPONSORED BY: VICE MAYOR LONDON

210
211 ATTEST:
212

213
214 _____
215 MARIO BATAILLE, CMC
216 CITY CLERK
217

218 APPROVED AS TO LEGAL SUFFICIENCY
219 FORM
220

221
222
223 _____
224 JENNIFER MERINO
225 CITY ATTORNEY