

CITY OF HALLANDALE BEACH

PROTOCOL MANUAL

PROPOSED APRIL 3, 2019



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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.

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 City Commission and, once approved, placed on the next available agenda, or the designated agenda.

Recognition of persons or organizations at Commission meetings shall be placed on the agenda only after authorization from the City Commission. 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

A delegate and alternate to the Local, State and 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. When action is required of the delegate, the matter shall be presented to the City Commission for direction prior to any vote cast by the delegate. A delegate may cast votes on procedural, administrative, or other matters regarding policy previously set by the commission without prior City Commission approval but must report action taken during Commissioner Communications at the subsequent City Commission meeting.

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. Attendance by Commission members and the City Manager at Events not hosted by City

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.

E. Events Hosted by the City or for which any City Resources are Utilized

City resources are not expendable at the direction of any individual member of the Commission. If the City Manager or any member of the Commission wish to utilize any City resources for an event, City Commission approval, by motion, is required prior to the dedication or expenditure of any City resources.

City partnership in community, cultural or charitable events including financial or in-kind contributions are to be discussed and approved at the Commissioner's Communications portion of the agenda. Events approved by the City Commission to utilize City resources may be advertised

utilizing all City promotional mechanisms that do not incur additional costs, unless specific additional expenditures are authorized by Commission for promotion of the event. No promotional materials for any event utilizing City resources shall name any individual member of the commission. However, any members of the commission that desire to participate may be pictured in promotional materials, if such participation is deemed appropriate for promotional purposes by the City Manager.

The above requirements do not apply to:

- a. Community meetings hosted by individual members of the Commission in their official capacity. These meetings may be promoted utilizing any City promotional mechanism that does not incur additional costs and may be located, at no cost, in City venues otherwise available for public reservation or rental.
- b. Internal events held at the discretion and direction of the City Manager and within the City Manager's spending authorization.

City Commissioners may not request any employee of the City to volunteer or engage in any task relating to an event on their personal time. Opportunities for city employees to volunteer at charitable, community or cultural events may be communicated to employees only through the City Manager.

F. 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 vote of a majority of the commission, 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 Action Requests, described more fully below.

G. 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.

H. 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, , or state whether or not he or she is communicating in the Commissioner's individual 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.

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. Commissioners are required to provide due process to applicants and should not speak in a "personal" capacity in these meetings.

J. 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.

K. 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. All commemorative awards shall include the time period of service.

L. Commissioner Involvement in the City's Purchasing Process

Pursuant to Section 3.07(3) of the City Charter, the City Code, and the Broward County Code of Ethics, Section 1-19, the City Commission is prohibited from interfering with municipal operations of the City. The City Commission shall not be involved in the submittal or evaluation of bids, requests for proposals and other purchases, including 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.

M. 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 Lobbyist Registration Form/Oath to the City Clerk's Office.

Unless contacted by a City Commissioner, lobbyists shall cease all contact and communication with the City Commission within the period of time as stated in the lobbying provisions of the City Code

N. Commissioner Public Records Requests

Commissioners are entitled to make public records requests pursuant to Florida Statutes Chapter 119 in the manner and subject to all restrictions applicable to any member of the public. Public records requests are distinguished from requests for information as described below, even if a request for information involves the provision of relevant records. Requests for information are not subject to the provisions of public records laws. However, requests for information (CR) involving **primarily** the provision of records will be treated as a public records request if more than 15 minutes is required to respond to the request.

Commissioners electing to make a public records request must pay all costs associated with the request pursuant to the City's public records policy. City funds may not be utilized to pay for the costs associated with a public records request. The costs for public records requests made by any individual commissioner may be waived by a majority vote of the Commission.

O. Attendance by Phone at Commission Meetings

Members of the Commission may attend by phone only upon a vote by a majority of the commissioners present at any meeting. Members desiring to attend by phone shall notify the City Clerk prior to the Commission meeting. The City Clerk shall notify the commission after Roll Call that a commissioner desires to attend by phone. The commissioner shall state on the record the reason he or she is unable to attend in person and request authorization to attend by phone. No second shall be required. The Commission may vote by Voice count.

Attendance by phone is not permitted for Quasi-Judicial items.

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 Administration

There are three methods by which the City Commission may obtain information or request follow up action from the City Administration. 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 distinguished from public records requests.

I. Commission Approved Directives (CADs)

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.

II. Action Requests

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 action. These types of requests are known as “Action Requests” (ARs), occur during Commission Meetings and are the results of comments or questions or follow up actions related to actions approved by the city commission or policy discussed during discussion items. 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.

III. Commissioner Request

A request from an individual Commissioner is a “Commissioner Request” (CR) and is generally not made during a Commission meeting or does not relate to an agenda item. 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 a summary of invoices over a number of years. Operational requests shall be given priority over informational requests. Informational CRs may not require more than an hour of staff time to prepare. Requests requiring more than an hour of staff time to respond must be approved by majority vote of the commission. CR’s requiring primarily the production of records will be treated as public records requests.

C. 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.

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.

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. 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 settlement authority is reached.

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.

To require the drafting of Ordinances that will require more than (2) hours of research and preparation, or require coordination with Administration, 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. However, research requested by a Commissioner of the City Attorney that requires more than (4) hours must be approved by vote or consensus.

A Commissioner may request an ethical advisory opinion from the City Attorney in accordance with Broward County Code of Ethics.

The City Attorney may participate in the negotiation process for all transactions which involve more than \$50,000. The City Attorney shall partake in all negotiations in which the subject matter of a dispute could foreseeably lead to litigation.

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 periodic report to the Commission regarding the status of cases, notice of retainer of outside counsel for litigation, and a report on the work performed by the office upon request of any member of the Commission.

5. CITY COMMISSION/STAFF RELATIONS

A. Initiation of Staff Actions/Interference with Administration

In accordance with the City Charter, the Commission may initiate staff actions and requests for information only through the City Manager, meaning the request must be made to the City Manager and the City Manager determines if staff is necessary to fulfill the request. 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 inquiries and 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 Action Requests (ARs) to the City Manager.

A Commissioner may not ask and request information from staff regarding topics which are not part of that staff person's authorized work. Authorized work is activity approved or permitted by the City Manager/City Attorney or designee. Inquiries into matters other than authorized work constitute interference with administration prohibited by the City Charter.

Staff shall not initiate any action other than verbal responses without 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 to 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. Notification of Staff and City Awards

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

6. COMMISSION MEETING ISSUES

A. Procedures for Commission Meetings

Schedules for Commission meetings are set by motion of the Commission. For any issues of meeting procedure not otherwise directed in the City Charter, City Code or this manual, Robert's Rules of Order shall generally guide the Commission's meeting procedures. Failure to adhere to a procedural requirement of Robert's Rules of Order shall not be grounds to invalidate any action of the Commission that is otherwise lawful.

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 must abide by the Decorum requirements as described in the City Code.
2. Comments shall be limited to three minutes in duration, as may be extended at the discretion of the commission.
3. If the speaker desires to utilize any form of electronic media during their comments, the electronic media device must be provided to the city clerk at least seventy-two (72) hours prior to the meeting date at which they intend to utilize it. The device will be checked by the city to ensure the safety, decency, network security and compatibility with the City's electronic equipment.
7. Those not able to attend a meeting may submit comments electronically up to two (2) hours prior to the start of meeting; E-comments will not be read into the record by the City clerk but will be forwarded to Commissioners. Any Commissioner desiring to read emails or e-comments into the record will have three (3) minutes to do so, or may note that the comment was received by the City Clerk and is being placed on the record.

C. Prohibiting Commission Meetings on Holidays and Election Days

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

D. Limit on Deliberation and Communications

As indicated in Robert's Rules, each Commissioner may speak only twice on each item and only for a maximum of 10 minutes each time. Points of Clarification or Points of Order shall be limited only to asking of the question for clarification. This provision is not applicable to Quasi-judicial items and may be waived for other items by vote of a majority of the Commissioners present.

E. Reconsideration of Items

Unless otherwise directed by Florida Statute or City Code, any member of the Commission may make a Motion to Reconsider an item at the next regular City Commission meeting following the original vote on the item. This provision does not apply to quasi-judicial items. A Motion to Reconsider that is approved by a majority of the Commissioners present

places the item back on the table as if there had been no previous vote. No vote to reconsider can be approved by fewer than the number of Commissioners that previously prevailed on the item (e.g. if three commissioners previously voted YES on the item, at least three commissioners must approve the motion to reconsider the item, even if only three commissioners are present the meeting at which reconsideration is moved).

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 to be provided to the Commission for approval no more than 30 days after the meeting takes place.

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. For appointments designated to each commissioner, the Commissioner needs only to make the nomination. If there is no objection to the nomination, it is considered approved by the City Commission. If any Commissioner objects to the nomination, the Commission must vote by roll-call on the appointment. For "at-large" appointments, the Commission will open the floor to any nominations. If more than one person is nominated, the Commission will vote by having each Commissioner indicate the name of the candidate for whom the Commissioner is voting. The candidate receiving the vote of a majority of the Commissioners is appointed. If no candidate receives a majority of the votes, the Commission will vote again, considering only the two candidates that received the most votes in the previous vote. The City Clerk's Office shall forward through the City Manager applications received for consideration and the current openings for new appointments.

H. Commission Meeting Breaks

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

I. Matters unrelated to City Operations or Municipal Business

Agenda items requested by a Commissioner that do not directly relate to City policy, City operations, City expenditures or City Programs must be authorized by the City Commission before preparation. The City Manager/City Attorney shall determine whether a Commissioner requested item must first be approved by the Commission based on the subject matter of the item.

Items determined to not be directly related to city business as described above 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 prepare the requested item.

This requirement does not apply to items specifically relating to state or federal policy or legislation.

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. Whenever practicable, there shall be no less than twelve (12) hours notice to each Member and the public.

B. Executive Sessions

I. 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 Attorney 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.

II. Litigation

Executive Sessions are called by the City Attorney when necessary. Pursuant to Florida Statutes 286.011(8), the City Attorney may request an attorney-client Executive Session for the purposes of litigation to consider strategy and possible settlement of cases. The Litigation 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 for Litigation, 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.

III. Prohibition on Attending Remotely

No member of the Commission may call in to an Executive Session.

C. 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 direction 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. Preparation of Agenda Items Initiated by Members of the City

Commission

Agenda items requested by individual City Commissioners must be requested no later than fourteen (14) days prior to the meeting where the item will be placed on the agenda.

Agenda items requested by a City Commissioner that require extensive staff research or preparation time in excess of one hour 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. The timing of the placement of these items on a subsequent agenda will be at the determination of the City Manager and the City Attorney.

B. Consent Agenda

The City Commission Agenda may include a "Consent Agenda" where items are non-controversial matters as determined by the City Manager including, but not limited to, approval of bids for previously budgeted expenditures, 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 an item be removed from the Consent Agenda in which case, that item shall be separately discussed and voted upon.

C. Supplemental Agenda Items

Only emergency, time sensitive 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.

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. A continuance pursuant to this section cannot be requested after the application has been presented to the Commission.

F. “Commissioner Communications” Section of the Agenda

This section of the agenda shall be placed on all Regular Meeting Agendas and provide the opportunity for Commissioners to report on events they attended, or meetings held with outside agencies when acting as a City Commissioner or to request consensus for items as required by this manual.

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 any matters likely to come before the City Commission.

B. Resignations/Terminations of Advisory Board and Committee Members

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

11. COMMISSION CODE OF CONDUCT

A. Inappropriate Behavior

Commissioners shall refrain from insulting or making personal attacks, including attacks on family members, on fellow Commissioners and shall refrain from belittling or attacking 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, gender, or sexual orientation, 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 later of 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. 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.

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

All persons, including members of the Commission, are subject to removal pursuant to the provisions of Decorum as more specifically described in the City Code.

13. AMENDMENT AND ENFORCEMENT OF PROTOCOL MANUAL

A. Modifications to the Protocol Manual

The Protocol Manual may be amended by motion subject to the approval of a majority of all members of the Commission. Amendments will be reflected in the minutes and incorporated by the City Clerk in an edition marked as revised. A listing of the dates of all approved revisions shall be maintained within the protocol manual.

B. Enforcement 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. If a super-majority of the Commission determines that there is sufficient evidence to support the Motion for Censure, the Commissioner subject to the Motion shall forfeit his or her pay for his or her violation of the Protocol Manual in an amount determined by a majority of the Commission in a separate and subsequent Motion to set the Amount of Forfeiture, which will not exceed \$500 per occurrence of a violation.

The City Attorney shall advise the Commission solely with respect to the process for Censure and Forfeiture of pay. Once a Motion for Censure is made the City Attorney may not provide any legal advice with respect to the interpretation of the Protocol Manual, the sufficiency of the evidence or any other substantive issue relating to the alleged violation.

Subsequent to a Commissioner’s Censure and the setting of a forfeiture

amount, the City Clerk must prepare an order instructing the applicable departments to execute the directive of the Commission.

CITY OF HALLANDALE BEACH – PROTOCOL MANUAL

Last Revision approved by Commission on [Date].

Previous Revisions:
November 6, 2013