

1 EXHIBIT 1

2
3 ORDINANCE NO. 2019-

4
5 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
6 THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING
7 SECTIONS OF CHAPTER 2, ADMINISTRATION, ARTICLE II,
8 CITY COMMISSION, TO ADOPT AND CODIFY A COMMISSION
9 PROTOCOL MANUAL ESTABLISHING RULES FOR
10 COMMISSIONER CONDUCT, INTERACTIONS WITH CITY
11 ADMINISTRATION AND MEETING PROCEDURE; PROVIDING
12 FOR AMENDMENT AND ENFORCEMENT OF THE PROTOCOL
13 MANUAL; PROVIDING FOR CONFLICT; PROVIDING FOR
14 SEVERABILITY; PROVIDING FOR CODIFICATION; AND
15 PROVIDING AN EFFECTIVE DATE.
16

17 WHEREAS, the City Charter generally governs the role of the City Commission, the City
18 Manager and other City Officials; and
19

20 WHEREAS, the Mayor and City Commission desire to establish rules to govern the orderly
21 conduct of business during commission meetings, interactions with city administration in
22 accordance with the City Charter, proper use of City resources and the role of commissioners
23 when representing the City; and
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25 WHEREAS, the Protocol Manual was originally adopted in 1985, formally adopted by
26 Ordinance 2010-006 and periodically amended; and
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28 WHEREAS, in 2016 the City Commission radically reduced and attempted to rescind the
29 Protocol Manual by resolution; and
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31 WHEREAS, the proposed Protocol Manual attached as Exhibit A is updated and
32 streamlined to reflect the current status of the City and reflects the desires of the Commission to
33 standardize the expectations of commissioners, city officials and city staff for more effective and
34 efficient city governance.
35

36 WHEREAS, the Mayor and City Commission find that it is in the best interest of the City
37 of Hallandale Beach to adopt the attached protocol manual and codify the Protocol Manual as the
38 rules of the City Commission.
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40 **NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF**
41 **HALLANDALE BEACH, FLORIDA:**

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43 *****

44 **SECTION 1.** Chapter 2 Administration of the Code of Ordinances of the City of
45 Hallandale Beach, Florida is hereby amended to read as follows:

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47 *****

48 **Sec. 2-34. - Procedure and meetings.**

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

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

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

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

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

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

85 (d) Decorum and Disorderly Conduct.

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

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

108 (2) Unruly audience behavior such as applause, audible conversations,
109 booing, harassing remarks or other audience outburst will not be tolerated.
110 The City Commission is not allowed to consider such material and it
111 intimidates and takes time away from other speakers.
112

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED AND ADOPTED on 2nd reading on _____, 2019.

JOY D. ADAMS
MAYOR

SPONSORED BY: VICE MAYOR SABRINA JAVELLANA

ATTEST:

JENORGEN GUILLEN, CMC
CITY CLERK

195 APPROVED AS TO LEGAL SUFFICIENCY AND
196 FORM

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198
199

200 _____
JENNIFER MERINO
201 CITY ATTORNEY

202
203

FIRST READING VOTE ON ADOPTION

Mayor Adams _____
Vice Mayor Javellana _____
Commissioner Butler _____
Commissioner Lazarow _____
Commissioner Lima- Taub _____

FINAL VOTE ON ADOPTION

Mayor Adams _____
Vice Mayor Javellana _____
Commissioner Butler _____
Commissioner Lazarow _____
Commissioner Lima- Taub _____

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