

Date : February 12,2021

To : Dr Jeremy Earle, City Manger

From Joy Cooper, Mayor

Re: Suggested Protocol Changes

After my return to the commission, I have found some changes to our protocols do not add to our ability to govern with efficiency, respect to our individual privacy and respect to our titles. Below are some suggested amendments I am proffering for changes.

I addition the manual should be reviewed when it comes to the word “shall”. I learned recently and researched that many legal professionals are changing to the word “will” which makes intent clearer. I also suggest we remain sensitive to these terms when approving contracts with term such as will and may.

2A- 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. list of persons receiving a Key to the City shall be maintained by the City Clerk’s Office.

Our electors made changes to our charter to include a directly elected Mayor. Mayor while holding the same vote does carry a different weight and responsibility. Some changes to this manual like in this instance have undermined the authority of the Mayor/Chair and even with basic ceremonial nature of the tile.

The mayor should have authority to present proclamations and keys without direct approval of the commission. These items are ceremonial. Often, they are requested by agencies, groups , organization and sometimes to honor the death of a notably citizen. Some are requested and needed in a timely manner.

The commission should obviously be able to request the Mayor to provide a Proclamations via the clerk. They should not require a vote. They should be placed on the agenda automatically if requested, appropriate and not directly against previous voted commission policy. Those that are not approved by the City Clerk or City Manager can be noted and requested at the next meeting at the following meeting.

2C. 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)

2C - Should be amended to read :

2 C-Authority of the Mayor and Vice Mayor.

While there is a reference to the charter it should be added:

- 1. The Mayor serves as Chair and official presiding officer to conduct the business of the body All inquiries as to points of order and questions shall be done tru the chair according to Roberts Rules of Order. A member of the commission will be able to over-turn a ruling of the chair though Robert Rules of procedures of debate.**
- 2. In the absence of the Mayor from a meeting the Vice Mayor will have authority Chair .**

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.

All references to Commissioner should be “Mayor and Commissioners”.

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.

As Mayor or Commissioner, we Should add “or by the request of the CM or CA and require notification to the Commission and reported out at next meeting. “ This helps if there is an item, we are not aware of or during legislative session to be addressed.

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 as stated in the lobbying provisions of the City Code

Not sure if this is considered lobbying?

At best referrals of prospects for doing business with our city to the City Manager or City Attorney should be noted at the next available meeting.

N-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.

Not sure of the time frame? We should be able to gather and research all matters. This is a core to our service to provide oversight of all city matters. We are handcuffing our ability. If there is an objection by the City Manager to our auditing information or abuse of our access that creates a challenge to City Manager authority the city manager should be able to object and Mayor or Commissioner could then appeal to the body or rises to interference the CA should be writing an opinion. In essence we should not have to pay for doing our job and this places a burden on those that cannot pay.

O- 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

If a commissioner is unable to attend a commission meeting it should be presumed to be unavoidable for personal/private reasons. To grill or gag anyone of us is simply an evasion of privacy . If the Mayor or Commissioner choses to disclose it would be their choice

City Attorney

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 two (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.

It should be clear and added that the City Attorney review all agenda items, RFP's and contracts for legal sufficiency. This may be being done in practice, but it should also be made clear.

In addition, it should be clear that in the absence of the Attorney the Assistance City Attorney will have the responsibility to attend meetings and rule on legal matters.

C-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.

Report of all litigation and other legal matters should be made quarterly. Change periodic.

Commission Meetings

E- 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).

Reconsiderations- Should be requested immediately following next meeting but language should be added to insure after quasi-judicial and RFP's and contracts

they should be required to be placed on the next agenda and notified the effected parties

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.

Special Meetings of two or more Commissioners 24 hours required unless deemed an emergency by the City manager or City Attorney . All meetings should post and electrically notice to the Board and public.

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.

Should included after consensus or vote .

Suggested addition to 10 – Board and Committees

Inappropriate Behavior: 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.

E-mail and Other Communications communications to City employees or to others using City resources or under color of official City office will not be permitted nor 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. Members will be subject to Commission removal.

This language should be included under item 10 of the protocol manual Advisory Boards/Committees . 1

All members should provide proof of residency, address of home or business and contact information. Since members of boards and committees are making suggestion and recommendations on city business and policy the members should show commitment to our city, county state and national governments through a voter's ID. This is not mandated for business owners or part-time residents that are not nationalized citizens of the United States.

I look forward to our discussion of these items.