



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Planning Board Regular Meeting

**MEETING DATE** May 14, 2026

**SUBMITTED BY:** Leonard G. Rubin, Town Attorney

**SUBJECT:** Resolution adopting procedures for the initiation and adoption of Ordinances

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## **SUMMARY:**

An ordinance is an official legislative enactment of a municipality that establishes a permanent rule of conduct or law within the municipality's jurisdiction. While the legal requirements for the adoption of municipal ordinances are governed by state statute, the Town Commission seeks to adopt additional procedures for the initiation and adoption of Town ordinances. The Town Commission's intent is to ensure that members of the public are adequately notified of all pending ordinances and ensure full public participation in the ordinance adoption process. Therefore, in addition to the statutory requirements of Section 166.041, Florida Statutes, the Town Commission is proposing the following procedures:

*Initiation:* A new ordinance may be initiated by the Commission, Town Staff, one of the Town's advisory boards, resident concerns expressed through public comments, or in response to state or federal actions or requirements.

*Introduction:* All proposals for a new ordinance shall first be presented to the Commission. If approved in concept, the Commission shall direct Staff to create a draft ordinance and may assign one of its members as the ordinance sponsor.

*Advisory Board Recommendation:* The Commission may forward the draft ordinance to one or more of its advisory boards, as appropriate or as required by law (amendments to the Town's land development regulations must be considered by the Planning Board at a public hearing). The advisory board(s) shall review the ordinance, proposed modifications, and provide a final recommendation to the Commission.

*First and Second Reading:* State law requires two readings before the Town Commission prior to adoption of an ordinance. At first reading, the Commission shall hear public comments and discuss the merits of the ordinance, along with any advisory board recommendations. The Commission may either adopt the ordinance on first reading or send it back to staff and/or the advisory board(s) for modification or additional research. Once approved on first reading, the Commission shall conduct a noticed public hearing on second reading. Once the public hearing and Commission discussion is complete, the Town Commissions may vote to approve

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and adopt the ordinance. The ordinance may be modified between first and second readings so long as the modifications do not materially alter the substance of the ordinance.

*Implementation:* Once the ordinance is adopted, it shall be implemented by Town Staff.

While the Town Commission's intent is full public participation, the Commission does reserve the right to waive the non-statutory requirements under particular circumstances. Furthermore, the Town's failure to follow the requirements of the Resolution shall not render any ordinance invalid so long as all statutory requirements are satisfied.

While the Town Commission has discussed this Resolution at a number of meetings, it is seeking input from the Town's advisory boards prior to final adoption.

Please note that this initiative aligns with the Town Commission's 2024-2025 Strategic Priorities Plan, specifically Strategic Priority SP:22 – Evaluate Ordinance Development Process.

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**FISCAL IMPACT:**

There is no fiscal impact.

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**ATTACHMENTS:**

Proposed Resolution and Ordinance Process Flowchart

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**RECOMMENDATION:**

Town Staff seeks the Board's input on the proposed ordinance adoption procedure and any proposed revisions.