

RESOLUTION 2024-21

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING THE PUBLIC PARTICIPATION RULES AND POLICIES AND GENERAL MEETING PROCEDURES TO ADOPT RULES OF DECORUM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through the adoption of Resolution 2022-12, the Town Council adopted Public Participation Rules and Policies and General Meeting Procedures applicable to meetings of the Town Council, the Planning and Zoning Board, and other Town boards and committees; and

WHEREAS, while Section 286.0114, Florida Statutes, requires that any municipal board or commission give members of the public a reasonable opportunity to be heard on a proposition before the board or commission, with certain exceptions, Section 286.0114(2), Florida Statutes, specifically provides that the right of public participation does not prohibit a municipal board or commission "from maintaining orderly conduct or proper decorum in a public meeting; and

WHEREAS, numerous court decisions have upheld the right of legislative bodies to regulate decorum at public meetings, holding that meetings of legislative bodies are limited public forums, thereby allowing the legislative body to enact content-based restrictions on speech so long as they are reasonable, viewpoint-neutral, and consistently enforced; and

WHEREAS, the Town Council wishes to amend the Public Participation Rules and Policies and General Meeting Procedures to incorporate rules of decorum for public meetings; and

WHEREAS, the Town Council determines that the adoption of this Resolution is in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, as follows:

Section 1. The foregoing recitals are ratified and incorporated herein.

Section 2. The Town Council hereby amends the Public Participation Rules and Policies and General Meeting Procedures to incorporate rules of decorum, a copy of the revised document is attached hereto and incorporated herein (additional language is underlined and deleted language is ~~stricken-through~~).

Section 3. All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 4. If any section, paragraph, sentence, clause, phrase, or word of this Resolution is for any reason held by a court of competent jurisdiction to be

unconstitutional, inoperative or void, such holding shall not affect the remainder of the Resolution.

Section 5. This Resolution shall take effect immediately upon its adoption.

RESOLVED AND ADOPTED this 13th day of November, 2024.


Peggy Wheeler, Mayor

ATTEST:


Caitlin E. Copeland-Rodriguez, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


Leonard G. Rubin, Town Attorney

TOWN OF JUNO BEACH

PUBLIC PARTICIPATION AND DECORUM RULES AND POLICIES AND GENERAL MEETING PROCEDURES

A. Public Participation

The Town of Juno Beach welcomes comments from the public, and all members of the public shall be given a reasonable opportunity to make general comments and be heard on items placed on the agenda at any public meeting, subject to the rules and policies set forth herein.

B. Applicability

These rules shall apply to all public meetings of the Town Council, the Planning and Zoning Board and any other Town board or committee. Additionally, in accordance with Section 286.0114(3)(a-d), Florida Statutes, the **right of public participation** shall not apply to the following:

1. An official act that must be taken to deal with an emergency situation affecting the public health, safety and welfare if compliance with these rules and policies would cause an unreasonable delay in the ability of the Council or Board to act;
2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
3. A meeting that is exempt from Section 286.011, Florida Statutes ("Government in the Sunshine Law") including, but not limited to, attorney-client sessions and collective bargaining strategy sessions; and
4. An item during which the Council or Board is acting in a quasi-judicial capacity, during which different rules and timeframes may be applicable.

C. Public Participation Rules

1. Each speaker shall be given an opportunity to speak for three (3) minutes during the public comment portion of the meeting or to address a particular agenda item. This time may be extended by the presiding officer; however, speakers may not yield their allotted time to another speaker.
2. All speakers are recommended to complete a comment card, indicating whether they wish to speak during the public comment portion or address a specific agenda item, and hand the comment card to the Town Clerk. Any person wishing to participate electronically shall contact the Town Clerk no later than noon on the day of the meeting to receive the log in instructions.

3. When called to speak by the presiding officer or Town Clerk, the speaker shall step up to one of the podiums. Speakers participating electronically shall be notified by the Town Clerk when to begin speaking. Each speaker shall identify him or herself by name and address. The speaker shall state if he or she is speaking on behalf of a group or organization and identify the group or organization.
4. Any person wishing to address an item not on the agenda or on the consent agenda shall speak under the public comment portion of the meeting. Members of the Council or Board may withhold comment or address the comment during the Board or Council member comment portion of the agenda. The Council may request that the Town Manager take action on requests or comments made by members of the public.
5. There is no right to public participation at a workshop session. Public participation during workshop sessions may be permitted at the discretion of the Council or Board. The Council or Board shall determine whether public comment will be taken at the time the workshop meeting is scheduled.

D. Decorum Rules

1. All Town meetings shall be conducted in an orderly and businesslike manner. All participants and attendees shall be treated with respect.
2. The Town shall adhere to the following norms of civility:
 - a. A person who has the floor shall be permitted to speak without interruption, whether by other participants or attendees, unless interrupted by the presiding officer pursuant to subsection E below.
 - b. Speakers shall refrain from impertinent or slanderous comments, defined as comments that are immaterial to official Town business and which tend to impugn the reputation of the person about whom the comment is made.
 - c. A speaker's tone of voice and word choice shall be appropriate for a formal, civic meeting. The use of gratuitous profanity or the making of abusive or threatening comments shall not be tolerated.
 - d. No person shall engage in disruptive behavior, such as calling out from the audience, clapping, booing, or whistling.

E. Enforcement of Procedural Rules

1. Should the presiding officer determine that a rule of procedure has been violated, the presiding officer may interrupt the meeting and give the violator a verbal

warning to cease such conduct. The presiding officer may inform the violator that any subsequent violations may result in his or her removal from the meeting.

2. Following the issue of a verbal warning, should the presiding officer determine that a rule of procedure has again been violated by the same person at the same meeting, the presiding officer may direct the violator to leave the meeting. In the event the violator is requested to leave and refuses, the presiding officer may recess the meeting and direct Town law enforcement personnel to assist.
3. Any determination by the presiding officer regarding enforcement of a rule of procedure may be overruled by a majority of the Council or Board members present at the meeting.

F. General Meeting Procedures (Motions and Debate)

1. With the exception of quasi-judicial matters, items before the Council or Board shall be commenced by the presentation by a member of Staff (unless the item is initiated by a Council or Board member), followed by public comment. Once the presiding officer closes public comment, public comment shall not be reopened unless reopened by the presiding officer or by majority vote of the Council or Board. After the discussion of the item by the Board or Council, the presiding officer shall call for a motion and second on the item. Once any discussion on the motion has concluded, the presiding officer shall call for a vote on the motion. A roll call vote may be requested by any Council or Board member.
2. The presiding officer may only make or second a motion by passing the gavel to the next highest officer of the Council or Board, or in the absence of such person, another member of the Council or Board.
3. When engaging in debate or discussion, a Council or Board member shall address the presiding officer and await recognition before speaking. No Council or Board member shall speak a second time on the same item or motion so long as another Council or Board member who has not spoken wishes to speak.
4. Motions may be withdrawn and modified by the maker (with the consent of the member who seconded the motion) at any time prior to a vote. At any time during the discussion/debate of a motion, a Council or Board member may make a motion to amend. If the motion to amend is seconded, the Council or Board shall first vote on the motion to amend and then vote on the original motion (as may be amended).
5. No member of the Council or Board who is present at any meeting at which an official action is taken may abstain from voting except when there is a possible conflict of interest pursuant to Chapter 112, Florida Statutes, or the Palm Beach County Code of Ethics. In such cases, the Council or Board member shall comply with all applicable disclosure requirements.

6. A motion that receives a tie vote fails. The failure of a motion in the negative (such as a motion to deny) shall not constitute an approval.