

RESOLUTION NO. xx-2023 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE RULES OF PROCEDURE FOR LAKE WORTH BEACH CITY COMMISSION; REPEALING ALL RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in 2004, the City Commission adopted rules of procedure for City Commission meetings, which have been amended for a variety of reasons over time (see Resolutions 05-2004, 26-2006, 48-2007, 49-2007, 32-2008, 06-2009, 33-2009, 04-2011, 14-2011, 05-2012, 17-2012, 09-2013, 56-2013, 59-2015, 26-2017, 46-2018, 25-2021, 08-2022 and 81-2022); and,

WHEREAS, the City Commission desires to amend its rules of procedure as reflected herein; and

WHEREAS, the City Commission finds the revisions to the City Commission's rules of procedure as set forth in this Resolution are necessary to maintain orderly conduct of all City Commission meetings and serve a valid public purpose.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1. The foregoing recitals are hereby incorporated into this Resolution as true and correct statements.

Section 2. The City Commission's adopted Rules of Procedure for the Lake Worth Beach City Commission are amended as follows (added language is underlined and deleted language is struck-through):

RULES OF PROCEDURE
LAKE WORTH BEACH CITY COMMISSION

RULE 51 |
SCHEDULING OF MEETINGS AND WORK SESSIONS

- (1) Regular meetings of the City Commission shall be held on the first and third Tuesday of each month, in the Commission Chambers, at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida, and beginning at 6:00 P.M.

If a regular meeting date falls on a holiday, the meeting shall be held in the Commission Chambers, at City Hall as soon as reasonably possible following the holiday, beginning at 6:00 P.M.

The City Commission shall cancel not more than one regular meeting in any month.

- (2) Utility meetings of the City Commission, which shall include matters regarding the City's Electric Utility and Water Utilities, shall be held on the last Tuesday of

each month, in the Commission Chambers, at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida beginning at 6:00 P.M. If a Utility meeting date falls on a holiday or conflicts with the need for a Regular or special meeting of the City Commission, the Utility meeting may be re-scheduled to another date ideally during the last week of the month or the Utility meeting may be cancelled. Utility matters may be heard at regular and special meetings of the City Commission. Except as set forth herein, the Utility meetings shall follow the same format, procedure and have the same rules of procedure as a regular meeting of the City Commission.

- (3) A special meeting of the City Commission to canvass ballots shall be held as required by the City Charter. Other special meetings may be called by a majority of the members of the City Commission or by the Mayor. Notice of special meetings shall be given to each Commissioner¹ and to the public at least twenty-four (24) hours in advance except for emergency meetings. If the Mayor or a member of the Commission is absent from the City or otherwise beyond reach of actual notice, failure to give such notice shall not prevent the convening of the special meeting. The City Commission may act on any matter presented at the special meeting unless prohibited by the City Charter or by rules established by the City Commission and public participation shall occur consistent with these Rules and applicable law. Special meetings shall be held in the Commission Chambers or Commission Meeting Room at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida, or at such other location within the City as may be designated in the notice of the special meeting, beginning at a time to be specified in the notice of the special meeting.
- (4) Work Sessions of the City Commission may be called by a majority of the members of the City Commission or by the Mayor, and any matter may be discussed or studied at a work session. Any matter ~~that appears likely to take discussed by the City Commission for more than~~ thirty (30) minutes shall be ~~discussed or studied at a~~ moved to a work session ~~prior to official action of the City Commission,~~ unless this requirement is waived by a majority vote. No official action of the City Commission shall be taken at a work session and no public participation shall occur. All work sessions shall end at 10:00 P.M. At 10:00 P.M., the City Commission shall cease further discussion on the business on the table and, upon a majority consensus of the City Commission present, determine whether to (1) adjourn the meeting; or (2) extend the meeting and continue to conduct the meeting until 11:00 PM. All meetings shall adjourn automatically at 11:00 PM.
- (5) "District Public Forums" may be held by the City Commission on a quarterly basis beginning in October 2021, one to be held in each district of the City on a rotating basis. Notice of such meetings shall be posted no less than 14 days before each meeting. No official action shall be taken at these meetings.
- (6) All regular and special meetings shall end at 10:00 P.M. At 10:00 P.M. the City Commission shall cease further discussion on the business on the table and, upon a majority vote of the City Commission present, determine whether or not to (1) adjourn the meeting; or (2) extend the meeting and continue to conduct the meeting until 11:00 PM. All meetings shall adjourn automatically at 11:00 PM.

Rule 1 is exempt from the provisions of Rule 11 Amendment or Waiver of Rules and shall not be waived, except where such waiver is expressly permitted in paragraph (4) of Rule 1 (regarding the 30 minute limitation on discussions), and shall only be amended by resolution.

RULE 2 QUORUM

A majority of the City Commission shall constitute a quorum; a smaller number may adjourn a meeting or recess a meeting to a time certain. No ordinance, resolution, or motion shall be adopted except by the affirmative vote of at least three members of the City Commission.

RULE 3 ~~ABSENT-MEMBER PARTICIPATION BY TELEPHONE CONFERENCE~~

~~(a) Up to two (2) members of the City Commission, who are physically absent due to extraordinary circumstances, may participate through electronic means in a City Commission work session or meeting and vote in a meeting if a quorum of the Commission is physically present at the meeting or work session location.~~

~~(b) Pre-agenda Work Sessions may be conducted via Zoom.~~

RULE 4 DUTIES AND RESPONSIBILITIES OF THE "CHAIR"

- (1) The Mayor shall be the presiding officer of the City Commission, and shall be referred to as the "Chair" when sitting in that capacity. In case of the absence or the disability of the Mayor, the Vice Mayor shall assume the responsibilities of the presiding officer, and if both are absent or disabled, the Vice Mayor Pro Tem shall preside.
- (2) The Chair shall preserve order. The Chair may call to order any member of the Commission and any member of the public who shall violate any of these rules or otherwise disrupt the orderly proceeding of the meeting. The Chair shall decide all questions of order subject to a majority vote on an appeal of the decision.
- (3) The Chair shall recognize all Commissioners who seek the floor while entitled to do so.
- (4) The Chair shall not make or second a motion.

RULE 5 ORDER OF BUSINESS

- (1) The order of business for a regular meeting shall ordinarily be:
 1. Roll Call
 2. Invocation or Moment of Silence

3. Pledge of Allegiance
4. Agenda-Additions/Deletions/Reordering
5. Presentations
6. Commission Liaison Reports and Comments
7. City Manager's Report
8. City Attorney's Report
- ~~8~~9. Public Participation on Non-Agendaed Items and Consent Agenda
- ~~9~~10. Approval of Minutes
- ~~10~~11. Consent Agenda
- ~~11~~12. Public Hearings
- ~~12~~13. Unfinished Business
- ~~13~~14. New Business
14. City Attorney's Report
15. Upcoming meetings and work sessions
16. Adjournment

- (2) The order of business may be revised by a majority vote.
- (3) ~~Matters may be placed on the agenda by the Mayor, any Commissioner, the City Manager, or the City Attorney, in adherence to the agenda submission deadlines.~~

~~(4)~~ (3) Except for matters advertised for public hearing, any matter may be removed from an agenda by the person who placed it on the agenda or by a majority vote.

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~~(5)~~(4) When a matter comes before the Commission that directly affects one election district, the Commissioner from that district shall have the privilege of both expressing his or her views and making a motion on that matter first.

~~(6)~~(2) ~~Matters may be placed under Presentations by the Mayor, any Commissioner or the City Manager, in adherence to the agenda submission deadlines.~~

~~(7)~~(5) The Invocation or Moment of Silence shall be offered by the Mayor or a member of the Commission on a rotating basis. The Mayor or Commissioner whose turn it is to deliver the invocation or moment of silence may designate another individual to deliver the invocation on their behalf. Any individual who delivers the invocation shall not denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion. Any individual who delivers the invocation is encouraged to be respectful in tone.

**RULE 6
DEBATE OF MOTIONS; VOTING**

- (1) When debating or discussing a motion, a Commissioner shall address the Chair and await recognition before speaking. The Commissioner making a motion is entitled to the floor first for debate. No Commissioner is entitled to the floor a second time on the same motion as long as any other Commissioner who has not spoken on the issue desires the floor.

- (2) Motions and amendments can be withdrawn or modified by the maker at any time prior to the Chair's stating the question on the motion; after that time, the permission of the Commission majority must be obtained. The Chair cannot close debate as long as any member who has not exhausted his right to debate desires the floor.
- (3) Members of the public are permitted to participate upon opening of the floor for public comment by the Chair during Public Participation on Non-Agendaed Items and Consent Agenda (No. ~~8-9~~ above) and during each item of Public Hearing (No. ~~11-12~~ above), Unfinished Business (No. ~~12-13~~ above), and New Business (No. ~~13-14~~ above). The time shall be limited to three (3) minutes per public participant for Public Participation on Non-Agendaed Items and Consent Agenda (No. ~~8-9~~ above). The time shall be limited to two (2) minutes per public participant on all issues of Public Hearing (No. ~~11-12~~ above), Unfinished Business (No. ~~12-13~~ above), and New Business (No. ~~13-14~~ above). During a public hearing, the presentations shall be limited to ten minutes each but the time may be extended to permit questioning. Online comments will be posted on the website upon submission. ~~The first ten City Clerk will read -comments submitted online for a maximum of 30 minutes for each item will be read by the City Clerk. There shall be a tally of the comments for, against or undecided when more than ten comments have been submitted for an item.~~
- (4) A member of the audience who speaks to the City Commissioner may be questioned for additional information, but Commissioners shall not engage in debate with a member of the audience. Members of the audience may ask questions but may not compel a Commissioner, the City Manager, or the City Attorney to answer questions during a meeting.
- (5) The Chair shall restate all motions before the vote is taken.
- (6) A tie vote shall constitute a continuance of the item to the next regular meeting, but upon a tie vote on the same item at the next meeting, the item shall not be rescheduled except upon the request of the City Manager, the City Attorney, the Mayor or a Commissioner.
- (7) The failure of a motion stated in the negative shall not be deemed an affirmative action. For example, the failure of a motion to deny shall not constitute an approval.
- (8) During a presentation, the presenter shall have ten minutes to make his or her presentation but the time may be extended to permit questioning of the presenter.

**RULE 7
NON-DEBATABLE MOTIONS**

The following motions are not debatable:

To adjourn;
To lay on the table;
To take from the table;
To divide a question;
To close or re-open nominations;
To take a recess;
A point of information;
An appeal of a decision of the Chair;
The previous question.

**RULE 8
RECONSIDERATION**

Any member of the Commission may move to reconsider any action of the Commission provided that new relevant information is presented to the Commission and the motion be made by the next regular Commission meeting. No motion to reconsider shall be made more than once on any subject or matter.

**RULE 9
COMMISSION MINUTES**

Copies of the minutes of the regular meetings shall be furnished, when possible, at least five days prior to the next regular meeting. Such minutes shall stand confirmed at the regular meeting of the Commission without the reading thereof in open meeting unless some inaccuracy or error is pointed out by some member of the Commission present, and in such event, an appropriate correction shall be made. ~~Upon request, the City Manager will cause the City Clerk to provide any Commissioner with access to Commission meeting recordings or transcribed excerpts of City Commission meetings.~~ No member shall suggest to the City Clerk any revision in minutes of meetings before the same shall have been submitted to the full Commission for approval, unless specifically requested by the Clerk to make clarification. The minutes shall be Action Minutes with a time stamp for each item corresponding to the video recording.

**RULE 10
ADOPTION OF ROBERT'S RULES OF ORDER**

Robert's Rules of Order, Newly Revised, are adopted as the rules of procedure of the City Commission, but such Rules shall not take precedence over any provision of Florida law, the City Charter, an ordinance or resolution of the City, or these rules, which shall govern in the event of conflict. A failure to comply with Robert's Rules of

Order or these rules shall not affect the validity of any action taken by the City Commission.

RULE 11 AMENDMENT OR WAIVER OF RULES

These rules of procedure may be amended or waived by a majority vote, provided that no such amendment shall conflict with any applicable provision of Florida law, the City Charter, or an ordinance of the City.

RULE 12 AGENDA PROCEDURES

~~(1) Matters may be placed on the agenda by the Mayor, any Commissioner, the City Manager, or the City Attorney, in adherence to the agenda submission deadlines.~~

~~(2) Matters may be placed under Presentations by the Mayor, any Commissioner or the City Manager, in adherence to the agenda submission deadlines.~~

~~(3)~~ Agenda submittal deadline: The deadline for submitting items for inclusion on an agenda shall be no later than 12:00 PM on Friday of the week prior to the deadline for distributing the final agenda.

~~(24)~~ Agenda distribution deadline: The deadline for distributing a final agenda with supporting documents shall be no later than ~~Thursday~~Friday, two (2) weeks prior to a regularly scheduled City Commission meeting.

For all special or work session City Commission meetings, the agendas with supporting documents will be distributed consistent with the timeframe referenced above.

~~(3)~~ ~~(5)~~ Amendment to agenda: There shall be no additions to a distributed City Commission agenda unless the matter is deemed to be an emergency.

In the case of an emergency, any person or City Commissioner requesting an addition to the distributed City Commission agenda must do so in writing, provide written justification for the emergency within the narrative of an agenda memorandum, and include supporting backup material to the City Manager no later than ~~54~~4:00 PM the Friday before a regularly scheduled Commission meeting.

The name of the person or City Commissioner requesting the addition shall be placed with the agenda item to be presented. The written justification and

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supporting backup material shall be submitted to the City Commission prior to a regularly scheduled Commission meeting.

At the beginning of the City Commission meeting, the City Commission shall review the emergency and, in its discretion, will determine whether it will accept, review and take action on the addition requested.

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**RULE 13
PRESERVE ORDER**

Intentionally deleted and reserved for future consideration.

**RULE 14
DECORUM FOR CITIZEN PARTICIPATION**

In support of and respect for an open, fair and informed decision-making process, the City Commission and Administration recognize that:

- (1) Civil, respectful and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and
- (2) Un-civil discourse and/or discourteous and inappropriate behavior have a negative impact on the character and productivity of the decision-making process.

In an effort to preserve the intent of open government and maintain a positive environment for citizen input and Commission decision-making, the following Rules of Decorum for Citizen Participation have been established.

Compliance with these rules is expected and appreciated. The Rules of Decorum for Citizen Participation will be referenced in the agenda. A written list of the Rules of Decorum for Citizen Participation will also be printed and mounted upon the walls of the Commission Chamber and Conference Room and referenced on comment cards utilized in the Commission Chamber.

- (1) Speakers will conduct themselves in a civil and respectful manner at all times.
- (2) Speakers will address the Chair.
- (3) Speakers will state their names and addresses for the record at the beginning of their comments.
- (4) Questions to Commission members or City staff will be facilitated by the Chair.
- (5) Speakers will refrain from the use of obscene language, "fighting words" likely to incite violence from the individuals(s) to whom the words are addressed or other language that is disruptive to the orderly and fair progress of discussion at the meeting.
- (6) Members of the audience shall refrain from making comments of a personal nature regarding others.
- (7) Name-calling and/or obscenity is forbidden.
- (8) Shouting, yelling or screaming is forbidden.

- (9) Commission Work Session or Public Hearing attendees (audience) will refrain from commenting, shouting, booing, clapping, stomping feet or other inappropriate and/or disruptive behavior. Brief clapping is permissible at the end of a speaker's comments.

It is the intent of the City Commission to maintain order and enforce the Rules of Decorum for Citizen Participation for all meetings. Disregard of these rules will be met with the following consequences:

- (1) The Chair will identify out loud the out-of-compliance behavior and request for the behavior to stop;
- (2) The Chair will ask the speaker to have a seat if he/she continues to disrupt the meeting;
- (3) If the speaker refuses to have a seat, the Chair will recess the meeting; and
- (4) Will instruct a law enforcement officer to instruct the speaker to stop the disruptive conduct and escort the speaker out of the meeting venue.

Section 3. All resolutions in conflict herewith are hereby repealed.

Section 4. This resolution shall become effective upon its adoption.

The passage of this resolution was moved by ~~Vice Mayor McVoy~~ Commissioner _____ seconded by Commissioner ~~Malega~~ _____, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch	<u>AYE</u>
Vice Mayor Christopher McVoy	<u>AYE</u>
Commissioner Sarah Malega	<u>AYE</u>
Commissioner Kimberly Stokes	<u>AYE</u>
Commissioner Reinaldo Diaz	<u>AYE</u>

The Mayor thereupon declared this resolution duly passed and adopted on this ~~18th~~ _____ day of ~~October~~ _____, 20223.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk