

Loxahatchee Groves Town Council Training

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Florida Statutes

Public Records

- Chapter 119 – all records made and received regarding Town business
- Includes texts and social media posts and messages related to Town business regardless of device or account
- Don't email, text, or post anything you wouldn't say in a public meeting or want printed in the newspaper
- Retention requirements

Sunshine

- Chapter 286 – prohibits discussion between Council Members regarding Town business outside a noticed public meeting
- Includes prohibition of discussion via phone, text, and social media

Ethics

- Chapter 112 – regulates voting conflicts, gifts, reporting, business relationships
- Supplemented by Palm Beach County Code of Ethics, Chapter 2, Article XIII of the Palm Beach County Code of Ordinances

Palm Beach County Code of Ethics

Conflicts

- Public Officials shall NOT:
 - Use the public office or position to take or fail to take any action, or influence others to take or fail to take any action, or attempt to do these things in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public or the listed persons or entities
 - Use or attempt to use the public office or position, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for the public official or others
 - Enter into any contract or other transaction for goods or services with the Town
 - Includes the public official's outside employer or business and any person, agency or entity acting for the Town
 - Accept, directly or indirectly, travel expenses from a contractor, vendor, service provider, bidder or proposer
 - Agree to pay or give a contingency fee to another person
- Public Officials shall declare voting conflicts of interest, abstain from voting or participating in discussion on such matters, and file Form 8B

Palm Beach County Code of Ethics

Conflicting Relationships

- Self
- Spouse, domestic partner, household member, dependents
- Sibling, step-sibling, child, step-child, parent, step-parent, niece or nephew, uncle or aunt, grandparent, or grandchild
 - of self, spouse or domestic partner
 - or the employer or business of any of these people
- Outside employer or business of self, spouse or domestic partner or someone known to public official to work for such employer or business
- Customer or client of the public official or outside employer or business
- Substantial debtor or creditor of public official, spouse or domestic partner
- Civic group, union, social, charitable, or religious organization, or other organization of which the public official, spouse or domestic partner is an officer or director

Palm Beach County Code of Ethics

Gifts

- ▶ Public Officials shall NOT:
 - ▶ Knowingly solicit or accept, directly or indirectly, any gift of value greater than \$100 in the aggregate for the calendar year from any person or business entity that the public official knows or should know with the exercise of reasonable care, is a vendor, lobbyist or principal or employer of a lobbyist who lobbies, sells or leases to the Town
 - ▶ Knowingly solicit a gift of any value from any person or business entity that the public official knows, or should know with the exercise of reasonable care, is a vendor, lobbyist or principal or employer of a lobbyist who lobbies, sells, or leases to the Town where the gift is for the personal benefit of the public official or any relative or household member
 - ▶ Accept or agree to accept a gift from a person or entity, because of:
 - ▶ An official public action taken or to be taken or which could be taken
 - ▶ A legal duty performed or to be performed or which could be performed
 - ▶ A legal duty violated or to be violated or which could be violated
- ▶ Public Officials shall report gifts in excess of \$100

Palm Beach County Code of Ethics

Anti-nepotism

Public Officials shall NOT:

- Appoint, employ, promote, advance, or advocate appointment, employment, promotion or advancement in or to a position in the Town any individual who is a relative or domestic partner of the public official
- Exception in municipalities with less than 35,000 population for appointments to boards other than those with land-planning or zoning responsibilities
- Excludes volunteers providing emergency medical, firefighting, or police services

Training

- Required by State of Florida
<http://www.ethics.state.fl.us/Training/Training.aspx>
- The training must include:
 - Article II, Section 8 of the Florida Constitution
 - Part III, Chapter 112, Florida Statutes (Code of Ethics)
 - Public Records
 - Public Meetings (Sunshine Law)
- Required by Palm Beach County
http://www.pbcgov.com/_code/videos/VideoPlayer.htm?id=COE/Training/2017-FINAL_COE-Training

Town Code of Ethics – Sec. 2-87 of the Town Code

- ▶ Public Officers of the Town will display leadership by:
 - ▶ Subscribing to the Town's Code of Ethics
 - ▶ Promoting a sense of community, community values, and community spirit and embracing diversity within the community while focusing on the importance and values of family
 - ▶ Practicing a "can do" attitude rather than an attitude of negativity
 - ▶ Developing vision or focus on the future, and supporting the achievement of vision
 - ▶ Being responsive
 - ▶ Having fun and enjoying one's role as a public officer of the Town
 - ▶ Recognizing and fostering leadership throughout the Town government and the residential and business communities of the Town
 - ▶ Balancing statesmanship and political and professional goals
 - ▶ Maintaining a positive image while working towards the best interests of the Town and its citizens

Town Code of Ethics

- Public Officers of the Town will display an empowerment attitude by:
 - Encouraging citizens to be active, responsible partners in Town government that function with public officers of the Town to achieve a shared vision
 - Empowering Town administration to continuously improve the quality of and the services provided by Town government
 - Encouraging entrepreneurship by governing the Town as a successful, ethical business model
 - Maximizing revenue while minimizing tax burdens on citizens
- Public Officers of the Town will encourage and promote customer focus and involvement by:
 - Encouraging citizens and residents to be involved in government and bridging the gap between town government and community
 - Promoting specific avenues by which citizen input is gathered and information is disseminated by the Town
 - Encouraging citizen involvement in decision-making
 - Supporting data-based decision-making

Town Code of Ethics

- ▶ Public Officers will work towards continuous improvement through:
 - ▶ Self-improvement through education, personal growth, and personal learning
 - ▶ Supporting process improvement in Town systems and key process improvements through knowledge-based decision-making
 - ▶ Supporting and encouraging personal wellness and professional development throughout Town government
 - ▶ Supporting innovation through technology
 - ▶ Promoting effective use of customer feedback to improve quality of government and the providing of government services
- ▶ Public Officers shall be dedicated to the concepts of:
 - ▶ Effective and democratic local government
 - ▶ Respecting the principals and spirit of representative democracy
 - ▶ Setting a positive example of good citizenship by scrupulously observing the letter and spirit of applicable laws, rules and regulations

Town Code of Ethics

Public Officers shall:

- Be dedicated to the highest ideals of honor and dignity in all public and personal relationships
- Conduct themselves in a manner which maintains and promotes public confidence in Town government
- Recognize that the main function of local government, at all times, is to serve and promote the best interests of the public
- Disclose all personal relationships in any instance where there could be a conflict of interest or an appearance of conflict

Public Officers pledge to:

- Keep the community informed on the affairs of Town government
- Practice friendly and courteous service to the public
- Seek to improve the quality and image of public service
- Uphold and adhere to the Charter of the Town
- Inform the recipient of any oral or written communication or when appearing before another governmental body, whether the subject of the communication has been addressed officially by Town Council and what the official position of Town Council is, if there is one, and whether the appearance or communication has been authorized by Town Council and update Town Council regarding such appearance or communication at the next Town Council meeting

Town Code of Ethics

- ▶ Public Officers pledge NOT to:
 - ▶ Misuse the office or position
 - ▶ Participate in debate on any matter which may come before Town Council for decision and which may benefit a family member, client, or business associate
 - ▶ Seek or accept any personal profit or gain or unwarranted favor or privilege for himself or any relative or other person
 - ▶ Improperly influence or attempt to influence other public officers
- ▶ Public Officers shall NOT:
 - ▶ Engage in, solicit, or negotiate for, or promise to accept private employment or render services for private interests or conduct a private business when such employment, service, or business creates a conflict with the proper discharge with official duties
 - ▶ Have any contact with, in any form, nor engage in communication or discussion with applicants, petitioners, or their agents or representatives seeking action or other relief from Town Council on matters relating to a pending application or other petition
 - ▶ Invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with official duties

Town Code of Ethics

- ▶ Public Officers shall NOT:
 - ▶ Directly or indirectly solicit, accept, or receive any gift, in any form, if:
 - ▶ It could be reasonably inferred or expected the gift was intended to influence the officer's performance of official duties
 - ▶ The gift was intended to serve as an inducement for an improper action or as a reward not otherwise permitted under state law
 - ▶ Use provisions of this Code of Ethics to further frivolous claims against one another
 - ▶ Knowingly violate any federal, state, or local law, rule or regulation
 - ▶ Disclose confidential information acquired in one's capacity as a public officer or use such confidential information to further one's personal interests
 - ▶ Undermine the duties, responsibilities, and role of the Town Manager
 - ▶ Use the official position to "influence peddle" or gain favors or benefits inconsistent with Town policy or applicable law on behalf of any citizen or other person

Duties of Town Council

- ▮ Set annual millage rate
- ▮ Adopt assessment methodology (currently only for solid waste)
- ▮ Adopt annual assessment rate (currently only for solid waste)
- ▮ Establish annual budget
- ▮ Adopt a capital improvements plan
- ▮ Set Policy
 - ▮ Purchasing Manual
 - ▮ Personnel Manual
- ▮ Adopt Ordinances
 - ▮ Regulation, planning, development and enforcement of activities within the Town
 - ▮ Require public hearing
- ▮ Adopt Resolutions
 - ▮ Contracts, policy, development

Limitations on Town Council

- Quasi-judicial proceedings
 - Applicable to development applications – Article 120, ULDC
 - Must follow set procedures to ensure due process
- Ex-parte communications – Sec. 286.0115, Fla. Stat.
 - Applicable to quasi-judicial proceedings
 - Discussion with, written communications to, and investigation and site visits by a local public official on the merits of any matter on which action may be taken by a board or commission on which the official is a member
 - Applies to Town Council and Planning & Zoning
 - Presumed to be prejudicial
 - Town Council may adopt an ordinance or resolution removing the presumption of prejudice from ex parte communications and establishing procedures for disclosure
- Ex-parte communications are prohibited – Sec. 120-020, ULDC

Limitations on Town Council

- ▶ Code Enforcement proceedings
 - ▶ Handled by Special Magistrate and contract staff
 - ▶ Council Members should direct residents to Code Enforcement directly
 - ▶ Council Members may report issues to Code Enforcement directly, but may not direct action
- ▶ Public Records Requests
 - ▶ Requests by Council Members for public records from the Town are handled in the same manner as requests from other individuals
 - ▶ Council Members must discuss with the Town Manager before photographing or copying public records to which they have access through the course of Town business – Town must retain a copy of records taken or provided
- ▶ Operational Decisions are handled by the Town Manager

Duties of Council Members

- Sec. 5(14) of the Town Charter - Noninterference
 - Council Members expressly prohibited from interfering with performance of any employee of the Town
 - Council Members must direct comments for action, recommendations for improvement, and complaints to Town Manager
 - Council is free to direct the Town Manager to implement specific recommendations for improvement in Town government operations
- Sec. 2-24 of the Town Code
 - Council Members shall direct all requests for action or assistance, or reports, including complaints regarding, by, or about employees of the Town, and all related follow-ups to the Town Manager
 - Council Members have no authority to suggest, direct, or instruct Town staff to perform duties or functions or to resolve citizen complaints in a specific manner
 - Council Members have unrestricted access to the Town Manager and Town Attorney

Duties of Mayor, Town Manager and Town Attorney – Town Charter

- Mayor
 - Preside at Town Council meetings
 - Ceremonial head of Town
 - Signatory on documents approved by Town Council
- Town Manager
 - Responsible for all departments, offices, agencies, and employees of the Town
 - Ensures all laws, Charter provisions, and acts of Town Council are faithfully executed consistent with direction from Town Council
 - Prepares and submits annual budget and capital program to Town Council
 - Manages and keeps Town Council up to date on financial matters of the Town
- Town Attorney
 - Not under authority of Town Manager
 - Approve all contracts, bonds and other instruments regarding Town business
 - Prosecute and defend on behalf of the Town all complaints, suits, and controversies

Town Council Meetings - Charter

- Run by the Mayor, or Vice Mayor in absence of Mayor
- Regular meetings
 - schedule set by Resolution
 - Supplemented by Sec. 2-23 of Town Code
- Special meetings
 - at call of Mayor, or, in absence of Mayor, by Vice Mayor; or at request by majority of Council Members
 - Supplemented by Sec. 2-22 of Town Code
- Rules of Procedure
 - adopted by Town Council in 2019

Town Council Meetings – Sec. 2-23 of the Town Code

- ▶ Establishes Rules for Behavior of Town Council Members
 - ▶ Council Members shall:
 - ▶ Forgive each other
 - ▶ Each conduct themselves with dignity
 - ▶ Agree to disagree with each other
 - ▶ Show respect for the points of view of other Members of the Town Council
 - ▶ Council Members shall NOT:
 - ▶ Falsely accuse another Member of the Town Council of wrongdoing
 - ▶ Criticize each other in a rancorous or unprofessional manner
 - ▶ Make personal attacks on another Member of the Town Council
 - ▶ Individually act without the support of the Town Council

Town Council Meetings – Participation

Rules of Procedure

- Quorum
 - Majority of full Town Council
 - If no quorum within 15 minutes of meeting time or is lost, Mayor will adjourn meeting
- Absent with excuse
 - May participate and vote by telephone or video conference
 - if physical quorum present and
 - Town Council determines extraordinary circumstances exist to justify remote participation
 - Not during quasi-judicial hearings

Town Council Meetings – Public Comment

■ Sec. 2-23

- Public comment limited to 3 minutes and must complete speaker form
- Town Council may, by majority vote, invite public discussion on any agenda item
- Comments and questions from Town Council and from public shall be directed to the Mayor
- Must first be recognized by Mayor
- Must be confined to the issues under debate
- Must avoid all personalities and indecorous language
- Shall NOT, by conversation or otherwise, delay or interrupt the proceedings nor the peace of the meeting
- Rules of Procedure
 - Limited to one time per subject matter for total of 3 minutes
 - Must be addressed to Council as a body and not to individuals
 - Personal verbal attacks will not be tolerated
 - Person making impertinent, obscene, personally insulting, defamatory or slanderous remarks or who becomes boisterous or disruptive shall be barred by Mayor from speaking further unless granted permission by majority vote of Council

Town Council Meetings – Debate

Rules of Procedure

- ▶ Council Member must first be recognized by Mayor
- ▶ Comments must be confined to the issues under debate
- ▶ Must avoid all personalities and indecorous language
- ▶ Council Members shall NOT, by conversation or otherwise, delay or interrupt the proceedings nor the peace of the meeting
- ▶ Council Members shall not engage in cross conversations or direct questions to other Council Members or the public
 - ▶ Questions of other Council Members or the public are directed to the Mayor, who then will recognize the Council Member or public to respond
 - ▶ Questions to staff are directed to the Mayor, who then will recognize the Town Manager to respond or recognize another staff member to respond
- ▶ Council Member comment should not be limited unless a motion to limit debate is made and adopted by supermajority vote
- ▶ Each Council Member is afforded opportunity to offer rebuttal to each item discussed
- ▶ Council Members shall not interrupt anyone who has the floor, unless to call the meeting to order
 - ▶ If called to order, the Council Member shall cease speaking until the question of order is determined, and if in order, shall be permitted to proceed

Town Council Meetings - Decorum

■ Sec. 2-23

- Decorum Procedures for disturbance or disruption of meeting by Council Member or public
 - Warning by Mayor or majority vote of Town Council with opportunity to cease
 - If continues, Mayor may direct to have law enforcement remove individual
 - Once removed, individual is barred for rest of meeting
 - If Mayor fails to act, any Council Member may move to require Mayor to act; majority vote of Council Members requires Mayor to act
 - Mayor may, in the alternative, recess or adjourn the meeting

■ Rules of Procedure

- Council Members must preserve order and decorum
- Council Members shall NOT:
 - By conversation or otherwise, delay or interrupt the proceeding or peace of the Council
 - Disturb another Council Member while speaking
 - Refuse to obey the rules of Council or the Mayor

Town Council Meetings – Decorum Rules of Procedure

Town Council is committed to maintaining civility in public and political discourse and expects the public to do the same. All comments...shall respect the right of all citizens in our community to hold different opinions; avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours; strive to understand differing perspectives; be truthful, not accusatory and avoid distortion; and avoid violence, prejudice and incivility towards citizens, employees, and officials of the Town

Town Council Meetings – Motions

■ Sec. 2-23

- Motion to change the order of business requires a majority vote
- Items that fail due to lack of a second may not be reintroduced for at least 6 months after the failed motion, unless:
 - Emergency exists and the public business requires reconsideration
 - A Member of Town Council on the prevailing side of the prior vote introduces the item for reconsideration
- Council Members may request that the Mayor recess the meeting

■ Rules of Procedure

- Any motion may be withdrawn at any time prior to a vote being taken, by the motion maker upon agreement by the seconder to withdraw the second
- Any motion may be amended at any time during discussion. If the amendment gets a second, Town Council votes first on the amending motion and then on the original motion as amended
- A motion to reconsider any action taken by Council may be made only during the meeting at which the action was taken, by a Council Member on the prevailing side.

Town Council Meetings – Sec. 2-23;

Duties of Mayor

- ▶ Preside at Town Council meetings
 - ▶ Introduce agenda items
 - ▶ Recognize Town Council Members to speak in rotation – not call on any Member a second and subsequent time until all Members have had an opportunity to speak
 - ▶ Provide comment after speaking Member of Town Council has relinquished the floor
 - ▶ Shall NOT dominate debate or discussion; or unreasonably cut short or prolong debate, discussion, or taking of a vote
 - ▶ In consultation with Town Attorney, make rulings on parliamentary procedure
 - ▶ May be overturned by majority vote of Town Council
 - ▶ May request Town Council move on to next agenda item by vote or otherwise
- ▶ Maintain Decorum
 - ▶ Order from the room any citizen who refuses to comply with Sec. 2-23 following defined procedures

Town Council Meetings – Rules of Procedure; Duties of Mayor

- ▶ Controlling and expediting debate
- ▶ Keep the subject clearly before the Council Members
- ▶ Rule out irrelevant discussion
- ▶ Restate question whenever necessary
- ▶ Preserve decorum and order and decide all questions of order subject to Town Council's appeal
- ▶ May recess the meeting in order to restore decorum
- ▶ May make a motion or second on any item
- ▶ May grant exceptions to time limit for public comment

Town Council Meetings – Rules of Procedure; Council Member Comments

- To promote public discussion of matters relating to Town business
- To encourage dissemination of information
- Council Members may submit reports and information
 - Should be provided to other Council Members, Town Manager and Town Attorney in advance
- Council Members may request preparation of proclamations, resolutions, ordinances, reports, and other actions, subject to majority consensus
- Official actions may be taken under comments in case of emergency or other situations necessitating immediate action, as determined by majority of Town Council

Town Council as Loxahatchee Groves Water Control District

- ▶ Must adopt quarterly, semiannually, or annually a schedule of its regular meeting dates, including date, time and location
- ▶ Meetings follow same rules and regulations as Town Council meetings
- ▶ Must meet as separate body for District v Town Council meetings
- ▶ Must adopt a budget by resolution each fiscal year meeting Sec. 189.016(3)
 - ▶ May adopt budget amendments and establish procedures by which the designated budget officer may authorize certain amendments if the total appropriations of the fund do not increase
- ▶ Adopt assessment methodology (currently roads and drainage)
- ▶ Adopt annual assessment rate (currently roads and drainage)