

ORDINANCE NO. 2023-005

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA AMENDING CHAPTER 2 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ADMINISTRATION;" AMENDING ARTICLE II, ENTITLED "TOWN COMMISSION" BY AMENDING DIVISION 3, ENTITLED "MEETINGS;" AMENDING AND CLARIFYING THE PROCEDURE FOR CALLING SPECIAL AND EMERGENCY MEETINGS OF THE TOWN COMMISSION; CREATING SECTION 2-43 TO BE ENTITLED "PARLIAMENTARY PROCEDURE"; ESTABLISHING ROBERT'S RULES OF PROCEDURE AS THE FORMAL PROCEDURE FOR TOWN COMMISSION MEETINGS; CREATING SECTION 2-44, TO BE ENTITLED, "SUPPLEMENTAL TOWN COMMISSION PROCEDURES;" PROVIDING ADDITIONAL PROCEDURES FOR CONDUCTING MEETINGS OF THE TOWN COMMISSION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Pembroke Park seeks to ensure that meetings of the Town Commission are conducted in an orderly manner with the necessary formality in place to protect the rights and interests of all interested parties; and

WHEREAS, at its special meeting on May 24, 2023, the Town Commission adopted a resolution establishing Robert's Rules of Order as the parliamentary procedures for the Town Commission; and

WHEREAS, the Town Commission now seeks to formally codify Robert's Rules of Order as the parliamentary procedures for Town Commission meetings, and further embrace additional procedures for the Town Commission; and

WHEREAS, the Town Commission has conducted a public hearing and considered the input of the public; and

WHEREAS, the Town Commission finds that codifying the Code of Conduct and further enhancing the Code, as set for therein, is in the best interests of the citizens and residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2. Chapter 2 of the Town's Code of Ordinances, entitled "Administration," is amended by specifically amending Division 3, entitled "Meetings," as follows:

Division 3 Meetings

Sec. 2-36. - Date and time for regular meetings.

The Town Commission shall meet for regular meetings on the second Wednesday of each and every month at the hour of 7:00 p.m.; or as soon thereafter as possible. In the event of a holiday, or other special circumstance, the Town Commission, by majority vote, may reschedule, cancel or continue a regular meeting of the Town Commission.

Sec. 2-37. - Requests for special meetings—Application.

Any party requesting a special meeting of the Town Commission shall submit a request in writing to the Town Clerk.

Sec. 2-38. - Same—Administrative fee.

Any party requesting a special meeting of the Town Commission shall, concurrently with the filing of an application therefor, pay unto the Clerk-Commissioner an administrative fee for such special meeting in the amount of two hundred fifty dollars (\$250.00).

Sec. 2-39. - Disposition of administrative fees.

All administrative fees paid pursuant to this division shall be deposited in the general revenue fund of the Town.

Sec. 2-40. - Refund of administrative fee.

The Town Commission may, in its sole discretion, at any special meeting called pursuant to the provisions of this division, order a refund of the administrative fee paid pursuant to the provisions of this division upon good cause shown therefor by the petitioner.

Sec. 2-41. - Call for special meeting.

(a) Upon the filing of written request for special meeting of the Town Commission, the Mayor or a majority of the members of the Town Commission may call a special meeting pursuant to a request filed in accordance with the provisions of [section 2-37](#) of this division.

(b) Any Commissioner may call for a special meeting of the Town Commission on the date and time specified by the requesting Commissioner. The Deputy Town Clerk shall contact the remaining commissioners to determine whether they are available to attend the special meeting at the date and time specified. The special meeting shall be scheduled and properly notice in the event the number of commissioners available for the special meeting will constitute a quorum.

Sec. 2-42. - Posting of notice.

Notice of any special meeting called pursuant to this division shall be posted at the Town Hall at least forty-eight (48) hours prior to the time for the convening of such special meeting.

Sec. 2-43. Emergency Meetings

Emergency meetings of the Town Commission may be called by the Mayor, the Town Manager or a majority of the Town Commission whenever there is a public emergency affecting life, health, property or the public peace, and whenever practicable, upon no less than twelve (12) hours' notice to each commission member and the public. The Deputy Town Clerk shall contact the remaining members of the commission to determine whether they are available to attend the emergency meeting at the date and time specified. The emergency meeting shall be scheduled and properly noticed in the event the number of commissioners available for the emergency meeting will constitute a quorum.

Section 3. Chapter 2 of the Town's Code of Ordinances entitled "Administration," is amended by specifically amending Article II, entitled "Town Commission," Section 2-43, to be entitled "Parliamentary Procedures," and Section 2-44, to be entitled "Supplemental Commission Procedures," as follows:

Sec. 2-43 Parliamentary Procedure

All meetings of Town Commission shall be governed by Robert's Rules of Order, Newly Revised, as may be amended from time to time. The Mayor shall make rulings on parliamentary procedure and shall call for all votes incident to requirements set forth in the Town Charter and this Code. The procedures set forth in the Town Code shall supersede Robert's Rules of Order on any subject specifically addressed to the extent possible; however, on any matters not specifically addressed, Robert's Rules of Order shall prevail.

Sec. 2-44 Supplemental Commission Procedures

These rules, consistent with the Town Charter and applicable Town ordinance, statute or other legal requirement shall govern the proceedings of the Town Commission.

- 1) *Authority of the Chair.* Subject to appeal to the full Town Commission, the Mayor shall have the authority to prevent the misuse of motions, the abuse of any privilege, or the obstruction of the business of the Town Commission by ruling any such matter out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is acting in good faith. Any member of the Town Commission may move to require enforcement of the rules, and the affirmative vote of a majority of the Town Commission shall require the presiding officer to act. A majority vote of the Town Commission may overrule any parliamentary ruling made by the Mayor.
- 2) *Mayor to Facilitate Commission Meetings.* In the role of facilitator, the Mayor shall assist the Town Commission in focusing agenda discussions and deliberations.
- 3) *Commission Deliberation and Order of Speakers.* The Mayor has been delegated the responsibility to control the debate and the order of speakers. Speakers will generally be called upon in the order of their request to speak. With the concurrence of the Mayor, a Commission member holding the floor may address a question to another Commission member and that Commission member may respond while the floor is still held by the Commission member asking the question. A Commission member may opt not to answer a question while another Commission member has the floor.
- 4) *Limit Deliberations to the Item at Hand.* Commission member shall limit their comments to the subject matter, time or motion being currently considered by the Town Commission.
- 5) *Length of Commissioner Comments.* Each time a Commission member is given an opportunity to speak on an item on the agenda, the Commission member shall limit their comments on the item to three (3) minutes. Each Commission member shall be given an opportunity to speak on an item before a Commission member is given a second opportunity to do so. The Mayor shall have discretion to grant additional time to members of the Commission to finish their comments on an agenda item.

- 6) *Obtaining the Floor.* Any member of the Town Commission wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any Commission member who seeks the floor when appropriately entitled to do so.
- 7) *Motions.* Motions may be made by any member of the Town Commission, including the Mayor or the then-presiding officer, provided that before the Mayor or the then-presiding officer offer a motion, the opportunity for making a motion should be offered to other members of the Town Commission. Any member of the Town Commission, other than the person offering the motion, may second a motion.
- 8) *Procedures for Motions.* The following is the general procedure for making motions:
- a) Before a motion can be considered or debated, it must be seconded.
 - b) A Commission member who wishes to make a motion should do so through a verbal request to the Mayor.
 - c) A Commission member who wishes to second a motion should do so through a verbal request to the Mayor.
 - d) Once the motion has been properly made and seconded, the Mayor shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Commission member properly recognized by the Mayor.
 - e) Once the matter has been fully discussed and the Mayor calls for a vote, no further discussion will be allowed, provided, however, Commission member may be allowed to explain their vote.
 - f) The motions set forth in Subsection (9) are examples of possible motions. Commission members may word motions in any common manner provided such motions and intended action is clear. The Mayor or then-presiding officer will confirm that each of the Commission members under the motion prior to calling for a vote on the motion.
 - g) When a motion is on the floor and an amendment is offered, the amendment should be acted upon prior to acting on the main motion. No motion of a subject different from that under consideration shall be admitted as an amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order. Action shall be taken on the amended amendment prior to any other action to further amend the original motion.
- 9) *Examples of Motions.*

- a) *Motion to Approve or Deny.* A motion to approve or deny is a proposal to take specific action. The maker of the motion may state “I move to approve/deny Agenda Item #...” or may state the recommended motion in clear and concise terms.
 - b) *Motion to Approve with Amendments.* A motion to approve a specific action may include amendments recommended by Town staff, another Commission member or the Town Attorney. The maker of the motion may state, “I move to approve Agenda Item #..... with the following amendments....” or may state the recommended motion in clear and concise terms.
 - c) *Motion to Reconsider.* A motion to reconsider indicates that a Commission member wants the Town Commission to reconsider a prior action of the Commission and, if successful, for the Commission to consider taking different action. A motion to reconsider may only be made by a Commission member who voted on the prevailing side of the motion they are seeking to have reconsidered. A motion to reconsider may be made at the same meeting or at the next succeeding meeting following the relevant Commission, provided that the reconsideration request complies with the requirements of Ch. 286, F.S. If the motion to reconsider a prior action is not made at the same meeting, such motion and the related agenda item must be posted on the agenda for the meeting at which the motion is to be reconsidered. If a motion to reconsider fails, the action seeking to be reconsidered remains in effect. If the motion to reconsider passes, then a motion is made for the different action on the item being reconsidered.
 - d) *Motion to Adjourn.* A motion to adjourn is to end a meeting. The maker of the motion may state, “I move to adjourn the meeting.” A motion to adjourn is not required to adjourn a meeting once all business on the meeting agenda is concluded.
 - e) *Withdrawal of Motion.* A withdrawal of a motion indicates a motion may be withdrawn or modified by the Commission member who originally made the motion at any time prior to passage. If a motion is withdrawn the Commission member who originally made the motion, or another Commission member may then make a motion to be seconded by another Commission member.
- 10) *Non-observance of Rule.* The procedures set forth in this section are intended to expedite and facilitate the transaction of the business of the Town Commission in an orderly fashion and shall be deemed to be procedural only. The failure of the Town Commission to strictly adhere to any of the rules set forth in this section shall not affect the jurisdiction of, or invalidate any action taken by, the Town Commission.
- 11) *Decorum.* Members of the Town commission, staff members, citizens and others are required to use civil and appropriate language when addressing the Commission or anyone present at the meeting, and must refrain from using profanity, cursing, or exhibiting aggressive or threatening behavior. No personal, verbal attacks towards any

individual by either the Commission staff, citizens or other shall be allowed during any meeting of the Commission. Any persons making impertinent or slanderous remarks or who becomes boisterous or disruptive while addressing the Commission or who otherwise violates the Town's Code of Conduct, as set forth in Sec. 2-16 of the Town's Code of Ordinances, shall, after two (2) warnings, be barred from further audience before the Commission by the Mayor, or by request of any member of the Commission, unless permission to continue or again address the Commission be granted by a majority vote of the Commission members present.

12) *Town Commission Meeting agenda.*

- a) The Town Manager, or his/her designee shall be responsible for preparing the agenda for all city commission meetings. City staff may request that a matter of business be placed on the agenda provided sufficient notice is provided to the Town Commission and the Town Manager. Unless otherwise provided for in this section, items previously brought before the Town Commission for consideration or for an expression of interest on three (3) occasions, may not be brought forward for reconsideration or expression of interest again before six (6) months have lapsed from the last consideration or expression of interest pertaining to said item, unless a super majority four-fifths ($\frac{4}{5}$) of the Town Commission agrees to reconsider the item. All proposed agenda items shall be delivered to the Town Clerk's office at a minimum of six (6) business days before a city commission meeting.
- b) Members of the Town Commission may submit items for placement on the agenda. All proposed agenda items shall be delivered to the Town Clerk at a minimum of six (6) business days before a Town Commission meeting. These items shall be part of the meeting notice and part of the meeting agenda. No member of the Town Commission may present more than four (4) items at any meetings. Commission members adding items to the agenda must include an agenda cover sheet, fiscal impact of the item, and sufficient back-up to their item to ensure that the public has a reasonable understanding of the item's intent. The limitations on agenda items herein shall not include proclamations or keys to the Town.
- c) It is the responsibility of the Town Clerk to compile and deliver the agenda and all supporting documentation under the general supervision and direction of the Town Manager. All members of the Town organization are encouraged to cooperate with the clerk in making the agenda complete and accurate. Pursuant to F.S. Ch. 286, as amended from time to time, additional items may only be added to the agenda under exigent circumstances to protect to life, health, safety and welfare of the citizens and residents of the Town. The Town Manager may request additional time to study an item not included on the agenda but presented for action at the meeting.

Section 4. It is the intention of the Town Commission of the Town of Pembroke Park that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Pembroke Park, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 5. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the remaining portions or applications remaining in full force and effect.

Section 7. This Ordinance shall become effective upon passage and adoption.

**PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF
PEMBROKE PARK, FLORIDA, ON THE FIRST READING, THIS ____ DAY OF
_____, 2023.**

**PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE
PARK, FLORIDA, ON THE SECOND AND FINAL READING, THIS ____ DAY OF
_____, 2023.**

ATTEST:

MAYOR ASHIRA MOHAMMED

MARLEN D. MARTELL
Town Clerk

Approved as to form and legal sufficiency:

Jacob G. Horowitz
Interim Town Attorney

VOTE

ASHIRA MOHAMMED	_____
GEOFFREY JACOBS	_____
MUSFIKA KASHEM	_____
WILLIAM R. HODGKINS	_____
ERIK MORRISSETTE	_____