

ORDINANCE NO. 2023-004

**AN ORDINANCE OF THE TOWN COMMISSION 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 CREATING SECTION 2-16 TO BE
ENTITLED "CODE OF CONDUCT FOR ELECTED
AND APPOINTED OFFICIALS"; ESTABLISHING A
CODE OF CONDUCT AND DECORUM FOR ELECTED
AND APPOINTED TOWN OFFICIALS; REPEALING
RESOLUTION NO. 2020-090, ADOPTED DECEMBER 9,
2020; PROVIDING FOR CODIFICATION;
PROVIDING FOR CONFLICTS; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, on December 9, 2020, the Town Commission of the Town of Pembroke Park adopted Resolution No. 2020-090 ("Resolution"), thereby adopting a code of conduct for elected and appointed town officials; and

WHEREAS, the Town's elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions and goals and; despite that diversity, have all chosen to serve in public office in order to preserve and protect the present and future of the community; and

WHEREAS, it is recognized and accepted that all the Town's elected and appointed officials have the Town's best interests in mind, even though individuals may not agree on every issue; and

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WHEREAS, it is further recognized that difficult questions, touch challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action; however, such debate does not justify nor permit public officials making belligerent, personal, impertinent, slanderous, threatening, abusive or disparaging comments about other officials, Town staff or members of the public; and

WHEREAS, the Town Commission recognizes that its members have a public forum and a responsibility to show how individuals with disparate points of view can find common ground and seek compromise that benefits the community as a whole; and

WHEREAS, it is essential for the public to feel welcome and able to participate on matters that affect the community, and such participation is an important part of the democratic process; and

WHEREAS, the Town Commission should show no signs of partiality, prejudice or disrespect to any individual addressing the commission or participating in a public forum; and

WHEREAS, the Town Commission agrees that members of the public deserve an opportunity to influence the thinking of elected and appointed officials regarding any matter under consideration by the Commission; and

WHEREAS, the Town Commission recognizes that under a “commission” form of government the member of the Commission have certain Charter-driven duties and responsibilities to the Town; however, it is further acknowledged that an elected official’s
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participation in the daily operation of the Town, including attendance at Town staff meetings, may be perceived to show support or opposition for a particular project, may intimidate staff, and may hamper staff's ability to do their job objectively; and

WHEREAS, the Town Commission seeks repeal the Resolution codify the Town's Code of Conduct as an ordinance, and further an enhance the Code of Conduct for the Town's elected and appointed officials;

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 Article II, entitled "Town Commission." Section 2-16, to be entitled "Code of Conduct for Elected and Appointed Officials," as follows:

Sec. 2-16 Code of Conduct for Elected and Appointed Officials

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A) Intent. The intent of this section is to establish conduct guidelines designed to describe the manner in which elected and appointed Town officials should treat one another, Town staff, constituents, and others they come into contact with while representing the Town of Pembroke Park. This section shall supplement the standards of conduct for public officials and employees, as set forth in Chapter 112, F.S., as well as the Broward County Code of Ethics for Elected Officials, as may be amended from time to time.

B) Conduct Guidelines. All members of the Town Commission shall:

- 1) Work to foster an atmosphere of respect and civility among colleagues on the Town Commission, Town employees, and members of the public;
- 2) Be professional and respectful in all interactions with each other, Town staff and members of the public, including oral and written interactions;
- 3) Work to promote, in the general public, an understanding of the role of elected officials and accurate information regarding Town matters;
- 4) Attempt not to abruptly interrupt each other or members of the public during Town Commission meetings. Only the chair – not individual commission members – is permitted to interrupt a speaker during a presentation. However, a member may ask the chair for a “point of order” if the speaker is off the topic or exhibiting behavior or language that the member finds disturbing;
- 5) Refrain from using profanity, intimidation, making disparaging remarks and using *ad hominem* attacks towards each other or towards members of the public in any setting, including, but not limited to Town Commission meetings and on social media;
- 6) Refrain from yelling or screaming at each other, Town staff, or members of the public in any setting, including during Town Commission meetings.

C) Commission Interaction with Town Staff. Governance of the Town relies on the cooperative efforts of elected officials, appointed officials and Town staff. Therefore, every effort shall be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- 1) Under a commission form of government, elected officials acting in their official capacity will interact with staff. Elected and appointed officials shall

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not direct staff or interrupt staff while they are in meetings, on the telephone, or engrossed in performing their job functions in order to meet the official's individual needs.

- 2) Elected and appointed officials shall express any concerns about an employee's performance privately and only to the Town Manager. Elected official may make direct inquiry on Town matters to the Human Resources Director; however, direction by the elected officials to the Human Resources Director shall only be through the Town Manager.
- 3) Elected and appointed officials, acting in their individual capacity, shall not attempt to influence Town staff on making appointments, awarding of contracts, selecting of consultants, processing of development applications, granting of Town licenses and permits or any other administrative functions, unless other required by the Town Charter.
- 4) Elected and appointed officials shall not solicit any kind of political support, including by not limited to financial contributions, displays of posters or lawn signs, or names on support lists from Town staff. Town officers and employees may engage in political activity in accordance with Sec. 104.31, F.S., as may be amended from time to time.

D) Commission Interaction with Appointed Officials. The Town has established citizen boards to assist in the operation of the Town and to allow for community input. Citizens who serve on boards become more involved in government and serve as advisors to the Town commission. They are recognized as a valuable resource to the Town's leadership and shall be treated with appreciation and respect.

- 1) Elected officials attending board meetings shall only express their personal opinions. Any public comments by an elected official at a board meeting shall be clearly made as an individual stating a personal opinion and not as a commission member representing the opinion of the Town Commission.
- 2) The Town Commission appoints individuals to serve on boards, and it is the responsibility of the boards to follow policies established by the Town Commission. Board members do not report to individual commission members and commission members shall not threaten Board members with removal if they disagree with a commission member about an issue.

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- 3) Appointment and re-appointment to Town Boards shall be based on such criteria including expertise, ability to work with staff and the public, and a commitment to fulfilling official duties.
- 4) Board appointments shall not be offered as a political “reward.”
- 5) Elected officials shall be fair and respectful of all citizens serving on Town Boards.
- 6) Board members may offer political support to an elected official, but such support shall not occur in a public forum while conducting official Town business. Elected officials may support board members who choose to run for office, but such support shall not occur in a public forum in their capacity as a member of the Town Commission.

E) Enforcement and Penalties. This section is intended to be a self-enforcing expression of the standards of conduct for elected and appointed officials in the Town. All newly elected and appointed officials, all candidates for Town Commission, the Town Manager, the Town Clerk and all applicants to Town boards shall receive a copy of this section. Members entering office shall sign a statement acknowledging that they have read and understand the Code of Conduct, as set forth in this section.

The Town Commission shall have the authority to enforce this section against its own members. In the event that a member of the Town Commission, after being afforded due process, is determined by the commission to have violated this Section, the Town Commission may impose one or more of the following:

- 1) Oral reprimand,
- 2) Written reprimand,
- 3) Public censure,
- 4) Any other lawful penalty deemed to be reasonable and appropriate by the Town Commission.

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F) Periodic Review. This section shall be reviewed periodically by the Town Commission and updated, as needed.

Section 3. Resolution No. 2020-090, adopted December 9, 2020, is hereby repealed in its entirety.

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.

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**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 ASHIRAH MOHAMMED

MARLEN D. MARTELL
Town Clerk

Approved as to form and legal sufficiency:

Jacob G. Horowitz
Interim Town Attorney

VOTE

ASHIRAH MOHAMMED _____

GEOFFREY JACOBS _____

MUSFIKA KASHEM _____

WILLIAM R. HODGKINS _____

ERIK MORRISSETTE _____

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