



TOWN COUNCIL CODE OF CONDUCT WORKSHOP MINUTES

June 4, 2025 at 3:00 PM

Council Chambers – 340 Ocean Drive and YouTube

PRESENT: PEGGY WHEELER, MAYOR
JOHN CALLAGHAN, VICE MAYOR
DIANA DAVIS, VICE MAYOR PRO TEM
MARIANNE HOSTA, COUNCILMEMBER
DD HALPERN, COUNCILMEMBER

ALSO PRESENT: ROBERT A. COLE, TOWN MANAGER
LEONARD RUBIN, TOWN ATTORNEY
CAITLIN COPELAND-RODRIGUEZ, TOWN CLERK

AUDIENCE: 4

CALL TO ORDER – 3:00PM

CODE OF CONDUCT

1. Discussion on Code of Conduct

(See attached handouts from Vice Mayor Pro Tem Davis.)

The Council reviewed and discussed the proposed Rules of Procedure.

Vice Mayor Callaghan, Vice Mayor Pro Tem Davis, and Councilmember Halpern gave consensus to have a discussion item on Legal Risk placed on a future agenda.

Town Manager Cole recessed the workshop at 6:13pm.

Town Manager Cole reconvened the workshop at 6:22pm.

The Council gave unanimous consensus to proceed with the workshop after 7pm until their review of the proposed document is complete.

The Council gave unanimous consensus to have staff make the proposed changes as discussed and bring back to the Town Council for final consideration.

ADJOURNMENT

Town Manager Cole adjourned the meeting at 7:37pm.


Peggy Wheeler, Mayor


Caitlin E. Copeland-Rodriguez, Town Clerk

DRAFT
TOWN OF JUNO BEACH

Rules of Procedure and Town Council Protocols

A. Policy Statement

It is Juno Beach Town Council (Council) policy that these Rules of Procedure and Protocols shall govern all official Council meetings and generally promote excellence in local government, characterized by effective and efficient meetings, respectful interactions between and among Town Council members (Councilmembers), staff, and the public, and thoughtful consideration of the role of public leadership in maintaining the reputation of Juno Beach as a professional council-manager form of local government.

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Councilmembers shall conduct official Town business in a manner consistent with their status in the community as leaders, convenors, and collaborators. Committed to modeling civility, honesty, and integrity in their public and private lives, the Town Council embraces ethical, transparent, and accountable governance.

These Rules of Procedure and Town Council Protocols are intended to provide general rules of engagement for the ~~Juno Beach Mayor and~~ Town Council (Council) while conducting the business of the Town of Juno Beach, FL. It is understood that there will be extenuating circumstances at times that will mean certain protocols will be waived or adjusted. However, it is also understood that such circumstances should be the exception and not the rule.

Any rule or procedure not covered by these Rules or under applicable law shall be decided upon by the Presiding Officer in accordance with Robert's Rules of Order Revised for Deliberative Assemblies (Current Edition, Henry Robert et al). The Town Attorney shall serve as the Parliamentarian and shall advise and assist the Presiding Officer on matters of parliamentary law and enforcement of procedural rules.

Commented [CC2]: Unanimous consensus to add.

Commented [CC3R2]: Mayor Wheeler, Vice Mayor Pro Tem Davis, and Councilmember Halpern gave consensus to include as reference.

AB. 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. *(See Section D.)*

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BC. 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.

DC. Public Participation Rules

Public Comment is intended to foster dialogue in a respectful and civil manner. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of a meeting shall, at the discretion of the Presiding Officer, be ordered to yield the floor and may be barred from further participation during that meeting. Public comments are requested to be made with these guidelines in mind.

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.
5. Members of the Council or Board should either 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.

6. There is no right to public participation at a workshop or work session. Public participation during such meetings may be permitted at the discretion of a majority vote of the Town Council or Board ~~the presiding officer.~~

E. 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 F 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.

F. 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.

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EC. Duties and Responsibilities of the Presiding Officer

1. The Mayor shall be the presiding officer of the Town Council. 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 disables, the Vice Mayor Pro Tem shall preside.
2. The presiding officer shall preserve order. The presiding officer may call to order any member of the Town Council and any member of the public who shall violate any of these rules or otherwise disrupt the orderly proceeding of the meeting. The presiding officer shall decide all questions of order subject to a majority vote on an appeal of the decision.
3. The presiding officer shall recognize all council members who seek the floor while entitled to do so.
4. ~~The presiding officer shall not make or second a motion.~~
5. The presiding officer will represent the Council at meetings, conferences, or other occasions involving other governmental entities, agencies, officials or groups, or nongovernmental organizations, departments, agencies or officials, as approved by majority of the Town Council, and report back to the Council anything of significance.
6. The presiding officer has the power to call for a recess not to exceed ten (10) minutes. Recesses requested by any other Councilmembers require a majority vote of Council.

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HF. General Meeting Procedures (Order of Business)

1. The order of business for a regular meeting shall ordinarily be:
 1. Call to Order
 2. Pledge Allegiance to the Flag
 3. Additions, Deletions, Substitutions to the Agenda
 4. Presentations
 5. Comments from the Town Manager, the Town Attorney, and Staff
 6. Comments from the Public
 - ~~6-7.~~ Council Follow Up to Public Comments
 - ~~7-8.~~ Consent Agenda
 - ~~8-9.~~ Council Action/Discussion Items
 - ~~9-10.~~ Comments from the Council
 - ~~10-11.~~ Adjournment

Commented [CC8]: Vice Mayor Callaghan, Vice Mayor Pro Tem Davis, and Councilmember Halpern gave consensus to include a follow up to public comments section on the agenda.

2. The order of business may be revised by a majority vote.
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.

I. (Agenda Procedures)

~~1. Agenda submittal deadline: The deadline for submitting items for inclusion on the agenda shall be no later than 12PM on Monday prior to the agenda distribution deadline.~~

~~2.1~~ Agenda distribution deadline: The deadline for distributing a final agenda with supporting documents shall be no later than 4PM Wednesday, one (1) week prior to the regularly scheduled Town Council meeting.

For all special, workshops, or work sessions of the Town Council, the agendas with supporting documents will be distributed one (1) week prior.

- ~~3. The agenda shall be limited to the following items for Council discussion and consideration:~~
- ~~a. Legislative/Policy Actions (e.g. Ordinances, Resolutions, Proclamations, etc.)~~
 - ~~b. Special Event Requests~~
 - ~~c. Donations Requests~~
 - ~~d. Approval of Minutes~~
 - ~~e. Other matters deemed necessary for Council review.~~

~~4.2~~ If a Councilmember wishes to add an item to the agenda, a majority agreement consensus of the Council is required. ~~Upon receiving such consensus~~ If approved, the requesting Councilmember must submit a memorandum and any supporting documentation to staff by the established agenda submittal deadline.

~~3. Agenda submittal deadline: The deadline for submitting items for inclusion on the agenda shall be no later than 12PM on Monday prior to the agenda distribution deadline.~~

~~5.4~~ All Agenda items with supporting documentation shall be reviewed and approved as appropriate by the Town Manager or his/her designee.

I. (Scheduling of Meetings, Workshops, and/or Work Sessions)

1. Regular meetings of the Town Council shall be held on the fourth Wednesday of each month at 5:00 PM in the Council Chambers, Town Center, 340 Ocean Drive, Juno Beach, Florida, unless otherwise specified, and must conclude by 10:00 PM in accordance

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~~with Ordinance No. 759, meetings of the Town Council shall be held on the fourth Wednesday of each month, in the Council Chambers, at Town Center, 340 Ocean Drive, Juno Beach, Florida, and beginning at 5:00PM unless otherwise specified and must end by 10PM per Ordinance No. 759.~~

Commented [CC11]: Consensus to rephrase.

2. If a regular meeting date falls on a holiday, the meeting shall be held in the Council Chambers on either the second Wednesday of the month, or a date specified agreed upon by the Town Council.
3. Special Meetings can be called by the Mayor or ~~Majority of the Town Council~~**Town Manager**. Notice of Special Meetings shall be given to each Council member and to the public at least twenty-four (24) hours in advance except for emergency meetings. If the Mayor or a member of the Town Council is absent from the Town or otherwise beyond reach of actual notice, failure to give such notice shall not prevent the convening of the special meeting. The Town Council may act on any matter presented at the special meeting unless prohibited by the Town Charter or by rules established by the Town Council and public participation shall occur consistent with these Rules and applicable law. Special meetings shall be held in the Council Chambers at Town Center, 340 Ocean Drive, Juno Beach, Florida, or at such other location within the Town as may be designated in the notice of the meeting, beginning at a time to be specified in the notice of the special meeting.
4. Workshops must be approved by a majority vote of the Town Council in order to be scheduled. They are generally intended to address a single topic—typically one that is time-sensitive or requires in-depth review. ~~Council deliberation should remain confined to the matter at hand.~~ No official action may be taken by the Town Council during a Workshop. All Workshops shall be limited to a maximum duration of four (4) hours.
5. Work Sessions require approval by a majority vote of the Town Council and any topic may be discussed during a work session. Because Work Sessions are for Councilmembers to discuss particular matters prior to initiating formal action or public engagement, no official action of the Town Council shall be taken at Work Sessions and no public participation shall occur unless authorized by majority of the Town Council. All Work Sessions shall be limited to a maximum duration of four hours.
6. Emergency Meetings can be called by the Town Manager or Mayor in his/her opinion an emergency exists requiring immediate action by the Council. Whenever an emergency meeting is called, the Mayor and/or Town Manager shall notify the Clerk, who shall notify each Councilmember in writing or verbally of the date, time, and place of the meeting, as well as the purpose for which it is called; no other business shall be transacted. At least 24 hours shall elapse between the time the Clerk receives notice of the meeting and the time the meeting is to be held. If because of the nature of the emergency it is not possible to give notice to each Councilmember, or it is impossible to allow 24 hours to elapse between the time the Clerk receives notice of the meeting and the time the meeting is held, such failure shall not affect the legality of the meeting if a quorum is in attendance. Reasonable public notice of any emergency meeting sufficient to comply with Section 286.011, Florida Statutes, shall be given. In those instances where there is a Town meeting subject to Section

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286.011, Florida Statutes, scheduled due to an emergency, and it is not possible to post the notice within the time frames set forth in the Town Code and/or herein, the Town shall be required to post the notice on the Town’s website at the earliest practicable time. In the written notice calling the emergency meeting, the Town Manager shall include a detailed statement explaining the emergency nature of the meeting.

K. ~~(Town Council Guiding Principles for Meeting Preparation)~~

1. All members of the Town Council shall prepare for meetings in advance by reviewing all agenda materials, meeting with the Town Manager and/or Department Head to address questions prior to the day of the meeting.
- ~~2. Uphold a “No Surprises” Philosophy: Councilmembers are encouraged to avoid introducing unexpected questions or materials during meetings. In-depth questions should be communicated to staff in advance whenever possible to ensure informed responses. Councilmembers shall submit any additional materials during the meeting only. Additionally, handouts should not be distributed by Councilmembers during meetings, as doing so may hinder other members’ ability to adequately review the material, potentially causing delays in discussion or decision-making; such supplementary materials must be germane to the specific agenda item and submitted to the Town Clerk and/or Town Manager no less than five (5) business days prior to the scheduled meeting.~~
- ~~3. Request the floor from the Presiding Officer before speaking and refrain from interrupting or otherwise disturbing another Councilmember who has the floor.~~
- ~~4. Honor and respect the role of the Presiding Officer in maintaining order.~~
- ~~5. All Councilmembers must be mindful of their tone and body language.~~
- ~~6. Refrain from personal attacks, comments, or innuendo directed toward other Councilmembers, Town staff, or members of the public.~~
- ~~7. Respect the Autonomy of Appointed Boards and Committees: Councilmembers should generally refrain from attending meetings of other Town boards or committees. These appointed bodies are entrusted with the responsibility of providing independent recommendations for Council consideration. Councilmember presence at these meetings may be perceived as undue influence and could compromise the integrity of the advisory process. Maintaining this separation helps ensure that committee members can deliberate freely.~~

Commented [CC14]: Mayor Wheeler, Vice Mayor Callaghan, and Councilmember Halpern gave consensus to allow for materials to be distributed at the meeting on the dais.

Council gave consensus to relocate proposed Items 3-7 to the Public Meeting Decorum Section.

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L. (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 the presiding officer or a majority of the Council or Board votes to do so. After the discussion of the item by the Board or Council, the presiding officer shall call for a motion and second on the item. In order for a motion to proceed to discussion, it must first receive a second. A second to the motion shall be requested by the Town Clerk. If no second is provided, or if discussion begins prior to a second, the motion is deemed to have failed. Once any discussion on the motion has concluded, the presiding officer shall call for a vote on the motion. The Town Clerk will conduct a roll call.
2. ~~The presiding officer may make or second a motion only after temporarily passing the gavel to the next highest-ranking officer of the Council or Board. If that individual is absent, the gavel shall be passed to another member. Once the motion has been seconded, the presiding officer shall resume their role by reclaiming the gavel.~~ The presiding officer may make or second a motion only after temporarily passing the gavel to the next highest-ranking officer of the Council or Board. If that individual is absent, the gavel shall be passed to another member. Once the motion has been seconded, the presiding officer shall resume their role by reclaiming the gavel. ~~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, each Council or Board member shall be allotted three (3) minutes to address the item under consideration. Following this, a motion must be made and seconded before further discussion may proceed. A Council or Board member a Council or Board member shall address the presiding officer and await recognition before speaking again on an item. 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.~~ When engaging in debate or discussion, each Council or Board member shall be allotted three (3) minutes to address the item under consideration. Following this, a motion must be made and seconded before further discussion may proceed. A Council or Board member shall address the presiding officer and await recognition before speaking again on an item. 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.
- 3.
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.

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Commented [CC16]: Mayor Wheeler, Vice Mayor Callaghan, and Councilmember Hosta gave consensus to incorporate the highlighted language.

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M. (Reconsideration)

1. Any member of the Town Council on the prevailing side may move to reconsider any action of the Town Council provided that new relevant information is presented to the Town Council and the motion ~~be~~is made at the following town Council meeting. No motion to reconsider shall be made more than once on any subject or matter.

Commented [CC17]: Council gave consensus to include to provide clarity on who can request for reconsideration.

NG. Town Council Code of Conduct

Goal Statement: The Code of Conduct describes the way members of the Town Council should treat each other, members of Town staff, constituents, and others when representing the Town of Juno Beach. The objective of the Code of Conduct is to engender more trust in government, thereby promoting its effectiveness while advancing harmony within the community. The Code aims to establish norms of behavior for Council by which legitimate disagreements and different points of view that may arise are handled in a professional manner – one that promotes the public’s confidence in government and enhances the reputation of the Council and the Town.

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The Code of Conduct represents aspirational goals that guide Councilmembers toward the highest principles of governance. Although this Code does not represent a body of enforceable rules, the Code should be considered by Councilmembers when arriving at an ethical course of action and course of behavior – each of which should be worthy of the public’s trust in government and the high office to which each Councilmember has been entrusted.

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The consistent theme through this Code of Conduct is respect. Elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each Councilmember and the Town’s constituents through words and actions is the “North Star” that guides Councilmembers to do the right thing, even in difficult situations.

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A. Guiding Principles and Commitments

To promote public trust and faith in local government, Councilmembers agree to abide by the guiding principles and commitments contained herein.

B. Public Meeting Decorum

Councilmembers will:

1. Prepare in advance of all Council meetings by reviewing agenda materials in advance, including speaking with community members and becoming familiar with issues. Preparation includes taking advantage of opportunities to meet with the Town Manager and staff to ask questions and/or request additional information to support informed decision making and efficient public meetings.

2. Embrace a philosophy of “no surprises,” including alerting the Town Manager in advance of important questions planned to be asked during a meeting so that staff can be prepared to provide the Council and public the desired information at the Council meeting. Staff shall provide presentations in advance, along with their respective agenda items, rather than on the day of the meeting.

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3. Request the floor from the Presiding Officer before speaking and refrain from interrupting or otherwise disturbing another Councilmember who has the floor.

4. Honor and respect the role of the Presiding Officer in maintaining order.

5. All Councilmembers must be mindful of their tone and body language.

6. Refrain from personal attacks, comments, or innuendo directed toward other Councilmembers, Town staff, or members of the public.

7. Respect the Autonomy of Appointed Boards and Committees: Councilmembers should generally refrain from participating in meetings of other Town boards or committees. These appointed bodies are entrusted with the responsibility of providing independent recommendations for Council consideration.

3.8. Fully participate in all Council meetings, either in person or via zoom, and practice civility, professionalism, and respect in all discussions and debates.

4.9. Request the floor from the presiding officer before speaking, excepting Points of Order, and refrain from interrupting or otherwise disturbing another Councilmember who has the floor.

5.10. In the interest of meeting efficiency and respect for the sacred nature of their governance roles and responsibilities, Councilmembers shall ensure that all comments pertain to the topic under discussion and focus on the facts of a decision, including any applicable legal parameters. (PENDING FURTHER DISCUSSION.)

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6.11. Honor and respect the role of the Presiding Officer in maintaining order.

7.12. Make the public feel welcome, avoiding any form of disrespect toward an individual participating in a public meeting. To that end, members of the Town Council will:

a) Actively listen to speakers;

- b) Ask for clarification with the consent of the Mayor, but avoid debate and argument with members of the public; and
- c) Be mindful of one's tone and body language.

8.13. Refrain from personal comments, attacks, or innuendo directed toward other Councilmembers, Town staff, or members of the public.

9.14. Refrain from using cellular phones or any other type of audible device in a manner that would be disruptive to other members of the Council or members of the public.

C. Conduct Outside of Public Meetings

To support trust and confidence in local government, adhere to the professionalism standards mandated by the council-manager form of government, and promote the dissemination of official public information that is clear, consistent, and accurate, Councilmembers recognize and value the importance of maintaining the following standards of conduct and communication protocols.

Councilmembers will:

1. Not make derogatory personal comments about other Councilmembers, Town Staff, members of the public, or members of any Town board, either orally or through the dissemination of written materials, including newsletters, blogs, or similar.
2. Curate any personal newsletter, blog, or similar, such that content only incorporates the official decisions and positions of the Town Council and excludes individual opinions, personal commentary, or statements that may be perceived as insulting or demeaning, sarcastic, or disparaging to others. Such conduct fuels community discord, reduces the willingness of the public to engage with their government, degrades the Council's reputation in the community, and harms the trust that the residents have in government.
3. Avoid contemporaneous communications to avoid violating the Sunshine Law. If an individual Councilmember nonetheless sends an email to the Council as a whole, no Councilmember will use "reply all," but may direct a private response to the Town Manager and/or Town Attorney.
4. Recognize that their official Town e-mail is the appropriate mechanism for communicating by email with members of the public, and further understand that they are personally responsible for maintaining records of all communications that are conducted on a platform other than their Town e-mail, including all text messages.

Commented [CC21]: Council gave consensus to rework this language.

5. ~~Not Shall not make any official statements, representations, or inquiries to any public or private agency on behalf of the Town Council without specific authorization from the Council. make any official representation or inquiry on behalf of the Town Council to any other public or private agency unless specifically authorized to do so by the Council. Any such representation or inquiry shall be made solely in the Councilmember's personal capacity without the use of the Councilmember's official title.~~

~~6. Direct any media inquiry to the Town Manager or Mayor, as the Council spokesperson, and refrain from making individual statements to the media regarding Town matters, unless authorized by the Mayor.~~

7.6. Members of the Town Council are free to take public positions on local, county, state, and federal political issues. Similarly, members of the Town Council are free to endorse candidates for local, county, state, and federal office.

8.7. Comply with the following prohibitions set forth in Article IV, Section 6 of the Town Charter:

- a. Appointment and removals. Neither the council nor any of its members shall in any manner dictate the appointment or removal of any town administrative officers or employees whom the manager or any subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to the appointment and removal of such officers and employees.
- b. Interference with administration. Except for the purpose of inquiries and investigations, the council or its members shall deal with town officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the council from closely scrutinizing all aspects of town government operations so as to obtain independent information. It is the express intent of this charter, however, that recommendations for improvement in town government operations by individual council members be made to and through the town manager, so that the manager may coordinate efforts of all town departments to achieve the greatest possible savings through the most efficient and sound means available.

9.8. Direct non-routine questions or requests of Town staff to the Town Manager and he/she will direct staff, as may be appropriate. Any commentary on staff performance or personnel issues shall only be directed to the Town Manager without a copy to staff. In communicating directly with Town staff, Councilmembers should:

Commented [CC22]: Council gave consensus to have staff clarify this section.

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- a. Avoid directing new staff work or assignments – requests to create or modify work products should first be directed through the Town Manager, without a copy to staff.
- b. Avoid the impression of supervisory tone, e.g., critiquing professional skills or abilities would not be appropriate.
- c. Avoid using one's position to influence staff actions, decisions, work products, work prioritization, etc.

~~10-9.~~ The Town Manager may seek Council consensus at a regular meeting prior to initiating staff response to any Councilmember request involving substantial staff time to complete, or if the request deviates from prior Council direction. Routine operational questions may be presented directly to staff.

~~D. Enforcement:~~

- ~~1. Complaints for violations of the Code of Conduct may be filed with Mayor, the Town Manager, the Town Attorney, or the Town's Human Resources Department.~~
- ~~2. The Complaint shall be forwarded to the Town Council, and the members of the Town Council not named in the complaint shall determine whether to pursue the violation. A decision to pursue a violation requires a unanimous vote by the non-named members. If the Council votes to pursue the violation, the named Councilmember or Councilmembers shall be afforded an opportunity to respond to the allegations.~~
- ~~3. If warranted under the circumstances, the Town Council may direct the Town Attorney to initiate an investigation.~~
- ~~4. The Town Council reviews the complaint and response, as well as the results of the investigation, if any.~~
- ~~5. After reviewing the complaint and response, or the results of the investigation, the Council may take one of the following actions:~~
 - ~~a. Admonishment: A reminder that a particular type of behavior is a violation of the Code of Conduct.~~
 - ~~b. Written Warning: Formal Council action determining that a violation occurred.~~
 - ~~c. Censure: Formal Council statement of official reprimand in the case of a serious violation of the Code of Conduct.~~

Commented [CC24]: Council gave unanimous consensus to strike this section.

QH. 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 Town Charter, or an ordinance of the Town.

Town Council Workshop Memo

Subject: Restoring the Reading of Citizen Comments into the Public Record

Date: 6-2-2025

From: Vice Mayor Pro Tem Diana Davis

Purpose:

To recommend restoring the previous policy that allowed the Town Clerk to read citizen-submitted comments on agenda items into the public record at Town Council meetings.

Current Policy and Concerns:

The Town Council currently requires residents to be present in-person or join via Zoom to participate in meetings. Comments submitted in writing are no longer read into the record. This change presents several barriers:

- Meeting Length: Council meetings often last five hours, and residents must wait for their agenda item to be called to speak—sometimes only to have the item deferred to a later meeting.
- Limited Accessibility: Many of our residents are older and may not be comfortable with or have access to Zoom.
- Inefficiency: Zoom participation is time-consuming and often plagued by technical difficulties such as mute/unmute confusion.

Recommendation:

To improve transparency, accessibility, and efficiency, I propose we reinstate the policy allowing the Town Clerk to read written citizen comments on agenda items into the public record. These comments inform Council decisions and reflect the voice of the community. Our population deserves to be heard—especially those who cannot attend in person or navigate digital platforms.

Objective:

To ensure public participation remains a meaningful and practical part of our decision-making process.

Respectfully,
Diana Davis
Vice Mayor Pro Tem

Town Council Workshop Memo

Subject: Reaffirming the Policy-Setting Role of Town Council and Suggestion alternative Communication Strategy

Date: 6/2/2025

From: Vice Mayor Pro Tem Diana Davis

Purpose:

To reaffirm the Town Council's role as the sole policymaking body and ensure that legal guidance and administrative actions follow a transparent, council-directed process.

Background:

A recurring governance issue has emerged in which administrative staff—after consulting privately with the Town Attorney—determine litigation risk and unilaterally decide whether a council-approved policy can be implemented. This practice undermines the authority of the Town Council and bypasses the public process essential to sound municipal governance.

Recent Examples:

1. The Council work-shop voted for option 2 – keep harmony in our code for single family homes, and define the terms to something reasonable measurable that preserves the rights of new construction and the rights of existing residents. One week prior to the Town Council meeting where the Council would review the findings of staff working on option 2. We received a Town Council memo that the staff had decided to follow workshop option 3, with no harmony evaluation for single family homes. The workshop Council chosen action was now just weeks later thought to present a potential “inordinate burden,” and therefore was much of a Bert Harris Action litigation risk. [Arguably, not a Bert Harris Act Risk at all – and this is an action to pursue a different agenda than that of Town Council] We had asked for measurable reasonable criteria for harmony evaluation. Bert Harris Act passed in 1995, it is thirty years old. The current harmony code has been in place for a year and when passed this “litigation risk” was not identified. The newly identified risk is not based on new case law. There is no Bert Harris Action based on Bulk or Mass determinations that I am aware. Len Rubin represents several municipalities and has never had a Bert Harris challenge. The Bert Harris Act itself is set up with a 90-day time frame so that if a challenge is filed there is time to evaluate whether there is an inordinate burden or not. We have insurance to

address Bert Harris litigation claims. It is not clear, why staff ignored the work-shop vote option 2 and brought in workshop option 3 to be voted on.

2. The Council voted for a moratorium on commercial development. No ordinance followed. I was informed by our then Town Manager, David Dyess, that the moratorium was set aside after an informal discussion between a Council person and the Town Manager.

Proposed Process Going Forward:

1. The Town Attorney provides legal opinions directly to the Town Council—either at a public meeting or via individual phone calls. These legal opinions need to contain arguments for proceeding on various policy paths with the legal risk outlined. These legal memos should not bind the Council to a particular course of action, as every action has litigation risk.
2. The Council then holds a public meeting to discuss and weigh litigation risks of various policy actions.
3. Only after this discussion and decision by Council should staff proceed to draft and communicate any official policy implementation. As we operate under a council-manager form of government, the Mayor does not have unilateral authority—every member has an equal vote, and decisions must be made collectively and in public. Stated again, no one Council person or the Mayor has unilateral authority to amend the Council decision.

Objective:

To clarify the chain of communication, ensure transparency, and reinforce that legal counsel works for the Town Council—not staff. This structure will preserve the integrity of council decisions and public trust in our process.

Respectfully,
Diana Davis
Vice Mayor Pro Tem