



SPECIAL TOWN COUNCIL MEETING AGENDA

August 07, 2025 at 3:00 PM

Council Chambers – 340 Ocean Drive and YouTube

NOTICE: If any person decides to appeal any decision of the Town Council at this meeting, he or she will need a record of the proceedings and for that purpose, he or she may need to ensure that a verbatim record of the proceedings is made, such record includes the testimony and evidence upon which the appeal is to be based. The Town does not prepare or provide such record. ***Persons with disabilities requiring accommodations in order to participate in the meeting should contact Caitlin E. Copeland-Rodriguez, Town Clerk, at least 48 hours in advance to request such accommodations.***

The meeting will be broadcast live on The Town of Juno Beach YouTube page and can be viewed any time at: <https://www.youtube.com/@townofjuno-beach477/streams>

HOW CITIZENS MAY BE HEARD: Members of the public wishing to comment publicly on any matter, including items on the agenda may do so by: Submitting their comments through the Public Comments Webform at: https://www.juno-beach.fl.us/towncouncil/webform/public-comments#_blank (all comments must be submitted by Noon on day of Meeting). Please be advised that all email addresses and submitted comments are public record pursuant to Chapter 119, Florida Statutes (Florida Public Records Law). Make their comment in-person; or participate from a remote location using Zoom – please contact the Town Clerk at ccopeland@juno-beach.fl.us by Noon on the day of the meeting to receive the Meeting ID and Access Code. (Please note that all members participating via Zoom must login at least 15 minutes prior to the meeting and will be muted upon entry until Public Comments is called).

****Please note that the Zoom meeting will lock for public comments at 3:00pm and no other entries will be permitted.***

All matters listed under Consent Agenda, are considered to be routine by the Town Council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

CALL TO ORDER

PLEDGE ALLEGIANCE TO THE FLAG

ADDITIONS, DELETIONS, SUBSTITUTIONS TO THE AGENDA

COMMENTS FROM THE TOWN MANAGER, THE TOWN ATTORNEY, AND STAFF

COMMENTS FROM THE PUBLIC

All Non-Agenda items are limited to three (3) minutes. Anyone wishing to speak is asked to complete a comment card with their name and address prior to the start of the meeting as well as state their name and address for the record when called upon to speak (prior to addressing the Town Council). Town Council will not discuss these items at this time.

COUNCIL ACTION/DISCUSSION ITEMS

1. Discussion on Legal Risks
2. Resolution No. 2025-09 - Agreement with Seacoast Utility Authority
3. Resolution No. 2025-10 – Rules of Procedure & Town Council Protocols
4. Discussion on Town Attorney Position Following Resignation

COMMENTS FROM THE COUNCIL

ADJOURNMENT



AGENDA ITEM

Meeting Name: Town Council Meeting
Meeting Date: July 23, 2025
Prepared By: Diana Davis, Vice Mayor Pro Tem
Item Title: Discussion on Legal Risks

DISCUSSION: Governance Role in Legal Risk Evaluation

Purpose

Clarify the respective roles of Town Council, Staff, and the Town Attorney in defining, evaluating, and acting on **legal risk**, specifically, whether this is a **policy matter for Council** or an **administrative matter for Staff**.

Part A – Defining Roles and Responsibilities for legal risk evaluation

I. Key Governance Question

Who determines the Town's tolerance for legal risk?

- Is it set by the **Town Council** as a policy decision?
 - Or is it determined by **Staff**, based on administrative interpretation of legal advice?
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II. Guidance from the Town Charter

- **Article III, Section 1(c):** *"The Town Council adopts policies and appropriates town funds... and its members have fiduciary responsibilities as trustees of public funds."*
 - **Article III, Section 7:** *"The Council shall appoint a Town Attorney and may employ other professional advisors."*
-

III. Responsibility for Policy and Fiduciary Oversight Includes Legal Risk Management

Town Council has budgetary authority. Legal risk often carries financial implications.

What is legal risk? In a general sense, legal risk is a spectrum of opportunity within a business decision. Any decision of the Town involves potential litigation risk, so we are always faced with the “yellow-light” of caution regarding potential lawsuit claims for any action taken. However, the Town Council may decide to move forward despite the quantified legal risks, if the public benefit rewards are sufficient to justify moving forward. **Town Council members as elected officials are uniquely accountable to the community on weighing the risk and rewards, and then selecting the options that create the most public policy benefits while mitigating against litigation risks with insurance or other risk mitigation practices.**

Therefore:

- Council must determine **how much risk is acceptable.**
- Council must ensure risks are **quantified, explained, and considered.**
- Staff and legal advisors must **not pre-empt the Council** by presenting legal risk as a reason to alter or override policy decisions.

IV. Principles of Good Governance

Function	Responsible Party	Explanation
Policy Setting	Town Council	Council, as the legislative body, determines public policy benefits in weighing legal risk tolerance.
Legal Advising	Town Attorney	Provides legal analysis and risk evaluation; does not dictate outcomes.
Policy Execution	Town Staff	Implements Council policy; does not substitute its judgment for that of Council.

V. Proper Process for Legal Risk Evaluation – given that legal risk is not a mandate. It is a policy consideration that needs to be weighed against the public benefits.

Council’s role:

- Receive **objective legal analysis** from the Town Attorney for the interpretation of likelihood of a claim being filed, arguments that would be presented by both sides regarding the likelihood of success on the merits if a claim is brought.
- Review **relevant factual data**, including:
 - Prevalence and outcomes of similar cases

- Potential costs and insurance coverage
 - Risk exposure and mitigation options
 - Weigh litigation risk **against public policy objectives**.
 - Decide whether to proceed—even when legal exposure exists.
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VI. Recent Example: Agenda Item #13 – May 28, 2025 Council Meeting

Summary:

A staff memo advised against continuing to apply **Ordinance 780** (harmony standards) to single-family homes, citing legal risk under the **Bert Harris Act**.

Concerns:

- The memo presented legal risk as **conclusive**, not advisory.
 - **No new case law** or facts were provided to support the change to existing policy and existing Council direction. Bert Harris Act gives a 90-day settlement period.
 - Staff's position **contradicted prior Council direction** from the workshop.
 - Council ultimately voted to follow the memo, **despite a Town Council vote to retain Ordinance 780 at the same meeting**—resulting in conflicting actions without clarification.
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VIII. Summary Statement

Legal risk evaluation is a **governance issue**, not just a legal or administrative one.

Council is the policymaking body elected to weigh legal, financial, and public policy considerations.

Staff and the Town Attorney are key advisors—but final decisions, including legal risk tolerance, belong to the Council who are responsible to the public through elections.

Part B – Action Plan to Implement Recommendations regarding legal risk analysis to Strengthen Governance and Clarify Roles

1. Clarify Roles and Responsibilities

- If a proposed action is **clearly illegal**, staff must not proceed.
- However, when legal risk is **subject to policy judgment**, then staff should not unilaterally determine the acceptable risk level or deviate from Council direction—even workshop consensus—without first **bringing the matter to the full Council** for discussion. **Staff**

memos that make conclusions regarding legal risk of various policies without first getting direction from Town Council, can increase legal risk to the Town and limit the Council's options to achieve particular public policy goals.

2. Direct the Town Attorney to Report Directly to the Town Council

- Legal advice related to **the Council-adopted policy** should be provided **directly to the Town Council**, with staff included as appropriate—not the reverse.
- When staff consults the Town Attorney, **Council should be copied** on both the inquiry and the response, ensuring transparency and shared understanding.
- If the issue is significant, Council may then formally request a comprehensive legal opinion for proper deliberation, including the facts necessary for analysis of the risk identified.

3. Request a Motion to “Affirm Council's Role as Policy-Maker responsible for determining legal risk tolerance.”

- Council should **restate in writing** that decisions involving **legal risk tolerance** are **policy decisions** reserved for the Council.
- Administrative staff shall:
 - Develop implementation procedures that align with adopted policy.
 - Not alter or delay implementation based on legal risk **without explicit Council direction**.

4. Prohibit Use of Staff Memos to Change or Set Policy

- Staff memoranda should **not be used to revise or nullify adopted policy**, particularly where legal risk is cited.
- Any policy change or reconsideration must follow a **formal Council discussion and vote**.

Conclusion

These actions will:

- Reinforce the **governance authority of the Council**.
- Ensure **legal advice is shared equitably and transparently**.
- Prevent inadvertent **policy shifts driven by staff interpretation**.
- Maintain the **integrity of the policymaking process**

Part C – Example of what may be included within legal risk analysis, example provided analysis of state statute that pre-empts local governments from regulating building design materials with exceptions (i.e., Architectural Review for Single Family residential).

Attachment.

Retaining Architectural Review for Single-Family Homes: Analysis of Legal Risk based on likelihood of lawsuit & costs versus Public Policy Benefits of Moving Forward

Yellow Light potential for Legal Challenge: Such challenges to P&Z decisions are rare, manageable, and comparable to other routine Town matters such as defense of code violation citations and defense of traffic tickets issued

1. Type of Lawsuit: If a homeowner challenges denial of a proposed design based on architectural style, the proper legal avenue is a writ of certiorari—a limited judicial review, with no damages, penalties, or prevailing party attorney's fees.
2. Lawsuit Frequency: Over the last 20 years, only five writ of cert cases involved Planning and Zoning (P&Z) decisions. Four were challenges by neighbors trying to block new construction buildings. Only one case sought to allow a larger construction project.
3. Cost: (* request for costs submitted range of \$5k-\$15k) Assuming \$10,000 per defense, the average annual cost is approximately \$2,500 per year. This is less than the Town spends on mailings and is equivalent to defending a traffic or code enforcement citation.

Potential Outcome of Legal Challenge: Whether Favorable or Not, it is Easily Resolved at a known reasonable cost

- Precedent: No applicant has been denied based solely on architectural style. Denials are rare and could be avoided with negotiated design changes. Pre-emption language for Building Design Elements has been in place for several years without consequence
- Legal Position: Florida law does not explicitly prohibit architectural review. The Town's detailed code for architectural styles is helpful in a pre-emption type legal challenge
- **Attorney Opinion: The Town Attorney confirms a legal argument can be made that architectural review authority is not preempted for single-family homes. (Attached)**
- Comparable Cities: St. Petersburg, with similar code language to Juno Beach, retains its architectural review and no challenges to its authority have been filed.

Public Benefit: Preserving Neighborhood Character and Property Values

- Mitigating Mass: Design features like roof slope, porches, and balconies help large homes blend into neighborhoods. These are 'building design elements' that without the authority to regulate may not be tools available to mitigate larger mass projects.
- Sense of Place: Architectural quality distinguishes Juno Beach from other coastal towns. Losing control risks losing our Town's unique character reducing property values for existing residents.

- Future Flexibility: Without architectural review, the Town may not be able to implement voluntary historical preservation programs or meet Comprehensive Plan goals for neighborhood consistency. (See Comprehensive Plan Future Land Use 11.1)

- Long-Term Trend: The Fla. Legislature is unlikely to restore local authority. Relinquishing architectural review now forfeits long-term tools that protect our community.

Summary: Low Risk, High Reward

The legal risk of retaining architectural review for single-family homes in Juno Beach is low. The cost of defending a legal challenge—approximately \$10,000 per case—is modest and infrequent, while the policy benefits of architectural review are substantial, including preserving neighborhood character, supporting property values, and enabling future preservation programs.

Conclusion

For a known cost of approximately \$2,500 per year, the Town can preserve its unique character, maintain regulatory flexibility, and support stable property values. The risk of a challenge is small and manageable. The benefits of retaining architectural review are too important to give up.

Footnote 1: Writ of Certiorari Cases Filed Against the Town (1998–2025)


Type	Case Number	Date	Case Style
P&Z	50-2025-CA-00000-XXXX-MB	—	Shaw, Scott v Town of Juno Beach
P&Z	50-2024-CA-010287-XXXX-MB	10/25/2024	Black, William v Town of Juno Beach
P&Z	50-2019-CA-005516-XXXX-MB	4/26/2019	Anthon, Dean v Town of Juno Beach
P&Z	50-2018-CA-012132-XXXX-MB	9/21/2018	Huffman, Debra Lea v Town of Juno Beach
Noise/Odor	50-2013-CA-018537-XXXX-MB	12/19/2013	Caybana Grill Inc v Town of Juno Beach
Charter School	50-2013-CA-009453-XXXX-MB	5/10/2013	Bright Futures Academy Charter School Inc v Town of Juno Beach
Charter School	50-2013-CA-008635-XXXX-MB	5/10/2013	Bright Futures Academy Charter School Inc v Town of Juno Beach
Speed Ticket	50-2010-CA-004716-XXXX-MB	2/22/2010	Kamp, Mark M v Town of Juno Beach

Speed Ticket	50-2009-CA-035334-XXXX-MB	10/19/2009	Levine, Cary Michael v Town of Juno Beach
Interference w/ Building	50-2007-CA-005639-XXXX-MB	4/16/2007	Juno Ocean Key v Town of Juno Beach
Interference w/ Building	50-2007-CA-002523-XXXX-MB	2/20/2007	Bay Colony Oversight Inc v Town of Juno Beach
P&Z	50-2006-CA-003682-XXXX-MB	4/13/2006	Davies, Peggy v Town of Juno Beach
	50-2002-CA-011685-CACT-AY	9/27/2002	Cole, James v Town of Juno Beach
	50-1999-CA-012092-CACT-AY	12/17/1999	McLeod, T. Bragg v Town of Juno Beach
	50-1998-CA-005299-CACT-AY	6/12/1998	Juno Isles Civic Association v Town of Juno Beach

Footnote 2: Len Rubin legal analysis of whether the state statute language regarding “Building Design Elements” pre-empts the local municipal authority to continue its regulations of architectural styles. (Attached)

MEMORANDUM

TO: Mayor Peggy Wheeler
Vice Mayor John Callaghan
Members of the Town Council

FROM: Leonard G. Rubin, Town Attorney 

RE: Regulation of Architectural Styles for Single-Family Detached Dwellings

DATE: April 21, 2025

CC: Robert Cole, Town Manager
Frank Davila, Planning and Zoning Director
Caitlin Copeland-Rodriguez, Town Clerk

BACKGROUND:

For well over thirty years, the Town has regulated the architectural style of all buildings and structures erected within the Town as part of its site plan and appearance review procedures. Buildings were required to be of an architectural style representative of or reflecting the "Old Florida" style of architecture indigenous to the Town and commonly known and identified as late Victorian (Key West Cracker), Spanish revival (Mediterranean), or a combination thereof. In 2014, the list of architectural styles was expanded to include Modern (early to mid-20th century). All new commercial developments, mixed-use developments, and residential dwellings of two or more units were required to undergo site plan and appearance review, including architectural review. These applications were first considered by the Planning and Zoning Board and presented to the Town Council for final action with the Board's recommendation. However, single-family detached dwellings were subject to site plan and appearance review, including architectural review, only by the Town's Planning and Zoning Department.

During its 2021 session, the Florida Legislature amended Section 163.3202, Florida Statutes, to limit the ability of local governments to regulate "building design elements" for single-family and two-family dwelling units. The term building design elements refers only to the exterior appearance and layout of the structures, not the size or massing, and is defined by statute as follows:

[T]he external building color; the type or style of exterior cladding material; the style of material of roof structures or porches; the exterior nonstructural architectural ornamentation; the location or architectural styling of windows or doors; the location or orientation of the garage; the number and type of rooms; and the interior layout of rooms. **The term does not include the height, bulk, orientation, or location of a dwelling on a zoning lot; or**

the use of buffering or screening to minimize potential adverse physical or visual impacts or to protect the privacy of neighbors.

§163.3202(5)(b)1, Fla. Stat. (2024) (emphasis added). Section 163.3202(5)(a), Florida Statutes, did provide certain exceptions to this limitation on municipal regulation of single-family and two-family dwellings, including, but not limited to, dwellings located in planned unit developments or master planned communities or dwellings located within a jurisdiction of a local government that has a design review board or architectural review board.

As set forth above, prior to 2021, single-family detached dwellings were not considered by either the Planning and Zoning Board or the Town Council and were subject solely to site plan and appearance review and approval by the Planning and Zoning Department. To comply with the statutory amendment and to facilitate the Town's continued regulation of architectural styles for single-family detached dwellings, on October 27, 2021, the Town Council adopted Ordinance No. 745, amending the Town's Zoning Code to designate the Planning and Zoning Board as the Town's appearance review board for single-family detached dwellings. The Board was granted final decision-making authority on site plan and appearance review¹, specifically including architectural review, of detached single-family dwellings not located within an approved planned unit development, thereby invoking the statutory exception outlined above.

However, during its 2023 session, the Florida Legislature amended Section 163.3202 to only allow local governments to continue to regulate building design elements for single-family detached dwellings if the local government had a design review board or architectural review board created before January 1, 2020. As set forth above, the Town did not delegate appearance and architectural review of single-family dwellings to the Planning and Zoning Board until October 27, 2021. Consequently, effective July 1, 2023 (the effective date of the statutory change), the Town ceased regulating building design elements for single-family detached dwellings.

Recently, Councilmember Davis questioned whether the Town could continue to regulate building design elements because the Planning and Zoning Board has historically conducted appearance review, albeit on an advisory basis, of commercial developments, mixed use developments, and residential structures of two or more units. Councilmember Davis presented a letter from Nancy Stroud, a local land use attorney, opining that because the Planning and Zoning Board's duties included appearance review as of January 1, 2020 and because the terms "design review board" and "architectural review board" are not specifically defined by statute, the Town could continue apply its land development regulations relating to building design elements (or architectural styles) to single-family and two-family dwellings.

¹ Through the adoption of Ordinance No. 753 on September 28, 2022, the Town Council removed the site plan review component for single-family detached homes from the Planning and Zoning Board's purview and returned that function to the Planning and Zoning Department, thereby limiting the Board's authority solely to appearance review (including architectural review) only.

(12)

QUESTION PRESENTED:

Given the Planning and Zoning Board's historical appearance review duties as a recommending body for commercial developments, multi-family developments, and residential dwellings of two or more units, did the Town have an architectural review board or design review board in place prior to January 1, 2020 to enable the Town to continue to regulate building design elements (or architectural styles) for detached single-family dwellings and two-family dwellings not included within a planned unit development pursuant to Section 163.3203(5)(a), Florida Statutes?

SHORT ANSWER:

Neither the plain language of Section 163.3203(5)(a)7, Florida Statutes, nor the legislative history for the 2023 amendment gives any definitive indication of the Town's ability to continue to regulate architectural styles for detached single-family dwellings and two-family dwellings. Consequently, the Town Council may wish to seek an advisory opinion from the Attorney General. However, because Attorney General opinions are advisory and not legally binding, the Town must proceed to evaluate its options and determine the appropriate course of action based on the potential risks and benefits of each approach, taking into account the best interests of the Town and its residents.

ANALYSIS:

As set forth above, the Planning and Zoning Board has historically, and most certainly prior to January 1, 2020, acted as a recommending body for site plan and appearance review for commercial developments, mixed-use developments, and residential dwellings of two or more units. As set forth in Section 34-116(3)(b) of the Town Code, architectural style is a component of appearance review. The central question is whether given this appearance review function, the Town's Planning and Zoning Board satisfies the statutory requirement of an "architectural review board" or "design review board."

As pointed out in Ms. Stroud's letter, Section 163.3202(5)(a), Florida Statutes, does not define the terms "architectural review board" or "design review board." When attempting to discern the application of a statute, the first rule of statutory construction or interpretation is to give the statute its plain and ordinary meaning. *Weber v. Dobbins*, 616 So. 2d 956 (Fla. 1993). However, when a word or term is not defined and the statutory language is unclear or ambiguous, courts apply rules of statutory construction and explore legislative history to determine legislative intent. *Nicarry v. Eslinger*, 990 So. 2d 661 (Fla. 5th DCA 2008). See also *Longval v. State*, 914 So. 2d 1098 (Fla. 4th DCA 2005) (to discern legislative intent, courts must apply a "common-sense approach" which requires consideration of, among other things, legislative history). A statute is ambiguous when its language is subject to more than one reasonable interpretation and may permit more than one outcome. *Hess v. Walton*, 898 So. 2d 1046 (Fla. 2d DCA 2005).

Initially, it appeared that the Legislature's 2023 amendment to Section 163.3202(5)(a), Florida Statutes, preempted the Town's ability to review building design elements for detached single-family dwellings because prior to October 27, 2021, architectural review

was conducted solely by the Planning and Zoning Department and not by a board with design review or architectural review functions. However, upon closer examination, the statute does explicitly state that the Town was required to have a design review board or architectural review board actively reviewing such applications prior to January 1, 2020. The statute only requires that the "dwelling be located within a jurisdiction of a local government that has a design review board or an architectural review board created before January 1, 2020." §163.3202(5)(a)7, Fla. Stat. (2024). As fully set forth above, the Planning and Zoning Board has historically conducted appearance review and architectural review of development applications as a recommending body and was in place long before January 1, 2020. Because the statutory language is subject to more than one interpretation, the next step in the analysis would be to explore the legislative history of the 2023 revision to Section 163.3202(5)(a), Florida Statutes.

While the legislative history, like the statute itself, does not provide any specific definitions, the Florida Legislature's April 27, 2023 Bill Analysis and Fiscal Impact Statement for the 2023 revision to Section 163.3202(5)(a), Florida Statutes, does, in a footnote, give two examples of the types of local government architectural review boards or design review boards to which it was referring, namely, the Village of Wellington Architectural Review Board and the City of St. Petersburg Development Review Committee, which also functions as the City's Design Review Board. However, a deeper analysis of the roles of these two example boards or committees yields no additional clarity.

The stated duties of the Village of Wellington Architectural Review Board ("ARB") are to: (1) adopt by resolution various schedules of approved materials, designs, and charts of approved colors; (2) hear and decide appeals of administrative decisions of the planning, zoning and building department pertaining to approved materials, designs, and charts of approved colors; (3) hear and approve alternatives to the development and design criteria established by ordinance or resolution; and (4) review and approve plans for multifamily and non-residential development. Appointments to the Architectural Review Board are "based on experience or interest in the businesses and professions involved in building and development." The powers and duties of the Wellington ARB include adopting schedules of approved materials, designs, and colors and go far beyond mere recommendations regarding appearance review. The Wellington ARB conducts traditional architectural or design review in the same manner as many other local government boards that review the architectural elements of single-family homes, such as the Town of Bay Harbor Islands Design Review Board, the City of Miami Beach Design Review Board, and the City of Naples Design Review Board. Each of these municipalities has extensive design and/or architectural guidelines in place that are administered by a board whose members have specific expertise relating to architecture, engineering, and/or land use.

The City of St. Petersburg, on the other hand, has a Development Review Commission ("DRC") with duties very similar to a traditional planning board like the Town's Planning and Zoning Board. In appointing members to the DRC, Section 18.80.020.2(B) of the City Code requires that, where possible, the City Council should include members "qualified and experienced in the fields of architecture, planning, landscape architecture,

engineering, construction, and land use law and real estate.” While the City has developed very detailed architectural guidelines for its traditional neighborhoods, the architectural review of single-family homes is conducted by members of City Staff, with the St. Petersburg DRC’s role generally limited to reviewing architectural details and materials when a property owner is seeking a variance. In fact, a representative of the City Attorney’s Office confirmed that the City of St. Petersburg specifically added design review to the Commission’s duties after the 2021 amendment to Section 162.3202(5)(a), Florida Statutes, to ensure continued regulation of building design elements or architectural styles for detached single-family homes. The City’s approach to the 2021 legislation was very similar to Town’s approach; however, the City continued to regulate architecture after 2023 amendment, relying on the fact that the Development Review Commission was in existence prior to January 1, 2020.

Because the legislative history provides two divergent examples of the types of boards that would fall within the exception allowing local governments to continue to regulate building design elements, it provides no additional clarification of the Legislature’s intent.

Neither the plain language of the statute nor the legislative history provides clear direction as to whether the Town can continue to conduct architectural review of detached single-family homes. While the Town will not have a definitive answer until a court of competent jurisdiction rules on this issue or the Florida Legislature further clarifies the statutory language, the Town could, as interim step, request an advisory opinion from the Florida Attorney General. Attorney General Opinions serve to provide legal advice on questions of statutory interpretation. Attorney General opinions are advisory only and not law; however, they are persuasive and could provide additional guidance to the Town.

Irrespective of whether the Town Council seeks an Attorney General Opinion, the Town Council’s decision as to whether to continue to regulate architecture for single-family detached homes² ultimately hinges upon the Town Council’s risk tolerance and an evaluation of the potential benefits and consequences of each approach.

Option A – No regulation of architectural styles for detached single-family dwellings.

The first approach is to take a more conservative, restrictive interpretation of the statute and continue along the current path of not regulating building design elements or architectural styles of single-family detached dwellings. While this approach prevents the Town from requiring specific architectural styles for single-family detached dwellings, the Town can continue to address neighborhood compatibility issues through the application of other components of the appearance review process, such as harmony, or through the adoption of additional regulatory criteria, such as maximum floor area ratios. As explained above, Section 163.3202(5)(b)1, Florida Statutes, does not address size or massing and specifically excludes “bulk” from the definition of building design elements.

Additionally, the Town Council delegated final authority for appearance review of single-family detached homes to the Planning and Zoning Board for the sole purpose of allowing

² Whatever course of action the Town Council takes for single-family detached dwellings would also apply to two-family dwellings.

continued architectural review for these types of dwellings in response to the statutory amendment. However, the Board is not comprised of persons with specific qualifications or experience in the fields of architecture, design, engineering, or land planning, and some of the Boardmembers have expressed reluctance in applying appearance review criteria, some of which are inherently subjective in nature, to pending appearance review applications. If the Town is no longer regulating architectural review for single-family detached dwellings, the Town Council could delegate the appearance review function back to the members of the Planning and Zoning Staff, who do have the requisite expertise in the fields of architecture and land planning. Under this approach, if an applicant disagreed with Town Staff's application of the architectural styles or appearance review criteria, including harmony, that decision could be appealed to the Town Council sitting as the Zoning Board of Adjustment and Appeals, thereby vesting the Town Council with final decision-making authority over certain applications.

Option B – Reactivate regulation of architectural styles for detached single-family dwellings.

The second approach is to follow the lead of the City of St. Petersburg and take a more liberal interpretation of the statute, thereby reactivating the Town's regulation of building design elements or architectural styles for detached single-family homes in the same manner as the Town conducted such review prior to July 1, 2023. This option would expand the Planning and Zoning Board's review to include all aspects of appearance review, including harmony and architectural styles. The Board would continue to have final decision-making authority, and any person seeking to challenge the Board's determination would be required to file a Petition for Writ of Certiorari in the circuit court, without any potential for Town Council involvement in the process.

The potential risk associated with this approach is that applicants who are denied appearance review based on architectural style could raise the provisions of Section 162.3202(5)(a), Florida Statutes, as a basis for reversal of the Board's decision and the Town would be required to defend such an action. While there are various statutory provisions that allow for the recovery of attorney's fees for violations of a statutory preemption, these provisions are only generally applicable to challenges to ordinances and would not apply to an appeal of the denial of a development order application for appearance review. Furthermore, because the Town adopted the architectural review requirement prior to May 11, 1995, no cause of action would generally exist under the Bert J. Harris Private Property Rights Protection Act for enforcing mandated architectural styles. §70.001(12), Fla. Stat. (2024).

The Town Council could also consider returning both appearance review and architectural review of detached single-family dwellings to Planning and Zoning Staff. However, because a review board or architectural committee would not be performing this function, this approach would be more difficult to defend in the event of a challenge to the Town's authority to regulate building design elements (or architectural styles) based on Section 163.3202(5)(a), Florida Statutes.

CONCLUSION:

As fully discussed above, applying the rules of statutory construction does not lead to any definitive conclusion regarding the Town's ability to regulate architectural styles for detached single-family (and two-family) dwellings. Neither the plain language of the statute nor the legislative history gives any clear indication as to whether the Planning and Zoning Board's historical duties as an appearance review board satisfies the statutory criteria for the continued regulation of building design elements or architectural styles for detached single-family dwellings as set forth in Section 163.5202(5)(a), Florida Statutes. The Town Council could request an advisory opinion from the Attorney General seeking additional guidance regarding the statutory interpretation. However, even if the Attorney General issues such an opinion, it is advisory only. Consequently, it is ultimately up to the Town Council to assess the importance of architectural review of single-family (and two-family) dwellings and determine the appropriate course of action based on the potential risks and benefits of each approach.



Meeting Name: Town Council Meeting
Meeting Date: July 23, 2025
Prepared By: Steven J. Hallock, Director of Public Works
Item Title: Resolution No. 2025-09 - Agreement with Seacoast Utility Authority

DISCUSSION: The Seacoast Utility Authority (SUA) has requested the Town Council approve an Agreement with SUA and its Contractor (AMICI Engineering Contractors) relating to use of the Public Works Complex located at 685 Rolling Green Road for the storage of materials relating to Phase 2 of the replacement of the water mains within the Juno Isles subdivision project. In exchange for the use of the Town Public Works Complex, SUA will pave the street in front of the Public Works Complex upon project completion at no cost to the Town of Juno Beach.

RECOMMENDATION: Authorize the Mayor and Town Clerk to execute the Agreement on behalf of the Town of Juno Beach.

RESOLUTION 2025-09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, APPROVING AN AGREEMENT WITH SEACOAST UTILITY AUTHORITY RELATING TO FACILITY USE AND HOLD HARMLESS AND AUTHORIZING THE MAYOR AND TOWN CLERK TO EXECUTE SAME; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town owns a Public Works Facility ("Facility") located at 685 Rolling Green Road within the Town; and

WHEREAS, SUA desires to utilize a portion of the Facility's storage yard for the staging and storage of materials (millings, pipes, fittings, etc.) required for Phase 2 of the replacement of water mains within the Juno Isles subdivision ("Project"); and

WHEREAS, the Town has agreed to allow SUA to utilize the Facility for the staging and storage of Project materials subject to the terms of the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA as follows:

Section 1. The foregoing recitals are hereby ratified and incorporated herein.

Section 2. The Town Council hereby approves Agreement with Seacoast Utility Authority and its Contractor (AMICI Engineering Contractors) relating to use of the storage yard located at the Facility for the storage of materials relating to the Project, a copy of which is attached hereto and incorporated herein, and authorizes the Mayor and Town Clerk to execute the Agreement on behalf of the Town.

Section 3. This Resolution shall become effective immediately upon adoption.

RESOLVED AND ADOPTED this ____ day of _____, 2025.

Peggy Wheeler, Mayor

ATTEST:

Caitlin E. Copeland-Rodriguez, MMC, Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Leonard G. Rubin, Town Attorney

FACILITY USE AND HOLD HARMLESS AGREEMENT

THIS FACILITY USE AND HOLD HARMLESS AGREEMENT ("Agreement") is made and entered into as of this ____ day of _____, 2025, by and between the Seacoast Utility Authority, a not-for-profit, governmental regional utility, 4200 Hood Road, Palm Beach Gardens, Florida 33410 ("SUA"), and the Town of Juno Beach, a Florida municipal corporation, 340 Ocean Drive, Juno Beach, Florida 33408 ("Town").

RECITALS

WHEREAS, the Town owns a Public Works Facility ("Facility") located at 685 Rolling Green Road within the Town; and

WHEREAS, SUA desires to utilize a portion of the Facility's storage yard for the staging and storage of materials (millings, pipes, fittings, etc.) required for Phase 2 of the replacement of water mains within the Juno Isles subdivision ("Project"); and

WHEREAS, the Town has agreed to allow SUA to utilize the Facility for the staging and storage of Project materials subject to the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the receipt and sufficiency of which are hereby acknowledged, parties hereby agree as follows:

1. Recitals

The foregoing recitals are hereby ratified and incorporated herein by reference.

2. Use of Facility

A. The Town hereby grants SUA and its Contractor (AMICI Engineering Contractors) use of the storage yard located at the Facility for the storage of materials relating to the Project. The materials shall consist of bundles of pipe approximately twenty (20) feet long by eight (8) feet wide by eight (8) feet tall, in addition to several pallets of fittings, hydrants, valves, and other accessories. The Town shall also allow the placement of one shipping container for locked storage.

B. SUA shall occupy the portions of the Facility for the specific purposes identified in Attachment B attached hereto and incorporated herein by reference. SUA and its Contractor shall utilize the entrance identified in Attachment B. SUA shall be solely responsible for ensuring the security of the stored materials and the locking of gates with no recourse to the Town. The Fenced Area identified in Attachment B shall be surrounded by a temporary chain line fence and gate installed by SUA.

C. SUA's use of the Facility shall not interfere with, obstruct, or endanger the Town's operations or use of the Facility for governmental operations.

D. SUA and its Contractor shall provide for its own waste and litter containment and removal.

3. Term and Termination

A. The term of this Agreement shall commence on the date set forth above and shall continue for a period of one (1) year. By mutual written agreement, the parties may agree to extend the term for additional thirty (30) day periods.

B. Either party may terminate this Agreement with or without cause upon sixty (60) days' written notice to the other party.

4. Indemnification and Hold Harmless

In consideration for its use of the Facility, SUA agrees to indemnify, defend, and hold harmless the Town, its officers, agents, employees, servants, designees, and appointees from and against any and all claims, suits, and demands of liability, loss, or damage whatsoever, including attorneys' fees and costs and attorneys' fees and costs on appeal, from all claims, demands, debts, damages, liabilities, obligations, actions, or causes of action, whether known or unknown, foreseen or unforeseen, fixed, accrued or contingent, liquidated or unliquidated, matured or unmatured, direct or derivative, or consequential based in contract, tort, statute, regulation, or otherwise arising from or in any way connected with SUA's or its Contractor's access to, use of, and/or presence at the Facility. Notwithstanding the foregoing, nothing contained herein shall operate as a waiver of sovereign immunity beyond the limits set forth in Section 768.28(5), Florida Statutes, or require SUA to indemnify the Town for its own negligence as prohibited by Section 768.28(19), Florida Statutes.

5. Due Care and Restoration

A. SUA and its Contractor shall take due care to avoid damage to the Facility. SUA shall notify the Town immediately of any damage and shall be liable for all costs associated with the repair, replacement, or restoration of the Facility for any and all damage that may occur as a result of the staging and storage of materials or use of the Facility, normal wear and tear excepted.

B. Upon termination of this Agreement, SUA shall restore the portion of the Facility utilized by SUA to the condition that existed prior to such use, including restoration of sod and grading. Additionally, SUA shall mill and provide an overlay of asphalt for that portion of Rolling Green Road adjacent to the Facility, as identified in Attachment A attached hereto and incorporated herein by reference.

6. Non-Assignment

SUA shall not assign or transfer its rights, privileges, and obligations under this Agreement to any other party, other than use of the Facility by SUA's Contractor, as identified in Section 2(A) above.

7. Notices

All notices, request, demands or other communications under this Agreement shall be in writing and shall be deemed to have been given if hand delivered, mailed via certified mail (return receipt requested), sent by e-mail, or sent by overnight courier if sent to the parties as follows:

Seacoast Utility Authority
Attn: Rim Bishop, Executive Director
4200 Hood Road
Palm Beach Gardens, FL 33410
rbishop@sua.com

Town of Juno Beach
Attn: Robert A. Cole, Town Manager
340 Ocean Drive
Juno Beach, FL 33408
rcole@juno-beach.fl.us

8. Applicable Law

This Agreement shall be governed and construed in accordance with the laws of the State of Florida and venue for any court proceeding or dispute resolution shall lie in Palm Beach County. **The parties expressly waive all rights to trial by jury** with respect to any dispute arising out of this Agreement.

9. Attorney's Fees

If any legal action or other proceeding is brought for the enforcement of this Agreement, or because of an alleged dispute, breach, default or misrepresentation in connection with any provisions of this Agreement, the successful or prevailing party or parties shall be entitled to recover reasonable attorney's fees, court costs and all expenses (including taxes) even if not taxable as court awarded costs (including, without limitation, all such fees, costs and expenses incident to appeals), incurred in that action or proceeding, in addition to any other relief to which such party or parties may be entitled.

10. Entire Agreement

This Agreement sets forth the entire agreement between the parties, and there are no other agreements or understandings, oral or written, between the parties concerning the subject thereof.

11. Survival of Provisions

All obligations of a continuing nature, including, but not limited to, Section 4 (Indemnification and Hold Harmless) and Section 5 (Due Care and Restoration), shall survive termination of this Agreement.

[Remainder of Page Intentionally Blank]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the day and year first written above.

SEACOAST UTILITY AUTHORITY

By: 
Rim Bishop, Executive Director

ATTEST:



Name: Dawn Phillips, Deputy Clerk
Title: Deputy Clerk



TOWN OF JUNO BEACH

By: _____
Robert A. Cole, Town Manager

ATTEST:

Town Clerk

Attachment "A"



Juno Isles Phase 2 Water Main Replacement
Agreed Yard Layout & Usage





Meeting Name: Town Council Meeting
Meeting Date: July 23, 2025
Prepared By: C. Copeland-Rodriguez, MMC, Town Clerk
Item Title: Resolution No. 2025-10 – Rules of Procedure & Town Council Protocols

DISCUSSION:

At the June 25, 2025, Town Council Meeting, the Council reviewed, discussed, and amended the proposed Rules of Procedure & Town Council Protocols document.

The attached revised document reflects the Council’s collaborative efforts to clarify procedural guidelines and strengthen the standards by which Councilmembers, Boardmembers, and Committee Members conduct business and engage with the community.

The revised document is now ready for formal review and adoption.

RECOMMENDATION:

Staff recommend Town Council consideration of Resolution No. 2025-10 adopting the Rules of Procedure and Town Council Protocols.

ATTACHMENT(S):

Attachment #1 - Resolution No. 2025-10

Attachment #2 – Rules of Procedure & Town Council Protocols

RESOLUTION 2025-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, ADOPTING RULES OF PROCEDURE AND TOWN COUNCIL PROTOCOLS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through the adoption of Resolutions 2022-12 and 2024-21, the Town Council adopted Public Participation Rules and Policies and General Meeting Procedures applicable to meetings of the Town Council, the Planning and Zoning Board, and other Town boards and committees; and

WHEREAS, while Section 286.0114, Florida Statutes, requires that any municipal board or commission give members of the public a reasonable opportunity to be heard on a proposition before the board or commission, with certain exceptions, Section 286.0114(2), Florida Statutes, specifically provides that the right of public participation does not prohibit a municipal board or commission “from maintaining orderly conduct or proper decorum in a public meeting; and

WHEREAS, numerous court decisions have upheld the right of legislative bodies to regulate decorum at public meetings, holding that meetings of legislative bodies are limited public forums, thereby allowing the legislative body to enact content-based restrictions on free speech so long as they are reasonable, viewpoint-neutral, and consistently enforced; and

WHEREAS, the Town Council wishes to adopt revised and updated Rules of Procedures including Town Council Protocols; and

WHEREAS, the Town Council determines that the adoption of this Resolution is in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, as follows:

Section 1. The foregoing recitals are ratified and incorporated herein.

Section 2. The Town Council hereby adopts Rules of Procedures and Town Council Protocols, a copy of which is attached hereto and incorporated herein.

Section 3. Resolutions 2022-12 and 2024-21 are hereby repealed in their entirety, and all other resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 4. If any section, paragraph, sentence, clause, phrase, or word of this Resolution is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of the Resolution.

Section 5. This Resolution shall take effect immediately upon its adoption.

RESOLVED AND ADOPTED this _____ day of _____, 2025.

Peggy Wheeler, Mayor

ATTEST:

Caitlin E. Copeland-Rodriguez, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Leonard G. Rubin, Town Attorney

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 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.

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 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 on enforcement of procedural rules.

B. 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, Board, or Committee 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"); and

4. An item during which the Council, Board, or Committee is acting in a quasi-judicial capacity, during which different rules and timeframes may be applicable.

C. Public Participation Rules

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. Public Comment is intended to foster dialogue in a respectful and civil manner. Any person who makes disrespectful and uncivil 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 will 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, Board, or Committee should either withhold comments or address comments during the Council, Board, or Committee 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, Board, or Committee.

D. 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 addressed 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.

E. Enforcement of Procedural Rules

1. Should the Presiding Officer determine that the Rules of Procedure have 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 the Rules of Procedure have 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 the Rules of Procedure may be overruled by a majority of the Councilmembers, Boardmembers, or Committee Members present at the meeting.

F. 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 inability of the Mayor, the Vice Mayor shall assume the responsibilities of the Presiding Officer, and if both are absent or unable, 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 or any member of the public who may 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 Councilmembers who seek the floor when entitled to do so.
4. The Presiding Officer will represent the Council and its consensus policies at meetings, conferences, or other occasions involving other governmental entities, agencies, officials or groups, or nongovernmental organizations, departments, agencies or officials, and report back to the Council anything of significance.
5. 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.

G. 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
 7. Consent Agenda
 8. Council Action/Discussion Items
 9. Comments from the Council
 10. Adjournment
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.

H. Agenda Procedures

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 Meetings, Workshops, or Work Sessions of the Town Council, the agendas with supporting documents will be distributed one (1) week prior.

2. If a Councilmember wishes to add an item to a future agenda, a majority agreement of the Council is required. 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.
4. All Agenda items with supporting documentation shall be reviewed and approved as deemed 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 5PM in the Council Chambers, Town Center, 340 Ocean Drive, Juno Beach, Florida, unless otherwise specified, and must conclude by 10PM in accordance with Ordinance No. 759.
2. If a regular meeting date falls on a holiday, the meeting shall be held in the same location on either the second Wednesday of the month, or on a date specified and agreed upon by the Town Council.
3. Special Meetings may be held on the call of the Mayor or of a majority of the members and in the absence of a state of emergency. 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. 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 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 (4) hours.

6. Emergency Meetings can be called by the Town Manager or Mayor if 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 will inform each Councilmember in writing or verbally of the date, time, and place, as well as the emergency purpose for which it is called; no other business shall be transacted in that meeting. At least twenty-four (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 twenty-four (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 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.

J. Motions and Debate

1. With the exception of quasi-judicial matters, items before the Council, Board, or Committee shall be commenced by the presentation by a member of Staff (unless the item is initiated by a Councilmember, Boardmember, or Committee 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, Board, or Committee votes to do so. After the discussion of the item by the Council, Board, or Committee, the Presiding Officer shall call for a motion. In order for a motion to proceed to discussion, it must receive a second which 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, Board, or Committee. If that individual is absent, the gavel shall be passed to the highest-ranking officer. Once the motion has been seconded, the Presiding Officer shall resume his or her role by reclaiming the gavel.
3. When engaging in discussion, each Councilmember, Boardmember, or Committee 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 Councilmember, Boardmember, or Committee Member shall address the Presiding Officer and await recognition before speaking again on an item.

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. During the discussion of a motion, a Councilmember, Boardmember, or Committee Member may make a motion to amend. If the motion to amend is seconded, the Council, Board, or Committee 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, Board, or Committee 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 Councilmember, Boardmember, or Committee 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.
7. If a Councilmember wishes to share information through a presentation, all related materials must be submitted by Friday at 12PM following the agenda distribution date.
8. 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 is made at the following Town Council meeting. No motion to reconsider shall be made more than once on any subject or matter.

K. 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 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.

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 others through words and actions is the “North Star” that guides Councilmembers to do the right thing, even in difficult situations.

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 for all Council meetings by reviewing agenda materials, 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.
3. 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.
4. Honor and respect the role of the Presiding Officer in maintaining order.
5. Refrain from personal attacks, comments, or innuendo directed toward other Councilmembers, Town staff, or members of the public.
6. Respect the Autonomy of Appointed Boards and Committees: Councilmembers should refrain from speaking in meetings of other Town boards or committees. These appointed bodies are entrusted with the responsibility of providing independent recommendations for Council consideration.
7. Fully participate in all Council meetings, either in person or via zoom, and practice civility, professionalism, and respect in all discussions and debates.
8. 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.
9. 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 Presiding Officer, but avoid debate and argument with members of the public; and
 - c) Be mindful of one’s tone and body language.

10. 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-related board, 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, defamatory, or disparaging to others. Any personal newsletter, blog, or similar must contain a statement that these are the opinions of the writer only and not intended to be the official opinion of the Town or Council.
3. Avoid contemporaneous communications in order not to violate 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.
5. 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.
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 have the option to endorse candidates for local, county, state, and federal office.
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 Councilmembers 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.
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:
- 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.
9. The Town Manager may seek a Council consensus at a regular meeting prior to initiating staff response to any Councilmember's 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.

L. 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.



Meeting Name: Special Town Council Meeting
Meeting Date: August 7, 2025
Prepared By: C. Copeland-Rodriguez, Town Clerk
Item Title: Discussion on Town Attorney Position Following Resignation

DISCUSSION:

On July 22, 2025, Town Attorney Leonard G. Rubin, formally submitted his resignation. In doing so, Town Attorney Rubin did indicate that he would continue to serve until the Council is able to secure another firm or individual in order to ensure a smooth transition.

Accordingly, the position is not yet considered vacant, as Mr. Rubin remains available to fulfill his duties during the transition period. This approach ensures continuity in legal services and avoids any disruption in legal counsel to the Town.

The Town Attorney is a critical role responsible for advising the Council, reviewing contracts, drafting ordinances, and representing the Town's legal interests. Per the Town's Charter, "the council shall appoint a town attorney."

At the July meeting, the Town Council reached a unanimous consensus to hold a discussion on the Town Attorney position during the "Comments from Council" portion of the agenda. However, due to time constraints, the discussion was not able to take place. As a result, the item has been formally added to the current agenda for consideration.

RECOMMENDATION:

Direct staff on how to proceed.

Attachment:

- Town Attorney's Resignation Letter

**TORCIVIA, DONLON,
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July 22, 2025

Mayor Peggy Wheeler
Vice Mayor John Callaghan
Members of the Town Council
Town of Juno Beach
340 Ocean Drive
Juno Beach, FL 33408

Re: Resignation as Town Attorney

Mayor and Council:

I have proudly served as the Juno Beach Town Attorney for over twenty years. During this time, I have had the privilege of working with a professional and dedicated staff and many elected and appointed officials for whom I have great respect and admiration. However, the nature of municipal practice, as well as the needs and demands of the Town, have changed over the years. After much thought and deliberation, I have made the difficult decision to resign my position as Town Attorney.

I will gladly continue to serve as Town Attorney until such time as the Town Council is able to secure another firm or individual to replace me and will assist in any way I can to ensure a smooth transition.

Thank you for the many opportunities and for allowing me to serve the Town.

Sincerely yours,



Leonard G. Rubin
Town Attorney

cc: Rob Cole, Town Manager