



# **CODE OF CONDUCT & QUASI-JUDICIAL PROCEDURES WORKSHOP AGENDA**

**June 02, 2025 at 9:00 AM**

**Council Chambers – 340 Ocean Drive and YouTube**

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**NOTICE:** *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.*

## **CALL TO ORDER**

## **CODE OF CONDUCT**

- 1.** Discussion on Code of Conduct

## **QUASI-JUDICIAL PROCEDURES**

- 2.** Discussion On Proposed Resolution No. 2025-01 (Amending the Town's Quasi-Judicial Procedures)

## **ADJOURNMENT**



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**Meeting Name:** Code of Conduct & Quasi-Judicial Procedures Workshop

**Meeting Date:** June 2, 2025

**Prepared By:** C. Copeland-Rodriguez, Town Clerk

**Item Title:** Discussion on Code of Conduct

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### **DISCUSSION:**

At the February 18, 2025 Town Council Meeting, Council reached consensus to schedule a Workshop to further discuss this item.

- Attachment #1: Original memorandum prepared by Town Attorney Rubin.
- Attachment #2: Original proposal with Council's requested changes highlighted.

However, rather than adopting a standalone Town Council Code of Conduct policy, staff recommend amending the existing Public Participation and General Meeting Procedures (Resolution No. 2022-12, Attachment #3) to incorporate additional meeting protocols and practices, and the proposed Code of Conduct language (Attachment #4 – Draft – Rules of Procedure and Town Council Protocols).

This integrated approach ensures consistency and clarity within a single, comprehensive policy document. For Town Council review and discussion.



**Meeting Name:** Town Council Meeting  
**Meeting Date:** February 18, 2025  
**Prepared By:** Leonard G. Rubin, Town Attorney  
**Item Title:** Revised Code of Conduct and Enforcement Options

## DISCUSSION:

At the November 13, 2024 Town Council meeting, this office presented the Town Council with a revised Code of Conduct for members of the Town Council. The Council, by consensus, agreed to additional revisions, which are highlighted in yellow on the attached document. These revisions include:

- A revised preamble as proposed by former Councilmember Rosengarten. If the Council adopts the enforcement language, the italicized language would need to be removed.
- A revision to Section B.2 to include members of Town Staff.
- An additional revision to the end of Section B.2 regarding newsletters also proposed by former Councilmember Rosengarten.
- The deletion of “without the use of the Councilmember’s official title” from Section B.3.

The Council, by consensus, also indicated that it wished to include enforcement provisions (although former Councilmember Rosengarten was part of that consensus). However, as explained below, the Town Council’s authority is limited with respect to the methods available for enforcement.

The Town Charter currently provides for removal of a Councilmember “by the remaining members of the Town Council” if the member no longer meets the requirements for candidacy set forth in Article III, Section 1(b) of the Town Charter. Thus, a Councilmember may only be removed if the member is no longer a resident of the Town or the member has been convicted or pled nolo contendere to any felony or any crime of fraud or dishonesty including, by way of example, larceny, theft, burglary, forgery, perjury, or embezzlement.

In addition to the Town Charter, Section 112.51, Florida Statutes, authorizes the Governor to suspend (and ultimately remove) a municipal official for “malfeasance, misfeasance, neglect of duty, habitual drunkenness, incompetence, or permanent inability to perform official duties” or when arrested for a felony or for a misdemeanor related to the duties of office. Additionally, Section 100.361, Florida Statutes, provides a procedure whereby the electors of a municipality may initiate a petition remove a member of the governing body for “malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or conviction of a felony involving moral turpitude.”

Based on the foregoing, the Council cannot, absent an amendment to the Town Charter, suspend or remove a Councilmember for violation of the Code of Conduct. Consequently, the enforcement provisions previously provided to the Council have been included within the Code of Conduct. At the suggestion of Councilmember Davis, these provisions have been revised to require that the Town Council determine whether to pursue the violation once a complaint is received. While Councilmember Davis suggested that such a decision require a supermajority vote, there is no supermajority of four (assuming one Councilmember has been named in the complaint and that there is a full Council with four other members). Consequently, the language has been revised to require a unanimous vote of the non-named Councilmembers to proceed. The potential consequences remain the same, listed from least consequential to most consequential: (1) admonishment; (2) written warning; and (3) censure.

Once the Council agrees on the revisions to the Code of Conduct and/or the enforcement options, a Resolution adopting the final version will be placed on the Town Council's consent agenda.

**RECOMMENDATION:**

Consideration of revisions to the Town Council Code of Conduct and enforcement options.

## TOWN OF JUNO BEACH

### TOWN COUNCIL CODE OF CONDUCT

**Goal Statement:** Members of the Town Council shall serve as a model of leadership and civility in the community, inspire confidence in Town government, and demonstrate honesty and integrity in every action and statement both during public meetings and when engaging with members of the community.

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.

*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 the Town's constituents through words and actions is the "North Star" that guides Councilmembers to do the right thing, even in difficult situations.

#### A. Conduct During Public Meetings:

1. Members of the Town Council shall fully participate in all Town Council meetings and practice civility, professionalism, and respect in all discussions and debate.
2. Members of the Town Council shall prepare in advance of all Town Council meetings by reviewing agenda materials, speaking with the Town Manager and other members of Town Staff, speaking with constituents, and becoming familiar with issues.
  - a. When preparing for Town Council meetings, members of the Town Council should direct questions ahead of time to the Town Manager or Town Staff so that Staff can provide the desired information at the Council meeting.

- b. Members of Town Council should avoid asking questions that Town Staff will be unable answer on the spot or recognize that such questions may require additional time or research to formulate an answer.
- 3. Members of the Town Council shall be respectful of other people's time, stay focused, and act efficiently during public meetings.
- 4. Members of the Town Council shall honor and respect the role of the Mayor (or presiding officer) in maintaining order.
- 5. Members of the Town Council shall make the public feel welcome and shall not demonstrate any signs of partiality, prejudice, discrimination, or disrespect toward an individual participating in a public meeting. To that end, members of the Town Council shall:
  - 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 their tone and body language.
- 6. Members of the Town Council shall refrain from personal comments, attacks, or innuendo directed toward other members of the Council or members of the public.
- 7. Members of the Town Council shall ensure that all comments pertain to the topic under discussion.
- 8. Members of the Town Council shall 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.
- 9. When attending meetings of other Boards, members of the Town Council shall refrain from commenting on quasi-judicial matters that will come before the Town Council for consideration. Furthermore, members of the Town Council shall clearly indicate on the record that any comments or questions are made in their capacity as a Town resident and not as a member of the Town Council.
- B. Conduct Outside of Public Meetings:
  - 1. Members of the Town Council shall not make any promise or representation on behalf of the Town Council or Town Staff.
  - 2. Members of the Town Council shall not make derogatory personal comments about other members of the Council, members of Town Staff, members of the public, or members of any Town board, either orally or through the dissemination

of written materials, including newsletters. Newsletters issued by sitting members of the Town Council should take care not to insult or make demeaning, sarcastic, or disparaging statements about any Town resident because such conduct degrades the Council's reputation in the community, reduces the willingness of the public to engage with their government, and harms the trust that the residents have in government.

3. Members of the Town Council shall not make any representation or inquiry on behalf of the 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.~~
4. Members of the Town Council shall not publicly undermine the official Town Council position on any issue through the dissemination of written materials, including newsletters, unless such statement is included in official campaign materials relating to an upcoming Town Council election.
5. Members of the Town Council shall direct all questions or requests for additional information from Town Staff through the Town Manager, Department Heads, or the Town Attorney. Members of the Town Council shall be professional and courteous in their interactions with members of Town Staff and refrain from any public criticism.
6. Members of the Town Council shall 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 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.

7. Members of the Town Council recognize that their Town e-mail is the appropriate mechanism for communicating 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.
8. 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.

Proposed language:

**C. 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.



**RESOLUTION 2022-12**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA ADOPTING PUBLIC PARTICIPATION RULES AND POLICIES AND GENERAL MEETING PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, 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 outlined in Section 286.0114(3), Florida Statutes; and

**WHEREAS**, 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 specifically authorizes the adoption of rules and procedures governing public comment; and

**WHEREAS**, the Town Council wishes to adopt public participation rules and policies and general meeting procedures applicable to Town Council and Town Planning and Zoning Board meetings; and

**WHEREAS**, the Town Council determines that the adoption of this Resolution in the interests of the public health, safety and welfare.

**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 Public Participation Rules and Policies and General Meeting Procedures, a copy of which is attached hereto and incorporated herein by reference.

**Section 3.** All 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.

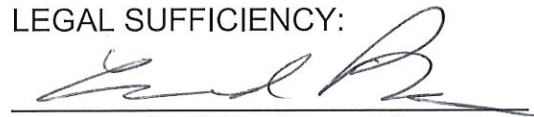
RESOLVED AND ADOPTED this 14<sup>th</sup> day of December, 2022.

  
DD Halpern, 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

### PUBLIC PARTICIPATION RULES AND POLICIES AND GENERAL MEETING PROCEDURES

#### **A. 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.

#### **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 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.

#### **C. Public Participation Rules**

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. Members of the Council or Board may 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.
5. There is no right to public participation at a workshop session. Public participation during workshop sessions may be permitted at the discretion of the Council or Board. The Council or Board shall determine whether public comment will be taken at the time the workshop meeting is scheduled.

**D. 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.

**E. General Meeting Procedures (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. Once any discussion on the motion has concluded, the presiding officer shall call for a vote on the motion. A roll call vote may be requested by any Council or Board member.

2. The presiding officer 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, a Council or Board member shall address the presiding officer and await recognition before speaking. 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.
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.

***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.

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 Mayor and Town 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.

**A. 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.

**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 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.

### **C. 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 the presiding officer.

#### **D. 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.

#### **E. 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, and report back to the Council anything of significance.
6. The presiding officer has the power to call for a recess. Recesses requested by any other Councilmembers require a majority vote of Council.



## **F. 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.

### **(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. 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. If a Councilmember wishes to add an item to the agenda, a majority consensus of the Council is required. Upon receiving such consensus, the requesting Councilmember must submit a memorandum and any supporting documentation to staff by the established agenda submittal deadline.
5. All Agenda items with supporting documentation shall be reviewed and approved as appropriate by the Town Manager or his/her designee.

**(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, 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.
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. 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. 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 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.

**(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. 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.

**(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. 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 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, a Council or Board member shall address the presiding officer and await recognition before speaking. 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.
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.

#### **(Reconsideration)**

1. Any member of the Town Council 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 made at the following town Council meeting. No motion to reconsider shall be made more than once on any subject or matter.

### **G. Town Council Code of Conduct**

#### **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.
3. Fully participate in all Council meetings and practice civility, professionalism, and respect in all discussions and debates.
4. Request the floor from the presiding officer before speaking, excepting Points of Order, and refrain from interrupting or otherwise disturbing another Councilmember has the floor.
5. 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.
6. Honor and respect the role of the Presiding Officer in maintaining order.
7. 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. Refrain from personal comments, attacks, or innuendo directed toward other Councilmembers, Town staff, or members of the public.
9. 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.
5. Not 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. 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. 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. 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.
10. 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.~~~~

**H. 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:** Town Council Meeting  
**Meeting Date:** February 18, 2025  
**Prepared By:** Leonard G. Rubin, Town Attorney  
**Item Title:** Resolution No. 2025-01 (Amending the Town's Quasi-Judicial Procedures)

## DISCUSSION:

At the Town Council's October 23, 2024 meeting, I presented four revisions to the Town's quasi-judicial procedures for the Council's consideration: (1) prohibiting members of the Town Council and the Planning and Zoning Board from engaging in private oral or written communications with the Applicant or the Applicant's agent prior to the completion of the quasi-judicial hearing; (2) adding site visits to the definition of ex parte communications; (3) changing the order of the hearing to comply with current practice by requiring the disclosure of ex parte communications prior to Town Staff's presentation; and (4) adding a provision stating the Council and the Board shall not entertain any requests for rehearing or reconsideration of a quasi-judicial order.

The Town Council expressed no issues with revisions number 2 and 3; however, at the conclusion of the discussion, the Town Council, by consensus directed the following revisions:

- A. Allow members of the Town Council and Planning and Zoning Board to privately meet with the Applicant or the Applicant's agents when accompanied by a member of Town Staff (incorporated into Section 2.A);
- B. Require two public workshops for all major projects (new commercial, multi-family residential, mixed use, and planned unit developments) prior to any quasi-judicial proceeding (incorporated into Section 8); and
- C. Allow the Town Council and Planning and Zoning Board to rehear or reconsider a quasi-judicial order prior to the expiration of the 30-day appeal period or the filing of a petition for writ of certiorari, whichever is earlier (incorporated into Section 15).

In addition to the foregoing, Councilmember Davis proposed numerous additional revisions to the quasi-judicial procedures (a copy of Councilmember Davis's October 17, 2024 e-mail is included as additional back up). Because there was no Council consensus on these recommendations, they have not been included in the revised procedures. These additional revisions are summarized as follows, along with my comments on each):

- Add a provision allowing public participation so long as comments are on topic and not repetitive.  
**Comment:** Under the current provisions, members of the public are considered “participants” and have the full right to participate in the hearing.
- Add a provision that members of the Town Council and the Planning and Zoning Board may not testify for or against a project unless they have recused themselves from the vote.  
**Comment:** I agree that members of the Town Council should not testify at the Planning and Zoning Board meeting on quasi-judicial matters that will come before the Council for a final determination. However, there is nothing to prevent a member of the Planning and Zoning Board from testifying at the Council level in his or her capacity as a Town resident because the Board has already provided its recommendation to the Council.
- Require the Town Clerk to provide an ex parte communication list to be included within the record of the proceeding, with all or part of these comments being read into the record or summarized. Additionally, have the Town adopt an ex parte communication form that must be completed by each member of the Town Council and Planning and Zoning Board, which will be made part of the record.  
**Comment:** No issue with either recommendation – Council decision.
- If a mailing was received by the Town Council or received by one member of the Town Council and forward to the remaining members, the Town Clerk will include this information as part of the record.  
**Comment:** No issue with the recommendation – Council decision.
- Require Town Staff to act as a neutral fact-finder in its presentation and “the cadence of speech, tone, and vocabulary must be objective as to discerning competent substantial evidence that the projects either meets the Town Code requirements or does not,” and allow the Mayor or Councilmembers to move to cancel or reschedule the hearing if the Staff presentation is perceived as advocating on behalf of the project.  
**Comment:** The role of Town planning staff is to give its professional opinion as to whether the proposed project either meets or does not meet the applicable Code requirements. Determining that a project meets the Code requirements is not advocating on behalf of a project. Courts have determined that testimony given by professional planning staff constitutes competent, substantial evidence to support the legislative body’s decision on a quasi-judicial application. Mere opinion expressed by residents, on the other hand, is not competent, substantial evidence. Therefore, the findings of the Town’s planning staff play an important role in the quasi-judicial process and staff’s ability to provide their professional opinions and recommendations should not be hampered or restricted. Additionally, staff’s role goes beyond “fact finding” in determining whether more subjective criteria, such as determining whether a proposed project is in harmony with the surrounding area. Finally, neither the Town Council nor the Planning and Zoning Board is required to accept Staff’s recommendation and the Council or Board may base its decision on other competent, substantial evidence presented at the hearing and made part of the record.
- Allow the Applicant sufficient time to present based on the complexity of the project (with special permission for more than one hour), and give the participants (or members of the public) the same amount of time as given to the Applicant.  
**Comment:** The thirty minutes currently granted to the Applicant is likely too restrictive. Realistically, the Town has given the Applicant whatever amount of time required to make a full presentation. Members of the public should be limited to the standard three minutes (or whatever

amount of time the Council deems sufficient). As referenced above, comments from members of the public are generally more opinion-based than fact-based. Nevertheless, the Council may wish to consider granting persons with a special interest (such as those residing in close proximity to the project) elevated status as a party to the proceeding, which would allow them to actually present their case and even provide expert testimony. Many municipalities do have such a provision, and I have included North Palm Beach's procedures as additional back up (referenced language is highlighted).

**RECOMMENDATION:**

Town Staff requests Town Council consideration of Resolution 2025-01 amending the Town's quasi-judicial procedures.

**RESOLUTION NO. 2025-01**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING THE TOWN'S QUASI-JUDICIAL PROCEDURES; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, through the adoption of Resolution No. 95-96, the Town Council established procedures for quasi-judicial proceedings before the Town Council and the Planning and Zoning Board; and

**WHEREAS**, the Town Council wishes to modify the Town's quasi-judicial procedures to limit communications between members of the Town Council and Planning and Zoning Board and the Applicant or the Applicant's agents prior to the completion of the quasi-judicial hearing, require public workshops, allow a limited time for rehearing or reconsideration, and make other substantive revisions; 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, FLORIDA, as follows:**

**Section 1.** The foregoing recitals are hereby ratified as true and correct and are incorporated herein.

**Section 2.** The Town Council hereby amends the Town's quasi-judicial procedures as set forth in Exhibit "A" attached hereto and incorporated herein (additional language is underlined and deleted language is ~~stricken through~~).

**Section 3.** All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

**Section 4.** This Resolution shall become effective immediately upon adoption.

RESOLVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Peggy Wheeler, Mayor

ATTEST:

\_\_\_\_\_  
Caitlin Copeland-Rodriguez, MMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
Leonard G. Rubin, Town Attorney

## TOWN OF JUNO BEACH PROCEDURES FOR CONDUCT OF QUASI-JUDICIAL HEARINGS

### 1. Definitions:

- A. *Applicant* - the owner of record, or owner's agent, or any person with a legal or equitable interest in the property that is the subject of the proceeding.
- B. *Council* - The Town Council, Planning and Zoning Board, or any other Board to which this policy is made applicable.
- C. *Ex parte Communications* - any written or oral communication with the Council members other than those made on the record at the time of the hearing and site visits to the property as set forth in Section 4(C) below.
- D. *Participants* - those members of the general public other than applicant who attends a public hearing for the purpose of being heard on a particular application.
- E. *Relevancy* - In order to be relevant, the evidence submitted must strengthen or weaken the application by supporting or disproving factual assertions contained in the application or be directly related to the application. The Council shall determine the relevancy of the evidence.

### 2. General Standards:

- A. Ex Parte Communications Between Council Members and Public. ~~Applicants, participants, and other members of the general public may communicate freely with the Council members regarding any issue which may be heard by the Council.~~ Members of the Town Council and the Planning and Zoning Board shall not engage in private oral or written communications with the Applicant or the Applicant's agents prior to the completion of the quasi-judicial hearing. Notwithstanding the foregoing, members of the Town Council and the Planning and Zoning Board may privately meet with the Applicant prior to the completion of the quasi-judicial hearing when accompanied by a member of Town Staff.
- B. Town Staff Report. The staff report on the case shall be sent to the Council members and be available to the general public at least three (3) days prior to the hearing on the case.
- C. Appearances and Evidence.
  - (l) Persons claiming to represent a group or organization must demonstrate proof of membership of that group and proof that the person representing the group has actual authority to do so.

- (2) All participants must state their name, address, and the party they represent at the time they wish to speak.

3. Communications Between Council and Town Staff

- A. Councilpersons may communicate with Town staff including discussions relative to the staff report and recommendations. Staff may answer questions and render opinions.
- B. The Town Attorney may render legal opinions when requested by the Council members, but shall not advocate one party's position over another, except to the extent necessary to respond fully to a legal question.

4. Ex-Parte Communications.

- A. Written Communications. All written communications received by the Council members concerning an application or pending case shall be deemed public information if made a part of the record prior to final action on the matter.
- B. Oral Communications. Except as prohibited by Section 2(A) above, oral ~~Oral~~ communication may be permitted and shall be deemed public information provided the substance of the communication and with whom the communication took place is divulged and made part of the record prior to final action in the matter.
- C. View of Property. Members of the Council may drive by and physically inspect the property. Such investigation or site visits shall be disclosed and made a part of the record prior to final action on the matter.

5. Town Staff File. All written communications shall be included in the file maintained by staff and available for public inspection. Any written communication received by staff shall be reported as part of the oral staff report. The staff report, any petitions or other submissions from the public, and all other documents pertaining to the case shall also be kept in the file and available for public inspection. During its presentation, staff shall offer all such written communications into evidence, subject to any objections imposed by participants.

6. Disclosure. At the public hearing at which a vote is to be taken on the matter, a Council person who has received an ex parte communication, conducted an investigation, received expert opinions, or has physically inspected the property, shall summarize for the record the substance of the communication, the person making the same, the nature of the investigation, substance of the expert opinion or the date of the inspection.

7. Basis of Decision. All decisions by the Council shall be based on the record of the evidence presented to the Council at the hearing on the case, which shall include staff testimony of all witnesses, and other evidence presented. Strict rules of evidence shall not apply, but evidence must be relevant to the issues before the Council.

8. Public Workshops. Prior to any quasi-judicial proceeding before the Planning and Zoning Board or Town Council, the Applicant shall conduct two public workshops for all major projects. For the purposes of this section, a major project includes all new commercial developments, multi-family residential developments, mixed-use developments, and planned unit developments.

9. Conduct of Hearing. The order of appearance at the hearing shall be as follows:

~~A. The Town Staff shall present its reports and offer its file into evidence;~~

~~B~~ A. Council members shall summarize the substance of any ex parte communication; including the identity of the person, group, or entity with whom the communication took place;

B. The Town Staff shall present its reports and offer its file into evidence.

C. The applicant shall present its case and/or respond to or refute any ex parte communication;

D. Participants shall present their case and/or respond to or refute any ex parte communications.

E. Cross-examination of the witnesses;

F. Council discussion and decision.

Testimony may be subject to cross-examination, upon request, by the applicant, the designated representative of the participants and the Town staff. The applicant or its representative, and the designated representative of the participants wishing to cross-examine witnesses must reserve that right at the beginning of their presentation. Council members may interpose questions at any time during the conduct of the hearing.

10. Testimony Under Oath or Affirmation.

The applicant, witnesses and all participants asking to speak shall be sworn collectively at the beginning of the hearing.

11. Cross Examination

A. The applicant, participants and all witnesses are subject to cross-examination during the hearing.

B. The cross-examination of the applicant, witnesses and participants shall be limited to five (5) minutes by the individual conducting the cross-examination for the adverse party.

- C. The scope of the cross-examination shall be limited to the facts alleged by the participant, witness, or applicant in relation to the application.
- D. The cross-examination cannot be designed to merely harass, intimidate, or embarrass the participants, applicant, or witnesses.
- E. The Mayor will determine the scope of the cross-examination on his or her own initiative, or when the individual being questioned objects to the cross examination for going beyond the scope of the facts alleged by the individual.
- F. The Mayor may defer to the Town Attorney to determine the scope of the cross-examination.
- G. The Mayor may direct the party conducting the cross-examination to stop a particular line of questioning that is not relevant and beyond the scope of the facts alleged by the individual being cross-examined.
- H. If the party conducting the cross-examination continuously violates directions from the Mayor to end a line of questioning deemed irrelevant and merely designed to harass, intimidate, or embarrass the individual, the Mayor may terminate the cross-examination.
- I. The purpose of cross-examination is not to debate a particular matter or issue but is permitted for the sole purpose of testing the credibility of a witness or the particular weight a particular piece of evidence should be given.

12. Time Limits.

- A. Applicant - Up to thirty (30) minutes.
- B. Participants –
  - i. members of the public - three (3) minutes each.
  - ii. speakers representing a group of six (6) or more in attendance at the meeting - five (5) minutes each.
  - iii. speakers representing an organization - five (5) minutes each.
- C. Participants shall be given one opportunity to present their evidence and/or comments and must present their testimony at that time. Multiple opportunities for the same participant to speak and a debate style format are not permitted.
- D. Expert Witnesses - ten (10) minutes.
- E. At the discretion of the Mayor the time allowed for any testimony may be extended.



13. Record of the Case. All evidence admitted at the hearing, Town staff reports, and the adopted resolution, ordinance or minutes setting forth the decision of the Council shall be maintained in a file constituting the record of the case. The record shall be kept in custody of the appropriate staff at all times during the pendency of the case, except that any member of the public may examine the file in the appropriate Town Staff Office.
14. Applicability. These rules shall apply to all site specific rezonings, special exception and variance proceedings and at any time the Town Council or Planning and Zoning Board sits in a quasi-judicial or an appellate capacity, including administrative appeals.
15. Rehearing/Reconsideration and Appeal. A final determination of the Town Council or the Planning and Zoning Board acting in its quasi-judicial capacity is subject to judicial review in a court of competent jurisdiction within thirty (30) days of the Council or Commission's rendition of its written determination. The Council or Board may only entertain a request for rehearing or reconsideration of a previously entered quasi-judicial order prior to the filing of a petition for writ of certiorari challenging the order or prior to the expiration of the thirty (30) day appeal period, whichever first occurs.

**Len Rubin**

**From:** ddavis@juno-beach.fl.us  
**Sent:** Thursday, October 17, 2024 7:36 AM  
**To:** Len Rubin; ddyess@juno-beach.fl.us  
**Cc:** 'Frank Davila'  
**Subject:** Item 12 - Quasi Judicial Proceeding - initial thoughts Town Council Meeting Agenda Packet - October 23, 2024 at 5:30PM

The proposal is very good. Enclosed are thoughts from my initial review. I have asked folks who have experience in other jurisdictions to provide additional insights, so please consider these as preliminary thoughts only. The thoughts here are intended to address allowing equal time for those who are opposed to a project to provide their insights. It is also to avoid any perceived bias by staff in their presentation. Preferably, we would have several open public forum workshops and all conditions of approval would be captured in the final site plan approval, we need language to make this preferred path happen. Thank you for your consideration.

**Suggestions to consider :**

Add page 191, line 12-14, "prohibit private oral and written communications between members of the Town Council and Planning and Zoning Board and the Applicant or the Applicant's agents, prior to the completion of the quasi-judicial hearing, in favor of open public forum workshops regarding the development projects proposed; for a developer engaging citizen groups to advocate on their behalf, the general public in open public forum workshops must be given equal opportunity to comment on the project to prevent perceived project bias; and make other minor revisions; and

Add page 192, 2.c.(3). The public may participate so long as comments are on topic and not repetitive., 2.c.(4) Council or Board Members may not testify either for or against a project unless they have recused themselves from the vote.

Add page 193, 4. Ex-Parte Communications A. Written Communications. For comments submitted to all of Town Council, the Town Clerk provides the ex parte communication list to be included within the record of the proceeding, and all or part of these comments will either be read into the record or a summary will be provided, and the comments become part of the record of the proceeding. The Town adopts the ex parte form that must be completed by each board member and council member to be turned in as part of the record of the proceeding.

Add, page 194, Conduct of the Hearing 8.A. If there is a mailing that was received by all TC members or by one TC member that was then forwarded to the Town Clerk to share with all of Town Council members, then the clerk will summarize and put this information into the record of the proceeding.

Conduct of the Hearing 8.B. The Town Staff shall act as neutral fact finder in its presentation. The cadence of speech, tone and vocabulary used must be objective as to discerning competent substantial evidence that the project either meets code requirements or does not. The Mayor or Council members may move to cancel or reschedule a hearing if the staff presentation is perceived as advocating on behalf of a project rather than presented as neutral fact finder.

Add Page 195, 11. Time Limits – delete and substitute

- A. Applicant – the number of presenters and the time of the presentation be limited based on the complexity of the project. No matter how many presenters' special permission must be received to spend more than one hour on the presentation. Whatever time is given to the applicant, to speak in favor of a project, then

an equal amount of time shall be given to members of the public who oppose the project to prevent perceived bias.

- B. Participants – allowed to speak so long as relevant on topic and not repetitive. The purpose of public participation is to give the decisionmakers on the project an opportunity to hear public opinion both for and against a project. The Town Staff in their P&Z review capacity will have spent many hours with the applicant reviewing the project. The open public forum workshops held prior to the quasi-judicial hearing and the public input at the quasi-judicial hearing is intended to level the playing field so that residents who are opposed to the project have an opportunity to express their opinions, to be heard, and for their evidence to be considered in the Town decision making. The preference is to have more than one open public forum workshop so that the public is involved in the process.
- i. Members of the Public Opposed to the Project or with ideas to improve the project – given same amount of time as the applicant.
  - ii. Members of the Public in Favor of a Project are given a time less than the applicant and cannot repeat evidence already presented.
- C. Participants shall be given the opportunity to speak and rebut evidence submitted as fact.
- D. Expert Witnesses – as much time as necessary so long as relevant and not repetitive.

Page 196, item 14. **DELETE ALL.** *Discussion - I do not believe that we should remove our right to reconsider. Especially, if facts are presented that are later refuted as not true or if there was a misunderstanding of the law on an issue that is later clarified. We do not do great job on our Staff memos and applicant presentations are sometimes misleading so I believe that we should allow reconsideration. Often there are project changes that are not committed to the site plan but are oral at the hearing, if later it is determined that there was not a meeting of the minds on an oral promise by a developer, the Town Council should have the opportunity to object at a later date. [recent examples, Caretta approvals given based on a power point presentation for site plan amendments; also Pulte Project conditions of approval were not committed to a site plan to show what the work would entail.]*

**From:** Caitlin Copeland <ccopeland@juno-beach.fl.us>

**Sent:** Wednesday, October 16, 2024 2:48 PM

**To:** Town Council <town\_council@juno-beach.fl.us>; Len Rubin <len@torcivialaw.com>

**Cc:** Leadership Team <leadership@juno-beach.fl.us>; Fiorella Verdecia <fverdecia@juno-beach.fl.us>

**Subject:** Town Council Meeting Agenda Packet - October 23, 2024 at 5:30PM

Good Afternoon:

Please see the links below to the Agenda Packet for the Town Council Meeting on Wednesday, October 23, 2024 at 5:30PM:

[Town Council Meeting - October 23, 2024 \(PDF\)](#)

[Town Council Meeting - October 23, 2024 \(HTML\)](#)

**Do Not Reply to All.**

***Caitlin E. Copeland-Rodriguez, MMC***

**Town Clerk**

**Town of Juno Beach**

340 Ocean Drive

Juno Beach, FL 33408

[ccopeland@juno-beach.fl.us](mailto:ccopeland@juno-beach.fl.us)

Phone: (561)656-0316

Item #2.

**Please note:** Florida has a very broad public records law. Most written communications to or from local officials regarding town business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

## **VILLAGE OF NORTH PALM BEACH** **QUASI-JUDICIAL PROCEDURES**

### **Intent**

These procedures are intended to provide an equitable and efficient method for the Village Council and the Planning Commission to hear matters that are considered quasi-judicial in nature. These procedures shall apply to all quasi-judicial matters, except as otherwise set forth herein.

### **Definitions**

For the purpose of these procedures, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*Interested person* means any person, natural or corporate, who owns property, owns a business or resides within five hundred (500) feet of the property that is the subject of the application or any person, natural or corporate, who will suffer a negative effect to a protected interest as a result of the quasi-judicial application, where such interest exceeds in degree the general interest of the community or public at large.

*Applicant* means any person, corporation or other legal entity who files an application with the Community Development Department determined by Village Staff to be quasi-judicial in nature.

*Party* or *parties* means the Applicant, the Village, and any Interested Person who has complied with the notice provisions set forth below and meets the applicable criteria.

*Quasi-judicial body* means the Village Council or the Planning Commission acting in its quasi-judicial capacity.

*Quasi-judicial in nature* means the application of a general rule or policy to specific individuals, interests, or activities by the quasi-judicial body, as more specifically set forth below.

### **Quasi-judicial matters**

(a) Matters that are quasi-judicial in nature involve the actions of public officials who are required to investigate facts, or ascertain the existence of facts, hold hearings, weigh evidence and draw conclusions from such facts, as a basis for their official action, and to exercise discretion of a judicial nature and any other decision involving the implementation, rather than formation, of Village policy. Quasi-judicial matters include, but may not necessarily be limited to, the following:

- (1) Applications for the site-specific rezoning of real property;
- (2) Applications for site plan and appearance approval;
- (3) Applications for special exception uses;
- (4) Applications for Planned Unit Developments;
- (5) Applications for variances;
- (6) Administrative appeals; and
- (7) Applications for plat approval

(b) For all quasi-judicial matters which require more than one reading, the first reading shall constitute the quasi-judicial proceeding. Once a decision is rendered to grant or grant with conditions the relief sought by the applicant, then the second reading shall be procedural in nature with the Village Council ratifying and affirming its prior decision. If new evidence is introduced which, if brought to the attention

of the Village Council at the first reading, would have had a material impact on its decision, the Village Council may reopen the quasi-judicial hearing.

(c) The formal procedures set forth herein may be waived by the Village for applications seeking only appearance review and approval, such as sign face and color changes, or applications that are essentially ministerial nature, such as plat approval.

### **Notice procedures for Interested Persons**

(a) Interested persons are entitled to a fair and impartial hearing, notice of the hearing, and an opportunity to be heard.

(b) Any Interested Person desiring to become a party in a quasi-judicial proceeding shall provide written notice to the Community Development Department which notice shall, at a minimum, set forth the Interested Person's name, address, e-mail address (if applicable) and telephone number, and indicate how the person qualifies as an Interested Person for the proceeding at issue. The filing of notice with the Community Development Department shall serve as notice of the Interested Person's request to appear at the applicable quasi-judicial proceeding to testify, present evidence, bring forth witnesses, and cross-examine witnesses. The required notice must be received by the Community Development Department no later than the close of business (5:00 p.m.) five (5) business days prior to the hearing. The Department, in consultation with the Village Attorney, shall verify that the person seeking designation as an Interested Person satisfies the requirements for such status and shall provide written confirmation. In the event multiple Interested Persons seeking to become a party in a quasi-judicial proceeding share the same protected interest and are members of the same community association, the Village shall recognize the community association as the Interested Person absent a compelling reason for each Interested Person to be recognized as a separate party.

(c) The written confirmation from the Community Development Department in subsection (b) above shall serve as the notice for the Interested Person to appear at the quasi-judicial proceeding, where he/she will be afforded party status. A copy shall also be provided to the Applicant.

### **Procedures for quasi-judicial proceedings**

(a) The following is a guideline for conducting quasi-judicial hearings:

- (1) *Introduction.* The presiding officer will introduce the case and, if appropriate, defer to the Village Attorney for the reading of the ordinance or resolution caption.
- (2) *Swearing in.* All persons wishing to speak on a quasi-judicial matter shall take an oath to tell the truth. This includes attorneys representing parties, as well as members of the public providing comment.
- (3) *Presentation of evidence.* The presiding officer shall have the option of determining the order to expedite the proceedings. However, all parties shall be provided the opportunity to present their case. The general order of the presentation of evidence shall be as follows:
  - a. *Presentations.* The Applicant, Village staff, and any Interested Person, in that order, shall each have twenty (20) minutes to make an initial presentation.
  - b. *Rebuttal.* The Applicant, Village staff, and any Interested Person, in that order, shall each have five (5) minutes for rebuttal. During this time, the parties may

present rebuttal testimony, cross-examine opposing witnesses, impeach witnesses, and rebut evidence.

- c. *Public comment.* Any person who did not speak during presentations and rebuttals may speak for not more than three (3) minutes. Prior to being heard, each speaker must state his/her name and address for the record.
- d. *Questions.* The presiding officer and any member of the Village Council or Planning Commission, as applicable, may ask questions of any party, witness, or person providing public comment.
- e. *Closing argument.* Any Interested Person, Village staff, and the Applicant, in that order, shall each have five minutes for closing argument.

(5) *Action by the quasi-judicial body.*

- a. At the conclusion of the presentation of the evidence and testimony, the quasi-judicial body shall close the public hearing. The presiding officer shall entertain any motions, and the quasi-judicial body shall proceed to deliberate and vote on the motion(s).
- b. If after notice of hearing, a party does not appear, the hearing may be conducted and an order entered in the absence of the party.
- c. If during the deliberations a question arises which the quasi-judicial body desires to ask, it shall reopen the public hearing, pose the question and allow each party the opportunity to respond to the question posed prior to closing the public hearing again and resuming deliberations.

(b) *Representation of parties*

- (1) *Attorney.* Any natural person or party may represent himself/herself or may be represented by an attorney. If the party chooses to be represented by an attorney, a notice of representation, signed by the attorney, shall be filed with the Community Development Department prior to the hearing.
- (2) *Non-attorney.* In the event any party (other than a corporation or the Village) chooses to be represented by a non-attorney, such party shall file a written, notarized power of attorney with the Community Development Department prior to the hearing stating that the person appearing has the full power and authority to act on behalf of the party in the matter.
- (3) *Business representative.* A corporation or limited liability company may appear through a representative who is listed with the Florida Department of State as a current officer or manager of an active corporation or limited liability company entity. The representative must identify himself/herself in that business capacity.

(c) *Evidence.*

- (1) All relevant evidence shall be admitted. The quasi-judicial body may exclude irrelevant, immaterial, or unduly repetitious evidence.

- (2) Except as provided herein, neither the Federal Rules of Evidence nor the Florida Evidence Code shall apply, but fundamental due process shall be observed and shall govern said proceedings at all times.

(d) *Orders.*

- (1) If the quasi-judicial body denies relief to the Applicant, the village shall issue a subsequent written order setting forth the reasons therefor.
- (2) The quasi-judicial body shall have the authority to issue any and all orders to afford the proper relief, and this authority shall include the authority to grant continuances to a date certain.

(e) *Hearing record.* The Village Clerk shall maintain custody of all recordings of testimony, evidence, and documents submitted into evidence at the hearing. This shall include all back up documentation, as well as any document presented at the hearing or demonstrative exhibit seen by the Village Council or Planning Commission while making its decision. Nothing herein shall be deemed to prohibit any party from providing a court reporter for the proceedings. Any party wishing to appeal the decision of a quasi-judicial body shall have the responsibility to ensure compliance with F.S. §286.0105.

(f) *Continuances.* At the request of the Applicant, Village staff or an Interested Person who is a party to the proceeding or on its own volition, the Village Council or the Planning Commission may continue a quasi-judicial proceeding to a time and date certain. The decision to grant a continuance shall be in the sole discretion of the quasi-judicial body.

(g) *Rehearing/Reconsideration and Appeal.* While there is no specific rule or statutory authority for the rehearing or reconsideration of a quasi-judicial decision, a local government body or board has the inherent power and authority to rehear and reconsider a previously entered order. Notwithstanding this inherent power and authority, the Village determines that neither the Village Council nor the Planning Commission shall entertain any request for rehearing or reconsideration of a previously entered quasi-judicial order. A final determination of the Village Council or Planning Commission acting in its quasi-judicial capacity is subject to judicial review in a court of competent jurisdiction within thirty (30) days of the Council or Commission's rendition of its written determination.