



City of Jacksonville Beach

Briefing Notice

City Council

11 North Third Street
Jacksonville Beach, Florida

Monday, February 13, 2023

5:30 PM

Council Chambers Conference Room

City Manager Mike Staffopoulos will conduct a Council Briefing to update the City Council about ongoing items in the City. The Briefing will include, but not be limited to, the following topics:

- A. City Manager's Annual Performance Evaluation
- B. Legislative Policies Manual
- C. Speaker Cards
- D. Proposed Amendments to the Special Events Policy
- E. Miscellaneous City Manager Items
- F. Committee Assignment Report
- G. Future Briefing Topics

Council Members in attendance may include:

Mayor:	Christine Hoffman		
Council Members:	Bill Horn	Sandy Golding	Dan Janson
	Fernando Meza	Cory Nichols	Greg Sutton

Please note: Council Members in attendance may vary according to their schedules.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's Office at (904) 247-6299, no later than one business day before the meeting or by sending an email to CityClerk@jaxbchfl.net.



CITY COUNCIL BRIEFING TOPIC	
TO:	Mayor and City Council
FROM:	Kimberlee Bennett, Director of Human Resources
DATE:	February 13, 2023
SUBJECT:	City Manager Annual Performance Evaluation

BACKGROUND

Mr. Staffopoulos is approaching his four-year anniversary on January 28, 2023, and in accordance with his employment agreement, the City Council is required to review his performance at least once annually.

The Mayor and City Council Members each completed the City Manager's evaluation form. A compilation of those responses was created and provided to the Mayor and Council on January 4, 2023. The City Manager will meet with the Mayor and City Council members to discuss his performance.

FINANCIAL IMPACT

None.

COUNCIL DIRECTION REQUESTED

Discuss the City Manager's annual performance evaluation.

ATTACHMENTS



CITY COUNCIL BRIEFING TOPIC	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Sandra R. Robinson, City Attorney
DATE:	February 13, 2023
SUBJECT:	Revisions to the Legislative Policies Manual

BACKGROUND

During its April 18, 2022 regular meeting, the City Council (“Council”) deferred action on formal adoption of its Legislative Policies Manual (“LPM”) to provide the City Attorney time to review the LPM and to comment regarding whether the content of the LPM was in compliance with state law and best practices for legislative drafting. Council directed the City Attorney to re-present the LPM at Council’s April 25, 2022 briefing to provide the requested information and for further discussion and consideration by Council. It was the consensus of the Council for the City Attorney to clean up, reorganize, and bring a revised version of the LPM back to the Council by early to mid-summer for review and discussion.

Thereafter, a working draft of the revised version of the LPM went before the Council at its briefing on December 12, 2022. It was the consensus of the Council for the City Attorney to continue moving forward with the revisions on the policy and to present a final draft for the Council to review at a future briefing.

FINANCIAL IMPACT

None.

COUNCIL DIRECTION REQUESTED

Does the City Council wish to make further revisions to the LPM, or does the City Council wish to formally adopt the revised LPM at a future regular City Council meeting?

ATTACHMENTS

1. Revisions to Legislative Policies Manual

LEGISLATIVE POLICIES

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Section A

MEETINGS

All meetings of the City Council shall be open to the public unless expressly exempted by Florida's open meeting laws (hereinafter, "the Sunshine Law"). The City council shall not take any official action except in an open meeting.

A.1 Regular Meetings

The Regular meetings of the City Council shall be held ~~at 7:00 pm~~ on the first and third Monday of each month, with the exception of January and July. In January and July, there will be one regular council meeting held on the third Monday at ~~7:00 pm~~. In the event that the regular council meeting falls on a holiday, that meeting shall be held on the following ~~workday~~ *that is not a holiday or weekend day* at ~~7:00 pm~~ unless directed otherwise by the Council.

The City Council may establish one or more additional regular meetings in any month. The addition of one or more regular meetings to its annual Meeting Schedule [hyperlink] may be accomplished by the adoption of a resolution by majority vote at any regular or special meeting. The City Clerk shall cause a copy of such resolution or notice of such vote to be posted on the City's website and, if practicable, advertised in a newspaper of general circulation in the City of Jacksonville Beach.

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Conditionally approved additional language: *italics*

86
87 *Meetings of the City Council shall be held in City Council Chambers in City Hall,*
88 *Jacksonville Beach, Florida, unless otherwise changed to a place specified by notice as*
89 *required by law.*

90
91 *The Mayor and City Manager may change the time of any regular meeting.*

92
93 **A.1.1 Meeting Cancellations**

94
95 *The City Council may eliminate any regular meeting shown on its annual schedule of*
96 *meeting dates in the event the Council determines that such meeting is unnecessary, provided*
97 *if such reduction in regular meetings does not conflict with city ordinances or state law. The*
98 *elimination of one or more regular meetings may be accomplished by the adoption of a*
99 *resolution or by majority vote taken at any regular or special meeting prior to the to-be-*
100 *eliminated meeting. The City Clerk shall cause a copy of such resolution or notice of such*
101 *addition action to be posted on the City's website and, if practicable, advertised in a*
102 *newspaper of general circulation in the City of Jacksonville Beach.*

103
104 *Should an event occur that makes it apparent that the regular meeting should be*
105 *eliminated, and there be no intervening regular or special meeting scheduled, the Mayor shall*
106 *be authorized to eliminate a regular meeting. Should the Mayor cancel a meeting, the City*
107 *Manager or designee shall contact each member of City Council and inform of the Mayor's*
108 *decision to eliminate the regular meeting. Should any member of City Council raise an*
109 *objection to the elimination of said a regular meeting pursuant to this provision, such*
110 *objection(s) shall be placed on the agenda of the regular meeting next following the meeting*
111 *that was eliminated.*

112
113 *The Mayor, after consultation with the City Manager and City Attorney, may cancel a*
114 *meeting in the event that holding the meeting would present a threat to public safety. The City*
115 *Clerk shall promptly notify the media of such cancellation and shall post notice of the*
116 *cancellation where public notices are regularly posted.*

117
118 *In the event of severe weather or hazardous conditions, the Mayor may postpone a*
119 *regular meeting to a following date on which the severe weather or hazardous condition has*
120 *abated, if that date does is not fall on a holiday or weekend day. A postponed meeting shall*
121 *not be scheduled to occur on the same date or subsequent to the next regularly scheduled*
122 *meeting date.*

123
124 **A.2 Special Meetings**

125
126 *The City Council may hold special meetings as it deems necessary and at such times*
127 *and places as the City Council may find convenient.*

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128
129 Any council member may request a special meeting by calling the City Clerk, and
130 stating the reason for his the request. The City Clerk shall then poll the other members of the
131 Council, and if a majority agree to the request of the council member, the meeting will be
132 called by the Clerk.

133
134 At least ~~forty-eight (48)~~ hours' previous written notice of all special meetings shall be
135 given to each ~~councilperson~~ member but such notice may shall be deemed waived by the
136 member ~~any councilperson~~ who verbally agrees to ~~attend~~ such meeting or attends it. ~~Service~~
137 ~~of such notice shall be made either in person or by leaving a copy thereof at the usual place~~
138 ~~of abode of the councilperson~~ member being served. Any such notice shall state the subject
139 to be considered at the special meeting and no other subject shall be there considered.

140
141
142
143 A special meeting may be cancelled at any time prior to its start time if the reason or
144 purpose for it no longer requires City Council to take action prior to its next regular meeting.
145 A special meeting may be canceled by the member who requested it, the Mayor, or City
146 Manager.

147
148 **A.3 Public Hearings**

149 *The Mayor shall conduct all public hearings.*

150
151
152 *Staff presentation. Public hearings may begin with a brief presentation from a staff*
153 *member or representative from a board, authority, or commission. The presentation shall*
154 *summarize the facts relevant to the issue, and shall be limited to _____ minutes. Members of*
155 *City Council may ask questions during staff's presentation; however, discussion or debate*
156 *about the merits of the proposal shall take place only after the public ~~meeting~~ hearing has been*
157 *closed.*

158
159 *Applicant presentation. The applicant (or the representative of the applicant) shall make*
160 *his or her presentation after the presentation by staff. The applicant shall also be limited to*
161 *_____ minutes to make its presentation, unless extended by the Mayor. Members of City*
162 *Council may ask questions during the applicant's presentation; however, discussion or debate*
163 *about the merits of the proposal shall take place only after the public ~~meeting~~ hearing has been*
164 *closed.*

165
166 *Any and all representations made by the applicant or the applicant's representative*
167 *during its presentation, whether written or verbal, shall be deemed a part of the application and*
168 *may be relied upon in good faith by the City or the City Council in its decision.*

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170 *Comments from the public. Each speaker must provide his or her name and address*
171 *in order to speak. Each speaker shall be limited to three minutes. The Mayor, in his or her*
172 *discretion, is authorized to reduce the time allotted for each speaker provided that all speakers*
173 *are similarly treated.*

174
175 *After the public comments have been received, the applicant (or the applicant's*
176 *representative) may respond with further information. The applicant shall be limited to _____*
177 *minutes for "rebuttal", unless extended by the Mayor.*

178
179 *Upon the conclusion of the applicant's rebuttal, the Mayor shall close the public hearing.*
180

181 **A.4 Quasi-Judicial Proceedings**
182

183 *Quasi-judicial proceedings are conducted when the decision of the City Council is*
184 *intended to primarily affect the property of the applicant. (Decisions of wider impact on the City*
185 *are typically deemed to be legislative.) In a quasi-judicial proceeding, the City Council shall*
186 *not take into consideration the sentiment of the public regarding the applicant's proposal nor*
187 *the substance of the discussion among its members. Quasi-judicial decisions shall be based*
188 *on the competent and substantial evidence presented to the City Council. Competent and*
189 *substantial evidence is constituted, in whole or in part, by the information provided in and as*
190 *part of the applicant's application, testimony presented by the applicant during the quasi-judicial*
191 *proceedings, the staff report, and other evidence presented to the City Council during the quasi-*
192 *judicial proceeding.*

193
194 *The City Council shall have the authority to ask questions of any person present and*
195 *testifying at the proceedings prior to the close of the public hearing and commencing*
196 *deliberations.—Should During the deliberation, should a question arise s-which is or may be*
197 *material to its decision and to which the majority of City Council desires to ask, Council must*
198 *reopen the public hearing to pose the question to the applicant or City staff, as the case may*
199 *be.*

200
201 *Prior to voting on a matter subject to a quasi-judicial proceeding, each member of the*
202 *City Council shall be required to state whether she or he has had any ex parte communications*
203 *on the matter. Ex-parte communication shall be any communication from the applicant or*
204 *interested party (i.e., individual/entity with financial or material interest} in the outcome of the*
205 *decision).*

206
207 An ex-parte communication disclosure must include the identity of the person or entity
208 with whom the member has communicated as well as the substance of that communication. If
209 such communication was verbal, the member shall be required to verbally disclose the required
210 information on the record prior to voting. Should the communication have occurred entirely in
211 writing, the member need only to provide the original or copy of the communication to the City
212 Clerk to be made a part of the record. All ex-parte communications, whether verbal or in writing,

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must be disclosed prior to the final vote on the matter to which it pertains. Nothing contained herein shall preclude a member from verbally disclosing written ex-parte communication.

Any disclosure made pursuant to these procedures shall be deemed, *per se*, non-prejudicial. However, should a member of Council determine that such is necessary to assure a fair proceeding free from potential bias or prejudice, ~~such~~ that member may abstain from voting on said matter, as provided by state law notwithstanding the provisions of Section 286.012, Florida Statutes, as amended.

In all other respects, quasi-judicial proceedings shall conform to the format of the conduct of public hearings.

A.5 Briefings/Work Sessions

Briefings and work sessions are public meetings, conducted in an informal format, and serve as the preferred forum for City Council members to request, receive, and discuss information regarding a topic, issue, or project (whether existing, foreseeable, or of interest) prior to formal presentation to City Council for official action at a regular or special meeting. As a practice, the City Council does not formally take action on any matter presented or discussed at a briefing or work session; consequently, a motion is not needed to open discussion or debate a matter in either forum.

Council members shall be permitted to ask questions during any briefing or work session. Subject solely to the time allotted for the entire briefing or work session, a member shall not be limited to the number of times in which the member speaks, nor the duration thereof. No matter shall be subject to vote in a briefing or work session unless such matter was separately noticed as a special meeting agenda item.

The City Council may hold briefings or work sessions s as it deems necessary. As may be appropriate during a briefing or work session, the City Council may communicate to staff, by consensus, the direction in which the City Council desires staff to proceed to address or implement a matter discussed in the briefing or work session.

Notwithstanding the foregoing, except for inquiry, the City Council and its members shall ~~deal with the administrative service solely through the City Manager, and neither the Council nor any members thereof shall~~ not give orders to any subordinate of the City Manager, ~~either whether publicly or privately.~~

A.6 Shade Meetings

The City Council may meet and discuss certain matters in a setting not open to the public, commonly referred to as a closed or shade meeting, if the purpose of the discussion

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falls within a statutory exemption to Florida's open meetings, as may be determined by the City Attorney.

The two purposes for which Council is statutorily authorized to meet in a closed or shade meeting are to: (1) participate in collective bargaining negotiation(s) or strategy session(s), as the case may be; and (2) discuss and strategize with the City Attorney and City Manager with respect to the settlement of pending litigation.

No voting is allowed to be conducted in a closed or shade meeting; and no consensus from City Council shall be requested.

For all closed or shade meetings convened for the purpose of discussing the settlement of pending litigation, a court reporter shall be present in the closed or shade meeting to take down and transcribe all of the discussion occurring in the closed or shade meeting. No comments can be off the record. Once the underlying litigation subject to closed or shade meeting has concluded, the City Attorney shall cause the transcript from such closed or shade meeting to be made available to the public upon a public record request.

No persons statutorily authorized to attend a closed or shade meeting shall knowingly disclose the closed or shade meeting discussion. A violation of this provision may be subject to criminal prosecution and penalties.

A member of City Council who is suspected or alleged to have violated the confidentiality of a closed or shade meeting shall also be subject to investigation and penalties as provided by the [Code of Ethics](#) [\[hyperlink\]](#).

A.76 Conduct of Meetings, Generally

Except as otherwise provided by law, all meetings of the City Council ~~and of committees thereof~~ shall be open to the public and conducted in accordance with state law and the rules of the City Council.

The rules of the City Council shall provide that the public shall have a with a reasonable opportunity to be heard on any matter prior to or at any such meetings during which the Council acts or its committees in regard to on the matter considered thereat. Notwithstanding the foregoing, the public's opportunity to be heard shall at all times be subject to the rules or policies adopted by the City Council.

It is the policy of the City Council that its meetings be conducted with order and decorum, and that behavior exhibited that is not keeping with this policy, whether by a member of the City Council or the public, will not be permitted.

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It shall be responsibility of the Mayor to maintain proper order at all times during any meeting of the City Council. The Mayor shall have the authority, without the consensus of the Council, to take any action or actions necessary to preserve order in a meeting, including effecting the removal of any person guilty of offensive conduct if the offending person fails or refuses to cease such offensive conduct.

The City Manager and other officers designated by the vote of the Council shall may be entitled authorized to sit on the dais where the Council sits. The City Manager shall have the right to take part in the discussion of all matters coming before the Council, and the heads of all departments and other officers shall be entitled to take part in all discussions of the Council relating to their respective departments and offices.

A.87 Televising City Council Meetings

~~Regular City Council meetings, and Briefings will be streamed live online and will be viewable on demand through the City's website. briefings, and work sessions may be recorded solely by audio should video recording or online streaming video technology be unavailable.~~

Members of the media who wish to photograph or videotape during a City Council meeting must remain behind the first row of the audience Mayors *if held* in the Council Chambers; no additional lighting ~~is to~~ may be used in the Council Chambers. It will be the responsibility of the City Clerk to ensure that all media personnel are apprised of the designated press area.

Nothing herein shall be construed to prohibit a member of the public from recording any open meeting of the City Council, so long as the act of recording and the operation of such recording devices do no disrupt the conduct of the meeting.

SECTION B

PRESIDING OFFICER AND CONDUCT OF MEETINGS ~~DECORUM~~

B.1 Mayor

(a) The Mayor shall preside at all meetings of the Council, call the members to order at the hour appointed for each meeting, and upon the appearance of a quorum, proceed to business. He The Mayor shall have general control of the Council Chambers, and in case of disturbance or disorderly conduct therein, ~~he may~~ cause the same to be cleared. The Mayor shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions relating to the priority of business or of order, without debate, subject to appeal to the Council by any member as a matter of course, and on such appeal, it shall require a majority vote of the members present to sustain such appeal.

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(b) *The Mayor is empowered to declare a state of emergency or state of disaster for a period not exceeding 72 hours, as provided by the City Charter and in conformance with state law. No declaration enacted pursuant to the powers of the Mayor shall be in effect for a period greater than 72 hours unless extended by City Council.* Should it be necessary to invoke any of the following *emergency declaration* provisions, a notice, when possible, should be made to the local news media for immediate dissemination to the public.

(c) The Mayor may assign a Council member to, or remove from, any standing or special committee established by the City Council, subject to approval by the City Council.

B.2 —Vice Mayor Pro Tem (Vice Mayor)

(a) At its first meeting following a regular municipal election, the City Council shall choose from its membership a vice-chairman who shall have the title of Mayor Pro-Tem. If a vacancy occurs in the office of Mayor, or in case of his the Mayor's absence or disability, the Mayor Pro-Tem shall act as Mayor for the unexpired term, or during the continuance of the absence or disability of the Mayor. While acting as Mayor, the Mayor Pro-Tem shall exercise the duties and powers of the Mayor. during his absence or disability. At all times relevant to serving as the Mayor Pro-Tem, the member holding said office may utilize the working title of "Vice Mayor". The term "Vice Mayor", may be used interchangeably with the term "Mayor Pro-Tem", The "Vice Mayor" shall have at all times the same meaning, duties, and obligations as provided for the mayor pro tem by City Charter, City Code, and these legislative policies.

(b) Whenever the Mayor Pro-Tem succeeds to the office of Mayor for the remaining portion of an unexpired term, *if such succession shall create a vacancy in the Council seat held by the former Mayor Pro-Tem. Vacancies on City Council*, which vacancy shall be filled in accordance with the applicable provisions of *this the City Charter and Code of Ordinances, as the case may be.*

(c) By no less than two-third vote, the City Council may remove the Mayor Pro-Tem, for cause, which may be established by one or more of the following:

- (i) Neglect of duty;
- (ii) Conviction of a felony;
- (iii) Conviction of a misdemeanor crime of moral turpitude (e.g., larceny, fraud, embezzlement, receiving stolen goods, perjury), without regard to whether said conviction is subject to appeal or is being held in abeyance pending successful completion of probation or passage of time to be later set aside or dismissed;

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- (iv) Conviction of a misdemeanor drug or drug-related offense without regard to whether said conviction is subject to appeal or is being held in abeyance pending successful completion of probation or passage of time to be later set aside or dismissed;
- (v) Mental or physical incapacitation; or
- (vi) Abuse or misuse of office.

(d) A removal action pursuant to this section shall be in accordance with the following procedure:

- (i) The removal must be expressly noticed for any meeting in which the Council will be asked to address it.
- (ii) Should at the meeting the Mayor Pro-Tem asks for a public hearing, the public hearing shall be conducted at the next regularly-scheduled meeting or at a special meeting called for this limited purpose. Should Council elect to call a special meeting, such special meeting should (but shall not be required to) be scheduled prior to the next regularly-scheduled meeting.

(e) Nothing contained herein shall require the Mayor Pro-Tem to request a public hearing, or that a public hearing be conducted prior to removal (unless such hearing had been expressly requested by the Mayor Pro-Tem). At all times relevant hereto, the City Council shall have the sole discretion as to scheduling of the public hearing, including whether to postpone such public hearing.

(d) Should the Mayor Pro-Tem be removed by resolution, the Council shall immediately choose from its membership another member to serve as Mayor Pro-Tem for the unexpired term of the Mayor Pro-Tem just removed.

(e) Removal of the Mayor Pro-Tem pursuant to these provisions shall not constitute nor be construed as removal from the City Council.

B.3 Acting Chair

In the absence of both the Mayor and Mayor Pro Tem, the members of Council shall elect, by majority vote, a member who shall preside over the meeting, and while acting as Chair, be vested with all of the powers and duties of the Mayor.

B.4. Conduct of Business/Meeting Decorum

(a) *Where not otherwise mandated by state law, City ordinance, or these legislative policies, the City Council shall conduct City business at its meetings following the most current edition of Robert's Rules of Order., Newly Revised, except as provided in these Legislative Policies.*

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Robert's Rules of Order shall also apply to any question of procedure not covered or mandated by state law, local law, or these legislative policies.

(b) No member shall speak at any meeting more than twice on the same question motion, or for more than the allocated time as specified by the Mayor. *The Mayor shall not permit a member to speak a second time on a motion until every other member has had the opportunity to speak at least one time on the motion. When two or more members wish to speak at the same time, the Mayor shall designate the order in which these members will speak.* ~~but~~ In no case shall a member speak more than five (5) minutes at any one time.

(c) No member of the Council shall be interrupted by another without the consent of the member who has the floor, except by raising a question of order.

(d) *The Mayor shall order the removal of any person whose behavior is so unruly or disruptive as to prevent the orderly conduct of the meeting. However, such removal shall not constitute a ban of the person from future public meetings of the City Council.*

SECTION C

QUORUM AND LEGISLATIVE ACTIONS

C.1 Quorum ~~A majority of the members elected to Council shall constitute a quorum to do business, but a less[er] number may adjourn from time to time or compel the attendance of absent member. Charter Chapter 1, Section 8.~~

At any meeting of the City Council, a majority of the members shall constitute a quorum. The City Council shall ~~take no~~ not take any action nor transact any public business without a quorum, except to set the time and place for another meeting. If during a meeting the number of members present fall below the minimum number for a quorum, the City Council shall discontinue ~~not continue to take~~ taking official action ~~nor~~ and conducting substantive business.

The temporary absence of a member from the dais shall not constitute the loss of a quorum nor prevent the hearing of a presentation or the discussion of any matter submitted to the Council for action.

Any Council member may excuse him or herself during a meeting except to avoid voting.

C.2 Remote Participation in City Council Meetings

A member of City Council may attend, participate, and vote in a meeting of the City Council that is open to the public through communication media technology from a remote

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location as provided by the City Council's Remote Participation Policy, or as otherwise allowed by state law.

No member shall be granted approval to attend, participate, and vote remotely more than four times within a calendar year except upon showing of "good cause". Circumstance(s) constituting "good cause" shall be within the sole discretion of the City Council.

C.3 Legislative Actions

The City Council may ~~only~~ act by and through one of the following methods, and as may be prescribed by City Charter and state law:

- Ordinances
- Resolutions
- Motion

If required by City Charter or state law, City Council shall take action by the adoption of an ordinance in accordance with the manner required by law. If action by ordinance is not required by law, the City Council may act by adoption of a resolution. If action is not required by either ordinance or resolution, City Council may take action on only an oral motion. Any such motion made and seconded, including procedural motions, shall be voted on and fully recorded in the minutes of the meeting.

SECTION D

VOTING

D.1 Votes/Method of Voting

A vote shall be taken only upon a motion made and seconded. Unless otherwise required by law, all voting shall be conducted by roll call. An affirmative vote of a majority of the members elected shall be the minimum necessary to adopt any ordinance or resolution unless a state law requires otherwise.

Each member shall be required to cast a vote, unless voting shall create an actual or perceived conflict of interest for that member. In the event a member determines she or he has an actual or perceived conflict preventing the member from voting, the member shall also be disqualified from participating in any discussion or consideration of the matter by City Council.

Silence during a roll call vote shall be recorded as an affirmative vote, unless expressly prohibited by statute.

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A vote shall not be cast by proxy.

D.2 Tie Votes

In the event of a tie vote, the motion under consideration shall be deemed defeated. Any motion that is defeated on a tie vote may be reconsidered upon motion by any member as no side having ~~voting~~ voted in favor or against the motion will have prevailed.

D.3 Reconsideration of Vote

Action on any ordinance, resolution, or motion may be reconsidered upon the motion of a member who voted with the prevailing side of the original vote. A motion for reconsideration may be made prior to the conclusion of the same meeting in which the original vote was taken, or during the next regular meeting immediately following the meeting in which the original vote was taken. A motion to reconsider must be seconded. If the motion to reconsider prevails, the original motion as stated in the first instance shall be subject to discussion and vote. No action shall be eligible for reconsideration more than one time.

Unless a motion for reconsideration is taken up at the same meeting as the original motion, as much notice required by law prior to the original action must also be given prior to action on a successful motion to reconsider. A motion to reconsider an ordinance made at any meeting subsequent to the meeting in which original vote was taken shall constitute instruction to the City Clerk to re-advertised the ordinance according to, and as may be required by, law.

SECTION E

ORDER OF BUSINESS

Unless otherwise prescribed by law, the City Council may alter the order of business placed on the agenda for any of its meeting upon majority vote. A motion to approve (or amend) the agenda shall be made at the time provided in the order of business, but shall not be extended to the consent agenda. Motions to amend the agenda after the agenda has been adopted or approved shall also be by majority vote.

E.1 Order of Business, Generally,

The general order for regular meetings of the City Council should be as follows:

*Opening Ceremonies: Invocation, Salute to flag
Call to Order*

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Roll Call
Approval of Minutes
Approval of the Agenda
Announcements
Courtesy of the Floor to Visitors
Consent Agenda
Mayor and City Council
City Clerk
City Manager/New Business
Resolutions
Ordinances
Adjournment

E.2 Invocation

Beginning It has been a long-standing tradition of the City of Jacksonville Beach to begin its City Council meetings with a moment of reflection and reverence is a long-standing tradition of the City of Jacksonville Beach.

*The purpose of the Invocation is to provide request spiritual guidance and inspiration to the City Council in conducting its meetings, and to City officials and employees in performing conducting their duties therein. The Invocation should be ~~non~~ *not be* political, *proselytize, or used to coerce or demonize others. Care should be taken to and* avoid *blatant* content or words that *disparage* could be offensive the faith or belief to of any particular group or individual or, alternatively, to promote the faith or belief of any particular group or individual.*

The Invocation should may be delivered at random by any member of Council Members or the Mayor.

E.3 Courtesy of the Floor to Visitors

Courtesy of the Floor to Visitors is the ~~City Council~~ defined period within a regular meeting that the City Council ~~to provides~~ members of the public the opportunity to speak or comment on a matter that is not scheduled for action or public hearing ~~by the City Council~~ on that meeting's agenda.

Courtesy of the Floor to Visitors shall be limited to 30 minutes per meeting, unless otherwise extended by majority vote of the City Council. Each A person wishing to speak during Courtesy of the Floor to Visitors must fill out a Speaker's Card. Each speaker may speak up to three minutes; however, in the interest of time as circumstances present, the Mayor may reduce the amount of time each person has to speak provided all speakers are similarly treated. Nothing contained herein shall be construed to limit a person's opportunity to be heard

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prior to the City Council taking action on an item as provided by Section 286.0114, Florida Statutes, as amended.

Courtesy of the Floor to Visitors shall not be utilized by any person to: (a) promote a private business or venture; (b) campaign for office; (c) engage in personal attacks; (d) slander or defame; or (e) engage in disorderly or obscene conduct (which shall include using profane, obscene, or vulgar language).

The Mayor shall be authorized to cause the removal of any speaker who violates any of the limitations imposed by Section E.3.

E.4 Consent Agenda

The purpose of a consent agenda is to provide for the expeditious handling of multiple items by a single vote. Items selected for adoption through the consent agenda are, generally, not controversial in nature and do not, by subject matter, warrant individual discussion or consideration. The City Manager is authorized to determine whether it is appropriate for an item to be selected for the consent agenda.

No discussion shall be permitted regarding a consent agenda item. Should a member desire to discuss, comment, or question an item on the consent agenda, that member shall request that item's removal from the consent agenda. A request for an item's removal from the consent agenda shall not require a second nor be submitted for a vote. The item removed from the consent agenda ~~and~~ shall be placed, in the order of removal, as the last items listed under the City Manager's section of the agenda.

Prior to the approval of the regular meeting agenda, the Mayor may, but shall not be required to, ask whether a member desires separate consideration and vote on an item listed on the consent agenda.

SECTION F

RULES OF PROCEDURE

The City Council hereby adopts Robert's Rules of Procedure to govern all questions related to parliamentary procedure not otherwise addressed by these rules or as may be required by state law.

(a) Unless otherwise provided by these rules, Council shall not debate or begin its discussion regarding the substance of an agenda item prior to a motion which has been duly seconded.

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636 (b) The member proposing or making the motion shall be entitled to speak first to the
637 motion but shall not speak against it. The mover shall be entitled to vote against the motion
638 she or he proposed.

640 (c) A motion should be stated in the affirmative, if possible. The failure of a motion
641 stated or couched in the negative shall not be construed to authorize positive action.

643 (d) Any proposed motion, even if seconded, resolution, ordinance, or suggested
644 ~~amendment thereto~~ may be withdrawn or amended by the mover ~~or the proposer~~ at any time
645 before the motion is put before the Council for discussion or debate, without the consent of the
646 member who provided the second. The seconder may, however, withdraw his or her second.
647 ~~amendment or putting to a vote. Amendments proposed by a member other than the mover~~
648 ~~must be seconded~~ and discussed or debated before it can be considered for vote.

650 (e) *A substitute motion shall be allowed, and shall take precedence over any existing*
651 *motion on the floor. If the substitute motion fails, the former motion(s) may be voted upon in*
652 *the applicable order of precedence. If the substitute motion passes, the substitute motion*
653 *becomes the main motion. In the event a substitute motion is defeated, a second substitute*
654 *motion may be made; however, in no event shall more than two substitute motions be made*
655 *with respect to any agenda item.*

657 ~~(f) After a decision of any question, it shall be in order only for a member of the~~
658 ~~council voting on the prevailing side to move to reconsider the question at the same or next~~
659 ~~regular meeting. If a motion to reconsider is lost, it shall not be renewed and reconsidered~~
660 ~~without the unanimous consent of the Council in attendance at the meeting at which~~
661 ~~reconsideration is requested.~~

663 (f) The Mayor Any member of Council may ask for a recess to take a short break
664 within a meeting at any time ~~he/she deems it advisable or necessary.~~ A motion for recess
665 requires a second, but shall not be debated nor subject to amendment. In lieu of a recess, the
666 Mayor may at any time cause a meeting to "stand at ease" if he or she deems it advisable or
667 necessary under conditions then existing.

669 The public may speak on all items under Legislative Matters and Public Hearings, including
670 land use actions, on the agenda. "Courtesy of the Floor" is a separate agenda item and will
671 appear on the agenda after "Approval of Minutes." Input from the public under Courtesy of the
672 Floor, Legislative Matters, or Public Hearings, including land use actions, shall comply with the
673 rules outlined in this Legislative Policy.

675 (g) Input from the Members of the public shall be given the opportunity to be heard
676 on a matter under considered consideration before the City Council has takes action on the
677 matter. The Mayor shall recognize all speakers, and all comments shall be directed to the
678 Mayor. If he or she deems it appropriate, the Mayor will direct questions from the public to the

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City Manager, and the City Manager may answer if such an answer is short and concise; alternatively, or the Mayor may direct the City Manager to provide the information at a later date or schedule a meeting with the citizen.

(h) Persons who wish to speak shall fill out a Speaker's Card and submit it to the City Clerk before Courtesy to the Floor to Visitors or the item under ~~Legislative Matters or Public Hearings~~ on which the person wishes to speak. ~~Citizen comments by individual s~~ Speakers from the audience during Courtesy of the Floor, legislative matters, or public hearings shall be limited to no more three (3) minutes subject to the public comment and meeting decorum provisions set forth within these legislative polices. Unlike Courtesy of the Floor to Visitors, the total time *designated* for a public hearings will not be limited.

(i) In every case where a citizen person is recognized by the Mayor to discuss *speak* on an agenda item, ~~or other relevant matter during a public hearing or to provide citizen comment, Courtesy of the Floor to Visitors,~~ that person ~~he/she~~ shall step up to the podium, state his/ or her name and address for the record, *and, if applicable*, identify any group or organization he/she represents.

(k) ~~During agenda items on which public comment is received, citizens~~ Speakers shall limit public comment ~~to the on an agenda item's item to the~~ specified subject matter. Any comments which are inappropriate or irrelevant will be ruled out of order by the Mayor. During ~~citizen comment, citizens~~ Speakers shall *also* limit public comment to relevant topics *relevant* to the *authority of the City and the City Council*. For example, "save the manatees," and U.S. government foreign relations are topics that are not matters within the authority of the City or the City Council.

(l) ~~No person, other than a member of the City Council and the person having the floor shall be permitted to enter any discussion, either directly or through a member of the City Council,~~ *speak* without the Mayor's permission.

(m) No Council member shall be interrupted while speaking unless it is to be called to order.

(n) Members of the public shall not be interrupted by ~~members of the City Council~~ when speaking during public hearings or ~~citizen comments~~ *Courtesy of the Floor* to Visitors, so long as their comments comply with these rules and regulations.

(o) ~~Whether speaking or not, Members of the public shall not approach the dais and shall not~~ *nor* step in front of the podium. Members of the public wishing to distribute documents, pictures, or other materials to the City Council shall do so through the City Clerk.

(p) Any rule of parliamentary procedure may be suspended by majority vote of City Council.

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(q) By resolution, the City Council may establish a fixed time for any of its meetings to adjourn, provided such action is taken prior to the meeting at which the fixed time is to take effect. Unless the City Council has established an adjourned time for its meeting, a meeting shall be adjourned upon a motion that has been seconded. A motion to adjourn shall not be subject to debate or amendment.

SECTION G

BOARDS, COMMISSIONS, AND COMMITTEES

G.1 Boards and Commissions

The City Council shall appoint all advisory boards, commissions, and special committees in accordance with the provisions of the City Charter, and or the ordinance or resolution which governs such Board and.

~~(Code — Section 34-71 thru 34-90, Section 34-91 thru 34-115, Res. No. 1960-2016, F.S.S. Section 163.356)~~

No person shall be appointed or reappointed to serve on an advisory board, commission, or committee of the City Council unless that person resides in the City and is a qualified elector of the City. Should an appointed member move or relocate his or her residence from the City at any time during his or her membership, such member will be deemed to have vacated his or her seat effective the date of said move or relocation.

No person shall be appointed or reappointed to serve on an advisory board, commission, or council without having first completed an application for a City Council appointment, and filed the same with the City Clerk. The application shall be in a form prescribed by the City Clerk, as approved by the City Council.

In the event City Council determines that it will conduct interviews before making an appointment, the applicant for such [re]appointment must submit to an interview. Any applicant failing to comply with the requirements of this provision shall be disqualified from further consideration of the appointment.

All appointments shall be made in conformity with applicable laws or ordinances governing the board, agency, or commission. When a person is appointed to fill the departing member's unexpired term, the new appointee's term shall end on the date the departing member's term would have ended. *Unless otherwise prescribed by law, each person appointed to a board, commission, or committee of the City serves at the pleasure of the City Council and may be removed prior to the expiration of the appointee's term of office.*

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Should an appointee to a board, commission, or committee of the City be subject to removal by the City Council for cause, said appointee shall be given the opportunity to physically present and speak to City Council prior to the City Council taking action on the removal. A removal for cause shall not be considered nor acted upon by the City Council no sooner than 15 days from the date City Council is informed of the circumstance(s) that precipitates the removal.

A removal action pursuant to this section shall be in accordance with the following procedure:

- (a) The removal must be expressly noticed for any meeting in which the Council will be asked to address it.
- (b) The appointee subject to the removal may, but shall not be required to, appear at the noticed meeting. Should the appointee elect to appear at the meeting noticed for the consideration of his or her removal, the appointee shall be given the opportunity to speak and be heard on the removal prior to the time Council takes action.

As each appointee serves at the pleasure of the City Council and does not serve as a matter of right, these provisions shall not constitute or be construed as to require due process or confer the rights of due process (whether procedural or substantive) on the appointee.

No person shall have a cause of action under law or equity on any action related to City Council exercising its discretion or authority to act, or failing act, pursuant to this Section.

Any board, commission, or committee shall be authorized to adopt bylaws or procedures by which the body will conduct its business. The bylaws shall not be in conflict with any City ordinance or provision of state law. In the event a City board, commission, or committee elects to not adopt bylaws or operating procedures, the procedures set forth in this Legislative Policy Manual shall govern that body's membership and meetings.

The City Attorney shall be authorized to conduct an audit of the bylaws and or operating procedures of each City agency, board, commission, and committee for compliance with City ordinances and state law.

G.2 Committees

The City Council may create committees as it deems necessary or desirable. In creating such a committee, the City Council shall determine the charge of the committee and establish the committee's schedule and mode for reporting its finding(s) and recommendation(s) to the City Council.

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All committees shall terminate upon completion of the task assigned by City Council. Unless created as a standing committee, all committees shall expire one calendar year from its creation, unless earlier terminated or extended by the City Council.

The Mayor shall appoint members to a committee, upon approval of City Council.

The City Manager shall appoint any administrative staff to serve as support staff for any agency, board, commission, or committee appointed by the City Council.

SECTION H

AWARDS AND OTHER HONORARY ACTIONS

Commensurate with its other official responsibilities, the City Council is occasionally called upon to perform other public duties on behalf of the City, such as present awards, make proclamations, and to give recognitions of persons or events ("ceremonial items"). The City Council issues proclamations, certificates of recognition or condolences, which are approved and signed by the Mayor.

This policy ~~intends~~ is to ensure that all items on the City Council agenda for ceremonial purposes ~~of~~ are presented consistently and that ceremonial honorees are recognized appropriately.

The procedure to be followed for ceremonial items is as follows:

(a) All items must be approved by the Mayor for inclusion on the agenda.

(b) The staff member preparing the item shall provide the following information, in addition to preparing the detailed information for the proclamation: (1) name of staff presenter, (2) and the names of the honoree(s) and any guest(s), or and (3) number of seats to be reserved, if applicable. The City Clerk shall reserve seats for participants in the audience area behind the podium. If there is more than one ceremonial item on an agenda, seats will be reserved in the sequential order in which items appear on the agenda.

~~Items to be presented to or by the City (check, plaque, trophy, etc.).~~ Ceremonial items to be presented by the City will be at the podium or given to the Mayor to present as appropriate.

~~Staff should provide photos of items (ex. medals) that are too small for the camera to be shown on screen. Photos must be given to staff at least 24 hours before the meeting.~~

An honorees may shake hands with the Mayor, City Council members, City Manager, and Deputy City Manager.

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Except as provided herein, no communication or statement issued by an individual member of Council shall be deemed an official statement of or action by the City or the City Council. This section shall not be construed to prevent an individual member of Council from extending congratulations or condolences in his or her individual capacity, and such may be done on City letterhead provided such use also includes a disclosure that the communication is not from the City or the City Council, such as "from the desk of" or similar type reference.

H.1 Naming and Renaming City Buildings and Facilities Policy and Procedures

The City Council may approve the naming or renaming of City buildings, facilities, and streets by majority vote. An application to name or rename a City building, facility, or street shall be submitted to the Property Management Office, a division of the Finance Department. ~~The Naming and RenamCity Buildings and Facilities legislation establishes policy, processes, and guidelines for the naming or renaming of City buildings and facilities to honor deceased individuals who have made significant contributions to the City community subject to review and majority approval of the City Council. (Res. 2061-2020)~~

H.2 Honorary Street Name Policy and Procedures

~~The Honorary Street Name Designation program allows citizens and groups the opportunity to honor deceased individuals who have made significant contributions to the community, subject to approval by the City Council. The program is~~ shall be jointly ~~managed and processed by the Parks and Recreation Department, and the Public Works Departments. administers the installations. An application for an honorary street name shall be submitted through the Parks and Recreation Department.~~

Each application must be reviewed and must show that the requirements for such honor have been satisfied. Notwithstanding the foregoing, the City Council shall at all times reserve the right to not approve the naming or renaming of a City building, facility, or street.

SECTION I

MISCELLANEOUS

I.1 Council

I.1.1 Compensation and Benefits

~~The monthly salary of the Mayor shall be \$740.00 per month. The monthly salary of the other members of the City Council shall be \$540.00 per month.~~

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891 The salary of council members, together with the manner of payment, shall be
892 established by resolution and shall be compatible with salaries as portrayed by the Florida
893 League of Municipalities for Cities and comparable size and form of government.

894
895 No increase in *City Council* salary shall become effective ~~until~~ *prior to* the
896 commencement of *the* terms of Council members elected at the next regular City election.
897 *Notwithstanding the foregoing*, the *City Council* ~~may~~ *shall* provide that *its* members shall
898 receive an allowance for expenses incurred in the performance of their duties.

899
900 **I.1.2 Travel/Expense Reimbursement**

901
902 ~~(Formerly 4-2) For purposes of providing additional funds for the Mayor and Council Expense~~
903 ~~Account, a new account was established for Travel and Allowances in the amount of \$5,000.~~

904
905 ~~(Res. No. 425 – Dated 2-16-76) (Ord. No. 2009-7978, § 1(exh. A), 11-2-09)~~

906
907 It shall be the policy of the City Council to encourage its members to participate in state
908 and national associations, as well as continuing education programs that benefit the City.

909
910 *The City Council shall authorize the reimbursement of travel or travel-related expenses*
911 *(for e.g., meals, business telephone calls, cabs, and or other customary and reasonable*
912 *expenses) for the Mayor or any member of City Council's participation in such associations or*
913 *programs upon that individual submitting receipts and completing a travel expense report as*
914 *may be required by or* obtained from the Assistant to the City Manager. ~~For the Mayor or a~~
915 ~~Council Member to receive reimbursement for travel and other expenses, prior authorization~~
916 ~~must be granted by the City Council.~~

917
918 Registration, lodging, and travel. ~~If the Mayor or a Council Member cancel an already~~
919 ~~a~~ *scheduled trip must be canceled*, the individual must *immediately* notify the Assistant to the
920 City Manager ~~the earliest possible time to cancel reservations and obtain refunds. If the~~
921 ~~arrangements cannot be canceled, the individual shall attempt to find a substitute member of~~
922 ~~the Council through the Assistant to the City Manager and City Manager. Should the Mayor or~~
923 ~~another member of City Council be unable to substitute for the individual cancelling a trip, If no~~
924 ~~one else can go, then the individual who canceled is personally responsible for any costs~~
925 ~~incurred by the City. The City Council might may waive said obligation reimbursement of costs~~
926 ~~related to canceled travel upon written request and if the cancellation was due to personal~~
927 ~~illness, illness or death of a family member, unforeseen business necessity, or other valid,~~
928 ~~unavoidable conflict, the latter of which as may be determined in the sole discretion of the City~~
929 Council.

930
931 Reimbursement for meals or registration costs associated with attending a local meeting
932 of an organization to which the City belongs will only be made if the Mayor or Council member(s)

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requesting the reimbursement is has been designated the Council's City's authorized representative on such organization.

The Mayor or a Council Member who is the designated representative of the City to an organization, or who serves as a committee member or officer of an organization of which the City is a member, shall seek advance authorization for such expenses at the start of each fiscal year, for a period not to exceed one year.

~~The Mayor and Council Members will be reimbursed.~~

The Assistant to the City Manager will make hotel and airline reservations and conference registrations on behalf of the Mayor and Council Members.

I.1.3 Vacating Seat

A council seat may be vacated by a member's resignation (prior to expiration of term), death, removal, or recall. Should any vacancy occur in the Council or the Office of Mayor other than by the recall provisions of the City Charter, the City Council shall elect a person to fill the vacant office seat until the next regular municipal election.

For this purpose, "the next regular municipal election" shall be determined by the date on which the vacancy takes effect in relation to the deadline for a candidate to qualify to be on the ballot for the next regular municipal election. Should the effective date of the vacancy occur after the deadline for qualifying has passed, "the next regular municipal election" shall be the one subsequent to the election actually next occurring on the calendar.

After a member's ~~his/her~~ term of office (whether by the member vacating said office or expiration of his or her term), ~~elected officials shall return~~ all equipment provided to the member by the City must be returned to the City Manager.

All public records in the possession of an outgoing member shall ~~be~~ remain the City's property, and, in this regard, as such, records shall must be returned to the City by ~~delivered~~ delivery ~~by the ongoing officials to~~ the City Clerk.

I.1.3 Social Media

As the public is increasingly utilizing social media to petition or otherwise engage with their elected representatives, Council members should take precautions to avoid utilizing a social media platform or other technology to facilitate discussion or exchange information with others that should occur in the public meeting.

The Sunshine Law can apply to both formal and casual communications between two or more members if the subject of discussion is or may be a matter upon which Council may take action in the future. Posting or exchanging comments may constitute

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transacting/discussing business outside of an open meeting. In such instances, the posted comment may constitute a public record subject to disclosure upon a public record request.

The Sunshine Law may also apply to a Council member's use of a social media platform if the member has been using the platform to: (1) aid or further the member in his or her duties, (2) communicate with his or her constituents and or to facilitate the member's interactions with his or her constituents, (3) share information related to official government business, and (4) the member's utilization of the platform is executed by and through a City-issued device.

Council members should avoid utilizing City-issued devices to engage in personal use of any social media platform, and should distinguish the words they speak or write or actions they take as occurring in their personal rather than in an official capacity, when discussing or exchanging information with others while on social media.

I.1.4 Gifts /Disclosure of Financial Interests

A member of City Council may accept gifts and shall disclose or report such gift(s) as required to do so by the Florida Code of Ethics for Public Officers and Employees [\[hyperlink\]](#). The term "gift", as used herein and defined by the Florida Code of Ethics for Public Officers and Employees, shall not be construed to include a campaign contribution, which may be subject to separate reporting requirements.

I.1.5 Prohibited Activities– Link to Code of Ethics

It shall remain the duty of the Mayor and each member of City Council to know the laws that govern and regulate the conduct and decisions of Florida public officials, such as Florida Code of Ethics for Public Officers and Employees [\[hyperlink\]](#). While these legislative policies may generally touch upon certain aspects of such regulation or some underlying conduct, these policies are not intended to substitute actual law or regulation.

I.2 City Manager

I.2.1 Administrative Services and Personnel

The City Manager is appointed by the City Council, is the chief administrative officer for the City [\[hyperlink to Org Chart\]](#), and is charged with the execution of the executive and administrative functions of the City Council. The City Manager ~~or designee, in the manager's absence,~~ must attend all Council meetings and Briefings. In the City Manager's absence, his or her designee must attend all such meetings and briefings.

The City Manager shall keep the City Council advised of the financial needs of the City, and provide such regular and periodic written reports as necessary to comply with this duty.

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The City Manager may satisfy this duty, in part, by presenting to the City Council oral or written reports from the City's Chief Financial Officer.

City Council members shall deal with administrative services solely through the City Manager. Any request by an individual City Council member for ~~request for~~ information, a or for the Administration's assistance to respond to a complaint or concern from the public, ~~or any~~ shall be made to the City Manager, directly or through the Assistant to the City Manager's Administrative Assistant. Any written response provided by the City Manager which may be of general interest to the City Council (as may be determined in the discretion of the City Manager) or, alternatively, may substantively impact the City interests ~~City Attorney~~ shall be distributed to all City Council Members via email.

~~One of the major responsibilities of~~ In addition to the foregoing, the City Manager shall ~~be to~~ must communicate to the entire City Council ~~any and all items coming to his or her attention which;~~ regarding any item or subject matter which:

- (a) May require consideration by the City Council, ~~or~~
- (b) Could raise the possibility of altering the organizational structure of the City Staff, ~~or~~
- (c) Might adversely affect public health and well-being, or
- (d) Would have the effect of being contrary to previously expressed Council direction, or
- (e) Could involve issues that have the potential for imminent negative media exposure for the City.

~~All written communications from the City Manager to the City Council will be emailed.~~

Subject to the provisions of the Charter, neither the Council nor any of its committees or members shall direct or request ~~the office by~~ the City Manager or any of his subordinates for the appointment or removal of any person, or take part, in any manner, in the appointment or removal of officers and employees in the administrative service of the City except as is expressly provided by the City Charter or City Code. Except for inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any members thereof shall give orders to any subordinate of the City Manager either publicly or privately. A violation of the provisions of the City Charter and City Code prohibiting Council's interference with any subordinate of the City Manager shall constitute malfeasance and subject the offending member to recall.

1.2.2 Emergency Powers

After an emergency or disaster has been declared, and during all such time as necessary prior to the revocation or expiration of said declaration, the City Manager may jointly exercise ~~shares joint power with~~ the Mayor to invoke any or all of the following provisions, and as additionally provided by ordinance or state law; ~~during a declared state of emergency or disaster.~~

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- (a) Activation of the Emergency Operations Center.
- (b) Significant incidents responded to by the Police or Fire-Rescue departments.
- (c) Civil unrest or disturbance resulting in Police response.
- (d) Death or serious injury to a City employee, or City official, or citizen on City property.
- (e) Significant damage to any City building or property due to accident, natural disaster, hazmat incident, or fire.
- (f) Evacuation of City residents due to fire, hazmat incident, or natural disaster.
- (g) Other Items determined by the City Manager to be of an emergency or time-sensitive nature.

Nothing herein is intended to limit or take the place of the City Manager's separate (individual) power to activate the Emergency Operation Center or to exercise any other emergency power vested in a chief executive or administrative officer of a municipality by state law.

Should it be necessary for the City Manager to invoke any of the following provisions any emergency or disaster power, the City Manager shall notify the entire Council of his or her exercise of said power and the circumstance(s) precipitating the need for such action. The City Manager shall provide this notification by email, telephone, or both, depending on the nature of the situation and the urgency of time created thereby. a A notice, when possible, should be made to the local news media for immediate dissemination to the public.

~~The following items will be communicated by telephone or email, depending on their sensitivity~~

I.2.3 Power to investigate

The City Manager is authorized to conduct investigations as to municipal affairs and, to that end, may inquire into the conduct of any department, office, or appointed officer of the City. In conformance with the City Charter and City Code, the City Manager shall be authorized to compel the production of witnesses and documents by subpoena in any investigation commenced by the City Manager or by a committee authorized by the City Council. The City Manager shall report to the City Council all violations, and any finding of misfeasance, malfeasance, or nonfeasance resulting from an investigation or from evidence coming to the City Manager's knowledge as a result of an investigation. The City Manager shall make such report to the Council no later than 30 days from the date of such findings or the conclusion of the investigation, whichever shall first occur.

I.2.4 Duties related to City Council Meetings

The City Manager shall cause a meeting agenda or agenda items to be published at least two calendar days prior to a meeting of the City Council, unless unforeseeable

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1105 *circumstances prevent compliance. In the event of an unforeseeable circumstance, the City*
1106 *Manager shall cause the publication of an agenda as far in advance of a City Council meeting*
1107 *as is reasonably practicable.*

1108
1109 The City Manager shall be entitled to sit on the dais where the members of Council sit.
1110 The City Manager shall also have the right to speak and take part in the discussion of all
1111 matters coming before the City Council, during any meeting of Council. Notwithstanding the
1112 foregoing, the City Manager is not authorized to vote on any matter coming before the City
1113 Council.

1114
1115 **1.2.5 City Council's Role in City Manager's Performance/Evaluation**

1116
1117 The City Manager is supervised by the City Council. The City Manager may also be
1118 removed or terminated by the City Council.

1119
1120 The City Council shall annually evaluate the City Manager's performance on an annual
1121 basis or in accordance with his or her employment agreement, and fix his/her compensation
1122 accordingly.

1123
1124 shall be implemented in the following manner:

1125
1126 1. ~~The Department Directors will complete a City Manager Evaluation Form (on or~~
1127 ~~before January 15) regarding the City Manager's staffing and supervision, and return it to the~~
1128 ~~Human Resources Director. The Human Resources Director will compile the Department~~
1129 ~~Director evaluations and prepare a summary for the City Council.~~

1130
1131 2. ~~The City Manager will prepare a memorandum to the City Council regarding his~~
1132 ~~initiatives, accomplishments, or any other items he would like to bring to the City Council's~~
1133 ~~attention about his annual evaluation.~~

1134
1135 (k) ~~The Human Resources Director will copy and distribute the City Manager~~
1136 ~~Performance Evaluation Form, along with the City Manager's memorandum and the summary~~
1137 ~~of the Department Director evaluations, to the Mayor and City Council.~~

1138
1139 (l) ~~The Mayor and City Council Members will complete the evaluation form and return~~
1140 ~~the completed form to the Human Resources Director.~~

1141
1142 5. ~~The Human Resources Director will tabulate the results of the Mayor and City~~
1143 ~~Council Members' evaluation forms and create a compiled evaluation and provide it to the City~~
1144 ~~Council.~~

1145
1146 6. ~~The Mayor and City Council Members will meet with the City Manager at a briefing~~
1147 ~~to discuss the compiled evaluation and the City Manager's performance.~~

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Second Review: 2/13/2023 CC Briefing

Proposed additional language: red underline

Proposed deleted language: strikethrough

Conditionally approved additional language: *italics*

7. ~~The City Manager's performance evaluation will be included on the City Council agenda for the first Council Meeting in February.~~

8. ~~The City Council shall fix the City Manager's compensation accordingly.~~

I.3 City Clerk

The City Clerk ~~shall be~~ is the clerk of the City Council but is appointed and removed by the City Manager, upon concurrence of City Council. The City Clerk, and must attend all its meetings and proceedings of the City Council. In the absence of the City Clerk, his or her designee must attend such meetings and proceedings, and perform all other duties and functions required of the City Clerk.

The City Clerk shall record the meetings and proceedings of the City Council, and keep and publish the minutes from such meetings and proceedings, cause the timely publication of City Council meeting agendas, and all legal notices, publications, and advertisements required of the City or requested by City Council. The e City e Clerk shall also keep the official files of all the City's legal documents, contracts, deeds, etc., and ~~shall~~ direct and supervise the timely update of the Municipal Code, coordinate all municipal elections, including the registration of voters, and records and perform all other the functions and duties required thereof, as may now or hereafter as be assigned by the City Manager, prescribed by law or resolution ordinance for the city clerk position.

~~The city clerk shall issue all warrants for offenses against the city ordinances and shall be the custodian of the seal of the City. The City Clerk shall have power and authority to administer an oath to, and take affidavit of, any and all persons required by the Charter or City ordinances of the City to make an oath in connection with dealings and transactions with the City, including but not limited to the clerk in of city officials and witnesses in inquisitorial proceedings. The jurat, or certificate of proof of acknowledgment, shall be authenticated by the signature and official seal of the City.~~

I.4 City Attorney

The City Attorney is appointed by the City Council, serves as the legal advisor and counselor to the City Council, the City, and all of its administrative officers in matters related to or arising from their official duties. The City Attorney is to must attend all regular and special meetings of the City Council, as well as City Council briefings and work sessions. The City Attorney shall attend meetings, other meetings, and the Council's work sessions as necessary may be required by the City Council. The City Attorney may attend meetings not required by the City Council as the City Attorney deems necessary or feasible, as may be determined in the sole discretion of the City Attorney.

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Proposed additional language: red underline

Proposed deleted language: strikethrough

Conditionally approved additional language: *italics*

1191 The City Attorney shall serve as the legal and legislative support staff for the City Council,
1192 and the City's agency, boards, and commissions. The City Attorney shall provide legal services
1193 and opinions as may be required or reasonably requested such bodies or the official(s) serving
1194 on them. The City Attorney He shall also prepare and approve all contracts, bonds, and other
1195 instruments in which the municipality is a party, ~~concerned~~ and shall endorse on each his or
1196 her approval of the form and legal sufficiency ~~correctness~~ thereof.

1197
1198 When requested or required to do so by the City Council, he the City Attorney shall
1199 prosecute and defend, ~~for and on behalf of the City,~~ all complaints, suits, controversies, and
1200 proceedings in which the City is a party. He ~~and~~ shall furnish the officers or the heads of any
1201 departments of the City his or her opinion on any question of law relating to their respective
1202 powers and duties.

1203
1204 The City Attorney shall at all times be authorized to correct any scrivener's error, as may
1205 be determined in the City Attorney's discretion.

1206
1207 City Council members shall deal with the legal services through the City Attorney. Any
1208 written response from the City Attorney to a request by an individual City Council member for a
1209 legal opinion, or for information related to any matter having an impact on the City Council or
1210 the City organization (as may be determined in the discretion of the City Attorney) shall be
1211 distributed to all other City Council members via email.

1212
1213 The City Attorney is supervised by the City Council. The City Attorney may also be
1214 removed or terminated by the City Council.

1215
1216 The City Council shall annually evaluate the City Attorney's performance on an annual
1217 basis, in accordance with his or her employment agreement, and fix his/her compensation
1218 accordingly.

1219
1220 This policy shall be implemented in the following manner:

1221
1222 1. ~~The Department Directors will complete a City Attorney Evaluation Form (on or before~~
1223 ~~January 15) regarding the City Attorney's staffing and supervision and return it to the Human~~
1224 ~~Resources Director. The Human Resources Director will compile the Department Director~~
1225 ~~evaluations and prepare a summary for the City Council.~~

1226
1227 2. ~~The City Attorney will prepare a memorandum to the City Council regarding his~~
1228 ~~initiatives, accomplishments, or any other items he would like to bring to the City Council's~~
1229 ~~attention about his annual evaluation.~~

1230
1231 (m) ~~The Human Resources Director will copy and distribute the City Attorney's~~
1232 ~~Performance Evaluation Form, along with the City Attorney's memorandum and the summary~~
1233 ~~of the Department Director evaluations, to the Mayor and City Council.~~

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Proposed deleted language: strikethrough

Conditionally approved additional language: *italics*

~~(n)——The Mayor and City Council Members will complete the evaluation form and return the completed form to the Human Resources Director.~~

~~5.——The Human Resources Director will tabulate the results of the Mayor and City Council Members' evaluation forms and create a compiled evaluation and provide it to the City Council.~~

~~6.——The Mayor and City Council Members will meet with the City Attorney at a briefing to discuss the compiled evaluation and the City Attorney's performance.~~

~~8.——The City Manager's performance evaluation will be included on the City Council agenda for the first Council Meeting in February.~~

~~8.——The City Council shall fix the City Manager's compensation accordingly.~~

AMENDMENTS OF RULES

Proposed amendments to these rules shall be made to the City Council through the City Attorney. No amendment shall be effective unless adopted by majority vote of the City Council.

The City Attorney shall be authorized to propose amendments to the City Council, based upon best practices and or should an intervening event that inform the City Attorney that there is a need for such proposal. Unless presented on an earlier occasion within the year, the City Attorney shall make such proposed amendments to the City Council in writing, by no later than November 1 each year. The City Council shall either approve or adopt such proposed amendments by no later than December 25.

At its first meeting in January of each year, the City Council shall approve these procedures, as amended, for the upcoming calendar year.

CITY COUNCIL BRIEFING TOPIC	
TO:	Mike Staffopoulos, City Manager
FROM:	Molly Alleger, Assistant to the City Manager
DATE:	February 13, 2023
SUBJECT:	Proposed Amendments to the Special Events Policy

BACKGROUND

At the August 2022 Council Briefing, the City Council provided staff feedback on suggested revisions to the City's Special Events Policy. Three specific issues mentioned by Council, for which there was no clear consensus, are as follows:

1. Provide an option to occasionally increase the maximum length of festivals in order to entice higher quality events.

Rather than limiting festivals to two days, a suggestion was made to change the language to "48 hours" with City Manager approval. For example, if a festival starts at 5pm on a Friday, they would be permitted to use the space through Sunday at 5pm.

2. Make an allowance for ticketed events.

A suggestion was made to include fully ticketed events. The current language in the Policy states that at least 50% of the Pavilion Lawn must remain free of charge and open to the public. If the City allows events with paid admission, this will keep the public from attending unless they have paid for a ticket.

3. Alcohol sales.

The Policy currently defines "alcohol" as beer and wine only. A suggestion was made to expand the definition of alcohol to include liquor and/or distilled spirits.

Staff's recommendation is to not make any significant changes to the Special Events Policy for two particular reasons. First, the Police Department will be overextended if we make any increase to the number of days or frequency in festivals, allow events that require admission fees, and/or permit liquor and/or distilled spirits. This issue is not unlike the municipalities surrounding the City of Jacksonville Beach.

Second, the upcoming redevelopment project scheduled for Latham Plaza and the proposed P3 project for the adjacent municipal parking lot will adversely affect the ability to have both special events and festivals, let alone affect the size and location of events. Allowing these two projects to move forward, with an understanding of final products associated with both, and possibly waiting until completion of at least the Latham Plaza project, will allow for sound modification to the Policy without having to make further amendments over the next 12 to 24 months.



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach, FL 32250

FINANCIAL IMPACT

COUNCIL DIRECTION REQUESTED

ATTACHMENTS