

CITY OF BOYNTON BEACH SPECIAL MEETING

DATE: Wednesday, October 31, 2018 TIME: 6:00 PM

PLACE: Intracoastal Park Clubhouse 2240 N. Federal Highway

1. AGENDA ITEMS

A. Call to Order - Mayor Steven B. Grant

Invocation

Pledge of Allegiance to the Flag led by Commissioner Casello

Roll Call

Agenda Approval:

- 1. Additions, Deletions, Corrections
- 2. Adoption
- B. **PROPOSED ORDINANCE NO. 18-031 SECOND READING** City Commission to consider amending Part II, Chapter 2, Article I of the Code of Ordinances to create a new subsection prohibiting board member advocacy and lobbying.

2. ADJOURN

The Board may only conduct public business after a quorum has been established. If no quorum is established within twenty minutes of the noticed start time of the meeting the City Clerk of her designee will so note the failure to establish a quorum and the meeting shall be concluded. Board members may not participate further even when purportedly acting in an informal capacity.

NOTICE

NOTICE IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, HE/SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. (F.S. 286.0105)

THE CITY SHALL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES WHERE NECESSARY TO AFFORD AN INDIVIDUAL WITH A DISABILITY AN EQUAL OPPORTUNITY TO PARTICIPATE IN AND ENJOY THE BENEFITS OF A SERVICE, PROGRAM, OR ACTIVITY CONDUCTED BY THE CITY. PLEASE CONTACT THE

CITY CLERK'S OFFICE, (561) 742-6060 OR (TTY) 1-800-955-8771, AT LEAST 48 HOURS PRIOR TO THE PROGRAM OR ACTIVITY IN ORDER FOR THE CITY TO REASONABLY ACCOMMODATE YOUR REQUEST. ADDITIONAL AGENDA ITEMS MAY BE ADDED SUBSEQUENT TO THE PUBLICATION OF THE AGENDA ON THE CITY'S WEB SITE. INFORMATION REGARDING ITEMS ADDED TO THE AGENDA AFTER IT IS PUBLISHED ON THE CITY'S WEB SITE CAN BE OBTAINED FROM THE OFFICE OF THE CITY CLERK.



Grant Amount:

REQUESTED ACTION BY COMMISSION: Call to Order - Mayor Steven B. Grant Invocation Pledge of Allegiance to the Flag led by Commissioner Casello Roll Call Agenda Approval: 1. Additions, Deletions, Corrections 2. Adoption **EXPLANATION OF REQUEST:** HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES? FISCAL IMPACT: **ALTERNATIVES:** STRATEGIC PLAN: STRATEGIC PLAN APPLICATION: **CLIMATE ACTION: CLIMATE ACTION DISCUSSION:** Is this a grant?



REQUESTED ACTION BY COMMISSION: PROPOSED ORDINANCE NO. 18-031 - SECOND READING - City Commission to consider amending Part II, Chapter 2, Article I of the Code of Ordinances to create a new subsection prohibiting board member advocacy and lobbying.

EXPLANATION OF REQUEST:

Commissioner Casello requested to discuss the topic of prohibiting board members from engaging in advocacy or lobbying City staff, City Commission, CRA Board on matters that come before that board that the member serves. At the October 2, 2018 City Commission meeting the Commission directed that the Ordinance be presented for consideration.

HOW WILL THIS AFFECT CITY PROGRAMS OF	R SERVICES? N/A							
FISCAL IMPACT: None								
ALTERNATIVES: Do not approve Ordinance								
STRATEGIC PLAN:								
STRATEGIC PLAN APPLICATION:								
CLIMATE ACTION: No								
CLIMATE ACTION DISCUSSION:								
Is this a grant? No								
Grant Amount:								
ATTACHMENTS:								
Туре	Description							
Ordinance	Ordinance prohibiting board member lobbying							

1	ORDINANCE NO. 18-031				
2	AN ORDINANCE OF THE CITY OF BOYNTON BEACH, FLORIDA,				
4	AMENDING PART II. "CODE OF ORDINANCES," CHAPTER 2,				
5	"ADMINISTRATION," ARTICLE I, "IN GENERAL," SECTION 2-15				
6	"LIMITATION ON BOARD MEMBER ADVOCACY AND				
7 8	LOBBYING"; PROVIDING FOR DEFINITIONS; PROVIDING FOR PENALTY FOR VIOLATION; PROVIDING FOR CODIFICATION,				
9	CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE				
10					
11	WHEREAS, individuals who serve on City Boards by appointment of the City				
12	nmission hold a trusted position which requires them to adhere to more stringent rules of				
13	conduct and to avoid any appearance that a Board Member is using his or her position to				
14	influence others to take or fail to take any action or to secure a special privilege, benefit, or				
15	exemption for himself, herself, or any others; and				
16	WHEREAS, the Commission finds that the benefits of limiting City Board Member's				
17	right to speak at City Commission and Community Redevelopment Agency meetings				
18	outweighs the rights of those Member's to speak as individuals on matters which come before				
19	the Board on which the Member serves; and				
20	WHEREAS, the City Commission deems it to be in the best interest of the citizens				
21	and residents of the City to amend Part II, Chapter 2, Article 1, "In General", of the Code of				
22	Ordinances, Section 2-16 to add sub-section (5) limiting Board Members from advocating or				
23	lobbying on matters which have come or will come before the Board Member's Board.				
24					
25 26	NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA AS FOLLOWS:				
20 27	THE CITT OF BOTNION BEACH, FLORIDA AS FOLLOWS.				
28	Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being				
29	true and correct and are hereby made a part of this Ordinance.				
30 31	Section 2. Part II, Chapter 2, "Administration" Article I, "In General," Section 2-15 is				
32	hereby amended as follows:				
33					
34 25	Sec. 2-15 Limitation on Board Member advocacy and lobbying.				
35 36	a) For purposes of this section the term "advocate" means to communicate without				
37	economic consideration for the passage or defeat of any measure that comes before				
38	the City Commission or CRA Board for approval.				

39	
40	b) For purposes of this section the terms "lobbying" and "lobbyist" have the same
41	meaning as set forth in the Palm Beach County Code of Ethics.
42	c) The prohibitions and penalties set forth in this section are supplemental to the
43	lobbying prohibitions and penalties set forth in the Palm Beach County Code of
44	Ethics.
45	d) A City Board Member may not advocate privately or publicly with a City staf
46	member, member of the City Administration, member of the City Commission o
47	the Commission as a whole, CRA staff member, member of the Communit
48	Redevelopment Board or the CRA Board as a whole, for or against the interest of
49	an individual, partnership, corporation, or other business entity which has a
50	application, request, or any other matter pending for review or approval with th
51	City when the matter has come before the Board on which the Board Member sit
52	or it is reasonably foreseeable that the matter will come before the Board.
53	e)d) A Board Member may not speak at a City Commission meeting or CRA
54	meeting on any matter which has been before the Member's Board or is reasonably
55	expected to come before the Member's Board unless:
56	
57	1. A Member of the City Commission requests that the Board Membe
58	answer questions regarding the Board's action; or,
59	2. The Member's Board has voted in the affirmative to request that the
60	Board Member address the City Commission.
61	
62	f)e) Violation of the rules set forth in this Section constitutes grounds for removal of
63	Board Member by the City Commission, following notice and opportunity to b
64	<u>heard.</u>
65	g)f) A City Board Member is prohibited from acting as a lobbyist, as that term is
66	defined by the Palm Beach County Code of Ethics, if the subject of the Member'
67	lobbying activity may foreseeably be presented for consideration to a City advisor
68	hoard the City Commissioners or CRA Roard

69

70	h)g) In addition to any penalties provided for in the Palm Beach County Code						
71	of Ethics, a violation of the prohibits set forth in this section is grounds for removal						
72	by the City Commission of the Board member from the City Board(s) to which the						
73	Board Member has been a	Board Member has been appointed.					
74							
75	Section 3. All Ordinance	es or parts of Ordinances, Resolutions o	r parts	of Resolutions			
76	in conflict herewith be and the same are hereby repealed to the extent of such conflict.						
77	Section 4. If any clause, section, or other part or application of this Ordinance shall be						
78	held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional						
79	or invalid part or application shall be considered as eliminated and so not affecting the validity of						
80	the remaining portions or applications remaining in full force and effect.						
81	Section 5. This Ordinan	ce shall become effective on passage.					
82 83	FIRST READING this 16th	a day of October 2018					
84	FIRST READING this four	ruay of October, 2018.					
85	SECOND, FINAL READI	NG AND PASSAGE this day of	?				
86	, 2018.						
87 88		CITY OF BOYNTON BEACH, FLO)DID V				
89		CITT OF BOTHTON BEACH, FEC	KIDA				
90			YES	NO			
91							
92 93		Mayor – Steven B. Grant					
93 94		Vice Mayor – Christina L. Romelus					
95				·			
96 97		Commissioner – Mack McCray		· ——			
98		Commissioner – Justin Katz					
99 100		Commissioner – Joe Casello					
101 102		VOTE					
103	ATTEST:	VOIL		_			
104							
105 106							
107	Judith A. Pyle, CMC	-					
108	City Clerk						
109 110	(Corporate Seal)						