### **ORDINANCE NO. 2023 - 1759**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 2-206 "PUBLIC PARTICIPATION" RELATING TO CITIZENS PRESENTATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, the Town Commission of the Town of Surfside ("Town") finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update regulations and procedures to maintain consistency with state law and to implement municipal goals and objectives for the general health, safety and welfare of the Town residents and occupants; and

WHEREAS, Rule 7.02 of Section 2-206 of the Code provides that any citizen may request to be placed on the official agenda of a regular meeting of the town commission and be heard concerning any matter within the scope of the jurisdiction of the town commission outside of Good and Welfare; and

WHEREAS, only members of the town commission and the town manager may place a citizen on the official agenda; and

WHEREAS, at a regular meeting of the Town Commission held on September 12, 2023, the Town Commission directed the Town Attorney to present an ordinance amending the procedures for citizens presentations to provide that: (i) any citizen may make one citizen's presentation per calendar year, subject to placement on the agenda by any member of the town commission or the town manager, and (ii) additional citizen's presentations by the same citizen within the calendar year shall require sponsorship and approval by three or more members of the town commission at a regular meeting; and

WHEREAS, the Town Commission held its first public hearing on October 10, 2023 and, having complied with the notice requirements in the Florida Statutes, recommended approval of the proposed amendments to the Code; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these Code amendments as required by law on November 14, 2023 and further finds the proposed changes to the Code are necessary and in the best interest of the Town.

# NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE. FLORIDA<sup>1</sup>:

<u>Section 1.</u> <u>Recitals</u>. The above Recitals are true and correct and are incorporated herein by this reference:

<u>Section 2.</u> <u>Town Code Amended.</u> Section 2.-206. – "Public Participation" is hereby amended as follows:

Sec. 2-206. Public Participation.

Rule 7.02. Citizen's presentations; public hearings.

(a) Citizen's presentations. Any citizen may request to be placed on the official agenda of a regular meeting of the town commission as a citizen's presentation and be heard concerning any matter within the scope of the jurisdiction of the town commission outside of Good and Welfare. Only members of the town commission and the town manager may place a citizen on the official agenda. A citizen may be allowed a maximum of one (1) citizen's presentation per calendar year, subject to placement on the official agenda by any member of the town commission or the town manager. Additional citizen's presentations by the same citizen within the calendar year shall require written sponsorship and approval by three (3) or more members of the town commission at a regular meeting by the agenda deadline to place the citizen on the official agenda for a regular meeting. The agenda item must include the subject of the presentation, the name of the presenter, and an address and a contact telephone number.

<sup>&</sup>lt;sup>1</sup> Coding: Strikethrough words are deletions to the existing words. <u>Underlined words</u> are additions to the existing words. Changes between first and second reading are indicated with highlighted <del>double-strikethrough</del> and <u>double underline.</u>

Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction. then said holding shall in no way affect the validity of the remaining portions of this Ordinance. **Inclusion in the Code**. It is the intention of the Town Commission, Section 4. and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word. Section 5. Conflicts. Any and all ordinances and resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed. Section 6. Effective Date. This ordinance shall become effective upon adoption on second reading. **PASSED** on first reading on the <u>10th</u> day of <u>October</u>, 2023. 

PASSED AND ADOPTED on second reading on the 14th day of November, 2023.

## 71 First Reading:

72 Motion by: Vice Mayor Rose

73 Second by: Commissioner Landsman

## **Second Reading:**

77 Motion by: Vice Mayor Rose

Second by: Commissioner Landsman

#### **FINAL VOTE ON ADOPTION**

Commissioner Fred Landsman	<u>Yes</u>
Commissioner Marianne Meischeid	<u>Absent</u>
Commissioner Nelly Velasquez	No
Vice Mayor Jeff Rose	Yes
Mayor Shlomo Danzinger	Yes