

ORDINANCE NO. 584

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING CHAPTER 2, ARTICLE II, DIVISION 1, SECTION 2-41 OF THE TOWN CODE TO PROHIBIT REMOTE ATTENDANCE BY MEMBERS OF STANDING OR TEMPORARY SUBORDINATE ADVISORY OR QUASI-JUDICIAL BOARDS; MAKING RELATED FINDINGS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Belleair has the authority to and does from time to time create, reorganize, or dissolve standing or temporary subordinate advisory or quasi-judicial boards or committees as the Town Commission determines to be in the best interests of the Town; and

WHEREAS, via the passage of Ordinance 559 in January 2023 which established, in relevant part, section 2-41 (c) of the Town's Code of Ordinances, members of such boards or committees may request of the town clerk to attend meetings of the board or committee remotely by telephonic or other electronic means, which request shall be allowed by the town clerk using remote means as the town clerk may be able to arrange considering the technological resources of the town and the board or committee member; and

WHEREAS, prior to April 2023, when the Town Commission ceased the use of electronic means to permit remote attendance or participation in Town Commission meetings, the town clerk received and executed several such requests for remote attendance under section 2-41 (c) of the Code of Ordinances; however, technological failures or limitations of the Town or the member created concern that remote attendance cannot be guaranteed to be fully compliant with Florida's Sunshine Law, principally Chapter 286, Fla. Stat., and the case law and attorney general opinions flowing therefrom; and

WHEREAS, the Town Attorney has opined that remote attendance by members of boards or committees creates unnecessary legal risk as such members of the board or committee may unintentionally violate the Sunshine Law due to technological failures or limitations beyond the control of the member, board, committee, or Town; and

WHEREAS, the Town Commission finds that it is in the best interests of the Town, and its citizens, property owners and businesses to prohibit remote attendance.

NOW, THEREFORE BE IT ORDAINED by the Town Commission of the Town of Belleair, Florida, that:

Section 1. Chapter 2, Article II, Division 1, section 2-41 of the Code of Ordinances, Town of Belleair, Florida is hereby amended to read as follows:

Sec. 2-41. – Officers, procedures.

- (a) Each subordinate town board or committee shall periodically select from among its regular members a chair and a vice chair. The chair (or the vice chair in the chair's absence), shall preside over the meetings, move the agenda, and rule on parliamentary matters subject to the vote of the full board.
- (b) Subordinate town boards and committees shall adopt rules of procedure governing the conduct of their meetings. In the absence of such rules, meetings shall be conducted according to the provisions of the most current edition of Roberts Rules of Order. To ensure compliance with Florida's right to speak statute, prior to a vote being taken on a matter (other than ministerial matters such as appointment of officers or approval of minutes), the chair shall seek and allow for comment from any citizen who may be in attendance.
- (c) Town board and committee members' attendance by telephonic or other remote electronic means is prohibited. ~~In the event a member cannot be physically present, the member may request of the town clerk the option to attend the meeting by telephonic or other remote electronic means. In the event such a request is made in a sufficiently timely manner, the clerk shall allow the member to attend remotely using such means as the clerk may be able to arrange, taking into account the technological resources of the town and member.~~
- (d) Subordinate boards and committees shall schedule such meetings, on such days and times and with such frequency, as each determines will be necessary to perform their duties. All such meetings shall occur at town hall or such other location within the town as is accessible to citizens or the press who may wish to attend. Meetings shall not occur at a private residence. In addition to its own adopted schedule, the town commission or town manager may schedule a special meeting should the needs of the town so require.

Section 2. For purposes of codification of any existing section of the Town Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 3. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Town Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 4. The Codifier shall codify the substantive amendments to the Belleair Town Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses or any other sections not designated for codification.

Section 5. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING by the Town Commission of the Town of Belleair, Florida on the 20th day of May, 2025.

PUBLISHED on the 4th day of June, 2025.

ADOPTED ON SECOND AND FINAL READING by the Town Commission of the Town of Belleair, Florida on the 17th day of June, 2025.

Mike Wilkinson, Mayor

ATTEST:

Christine Nicole, CPM, MMC, Town Clerk