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2 Section 2-113. Legislative Functions of Council Members.
3

4 (a) The Mayor is the Council Member designated to represent the Village in dealings with
5 other government entities. Council Members shall not communicate with other government
6 entities, officials or employees in such a fashion as to appear to be speaking for or on behalf of
7 the Village or the Council as a whole.
8

9 (b) The Village Council acts as a legislative body and operates on majority-based
10 principles of decisionmaking and policymaking. Individual Council Members are not empowered
11 or authorized to, and are hereby prohibited from:
12

13 (1) negotiating, whether preliminarily or finally, for or on behalf of the Village or Council
14 with any party or government entity,
15

16 (2) representing or portraying themselves, whether directly or indirectly, as speaking for
17 or on behalf of the Village or Council; and
18

19 (3) communicating in general at any time in such a fashion as to appear to be speaking for
20 or on behalf of the Village or the Council as a whole, including such words as "we" and "the
21 Village" when purporting to represent the positions, policies, or beliefs of the Village or the
22 Council as a whole.
23

24 **Section 2** - 2-114 of the Village Code is hereby created, as follows:
25

26 Section 2-114. Disclosure Regarding Certain Communications by Council Members;
27 Village Events Calendars.
28

29 (a) Definitions. For the purposes of this section, the following definitions apply:
30

31 (1) "Public Newsletter or Mass Communication" is a newsletter or other communication
32 by a Council Member which is posted on the Village website by the Manager at the request of
33 the Council Member..
34

35 (2) "Private Newsletter or Mass Communication" means a newsletter or other
36 communication by a Council Member, whether in paper or electronic form, whether placed on a
37 non-Village website or transmitted electronically to e-mail addressees, and whether mailed or
38 circulated by hand distribution or other form of distribution, but excluding:
39

40 (i) e-mail transmissions to not more than ten individual person addresses, which
41 are not transmitted in substantially the same form and/or content to any other individual person
42 addressees, and
43

44 (ii) paper communications distributed or circulated to no more than ten people
45 and not made available, directly or indirectly by the Council Member or by others people, to the
46 public in any fashion which is likely to result in the receipt of the paper communication by more
47 than ten people.
48

1 (b) Disclosure on Private Newsletters or Mass Communications by Council Members.
2 Private newsletters or mass communications by a Council Member shall display at the bottom of
3 each page, in type size equal to the type size otherwise most commonly used in the newsletter or
4 communication, the following statement: "This is a newsletter by Council Member _____ and
5 is not an official newsletter of the Village of Palmetto Bay", or : "This is a communication by
6 Council Member _____ and is not an official communication of the Village of Palmetto Bay."
7

8 (c) Council Members should make reasonable efforts to confirm the accuracy of listings
9 of Village events with the Manager before publishing calendars or announcement of such events
10 in private newsletters and mass communications.
11

12 **Section 3. Conflicting Provisions.** The provisions of the Code of Ordinances of
13 the Village of Palmetto Bay, Florida and all Ordinances or parts of Ordinances in conflict with
14 the provisions of this Ordinance are hereby repealed.
15

16 **Section 4. Severability.** The provisions of this Ordinance are declared to be
17 severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be
18 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
19 sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being
20 the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.
21

22 **Section 5. Codification.** It is the intention of the Village Council and it is hereby
23 ordained the provisions of this Ordinance shall become and be made part of the Code of
24 Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be
25 renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be
26 changed to "Section" or other appropriate word.
27

28 **Section 6. Effective Date.** This Ordinance shall take effect immediately upon
29 enactment.
30

31 **PASSED and ENACTED** this _____ day of _____, 2016.
32
33

34 First Reading: _____
35

36 Second Reading: _____
37
38

39 Attest: _____
40

41 Missy Arocha
42 Village Clerk

43 Eugene Flinn
44 Mayor

45 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
46 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
47
48

1 Dexter W. Lehtinen
2 Village Attorney
3
4
5 FINAL VOTE AT ADOPTION:
6
7 Council Member Karyn Cunningham _____
8
9 Council Member Tim Schaffer _____
10
11 Council Member Larissa Siegel Lara _____
12
13 Vice-Mayor John DuBois _____
14
15 Mayor Eugene Flinn _____