

**GOLDEN BEACH, FLORIDA  
ORDINANCE NO. 423.96**

Amended 12/17/96

AN ORDINANCE OF THE TOWN COUNCIL OF GOLDEN BEACH, FLORIDA; CREATING SECTION 2-10 OF THE TOWN CODE REGARDING ABSENCES OF TOWN COUNCIL MEMBERS FROM TOWN COUNCIL MEETINGS; PROVIDING APPROVAL BY TOWN COUNCIL MEMBERS TO ALLOW TELEPHONE PARTICIPATION BY ABSENT COUNCIL MEMBERS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Town Charter Sec. 3.03, "Vacancies on Council" provides in subsection (f) that a vacancy in the office of Council or Mayor is created by a member of the Town Council's failure to attend four consecutive regular Council meetings for any reason; and

WHEREAS, Town Charter subsection 3.04 (a) provides that the "Council shall be the exclusive judge of the qualifications of Mayor and Councilmembers and by ordinance establish the time, date, location, notice and rules of procedure for regular and special meetings; and

WHEREAS, the Town Council wishes to define absenteeism and regulate the telephone participation of Councilmembers who are absent from regular or special Council meetings;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

**Section 1.** That Section 2-10 of the Town Code is hereby created to provide as follows:

"Sec. 2-10. Town Councilmembers attendance at Town Council Meetings.

(a) Town Councilmembers who are absent from four consecutive regular Council meetings for any reason shall be deemed to have forfeited their Town Council position. For purposes of this Code and the Charter, arrival more than one hour after the time a meeting is noticed to begin shall constitute an absence. A Councilmember who is present at a regular Town Council meeting who leaves the Council meeting for the remainder of the meeting before the first one and a half hours of the meeting have elapsed shall be deemed absent for the purposes of Town Charter Sec. 3.03(f).

(b) A Town Councilmember who is not physically present at a Town Council meeting may attend or participate at that Council meeting by telephone. Even if such telephone

connection occurs, the absent Councilmember shall be deemed absent for purposes of Town Charter Sec. 3.03 (f).

**Section 2. Conflict** That all ordinances or parts of ordinances, all Town Code sections or parts of Town Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 3. Severability** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Inclusion In The Code.** That it is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance, shall become and made a part of the Code of the Town of Golden Beach; that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or other appropriate word.

**Section 5. Effective Date.** That this Ordinance shall become effective immediately upon its adoption on second reading.

PASSED AND ADOPTED on first reading this day of 19th day of November, 1996.

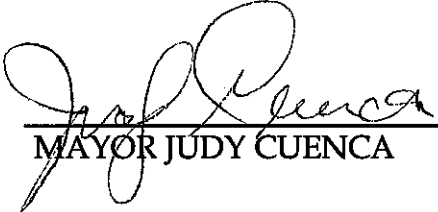
The Motion to adopt the foregoing Ordinance on first reading was offered by Councilmember Rosenthal, seconded by Councilmember Lowrance and on roll call the following vote ensued:

Mayor Cuenca	<u>AYE</u>
Vice Mayor Fistel	<u>ABSENT</u>
Councilman Addicott	<u>ABSENT</u>
Councilwoman Lowrance	<u>AYE</u>
Councilman Rosenthal	<u>AYE</u>

PASSED AND ADOPTED on second reading this 17th day of December, 1996.

The Motion to adopt the foregoing Ordinance on second reading was offered by Councilmember Lowrance seconded by Councilmember Rosenthal and on roll call the following vote ensued:

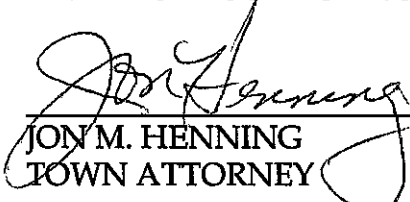
Mayor Cuenca	<u>AYE</u>
Vice Mayor Fistel	<u>NAY</u>
Councilman Addicott	<u>NAY</u>
Councilwoman Lowrance	<u>AYE</u>
Councilman Rosenthal	<u>AYE</u>

  
MAYOR JUDY CUENCA

ATTEST:

  
TOWN CLERK PAT MONGIELLO

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
JON M. HENNING  
TOWN ATTORNEY