153-2026

A RESOLUTION OF THE CITY OF BOCA RATON, FLORIDA, PROVIDING FOR SUBMISSION TO THE ELECTORS OF A PROPOSED CHARTER AMENDMENT TO CREATE SECTION 3.08A, "ATTENDANCE AT COUNCIL MEETINGS; FORFEITURE OF OFFICE," ESTABLISHING ATTENDANCE REQUIREMENTS FOR THE MAYOR AND CITY COUNCIL MEMBERS AT REGULAR CITY COUNCIL MEETINGS AND REGULAR WORKSHOP MEETINGS; PROVIDING FOR FORFEITURE OF OFFICE FOR FOUR (4) CONSECUTIVE UNEXCUSED ABSENCES FROM EITHER TYPE OF MEETING; PROVIDING FOR A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE MARCH 2027 UNIFORM MUNICIPAL ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Article VII of the Charter of the City of Boca Raton, the City Council is authorized to propose amendments to the City Charter by ordinance for submission to

the electors of the City; and

WHEREAS, the City Charter vests the legislative powers of the City in the City Council, whose members are elected by the residents of Boca Raton to represent their interests and exercise the responsibilities of municipal government; and

WHEREAS, the effective exercise of those responsibilities depends upon the attendance of elected officials at the meetings of the City's governing body, where matters affecting the community are presented, discussed, deliberated upon, and decided; and

WHEREAS, the fundamental importance of attendance at meetings of an elected governing body has been expressly recognized by the Florida judiciary, which has characterized such attendance as "[t]he most important duty" in the context of elected service on a local governing body, recognizing that such meetings are where the public's business is discussed and decided, *Bass v. Askew*, 342 So. 2d 145 (Fla. 1st DCA 1977); and

WHEREAS, the City Council recognizes that this principle applies with particular force to the responsibilities of a municipal legislative body, whose members must be present to engage in the consideration of public business, participate in collective decision-making, and represent the interests of the residents who elected them; and

WHEREAS, the City Council conducts the business of the City through both regular City Council meetings and regular workshop meetings, and recognizes that workshops serve an important function by providing opportunities for the presentation, examination, and discussion of matters affecting City policy, operations, and the community; and

WHEREAS, although Section 3.09(c) of the City Charter recognizes the authority of the City Council to compel the attendance of absent members in accordance with its rules, the Charter does not presently establish an express numerical attendance requirement providing for forfeiture of office based upon repeated unexcused absences from regular City Council meetings or regular workshop meetings; and

WHEREAS, the City Council finds that the faithful discharge of elected office requires

reasonable and consistent attendance at both types of meetings and that repeated unexcused nonattendance may impair the representation of the electorate and the orderly conduct of municipal business; and

WHEREAS, the City Council also recognizes that elected officials may be unable to attend meetings for legitimate reasons, including illness, disability, family emergencies, and the performance of official governmental duties, and that any attendance requirement should provide for the consideration and excusal of absences for good cause; and

WHEREAS, the City Council further recognizes that forfeiture of an elected office is a significant consequence affecting both the officeholder and the electors represented by that officeholder, and that any such forfeiture should be based upon clearly established grounds and determined in accordance with the procedural protections provided by the City Charter; and

WHEREAS, the City Council therefore desires to propose an amendment to the City Charter establishing a uniform attendance obligation for the Mayor and all City Council members and providing for forfeiture of office upon four (4) consecutive unexcused absences from regular City Council meetings or four (4) consecutive unexcused absences from regular workshop meetings; and

WHEREAS, the City Council further desires to preserve the existing Charter provisions governing the determination and declaration of forfeiture of office, including the right of an affected Council member to a public hearing on demand and the requirement that forfeiture be declared by the remaining members of the City Council; and

WHEREAS, a proposed Charter amendment, set forth in Ordinance No. _____ and attached hereto as Exhibit "A," has been prepared for submission to the electors of the City; and

WHEREAS, pursuant to Article VII of the Charter and Section 166.031(1), Florida Statutes, the City Council desires to submit the proposed Charter amendment to the qualified electors of the City for their consideration and approval or rejection at a special election to be held in conjunction with the March 2027 Uniform Municipal Election; now, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOCA RATON:

Section 1. The proposed amendment to the City Charter (a copy of which is attached hereto as Exhibit "A," and set forth in Ordinance No. _____) shall be submitted to the qualified electors of the City for approval or rejection, in accordance with Article VII of the City Charter and Section 166.031(1), Florida Statutes, at a special election to be held in conjunction with the March 2027 Uniform Municipal Election, and shall be deemed adopted upon the favorable vote of a majority of the electors voting at that time upon the following question:

CITY COUNCIL ATTENDANCE REQUIREMENTS

AND FORFEITURE OF OFFICE

Amending the City Charter to require the Mayor and Council Members to attend regular City Council meetings and regular Council workshops. Four consecutive unexcused absences from regular meetings, or four consecutive unexcused absences from regular workshops, would result in forfeiture of office following a determination under existing Charter procedures, including a public hearing on demand. Vacancies would be filled under existing Charter provisions.

SHALL THE ABOVE DESCRIBED AMENDMENT BE ADOPTED?

YES ___

NO ___

Section 2. A special election shall be held in conjunction with the March 2027 Uniform Municipal Election to present the proposed Charter amendment to the electors. The City Clerk shall publish this Resolution once during the fifth week and once during the third week immediately preceding such special election, and shall make copies of the proposed Charter amendment

available at the polls.

Section 3. If any section, subsection, clause or provision of this resolution is held invalid, the remainder shall not be affected by such invalidity.

Section 4. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 5. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Boca Raton this _____ day of November, 2026.

CITY OF BOCA RATON, FLORIDA

ATTEST:

_____
Andy Thomson, Mayor

_____
Mary Siddons, City Clerk

COUNCIL MEMBER	YES	NO	ABSTAINED
MAYOR ANDY THOMSON			
DEPUTY MAYOR MICHELLE GRAU			
COUNCIL MEMBER JONATHAN PEARLMAN			
COUNCIL MEMBER STACY SIPPLE			

5816

AN ORDINANCE OF THE CITY OF BOCA RATON, FLORIDA, PROVIDING FOR AN AMENDMENT TO ARTICLE III OF THE CITY CHARTER TO CREATE SECTION 3.08A, "ATTENDANCE AT COUNCIL MEETINGS; FORFEITURE OF OFFICE," ESTABLISHING ATTENDANCE REQUIREMENTS FOR THE MAYOR AND CITY COUNCIL MEMBERS AT REGULAR CITY COUNCIL MEETINGS AND REGULAR WORKSHOP MEETINGS; PROVIDING FOR FORFEITURE OF OFFICE FOR FOUR (4) CONSECUTIVE UNEXCUSED ABSENCES FROM EITHER TYPE OF MEETING; PROVIDING FOR EXCUSED ABSENCES; PROVIDING FOR DETERMINATION AND DECLARATION OF FORFEITURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CODIFICATION IN THE CITY CHARTER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VII of the Charter of the City of Boca Raton, the City Council is authorized to propose amendments to the City Charter by ordinance for submission to the electors of the City; and

DRAFT

WHEREAS, the City Charter vests the legislative powers of the City in the City Council, whose members are elected by the residents of Boca Raton to represent their interests and exercise the responsibilities of municipal government; and

WHEREAS, the effective exercise of those responsibilities depends upon the attendance of elected officials at the meetings of the City's governing body, where matters affecting the community are presented, discussed, deliberated upon, and decided; and

WHEREAS, the fundamental importance of attendance at meetings of an elected governing body has been expressly recognized by the Florida judiciary, which has characterized such attendance as "[t]he most important duty" in the context of elected service on a local governing body, recognizing that such meetings are where the public's business is discussed and decided, *Bass v. Askew*, 342 So. 2d 145 (Fla. 1st DCA 1977); and

WHEREAS, the City Council recognizes that this principle applies with particular force to the responsibilities of a municipal legislative body, whose members must be present to engage in the consideration of public business, participate in collective decision-making, and represent the interests of the residents who elected them; and

WHEREAS, the City Council conducts the business of the City through both regular City Council meetings and regular workshop meetings, and recognizes that workshops serve an important function by providing opportunities for the presentation, examination, and discussion of matters affecting City policy, operations, and the community; and

WHEREAS, although Section 3.09(c) of the City Charter recognizes the authority of the City Council to compel the attendance of absent members in accordance with its rules, the Charter does not presently establish an express numerical attendance requirement providing for forfeiture of office based upon repeated unexcused absences from regular City Council meetings or regular workshop meetings; and

WHEREAS, the City Council finds that the faithful discharge of elected office requires reasonable and consistent attendance at both types of meetings and that repeated unexcused

nonattendance may impair the representation of the electorate and the orderly conduct of municipal business; and

WHEREAS, the City Council also recognizes that elected officials may be unable to attend meetings for legitimate reasons, including illness, disability, family emergencies, and the performance of official governmental duties, and that any attendance requirement should provide for the consideration and excusal of absences for good cause; and

WHEREAS, the City Council further recognizes that forfeiture of an elected office is a significant consequence affecting both the officeholder and the electors represented by that officeholder, and that any such forfeiture should be based upon clearly established grounds and determined in accordance with the procedural protections provided by the City Charter; and

WHEREAS, the City Council therefore desires to propose an amendment to the City Charter establishing a uniform attendance obligation for the Mayor and all City Council members and providing for forfeiture of office upon four (4) consecutive unexcused absences from regular City Council meetings or four (4) consecutive unexcused absences from regular workshop meetings; and

WHEREAS, the City Council further desires to preserve the existing Charter provisions governing the determination and declaration of forfeiture of office, including the right of an affected Council member to a public hearing on demand and the requirement that forfeiture be declared by the remaining members of the City Council; and

WHEREAS, the City Council desires to submit the proposed Charter amendment to the qualified electors of the City for their consideration and approval or rejection at the March 2027 Uniform Municipal Election; now, therefore

THE CITY OF BOCA RATON HEREBY ORDAINS:

Section 1. Section 3.08A, "Attendance at council meetings; forfeiture of office," City Charter, is hereby created:

Section 3.08A. – Attendance at council meetings; forfeiture of office.

(a) *Attendance required.* Each member of the city council, including the mayor, shall attend regular meetings and regular workshop meetings of the city council unless excused by the council.

(b) *Forfeiture of office.* A council member, including the mayor, shall forfeit office if the member:

(1) Fails to attend four (4) consecutive regular meetings of the city council without being excused by the council; or

(2) Fails to attend four (4) consecutive regular workshop meetings of the city council without being excused by the council.

(c) *Excused absences.* The city council may excuse an absence for good cause, including illness, injury, disability, family emergency, official governmental duties, or other circumstances reasonably preventing attendance. An absence may be excused before or after the meeting. Any action excusing an absence shall be entered in the official minutes of the council. An excused absence shall interrupt the applicable sequence of consecutive unexcused absences.

(d) *Determination and declaration of forfeiture.* Before any determination of forfeiture, a council member charged with conduct constituting grounds for forfeiture under this section shall be provided written notice identifying the meetings and alleged unexcused absences at issue. The determination of whether grounds for forfeiture exist shall be governed by section 3.02 of this Charter, including the right to a public hearing on demand and the notice requirements provided therein. Upon a determination that grounds for forfeiture exist under this section, forfeiture shall be declared by the remaining members of the city council in accordance with section 3.08(a) of this Charter. The resulting vacancy shall be filled in accordance with section 3.08 of this Charter.

Section 2. If any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 3. All ordinances and resolutions or parts of ordinances and resolutions and all sections and parts of sections in conflict herewith shall be and hereby are repealed.

Section 4. Codification of this ordinance in the City Charter is hereby authorized and directed.

Section 5. This ordinance shall take effect upon certification of the election results of the referendum election at which a majority of the qualified electors voting on this measure vote in favor of its adoption, in accordance with Section 166.031(2), Florida Statutes.

[if approved] AUTHENTICATED, pursuant to Section 7.02(a) of the Charter of the City of Boca Raton, this _____ day of _____, to reflect approval of the foregoing Charter amendment by the electorate.

CITY OF BOCA RATON, FLORIDA

ATTEST:

_____
Andy Thomson, Mayor

_____
Mary Siddons, City Clerk

Approved as to form:

_____
Joshua Pariente Koehler
City Attorney