COUNCIL RULES

RULE 1
SCHEDULING COUNCIL MEETINGS/WORK SESSION AGENDAS

(1) The City Council shall meet on the first and third Thursdays of each month at 6:00 p.m. in its chamber. However, in July, the City Council shall hold one regular night meeting on the third Thursday of the month. There will be no regular meeting on the third Thursday of December or the first Thursday of January. The Council will make this determination at the time the annual meeting calendar is being compiled. The day of the meeting may be changed by majority vote of the Council.

(2) Except as may be rescheduled from time to time when necessary due to conflict, a work session shall be held at 1:30 p.m. on the first working day of the Council meeting week. Work sessions are primarily designed for information gathering and guidance, and no formal Council decision approving or disapproving an agenda item or items scheduled for public hearing may be made. No public input will be accepted at work sessions except by consensus of Council. Only items on the work session agenda will be discussed. Items not on the agenda may be brought up by the Council or staff during the work session asking they be scheduled for subsequent meetings or work sessions.

(3) Community meetings will be scheduled as requested by the Council.

RULE 2
REQUIREMENTS FOR QUORUM

A quorum for the transaction of business by the City Council shall consist of three (3) Councilmembers.

RULE 3
MANDATORY MEETING ATTENDANCE FOR CITY OFFICIALS

The City officials whose regular attendance shall be required during the sittings of the Council shall be the City Clerk, City Manager and City Attorney or their substitutes.

RULE 4
DUTIES AND RESPONSIBILITIES OF "CHAIR"

The Mayor shall be the presiding officer of the City Council, and shall be referred to as the "Chair" when sitting in that capacity. In case of the absence of the Mayor, the Vice-Mayor shall assume those responsibilities, and if both are absent, the senior Councilmember in years of service shall preside. The Chair shall preserve order. The Chair may call to order any member of the Council who shall violate any of the rules; and shall decide all questions of order, subject to a majority vote on a motion to appeal. The Chair shall recognize all members who seek the floor as provided in Rule 8. The Chair shall not make or second a motion.

RULE 5
DUTIES OF VICE-MAYOR IN ABSENCE OF MAYOR

Pursuant to Charter section 2.05, "the Vice-Mayor shall act as Mayor during the absence or inability of the Mayor to perform the duties of the office of the Mayor." For the purpose of that section, the Mayor shall be considered absent if there are duties of the office which must be performed and the Mayor is not present and able to perform them.

The office of Vice-Mayor shall be rotated amongst the councilmembers annually in the following order, commencing in 2020:

Seat 4
Seat 5
Seat 2
Seat 3

The Vice-Mayor shall change in April of each year.

RULE 6
ORDER OF BUSINESS

(1) The order of business for a regular or special meeting of the City Council or Pension trustees shall ordinarily be:

A. Invocation

B. Pledge

C. Special recognitions and presentations (Proclamations, service awards, or other special recognitions. Presentations by government agencies or groups providing formal updates to Council will be limited to ten minutes.)

D. Minutes of previous meetings

E. Consent Agenda

F. Public hearings (not before 6:00 p.m.)

Legislative and administrative matters:
1. Presentation of issues by city staff.
2. Statement of case by applicant or representative (5 minutes).
3. Council questions.
4. Comments in support and comments in opposition. See subsection (3) below regarding time limitations for speakers. Comments submitted electronically by 5:00 p.m. on the calendar day prior to the meeting will be acknowledged in the same manner as comments submitted pursuant to Council Rule 6(1)-E.
5. Council questions.
6. Final rebuttal by applicant or representative (5 minutes).
7. Council motion to determine disposition.

Quasi-judicial Hearings:
1. Staff states its recommendation and briefly summarizes its reasons for the recommendation and submits record (minutes, staff report, and application) adduced before the Community Development Board (2 minutes).
2. Applicant presents case, including its testimony and exhibits. (15 minutes).
3. Staff presents further evidence. (10 minutes).
4. Public comment. See subsection (3) below regarding time limitations for speakers. Comments submitted electronically by 5:00 p.m. on the calendar day prior to the meeting will be acknowledged in the same manner as comments submitted pursuant to Council Rule 6(1)-E
5. City Council discussion.
6. Applicant may call witnesses in rebuttal (5 minutes).
7. Conclusion by applicant (3 minutes).
8. Decision.

Second Reading of Ordinances
1. Public comment. See subsection (3) below regarding time limitations for speakers.
2. Council motion to determine disposition.

All time limits may be extended upon request, if approved by a majority of the City Council.

G. Citizens to Heard on topics pertaining to city business but not on the agenda.

H. City Manager reports.

I. City Attorney reports.

J. Other Council Action.

K. Closing comments by Councilmembers (limited to 3 minutes)

L. Closing comments by Mayor.

The order of business for a worksession meeting shall ordinarily be:

a. Call to Order
b. Presentations
c. Departmental Review of upcoming Council Agenda items
d. City Manager Verbal Reports
e. City Attorney Verbal Reports
f. Council Discussion Items (requested at a prior public meeting or added between meetings via Councilmember request to the City Manager)
g. New business (requests by Councilmembers to add discussion items to the next work session or, if agreed to by the majority of Council, at the upcoming council meeting instead)
h. Council Comments
i. Closing Comments by Mayor
j. Adjourn

(2) **Motion process for agenda items with Ordinances or Resolutions**: agenda items will be presented by the City Manager and any staff designee(s) of his or her choosing, followed by questions by Council, public input, discussion/comments by Council, a motion and second to approve the agenda item and ordinance or resolution, discussion/comments by Council regarding the motion, and vote.

Motion process for other agenda items: agenda items will be presented by the City Manager and any staff designee(s) of his or her choosing, questions by Council, public input, discussion/comments by Council, a motion and second to approve the agenda item, and vote.

(3) Public comment shall be accepted only during portions of the meeting where a motion is made or other proposition is debated by the Council. Ordinarily, this means that public comment will be accepted during the Consent Agenda, Public Hearings, and Citizens to be Heard. Public comment shall also be accepted during Other Council Action, if a motion is made or other proposition is debated by the Council. The following rules shall govern all public comment, regardless of the portion of the meeting in which the public comment occurs:

A. Persons speaking before the City Council shall submit a completed comment card to the City Clerk (right-hand side of *dais*) before the speaker will be

permitted to speak. If the speaker has just arrived or decided to speak, the Chair may allow the card to be filled out after speaking.

B. Each individual may speak for a maximum of three (3) minutes. The Mayor shall advise the speaker that their time has expired.
C. If the speaker remains at the podium after the speaker's time has expired, thereby interfering with other persons who may wish to be heard, the speaker's microphone may be turned off, or the Mayor may rule the person out of order in accordance with Rule 15.
D. No person shall speak more than once on the same subject at the same meeting unless granted permission by the City Council.

(4) In addition to the rules set forth in Section 1(3), which govern all public comment, the following additional rules shall govern public comment regarding items on the agenda:

A. Comments in regard to agenda items pending before the Council shall be limited to a total of sixty (60) minutes, which can be extended upon Council approval.
B. Representatives of a group may speak for three (3) minutes plus an additional minute for each person in the audience that waives their right to speak, up to a maximum of ten (10) minutes. A comment card will be provided to document the request for additional time and those agreeing to waive their right to speak. When time limits are set for speakers, unused time cannot be passed from one speaker to another.

(5) In addition to the rules set forth in Section 1(3), which govern all public comment, the following additional rules shall govern public comment during Citizens to be Heard:

A. Comments in regard to items not on the agenda shall be limited to thirty (30) minutes total, or ten (10) individual speakers, whichever is greater. The time limit or number of speakers can be extended upon Council approval.
B. No speaker shall give or receive additional time or minutes to or from another member of the audience.

RULE 7
AGENDA/EXPENDITURE OF FUNDS/ WAIVER OR CHANGE OF RULES

(A) The City Manager or City Attorney may agenda an item. Any Council item must be agendaed for discussion at a work session prior to the item being placed on a Council Agenda. Any citizen may request a member to agenda an item, even though staff has assured petitioner that adverse action may result. The Chair cannot depart from the prescribed agenda but the Council may do so by a majority vote or by consensus in response to a suggestion from the Chair. Continuance may be granted by a majority vote of the Council upon the motion of any Councilmember. The public will

be allowed to speak on an item to be continued if that item is an advertised public hearing, but no other action shall be taken.

(B) Except for items advertised for public hearing, items may be removed from the agenda. Emergency items may be added to the agenda by the City Manager or City Attorney without prior notice. Councilmember requested items that have not been considered at a work session can be discussed at a Council meeting upon a majority vote of the council to do so. The agenda may be reordered.

(C) Any expenditure of funds requiring Council action must be on the agenda, with appropriate support material. No action may be taken on expenditures not on the agenda unless the Council determines by the affirmative vote of a majority plus one to permit action to be taken.

(D) The rules may be waived or changed only upon the affirmative vote of a majority plus one.

RULE 8
DEBATE OF MOTIONS, TIE VOTES

Council may discuss an agenda item prior to a motion being made. Such discussion may be interactive between the Councilmembers and may be ended at any time by a motion to call the question. Otherwise, any member of the Council making a motion shall address the Chair and await recognition before speaking. The person making the motion is entitled to the floor first for debate. No one is entitled to the floor a second time on the same motion as long as any other member who has not spoken on the issue desires the floor. The Chair must recognize any person who seeks the floor while entitled to it.

When a motion is made and seconded, it shall be stated by the Chair, if necessary, before any debate shall be in order. All questions shall be stated and put by the Chair, and the Chair shall declare all votes.

Motions and any amendments can be withdrawn or modified by the maker at any time prior to the Chair stating the question on the motion; after that time, the permission of the Council majority must be obtained. The Chair cannot close debate as long as any member who has not exhausted his right to debate desires the floor, unless a vote to call the question passes.

Charter Section 2.08 provides that except in certain circumstances "… no action shall be valid or binding unless adopted by the affirmative vote of the majority of all council members." Therefore a tie vote or a 2-1 vote shall constitute a continuance of the item to the next regularly scheduled meeting, but upon a tie vote or a 2-1 vote on the same item at the next meeting, the item shall not be rescheduled except upon the request of the City Manager, the City Attorney, or a Councilmember.

RULE 9
NON-DEBATABLE MOTIONS

The following motions are not debatable:

To adjourn;
To lay on the table;
To take from the table;
Call the previous question.

RULE 10
RECONSIDERATION

Any member of the Council who voted with the prevailing side may move a reconsideration of any action of the whole Council provided that the motion be made at the same meeting at which the action was taken. A motion to reconsider shall be in order at any time (during the meeting at which the action was taken) except when a motion on some other subject is pending. No motion to reconsider shall be made more than once on any subject or matter at the same meeting.

RULE 11
RESCISSION OF COUNCIL ACTION

Council action may be rescinded by a majority vote. The motion may be made by any Councilmember.

RULE 12
BREAKS/RECESSES

The Council shall, at the direction of the Chair, take a break as needed and may recess for meals if the members of the City Council agree by their vote.

RULE 13
COUNCIL MINUTES

Copies of the minutes of regular meetings shall be furnished prior to the next meeting. Such minutes shall stand confirmed at the regular meeting of the Council without the reading thereof in open meeting unless some inaccuracy or error be pointed out by some member of the Council present, and in such event, an appropriate correction shall be made. Upon request, the City Manager will cause the City Clerk to provide any Councilmember with transcribed excerpts of tapes of City Council meetings.

RULE 14
RULES OF ORDER

Except as provided herein, or as may be required by Florida law or the City Charter, the rules of the City Council for the conduct of its business shall be as provided in the most recent edition of Robert's Rules of Order.

RULE 15
RULES OF CONDUCT

At all times during regular and special City Council meetings, along with meetings of the Pension Trustees, the Council, staff and public shall conduct themselves in accordance with these Rules of Conduct.

Because the Council functions as a collegial body, with the Mayor serving as presiding officer, all comments, requests, displays on the overhead projector, and questions shall be directed toward the Mayor or the Council as a collegial body.

In addition, the Council has adopted a non-exclusive list of examples of behaviors that disrupt the meeting and will, in the exercise of reasonable discretion, be ruled out of order by the Mayor. Those disruptive behaviors include: (1) interrupting another citizen, City staff member, or Council member when not recognized; (2) shouting or speaking in a manner that threatens or incites a criminal offense; (3) engaging in or displaying name-calling against a named individual who is present in the room, regardless of whether said individual is a fellow citizen, a city vendor or partner, a member of the media, city staff, or elected official; (4) broadcasting, displaying, or verbalizing obscenity, as defined by the most recent decision(s) of the U.S. Supreme Court and the Eleventh Circuit Court of Appeals; (5) refusing to leave the podium once the allotted time to speak has expired; (6) preventing or attempting to prevent a member of the audience from seeing or hearing Councilmembers; (7) standing on chairs or tables, or attempting to rearrange the City's seating; (8) bringing signs or banners into the Council meeting room, unless advance permission is obtained from the Mayor and the sign or banner relates solely to an item on the agenda; (9) wearing any article of clothing or accessory that contains obscenity or expressly advocates for the election or defeat of a named individual for any public office, or displaying such materials on the overhead projector; (10) verbally identifying oneself as a candidate for election or reelection to any public office while the person is speaking from the podium or the dais; (11) verbally endorsing a candidate for election or reelection to any public office while the person is speaking from the podium or the dais.

When ruling a person out of order, the Mayor shall warn the person that compliance with Rule 15 is required. If the person refuses to correct their behavior, or if the person continues to violate the rule after having already been warned during that same meeting, then the Mayor may either, in the exercise of reasonable discretion, direct the individual to yield the floor, or direct the person to leave the City Council meeting. Upon request by the Mayor, the Clearwater Police Department shall escort the person from the Council Chambers. In such cases, the person shall not be readmitted to the same meeting, but shall be permitted to return to future meetings. The Mayor may also recess the meeting at any time during or after a breach of decorum in order to restore order.

To facilitate an orderly meeting, the determination of the Mayor shall be final regarding all decorum matters unless appealed by another Councilmember in the manner and timing described in Robert's Rules of Order, as amended from time to time.

RULE 16
CITY MANAGER/CITY ATTORNEY ANNUAL GOALS

In September of each calendar year, the City Manager and City Attorney shall suggest at least one and no greater than three goals to accomplish in the year ahead. These suggested goals may either be shared with Council through one-on-one meetings or at a public meeting. The suggested goals shall be Specific, Measurable, Attainable, Relevant, and Timely- also known as S.M.A.R.T. format. The goals shall be ranked in priority order, with the first goal representing the highest priority.

In October of each calendar year, the City Council shall, by majority vote, either adopt the goals suggested by the City Manager and City Attorney or modify those goals. Any Councilmember may move to delete, modify, or add a goal. The motion to add a goal may, at the Councilmember's option, either be in S.M.A.R.T. format or a different format. There are no limit to the number of goals that can be added. However, when moving to add a goal, the Councilmember must also propose a priority ranking, relative to the other goals.

If two goals appear to contradict each other or require the investment of time and resources necessary to accomplish the other goal, then the City Council shall by majority vote determine which goal to include and which goal to remove.

Any Councilmember may, at a publicly noticed work session, discuss the addition, deletion, or modification of a goal during the year. If there appears to be consensus regarding the addition, deletion, or modification, it may be placed on the consent agenda for the regular Council meeting. If the proposing Councilmember does not receive consensus, it shall be scheduled for a roll call vote at the regular Council meeting.

RULE 17
ANNUAL PERFORMANCE REVIEWS OF THE CITY MANAGER AND CITY ATTORNEY

The City Clerk shall create a public work session agenda item to be discussed at the first normally scheduled work session each October. The title of the work session agenda item shall be, "Annual evaluation of the performance and salaries of the City Manager and City Attorney."

If for any reason a public work session is not scheduled for October, or if the only public work session in October shall result in a formal council meeting that does not occur until November, then the annual evaluation shall instead be scheduled for the first formal council meeting in October.

Prior to the first public meeting at which the annual review will be discussed, each Councilmember shall complete a written evaluation of the City Manager and City Attorney. Each Councilmember shall utilize the standard template attached to this rule, but nothing in this rule shall preclude individual Councilmembers from also completing supplemental written evaluations or remarks.

Councilmembers are encouraged but not required to discuss their annual review with the City Manager and City Attorney prior to the meeting(s) at which the performance evaluation will be publicly discussed.

The evaluation period shall generally encompass the previous fiscal year. In some instances, however, a reviewing Councilmember may have served in their role for less than one full year. In such instances, a review shall still be completed. Any Councilmember(s) reviewing less than a full year of performance may, in their individual option, either limit their review(s) to the time period covering the Councilmember's time in office, or the Councilmember may consider information pre-dating the Councilmember's time in office but still occurring within the most recent fiscal year.

In some instances, the City Manager or City Attorney may have been appointed or promoted into their role less than a year before the annual review. In such cases, an annual review will still be performed in October, as required by the City Charter. The salary portion of said review shall be governed by the City Manager's or City Attorney's employment agreement. If the agreement is silent, any salary discussion in such cases shall be solely within the City Council's discretion.

If the annual evaluation is placed on a work session agenda, the City Council shall decide at the work session whether to discuss and present the annual evaluation during the public work session, or whether to defer the presentation until the formal council meeting.

Regardless of whether the annual evaluation is performed at a work session or a formal Council meeting, each Councilmember shall present the City Manager and City Attorney with their written evaluations, using the templates attached to this rule. When presenting their written evaluations, Councilmembers may, but are not required to, verbally discuss any or all aspects of the written review. Councilmembers may also, if they so choose, elaborate or expand upon the written review, or verbally share any separate or additional information the Councilmember deems relevant apart from the written review.

After presenting each annual evaluation, the City Council shall ordinarily discuss the salary of the City Manager and the City Attorney. However, if the annual evaluation was

presented at a work session, the City Council may defer any discussion regarding salary until the first formal council meeting following the work session.

As stated in Council Rule 1, no motions can be made or any formal votes taken, as to salary or any other matter, at a work session. Any motion to adjust salary, alter the employment status, or any other matter, can only be made at a formal council meeting at which public comment is accepted.