

RESOLUTION NO. 24-10

A RESOLUTION OF THE CITY OF CLEARWATER,
FLORIDA, AMENDING COUNCIL RULES; PROVIDING AN
EFFECTIVE DATE.

WHEREAS, Section 2.08 of the Clearwater City Charter requires the City Council to determine its own rules and order of business; and

WHEREAS, the purpose of City Council meetings is to conduct an orderly meeting, and to vote on Council business; and

WHEREAS, Florida Statute § 286.0114 entitles the public to be heard regarding a proposition before the City Council prior to the Council voting on said proposition; and

WHEREAS, the City Council last updated its rules in September 2023, via resolution number 23-14, to ensure that agenda items are prioritized over matters unrelated to and not on the Council agenda; and

WHEREAS, Council Rule 6 expands the public's statutory right to be heard by designating a time at each Council meeting for citizens to speak on matters unrelated to any business item before the Council; and

WHEREAS, the City Council intends for this time to be reserved exclusively for the use of local stakeholders, including individuals who either reside in Clearwater, pay taxes to the City of Clearwater, are registered to vote in Clearwater, receive governmental services from the City of Clearwater, work at a place of employment in Clearwater, attend school in Clearwater, or hold contractual relationships with the City of Clearwater; and

WHEREAS, the City Council has found that this time is instead being monopolized by individuals who have no apparent stake in or connection to the City of Clearwater; and

WHEREAS, the effect of this phenomenon has been to reduce the time and attention afforded to citizens who actually hold a stake in or are directly affected by decisions made by the City of Clearwater, thereby reducing the orderly functioning of City meetings; and

WHEREAS, individuals who have no stake in Clearwater's success, but who wish to address the Council on matters related to the business at hand, are welcome to speak to or on any matter on the Council agenda, at the appropriate time for citizen comments regarding that agenda item; and

WHEREAS, individuals who have no particular stake in Clearwater and who wish to address the Council on matters unrelated to the Council agenda or business at hand, retain ample alternative means to do so via email, phone calls, social media comments, or demonstrations outside of Council chambers; and

WHEREAS, the Eleventh Circuit Court of Appeals, in the case of *Rowe v. City of Cocoa, Florida*, 358 F.3d 800 (11th Cir. 2004), upheld the constitutionality of a *bona fide* residency requirement; now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF CLEARWATER, FLORIDA:

Section 1. Rule 6, Council Rules is hereby amended as follows:

- (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.)
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 records (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.)
5. City Council discussion
6. Applicant may call witnesses in rebuttal (5 minutes)
7. Conclusion by applicant (3 minutes)
8. Council motion to determine disposition

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, and if upon approval of request by a majority of the City Council.

- G. Local Stakeholders to be heard regarding items pertaining to City business but not on the agenda. Local Stakeholders shall include any individual who presents evidence to the City Clerk prior to the commencement of the meeting, confirming that the speaker meets one or more of the following criteria:

- The speaker resides in Pinellas County, as evidenced by the address shown on either the speaker's Florida driver's license or Florida government identification, or by showing a voter registration card issued by the Pinellas County Supervisor of Elections.
- The speaker is a customer of the Clearwater Gas Company ("CGS") or other Clearwater utility, as evidenced by a utility bill issued to the speaker within the past six months.

- The speaker owns real estate located in Pinellas County, as evidenced by a recorded deed or other evidence of current title, or evidence of a mortgage note issued in the speaker's name as mortgagor.
- The speaker is a full-time student attending classes at a physical campus in Pinellas County, as evidenced by student identification, enrollment letter, or academic transcripts reflecting the classes taken within the past six months.
- The speaker is employed at a for-profit or non-profit business entity with a physical campus in Pinellas County, as evidenced by the speaker's most recent W-2 or a pay stub issued within the past six months.
- The speaker is employed by a for-profit or non-profit business entity with whom the City of Clearwater, its Community Redevelopment Agency ("CRA"), or its Downtown Development Board ("DDB") holds a contractual relationship, including a relationship of grantee or grantor, as evidenced by the City Clerk's review of City records, CRA records, or DDB records.
- The speaker is a licensed attorney representing or speaking on behalf of any of the individuals above.
- Any prospective speaker who, although not meeting the criteria above, is reasonably determined by the Mayor to have a sufficient stake in the City of Clearwater's decisions so as to constitute a Local Stakeholder.

To facilitate an orderly meeting, the following rules shall govern this subsection "G" relating to Local Stakeholders:

- All Local Stakeholders must pre-register with the City Clerk, at least twenty-four (24) hours prior to the meeting at which the Local Stakeholder intends to speak during this section of the meeting. The City Clerk shall include instructions regarding online pre-registration near the top or beginning of each published Council agenda. Any individual who requires reasonable accommodations in pre-registering may contact the City Clerk during normal business hours, prior to the day of the Council meeting, to receive assistance in pre-registering. Only those individuals who pre-register and meet the qualifications described in this rule shall be allowed to comment on or speak on matters unrelated to the agenda.

- For purposes of this rule, “items pertaining to City business” can include any matter within the Council’s or the City Manager’s power to act, or any matter that the Council previously voted on or discussed at the *dais*, or any matter discussed by or scheduled to be considered by another governmental entity that affects the operation of the City.
- To enable the Council to effectively correspond with any respond to any questions or concerns raised by a Local Stakeholder, each Local Stakeholder who wishes to address the Council shall, in addition to any evidence required by this rule, also fully complete a comment card and submit the card to the City Clerk (right-hand side of dais) before the speaker will be permitted to speak. If a comment card not been submitted, or if the comment card is incomplete, the Clerk shall advise the Mayor of the same. In such cases, the Mayor shall not allow the person to speak until the person completes a comment card; however, the Mayor may waive this requirement for good cause, including such instances where a disability precludes the person from completing the card, or where the identity of the person speaking is well known.
- Local Stakeholders will limit their comments to a maximum of three minutes. The Mayor shall advise the speaker that their time has expired. If the person remains at the podium, 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.

H. City Manager reports

I. City Attorney reports

J. Council discussion items (work session only)

K. Other Council action (if agenda from work session)

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

M. Closing comments by Mayor

Section 2. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2024.

Approved as to form:

Bruce Rector
Mayor
Attest:

David Margolis
City Attorney

Rosemarie Call
City Clerk