

# **CITY COUNCIL POLICIES**

**Adopted 11-20-2014**

**CITY COUNCIL POLICIES  
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# CITY COUNCIL POLICY

## BOARDS



- A. **Representative Balance.** When making appointments to a board, the City Council will strive to assure the board has a balance of race, gender and geographical area of the City represented.
- B. **Ad Hoc Committees.** Members of boards may also serve on Ad Hoc committees or Task Forces.
- C. **City Representatives on Non-City Boards.** Citizens appointed by City Council to be the City's representatives on non-City Boards will serve no more than three consecutive terms, at the discretion of City Council. The representatives shall keep the Council informed of the activities of the boards.
- D. **Non-Board Business Functions - Sunshine Law.** In order to eliminate the possibility or appearance of violation of the Sunshine Law, all boards and committees appointed by the City Council are requested not to schedule luncheons or other non-board business functions.
- E. **Special Request.** Requests for special reports on projects will require Council or City Manager's approval prior to staff commencing efforts in this regard.
- F. **Input to Other Boards/Committees.** Upon majority approval, a board may advise other boards or agencies regarding its position on issues but may not represent that position as City policy.
- G. **Letterhead.** Advisory Board letterhead may be used and staff assists when correspondence is written on behalf of the entire board. Letterhead will not be used by individual members expressing individual opinions and concerns.
- H. **Campaign Material during Meetings.** During City Council and board meetings, board members will not display material supporting or opposing candidates or issues on any election ballot.
- I. **Input from Advisory Boards.** Staff will assure that input from advisory boards regarding issues coming before the City Council is noted in the City Council's agenda items.
- J. **Advisory Board Appreciation.** Each recipient of an invitation to the Annual Advisory Board Appreciation event may bring one guest. Members should attend at least one meeting prior to being invited to the annual event.

# CITY COUNCIL POLICY

## BUDGET and FINANCE



- A. **Balanced Budget.** It is a policy of the City Council to adopt a balanced budget for all funds. The City will avoid budget and accounting practices that balance the budget at the expense of future budgets. The City will also avoid budgeting any unrealized investment gains due to the City's practice of holding investments until maturity.
- B. **Maintenance of Capital Plant and Equipment.** It is a policy of the City Council that the City's budget will provide adequate funding for maintenance of capital plant and equipment and the funding for their orderly replacement.
- C. **Budget Review Process.** It is a policy of the City Council to be provided with a quarterly budget report and an annual operating budget comparing actual versus budgeted revenue and expense activity.
- D. **Budgetary Position Control.** It is a policy of the City Council that the total number of permanent full-time and part-time positions (full-time equivalents) approved in the annual operating budget may not be exceeded without prior approval of the City Council.
- E. **General Fund Unappropriated Retained Earnings.** It is a policy of the City Council to maintain a General Fund reserve equal to 8% of the subsequent year's budgeted expenditures as a contingency fund to meet unanticipated financial needs. Should funds in excess of 8% be available in any fiscal year, these funds shall be identified as available, and may be appropriated by the Council for specific Capital Improvement Projects or other one-time needs.

In addition, the City Council will maintain an additional General Fund reserve equal to ½% of the subsequent year's budgeted expenditures to fund unanticipated retirements of General Fund long-term employees during the given fiscal year. Any appropriations approved by the City Manager during the year, for this purpose, will be noted in the City Manager's quarterly budget report.

- F. **Capital Improvement Budget and Capital Improvement Plan.** It is a policy of the City Council to adopt a six-year Capital Improvement Plan and Budget which summarizes the project scope, estimated cost estimates by project, method of financing, and anticipated operating costs of each project.

Budget and Finance (contd.)

- G. **Road Millage.** In order to maintain the City's sidewalks and streets (including curbs and bridges), a road millage will be designated as a part of the annual budget process. Priorities will be determined first on functional and safety considerations. Road Millage may be used for aesthetic repairs.
- H. **Enterprise Funds.** It is a policy of the City Council that all Enterprise Fund operations shall be self-supporting, and shall pay administrative and other appropriate service charges to General Fund Operations for support at a level determined by the City Council.
- I. **Enterprise Fund Transfer Payment.** It is a policy of the City Council that the specific enterprise operations designated by the City Council shall annually transfer to the General Fund an amount determined appropriate to be considered reimbursement in lieu of taxes. The current rate is 5.5% of prior year gross revenues.

*April 1989 policy adopted by councilmembers established this rate at 4.5% of prior-year gross revenues. This proportionate rate was adopted to accommodate growth, and replaced prior years' policy of a prescribed dollar contribution. Other than the exceptions noted below, the rate of 4.5% remained in effect until the City Council adopted the amended rate of 5.5% in September 2005.*

*Upon adoption of the Gas Strategic Plan in fiscal year 1995/96, the Council agreed to replace the Gas Support contribution with a franchise fee from natural gas customer accounts payable to the General Fund. This, in combination with the Gas dividend, offered the General Fund the same level of support as fiscal year 1995/96. The Gas System Dividend will be a minimum of \$1,700,000 plus a PILOT (Payment in Lieu of Taxes) fee of at least \$508,720. Such PILOT fee will be paid by the Gas Franchise Fees to offset such PILOT payment. When the Gas System Net Income less Bond Interest Earnings exceeds \$3.4 million for any fiscal year, the Gas Dividend payment for the next fiscal year will be one half of that amount.*

*In September 2000, with the adoption of the 2001/02 Annual Operating Budget, the City Council expanded this policy, which had previously been imposed only on the utility enterprises, to include an annual payment in lieu of taxes from the Marine and Airpark Fund. In FY 2009 the Parking Fund began paying the PILOT.*

- J. **Interfund Administrative Charge.** It is a policy of the City Council that an allocation shall be made annually distributing the costs for administrative support departments among all operating departments. This distribution shall be proportionately based on the operating

Budget and Finance (contd.)

department's annual budget, and shall not be charged to General Fund departments.

Upon adoption of the Gas Strategic Plan in fiscal year 1995/96, the Council agreed to maintain the same charge for administrative support from the Gas Fund for fiscal year 1995/96 which will be increased annually by estimated the cost of salary increase index (fiscal year 2001/02 - 5%).

*Beginning in fiscal year 2001, the City Council approved an adjustment to the Gas Fund charge increasing the charge by \$325,000 over the computed amount to bring the Gas Fund more in line with the proportionate amount calculated in the same manner as the Other Enterprise Funds.*

- K. **Interfund Other Service Charges.** It is a policy of the City Council that the cost of services provided to Enterprise Fund Departments by General Fund Departments shall be charged to, and paid by the Enterprise Fund.
- L. **CRA Contribution to General Fund.** It is the City's policy that services provided for administrative support to the Community Redevelopment Agency (CRA) by City employees shall be reimbursed to the General Fund. Such reimbursement shall be approximate actual costs incurred by the department, together with any associated costs.
- M. **Special Event Fees.** The Special Events Committee will review applications for use of City beaches, sidewalks, outdoor recreation open space and rights-of-way. Sponsoring organizations will be responsible for the costs of all City services needed in conjunction with the events unless they are City sponsored or co-sponsored events.

The City Council may waive all or a portion of fees and related charges for City sponsored or co-sponsored events, including, but not limited to Fun 'N Sun, Jazz Holiday, July 4th, Turkey Trot, and Martin Luther King Parade. There shall be an annual review of City sponsored/co-sponsored events during the budget process. An agenda item confirming co-sponsorship and waiver of fees for those to be submitted in the budget will be brought for City Council acceptance in March of each calendar year. All items accepted by the Council are then to be included in the appropriate department's budget. Only after the item is passed as part of the approved budget is the item considered to be funded.

In the event additional monies are requested beyond what is included in the approved budget, City Council approval will be needed before said additional funds are appropriated.

Budget and Finance (contd.)

- N. **Accounting Procedures.** It is a policy of the City Council to establish and maintain a standard of accounting practices on a basis consistent with Generally Accepted Accounting Procedures (GAAP), and the Governmental Accounting Standards Board (GASB), and the standard practices of the Government Finance Officers Association of the United States and Canada (GFOA).

The City will also comply with the rules of the Auditor General and the Uniform Accounting System as required by the State of Florida.

- O. **Review of Rate Schedules.** It is a policy of the City Council to review rate schedules of the City of Clearwater enterprise funds at a minimum of every 5 years. The purpose of the review will be to assure rates are set in a manner to be fair and equitable while covering the City's cost to provide the service.

Unrestricted fund balances (working capital reserves) should be maintained pursuant to the most recent rate review or at a level equivalent to at least three months' operation and maintenance expense, whichever is greater, for all enterprise and internal service funds.

- P. **Review of Annual Audit.** It is a policy of the City Council to have a Certified Public Accounting firm perform an annual audit on all of the City's funds. A work session will be held each year within 60 days of the release of the annual financial audit of the City. At that time, the overall financial condition of the City and its enterprise funds will be reviewed.

- Q. **Investment Policy.**

**(1) Scope**

This statement of investment policy and guidelines applies to all investments of the City's pooled cash, which includes cash and investment balances of the following funds:

- General
- Special Revenue
- Debt Service
- Capital Projects
- Enterprise
- Internal Service Funds
- Fiduciary Funds

The policies set forth do not apply to the non pooled cash investments of the Pension and Deferred Compensation Funds of the City of Clearwater, deposits for defeased debt, or assets under Bond Trust Indenture Agreements.

**(2) Investment Objectives**

- A. Safety of principal is regarded as the highest priority in the handling of investments for the City. All other investment objectives are secondary



**(4) Prudence and Ethical Standards**

The standard of prudence to be applied by the investment officer shall be the "Prudent Person" rule, which states: "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income derived." The "Prudent Person" rule shall be applied in the context of managing the overall portfolio.

**(5) Authorized Investments**

1. The City shall limit investments, as authorized in Florida Statutes to:

a. Direct Federal Government obligations. Investments in this category would include but not be limited to the following: United States Treasury Bills, Notes and Bonds, and securities issued by the Small Business Administration, Government National Mortgage Association (Ginnie Mae), Veterans Administration, and Federal Housing Administration.

b. Federal Agencies and instrumentalities. Investments in this category would include but not be limited to the following: obligations of the Federal Home Loan Banks System (FHLB) or its distinct banks, Financing Corporation (FICO), the Federal Farm Credit Bank, Federal National Mortgage Association (Fannie Mae), Federal Home Loan Mortgage Corporation (Freddie Mac), Student Loan Marketing Association (Sallie Mae), Financial Assistance Corporation and Federal Agriculture Mortgage Corporation (Farmer Mac).

c. U.S. Securities and Exchange Council registered money market funds with the highest credit quality rating from a nationally recognized rating agency.

d. Interest-bearing time deposits or savings accounts, in a qualified Public Depository as defined in s. 280.02 Florida Statutes.

e. Debt issued by the State of Florida or any political subdivision thereof including pools.

f. Securities of, or other interests in, any open-end or closed-end management-type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided that the portfolio of such investment company or investment trust is limited to obligations of the United States Government or any agency or

Budget and Finance (contd.)

instrumentality thereof and to repurchase agreements fully collateralized by such United States Government obligations, and provided that such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.

g. Repurchase Agreements and reverse repurchase agreements collateralized by securities otherwise authorized in this policy.

h. The Local Government Surplus Funds Trust Fund or any intergovernmental investing pool authorized pursuant to the Florida Interlocal Cooperation Act as provided in s. 163.01 Florida Statutes.

i. Commercial paper of prime quality of the highest letter and numerical rating as provided for by at least one nationally recognized rating service.

**(6) Maturity and Liquidity Requirements**

A. The City will maintain a forecast of expected cash outflows and inflows by major categories. For months that the outflows exceed inflows the City will have investments maturing that month in excess of the forecasted deficits.

B. The City's intention is to keep the weighted average maturity to three years or less. Due to market conditions and cash needs the average maturity may temporarily be greater than three years but no greater than five years.

**(7) Portfolio Composition, Risk and Diversification**

Assets held shall be diversified to control risk of loss resulting from over-concentration of assets in a specific maturity, issuer, instrument, or dealer/broker, through which these instruments are bought and sold. The following maximum limits apply to the portfolio:

Maturity date	10%	Specific instrument	8%
Specific issuer	40%	Specific dealer/broker	33%
Commercial paper	25%	CMOs and REMIC	33%

## Budget and Finance (contd.)

Diversification strategies within the established guidelines shall be reviewed and revised periodically as necessary by the Investment Committee.

### **(8) Authorized Investment Institutions and Dealers**

A. Banks - Certificates of deposit purchased under the authority of this policy will be purchased only from Qualified Public Depositories of the State of Florida as identified by the State Treasurer, in accordance with Chapter 280 of the State Statutes.

B. Broker/Dealer Approvals and Limitations - Time, practicality, and general business constraints limit the number of investment relationships which can be managed on a regular basis. In most cases, normal investment activity will be limited to no more than ten dealer relationships. A broker/dealer list will be established by the Finance Director or designee. This list will be presented to the Investment Committee for approval. This list will be updated as needed and approved by the Investment Committee.

### **(9) Third-Party Custodial Agreements**

All securities shall be held by a third party safekeeping company. All purchases by the City under this policy shall be purchased using the "delivery versus payment" procedure. For all purchases and sales of securities the third party custodial will require the approval of two individuals authorized by the Finance Director.

### **(10) Master Repurchase Agreement**

All approved institutions and dealers transacting repurchase agreements shall be covered by a Master Repurchase Agreement. All repurchase agreement transactions shall adhere to the requirements of the Master Repurchase Agreement.

### **(11) Bid Requirements**

After the Finance Director or designee has determined the appropriate maturity based on cash flow needs and market conditions and has selected one or more optimal type of investment, the security in question shall, when feasible and appropriate, be competitively bid. Competitive bids or offerings shall be received from at least three dealers/brokers on all sales or purchases except in situations where:

## Budget and Finance (contd.)

A. The security involved is a 'new issue' and can be purchased 'at the auction'.

B. The security has a fixed "postal-scale" rate.

C. The security involved is available through direct issue or private placement.

D. The security involved is of particular special interest to the City and dealer competition could have an adverse impact with respect to the price and availability to the City.

It is also realized that in certain very limited cases the City will not be able to get three quotes on a certain security. For those cases the City will obtain current market prices from one of the following to determine if the transaction is in the City's best interest:

1. Bloomberg Information Delivery System.

2. Wall Street Journal or a comparable nationally recognized financial publication providing daily market pricing.

3. Daily market pricing provided by the City's Custody Agent or their corresponding institution.

### **(12) Internal Controls**

The Finance Director shall establish and monitor internal and procedural controls designed to protect the City's assets and ensure proper accounting and reporting of the transactions related thereto. The internal controls will be designed to prevent losses of funds which might arise from fraud, employee error, misrepresentations by third parties, or imprudent actions by employees of the City. All buy and sell communications with the third party safekeeping company will be signed by two individuals authorized to make investment decisions. The internal controls developed under this policy shall be reviewed by the independent auditors as a regular part of their audit of the City.

The Finance Director shall establish an Investment Committee that meets on a regular basis for the purpose of reviewing investment transactions, approving brokers/dealer changes and other investment activities. The Investment Committee members will be the Finance Director, Assistant Finance Director, Cash & Investment Manager and any other City staff members appointed by the Finance Director.

### **(13) Reporting**

The Finance Director or designee shall report on at least an annual basis the following information on the City's investments:

A. Securities by class/type.

B. Book Value

C. Market Value

D. Income Earned

**(14) Continuing Education**

The members of the Investment Committee will complete no less than 8 hours of continuing educational opportunities on investment practices each fiscal year. The members of the Investment Committee will have sufficient knowledge and education to invest in any and all of the securities listed above.

- R. **Debt Management Policy.** This policy is to establish criterion and procedures for the issuance of debt financing by the City. This Debt Policy confirms the commitment of the City Council, management, staff, advisors and other decision makers to adhere to sound financial management practices, including full and timely repayment of all borrowings, and achieving the lowest possible cost of capital within prudent risk parameters.

The City shall employ the use of debt to compliment the significant recurring commitments of annual appropriations for capital purposes in a way that is fair, reasonable, and equitable to each generation of taxpayers, ratepayers, users and other beneficiaries.

1. **General:**
  - A. The City shall seek to maintain their high bond ratings so borrowing costs are minimized and access to credit is preserved.
  - B. The City may utilize debt obligations to refinance current debt or for acquisition, construction or remodeling of capital Improvement projects that cannot be funded from current revenue sources or in such cases wherein it is more equitable to the users of the project to finance the project over its useful life.
  - C. The useful life of the asset or project generally must exceed the payout schedule of any debt the City assumes.
  - D. The City will analyze funding alternatives to minimize the cost impact of debt structures on the taxpayers or ratepayers.
  - E. The outstanding debt will be reexamined periodically to determine whether an economical advantage exists for refinancing the outstanding debt given changes in the interest rate and bond market. As a general rule, the present value savings of a particular refunding should exceed 5% while maintaining a similar maturity schedule to the original debt.
2. **Type and Structure of Debt:**
  - A. Any legally allowable debt may be used for financing capital improvements; this includes, but is not limited to, short-term and long-term debt, general obligation and revenue debt, fixed and variable rate debt, lease-backed debt, conduit issues, and taxable debt. The use of zero coupon bonds, capital appreciation bonds, deep discount bonds, and premium bonds may be considered.

## Budget and Finance (contd.)

- B. The City may consider the use of credit enhancements (letters of credit, bond insurance, surety bonds, etc) when such credit enhancements proves cost-effective.
- C. When fiscally advisable and when consistent with contractual obligations, the City shall lease purchase capital equipment. Generally, equipment will have a monetary value \$25,000 or more and a minimum life expectancy of three years. The debt service on the lease purchase items shall be paid by the user department.

### 3. **Issuance of Obligations**

#### A. Selecting Service Providers:

- 1) The City may retain an independent financial advisor for advice on debt structuring, the rating review process, marketing debt issuances, sale and post-sale services and to prepare and/or review the official statement.
- 2) The City may also retain independent bond counsel and disclosure counsel for legal and procedural advice on all debt issuances.
- 3) As necessary, the City may retain other service advisors, such as trustees, underwriters, and pricing advisors.
- 4) Any process utilized to select professional service providers in connection with the City's debt program shall be in conformance with City purchasing policies, procedures and requirements.

The objectives of the process will be to:

- a) Promote competition
- b) Be as objective as possible
- c) Incorporate clear and rational selection criteria
- d) Be independent of political influence
- e) Be perceived as fair by the respondents
- f) Result in a cost-effective transaction
- g) Result in the selection of the most qualified firm
- h) Eliminate conflict of interest

#### B. Method of Sale

- 1) **Competitive Sale.** The City will generally seek to issue its bond obligations in a competitive sale. Other methods may be used if it is determined that such a sale method will not produce the best results for the City.
- 2) **Negotiated Sale.** The City may elect to sell its bond obligations through a negotiated sale. This method will usually be considered when the bond issue is refunding a prior issue or there is a unique or unusual component to the bond issue.
- 3) **Private Placement.** When determined appropriate, the City may elect to sell its debt obligations through a private placement or limited public offering.

## Budget and Finance (contd.)

- C. Maturity of the debt
  - 1) Bonds will generally not have more than a thirty-year duration.
  - 2) Lease Purchase debt will generally not have more than a five-year duration.

### 4. **Post-Issuance Compliance**

- A. In order to comply with federal tax laws and maintain the tax-exempt status of certain municipal debt issues, Post-Issuance Compliance monitoring is required at regular intervals as follows:

- 1) Identification of debt-financed facilities and ongoing tax requirements - at time of issue, including a review of tax certificate executed at closing
- 2) Qualified use of bond proceeds – ongoing
- 3) Qualified use of facilities financed with debt proceeds - ongoing by monitoring discussions at staff meetings
- 4) Arbitrage yield restriction and rebate – annually as soon as bank statements containing the last day of the bond year are available
- 5) Maintenance of bona fide debt service fund – recalculate sinking fund deposit requirements semi-annually after each interest payment date
- 6) Continuing Disclosure documents other than Significant Events and Notices to Bondholders – annually by due dates through EMMA Dataport
- 7) Significant Events – upon occurrence through EMMA Dataport
- 8) Notices to Bondholders – upon occurrence of an event requiring notice

### B. Procedures for Ensuring Timely Compliance

- 1) The Finance Director (or designee) will review project invoices presented for payment from bond proceeds and authorize payment if use of proceeds is proper.
- 2) The Finance Director (or designee) will participate in staff meetings where discussions are held regarding use of debt-financed facilities.
- 3) The Finance Director (or designee) will calendar all bond year-ends and coordinate transmission of bank statements and other arbitrage-related documents with the outside arbitrage consultant within one month of the bond year-end.
- 4) The Finance Director (or designee) will re-calculate monthly sinking fund deposit requirements semi-annually after each interest payment, and annually after each principal payment.
- 5) The Finance Director (or designee) will consult with the City's Disclosure Counsel, as needed, regarding disclosure of Significant Events.

## Budget and Finance (contd.)

- C. Procedures Reasonably Expected to Timely Identify Noncompliance
- 1) The Finance Director (or designee) will review the Continuing Disclosure Checklist for upcoming due dates at the beginning of each calendar quarter.
  - 2) The Finance Director (or designee) will send required continuing disclosure documents to the City's Disclosure Counsel for review and approval before filing through the EMMA Dataport.
  - 3) Continuing disclosure due dates will be calendared by the Finance Director and by the designee, as a backup reminder.
  - 4) The annual financial statement audit will include review by external auditors of use of debt proceeds, debt service accounts and payments, and review of minutes of official meetings.
- D. Procedures for Ensuring Timely Correction of Noncompliance
- 1) When noncompliance has been identified, the Finance Director will promptly provide required documents or consult with Disclosure Counsel, Bond Counsel or other outside specialists as needed. If a possible violation of the tax rules is identified, the Finance Director will consult with counsel to determine if a "remedial action" should be taken under the Treasury Regulations or if a closing agreement request should be submitted to the Internal Revenue Service under the Voluntary Closing Agreement Program. The City Manager and Council will be notified to take additional steps, if necessary, to timely correct the noncompliance.
  - 2) Upon receipt of any correspondence from, or opening of an examination of any type with respect to tax-exempt debt issued for the benefit of the City, the Finance Director will promptly notify the City Manager and consult with outside counsel as necessary to respond to the IRS.
- E. Recordkeeping Requirement and Records Retention
- All relevant records and contracts shall be maintained in retrievable paper or electronic format for the term of the debt plus a minimum of three years. The term of the debt shall include the term of all debt which refunds the original new money issue, including debt issued to refund debt in a series of refundings. Records required to be maintained include:
- 1) Basic records relating to the debt transaction, including the debt transcript of proceedings and other relevant documents delivered to the City in connection with the issuance and closing of the debt transaction.
  - 2) Documents evidencing expenditure of debt proceeds, including but not limited to:
    - a) Construction contracts

Budget and Finance (contd.)

- b) Purchase orders
  - c) Invoices and applications for payment
  - d) Trustee requisitions and payment records
  - e) Documents related to costs reimbursed with debt proceeds, including related issuer resolutions
  - f) Records identifying the assets or portion of assets financed or refinanced with the debt proceeds
  - g) A final schedule of property financed by the debt and final allocation of debt proceeds
- 3) Documentation evidencing the use of debt-financed property, including records of lease or sale of debt-financed property for public or private purposes, and any change in use of debt-financed property from its original intended purpose.
- 4) Documentation evidencing all sources of payment or security for the debt.
- 5) Documentation pertaining to investment of debt proceeds, including but not limited to:
- a) Purchase and sale of securities
  - b) SLGs subscriptions
  - c) Yield calculations for each class of investments
  - d) Actual income received from the investment of proceeds
  - e) Investment agreements
  - f) Trustee statement
  - g) Arbitrage rebate calculations and reports
- S. **Central Insurance Reserve Policy.** It is a policy of the City Council to maintain a Central Insurance Fund reserve to guard against unforeseen or uninsured costs or increases in property, workers' compensation, health or liability insurance. The target minimum balance for this reserve is equal to 75% of the actuarially calculated self-insurance reserve liability. If reserves are drawn down below the above target minimum balance, the City will develop a plan to replenish the reserves, generally within five (5) years.
- T. **Clearwater Gas System Supply Hedging Policy.** It is a policy of the City Council to limit the financial risk to Clearwater Gas System (CGS) of natural gas purchases by Hedging a portion of its gas supply needs with the intention of reducing price volatility for the residential, commercial, and industrial customers of CGS. Hedging amounts for a specified period of time will NOT exceed the expected average natural gas energy usage over that time period.

The City Representative shall issue a Directive to Florida Gas Utility (FGU) in the event that CGS would like FGU to take any action with respect to a Financial Product on its behalf. The General Manager of

## Budget and Finance (contd.)

FGU shall not be authorized to enter into a Financial Product on a system-wide basis for CGS without a Directive from the City Representative.

Financial Products shall be purchased or otherwise acquired for the purpose of risk management and, to the extent possible, shall be entered into in such a manner as to meet applicable accounting standards as a “hedge” for accounting purposes; provided that the failure to obtain any particular accounting treatment with respect to a Financial Product shall not form a basis for challenging or otherwise calling into question the legality and enforceability of a Financial Product entered into pursuant to a Directive. **CGS shall not engage in any purchase or acquisition of Financial Products for Speculation.**

In the event if any inconsistency between the terms of this Policy and any existing agreement between FGU and CGS, including, without limitation, the All Requirements Gas Services Agreement, dated as of February 15, 2002 and as amended from time to time, between FGU and CGS and entered into pursuant to Resolution No. 02-02 the City of Clearwater, Florida, the terms of such agreement shall prevail.

In above policy, these terms are defined as:

1. City Representative – A representative of the City of Clearwater, Florida, who can authorize a Directive with respect to Financial Products, which term shall include, without limitation, any person designated as a “member representative” or “project participant representative” under an agreement between FGU and the City of Clearwater, Florida.
2. Directive – An instrument, in writing, executed and delivered by a City Representative that gives directions to FGU, or otherwise authorizes actions by FGU, with respect to Financial Products and the related Financial Instruments.
3. Financial Instruments – One or more agreements entered into with respect to Financial Products by and among the parties thereto, which may include FGU, CGS, or both, or any other third party or counterparty thereto, and such term shall expressly include, without limitation, any assignment or termination agreement related to Financial Products by FGU, CGS, or both.
4. Financial Products – Swaps, options, caps, collars, floors, forwards, futures contracts, and any other Hedging transactions, and any combination of the foregoing, whether executed “over-the-counter” pursuant to private agreement of “exchange-traded” on one or more regulated contract markets.

Budget and Finance (contd.)

5. Hedge – To minimize or protect against loss by counterbalancing one transaction against another or otherwise mitigating economic risk. The term “Hedging” shall be construed accordingly.
6. Speculation – Using Financial Products in a manner not reasonably expected to reduce the risk associated with CGS business activities.

# CITY COUNCIL POLICY

## CITY COUNCIL



- A. **Resolutions.** An individual Councilmember may request a resolution. However, prior to preparation of the resolution, there must be a majority of the Councilmembers agreeing to do so.
- B. **Proclamations.** The City of Clearwater will consider issuing proclamations from all segments of the community without regard to gender, race, ethnicity or handicap. Proclamations will not be issued to individuals, companies, “for profit” organizations, profit making agencies, political organizations or religious organizations, except for significant anniversary events of 50 years or 100 years.
- C. **Representation on Boards.** Councilmembers are asked to serve on various regional and governmental boards. Boards/Committees may be added or deleted from time to time. These duties should be distributed equitably among the Councilmembers. Appointment of Councilmembers to these boards shall be evaluated annually in April.

Whenever possible, a Council representative on a board or committee will receive Council input prior to taking a position regarding issues coming before that board. The representing Councilmember shall vote in accordance with the stated position of the majority of the Council. If it is not possible to obtain Council input the Councilmember is to act to the best of their ability in the city's interest and with prior Council positions in mind.

Periodic review of the actions of these boards and committees is desirable and the representing Councilmember should coordinate these reports.

- D. **Citizen Inquiries - Responses.**
  - 1. Generally responses should be in the same form as received, i.e. letter with letter. However, when deemed to be more appropriate a different form may be used.
  - 2. Inquiries addressed to a specific Councilmember will be responded to by that Councilmember.
  - 3. Inquiries addressed to the whole Council, whether in one letter or duplicate letters to all Councilmembers, will be answered factually by the Mayor using language that indicates that he or she is responding for the Clearwater City Council. When needed, responses will be brought to Council for direction, prior to being sent. Mail will be routed to the appropriate staff to draft a response. Individual Councilmembers are not precluded from responding individually to express their opinion.

City Council (Contd.)

4. Inquiries received which are not specifically addressed to the Council or its members will be answered by the City Manager or designated staff member.
  5. Inquiries and responses will be distributed, via e-mail, to all Councilmembers
  6. Form letters or emails may be acknowledged but will not require a customized response.
- E. **Departing Councilmembers' Gifts.** Departing gifts shall be chosen in consultation with the outgoing members. The value of the gifts shall be a maximum of \$300 for one full term, \$500 for two full terms and \$600 for more than two full terms.  
**One full term.** Plaque, nameplate, letter, pewter tray with seal, Council pictures.  
**Two full terms.** Plaque, nameplate, letter, City watch, Council pictures.  
**Three of more full terms.** Plaque, nameplate, ring, collage or album, tray with seal, letter, gag gift, caricature.
- F. **Council Travel.** Payment for travel expenses shall be in keeping with the charter and the City's travel code. Specific amounts of the Council's travel budget shall be allocated to each Councilmember during annual budget preparations. At the end of each fiscal year Councilmembers shall provide a report detailing that year's travel. Council approval shall be obtained prior to any member exceeding their annual allocation for travel.
- G. **Fund Raisers.** It shall be at the discretion of individual Councilmembers whether or not to accept invitations to fund raising activities. Expenses incurred by acceptance are not reimbursable. City employees will not attend these functions as City representatives.
- H. **Staff Projects.** A Councilmember shall request staff research or projects only through the City Manager or City Attorney in accordance with the City charter. Any request that, in the determination of the City Manager or City Attorney, will take longer than 8 hours must be approved by a majority of the Council. The results of such research or projects, except for legal advice to an individual, will be shared with all councilmembers.
- I. **Annual Events.** Newly elected Councilmembers and Councilmembers-elect shall be invited to the annual Phillies dinner and advisory board appreciation event.

City Council (Contd.)

- J. **Televising Council Meetings.** All regular City Council meetings and work sessions will be televised on C-View. Efforts will be made to also televise specially scheduled meetings and work sessions. However, there will be times when this is not possible, or practical. No closed door attorney/client or bargaining sessions will be televised
- K. **Information Available to Public and Press.** All material prepared by the City Manager and City Attorney for the Council shall be provided to the press and to the public via the Official Records and Legislative Services Department.
- L. **Distribution of Council Correspondence.** All correspondence to the Mayor and the Councilmembers arriving at City Hall received pursuant to the law or in connection with the transaction of official business by the City of Clearwater shall be distributed as follows:

When needed, e-mails will be forwarded to all Councilmembers by the Council Assistant. Councilmembers will receive the original of hard copy items individually addressed to them, whether anonymous or not. Council e-mails and other correspondence will be available on the City's website through the electronic document management system. Mail will be delivered to the Council at least once per week.

Other anonymous letters and suggestions will not be distributed but will be maintained in the City Manager's Office.

Publications and items of considerable length (such as petitions and agenda materials for other boards) will not be distributed. These items, along with other routine correspondence not requiring responses will be noted on a weekly read file and available through the electronic document management system.

Unless otherwise directed, correspondence with the words similar to "Personal", "Confidential", or "For the Addressee Only" will be delivered unopened to the addressee. If such correspondence is determined to be related to City business, the receiving Councilmember is to forward to the Council Assistant for distribution.

The City Manager will discuss with the Mayor malicious mail.

All e-mails received by the Councilmembers in their individual city email account will be forwarded to the Council Assistant for distribution, or email forwarding, in the same manner as other "hard copy" mail. The following emails will not be forwarded: SPAM/JUNK, broadcast general information or solicitation or items pertaining to scheduling.

## City Council (Contd.)

Emails or "hard copy" mail relating to city business, sent directly to a councilmember's home or private business, or hand delivered, shall also be forwarded to the Council Assistant for distribution.

- M. **Strategic Planning.** Each year the City Council shall meet in a strategic planning session(s). The meeting(s) will review the five-year financial forecast and update as necessary, the City's Mission, Values and Vision Statements. From these documents a five-year strategic plan will be developed. The five-year strategic plan will become the basis for the annual City Manager and City Attorney Objectives, and the City's annual budget process for the next fiscal year.

# CITY COUNCIL POLICY

## CITY EMPLOYEES



- A. **Participating in Auctions.** City employees and Councilmembers are prohibited from participating in City auctions involving the sale of property which has either been abandoned and confiscated, acquired with public funds or which has otherwise come into the possession of the City. They may attend as spectators but may not bid on or purchase items offered for sale. All actions that would lead to perceptions of participation, such as a family member bidding on items, should be avoided. It is the intent of this policy to avoid giving "insider" information or a profit motive to employees or their families in the disposal of surplus items.
  
- B. **Reimbursement of certain meal events.** The City Manager will determine when it is appropriate to reimburse city employees for meal costs associated with recognition, award and business related functions.

# CITY COUNCIL POLICY

## GENERAL ADMINISTRATION



- A. **Application Fee Waivers.** Generally, building permit, occupational license, plan review and zoning-related application fees will not be waived except for City projects and other governmental agencies. If staff believes special conditions exist, such requests may be brought to the Council for consideration. Application fee waivers for governmental agencies will include all governmental projects including those in which the governmental agency is leasing property from a third party, providing the governmental agency is the entity which applies for and obtains the permit. PACT will be considered a governmental entity when considering application fee waivers.

NOTE: The City Clerk's research regarding waiver of application fees shows the following:

Chi Chi Rodriquez Youth Foundation - no waivers  
Center Foundation - waive building permit fees  
Pinellas County - waived building permit fees for work done by County forces; waive fees for variance application  
State of Florida - waive fees for variance applications  
Clearwater Ferry - waive building permit fees  
St. Petersburg College - refunded building permit fee for parking lot  
Skye Lane Properties, LLC – waived permit, application, inspection, and other fees via Resolution 14-03

None of the above includes waiving impact fees.

- B. **Sparkling Clearwater.** In order to maintain and enhance the image of Sparkling Clearwater, the Council supports staff in enhanced solid waste recycling and conservation projects, tightening and increasing enforcement of codes (i.e., fence landscaping, prohibition of banners, lot clearing, etc.). Staff is also directed to place a greater emphasis on and coordinate aesthetic consideration on site plans and other development review (i.e., placement of dumpsters, fencing of dumpsters, property landscaping and landscaping of parking lots including perimeter plantings). Litter cleanup and "adopt a street or park" programs are encouraged. Educational and incentive programs for both City staff and the public addressing this issue should be developed.
- C. **Fire Lanes.** Fire Department personnel will participate in the enforcement of parking violations pertaining to fire lanes and fire hydrants.

General Administration (contd.)

D. **Copyright Fees.** The City shall pay the necessary copyright fees to ASCAP for those concerts in the bandshell co-sponsored by the City. The City shall provide a monthly report to ASCAP regarding activities in the bandshell and ASCAP shall be responsible for collecting the fees from bands participating in non-City sponsored programs. In addition, the City shall pay the necessary copyright fees to BMI for showing movies at various recreation centers.

E. **Renewal.**

All renewals of agreements the City has with organizations or tenants should be presented to the Council at least sixty (60) days prior to the expiration of the original term.

F. **Stationery.** The City shall have letterhead designed by Public Communications on which the City seal will be imprinted. Paper stock will be recyclable. Other forms in supply will be allowed to be used until said supply is depleted.

Exception: The Gas Division may use its logo.

G. **Welcome Letters.** Upon adoption of an Annexation Ordinance staff will prepare a letter for the Mayor's signature welcoming the property owner to Clearwater.

H. **Citizens to be Heard Response.** When appropriate, responses will be sent to those addressing the Council under Citizens to be Heard regarding Items not on the Agenda.

I. **Special Event Street Closure Limitation.** Street closures for special events shall be limited to two (2) per calendar year requested by any one non-profit or for-profit organization. The City of Clearwater shall be exempt from this limitation. The City shall comply with any Florida Department of Transportation policies regarding street closures of state roads.

J. **Roadside Memorial Marker Program.**

The purpose of this policy is to establish the guidelines for the placement of standardized roadside memorials for people that have died as a result of a motor vehicle, pedestrian or bicycle crash within City maintained right-of-way on segments of roadway in incorporated Clearwater.

The City of Clearwater, Traffic Operations Division, is responsible for the implementation of the Roadside Memorial Marker Program.

The policy will apply to fatalities occurring after January 1, 2005.

## General Administration (contd.)

The installation of a roadside memorial marker will be processed in accordance with the following:

Requests for a memorial marker shall be submitted in writing to the Traffic Operations Division of Engineering by filling out a Memorial Marker Request Form. The form will be available online from the City's website or by calling the City. Requests may be made by immediate family members or friends. Requests from friends require written approval from the deceased's immediate family.

Memorial markers will be designed, constructed and installed by the Clearwater Traffic Operations Division. The Traffic Operations Division will be responsible for designing the sign and ensuring proper and safe placement – the exact location will be at the discretion of the City.

Memorial markers will not be allowed within the limits of active construction work zones.

There shall be no activities while the memorial marker is in place that pose a safety hazard to the public or that violates any provision of Chapter 316 of the Florida Statutes concerning stopping, standing, parking, or obstruction of traffic on public roads.

Memorial Markers will only be installed in residential areas where fatalities occurred with the written permission of the resident whose property is abutting the residential right of way where the memorial is to be placed.

The requesting citizen will be notified once the installation is complete.

Memorial markers will be allowed to remain in place for one year after installation unless earlier removal is necessitated by construction activities. After one year the sign will be removed by City forces.

The memorial marker shall be a 15" diameter aluminum sign with a white background and black letters.

The sign message will state 'Drive Safely – In memory', and the family will have the option of adding the deceased's name to the sign.

As an option, the City can offer an alternate safety message to the 'Drive Safely' legend if desired by the family that would be specific to the type of crash, and as long as it will fit on the sign. Examples could be 'Don't Drink and Drive', 'Buckle Up', 'Slow Down', etc.

The sign will be mounted at a height of 3.5' (42") from the ground to the top of the sign.

## General Administration (contd.)

The applicant will incur the cost of design, construction, installation, maintenance, and removal of the memorial marker. This cost is \$300.00. Upon request the sign becomes the property of the applicant.

- K. **City Sponsored Events.** Events sponsored by the City, such as Volunteer Recognition, Advisory Board Appreciation, etc., shall be held within the City limits of Clearwater, unless the cost for a venue outside the City limits is at least 20% less.

L. **Courtney Campbell Parkway (State Road 60) Welcome Signage Program.**

Welcome signs are intended to greet visitors to Clearwater and share accomplishments of national or international significance (awards) or significant historical events that have been a part of the City of Clearwater.

Florida Department of Transportation (FDOT) has permitted two welcome signs to be installed by the City on FDOT right-of-way on the north side of Courtney Campbell Parkway (State Road 60): 1) a general welcome to City of Clearwater sign, and 2) a sign dedicated to recognizing a special award of national or international significance or a Clearwater historical event.

The installation of a welcome sign will be processed in accordance with the following:

- Requests for a welcome sign shall be submitted in writing to the Parks and Recreation Department by filling out a Courtney Campbell Parkway (State Road 60) Welcome Signage Program Application. The form is available online at [www.myclearwater.com](http://www.myclearwater.com), or by calling the Parks and Recreation Department.
- The award to be recognized by the welcome sign must be of national or international significance.
  - ▶ Accomplishment of national or international significance is an achievement or completion of an award granted to an organization or to the City in recognition of being the best in the entire nation or the best involving two or more countries that promote and enhance the image of Clearwater.
  - ▶ Significant Clearwater historical events are defined as events that are unique to Clearwater and add to the overall understanding of the City and its history.
- If approved, a welcome sign may be allowed for a period not to exceed two years.

## General Administration (contd.)

- Requests for a welcome sign may be made by a group or an individual, however written approval to use the event or award to be recognized must be secured from the governing body being represented. In cases where the request is for a group or organization no longer in existence but historically significant to the City no approval is necessary.
- Welcome signs, if approved, will be designed, constructed and installed by the Parks and Recreation Department. Requesting group is responsible to reimburse the City for all direct expenses (approximately \$1,000 - \$2,000).
- The City Council must approve all welcome sign application requests.
- The Courtney Campbell Parkway (State Road 60) Welcome Signage Program is dependent on continued permitted approvals given by FDOT. If for some reason FDOT does not approve permitting the welcome signs, this policy becomes void and any existing signage would be removed.

The Parks and Recreation Department is responsible for the coordination of the Courtney Campbell Parkway (State Road 60) Welcome Signage Program.

# CITY COUNCIL POLICY

## LAND DEVELOPMENT



- A. **Annexation Agreements.** The City Manager is authorized to approve routine annexation agreements involving one existing or proposed residences. Where a discrepancy exists regarding land use designations, right-of-way requirements, or any other circumstances, administrative approval is not authorized. A quarterly report of administrative approval is requested.
- B. **Subdivision Monuments.** New entranceway landscaping, monuments, signage, and walls shall not be allowed within the public rights-of-way of the City of Clearwater. Such special treatments are to be upon private property and in accordance with all applicable codes and regulations. The owners of all existing entranceway features occupying public property have the option to execute a Right of Way (ROW) Beautification Revocable License Agreement with the City of Clearwater wherein owners agree to keep all features in good repair, including signs, monuments, landscaping, irrigation systems, flag poles, etc. Upon failure of the owners to execute such agreement, or upon failure of the owners to repair or maintain any feature of the site which has fallen in disrepair after notice, the Parks and Recreation Department is to remove all such materials with the exception of trees and grass occupying the public right-of-way.
- A wooden sign with breakaway features approved by the City Engineer may be allowed within the public right-of-way when associated with a city approved "Adopt a (fill in name)" program, and is to be limited to a size necessary to name the sponsoring agency in 3-inch letters. Such sign to be a maximum height of 18-inches.
- C. **Petitions for Annexation.** Request to be made that all contiguous parcels under the same ownership be annexed simultaneously.
- D. **Landscaping of City Roads.** When landscaping is a necessary and integral part of a City road or street improvement/construction project the landscape material shall be selected and located based on ease and frequency of required maintenance. All such material shall be drought resistant.
- E. **Parks & Recreation Card to Annexing Property.** Resident Parks & Recreation cards may be obtained by petitioners for annexation upon acceptance of the application.

Land Development (Cont.)

F. **Waiver/reduction of liens.** In order to encourage (re) development of properties for enhancement of property values and living conditions in the City, the following factors will be considered for requests for waivers/reductions of lot clearing, nuisance abatement, and/or unsafe structures/demolition liens.

- ◆ Whether the violation has been brought into compliance regarding the violation cited.
- ◆ Whether extreme or undue hardship is shown regarding payment of the lien and/or regarding coming into compliance with code requirements during the required time.
- ◆ Whether there are existing code violations on other properties owned by the violator or prospective purchaser.
- ◆ Whether there is a development or redevelopment proposal regarding the property which would result in improvement or upgrade of the property.
- ◆ Whether, given such a development or redevelopment plan, it would be impractical to take the compliance action directed by the City Council.
- ◆ Whether payment would hinder a proposed sale of the property.
- ◆ Whether an appraisal of the property, submitted by the applicant, demonstrates to the City that the cost of the lien has been absorbed.
- ◆ The amount of a lien will not be reduced below the amount representing administrative costs incurred by the city regarding the case.

# CITY COUNCIL POLICY

## LEGAL



- A. **Case Reports.** The city attorney shall furnish to the city council a quarterly report of pending litigation, identifying each case, opposing counsel, the nature of the case, and the status of the case as of the date of the report. In addition, the city attorney shall keep the city council and city manager advised from time to time as to significant developments in each case.

# CITY COUNCIL POLICY

## LEISURE



- A. **Holiday Decorations.** Holiday decorations along the rights-of-way to be installed or paid for by the city will be limited to the Downtown Core, Memorial Causeway, South Gulfview to the southern point of Beach Walk, Mandalay south of Acacia and the business district on Sand Key.
- B. **Library Donor Naming Recognition.** The following guidelines govern donor recognition with regard to naming buildings, areas, rooms, collections, furnishings and equipment:
1. Library building names will have geographical or functional names only and will not be subject to availability for donor recognition. Clearwater Main Library and North Greenwood Branch meet the policy guidelines, but John Doe Main Library does not.
  2. Naming of library internal functional areas, rooms, and major collections is the prerogative of the City Council.
  3. Collections of materials, equipment or furnishings, which are accepted as gifts by the Library Director, and/or funded by individuals, corporations or foundations, may be recognized by a discrete engraved plaque mounted on or near the gift as appropriate, with the name of the donor displayed. For example "the John Doe collection of Illuminated Manuscripts" or "Computer Equipment for Research Provided and Maintained by the John Doe Corporation."
  3. All signs and plaques printed with names of donors will be of similar appearance and will be consistent with the architectural design and interior decoration of the building.
- C. **Amplification of Sound at City Venues.** The following guidelines govern the amplification of sound at City co-sponsored and private events held at City venues for musical and entertainment productions.
1. Amplification of sound and in particular music for an event must end at a specific time set by the City Manager or his designee. In general that time will be no later than 10:00 p.m. Sunday through Thursday and no later than 11:00 p.m. on Friday and Saturday, but on certain rare occasions permitted to be held longer.
  2. Amplification of sound including music will not exceed an average of 95 decibel or dB level measured at the house mix over a period of 30 seconds.
  3. Amplification of sound during the event will be measured by a City employee or City contractor by using a sound-level meter which is an instrument that includes a microphone, amplifier, RMS detector, integrator or time average, output or display meter and the weighting networks used to measure sound pressure levels.

## Leisure (Contd.)

4. The City employee or City contractor will measure the sound levels for every group performing at the event.
5. In the event a promoter or sponsor violates this policy the City employee or City contractor will require that the sound levels be adjusted to meet the standard. If after the first warning the volumes are not adjusted to meet the policy the City employee or City contractor will personally adjust the sound level to bring in compliance.
6. If a promoter or sponsor continues to violate this policy then they will not be allowed to have concerts at City venues.

**D. Ages 12 - 13 supervised use of City recreation fitness facilities.** The following guidelines govern the use of City recreation fitness facilities by users ages 12 and 13.

1. This section shall apply to the use of fitness facilities for individuals who have achieved the age of 12 or 13 on the day of, or prior to, the day such individual requests such use.
2. Use of the fitness area by such person is governed by this Council policy and is limited to instances where such person is actively, directly supervised by the individual's parent, legal guardian or a designated responsible adult, in a one on one setting. Any other use of City recreation facilities by 12 and 13 year olds is strictly prohibited.
3. A parent under this policy is defined as either biological parent or legal guardian.
4. A responsible adult under this policy is defined as a person who has achieved the age of 21 on the day of or prior to the date of the use and is designated by the parent or legal guardian on the "Parental Consent and Waiver/Release of Liability" form.
5. An acceptable level of supervision under this policy is considered to be achieved when the parent, legal guardian or designated responsible adult is not engaged in any other activity (i.e. working out or in conversation with another user) during the performance and attendance of the designated youth participant.
6. This level of supervision is designed to ensure proper focus and attention to achieve safety standards and requirements, including proper technique, appropriate equipment selection and use. Further, the required supervision is designed to protect other users of the facilities.
7. City staff will monitor for compliance of this policy.
8. Both the parent, legal guardian or designated responsible adult and individual child, must have valid access to the fitness facility by paying the

## Leisure (Contd.)

- appropriate daily fee, or by securing the proper membership that allows use of the area. In addition, the parent or legal guardian must agree to and sign the "Parental Consent and Waiver/Release of Liability" form and identify the responsible adult(s) who may supervise the child.
9. Staff, in its sole discretion, shall retain the right to eject any party not complying with this policy. In addition, failure to adhere to this policy shall result in immediate, permanent termination of the youth participant's fitness facility use rights.