

RESOLUTION NO. 23-15

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 Courts have ruled that said meetings are considered limited public forums for purposes of First Amendment analyses; and

WHEREAS, the purpose of City Council meetings is to conduct an orderly meeting, to receive input from citizens regarding matters on the agenda, and to vote on Council business; and

WHEREAS, it is vital for local governments in Florida to use their meeting times productively because Florida law requires all public meetings to be noticed in advance, and because Florida law generally prohibits two or more Councilmembers from meeting separately in private; and

WHEREAS, the City Council finds that any display of banners or signs by the audience during City Council meetings is distracting, and reduces the attention that belongs to the citizen or other speaker who has the floor; and

WHEREAS, individuals bringing those signs occasionally position themselves to ensure their chosen message remains on camera throughout the City's broadcast of the meeting, creating a misleading impression that the content of the sign is either endorsed by the government or endorsed by other citizens when they speak at the podium; and

WHEREAS, the City Council recognizes that commingling campaign activities with City Council meetings can intimidate City staff, who under Florida law must remain apolitical during working hours; and

WHEREAS, the City Council desires to promote an orderly meeting by separating the time for governance – for which the City Council meeting is designed – and the time for campaigning, which can occur at many other times and locations; and

WHEREAS, the City Council reserves time at each meeting for citizens to speak on matters unrelated to the agenda, as long as said comments relate to matters within which the City has the power to act, and as long as said comments do not disrupt the meeting or supersede discussion regarding items on the agenda; and

WHEREAS, name-calling and personal attacks against an identifiable individual tend to disrupt meetings by provoking a response from the person targeted by the abusive language; and

WHEREAS, any person who prefers to communicate via name-calling or personal attacks retains ample opportunities to do so – for example, by speaking or holding a sign displaying such messages outside the entrance to the library building in which the Council meeting is held; and

WHEREAS, the City Council finds that during Council meetings, the display of the middle finger or similar obscene gestures by a person who does not have the floor unfairly distracts attention from the person to whom the floor belongs at that moment; and

WHEREAS, the Mayor serves as the officer presiding over City Council meetings, pursuant to Section 2.05 of the Clearwater City Charter; and

WHEREAS, a citizen's plea for action should be directed either to the Mayor as the Chair of the meeting, or to the Council as a collegial body, because only the collegial body is authorized under Section 2.01(b) of the Clearwater City Charter to legislate; and

WHEREAS, other local government entities have implemented reasonable rules of decorum to facilitate an orderly meeting;

now therefore

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

Section 1. Rule 15, Rules of Conduct, be amended as follows:

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. The speaker shall not name any individual Councilmember(s) other than the Mayor, either verbally or when utilizing the overhead projector. However, individual Councilmembers may be named if the speaker is discussing, questioning, or responding to a specific comment previously made by that Councilmember, or in reference to a prior vote cast on a specific agenda item by the named Councilmember.

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 name-calling or personal attacks against an identifiable individual, or displaying any such material on the City's overhead projector; (4) extending the middle finger or making other obscene gestures while another person has the floor and is speaking; (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.

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

PASSED AND ADOPTED this _____ day of September, 2023.

Brian J. Aungst, Senior
Mayor

Approved as to form:

Attest:

David Margolis
City Attorney

Rosemarie Call
City Clerk

