

1 **RULE XII.**

2 **APPROVAL OF COMMISSION MINUTES**

3 The Clerk of the Commission shall submit minutes of meetings for approval as timely as
4 possible. Unless a reading of a Commission meeting is requested by a majority of the
5 Commission, such minutes may be approved without reading, if the Clerk of the Commission has
6 previously furnished each member with a copy thereof.

7
8

9 **RULE XIII.**

10 **PERSONS APPEARING BEFORE THE COMMISSION**

11 **I. Citizen Comment**

- 12 A. Citizen Comment is limited to issues not located on other portions of the printed
- 13 agenda.
- 14 B. Time Limits will be established by the Mayor based on the number of participants.
- 15 Maximum of five (5) minutes per participant.
- 16 C. Participants may be required to fill out a form at the meeting.

17 **II. General Speaking**

- 18 A. Any person desiring to address the Commission on any matter pending before it
- 19 shall first request recognition by the presiding officer. After being recognized, the
- 20 person (1) give his/her name in an audible tone of voice; (2) shall limit the
- 21 address to three or five minutes; and (3) address all remarks to the Commission
- 22 as a body and not to any member thereof; (4) shall address the motion being
- 23 considered.

1 B. No person other than a member of the Commission and the person having the
2 floor shall be permitted to enter into any discussion, either directly or through a
3 member of the Commission, without permission of the presiding officer. No
4 question shall be asked except through the presiding officer.

5 C. If any person in any way interferes with or interrupts the orderly procedure of the
6 Commission, or any Commissioner, or the person speaking who has been properly
7 recognized by the presiding officer, the persons shall forthwith be subject to
8 removal from the Commission room.

9 D. The Commission or the Chair may adopt a time limitation relating to opponents
10 and proponents speaking to any particular issue.

11 **III. Public Hearings**

12 A. Citizens wishing to speak on public hearing items may be required to fill out a
13 card and forward it to the Clerk of the Commission. Should more than ten (10)
14 speakers want to participate on any particular item, registration cards will be
15 strongly considered.

16 B. Citizens should follow all of the guidelines in Section II above, where appropriate.
17

18 **RULE XIV.**

19 **UNFINISHED BUSINESS**

20 The Clerk of the Commission shall have, at every regular meeting of the Commission, a list of
21 unfinished business in order of its introduction, which may be read at the request of the
22 Commissioner.
23

1 **RULE XV.**

2 **COMMUNICATIONS**

3 Each Commissioner shall be furnished a copy of all communications addressed to the
4 Commission by the Plan Board and appropriate city staff with the original and attachments filed
5 with the Clerk of the Commission. Also, copies of proposed ordinances and resolutions prepared
6 or approved by the City Attorney shall be furnished each Commissioner.

7

8

9 **RULE XVI.**

10 **ORDINANCES**

- 11 A. All ordinances shall be prepared, or approved as to form and legality, by the City
12 Attorney prior to being introduced at a City Commission meeting.
- 13 B. No ordinance shall be adopted on a second and final reading until notice as required by
14 law has been published.
- 15 C. All ordinances shall be signed by the presiding officer and attested by the Clerk of the
16 Commission.

17

18 **RULE XVII.**

19 **SERGEANT-AT-ARMS**

20 The City Manager or the City Manager's designee shall be sergeant-at-arms of the Commission
21 meetings. The City Manager shall carry out all orders and instructions given by the presiding
22 officer for the purpose of maintaining order and decorum at the Commission meeting and the
23 following policy will provide guidance in handling disruptions:

1 Procedure:

2 1. Individual refuses to relinquish the podium after being allowed to address the
3 Commission.

4 A. The Mayor will inform the individual that their time to address the Commission
5 has expired and the Mayor will direct the individual to leave the podium.

6 2. Individual causes disruption in the Commission meeting site.

7 A. The Mayor will inform the individual causing the disruption to cease disruptive
8 activity.

9

10 If the disruption fails to stop:

11 A. The Mayor will inform the individual causing the disruption that their actions are
12 contrary to the orderly running of the meeting and that the individual is to cease
13 such action or the Sergeant-at-Arms (City Manager/designee) will be instructed to
14 remove the individual from the meeting site.

15 B. The Mayor will revoke the individual's participation to attend the meeting and
16 direct that the individual leave the meeting site. The Mayor will inform the
17 individual that if the individual is directed to leave and fails to do so, the
18 individual will be subject to arrest for trespass.

19 Final Action: In substantially the following words: As the Mayor, I inform you
20 that your actions are inconsistent with the orderly function of this meeting and
21 fails to comply with the lawful order of the Chair. I am instructing the Sergeant-
22 at-Arms (City Manager/designee) to have you removed from this meeting site, and
23 if deemed necessary by the Sergeant-at-Arms, to remove you from this building.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

RULE XVIII.

REPORTS AND RESOLUTIONS

Most all reports and resolutions shall be filed with the Clerk of the Commission and made part of the minutes. Some lengthy and oversized documents may be stored at individual administrative areas.

RULE XIX.

DOCUMENTS FOR EXECUTION

All documents to be executed by the Mayor and Clerk of the Commission shall have first been submitted to the City Attorney's Office for approval as to form and legality before placing on the agenda and should be formatted for immediate signature after authorization of the execution.

RULE XX.

ROBERT'S RULES OF ORDER

Robert's Rules of Order, Newly Revised (Tenth Edition), so far as they are applicable and do not conflict with these Rules or the Ordinances or Charter of the City, shall guide the City Commission as needed.

1 **RULE XXI**

2 **QUASI-JUDICIAL ACTIONS**

3 **Part I. Request for Hearing**

4 **(A) Quasi-Judicial Hearings before the Commission**

5 The quasi-judicial hearings before the City Commission shall be either formal or informal
6 hearings. A formal quasi-judicial hearing is a hearing where applicants and affected parties have
7 the rights and responsibilities of a party as set forth in Sections (B) - (D) of the rules of formal
8 quasi-judicial procedure. An informal hearing is a hearing where the applicant and public may
9 present testimony for or against a proposal before the Board without the procedures of a formal
10 hearing.

11 **(B) Scope of Quasi-Judicial Proceedings**

12 A quasi-judicial proceeding, either formal or informal, shall occur as provided by law.

13 **(C) Selection of Hearing**

14 All persons entitled to actual written notice of a matter before the City Commission, that is quasi-
15 judicial may request a formal hearing before the City Commission by filing with the Clerk of the
16 Commission the written request before the close of business at least seven (7) days prior to the
17 City Commission meeting when the matter is scheduled to be heard. Persons who are not
18 entitled to actual written notice but believe they are an "affected party", as defined in this rule,
19 may request a formal hearing and determination of affected party status by filing with the Clerk
20 of the Commission the written request for a formal hearing and an application for affected party
21 status as provided in Part II of this rule, before the close of business at least seven (7) days prior
22 to the City Commission meeting when the matter is scheduled to be heard. Failure to timely file
23 such requests for a formal hearing shall set the matter for an informal quasi-judicial hearing.

1 **Part II. Formal Quasi-Judicial Hearings**

2 **(A) Order of Presentation; Time Limits**

3 (1) The order of presentation, with corresponding time limits for each presentation, are as
4 follows:

Order	Maximum Time Limit (minutes)
1) Introduction of the matter by staff	3
*2) Petitioner	20
*3) Staff presentation	10
*4) Affected Party (if any) for (per person)	10
*5) Affected Party against (if any) against (per person)	10
*6) Rebuttal (Petitioner/Staff)	5
7) Close of presentation by Petitioner, Staff and Affected Parties	
8) Public hearing (per person)	5
9) Deliberation and vote of the Commission	

18
19 (2) Cross examination is limited to ten (10) minutes per witness.

20 (3) The time limits set forth in Section (1) may be modified by the City Commission on its own
21 motion or upon request of a party to the proceedings. Said request shall detail the modified
22 time desired and the subjects to be discussed during the additional time. A request for a
23 modification of time should be considered by the City Commission to assure all parties
24 have an opportunity to participate without undue repetition and delay.

25 * **Witnesses may be presented during parts 2-6 of the presentation with cross-examination.**

26
27 **(B) Affected Party Defined; Determination**

28 (1) An affected party is any person who is entitled to actual written notice of a matter before
29 the Commission.

30 (2) An affected party who is not entitled to actual written notice but who believes that they
31 have a special interest or would suffer an injury distinct in kind and degree from that shared
32 by the public at large may request affected party status by filing an application, as provided

1 in Part I of this rule. The Commission will consider an application for affected party status
2 prior to the commencement of the hearing. The decision of the Commission shall be final.

3 **(C) Registration of Affected Parties**

4 In order to participate in the formal quasi-judicial hearing, all affected parties shall complete the
5 form prescribed by the Clerk of the Commission, stating their name and address and other pertinent
6 information, and whether they support or oppose the matter or matter before the City Commission.
7 The form shall be delivered to the City Commission's secretary at the commencement of the
8 hearing.

9 **(D) Representation of Parties**

10 Any party may be represented by an attorney. If an attorney represents a party or several parties,
11 the attorney shall complete the form prescribed by the City Commission and identify the person or
12 persons they represent and whether their client supports or opposes the matter before the City
13 Commission. The form shall be delivered to the Clerk of the Commission at the commencement of
14 the hearing proceeding.

15 **(E) The Hearing**

- 16 1) The introduction of the case shall be presented by the Clerk of the Commission and include
17 a brief description of the matter. This introduction shall not be considered evidence in the
18 proceeding, and the Clerk of the Commission presenting the introduction shall not be
19 subject to cross-examination by any party to the proceeding.
- 20 2) The City Commissioners shall disclose any ex parte communications that may have
21 occurred.
- 22 3) All parties may be collectively sworn by the Clerk of the Commission in the interest of
23 time.
- 24 4) The City Manager or designee shall present any staff, board or other report on the matter.
25 Evidence before the Commission shall include, but not be limited to, an analysis which

1 includes the consistency with the City's adopted codes, rules, policies or plans, as
2 applicable, and how the matter does or does not meet the requirements of the such codes,
3 rules, policies and plans and other applicable laws. Written reports and any other
4 documentary evidence shall become a part of the record. Evidence may be presented
5 through oral testimony of witnesses or documentary evidence or both.

6 5) The City Commission may call any witness it deems necessary to reach a complete and
7 informed decision.

8 6) The examination of witnesses shall be conducted under oath by direct examination on
9 matters which are relevant and material to the issue or issues before the City Commission.
10 After the conclusion of direct examination, the witness may be cross-examined by another
11 party, or a City Commissioner. All questions shall be directed through the Mayor and the
12 witness shall answer the question unless the Mayor deems the question to be irrelevant or
13 immaterial. Any commissioner or party may raise evidentiary objections. The inquiry
14 under cross-examination shall be limited to matters raised in the direct examination of the
15 witness. No re-direct shall be allowed unless requested by a party stating the desired area
16 of inquiry and that request is approved by the Mayor. If re-direct is allowed, it shall be
17 limited to questions of the witness on issues raised in the cross-examination. This
18 provision shall not limit a City Commissioner from questioning any person on matters
19 relevant to the matter or petition. The Mayor or any City Commissioner may seek advice
20 from the City Attorney on questions of evidence. During the presentation by the opponents
21 or proponents of an issue before the City Commission, no one may present testimony or
22 evidence which is unduly cumulative or repetitious of previously presented testimony or
23 evidence by a fellow opponent or proponent.

1 **(F) Public Hearing**

2 After the quasi-judicial hearing is completed, those members of the public who were not a party to
3 the quasi-judicial hearing may be permitted to speak up to five (5) minutes per person and present
4 their testimony and evidence to the City Commission. No party or witness shall be allowed to
5 speak during the public hearing portion of the proceedings.

6 **(G) Continuances**

7 The City Commission may, in its discretion, at any time during the hearing, continue the hearing,
8 and may request further information from any party.

9

10 **(H) City Commission Deliberation**

11 The City Commission shall then further deliberate a motion, if necessary, and reach a decision by
12 voting on the motion. In reaching its decision the City Commission may only consider evidence
13 presented at the hearing and base its decision on the competent, substantial evidence of record.

14 **(I) City Commission Oral Order**

15 The City Commission shall orally issue an order.

16 **(J) City Commission Written Order**

17 The order shall be reduced to writing and shall state whether the petition is granted or denied or
18 granted with conditions. The order shall also specify any conditions, requirements or limitations on
19 the approval of the matter. The written order shall be presented to the City Commission for
20 approval at a special meeting or at the next regular meeting of the City Commission. The Mayor
21 and the Clerk of the City Commission shall execute the order. Executed copies of the order shall be
22 hand delivered or mailed to the parties.

23

1 **Part III. Informal Quasi-Judicial Hearings**

2 **(A) Informal Quasi-Judicial Hearing Procedure**

- 3 1) If no person files a timely request for a formal quasi-judicial hearing, the matter shall be set
4 for an informal quasi-judicial hearing.
- 5 2) An informal hearing shall be presented to the City Commission in the following order:
- 6 a) Staff presentation
 - 7 b) Petitioner or Applicant
 - 8 c) Public hearing
 - 9 d) Deliberation and vote of the City Commission
- 10 3) Cross-examination of the witnesses is not permitted and deemed waived by all persons_or
11 parties. This provision does not prohibit a City Commission member from questioning any
12 person relevant to the matter.
- 13 4) The City Manager or designee shall present any staff, board or other report on the matter.
14 Evidence before the Commission shall include, but not be limited to, an analysis which
15 includes the consistency with the City's adopted codes, rules, policies or plans, as
16 applicable, and how the matter or Petition does or does not meet the requirements of such
17 codes, rules, policies, plans and other applicable laws; written reports and any other
18 documentary evidence shall become a part of the record. Evidence may be presented
19 through oral testimony of witnesses or documentary evidence or both.
- 20 5) Any person may speak for or against the matter if they complete a registration card at the
21 meeting as provided by the Clerk of the Commission. The Mayor may limit the time of any
22 portion of an informal hearing to avoid unnecessary repetition and delay.
- 23 6) After the public hearing portion, the City Commission shall deliberate and vote, which shall
24 constitute the oral order.
- 25

1 **Part IV. Ex Parte Communications**

2 1) General

3 Ex parte communications are prohibited in connection with any quasi-judicial hearing under Florida
4 case law.

5 2) Procedures when an ex parte communication is received.

6 Should an ex parte communication be received by an individual commissioner the following shall
7 take place:

8 A. Written Communications - If a Commissioner receives a written "ex parte" communication
9 relating to a matter coming before the Commission, the member should transmit the item to
10 the Clerk of the Commission for inclusion in the official records. These communications
11 shall be forwarded to the parties as soon as practicable before the hearing.

12 B. Oral Communications - As soon as it becomes apparent that an inadvertent oral
13 communication pertains to a matter coming before the Commission, the Commissioner
14 should explain to the person that the communications is improper and that he or she is
15 required to end the communication on that subject. At the time the item comes up for
16 discussion at the Commission meeting, the Commissioner should report any attempted "ex
17 parte" communication.

18 3) Party inquiry

19 Any party may ask questions to a Commissioner about any ex parte communications directed
20 through the Mayor.

21
22 **RULE XXII.**

23 **WAIVER OF THESE RULES**

24 These rules may be waived by a 2/3rds vote of the members of present.

1 **SECTION 2.**

2 All resolutions in conflict herewith are repealed. This resolution shall become effective
3 immediately upon adoption and will remain in effect until amended or repealed.

4
5

6

7

8

9

10 Dated this ____ day of **October**, 2005.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

MAYOR
Pegeen Hanrahan

ATTEST:

Approved as to form and
legality:

Clerk Of The Commission
Kurt M. Lannon

By _____
Marion J. Radson, City Attorney
City of Gainesville, Florida