

**RESOLUTION NO. 080043**

**Adopted: June 9, 2008**

**A RESOLUTION ADOPTING THE CITY  
COMMISSION RULES OF THE CITY OF  
GAINESVILLE, FLORIDA; PROVIDING A  
REPEALING CLAUSE AND PROVIDING AN  
EFFECTIVE DATE.**

WHEREAS, under the provisions of Section 2.06 Gainesville Charter, the City Commission may determine its own rules of procedure, as well as provide for the time and place of regular meetings of the City Commission, and the Commission has decided upon a new set of rules to govern its procedure and to set the time and place of meeting.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF  
THE CITY OF GAINESVILLE:**

**SECTION 1.**

The following are hereby adopted as rules of procedure and to provide for the time and place of meetings of the Commission until other such rules are established by the City Commission:

**RULE I.**

**REGULAR MEETINGS**

The Regular Meetings of the Commission shall be held the first and third Thursday of every month commencing at 1:00 p.m. on August 21, 2008, except when meeting as the Board of Trustees of the Employees' Pension Plan which will precede the regular City Commission meeting which will occur after adjournment of the Board meetings. If a meeting day shall fall on a legal holiday observed by the City, such meeting will not be held on the holiday but shall be Rescheduled as determined by the Commission.

1  
2

3 **RULE II.**

4 **SPECIAL AND EMERGENCY MEETINGS**

5 A. Special Meetings should, whenever possible, be approved at Regular City  
6 Commission Meetings. All Special Meetings should be requested using a form designed by  
7 the Clerk of the Commission. Special Meetings requested by Charter Officers must report the  
8 business to be transacted and indicate the time and date the agenda language and back-up will  
9 be available (no later than 48 hours prior to the meeting, if possible).

10 B. Special meetings may be held at any time upon the request of the Mayor, either  
11 of his/her own motion or upon written request of two members. These Special Meetings  
12 should be requested using a form designed by the Clerk of the Commission. The request shall  
13 be served on every member of the Commission by the Clerk of the Commission. Every  
14 reasonable measure will be taken to notify members of the Commission regardless of where  
15 each member may be. Also, every reasonable effort will be made to notify members of the  
16 local news media (print and electronic) and the public. The notice may state the business to be  
17 transacted at such meeting, and no other business than that so specified shall be transacted.  
18 Special meetings may not be convened sooner than forty-eight (48) hours succeeding the time  
19 notice was served by the Clerk of the Commission on the last Member of the Commission.  
20 Charter Officers should identify the subject matter for the special meeting and should only  
21 address the same subject on the actual agenda.

22 C. Emergency meetings may be held at any time upon the Call issued by the Mayor  
23 or upon written Call signed by three (3) members of the Commission. The emergency meeting  
24 shall occur no sooner than two (2) hours after the execution of the Call. Every reasonable

1 measure will be taken to notify members of the local news media (print and electronic) and  
2 the public. The Call will state the business to be transacted at such meeting, and no other  
3 business than that so specified shall be transacted.

4 D. The Commission at any meeting may recess or adjourn to a time certain for the  
5 transaction of any business or specified business only, as may be determined by the  
6 Commission in taking such action.

7 E. All meetings of the City Commission shall be open to the public (except as  
8 authorized by law).

9 F. The Mayor, two City Commissioners, or a Charter Officer may call for an  
10 inspection trip. Advance notice of inspection trips shall be given in the same manner as  
11 special meetings. Minutes of the inspection trip shall be made. Two Members may constitute a  
12 meeting for the purposes of the Sunshine Law, and no action may be taken at these meetings.

13 G. City Commission workshops/informal meetings may be held at any time upon the  
14 written request of the Mayor or upon the written request of two members, or at the direction of  
15 the City Commission. Workshops/informal meetings can take place in any location as long as it  
16 meets the requirements of the Sunshine Law. Each workshop/informal meeting shall be properly  
17 noticed to the public. A workshop/informal meeting should be requested using a form  
18 designed by the Clerk of the Commission, and attaching the written request for the  
19 workshop/informal meeting, if applicable. The request shall be served on every member of  
20 the Commission by the Clerk of the Commission. Every reasonable measure will be taken to  
21 notify members of the Commission regardless of where each member may be. Also every  
22 reasonable effort will be made to notify members of the local news media (print and  
23 electronic) and the public. The notice may state the subject matter to be discussed at such  
24 meeting, although any subject matter may be discussed, except for pending matters where

1 notice to affected parties is required, such as pending planning petitions and pending quasi-  
2 judicial matters. No policy or other action shall be taken at these meetings.  
3 Workshops/informal meetings may not be convened sooner than forty-eight (48) hours  
4 succeeding the time notice was served by the Clerk of the Commission on the last Member of  
5 the Commission.

6 The Mayor and City Commissioners are expected to attend all scheduled  
7 workshops/informal meetings, although the Mayor and one (1) Commissioner or two (2)  
8 Commissioners will constitute a meeting for the purposes of the Sunshine Law.

9

10

### **AGENDA**

11 The Clerk of the Commission shall prepare an agenda for each regular meeting of the  
12 Commission. All requests to address the Commission on subjects not then under discussion  
13 by the Commission, together with a notice of items to be presented at the Commission at the  
14 next regular meeting by any Committee, Board, or Administrative Official, shall be delivered  
15 to the Clerk of the Commission on or before 11:00 A.M. on the Tuesday of the week prior to  
16 each Regular Meeting. The Clerk of the Commission shall arrange a list of such matters  
17 according to the order of business, and furnish each Commissioner and Charter Officer with a  
18 copy as far in advance of the meeting as time for preparation will permit. The Clerk of the  
19 Commission will prepare copies of the agenda for the news media and the public.

### **RULE IV.**

20

### **QUORUM**

21  
22 Four (4) members of the Commission shall constitute a quorum for the transaction of business,  
23 but a smaller number may adjourn the meeting.

1 **RULE V.**

2 **PRESIDING OFFICER - ELECTION AND DUTIES**

3 A. The Mayor shall be the presiding officer and Chair of the Commission. At the  
4 meeting held on the Thursday following the first (1st) Tuesday in May unless there is a  
5 runoff election in which event, the Thursday following the third (3rd) Tuesday in May, the  
6 Commission shall elect one of its members as Chair Pro tempore.

7 B. The Mayor, or in his/her absence the Chair Pro tempore, shall take the chair at  
8 the hour affixed for the meeting and call the members of the Commission to order. The  
9 presiding officer shall preserve order and decorum at all meetings of the Commission.

10 He/she shall sign all ordinances or resolutions adopted by the Commission. The Mayor shall  
11 designate the seating arrangement at meetings of the Commission.

12 C. In the absence of the Mayor and the Chair Pro tempore, the Clerk of the  
13 Commission shall call the Commission to order; whereupon a temporary Chair shall be  
14 elected by the members of the Commission present. Upon arrival of the Mayor or Chair Pro  
15 tempore, the temporary Chair shall relinquish the chair upon the completion of the business  
16 immediately before the Commission.

17 D. In the absence of the Chair Pro tempore, the Mayor shall designate a member  
18 of the Commission as a temporary Chair Pro tempore. Upon arrival of the Chair Pro tempore,  
19 the temporary Chair Pro tempore shall relinquish the designation.

20 **RULE VI.**

21 **COMMITTEES - APPOINTMENT - PROCEDURE - REFERRALS**

22 A. The following standing committees, consisting of at least two Commissioners each,  
23 shall be appointed by the Mayor, with the concurrence of the City Commission at the  
24 organizational meeting of the Commission or as soon thereafter as may be heard:

1                   Audit, Finance and Legislative;  
2                   Community Development Committee  
3                   Economic Development/University Community  
4                   Equal Opportunity Committee  
5                   Personnel and Organizational Structure;  
6                   Public Safety;  
7                   Recreation, Cultural Affairs and Public Works; and  
8                   Regional Utilities.

9           The first named member of each Committee shall be the Chair of the Committee. The  
10           personnel of the foregoing Committees, including change in the chairship thereof, may be  
11           affected at any time at the pleasure of the Mayor with the concurrence of a majority of the  
12           Commission.

13        B.     The Mayor may appoint such Special Committees as he/she may deem necessary  
14           or as authorized by the Commission.

15        C.     Standing and Special Committees shall consider matters referred to such Committees  
16           by the Commission, or if not so referred, if the subject is germane to the purposes for which the  
17           Committee exists, the fact that the Committee has such other matters or matters under  
18           consideration shall be promptly reported to the Commission at its next meeting in order that  
19           the Commission be generally aware of the matters under consideration by each of several  
20           Committees.

21        D.     Each Committee shall call upon, advise with, and seek the recommendation of the  
22           administrative staff and shall keep the appropriate staff personnel of the City advised of the  
23           matters under consideration by the Committee.

24        E.     Committees shall meet in a public building within the City limits at the Call of the

1 Chair at such time and place as is convenient to the members of the Committee and others  
2 involved in matters to be considered by the Committee.

3 F. All meetings of the Committees shall be opened to the public.

4 G. All Committees shall meet at least quarterly.

5 H. All referrals should be completed in six months unless otherwise directed.

6 I. All referrals not completed in six (6) months must seek re-authorization prior to the  
7 six month due date.

8 J. All Standing Committee Agendas should include the list of all outstanding referrals  
9 with due dates listed.

10 K. All Standing Committee Liaisons should update the referral list with intermediate  
11 updates.

12 L. The Clerk of the Commission shall include the City Commission referral list on a City  
13 Commission Agenda two times a year.

14 M. All Charter Officer referrals shall be for six months unless otherwise directed.

15 N. All Charter Officer referrals not completed in six months must seek re-authorization  
16 prior to the six months due date.

17 **RULE VII.**

18 **ADVISORY BOARDS AND COMMITTEES**

19 Residents appointed to advisory boards and committees of the City shall generally serve a  
20 maximum of two (2) terms. When filling a vacancy for an unexpired term, an appointee who  
21 serves more than half a term in office is considered to have served a full term. The  
22 Commission may make exceptions to the above general policy on a case-by-case basis when  
23 necessary to preserve the stability of a board or committee, to retain a particular appointee

1 because of his/her special knowledge or expertise, or for such other circumstances as the  
2 Commission deems warranted.

3 For the purpose of balloting the following policy will apply:

4 1. Openings for vacancies on Advisory Boards and Committees previously filled by  
5 persons serving two consecutive terms, will not be included on the election ballot packet after  
6 the first advertisement.

7 2. If after a second advertisement there are no new applicants, the Clerk will  
8 include for consideration those persons who have already served two terms on that particular  
9 board/committee.

10 3. Board members who have served two (2) terms, but have not been replaced or  
11 reappointed remain on the board/committee until new members are appointed.

12 4. All Board and Committee Referrals not completed in six months must seek re-  
13 authorization prior to the six month due date.

14 5. All Board and Committee Agendas should include a list of all outstanding  
15 referrals with due dates listed.

16 6. All Board and Committee Liaisons should update the referrals with  
17 intermediate updates.

18

19 **RULE VIII.**

20

**ORDER OF BUSINESS**

21 The Business of the Commission shall be taken up for consideration and disposition in the  
22 following order except as changed by the Mayor or by the Commission during the Adoption  
23 of the Agenda to allow greater citizen participation:



1 **1:00 P.M.**

2 A. Invocation

3 B. Adoption of the Consent Agenda (Including Committee Reports)

4 C. Adoption of the Agenda (Read if any, each item added or modified)

5 D. City Commission Comment (If time available)

6 E. Charter Officer Updates

7 F. Clerk of the Commission

8 G. City Manager

9 H. General Manager for Utilities

10 I. City Attorney

11 J. City Auditor

12 K. Equal Opportunity Director

13 L. Committee Reports (Pulled from Consent)

14 M. Advisory Board/Committees (Appointments/Waivers/Reports) Committee Reports

15 must be placed on the agenda by Charter Officer, through staff liaison after approval

16 by Board/Committee.

17 N. Outside Agencies Must be submitted by a Charter Officer. Update limited to ten (10)

18 minutes.

19 O. Members of the City Commission

20

21 P. Commission Comments (if time available)

22

23 **5:30 p.m.**

24

25 Q. Pledge of Allegiance

26 R. Proclamations/Special Recognitions Placed on Agenda by Commissioner or Charter

27 Officer

1 **6:00 p.m.**

2 S. Citizen Comment

3 T. Public Hearings

4 1. General Public Hearings

5 2. Ordinances

6 3. Resolutions

7 4. Plan Board Petitions

8 5. Development Review Board

9 U. Scheduled, Evening Agenda Items

10 V. Unfinished Business

11 W. Commission Comments

12 X. Citizen Comments (If Time Permits)

13 Adjournment no later than 11:00 p.m. Mayor to schedule date and time to continue meeting.

14

15

16 **RULE IX.**

17

**VOTING**

18 The Yeas and Nays on any question before the Commission shall be taken at the Call of any

19 Commissioner. Each member of the Commission will vote first every sixth time only, with

20 the Mayor (Chair) always voting last. Commissioners will vote "yea" for support of a

21 motion and vote "no" when voting not to support a motion. Except in a Roll Call, silence by

22 a member shall be recorded as an affirmative vote.

23

1 **RULE X.**

2 **PROCEDURES**

3 A. The presiding officer shall decide all questions regarding the priority of business  
4 without debate.

5 B. All ordinances and resolutions shall be introduced in writing.

6 C. All motions or amendments thereto shall be reduced to writing if the presiding  
7 officer or a member desires.

8 D. Every petition, communication, or other paper addressed to the Commission or  
9 presented in writing to the Commission at any meeting shall be retained (or a copy  
10 thereof) by the Clerk of the City Commission with appropriate reference made in the  
11 minutes if presented at a Commission meeting together with the identification of the  
12 sender or writer.

13 E. No motion shall be debated or put to a vote unless seconded. No member of the  
14 Commission may reserve the priority to make a motion.

15 F. If a motion is made to vote immediately (or move the previous question), it shall be  
16 put in this form: "I move that we vote immediately"; or "I move the previous  
17 question(s)."

18 This motion can apply to any immediately (or series of) pending debatable or amendable  
19 motion(s). Further, any motion to vote immediately: (1) must be seconded; (2) is not  
20 debatable; (3) cannot interrupt a speaker; (4) requires a two-thirds vote (because it prevents  
21 or cuts off debate); (5) takes precedence over all subsidiary motions except one postponed  
22 temporarily; and (6) can have no motion applied to it except withdraw.

23 G. The tape recordings made by the Clerk of the City Commission meetings are for  
24 exclusive benefit and use of the Clerk in making and keeping minutes and records of

1 the Commission. In order that there be no possibility of altering, damaging, losing or  
2 tampering with such tapes and matters contained thereon, the tape recordings of the  
3 Commission meetings shall be used only by the Clerk. A copy of such tape  
4 recordings may be made by the Clerk and then by him/her made available to the  
5 press and public.

6  
7 **RULE XI.**

8 **RULES OF DEBATE**

9 The presiding officer may move, second and debate, subject only to such limitations of  
10 debate as are enforced by these rules on all members, and shall not be deprived of any of the  
11 rights and privileges as commissioners by reason of his/her action as presiding officer. If the  
12 presiding officer desires to make a motion or second a motion, the officer shall relinquish  
13 the chair to a member as the officer shall designate until he/she has finished his/her debate  
14 on said question or matter. Every member desiring to speak shall address the chair and,  
15 upon recognition by the presiding officer, shall be confined to the question under debate,  
16 avoiding all personalities and indecorous language. A member, once recognized, shall not be  
17 interrupted when speaking unless it be to call said member to order, then the member shall  
18 cease speaking until the question or order is determined by the presiding officer without  
19 debate and, if in order, said member shall be at liberty to proceed. After the decision of any  
20 question, it shall be in order for a member voting on the prevailing side to move a  
21 reconsideration at the same meeting or at the next succeeding regular meeting, but not  
22 thereafter without unanimous consent. It shall likewise be in order for a member voting on  
23 the prevailing side to move reconsideration at a special meeting occurring between the time  
24 of original consideration and the next succeeding regular meeting. In the case of a tie vote

1 on any question, any member may move for a reconsideration at the time or times herein  
2 stated for reconsideration on motion by one voting on the prevailing side. If a motion to  
3 reconsider be lost, it shall not be renewed without the unanimous consent of the Commission;  
4 and no decision shall be a second time reconsidered without a like leave. A Commissioner  
5 may request, through the presiding officer, the privilege of having his/her written statement  
6 on any subject under the consideration by and presented to the Commission entered in the  
7 minutes. If the Commission consents thereto, such statement shall be entered in the minutes.  
8 The following Statement will be required on all City Commission Agendas: "Citizens are  
9 encouraged to participate in City of Gainesville meetings. In general, speakers will be  
10 limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor  
11 or by the City Commission as directed. The City of Gainesville encourages civility in  
12 public discourse and requests that speakers limit their comments to specific motions and  
13 direct their comments to the Chair. Signs or Props are not permitted in the meeting room.  
14 Citizens are encouraged to provide comments in writing to the Clerk of the Commission  
15 before meetings and/or during meetings for inclusion into the public record. Citizens may  
16 also provide input to individual commissioners via office visits, phone calls, letters and e-  
17 mail, that will become public record. (In some instances, i.e. Quasi-Judicial Hearings, these  
18 particular contacts may be prohibited.)"

19 **RULE XII.**

20 **APPROVAL OF COMMISSION MINUTES**

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

1 **RULE XIII.**

2 **PERSONS APPEARING BEFORE THE COMMISSION**

3 **I. Citizen Comment**

4 A. Citizen Comment is limited to issues not located on other portions of the  
5 printed agenda.

6 B. Time Limits will be established by the Mayor based on the number of  
7 participants. Maximum of five (5) minutes per participant.

8 C. Participants may be required to fill out a form at the meeting.

9 **II. Generally Speaking**

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

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

19 C. If any person in any way interferes with or interrupts the orderly procedure of  
20 the Commission, or any Commissioner, or the person speaking who has been properly  
21 recognized by the presiding officer, the person shall be subject to removal from the  
22 Commission room.

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

3 **III. Public Hearings**

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

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

9 **IV. Decorum**

10 Order must be preserved. No food, drink, props, signs, posters, or other material that would  
11 otherwise disrupt, delay, or interrupt the proceedings of the Commission are allowed in the  
12 meeting room. Outbursts of approval or disapproval, jeers or heckling are not permitted and  
13 are not acceptable. In the event of a disturbance or violation of this rule, the violator may,  
14 after warning, be ordered removed from the room as provided in Rule XVII Rules of the  
15 Commission, City of Gainesville.

16 **RULE XIV.**

17 **UNFINISHED BUSINESS**

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

21  
22 **RULE XV.**

23 **COMMUNICATIONS**

24 Each Commissioner shall be furnished a copy of all communications addressed to the

1 Commission by the Plan Board and appropriate city staff with the original and attachments  
2 filed with the Clerk of the Commission. Also, copies of proposed ordinances and resolutions  
3 prepared or approved by the City Attorney shall be furnished each Commissioner.

4

5 **RULE XVI.**

6

**ORDINANCES**

7 A. All ordinances shall be prepared, or approved as to form and legality, by the  
8 City Attorney prior to being introduced at a City Commission meeting.

9 B. No ordinance shall be adopted on a second and final reading until notice as  
10 required by law has been published.

11 C. All ordinances shall be signed by the presiding officer and attested by the  
12 Clerk of the Commission.

13

14 **RULE XVII.**

15

**SERGEANT-AT-ARMS**

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

20 Procedure:

21 1. Individual refuses to relinquish the podium after being allowed to address the  
22 Commission.

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



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

2 A. The Mayor will inform the individual causing the disruption to cease disruptive  
3 activity. If the disruption fails to stop:

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

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

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

17

18 **RULE XVIII.**

19 **REPORTS AND RESOLUTIONS**

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

23

1 **RULE XIX.**

2 **DOCUMENTS FOR EXECUTION**

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

7 **RULE XX.**

8 **ROBERT'S RULES OF ORDER**

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

12

13 **RULE XXI**

14 **QUASI-JUDICIAL ACTIONS**

15 **Part I. Request for Hearing**

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

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

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

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

1 (C) **Selection of Hearing**

2 All persons entitled to actual written notice of a matter before the City Commission,  
3 that is quasi-judicial may request a formal hearing before the City Commission by  
4 filing with the Clerk of the Commission the written request before the close of  
5 business at least seven (7) days prior to the City Commission meeting when the matter  
6 is scheduled to be heard. Persons who are not entitled to actual written notice but  
7 believe they are an "affected party", as defined in this rule, may request a formal  
8 hearing and determination of affected party status by filing with the Clerk of the  
9 Commission the written request for a formal hearing and an application for affected  
10 party status as provided in Part II of this rule, before the close of business at least  
11 seven (7) days prior to the City Commission meeting when the matter is scheduled to  
12 be heard. Failure to timely file such requests for a formal hearing shall set the matter  
13 for an informal\_quasi-judicial hearing.

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

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

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

18	Order	Maximum Time Limit (minutes)
19	1) Introduction of the matter by staff	3
20	*2) Petitioner	20
21	*3) Staff presentation	10
22	*4) Affected Party (if any) for	
23	(per person)	10
24	*5) Affected Party against (if any) against	
25	(per person)	10
26	*6) Rebuttal (Petitioner/Staff)	5
27	7) Close of presentation by Petitioner, Staff and Affected Parties	
28	8) Public hearing (per person)	5
29	9) Deliberation and vote of the Commission	
30		

- 1 (2) Cross examination is limited to ten (10) minutes per witness.
- 2 (3) The time limits set forth in Section (1) may be modified by the City Commission
- 3 on its own motion or upon request of a party to the proceedings. Said request
- 4 shall detail the modified time desired and the subjects to be discussed during the
- 5 additional time. A request for a modification of time should be considered by the
- 6 City Commission to assure all parties have an opportunity to participate without
- 7 undue repetition and delay.

8 \* **Witnesses may be presented during parts 2-6 of the presentation with cross-**

9 **examination.**

10

11 **(B) Affected Party Defined; Determination**

12 (1) An affected party is any person who is entitled to actual written notice of a matter

13 before the Commission.

14 (2) An affected party who is not entitled to actual written notice but who believes that

15 they have a special interest or would suffer an injury distinct in kind and degree

16 from that shared by the public at large may request affected party status by filing

17 an application, as provided in Part I of this rule. The Commission will consider

18 an application for affected party status prior to the commencement of the hearing.

19 The decision of the Commission shall be final.

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

21 In order to participate in the formal quasi-judicial hearing, all affected parties shall

22 complete the form prescribed by the Clerk of the Commission, stating their name and

23 address and other pertinent information, and whether they support or oppose the matter or

24 matter before the City Commission. The form shall be delivered to the City

25 Commission's secretary at the commencement of the hearing.

1 **(D) Representation of Parties**

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

7 **(E) The Hearing**

8 1) The introduction of the case shall be presented by the Clerk of the Commission  
9 and include a brief description of the matter. This introduction shall not be  
10 considered evidence in the proceeding, and the Clerk of the Commission  
11 presenting the introduction shall not be subject to cross-examination by any party  
12 to the proceeding.

13 2) The City Commissioners shall disclose any ex parte communications that  
14 may have occurred.

15 3) All parties may be collectively sworn by the Clerk of the Commission in  
16 the interest of time.

17 4) The City Manager or designee shall present any staff, board or other  
18 report on the matter. Evidence before the Commission shall include, but not be  
19 limited to, an analysis which includes the consistency with the City's adopted  
20 codes, rules, policies or plans, as applicable, and how the matter does or does not  
21 meet the requirements of such codes, rules, policies and plans and other  
22 applicable laws. Written reports and any other documentary evidence shall  
23 become a part of the record. Evidence may be presented through oral testimony  
24 of witnesses or documentary evidence or both.

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

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

21 **(F) Public Hearing**

22 After the quasi-judicial hearing is completed, those members of the public who were not  
23 a party to the quasi-judicial hearing may be permitted to speak up to five (5) minutes per  
24 person and present their testimony and evidence to the City Commission. No party or

1 witness shall be allowed to speak during the public hearing portion of the proceedings.

2 **(G) Continuances**

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

5 **(H) City Commission Deliberation**

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

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

11 The City Commission shall orally issue an order.

12

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

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

21

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

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

24 1) If no person files a timely request for a formal quasi-judicial hearing, the matter

1 shall be set for an informal quasi-judicial hearing.

2 2) An informal hearing shall be presented to the City Commission in the following  
3 order:

4 a) Staff presentation

5 b) Petitioner or Applicant

6 c) Public hearing

7 d) Deliberation and vote of the City Commission

8 3) Cross-examination of the witnesses is not permitted and deemed waived  
9 by all persons\_or parties. This provision does not prohibit a City Commission  
10 member from questioning any person relevant to the matter.

11 4) The City Manager or designee shall present any staff, board or other  
12 report on the matter. Evidence before the Commission shall include, but not be  
13 limited to, an analysis which includes the consistency with the City's adopted  
14 codes, rules, policies or plans, as applicable, and how the matter or Petition does  
15 or does not meet the requirements of such codes, rules, policies, plans and other  
16 applicable laws; written reports and any other documentary evidence shall  
17 become a part of the record. Evidence may be presented through oral testimony  
18 of witnesses or documentary evidence or both.

19 5) Any person may speak for or against the matter if they complete a  
20 registration card at the meeting as provided by the Clerk of the Commission. The  
21 Mayor may limit the time of any portion of an informal hearing to avoid  
22 unnecessary repetition and delay.

23 6) After the public hearing portion, the City Commission shall deliberate and  
24 vote, which shall constitute the oral order.



1 **Part IV. Ex Parte Communications**

2 1) General

3 Ex parte communications are prohibited in connection with any quasi-judicial hearing  
4 under Florida 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  
7 following shall take place:

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

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

19 3) Party inquiry

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

1 **RULE XXII.**

2 **WAIVER OF THESE RULES**

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

4 **SECTION 2.**

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

7

8 Dated this \_\_\_\_\_ day of June 2008.

9

10

11

12

13

14

\_\_\_\_\_  
MAYOR  
Pegeen Hanrahan

15

ATTEST:

Approved as to form and  
legality:

16

17

18

19

\_\_\_\_\_  
Clerk of the Commission  
Kurt M. Lannon

By \_\_\_\_\_  
Marion J. Radson, City Attorney  
City of Gainesville, Florida

20

21