

1 **RESOLUTION NO. __021202__**

2 **Adopted __MAY 12, 2003__**

3
4 **A RESOLUTION ADOPTING THE CITY**
5 **COMMISSION RULES OF THE CITY OF**
6 **GAINESVILLE, FLORIDA; PROVIDING A**
7 **REPEALING CLAUSE AND PROVIDING AN**
8 **EFFECTIVE DATE.**
9

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

14
15 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY**
16 **OF GAINESVILLE:**

17 **SECTION 1.**

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

20
21 **RULE I.**

22 **REGULAR MEETINGS**

23 The Regular Meetings of the Commission shall be held the second and fourth Monday of every
24 month commencing at 1:00 p.m., except when meeting as the Board of Trustees of the Employees'
25 Pension Plan which will precede the regular City Commission meeting which will occur after
26 adjournment of the Board meetings. If a meeting day shall fall on a legal holiday observed by the

1 City, such meeting will not be held on the holiday but shall be rescheduled as determined by the
2 Commission.

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4 **RULE II.**

5 **SPECIAL AND EMERGENCY MEETINGS**

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

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

1 Commission. Charter Officers should identify the subject matter for the special
2 meeting and should only address the same subject on the actual agenda.

3 C. Emergency meetings may be held at any time upon the Call issued by the Mayor or
4 upon written Call signed by three (3) members of the Commission. The emergency
5 meeting shall occur no sooner than two (2) hours after the execution of the Call.
6 Every reasonable measure will be taken to notify members of the local news media
7 (print and electronic) and the public. The Call will state the business to be
8 transacted at such meeting, and no other business than that so specified shall be
9 transacted.

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

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

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

20 G. City Commission Workshops/Informal Meetings can take place in any location as
21 long as it meets the requirements of the Sunshine Law. Each workshop shall be
22 properly noticed to the public and any topic may be discussed although no final
23 policy actions shall be taken at these meetings. For all policy issues requiring

1 consideration, workshops may be scheduled. The City Commission is expected to
2 attend all scheduled workshops, although the Mayor and one (1) Commissioner or
3 two (2) Commissioners may constitute a meeting for the purposes of the Sunshine
4 Law.

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6 **RULE III.**

7 **AGENDA**

8 The Clerk of the Commission shall prepare an agenda for each regular meeting of the Commission.

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

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18 **RULE IV.**

19 **QUORUM**

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

1 **RULE V.**

PRESIDING OFFICER - ELECTION AND DUTIES

- 2 A. The Mayor shall be the presiding officer and Chair of the Commission. At the
3 meeting held on the Thursday following the first (1st) Tuesday in May unless there
4 is a runoff election in which event, the Thursday following the third (3rd) Tuesday
5 in May, the Commission shall elect one of its members as Chair Pro tempore.
- 6 B. The Mayor, or in his/her absence the Chair Pro tempore, shall take the chair at the
7 hour affixed for the meeting and call the members of the Commission to order. The
8 presiding officer shall preserve order and decorum at all meetings of the
9 Commission. He/she shall sign all ordinances or resolutions adopted by the
10 Commission. The Mayor shall designate the seating arrangement at meetings of the
11 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
14 be elected by the members of the Commission present. Upon arrival of the Mayor
15 or Chair Pro tempore, the temporary Chair shall relinquish the chair upon the
16 completion of the business immediately before the Commission.
- 17 D. In the absence of the Chair Pro tempore, the Mayor shall designate a member of the
18 Commission as a temporary Chair Pro tempore. Upon arrival of the Chair Pro
19 tempore, the temporary Chair Pro tempore shall relinquish the designation.
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1 **RULE VI.**

2 **COMMITTEES - APPOINTMENT – PROCEDURE - REFERRALS**

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

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- 7 Audit and Finance (2);
- 8 Community Development Committee (2)
- 9 Equal Opportunity Committee (2)
- 10 Legislative (2);
- 11 Personnel and Organizational Structure (2);
- 12 Public Works (2);
- 13 Public Safety (2);
- 14 Recreation and Cultural Affairs (2); and
- 15 Regional Utilities (2) .
- 16

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

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

22 C. Standing and Special Committees shall consider matters referred to such
23 Committees by the Commission, or if not so referred, if the subject is germane to the

1 purposes for which the Committee exists, the fact that the Committee has such other
2 matters or matters under consideration shall be promptly reported to the
3 Commission at its next meeting in order that the Commission be generally aware of
4 the matters under consideration by each of several Committees.

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

8 E. Committees shall meet in a public building within the City limits at the Call of the
9 Chair at such time and place as is convenient to the members of the Committee and
10 others involved in matters to be considered by the Committee.

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

12 G. All Committees shall meet at least quarterly.

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

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

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

18 K. All Standing Committee Liaisons should update the referral list with intermediate
19 updates.

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

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

1 N. All Charter Officer referrals not completed in six months must seek re-authorization
2 prior to the six months due date.
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6 **RULE VII.**

7 **ADVISORY BOARDS AND COMMITTEES**

8 Residents appointed to advisory boards and committees of the City shall generally serve a
9 maximum of two (2) terms. When filling a vacancy for an unexpired term, an appointee who
10 serves more than half a term in office is considered to have served a full term. The Commission
11 may make exceptions to the above general policy on a case-by-case basis when necessary to
12 preserve the stability of a board or committee, to retain a particular appointee because of his/her
13 special knowledge or expertise, or for such other circumstances as the Commission deems
14 warranted.

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

- 16 1. Openings for vacancies on Advisory Boards and Committees previously filled by persons
17 serving two consecutive terms, will not be included on the election ballot packet after the
18 first advertisement.
- 19 2. If after a second advertisement there are no new applicants, the Clerk will include for
20 consideration those persons who have already served two terms on that particular
21 board/committee.
- 22 3. Board members who have served two (2) terms, but have not been replaced or reappointed
23 remain on the board/committee until new members are appointed.

- 1 4. All Board and Committee Referrals not completed in six months must seek re-authorization
- 2 prior to the six month due date.
- 3 5. All Board and Committee Agendas should include a list of all outstanding referrals with due
- 4 dates listed.
- 5 6. All Board and Committee Liaisons should update the referrals with intermediate updates.
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7 **RULE VIII.**

8 **ORDER OF BUSINESS**

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

12 **1:00 P.M.**

- 13 A. Invocation
- 14 B. Adoption of the Consent Agenda (Including Committee Reports)
- 15 C. Adoption of the Agenda (Read if any, each item added or modified)
- 16 D. City Commission Comment (If time available)
- 17 E. Charter Officer Updates
- 18 F. Clerk of the Commission
- 19 G. City Manager
- 20 H. General Manager for Utilities
- 21 I. City Attorney
- 22 J. City Auditor
- 23 K. Committee Reports (Pulled from Consent)

- 1 L Advisory Board/Committees (Appointments/Waivers/Reports)
- 2 Committee Reports must be placed on the agenda by Charter Officer, through staff liaison
- 3 after approval by Board/Committee.
- 4 M. Outside Agencies
- 5 Must be submitted by a Charter Officer. Update limited to ten (10) minutes.
- 6 N. Members of the City Commission
- 7 O. Commission Comments (if time available)
- 8 P. **5:30 p.m.** Citizen Comment
- 9 Q. Commission Comments (if time available)
- 10 **6:00 p.m.**
- 11 R. Pledge of Allegiance
- 12 S. Proclamations/Special Recognitions
- 13 Placed on Agenda by Commissioner or Charter Officer
- 14 T. Public Hearings:
- 15 1. General Public Hearings
- 16 2. Ordinances
- 17 3. Resolutions
- 18 4. Plan Board Petitions
- 19 5. Development Review Board
- 20 U. Scheduled Evening Agenda Items
- 21 V. Unfinished Business
- 22 W. Commission Comments
- 23 X. Citizen Comments (If Time Permits)

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

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3 **RULE IX.**

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VOTING

5 The Yeas and Nays on any question before the Commission shall be taken at the Call of any
6 Commissioner. Each member of the Commission will vote first every sixth time only with the
7 Mayor (Chair) always voting last.

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9 Commissioners will vote “yea” for support of a motion and vote “no” when voting not to support a
10 motion.

11 Except in a Roll Call, silence by a member shall be recorded as an affirmative vote.

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13 **RULE X.**

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PROCEDURES

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

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

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

20 D. Every petition, communication, or other paper addressed to the Commission or
21 presented in writing to the Commission at any meeting shall be retained (or a copy
22 thereof) by the Clerk of the City Commission with appropriate reference made in

1 the minutes if presented at a Commission meeting together with the identification
2 of the sender or writer.

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

5 F. If a motion is made to vote immediately (or move the previous question), it shall
6 be put in this form:

7 "I move that we vote immediately"; or

8 "I move the previous question(s)."

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

14 G. The tape recordings made by the Clerk of the City Commission meetings are for
15 exclusive benefit and use of the Clerk in making and keeping minutes and records
16 of the Commission. In order that there be no possibility of altering, damaging,
17 losing or tampering with such tapes and matters contained thereon, the tape
18 recordings of the Commission meetings shall be used only by the Clerk. A copy
19 of such tape recordings may be made by the Clerk and then by him/her made
20 available to the press and public.

1 **RULE XI.**

2 **RULES OF DEBATE**

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

1 herein stated for reconsideration on motion by one voting on the prevailing side.
2 If a motion to reconsider be lost, it shall not be renewed without the unanimous
3 consent of the Commission; and no decision shall be a second time reconsidered
4 without a like leave.

5 D. A Commissioner may request, through the presiding officer, the privilege of
6 having his/her written statement on any subject under the consideration by and
7 presented to the Commission entered in the minutes. If the Commission consents
8 thereto, such statement shall be entered in the minutes.

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10 E. The following Statement will be required on all City Commission Agendas:
11 "Citizens are encouraged to participate in City of Gainesville meetings. In
12 general, speakers will be limited to 3 (three) minutes per agenda item. Additional
13 time may be granted by the Mayor or by the City Commission as directed.
14 The City of Gainesville encourages civility in public discourse and requests that
15 speakers limit their comments to specific motions and direct their comments to
16 the Chair.

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18 Citizens are encouraged to provide comments in writing to the Clerk of the
19 Commission before meetings and/or during meetings for inclusion into the public
20 record. Citizens may also provide input to individual commissioners via office
21 visits, phone calls, letters and e-mail, that will become public record. (In
22 some instances, i.e. Quasi-Judicial Hearings, these particular contacts may be
23 prohibited.)

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RULE XII.

APPROVAL OF COMMISSION MINUTES

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

RULE XIII.

PERSONS APPEARING BEFORE THE COMMISSION

I. Citizen Comment

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

II. General Speaking

- A. Any person desiring to address the Commission on any matter pending before it shall first request recognition by the presiding officer. After being recognized, the person (1) give his/her name in an audible tone of voice; (2) shall limit the address to three or five minutes; and (3) address all remarks to the Commission

1 as a body and not to any member thereof; (4) shall address the motion being
2 considered.

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

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

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

13 **III. Public Hearings**

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

18 B. Citizens should follow all of the guidelines in Section II above, where appropriate.
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RULE XIV.

UNFINISHED BUSINESS

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

RULE XV.

COMMUNICATIONS

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

RULE XVI.

ORDINANCES

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

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RULE XVII.

SERGEANT-AT-ARMS

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

Procedure:

- 1. Individual refuses to relinquish the podium after being allowed to address the Commission.
 - A. The Mayor will inform the individual that their time to address the Commission has expired and the Mayor will direct the individual to leave the podium.
- 2. Individual causes disruption in the Commission meeting site.
 - A. The Mayor will inform the individual causing the disruption to cease disruptive activity.

If the disruption fails to stop:

- A. The Mayor will inform the individual causing the disruption that their actions are contrary to the orderly running of the meeting and that the individual is to cease such action or the Sergeant-at-Arms (City Manager/designee) will be instructed to remove the individual from the meeting site.
- B. The Mayor will revoke the individual's participation to attend the meeting and direct that the individual leave the meeting site. The Mayor will inform the

1 individual that if the individual is directed to leave and fails to do so, the
2 individual will be subject to arrest for trespass.

3 Final Action: In substantially the following words: As the Mayor, I inform you
4 that your actions are inconsistent with the orderly function of this meeting and
5 fails to comply with the lawful order of the Chair. I am instructing the Sergeant-
6 at-Arms (City Manager/designee) to have you removed from this meeting site, and
7 if deemed necessary by the Sergeant-at-Arms, to remove you from this building.
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9 **RULE XVIII.**

10 **REPORTS AND RESOLUTIONS**

11 Most all reports and resolutions shall be filed with the Clerk of the Commission and made part of
12 the minutes. Some lengthy and oversized documents may be stored at individual administrative
13 areas.
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15 **RULE XIX.**

16 **DOCUMENTS FOR EXECUTION**

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

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ROBERT'S RULES OF ORDER

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

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RULE XXI

QUASI-JUDICIAL ACTIONS

Part I. Request for Hearing

(A) Quasi-Judicial Hearings before the Commission

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

(B) Scope of Quasi-Judicial Proceedings

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

(C) Selection of Hearing

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

Part II. Formal Quasi-Judicial Hearings

(A) Order of Presentation; Time Limits

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

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

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

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

(B) Affected Party Defined; Determination

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

(2) An affected party who is not entitled to actual written notice but who believes that they have a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large may request affected party status by filing an application, as provided in Part I of this rule. The Commission will consider an application for affected party status prior to the commencement of the hearing. The decision of the Commission shall be final.

(C) Registration of Affected Parties

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

(D) Representation of Parties

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

5 **(E) The Hearing**

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

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

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

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

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

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21 6) The examination of witnesses shall be conducted under oath by direct examination on matters which
22 are relevant and material to the issue or issues before the City Commission. After the conclusion of
23 direct examination, the witness may be cross-examined by another party, or a City Commissioner. All
24 questions shall be directed through the Mayor and the witness shall answer the question unless the
25 Mayor deems the question to be irrelevant or immaterial. Any commissioner or party may raise
26 evidentiary objections. The inquiry under cross-examination shall be limited to matters raised in the
27 direct examination of the witness. No re-direct shall be allowed unless requested by a party stating
28 the desired area of inquiry and that request is approved by the Mayor. If re-direct is allowed, it shall

1 be limited to questions of the witness on issues raised in the cross-examination. This provision shall
2 not limit a City Commissioner from questioning any person on matters relevant to the matter or
3 petition. The Mayor or any City Commissioner may seek advice from the City Attorney on questions
4 of evidence. During the presentation by the opponents or proponents of an issue before the City
5 Commission, no one may present testimony or evidence which is unduly cumulative or repetitious of
6 previously presented testimony or evidence by a fellow opponent or proponent.

7 **(F) Public Hearing**

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

12 **(G) Continuances**

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

15
16 **(H) City Commission Deliberation**

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

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

21 The City Commission shall orally issue an order.

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

23 The order shall be reduced to writing and shall state whether the petition is granted or denied or granted with
24 conditions. The order shall also specify any conditions, requirements or limitations on the approval of the
25 matter. The written order shall be presented to the City Commission for approval at a special meeting or at the
26 next regular meeting of the City Commission. The Mayor and the Clerk of the City Commission shall execute
27 the order. Executed copies of the order shall be hand delivered or mailed to the parties.
28

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 for an
4 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 parties.
11 This provision does not prohibit a City Commission member from questioning any person relevant to
12 the matter.
- 13 4) The City Manager or designee shall present any staff, board or other report on the matter. Evidence
14 before the Commission shall include, but not be limited to, an analysis which includes the consistency
15 with the City's adopted codes, rules, policies or plans, as applicable, and how the matter or Petition
16 does or does not meet the requirements of such codes, rules, policies, plans and other applicable laws;
17 written reports and any other documentary evidence shall become a part of the record. Evidence may
18 be presented through oral testimony of witnesses or documentary evidence or both.
- 19 5) Any person may speak for or against the matter if they complete a registration card at the meeting as
20 provided by the Clerk of the Commission. The Mayor may limit the time of any portion of an
21 informal hearing to avoid unnecessary repetition and delay.
- 22 6) After the public hearing portion, the City Commission shall deliberate and vote, which shall constitute
23 the oral order.
- 24

25 **Part IV. Ex Parte Communications**

- 26 1) General
27 Ex parte communications are prohibited in connection with any quasi-judicial hearing under Florida case law.
- 28 2) Procedures when an ex parte communication is received.

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

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

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

11 3) Party inquiry

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

1 **RULE XXII.**


2 **WAIVER OF THESE RULES**

3 These rules may 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 at
6 12:00 p.m.(Noon), May 22, 2003 and will remain in effect until amended or repealed.


7 Dated this 12th day of May, 2003.

8
9 
10 _____
11 MAYOR
12 Thomas D. Bussing
13

14 ATTEST:

15 Approved as to form and
16 legality:

17 
18 _____
19 Clerk Of The Commission
20 Kurt M. Lannon

17 
18 _____
19 By Marion J. Radson, City Attorney
20 City of Gainesville, Florida **MAY 14 2003**