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RESOLUTION NO. 130441

ADOPTED: November 21, 2013

A RESOLUTION AMENDING AND RESTATING IN ITS ENTIRETY THE CITY COMMISSION RULES OF THE CITY OF GAINESVILLE, FLORIDA, IN ORDER TO ALLOW A COUNTY COMMISSIONER TO SERVE AS A MEMBER OF THE REGIONAL UTILITIES COMMITTEE; 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; and

WHEREAS, the current rules of the City Commission were adopted by Resolution No.

090253 on August 6, 2009; and

WHEREAS, the Commission desires to amend its rules to allow a County Commissioner

to serve as a member of the Regional Utilities Committee; and

WHEREAS, the rules are hereby amended and restated in their entirety to include the

desired amendments in Rule VI.

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 adopted 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., except when meeting as the Board of Trustees of the

Employees' Pension Plan which will precede the regular City Commission meeting which will

1 occur after adjournment of the Board meetings. If a meeting day shall fall on a legal holiday
2 observed by the City, such meeting will not be held on the holiday but shall be rescheduled as
3 determined by the Commission.

4 **RULE II. SPECIAL AND EMERGENCY MEETINGS**

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

22 C. Emergency meetings may be held at any time upon the Call issued by the Mayor or upon
23 written Call signed by three (3) members of the Commission. The emergency meeting shall

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

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

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

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

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

1 notice may state the subject matter to be discussed at such meeting, although any subject matter
2 may be discussed, except for pending matters where notice to affected parties is required, such as
3 pending planning petitions and pending quasi-judicial matters. No policy or other action shall be
4 taken at these meetings. Workshops/informal meetings may not be convened sooner than forty-
5 eight (48) hours succeeding the time notice was served by the Clerk of the Commission on the
6 last Member of the Commission. The Mayor and City Commissioners are expected to attend all
7 scheduled workshops/informal meetings, although the Mayor and one (1) Commissioner or two
8 (2) Commissioners will constitute a meeting for the purposes of the Sunshine Law.

9

10 **RULE III. 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 by
13 the Commission, together with a notice of items to be presented at the Commission at the next
14 regular meeting by any Committee, Board, or Administrative Official, shall be delivered to the
15 Clerk of the Commission on or before 11:00 A.M. on the Tuesday of the week prior to each
16 Regular Meeting. The Clerk of the Commission shall arrange a list of such matters according to
17 the order of business, and furnish each Commissioner and Charter Officer with a copy as far in
18 advance of the meeting as time for preparation will permit. The Clerk of the Commission will
19 prepare copies of the agenda for the news media and the public.

20

21 **RULE IV. QUORUM**

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. PRESIDING OFFICER-ELECTION AND DUTIES**

2 A. The Mayor shall be the presiding officer and Chair of the Commission. At the meeting
3 held on the Thursday following the first (1st) Tuesday in May unless there is a runoff election in
4 which event, the Thursday following the third (3rd) Tuesday in May, the Commission shall elect
5 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 hour
7 affixed for the meeting and call the members of the Commission to order. The presiding officer
8 shall preserve order and decorum at all meetings of the Commission. He/she shall sign all
9 ordinances or resolutions adopted by the Commission. The Mayor shall designate the seating
10 arrangement at meetings of the Commission.

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

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

19 **RULE VI. COMMITTEES-APPOINTMENT-PROCEDURE-REFERRALS**

20 A. The following standing committees, consisting of at least two Commissioners each, shall
21 be appointed by the Mayor, with the concurrence of the City Commission at the organizational
22 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 Public Safety;
6 Recreation, Cultural Affairs and Public Works; and
7 Regional Utilities. The Regional Utilities Committee may also include a current member
8 of the Board of County Commissioners of Alachua County, Florida. The County
9 Commission shall determine whether it desires to appoint a member to the Committee.
10 The County Commission shall be the sole judge of the qualifications of its appointed
11 member and may remove its member and re-appoint a new member at any time. The
12 County Commission member shall have the same rights of committee participation as the
13 City Commission members, except that the County Commission member may not serve
14 as the Chair of the Committee.

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

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

20 C. Standing and Special Committees shall consider matters referred to such Committees by
21 the Commission, or if not so referred, if the subject is germane to the purposes for which the
22 Committee exists, the fact that the Committee has such other matters or matters under
23 consideration shall be promptly reported to the Commission at its next meeting in order that the

- 1 Commission be generally aware of the matters under consideration by each of several
2 Committees.
- 3 D. Each Committee shall call upon, advise with, and seek the recommendation of the
4 administrative staff and shall keep the appropriate staff personnel of the City advised of the
5 matters under consideration by the Committee.
- 6 E. Committees shall meet in a public building within the City limits at the Call of the Chair
7 at such time and place as is convenient to the members of the Committee and others involved in
8 matters to be considered by the Committee.
- 9 F. All meetings of the Committees shall be opened to the public.
- 10 G. All Committees shall meet at least quarterly.
- 11 H. All referrals should be completed in six months unless otherwise directed.
- 12 I. All referrals not completed in six (6) months must seek re-authorization or removal from
13 the referral list by the City Commission prior to the six month due date.
- 14 J. All Standing Committee Agendas should include the list of all outstanding referrals with
15 due dates listed.
- 16 K. All Standing Committee Liaisons should update the referral list with intermediate
17 updates.
- 18 L. The Clerk of the Commission shall include the City Commission referral list on a City
19 Commission Agenda two times a year and maintain a referral list on the City's Intranet and
20 Internet.
- 21 M. All Charter Officer referrals shall be for six months unless otherwise directed.
- 22 N. All Charter Officer referrals not completed in six months must seek re-authorization prior
23 to the six months due date.

1 0. The Standing Committee Chair shall review all Committee meeting agendas and agenda
2 items.

3 P. The Standing Committee Chair, or appointed designee, shall be the sponsor of any
4 committee item brought forward for discussion before the City Commission.
5

6 **RULE VII. ADVISORY BOARDS AND COMMITTEES**

7 Residents appointed to advisory boards and committees of the City shall generally serve a
8 maximum of two (2) terms. When filling a vacancy of an unexpired term, an appointee who fills
9 a vacancy is still eligible for two full terms.

10 1. Board members who have served their limit, but have not been replaced or reappointed
11 remain on the board/committee until new members are appointed.

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

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

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

17 5. All Boards and Committees shall submit an annual workplan and accomplishment report
18 to the City Commission. The details associated with the workplan will be dependent upon the
19 mission of the board or committee. The annual workplan and accomplishment report will be
20 submitted to the City Commission during the annual budget process.
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1 **RULE VIII. ORDER OF BUSINESS**

2 The Business of the Commission shall be taken up for consideration and disposition in the
3 following order except as changed by the Mayor in agenda review; or by the Mayor or by the
4 Commission during the Adoption of the Agenda to allow greater citizen participation:

5 **1:00 P.M.**

- 6 A. Invocation
- 7 B. Adoption of the Consent Agenda (Including Committee Reports)
- 8 C. Adoption of the Agenda (Read if any, each item added or modified)
- 9 D. City Commission Comment (If time available)
- 10 E. Charter Officer Updates
- 11 F. Clerk of the Commission
- 12 G. City Manager
- 13 H. General Manager for Utilities
- 14 I. City Attorney
- 15 J. City Auditor
- 16 K. Equal Opportunity Director
- 17 L. Committee Reports (Pulled from Consent)
- 18 M. Advisory Board/Committees (Appointments/Waivers/Reports) Committee Reports must
19 be placed on the agenda by Charter Officer, through staff liaison after approval by
20 Board/Committee.
- 21 N. Outside Agencies must be submitted by a Charter Officer. Update limited to ten (10)
22 minutes.
- 23 O. Members of the City Commission

- 1 P. Commission Comments (if time available)
- 2 **5:30p.m.**
- 3 Q. Pledge of Allegiance
- 4 R. Proclamations/Special Recognitions Placed on Agenda by Commissioner or Charter
- 5 Officer
- 6 **6:00 P.M.**
- 7 S. Citizen Comment
- 8 T. Public Hearings
 - 9 1. General Public Hearings
 - 10 2. Resolutions
 - 11 3. Ordinances
 - 12 4. Plan Board Petitions
 - 13 5. Development Review Board
- 14 U. Scheduled, Evening Agenda Items
- 15 V. Unfinished Business
- 16 W. Commission Comments
- 17 X. Citizen Comments (If Time Permits)
- 18 Adjournment no later than 11:00 p.m. Mayor to schedule date and time to continue meeting.

19

20 **RULE IX. VOTING**

21 The Yeas and Nays on any question before the Commission shall be taken at the Call of any
22 Commissioner. Each member of the Commission will vote first every sixth time only, with the
23 Mayor (Chair) always voting last. Commissioners will vote "yea" for support of a motion and

1 vote "no" when voting not to support a motion. Except in a Roll Call, silence by a member shall
2 be recorded as an affirmative vote.

3

4 **RULE X. PROCEDURES**

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

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

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

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

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

16 F. If a motion is made to vote immediately (or move the previous question), it shall be put in
17 this form: "I move that we vote immediately"; or "I move the previous 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 debatable;
20 (3) cannot interrupt a speaker; (4) requires a two-thirds vote (because it prevents or cuts off
21 debate); (5) takes precedence over all subsidiary motions except one postponed temporarily; and
22 (6) can have no motion applied to it except withdraw.

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

7

8 **RULE XI. RULES OF DEBATE**

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

1 of a tie vote on any question, any member may move for a reconsideration at the time or times
2 herein 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 may
5 request, through the presiding officer, the privilege of having his/her written statement on any
6 subject under the consideration by and presented to the Commission entered in the minutes. If
7 the Commission consents thereto, such statement shall be entered in the minutes. The following
8 Statement will be required on all City Commission Agendas: "Citizens are encouraged to
9 participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three)
10 minutes per agenda item. Additional time may be granted by the Mayor or by the City
11 Commission as directed. The City of Gainesville encourages civility in public discourse and
12 requests that speakers limit their comments to specific motions and direct their comments to the
13 Chair. Signs, Props, and posters are not permitted in the meeting room except provided in Rule
14 XIII. 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 also
16 provide input to individual commissioners via office visits, phone calls, letters and e-mail, that
17 will become public record. (In some instances, i.e., Quasi-Judicial Hearings, these particular
18 contacts may be prohibited.)"

19

20 **RULE XII. 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 the Commission meeting minutes is requested by a majority of the

1 Commission, such minutes may be approved without reading, if the Clerk of the Commission has
2 previously furnished each member with a copy thereof.

3

4 **RULE XIII. PERSONS APPEARING BEFORE THE COMMISSION**

5 **I. Citizen Comment**

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

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

10 C. Participants are required to fill out a form at the meeting.

11 **II. Generally Speaking**

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

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

21 C. If any person in any way interferes with or interrupts the orderly procedure of the
22 Commission, or any Commissioner, or the person speaking who has been properly

1 recognized by the presiding officer, the person shall be subject to removal from the
2 Commission room.

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

5 **III. Public Hearings**

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

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

10 **IV. Decorum**

11 Order must be preserved. Members of the public are not permitted to possess food, drink, props,
12 signs, posters, or other similar material in the meeting room. Speakers at the podium addressing
13 the Commission may use Power Point as part of their presentation provided the Clerk of the
14 Commission is provided a copy at least seven hours prior to the presentation. Speakers may also
15 use the City's overhead system or use displays or props (hereinafter "demonstrative exhibits") as
16 part of a presentation as long as the demonstrative exhibits, including PowerPoint, are not
17 obscene and do not otherwise disrupt, delay, or interrupt the proceeding. Outbursts of approval
18 or disapproval, jeers or heckling are not permitted. In the event of a disturbance or violation of
19 this rule, the violator may, after warning, be ordered removed from the room as provided in Rule
20 XVII Rules of the Commission, City of Gainesville.

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1 **RULE XIV. UNFINISHED BUSINESS**

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

5

6 **RULE XV. COMMUNICATIONS**

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

11

12 **RULE XVI. ORDINANCES**

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

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

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

19

20 **RULE XVII. SERGEANT-AT-ARMS**

21 The City Manager or the City Manager's designee shall be sergeant-at-arms of the Commission
22 meetings. The City Manager shall carry out all orders and instructions given by the presiding

1 officer for the purpose of maintaining order and decorum at the Commission meeting and the
2 following policy will provide guidance in handling disruptions:

3 Procedure:

4 1. Individual refuses to relinquish the podium after being allowed to address the
5 Commission: The Mayor will inform the individual that their time to address the Commission
6 has expired and the Mayor will direct the individual to leave the podium.

7 2. Individual causes disruption in the Commission meeting site: The Mayor will inform the
8 individual causing the disruption to cease disruptive activity. If the disruption fails to stop:

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

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

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

22

1 **RULE XVIII. REPORTS AND RESOLUTIONS**

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

5 **RULE XIX. DOCUMENTS FOR EXECUTION**

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

9 **RULE XX. ROBERT'S RULES OF ORDER**

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

13 **RULE XXI. QUASI-JUDICIAL ACTIONS**

14 **Part I. Request for Hearing**

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

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

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

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

2 **(C) Selection of Hearing**

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

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

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

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

17	Order	Maximum Time Limit (minutes)
18	1) Introduction of the matter by staff	3
19	*2) Petitioner	20
20	*3) Staff presentation	10
21	*4) Affected Party (if any) for (per person)	10
22	*5) Affected Party against (if any) against (per person)	10
23	*6) Rebuttal (Petitioner/Staff)	5

1 7) Close of presentation by Petitioner, Staff and Affected Parties

2 8) Public hearing (per person) 5

3 9) Deliberation and vote of the Commission

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

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

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

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

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

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

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

22 In order to participate in the formal quasi-judicial hearing, all affected parties shall
23 complete the form prescribed by the Clerk of the Commission, stating their name and

1 address and other pertinent information, and whether they support or oppose the matter or
2 matter before the City Commission. The form shall be delivered to the City Commission's
3 secretary at the commencement of the hearing.

4 **(D) Representation of Parties**

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

10 **(E) The Hearing**

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

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

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

20 4) The City Manager or designee shall present any staff, board or other report on the
21 matter. Evidence before the Commission shall include, but not be limited to, an
22 analysis which includes the consistency with the City's adopted codes, rules, policies
23 or plans, as applicable, and how the matter does or does not meet the requirements of

1 such codes, rules, policies and plans and other applicable laws. Written reports and
2 any other documentary evidence shall become a part of the record. Evidence may be
3 presented through oral testimony of witnesses or documentary evidence or both.

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

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

23 **(F) Public Hearing**

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

5 **(G) Continuances**

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

8 **(H) City Commission Deliberation**

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

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

14 The City Commission shall orally issue an order.

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

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

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

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

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

Part IV. Ex Parte Communications

1 **(A) General.**

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

4 **(B) Procedures.**

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

7 A) Written Communications - If a Commissioner receives a written "ex parte"

8 communication relating to a matter coming before the Commission, the member should
9 transmit the item to the Clerk of the Commission for inclusion in the official records.

10 These communications shall be forwarded to the parties as soon as practicable before the
11 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 communication 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

17 "ex parte" communication.

18 **(C) Party inquiry.**

19 Any party may ask questions to a Commissioner about any ex parte communications

20 directed through the Mayor.

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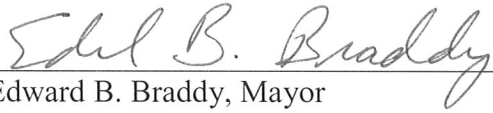
22 **RULE XXII. WAIVER OF THESE RULES**

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

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

4 Dated this 21st day of November, 2013.

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Edward B. Braddy, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



Kurt M. Lannon,
Clerk of the Commission



Nicolle M. Shalley, City Attorney