

1 **III. Public Hearings**

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

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

6 **IV. Decorum**

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

17 **RULE XIV. UNFINISHED BUSINESS**

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

21 **RULE XV. COMMUNICATIONS**

22 Each Commissioner shall be furnished a copy of all communications addressed to the
23 Commission by the Plan Board and appropriate city staff with the original and attachments filed

1 with the Clerk of the Commission. Also, copies of proposed ordinances and resolutions prepared
2 or approved by the City Attorney shall be furnished each Commissioner.

3 **RULE XVI. ORDINANCES**

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

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

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

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

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

15 Procedure:

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

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

21 A. The Mayor will inform the individual causing the disruption that their actions are
22 contrary to the orderly running of the meeting and that the individual is to cease such

1 action or the Sergeant-at-Arms (City Manager/designee) will be instructed to remove the
2 individual from the meeting site.

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

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

12 **RULE XVIII. REPORTS AND RESOLUTIONS**

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

16 **RULE XIX. 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.

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

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

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

2 **Part I. Request for Hearing**

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

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

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

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

12 **(C) Selection of Hearing**

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

23

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

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

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

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

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

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

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

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

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

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

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

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

15 **(D) Representation of Parties**

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

21 **(E) The Hearing**

22 1) The introduction of the case shall be presented by the Clerk of the Commission and
23 include a brief description of the matter. This introduction shall not be considered

1 evidence in the proceeding, and the Clerk of the Commission presenting the
2 introduction shall not be subject to cross-examination by any party to the
3 proceeding.

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

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

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

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

17 6) The examination of witnesses shall be conducted under oath by direct examination
18 on matters which are relevant and material to the issue or issues before the City
19 Commission. After the conclusion of direct examination, the witness may be cross-
20 examined by another party, or a City Commissioner. All questions shall be directed
21 through the Mayor and the witness shall answer the question unless the Mayor
22 deems the question to be irrelevant or immaterial. Any commissioner or party may
23 raise evidentiary objections. The inquiry under cross-examination shall be limited to

1 matters raised in the direct examination of the witness. No re-direct shall be allowed
2 unless requested by a party stating the desired area of inquiry and that request is
3 approved by the Mayor. If re-direct is allowed, it shall be limited to questions of the
4 witness on issues raised in the cross-examination. This provision shall not limit a
5 City Commissioner from questioning any person on matters relevant to the matter or
6 petition. The Mayor or any City Commissioner may seek advice from the City
7 Attorney on questions of evidence. During the presentation by the opponents or
8 proponents of an issue before the City Commission, no one may present testimony or
9 evidence which is unduly cumulative or repetitious of previously presented
10 testimony or evidence by a fellow opponent or proponent.

11 **(F) Public Hearing**

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

16 **(G) Continuances**

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

19 **(H) City Commission Deliberation**

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

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

2 The City Commission shall orally issue an order.

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

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

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

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

- 12 1) If no person files a timely request for a formal quasi-judicial hearing, the matter shall be
13 set for an informal quasi-judicial hearing.
- 14 2) An informal hearing shall be presented to the City Commission in the following order:
- 15 a) Staff presentation
- 16 b) Petitioner or Applicant
- 17 c) Public hearing
- 18 d) Deliberation and vote of the City Commission
- 19 3) Cross-examination of the witnesses is not permitted and deemed waived by all persons or
20 parties. This provision does not prohibit a City Commission member from questioning
21 any person relevant to the matter.
- 22 4) The City Manager or designee shall present any staff, board or other report on the matter.
23 Evidence before the Commission shall include, but not be limited to, an analysis which

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

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

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

11 **Part IV. Ex Parte Communications**

12 **(A) General.**

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

15 **(B) Procedures.**

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

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

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

21 These communications shall be forwarded to the parties as soon as practicable before the
22 hearing.

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

7 **(C) Party inquiry.**

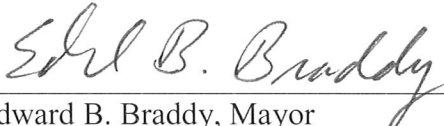
8 Any party may ask questions to a Commissioner about any ex parte communications
9 directed through the Mayor.

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

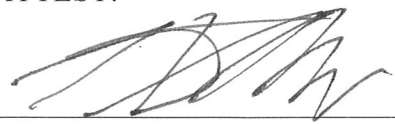
11 These rules may be waived by a 2/3rds vote of the members present.

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

15 Dated this 19th day of June, 2014.

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18
19 Edward B. Braddy, Mayor
20

21
22 ATTEST:

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25
26 Kurt M. Lannon,
27 Clerk of the Commission

APPROVED AS TO FORM AND LEGALITY:

28 
29
30 Nicolle M. Shalley, City Attorney