

LEGISLATIVE #

180943B

1 **RULE 1. REGULAR MEETINGS**

2 The Regular Meetings of the City Commission (hereafter the “Commission”) shall be held the
 3 first and third Thursday of every month commencing at 1:00 p.m., except when meeting as the
 4 Board of Trustees of the Employees' Pension Plan which meeting will immediately precede the
 5 Regular Commission meeting. If a meeting day falls on a legal holiday observed by the City, the
 6 Commission shall cancel or reschedule the meeting.

7
 8 The following is the Order of Business at the Regular Meetings, except as changed by the Mayor
 9 (or other presiding officer) during the Agenda Management Meeting or by the Commission
 10 during the Adoption of the Consent and Regular Agendas:
 11

1pm - Call to order afternoon session	
Invocation	
Adoption of Consent Items	Agenda items that will not be discussed
Adoption of Regular Agenda	
General Citizen Comment	For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total
<u>Early Citizen Comment</u>	<u>For items on the agenda, limited to 3 minutes per citizen. A citizen addressing more than one agenda item is limited to 5 minutes. A citizen speaking during early citizen comment, waives the right to speak later in the meeting. No Early Citizen Comment will be permitted for quasi-judicial agenda items.</u>
Business Discussion Items	Agenda items that will be discussed, including those moved from Consent
Commission Comment	

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 14 4:30-5:30 Dinner Break
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5:30 – Call to order evening session	
Pledge of Allegiance	
<u>Proclamations/Special Recognitions – The general rule that there will be no applause, cheering, or outbursts of approval is waived during this portion of the meeting, as it is recognized that proclamations and special recognitions are often celebratory in nature.</u>	
General Citizen Comment	For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total <u>and limited to citizens who did not speak at the 1pm general citizen comment period.</u>
Resolutions	
Public Hearings (including Planning Petitions)	
Ordinances (second readings and then first readings)	
General Citizen Comment	For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total and limited to citizens who did not speak at the 1pm or 5:30pm general citizen comment periods.

Commission Comment	
10pm or earlier – adjourn	If later than 10pm, the Commission may waive the rules to extend the meeting or may schedule a date/time to continue the meeting

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RULE 2. SPECIAL MEETINGS and WORKSHOP MEETINGS

A Special Meeting or Workshop meeting may be requested either: (1) by vote of the Commission at any regular City Commission meeting or any General Policy Committee meeting; or (2) in writing on the form provided by the Clerk (which shall include a description of the business to be transacted) and signed by the Mayor, by two or more Commissioners, or by any Charter Officer.

The Clerk shall notify each member of the Commission of the date, time and business of the Special Meeting or Workshop Meeting.

The meeting date, time and location shall be published on the Notice of Meetings at least two business days prior to the meeting. The Notice of Meetings shall state the business to be transacted at a Special Meeting and no other business shall be transacted. The Notice of Meetings may state the matters to be discussed at a Workshop Meeting, although any subject matter may be discussed, except for pending matters where notice to affected parties is required, such as pending planning petitions and quasi-judicial matters. The purpose of a Workshop Meeting is for informal discussions and no business may be transacted at a Workshop Meeting.

Workshop Meetings and Special Meetings shall have Citizen Comment and Commissioner Comment at the end of the meeting, time permitting.

RULE 3. EMERGENCY MEETINGS

Emergency Meetings may be requested when necessary by the Mayor, by three or more members of the Commission or by any Charter Officer. A written call shall be issued that states the date, time and the business to be transacted at the Emergency Meeting, and no other business may be transacted. The Emergency Meeting may occur no sooner than two (2) hours after the execution of the Call. The Clerk shall make reasonable effort to notify members of the local news media (print and electronic) and the public.

RULE 4. ATTENDANCE, QUORUM/VOTING, RECESS/ADJOURN and CANCELLATION

All members of the Commission are expected to attend all scheduled meetings. Four (4) members of the Commission shall constitute a quorum for the transaction of business, but a smaller number may adjourn the meeting. Pursuant to Section 2.07 of the City Charter, unless otherwise provided in the Charter or other law, a motion or a proclamation is adopted when

1 approved by vote of a majority of the members present, and an ordinance or resolution is adopted
2 when approved by the vote of four (4) or more members of the Commission.

3
4 In accordance with Section 286.012, Florida Statutes, each member of the Commission who is
5 present shall vote on each matter, unless that member has a conflict of interest under state ethics
6 laws or, in the case of a quasi-judicial matter, is unable to be an impartial decision-maker.
7 Commissioners shall vote "yes" in support of a motion and vote "no" when voting not to support
8 a motion. Except in a Roll Call, silence by a member shall be recorded as a "yes" vote.

9
10 The Commission at any meeting may recess or adjourn to a time certain for the transaction of
11 any business or specified business only, as may be determined by the Commission in taking such
12 action. Any meeting may be cancelled for cause (including, but not limited to, emergency
13 conditions, lack of agenda items, a quorum will not be present) by the Mayor and the Clerk of
14 the Commission. Otherwise, meetings may be cancelled by vote of the City Commission at any
15 Regular Meeting or General Policy Committee Meeting. The Clerk of the Commission shall
16 provide notice of the cancellation to all Commissioners.

17 **RULE 5. AGENDA and AGENDA MANAGEMENT MEETING**

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19 Any request to place an item on the agenda for a Regular Meeting, Special Meeting, Workshop
20 Meeting, Standing Committee Meeting or Special Committee Meeting must be made by a
21 Member of the Commission or a Charter Officer. All such requests must be accompanied by a
22 written agenda item that provides the background and an explanation of the matter, a
23 recommendation, a fiscal note (if applicable) and any relevant and necessary back-up materials.
24 All agenda items and back-up submitted by any Member of the Commission, Charter Officer,
25 Committee or Board shall be delivered to the Clerk on or before 6:00 P.M. on the Wednesday of
26 the week prior to each Regular Meeting and by such dates/times as the Clerk sets for Special
27 Meetings, Workshop Meetings and Committee Meetings.

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29 The Mayor (or in the Mayor's absence, the Chair Pro Tempore) may hold an Agenda
30 Management Meeting at a regularly scheduled time at least one week prior to each Regular
31 Meeting. The Agenda Management Meeting is for the limited purpose of managing and
32 finalizing the agenda (for example, adding last minute items, moving items from consent agenda
33 to regular agenda or to a future agenda.) The meeting is not for discussing the substance of
34 agenda items. All Commissioner, City staff and public comment shall be limited to agenda
35 management. The Clerk shall prepare a final version of the agenda (together with all back-up)
36 by 5pm on the Friday prior to each Regular Meeting. Once finalized, the agenda should not be
37 further modified (except to add back-up to existing items or to add items that are of an
38 emergency or time sensitive nature) until the adoption of the consent and regular agenda on the
39 day of the meeting.

1 In addition, the Mayor (or in the Mayor’s absence, the Chair Pro tempore) may hold an Agenda
2 Management Meeting at a regularly scheduled time at least one week prior to each General
3 Policy Committee Meeting. The Agenda Management Meeting is for the limited purpose of
4 managing and finalizing the agenda (for example, adding last minute items or moving items to a
5 future agenda.) The meeting is not for discussing the substance of agenda items. All
6 Commissioner, City staff and public comment shall be limited to agenda management. The
7 Clerk shall prepare a final version of the agenda (together with all back-up) by 5pm on the
8 Friday prior to each General Policy Meeting. Once finalized, the agenda should not be further
9 modified (except to add back-up to existing items or to add items that are of an emergency or
10 time sensitive nature) until the adoption of the agenda on the day of the meeting.

11 **RULE 6. PRESIDING OFFICER-ELECTION AND DUTIES**

12 The Mayor shall be the presiding officer and Chair of the Commission. At the first meeting held
13 after the annual swearing-in of newly elected members of the Commission, the Commission shall
14 elect one of its members as Chair Pro tempore, who shall serve as the presiding officer in the
15 absence of the Mayor. In the absence of both the Mayor and the Chair Pro tempore, the Mayor
16 may designate a Temporary Chair in writing prior to the start of the meeting, or the Clerk shall
17 call the Commission to order; whereupon a Temporary Chair shall be elected by the members of
18 the Commission present. Upon arrival of the Mayor or Chair Pro tempore, the Temporary Chair
19 shall relinquish the chair.

20
21 In the event the presiding officer of a meeting (whether that be the Mayor, Chair Pro tempore or
22 Temporary Chair) must leave the meeting room, the presiding officer shall pass the gavel to any
23 Commissioner and by accepting the gavel, that Commissioner will lead the meeting until the
24 presiding officer returns to the meeting room.

25
26 The presiding officer shall take the chair at the hour affixed for the meeting and call the members
27 of the Commission to order. The presiding officer shall preserve order and decorum at all
28 meetings, shall sign all ordinances and resolutions adopted by the Commission, shall designate
29 the seating arrangement at meetings of the Commission, and shall decide all questions regarding
30 the priority of business without debate.

31
32 **RULE 7. COMMISSION COMMITTEES**

33 Committees shall meet at the call of the Chair at such time and place as is convenient to the
34 members of the Committee. All Committee meetings shall be included on the weekly notice of
35 meetings prepared by the Clerk of the Commission.

36
37 The Clerk of the Commission shall serve as the Clerk for each Committee. The Clerk shall
38 prepare an agenda for each Committee meeting based on the agenda items submitted by a

1 Member of the Commission or by a Charter Officer. Each Committee Chair shall review his/her
2 respective Committee meeting agendas and agenda items. Upon review by the Committee Chair,
3 the Clerk will publish the agenda on the City’s website.
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5 A. STANDING COMMITTEES: There are two standing Commission Committees – the Audit
6 and Finance Committee and the General Policy Committee, as described below. On April 30th of
7 each year, all outstanding referrals in each Standing Committee shall automatically sunset, unless
8 the Committee votes prior to April 30th of each year to retain a referral for further work.

9 (1) The **Audit and Finance Committee** shall consist of the Mayor, who shall serve as the
10 chair, and one City Commissioner appointed by the Mayor.

11 1. Nature of Responsibilities

12 The Audit and Finance Committee monitors internal and external audit affairs and
13 provides policy oversight and guidance to management regarding the financial affairs of
14 the City. These responsibilities include oversight of the City’s internal accounting
15 control, periodic review of the internal audit function, selection of the independent
16 external auditor, review of the annual audit plans of both the internal and external
17 auditors, review of the Comprehensive Annual Financial Report (CAFR), auditor
18 communications, interim financial statements and all other audit and finance-related
19 matters.
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21 2. Scope of Responsibilities

22 The Audit and Finance Committee shall consider, review, and, where appropriate, make
23 recommendations to the City Commission on issues concerning the following matters:
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25 a. Audit Related Issues

- 26 i. City Auditor Reports
- 27 ii. City Auditor annual budget
- 28 iii. City Auditor annual audit plan
- 29 iv. City Auditor long-range audit plan
- 30 v. External Auditor selection process (pursuant to Section 218.391,
31 Florida Statutes)
- 32 vi. External Auditor contract
- 33 vii. External Auditor annual audit plan
- 34 viii. External Auditor progress and results
- 35 ix. All other audit-related matters as deemed appropriate
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37 b. Finance Related Issues

- 38 i. Financial management policies and procedures
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- 1 ii. Capital Improvement Program
- 2 iii. Annual operating budget priorities
- 3 iv. Long-range financial plans
- 4 v. Progress reports on approved plans, including the annual budget
- 5 vi. Budget management policies
- 6 vii. Other financial matters as deemed appropriate

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8 3. General Operating Procedures

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- 10 a. The Committee shall meet at the request of its members, the City
- 11 Commission or the Charter Officers on an as-needed basis, but not less
- 12 than once every quarter.
- 13
- 14 b. The Committee agenda shall be prepared and transmitted to the members
- 15 of the Committee and to all members of the City Commission 24 hours
- 16 before the day and time of the meeting date.
- 17
- 18 c. Agenda and Committee report preparation shall be the responsibility of the
- 19 City Auditor, with assistance from the other Charter Officers as requested.
- 20

21 (2) The **General Policy Committee** shall consist of the Mayor and all Commissioners. The

22 Mayor, or in his/her absence the Chair Pro tempore, shall be the Chair of this Committee. The

23 purpose and intent of this Committee is to allow the Mayor and Commissioners, as an entire

24 deliberative body, to discuss general policy matters that are referred to this Committee during a

25 Regular or Special Commission Meeting. The Committee may take action on the matters

26 referred (such as, but not limited to, directing the Mayor to send a letter, directing staff to

27 conduct further research, or directing the City Attorney to draft an ordinance.) However, this

28 Committee may not:

- 29
- 30 • discuss or take action on: any quasi-judicial matters, matters that are required by law to
- 31 be publicly advertised or conducted during a Regular or Special City Commission
- 32 Meeting;
- 33 • hold any public hearings required by law; or
- 34 • adopt any resolutions or ordinances.
- 35

36 B. SPECIAL COMMITTEES:

37 The Commission may appoint such Special Committees as it deems necessary to address

38 particular issues. All Special Committees will be appointed for a limited term and will complete

39 their assigned work within that term, unless further extended by the Commission.

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1 **RULE 8. RULES OF DEBATE**

2 The presiding officer may move, second and debate, subject only to such limitations of debate as
3 are enforced by these rules on all members. If the presiding officer desires to make a motion or
4 second a motion, the presiding officer shall relinquish the chair to a member as the presiding
5 officer shall designate until he/she has finished his/her motion or second.

6
7 No motion shall be debated or put to a vote unless seconded. No member of the Commission
8 may reserve the priority to make a motion. If a motion is made to vote immediately (or move the
9 previous question), it shall be put in this form: "I move that we vote immediately"; or "I move
10 the previous question(s)." This motion can apply to any immediately (or series of) pending
11 debatable or amendable motion(s). Further, any motion to vote immediately: (1) must be
12 seconded; (2) is not debatable; (3) cannot interrupt a speaker; (4) requires a two-thirds vote
13 (because it prevents or cuts off debate); (5) takes precedence over all subsidiary motions except
14 one postponed temporarily; and (6) can have no motion applied to it except withdraw. All
15 motions or amendments thereto shall be reduced to writing, by the Clerk, upon request of a
16 member of the Commission.

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18 Each member desiring to speak shall address the presiding officer and, upon recognition by the
19 presiding officer, shall confine his/her remarks to the question under debate, avoiding all
20 personalities and indecorous language. A member, once recognized, shall not be interrupted
21 when speaking unless it be to call said member to order, then the member shall cease speaking
22 until the question or order is determined by the presiding officer without debate and, if in order,
23 said member shall be at liberty to proceed.

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25 After the decision of any question, it shall be in order for any member to move reconsideration.
26 If the motion to reconsider is approved by a majority of those members present, the item shall be
27 placed on a future agenda for reconsideration, subject to legal, contractual, fiscal, quasi-judicial
28 and other constraints as staff may advise the Commission. If the Commission does not specify
29 the future date when the item will be heard, the Mayor, in consultation with the Charter Officers,
30 will determine the date.

31
32 A Commissioner may request, through the presiding officer, the privilege of having his/her
33 written statement on any subject under the consideration by and presented to the Commission
34 entered in the minutes. If the Commission consents thereto, such statement shall be entered in
35 the minutes.

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37 **RULE 9. COMMISSION MINUTES and RECORDS**

38 The Clerk shall submit minutes of meetings for approval as timely as possible. Such minutes
39 may be approved on the Consent Agenda, if the Clerk has provided a copy of the minutes in the

1 agenda backup. After approval, the Clerk shall publish the minutes on the City’s website. Every
2 petition, communication, or other paper presented in writing to the Commission at any
3 Commission or Committee meeting shall be retained (or a copy thereof) by the Clerk.

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5 **RULE 10. PERSONS APPEARING BEFORE THE COMMISSION**

6 **A. Citizen Comment Encouraged.**

7 The City Commission recognizes the importance of protecting the right of all citizens to express
8 opinions of the operation of city government and encourage citizen participation in the local
9 government process. The Commission will not prohibit public criticism of the policies,
10 procedures, programs or services of the commission, or the acts or omissions of the Commission.
11 Citizens’ expressions that go beyond the role and authority of the Commission have no privilege
12 or protection. While the Commission recognizes the rights of citizen’s free speech, this meeting
13 is a limited public forum in which the Commission must conduct its business meeting. The
14 Commission recognizes the necessity for conducting orderly and efficient meetings in order to
15 complete City business in a timely manner and has adopted these rules to balance the rights of
16 citizens to speak on governmental issues, while conducting its business meeting.

17 **B. Citizen Comment.**

18 **1. General Citizen Comment**

19 General Citizen Comment is an opportunity for citizens to address the Commission ~~limited to~~ on
20 issues of city business which are not located on other portions of the printed agenda. Each
21 general comment period is limited to 30 minutes total. The Commission may establish more
22 than one general citizen comment period, however a A citizen may provide general citizen
23 comment only once during a Commission meeting. ~~who has addressed the Commission during~~
24 one general citizen comment period in a meeting will be recognized by the presiding officer to
25 speak after other citizens who have not spoken are given the opportunity to address the
26 Commission, time permitting. Citizen comment at the end of the evening meeting is reserved
27 only for those citizens who did not speak at the 1pm or 5:30pm comment periods.

28 **2. Early Citizen Comment on Agenda Items**

29 Early Citizen Comment is an opportunity for citizens to address the Commission on agenda
30 items at the beginning of the meeting. During early citizen comment, citizens will be permitted
31 to comment on any or all items on the agenda. Early Citizen Comment is provided as a courtesy
32 for citizen’s who cannot or do not wish to attend the remainder of the meeting. As such, by
33 participating in Early Citizen Comment, the citizen waives his or her ability to speak during
34 regular citizen comment. Early Citizen Comment is not available for quasi-judicial agenda
35 items.

36 **B- 3. Citizen Comment on Agenda Items**

1 The Commission will hear from citizens on agenda items brought for a Commission vote.
2 Citizen comment will not be permitted on purely informational or procedural agenda items.
3 Citizens commenting on agenda items shall address only the agenda item being considered.

4
5 Citizens wishing to speak on agenda items ~~public hearing items (which includes general public~~
6 ~~hearings, resolutions, ordinances and planning petitions)~~ may will be required to ~~fill out a card~~
7 ~~provided by the Clerk and submit the completed card to the Clerk~~ register prior to speaking.

8
9 4. Written Citizen Comment on Agenda Items

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11 Citizens may also provide written comment on agenda items. Written comments will be
12 incorporated in the public record for the meeting as are spoken comments.

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14 5. Use of City Projection and Overhead

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16 Speakers at the podium addressing the Commission may use the City's overhead projection
17 system, as part of their comment as long as they are not obscene and do not otherwise disrupt,
18 delay, or interrupt the proceeding.

19
20 6. Time Limitations on Speech

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22 During each City Commission meeting:

- 23 a. each citizen is limited to a total of 3 minutes of speech during general comment;
24 b. each citizen is limited to 3 minutes (or 5 minutes if addressing more than one
25 agenda item) of speech during early citizen comment.

26 If a citizen does not participate in early citizen comment, a citizen is limited to 3 minutes of
27 speech for each agenda item on which the Commission will take action.

28 Other time limits may be established by the presiding officer based on the number of
29 participants. In addition, the presiding officer may adopt a time limitation to provide equal time
30 for opponents and proponents speaking to any particular issue.

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32 **C. Procedures for Citizen Comment. General Conduct for any Citizen Comment**

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34 The Clerk will call each registered speaker to the podium to address the Commission. Any
35 person desiring to address the Commission shall first request recognition by the presiding officer.

36 After being recognized, the ~~person~~ speaker shall:

- 37 ~~(1)~~ 1. shall give his/her their name in an audible tone of voice;

1 ~~(2)~~ 2. limit their address to comments as required by Rule 10.B.;

2 ~~(3)~~ 3. shall limit the address to any time limitation established; and

3 ~~(3)~~ 4. shall address all remarks to the Commission as a body and not to any member thereof,
4 nor to any member of staff; and

5 5. obey the directions of the presiding officer.

6 ~~Each citizen is limited to 3 minutes per general comment period or per agenda item and other~~
7 ~~time limits may be established by the presiding officer based on the number of participants. In~~
8 ~~addition, the presiding officer may adopt a time limitation to provide equal time for opponents~~
9 ~~and proponents speaking to any particular issue.~~

10 ~~No person other than a member of the Commission and the person having the floor shall be~~
11 ~~permitted to enter into any discussion, either directly or through a member of the Commission,~~
12 ~~without permission of the presiding officer. No question shall be asked except through the~~
13 ~~presiding officer.~~

14 ~~Members of the public are not permitted to possess food, drink, props, signs, posters, or other~~
15 ~~similar material in the meeting room. Speakers at the podium addressing the Commission may~~
16 ~~use the City's overhead projection system, as part of his/her comment as long as they 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 ~~these Rules, the violator may, after warning, be ordered removed from the room as provided in~~
20 ~~Rule 13.~~

21
22 **D. Conduct of Members of the Public.**

23 No person other than a member of the Commission and the person having the floor shall be
24 permitted to enter into any discussion, either directly or through a member of the Commission,
25 without permission of the presiding officer.

26 No question shall be asked except through the presiding officer.

27 Members of the public are not permitted to possess food, drink, props, signs, posters, or other
28 similar material in the meeting room.

29
30 **E. Interruption of Meeting.**

1 1. Persons demonstrating disruptive behavior at meetings or persons violating
2 established rules of order will be called to order by the presiding officer. If such conduct
3 continues, the presiding officer may do any or all of the following:

- 4 a. call a recess,
- 5 b. request the removal of such person(s) upon a finding of “disruptive behavior.”
- 6 c. adjourn the meeting if determined to be the appropriate action, or
- 7 d. take such other appropriate action as permitted by law.

8 2. Defining Disruptive Behavior.

9 a. A speaker may be removed upon a finding by the presiding officer that the
10 speaker’s conduct causes a disruption of the meeting. Disruptive behavior of a speaker
11 during the meeting usually takes one of two forms:

- 12 i. Refusal to confine the speech to the subject matter being addressed; or
- 13 ii. Refusal to conform to time limits on speaking.

14 b. Disruptive activity of persons within the meeting room and the lobby includes
15 any conduct that significantly violates generally or specially established rules of order
16 and truly disrupts the meeting. Examples include but are not limited to:

- 17 i. Violent or tumultuous conduct threatening the safety of another;
- 18 ii. Conduct creating danger to another’s property or person;
- 19 iii. Provoking or engaging in a fight;
- 20 iv. Use of words that may threaten or outrage others;
- 21 v. Using obscene, profane, or vulgar language;
- 22 vi. Refusal to leave podium when requested to do so; or
- 23 vii. Outbursts of approval or disapproval, jeers or heckling which interrupt a
24 speaker or the deliberation of the Commission.

25 **F. Enforcement of Order.** The presiding officer may enforce the rules of decorum. Any
26 commission member may request the presiding officer to enforce the rules of decorum upon a
27 motion and a majority vote by commission. In the event the presiding officer orders the removal
28 of an individual or individuals, the presiding officer will take the following steps:

- 29 1. Warn the individual that their conduct is disrupting the meeting and if the conduct
30 continues, the individual will be removed from the meeting.
- 31 2. If the conduct continues, revoke the individual’s right to attend or speak at the
32 meeting and direct the sergeant-at-arms to remove the individual from the meeting.

1 **G. Sergeant-At-Arms.** The City Manager or designee shall be sergeant-at-arms at commission
2 meetings and shall attend all regular, special and workshop meetings. The sergeant-at-arms will
3 carry out all orders and instructions given by the presiding officer for the purpose of maintaining
4 order and decorum at the commission meeting.

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6 **H. Removal from Meeting.**

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8 Upon instructions of the presiding officer, it shall be the duty of the sergeant-at-arms to direct an
9 officer to escort or remove any person who disrupts the meeting from the commission chambers,
10 the lobby, or city hall. The sergeant-at-arms or designee should explain the law on trespass and
11 Section 871.01, Florida Statutes, Disturbing Schools, and Religious and Other Assemblies. The
12 sergeant-at-arms or designee will advise the individual that there are alternate means of
13 presenting the individual's views. If the person refuses or resists removal, the person may be
14 placed under arrest.

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16 **D.I. Agenda Statement.**

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18 The following statement will be included on all meeting agendas: "Citizens are encouraged to
19 participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three
20 minutes for general citizen comment once during the meeting. Speakers who wish to participate
21 in early citizen comment will be limited to 3 (three) minutes to speak on one agenda item or 5
22 (five) minutes if they wish to speak on several agenda items. If speakers do not participate in
23 early citizen comment, speakers will be limited to 3 (three) minutes per agenda item, and 3
24 (three) minutes per citizen comment period. The City of Gainesville encourages civility in
25 public discourse and requests that speakers direct their comments to the Chair. Signs, props, and
26 posters are not permitted in the meeting room."
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28 **RULE 11. ORDINANCES and RESOLUTIONS**

29 All Ordinances and Resolutions shall be introduced in writing with a complete copy filed with
30 the Clerk in the agenda backup. No Ordinance shall be adopted on final reading until notice as
31 required by law has been published. All Ordinances shall be signed by the Mayor or Mayor Pro
32 Tempore, attested by the Clerk of the Commission and approved as to form and legality by the
33 City Attorney.
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35 **RULE 12. OTHER DOCUMENTS FOR EXECUTION**

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

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5 **~~RULE 13. SERGEANT-AT-ARMS~~**

6 ~~The City Manager (or designee) shall be sergeant at arms of the Commission meetings. The~~
7 ~~sergeant at arms shall carry out all orders and instructions given by the presiding officer for the~~
8 ~~purpose of maintaining order and decorum at the Commission meeting and the following~~
9 ~~procedure will provide guidance in handling disruptions:~~

10 ~~A. Individual refuses to relinquish the podium after being allowed to address the~~
11 ~~Commission: The presiding officer will inform the individual that their time to address the~~
12 ~~Commission has expired and the presiding officer will direct the individual to leave the podium.~~

13 ~~B. Individual causes disruption in the Commission meeting site: The presiding officer will~~
14 ~~inform the individual causing the disruption to cease disruptive activity. If the disruption fails to~~
15 ~~stop:~~

16 ~~1. The presiding officer will inform the individual causing the disruption that their~~
17 ~~actions are contrary to the orderly running of the meeting and that the individual is to~~
18 ~~cease such action or the Sergeant at Arms will be instructed to remove the individual~~
19 ~~from the meeting site.~~

20 ~~2. The presiding officer will revoke the individual's participation to attend the~~
21 ~~meeting and direct that the individual leave the meeting site. The presiding officer will~~
22 ~~inform the individual that if the individual is directed to leave and fails to do so, the~~
23 ~~individual will be subject to arrest for trespass.~~

24 ~~Final Action: In substantially the following words: As the presiding officer, I inform you that~~
25 ~~your actions are inconsistent with the orderly function of this meeting and fails to comply with~~
26 ~~the lawful order of the Chair. I am instructing the Sergeant at Arms to have you removed from~~
27 ~~this meeting site, and if deemed necessary by the Sergeant at Arms, to remove you from this~~
28 ~~building.~~

29 **~~RULE 14. ROBERT'S RULES OF ORDER~~**

30 ~~The current version of Robert's Rules of Order, Newly Revised, so far as they are applicable and~~
31 ~~do not conflict with these Rules or the Ordinances or Charter of the City, shall guide the~~
32 ~~Commission as needed.~~

33 **RULE 13. 15. QUASI-JUDICIAL ACTIONS**

34 **A. Quasi-Judicial Hearings before the Commission**

35 The quasi-judicial hearings before the Commission shall be either formal or informal hearings.
36 A formal quasi-judicial hearing shall be conducted in accordance with Section C of this Rule.
37 An informal hearing shall be conducted in accordance with Section D of this Rule.

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B. Request for Formal Hearing

All persons entitled to actual written notice of a quasi-judicial matter before the Commission may request a formal hearing by filing with the Clerk a written request before the close of business at least seven (7) days prior to the 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 15, may request a formal hearing and determination of affected party status by filing with the Clerk a written request for a formal hearing and an application for affected party status as provided this rule at least seven (7) days prior to the Commission meeting when the matter is scheduled to be heard. Failure to timely file a request for a formal hearing shall set the matter for an informal quasi-judicial hearing.

C. Formal Quasi-Judicial Hearings

The Commission shall make a determination of affected party status and thereafter, the Clerk shall collectively swear-in all parties who intend to present/testify at the hearing. An affected party is any person who is entitled to actual written notice of the quasi-judicial matter. 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 B of this Rule. The Commission will consider the facts articulated in the application and the decision of the Commission shall be final. In order to participate in the formal 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 before the Commission. The form shall be delivered to the Clerk at the commencement of the hearing.

The order of presentation for the hearing, with corresponding time limits, is set forth below. The time limits may be modified by the 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 Commission to assure all parties have an opportunity to participate, but without undue repetition and delay.

Order	Maximum Time Limit (minutes)
a. Determination of affected party status	
b. Swearing-in of all parties	
c. Disclosure of inadvertent ex-parte communication	
d. Introduction of the matter by staff	3

1	*e. Petitioner	20
2	*f. Staff presentation	10
3	*g. Affected Party for (if any)(per person)	10
4	*h. Affected Party against (if any) (per person)	10
5	*i. Rebuttal (Petitioner/Staff)	5
6	j. Closing by Petitioner, Staff and Affected Parties (per person)	3
7	k. Public comment (per person)	3
8	**l. Deliberation and vote of the Commission	

9 *Witnesses may be presented during parts e-i of the hearing and the witnesses may be cross
10 examined by the Petitioner, Staff and Affected Parties. However, cross examination is limited to
11 10 minutes per witness. In addition, the Commission may call any witness it deems necessary to
12 reach a complete and informed decision. The examination of witnesses shall be conducted under
13 oath by direct examination on matters which are relevant and material to the issue or issues
14 before the Commission. After the conclusion of direct examination, the witness may be cross-
15 examined by another party, or a Commissioner. All questions shall be directed through the
16 presiding officer and the witness shall answer the question unless the presiding officer deems the
17 question to be irrelevant or immaterial. Any commissioner or party may raise evidentiary
18 objections. The inquiry under cross-examination shall be limited to matters raised in the direct
19 examination of the witness. No re-direct shall be allowed unless requested by a party stating the
20 desired area of inquiry and that request is approved by the presiding officer. If re-direct is
21 allowed, it shall be limited to questions of the witness on issues raised in the cross-examination.
22 This provision shall not prohibit a member of the Commission from questioning any person on
23 matters relevant to the matter.

24 **In part l. of the hearing, the Commission shall deliberate a motion, if necessary, and reach a
25 decision by voting on the motion. In reaching its decision, the Commission may only consider
26 evidence presented at the hearing and base its decision on the competent, substantial evidence of
27 record. The Commission shall orally issue an order at the conclusion of the hearing, unless
28 continued. After the meeting, the City Attorney shall prepare a written order stating, at a
29 minimum, whether the petition was granted or denied and if granted, specifying any conditions,
30 requirements or limitations on the approval of the matter. The written order shall be presented to
31 the Commission for approval at a Special Meeting or at the next Regular Meeting of the
32 Commission. Upon approval, the presiding officer shall execute and the Clerk shall attest the

1 order. Executed copies of the order shall be hand delivered or mailed to the petitioner and
2 affected parties.

3 **D. Informal Quasi-Judicial Hearings**

4 If no person files a timely request for a formal hearing, the matter shall be set for an informal
5 hearing. Cross-examination is not permitted and deemed waived by all persons or parties. This
6 provision does not prohibit a member of the Commission from questioning any person relevant
7 to the matter. Any person may speak for or against the matter in the public comment portion if
8 they complete a registration card at the meeting as provided by the Clerk. The presiding officer
9 may limit the time of any portion of an informal hearing to avoid unnecessary repetition and
10 delay. The vote of the Commission shall constitute an oral order, no written order will be issued.
11 The order of presentation for the hearing is as follows:

- 12 a. Disclosure of inadvertent ex-parte communications
- 13 b. Staff presentation
- 14 c. Petitioner or Applicant
- 15 d. Public comment
- 16 e. Deliberation and vote of the Commission

17
18 **E. Representation of Parties**

19 Any party may be represented by an attorney. If an attorney represents a party, the attorney shall
20 complete the form provided by the Clerk and identify the person or persons they represent and
21 whether their client supports or opposes the matter before the Commission. The form shall be
22 delivered to the Clerk at the commencement of the hearing.

23 **F. Evidence**

24 Evidence before the Commission shall include, but not be limited to, an analysis which includes
25 the consistency with the City's adopted codes, rules, policies or plans, as applicable, and how the
26 matter does or does not meet the requirements of such codes, rules, policies and plans and other
27 applicable laws. Written reports and any other documentary evidence shall become a part of the
28 record. Evidence may be presented through oral testimony or written documents or both. Any
29 member of the Commission may seek advice from the City Attorney on questions of evidence.
30 During the hearing, no one may present testimony or evidence which is unduly cumulative or
31 repetitious of previously presented testimony or evidence by another party.

32 **G. Continuances**

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

1 **H. Ex Parte Communications**

2 The Commission has chosen to prohibit ex-parte communications (i.e., a verbal or written
3 communication with a Commissioner received outside of the quasi-judicial hearing) in
4 connection with any quasi-judicial hearing before the Commission. However, it is recognized
5 that members of the Commission may, from time to time, receive or engage in inadvertent ex-
6 parte communications. The following procedures are provided to remove any presumption of
7 prejudice. Should an ex parte communication be received by an individual commissioner these
8 procedures shall be followed:

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

14
15 2. Oral Communications - As soon as it becomes apparent that an oral communication
16 pertains to a quasi-judicial matter coming before the Commission, the member of the
17 Commission should explain to the person that the communication is prohibited and that
18 he or she is required to end the communication on that subject.

19
20 3. At the hearing, each member of the Commission should disclose any inadvertent ex-parte
21 communications and state for the record whether the member is able to be an impartial
22 decision-maker. If not so able, the member should abstain from participating and voting
23 in the quasi-judicial hearing. Any party may question, through the presiding officer, a
24 member of the Commission about any ex parte communications.

25
26 **RULE 14.16. WAIVER OF THESE RULES**

27 These Rules (except those that are required by law or those that involve notice) may be waived
28 by a 2/3rds vote of the members present at a meeting.

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