

1 **RESOLUTION NO. 060686**

2  
3 **Adopted: November 13, 2006**

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

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

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

17 **SECTION 1.**

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

21 **RULE I.**

22 **REGULAR MEETINGS**

23 The Regular Meetings of the Commission shall be held the second and fourth Monday of  
24 every month commencing at 1:00 p.m., except when meeting as the Board of Trustees of the  
25 Employees' Pension Plan which will precede the regular City Commission meeting which  
26 will occur after adjournment of the Board meetings. If a meeting day shall fall on a legal  
27 holiday observed by the City, such meeting will not be held on the holiday but shall be  
28 Rescheduled as determined by the Commission.

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

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

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

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

13 G. City Commission Workshops/Informal Meetings can take place in any location as  
14 long as it meets the requirements of the Sunshine Law. Each workshop shall be properly noticed  
15 to the public and any topic may be discussed although no final policy actions shall be taken at  
16 these meetings. For all policy issues requiring consideration, workshops may be scheduled.  
17 The City Commission is expected to attend all scheduled workshops, although the Mayor and  
18 one (1) Commissioner or two (2) Commissioners may constitute a meeting for the purposes of  
19 the Sunshine Law.

## 20 AGENDA

21 The Clerk of the Commission shall prepare an agenda for each regular meeting of the  
22 Commission. All requests to address the Commission on subjects not then under discussion  
23 by the Commission, together with a notice of items to be presented at the Commission at the  
24 next regular meeting by any Committee, Board, or Administrative Official, shall be delivered

1 immediately before the Commission.

2 D. In the absence of the Chair Pro tempore, the Mayor shall designate a member  
3 of the Commission as a temporary Chair Pro tempore. Upon arrival of the Chair Pro tempore,  
4 the temporary Chair Pro tempore shall relinquish the designation.

5 **RULE VI.**

6 **COMMITTEES - APPOINTMENT - PROCEDURE - REFERRALS**

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

- 10 Audit, Finance and Legislative;
- 11 Community Development Committee
- 12 Economic Development/University Community
- 13 Equal Opportunity Committee
- 14 Personnel and Organizational Structure;
- 15 Public Safety;
- 16 Recreation, Cultural Affairs and Public Works; and
- 17 Regional Utilities.

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

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

24 C. Standing and Special Committees shall consider matters referred to such Committees

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

3 **RULE VII.**

4 **ADVISORY BOARDS AND COMMITTEES**

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

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

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

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

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

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

23 5. All Board and Committee Agendas should include a list of all outstanding

1 by Board/Committee.

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

4 O. Members of the City Commission

5  
6 P. Commission Comments (if time available)

7  
8 **5:30 p.m.**

9  
10 Q. Pledge of Allegiance

11 R. Proclamations/Special Recognitions Placed on Agenda by Commissioner or Charter  
12 Officer

13 **6:00 p.m.**

14 S. Citizen Comment

15 T. Public Hearings

16 1. General Public Hearings

17 2. Ordinances

18 3. Resolutions

19 4. Plan Board Petitions

20 5. Development Review Board

21 U. Scheduled, Evening Agenda Items

22 V. Unfinished Business

23 W. Commission Comments

24 X. Citizen Comments (If Time Permits)

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

26

27

1 question(s)."

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

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

14  
15 **RULE XI.**

16 **RULES OF DEBATE**

17 The presiding officer may move, second and debate, subject only to such limitations of  
18 debate as are enforced by these rules on all members, and shall not be deprived of any of the  
19 rights and privileges as commissioners by reason of his/her action as presiding officer. If the  
20 presiding officer desires to make a motion or second a motion, the officer shall relinquish  
21 the chair to a member as the officer shall designate until he/she has finished his/her debate  
22 on said question or matter. Every member desiring to speak shall address the chair and,  
23 upon recognition by the presiding officer, shall be confined to the question under debate,  
24 avoiding all personalities and indecorous language. A member, once recognized, shall not be

1 mail, that will become public record. (In some instances, i.e. Quasi-Judicial Hearings, these  
2 particular contacts may be prohibited.)”

3

4 **RULE XII.**

5 **APPROVAL OF COMMISSION MINUTES**

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

10 **RULE XIII.**

11 **PERSONS APPEARING BEFORE THE COMMISSION**

12 **I. Citizen Comment**

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

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

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

18 **II. Generally Speaking**

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

1 **RULE XIV.**

2 **UNFINISHED BUSINESS**

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

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7 **RULE XV.**

8 **COMMUNICATIONS**

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

13 **RULE XVI.**

14 **ORDINANCES**

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

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

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

21 **RULE XVII.**

22 **SERGEANT-AT-ARMS**

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



1 **RULE XVIII.**

2 **REPORTS AND RESOLUTIONS**

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

6

7 **RULE XIX.**

8 **DOCUMENTS FOR EXECUTION**

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

13 **RULE XX.**

14 **ROBERT'S RULES OF ORDER**

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

1 for an informal quasi-judicial hearing.

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

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

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

	Order	Maximum Time Limit (minutes)
6		
7	1) Introduction of the matter by staff	3
8	*2) Petitioner	20
9	*3) Staff presentation	10
10	*4) Affected Party (if any) for	
11	(per person)	10
12	*5) Affected Party against (if any) against	
13	(per person)	10
14	*6) Rebuttal (Petitioner/Staff)	5
15	7) Close of presentation by Petitioner, Staff and Affected Parties	
16	8) Public hearing (per person)	5
17	9) Deliberation and vote of the Commission	
18		

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

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

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

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

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

- 1           2)     The City Commissioners shall disclose any ex parte communications that  
2           may have occurred.
- 3           3)     All parties may be collectively sworn by the Clerk of the Commission in  
4           the interest of time.
- 5           4)     The City Manager or designee shall present any staff, board or other  
6           report on the matter. Evidence before the Commission shall include, but not be  
7           limited to, an analysis which includes the consistency with the City's adopted  
8           codes, rules, policies or plans, as applicable, and how the matter does or does not  
9           meet the requirements of such codes, rules, policies and plans and other  
10          applicable laws. Written reports and any other documentary evidence shall  
11          become a part of the record. Evidence may be presented through oral testimony  
12          of witnesses or documentary evidence or both.
- 13          5)     The City Commission may call any witness it deems necessary to reach a  
14          complete and informed decision.
- 15          6)     The examination of witnesses shall be conducted under oath by direct  
16          examination on matters which are relevant and material to the issue or issues  
17          before the City Commission. After the conclusion of direct examination, the  
18          witness may be cross-examined by another party, or a City Commissioner. All  
19          questions shall be directed through the Mayor and the witness shall answer the  
20          question unless the Mayor deems the question to be irrelevant or immaterial. Any  
21          commissioner or party may raise evidentiary objections. The inquiry under cross-  
22          examination shall be limited to matters raised in the direct examination of the  
23          witness. No re-direct shall be allowed unless requested by a party stating the  
24          desired area of inquiry and that request is approved by the Mayor. If re-direct is



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  
3 Commissioner should explain to the person that the communications is improper  
4 and that he or she is required to end the communication on that subject. At the  
5 time the item comes up for discussion at the Commission meeting, the  
6 Commissioner should report any attempted "ex parte" communication.

7 3) Party inquiry

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

10 **RULE XXII.**

11 **WAIVER OF THESE RULES**

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

13 **SECTION 2.**

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

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17 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

ATTEST:

Approved as to form and  
legality:

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

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