

**LEGISLATIVE #**

**150297A**

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**RESOLUTION NO. 150297**

**ADOPTED:** \_\_\_\_\_

**A resolution amending and restating in its entirety the rules of the City Commission to describe the responsibilities, composition and operation of the Audit and Finance Committee; providing a repealing clause and providing an immediate 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. 150370 on October 15, 2015; and

**WHEREAS**, at its August 20, 2015 meeting, the City Commission directed the City Attorney and City Auditor to prepare resolutions and ordinances to update the internal auditor’s responsibilities and administrative procedures; and

**WHEREAS**, the update includes describing the responsibilities, composition and operation of the Audit and Finance Committee including designating the Audit and Finance Committee to assist the City Commission in selection of external auditors pursuant to Section 218.391, F.S.; and

**WHEREAS**, the rules are hereby amended and restated in their entirety to include the desired amendments.

**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:

1 **RULE I. REGULAR MEETINGS**

2 The Regular Meetings of the Commission shall be held the first and third Thursday of every  
3 month commencing at 1:00 p.m., except when meeting as the Board of Trustees of the  
4 Employees' Pension Plan which will precede the regular City Commission meeting which will  
5 occur after adjournment of the Board meetings. If a meeting day shall fall on a legal holiday  
6 observed by the City, such meeting will not be held on the holiday but shall be cancelled or  
7 rescheduled as determined by the Commission. It is the intent of the City Commission that the  
8 regular afternoon agenda of the regular meeting held on the first Thursday of each month will be  
9 primarily devoted to Gainesville Regional Utilities business and the regular afternoon agenda of  
10 the regular meeting held on the third Thursday of each month will be primarily devoted to  
11 General Government business. However, it is expressly recognized that the Mayor, any City  
12 Commissioner or Charter Officer may place items of a time-sensitive or important nature  
13 (regardless of whether they pertain to General Government or Gainesville Regional Utilities) on  
14 either afternoon agenda, as they deem necessary or advisable. Items that pertain to both General  
15 Government and Gainesville Regional Utilities may be placed on either agenda, at the discretion  
16 of the person authorized to place the item on the agenda. The consent agenda and the regular  
17 evening agenda of each meeting will remain open for all agenda items (including both General  
18 Government and Gainesville Regional Utilities items).

19 **RULE II. ORDER OF BUSINESS**

20 The Business of the Commission shall be taken up for consideration and disposition in the  
21 following order at the Regular Meetings except as changed by the Mayor in agenda review; or by  
22 the Mayor or by the Commission during the Adoption of the Agenda to allow greater citizen  
23 participation:

1       **A. AT THE AFTERNOON MEETING DEVOTED PRIMARILY TO GAINESVILLE**

2               **REGIONAL UTILITIES BUSINESS**

3               **1:00 P.M.**

- 4           1.     Invocation
- 5           2.     Adoption of the Consent Agenda (Including both General Government and
- 6                     Gainesville Regional Utilities items)
- 7           3.     Adoption of the Utilities Regular Agenda (Read if any, each item added or
- 8                     modified)
- 9           4.     Utility-related Citizen Comment (not to exceed 30 minutes in length)
- 10          5.     General Manager for Utilities
- 11          6.     Utility Committee Reports (Pulled from Consent)
- 12          7.     Utility Advisory Board/Committee Reports. Reports must be placed on the
- 13                     agenda by Charter Officer, through staff liaison after approval by
- 14                     Board/Committee.
- 15          8.     Utility-related items from outside Agencies. Must be submitted by a Charter
- 16                     Officer. Update limited to ten (10) minutes.
- 17          9.     Utility-related items from Members of the City Commission
- 18          10.    Utility-related Commission Comments (if time permits)
- 19          11.    General Government items of a time-sensitive or important nature or pulled from
- 20                     Consent. Must be submitted or pulled by the Mayor, a City Commissioner or a
- 21                     Charter Officer.

22       **B. AT THE AFTERNOON MEETING DEVOTED PRIMARILY TO GENERAL**

23               **GOVERNMENT BUSINESS**

1       **1:00 P.M.**

- 2       1.     Invocation
- 3       2.     Adoption of the Consent Agenda (Including both General Government and
- 4             Gainesville Regional Utilities items)
- 5       3.     Adoption of the General Government Regular Agenda (Read if any, each item
- 6             added or modified)
- 7       4.     General Government-related Citizen Comment (not to exceed 30 minutes in
- 8             length)
- 9       5.     Clerk of the Commission
- 10      6.     City Manager
- 11      7.     City Attorney
- 12      8.     City Auditor
- 13      9.     Equal Opportunity Director
- 14      10.    General Government Committee Reports (Pulled from Consent)
- 15      11.    General Government Advisory Board/Committee Reports. Reports must be
- 16             placed on the agenda by Charter Officer, through staff liaison after approval by
- 17             Board/Committee.
- 18      12.    General Government-related items from Outside Agencies. Must be submitted by
- 19             a Charter Officer. Update limited to ten (10) minutes.
- 20      13.    General Government-related items from Members of the City Commission
- 21      14.    General Government-related Commission Comments (if time permits)

- 1           15.    Gainesville Regional Utilities items of a time-sensitive or important nature or
- 2                    pulled from Consent. Must be submitted or pulled by the Mayor, a City
- 3                    Commissioner or a Charter Officer.

4           **C. EVENING PORTION OF EACH REGULAR MEETING**

5           **5:30p.m.**

- 6           1. Pledge of Allegiance
- 7           2. Proclamations/Special Recognitions Placed on Agenda by Commissioner or Charter
- 8                Officer

9           **6:00 P.M.**

- 10          3. Citizen Comment (to end at a time certain of 6:30 p.m., or at such later time as allows for
- 11                30 minutes of citizen comment)
- 12
- 13          4. Public Hearings
- 14                a. General Public Hearings
- 15                b. Resolutions
- 16                c. Ordinances
- 17                d. Plan Board Petitions
- 18                e. Development Review Board
- 19          5. Scheduled, Evening Agenda Items
- 20          6. Unfinished Business
- 21          7. Commission Comments
- 22          8. Citizen Comments (If Time Permits)

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

24   **RULE III. SPECIAL AND EMERGENCY MEETINGS**

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

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

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

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

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

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

10 G. City Commission workshops/informal meetings may be held at any time upon the written  
11 request of the Mayor or upon the written request of two members, or at the direction of the City  
12 Commission. Workshops/informal meetings can take place in any location as long as it meets  
13 the requirements of the Sunshine Law. Each workshop/informal meeting shall be properly  
14 noticed to the public. A workshop/informal meeting should be requested using a form designed  
15 by the Clerk of the Commission, and attaching the written request for the workshop/informal  
16 meeting, if applicable. The request shall be served on every member of the Commission by the  
17 Clerk of the Commission. Every reasonable measure will be taken to notify members of the  
18 Commission regardless of where each member may be. Also every reasonable effort will be  
19 made to notify members of the local news media (print and electronic) and the public. The  
20 notice may state the subject matter to be discussed at such meeting, although any subject matter  
21 may be discussed, except for pending matters where notice to affected parties is required, such as  
22 pending planning petitions and pending quasi-judicial matters. No policy or other action shall be  
23 taken at these meetings. Workshops/informal meetings may not be convened sooner than forty-



1 eight (48) hours succeeding the time notice was served by the Clerk of the Commission on the  
2 last Member of the Commission. The Mayor and City Commissioners are expected to attend all  
3 scheduled workshops/informal meetings, although the Mayor and one (1) Commissioner or two  
4 (2) Commissioners will constitute a meeting for the purposes of the Sunshine Law.

5 **RULE IV. AGENDA**

6 The Clerk of the Commission shall prepare an agenda for each regular meeting of the  
7 Commission. All requests to address the Commission on subjects not then under discussion by  
8 the Commission, together with a notice of items to be presented at the Commission at the next  
9 regular meeting by any Committee, Board, or Administrative Official, shall be delivered to the  
10 Clerk of the Commission on or before 6:00 P.M. on the Wednesday of the week prior to each  
11 Regular Meeting. The Clerk of the Commission shall arrange a list of such matters according to  
12 the order of business, and furnish each Commissioner and Charter Officer with a copy as far in  
13 advance of the meeting as time for preparation will permit. The Clerk of the Commission will  
14 prepare copies of the agenda for the news media and the public.

15 **RULE V. QUORUM**

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

18 **RULE VI. PRESIDING OFFICER-ELECTION AND DUTIES**

19 A. The Mayor shall be the presiding officer and Chair of the Commission. At the meeting  
20 held on the Thursday following the first (1st) Tuesday in May unless there is a runoff election in  
21 which event, the Thursday following the third (3rd) Tuesday in May, the Commission shall elect  
22 one of its members as Chair Pro tempore.

1 B. The Mayor, or in his/her absence the Chair Pro tempore, shall take the chair at the hour  
 2 affixed for the meeting and call the members of the Commission to order. The presiding officer  
 3 shall preserve order and decorum at all meetings of the Commission. He/she shall sign all  
 4 ordinances or resolutions adopted by the Commission. The Mayor shall designate the seating  
 5 arrangement at meetings of the Commission.

6 C. In the absence of the Mayor and the Chair Pro tempore, the Clerk of the Commission  
 7 shall call the Commission to order; whereupon a temporary Chair shall be elected by the  
 8 members of the Commission present. Upon arrival of the Mayor or Chair Pro tempore, the  
 9 temporary Chair shall relinquish the chair upon the completion of the business immediately  
 10 before the Commission.

11 D. In the absence of the Chair Pro tempore, the Mayor shall designate a member of the  
 12 Commission as a temporary Chair Pro tempore. Upon arrival of the Chair Pro tempore, the  
 13 temporary Chair Pro tempore shall relinquish the designation.

14 **RULE VII. COMMITTEES-APPOINTMENT-PROCEDURE-REFERRALS**

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

- 18       Audit and Finance Committee (described more particularly in subsection B. below);
- 19       Community Development Committee;
- 20       Economic Development/University Community Committee;
- 21       Equal Opportunity Committee;
- 22       Legislative and Organizational Policy Committee;
- 23       Public Safety Committee;

1 Recreation, Cultural Affairs and Public Works Committee; and  
2 Regional Utilities Committee. The Regional Utilities Committee may also include a  
3 current member of the Board of County Commissioners of Alachua County, Florida. The  
4 County Commission shall determine whether it desires to appoint a member to the  
5 Committee. The County Commission shall be the sole judge of the qualifications of its  
6 appointed member and may remove its member and re-appoint a new member at any  
7 time. The County Commission member shall have the same rights of committee  
8 participation as the City Commission members, except that the County Commission  
9 member may not serve as the Chair of the Committee.

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

13 B. Audit and Finance Committee

14 1. Nature of Responsibilities.

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

23 2. Scope of Responsibilities.

1 The Audit and Finance Committee shall consider, review, and, where appropriate, make  
2 recommendations to the City Commission on issues concerning the following matters:

3 a. Audit Related Issues

- 4 i. City Auditor Reports
- 5 ii. City Auditor annual budget
- 6 iii. City Auditor annual audit plan
- 7 iv. City Auditor long-range audit plan
- 8 v. External Auditor selection process (pursuant to §218.391, F.S.)
- 9 vi. External Auditor contract
- 10 vii. External Auditor annual audit plan
- 11 viii. External Auditor progress and results
- 12 ix. All other audit-related matters as deemed appropriate

13  
14 b. Finance Related Issues

- 15
- 16 i. Financial management policies and procedures
- 17 ii. Capital Improvement Program
- 18 iii. Annual operating budget priorities
- 19 iv. Long-range financial plans
- 20 v. Progress reports on approved plans, including the annual budget
- 21 vi. Budget management policies
- 22 vii. Other financial matters as deemed appropriate

23  
24 3. General Operating Procedures.

- 25
- 26 a. The membership of the Committee shall consist of the Mayor and one City  
27 Commissioner.
- 28
- 29 b. The Committee shall meet at the request of its members, the City  
30 Commission or the Charter Officers on an as-needed basis, but not less  
31 than once every quarter.
- 32
- 33 c. The Committee agenda shall be prepared and transmitted to the members  
34 of the Committee and to all members of the City Commission 24 hours  
35 before the day and time of the meeting date.
- 36
- 37 d. Agenda and Committee report preparation shall be the responsibility of the  
38 City Auditor, with assistance from the other Charter Officers as requested.
- 39

40 C. The following standing committee shall consist of the Mayor and all Commissioners:  
41 General Policy Committee. Except as specified in this paragraph C, the General Policy

1 Committee shall function as all other Standing Committees. The Mayor, or in his/her absence  
2 the Chair Pro tempore, shall be the Chair of this Committee. Four (4) members of the  
3 Committee shall constitute a quorum for the transaction of business, but a smaller number may  
4 adjourn the meeting. The purpose and intent of this Committee is to allow the Mayor and  
5 Commissioners, as an entire deliberative body, to discuss general policy matters that are referred  
6 to this Committee during a Regular City Commission Meeting. The Committee may take action  
7 on the matters referred (such as, but not limited to, directing the Mayor to send a letter, directing  
8 staff to conduct further research, or directing the City Attorney to draft an ordinance.) However,  
9 this Committee may not:

- 10 • discuss or take action on: any quasi-judicial matters, matters that are required by law to  
11 be publicly advertised or conducted during a Regular or Special City Commission  
12 Meeting;
- 13 • hold any public hearings required by law; or
- 14 • adopt any resolutions or ordinances.

15 D. The Mayor may appoint such Special Committees as he/she may deem necessary or as  
16 authorized by the Commission.

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

1 F. Each Committee shall call upon, advise with, and seek the recommendation of the  
2 administrative staff and shall keep the appropriate staff personnel of the City advised of the  
3 matters under consideration by the Committee.

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

7 All meetings of the Committees shall be open to the public. All Committee meetings shall be  
8 included on the weekly notice of meetings prepared by the Clerk of the Commission.

9 H. All Committees shall meet at least quarterly.

10 I. All referrals should be completed in six months unless otherwise directed.

11 All referrals not completed in six (6) months must seek re-authorization or removal from the  
12 referral list by the City Commission prior to the six month due date.

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

15 All Standing Committee Liaisons should update the referral list with intermediate updates.

16 The Clerk of the Commission shall include each Standing Committee referral list on a City  
17 Commission Agenda two times a year and maintain a referral list on the City's Intranet and  
18 Internet.

19 K. Each Committee Liaison shall prepare an agenda for each Committee meeting. Each  
20 Committee Chair shall review his/her respective Committee meeting agendas and agenda items.  
21 Upon review by the Committee Chair, the agenda shall be available on the City's website.

22 L. Each Committee Liaison shall prepare minutes after each Committee meeting. After  
23 approval by the Committee, the minutes shall be available on the City's website.

1 M. The Committee Chair, or appointed designee, shall be the sponsor of any committee item  
2 brought forward for discussion before the City Commission.

3 **RULE VIII. ADVISORY BOARDS AND COMMITTEES**

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

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

9 B. All Board and Committee Referrals not completed in six months must seek re-  
10 authorization prior to the six month due date.

11 C. All Board Committee Agendas should include a list of all outstanding referrals with due  
12 dates listed.

13 D. All Board and Committee Liaisons should update the referrals with intermediate updates.

14 E. All Boards and Committees shall submit an annual workplan and accomplishment report  
15 to the City Commission. The details associated with the workplan will be dependent upon the  
16 mission of the board or committee. The annual workplan and accomplishment report will be  
17 submitted to the City Commission during the annual budget process.

18 **RULE IX. VOTING**

19 The Yeas and Nays on any question before the Commission shall be taken at the Call of any  
20 Commissioner. Each member of the Commission will vote first every sixth time only, with the  
21 Mayor (Chair) always voting last. Commissioners will vote "yea" for support of a motion and  
22 vote "no" when voting not to support a motion. Except in a Roll Call, silence by a member shall  
23 be recorded as an affirmative vote.

1 **RULE X. PROCEDURES**

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

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

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

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

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

13 F. If a motion is made to vote immediately (or move the previous question), it shall be put in  
14 this form: "I move that we vote immediately"; or "I move the previous question(s)."

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

20 G. The tape recordings made by the Clerk of the City Commission meetings are for  
21 exclusive benefit and use of the Clerk in making and keeping minutes and records of the  
22 Commission. In order that there be no possibility of altering, damaging, losing or tampering  
23 with such tapes and matters contained thereon, the tape recordings of the Commission meetings



1 shall be used only by the Clerk. A copy of such tape recordings may be made by the Clerk and  
2 then by him/her made available to the press and public.

3 **RULE XI. RULES OF DEBATE**

4 The presiding officer may move, second and debate, subject only to such limitations of debate as  
5 are enforced by these rules on all members, and shall not be deprived of any of the rights and  
6 privileges as commissioners by reason of his/her action as presiding officer. If the presiding  
7 officer desires to make a motion or second a motion, the officer shall relinquish the chair to a  
8 member as the officer shall designate until he/she has finished his/her debate on said question or  
9 matter. Every member desiring to speak shall address the chair and, upon recognition by the  
10 presiding officer, shall be confined to the question under debate, avoiding all personalities and  
11 indecorous language. A member, once recognized, shall not be interrupted when speaking unless  
12 it be to call said member to order, then the member shall cease speaking until the question or  
13 order is determined by the presiding officer without debate and, if in order, said member shall be  
14 at liberty to proceed. After the decision of any question, it shall be in order for a member voting  
15 on the prevailing side to move a reconsideration at the same meeting or at the next succeeding  
16 regular meeting, but not thereafter without unanimous consent. It shall likewise be in order for a  
17 member voting on the prevailing side to move reconsideration at a special meeting occurring  
18 between the time of original consideration and the next succeeding regular meeting. In the case  
19 of a tie vote on any question, any member may move for a reconsideration at the time or times  
20 herein stated for reconsideration on motion by one voting on the prevailing side. If a motion to  
21 reconsider be lost, it shall not be renewed without the unanimous consent of the Commission;  
22 and no decision shall be a second time reconsidered without a like leave. A Commissioner may  
23 request, through the presiding officer, the privilege of having his/her written statement on any

1 subject under the consideration by and presented to the Commission entered in the minutes. If  
2 the Commission consents thereto, such statement shall be entered in the minutes. The following  
3 Statement will be required on all City Commission Agendas: "Citizens are encouraged to  
4 participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three)  
5 minutes per agenda item. Additional time may be granted by the Mayor or by the City  
6 Commission as directed. The City of Gainesville encourages civility in public discourse and  
7 requests that speakers limit their comments to specific motions and direct their comments to the  
8 Chair. Signs, Props, and posters are not permitted in the meeting room except provided in Rule  
9 XIII. Citizens are encouraged to provide comments in writing to the Clerk of the Commission  
10 before meetings and/or during meetings for inclusion into the public record. Citizens may also  
11 provide input to individual commissioners via office visits, phone calls, letters and e-mail, that  
12 will become public record. (In some instances, i.e., Quasi-Judicial Hearings, these particular  
13 contacts may be prohibited.)"

14 **RULE XII. APPROVAL OF COMMISSION MINUTES**

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

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

20 **I. Citizen Comment**

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

1 B. Time Limits will be established by the Mayor based on the number of  
2 participants.

3 C. A citizen who has addressed the Commission during one period of citizen  
4 comment in a meeting will be recognized by the presiding officer to speak after other  
5 citizens who have not spoken are given the opportunity to address the Commission, time  
6 permitting.

7 **II. Generally Speaking**

8 A. Any person desiring to address the Commission on any matter pending before it  
9 shall first request recognition by the presiding officer. After being recognized, the person  
10 (1) shall give his/her name in an audible tone of voice; (2) shall limit the address to any  
11 time limitation established by the Mayor; (3) shall address all remarks to the Commission  
12 as a body and not to any member thereof; and (4) shall address the motion being  
13 considered.

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

18 C. If any person in any way interferes with or interrupts the orderly procedure of the  
19 Commission, or any Commissioner, or the person speaking who has been properly  
20 recognized by the presiding officer, the person shall be subject to removal from the  
21 Commission room.

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

1 **III. Public Hearings**

2 A. Citizens wishing to speak on public hearing items may be required to fill out a card  
3 and forward it to the Clerk of the Commission. Should more than ten (10) speakers want  
4 to 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 A. 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 B. 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 1. 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 2.. The Mayor will revoke the individual's participation to attend the meeting and  
4 direct that the individual leave the meeting site. The Mayor will inform the individual  
5 that if the individual is directed to leave and fails to do so, the individual will be subject  
6 to arrest for 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

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

1 **A. Order of Presentation; Time Limits**

2 1. The order of presentation, with corresponding time limits for each presentation, are  
3 as follows:

	Order	Maximum Time Limit (minutes)
5	a. Introduction of the matter by staff	3
6	*b. Petitioner	20
7	*c. Staff presentation	10
8	*d. Affected Party (if any) for (per person)	10
9	*e. Affected Party against (if any) against (per person)	10
10	*f. Rebuttal (Petitioner/Staff)	5
11	g. Close of presentation by Petitioner, Staff and Affected Parties	
12	h. Public hearing (per person)	5
13	i. Deliberation and vote of the Commission	

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

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

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

22 **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  
20 persons or parties. This provision does not prohibit a City Commission member  
21 from questioning any person relevant to the matter.

22 4. The City Manager or designee shall present any staff, board or other report on the  
23 matter. Evidence before the Commission shall include, but not be limited to, an

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

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

11 6. After the public hearing portion, the City Commission shall deliberate and vote,  
 12 which shall constitute the oral order.

13 **Part IV. Ex Parte Communications**

14 **A. General.**

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

17 **B. Procedures.**

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

- 20 1. Written Communications - If a Commissioner receives a written "ex parte"  
 21 communication relating to a matter coming before the Commission, the member should  
 22 transmit the item to the Clerk of the Commission for inclusion in the official records.

1 These communications shall be forwarded to the parties as soon as practicable before the  
2 hearing.

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

9 **C. Party inquiry.**

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

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

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

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

17 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

18  
19 \_\_\_\_\_  
20 Edward B. Braddy, Mayor

21  
22 ATTEST: APPROVED AS TO FORM AND LEGALITY:

23  
24  
25 \_\_\_\_\_  
26 Kurt M. Lannon, Nicolle M. Shalley, City Attorney  
27 Clerk of the Commission