

1 RESOLUTION NO. 981177

2 Adopted March 8, 1999

3 A RESOLUTION ADOPTING THE CITY
4 COMMISSION RULES OF THE CITY OF
5 GAINESVILLE, FLORIDA; PROVIDING A
6 REPEALING CLAUSE AND PROVIDING AN
7 IMMEDIATE EFFECTIVE DATE.
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11 **WHEREAS**, under the provisions of Section 2.06 Gainesville Charter, the
12 City Commission may determine its own rules of procedure, as well as provide for the
13 time and place of regular meetings of the City Commission, and the Commission has
14 decided upon a new set of rules to govern its procedure and to set the time and place
15 of meeting.

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

18 **SECTION 1.**

19 The following are hereby adopted as rules of procedure and to provide for the time and place of
20 meetings of the Commission until other such rules are established by the City Commission:
21

22 **RULE I.**

23 **REGULAR MEETINGS**

24 The Regular Meetings of the Commission shall be held the second and fourth Monday of
25 every month commencing at 3:00 p.m., except when meeting as the Board of Trustees of the
26 Employees' Pension Plan which will precede the regular City Commission meeting which will occur
27 after adjournment of the Board meetings. If a meeting day shall fall on a legal holiday observed by the

1 City, such meeting will not be held on the holiday but shall be rescheduled as determined by the
2 Commission.

3
4 **RULE II.**

5 **SPECIAL AND EMERGENCY MEETINGS**

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

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

1 C. 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 in
3 taking such action.

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

6
7 **RULE III.**

8 **AGENDA**

9 The Clerk of the Commission shall prepare an agenda for each regular meeting of the
10 Commission. All requests to address the Commission on subjects not then under discussion by the
11 Commission, together with a notice of items to be presented at the Commission at the next regular
12 meeting by any Committee, Board, or Administrative Official, shall be delivered to the Clerk of the
13 Commission on or before 11:00 A.M. on the Monday preceding each Regular Meeting. The Clerk
14 of the Commission shall arrange a list of such matters according to the order of business, and furnish
15 each Commissioner and Charter Officer with a copy as far in advance of the meeting as time for
16 preparation will permit. The Clerk of the Commission will prepare copies of the agenda for the news
17 media and the public. Back-up for special meetings should be delivered at least 48 hours before any
18 such meeting, if possible

19 **RULE IV.**

20 **QUORUM**

21 Three members of the Commission shall constitute a quorum for the transaction of business,
22 but a smaller number may adjourn the meeting.

1 **RULE V. PRESIDING OFFICER - ELECTION AND DUTIES**

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

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

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

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

18
19 **RULE VI.**

20 **COMMITTEES - APPOINTMENT - PROCEDURE**

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

1
2 Audit and Finance (2);
3 Code Enforcement Committee (2)
4 Legislative (2);
5 Personnel and Organizational Structure (2);
6 Public Works (2);
7 Public Safety (2);
8 Recreation and Cultural Affairs (2); and
9 Regional Utilities (2) .
10

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

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

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

21 D. Each Committee shall call upon, advise with, and seek the recommendation of the
22 administrative staff and shall keep the appropriate staff personnel of the City advised of the matters
23 under consideration by the Committee.

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

4 F. All meetings of the Committees shall be opened to the public.

5 G. All Committees shall meet at least quarterly.

6 H. All referrals should be completed in six months unless otherwise directed. Referrals
7 not addressed or not returned to the full City Commission will be removed from the
8 referral list after six months. The Staff Liaison will notify the City Commission and
9 Charter Officers of any referrals removed from the list by memorandum.

10
11 **RULE VII.**

12 **ADVISORY BOARDS AND COMMITTEES - TENURE OF APPOINTMENT**

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

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

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

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

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

6
7 **RULE VIII.**

8 **ORDER OF BUSINESS**

9 The Business of the Commission shall be taken up for consideration and disposition in the
10 following order except as changed by the Mayor or by the Commission during the Adoption of the
11 Agenda to allow greater citizen participation:

12 3:00 P.M.

- 13 A. Invocation
- 14 B. Adoption of the Consent Agenda (Including Committee Reports)
- 15 C. Adoption of the Agenda (Read if any, each item added or modified)
- 16 D. Citizen Comment (3:00 PM - 3:30 PM)
- 17 E. City Commission Comment (If time available)
- 18 F. Charter Officer Updates
- 19 G. Clerk of the Commission
- 20 H. City Manager
- 21 I. General Manager for Utilities
- 22 J. City Attorney
- 23 K. City Auditor

- 1 L. Committee Reports (Pulled from Consent)
- 2 M Advisory Board/Committees (Appointments/Waivers/Reports)
- 3 Committee Reports must be placed on the agenda by Charter Officer, through staff liaison after
- 4 approval by Board/Committee.
- 5 N. Outside Agencies
- 6 Must be submitted by a Charter Officer. Update limited to ten (10) minutes.
- 7 O. Members of the City Commission
- 8 P. Commission Comments (if time available)
- 9
- 10 **6:00 p.m.**
- 11 Q. Pledge of Allegiance
- 12 R. Proclamations/Special Recognitions
- 13 -- Placed on Agenda by Commissioner or Charter Officer
- 14 S. Public Hearings:
- 15 1. Public Hearings
- 16 2. Ordinances, First Reading
- 17 3. Ordinances, Second Reading
- 18 4. Resolutions
- 19 T. Plan Board Petitions
- 20 U. Development Review Board
- 21 V. Scheduled Evening Agenda Items
- 22 W. Unfinished Business
- 23 X. Commission Comments

1 Y. Citizen Comments

2 10:00 P.M. Adjournment. Specific Motion needed to continue.

3
4 **RULE IX.**

5 **VOTING**

6 The Yeas and Nays on any question before the Commission shall be taken at the Call of any
7 Commissioner. Each member of the Commission will vote first every fourth time only with the Mayor
8 (Chair) always voting last.

9
10 Commissioners will vote "yea" for support of a motion and vote "no" when voting not to
11 support a motion.

12 Except in a Roll Call, silence by a member shall be recorded as an affirmative vote.

13 **RULE X.**

14 **PROCEDURES**

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

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

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

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

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

3 F. If a motion is made to vote immediately (or move the previous question), it shall
4 be put in this form:

5 "I move that we vote immediately"; or

6 "I move the previous question(s)."

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

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

18
19 **RULE XI.**

20 **RULES OF DEBATE**

21 A. The presiding officer may move, second and debate, subject only to such
22 limitations of debate as are enforced by these rules on all members, and shall not be deprived of
23 any of the rights and privileges as commissioners by reason of his/her action as presiding officer.

1 If the presiding officer desires to make a motion or second a motion, the officer shall relinquish
2 the chair to a member as the officer shall designate until he/she has finished his/her debate on said
3 question or matter.

4 B. Every member desiring to speak shall address the chair and, upon recognition by
5 the presiding officer, shall be confined to the question under debate, avoiding all personalities and
6 indecorous language. A member, once recognized, shall not be interrupted when speaking unless
7 it be to call said member to order, then the member shall cease speaking until the question or
8 order is determined by the presiding officer without debate and, if in order, said member shall be
9 at liberty to proceed.

10 C. After the decision of any question, it shall be in order for a member voting on the
11 prevailing side to move a reconsideration at the same meeting or at the next succeeding regular
12 meeting, but not thereafter without unanimous consent. It shall likewise be in order for a member
13 voting on the prevailing side to move a reconsideration at a special meeting occurring between the
14 time of original consideration and the next succeeding regular meeting. In the case of a tie vote
15 on any question, any member may move for a reconsideration at the time or times herein stated
16 for reconsideration on motion by one voting on the prevailing side. If a motion to reconsider be
17 lost, it shall not be renewed without the unanimous consent of the Commission; and no decision
18 shall be a second time reconsidered without a like leave.

19 D. A Commissioner may request, through the presiding officer, the privilege of
20 having his/her written statement on any subject under the consideration by and presented to the
21 Commission entered in the minutes. If the Commission consents thereto, such statement shall be
22 entered in the minutes.
23

1 **RULE XII.**

2 **APPROVAL OF COMMISSION MINUTES**

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

7
8 **RULE XIII.**

9 **PERSONS APPEARING BEFORE THE COMMISSION**

10 **I. Citizen Comment**

- 11 A. Citizen Comment is limited to issues not located on other portions of the printed
12 agenda.
- 13 B. Time Limits will be established by the Mayor based on the number of participants.
14 Maximum of five (5) minutes per participant.
- 15 C. Participants may be required to fill out a form at the meeting.

16
17
18 **II. General Speaking**

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

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

5 C. If any person in any way interferes with or interrupts the orderly procedure of the
6 Commission, or any Commissioner, or the person speaking who has been properly
7 recognized by the presiding officer, the persons shall forewith be subject to
8 removal from the Commission room.

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

11 **III. Public Hearings**

12 A. Citizens wishing to speak on public hearing items may be required to fill out a card
13 and forward it to the Clerk of the Commission.

14 B. Citizens should follow all of the guidelines in Section II above, where appropriate.
15

16 **RULE XIV.**

17 **UNFINISHED BUSINESS**

18 The Clerk of the Commission shall have, at every regular meeting of the Commission, a
19 list of unfinished business in order of its introduction, which may be read at the request of the
20 Commissioner.
21

1 **RULE XV.**

2 **COMMUNICATIONS**

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

7
8 **RULE XVI.**

9 **ORDINANCES**

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

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

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

16
17 **RULE XVII.**

18 **SERGEANT-AT-ARMS**

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

1 Procedure:

- 2 1. Individual refuses to relinquish the podium after being allowed to address the Commission.
- 3 A. The Mayor will inform the individual that their time to address the Commission has
- 4 expired and the Mayor will direct the individual to leave the podium.
- 5 2. Individual causes disruption in the Commission meeting site.
- 6 A. The Mayor will inform the individual causing the disruption to cease disruptive
- 7 activity.

8 If the disruption fails to stop:

- 9 A. The Mayor will inform the individual causing the disruption that their actions are
- 10 contrary to the orderly running of the meeting and that the individual is to cease
- 11 such action or the Sergeant-at-Arms (City Manager/designee) will be instructed to
- 12 remove the individual from the meeting site.
- 13 B. The Mayor will revoke the individual's participation to attend the meeting and
- 14 direct that the individual leave the meeting site. The Mayor will inform the
- 15 individual that if the individual is directed to leave and fails to do so, the individual
- 16 will be subject to arrest for trespass.
- 17 C. Final Action: In substantially the following words: As the Mayor, I inform you
- 18 that your actions are inconsistent with the orderly function of this meeting and fails
- 19 to comply with the lawful order of the Chair. I am instructing the Sergeant-at-
- 20 Arms (City Manager/designee) to have you removed from this meeting site, and if
- 21 deemed necessary by the Sergeant-at-Arms, to remove you from this building.
- 22

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 placing on
11 the agenda and should be formatted for immediate signature after authorization of the execution.

12 **RULE XX.**

13 **ROBERT'S RULES OF ORDER**

14 Robert's Rules of Order, Revised (Current Edition), so far as they are applicable and do
15 not conflict with these Rules or the Ordinances or Charter of the City, shall be the rules of the
16 Commission.

17
18 **RULE XXI**

19 **QUASI-JUDICIAL ACTIONS**

20 **Part I. Request for Hearing**

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

22 The quasi-judicial hearings before the City Commission shall be either formal or informal hearings. A
23 formal quasi-judicial hearing is a hearing where applicants and affected parties have the rights and
24 responsibilities of a party as set forth in Sections (B) - (D) of the rules of formal quasi-judicial procedure.

1 An informal hearing is a hearing where the applicant and public may present testimony for or against a
2 proposal before the Board without the procedures of a formal hearing.

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

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

5 **(C) Selection of Hearing**

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

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

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

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

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

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

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

8

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

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

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

18 In order to participate in the formal quasi-judicial hearing, all affected parties shall complete the form prescribed

19 by the Clerk of the Commission, stating their name and address and other pertinent information, and whether

20 they support or oppose the matter or matter before the City Commission. The form shall be delivered to the City

21 Commission's secretary at the commencement of the hearing.

22 **(D) Representation of Parties**

23 Any party may be represented by an attorney. If an attorney represents a party or several parties, the attorney

24 shall complete the form prescribed by the City Commission and identify the person or persons they represent and

25 whether their client supports or opposes the matter before the City Commission. The form shall be delivered to

26 the Clerk of the Commission at the commencement of the hearing proceeding.

1 (E) **The Hearing**

- 2 1) The introduction of the case shall be presented by the Clerk of the Commission and include a brief
3 description of the matter. This introduction shall not be considered evidence in the proceeding, and the
4 Clerk of the Commission presenting the introduction shall not be subject to cross-examination by any
5 party to the proceeding.
- 6 2) The City Commissioners shall disclose any ex parte communications that may have occurred.

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

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

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

15

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

1 **(F) Public Hearing**

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

6 **(G) Continuances**

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

9 **(H) City Commission Deliberation**

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

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

14 The City Commission shall orally issue an order.

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

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

21
22 **Part III. Informal Quasi-Judicial Hearings**

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

- 24 1) If no person files a timely request for a formal quasi-judicial hearing, the matter shall be set for an
25 informal quasi-judicial hearing.
- 26 2) An informal hearing shall be presented to the City Commission in the following order:
- 27 a) Staff presentation

- b) Petitioner or Applicant
- c) Public hearing
- d) Deliberation and vote of the City Commission

3) Cross-examination of the witnesses is not permitted and deemed waived by all persons or parties. This provision does not prohibit a City Commission member from questioning any person relevant to the matter.

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

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

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

Part IV. Ex Parte Communications

1) **General**

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

2) **Procedures when an ex parte communication is received.**

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

- A. **Written Communications** - If a Commissioner receives a written "ex parte" communication relating to a matter coming before the Commission, the member should transmit the item to the Clerk of the Commission for inclusion in the official records. These communications shall be forwarded to the parties as soon as practicable before the hearing.

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

6 3) Party inquiry

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

9
10
11 **RULE XXII.**


12 **ADOPTION, ALTERATION OR SUSPENSION OF THESE RULES**

13 These rules may be adopted, altered, waived, or rescinded by a majority vote of the
14 members of the Commission. Any of the rules so adopted, altered or amended may be suspended
15 by a majority vote of the members of the Commission. These Rules can be suspended upon
16 unanimous vote of the City Commission.


1 **SECTION 2.**

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


4 Dated this **8th** day of **March, 1999.**

5
6 
7 _____
8 MAYOR
9 Paula M. DeLaney

10
11
12 ATTEST:

13 
14 _____
15 Clerk Of The Commission
16 Kurt M. Lannon
17
18

Approved as to form and
legality:

By 

Marion J. Radson, City Attorney
City of Gainesville, Florida

MAR - 9 1999