

1 **RESOLUTION NO. 150748**

2 **ADOPTED: April 21, 2016**

3 **A resolution amending and restating in its entirety the rules of the City**
4 **Commission; providing a repealing clause and providing an immediate**
5 **effective date.**
6

7 **WHEREAS**, under the provisions of Section 2.06 Gainesville Charter, the City
8 Commission may determine its own rules of procedure; and
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10 **WHEREAS**, the current rules of the City Commission were adopted by Resolution No.
11 150297 on February 4, 2016; and
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13 **WHEREAS**, at its April 11, 2016 meeting, the City Commission directed the City
14 Attorney to prepare a Resolution amending the City Commission Rules related to repealing
15 certain Standing Commission Committees, providing for the annual sunset of Committee
16 referrals, providing for an agenda management meeting and reformatting the order of business of
17 regular Commission meetings; and
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19 **WHEREAS**, at its February 9, 2016 meeting, the Legislative and Organizational Policy
20 Committee directed the City Attorney to prepare a Resolution amending the City Commission
21 Rules related to a motion to reconsider; and
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23 **WHEREAS**, the Rules are hereby amended and restated in their entirety to include the
24 requested amendments and to include a clean-up of redundant and unnecessary provisions.
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26 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE**
27 **CITY OF GAINESVILLE:**
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29 **SECTION 1.** The following are hereby adopted as rules of procedure and to provide for
30 the time and place of meetings of the City Commission until other such rules are adopted by the
31 City Commission:
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33 **RULE 1. REGULAR MEETINGS**

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

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 2 The following is the Order of Business at the Regular Meetings, except as changed by the Mayor
 3 (or other presiding officer) during the Agenda Management Meeting or by the Commission
 4 during the Adoption of the Consent and Regular Agendas:
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1pm - Call to order afternoon session	
Invocation	
Adoption of Consent Items	GRU, General Government, Audit & Finance Committee and General Policy Committee items
Adoption of Regular Agenda	
General Citizen Comment	For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total
Business Discussion Items	GRU and General Government items placed on the agenda by the Charter Officers or moved from Consent
Committee Discussion Items	Items placed on the agenda by the Audit & Finance Committee or General Policy Committee or moved from Consent
Other Policy Discussion Items	If the Commission does not get to these items, they are continued to the next regular Commission meeting or such other regular or special meeting or workshop, as the Commission directs
Informational Presentations	Items that do not request or require any Commission action. If the Commission does not get to these items, they are continued to the next regular Commission meeting or such other regular or special meeting or workshop, as the Commission directs

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 9 4:30-5:30 Dinner Break

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5:30 – Call to order evening session	
Pledge of Allegiance	
Proclamations/Special Recognitions	
General Citizen Comment	For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total
Public Hearings	
Resolutions	
Ordinances	
Planning Petitions	
Citizen Comment	For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total
Commission Comment	
10pm or earlier – adjourn	If later than 10pm, the Commission may waive the rules to extend the meeting or may schedule a date/time to continue the meeting

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RULE 2. SPECIAL MEETINGS

A Special Meeting may be requested by the Mayor, by two or more Commissioners, or by any Charter Officer. Such request shall be submitted to the Clerk of the Commission (hereafter the “Clerk”) in writing on the form provided by the Clerk and shall include a description of the business to be transacted and the time and date the agenda language and back-up will be available (no later than 48 hours prior to the meeting, if possible). Each request for a Special Meeting should, whenever possible, be approved at a Regular City Commission Meeting.

The Clerk shall notify each member of the Commission of the date, time and business of the Special Meeting. The Clerk shall make reasonable effort to notify members of the local news media (print and electronic) and the public. The notice shall state the business to be transacted at the Special Meeting, and no other business shall be transacted. Special Meetings may not be convened sooner than forty-eight (48) hours after the Clerk provided notice to the last member of the Commission.

RULE 3. EMERGENCY MEETINGS

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

RULE 4. WORKSHOP MEETINGS

A Commission Workshop Meeting may be requested by the Mayor, by two or more members of the Commission or by any Charter Officer. Such request shall be submitted to the Clerk in writing on the form provided by the Clerk. The purpose of a Workshop Meeting is for informal discussions and no business may be transacted at a Workshop Meeting.

The Clerk shall notify each member of the Commission of the date, time and subject matter (if one was specified) of the Workshop Meeting. Also, the Clerk shall make reasonable effort to notify members of the local news media (print and electronic) and the public. The notice may state the subject matter to be discussed at such meeting, although any subject matter may be discussed, except for pending matters where notice to affected parties is required, such as pending planning petitions and pending quasi-judicial matters. Workshop Meetings may not be convened sooner than forty-eight (48) hours after the Clerk provided notice to the last member of the Commission.

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RULE 5. SUNSHINE LAW, ATTENDANCE and RECESS/ADJOURN

All meetings of the Commission shall be held in accordance with Florida’s Government-in-the-Sunshine Law. All members of the Commission are expected to attend all scheduled meetings. The Commission at any meeting may recess or adjourn to a time certain for the transaction of any business or specified business only, as may be determined by the Commission in taking such action.

RULE 6. AGENDA and AGENDA MANAGEMENT MEETING

All requests to address the Commission (on subjects not then under discussion by the Commission) and all agenda items submitted by any Member of the Commission, Charter Officer, Committee or Board shall be delivered to the Clerk on or before 6:00 P.M. on the Wednesday of the week prior to each Regular Meeting. The Clerk shall prepare the agenda according to the Order of Business, and shall furnish each Member of the Commission and Charter Officer with a copy as far in advance of the meeting as time for preparation will permit.

The following statement will be included on all Commission Agendas: "Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs, Props, and posters are not permitted in the meeting room except provided in the Commission Rules. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-mail that will become public record. (In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited.)"

The Mayor shall hold an Agenda Management Meeting at a regularly scheduled time at least seven (7) calendar days prior to each Regular Meeting. The Agenda Management Meeting is for the limited purpose of managing and finalizing the agenda (for example, adding last minute items, moving items from consent agenda to regular agenda or to a future agenda.) The meeting is not for discussing the substance of agenda items. All Commissioner, City staff and public comment shall be limited to agenda management. Once finalized, the agenda cannot be further modified (except to add back-up to existing items or to add items that are of an emergency or time sensitive nature) until the adoption of the consent and regular agenda on the day of the meeting.

1 After the agenda is finalized at the Agenda Management Meeting, the Clerk will prepare the final
2 agenda for distribution to the Commission, the Charter Officers, the news media and the public.

3
4 **RULE 7. QUORUM and VOTING**

5 Four (4) members of the Commission shall constitute a quorum for the transaction of business,
6 but a smaller number may adjourn the meeting. Pursuant to Section 2.07 of the City Charter,
7 unless otherwise provided in the Charter or other law, a motion or a proclamation is adopted
8 when approved by the votes of a majority of the members present, and an ordinance or resolution
9 is adopted when approved by the votes of four (4) or more members of the Commission.

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11 Commissioners shall vote "yea" in support of a motion and vote "no" when voting not to support
12 a motion. Except in a Roll Call, silence by a member shall be recorded as a "yea" vote. The yeas
13 and nays on any question before the Commission shall be recorded at the request of any
14 Commissioner. In accordance with Section 286.012, Florida Statutes, each member of the
15 Commission who is present shall vote on each matter, unless that member has a conflict of
16 interest under state ethics laws or, in the case of a quasi-judicial matter, is unable to be an
17 impartial decision-maker.

18 **RULE 8. PRESIDING OFFICER-ELECTION AND DUTIES**

19 The Mayor shall be the presiding officer and Chair of the Commission. At the first meeting held
20 after the annual swearing-in of newly elected members of the Commission, the Commission shall
21 elect one of its members as Chair Pro tempore, who shall serve as the presiding officer in the
22 absence of the Mayor. In the absence of both the Mayor and the Chair Pro tempore, the Clerk
23 shall call the Commission to order; whereupon a temporary Chair shall be elected by the
24 members of the Commission present. Upon arrival of the Mayor or Chair Pro tempore, the
25 temporary Chair shall relinquish the chair.

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

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33 **RULE 9. COMMISSION COMMITTEES**

34 There shall be two standing Commission Committees – the Audit and Finance Committee and
35 the General Policy Committee, as described below. All Committee meetings shall be held in
36 accordance with Florida’s Government-in-the-Sunshine Law. Committees shall meet at the call
37 of the Chair at such time and place as is convenient to the members of the Committee. All
38 Committee meetings shall be included on the weekly notice of meetings prepared by the Clerk.

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2 Each Committee Liaison shall prepare an agenda for each Committee meeting. Each Committee
3 Chair shall review his/her respective Committee meeting agendas and agenda items. Upon
4 review by the Committee Chair, the agenda shall be available on the City's website. Each
5 Committee Liaison shall prepare minutes after each Committee meeting. After approval by the
6 Committee, the minutes shall be available on the City's website.

7
8 On April 30th of each year, all outstanding referrals in each Committee shall automatically
9 sunset, unless the Committee votes prior to April 30th of each year to retain a referral for further
10 committee work. The Committee Liaison shall prepare a report of all sunset and retained
11 referrals and place the report on the City Commission consent agenda.

12 A. The **Audit and Finance Committee** shall consist of the Mayor, who shall serve as the
13 chair, and one City Commissioner appointed by the Mayor. The City Auditor (or his designee)
14 shall serve as the Committee Liaison.

15 1. Nature of Responsibilities

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

24
25 2. Scope of Responsibilities

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

28
29 a. Audit Related Issues

- 30 i. City Auditor Reports
31 ii. City Auditor annual budget
32 iii. City Auditor annual audit plan
33 iv. City Auditor long-range audit plan
34 v. External Auditor selection process (pursuant to Section 218.391,
35 Florida Statutes)
36 vi. External Auditor contract
37 vii. External Auditor annual audit plan
38 viii. External Auditor progress and results

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ix. All other audit-related matters as deemed appropriate

b. Finance Related Issues

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

3. General Operating Procedures

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

B. The **General Policy Committee** shall consist of the Mayor and all Commissioners. The Mayor, or in his/her absence the Chair Pro tempore, shall be the Chair of this Committee. The Clerk (or his designee) shall serve as the Committee Liaison. Four (4) members of the Committee shall constitute a quorum for the transaction of business, but a smaller number may adjourn the meeting. The purpose and intent of this Committee is to allow the Mayor and Commissioners, as an entire deliberative body, to discuss general policy matters that are referred to this Committee during a Regular or Special Commission Meeting. The Committee may take action on the matters referred (such as, but not limited to, directing the Mayor to send a letter, directing staff to conduct further research, or directing the City Attorney to draft an ordinance.) However, this Committee may not:

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

1 **RULE 10. SPECIAL COMMITTEES**

2 The Commission may appoint such Special Committees as they deem necessary to address
3 particular issues. All Special Committees shall be appointed for a limited term and shall
4 complete their assigned work within that term, unless further extended by the Commission. All
5 Special Committees shall submit a final report to the Commission. The details associated with
6 the report will be dependent upon the work assigned to that Special Committee.

7
8 **RULE 11. RULES OF DEBATE**

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

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

24
25 Each member desiring to speak shall address the presiding officer and, upon recognition by the
26 presiding officer, shall confine his/her remarks to the question under debate, avoiding all
27 personalities and indecorous language. A member, once recognized, shall not be interrupted
28 when speaking unless it be to call said member to order, then the member shall cease speaking
29 until the question or order is determined by the presiding officer without debate and, if in order,
30 said member shall be at liberty to proceed.

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32 After the decision of any question, it shall be in order for a member voting on the prevailing side
33 to move reconsideration at the same meeting or at the next Regular Meeting. If the motion to
34 reconsider is approved by a majority of those members present, the item shall be placed on a
35 future agenda for reconsideration. In the case of a tie vote on any question, any member may
36 move for reconsideration at the same meeting or at the next Regular Meeting. If a motion to
37 reconsider be lost, it shall not be renewed without the unanimous approval of the Commission;
38 and no decision shall be a second time reconsidered.

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

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6 **RULE 12. COMMISSION MINUTES and RECORDS**

7 The Clerk shall submit minutes of meetings for approval as timely as possible. Unless a reading
8 of the Commission meeting minutes is requested by a majority of the Commission, such minutes
9 may be approved without reading, if the Clerk has provided a copy of the minutes in the agenda
10 backup. After approval, the minutes shall be available on the City's website. Every petition,
11 communication, or other paper addressed to the Commission or presented in writing to the
12 Commission at any meeting shall be retained (or a copy thereof) by the Clerk together with the
13 identification of the sender or writer.

14
15 **RULE 13. PERSONS APPEARING BEFORE THE COMMISSION**

16 **A. General Citizen Comment**

17 General Citizen Comment is limited to issues not located on other portions of the printed agenda.
18 Each general comment period is limited to 30 minutes total. A citizen who has addressed the
19 Commission during one general citizen comment period in a meeting will be recognized by the
20 presiding officer to speak after other citizens who have not spoken are given the opportunity to
21 address the Commission, time permitting.

22 **B. Citizen Comment on Agenda Items**

23 Citizens commenting on agenda items shall address only the item being considered. Citizens
24 wishing to speak on public hearing items (which includes general public hearings, resolutions,
25 ordinances and planning petitions) may be required to fill out a card provided by the Clerk and
26 submit the completed card to the Clerk prior to speaking.

27
28 **C. General Conduct for any Citizen Comment**

29 Any person desiring to address the Commission shall first request recognition by the presiding
30 officer. After being recognized, the person (1) shall give his/her name in an audible tone of
31 voice; (2) shall limit the address to any time limitation established; and (3) shall address all
32 remarks to the Commission as a body and not to any member thereof.

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

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

5 **D. Decorum**

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

14

15 **RULE 14. ORDINANCES and RESOLUTIONS**

16 All Ordinances and Resolutions shall be prepared, or approved as to form and legality, by the
17 City Attorney prior to being introduced at a City Commission meeting. All Ordinances and
18 Resolutions shall be introduced in writing with a complete copy filed with the Clerk in the
19 agenda backup. No Ordinance shall be adopted on final reading until notice as required by law
20 has been published. All Ordinances shall be signed by the presiding officer and attested by the
21 Clerk of the Commission.

22

23 **RULE 15. OTHER DOCUMENTS FOR EXECUTION**

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

27

28 **RULE 16. SERGEANT-AT-ARMS**

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

33

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

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1 B. Individual causes disruption in the Commission meeting site: The presiding officer will
2 inform the individual causing the disruption to cease disruptive activity. If the disruption fails to
3 stop:

4 1. The presiding officer will inform the individual causing the disruption that their
5 actions are contrary to the orderly running of the meeting and that the individual is to
6 cease such action or the Sergeant-at-Arms will be instructed to remove the individual
7 from the meeting site.

8 2. The presiding officer will revoke the individual's participation to attend the
9 meeting and direct that the individual leave the meeting site. The presiding officer will
10 inform the individual that if the individual is directed to leave and fails to do so, the
11 individual will be subject to arrest for trespass.

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

18
19 **RULE 17. ROBERT'S RULES OF ORDER**

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

23
24 **RULE 18. QUASI-JUDICIAL ACTIONS**

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

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

29
30 **B. Request for Formal Hearing**

31 All persons entitled to actual written notice of a quasi-judicial matter before the Commission
32 may request a formal hearing by filing with the Clerk a written request before the close of
33 business at least seven (7) days prior to the Commission meeting when the matter is scheduled
34 to be heard. Persons who are not entitled to actual written notice but believe they are an
35 "affected party", as defined in this Rule 18, may request a formal hearing and determination of
36 affected party status by filing with the Clerk a written request for a formal hearing and an
37 application for affected party status as provided this rule at least seven (7) days prior to the

1 Commission meeting when the matter is scheduled to be heard. Failure to timely file a request
2 for a formal hearing shall set the matter for an informal quasi-judicial hearing.

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4 **C. Formal Quasi-Judicial Hearings**

5 The Commission shall make a determination of affected party status and thereafter, the Clerk
6 shall collectively swear-in all parties who intend to present/testify at the hearing. An affected
7 party is any person who is entitled to actual written notice of the quasi-judicial matter. An
8 affected party who is not entitled to actual written notice but who believes that they have a
9 special interest or would suffer an injury distinct in kind and degree from that shared by the
10 public at large may request affected party status by filing an application, as provided in Part B of
11 this Rule. The Commission will consider the facts articulated in the application and the decision
12 of the Commission shall be final. In order to participate in the formal hearing, all affected parties
13 shall complete the form prescribed by the Clerk of the Commission, stating their name and
14 address and other pertinent information, and whether they support or oppose the matter before
15 the Commission. The form shall be delivered to the Clerk at the commencement of the hearing.

16 The order of presentation for the hearing, with corresponding time limits, is set forth below. The
17 time limits may be modified by the Commission on its own motion or upon request of a party to
18 the proceedings. Said request shall detail the modified time desired and the subjects to be
19 discussed during the additional time. A request for a modification of time should be considered
20 by the Commission to assure all parties have an opportunity to participate, but without undue
21 repetition and delay.

22	Order	Maximum Time Limit (minutes)
23	a. Determination of affected party status	
24	b. Swearing-in of all parties	
25	c. Disclosure of inadvertent ex-parte communication	
26	d. Introduction of the matter by staff	3
27	*e. Petitioner	20
28	*f. Staff presentation	10
29	*g. Affected Party for (if any)(per person)	10
30	*h. Affected Party against (if any) (per person)	10
31	*i. Rebuttal (Petitioner/Staff)	5

1	j. Closing by Petitioner, Staff and Affected Parties (per person)	3
2	k. Public comment (per person)	3
3	**1. Deliberation and vote of the Commission	

4 *Witnesses may be presented during parts e-i of the hearing and the witnesses may be cross
5 examined by the Petitioner, Staff and Affected Parties. However, cross examination is limited to
6 10 minutes per witness. In addition, the Commission may call any witness it deems necessary to
7 reach a complete and informed decision. The examination of witnesses shall be conducted under
8 oath by direct examination on matters which are relevant and material to the issue or issues
9 before the Commission. After the conclusion of direct examination, the witness may be cross-
10 examined by another party, or a Commissioner. All questions shall be directed through the
11 presiding officer and the witness shall answer the question unless the presiding officer deems the
12 question to be irrelevant or immaterial. Any commissioner or party may raise evidentiary
13 objections. The inquiry under cross-examination shall be limited to matters raised in the direct
14 examination of the witness. No re-direct shall be allowed unless requested by a party stating the
15 desired area of inquiry and that request is approved by the presiding officer. If re-direct is
16 allowed, it shall be limited to questions of the witness on issues raised in the cross-examination.
17 This provision shall not prohibit a member of the Commission from questioning any person on
18 matters relevant to the matter.

19 **In part 1. of the hearing, the Commission shall deliberate a motion, if necessary, and reach a
20 decision by voting on the motion. In reaching its decision, the Commission may only consider
21 evidence presented at the hearing and base its decision on the competent, substantial evidence of
22 record. The Commission shall orally issue an order at the conclusion of the hearing, unless
23 continued. After the meeting, the City Attorney shall prepare a written order stating, at a
24 minimum, whether the petition was granted or denied and if granted, specifying any conditions,
25 requirements or limitations on the approval of the matter. The written order shall be presented to
26 the Commission for approval at a Special Meeting or at the next Regular Meeting of the
27 Commission. Upon approval, the presiding officer shall execute and the Clerk shall attest the
28 order. Executed copies of the order shall be hand delivered or mailed to the petitioner and
29 affected parties.

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

31 If no person files a timely request for a formal hearing, the matter shall be set for an informal
32 hearing. Cross-examination is not permitted and deemed waived by all persons or parties. This
33 provision does not prohibit a member of the Commission from questioning any person relevant
34 to the matter. Any person may speak for or against the matter in the public comment portion if
35 they complete a registration card at the meeting as provided by the Clerk. The presiding officer
36 may limit the time of any portion of an informal hearing to avoid unnecessary repetition and

1 delay. The vote of the Commission shall constitute an oral order, no written order will be issued.
2 The order of presentation for the hearing is as follows:

- 3 a. Disclosure of inadvertent ex-parte communications
- 4 b. Staff presentation
- 5 c. Petitioner or Applicant
- 6 d. Public comment
- 7 e. Deliberation and vote of the Commission

8

9 **E. Representation of Parties**

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

14 **F. Evidence**

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

23 **G. Continuances**

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

26 **H. Ex Parte Communications**

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

- 34 1. Written Communications - If a member of the Commission receives a written "ex parte"
35 communication relating to a quasi-judicial matter coming before the Commission, the

1 member should transmit the communication to the Clerk for inclusion in the official
2 records. These communications shall be forwarded to the parties as soon as practicable
3 before the hearing.
4

5 2. Oral Communications - As soon as it becomes apparent that an oral communication
6 pertains to a quasi-judicial matter coming before the Commission, the member of the
7 Commission should explain to the person that the communication is prohibited and that
8 he or she is required to end the communication on that subject.
9

10 3. At the hearing, each member of the Commission should disclose any inadvertent ex-parte
11 communications and state for the record whether the member is able to be an impartial
12 decision-maker. If not so able, the member should abstain from participating and voting
13 in the quasi-judicial hearing. Any party may question, through the presiding officer, a
14 member of the Commission about any ex parte communications.
15

16 **RULE 19. WAIVER OF THESE RULES**

17 These Rules may be waived by a 2/3rds vote of the members present at a meeting.

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

21 Dated this 21st day of April, 2016.



22
23
24 Edward B. Braddy, Mayor

25
26 ATTEST:



27
28
29
30 Kurt M. Lannon,
31 Clerk of the Commission

APPROVED AS TO FORM AND LEGALITY:



Nicolle M. Shalley, City Attorney