

1 parties have the rights and responsibilities of a party as set forth in Sections (B) - (D) of
2 the rules of formal quasi-judicial procedure. An informal hearing is a hearing where the
3 applicant and public may present testimony for or against a proposal before the Board
4 without the procedures of a formal hearing.

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

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

7 **(C) Selection of Hearing**

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

19 **Part II. ~~Formal Quasi-Judicial Hearings~~ Ex Parte Communications**

20 **A) Ex Parte Communication**

21 Florida Statutes Section 286.0115(1) provides that any person who is not otherwise
22 prohibited by the Gainesville Charter, statute or ordinance may discuss with any member
23 of the City Commission the merits of any matter on which the City Commission may take
24 action. The following procedures for ex parte communications are adopted pursuant to

1 §286.0115(1), F.S., and are intended to remove the presumption of prejudice arising
2 from ex parte communications, as follows:

- 3 1. The subject of any oral ex parte communication, together with the identity of
4 the person, group or entity with whom the communication took place, shall be
5 disclosed and made a part of the record on file with the Clerk of the
6 Commission prior to final action on the matter, as further provided in this
7 Rule.
- 8 2. Any written ex parte communication read by a member of the City
9 Commission that relates to a quasi-judicial matter pending before the City
10 Commission, shall be placed in and made a permanent part of the record on
11 file with the Clerk of the Commission prior to final action on the matter, as
12 further provided in this Rule.
- 13 3. Members of the City Commission may conduct investigations and site visits
14 and may receive expert opinions regarding quasi-judicial action pending
15 before the City Commission. The existence of such investigation, site visit or
16 expert opinion shall be made a part of the record on file with the City prior to
17 final action on the matter, as further provided in this Rule.

18 **B) Time and Purpose of Disclosure**

19 Disclosure shall occur as provided in Parts III and IV of this Rule. Such disclosures shall
20 be made a part of the record so that persons with opinions contrary to those expressed in
21 the ex parte communication are provided a reasonable opportunity to respond to or refute
22 the ex parte communication.

23 **C) Procedure for Disclosure**

24 Members of the City Commission shall disclose ex parte communications by placing on
25 the record of the pending matter the following:

- a. all ex parte written communications, including expert opinions, received and read;
- b. all ex parte written responses to such communications;
- c. the subject of all ex parte oral communications, including expert opinions, and the identity of the person, group or entity with whom the communication took place; and
- d. the existence of investigations or site visits.

D) Basis of Final Decision

All decisions of the City Commission in a quasi-judicial matter must be supported by substantial competent evidence in the record pertinent to the proceeding, irrespective of such communications.

E) Optional Participation

This Rule does not require or obligate any member of the City Commission to engage in ex parte communication on any matter and any participation or receipt of ex parte communications in any quasi-judicial matter is purely voluntary and optional.

F) Code of Ethics

Members of the City Commission shall not be subject to Part III of Chapter 112, F.S. for not complying with the requirements of this Part of these Rules.

Part II III. Formal Quasi Judicial Hearings

(A) Order of Presentation; Time Limits

(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

- 1 7) Close of presentation by Petitioner, Staff and Affected Parties
2 8) Public hearing (per person) 5
3 9) Deliberation and vote of the Commission
4

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

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

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

14
15 **(B) Affected Party Defined; Determination**

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

18 (2) An affected party who is not entitled to actual written notice but who believes that
19 they have a special interest or would suffer an injury distinct in kind and degree from
20 that shared by the public at large may request affected party status by filing an
21 application, as provided in Part I of this rule. The Commission will consider an
22 application for affected party status prior to the commencement of the hearing. The
23 decision of the Commission shall be final.

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

25 In order to participate in the formal quasi-judicial hearing, all affected parties shall complete
26 the form prescribed by the Clerk of the Commission, stating their name and address and
27 other pertinent information, and whether they support or oppose the matter or matter before
28 the City Commission. The form shall be delivered to the City Commission's secretary at the
29 commencement of the hearing.

1 **(D) Representation of Parties**

2 Any party may be represented by an attorney. If an attorney represents a party or several
3 parties, the attorney shall complete the form prescribed by the City Commission and identify
4 the person or persons they represent and whether their client supports or opposes the matter
5 before the City Commission. The form shall be delivered to the Clerk of the Commission at
6 the commencement of the hearing proceeding.

7 **(E) The Hearing**

8 1) The introduction of the case shall be presented by the Clerk of the Commission and
9 include a brief description of the matter. This introduction shall not be considered
10 evidence in the proceeding, and the Clerk of the Commission presenting the
11 introduction shall not be subject to cross-examination by any party to the
12 proceeding.

13 2) The members of the City Commissioners shall disclose any ex parte
14 communications ~~that may have occurred~~ and provide a reasonable opportunity for
15 any person with an opinion contrary to that expressed in the ex parte communication
16 to respond or refute the ex parte communication through the Mayor.

17 3) All parties may be collectively sworn by the Clerk of the Commission in the interest
18 of time.

19 4) The City Manager or designee shall present any staff, board or other report on the
20 matter. Evidence before the Commission shall include, but not be limited to, an
21 analysis which includes the consistency with the City's adopted codes, rules, policies
22 or plans, as applicable, and how the matter does or does not meet the requirements
23 of the such codes, rules, policies and plans and other applicable laws. Written
24 reports and any other documentary evidence shall become a part of the record.

1 Evidence may be presented through oral testimony of witnesses or documentary
2 evidence or both.

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

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

23 **(F) Public Hearing**

24 After the quasi-judicial hearing is completed, those members of the public who were not a
25 party to the quasi-judicial hearing may be permitted to speak up to five (5) minutes per

1 person and present their testimony and evidence to the City Commission. No party or
2 witness shall be allowed to speak during the public hearing portion of the proceedings.

3 **(G) Continuances**

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

6 **(H) City Commission Deliberation**

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

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

12 The City Commission shall orally issue an order.

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

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

20 **Part ~~III~~ IV. Informal Quasi-Judicial Hearings**

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

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

1 a) Disclosure of any ex-parte communication and provide a reasonable
2 opportunity for any person with an opinion contrary to that expressed in the
3 ex parte communication to respond or refute the ex parte communication
4 through the Mayor.

5 a b) Staff presentation

6 b c) Petitioner or Applicant

7 e d) Public hearing

8 d e) Deliberation and vote of the City Commission

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

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

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

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

1 **Part IV. ~~Ex Parte Communications~~**

2 1) ~~General~~

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

5 2) ~~Procedures when an ex parte communication is received.~~

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

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

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

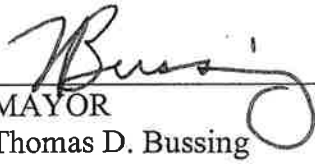
19 3) ~~Party inquiry~~

20 ~~Any party may ask questions to a Commissioner about any ex parte communications~~
21 ~~directed through the Mayor.~~

1 **SECTION 2.** This resolution shall become effective immediately upon adoption.


2 Passed and adopted this 15th day of March, 2004.

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MAYOR
Thomas D. Bussing

ATTEST:

Approved as to form and legality:


Clerk Of The Commission
Kurt M. Lannon

By 
Marion J. Radson, City Attorney

MAR 16 2004

1 **RESOLUTION NO. 031007**

2 **Adopted March 15, 2004**

3 **A RESOLUTION AMENDING RULE XXI**
4 **OF THE RULES OF PROCEDURE OF THE**
5 **CITY COMMISSION OF THE CITY OF**
6 **GAINESVILLE, FLORIDA; REMOVING**
7 **THE PROHIBITION AGAINST EX PARTE**
8 **COMMUNICATIONS AND ESTABLISHING**
9 **A PROCESS TO DISCLOSE SUCH**
10 **COMMUNICAITONS; AND PROVIDING**
11 **AN IMMEDIATE EFFECTIVE DATE.**

12
13
14 **WHEREAS**, under the provisions of Section 2.06 Gainesville Charter, the City
15 Commission may determine its own rules of procedure.

16 **WHEREAS**, Rule XXI of the rules of procedure for the City Commission of the City of
17 Gainesville currently prohibits ex parte communication in connection with any quasi-judicial
18 matter.

19 **WHEREAS**, the Mayor and City Commission desire to allow ex parte communication
20 and remove the presumption of prejudice from ex parte communications in connection with any
21 quasi-judicial matters as expressly permitted by §286.0115(1), F.S.

22 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE**
23 **CITY OF GAINESVILLE:**

24 **SECTION 1.** Rule XXI of the rules of the City Commission of the City of Gainesville,
25 Florida is hereby amended to read as follows:

26 **RULE XXI**

27 **QUASI-JUDICIAL ACTIONS**

28 **Part I. Request for Hearing**

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

30 The quasi-judicial hearings before the City Commission shall be either formal or informal
31 hearings. A formal quasi-judicial hearing is a hearing where applicants and affected

1 parties have the rights and responsibilities of a party as set forth in Sections (B) - (D) of
2 the rules of formal quasi-judicial procedure. An informal hearing is a hearing where the
3 applicant and public may present testimony for or against a proposal before the Board
4 without the procedures of a formal hearing.

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

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

7 **(C) Selection of Hearing**

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

19 **Part II. Formal Quasi-Judicial Hearings-Ex Parte Communications**

20 **A) Ex Parte Communication**

21 Florida Statutes Section 286.0115(1) provides that any person who is not otherwise
22 prohibited by the Gainesville Charter, statute or ordinance may discuss with any member
23 of the City Commission the merits of any matter on which the City Commission may take
24 action. The following procedures for ex parte communications are adopted pursuant to

1 §286.0115(1), F.S., and are intended to remove the presumption of prejudice arising
2 from ex parte communications, as follows:

- 3 1. The subject of any oral ex parte communication, together with the identity of
4 the person, group or entity with whom the communication took place, shall be
5 disclosed and made a part of the record on file with the Clerk of the
6 Commission prior to final action on the matter, as further provided in this
7 Rule.
- 8 2. Any written ex parte communication read by a member of the City
9 Commission that relates to a quasi-judicial matter pending before the City
10 Commission, shall be placed in and made a permanent part of the record on
11 file with the Clerk of the Commission prior to final action on the matter, as
12 further provided in this Rule.
- 13 3. Members of the City Commission may conduct investigations and site visits
14 and may receive expert opinions regarding quasi-judicial action pending
15 before the City Commission. The existence of such investigation, site visit or
16 expert opinion shall be made a part of the record on file with the City prior to
17 final action on the matter, as further provided in this Rule.

18 **B) Time and Purpose of Disclosure**

19 Disclosure shall occur as provided in Parts III and IV of this Rule. Such disclosures shall
20 be made a part of the record so that persons with opinions contrary to those expressed in
21 the ex parte communication are provided a reasonable opportunity to respond to or refute
22 the ex parte communication.

23 **C) Procedure for Disclosure**

24 Members of the City Commission shall disclose ex parte communications by placing on
25 the record of the pending matter the following:

- 1 a. all ex parte written communications, including expert opinions, received and read;
- 2 b. all ex parte written responses to such communications;
- 3 c. the subject of all ex parte oral communications, including expert opinions, and the
- 4 identity of the person, group or entity with whom the communication took place; and
- 5 d. the existence of investigations or site visits.

6 **D) Basis of Final Decision**

7 All decisions of the City Commission in a quasi-judicial matter must be supported by
 8 substantial competent evidence in the record pertinent to the proceeding, irrespective of
 9 such communications.

10 **E) Optional Participation**

11 This Rule does not require or obligate any member of the City Commission to engage in
 12 ex parte communication on any matter and any participation or receipt of ex parte
 13 communications in any quasi-judicial matter is purely voluntary and optional.

14 **F) Code of Ethics**

15 Members of the City Commission shall not be subject to Part III of Chapter 112, F.S. for
 16 not complying with the requirements of this Part of these Rules.

17 **Part H III. Formal Quasi Judicial Hearings**

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

19 (1) The order of presentation, with corresponding time limits for each presentation,
 20 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

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

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

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

(B) Affected Party Defined; Determination

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

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

(C) Registration of Affected Parties

In order to participate in the formal quasi-judicial hearing, all affected parties shall complete the form prescribed by the Clerk of the Commission, stating their name and address and other pertinent information, and whether they support or oppose the matter or matter before the City Commission. The form shall be delivered to the City Commission's secretary at the commencement of the hearing.

1 **(D) Representation of Parties**

2 Any party may be represented by an attorney. If an attorney represents a party or several
3 parties, the attorney shall complete the form prescribed by the City Commission and identify
4 the person or persons they represent and whether their client supports or opposes the matter
5 before the City Commission. The form shall be delivered to the Clerk of the Commission at
6 the commencement of the hearing proceeding.

7 **(E) The Hearing**

8 1) The introduction of the case shall be presented by the Clerk of the Commission and
9 include a brief description of the matter. This introduction shall not be considered
10 evidence in the proceeding, and the Clerk of the Commission presenting the
11 introduction shall not be subject to cross-examination by any party to the
12 proceeding.

13 2) The members of the City Commissioners shall disclose any ex parte
14 communications ~~that may have occurred~~ and provide a reasonable opportunity for
15 any person with an opinion contrary to that expressed in the ex parte communication
16 to respond or refute the ex parte communication through the Mayor.

17 3) All parties may be collectively sworn by the Clerk of the Commission in the interest
18 of time.

19 4) The City Manager or designee shall present any staff, board or other report on the
20 matter. Evidence before the Commission shall include, but not be limited to, an
21 analysis which includes the consistency with the City's adopted codes, rules, policies
22 or plans, as applicable, and how the matter does or does not meet the requirements
23 of the such codes, rules, policies and plans and other applicable laws. Written
24 reports and any other documentary evidence shall become a part of the record.

1 Evidence may be presented through oral testimony of witnesses or documentary
2 evidence or both.

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

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

23 **(F) Public Hearing**

24 After the quasi-judicial hearing is completed, those members of the public who were not a
25 party to the quasi-judicial hearing may be permitted to speak up to five (5) minutes per

1 person and present their testimony and evidence to the City Commission. No party or
2 witness shall be allowed to speak during the public hearing portion of the proceedings.

3 **(G) Continuances**

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

6 **(H) City Commission Deliberation**

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

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

12 The City Commission shall orally issue an order.

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

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

20 **Part III IV. Informal Quasi-Judicial Hearings**

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

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

1 a) Disclosure of any ex-parte communication and provide a reasonable
2 opportunity for any person with an opinion contrary to that expressed in the
3 ex parte communication to respond or refute the ex parte communication
4 through the Mayor.

5 a b) Staff presentation

6 b c) Petitioner or Applicant

7 e d) Public hearing

8 d e) Deliberation and vote of the City Commission

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

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

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

24 6) After the public hearing portion, the City Commission shall deliberate and
25 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.~~

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

3) ~~Party inquiry~~

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