

Legislative #
180215B

1 **RESOLUTION NO. 180215**

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

6 **WHEREAS,** under the provisions of Section 2.06 Gainesville Charter, the City
7 Commission may determine its own rules of procedure; and
8

9 **WHEREAS,** the current rules of the City Commission were adopted by Resolution No.
10 160204 on July 21, 2016; and
11

12 **WHEREAS,** at its General Policy Committee meeting on September 27, 2018, the City
13 Commission discussed revisions to the current Rules; and
14

15 **WHEREAS,** the Rules are hereby amended and restated in their entirety to include the
16 revisions desired by the City Commission.
17

18 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE**
19 **CITY OF GAINESVILLE:**
20

21 **SECTION 1.** The following are hereby adopted as rules of procedure and to provide for
22 the time and place of meetings of the City Commission and its Committees until other such rules
23 are adopted by the City Commission:
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25 **RULE 1. REGULAR MEETINGS**

26 The Regular Meetings of the City Commission (hereafter the "Commission") shall be held the
27 first and third Thursday of every month commencing at 1:00 p.m., except when meeting as the
28 Board of Trustees of the Employees' Pension Plan which meeting will immediately precede the
29 Regular Commission meeting. If a meeting day falls on a legal holiday observed by the City, the
30 Commission shall cancel or reschedule the meeting.
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32 The following is the Order of Business at the Regular Meetings, except as changed by the Mayor
33 (or other presiding officer) during the Agenda Management Meeting or by the Commission
34 during the Adoption of the Consent and Regular Agendas:
35

1pm - Call to order afternoon session	
Invocation	
Adoption of Consent Items	Agenda items that will not be discussed
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	Agenda items that will be discussed, including those moved from Consent
Commission Comment	

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4:30-5:30 Dinner Break

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
Resolutions	
Public Hearings (including Planning Petitions)	
Ordinances (second readings and then first readings)	
General Citizen Comment	For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total and limited to citizens who did not speak at the 1pm and 5:30pm general citizen comment periods.
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 and WORKSHOP MEETINGS

8 A Special Meeting or Workshop meeting may be requested either: (1) by vote of the
9 Commission at any regular City Commission meeting or any General Policy Committee meeting;
10 or (2) in writing on the form provided by the Clerk (which shall include a description of the
11 business to be transacted) and signed by the Mayor, by two or more Commissioners, or by any
12 Charter Officer.

13

14 The Clerk shall notify each member of the Commission of the date, time and business of the
15 Special Meeting or Workshop Meeting.

16

17 The meeting date, time and location shall be published on the Notice of Meetings at least two
18 business days prior to the meeting. The Notice of Meetings shall state the business to be
19 transacted at a Special Meeting and no other business shall be transacted. The Notice of
20 Meetings may state the matters to be discussed at a Workshop Meeting, although any subject
21 matter may be discussed, except for pending matters where notice to affected parties is required,
22 such as pending planning petitions and quasi-judicial matters. The purpose of a Workshop
23 Meeting is for informal discussions and no business may be transacted at a Workshop Meeting.

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1 Workshop Meetings and Special Meetings shall have Citizen Comment and Commissioner
2 Comment at the end of the meeting, time permitting.

3
4 **RULE 3. EMERGENCY MEETINGS**

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

11
12 **RULE 4. ATTENDANCE, QUORUM/VOTING, RECESS/ADJOURN and**
13 **CANCELLATION**

14
15 All members of the Commission are expected to attend all scheduled meetings. Four (4)
16 members of the Commission shall constitute a quorum for the transaction of business, but a
17 smaller number may adjourn the meeting. Pursuant to Section 2.07 of the City Charter, unless
18 otherwise provided in the Charter or other law, a motion or a proclamation is adopted when
19 approved by vote of a majority of the members present, and an ordinance or resolution is adopted
20 when approved by the vote of four (4) or more members of the Commission.

21
22 In accordance with Section 286.012, Florida Statutes, each member of the Commission who is
23 present shall vote on each matter, unless that member has a conflict of interest under state ethics
24 laws or, in the case of a quasi-judicial matter, is unable to be an impartial decision-maker.
25 Commissioners shall vote "yes" in support of a motion and vote "no" when voting not to support
26 a motion. Except in a Roll Call, silence by a member shall be recorded as a "yes" vote.

27
28 The Commission at any meeting may recess or adjourn to a time certain for the transaction of
29 any business or specified business only, as may be determined by the Commission in taking such
30 action. Any meeting may be cancelled for cause (including, but not limited to, emergency
31 conditions, lack of agenda items, a quorum will not be present) by the Mayor and the Clerk of
32 the Commission. Otherwise, meetings may be cancelled by vote of the City Commission at any
33 Regular Meeting or General Policy Committee Meeting. The Clerk of the Commission shall
34 provide notice of the cancellation to all Commissioners.

35
36 **RULE 5. AGENDA and AGENDA MANAGEMENT MEETING**

37 Any request to place an item on the agenda for a Regular Meeting, Special Meeting, Workshop
38 Meeting, Standing Committee Meeting or Special Committee Meeting must be made by a
39 Member of the Commission or a Charter Officer. All such requests must be accompanied by a

1 written agenda item that provides the background and an explanation of the matter, a
2 recommendation, a fiscal note (if applicable) and any relevant and necessary back-up materials.
3 All agenda items and back-up submitted by any Member of the Commission, Charter Officer,
4 Committee or Board shall be delivered to the Clerk on or before 6:00 P.M. on the Wednesday of
5 the week prior to each Regular Meeting and by such dates/times as the Clerk sets for Special
6 Meetings, Workshop Meetings and Committee Meetings.

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8 The Mayor (or in the Mayor's absence, the Chair Pro Tem) may hold an Agenda Management
9 Meeting at a regularly scheduled time at least one week prior to each Regular Meeting. The
10 Agenda Management Meeting is for the limited purpose of managing and finalizing the agenda
11 (for example, adding last minute items, moving items from consent agenda to regular agenda or
12 to a future agenda.) The meeting is not for discussing the substance of agenda items. All
13 Commissioner, City staff and public comment shall be limited to agenda management. The
14 Clerk shall prepare a final version of the agenda (together with all back-up) by 5pm on the
15 Friday prior to each Regular Meeting. Once finalized, the agenda should not be further
16 modified (except to add back-up to existing items or to add items that are of an emergency or
17 time sensitive nature) until the adoption of the consent and regular agenda on the day of the
18 meeting.

19 **RULE 6. PRESIDING OFFICER-ELECTION AND DUTIES**

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

28
29 In the event the presiding officer of a meeting (whether that be the Mayor, Chair Pro tempore or
30 Temporary Chair) must leave the meeting room, the presiding officer shall pass the gavel to any
31 Commissioner and by accepting the gavel, that Commissioner will lead the meeting until the
32 presiding officer returns to the meeting room.

33
34 The presiding officer shall take the chair at the hour affixed for the meeting and call the members
35 of the Commission to order. The presiding officer shall preserve order and decorum at all
36 meetings, shall sign all ordinances and resolutions adopted by the Commission, shall designate
37 the seating arrangement at meetings of the Commission, and shall decide all questions regarding
38 the priority of business without debate.

1 **RULE 7. COMMISSION COMMITTEES**

2 Committees shall meet at the call of the Chair at such time and place as is convenient to the
3 members of the Committee. All Committee meetings shall be included on the weekly notice of
4 meetings prepared by the Clerk of the Commission.

5
6 The Clerk of the Commission shall serve as the Clerk for each Committee. The Clerk shall
7 prepare an agenda for each Committee meeting based on the agenda items submitted by a
8 Member of the Commission or by a Charter Officer. Each Committee Chair shall review his/her
9 respective Committee meeting agendas and agenda items. Upon review by the Committee Chair,
10 the Clerk will publish the agenda on the City’s website.

11
12 **A. STANDING COMMITTEES:** There are two standing Commission Committees – the Audit
13 and Finance Committee and the General Policy Committee, as described below. On April 30th of
14 each year, all outstanding referrals in each Standing Committee shall automatically sunset, unless
15 the Committee votes prior to April 30th of each year to retain a referral for further work.

16 (1) **The Audit and Finance Committee** shall consist of the Mayor, who shall serve as the
17 chair, and one City Commissioner appointed by the Mayor.

18 1. **Nature of Responsibilities**

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

27
28 2. **Scope of Responsibilities**

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

- 31
32 a. **Audit Related Issues**
- 33 i. **City Auditor Reports**
 - 34 ii. **City Auditor annual budget**
 - 35 iii. **City Auditor annual audit plan**
 - 36 iv. **City Auditor long-range audit plan**

- v. External Auditor selection process (pursuant to Section 218.391, Florida Statutes)
- vi. External Auditor contract
- vii. External Auditor annual audit plan
- viii. External Auditor progress and results
- 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.

(2) 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 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.

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B. SPECIAL COMMITTEES:

The Commission may appoint such Special Committees as it deems necessary to address particular issues. All Special Committees will be appointed for a limited term and will complete their assigned work within that term, unless further extended by the Commission.

RULE 8. RULES OF DEBATE

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

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

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

After the decision of any question, it shall be in order for any member to move reconsideration. If the motion to reconsider is approved by a majority of those members present, the item shall be placed on a future agenda for reconsideration, subject to legal, contractual, fiscal, quasi-judicial and other constraints as staff may advise the Commission. If the Commission does not specify the future date when the item will be heard, the Mayor, in consultation with the Charter Officers, will determine the date.

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.

5

6 **RULE9. COMMISSION MINUTES and RECORDS**

7 The Clerk shall submit minutes of meetings for approval as timely as possible. Such minutes
8 may be approved on the Consent Agenda, if the Clerk has provided a copy of the minutes in the
9 agenda backup. After approval, the Clerk shall publish the minutes on the City’s website. Every
10 petition, communication, or other paper presented in writing to the Commission at any
11 Commission or Committee meeting shall be retained (or a copy thereof) by the Clerk.

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13 **RULE 10. PERSONS APPEARING BEFORE THE COMMISSION**

14 **A. General Citizen Comment**

15 General Citizen Comment is limited to issues not located on other portions of the printed agenda.
16 Each general comment period is limited to 30 minutes total. A citizen who has addressed the
17 Commission during one general citizen comment period in a meeting will be recognized by the
18 presiding officer to speak after other citizens who have not spoken are given the opportunity to
19 address the Commission, time permitting. Citizen comment at the end of the evening meeting is
20 reserved only for those citizens who did not speak at the 1pm or 5:30pm comment periods.

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

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

26

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

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

32 Each citizen is limited to 3 minutes per general comment period or per agenda item and other
33 time limits may be established by the presiding officer based on the number of participants. In
34 addition, the presiding officer may adopt a time limitation to provide equal time for opponents
35 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 Members of the public are not permitted to possess food, drink, props, signs, posters, or other
6 similar material in the meeting room. Speakers at the podium addressing the Commission may
7 use the City's overhead projection system, as part of his/her comment as long as they are not
8 obscene and do not otherwise disrupt, delay, or interrupt the proceeding. Outbursts of approval
9 or disapproval, jeers or heckling are not permitted. In the event of a disturbance or violation of
10 these Rules, the violator may, after warning, be ordered removed from the room as provided in
11 Rule 13.

12
13 **D. Agenda Statement**

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15 The following statement will be included on all meeting agendas: "Citizens are encouraged to
16 participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three)
17 minutes per agenda item and 3 (three) minutes per citizen comment period. The City of
18 Gainesville encourages civility in public discourse and requests that speakers direct their
19 comments to the Chair. Signs, props, and posters are not permitted in the meeting room."
20

21 **RULE 11. ORDINANCES and RESOLUTIONS**

22 All Ordinances and Resolutions shall be introduced in writing with a complete copy filed with
23 the Clerk in the agenda backup. No Ordinance shall be adopted on final reading until notice as
24 required by law has been published. All Ordinances shall be signed by the Mayor or Mayor Pro
25 Tempore, attested by the Clerk of the Commission and approved as to form and legality by the
26 City Attorney.
27

28 **RULE 12. OTHER DOCUMENTS FOR EXECUTION**

29 All documents to be executed by the Mayor and Clerk of the Commission shall have first been
30 submitted to the City Attorney's Office for approval as to form and legality before placing on the
31 agenda and should be formatted for immediate signature after authorization of the execution.
32

33 **RULE 13. SERGEANT-AT-ARMS**

34 The City Manager (or designee) shall be sergeant-at-arms of the Commission meetings. The
35 sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the
36 purpose of maintaining order and decorum at the Commission meeting and the following
37 procedure will provide guidance in handling disruptions:
38

1 A. Individual refuses to relinquish the podium after being allowed to address the
2 Commission: The presiding officer will inform the individual that their time to address the
3 Commission has expired and the presiding officer will direct the individual to leave the podium.
4

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

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

12 2. The presiding officer will revoke the individual's participation to attend the
13 meeting and direct that the individual leave the meeting site. The presiding officer will
14 inform the individual that if the individual is directed to leave and fails to do so, the
15 individual will be subject to arrest for trespass.
16

17 Final Action: In substantially the following words: As the presiding officer, I inform you that
18 your actions are inconsistent with the orderly function of this meeting and fails to comply with
19 the lawful order of the Chair. I am instructing the Sergeant-at-Arms to have you removed from
20 this meeting site, and if deemed necessary by the Sergeant-at-Arms, to remove you from this
21 building.
22

23 **RULE 14. ROBERT'S RULES OF ORDER**

24 The current version of Robert's Rules of Order, Newly Revised, so far as they are applicable and
25 do not conflict with these Rules or the Ordinances or Charter of the City, shall guide the
26 Commission as needed.
27

28 **RULE 15. QUASI-JUDICIAL ACTIONS**

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

30 The quasi-judicial hearings before the Commission shall be either formal or informal hearings.
31 A formal quasi-judicial hearing shall be conducted in accordance with Section C of this Rule.
32 An informal hearing shall be conducted in accordance with Section D of this Rule.
33

34 **B. Request for Formal Hearing**

35 All persons entitled to actual written notice of a quasi-judicial matter before the Commission
36 may request a formal hearing by filing with the Clerk a written request before the close of
37 business at least seven (7) days prior to the Commission meeting when the matter is scheduled

1 to be heard. Persons who are not entitled to actual written notice but believe they are an
2 "affected party", as defined in this Rule 15, may request a formal hearing and determination of
3 affected party status by filing with the Clerk a written request for a formal hearing and an
4 application for affected party status as provided this rule at least seven (7) days prior to the
5 Commission meeting when the matter is scheduled to be heard. Failure to timely file a request
6 for a formal hearing shall set the matter for an informal quasi-judicial hearing.
7

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

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

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

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

1	*h. Affected Party against (if any) (per person)	10
2	*i. Rebuttal (Petitioner/Staff)	5
3	j. Closing by Petitioner, Staff and Affected Parties (per person)	3
4	k. Public comment (per person)	3
5	**l. Deliberation and vote of the Commission	

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

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

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

33 If no person files a timely request for a formal hearing, the matter shall be set for an informal
34 hearing. Cross-examination is not permitted and deemed waived by all persons or parties. This

1 provision does not prohibit a member of the Commission from questioning any person relevant
2 to the matter. Any person may speak for or against the matter in the public comment portion if
3 they complete a registration card at the meeting as provided by the Clerk. The presiding officer
4 may limit the time of any portion of an informal hearing to avoid unnecessary repetition and
5 delay. The vote of the Commission shall constitute an oral order, no written order will be issued.
6 The order of presentation for the hearing is as follows:

- 7 a. Disclosure of inadvertent ex-parte communications
- 8 b. Staff presentation
- 9 c. Petitioner or Applicant
- 10 d. Public comment
- 11 e. Deliberation and vote of the Commission

12
13 **E. Representation of Parties**

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

18 **F. Evidence**

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

27 **G. Continuances**

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

30 **H. Ex Parte Communications**

31 The Commission has chosen to prohibit ex-parte communications (i.e., a verbal or written
32 communication with a Commissioner received outside of the quasi-judicial hearing) in
33 connection with any quasi-judicial hearing before the Commission. However, it is recognized
34 that members of the Commission may, from time to time, receive or engage in inadvertent ex-
35 parte communications. The following procedures are provided to remove any presumption of

1 prejudice. Should an ex parte communication be received by an individual commissioner these
2 procedures shall be followed:

3 1. Written Communications - If a member of the Commission receives a written "ex parte"
4 communication relating to a quasi-judicial matter coming before the Commission, the
5 member should transmit the communication to the Clerk for inclusion in the official
6 records. These communications shall be forwarded to the parties as soon as practicable
7 before the hearing.

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

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

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

21 These Rules (except those that are required by law or those that involve notice) may be waived
22 by a 2/3rds vote of the members present at a meeting.

23
24 **SECTION 2.** All resolutions in conflict herewith are repealed. This resolution shall
25 become effective immediately upon adoption and will remain in effect until amended or
26 repealed.

27 Dated _____, 2018.

28
29 _____
30 Lauren Poe, Mayor

31 ATTEST: APPROVED AS TO FORM AND LEGALITY:

32
33
34 _____
35 Omichele D. Gainey,
36 Clerk of the Commission

Nicolle M. Shalley, City Attorney