

## **CITY OF GAINESVILLE HUMAN RIGHTS BOARD**

### **RULES OF PROCEDURE**

#### **I. NAME**

The name of this Board shall be the "City of Gainesville Human Rights Board"

#### **II. JURISDICTION**

The Board has jurisdiction over those matters which are set forth in Chapter 8 of the Code of Ordinances of the City of Gainesville

#### **III. DEFINITIONS**

For the purposes of these Rules, the following terms shall be defined as follows:

- 1) "Reasonable cause" means to be based on sufficiently trustworthy information as to lead an impartial observer to a belief.
- 2) "Competent substantial evidence" is evidence that will establish a substantial basis of fact from which the fact at issue can be reasonably inferred, or such relevant evidence as a reasonable mind would accept as adequate to support a conclusion.
- 3) "Essential requirements of law" requires an accord with due process of law within the contemplation of the Constitution, and devoid of any error so fundamental in character as to fatally infect the proceeding and render it void.

#### **IV. OFFICERS AND THEIR DUTIES**

- A. The officers shall be a Chair and a Vice-Chair. The City Attorney shall serve as counsel to the Board and the Equal Opportunity Director shall provide a Clerk to the Board.
- B. The Chair shall preside at all meetings of the Board and shall have the duties normally conferred by parliamentary rules on such officers.
- C. The Chair shall be one of the members of the Board. The Chair shall have the privilege of discussing all matters before the Board and shall have the same voting rights as all Board members.

- D The Vice-Chair shall act in the absence of the Chair. In the absence of both the Chair and the Vice-Chair, the most senior member of the Board in time served on the Board shall act as Chair.
- E The Clerk to the Board is responsible for ensuring that notice of each meeting is sent to the Clerk of the Commission at least forty-eight (48) hours (excluding Saturdays, Sundays and Holidays) prior to the meeting. The Clerk shall make the minutes of each meeting, and shall verify the attendance of board members at each meeting. The Clerk shall also ensure that the attendance record is filed with the Clerk of the Commission as soon as practicable after each meeting.

## V. ELECTION OF OFFICERS

- A Nomination of officers shall be made from the floor at the annual organizational meeting in October of each year, and the election shall be held immediately thereafter.
- B A candidate receiving a majority vote of the entire Board shall be declared elected and shall serve a term of one (1) year or until a successor shall take office.
- C Vacancies in office shall be filled immediately by regular election procedure.

## VI MEETINGS

### A Regular Meetings

The Board shall meet at least monthly if there is business to come before the Board. The Board may set meetings more frequently if necessary.

### B Special Meetings

Special meetings may be called by the Chair, with the concurrence of the Equal Opportunity Director, or by any three members of the Board by written notification to the Chair.

### C Attendance

If a board member fails to attend four (4) or more consecutive meetings, or the overall attendance record of the member is less than sixty-six and two-thirds (66 2/3%) percent for any period encompassing six (6) meetings, the board member is automatically removed from the Board upon the filing of the attendance record(s) with the Clerk of the Commission indicating the failure of the board member to meet the attendance requirements as verified by the Clerk on the attendance record.

D. Vacancies

Vacancies on the Board shall be filled by appointment of the City Commission for the unexpired term of any regular member whose term becomes vacant.

E. Quorum

A quorum of the Board shall consist of at least four (4) members for all quasi-judicial proceedings. In non-quasi-judicial proceedings, three members shall constitute a quorum. Except as provided otherwise in Chapter 8 or these rules, an affirmative vote of a majority of those present and voting shall be necessary for the Board to take action on any item.

F. Voting

Voting shall be by voice vote and shall be recorded by individual "aye" or "nay".

G. Abstention

Each member present shall cast an "aye" or "nay" vote on each question before the Board, except that if any member has a conflict of personal interest as decided by law, that member may abstain from voting on that matter and must file a Memorandum of Voting Conflict with the Clerk of the Board as prescribed by Chapter 112, Florida Statutes.

H. Recessed Meetings

The Board may recess a regular meeting if all business cannot be disposed of on the day set. Notice of the reconvened meeting shall be provided in accordance with these rules.

I. Procedure

Parliamentary procedure in Board meetings shall be governed by Robert's Rules of Order, as amended, and by these Rules of Procedure.

**VII. ORDER OF BUSINESS**

A. The general order of business shall be as follows:

- 1) Roll call
- 2) Approval of agenda
- 3) Approval of minutes

- 4) Requests to address the board
- 5) Old business
- 6) New business
- 7) Board member comments, report of officers and committees
- 8) Adjournment

B The Chair, or other presiding member, shall have the discretion to deviate from the general order of business as necessary to facilitate an orderly meeting:

#### **VIII. REASONABLE CAUSE PROCEEDINGS BEFORE THE BOARD**

- A The case before the Board shall be presented in summary by Equal Opportunity Director or designee and parties in interest shall have privileges of the floor. The Chair may limit the amount of debate when the occasion warrants, but such time limits shall be equal for all parties
- B When the Equal Opportunity Director has made a determination that reasonable cause exists to believe that an unlawful discriminatory practice has occurred or is about to occur, the Director shall present his report to the Board. The Board shall make a finding as to whether reasonable cause does or does not exist. In reaching this decision the Board may only consider evidence presented to the Director and must base its decision on the competent substantial evidence of record. If the Board finds no reasonable cause, the Director shall dismiss the complaint. If the Board finds reasonable cause, the Board shall issue a notice of determination of reasonable cause.
- C When the Equal Opportunity Director has made a determination that no reasonable cause exists to believe that an unlawful discriminatory practice has occurred or is about to occur, the Director shall inform the Board of his or her findings by a written report. The Board may order the complaint dismissed or may order by a three-fourths majority vote further investigation deemed necessary. The Board shall specify the areas of further investigation as deemed necessary. The results shall be reported to the Board within 10 days after the completed investigation. The Board shall act upon the report within 20 days

#### **IX. POST-ADMINISTRATIVE HEARING PROCEEDINGS BEFORE THE BOARD**

- A After receiving the Hearing Officer's order and the complete record of the proceedings before the Hearing Officer, the Board shall allow each party 15 days in which to submit written exceptions to the Hearing Officer's order. The Board need not consider an exception that does not clearly identify the disputed portion

of the Hearing Officer's order, that does not identify the legal basis for the exception, or that does not include appropriate and specific citations to the record. The Board shall review the Hearing Officer's order, the record, and any exceptions filed by the parties. The Board shall not have the power to receive or consider additional evidence. The Board shall have no powers to reject or modify the findings of fact or conclusions of law contained in the Hearing Officer's order.

- B. If the Board determines from a review of the complete record that the Hearing Officer's order is based on competent substantial evidence and that the essential requirements of law were met, the Board shall adopt it as the final order.
- C. If, by a three-fourths majority vote, the Board determines from a review of the complete record that the Hearing Officer's order is not based on competent substantial evidence or that the proceedings on which the findings were based did not comply with the essential requirements of law, the Board shall remand the matter back to the Hearing Officer to address the identified deficiencies. The Hearing Officer shall address the identified deficiencies in an addendum to the original order. The Hearing Officer's order along with the addendum addressing the concerns of the Board shall be the final order.
- D. The final order shall be served upon the complainant and the respondent within 10 days of adoption by the Board. The award of damages, equitable relief, and costs as established by the Hearing Officer, shall be reduced to judgment by the Board, and may be enforced as any other judgment.

#### **X. EX-PARTE COMMUNICATIONS**

In any reasonable cause proceeding or post administrative hearing before the Board, the Human Rights Board members shall disclose any ex-parte communications that may have occurred.

- A. Written communications--If a board member receives a written ex-parte communication relating to a matter coming before the Board, the member should transmit the item to the Clerk of the Board for inclusion in the official records. These communications shall be made available to the parties as soon as practicable before the hearing.
- B. Oral communication--As soon as it becomes apparent that an inadvertent oral communication pertains to a matter coming before the Board, the Board member should explain to the person that the communication 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 Board meeting, the board member should report any attempted ex-parte communication.
- C. Any affected party may examine each Board member about these communications, directed through the Board Chair.

**XI. AMENDMENT OF RULES**

These Rules may be altered, in a matter not inconsistent with the City Code of Ordinances, during a regular meeting by the affirmative vote of at least four (4) members of the Board, provided notice of the proposed change is given to the Board members at least forty-eight (48) hours in advance of the meeting. The rules shall be subject to review and approval of the City Commission

**XII. EFFECTIVE DATE**

The Rules of the City of Gainesville Human Rights Board shall take effect upon the City Commission approving these rules and shall govern all proceedings commenced thereafter and apply retroactively to all proceedings then pending before the Board