

RESOLUTION NO. 080938

Adopted: June 4, 2009

A RESOLUTION AMENDING THE CITY COMMISSION RULES OF THE CITY OF GAINESVILLE, FLORIDA; PROVIDING A REPEALING CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under the provisions of Section 2.06 Gainesville Charter, the City Commission may determine its own rules of procedure, as well as provide for the time and place of regular meetings of the City Commission, and the Commission has decided upon an amended set of rules to govern its procedure and to set the time and place of meeting.

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

SECTION 1. The following are hereby adopted as rules of procedure and to provide for the time and place of meetings of the Commission until other such rules are established by the City Commission:

RULE I.

REGULAR MEETINGS

The Regular Meetings of the Commission shall be held the first and third Thursday of every month commencing at 1:00 p.m., except when meeting as the Board of Trustees of the Employees' Pension Plan which will precede the regular City Commission meeting which will occur after adjournment of the Board meetings. If a meeting day shall fall on a legal holiday observed by the City, such meeting will not be held on the holiday but shall be rescheduled as determined by the Commission.

1 **RULE II.**

2 **SPECIAL AND EMERGENCY MEETINGS**

3 A. Special Meetings should, whenever possible, be approved at Regular City
4 Commission Meetings. All Special Meetings should be requested using a form designed by
5 the Clerk of the Commission. Special Meetings requested by Charter Officers must report the
6 business to be transacted and indicate the time and date the agenda language and back-up will
7 be available (no later than 48 hours prior to the meeting, if possible).

8 B. Special meetings may be held at any time upon the request of the Mayor, either
9 of his/her own motion or upon written request of two members. These Special Meetings
10 should be requested using a form designed by the Clerk of the Commission. The request shall
11 be served on every member of the Commission by the Clerk of the Commission. Every
12 reasonable measure will be taken to notify members of the Commission regardless of where
13 each member may be. Also, every reasonable effort will be made to notify members of the
14 local news media (print and electronic) and the public. The notice may state the business to be
15 transacted at such meeting, and no other business than that so specified shall be transacted.
16 Special meetings may not be convened sooner than forty-eight (48) hours succeeding the time
17 notice was served by the Clerk of the Commission on the last Member of the Commission.
18 Charter Officers should identify the subject matter for the special meeting and should only
19 address the same subject on the actual agenda.

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

1 business than that so specified shall be transacted.

2 D. The Commission at any meeting may recess or adjourn to a time certain for the
3 transaction of any business or specified business only, as may be determined by the
4 Commission in taking such action.

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

7 F. The Mayor, two City Commissioners, or a Charter Officer may call for an
8 inspection trip. Advance notice of inspection trips shall be given in the same manner as
9 special meetings. Minutes of the inspection trip shall be made. Two Members may constitute a
10 meeting for the purposes of the Sunshine Law, and no action may be taken at these meetings.

11 G. City Commission workshops/informal meetings may be held at any time upon the
12 written request of the Mayor or upon the written request of two members, or at the direction of
13 the City Commission. Workshops/informal meetings can take place in any location as long as it
14 meets the requirements of the Sunshine Law. Each workshop/informal meeting shall be properly
15 noticed to the public. A workshop/informal meeting should be requested using a form
16 designed by the Clerk of the Commission, and attaching the written request for the
17 workshop/informal meeting, if applicable. The request shall be served on every member of
18 the Commission by the Clerk of the Commission. Every reasonable measure will be taken to
19 notify members of the Commission regardless of where each member may be. Also every
20 reasonable effort will be made to notify members of the local news media (print and
21 electronic) and the public. The notice may state the subject matter to be discussed at such
22 meeting, although any subject matter may be discussed, except for pending matters where
23 notice to affected parties is required, such as pending planning petitions and pending quasi-
24 judicial matters. No policy or other action shall be taken at these meetings.

1 Workshops/informal meetings may not be convened sooner than forty-eight (48) hours
2 succeeding the time notice was served by the Clerk of the Commission on the last Member of
3 the Commission.

4 The Mayor and City Commissioners are expected to attend all scheduled
5 workshops/informal meetings, although the Mayor and one (1) Commissioner or two (2)
6 Commissioners will constitute a meeting for the purposes of the Sunshine Law.

7

8

AGENDA

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

18 **RULE IV.**

19

QUORUM

20 Four (4) members of the Commission shall constitute a quorum for the transaction of business,
21 but a smaller number may adjourn the meeting.

1 **RULE V.**2 **PRESIDING OFFICER - ELECTION AND DUTIES**

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

7 B. The Mayor, or in his/her absence the Chair Pro tempore, shall take the chair at
8 the hour affixed for the meeting and call the members of the Commission to order. The
9 presiding officer shall preserve order and decorum at all meetings of the Commission.

10 He/she shall sign all ordinances or resolutions adopted by the Commission. The Mayor shall
11 designate the seating arrangement at meetings of the Commission.

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

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

20 **RULE VI.**21 **COMMITTEES - APPOINTMENT - PROCEDURE - REFERRALS**

22 A. The following standing committees, consisting of at least two Commissioners each,
23 shall be appointed by the Mayor, with the concurrence of the City Commission at the

1 organizational meeting of the Commission or as soon thereafter as may be heard:

2 Audit, Finance and Legislative;

3 Community Development Committee;

4 Economic Development/University Community;

5 Equal Opportunity Committee;

6 Public Safety;

7 Recreation, Cultural Affairs and Public Works; and

8 Regional Utilities.

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

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

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

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

- 1 E. Committees shall meet in a public building within the City limits at the Call of the
2 Chair at such time and place as is convenient to the members of the Committee and others
3 involved in matters to be considered by the Committee.
- 4 F. All meetings of the Committees shall be opened to the public.
- 5 G. All Committees shall meet at least quarterly.
- 6 H. All referrals should be completed in six months unless otherwise directed.
- 7 I. All referrals not completed in six (6) months must seek re-authorization or removal
8 from the referral list by the City Commission prior to the six month due date.
- 9 J. All Standing Committee Agendas should include the list of all outstanding referrals
10 with due dates listed.
- 11 K. All Standing Committee Liaisons should update the referral list with intermediate
12 updates.
- 13 L. The Clerk of the Commission shall include the City Commission referral list on a City
14 Commission Agenda two times a year and maintain a referral list on the City's
15 Intranet and Internet.
- 16 M. All Charter Officer referrals shall be for six months unless otherwise directed.
- 17 N. All Charter Officer referrals not completed in six months must seek re-authorization
18 prior to the six months due date.
- 19 O. The Standing Committee Chair shall review all Committee meeting agendas and
20 agenda items.
- 21 P. The Standing Committee Chair, or appointed designee, shall be the sponsor of any
22 committee item brought forward for discussion before the City Commission.

1 **RULE VII.**

2 **ADVISORY BOARDS AND COMMITTEES**

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

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

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

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

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

19 4. All Board and Committee Referrals not completed in six months must seek re-
20 authorization prior to the six month due date.

21 5. All Board and Committee Agendas should include a list of all outstanding
22 referrals with due dates listed.

23 6. All Board and Committee Liaisons should update the referrals with

1 intermediate updates.

2 7. All Boards and Committees shall submit an annual workplan and
3 accomplishment report to the City Commission. The details associated with the workplan
4 will be dependent upon the mission of the board or committee. The annual workplan and
5 accomplishment report will be submitted to the City Commission during the annual budget
6 process.

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8 **RULE VIII.**

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ORDER OF BUSINESS

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

13 **1:00 P.M.**

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

- 1 K. Equal Opportunity Director
- 2 L. Committee Reports (Pulled from Consent)
- 3 M. Advisory Board/Committees (Appointments/Waivers/Reports) Committee Reports
- 4 must be placed on the agenda by Charter Officer, through staff liaison after approval
- 5 by Board/Committee.
- 6 N. Outside Agencies Must be submitted by a Charter Officer. Update limited to ten (10)
- 7 minutes.
- 8 O. Members of the City Commission
- 9
- 10 P. Commission Comments (if time available)
- 11
- 12 **5:30 p.m.**
- 13
- 14 Q. Pledge of Allegiance
- 15 R. Proclamations/Special Recognitions Placed on Agenda by Commissioner or Charter
- 16 Officer
- 17 **6:00 p.m.**
- 18 S. Citizen Comment
- 19 T. Public Hearings
- 20 1. General Public Hearings
- 21 2. Resolutions
- 22 3. Ordinances
- 23 4. Plan Board Petitions
- 24 5. Development Review Board
- 25 U. Scheduled, Evening Agenda Items
- 26 V. Unfinished Business

1 W. Commission Comments

2 X. Citizen Comments (If Time Permits)

3 Adjournment no later than 11:00 p.m. Mayor to schedule date and time to continue meeting.

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6 **RULE IX.**

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VOTING

8 The Yeas and Nays on any question before the Commission shall be taken at the Call of any

9 Commissioner. Each member of the Commission will vote first every sixth time only, with

10 the Mayor (Chair) always voting last. Commissioners will vote "yea" for support of a

11 motion and vote "no" when voting not to support a motion. Except in a Roll Call, silence by

12 a member shall be recorded as an affirmative vote.

13

1 **RULE X.**2 **PROCEDURES**

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

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

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

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

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

15 F. If a motion is made to vote immediately (or move the previous question), it shall be
16 put in this form: "I move that we vote immediately"; or "I move the previous
17 question(s)."

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

23 G. The tape recordings made by the Clerk of the City Commission meetings are for

1 exclusive benefit and use of the Clerk in making and keeping minutes and records of
2 the Commission. In order that there be no possibility of altering, damaging, losing or
3 tampering with such tapes and matters contained thereon, the tape recordings of the
4 Commission meetings shall be used only by the Clerk. A copy of such tape
5 recordings may be made by the Clerk and then by him/her made available to the
6 press and public.

7
8 **RULE XI.**

9 **RULES OF DEBATE**

10 The presiding officer may move, second and debate, subject only to such limitations of
11 debate as are enforced by these rules on all members, and shall not be deprived of any of the
12 rights and privileges as commissioners by reason of his/her action as presiding officer. If the
13 presiding officer desires to make a motion or second a motion, the officer shall relinquish
14 the chair to a member as the officer shall designate until he/she has finished his/her debate
15 on said question or matter. Every member desiring to speak shall address the chair and,
16 upon recognition by the presiding officer, shall be confined to the question under debate,
17 avoiding all personalities and indecorous language. A member, once recognized, shall not be
18 interrupted when speaking unless it be to call said member to order, then the member shall
19 cease speaking until the question or order is determined by the presiding officer without
20 debate and, if in order, said member shall be at liberty to proceed. After the decision of any
21 question, it shall be in order for a member voting on the prevailing side to move a
22 reconsideration at the same meeting or at the next succeeding regular meeting, but not
23 thereafter without unanimous consent. It shall likewise be in order for a member voting on

1 the prevailing side to move reconsideration at a special meeting occurring between the time
2 of original consideration and the next succeeding regular meeting. In the case of a tie vote
3 on any question, any member may move for a reconsideration at the time or times herein
4 stated for reconsideration on motion by one voting on the prevailing side. If a motion to
5 reconsider be lost, it shall not be renewed without the unanimous consent of the Commission;
6 and no decision shall be a second time reconsidered without a like leave. A Commissioner
7 may request, through the presiding officer, the privilege of having his/her written statement
8 on any subject under the consideration by and presented to the Commission entered in the
9 minutes. If the Commission consents thereto, such statement shall be entered in the minutes.
10 The following Statement will be required on all City Commission Agendas: "Citizens are
11 encouraged to participate in City of Gainesville meetings. In general, speakers will be
12 limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor
13 or by the City Commission as directed. The City of Gainesville encourages civility in
14 public discourse and requests that speakers limit their comments to specific motions and
15 direct their comments to the Chair. Signs, Props, and posters are not permitted in the
16 meeting room except provided in Rule XIII. Citizens are encouraged to provide comments
17 in writing to the Clerk of the Commission before meetings and/or during meetings for
18 inclusion into the public record. Citizens may also provide input to individual commissioners
19 via office visits, phone calls, letters and e-mail, that will become public record. (In some
20 instances, i.e. Quasi-Judicial Hearings, these particular contacts may be prohibited.)"

21 **RULE XII.**

22 **APPROVAL OF COMMISSION MINUTES**

23 The Clerk of the Commission shall submit minutes of meetings for approval as timely as

1 possible. Unless a reading of a Commission meeting is requested by a majority of the
2 Commission, such minutes may be approved without reading, if the Clerk of the Commission
3 has previously furnished each member with a copy thereof.

4 **RULE XIII.**

5 **PERSONS APPEARING BEFORE THE COMMISSION**

6 **I. Citizen Comment**

7 A. Citizen Comment is limited to issues not located on other portions of the
8 printed agenda.

9 B. Time Limits will be established by the Mayor based on the number of
10 participants. Maximum of five (5) minutes per participant.

11 C. Participants are required to fill out a form at the meeting.

12 **II. Generally Speaking**

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

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

1 C. If any person in any way interferes with or interrupts the orderly procedure of
2 the Commission, or any Commissioner, or the person speaking who has been properly
3 recognized by the presiding officer, the person shall be subject to removal from the
4 Commission room.

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

7 **III. Public Hearings**

8 A. Citizens wishing to speak on public hearing items may be required to fill out a
9 card and forward it to the Clerk of the Commission. Should more than ten (10) speakers
10 want to participate on any particular item, registration cards will be strongly considered.

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

13 **IV. Decorum**

14 Order must be preserved. Members of the public are not permitted to possess food, drink,
15 props, signs, posters, or other similar material in the meeting room. Speakers at the podium
16 addressing the Commission may use PowerPoint as part of their presentation provided the
17 Clerk of the Commission is provided a copy at least seven hours prior to the presentation.
18 Speakers may also use the City's overhead system or use displays or props (hereinafter
19 "demonstrative exhibits") as part of a presentation as long as the demonstrative exhibits,
20 including PowerPoint, are not obscene and do not otherwise disrupt, delay, or interrupt the
21 proceeding. Outbursts of approval or disapproval, jeers or heckling are not permitted. In
22 the event of a disturbance or violation of this rule, the violator may, after warning, be
23 ordered removed from the room as provided in Rule XVII Rules of the Commission, City of

1 Gainesville.

2 **RULE XIV.**

3 **UNFINISHED BUSINESS**

4 The Clerk of the Commission shall have, at every regular meeting of the Commission, a list
5 of unfinished business in order of its introduction, which may be read at the request of the
6 Commissioner.

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8 **RULE XV.**

9 **COMMUNICATIONS**

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

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15 **RULE XVI.**

16 **ORDINANCES**

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

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

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

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24 **RULE XVII.**

SERGEANT-AT-ARMS

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

Procedure:

1. Individual refuses to relinquish the podium after being allowed to address the Commission.

A. The Mayor will inform the individual that their time to address the Commission has expired and the Mayor will direct the individual to leave the podium.

2. Individual causes disruption in the Commission meeting site.

A. The Mayor will inform the individual causing the disruption to cease disruptive activity. If the disruption fails to stop:

A. The Mayor will inform the individual causing the disruption that their actions are contrary to the orderly running of the meeting and that the individual is to cease such action or the Sergeant-at-Arms (City Manager/designee) will be instructed to remove the individual from the meeting site.

B. The Mayor will revoke the individual's participation to attend the meeting and direct that the individual leave the meeting site. The Mayor will inform the individual that if the individual is directed to leave and fails to do so, the individual will be subject to arrest for trespass.

Final Action: In substantially the following words: As the Mayor, I inform you that your actions are inconsistent with the orderly function of this meeting and fails to comply with the lawful order of the Chair. I am instructing the Sergeant-at-Arms (City Manager/designee) to

1 have you removed from this meeting site, and if deemed necessary by the Sergeant-at-Arms,
2 to remove you from this building.

3

4 **RULE XVIII.**

5

REPORTS AND RESOLUTIONS

6 Most all reports and resolutions shall be filed with the Clerk of the Commission and made
7 part of the minutes. Some lengthy and oversized documents may be stored at individual
8 administrative areas.

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1 **RULE XIX.**2 **DOCUMENTS FOR EXECUTION**

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

7 **RULE XX.**8 **ROBERT'S RULES OF ORDER**

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

12

13 **RULE XXI**14 **QUASI-JUDICIAL ACTIONS**15 **Part I. Request for Hearing**16 **(A) Quasi-Judicial Hearings before the Commission**

17 The quasi-judicial hearings before the City Commission shall be either formal or
 18 informal hearings. A formal quasi-judicial hearing is a hearing where applicants and
 19 affected parties have the rights and responsibilities of a party as set forth in Sections
 20 (B) - (D) of the rules of formal quasi-judicial procedure. An informal hearing is a
 21 hearing where the applicant and public may present testimony for or against a proposal
 22 before the Board without the procedures of a formal hearing.

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

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

2 **(C) Selection of Hearing**

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

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

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

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

	Order	Maximum Time Limit (minutes)
20	1) Introduction of the matter by staff	3
21	*2) Petitioner	20
22	*3) Staff presentation	10
23	*4) Affected Party (if any) for	
24	(per person)	10
25	*5) Affected Party against (if any) against	
26	(per person)	10
27	*6) Rebuttal (Petitioner/Staff)	5
28	7) Close of presentation by Petitioner, Staff and Affected Parties	

- 1 8) Public hearing (per person) 5
 2 9) Deliberation and vote of the Commission

3
 4 (2) Cross examination is limited to ten (10) minutes per witness.

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

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

13
 14 **(B) Affected Party Defined; Determination**

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

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

22 The decision of the Commission shall be final.

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

24 In order to participate in the formal quasi-judicial hearing, all affected parties shall
 25 complete the form prescribed by the Clerk of the Commission, stating their name and
 26 address and other pertinent information, and whether they support or oppose the matter or

1 matter before the City Commission. The form shall be delivered to the City
2 Commission's secretary at the commencement of the hearing.

3 **(D) Representation of Parties**

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

9 **(E) The Hearing**

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

15 2) The City Commissioners shall disclose any ex parte communications that
16 may have occurred.

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

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

1 applicable laws. Written reports and any other documentary evidence shall
2 become a part of the record. Evidence may be presented through oral testimony
3 of witnesses or documentary evidence or both.

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

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

1 **(F) Public Hearing**

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

6 **(G) Continuances**

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

9 **(H) City Commission Deliberation**

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

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

15 The City Commission shall orally issue an order.
16

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

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

1 parties.

2

3

Part III. Informal Quasi-Judicial Hearings

4 (A) Informal Quasi-Judicial Hearing Procedure

5 1) If no person files a timely request for a formal quasi-judicial hearing, the matter
6 shall be set for an informal quasi-judicial hearing.

7 2) An informal hearing shall be presented to the City Commission in the following
8 order:

9 a) Staff presentation

10 b) Petitioner or Applicant

11 c) Public hearing

12 d) Deliberation and vote of the City Commission

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

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

1 Commissioner should report any attempted "ex parte" communication.

2 3) Party inquiry

3 Any party may ask questions to a Commissioner about any ex parte communications

4 directed through the Mayor.

1 **RULE XXII.**

2 **WAIVER OF THESE RULES**

3 These rules may be waived by a 2/3rds vote of the members present.

4 **SECTION 2.**

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

7

8 Dated this _____ day of June 2009.

9

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MAYOR
Pegeen Hanrahan

15

ATTEST:

Approved as to form and
legality:

16

17

18

19

Clerk of the Commission
Kurt M. Lannon

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

20

21