

RESOLUTION NO. 040048

Adopted JULY 12, 2004

A RESOLUTION ADOPTING 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 a new 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 second and fourth Monday 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

1 City, such meeting will not be held on the holiday but shall be rescheduled as determined by the
2 Commission.

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4 **RULE II.**

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SPECIAL AND EMERGENCY MEETINGS

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

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

1 Commission. Charter Officers should identify the subject matter for the special
2 meeting and should only address the same subject on the actual agenda.

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

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

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

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

20 G. City Commission Workshops/Informal Meetings can take place in any location as
21 long as it meets the requirements of the Sunshine Law. Each workshop shall be
22 properly noticed to the public and any topic may be discussed although no final
23 policy actions shall be taken at these meetings. For all policy issues requiring

1 consideration, workshops may be scheduled. The City Commission is expected to
2 attend all scheduled workshops, although the Mayor and one (1) Commissioner or
3 two (2) Commissioners may constitute a meeting for the purposes of the Sunshine
4 Law.

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6 **RULE III.**

7 **AGENDA**

8 The Clerk of the Commission shall prepare an agenda for each regular meeting of the Commission.

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

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18 **RULE IV.**

19 **QUORUM**

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

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

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

6 B. The Mayor, or in his/her absence the Chair Pro tempore, shall take the chair at the
7 hour affixed for the meeting and call the members of the Commission to order. The
8 presiding officer shall preserve order and decorum at all meetings of the
9 Commission. He/she shall sign all ordinances or resolutions adopted by the
10 Commission. The Mayor shall designate the seating arrangement at meetings of the
11 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
14 be elected by the members of the Commission present. Upon arrival of the Mayor
15 or Chair Pro tempore, the temporary Chair shall relinquish the chair upon the
16 completion of the business immediately before the Commission.

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

1 **RULE VI.**

2 **COMMITTEES - APPOINTMENT - PROCEDURE - REFERRALS**

3 A. The following standing committees, consisting of at least two Commissioners each,
4 shall be appointed by the Mayor, with the concurrence of the City Commission at
5 the organizational meeting of the Commission or as soon thereafter as may be heard:

6
7 Audit and Finance (2);

8 Community Development Committee (2)

9 Economic Development/University Community (3)

10 Equal Opportunity Committee (2)

11 Legislative (2);

12 Personnel and Organizational Structure (2);

13 Public Works (2);

14 Public Safety (2);

15 Recreation and Cultural Affairs (2); and

16 Regional Utilities (2) .

17
18 The first named member of each Committee shall be the Chair of the Committee. The personnel of
19 the foregoing Committees, including change in the chairship thereof, may be affected at any time at
20 the pleasure of the Mayor with the concurrence of a majority of the Commission.

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

- 1 C. Standing and Special Committees shall consider matters referred to such
2 Committees by the Commission, or if not so referred, if the subject is germane to the
3 purposes for which the Committee exists, the fact that the Committee has such other
4 matters or matters under consideration shall be promptly reported to the
5 Commission at its next meeting in order that the Commission be generally aware of
6 the matters under consideration by each of several Committees.
- 7 D. Each Committee shall call upon, advise with, and seek the recommendation of the
8 administrative staff and shall keep the appropriate staff personnel of the City
9 advised of the matters under consideration by the Committee.
- 10 E. Committees shall meet in a public building within the City limits at the Call of the
11 Chair at such time and place as is convenient to the members of the Committee and
12 others involved in matters to be considered by the Committee.
- 13 F. All meetings of the Committees shall be opened to the public.
- 14 G. All Committees shall meet at least quarterly.
- 15 H. All referrals should be completed in six months unless otherwise directed.
- 16 I. All referrals not completed in six (6) months must seek re-authorization prior to the
17 six month due date.
- 18 J. All Standing Committee Agendas should include the list of all outstanding referrals
19 with due dates listed.
- 20 K. All Standing Committee Liaisons should update the referral list with intermediate
21 updates.
- 22 L. The Clerk of the Commission shall include the City Commission referral list on a
23 City Commission Agenda two times a year.

1 M. All Charter Officer referrals shall be for six months unless otherwise directed.

2 N. All Charter Officer referrals not completed in six months must seek re-authorization
3 prior to the six months due date.

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7 **RULE VII.**

8 **ADVISORY BOARDS AND COMMITTEES**

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

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

- 17 1. Openings for vacancies on Advisory Boards and Committees previously filled by persons
18 serving two consecutive terms, will not be included on the election ballot packet after the
19 first advertisement.
- 20 2. If after a second advertisement there are no new applicants, the Clerk will include for
21 consideration those persons who have already served two terms on that particular
22 board/committee.

- 1 3. Board members who have served two (2) terms, but have not been replaced or reappointed
- 2 remain on the board/committee until new members are appointed.
- 3 4. All Board and Committee Referrals not completed in six months must seek re-authorization
- 4 prior to the six month due date.
- 5 5. All Board and Committee Agendas should include a list of all outstanding referrals with due
- 6 dates listed.
- 7 6. All Board and Committee Liaisons should update the referrals with intermediate updates.
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9 **RULE VIII.**

10 **ORDER OF BUSINESS**

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

14 **1:00 P.M.**

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

1 J. City Auditor

2 K. Committee Reports (Pulled from Consent)

3 L. Advisory Board/Committees (Appointments/Waivers/Reports)

4 Committee Reports must be placed on the agenda by Charter Officer, through staff liaison
5 after approval by Board/Committee.

6 M. Outside Agencies

7 Must be submitted by a Charter Officer. Update limited to ten (10) minutes.

8 N. Members of the City Commission

9 O. Commission Comments (if time available)

10 **5:30 p.m.**

11 P. Citizen Comment

12 Q. Commission Comments (if time available)

13 **6:00 p.m.**

14 R. Pledge of Allegiance

15 S. Proclamations/Special Recognitions

16 Placed on Agenda by Commissioner or Charter Officer

17 T. Public Hearings:

18 1. General Public Hearings

19 2. Ordinances

20 3. Resolutions

21 4. Plan Board Petitions

22 5. Development Review Board

23 U. Scheduled Evening Agenda Items

- 1 V. Unfinished Business
- 2 W. Commission Comments
- 3 X. Citizen Comments (If Time Permits)

4 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 the
10 Mayor (Chair) always voting last.

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12 Commissioners will vote “yea” for support of a motion and vote “no” when voting not to support a
13 motion.

14 Except in a Roll Call, silence by a member shall be recorded as an affirmative vote.

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16 **RULE X.**

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PROCEDURES

- 18 A. The presiding officer shall decide all questions regarding the priority of business
19 without debate.
- 20 B. All ordinances and resolutions shall be introduced in writing.
- 21 C. All motions or amendments thereto shall be reduced to writing if the presiding
22 officer or a member desires.

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

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

8 F. If a motion is made to vote immediately (or move the previous question), it shall
9 be put in this form:

10 "I move that we vote immediately"; or

11 "I move the previous question(s)."

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

17 G. The tape recordings made by the Clerk of the City Commission meetings are for
18 exclusive benefit and use of the Clerk in making and keeping minutes and records
19 of the Commission. In order that there be no possibility of altering, damaging,
20 losing or tampering with such tapes and matters contained thereon, the tape
21 recordings of the Commission meetings shall be used only by the Clerk. A copy
22 of such tape recordings may be made by the Clerk and then by him/her made
23 available to the press and public.

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RULE XI.

RULES OF DEBATE

- A. The presiding officer may move, second and debate, subject only to such limitations of debate as are enforced by these rules on all members, and shall not be deprived of any of the rights and privileges as commissioners by reason of his/her action as presiding officer. If the presiding officer desires to make a motion or second a motion, the officer shall relinquish the chair to a member as the officer shall designate until he/she has finished his/her debate on said question or matter.

- B. Every member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall be confined 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.

- C. After the decision of any question, it shall be in order for a member voting on the prevailing side to move a reconsideration at the same meeting or at the next succeeding regular meeting, but not thereafter without unanimous consent. It shall likewise be in order for a member voting on the prevailing side to move a reconsideration at a special meeting occurring between the time of original consideration and the next succeeding regular meeting. In the case of a tie vote on any question, any member may move for a reconsideration at the time or times herein stated for reconsideration on motion by one voting on the prevailing side. If a motion

1 to reconsider be lost, it shall not be renewed without the unanimous consent of the
2 Commission; and no decision shall be a second time reconsidered without a like
3 leave.

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

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9 E. The following Statement will be required on all City Commission Agendas:

10 "Citizens are encouraged to participate in City of Gainesville meetings. In general,
11 speakers will be limited to 3 (three) minutes per agenda item. Additional time may be
12 granted by the Mayor or by the City Commission as directed.

13 The City of Gainesville encourages civility in public discourse and requests that
14 speakers limit their comments to specific motions and direct their comments to the
15 Chair.

16 Citizens are encouraged to provide comments in writing to the Clerk of the
17 Commission before meetings and/or during meetings for inclusion into the public
18 record. Citizens may also provide input to individual commissioners via office
19 visits, phone calls, letters and e-mail, that will become public record. (In
20 some instances, i.e. Quasi-Judicial Hearings, these particular contacts may be
21 prohibited.")

1 **RULE XII.**

2 **APPROVAL OF COMMISSION MINUTES**

3 The Clerk of the Commission shall submit minutes of meetings for approval as timely as
4 possible. Unless a reading of a Commission meeting is requested by a majority of the
5 Commission, such minutes may be approved without reading, if the Clerk of the Commission has
6 previously furnished each member with a copy thereof.

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9 **RULE XIII.**

10 **PERSONS APPEARING BEFORE THE COMMISSION**

11 **I. Citizen Comment**

- 12 A. Citizen Comment is limited to issues not located on other portions of the printed
13 agenda.
- 14 B. Time Limits will be established by the Mayor based on the number of participants.
15 Maximum of five (5) minutes per participant.
- 16 C. Participants may be required to fill out a form at the meeting.

17 **II. General Speaking**

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

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

5 C. If any person in any way interferes with or interrupts the orderly procedure of the
6 Commission, or any Commissioner, or the person speaking who has been properly
7 recognized by the presiding officer, the persons shall forewith be subject to
8 removal from the Commission room.

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

11 **III. Public Hearings**

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

16 B. Citizens should follow all of the guidelines in Section II above, where appropriate.
17

18 **RULE XIV.**

19 **UNFINISHED BUSINESS**

20 The Clerk of the Commission shall have, at every regular meeting of the Commission, a list of
21 unfinished business in order of its introduction, which may be read at the request of the
22 Commissioner.
23

1 **RULE XV.**

2 **COMMUNICATIONS**

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

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9 **RULE XVI.**

10 **ORDINANCES**

- 11 A. All ordinances shall be prepared, or approved as to form and legality, by the City
12 Attorney prior to being introduced at a City Commission meeting.
- 13 B. No ordinance shall be adopted on a second and final reading until notice as required by
14 law has been published.
- 15 C. All ordinances shall be signed by the presiding officer and attested by the Clerk of the
16 Commission.

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18 **RULE XVII.**

19 **SERGEANT-AT-ARMS**

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

1 Procedure:

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

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

6 2. Individual causes disruption in the Commission meeting site.

7 A. The Mayor will inform the individual causing the disruption to cease disruptive
8 activity.

9

10 If the disruption fails to stop:

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

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

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

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RULE XVIII.

REPORTS AND RESOLUTIONS

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

RULE XIX.

DOCUMENTS FOR EXECUTION

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

RULE XX.

ROBERT'S RULES OF ORDER

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

1 **RULE XXI**

2 **QUASI-JUDICIAL ACTIONS**

3 **Part I. Request for Hearing**

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

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

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

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

13 **(C) Selection of Hearing**

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

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

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

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

5	Order	Maximum Time Limit
6		(minutes)
7	1) Introduction of the matter by staff	3
8	*2) Petitioner	20
9	*3) Staff presentation	10
10	*4) Affected Party (if any) for	
11	(per person)	10
12	*5) Affected Party against (if any) against	
13	(per person)	10
14	*6) Rebuttal (Petitioner/Staff)	5
15	7) Close of presentation by Petitioner, Staff and Affected Parties	
16	8) Public hearing (per person)	5
17	9) Deliberation and vote of the Commission	

18
19 (2) Cross examination is limited to ten (10) minutes per witness.

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

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

26
27 **(B) Affected Party Defined; Determination**

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

30 (2) An affected party who is not entitled to actual written notice but who believes that they
31 have a special interest or would suffer an injury distinct in kind and degree from that shared
32 by the public at large may request affected party status by filing an application, as provided

1 in Part I of this rule. The Commission will consider an application for affected party status
2 prior to the commencement of the hearing. The decision of the Commission shall be final.

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

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

9 **(D) Representation of Parties**

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

15 **(E) The Hearing**

- 16 1) The introduction of the case shall be presented by the Clerk of the Commission and include
17 a brief description of the matter. This introduction shall not be considered evidence in the
18 proceeding, and the Clerk of the Commission presenting the introduction shall not be
19 subject to cross-examination by any party to the proceeding.
- 20 2) The City Commissioners shall disclose any ex parte communications that may have
21 occurred.
- 22 3) All parties may be collectively sworn by the Clerk of the Commission in the interest of
23 time.
- 24 4) The City Manager or designee shall present any staff, board or other report on the matter.
25 Evidence before the Commission shall include, but not be limited to, an analysis which

1 includes the consistency with the City's adopted codes, rules, policies or plans, as
2 applicable, and how the matter does or does not meet the requirements of the such codes,
3 rules, policies and plans and other applicable laws. Written reports and any other
4 documentary evidence shall become a part of the record. Evidence may be presented
5 through oral testimony of witnesses or documentary evidence or both.

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

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

9
10 **(H) City Commission Deliberation**

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

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

15 The City Commission shall orally issue an order.

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

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

1 **Part III. Informal Quasi-Judicial Hearings**

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

- 3 1) If no person files a timely request for a formal quasi-judicial hearing, the matter shall be set
4 for an informal quasi-judicial hearing.
- 5 2) An informal hearing shall be presented to the City Commission in the following order:
- 6 a) Staff presentation
 - 7 b) Petitioner or Applicant
 - 8 c) Public hearing
 - 9 d) Deliberation and vote of the City Commission
- 10 3) Cross-examination of the witnesses is not permitted and deemed waived by all persons_or
11 parties. This provision does not prohibit a City Commission member from questioning any
12 person relevant to the matter.
- 13 4) The City Manager or designee shall present any staff, board or other report on the matter.
14 Evidence before the Commission shall include, but not be limited to, an analysis which
15 includes the consistency with the City's adopted codes, rules, policies or plans, as
16 applicable, and how the matter or Petition does or does not meet the requirements of such
17 codes, rules, policies, plans and other applicable laws; written reports and any other
18 documentary evidence shall become a part of the record. Evidence may be presented
19 through oral testimony of witnesses or documentary evidence or both.
- 20 5) Any person may speak for or against the matter if they complete a registration card at the
21 meeting as provided by the Clerk of the Commission. The Mayor may limit the time of any
22 portion of an informal hearing to avoid unnecessary repetition and delay.
- 23 6) After the public hearing portion, the City Commission shall deliberate and vote, which shall
24 constitute the oral order.
- 25
- 26

1 **Part IV. Ex Parte Communications**

2 1) General

3 Ex parte communications are prohibited in connection with any quasi-judicial hearing under Florida
4 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 shall
7 take place:

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

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

18 3) Party inquiry

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

21
22 **RULE XXII.**

23 **WAIVER OF THESE RULES**

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

1 SECTION 2.

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

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10 Dated this 10 day of July, 2004.

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MAYOR
Pegeen Hanrahan

ATTEST:

Approved as to form and
legality:


Clerk Of The Commission
Kurt M. Lannon

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

JUL 14 2004