

RESOLUTION NO. 060061

ADOPTED May 22, 2006

**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 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 can take place in any location as
12 long as it meets the requirements of the Sunshine Law. Each workshop shall be properly noticed
13 to the public and any topic may be discussed although no final policy actions shall be taken at
14 these meetings. For all policy issues requiring consideration, workshops may be scheduled.
15 The City Commission is expected to attend all scheduled workshops, although the Mayor and
16 one (1) Commissioner or two (2) Commissioners may constitute a meeting for the purposes of
17 the Sunshine Law.

18 AGENDA

19 The Clerk of the Commission shall prepare an agenda for each regular meeting of the
20 Commission. All requests to address the Commission on subjects not then under discussion
21 by the Commission, together with a notice of items to be presented at the Commission at the
22 next regular meeting by any Committee, Board, or Administrative Official, shall be delivered
23 to the Clerk of the Commission on or before 11:00 A.M. on the Monday preceding each
24 Regular Meeting. The Clerk of the Commission shall arrange a list of such matters according

1 to the order of business, and furnish each Commissioner and Charter Officer with a copy as
2 far in advance of the meeting as time for preparation will permit. The Clerk of the
3 Commission will prepare copies of the agenda for the news media and the public.

4 **RULE IV.**

5 **QUORUM**

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

8 **RULE V.**

9 **PRESIDING OFFICER - ELECTION AND DUTIES**

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

14 B. The Mayor, or in his/her absence the Chair Pro tempore, shall take the chair at
15 the hour affixed for the meeting and call the members of the Commission to order. The
16 presiding officer shall preserve order and decorum at all meetings of the Commission.
17 He/she shall sign all ordinances or resolutions adopted by the Commission. The Mayor shall
18 designate the seating arrangement at meetings of the Commission.

19 C. In the absence of the Mayor and the Chair Pro tempore, the Clerk of the
20 Commission shall call the Commission to order; whereupon a temporary Chair shall be
21 elected by the members of the Commission present. Upon arrival of the Mayor or Chair Pro
22 tempore, the temporary Chair shall relinquish the chair upon the completion of the business
23 immediately before the Commission.

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1 D. In the absence of the Chair Pro tempore, the Mayor shall designate a member
2 of the Commission as a temporary Chair Pro tempore. Upon arrival of the Chair Pro tempore,
3 the temporary Chair Pro tempore shall relinquish the designation.

4 **RULE VI.**

5 **COMMITTEES - APPOINTMENT - PROCEDURE - REFERRALS**

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

- 9 Audit, Finance and Legislative;
- 10 Community Development Committee
- 11 Economic Development/University Community
- 12 Equal Opportunity Committee
- 13 Personnel and Organizational Structure;
- 14 Public Safety;
- 15 Recreation, Cultural Affairs and Public Works; and
- 16 Regional Utilities.

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

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

23 C. Standing and Special Committees shall consider matters referred to such Committees
24 by the Commission, or if not so referred, if the subject is germane to the purposes for which the

1 Committee exists, the fact that the Committee has such other matters or matters under
2 consideration shall be promptly reported to the Commission at its next meeting in order that
3 the Commission be generally aware of the matters under consideration by each of several
4 Committees.

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

8 E. Committees shall meet in a public building within the City limits at the Call of the
9 Chair at such time and place as is convenient to the members of the Committee and others
10 involved in matters to be considered by the Committee.

11 F. All meetings of the Committees shall be opened to the public.

12 G. All Committees shall meet at least quarterly.

13 H. All referrals should be completed in six months unless otherwise directed.

14 I. All referrals not completed in six (6) months must seek re-authorization prior to the
15 six month due date.

16 J. All Standing Committee Agendas should include the list of all outstanding referrals
17 with due dates listed.

18 K. All Standing Committee Liaisons should update the referral list with intermediate
19 updates.

20 L. The Clerk of the Commission shall include the City Commission referral list on a City
21 Commission Agenda two times a year.

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

23

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

3 **RULE VII.**

4 **ADVISORY BOARDS AND COMMITTEES**

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

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

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

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

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

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

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

3 6. All Board and Committee Liaisons should update the referrals with
4 intermediate updates.

5 **RULE VIII.**

6 **ORDER OF BUSINESS**

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

10 **1:00 P.M.**

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

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1 L. Advisory Board/Committees (Appointments/Waivers/Reports) Committee Reports
2 must be placed on the agenda by Charter Officer, through staff liaison after approval
3 by Board/Committee.

4 M. Outside Agencies Must be submitted by a Charter Officer. Update limited to ten (10)
5 minutes.

6 N. Members of the City Commission

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8 O. Commission Comments (if time available)

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

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12 P. Pledge of Allegiance

13 Q. Proclamations/Special Recognitions Placed on Agenda by Commissioner or Charter
14 Officer

15 **6:00 p.m.**

16 R. Citizen Comment

17 S. Public Hearings

18 1. General Public Hearings

19 2. Ordinances

20 3. Resolutions

21 4. Plan Board Petitions

22 5. Development Review Board

23 T. Scheduled, Evening Agenda Items

24 U. Unfinished Business

25 V. Commission Comments

26 W. Citizen Comments (If Time Permits)

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

1 **RULE IX.**

2 **VOTING**

3 The Yeas and Nays on any question before the Commission shall be taken at the Call of any
4 Commissioner. Each member of the Commission will vote first every sixth time only, with
5 the Mayor (Chair) always voting last. Commissioners will vote "yea" for support of a
6 motion and vote "no" when voting not to support a motion. Except in a Roll Call, silence by
7 a member shall be recorded as an affirmative vote.

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9 **RULE X.**

10 **PROCEDURES**

- 11 A. The presiding officer shall decide all questions regarding the priority of business
12 without debate.
- 13 B. All ordinances and resolutions shall be introduced in writing.
- 14 C. All motions or amendments thereto shall be reduced to writing if the presiding
15 officer or a member desires.
- 16 D. Every petition, communication, or other paper addressed to the Commission or
17 presented in writing to the Commission at any meeting shall be retained (or a copy
18 thereof) by the Clerk of the City Commission with appropriate reference made in the
19 minutes if presented at a Commission meeting together with the identification of the
20 sender or writer.
- 21 E. No motion shall be debated or put to a vote unless seconded. No member of the
22 Commission may reserve the priority to make a motion.

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

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

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

16 **RULE XI.**

17 **RULES OF DEBATE**

18 The presiding officer may move, second and debate, subject only to such limitations of
19 debate as are enforced by these rules on all members, and shall not be deprived of any of the
20 rights and privileges as commissioners by reason of his/her action as presiding officer. If the
21 presiding officer desires to make a motion or second a motion, the officer shall relinquish
22 the chair to a member as the officer shall designate until he/she has finished his/her debate
23 on said question or matter. Every member desiring to speak shall address the chair and,
24 upon recognition by the presiding officer, shall be confined to the question under debate,

1 avoiding all personalities and indecorous language. A member, once recognized, shall not be
2 interrupted when speaking unless it be to call said member to order, then the member shall
3 cease speaking until the question or order is determined by the presiding officer without
4 debate and, if in order, said member shall be at liberty to proceed. After the decision of any
5 question, it shall be in order for a member voting on the prevailing side to move a
6 reconsideration at the same meeting or at the next succeeding regular meeting, but not
7 thereafter without unanimous consent. It shall likewise be in order for a member voting on
8 the prevailing side to move a reconsideration at a special meeting occurring between the
9 time of original consideration and the next succeeding regular meeting. In the case of a tie
10 vote on any question, any member may move for a reconsideration at the time or times
11 herein stated for reconsideration on motion by one voting on the prevailing side. If a motion
12 to reconsider be lost, it shall not be renewed without the unanimous consent of the
13 Commission; and no decision shall be a second time reconsidered without a like leave. A
14 Commissioner may request, through the presiding officer, the privilege of having his/her
15 written statement on any subject under the consideration by and presented to the Commission
16 entered in the minutes. If the Commission consents thereto, such statement shall be entered
17 in the minutes. The following Statement will be required on all City Commission Agendas:
18 "Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers
19 will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the
20 Mayor or by the City Commission as directed. The City of Gainesville encourages civility
21 in public discourse and requests that speakers limit their comments to specific motions and
22 direct their comments to the Chair. Signs or Props are not permitted in the meeting room.
23 Citizens are encouraged to provide comments in writing to the Clerk of the Commission
24 before meetings and/or during meetings for inclusion into the public record. Citizens may

1 also provide input to individual commissioners via office visits, phone calls, letters and e-
2 mail, that will become public record. (In some instances, i.e. Quasi-Judicial Hearings, these
3 particular contacts may be 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
6 has previously furnished each member with a copy thereof.

7 **RULE XIII.**

8 **PERSONS APPEARING BEFORE THE COMMISSION**

9 **I. Citizen Comment**

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

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

14 C. Participants may be required to fill out a form at the meeting.

15 **II. Generally Speaking**

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

21 B. No person other than a member of the Commission and the person having the
22 floor shall be permitted to enter into any discussion, either directly or through a member of

1 the Commission, without permission of the presiding officer. No question shall be asked
2 except through the presiding officer.

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

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

9 **III. Public Hearings**

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

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

15 **IV. Decorum**

16 Order must be preserved. No food, drink, props, signs, posters, or other material that would
17 otherwise disrupt, delay, or interrupt the proceedings of the Commission are allowed in the
18 meeting room. Outbursts of approval or disapproval, jeers or heckling are not permitted and
19 are not acceptable. In the event of a disturbance or violation of this rule, the violator may,
20 after warning, be ordered removed from the room as provided in Rule XVII Rules of the
21 Commission, City of Gainesville.

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1 **RULE XIV.**

2 **UNFINISHED BUSINESS**

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

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7 **RULE XV.**

8 **COMMUNICATIONS**

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

13 **RULE XVI.**

14 **ORDINANCES**

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

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

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

21 **RULE XVII.**

22 **SERGEANT-AT-ARMS**

23 The City Manager or the City Manager's designee shall be sergeant-at-arms of the
24 Commission meetings. The City Manager shall carry out all orders and instructions given by

1 the presiding officer for the purpose of maintaining order and decorum at the Commission
2 meeting and the following policy will provide guidance in handling disruptions:

3 Procedure:

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

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

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

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

11 A. The Mayor will inform the individual causing the disruption that their actions
12 are contrary to the orderly running of the meeting and that the individual is to cease such
13 action or the Sergeant-at-Arms (City Manager/designee) will be instructed to remove the
14 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 individual that if
17 the individual is directed to leave and fails to do so, the individual will be subject to arrest
18 for trespass.

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

1 **RULE XVIII.**

2 **REPORTS AND RESOLUTIONS**

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

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7 **RULE XIX.**

8 **DOCUMENTS FOR EXECUTION**

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

13 **RULE XX.**

14 **ROBERT'S RULES OF ORDER**

15 Robert's Rules of Order, Newly Revised (Tenth Edition), so far as they are applicable and do
16 not conflict with these Rules or the Ordinances or Charter of the City, shall guide the City
17 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
6 informal hearings. A formal quasi-judicial hearing is a hearing where applicants and
7 affected parties have the rights and responsibilities of a party as set forth in Sections
8 (B) - (D) of the rules of formal quasi-judicial procedure. An informal hearing is a
9 hearing where the applicant and public may present testimony for or against a proposal
10 before the Board without the procedures of a formal 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,
15 that is quasi-judicial may request a formal hearing before the City Commission by
16 filing with the Clerk of the Commission the written request before the close of
17 business at least seven (7) days prior to the City Commission meeting when the matter
18 is scheduled to be heard. Persons who are not entitled to actual written notice but
19 believe they are an "affected party", as defined in this rule, may request a formal
20 hearing and determination of affected party status by filing with the Clerk of the
21 Commission the written request for a formal hearing and an application for affected
22 party status as provided in Part II of this rule, before the close of business at least
23 seven (7) days prior to the City Commission meeting when the matter is scheduled to
24 be heard. Failure to timely file such requests for a formal hearing shall set the matter

1 for an informal quasi-judicial hearing.

2 **Part II. Ex Parte Communications**

3 **A) Ex Parte Communication**

4 Florida Statutes Section 286.0115(1) provides that any person who is not otherwise
5 prohibited by the Gainesville Charter, statute or ordinance may discuss with any
6 member of the City Commission the merits of any matter on which the City
7 Commission may take action. The following procedures for ex parte communications
8 are adopted pursuant to §286.0115(1), F.S., and are intended to remove the
9 presumption of prejudice arising from ex parte communications, as follows:

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

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

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

6 **C) Procedure for Disclosure**

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

9 a. all ex parte written communications, including expert opinions, received and
10 read;

11 b. all ex parte written responses to such communications;

12 c. the subject of all ex parte oral communications, including expert opinions, and
13 the identity of the person, group or entity with whom the communication took
14 place; and

15 d. the existence of investigations or site visits.

16 **D) Basis of Final Decision**

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

20 **E) Optional Participation**

21 This Rule does not require or obligate any member of the City Commission to engage
22 in ex parte communication on any matter and any participation or receipt of ex parte
23 communications in any quasi-judicial matter is purely voluntary and optional.
24

1 **F) Code of Ethics**

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

4 **Part III. Formal Quasi-Judicial Hearings**

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

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

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

21
22 (2) Cross examination is limited to ten (10) minutes per witness.

23 (3) The time limits set forth in Section (1) may be modified by the City Commission
24 on its own motion or upon request of a party to the proceedings. Said request

1 shall detail the modified time desired and the subjects to be discussed during the
2 additional time. A request for a modification of time should be considered by the
3 City Commission to assure all parties have an opportunity to participate without
4 undue repetition and delay.

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

7
8 **(B) Affected Party Defined; Determination**

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

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

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

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

23 **(D) Representation of Parties**

24 Any party may be represented by an attorney. If an attorney represents a party or several

1 parties, the attorney shall complete the form prescribed by the City Commission and
2 identify the person or persons they represent and whether their client supports or opposes
3 the matter before the City Commission. The form shall be delivered to the Clerk of the
4 Commission at the commencement of the hearing proceeding.

5 **(E) The Hearing**

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

11 2) The members of the City Commission shall disclose any ex parte
12 communications and provide a reasonable opportunity for any person with an
13 opinion contrary to that expressed in the ex parte communication to respond or
14 refute the ex parte communication through the Mayor.

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

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

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

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

21 **(F) Public Hearing**

22 After the quasi-judicial hearing is completed, those members of the public who were not
23 a party to the quasi-judicial hearing may be permitted to speak up to five (5) minutes per
24 person and present their testimony and evidence to the City Commission. No party or

1 witness shall be allowed to speak during the public hearing portion of the proceedings.

2 **(G) Continuances**

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

5 **(H) City Commission Deliberation**

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

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

11 The City Commission shall orally issue an order.

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

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

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

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

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

24

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

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

7 b) Staff presentation

8 c) Petitioner or Applicant

9 d) Public hearing

10 e) Deliberation and vote of the City Commission

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

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

