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**RESOLUTION NO. 140219**

**ADOPTED: October 2, 2014**

**A RESOLUTION AMENDING AND RESTATING IN ITS ENTIRETY THE RULES OF THE CITY COMMISSION TO SPECIFY THAT THE REGULAR AFTERNOON AGENDA OF THE REGULAR MEETING HELD ON THE FIRST THURSDAY OF EACH MONTH WILL BE PRIMARILY DEVOTED TO GAINESVILLE REGIONAL UTILITIES BUSINESS AND THE REGULAR AFTERNOON AGENDA OF THE REGULAR MEETING HELD ON THE THIRD THURSDAY OF EACH MONTH WILL BE PRIMARILY DEVOTED TO GENERAL GOVERNMENT BUSINESS; 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; and

**WHEREAS**, the current rules of the City Commission were adopted by Resolution No.

130721 on August 21, 2014; and

**WHEREAS**, at its August 19, 2014 meeting, the Audit, Finance and Legislative

Committee directed the City Attorney, with review and input by the other Charter Officers, to

prepare and present to the City Commission an amendment to the Rules of the City Commission

to specify that the afternoon portion of one regular City Commission meeting each month will be

primarily devoted to Gainesville Regional Utilities business items and the afternoon portion of

the other regular City Commission meeting will be primarily devoted to General Government

business items; and

**WHEREAS**, the rules are hereby amended and restated in their entirety to include the

desired amendments.

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

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

6 **RULE I. REGULAR MEETINGS**

7 The Regular Meetings of the Commission shall be held the first and third Thursday of every  
8 month commencing at 1:00 p.m., except when meeting as the Board of Trustees of the  
9 Employees' Pension Plan which will precede the regular City Commission meeting which will  
10 occur after adjournment of the Board meetings. If a meeting day shall fall on a legal holiday  
11 observed by the City, such meeting will not be held on the holiday but shall be cancelled or  
12 rescheduled as determined by the Commission. It is the intent of the City Commission that the  
13 regular afternoon agenda of the regular meeting held on the first Thursday of each month will be  
14 primarily devoted to Gainesville Regional Utilities business and the regular afternoon agenda of  
15 the regular meeting held on the third Thursday of each month will be primarily devoted to  
16 General Government business. However, it is expressly recognized that the Mayor, any City  
17 Commissioner or Charter Officer may place items of a time-sensitive or important nature  
18 (regardless of whether they pertain to General Government or Gainesville Regional Utilities) on  
19 either afternoon agenda, as they deem necessary or advisable. Items that pertain to both General  
20 Government and Gainesville Regional Utilities may be placed on either agenda, at the discretion  
21 of the person authorized to place the item on the agenda. The consent agenda and the regular  
22 evening agenda of each meeting will remain open for all agenda items (including both General  
23 Government and Gainesville Regional Utilities items).

1 **RULE II. ORDER OF BUSINESS**

2 The Business of the Commission shall be taken up for consideration and disposition in the  
3 following order at the Regular Meetings except as changed by the Mayor in agenda review; or by  
4 the Mayor or by the Commission during the Adoption of the Agenda to allow greater citizen  
5 participation:

6 **A. AT THE AFTERNOON MEETING DEVOTED PRIMARILY TO GAINESVILLE**  
7 **REGIONAL UTILITIES BUSINESS**

8 **1:00 P.M.**

- 9 1. Invocation
- 10 2. Adoption of the Consent Agenda (Including both General Government and  
11 Gainesville Regional Utilities items)
- 12 3. Adoption of the Utilities Regular Agenda (Read if any, each item added or  
13 modified)
- 14 4. Utility-related Citizen Comment (not to exceed 30 minutes in length)
- 15 5. General Manager for Utilities
- 16 6. Utility Committee Reports (Pulled from Consent)
- 17 7. Utility Advisory Board/Committee Reports. Reports must be placed on the  
18 agenda by Charter Officer, through staff liaison after approval by  
19 Board/Committee.
- 20 8. Utility-related items from outside Agencies. Must be submitted by a Charter  
21 Officer. Update limited to ten (10) minutes.
- 22 9. Utility-related items from Members of the City Commission
- 23 10. Utility-related Commission Comments (if time permits)

- 1           11.    General Government items of a time-sensitive or important nature or pulled from  
2                    Consent. Must be submitted or pulled by the Mayor, a City Commissioner or a  
3                    Charter Officer.

4           **B. AT THE AFTERNOON MEETING DEVOTED PRIMARILY TO GENERAL**  
5           **GOVERNMENT BUSINESS**

6           **1:00 P.M.**

- 7           1.    Invocation
- 8           2.    Adoption of the Consent Agenda (Including both General Government and  
9                    Gainesville Regional Utilities items)
- 10          3.    Adoption of the General Government Regular Agenda (Read if any, each item  
11                    added or modified)
- 12          4.    General Government-related Citizen Comment (not to exceed 30 minutes in  
13                    length)
- 14          5.    Clerk of the Commission
- 15          6.    City Manager
- 16          7.    City Attorney
- 17          8.    City Auditor
- 18          9.    Equal Opportunity Director
- 19          10.   General Government Committee Reports (Pulled from Consent)
- 20          11.   General Government Advisory Board/Committee Reports. Reports must be  
21                    placed on the agenda by Charter Officer, through staff liaison after approval by  
22                    Board/Committee.

- 1           12.    General Government-related items from Outside Agencies. Must be submitted by
- 2                    a Charter Officer. Update limited to ten (10) minutes.
- 3           13.    General Government-related items from Members of the City Commission
- 4           14.    General Government-related Commission Comments (if time permits)
- 5           15.    Gainesville Regional Utilities items of a time-sensitive or important nature or
- 6                    pulled from Consent. Must be submitted or pulled by the Mayor, a City
- 7                    Commissioner or a Charter Officer.

8

9           **C. EVENING PORTION OF EACH REGULAR MEETING**

10          **5:30p.m.**

- 11          1. Pledge of Allegiance
- 12          2. Proclamations/Special Recognitions Placed on Agenda by Commissioner or Charter
- 13             Officer

14          **6:00 P.M.**

- 15          3. Citizen Comment (to end at a time certain of 6:30 p.m., or at such later time as allows for
- 16             30 minutes of citizen comment)
- 17          4. Public Hearings
- 18             a. General Public Hearings
- 19             b. Resolutions
- 20             c. Ordinances
- 21             d. Plan Board Petitions
- 22             e. Development Review Board
- 23          5. Scheduled, Evening Agenda Items
- 24          6. Unfinished Business
- 25

1           7. Commission Comments

2           8. Citizen Comments (If Time Permits)

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

4 **RULE III. SPECIAL AND EMERGENCY MEETINGS**

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

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

22   C.     Emergency meetings may be held at any time upon the Call issued by the Mayor or upon  
23 written Call signed by three (3) members of the Commission. The emergency meeting shall

1 occur no sooner than two (2) hours after the execution of the Call. Every reasonable measure  
2 will be taken to notify members of the local news media (print and electronic) and the public.  
3 The Call will state the business to be transacted at such meeting, and no other business than that  
4 so specified shall be transacted.

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

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

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

14 G. City Commission workshops/informal meetings may be held at any time upon the written  
15 request of the Mayor or upon the written request of two members, or at the direction of the City  
16 Commission. Workshops/informal meetings can take place in any location as long as it meets  
17 the requirements of the Sunshine Law. Each workshop/informal meeting shall be properly  
18 noticed to the public. A workshop/informal meeting should be requested using a form designed  
19 by the Clerk of the Commission, and attaching the written request for the workshop/informal  
20 meeting, if applicable. The request shall be served on every member of the Commission by the  
21 Clerk of the Commission. Every reasonable measure will be taken to notify members of the  
22 Commission regardless of where each member may be. Also every reasonable effort will be  
23 made to notify members of the local news media (print and electronic) and the public. The

1 notice may state the subject matter to be discussed at such meeting, although any subject matter  
2 may be discussed, except for pending matters where notice to affected parties is required, such as  
3 pending planning petitions and pending quasi-judicial matters. No policy or other action shall be  
4 taken at these meetings. Workshops/informal meetings may not be convened sooner than forty-  
5 eight (48) hours succeeding the time notice was served by the Clerk of the Commission on the  
6 last Member of the Commission. The Mayor and City Commissioners are expected to attend all  
7 scheduled workshops/informal meetings, although the Mayor and one (1) Commissioner or two  
8 (2) Commissioners will constitute a meeting for the purposes of the Sunshine Law.

9 **RULE IV. AGENDA**

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

19 **RULE V. 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.

22 **RULE VI. PRESIDING OFFICER-ELECTION AND DUTIES**



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

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

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

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

18 **RULE VII. COMMITTEES-APPOINTMENT-PROCEDURE-REFERRALS**

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

22 Audit and Finance Committee;

23 Community Development Committee;

1 Economic Development/University Community Committee;  
2 Equal Opportunity Committee;  
3 Legislative and Organizational Policy Committee;  
4 Public Safety Committee;  
5 Recreation, Cultural Affairs and Public Works Committee; and  
6 Regional Utilities Committee. The Regional Utilities Committee may also include a  
7 current member of the Board of County Commissioners of Alachua County, Florida. The  
8 County Commission shall determine whether it desires to appoint a member to the  
9 Committee. The County Commission shall be the sole judge of the qualifications of its  
10 appointed member and may remove its member and re-appoint a new member at any  
11 time. The County Commission member shall have the same rights of committee  
12 participation as the City Commission members, except that the County Commission  
13 member may not serve as the Chair of the Committee.

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

17 B. The following standing committee shall consist of the Mayor and all Commissioners:  
18 General Policy Committee. Except as specified in this paragraph B, the General Policy  
19 Committee shall function as all other Standing Committees. The Mayor, or in his/her absence  
20 the Chair Pro tempore, shall be the Chair of this Committee. Four (4) members of the  
21 Committee shall constitute a quorum for the transaction of business, but a smaller number may  
22 adjourn the meeting. The purpose and intent of this Committee is to allow the Mayor and  
23 Commissioners, as an entire deliberative body, to discuss general policy matters that are referred

1 to this Committee during a Regular City Commission Meeting. The Committee may take action  
2 on the matters referred (such as, but not limited to, directing the Mayor to send a letter, directing  
3 staff to conduct further research, or directing the City Attorney to draft an ordinance.) However,  
4 this Committee may not:

- 5 • discuss or take action on: any quasi-judicial matters, matters that are required by law to  
6 be publicly advertised or conducted during a Regular or Special City Commission  
7 Meeting;
- 8 • hold any public hearings required by law; or
- 9 • adopt any resolutions or ordinances.

10 C. The Mayor may appoint such Special Committees as he/she may deem necessary or as  
11 authorized by the Commission.

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

18 E. Each Committee shall call upon, advise with, and seek the recommendation of the  
19 administrative staff and shall keep the appropriate staff personnel of the City advised of the  
20 matters under consideration by the Committee.

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

1 All meetings of the Committees shall be open to the public. All Committee meetings shall be  
2 included on the weekly notice of meetings prepared by the Clerk of the Commission.

3 G. All Committees shall meet at least quarterly.

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

5 All referrals not completed in six (6) months must seek re-authorization or removal from the  
6 referral list by the City Commission prior to the six month due date.

7 I. All Standing Committee Agendas should include the list of all outstanding referrals with  
8 due dates listed.

9 All Standing Committee Liaisons should update the referral list with intermediate updates.

10 The Clerk of the Commission shall include each Standing Committee referral list on a City  
11 Commission Agenda two times a year and maintain a referral list on the City's Intranet and  
12 Internet.

13 J. Each Committee Liaison shall prepare an agenda for each Committee meeting. Each  
14 Committee Chair shall review his/her respective Committee meeting agendas and agenda items.  
15 Upon review by the Committee Chair, the agenda shall be available on the City's website.

16 K. Each Committee Liaison shall prepare minutes after each Committee meeting. After  
17 approval by the Committee, the minutes shall be available on the City's website.

18 L. The Committee Chair, or appointed designee, shall be the sponsor of any committee item  
19 brought forward for discussion before the City Commission.

20 **RULE VIII. ADVISORY BOARDS AND COMMITTEES**

21 Residents appointed to advisory boards and committees of the City shall generally serve a  
22 maximum of two (2) terms. When filling a vacancy of an unexpired term, an appointee who fills  
23 a vacancy is still eligible for two full terms.

- 1 1. Board members who have served their limit, but have not been replaced or reappointed  
2 remain on the board/committee until new members are appointed.
- 3 2. All Board and Committee Referrals not completed in six months must seek re-  
4 authorization prior to the six month due date.
- 5 3. All Board Committee Agendas should include a list of all outstanding referrals with due  
6 dates listed.
- 7 4. All Board and Committee Liaisons should update the referrals with intermediate updates.
- 8 5. All Boards and Committees shall submit an annual workplan and accomplishment report  
9 to the City Commission. The details associated with the workplan will be dependent upon the  
10 mission of the board or committee. The annual workplan and accomplishment report will be  
11 submitted to the City Commission during the annual budget process.

12 **RULE IX. VOTING**

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

18 **RULE X. PROCEDURES**

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

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

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

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

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

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

20 **RULE XI. RULES OF DEBATE**

21 The presiding officer may move, second and debate, subject only to such limitations of debate as  
22 are enforced by these rules on all members, and shall not be deprived of any of the rights and  
23 privileges as commissioners by reason of his/her action as presiding officer. If the presiding

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

1 requests that speakers limit their comments to specific motions and direct their comments to the  
2 Chair. Signs, Props, and posters are not permitted in the meeting room except provided in Rule  
3 XIII. Citizens are encouraged to provide comments in writing to the Clerk of the Commission  
4 before meetings and/or during meetings for inclusion into the public record. Citizens may also  
5 provide input to individual commissioners via office visits, phone calls, letters and e-mail, that  
6 will become public record. (In some instances, i.e., Quasi-Judicial Hearings, these particular  
7 contacts may be prohibited.)”

8 **RULE XII. APPROVAL OF COMMISSION MINUTES**

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

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

14 **I. Citizen Comment**

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

17 B. Time Limits will be established by the Mayor based on the number of  
18 participants.

19 C. A citizen who has addressed the Commission during one period of citizen  
20 comment in a meeting will be recognized by the presiding officer to speak after other  
21 citizens who have not spoken are given the opportunity to address the Commission, time  
22 permitting.

23 **II. Generally Speaking**



1           A.     Any person desiring to address the Commission on any matter pending before it  
2           shall first request recognition by the presiding officer. After being recognized, the person  
3           (1) shall give his/her name in an audible tone of voice; (2) shall limit the address to any  
4           time limitation established by the Mayor; (3) shall address all remarks to the Commission  
5           as a body and not to any member thereof; and (4) shall address the motion being  
6           considered.

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

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

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

17   **III.   Public Hearings**

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

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

22   **IV.   Decorum**

1 Order must be preserved. Members of the public are not permitted to possess food, drink, props,  
2 signs, posters, or other similar material in the meeting room. Speakers at the podium addressing  
3 the Commission may use Power Point as part of their presentation provided the Clerk of the  
4 Commission is provided a copy at least seven hours prior to the presentation. Speakers may also  
5 use the City's overhead system or use displays or props (hereinafter "demonstrative exhibits") as  
6 part of a presentation as long as the demonstrative exhibits, including PowerPoint, are not  
7 obscene and do not otherwise disrupt, delay, or interrupt the proceeding. Outbursts of approval  
8 or disapproval, jeers or heckling are not permitted. In the event of a disturbance or violation of  
9 this rule, the violator may, after warning, be ordered removed from the room as provided in Rule  
10 XVII Rules of the Commission, City of Gainesville.

11 **RULE XIV. UNFINISHED BUSINESS**

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

15 **RULE XV. COMMUNICATIONS**

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

20 **RULE XVI. ORDINANCES**

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

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

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

5 **RULE XVII. SERGEANT-AT-ARMS**

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

10 Procedure:

11 1. Individual refuses to relinquish the podium after being allowed to address the  
12 Commission: The Mayor will inform the individual that their time to address the Commission  
13 has expired and the Mayor will direct the individual to leave the podium.

14 2. Individual causes disruption in the Commission meeting site: The Mayor will inform the  
15 individual causing the disruption to cease disruptive activity. If the disruption fails to stop:

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

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

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

6 **RULE XVIII. REPORTS AND RESOLUTIONS**

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

10 **RULE XIX. DOCUMENTS FOR EXECUTION**

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

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

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

18 **RULE XXI. QUASI-JUDICIAL ACTIONS**

19 **Part I. Request for Hearing**

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

21 The quasi-judicial hearings before the City Commission shall be either formal or informal  
22 hearings. A formal quasi-judicial hearing is a hearing where applicants and affected parties  
23 have the rights and responsibilities of a party as set forth in Sections (B)-(D) of the rules of

1 formal quasi-judicial procedure. An informal hearing is a hearing where the applicant and  
2 public may present testimony for or against a proposal before the Board without the procedures  
3 of a formal hearing.

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

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

6 **(C) Selection of Hearing**

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

17

18

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

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

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

22	Order	Maximum Time Limit (minutes)
23	1) Introduction of the matter by staff	3
24	*2) Petitioner	20

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

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

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

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

16 **(B) Affected Party Defined; Determination**

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

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

1 application for affected party status prior to the commencement of the hearing. The  
2 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  
5 complete the form prescribed by the Clerk of the Commission, stating their name and  
6 address and other pertinent information, and whether they support or oppose the matter or  
7 matter before the City Commission. The form shall be delivered to the City Commission's  
8 secretary at the commencement of the hearing.

9 **(D) Representation of Parties**

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

15 **(E) The Hearing**

- 16 1) The introduction of the case shall be presented by the Clerk of the Commission and  
17 include a brief description of the matter. This introduction shall not be considered  
18 evidence in the proceeding, and the Clerk of the Commission presenting the  
19 introduction shall not be subject to cross-examination by any party to the  
20 proceeding.
- 21 2) The City Commissioners shall disclose any ex parte communications that may have  
22 occurred.

- 1           3)     All parties may be collectively sworn by the Clerk of the Commission in the interest  
2                   of time.
- 3           4)     The City Manager or designee shall present any staff, board or other report on the  
4                   matter. Evidence before the Commission shall include, but not be limited to, an  
5                   analysis which includes the consistency with the City's adopted codes, rules, policies  
6                   or plans, as applicable, and how the matter does or does not meet the requirements of  
7                   such codes, rules, policies and plans and other applicable laws. Written reports and  
8                   any other documentary evidence shall become a part of the record. Evidence may be  
9                   presented through oral testimony of witnesses or documentary evidence or both.
- 10          5)     The City Commission may call any witness it deems necessary to reach a complete  
11                   and informed decision.
- 12          6)     The examination of witnesses shall be conducted under oath by direct examination  
13                   on matters which are relevant and material to the issue or issues before the City  
14                   Commission. After the conclusion of direct examination, the witness may be cross-  
15                   examined by another party, or a City Commissioner. All questions shall be directed  
16                   through the Mayor and the witness shall answer the question unless the Mayor  
17                   deems the question to be irrelevant or immaterial. Any commissioner or party may  
18                   raise evidentiary objections. The inquiry under cross-examination shall be limited to  
19                   matters raised in the direct examination of the witness. No re-direct shall be allowed  
20                   unless requested by a party stating the desired area of inquiry and that request is  
21                   approved by the Mayor. If re-direct is allowed, it shall be limited to questions of the  
22                   witness on issues raised in the cross-examination. This provision shall not limit a  
23                   City Commissioner from questioning any person on matters relevant to the matter or



1 petition. The Mayor or any City Commissioner may seek advice from the City  
2 Attorney on questions of evidence. During the presentation by the opponents or  
3 proponents of an issue before the City Commission, no one may present testimony or  
4 evidence which is unduly cumulative or repetitious of previously presented  
5 testimony or evidence by a fellow opponent or proponent.

6 **(F) Public Hearing**

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

11 **(G) Continuances**

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

14 **(H) City Commission Deliberation**

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

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

20 The City Commission shall orally issue an order.

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

22 The order shall be reduced to writing and shall state whether the petition is granted or  
23 denied or granted with conditions. The order shall also specify any conditions, requirements

1 or limitations on the approval of the matter. The written order shall be presented to the City  
2 Commission for approval at a special meeting or at the next regular meeting of the City  
3 Commission. The Mayor and the Clerk of the City Commission shall execute the order.  
4 Executed copies of the order shall be hand delivered or mailed to the parties.

### 5 **Part III. Informal Quasi-Judicial Hearings**

#### 6 **(A) Informal Quasi-Judicial Hearing Procedure**

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

1 5) Any person may speak for or against the matter if they complete a registration card at the  
2 meeting as provided by the Clerk of the Commission. The Mayor may limit the time of  
3 any portion of an informal hearing to avoid unnecessary repetition and delay.

4 6) After the public hearing portion, the City Commission shall deliberate and vote, which  
5 shall constitute the oral order.

#### 6 **Part IV. Ex Parte Communications**

##### 7 **(A) General.**

8 Ex parte communications are prohibited in connection with any quasi-judicial hearing under  
9 Florida case law.

##### 10 **(B) Procedures.**

11 Should an ex parte communication be received by an individual commissioner the following  
12 shall take place:

13 A) Written Communications - If a Commissioner receives a written "ex parte"

14 communication relating to a matter coming before the Commission, the member should  
15 transmit the item to the Clerk of the Commission for inclusion in the official records.

16 These communications shall be forwarded to the parties as soon as practicable before the  
17 hearing.

18 B) Oral Communications - As soon as it becomes apparent that an inadvertent oral

19 communication pertains to a matter coming before the Commission, the Commissioner  
20 should explain to the person that the communication is improper and that he or she is  
21 required to end the communication on that subject. At the time the item comes up for  
22 discussion at the Commission meeting, the Commissioner should report any attempted  
23 "ex parte" communication.

1 (C) Party inquiry.

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

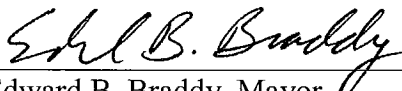
4 **RULE XXII. WAIVER OF THESE RULES**

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

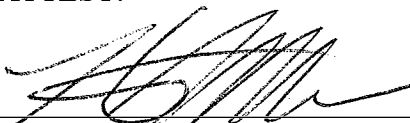
6 **SECTION 2.** All resolutions in conflict herewith are repealed. This resolution shall  
7 become effective on November 1, 2014 and will remain in effect until amended or  
8 repealed.

9 Dated this 2<sup>nd</sup> day of October, 2014.

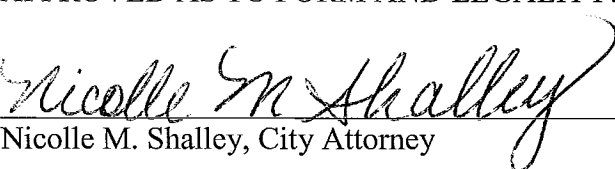
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\_\_\_\_\_  
Edward B. Braddy, Mayor

ATTEST:

  
\_\_\_\_\_  
Kurt M. Laffon,  
Clerk of the Commission

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Nicolle M. Shalley, City Attorney