

**RULES OF PROCEDURE FOR THE UTILITY ADVISORY BOARD
OF THE CITY OF GAINESVILLE, FLORIDA**

Approved by the Utility Advisory Board on February 15, 2017

Approved by the City Commission on March 2, 2017

190005

As set forth in Sec. 2-356, et seq. of the City of Gainesville Code of Ordinances, the Utility Advisory Board (the "UAB") was created by the City Commission "to make recommendations to the city commission regarding all aspects of the governance of the city's electric, gas, telecommunications, water and wastewater utilities." The Code requires the UAB to adopt rules of procedure that conform to the City Code and state law and submit those rules for approval by the City Commission.

The following are adopted as Rules of Procedure for meetings of the UAB:

**ARTICLE I
Officers and Their Duties**

Section 1 Officers. The officers of the UAB shall consist of a Chair and a Vice-Chair. The members of the UAB shall annually (at their Regular Meeting in April) elect the chair and vice-chair from among their membership to serve a term from May 1st until April 31st of the following year or until a successor shall take office. Nominations for the offices of Chair and Vice-Chair shall be made from the floor at a meeting held prior to the expiration of the term of the Chair and Vice-Chair, and the election by voice vote shall follow immediately thereafter. Vacancies in office shall be filled immediately by regular election procedure.

Section 2 Chair. The Chair shall preside at all meetings of the UAB, preserve order and decorum at the meetings and decide all points of order and procedure in accordance with the then current version of Robert's Rules of Order, so far as it does not conflict with these Rules or the Code of Ordinances or Charter of the City. The Chair is authorized, on behalf of the UAB, to sign all correspondence or other documents approved by the UAB. The Chair shall have the privilege of discussing all matters before the UAB and voting thereon. The Chair shall work with staff to set topics and priorities for each agenda.

Section 3 Vice-Chair. The Vice-Chair shall act as, and carry out all duties of, the Chair in the Chair's absence. In the absence of the Chair and Vice-Chair, the quorum present shall select a Chair for the meeting.

**ARTICLE II
Clerk**

Section 1 Clerk. The General Manager of Utilities shall designate a staff member to serve as the Clerk of the UAB.

Section 2 Duties of the Clerk. The Clerk of the UAB shall provide notice of each meeting to the Clerk of the Commission for inclusion on the City's Notice of Meetings. Consistent

with the Chair's recommendations, the Clerk shall prepare agendas (including the back-up materials submitted by City staff and UAB members) and prepare the written minutes of each meeting showing the vote of each member on every question. The Clerk shall verify the attendance of board members at each Regular and Special meeting and shall file the attendance record with the Clerk of the Commission as soon as practicable. The Clerk shall serve as custodian of all board public records (such as agendas, backup material for agendas, attendance records and correspondence sent from/to the board.) Each board member shall be the custodian of and responsible for retention of his/her own public records.

ARTICLE III

Meetings

Section 1 Regular Meetings. The UAB shall meet at least once each calendar month, unless cancelled by the UAB or its chair. These regular monthly meetings shall be held at a regularly scheduled time (for example, on the 3rd Wednesday of the month at 3pm), but that schedule may be revised from time to time by vote of the UAB.

Notice of Regular Meetings. The Clerk shall provide notice of each meeting to the Clerk of the Commission at least seven (7) days prior to the meeting, for inclusion on the City's Notice of Meetings.

Order of Business. The order of business at Regular Meetings shall be as follows, except as modified by the UAB during the adoption of the agenda for that meeting:

- a. Call to Order
- b. Roll Call
- c. Approval of Agenda
- d. Approval of Minutes of Previous Meeting
- e. General Public Comment (for items not on the agenda)
- f. State of the Utility
- g. Unfinished Business from Previous Meeting
- h. New Business
- i. Board Comment
- j. General Public Comment (for items not on the agenda)
- k. Adjournment

Section 2 Special Meetings. A Special Meeting may be requested by the Chair, two or more members of the UAB or by any Charter Officer. Such request shall be submitted to the Clerk in writing on the form provided by the Clerk and shall include a description of the business to be transacted and the time and date the agenda language and back-up will be available (no later than 48 hours prior to the meeting, if possible). Each request for a Special Meeting should, whenever possible, be approved at a Regular UAB Meeting.

Notice of Special Meetings. The Clerk shall provide a copy of the meeting request form to each member of the UAB and to the Clerk of the Commission for inclusion on the City's Notice of Meetings. Special Meetings may not be convened sooner

than forty-eight (48) hours after the Clerk provided notice to the last member of the UAB.

Section 3 Workshop Meetings. A Workshop Meeting may be requested by the Chair, two or more members of the UAB or by any Charter Officer. Such request shall be submitted to the Clerk in writing on the form provided by the Clerk and should include the subject matter to be discussed, although any subject matter may be discussed. The purpose of a Workshop Meeting is for informal discussions and no business may be transacted at a Workshop Meeting. UAB members are not required to attend Workshop Meetings and as such, there is no quorum requirement and they do not count against board attendance requirements.

Notice of Workshop Meetings. The Clerk shall provide a copy of the meeting request form to each member of the UAB and to the Clerk of the Commission for inclusion on the City's Notice of Meetings. Workshop Meetings may not be convened sooner than forty-eight (48) hours after the Clerk provided notice to the last member of the UAB.

Section 4 Quorum; Voting and Participation via Electronic Media. A quorum is required to take official action (i.e., voting on any agenda item or taking other action as a board) at Regular and Special Meetings. A quorum shall consist of the physical presence of a majority of the members of the UAB; however a smaller number may adjourn a meeting. Official action may be taken by majority vote when a quorum is physically present. A UAB member who is unable to physically attend a Regular, Special or Workshop Meeting may request to participate in the meeting via phone, video conferencing, computer or other electronic media, as the Clerk may reasonably arrange to accommodate. A UAB member who participates in a Regular or Special Meeting via phone, video conferencing, computer or other electronic media, shall be counted as present for board attendance requirements, but shall not be counted for purposes of the quorum requirement (i.e., the quorum must be physically present) and that member's participation shall be limited to listening and discussion, the member shall not vote.

Section 5 Decorum. Order must be preserved during meetings. Members of the public are not permitted to possess food, drink, props, signs, posters, or other similar material in the meeting room. Speakers at the podium addressing the UAB may use Power Point or other computer program (if such technology is available and the Clerk is provided a copy at least seven hours prior to the start of the meeting), the City's overhead projection system, displays or props as part of a presentation as long as they are not obscene and do not otherwise disrupt, delay, or interrupt the meeting. Outbursts of approval or disapproval, jeers or heckling are not permitted. In the event of a disturbance or violation of these Rules, the violator may, after warning, be ordered removed from the room as provided in Article V of these Rules.

Section 6 Public Comment. During each general public comment period and during each agenda item, the public shall be given an opportunity to comment for up to three (3) minutes per person. General public comment shall be limited to items not on the agenda. Public comment on agenda items shall be limited to the item under consideration by the UAB. A person who has addressed the UAB during one general public comment period in a meeting will be recognized by the Chair to speak after

other persons who have not spoken are given the opportunity to address the UAB, time permitting.

Conduct for Public Comment. Any person desiring to address the UAB shall first request recognition by the Chair. After being recognized, the person (1) shall give his/her name in an audible tone of voice; (2) shall limit the address to any time limitation established; and (3) shall address all remarks to the UAB as a body and not to any member thereof. Each person is limited to 3 minutes per general comment period or per agenda item and other time limits may be established by the Chair based on the number of participants. In addition, the Chair may adopt a time limitation to provide equal time for opponents and proponents speaking to any particular issue. No person other than a member of the UAB and the person having the floor for comment shall be permitted to speak without permission of the Chair. No question shall be asked except through the Chair.

Section 7 Sunshine Law. All meetings of the UAB shall be held in accordance with Florida's Government-in-the-Sunshine Law.

ARTICLE IV Rules of Debate

The Chair may move, second and debate, subject only to such limitations of debate as are enforced by these rules on all members. If the Chair desires to make a motion or second a motion, the Chair shall designate another member of the UAB to serve as Chair, until he/she has finished his/her motion or second.

No motion shall be debated or put to a vote unless seconded. No member of the UAB may reserve the priority to make a motion. If a motion is made to vote immediately (or move the previous question), it shall be put in this form: "I move that we vote immediately" This motion can apply to any pending debatable or amendable motion(s). Further, any motion to vote immediately: (1) must be seconded; (2) is not debatable; (3) cannot interrupt a speaker; (4) requires a two-thirds vote of the members present (because it prevents or cuts off debate); (5) takes precedence over all subsidiary motions except one postponed temporarily; and (6) can have no motion applied to it except withdraw. All motions or amendments thereto shall be reduced to writing, by the Clerk, upon request of a member of the UAB.

Each member desiring to speak shall address the Chair and, upon recognition by the Chair, shall confine his/her remarks 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 Chair without debate and, if in order, said member may proceed.

After the decision of any question, it shall be in order for any member to move reconsideration. If the motion to reconsider is approved by a majority of those members present, the item shall be placed on a future agenda for reconsideration, subject to legal, contractual, fiscal, or other constraints as staff may advise the UAB. If the UAB does not specify the future date when the item will be heard, the Chair, in consultation with the General Manager for Utilities, will determine the date.

A member of the UAB may request, through the Chair, the privilege of having his/her written statement on any subject under the consideration by and presented to the UAB entered in the minutes. If the UAB consents thereto, such statement shall be entered in the minutes.

ARTICLE V

Sergeant-at-Arms

The General Manager for Utilities (or designee) shall serve as the sergeant-at-arms of the UAB meetings. The sergeant-at-arms shall carry out all orders and instructions given by the Chair for the purpose of maintaining order and decorum at the UAB meetings and the following procedure will provide guidance in handling disruptions:

- A. Person refuses to relinquish the podium after being allowed to address the UAB: The Chair will inform the individual that their time to address the UAB has expired and the Chair will direct the individual to leave the podium.
- B. Person causes disruption in the UAB meeting site: The Chair will inform the person causing the disruption to cease disruptive activity. If the disruption fails to stop:
 - 1. The Chair will inform the person causing the disruption that their actions are contrary to the orderly running of the meeting and that the person is to cease such action or the Sergeant-at-Arms will be instructed to remove the person from the meeting site.
 - 2. The Chair will revoke the person's participation to attend the meeting and direct that the person leave the meeting site. The Chair will inform the person that if the person is directed to leave and fails to do so, the person will be subject to arrest for trespass.

Final Action: In substantially the following words: As the Chair, I inform you that your actions are inconsistent with the orderly function of this meeting and fail to comply with the lawful order of the Chair. I am instructing the Sergeant-at-Arms to have you removed from this meeting site, and if deemed necessary by the Sergeant-at-Arms, to remove you from this building.

ARTICLE VI

Waiver of these Rules

These Rules of Procedure may be waived by a majority vote of the UAB members present at a meeting, unless otherwise prohibited by law.