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A Resolution of the City of Gainesville, Florida amending and restating the rules of the City Commission; providing a repealing clause and providing an immediate 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. 180943 on December 5, 2019; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of the COVID-19 Pandemic; on March 9, 2020, by Executive Order 20-52, the Governor of Florida declared a state of emergency for the entire State of Florida as a result of COVID-19; on March 16, 2020, the President of the United States and the Centers for Disease Control and Prevention (CDC) recommended individuals to practice significant social distancing measures including but not limited to working from home and avoiding gatherings of more than 10 people; on March 16, 2020, Alachua County issued Proclamation 20-01 Declaration of State of General Emergency as a result of COVID-19; and on March 16, 2020, the Mayor of Gainesville issued Executive Order No. 2020-01 Declaration of Pandemic Emergency (COVID-19);

WHEREAS, on April 16, 2020, the City Commission adopted Resolution No. 191147 providing supplemental rules governing virtual meetings of the City Commission during the declared State of Emergency for the COVID-19 Pandemic and subsequently amended and restated its supplemental rules by adoption of Resolution No. 191188, Resolution No. 200146, Resolution No. 200402 and Resolution 200493; and

WHEREAS, the Governor of Florida allowed Executive Order 20-69 (which suspended physical quorum requirements and allowed local governments to conduct virtual public meetings using communications media technology), as extended by Executive Order 20-246, to expire at 12:01am on November 1, 2020; and

WHEREAS, with the return to in person meetings, the Commission desires to repeal the supplemental rules and return to its regular rules, but with amendments that allow multiple, convenient ways for the public to provide comment without requiring them to attend the meeting in-person; and

WHEREAS, at its meeting on April 15, 2021, the City Commission directed that its Rules be amended to provide a process for advocacy resolutions to be placed on an agenda by individual City Commissioners; and

WHEREAS, the Rules are hereby amended and restated to amend the rules relating to public comment and resolutions.

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

SECTION 1. The following are hereby adopted rules of procedure until other such rules are adopted by the City Commission:

RULE 1. REGULAR MEETINGS

The Regular Meetings of the City Commission (hereafter the “Commission”) shall be held the first and third Thursday of every month commencing at 1:00 p.m., except when meeting as the Board of Trustees of the Employees' Pension Plan which meeting will immediately precede the Regular Commission meeting. If a meeting day falls on a legal holiday observed by the City, the Commission shall cancel or reschedule the meeting.

The following is the Order of Business at the Regular Meetings, except as changed by the Mayor (or other presiding officer) during the Agenda Management Meeting or by the Commission during the Adoption of the Consent and Regular Agendas:

1pm - Call to order afternoon session	
Invocation	
Adoption of Consent Items	Agenda items that will not be discussed, may include Advocacy Resolutions as explained in Rule 11.B. below
Adoption of Regular Agenda	
General Public Comment	For items not on the agenda, see Rule 10 below for more details
Early Public Comment on Agenda Items	See Rule 10 below for more details
Business Discussion Items	Agenda items that will be discussed, including those moved from Consent
Commission Comment	

4:30-5:30 Dinner Break

5:30 – Call to order evening session	
Pledge of Allegiance	
Proclamations/Special Recognitions – The general rule that there will be no applause, cheering, or outbursts of approval is waived during this portion of the meeting, as it is recognized that proclamations and special recognitions are often celebratory in nature.	
Early Public Comment on	See Rule 10 below for details

Agenda Items	
Resolutions	May include Advocacy Resolutions and Binding Resolutions as explained in Rule 11.B. below
Business Discussion Items	Agenda items that will be discussed, including those moved from Consent
Public Hearings (including Planning Petitions)	
Ordinances (second readings and then first readings)	
Commission Comment	
10pm or earlier – adjourn	If later than 10pm, the Commission may waive the rules to extend the meeting or may schedule a date/time to continue the meeting

RULE 2. SPECIAL MEETINGS and WORKSHOP MEETINGS

A Special Meeting or Workshop meeting may be requested either: (1) by vote of the Commission at any regular City Commission meeting or any General Policy Committee meeting; or (2) in writing on the form provided by the Clerk (which shall include a description of the business to be transacted) and signed by the Mayor, by two or more Commissioners, or by any Charter Officer.

The Clerk shall notify each member of the Commission of the date, time and business of the Special Meeting or Workshop Meeting. The meeting date, time and location shall be published on the Notice of Meetings at least two business days prior to the meeting. The Notice of Meetings shall state the business to be transacted at a Special Meeting and no other business shall be transacted. The Notice of Meetings may state the matters to be discussed at a Workshop Meeting, although any subject matter may be discussed, except for pending matters where notice to affected parties is required, such as pending planning petitions and quasi-judicial matters. The purpose of a Workshop Meeting is for informal discussions and no business may be transacted at a Workshop Meeting.

Workshop Meetings and Special Meetings shall have Public Comment and Commissioner Comment at the end of the meeting, time permitting.

RULE 3. EMERGENCY MEETINGS

Emergency Meetings may be requested when necessary by the Mayor, by three or more members of the Commission or by any Charter Officer. A written call shall be issued that states the date, time and the business to be transacted at the Emergency Meeting, and no other business may be transacted. The Emergency Meeting may occur no sooner than two (2) hours after the execution of the Call. The Clerk shall make reasonable effort to notify members of the local news media (print and electronic) and the public.

RULE 4. ATTENDANCE, QUORUM/VOTING, RECESS/ADJOURN and CANCELLATION

1 All members of the Commission are expected to attend all scheduled meetings. Four (4)
2 members of the Commission shall constitute a quorum for the transaction of business, but a
3 smaller number may adjourn the meeting. Pursuant to Section 2.07 of the City Charter, unless
4 otherwise provided in the Charter or other law, a motion or a proclamation is adopted when
5 approved by vote of a majority of the members present, and an ordinance or resolution is
6 adopted when approved by the vote of four (4) or more members of the Commission.

7
8 In accordance with Section 286.012, Florida Statutes, each member of the Commission who is
9 present shall vote on each matter, unless that member has a conflict of interest under state
10 ethics laws or, in the case of a quasi-judicial matter, is unable to be an impartial decision-maker.
11 Commissioners shall vote "yes" in support of a motion and vote "no" when voting not to
12 support a motion. Except in a Roll Call, silence by a member shall be recorded as a "yes" vote.

13
14 The Commission at any meeting may recess or adjourn to a time certain for the transaction of
15 any business or specified business only, as may be determined by the Commission in taking
16 such action. Any meeting may be cancelled for cause (including, but not limited to, emergency
17 conditions, lack of agenda items, a quorum will not be present) by the Mayor and the Clerk.
18 Otherwise, meetings may be cancelled by vote of the City Commission at any Regular Meeting,
19 Special Meeting, or General Policy Committee Meeting. The Clerk shall provide notice of the
20 cancellation to all Commissioners.

21 22 23 **RULE 5. AGENDA and AGENDA MANAGEMENT MEETING**

24
25 Any request to place an item on the agenda for a Regular Meeting, Special Meeting, Workshop
26 Meeting, Standing Committee Meeting or Special Committee Meeting must be made by a
27 Member of the Commission or a Charter Officer. All such requests must be accompanied by a
28 written agenda item that provides the background and an explanation of the matter, a
29 recommendation, a fiscal note (if applicable) and any relevant and necessary back-up materials.
30 All agenda items and back-up submitted by any Member of the Commission, Charter Officer,
31 Committee or Board shall be delivered to the Clerk on or before 6:00 P.M. on the Wednesday of
32 the week prior to each Regular Meeting and by such dates/times as the Clerk sets for Special
33 Meetings, Workshop Meetings and Committee Meetings.

34
35 The Mayor (or in the Mayor's absence, the Mayor Pro tempore) may hold an Agenda
36 Management Meeting at a regularly scheduled time at least one week prior to each Regular
37 Meeting. The Agenda Management Meeting is for the limited purpose of managing and
38 finalizing the agenda (for example, adding last minute items, moving items from consent
39 agenda to regular agenda or to a future agenda.) The meeting is not for discussing the
40 substance of agenda items. All Commissioner, City staff and public comment shall be limited to
41 agenda management. The Clerk shall prepare a final version of the agenda (together with all
42 back-up) by 5pm on the Friday prior to each Regular Meeting. Once finalized, the agenda
43 should not be further modified (except to add back-up to existing items or to add items that are

1 of an emergency or time sensitive nature) until the adoption of the consent and regular agenda
2 on the day of the meeting.

3 In addition, the Mayor (or in the Mayor's absence, the Mayor Pro tempore) may hold an
4 Agenda Management Meeting at a regularly scheduled time at least one week prior to each
5 General Policy Committee Meeting. The Agenda Management Meeting is for the limited
6 purpose of managing and finalizing the agenda (for example, adding last minute items or
7 moving items to a future agenda.) The meeting is not for discussing the substance of agenda
8 items. All Commissioner, City staff and public comment shall be limited to agenda
9 management. The Clerk shall prepare a final version of the agenda (together with all back-up)
10 by 5pm on the Friday prior to each General Policy Meeting. Once finalized, the agenda should
11 not be further modified (except to add back-up to existing items or to add items that are of an
12 emergency or time sensitive nature) until the adoption of the agenda on the day of the
13 meeting.

14 **RULE 6. PRESIDING OFFICER-ELECTION AND DUTIES**

15
16 The Mayor shall be the presiding officer and Chair of the Commission. At the first meeting held
17 after the annual swearing-in of newly elected members of the Commission, the Commission
18 shall elect one of its members as Mayor Pro tempore, who shall serve as the presiding officer in
19 the absence of the Mayor. In the absence of both the Mayor and the Mayor Pro tempore, the
20 Mayor may designate a Temporary Chair in writing prior to the start of the meeting, or the
21 Clerk shall call the Commission to order; whereupon a Temporary Chair shall be elected by the
22 members of the Commission present. Upon arrival of the Mayor or Mayor Pro tempore, the
23 Temporary Chair shall relinquish the chair.

24
25 In the event the presiding officer of a meeting (whether that be the Mayor, Mayor Pro tempore
26 or Temporary Chair) must leave the meeting room, the presiding officer shall pass the gavel to
27 any Commissioner and by accepting the gavel, that Commissioner will lead the meeting until
28 the presiding officer returns to the meeting room.

29
30 The presiding officer shall take the chair at the hour affixed for the meeting and call the
31 members of the Commission to order. The presiding officer shall preserve order and decorum
32 at all meetings, shall sign all ordinances and resolutions adopted by the Commission, shall
33 designate the seating arrangement at meetings of the Commission, and shall decide all
34 questions regarding the priority of business without debate.

35 36 **RULE 7. COMMISSION COMMITTEES**

37
38 Committees shall meet at the call of the Chair at such time and place as is convenient to the
39 members of the Committee. All Committee meetings shall be included on the weekly notice of
40 meetings prepared by the Clerk.

1 The City Clerk shall serve as the Clerk for each Committee. The Clerk shall prepare an agenda
2 for each Committee meeting based on the agenda items submitted by a Member of the
3 Commission or by a Charter Officer. Each Committee Chair shall review his/her respective
4 Committee meeting agendas and agenda items. Upon review by the Committee Chair, the
5 Clerk will publish the agenda on the City's website.

6
7 A. STANDING COMMITTEES: There are two standing Commission Committees – the Audit and
8 Finance Committee and the General Policy Committee, as described below. On April 30th of
9 each year, all outstanding referrals in each Standing Committee shall automatically sunset,
10 unless the Committee votes prior to April 30th of each year to retain a referral for further work.

11 (1) The **Audit and Finance Committee** shall consist of the Mayor, who shall serve as the
12 chair, and the Mayor Pro Tempore.

13 1. Nature of Responsibilities

14 The Audit and Finance Committee monitors internal and external audit affairs and
15 provides policy oversight and guidance to management regarding the financial affairs of
16 the City. These responsibilities include oversight of the City's internal accounting
17 control, periodic review of the internal audit function, selection of the independent
18 external auditor, review of the annual audit plans of both the internal and external
19 auditors, review of the Comprehensive Annual Financial Report (CAFR), auditor
20 communications, interim financial statements and all other audit and finance-related
21 matters.

22
23 2. Scope of Responsibilities

24 The Audit and Finance Committee shall consider, review, and, where appropriate, make
25 recommendations to the City Commission on issues concerning the following matters:

26
27 a. Audit Related Issues

- 28 i. City Auditor Reports
- 29 ii. City Auditor annual budget
- 30 iii. City Auditor annual audit plan
- 31 iv. City Auditor long-range audit plan
- 32 v. External Auditor selection process (pursuant to Section 218.391,
33 Florida Statutes)
- 34 vi. External Auditor contract
- 35 vii. External Auditor annual audit plan
- 36 viii. External Auditor progress and results
- 37 ix. All other audit-related matters as deemed appropriate

38
39 b. Finance Related Issues

- 40
41 i. Financial management policies and procedures
- 42 ii. Capital Improvement Program

- iii. Annual operating budget priorities
- iv. Long-range financial plans
- v. Progress reports on approved plans, including the annual budget
- vi. Budget management policies
- vii. Other financial matters as deemed appropriate

3. General Operating Procedures

- a. The Committee shall meet at the request of its members, the City Commission or the Charter Officers on an as-needed basis, but not less than once every quarter.
- b. The Committee agenda shall be prepared and transmitted to the members of the Committee and to all members of the City Commission 24 hours before the day and time of the meeting date.
- c. Agenda and Committee report preparation shall be the responsibility of the City Auditor, with assistance from the other Charter Officers as requested.

(2) The **General Policy Committee** shall consist of the Mayor and all Commissioners. The Mayor, or in his/her absence the Mayor Pro tempore, shall be the Chair of this Committee. The purpose and intent of this Committee is to allow the Mayor and Commissioners, as an entire deliberative body, to discuss general policy matters that are referred to this Committee during a Regular or Special Commission Meeting. The Committee may take action on the matters referred (such as, but not limited to, directing the Mayor to send a letter, directing staff to conduct further research, or directing the City Attorney to draft an ordinance.) However, this Committee may not:

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

B. SPECIAL COMMITTEES:

The Commission may appoint such Special Committees as it deems necessary to address particular issues. All Special Committees will be appointed for a limited term and will complete their assigned work within that term, unless further extended by the Commission.

RULE 8. RULES OF DEBATE

1 The presiding officer may move, second and debate, subject only to such limitations of debate
2 as are enforced by these rules on all members. If the presiding officer desires to make a motion
3 or second a motion, the presiding officer shall relinquish the chair to a member as the presiding
4 officer shall designate until he/she has finished his/her motion or second.

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

16
17 Each member desiring to speak shall address the presiding officer and, upon recognition by the
18 presiding officer, shall confine his/her remarks to the question under debate, avoiding all
19 personalities and indecorous language. A member, once recognized, shall not be interrupted
20 when speaking unless it be to call said member to order, then the member shall cease speaking
21 until the question or order is determined by the presiding officer without debate and, if in
22 order, said member shall be at liberty to proceed.

23
24 After the decision of any question, it shall be in order for any member to move reconsideration.
25 If the motion to reconsider is approved by a majority of those members present, the item shall
26 be placed on a future agenda for reconsideration, subject to legal, contractual, fiscal, quasi-
27 judicial and other constraints as staff may advise the Commission. If the Commission does not
28 specify the future date when the item will be heard, the Mayor, in consultation with the
29 Charter Officers, will determine the date.

30
31 A Commissioner may request, through the presiding officer, the privilege of having his/her
32 written statement on any subject under the consideration by and presented to the Commission
33 entered in the minutes. If the Commission consents thereto, such statement shall be entered
34 in the minutes.

35 36 **RULE 9. COMMISSION MINUTES and RECORDS**

37
38 The Clerk shall submit minutes of meetings for approval as timely as possible. Such minutes
39 may be approved on the Consent Agenda, if the Clerk has provided a copy of the minutes in the
40 agenda backup. After approval, the Clerk shall publish the minutes on the City's website. Every
41 petition, communication, or other paper presented in writing to the Commission at any
42 Commission or Committee meeting shall be retained (or a copy thereof) by the Clerk.

1 **RULE 10. PERSONS APPEARING BEFORE THE COMMISSION**

2
3 **A. Public Comment Encouraged.**

4 The City Commission recognizes the importance of protecting the right of all persons to express
5 opinions of the operation of city government and encourages participation in the local
6 government process. The Commission will not prohibit public criticism of the policies,
7 procedures, programs or services of the commission, or the acts or omissions of the
8 Commission. Individuals' expressions that go beyond the role and authority of the Commission
9 have no privilege or protection. While the Commission recognizes the rights of individuals' free
10 speech, this meeting is a limited public forum in which the Commission must conduct its
11 business meeting. The Commission recognizes the necessity for conducting orderly and
12 efficient meetings in order to complete City business in a timely manner and has adopted these
13 rules to balance the rights of individuals to speak on governmental issues, while conducting its
14 business meeting.

15 **B. How and When Public Comment is Taken**

16 1. How to Submit Public Comment. The public may submit comment on agenda items
17 or non-agenda items in the following ways:

- 18 • Pre-recorded comment: Persons who wish to leave comment should follow the
19 instructions provided in the Notice of Meetings published by the City Clerk. Pre-
20 recorded comment that is received by the deadline specified in the Notice of
21 Meetings will be played at the meeting.
- 22 • In-person comment: Persons may attend the meeting and speak at the
23 designated times.
- 24 • Live call-in comment: Persons may call the live call-in number provided in the
25 Notice of Meetings.
- 26 • "E-comment" or Email: To provide Commission members adequate time to
27 consider public comment, the public is encouraged to submit comment in
28 writing in advance of the meeting via the "e-comment" link provided in the
29 Notice of Meetings or via email to citycomm@cityofgainesville.org.

30 2. General Public Comment

31 General Public Comment is an opportunity for individuals to address the Commission on issues
32 that are **not** on the agenda. Each speaker is limited to a maximum of 3 minutes and the total
33 public comment period is limited to 30 minutes. Comment will be taken in the following order:
34 Pre-recorded comment; in-person comment; and then live call-in comment, if time permits.

35 3. Early Public Comment on Agenda Items

36 Early Public Comment is an opportunity for individuals to address the Commission on agenda
37 items at the beginning of the afternoon session and evening session. During early public
38 comment, individuals will be permitted to comment on any or all items on the agenda. Each
39 speaker is limited to a maximum of 3 minutes for one agenda item or 5 minutes, if speaking on

multiple agenda items and the total early public comment period is limited to 30 minutes. Comment will be taken in the following order: Pre-recorded comment; in-person comment; and then live call-in comment, if time permits. Early Public Comment is provided as a courtesy for individuals who cannot or do not wish to attend the remainder of the meeting. As such, by participating in Early Public Comment, the individual waives the opportunity to speak during the agenda items. Early Public Comment is not available for quasi-judicial agenda items.

4. Public Comment on Agenda Items

The Commission will hear from individuals on agenda items brought for a Commission vote. Each speaker is limited to a maximum of 3 minutes and may speak only on the agenda item being considered. Comment will be taken in the following order: Pre-recorded comment; in-person comment; and then live call-in comment, if time permits. Public comment will not be permitted on purely informational or procedural agenda items.

5. Use of City Projection and Overhead

If technology allows, speakers at the podium addressing the Commission may use the City's overhead projection system, as part of their comment as long as they are not obscene and do not otherwise disrupt, delay, or interrupt the proceeding.

6. Time Limitations on Speech

Time limits established in this Rule are maximum limits and other time limits may be established by the presiding officer based on the number of participants. In addition, the presiding officer may adopt a time limitation to provide equal time for opponents and proponents speaking to any particular issue.

C. Procedures for Public Comment.

In addressing the City Commission, each speaker shall:

1. give their name in an audible tone of voice;
2. limit their comments as required by Rule 10.B.;
3. adhere to the time limitation established;
4. address all comments to the Commission as a body and not to any member thereof, nor to any member of staff, nor to any member of the public; and
5. follow the directions of the presiding officer.

D. Conduct of Members of the Public.

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

4 No question shall be asked except through the presiding officer.

5 Members of the public are not permitted to possess food, drink, props, signs, posters, or other
6 similar material in the meeting room.

7 **E. Interruption of Meeting.**

8 1. Persons demonstrating disruptive behavior at meetings or persons violating
9 established rules of order will be called to order by the presiding officer. If such conduct
10 continues, the presiding officer may do any or all of the following:

- 11 a. call a recess,
- 12 b. request the removal of such person(s) upon a finding of “disruptive behavior,”
- 13 c. adjourn the meeting if determined to be the appropriate action, or
- 14 d. take such other appropriate action as permitted by law.

15 2. Defining Disruptive Behavior.

16 a. A speaker may be removed upon a finding by the presiding officer that the
17 speaker’s conduct causes a disruption of the meeting. Disruptive behavior of a speaker
18 during the meeting usually takes one of two forms:

- 19 i. Refusal to confine the speech to the subject matter being addressed; or
- 20 ii. Refusal to conform to time limits on speaking.

21 b. Disruptive activity of persons within the meeting room and the lobby
22 includes any conduct that significantly violates generally or specially established rules of
23 order and truly disrupts the meeting. Examples include but are not limited to:

- 24 i. Violent or tumultuous conduct threatening the safety of another;
- 25 ii. Conduct creating danger to another’s property or person;
- 26 iii. Provoking or engaging in a fight;
- 27 iv. Use of words that may threaten or outrage others;
- 28 v. Using obscene, profane, or vulgar language;
- 29 vi. Refusal to leave podium when requested to do so; or
- 30 vii. Outbursts of approval or disapproval, jeers or heckling which interrupt a
31 speaker or the deliberation of the Commission.
- 32
- 33
- 34

35 **F. Enforcement of Order.** The presiding officer may enforce the rules of decorum. Any
36 commission member may request the presiding officer to enforce the rules of decorum upon a
37 motion and a majority vote by commission. In the event the presiding officer orders the
38 removal of an individual or individuals, the presiding officer will take the following steps:

1 1. Warn the individual that their conduct is disrupting the meeting and if the
2 conduct continues, the individual will be removed from the meeting.

3 2. If the conduct continues, revoke the individual's right to attend or speak at the
4 meeting and direct the sergeant-at-arms to remove the individual from the meeting.
5

6 **G. Sergeant-At-Arms.** The City Manager or designee shall be sergeant-at-arms at commission
7 meetings and shall attend all regular, special and workshop meetings. The sergeant-at-arms
8 will carry out all orders and instructions given by the presiding officer for the purpose of
9 maintaining order and decorum at the commission meeting.
10

11 **H. Removal from Meeting.**
12

13 Upon instructions of the presiding officer, it shall be the duty of the sergeant-at-arms to direct
14 an officer to escort or remove any person who disrupts the meeting from the commission
15 chambers, the lobby, or city hall. The sergeant-at-arms or designee should explain the law on
16 trespass and Section 871.01, Florida Statutes, Disturbing Schools, and Religious and Other
17 Assemblies. The sergeant-at-arms or designee will advise the individual that there are alternate
18 means of presenting the individual's views. If the person refuses or resists removal, the person
19 may be placed under arrest.
20

21 **I. Agenda Statement.**
22

23 The following statement will be included on all meeting agendas: "Individuals are encouraged
24 to participate in City of Gainesville meetings. In general, speakers will be limited to 3 minutes
25 for general public comment once during the meeting. Speakers who wish to participate in early
26 public comment will be limited to 3 minutes to speak on one agenda item or 5 minutes if they
27 wish to speak on several agenda items. If speakers do not participate in early public comment,
28 speakers will be limited to 3 minutes per agenda item. The City of Gainesville encourages
29 civility in public discourse and requests that speakers direct their comments to the Chair. Signs,
30 props, and posters are not permitted in the meeting room."
31

32 **RULE 11. ORDINANCES and RESOLUTIONS**
33

34 **A. Ordinances.**

35 All Ordinances shall be introduced in writing with a complete copy filed with the Clerk in the
36 agenda backup. No Ordinance shall be adopted on final reading until notice as required by law
37 has been published. All Ordinances shall be signed by the Mayor or Mayor Pro Tempore,
38 attested by the City Clerk and approved as to form and legality by the City Attorney.
39

40 **B. Resolutions**

41 All Resolutions introduced for adoption shall be in writing with a complete copy filed with the
42 Clerk in the agenda backup.
43

- Advocacy Resolutions: Members of the City Commission may place Advocacy Resolutions on the agenda, either in the Consent portion or the Resolution portion of the meeting. Advocacy Resolutions are those that express the position of the City Commission on a matter of importance to the City, but that do not approve an item of City business, make a binding commitment of the City or contain any legal obligation of the City. Advocacy Resolutions may request, among other things, that other governmental entities or elected officials take action; or that the Mayor or staff send letters be sent to such entities or elected officials; or may be a temporary expression of support for a cause that serves a public purpose. A Commissioner who desires to place an Advocacy Resolution on an agenda must work with their staff assistant to place the substance in the correct City Resolution format. Legal review, or approval as to form and legality by the City Attorney, is not required for Advocacy Resolutions.
- Binding Resolutions: A Binding Resolution is any resolution that handles a matter of administrative or substantive business of the City, that makes a binding commitment of the City or that contains any legal obligation of the City. A member of the City Commission who desires to place a Binding Resolution on the Resolution portion of the agenda, must first present the substance to the City Commission as an agenda item or during Commission Comment. If the City Commission desires to consider such as a resolution, it will direct the City Attorney to draft the Binding Resolution. No Binding Resolutions may be adopted by the Commission unless the City Attorney has approved same as to form and legality in advance of the meeting.

RULE 12. OTHER DOCUMENTS FOR EXECUTION

All written documents to be executed by the Mayor and City Clerk in which the City is to be a party shall have first been submitted to the City Attorney for approval as to form and legality before placing on the agenda and should be formatted for immediate signature after Commission approval.

RULE 13. QUASI-JUDICIAL ACTIONS

A. Quasi-Judicial Hearings before the Commission.

The quasi-judicial hearings before the Commission shall be either formal or informal hearings. A formal quasi-judicial hearing shall be conducted in accordance with Section C of this Rule. An informal hearing shall be conducted in accordance with Section D of this Rule.

B. Request for Formal Hearing.

All persons entitled to actual written notice of a quasi-judicial matter before the Commission may request a formal hearing by filing with the Clerk a written request before the close of business at least seven (7) days prior to the Commission meeting when the matter is scheduled to be heard. Persons who are not entitled to actual written notice but believe they are an "affected party", as defined in this Rule, may request a formal hearing and determination of affected party status by filing with the Clerk a written request for a formal hearing and an application for affected party status as provided this rule at least seven (7) days prior to the

Commission meeting when the matter is scheduled to be heard. Failure to timely file a request for a formal hearing shall set the matter for an informal quasi-judicial hearing.

C. Formal Quasi-Judicial Hearings.

The Commission shall make a determination of affected party status and thereafter, the Clerk shall collectively swear-in all parties who intend to present/testify at the hearing. An affected party is any person who is entitled to actual written notice of the quasi-judicial matter. An affected party who is not entitled to actual written notice but who believes that they have a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large may request affected party status by filing an application, as provided in Part B of this Rule. The Commission will consider the facts articulated in the application and the decision of the Commission shall be final. In order to participate in the formal hearing, all affected parties shall complete the form prescribed by the City Clerk, stating their name and address and other pertinent information, and whether they support or oppose the matter before the Commission. The form shall be delivered to the Clerk at the commencement of the hearing.

The order of presentation for the hearing, with corresponding time limits, is set forth below. The time limits may be modified by the Commission on its own motion or upon request of a party to the proceedings. Said request shall detail the modified time desired and the subjects to be discussed during the additional time. A request for a modification of time should be considered by the Commission to assure all parties have an opportunity to participate, but without undue repetition and delay.

Order	Maximum Time Limit (minutes)
a. Determination of affected party status	
b. Swearing-in of all parties	
c. Disclosure of inadvertent ex-parte communication	
d. Introduction of the matter by staff	3
*e. Petitioner	20
*f. Staff presentation	10
*g. Affected Party for (if any)(per person)	10
*h. Affected Party against (if any) (per person)	10
*i. Rebuttal (Petitioner/Staff)	5
j. Closing by Petitioner, Staff and Affected Parties (per person)	3
k. Public comment (per person)	3
**l. Deliberation and vote of the Commission	

*Witnesses may be presented during parts e-i of the hearing and the witnesses may be cross examined by the Petitioner, Staff and Affected Parties. However, cross examination is limited to 10 minutes per witness. In addition, the Commission may call any witness it deems necessary to reach a complete and informed decision. The examination of witnesses shall be conducted under oath by direct examination on matters which are relevant and material to the issue or issues before the Commission. After the conclusion of direct examination, the witness may be cross-examined by another party, or a Commissioner. All questions shall be directed through the presiding officer and the witness shall answer the question unless the presiding officer

1 deems the question to be irrelevant or immaterial. Any commissioner or party may raise
2 evidentiary objections. The inquiry under cross-examination shall be limited to matters raised
3 in the direct examination of the witness. No re-direct shall be allowed unless requested by a
4 party stating the desired area of inquiry and that request is approved by the presiding officer. If
5 re-direct is allowed, it shall be limited to questions of the witness on issues raised in the cross-
6 examination. This provision shall not prohibit a member of the Commission from questioning
7 any person on matters relevant to the matter.

8 **In part I. of the hearing, the Commission shall deliberate a motion, if necessary, and reach a
9 decision by voting on the motion. In reaching its decision, the Commission may only consider
10 evidence presented at the hearing and base its decision on the competent, substantial evidence
11 of record. The Commission shall orally issue an order at the conclusion of the hearing, unless
12 continued. After the meeting, the City Attorney shall prepare a written order stating, at a
13 minimum, whether the petition was granted or denied and if granted, specifying any
14 conditions, requirements or limitations on the approval of the matter. The written order shall
15 be presented to the Commission for approval at a Special Meeting or at the next Regular
16 Meeting of the Commission. Upon approval, the presiding officer shall execute and the Clerk
17 shall attest the order. Executed copies of the order shall be hand delivered or mailed to the
18 petitioner and affected parties.

19 **D. Informal Quasi-Judicial Hearings.**

20 If no person files a timely request for a formal hearing, the matter shall be set for an informal
21 hearing. Cross-examination is not permitted and deemed waived by all persons or parties. This
22 provision does not prohibit a member of the Commission from questioning any person relevant
23 to the matter. Any person may speak for or against the matter in the public comment portion if
24 they complete a registration card at the meeting as provided by the Clerk. The presiding officer
25 may limit the time of any portion of an informal hearing to avoid unnecessary repetition and
26 delay. The vote of the Commission shall constitute an oral order, no written order will be
27 issued. The order of presentation for the hearing is as follows:

- 28 a. Disclosure of inadvertent ex-parte communications
- 29 b. Staff presentation
- 30 c. Petitioner or Applicant
- 31 d. Public comment
- 32 e. Deliberation and vote of the Commission

33
34 **E. Representation of Parties.**

35 Any party may be represented by an attorney. If an attorney represents a party, the attorney
36 shall complete the form provided by the Clerk and identify the person or persons they
37 represent and whether their client supports or opposes the matter before the Commission.
38 The form shall be delivered to the Clerk at the commencement of the hearing.

39 **F. Evidence.**

1 Evidence before the Commission shall include, but not be limited to, an analysis which includes
2 the consistency with the City's adopted codes, rules, policies or plans, as applicable, and how
3 the matter does or does not meet the requirements of such codes, rules, policies and plans and
4 other applicable laws. Written reports and any other documentary evidence shall become a
5 part of the record. Evidence may be presented through oral testimony or written documents or
6 both. Any member of the Commission may seek advice from the City Attorney on questions of
7 evidence. During the hearing, no one may present testimony or evidence which is unduly
8 cumulative or repetitious of previously presented testimony or evidence by another party.

9 **G. Continuances.**

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

12 **H. Ex Parte Communications.**

13 The Commission has chosen to prohibit ex-parte communications (i.e., a verbal or written
14 communication with a Commissioner received outside of the quasi-judicial hearing) in
15 connection with any quasi-judicial hearing before the Commission. However, it is recognized
16 that members of the Commission may, from time to time, receive or engage in inadvertent ex-
17 parte communications. The following procedures are provided to remove any presumption of
18 prejudice. Should an ex parte communication be received by an individual commissioner these
19 procedures shall be followed:

- 20 1. Written Communications - If a member of the Commission receives a written "ex parte"
21 communication relating to a quasi-judicial matter coming before the Commission, the
22 member should transmit the communication to the Clerk for inclusion in the official
23 records. These communications shall be forwarded to the parties as soon as practicable
24 before the hearing.
25
- 26 2. Oral Communications - As soon as it becomes apparent that an oral communication
27 pertains to a quasi-judicial matter coming before the Commission, the member of the
28 Commission should explain to the person that the communication is prohibited and
29 that he or she is required to end the communication on that subject.
30
- 31 3. At the hearing, each member of the Commission should disclose any inadvertent ex-
32 parte communications and state for the record whether the member is able to be an
33 impartial decision-maker. If not so able, the member should abstain from participating
34 and voting in the quasi-judicial hearing. Any party may question, through the presiding
35 officer, a member of the Commission about any ex parte communications.
36

37 **RULE 14. COMMISSION CONDUCT**

38
39 During commission meetings, commissioners may not advocate for or against anyone running
40 for office. Members of the commission may not advertise for-profit businesses during
41 commission meetings.

1
2 **RULE 15. WAIVER OF THESE RULES**

3
4 These Rules (except those that are required by law or those that involve notice) may be waived
5 by a 2/3rds vote of the members present at a meeting.
6

7
8 **SECTION 2.** Resolution No. 180943 and Resolution No. 200493 and any other resolutions in
9 conflict herewith are hereby repealed. This Resolution shall become effective immediately
10 upon adoption and will remain in effect until amended or repealed.
11

12
13 Passed and adopted this _____ day of _____, 2021.
14
15

16
17 _____
18 LAUREN POE
19 MAYOR
20

21 Attest:

Approved as to form and legality:

22
23
24 _____
25 OMICHELE D. GAINES
26 CITY CLERK
27
28

NICOLLE M. SHALLEY
CITY ATTORNEY