

RESOLUTION NO. 210548

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. 210180 on September 23, 2021; and

WHEREAS, at the General Policy Committee meeting on October 28, 2021, the City Commission directed that its rules be revised; and

WHEREAS, the Rules are hereby amended and restated to make those revisions.

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 10:00 a.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:

10:00 am - Call to order early session	
Invocation	
Adoption of Agenda	Includes both Consent and Regular Agenda items. Consent Agenda items that will not be discussed, may include Advocacy Resolutions as explained in Rule 11.B. below
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
Resolutions	Unless mandated by statute to occur in the evening;

	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
Ordinances	Unless mandated by statute to occur in the evening; Second readings, adoption readings and then first readings
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 Agenda Items	See Rule 10 below for details
Resolutions	If mandated by statute to occur in the evening; 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	If mandated by statute to occur in the evening; Second readings, adoption 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.

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

10
11 Generally, Workshop Meetings and Special Meetings shall have Public Comment only on specific
12 agenda items as stated on the Notice of Meetings. General Public Comment and Commissioner
13 Comment may be allowed by the Commission at the end of the meeting if added upon the
14 adoption of the agenda and time permitting.

15 16 **RULE 3. EMERGENCY MEETINGS**

17
18 Emergency Meetings may be requested when necessary by the Mayor, by three or more
19 members of the Commission or by any Charter Officer. A written call shall be issued that states
20 the date, time and the business to be transacted at the Emergency Meeting, and no other
21 business may be transacted. The Emergency Meeting may occur no sooner than two (2) hours
22 after the execution of the Call. The Clerk shall make reasonable effort to notify members of the
23 local news media (print and electronic) and the public.

24 25 **RULE 4. ATTENDANCE, QUORUM/VOTING, RECESS/ADJOURN and CANCELLATION**

26
27 All members of the Commission are expected to attend all scheduled meetings. Four (4)
28 members of the Commission shall constitute a quorum for the transaction of business, but a
29 smaller number may adjourn the meeting. Pursuant to Section 2.07 of the City Charter, unless
30 otherwise provided in the Charter or other law, a motion or a proclamation is adopted when
31 approved by vote of a majority of the members present, and an ordinance or resolution is
32 adopted when approved by the vote of four (4) or more members of the Commission.

33
34 In accordance with Section 286.012, Florida Statutes, each member of the Commission who is
35 present shall vote on each matter, unless that member has a conflict of interest under state ethics
36 laws or, in the case of a quasi-judicial matter, is unable to be an impartial decision-maker.
37 Commissioners shall vote "yes" in support of a motion and vote "no" when voting not to support
38 a motion. Except in a Roll Call, silence by a member shall be recorded as a "yes" vote.

39
40 The Commission at any meeting may recess or adjourn to a time certain for the transaction of
41 any business or specified business only, as may be determined by the Commission in taking such
42 action. Any meeting may be cancelled for cause (including, but not limited to, emergency
43 conditions, lack of agenda items, a quorum will not be present) by the Mayor and the Clerk.
44 Otherwise, meetings may be cancelled by vote of the City Commission at any Regular Meeting,

1 Special Meeting, or General Policy Committee Meeting. The Clerk shall provide notice of the
2 cancellation to all Commissioners.

3 4 **RULE 5. AGENDA and AGENDA MANAGEMENT MEETING**

5
6 Any request to place an item on the agenda for a Regular Meeting, Special Meeting, Workshop
7 Meeting, Standing Committee Meeting or Special Committee Meeting must be made by a
8 Member of the Commission or a Charter Officer. All such requests must be accompanied by a
9 written agenda item that provides the background and an explanation of the matter, a
10 recommendation, a fiscal note (if applicable) and any relevant and necessary back-up materials.
11 All agenda items and back-up submitted by any Member of the Commission, Charter Officer,
12 Committee or Board shall be delivered to the Clerk on or before 6:00 P.M. on the Wednesday of
13 the week prior to each Regular Meeting and by such dates/times as the Clerk sets for Special
14 Meetings, Workshop Meetings and Committee Meetings.

15
16 The Mayor (or in the Mayor's absence, the Mayor Pro tempore) may hold an Agenda
17 Management Meeting at a regularly scheduled time at least one week prior to each Regular
18 Meeting. The Agenda Management Meeting is for the limited purpose of managing and finalizing
19 the agenda (for example, adding last minute items, moving items from consent agenda to regular
20 agenda or to a future agenda.) The meeting is not for discussing the substance of agenda items.
21 All Commissioner, City staff and public comment shall be limited to agenda management. The
22 Clerk shall prepare a final version of the agenda (together with all back-up) by 5pm on the Friday
23 prior to each Regular Meeting. Once finalized, the agenda should not be further modified
24 (except to add back-up to existing items or to add items that are of an emergency or time
25 sensitive nature) until the adoption of the consent and regular agenda on the day of the meeting.

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

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

37
38 The Mayor shall be the presiding officer and Chair of the Commission. At the first meeting held
39 after the annual swearing-in of newly elected members of the Commission, the Commission shall
40 elect one of its members as Mayor Pro tempore, who shall serve as the presiding officer in the
41 absence of the Mayor. In the absence of both the Mayor and the Mayor Pro tempore, the Mayor
42 may designate a Temporary Chair in writing prior to the start of the meeting, or the Clerk shall

1 call the Commission to order; whereupon a Temporary Chair shall be elected by the members of
2 the Commission present. Upon arrival of the Mayor or Mayor Pro tempore, the Temporary Chair
3 shall relinquish the chair.

4
5 In the event the presiding officer of a meeting (whether that be the Mayor, Mayor Pro tempore
6 or Temporary Chair) must leave the meeting room, the presiding officer shall pass the gavel to
7 any Commissioner and by accepting the gavel, that Commissioner will lead the meeting until the
8 presiding officer returns to the meeting room.

9
10 The presiding officer shall take the chair at the hour affixed for the meeting and call the members
11 of the Commission to order. The presiding officer shall preserve order and decorum at all
12 meetings, shall sign all ordinances and resolutions adopted by the Commission, shall designate
13 the seating arrangement at meetings of the Commission, and shall decide all questions regarding
14 the priority of business without debate.

15 16 **RULE 7. COMMISSION COMMITTEES**

17
18 Committees shall meet at the call of the Chair at such time and place as is convenient to the
19 members of the Committee. All Committee meetings shall be included on the weekly notice of
20 meetings prepared by the Clerk.

21
22 The City Clerk shall serve as the Clerk for each Committee. The Clerk shall prepare an agenda for
23 each Committee meeting based on the agenda items submitted by a Member of the Commission
24 or by a Charter Officer. Each Committee Chair shall review his/her respective Committee
25 meeting agendas and agenda items. Upon review by the Committee Chair, the Clerk will publish
26 the agenda on the City's website.

27
28 A. STANDING COMMITTEES: There are three standing Commission Committees – the Audit
29 Committee, the Finance Committee and the General Policy Committee, each described below.
30 On April 30th of each year, all outstanding referrals in each Standing Committee shall
31 automatically sunset, unless the Committee votes prior to April 30th of each year to retain a
32 referral for further work.

33 **NOTE: The following Audit and Finance Committee section of Commission Committees shall**
34 **remain in effect until December 31, 2021.**

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

37 1. Nature of Responsibilities

38 The Audit and Finance Committee monitors internal and external audit affairs and
39 provides policy oversight and guidance to management regarding the financial affairs of
40 the City. These responsibilities include oversight of the City's internal accounting control,
41 periodic review of the internal audit function, selection of the independent external
42 auditor, review of the annual audit plans of both the internal and external auditors,

1 review of the Comprehensive Annual Financial Report (CAFR), auditor communications,
2 interim financial statements and all other audit and finance-related matters.

3
4 **2. Scope of Responsibilities**

5 The Audit and Finance Committee shall consider, review, and, where appropriate, make
6 recommendations to the City Commission on issues concerning the following matters:
7

8 **a. Audit Related Issues**

- 9 i. City Auditor Reports
- 10 ii. City Auditor annual budget
- 11 iii. City Auditor annual audit plan
- 12 iv. City Auditor long-range audit plan
- 13 v. External Auditor selection process (pursuant to Section 218.391,
14 Florida Statutes)
- 15 vi. External Auditor contract
- 16 vii. External Auditor annual audit plan
- 17 viii. External Auditor progress and results
- 18 ix. All other audit-related matters as deemed appropriate

19
20 **b. Finance Related Issues**

- 21 i. Financial management policies and procedures
- 22 ii. Capital Improvement Program
- 23 iii. Annual operating budget priorities
- 24 iv. Long-range financial plans
- 25 v. Progress reports on approved plans, including the annual budget
- 26 vi. Budget management policies
- 27 vii. Other financial matters as deemed appropriate

28
29
30 **3. General Operating Procedures**

- 31
32 a. The Committee shall meet at the request of its members, the City
33 Commission or the Charter Officers on an as-needed basis, but not less
34 than once every quarter.
- 35
36 b. The Committee agenda shall be prepared and transmitted to the members
37 of the Committee and to all members of the City Commission 24 hours
38 before the day and time of the meeting date.
- 39
40 c. Agenda and Committee report preparation shall be the responsibility of
41 the City Auditor, with assistance from the other Charter Officers as
42 requested.
43

NOTE: The following Audit Committee section of Commission Committees shall take effect on January 1, 2022.

(1) The **Audit Committee** shall consist of the Mayor (who shall serve as the Chair) and the Mayor Pro tempore (who shall serve as the Vice Chair) and one external (meaning not a City employee or City Commissioner) person who has subject matter expertise in one or more of the areas of responsibility of the Committee (as described below.) The City Clerk will notice the external opening and accept applications, the City Auditor will review all applicants and provide a ranked list of up to three applicants to the City Commission, who will appoint the external person. The external person may be removed at any time, with or without cause, by the City Commission.

1. Nature of Responsibilities

The Audit Committee provides policy oversight and guidance to internal and external audit affairs. These responsibilities include oversight of the City's internal audit function, selection of the independent external auditor, review of the annual audit plans of both the internal and external auditors, auditor communications, and all other audit related matters.

2. Scope of Responsibilities

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

- i. City Auditor internal audit reports and audit issue follow-up
- ii. City Auditor annual budget
- iii. City Auditor enterprise risk assessment activities and audit plan
- iv. Status of internal audit activities reported in the City Auditor Quarterly Update
- v. External Auditor selection process (pursuant to Section 218.391, Florida Statutes), contract, financial statement audit reports and other reports, if any
- vi. Other audit-related matters as deemed appropriate

3. General Operating Procedures

- a. The City Auditor shall serve as the Staff Liaison and the City Clerk, or designee, shall serve as the Clerk to the Committee.
- b. 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.
- c. 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. Agenda and Committee report preparation shall be the responsibility of the City Auditor, with assistance from the other Charter Officers as requested.

(2) The **Finance Committee** shall consist of three City Commissioners. The Committee shall annually select a Chair and Vice-Chair.

1. Nature of Responsibilities

The Finance Committee provides oversight and guidance through policy level direction and input on financial items such as the operating budget, review of financial reporting documents, debt management, investments, long-term financing, and other items requiring fiscal policy direction and input.

2. Scope of Responsibilities

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

- i. Operating activity financial reports
- ii. Budget reports
- iii. Investment reports
- iv. Other financial matters as deemed appropriate

3. General Operating Procedures

- a. The City Finance Director and the GRU Chief Financial Officer shall serve as co-Staff Liaisons and the City Clerk, or designee, shall serve as the Clerk to the Committee.
- b. 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 quarterly.
- c. 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. Agenda and Committee report preparation shall be the responsibility of the City Finance Director and the GRU Chief Financial Officer, with assistance from the City Charter Officers as requested.

(3) 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

The presiding officer may move, second and debate, subject only to such limitations of debate as are enforced by these rules on all members. If the presiding officer desires to make a motion or second a motion, the presiding officer shall relinquish the chair to a member as the presiding officer shall designate 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 Commission 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"; or "I move the previous question(s)." This motion can apply to any immediately (or series of) 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 (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 Commission.

Each member desiring to speak shall address the presiding officer and, upon recognition by the presiding officer, 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 presiding officer without debate and, if in order, said member shall be at liberty to 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, quasi-

1 judicial and other constraints as staff may advise the Commission. If the Commission does not
2 specify the future date when the item will be heard, the Mayor, in consultation with the Charter
3 Officers, will determine the date.

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

9 10 **RULE 9. COMMISSION MINUTES and RECORDS**

11
12 The Clerk shall submit minutes of meetings for approval as timely as possible. Such minutes may
13 be approved on the Consent Agenda, if the Clerk has provided a copy of the minutes in the agenda
14 backup. After approval, the Clerk shall publish the minutes on the City's website. Every petition,
15 communication, or other paper presented in writing to the Commission at any Commission or
16 Committee meeting shall be retained (or a copy thereof) by the Clerk.

17 18 **RULE 10. PERSONS APPEARING BEFORE THE COMMISSION**

19
20 **A. Public Comment Encouraged.** The City Commission recognizes the importance of protecting
21 the right of all persons to express opinions of the operation of city government and encourages
22 participation in the local government process. The Commission will not prohibit public criticism
23 of the policies, procedures, programs or services of the commission, or the acts or omissions of
24 the Commission. Individuals' expressions that go beyond the role and authority of the
25 Commission have no privilege or protection. While the Commission recognizes the rights of
26 individuals' free speech, this meeting is a limited public forum in which the Commission must
27 conduct its business meeting. The Commission recognizes the necessity for conducting orderly
28 and efficient meetings in order to complete City business in a timely manner and has adopted
29 these rules to balance the rights of individuals to speak on governmental issues, while conducting
30 its business meeting.

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

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

- 34 • Pre-recorded comment: Persons who wish to leave comment should follow the
35 instructions provided in the Notice of Meetings published by the City Clerk: Pre-

recorded comment that is received by the deadline specified in the Notice of Meetings will be played at the meeting.

- In-person comment: Persons may attend the meeting and speak at the designated times.
- Live call-in comment: Persons may call the live call-in number provided in the Notice of Meetings.
- “E-comment” or Email: To provide Commission members adequate time to consider public comment, the public is encouraged to submit comment in writing in advance of the meeting via the “e-comment” link provided in the Notice of Meetings or via email to citycomm@cityofgainesville.org.

2. General Public Comment

General Public Comment is an opportunity for individuals to address the Commission on issues that are **not** on the agenda. Each speaker is limited to a maximum of 3 minutes and the total 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.

3. Early Public Comment on Agenda Items

Early Public Comment is an opportunity for individuals to address the Commission on agenda items at the beginning of the afternoon session and evening session. During early public comment, individuals will be permitted to comment on any or all items on the agenda. Each 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. As directed by the presiding officer, public comment may be taken once during an item, rather than upon every motion concerning that item. 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.

1
2 6. Time Limitations on Speech

3
4 Time limits established in this Rule are maximum limits and other time limits may be established
5 by the presiding officer based on the number of participants. In addition, the presiding officer
6 may adopt a time limitation to provide equal time for opponents and proponents speaking to any
7 particular issue.
8

9 **C. Procedures for Public Comment.**

10
11 In addressing the City Commission, each speaker shall:

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

18 **D. Conduct of Members of the Public.**

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

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

23 Members of the public are not permitted to possess food, drink, props, signs, posters, or other
24 similar material in the meeting room.
25

26 **E. Interruption of Meeting.**

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

- 30 a. call a recess,
31 b. request the removal of such person(s) upon a finding of "disruptive behavior,"
32 c. adjourn the meeting if determined to be the appropriate action, or
33 d. take such other appropriate action as permitted by law.

34 2. Defining Disruptive Behavior.

1 a. A speaker may be removed upon a finding by the presiding officer that the
2 speaker's conduct causes a disruption of the meeting. Disruptive behavior of a speaker
3 during the meeting usually takes one of two forms:

- 4 i. Refusal to confine the speech to the subject matter being addressed; or
5 ii. Refusal to conform to time limits on speaking.
6

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

- 10
11 i. Violent or tumultuous conduct threatening the safety of another;
12 ii. Conduct creating danger to another's property or person;
13 iii. Provoking or engaging in a fight;
14 iv. Use of words that may threaten or outrage others;
15 v. Using obscene, profane, or vulgar language;
16 vi. Refusal to leave podium when requested to do so; or
17 vii. Outbursts of approval or disapproval, jeers or heckling which interrupt a
18 speaker or the deliberation of the Commission.
19 viii. Indecorous language directed at personalities, irrelevant to the issue at
20 hand.
21

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

- 26 1. Warn the individual that their conduct is disrupting the meeting and if the conduct
27 continues, the individual will be removed from the meeting.
28 2. If the conduct continues, revoke the individual's right to attend or speak at the
29 meeting and direct the sergeant-at-arms to remove the individual from the meeting.
30

31 **G. Sergeant-At-Arms.** The City Manager or designee shall be sergeant-at-arms at commission
32 meetings and shall attend all regular, special and workshop meetings. The sergeant-at-arms will
33 carry out all orders and instructions given by the presiding officer for the purpose of maintaining
34 order and decorum at the commission meeting.
35

36 **H. Removal from Meeting.**
37

38 Upon instructions of the presiding officer, it shall be the duty of the sergeant-at-arms to direct
39 an officer to escort or remove any person who disrupts the meeting from the commission
40 chambers, the lobby, or city hall. The sergeant-at-arms or designee should explain the law on
41 trespass and Section 871.01, Florida Statutes, Disturbing Schools, and Religious and Other
42 Assemblies. The sergeant-at-arms or designee will advise the individual that there are alternate

means of presenting the individual's views. If the person refuses or resists removal, the person may be placed under arrest.

I. Agenda Statement.

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

RULE 11. ORDINANCES and RESOLUTIONS

A. Ordinances.

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

B. Resolutions

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

- **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

1 will direct the City Attorney to draft the Binding Resolution. No Binding Resolutions may
2 be adopted by the Commission unless the City Attorney has approved same as to form
3 and legality in advance of the meeting.
4

5 **RULE 12. OTHER DOCUMENTS FOR EXECUTION**

6

7 All written documents to be executed by the Mayor and City Clerk in which the City is to be a
8 party shall have first been submitted to the City Attorney for approval as to form and legality
9 before placing on the agenda and should be formatted for immediate signature after Commission
10 approval.
11

12 **RULE 13. QUASI-JUDICIAL ACTIONS**

13

14 **A. Quasi-Judicial Hearings before the Commission.**

15 The quasi-judicial hearings before the Commission shall be either formal or informal hearings. A
16 formal quasi-judicial hearing shall be conducted in accordance with Section C of this Rule. An
17 informal hearing shall be conducted in accordance with Section D of this Rule.
18

19 **B. Request for Formal Hearing.**

20 All persons entitled to actual written notice of a quasi-judicial matter before the Commission
21 may request a formal hearing by filing with the Clerk a written request before the close of
22 business at least seven (7) days prior to the Commission meeting when the matter is scheduled
23 to be heard. Persons who are not entitled to actual written notice but believe they are an
24 "affected party", as defined in this Rule, may request a formal hearing and determination of
25 affected party status by filing with the Clerk a written request for a formal hearing and an
26 application for affected party status as provided this rule at least seven (7) days prior to the
27 Commission meeting when the matter is scheduled to be heard. Failure to timely file a request
28 for a formal hearing shall set the matter for an informal quasi-judicial hearing.
29

30 **C. Formal Quasi-Judicial Hearings.**

31 The Commission shall make a determination of affected party status and thereafter, the Clerk
32 shall collectively swear-in all parties who intend to present/testify at the hearing. An affected
33 party is any person who is entitled to actual written notice of the quasi-judicial matter. An
34 affected party who is not entitled to actual written notice but who believes that they have a
35 special interest or would suffer an injury distinct in kind and degree from that shared by the
36 public at large may request affected party status by filing an application, as provided in Part B of
37 this Rule. The Commission will consider the facts articulated in the application and the decision
38 of the Commission shall be final. In order to participate in the formal hearing, all affected parties
39 shall complete the form prescribed by the City Clerk, stating their name and address and other
40 pertinent information, and whether they support or oppose the matter before the Commission.
41 The form shall be delivered to the Clerk at the commencement of the hearing.
42

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

**In part l. of the hearing, the Commission shall deliberate a motion, if necessary, and reach a decision by voting on the motion. In reaching its decision, the Commission may only consider evidence presented at the hearing and base its decision on the competent, substantial evidence of record. The Commission shall orally issue an order at the conclusion of the hearing, unless continued. After the meeting, the City Attorney shall prepare a written order stating, at a minimum, whether the petition was granted or denied and if granted, specifying any conditions, requirements or limitations on the approval of the matter. The written order shall be presented to the Commission for approval at a Special Meeting or at the next Regular Meeting of the

Commission. Upon approval, the presiding officer shall execute and the Clerk shall attest the order. Executed copies of the order shall be hand delivered or mailed to the petitioner and affected parties.

D. Informal Quasi-Judicial Hearings.

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

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

E. Representation of Parties.

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

F. Evidence.

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

G. Continuances.

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

H. Ex Parte Communications.

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

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

RULE 14. COMMISSION CONDUCT

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

RULE 15. WAIVER OF THESE RULES

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

1 **SECTION 2.** Resolution No. 210180 and any other resolutions in conflict herewith is hereby
2 repealed. This Resolution shall become effective immediately upon adoption and will remain in
3 effect until amended or repealed.

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5 Passed and adopted this 2nd day of December, 2021.

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LAUREN POE
MAYOR

Attest:

Approved as to form and legality:



OMICHELE D. GAINES
CITY CLERK



DANIEL M. NEE
INTERIM CITY ATTORNEY