

RESOLUTION NO. 15-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEBARY, FLORIDA ADOPTING NEW RULES AND REVISIONS GOVERNING CITY COUNCIL PROCEDURES AND POLICIES FOR QUASI-JUDICIAL PROCEEDINGS; PROVIDING SUPPLEMENTAL STANDARDS APPLICABLE TO QUASI-JUDICIAL PROCEEDINGS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Article IV, Section 4.12 of the Charter of the City of DeBary (the “City”), the City Council shall determine its own rules and order of business for City Council proceedings; and

WHEREAS, the City Council recognizes that established law provides that Council proceedings constitute a limited public forum, which is subject to reasonable limitations and regulations recognizing significant governmental interests including, but not limited to, proper decorum, the conducting of orderly and efficient meetings, controlling the City agenda and remaining on topic to the matters at issue, managing time, and preventing unreasonable interruptions and disruptions; and

WHEREAS, the City Council recognizes that certain decisions of the City Council are quasi-judicial in nature, and in such matters it may be a fundamental requirement that parties and interested persons in relation to such quasi-judicial proceedings be given an opportunity to be heard and otherwise be afforded procedural due process; and

WHEREAS, the City Council desires to maintain a professional and respectful decorum and provide for non-disruptive quasi-judicial proceedings in the interests of all parties involved, for the City to effectuate fair and orderly completion of City business, and to secure the just, speedy, and inexpensive determination of every quasi-judicial proceeding;

WHEREAS, the City Council desires to balance the freedom of speech and freedom of expression protections afforded by federal and Florida law with the significant governmental interests of the City relating to decorum, efficiency, and other matters effecting the City’s ability to conduct business and address quasi-judicial matters; and

WHEREAS, the City Council shall provide ample alternative channels to speakers who have had their speech curtailed or have been removed from quasi-judicial proceedings, which may include, but are not limited to, an opportunity to present the City Council with written or other documentary evidence that shall be made part of the record for that quasi-judicial proceeding upon the request of the speaker at the time the speaker is asked to be seated or is removed; and

WHEREAS, the City Council has determined it necessary to enact more exacting provisions in relation to quasi-judicial proceedings such that this Resolution shall control to the

extent of any conflict with any previously enacted City resolution relating generally to City Council public hearings or workshops;

WHEREAS, the City Council desires that the rules and procedures for certain quasi-judicial proceedings of the City be amended, clarified, and restated as provided herein.

IT IS HEREBY RESOLVED BY THE CITY OF DEBARY AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and accurate and are fully restated and incorporated herein.

SECTION 2. Order of Business. The City Council shall implement the following quasi-judicial process as a procedural guideline in the conduct of meetings wherein quasi-judicial decisions are required to be made by the City Council.

Order of Business:

- (1) Statement to the public outlining the quasi-judicial process and relevant rules of conduct and decorum of proceedings;
- (2) Swear in witnesses;
- (3) Disclosure of *ex parte* communications by City Council;
- (4) Presentation of proposal by City staff (10 minutes allotted);
- (5) Applicant's case (15 minutes allotted; all or any portion of the 15 minutes may be reserved for rebuttal);
- (6) Supporters / objectors / public participation comments (individuals are allowed 3 minutes each; groups are allowed 6 minutes per group). The City strongly recommends that a spokesperson is selected for all groups;
- (7) Applicant's rebuttal (10 minutes allotted for rebuttal plus any time reserved from Applicant's case as referenced in subparagraph (5) above);
- (8) Deliberations and questions among the City Council (questions and comments to the City staff, applicant, supporters, objectors, and public, as necessary and in the discretion of the City Council); and
- (9) Action by the City Council.

SECTION 3. Rules of Conduct and Decorum of Proceedings.

- (1) City quasi-judicial proceedings shall conform to the Public Input Standards set forth in Resolution No.: 15-20, including the Standards and Decorum provisions contained

therein, except as modified herein. All speakers are encouraged to review and conform to the standards set forth in this Resolution and Resolution No.: 15-20. Copies of this Resolution and Resolution No.: 15-20 shall be made available at all quasi-judicial proceedings upon request.

- (2) All speakers are encouraged to offer unique testimony, evidence, and perspectives on the quasi-judicial matter at issue and are otherwise discouraged from providing duplicative, irrelevant, or redundant testimony, evidence, or perspectives.
- (3) Notwithstanding the time limits outlined herein or otherwise previously announced or applied at any quasi-judicial proceeding, the Chair and City Council have the right to curtail a presentation if such presentation is determined to be duplicative, irrelevant, redundant, or is otherwise inappropriate or disruptive or not in the best interests of the orderly and efficient performance of City business. By way of example, but not limitation, inappropriate and disruptive conduct may include, but is not limited to, the use of profanities or vulgarities, the display of abusive behavior, engaging in personal attacks, or otherwise causing substantial disruption of the quasi-judicial proceeding in any manner or which may violate the rules of Resolution No.: 15-20. The Chair's decision may be appealed by members of the Council to the Council.
- (4) Depending upon the complexity of the matter, the time available for hearing, the number of persons wishing to speak, or any other factor found by the Chair to be in the best interests of the City, the Chair may extend, contract, or combine the time allotted to any or all of the participants at a quasi-judicial proceeding so as to ensure a full and fair hearing. Such extension or contraction may be made notwithstanding the time limits outlined herein or otherwise previously announced or applied at any quasi-judicial proceeding. Moreover, the Chair and City Council have the right to extend a presentation or grant additional time if additional information or clarification is desired. The Chair's decision may be appealed by members of the Council to the Council.
- (5) In the event a speaker's presentation or comments are curtailed due to a violation or violations of subparagraph (2), in accordance with section (4), subparagraph (2), the Chair and City Council shall accept and encourages submission of written statements and/or other documentation or evidence in the speaker's possession at the time the speaker's presentation or comments are curtailed, or the speaker is otherwise asked to be seated or is removed. Such documentation, written statements, or other evidence shall be made a part of the record of the quasi-judicial proceeding.

SECTION 4. Additional Procedures for Quasi-Judicial Proceedings.

- (1) At the beginning of the quasi-judicial proceeding, persons intending to present testimony during the quasi-judicial proceeding will be sworn so that their testimony will be under oath. Speakers are asked to complete in its entirety the Speaker Card prior to the commencement of the particular quasi-judicial proceeding. Speakers are also asked to initially state their names and addresses prior to giving any testimony or comments.

- (2) The submission of written statements and other documentation in lieu of or in addition to oral testimony is permitted and encouraged.
- (3) Persons speaking at the quasi-judicial proceeding and holding themselves out to be expert witnesses or substantially affected parties shall be sworn and will be subject to cross-examination as permitted by the City Council.

SECTION 5. Severability. If any portion, word, phrase, clause, or sentence of this Resolution is determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, then the balance of this Resolution shall remain in full force and effect.

SECTION 6. Conflicts. This Resolution shall be supplemental to Resolution No.: 15-20 relating to general rules and procedures for City Council public meetings and workshops, and this Resolution shall control to the extent of any conflict with Resolution No.: 15-20 in relation to quasi-judicial proceedings. Otherwise, this Resolution shall supersede any previous rules and order of business for City Council quasi-judicial proceedings adopted by the City Council.

SECTION 7. Effective Date. This Resolution shall take effect immediately.

ADOPTED this ____ day of _____, 2015.

**CITY COUNCIL
CITY OF DEBARY, FLORIDA**

Clint Johnson, Mayor

ATTEST:

Dan Parrott, Acting City Clerk