

# **DELRAY BEACH CITY COMMISSION**

## **Local Rules of Procedure and Quasi-Judicial Rules**



**ADOPTED IN REGULAR SESSION  
JULY 9, 2024**

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## Rules of Procedure

### I. Governing Rules.

It is the policy of the Commission of the City of Delray Beach, Florida (hereinafter “the Commission”) that these Rules of Procedure shall govern all official meetings of the Commission. The purpose of these rules is to provide for the efficient and orderly functioning of the business of the Commission; to protect the rights of each individual; to protect the right of the majority to decide; to protect the right of the minority to be heard; and to preserve the spirit of harmony within the Commission and those appearing before the Commission. No other rules shall apply. The ultimate determination of procedural matters shall rest with the Commission, subject to appeal as set forth in Section IV below.

### II. Meetings.

- A. **Meetings Open to the Public.** All meetings of the Commission shall be open to the public in accordance with Florida’s Government-in-the-Sunshine Law, Section 286.011, Florida Statutes, with the exception of those meetings statutorily exempt such as collective bargaining and litigation sessions.
- B. **Schedule.** A meeting schedule will be distributed following the Commission’s annual organizational meeting listing the dates of all anticipated meetings of the Commission. Meetings may be postponed or canceled by a motion approved at any Commission meeting by a majority of the members present.
- C. **Accessibility/Seating Capacity.** All meetings will be conducted in a building that is open and accessible to the public, unless otherwise designated by the Commission or required by events. Due to the need to comply with the fire code, there may be occasions when entrance by the public to the Commission Chambers or other meeting room is limited. To the extent possible, alternative seating arrangements may be made.
- D. **Regular Meetings.** Unless otherwise advertised, regular meetings of the Commission typically will commence at 5:00 p.m. on the first and third Tuesdays of each month<sup>1</sup>. There shall be no regular Commission meeting on the date of any City of Delray Beach (City) election, vote, or referendum. Any meeting required by law that would otherwise have been scheduled for such date shall be rescheduled on the Thursday immediately following the election at 4:00 p.m. at City Hall. In an election year, the second regular meeting during the month of March shall take place immediately after the annual organizational meeting and the swearing in of the new Commission. All regular Commission meetings shall be held in the Commission Chambers at City Hall, unless otherwise designated by the Commission or required by events. All meetings of the Commission shall end by 11:00 p.m., unless extended beyond 11:00 p.m. by a vote of the Commission. If the meeting is adjourned, any unfinished business shall be considered at a time and place set by the Commission.
- E. **Workshops.** Unless otherwise advertised, workshop meetings of the Commission typically

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<sup>1</sup> Effective June 1, 2024, regular meetings of the City Commission shall commence at 6:00 p.m.

will commence at 5:00 p.m. on the second Tuesdays of each month. Workshops are held to discuss items of special importance or complexity that require longer than usual staff presentation and Commission questions. Quarterly workshops will be held pursuant to requests made pursuant to Section 1.1.6 of the Land Development Regulations (LDR) to amend the text, graphics, maps, or other information adopted as part of the City's LDR. Presentations at workshops should be limited to ten (10) minutes unless additional time is allotted. These meetings are typically held on the second Tuesday of each month.

**F. Special Meetings.** A special meeting may be called by the Mayor or by a majority of the Commission in accordance with section 3.12 of City Charter of the City of Delray Beach. Whenever practicable, there shall be at least twelve (12) hours' notice of a special meeting to individual members of the Commission and to the public unless otherwise required by the City Charter. If after reasonable diligence, it was not possible to give notice to each Commissioner, or to allow 12 hours to elapse between the time the Clerk receives notice of the meeting and the time the meeting is held, such failure shall not affect the legality of the meeting if a quorum is in attendance. Reasonable public notice of the special meeting sufficient to comply with Section 286.011, Florida Statutes, shall be given. If a determination to hold a special meeting is reflected in the record of any Commission meeting, no additional notice is required unless otherwise mandated by Florida law.

**G. Emergency Meetings.** An emergency meeting of the Commission may be called by the Mayor or by a majority of the Commission whenever an emergency exists which requires immediate action by the Commission. Whenever an emergency meeting is called, the Clerk shall notify each member of the Commission in writing or verbally of the date, time and place of the meeting and the purpose for which it is called, and no other business shall be transacted. At least 12 hours shall elapse between the time the Clerk receives notice of the meeting and the time the meeting is to be held. If because of the nature of the emergency it is not possible to give notice to each Commissioner or it is impossible to allow 12 hours to elapse between the time the Clerk receives notice of the meeting and the time the meeting is held, such failure shall not affect the legality of the meeting if a quorum is in attendance. Reasonable public notice of any emergency meeting sufficient to comply with Section 286.011, Florida Statutes, shall be given.

**H. Public Hearings.** Public hearings shall be held as prescribed by law and may be held to receive public comments on matters of great public importance. Public hearings will commence at or as soon as possible after the advertised time. In no event will public hearings commence prior to the advertised time.

**I. Presentation Format.** As a general rule, the order of item presentation during most meetings of the Commission shall be as follows, subject to change depending on the item under consideration:

1. Chair<sup>1</sup> announces item
2. Staff presentation, if any

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<sup>1</sup> The use of the term "Chair" and "Mayor" mean one and the same throughout these rules, as does the term "Vice Chair" and "Vice Mayor."

3. Commission asks only questions of staff (no debate)
4. Public comment, if any
5. Public comment is closed
6. Commission discussion
7. Motion Made; Motion Seconded
8. Discussion on the Motion, if any; Amendments to the Motion, if any
9. Vote taken (no discussion/debate during vote)

**J. Minutes.** The City Clerk shall take accurate minutes of the proceedings of every meeting of the Commission, with the exception of statutorily closed sessions where no minutes are to be taken. Unless a reading of the minutes of a meeting is requested by a majority of the Commission, such minutes, when approved by the Commission and signed by the Chair and the Clerk, shall be considered approved without reading; provided that the Clerk delivered a copy thereof to each member of the Commission at least two full business days preceding the meeting. The minutes of prior meetings may be approved by a majority of the members present, and upon such approval, shall become the official minutes.

### **III. Order of Business.**

**A. Official Agenda.** There shall be an official agenda established by the City Manager for every meeting of the Commission, which shall set forth the order of business to be conducted at the meeting. The agenda format for a typical regular Commission meeting shall be substantially as follows:

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. AGENDA APPROVAL
  - a. Additions, Deletions, Substitutions
4. PRESENTATIONS
5. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC
6. CONSENT AGENDA
7. REGULAR AGENDA
8. PUBLIC HEARINGS/SECOND READINGS
9. FIRST READINGS
10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS
  - a. City Manager
  - b. City Attorney
  - c. Commission
11. ADJOURNMENT

\*Workshop and other meeting agendas shall be prepared by the City Manager in an appropriate format. The format for any Commission meeting, unless otherwise provided by law, may be revised by majority vote of the Commission without further action required.

**B. Preparation/Delivery of Agenda.** The City Manager shall prepare the agenda and make every effort to deliver a complete agenda to the Commission no later than 5:00 P.M. on the

Tuesday prior to the regular meeting. Agendas for special and emergency meetings and workshops will be distributed in as timely a manner as possible. The agenda, as well as lengthy reports and standard contracts that are part of the agenda's back-up documentation, shall be available for review by the public.

1. Although appropriate members of the City Attorney's Office and City Administration may place items on either workshop or regular agendas, all regular agendas shall be subject to review in advance by the Mayor prior to the publication, except that a majority of the members of the Commission may request that the City Manager place or remove an item on such regular agendas, and that all such regular agendas shall be further subject to the approval of the Commission preceding the conduct of business at each such meeting.
2. If any member of the Commission has a question or concern about an item from an agenda, any such request or inquiry shall be directed to the City Manager for disposition as opposed to any Commission member contacting any City officer or employee who is subject to the direction and supervision of the City Manager.

**C. Quorum.** A majority of the Commission shall constitute a quorum. If no quorum exists within fifteen (15) minutes after the time designated for the meeting of the Commission to commence or if a quorum is lost, the Mayor or the Vice Mayor or, in their absence, the Deputy Vice Mayor, shall adjourn the meeting. The names of the members present and the time of adjournment shall be recorded in the minutes by the Clerk.

**D. Roll Call.** If a quorum exists, the Mayor shall call the meeting to order. In the absence of the Mayor, the Vice Mayor shall call the meeting to order. If both are absent, the Deputy Vice Mayor shall call the meeting to order. Upon arrival of the Mayor or the Vice Mayor, the Deputy Vice Mayor shall relinquish the gavel upon conclusion of the business immediately before the Commission at that time. Before proceeding with the business of the Commission, the City Clerk shall call the roll of the members, and the names of those members present and absent shall be entered into the minutes.

**E. Agenda Approval.** Only items listed on the official agenda will be acted upon unless additional items are authorized by a majority of the Commission.

**F. Special Presentations.** This is the segment of the meeting where positive recognition is expressed. Proclamations, Certificates of Appreciation or Commendations are typically presented at the beginning of the meeting. A proclamation should always "proclaim" a day, week, or month as something specific. Certificates of Appreciation and Commendation should be done when honoring an individual or accomplishment. Whenever practical, the use of certificates is encouraged.

**G. Comments and Inquiries on Agenda and Non-Agenda Items from the Public.** Members of the public may address the Commission under "**Comments and Inquiries on Agenda and Non-Agenda Items from the Public,**" which is typically scheduled during regular meetings. Procedures for addressing the Commission are set forth in Section VII. below.

1. Any items received during the public comment portion of the agenda may, at the discretion of the Commission, be discussed by the Commission at the time of such presentation, may be directed by the Commission to the City Manager for action or resolution, or may be added to a subsequent agenda if a majority of the Commission so directs, either by consensus or by vote.

**H. Consent Agenda.** Consent Agenda items are typically routine in nature, non-controversial, do not deviate from past Commission direction or policy and do not require public discussion. They usually do not require Commission comment and are voted on as a group. Any item may be pulled by a Commissioner for discussion. Members of the public may speak to any consent item in accordance with Section VII below.

**I. Regular Agenda.** Items appearing on the Regular Agenda require Commission direction, a policy decision, or are otherwise of great significance necessitating separate attention and action. Items will be addressed individually in the order presented on the Agenda, unless reordered upon approval by a majority of the Commission. Items of great public interest that are assigned a time certain should not be considered until the designated time.

**J. Public Hearings.** Items that are not quasi-judicial in nature will be presented to the Commission for a maximum of ten (10) minutes in accordance with any requirements pursuant to State statute. Allowing additional time to the presenter is within the Chair's discretion based on a consensus of the Commission.

**K. First/Second Readings.** First Readings of City ordinances will comprise of the City Attorney reading the caption of the Ordinance followed by Commission discussion. No presentations will be made by applicants or by staff. Second Readings will include a presentation by staff and, if applicable, the applicant, public comment, and commission discussion. Presentations will be limited to a maximum of ten (10) minutes for staff and, if there is an applicant initiating the request, an additional 10 minutes will be afforded for their presentation. Allowing additional time is within the Chair's discretion based on a consensus of the Commission.

**L. "Add-on" Agenda Items.** In the event of an unforeseen, urgent or emergency situation (defined as significantly relevant to the health, safety or general welfare of the residents of Delray Beach), an item may be added to the Regular Agenda upon approval of the City Manager, bypassing the normal submittal and review process. The Commission should be given notice of any "add-on" agenda item as soon as possible prior to the scheduled Commission meeting.

**M. Case Settlements.** Any member of the public may comment on any proposed litigation settlement, during the "Comments and Inquiries on Agenda and Non-Agenda Items from the Public" portion of the agenda prior to the Commission's consideration of same. Case settlements appear on the Consent Agenda.

**N. Appointments.**

1. **Commission Appointments.** All appointments to advisory boards or committees, whose members are not subject to appointment by other entities, shall be made in



accordance with the following procedures, subject to any applicable restrictions by State Statute:

a. All vacancies subject to appointment to such advisory boards or committees shall be made on a nomination basis by each of the members of the Commission. This nomination shall be construed to be a Motion to Appoint. The Commission shall follow the voting requirements pursuant to Section 3.12 of the City's Charter. A Commissioner may defer his or her nomination for an appointment to the next scheduled regular Commission meeting. If a Commissioner is not ready to make his or her nomination for an appointment at the next scheduled regular meeting, regardless of whether the Commissioner is present or absent at the meeting, the nomination shall rotate to the next appropriate Commissioner. Under no circumstances may a Commissioner nomination for an appointment be delayed for more than two consecutive regular Commission meetings.

b. The rotation system shall be by numbered Commission seat and insofar as possible, each Commission seat shall be assigned an equal number of initial appointments from the date of adoption of these rules, i.e.:

Commission A - Order of Rotation: Seat 1, Seat 2, Seat 3, Seat 4, Seat 5

Commission B - Order of Rotation: Seat 2, Seat 3, Seat 4, Seat 5, Seat 1

Commission C - Order of Rotation: Seat 3, Seat 4, Seat 5, Seat 1, Seat 2

c. A separate rotation list shall be established by the City Clerk's office for each advisory board or committee, and the City Clerk's office shall maintain records of the rotation list, the status of same, and the nominations made by each Commissioner.

d. In the event that there is only one available applicant for a nomination, the Commissioner making the nomination will be afforded the next opportunity for appointment to the same board.

e. In the event that an individual, duly nominated and appointed to an advisory board or committee by a Commissioner at a Commission meeting, is unable to accept or declines the appointment, for whatever reason, then the Commissioner who appointed the individual unable to serve shall have the opportunity to nominate a replacement appointee to fill the vacancy before the nomination ability passes to the next Commissioner on the rotation system. Such replacement nomination by the Commissioner shall be made no later than the second consecutive regular meeting subsequent to the meeting at which the declined appointment was made. If the replacement nomination is not made within this time frame, then the ability to nominate shall pass to the next Commissioner on the rotation system.

f. Appointments for vacancies occurring on a Commission wherein a particular member has, for whatever reason, not fulfilled their entire term of membership on that particular advisory board or committee, shall be able to

complete the unexpired term only, unless the unexpired term is for a period of time less than six (6) months. In that event, the appointed member shall then be allowed to serve the following full regular term without reappointment.

- g. No application for appointment shall be considered for a current board member whose term has not yet expired.

**O. Commissioner Comments.** The purpose of Commissioner Comments is to promote the public discussion of matters relating to City business and to encourage the dissemination of information. Commissioners seeking consensus on a matter relating to City business shall submit reports and information to the City Clerk prior to publication of the agenda. Commissioners may also request the preparation of proclamations, resolutions, ordinances, reports, and other actions of the Commission during this portion of the agenda, subject to majority consensus. All such requests shall be referred to the City Manager or the City Attorney, as appropriate. Official actions may be taken under comments in the case of an emergency or for other situations necessitating immediate action as may be determined by a majority of the Commission.

#### **IV. Rules of Debate.**

This section sets forth the rules of debate to maintain decorum, the various motions available for use by the Commission, and related matters. The general parliamentary procedure to be followed by the Commission of the City of Delray Beach, Florida, except as otherwise modified by the Commission or as modified or amended herein, shall be in accordance with the rules of parliamentary procedures entitled "Robert's Rules of Order", being the reprint of the 1907 edition.

- A. Decorum.** Every member of the Commission has a right to speak in the debate and shall always be recognized by the Chair. Non-member recognition shall be at the Chair's discretion.
- B. As to the Chair.** Upon passing the gavel, the Chair or other presiding member of the Commission may move or second a motion.
- C. Point of Order.** Any member who believes that a breach of the rules has occurred has a right to call immediate attention to the matter by raising a "point of order." A point of order (1) may interrupt a speaker who has the floor; (2) does not need to be seconded; (3) is not debatable; and (4) is decided by the Chair. By motion and second, a decision of the Chair on a point of order may be appealed to the Commission and, without debate, the Chair shall submit to the Commission the question, "Shall the decision of the Chair be sustained?" and the Commission shall decide by a majority vote.
- D. Motion to Reconsider.** An action of the Commission may be reconsidered at the same meeting or the very next regular meeting. A motion to reconsider can only be made by a member who voted on the prevailing side of the motion, and is debatable. Such motion shall not be entertained: (1) if the approved action has been partially or fully carried out; (2) if a contract, when the party to the contract has been notified of the outcome; (3) if an ordinance or other action taken after a required public hearing; or (4) if the vote has caused something to be done that is impossible to undo. Adoption of a motion to reconsider shall

rescind the original action; therefore a new motion, second, and vote is required to take formal action on the item, if desired, and shall take place at a future meeting. If a motion to reconsider is not brought forward in a timely manner, yet a Commissioner would like to revisit the issue, the item may be placed on a future agenda provided that (1) new information has been discovered that if known at the time of the original vote, the outcome may have been different; (2) a majority of the Commission approves; and (3) none of the instances set forth above that would prohibit a motion to reconsider exist. In order to promote efficiency and finality, only one motion to reconsider may be made on an action item.

**E. Amended Motion.** A member may amend a motion if he/she is not in agreement with the motion on the floor. This motion is debatable.

**F. Motion to Postpone.** If a member would like to defer consideration of a matter, a motion to postpone is in order, which shall include a time and date certain to continue the discussion no later than 60 days from the date the motion is made. When postponing an advertised public hearing, a time and date certain must be included in the motion. This motion is debatable. In order to promote efficiency and finality, only one motion to postpone may be made on an action item.

**G. Adjournment.** No motion is required to end the meeting. The Chair declares the meeting adjourned without objection.

## V. Quasi-Judicial Hearings.

This section sets forth the rules for proceedings where existing policies and regulations are applied to a specific property and/or individual. Examples are site specific rezonings, conditional use approvals, site plan approvals, waivers, variances, code compliance hearings, certificates of appropriateness, and historic designations, but not land use amendments or amendments to the comprehensive plan and not generally, amendments to the Land Development Regulations. Plat approvals are administrative.

### A. Definitions.

1. **Applicant** - the owner of record and/or his or her authorized agent(s).
2. **Citizen Participants/Witnesses** - those members of the public, other than the City or the Applicant, who attend a quasi-judicial public hearing for the purpose of being heard on a particular application.
3. **Competent and Substantial Evidence** - Substantial evidence has been described as such evidence as will establish a substantial basis of fact from which the fact at issue can be reasonably inferred. When the adjective competent is used to modify "substantial" the evidence relied upon to sustain the ultimate finding must be sufficiently relevant and material that a reasonable mind would accept it as adequate to support a conclusion. *DeGroot v. Sheffield*, 95 So.2d 912 (Fla. 1957).
4. **Ex Parte** - communications, oral or written, between members serving on the board or commission and the public, other than those made on the record at the hearing. This also includes site visits and any other information related to the application that has been obtained outside of the public hearing.

5. **Party** – In accordance with *Carillon Community Residential, etc., et al. v. Seminole County, et al.*, 45 So.3d 7 (Fla. 5th DCA 2010), “...the parties in all quasi-judicial proceedings are the applicant and the government agency.” The parties in quasi-judicial proceedings conducted by the City of Delray Beach are the applicable city board or commission and the party.
6. **Project File** - The Planning and Zoning Department shall establish and maintain a project file. All written communications shall be sent to the Planning and Zoning Department. The project file will contain all written communications sent to the Planning and Zoning Department prior to and, if applicable, during the hearing. The project file will include, but will not be limited to, all staff reports, pertinent sections of the Land Development Regulations and Comprehensive Plan. The project file may contain curricula vitae, drawings, documents and all other pertinent documents. The project file shall be made available for inspection upon request.
7. **Relevant Evidence** – Evidence that either strengthens or weakens the application by supporting or disapproving factual assertions related to the application. Evidence must also be competent and substantial.

#### **B. Time Limits.**

1. **Applicant.** The applicant (or his/her representative or counsel) shall have a maximum of fifteen (15) minutes to make their full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Commission.
2. **City staff.** A representative of the City’s staff shall have a maximum of fifteen (15) minutes to make their full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Commission.
3. **Citizen Participants in General.** Citizen participants not represented by a representative speaker shall have three (3) minutes to speak.
4. **Participants with a Representative.** Speakers representing a group of six (6) or more interested citizens in attendance at the meeting shall have six (6) minutes to speak, so long as those being represented identify themselves and yield their time to the representative at the meeting.
5. **Representing an Organization.** Speakers representing an organization that is comprised of interested citizens shall have six (6) minutes to speak.
6. **Rebuttal.** The Applicant and City staff shall each have a maximum of three (3) minutes for rebuttal.
7. **Extension of Time by the Commission or Board.** The Commission or the Board may, at their reasonable discretion, extend the time for presentations. However, once the public portion of the hearing is closed no further public comment shall be heard except for any cross-examination conducted by the Commission or Board or the Applicant.

#### **C. Conduct of the Hearing.**

1. **Testimony Under Oath.** The Applicant, all Citizen Participants/Witnesses and their representatives, and City Staff who plan to offer testimony or submit evidence at the hearing shall collectively be sworn at the beginning of the hearing by the City Clerk, the City Clerk's designee, or the Board clerk.
2. The Planning and Zoning Staff member making the presentation shall place the project file into the record.
3. **Disclosure of Ex Parte Communications.** The Commission or Board shall disclose any ex parte communications and disclose whether any member physically inspected the property. To the extent possible, the Commissioner or Board member shall identify with whom the communication took place, summarize the substance of the communication, and the date of the site visit, if any. The Commissioners or Board members shall give the City Clerk, his or her designee, or Board clerk, any written ex parte communications they have received that are not already included in the project file.
4. **Presentation of the Case.**
  - (a) The Applicant shall present its case.
  - (b) The City Staff shall present its case.
  - (c) The public portion of the hearing shall be opened and testimony from Citizen participants or their representatives may be taken, both for and against the application.
  - (d) The parties shall have the opportunity to cross-examine Citizen Participants/Witnesses after the presentation of a witness, and the manner and the conduct of cross-examination shall be as provided in these rules. The public portion of the hearing shall be closed and no additional testimony shall be taken from or questions posed to Citizen Participants/Witnesses.
  - (e) The parties may respond to any statements or evidence already presented, also known as rebuttal testimony.
  - (f) The Commission or Board may ask questions of the Applicant or City Staff at any time during the proceeding.
  - (g) The Commission or Board will commence deliberations and render a decision.

**D. Cross-examination.**

1. **Persons to be Cross-Examined.** The City Staff, the Applicant, and Citizen Participants/Witnesses are subject to cross-examination as set forth herein.
2. **Cross-Examination Guidelines.**
  - (a) Anyone who offers testimony or submits evidence which is accepted into the record for consideration by the Commission or Board may be cross-examined by the parties. The Commission or Board shall have to opportunity to cross-examine any witness first and then the Applicant. Cross-examination may continue until the parties have exhausted their inquiries.
  - (b) Only the parties (the Applicant and the City) may cross-examine.

- (c) Cross-examination shall be limited to two (2) minutes. The Chair, via a consensus of the Commission, may enlarge the time period allowed for cross-examination when necessary to ensure due process is provided.
  - (d) The Commission or Board may ask questions of anyone who testifies at any time during the proceedings.
3. **Relevancy.** All relevant evidence shall be accepted.
  4. **Scope.** The scope of the cross-examination shall be limited to the facts alleged by the person testifying in relation to the application.
  5. **Good Faith Questions.** The cross-examination shall not be designed to merely harass, intimidate, or embarrass the person testifying.
  6. **Power to Halt Cross Examination.** The Mayor or Board Chair shall determine whether the question and evidence is relevant and the proper scope of cross-examination. In the absence of the Mayor or Board Chair, the term Mayor or Board Chair shall be deemed to include the person authorized to run the meeting in their absence. The Mayor or Board Chair may defer to the City Attorney (or Assistant City Attorney) to determine the relevancy of the question and the evidence and the proper scope of the cross-examination. The person conducting the cross-examination may be stopped from pursuing a line of questioning, if the questioning is on an issue that is not relevant, the scope of proper cross examination is exceeded, or the cross-examination is conducted in a manner that is designed to harass, intimidate, or embarrass the person being cross-examined. If a person conducting the cross-examination continues to pursue improper lines of questioning, the Mayor or Board Chair may halt the cross-examination.
- E. Basis of Decision.** All decisions shall be based on the record evidence presented at the hearing on the case, which shall include the agenda materials, minutes, the entire project file, testimony presented, and other evidence presented. Strict rules of evidence shall not apply, but evidence must be relevant to the issues before the Commission or the Board and be of sufficient quality to be deemed both competent and substantial.
- F. Applicability.** These rules only apply to proceedings and hearings that are quasi-judicial in nature. These rules are applicable to the City Commission and all other City Boards.

## **VI. Voting.**

- A. Motions.** Motions require a majority vote of those members present for passage. If a supermajority vote is required, the motion must receive an affirmative vote of a majority of those present and voting, plus one, unless otherwise required by charter, special or general law, or ordinance. Final action on a pending motion may be postponed in accordance with paragraph IV. F, above.
- B. Method.** Voting shall be by voice vote on all matters except matters that require a supermajority, or upon call of any member of the City Commission in which case the vote will be by roll call. The Chair shall call for the vote and announce the results, which will be recorded by the Clerk. Every member who is in the Commission Chambers must vote, unless the member has publicly stated that he/she is abstaining from voting due to a conflict of interest pursuant to Sections 112.3143 or 286.012, Florida Statutes. (See "C. Voting

Conflict.”) A Commissioner’s silence will be counted as an “aye” vote.

1. The roll call shall be on a rotating basis and according to the numbered Commission seats, i.e.:

Motion A - Order of rotation: Seat 1, Seat 2, Seat 3, Seat 4, Seat 5

Motion B - Order of rotation: Seat 2, Seat 3, Seat 4, Seat 5, Seat 1

Motion C - Order of rotation: Seat 3, Seat 4, Seat 5, Seat 1, Seat 2, etc.

- C. Voting Conflict.** No Commissioner shall vote on a matter when the Commissioner has a voting conflict pursuant to Sections 112.3143 or 286.011, Florida Statutes. Further, in accordance with the Palm Beach County Code of Ethics, any Commissioner with a conflict shall not participate in the discussion of the item. The abstaining member shall comply with the requirements of the referenced state law as applicable, including the filing of Form 8B “Memorandum of Voting Conflict” with the Clerk within ten (10) days of the meeting at which the conflict was declared. A copy of Form 8B shall also be filed with the City Clerk.
- D. Vote Change.** Any Commissioner may change his/her vote before the next item is called for consideration.
- E. Tie Vote.** A tie vote shall result in the failure of the motion; however, there is no prevailing side for the purposes of a Motion to Reconsider. In the event of a tie vote, a motion to deny the item shall be made and approved by the majority of the Commission.

## **VII. Public Participation in City Government.**

- A. Notice Regarding Disruptive Behavior.** A speaker may present their viewpoint in this limited public forum without using terminology or gestures that cause a disruptive environment for public officials in the discharge of their duties or cause a disruptive environment hostile to the participation of other members of the public. Any person violating the rules of decorum as described herein or otherwise displaying disruptive behavior such as shouting, noisemaking, issuing threats, harassing or intimidating members of the public, interfering with the duties of elected or appointed officials and City staff during a public meeting, or otherwise disrupting the proceedings may be removed from the Commission Chambers pursuant to law. A speaker violating these rules of decorum may be gavelled out of order by the Chair, and if the speaker willfully refuses to abide by the lawful order of the Chair to cease and desist all disruptive behavior, the speaker may be removed for disrupting a public assembly pursuant to Section 871.01, Florida Statutes.
- B. Citizen Input.** The Commission recognizes the important right of all citizens to express their opinions on the operation of City government and encourages citizen participation in the local government process. The Commission also recognizes the necessity for conducting orderly and efficient meetings so that City business may be completed efficiently, effectively, and timely. Members of the public wishing to speak at Commission meetings shall comply with the procedures set forth below.
- C. Accessibility.** All persons with disabilities shall be provided reasonable assistance to enable them to effectively participate in Commission meetings.

- D. Civility.** All public comments and any multimedia shown or material distributed shall avoid personal attacks, abusive language, and redundancy. The Chair may curtail repetitious comments. No person attending a Commission meeting is to harass, or otherwise disturb any other person in the room. Any person making impertinent or slanderous remarks or whose behavior is disruptive shall be subject to removal from the Commission Chambers by law enforcement, or such other action as may be appropriate, and barred from making any additional comments during the meeting by the Chair, unless permission to continue or again address the Commission is granted by a majority vote of the Commission members present.
- E. Relevancy.** Comments shall be limited to the subject being considered by the Commission. Comments during “Comments and Inquiries on Agenda and Non-Agenda Items from the Public” should be directed to City issues. Comments on any matter appearing on the agenda the same day are to be made at the time the item is considered under the Regular Agenda and not under “Comments and Inquiries on Agenda and Non-Agenda Items from the Public.”
- F. Manner.** Each person addressing the Commission shall step up to the podium and give his/her name and address for the record. No person other than a member of the Commission and the person having the floor shall be permitted to enter into any discussion without the permission of the Chair. All remarks shall be addressed to the Commission as a body and not to any individual member or the audience. Commissioners may ask questions of the speaker after his/her uninterrupted comments have been made. No question shall be directed to a Commissioner or staff except through the Chair. No persons other than members of the Commission, City staff, individuals participating in an agenda item presentation at the staff table, or persons authorized by the Chair, are allowed beyond the podiums.
- G. Allotted Time.** Each member of the public shall be granted three (3) minutes to speak on agenda or non-agenda items at regular Commission meetings. Public comment on quasi-judicial items and items that have been set for a formal public hearing shall only be allowed when those items are specifically heard by the Commission. Allowing the use of a speaker’s time by another individual is within the Chair’s discretion. In the event more than twenty (20) people indicate their desire to speak on the same or a related subject, the Chair, by consensus of the Commission, may establish a maximum time limit, not to exceed one hour, for public comments.
1. **Citizen Participants in General.** Citizen participants not represented by a representative speaker shall have three (3) minutes to speak.
  2. **Participants with a Representative.** Speakers representing a group of six (6) or more interested citizens in attendance at the meeting shall have six (6) minutes to speak, so long as those being represented identify themselves and yield their time to the representative at the meeting.
  3. **Representing an Organization.** Speakers representing an organization that is comprised of interested citizens shall have six (6) minutes to speak.
  4. **Extension of Time by the Commission.** The Commission may, at their reasonable discretion, extend the time for presentations. However, once



the public portion of the hearing is closed no further public comment shall be heard except for any cross-examination conducted by the City staff or the Applicant.

- H. Lobbyists.** Any person defined as a “lobbyist” under the Palm Beach County Lobbyist Registration Ordinance shall register before addressing the Commission unless an exception set forth in the ordinance applies.
- I. Consent Agenda.** Prior to Commission approval of the Consent Agenda, public comment will be accepted.
- J. Dissemination of Information/Use of Multimedia.** Any member of the public desiring to submit information to the Commission relevant to the item may do so only when they are at the podium and recognized to speak. No motion to receive and file any submission by the public is necessary to make same a part of the record. Due to time constraints, there shall be no expectation that the Commission will read any information submitted at a meeting. Early submission of information relevant to an item appearing for Commission consideration is encouraged. The public is authorized to use multimedia supportive of their comments. Multimedia is to be submitted to the City Clerk at least one (1) working day prior to the Commission meeting.
- K. Employees.** Employees of the City have every right as any other member of the public to address the Commission. However, comments pertaining to an active grievance, arbitration, or other personnel dispute are not appropriate for this forum.

## **VIII. City Commission.**

- A. Designation as Vice Mayor/Deputy Vice Mayor.** The Vice Mayor and Deputy Vice Mayor shall be selected annually from and by the members of the Commission at the organizational meeting. The Commission shall select from the Commissioners, other than the Mayor, a Vice Mayor and Deputy Vice Mayor.
- B. Mayor/Vice Mayor Duties.** The Mayor presides over Commission meetings and is recognized as the ceremonial dignitary who serves as the City’s official representative. The Mayor’s responsibilities include, but are not limited to, the following:
  - 1. Calling the meeting to order after ascertaining that a quorum is present.
  - 2. Preserving order and deciding points of order.
  - 3. Expediting business in a way that is compatible with the rights of members of the Commission.
  - 4. Executing documents as provided in paragraph D, below.
  - 5. Declaring the meeting adjourned.

The Vice Mayor acts in the absence of the Mayor or, in the event of his/her inability to serve by reason of illness or accident, shall perform the duties and functions of the Mayor until his/her return.

- C. Vice Mayor/Deputy Vice Mayor Election; Term of Office.** The term of the Vice Mayor and Deputy Vice Mayor shall serve in their respective capacities at the pleasure of the

Commission until the organizational meeting for the Commission of the following year. It is the intent of the Commission to allow each member of the Commission to serve in the capacity of Vice Mayor and Deputy Vice Mayor one time during their 3-year term. The election process shall be as follows:

1. The Mayor calls for nominations for the Vice Mayor's election and thereafter for the Deputy Vice Mayor's election.
2. Nominations are made and a second is required.
3. The Clerk calls for a vote.

**D. Signature by the Mayor.** Generally, all items approved by the Commission will be hand delivered to the Mayor's office for signature. When the items have been signed, the documents will be released only to the City Clerk to be attested, sealed and distributed. The Vice Mayor, if available, shall execute items if the Mayor is unavailable. If the Mayor and Vice Mayor are not available, and there is a need to obtain an immediate signature, the Deputy Vice Mayor may sign a document. Strict adherence to this procedure is necessary to ensure the integrity of the documents and particularly to expedite handling those items with time constraints.

**E. Newly Elected Commissioners.** The term of City Commissioners elected to office shall commence on the last Thursday following the municipal election as specified in Section 3.04 of the City Charter. A swearing-in ceremony for newly elected commissioners will be coordinated by the City Manager. An orientation program for all new Commissioners will be provided by the City Manager and the City Attorney.

## **IX. General Provisions.**

**A. Commissioner Attendance by Telephone.** There may be times when a Commissioner is physically unable to attend a Commission meeting. If a majority of the members of the Commission present in the Commission Chambers determines that extraordinary circumstances exist to justify the absence of a Commissioner from a meeting, the Commission may allow the absent Commissioner to participate by telephone conference or other interactive electronic technology. The determination of whether an extraordinary circumstance exists is left to the Commission's good judgment. A physical quorum must be established before a determination can be made concerning participation by the absent Commissioner. In instances in which the physically absent Commissioner participates in a meeting, the Commissioner shall be allowed to cast his/her vote.

**B. Commissioner Decorum and Civility.** It is expressly understood and valued by the Commission that all issues brought before the Commission are fairly debated and discussed with full participation from the public and City staff. All decisions of the Commission are decided by the majority and will be respected. With that understanding, all members of the Commission must strive to unify the Commission and support the decisions of the collective body.

1. During meetings, Commissioners shall:
  - a. treat each other, City staff, and members of the public with dignity,

- courtesy, and respect; and
  - b. encourage and/or ensure that the public treats the Commission, City staff, and members of the public with dignity, courtesy, and respect; and
  - c. maintain confidentiality of closed-door sessions; and
  - d. be attentive; and
  - e. encourage diverse viewpoints; and
  - f. promote discussion and resolution.
2. After adjournment, Commissioners shall support their colleagues and support the decisions of the Board.
  3. Communications sent in an official capacity containing the personal views of a commissioner must include the following disclaimer in a conspicuous location: “The opinions reflected herein belong to the author and do not reflect City of Delray Beach policy.”

**C. Code of Conduct.** The Commission upon appointment or election, shall submit a signed statement to be provided by the City Clerk acknowledging that they have received, read, understand, and agree to be bound by the City Commission Code of Conduct. If any Commissioner violates the following Code of Conduct, they will be subject to censure or reprimand, by a majority vote of the remaining members of the Commission. In furtherance of the public trust assumed by public officers of the City upon their election or appointment to public office, the Commission shall commit to the following:

1. I shall demonstrate dignity, respect, and courtesy toward those with whom I am in contact in my capacity as a member of the City Commission and will refrain from intimidation and ridicule of fellow City Commissioners, the City Manager, City Attorney, staff, and residents of the City.
2. I will refrain from using inappropriate language including statements that are malicious, threatening, slanderous, disparaging, mean-spirited, vulgar or abusive. All disagreements, concerns or criticisms shall be framed in language that is in keeping with the dignity and professionalism of an elected official.
3. I shall be dedicated to the highest ideals of honor and integrity in all public and personal relationships and shall conduct myself in a manner which maintains and promotes public confidence in City government.
4. I pledge to use my best efforts to keep the community informed on the affairs of City government, emphasize and practice friendly and courteous service to the public and seek to improve the quality and image of public service.
5. I pledge to be honest, fair, and respectful to others in performing my duties and agree to refrain from and avoid conduct creating an appearance of impropriety or which is otherwise unbecoming a public officer, including but not limited to making false accusations or personal attacks against

another public officer or behaving in a rancorous or contentious manner.

6. I shall not use the provisions of this Code of Conduct to further frivolous claims against one of my colleagues. Frivolous claims shall be those forwarded with knowledge that the claim contains one or more false allegations or those made with reckless disregard as to whether the complaint or claim contains false allegations of fact material to a violation of this Code of Conduct.
7. I shall not knowingly violate any federal, state, or local law, rule or regulation.

**D. Ethical Conduct.** Officials of the City of Delray Beach are subject to the provisions of the Palm Beach County Code of Ethics in addition to any and all state and federal laws governing ethical conduct of officials as well as all local laws, rules, regulations and policies. No Commissioner shall participate in any activity on behalf of the City of Delray Beach that:

1. Promotes or exhibits hate, bias, discrimination;
2. Violates any federal or state local law, regulation, policy, or standard.

**E. Emails, Text Messages, Social Media Posts, and Other Electronic Records.** Florida Statute Chapter 119 defines emails, text messages, and social media posts as public records if they are made or received in connection with official business and intended to perpetuate, communicate, or formalize knowledge. Consequently, the City has a duty to store and archive these electronic records and members of the Commission shall conform to the following practices.

1. **Email Communications.** Commissioners shall use their City-issued email for sending and receiving emails made or received in connection with official City business as defined above. If an email is sent to a commissioner's private email, the commissioner shall promptly forward the email to their City-issued email address.
2. **Text Communications.** Commissioners that receive text messages made or received in connection with official City business as defined above shall forward the message to their City-issued email address.
3. **Social Media Posts.** The City of Delray Beach encourages the use of social media to promote transparency and efficiency in its communications to the public. While the State of Florida has a broad public records law, some information in City records is confidential or subject to privileges or exemption under Chapter 119 and shall not be conveyed through social media platforms. Examples include, but are not limited to, attorney-client privileged information, records pertaining to pending litigation, personal information of City of Delray Beach employees not subject to disclosure pursuant to the Public Records Act. Comments on a social media platforms about City matters or issues shall include a disclaimer that the opinion or

statement expressed therein are those of the commissioner and are not representations of the City of Delray Beach or its Commission.

- F. Commission Member Representation at Other Meetings.** The Mayor or his/her designee will represent the Commission at meetings, conferences or other occasions involving other governmental entities, agencies, officials or groups, or nongovernmental organizations, departments, agencies or officials, and report back to the Commission anything of significance. The Commission may designate another member to represent the Commission. The Mayor or his/her designee shall have no power to act for or on behalf of the Commission or the City, unless previously authorized to do so.
  
- G. Amendment, Suspension, and Construction of Rules.** Any amendment of these rules shall be in accordance with the Florida law or the City Charter as may be applicable. The Commission may temporarily suspend any rule during a meeting with an affirmative vote of a majority of the Commission. These rules are for the efficient and orderly conduct of Commission business only; no violation of such rules shall invalidate any action of the Commission when approved by a majority vote.
  
- H. Effective Date.** These rules shall go into effect immediately upon adoption subject to any changes to the Code of Ordinances as referenced herein and shall supersede all other rules previously adopted by the Commission.

*Amended July 6, 2024*  
*Effective July 9, 2024*

## Exhibit A

### QUASI-JUDICIAL HEARING INTRODUCTION

This hearing shall be conducted in accordance with quasi-judicial rules. The Applicant and the City shall be allowed 15 minutes each to present their case. The Public shall be allowed to speak for 3 minutes each or a maximum of 6 minutes if the person represents an organization or a group of people who are present but agree not to speak. The City Commission/Staff and the Applicant may be allowed to cross-examine a witness. The City or the Applicant will be allowed to offer rebuttal testimony.

The decision to approve or deny an application or appeal may not legally be made upon personal views as to whether a project is a good project or not, nor may a decision be based on the numbers of citizens who support or oppose a particular project. The law requires that all decision must be made on the basis of whether the project meets the requirements of law, the Comprehensive Plan, and the Land Development Regulations.

### SUMMARY OF QUASI-JUDICIAL PROCESS

1. Swear in Witnesses.
2. Enter Project File into the Record.
3. Disclosure of Ex-Parte Communication by City Commissioners.
4. Presentation of the Case.
  - a. The Applicant shall present its case, including witnesses.
  - b. City staff shall present its case, including witnesses.
  - c. Members of the public may speak for or against subject to the time limitations in Section VI(A), supra.
5. Cross examination and/or Rebuttal will be allowed after public comment. City Commission/Staff and the Applicant shall be allowed to cross examine anyone who testified during the hearing.
6. Discussion by the Commission.