

RESOLUTION 2010-11

A RESOLUTION OF THE CITY OF ST. PETE BEACH CITY COMMISSION ADOPTING PROCEDURES TO BE USED DURING QUASI-JUDICIAL PROCEEDINGS

Whereas, procedures are necessary for the conduct of public hearings for quasi-judicial proceedings:

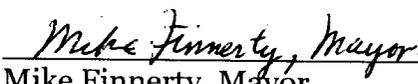
The following procedures will apply to quasi-judicial proceedings of the City Commission and all Boards and Committees:

1. TESTIMONY. Witnesses and speakers are not required to be sworn.
2. IDENTIFICATION OF SUBSTANTIALLY AFFECTED PARTIES. Persons other than the City or the Applicant, who wish to have Party status, may obtain such Party status as Substantially Affected Parties. Substantially Affected Parties must identify themselves by requesting recognition as such from the City Commission or Board and receive such Party status from the City Commission or Board prior to the commencement of the Initial Presentations.
3. QUESTIONS BY BOARD OF COMMISSION. Board or Commission members may ask questions of any speaker or party only after the presentation by the party.
4. INITIAL PRESENTATIONS. Each party shall be allowed ten (10) minutes for their initial presentation. The parties are the City, the Applicant and Substantially Affected Parties (in the aggregate). The order of presentation will be as follows:
 - a. Presentation by City Administration
 - b. Presentation by Applicant. In connection with land use and zoning ordinances where the City is the Applicant, the land owner(s) shall be given the time normally reserved for the Applicant.
 - c. Presentation by Substantially Affected Parties. Substantially Affected Parties will be limited in the aggregate to ten (10) minutes.
5. PUBLIC HEARING. A Public Hearing will be conducted during which anyone may speak for three (3) minutes. Speakers are required to come to the podium and speak their name and address into the microphone. Speakers shall fill out a speaker form and provide it to the City Clerk. Speakers should limit their testimony to information relevant to the matter under consideration and criteria for review. A person who speaks during the Public Hearing portion of the proceedings and is not part of the presentation by the Applicant, Substantially Affected Parties or the City is not subject to cross examination and may not utilize cross examination.
6. CROSS EXAMINATION. Each Party will be allowed five (5) minutes for cross examination. Therefore, all substantially Affected Parties will be limited in the aggregate to five (5) minutes. All questions shall be addressed to the Mayor, Vice Mayor or Chair and asked

either by the Mayor, Vice Mayor or Chair. Only one (1) representative of each party shall conduct all cross examination by posing questions to the presiding officer to be asked of the person being cross examined. If more than one party is recognized as a Substantially Affected Party, then each party so recognized may utilize cross examination.

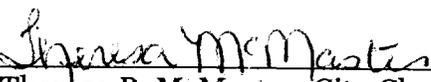
7. ORDER OF CROSS EXAMINATION. The order of cross examination will be as follows:
 - a. Cross examination by Substantially Affected Parties
 - b. Cross examination by City Administration
 - c. Cross examination by Applicant
8. REBUTTAL/CLOSING. Each party shall have five (5) minutes to provide a closing argument or rebuttal. The order of rebuttal will be as follows:
 - a. Rebuttal by Substantially Affected Parties. Substantially Affected Parties shall be limited in the aggregate to Five (5) minutes.
 - b. Rebuttal by City Administration
 - c. Rebuttal by Applicant
9. DOCUMENTARY EVIDENCE. All documentary evidence shall be submitted prior to the day of the hearing. The Commission or Board shall not consider documentation submitted outside of these requirements provided that the Mayor or Chair may waive this rule for good cause and if waiver will not prejudice any other party.
10. TIME ALLOWED. Where warranted by the number of Substantially Affected Parties or by other factors, the City Commission or Board may extend time allowed for any portion of the proceeding, provided that all parties will be treated equally in the allocation of time. Therefore, for example, if the time for cross examination is extended for Substantially Affected Parties, then it will be extended in like manner for the other parties.
11. FINAL ORDER. Except for ordinances which fail to obtain the necessary vote for final adoption, all final decisions of the Commission or Board shall be in the form of a written order, which shall include an effective date. The Mayor, Vice Mayor or Chair shall sign the order on or before fourteen (14) days from the date of the final decision. The Commission or Board is not required to make written findings of fact in support of its decision.

RESOLVED AND DONE, this 9th Day of March, 2010 by the Board of Commissioners of the City of St. Pete Beach, Pinellas County, Florida.



Mike Finnerty, Mayor

ATTEST:



Theresa B. McMaster, City Clerk