

**RULES OF PROCEDURES FOR QUASI-JUDICIAL
VIRTUAL MEETINGS
OF THE CORAL GABLES CITY COMMISSION AND
QUASI-JUDICIAL BOARDS**

(CORONAVIRUS/COVID-19)



These rules are adopted in accordance with the Florida Governor’s Executive Order 20-69, Florida Statutes Chapter 252, and § 120.54(5)(b)(2) in order to provide for quasi-judicial virtual meetings of the City Commission and quasi-judicial city boards. Each quasi-judicial board may adopt more detailed rules to address concerns unique to that board. This action is taken in response to the Coronavirus/COVID-19 pandemic, in order to comply with social distancing recommendations intended to protect the life and safety of individuals in the community, while ensuring that quasi-judicial matters may be heard where doing so is required by law, doing so will avoid further delays that may be detrimental to the City, the item has been previously deferred more than two (2) times, the item involves an educational institution, hospital/healthcare center, or governmental institution, building, or public works projects, or doing so is required to protect the rights of a party. Accordingly, City Hall (and other meeting spaces where quasi-judicial meeting may be held) will be closed to the public except as provided below.

PLATFORM:

The video conference platform Zoom will be used for virtual quasi-judicial meeting. The City already has a subscription with Zoom, it is the platform used by the City Clerk for live remote public comments during traditional City Commission meetings, and it is the platform used by the City Commission for virtual City Commission meetings in accordance with the Rules of Procedure adopted in Resolution No. 2020-074. In accordance with Sections 2-28 and 2-55 of the City Code, the Mayor, as Chair of the City Commission, or the respective Chair of the board conducting a quasi-judicial virtual hearing (“Mayor/Chair”) will administer the meeting, with technical assistance from the Information Technology Department.

For quasi-judicial meetings of the City Commission, video of the virtual meeting will be live-streamed on the City’s website at: www.coralgables.com/cgty and on Coral Gables Television. For all quasi-judicial meetings, a dedicated phone line will be available so that any individual who does not wish (or is unable) to use Zoom may listen to the meeting via phone.

NOTICE:

Virtual quasi-judicial meetings will be noticed in the same manner and at the same locations as all quasi-judicial meetings are typically noticed (including mailed notice, as may be required by the City Code or Zoning Code). The Zoom conference number (along with instructions) will be published on the agenda and will be included everywhere that the meeting is noticed. The phone number will also be included on the agenda and everywhere that the meeting is noticed. Additionally, instructions on how to provide a comment via e-comment and an email address will be provided everywhere that the meeting is noticed.

All notices will make clear that City Hall (and other meeting spaces where quasi-judicial meeting may be held) will be closed to the public except for an area designated for those who wish to testify as part of the hearing but do not have the ability to remotely participate in the hearing by video conference. All notices will provide the address and specific location of the area where a computer will be available for those wishing to testify.

All notices will provide that any person needing an accommodation in order to listen to or participate in the meeting should contact the City's ADA Coordinator, Raquel Elejabarrieta at: 305-722-8686, TTY/TDD 305-442-1600 or relejabarrieta@coralgables.com.

QUASI-JUDICIAL HEARING:

Virtual quasi-judicial hearings shall be conducted in the same manner as traditional quasi-judicial hearings with the following stipulations that account for the virtual nature of the hearing:

Exhibits:

For all quasi-judicial hearings except appeals, a list of all proposed exhibits and a copy of the proposed exhibits shall be provided to the City Clerk/board liaison, five (5) days prior to the hearing, in accordance with Section 2-85(a) of the City Code, in a format that is easily viewable on the Zoom platform. All exhibits shall be clearly labeled so as to allow for efficient retrieval and display on the Zoom platform during the hearing. All exhibits will be posted online, as is customary.

Appeals:

In accordance with Section 3-606(B) of the Zoning Code, appeals of decisions by the Board of Adjustment, Board of Architects Special Master, Historic Preservation Board, and Planning and Zoning Board¹ are based on the record of the hearing, shall not be de novo, and no new, additional testimony may be taken. Accordingly, for an appeal heard virtually, a full verbatim transcript of all proceedings which are the subject of the appeal shall be provided to the City Clerk seven (7) days prior to the meeting during which the appeal will be heard, in accordance with Section 3-606(D) of the Zoning Code.

¹ While Section 3-606(B) of the Zoning Code includes the Planning and Zoning Board, it is important to note that there are no appeals from actions of the Planning and Zoning Board, as it is a recommending board and does not take any final action (see Section 2-201 of the Zoning Code).

Testimony/Public Participation:

A list of all individuals who will be called as witnesses during the hearings, shall be provided to the City Clerk/board liaison, five (5) days prior to the hearing.² At the beginning of the hearing, the City Clerk/board liaison shall call each witness by name, one-by-one, in order to swear each person in. Any witness who wishes to testify during the hearing and is not included in the previously-provided witness list, shall be sworn in after all witnesses on the list are sworn in and prior to the beginning of the hearing. All witnesses providing testimony must appear by video conference. A computer with Zoom capabilities will be available for those that wish to testify as part of the hearing but do not have the ability to remotely participate in the hearing by video conference. The location of said computer will be specified in the notice of the hearing. The City Clerk or court reporter shall administer the oath to any individual who is appearing by video conference and shall establish the identity of the witness on the record as well as the witness's consent for the hearing to be recorded.

In addition, comments to be considered during the hearing may be provided prior to the beginning of the meeting, using the City's already-established e-comment function which may be found on the City's website at: www.coralgables.com/commissionmeetings or by emailing cityclerk@coralgables.com.

The Mayor/Chair will allow for public comment using Zoom after the parties have concluded the presentation of their cases and before a vote is taken. In addition, the Mayor/Chair will request that the City Clerk or board liaison read any e-comments or emails sent about the matter that is the subject of the hearing into the record. However, those comments standing alone are not sworn and do not qualify as competent substantial evidence on which the quasi-judicial board may rely, except that they may be considered if they support sworn testimony that is considered competent substantial evidence. The failure to read a comment shall not have any impact on the validity of the final determination.

The Mayor/Chair may exercise his or her authority to limit the length of time provided to an individual for public comment. In addition, the Mayor/Chair may preserve decorum and order in accordance with Section 2-78(a)(4) of the City Code.

A phone number and email address will be provided for individuals who may have questions on how to access the meeting or participate in the meeting, prior to the date of the meeting. A City employee will be present during the meeting at the location of the computer to assist the public with its use.

MINUTES:

Minutes, a transcript, and/or recording of the meeting will be kept as customary.

² This requirement shall not apply to objectors at a zoning hearing.