

**RULES OF PROCEDURES FOR HYBRID MEETINGS/HEARINGS**  
**OF THE CORAL GABLES CITY COMMISSION**  
**(LEGISLATIVE AND QUASI-JUDICIAL)**  
**CORONAVIRUS/COVID-19**



On November 1, 2020, Emergency Order 20-69 expired reinstating the requirement that a quorum must be present in person for all City Commission meetings where action is taken. In response to the continued threat of the Coronavirus/COVID-19 pandemic, hybrid meetings are being held to comply with State Law and adhere to social distancing recommendations intended to protect the life and safety of individuals in the community. These rules are established for hybrid meetings of the City Commission where the public/applicants must attend virtually and where a quorum of the members of the City Commission is present in the room.<sup>1</sup> It is in the City Manager’s discretion whether the public may attend in person or virtually, depending on the local positivity rate of COVID-19 infections and other life and safety factors. These rules are intended to address both legislative and quasi-judicial items.

The City Manager will also determine when and where advisory board meetings and quasi-judicial board meetings may be held and in what format. Quasi-judicial boards may adopt more detailed rules to address concerns unique to their respective boards, consistent with these rules and applicable laws.

**PLATFORM:**

The video conference platform Zoom will be used for public participation in hybrid City Commission meetings as it was for virtual City Commission meetings. The City has a subscription with Zoom and it is the platform used by the City Clerk for live remote public comments during traditional City Commission meetings. 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 hybrid meeting (“Mayor/Chair”) will administer the meeting with technical assistance from the Information Technology Department.

Video of the meeting occurring in City Commission chambers will be streamed on the City’s website at: [www.coralgables.com/cgtv](http://www.coralgables.com/cgtv) and on Coral Gables Television.

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<sup>1</sup> While the City remains in a State of Emergency due to the COVID-19 pandemic, the existence of the pandemic is hereby determined to constitute an “extraordinary circumstance.” (See AGO 03-41)

**NOTICE:**

The hybrid meeting/hearing will be noticed in the same manner and at the same locations as all City Commission meetings/hearings are 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 City Commission agenda and will be included everywhere that the meeting/hearing is noticed. The phone number for phone participation will also be included on the City Commission agenda and everywhere that the meeting/hearing is noticed. Additionally, instructions on how to provide a comment via e-comment and an email address will be provided everywhere that the meeting/hearing is noticed.

All notices will make clear whether City Hall (and other meetings spaces where advisory or quasi-judicial meetings/hearings may be held) is closed to the public. For quasi-judicial hearings, an area will be 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](mailto:relejabarrieta@coralgables.com).

**STAFF/PUBLIC PARTICIPATION:**

Members of City staff presenting a non-quasi-judicial item on the agenda should enter the Commission chambers one at a time to present the item and promptly exit the chambers after the presentation is complete. In order to ensure equal access to all parties, Staff members will be required to present virtually via Zoom for quasi-judicial hearings. Other City staff members, such as board secretaries/liaisons, may be physically present in order to facilitate the meeting, as a quorum must be present in the room.

The public may comment during the "Open Public Comment" portion of the meeting or on an item on the agenda using the Zoom platform. All those participating in the Commission meeting understand that the meeting is being recorded in the same fashion as fully in person, traditional, meetings. The public may also comment using the dedicated phone number provided for anyone wishing to comment, via telephone, on an item on the agenda. Members of the public who attend the meeting by phone must keep their line muted at all times, except when acknowledged by the Mayor/Chair to speak on a particular agenda item.

In addition, the public may comment on an item on the agenda, 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](http://www.coralgables.com/commissionmeetings) or by emailing [cityclerk@coralgables.com](mailto:cityclerk@coralgables.com).

Before each item is voted on, the Mayor/Chair will allow for public comment using Zoom or the

telephone line provided. When the Mayor/Chair acknowledges those on the phone line that wish to speak, only one individual will be permitted to speak at a time.

In addition, the Mayor/Chair will request that the City Clerk read any e-comments or emails relating to that particular item into the record.

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/hearing, prior to the date of the meeting.

### **QUASI-JUDICIAL HEARINGS:**

Hybrid 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 a portion of the hearing:

Exhibits: For all quasi-judicial hearings except appeals, a list of all proposed exhibits and a copy of the proposed exhibits and/or evidentiary documentation 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 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 Board<sup>2</sup> 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.

Testimony/Public Participation: The applicant/respondent and appropriate staff member shall present via Zoom. In matters where the City is the applicant/appellant, the staff member may present physically or via Zoom. 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.<sup>3</sup> 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

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<sup>2</sup> 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).

<sup>3</sup> This requirement shall not apply to objectors at a zoning hearing.

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.

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](http://www.coralgables.com/commissionmeetings) or by emailing [cityclerk@coralgables.com](mailto: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/hearing, 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.

Hold Harmless Agreement: Applicants/appellants who are choosing to present an item during a hybrid meeting shall submit an agreement holding the City harmless from defects that may occur during the hearing due to the use of electronic means. [Release and Indemnification Virtual Quasi-Judicial Meetings/Hearings](#) A Hold Harmless Agreement will not be required of individuals who are compelled to attend before a City board such as the Code Enforcement Board, Construction Regulation Board, and in some instances, the Historic Preservation Board.

#### **MINUTES:**

Minutes and a recording of the meeting will be kept as customary.

Updated: Feb. 10, 2021