

**RULES OF PROCEDURES FOR HYBRID MEETINGS OF THE
CORAL GABLES BOARD OF ADJUSTMENT**

(CORONAVIRUS/COVID-19)



These rules are adopted in addition to the Rules of Procedure adopted by the City Commission in Resolution Nos. 2020-74 and 2020-90, as may be amended, which are incorporated herein by reference. Given the unique nature of Board of Adjustment (BOA) hearings, these Rules of Procedure are necessary in order to provide additional details particular to conducting of hybrid hearings of the BOA. These rules shall be applicable to hybrid hearings (wherein a quorum of the BOA is present in person while other BOA members, staff, witnesses, property owners/representatives, and other participants appear virtually). All notices of virtual BOA hearings shall include notice of the following procedures:

HEARING:

The video conference platform Zoom will be used for virtual BOA hearings. The electronic device (computer, smartphone) must have the microphone, audio, and camera enabled. If you do not have access to an electronic device with audio and a camera enabled, a computer with Zoom capabilities will be available in the courtyard at City Hall.

In advance of the hearing date, please review the following rules of procedure carefully as they contain important instructions and deadlines for submission of exhibits. In addition, please review all Board of Adjustment Code sections applicable to Board of Adjustment applications and hearings, and Resolutions 2020-74 and 2020-90. Anyone attending a hearing must do so by following these instructions:

1. Go to <https://zoom.us/>.
2. Click on "Join a Meeting" at the top of the page, right of center.
3. Enter the Meeting ID: 987 5365 9536
4. Click "Join"

RULES OF PROCEDURE:

1. A quorum of the members of the BOA must be present in the room. The remaining members of the BOA may appear via Zoom and may vote and participate as they would if they were present in person.
2. The City Attorney and City Staff may appear in person or via Zoom.
3. Applicants, property owners/representatives, members of the public and other participations shall appear virtually.
4. Upon commencement of the hearing, the Chair of the BOA shall provide an explanation of the hearing procedures.
5. The Chair shall proceed to call the cases listed by the agenda.
6. Once each case is called, those who will be testifying during the hearing shall be sworn in. All persons testifying must appear by video conference as required by the rules of procedure adopted by Resolution No. 2020-90.

7. The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses, but fundamental due process shall be observed and shall govern the proceedings. Any relevant evidence shall be admitted if the Chair finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary. Hearsay evidence may be accepted for the purpose of supplementing or explaining any direct evidence, but such hearsay evidence shall not in and of itself be considered sufficient to support a finding or decision unless the evidence would be admissible over objections in a civil action.
8. IF YOU WISH TO INTRODUCE ADDITIONAL EXHIBITS BEYOND YOUR APPLICATION FOR A VARIANCE, YOU MUST PROVIDE THE CITY WITH A COPY OF THOSE EXHIBITS AT LEAST 5 DAYS PRIOR TO THE HEARING. PLEASE EMAIL YOUR EXHIBITS TO PLANNING@CORALGABLES.COM.
9. Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross examine opposing witnesses on any matter relevant to the issues, even though that matter was not covered in the direct examination; to impeach any witnesses regardless of which party first called that witness to testify; and to offer rebuttal of the evidence.

NOTICE:

Hybrid BOA hearings 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.

All notices will make clear that City Hall will be closed to the public except the courtyard, for those who 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.

MINUTES/TRANSCRIPT:

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