

CITY OF FORT PIERCE - OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: Gloria Johnson, Finance Director
FROM: James T. Walker, Assistant City Attorney
SUBJECT: Rules Amendment Regarding Continuances
DATE: May 28, 2014

This memo serves to enclose the copy of a Memorandum addressed formally to Tom Perona as Chair of the Retirement Board. Please see that a copy is duly placed in each member's agenda packet for the next meeting.

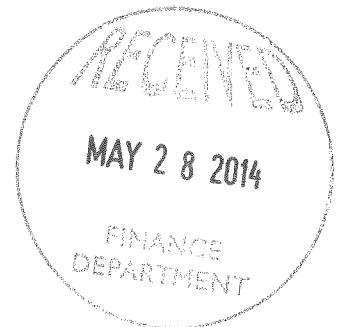
Please let me know of any questions. Thanks.

for James T. Walker

James T. Walker, Esq.
Assistant City Attorney

JTW/cf

cc: Robert V. Schwerer, City Attorney



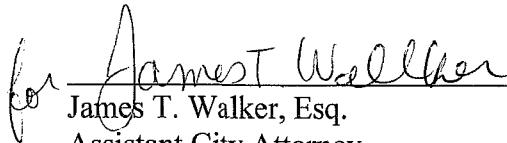
CITY OF FORT PIERCE - OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: Tom Perona, Chair, Fort Pierce Retirement Board
FROM: James T. Walker, Assistant City Attorney
SUBJECT: Rules Amendment Regarding Continuances
DATE: May 28, 2014

It is recently seen that the Board's rules provide no procedure whereby a party may request postponement of a scheduled hearing. This was undoubtedly not noticed heretofore since the Retirement Board, unlike other boards, does not commonly hold contested hearings where the need for such a provision may come up. We probably ought to go ahead and add something on this and the language suggested here tracks with equivalent provisions found in the rules of procedure for the Code Enforcement Board and the Construction Board of Adjustments and Appeals:

Rule 9(d). Continuance. Any party may request continuance of a scheduled hearing, prior to the hearing, in the event circumstances arise so as to constitute good cause for postponement of a hearing. Such party shall file a written request for continuance or postponement with the Secretary/Treasurer. The request must be made within a reasonable time following the date the party became aware of the circumstances which form the basis of the request. The request must specify the justifying circumstances with particularity. In the event the Secretary/Treasurer agrees with the request, the Secretary/Treasurer shall reschedule the hearing. In the event the Secretary/Treasurer disagrees with the request, there shall be immediately scheduled a hearing before the Board Chair or the Chair's designee, with notice to all parties. Present at the hearing shall be the Secretary/Treasurer, and counsel for the Board. After hearing both sides, the Chair or the Chair's designee shall determine whether there is good cause for the postponement. The request will then be either granted or denied.


James T. Walker, Esq.
Assistant City Attorney

JTW/cf

cc: Robert V. Schwerer, City Attorney