

**BYLAWS OF THE
CITY OF TALLAHASSEE
ENVIRONMENTAL BOARD**

ARTICLE I -- NAME AND AUTHORIZATION

A. NAME

The name of the Board shall be the Environmental Board, hereinafter referred to as the “Board”.

B. AUTHORIZATION

The Board exists by the authority of the Tallahassee City Commission; Section 2-191, et seq., Tallahassee Code of General Ordinances (TCGO); and Section 162.21, Florida Statutes. It may be modified or abolished by action of the City Commission.

ARTICLE II -- PURPOSE AND FUNCTION

A. PURPOSE

This Board shall hear and decide matters related to the enforcement of, variances to, and appeals to the City of Tallahassee’s environmental regulations, and any other matters assigned to it by the City Commission.

B. FUNCTIONS

The functions of the Board shall be:

1. To enforce the City’s environmental regulations, codified in Chapter 5, Environmental Management, of the Tallahassee Land Development Code (TLDC);
2. To grant variances to Chapter 5, Environmental Management, TLDC, as authorized by the TCGO, the Tallahassee-Leon County 2030 Comprehensive Plan, and the TLDC;
3. To decide appeals as provided in Section 5-127, Chapter 5, Environmental Management, TLDC;
4. To enforce the Municipal Separate Storm Sewer Discharges provisions in Section 21-610, Chapter 21, TCGO;
5. To enforce, consider variances from, and hear appeals from Chapter 6, Flood Damage Protection, TLDC;
6. To enforce and consider variances from Chapter 9, Environment, Article V, Fertilizer Use, of the TCGO; and

7. Any other duties assigned by the City Commission.

ARTICLE III -- MEMBERSHIP

A. MEMBERS

The Environmental Board shall be comprised of seven (7) members appointed by the City Commission. The City Commission may appoint two alternate members to serve at Board meetings if their presence is needed to constitute a quorum

Members will be selected without regard to race, creed, national origin, age, sex or the presence of a disability. As much as possible, the Board will be made up of an equitable representation of City residents based on race and sex according to the demographic ratio of the City. In consideration of the Americans with Disabilities Act, efforts should be made to include members with disabilities.

B. ELIGIBILITY

1. All members of the Environmental Board shall be City residents.
2. The regular members of the Board shall, whenever possible, include the following occupations:
 - a. An architect *or landscape architect*;
 - b. An engineer;
 - c. A general contractor;
 - d. A business person;
 - e. A subcontractor;
 - f. *A representative of an organization dedicated to the protection of the environment; and*
 - g. *A real estate agent or broker.*
3. Alternate members of the Board may be from any occupation.

C. APPOINTMENTS

1. Members shall be appointed initially for a three-year term by the City Commission. Members may be reappointed for one successive term upon the concurrence of the City Commission.

2. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term of the member.
3. Alternate members shall be appointed for a term of three years.
4. It is the responsibility of the Mayor to ensure an appointment will occur within thirty (30) days of notification of a vacancy. If an appointment is not made within thirty (30) days by the Mayor or City Commission, the Board shall have the authority to request an appointment be agendaed for the next available Commission meeting.

D. ATTENDANCE AT MEETINGS AND VACANCIES

1. Staff shall record attendance for all members in the meeting minutes, and shall send an attendance report to the Treasurer-Clerk's Office after each meeting, noting specifically which members are absent. The report shall state whether the meeting is a regular, special, or emergency meeting; whether the Chairperson of the Board has excused the absence for any of the reasons listed in paragraph 2 below; and whether the absence resulted in the lack of a quorum at the meeting.
2. A member's position shall become vacant when:
 - a. He/she fails to attend two out of three successive meetings of the Board without cause and without prior approval of the chairman;
 - b. The City Commission finds cause, after notice;
 - c. His/her term expires, or
 - d. He/she resigns.
3. The Chair shall immediately, upon receipt of a resignation or when advised by staff of a vacancy, notify the City Treasurer-Clerk.
4. Should a resignation be submitted to staff, they will immediately notify the Chair and the City Treasurer-Clerk.

ARTICLE IV -- ORGANIZATION

A. OFFICERS

1. The Board shall elect from its members a Chair and Vice Chair.
2. Officers shall be elected for a term of one (1) year at the first meeting of the Board in each year, and shall assume office beginning the month immediately following the meeting.

B. QUORUM

Four or more members of the Board shall constitute a quorum to hold a meeting or take any action.

C. VOTING RIGHTS AND REQUIREMENTS

1. On all matters requiring a hearing, the official findings of the Board shall be approved by motion and supported by at least four members voting for the action.

2. Each member shall be entitled to one (1) vote and shall cast that vote on each item submitted. Proxy votes and absentee ballots shall not be permitted. Members shall only abstain from a vote when there is a valid conflict of interest pursuant to Florida law.

ARTICLE V -- OFFICERS AND DUTIES

A. CHAIR

1. It is the Chair's responsibility to ensure compliance with the bylaws. The Chair will notify members of removal from the Board for noncompliance. Specific questions of conflict of interest will be addressed by the Board's counsel.

3. The Chair shall immediately upon receipt of a resignation, or when advised of a vacancy, notify the City Treasurer-Clerk to begin the appointment process.

4. The Chair may approve special exceptions on the removal of members for absences at regularly scheduled meetings when the absences are due to health or time-limited extenuating circumstances and the absences do not affect the ability of the Board to maintain a quorum.

B. VICE CHAIR

The Vice Chair shall perform the Chair's duties in the absence of the Chair.

C. REMOVAL OF OFFICERS FOR NONATTENDANCE

When an officer has been absent or has not performed the duties of that office for three (3) consecutive meetings, that officer may be removed from office by the Board, with a majority vote, at a regularly scheduled meeting.

ARTICLE VI -- BOARD OPERATIONS, CONDUCT OF MEMBERS, AND MEETINGS

- A. The Board shall have no authority other than as found in the City Code of General Ordinances, the City Land Development Code, these bylaws, and as may be approved by the City Commission.
- B. The Board will meet routinely based upon an adopted meeting schedule, which will be provided to the City Treasurer-Clerk, but shall convene at least once every two months. The Board may meet more often if required by the case load. The meeting date may be changed by the Chair with notification in advance by mail to Board members. Special meetings may be called by the Chair or by a majority of the Board members.
- C. All meetings will be open to the public. For advertising purposes, the Board will provide to the ***Department of Communications***' Public Information Office (Public Information Office) a schedule of their meetings and will ensure agendas and minutes are available to the public in accordance with the State of Florida Sunshine Laws.
- D. All meetings shall be conducted in accordance with Robert's Rules of Order, unless waived by the Chair.
- E. No *ex parte* communications will be permitted on any matter coming before the Board. An *ex parte* communication is generally defined as an oral or written contact with a public official by a party or interested person regarding a matter pending before the Board or a matter which may be reasonably foreseen to come before the Board, without giving notice to other interested parties.
- F. No Board member shall vote on any matter involving an application or appeal unless the member attended the public hearing on the application or appeal and bases his or her determination on the facts presented at the hearing. In the event of multiple public hearings on an application or appeal, the Board member shall have attended all such hearings or, if not at the public hearings, he/she has reviewed the materials presented to the Board and a written transcript, video recording, or audio recording of the proceedings he/she missed.

ARTICLE VII -- STAFF SERVICES

- A. The Economic and Community Development Department shall act as the liaison for the Board with the City Commission and the appropriate appointed official. The Economic and Community Development Department will provide staff services to the Board on administrative matters; the Growth Management Department and/or Stormwater Division will provide staff services on non-administrative matters. Independent legal counsel will be provided through the City Attorney's Office to advise the Board. Staff services will include:
 - 1. Providing a schedule of meetings to the Public Information Office and Board members, arranging meeting locations, maintaining summary minutes of the meetings, preparing and distributing appropriate information related to the meeting agenda;

preparing an attendance report and submitting it to the City Treasurer-Clerk *upon request*;

2. Informing the Board of events, activities, policies, programs, etc. occurring within the scope of the Board's function and informing the Board of all City Commission or department requests for information or assistance;

3. Ensuring the City Treasurer-Clerk is informed of all vacancies, expired terms, changes in officers, or any other changes to the Board and that all requests for review of applications by the Board, and any subsequent recommendations by the Board or staff, are returned in a timely manner to the City Treasurer-Clerk to facilitate the appointment process;

4. The responsibility for the continuous flow of information to the appropriate appointed official including providing reports, actions, and recommendations of the Board and notification of noncompliance by the Board or Chair with the bylaws or statutes;

5. The responsibility for ensuring information provided by the Board for City Commission review is appropriately agendaed for the City Commission meetings;

6. Publish *any* required notices;

7. *Assist* the Board's legal counsel *in the preparation of orders for the Board*;

8. Attend all meetings and hearings conducted by the Board;

9. Review all matters to assure compliance with the City Codes and these bylaws;

10. Ensure that appropriate City staff reviews all appeals and applications;

11. Provide a report and recommendation on each application, *notice of violation, or appeal* to the Board; prepare the case for docketing; placing the case on the calendar; and ensuring public notice of the case as required by the City Codes;

12. Keep all records of the Board; and

13. Duties of Board Counsel: Legal counsel to the Board shall provide advice to the Board as to matters under its jurisdiction and may assist in questioning witnesses. Advice of counsel may be received and entered in the minutes before disposition of any question of law or matter requiring legal interpretation or advice. Legal counsel shall also provide advice to all Board members on legal issues, such as conflicts of interest, the Florida Sunshine Law, ethics violations, and public records law.

B. A formal, standard orientation program will be provided by staff to all new members. The program will address, but not be limited to, the bylaws, conflicts of interest, the State of Florida Sunshine Law, ethics violations, and stress the legal obligations and

responsibilities. Staff will ensure responses are provided to any concerns the new members may have regarding the duties and responsibilities of the Board and the members.

ARTICLE VIII – HEARING PROCEDURES

A. Unless waived by all parties, all Board hearings shall be conducted as quasi-judicial proceedings. Such waivers must be approved by the Board.

B. The Growth Management Department Director, or his/her designee, shall receive all applications to go before the Board, and examine the material submitted therewith to assure completeness and that required maps, plans, or reports to be submitted by an applicant or appellant are in good order and in sufficient number for processing and recording.

C. Hearings before the Board shall be conducted as provided hereinbelow, unless the parties agree otherwise; and the changes in hearing procedures are approved by the Board.

D. Following the conclusion of a hearing, the Board shall render a written decision to approve, approve with conditions, deny the application, or continue consideration to a date and time certain, and shall so notify the applicant in writing.

E. Any person may appear at a hearing, or be represented by authorized agents or attorneys.

F. All witnesses shall testify under oath.

G. The Board shall not be bound by strict rules of evidence, nor limited to consideration of such evidence as would be admissible in a court of law. The Board may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence. The Chair shall rule on all questions relating to the admissibility of evidence, but may be overruled by a majority of the Board members present.

H. During the hearing, each side shall proceed without interruption by the other. All arguments and pleadings shall be addressed to the Chair.

I. The Chair or Board members, upon recognition by the Chair; counsel to the Board; staff; any party; or counsel for any party may direct questions to the applicant, witnesses, or any person speaking from the audience. “Party” includes staff, an alleged violator, applicant, or appellant. The Board members may make comments pertinent to the case.

J. If written materials intended to be evidence are presented to staff or to the Board less than five working (5) days prior to the meeting, the Chair may reject the written materials. In lieu of rejecting the materials, the Board may continue the item to a subsequent meeting to allow time for review of the written materials. If all parties agree that they have had time to review the written materials, the Chair may allow the hearing to be held.

K. Order for Presenting Evidence.

1. The Chair, or such persons as the Chair may direct, shall call the case and describe the nature of the case.

2. Staff shall present evidence, including staff reports and recommendations based on the notice of violation, applicant's variance request, or appellant's appeal.

3. The alleged violator, applicant, or appellant and their witnesses shall then present testimony, evidence, and argument on each matter.

4. The Board may hear testimony and receive evidence from persons appearing to address an alleged violation, application, or appeal.

5. Board members may examine all witnesses at any time during the hearing, upon recognition by the Chair.

6. The hearing shall be closed by the Chair, and the Board shall enter into deliberations on the evidence.

ARTICLE IX - FINDINGS AND DECISIONS

A. Decisions and Evidence.

1. After conclusion of the hearing on the case the Board shall examine the evidence presented and make its decision. The Board shall, in every case, reach a decision without unreasonable or unnecessary delay. In no case may the Board fail to render a decision on the application within ten (10) working days after the final hearing thereon. Any continuance of a final hearing in which the applicant shall be allowed to submit additional information to the Board shall be by public hearing.

2. Every decision of the Board shall become final. The Board's decision shall be in an order reduced to writing and shall indicate the vote. Every decision shall be promptly rendered in the office of the appropriate department, and shall be open to public inspection. A copy shall be sent by mail or otherwise to the alleged violator, appellant, or applicant or authorized agent.

3. Appeals of the Board's final decision shall be by petition for writ of certiorari to the Circuit Court, which must be filed within 30 days of the date the Board's final order is rendered.

ARTICLE X - AMENDING, WAIVING OR SUSPENDING BOARD BYLAWS

A. These bylaws may be amended by a majority of the Board except where such amendment would be contrary to requirements or limitations set by statutes or applicable codes. An amendment may be proposed at any regular meeting of the Board, and shall not be acted upon until the following regular meeting. Not less than seven (7) days prior to the meeting at which

the amendment is to be voted upon, members shall be sent a copy of such proposed change. Amendments must be approved by the City Commission, and shall not be effective until approved by the City Commission.

B. A rule of procedure may be suspended or waived at any meeting by unanimous vote of Board members present, with agreement of the parties, unless such rule is established by statute or applicable code.

ARTICLE XI - SEVERABILITY

If any section, subsection, sentence, clause or phrase of these Bylaws is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the Bylaws.

ARTICLE XII - BYLAWS AND EFFECTIVE DATE

A. These Bylaws shall become effective upon adoption by the City Commission.

These Bylaws were approved by the Environmental Board on _____
_____.

These Bylaws were approved by the Tallahassee City Commission on April 27, 2011.

By: _____
[Name]
Chair, Environmental Board
Date: _____