

M/WBE CHAPTER 57 REVIEW BOARD APPEAL RULES

100 GENERAL PROVISIONS

100.1 The purpose of the Board is to hear appeals by companies which have been denied Minority and/or Women-owned Business status, which have had their certification or recognition revoked, or which have been denied recertification or re-recognition by the Certification Board. The Chapter 57 Review Board acts in an appellant capacity only to determine if the Certification Board erred in its decision based on the information presented by the appellant and/or obtained by City staff. New or revised information shall not be considered by the Chapter 57 Review Board.

- (a) Board Membership: The Chapter 57 Review Board shall be composed of seven (7) citizens appointed by the Mayor and confirmed by the City Council.
- (b) Meeting: The Chapter 57 Review Board will be scheduled to meet once per month. Scheduled meeting may be cancelled by the Board Chairman or City staff if no appeals are pending.
- (c) Notice: The Board members shall be notified in writing not less than ten (10) days prior to any regular meeting. Notice of Board meeting cancellations may be verbal or in writing.
- (d) Quorum: A quorum shall be four (4) members. In the absence of a quorum, the Board may convene as a whole. However, actions taken are NOT binding until ratified at a regular or special meeting of the Board in which a quorum is present.

100.2 The Chapter 57 Review Board shall hear all appeals of decisions rendered by the Certification Board. All documentation supplied by appellants and staff for Board Meetings and all Board Minutes are within the scope of the Public Records Act and thus open for public review.

- (a) Certification Board denials of M/WBE status will cite in writing the Certification Board rules which the appellant was not in compliance with.
- (b) The Chapter 57 Review Board is bound by Articles II and III of Chapter 57 of the City Code and the Certification Board Rules pertaining to eligibility and criteria for M/WBE status.
- (c) Case File Reports will be prepared for each appeal case and provided to each Chapter 57 Review Board Member prior to the Appeal Hearing. Reports will specify each rule cited by the Certification Board and the documentation and/or information for which the rule was cited. The complete M/WBE Application file will also be available for review by Board Members.
- (d) Decisions by the Chapter 57 Review Board shall be based on factual evidence and shall cover all Certification Board Rules cited by the Certification Board in its decision. The decision will address each rule cited by the Certification Board and shall determine if the Certification Board was erroneous in its determination.

(e) The appellate decisions of the Chapter 57 Review Board shall be final.

101 NOTICE OF APPEAL OF CERTIFICATION BOARD DECISION

101.2 Notice of Appeals must be received by the City MBE Office within ten (10) days of the receipt of the notice of the Certification Board decision. Notices of appeal received after ten (10) days of receipt of the notice of the decision will not be considered.

102 NOTICE TO APPELLANTS

102.1 Appeals of Certification Board decisions will be scheduled for a hearing before the Chapter 57 Review Board the month following the timely receipt of the notice of appeal in the M/WBE Office.

102.2 Appellants will be notified in writing of the scheduled Chapter 57 Review Board Appeal hearing at least ten (10) days prior to the Board convening.

102.3 Appellants shall not communicate with Board members prior to the hearing.

102.4 Appellants must request postponement of hearings, in writing, not less than three (3) days prior to the scheduled meeting. Failure to request postponement in a timely manner will be cause for the Board to proceed with the scheduled hearing. Appeal hearings not attended by the appellant or a representative will be cause for the Board to base their decision strictly on the documentation in the appellant file. Request for more than one (1) postponement will not be honored.

103 HEARING PROCEDURES

103.1 All hearings shall be open to the public in accordance with Florida's Sunshine Law.

103.2 After determining a quorum exists, the Board Chairman shall call the meeting to order.

103.3 The Board Chairman will call each appellant in order of arrival and explain the Board procedures as follows:

(a) The Appellant and/or representative will be granted fifteen (15) minutes to address the Chapter 57 Review Board. Appellant may be questioned by the Board members as required.

(b) The Certification Board representative will be granted fifteen (15) minutes to address the Chapter 57 Review Board. The Certification Board representative and/or City staff may be questioned by the Board members as required.

(c) The Appellant will be granted five (5) minutes for rebuttal.

(d) Following discussion and/or further questioning by the Chapter 57 Review Board members, a vote will be taken.

(e) The rules of evidence shall not strictly apply.

- (f) No examination or cross-examination of witnesses or introduction of new evidence will be allowed by the appellant or the Certification Board representative.
- (g) The hearing will be conducted in accordance with Roberts Rule of Order, as modified by City Code and policies.
- (h) Any person may be excluded from the hearing for conduct which interferes with the hearing process.
- (i) If any person desires to appeal any decision with respect to any matter considered at a hearing, such person may need a record of the proceedings; for this purpose, such person may need to ensure that a verbatim record of the proceedings is made which includes the evidence upon which the appeal is based.

104 DECISIONS BY THE CHAPTER 57 REVIEW BOARD

104.1 After hearing each appeal case, the Chapter 57 Review Board shall render one of the following decisions:

- (a) Uphold the decision rendered by the Certification Board.
- (b) Overturn the decision rendered by the Certification Board and grant or uphold minority or women owned business status in accordance with Chapter 57, Articles II and III of the Orlando City Code and the Certification Board Rules.
- (c) Remand the case to the Certification Board for reconsideration.

104.2 All decisions of the Chapter 57 Review Board shall be in writing.

105 RULES AND REGULATIONS OF THE CHAPTER 57 REVIEW BOARD

105.1 All rules, regulations and amendments thereto, promulgated by the Chapter 57 Review Board and the MBE director, will only become effective upon a majority vote of the Board, approval by the MBE Director and approval by the City Council.

105.2 These rules may be amended at anytime.