

RESOLUTION 23-R105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, CREATING OPERATING PROCEDURES FOR DEPARTMENTS, BOARDS, AND COMMISSIONS, BOARDS AND COMMITTEES; ADOPTING PROCEDURES FOR; BOARD AND COMMITTEE MEETING PROCEDURES AND REQUIREMENTS; BOARD & COMMITTEE REMOTE PARTICIPATION POLICY; QUORUM POLICY; APPOINTMENT AND REMOVAL OF MEMBERS; ADOPTING POLICY FOR DECLARED STATE OF EMERGENCY; PROVIDING FOR ADOPTION OF RECITALS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Port St. Lucie ("City Council") desires to create rules of procedure for its Board/Committee meetings; and

WHEREAS, pursuant to Sec. 2(b), Art. III, of the Florida Constitution and the Florida Municipal Home Rule Powers Act, Section 166.021 et seq., Florida Statutes, a Florida municipality is authorized to exercise any power and take any action, it deems desirable or necessary for the efficient performance and rendering of municipal services and governmental functions, if such is not prohibited or preempted by state law; and

WHEREAS, the City of Port St. Lucie desires to create rules and procedures regarding the quorum requirements, appointment, removal, and terms of its Board/Committee members.

WHEREAS, the qualified electors of the City of Port St. Lucie, by majority vote, approved Charter Amendments 3 and 5, which granted the City Council the power to establish by resolution the by-laws, rules, procedures and reporting requirements of each board and committee within the City on November 8, 2022, General Election.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

SECTION 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby incorporated by reference.

SECTION 2. This Resolution shall govern all Boards and Committees and serve as the operating procedures of each Board and Committee unless as provided by State and/or Federal Law. This Resolution shall govern any subsequently created Boards and Committees, at the direction of the City Council or the City Manager, established after the enactment of this Resolution. Unless provided by Exhibit herein the following Boards and Committees are reenacted or created as follows:

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I. BOARDS AND COMMITTEES.

- A. Affordable Housing Advisory Committee (AHAC)
- B. Charter Review Committee (shall be convened by Resolution of City Council)
- C. Citizens Advisory Committee (f/k/a Budget Advisory Committee)
- D. Civil Service Appeals Board (City Council shall serve ex-officio capacity)
- E. Construction Board of Appeals (f/k/a Contractor's Examining Board)
- F. Districting Commission (which shall be governed pursuant to section 5.05(b) of the Charter of the City of Port St. Lucie)
- G. Infrastructure Surtax Citizens' Oversight Committee
- H. Municipal Police Officers' Retirement Trust Fund Board of Trustees (which shall be governed pursuant to Chapter 185, Florida Statutes).
- I. Planning and Zoning Board
- J. Port St. Lucie Youth Council
- K. Public Art Advisory Board
- L. Safety Review Board (staff driven board)
- M. Site Plan Review Committee (which shall be governed pursuant to section 158.236 of the City Code of Ordinances)

II. Meeting Requirements.

- A. A quorum shall consist of a majority of the committee or board's size. If there are any vacant seats within the board, a quorum still consists of a majority of the board's intended size, not how many seats are presently filled.
- B. To the extent possible, each member shall be notified of the place and date of each meeting by a written notice or by telephone at least 24 hours prior to any adjourned, called, or special meeting.

III. Appointment, Removal, Resignation, and Vacancies.

- A. Appointment. At the recommendation of the Mayor and consent of the Council, qualified individuals may be appointed to a Board/Committee by an affirmative vote of City Council. Unless otherwise provide by State and/or Federal Law, all boards and committees shall consist of seven (7) members and two (2) alternates. All Board and Committee Members shall serve without compensation.

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SECTION 4. Severability. The provisions of this Resolution are intended to be severable. If any provision of this Resolution is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

SECTION 5. Effective Date. This Resolution shall become effective immediately.
PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this 11th day of September, 2023.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: 
Shannon M. Martin, Mayor



ATTEST:


Sally Walsh, City Clerk

APPROVED AS TO FORM:

By: 
James D. Stokes, City Attorney

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EXHIBIT "A" **Affordable Housing Advisory Committee "AHAC" Revised By-laws 2023**

ARTICLE I. OBJECTIVES AND PURPOSE

Section 1. The objectives and purposes of the Affordable Housing Advisory Committee shall be as follows:

Annually, the Advisory Committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, each Advisory Committee shall submit a report to the local governing body that includes recommendations on, and annually thereafter evaluates the implementation of, affordable housing incentives in the following areas:

- A. The processing of approvals of development orders or permit, as defined in sections 163.3164 (15) and (16), Florida Statutes, for affordable housing projects is expedited to a greater degree than other projects.
- B. The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
- C. The allowance of flexibility in densities for affordable housing.
- D. The reservation of infrastructure capacity for housing for very low-income persons, low-income persons, and moderate-income persons.
- E. The allowance of affordable accessory residential units in residential zoning districts.
- F. The reduction of parking and setback requirements for affordable housing.
- G. The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
- H. The modification of street requirements for affordable housing.

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- I. The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- J. The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- K. The support of development near transportation hubs and major employment centers and mixed-use developments.

The Advisory Committee recommendations may also include other affordable housing incentives identified by the Advisory Committee.

ARTICLE II. MEMBERSHIP

Section 1. Members shall be appointed by the City Council.

Section 2. Terms of the members of the Affordable Housing Advisory Committee shall be two years. A member may be reappointed for successive terms subject to approval by the City Council.

Section 3. Members shall:

- A. Have a general knowledge of the City;
- B. Exhibit a genuine interest in the affairs and development of the City;
- C. Devote the time necessary to serve the Committee;
- D. Serve without pay or remuneration;
- E. Make judgments without respect to any personal gain;
- F. Support the adopted policies of the City;
- G. Have their primary residence or business within the City of Port St. Lucie;
- H. Be representative of at least one of the following:
 - 1. Citizen actively engaged in the residential home building industry in connection with affordable housing;
 - 2. Citizen actively engaged in the banking or mortgage banking industry in connection with affordable housing;
 - 3. Citizen representative of those areas of labor actively engaged in home building in connection with affordable housing;
 - 4. Citizen actively engaged as an advocate for low-income persons in connection with affordable housing;
 - 5. Citizen actively engaged as a for-profit provider of affordable housing;

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6. Citizen actively engaged as a not-for-profit provider of affordable housing;
7. Citizen actively engaged as a real estate professional in connection with affordable housing;
8. Citizen actively serving on the local planning agency pursuant to 163.3174, Florida Statutes;
9. Citizen residing within the jurisdiction of the local governing body making the appointments;
10. Citizen who represents employers within the jurisdiction;
11. Citizen who represents essential services personnel, as defined in the local housing assistance plan;

Section 4. Members of the Committee may be removed in accordance with the provisions set out by the City of Port St. Lucie.

Section 5. The Committee shall consist of nine (9) members and two (2) alternate members. Eight (8) of the members shall be representative of at least six (6) of the eleven (11) representative categories as outline by Florida State Statutes and listed in Article II. Section 3 above. One (1) member of the Committee shall always be an active, elected official of the City of Port St. Lucie as provided by Florida Law.

ARTICLE III. OFFICERS AND DUTIES

Section 1. The Officers of the Affordable Housing Advisory Committee shall be:

- A. A Chairperson, who shall preside at all meetings and shall have special duties as further prescribed in these by-laws.
- B. A Vice-Chairperson, who shall, in the absence of the Chairperson or in the event of the Chairperson' s inability to act, preside at all meetings, and shall have the powers to function in the same capacity as the Chairperson.

ARTICLE IV. MEETINGS

Section 1. Adjourned, called, or special meetings may be held at any time or place by the Committee provided that such meetings shall be held as required, subject to the call of the Chairperson or in the absence of the Chairperson, the Vice-Chairperson. Upon written request of six members of the Affordable Housing Advisory Committee, a special or called meeting shall be held by the Chairperson, or in the absence of the Chairperson by the Vice-Chairperson.

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Section 2. All meetings of the Affordable Housing Advisory Committee shall be open to the public.

ARTICLE V. QUORUM

Section 1. For the purpose of transacting business at any regular meeting, adjourned, special or called meeting, five (5) members will constitute a quorum and an affirmative vote of five members will be required to pass on any matter.

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EXHIBIT "B"

Charter Review Committee 2023

(The Charter Review Committee will operate as set-forth in a Resolution calling for a Charter Review.)

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EXHIBIT "C" Citizens Advisory Committee By-Laws 2023

Section 1. Qualifications: When appointing or consenting to members and alternate members, expertise shall be an important consideration of the Mayor and City Council. The expertise of applicants may be determined based on whether an applicant possesses an established financial background and budgeting experience. An established financial background may include, but is not limited to, educational background, experience, or both in a government budget process or private sector budget process, accounting experience, or high-level financial management experience.

Section 2. Attendance: The Budget Advisory Committee shall meet at least once per month unless there is no business to transact by the day before the regular meeting date. Special meetings may be called by a majority vote of the members of the Budget Advisory Committee or as requested by the City Council.

Section 3. Duties and Responsibilities: The duties and responsibilities of the Budget Advisory Committee shall include, but not be limited to, the following:

- A. Review of the City Manager's proposed budget, capital improvements plan, and budget update following the presentation of same to the City Council;
- B. If directed by the City Council review and advise the City Manager and the City Council on up to three (3) service areas or revenue sources each budget year, i.e. Solid Waste Fund, Gas Tax Revenue, and Saints Golf Course operations;
- C. If directed by the City Manager review and provide recommendations on specific expenditures, revenues, services, and policies;
- D. Provide recommendations to the City Manager on methods and tools to engage citizens in the budget process;
- E. Upon recommendation of the City Manager, City staff may provide appropriate support to the Budget Advisory Committee; and
- F. Provide any and all recommendations in writing to the City Manager prior to making any recommendations to the City Council.

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EXHIBIT "D"
Civil Service Appeals Board 2023
(City Council shall serve ex-officio capacity)

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EXHIBIT "E" **Construction Board of Appeals Revised By-laws 2023**

ARTICLE I. NAME

The name of the Board is the Construction Board of Appeals ("CBA" or "Board"). The CBA is created by City Council as follows.

ARTICLE II. MISSION AND PURPOSE

The Board was created to serve as the local construction regulation board with authority to issue certificates of competency, discipline locally licensed contractors, regulate unlicensed contractor activity, and hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code.

The Board is required by Ordinance to establish rules and regulations for its own procedure not inconsistent with the provisions of the code or any other provision of city Code of Ordinances. The board shall meet as needed at the call of the chairperson, after a request to call a meeting by the secretary. The Board is also required to establish rules to prescribe the procedure for determining the qualifications of an applicant to show: (1) the applicant's degree of experience; (2) the applicant's knowledge of building, safety, health, and lien laws of the county, state and federal governments as may be applicable; and (3) the applicant's knowledge of rudimentary administrative principles of the contracting business for which application is being made.

ARTICLE III. MEMBERS

Members shall be appointed by the City Council. The Board is required to consist of seven (7) regular members plus two (2) alternate members. Regular Board members, must be St. Lucie County residents, each of whom has a vote, with knowledge and experience in the technical codes and to include to the greatest extent possible:

- 1 Division 1 Contractor (GC,BC,RC)
- 1 Architect or Engineer
- 1 Electrical Contractor
- 1 Plumbing Contractor
- 1 HVAC Contractor
- 1 Building Code Administrator
- 1 Member at large from the public

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A contractor who serves on the Board must hold a current Florida state contractor's license or a Certificate of Competency issued by the City, and carry valid insurance and workers' compensation, as required by law.

ARTICLE IV. MEETINGS AND ATTENDANCE

The Board is required to hold not less than four (4) regular meetings each year. The meetings are to be called by the chairperson of the Board, and in his or her absence, by the vice-chairperson of the Board.

ARTICLE V. ORDER OF BUSINESS

The general order of business at Board meetings shall be as follows:

1. Call to order
2. Roll call
3. Determination of Quorum
4. Pledge of Allegiance
5. Approval of minutes
6. Additions or deletions to Agenda
7. Approval of Consent Agenda
8. New Business
9. Quasi-Judicial Hearings
10. Citation Hearings
11. Certification of Fine Hearings
12. Disciplinary Hearings
13. Public to be heard
14. Adjourn

ARTICLE VI. QUORUM

Four (4) members of the Board constitute a quorum at any meeting, and a majority vote of those present are required to make any decisions. In modifying a decision of the building official, the affirmative vote of the majority present, but not less than 4 affirmative votes, shall be required. If regular members are unable to attend a meeting, the alternate members shall vote.

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EXHIBIT "F"

Districting Commission 2023

(Shall be governed pursuant to section 5.05(b) of the Charter of the City of Port St. Lucie)

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EXHIBIT "G"
Infrastructure Surtax Citizens' Oversight Committee By-Laws 2023

Section 1. Membership and Qualifications: Term of Appointment; Vacancy.

- A. The Committee shall consist of seven (7) members and two (2) alternates. All members shall have the following qualifications:
1. All members shall be a resident of the City;
 2. Members shall not be elected officials or City staff members;
 3. Consideration should be given to applicants that have a background in engineering, planning or finance.

Section 2. Responsibilities and Duties: The Committee shall act solely in an oversight and advisory capacity to the City Council. The Committee shall not be responsible for identifying projects or determining the priority of a proposed project on the approved Projects List. Project priorities are determined by the City Council based upon many factors, including, but not limited to, availability of surtax revenues along with the status of project design and permitting. The Committee shall have the following responsibilities and duties

A. Prepare an annual report to the City Council regarding:

1. Whether City's expenditure of Surtax proceeds for the fiscal year was consistent with the requirements of Section 212.055(2), Florida Statutes, and the ballot language approved by the voters; and
2. Whether the City's expenditure of Surtax proceeds for the fiscal year was consistent with City Ordinance 18-50.

B. Review documents and projects:

1. The Committee will be presented with appropriate documents, plans, budgets, designs, permits (or permit applications), reports, photographs, presentations or other materials to sufficiently determine the status of each project.
2. Review and comment upon any changes or additions to the Projects List that may occur as a result of emergencies, hurricanes or other acts of God

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that might necessitate altering the Projects List. In the case of an emergency, the Committee may be consulted after-the-fact.

- C. *Meetings*: The Committee shall meet quarterly. Special meetings may be called by a majority vote of the Committee members or as requested by City Council in order to fulfill its duties and responsibilities.
- D. *Reports*. The Committee shall compile information received from the City on Surtax expenditures so that it is able to provide annual reports to the City Council by December 31st of each year. or by some other date as determined by the Committee. The Committee also shall provide a final report to the City Council prior to sun-setting and completing its operations.
- E. *Subcommittees*. By majority vote of the Committee members present and voting, a subcommittee, task force, or work group. may be created to further the purpose of the Committee. Any such task force, work group, or sub-committee shall be made up of Committee members and shall report their findings and/or recommendations back to the Committee for action.

Section 3. Sunset Provisions: Pursuant to County Ordinance No. 18-004, the Surtax shall be in effect only through December 31, 2028. It shall "sunset" and expire thereafter, without further action by any local government. The Committee shall remain in effect for the life of the Surtax imposed pursuant to County Ordinance No. 18-004 and until all Surtax proceeds are expended by the City Council. Thereafter, the Committee shall automatically sunset.

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EXHIBIT "H"

Municipal Police Officers' Retirement Trust Fund Board of Trustees 2023
(Shall be governed pursuant to Chapter 185, Florida Statutes)

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EXHIBIT "I"
Planning and Zoning Board Revised By-Laws 2023

ARTICLE I: POWERS AND DUTIES.

The Planning and Zoning Board shall have the following powers and duties:

- A. *Financing.* Make recommendations for the financing of improvements; but those recommendations for financing shall in no way be binding on the city council.
- B. *Comprehensive plan.* The comprehensive plan shall be adopted and may be amended from time to time. The plan, together with accompanying maps, charts, and explanatory matters shall show the recommendations of the Board for the development of the city and, among other things, may include recommendations as to the general location, character and extent of streets, bridges, parks, water ways, or other public ways, the general location of public buildings and other public property, and general location and extent of public utilities, the removal, relocation, widening, extension, narrowing, abandonment or change of use of existing or future public ways, grounds, spaces, buildings, or utilities.
- C. *Procedure for adoption of comprehensive plan.* The adoption of any future comprehensive plan or any part thereof, or any amendment, extension, or addition to the current comprehensive plan as set forth in Chapter 163, Florida Statutes.
- D. *Disposal of City property.* If requested by the City Council, the Board may make recommendations on the leasing or disposition of real property. However, the City Council shall have authority to overrule the recommendation of the Board on any proposal.
- E. *Neighborhoods.* Make recommendations for the improvement and development of neighborhoods.
- F. *Public relations.* Promote public interest in, and understanding of, the comprehensive plan and other proposals submitted by the board.
- G. *Budget.* The Board shall make recommendations on the annual update to the capital improvements element of the comprehensive plan.

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- H. *Voting.* The planning and zoning board shall make recommendations to the city council pertaining to all items relating to planning and zoning before any council action may be taken.
 - I. The Planning and Zoning Board may only table items at the request of the applicant or City Staff.
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EXHIBIT "J"
Port St. Lucie Youth Council 2023

ARTICLE I. POWERS AND DUTIES.

- A. **Creation.** There is created a board to be known as the Port St. Lucie Youth Council, which shall consist of up to nine members from local high schools. The members will be City residents who are actively enrolled in a public or private high school in grades nine (9) through twelve (12). The members shall be appointed by the Mayor and City Council and each member appointed shall serve an initial term to expire in May 2024.
- B. **Board Terms.** Unlike other boards, the initial term began in July 2023 and shall expire in May 2024. Beginning in 2024, each board member shall be appointed in May of each year thereafter, and may serve subsequent one (1) year terms, provided the individual is a current high school student
- C. **DUTIES.** The Youth Council members will attend board meetings along with city staff, coordinate activities, and provide recommendations to City Council.

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EXHIBIT "K"
Public Art Advisory Board Revised By-Laws 2023

ARTICLE I. Public Art Advisory Board, creation, and composition.

- A. A Public Art Advisory Board is hereby created as a body of individuals appointed by the mayor and consented to by city council that shall have the duty and responsibility to make recommendations to the city council on public art projects.
- B. The Public Art Advisory Board must be comprised of seven (7) members and two (2) alternates as follow:
 1. A representative of the St. Lucie County Chamber of Commerce.
 2. A representative of the Treasure Coast Builders' Association.
 3. Whenever possible, the remaining members should be representative of one (1) or more of the following classifications:
 - i. Architect, or Interior Designer;
 - ii. Landscape Architect or Land Use Planner;
 - iii. Professional in the field of art;
 - iv. Art or Architectural Historian;
 - v. Art Educator;
 - vi. Artist.
- C. All members and alternates of the Public art advisory board must reside within the City limits for a minimum of one (1) year preceding appointment.
- D. Each member of the Public Art Advisory Board serves without compensation.
- E. No member of the Public Art Advisory Board may be the artist, provide the artwork, provide art consulting services, or have any interest in any artwork to be reviewed by the board, whether proposed by a private developer or the City.
- F. In the event the Public Art Advisory Board is suspended, the City Manager or designee shall assume the duties and responsibilities of the public art advisory board as provided under this chapter.
- G. All meetings of the Public Art Advisory Board must comply with Florida law.

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ARTICLE II. Public Art Advisory powers, duties, and functions.

A. The Public Art Advisory Board shall:

1. Advise the City Council on the adoption of policies and procedures to acquire, commission, and maintain works of art in public places.
2. Advise the City Council regarding applications for the installation of art as part of private projects pursuant to this chapter.
3. Advise the City Council regarding installation of art as part of public projects pursuant to this chapter.
4. Advise the City Council regarding proposed donations of art pursuant to this chapter.
5. Recommend sites for location of public art in accordance with the public art master plan.
6. Provide recommendations and guidance in implementation of the public art master plan.
7. From time to time, recommend to the city council updates or revisions to the public art master plan that identify proposed locations and criteria for public artwork, art selection, and placement criteria, and other program recommendations, to reflect the changing environment of the City. It is the intent that such master plan be updated every five (5) years.
8. Conduct, with the assistance of City staff, calls to artists regarding installation of art as part of public projects and regarding installation of art using the Art Fund pursuant to this chapter.
9. Provide recommendations to the City Council on the maintenance of city-owned artwork to preserve and protect the public art in the city's collection.
10. Provide recommendations to the City Council on the deaccessioning, removal, or replacement of public art owned by the City.
11. Advise the City Council regarding murals to be installed on city property.
12. Propose recommendations to the City Council regarding the art in public places ordinance and program.

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13. Report to the City Council, on an annual basis, the status of the art in public places program, the application of the master plan, the use of art in public places funds and the fund balance.
 - B. The recommendations of the public art advisory board to the City Council are advisory only and may or may not be consistent with similar recommendations made to the City Council by other City boards.
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EXHIBIT "L"
Safety Review Board By-Laws 2023

ARTICLE I. PURPOSE:

The purpose of the Safety Review Board will be to establish guidelines and make recommendations essential for providing a Safety Program with a primary objective of reducing the frequency and severity of bodily injuries to employees, and the general public; damage to property, and liability losses. Inherent in the guidelines is the charge to provide a safe and healthful work environment.

ARTICLE II. ELECTION OF OFFICERS / BOARD MEMBERS:

- A. The election of Officers will provide for a Chairperson, a Vice Chair-Person, and a Recording Secretary provided by the City Clerk's Office.
- B. Members will serve on the Board for a three (3) year term, with members alternating the turnover, thereby eliminating a completely new Board each term. Members shall be appointed by each Department Head. A maximum of two individuals from each department will be appointed.
- C. Members may serve consecutive terms subject to the approval of their Department Head.
- D. Terms of office will commence at the beginning of each calendar year.

ARTICLE III. MEETINGS / ATTENDANCE:

- A. All meetings shall be in person unless otherwise directed by the City Manager.
- B. Meetings will be held at a minimum on a bi-monthly basis, on the third Thursday of the month. Special meetings will be held as called by the Chairperson.
- C. A quorum shall consist of at least half or more of total Board members, excluding Advisory members.
- D. Board member shall attend all meetings unless they have notified Risk Management in advance of the meeting that they will not be in attendance. The Board member will be responsible for notifying the Department Head and coordinating an alternate to attend.
- E. Board member and / or Officers may be removed from office for unexcused absences of two or more consecutive meetings or for other reasons as determined by majority vote of the Board, or at the discretion of their Department Head.

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ARTICLE IV. RULES OF PROCEDURE:

- A. Decisions of the Board shall be made by a Quorum of the Board
- B. Each accident / injury will be reviewed on a bi-monthly basis as reported on the claim logs maintained by Risk Management.

ARTICLE V. RECOMMENDATIONS:

- A. All recommendations will be directed to the respective Department Head.
 - B. The Department Head will have thirty (30) days to respond to the recommendation Board.
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EXHIBIT "M"

Site Plan Review Committee 2023

(Shall be governed pursuant to section 158.236 of the City Code of Ordinances)
