

**CITY OF PUNTA GORDA, FLORIDA
BUILDING BOARD
BYLAWS**

1. CREATION; TERMS OF MEMBERS; CONDITIONS

The City Council shall have a Building Board consisting of seven (7) members and two (2) alternate members to serve in the absence of a board member (or two (2) members) at a meeting. All members of the Board shall serve without compensation but may be reimbursed for such travel, mileage and per diem as may be authorized by the City Council. Appointment shall be made by the City Council with preference given to the following professions and trades if available to serve: engineering, architecture, general building, contracting, plumbing, electrical, construction and miscellaneous building trades. Three members will serve as citizen advocates and shall not be involved nor ever have been involved with any building trades. Appointment shall also be made on a stated ability to serve on the date(s) required. The members of the Board shall be appointed for a term of three (3) years during which appointees shall serve at the pleasure of the City Council; appointees shall be eligible for two (2) additional terms. Appointments to fill vacancies shall be for the remainder of the unexpired term of office, such members to also be eligible for appointment for two (2) additional terms.

Members who fail to attend three (3) meetings in a twelve month period shall automatically forfeit appointment, and the City Council shall promptly fill each vacancy. Any member with extenuating circumstances shall present same to the City Clerk for consideration by City Council. Members are required to notify the City Clerk's Office in advance of the meeting of any absence. Chairmen shall also be subject to the same rule and shall notify the City Clerk's Office of intended absences from scheduled meetings.

2. OFFICERS

- A. Officers of the Building Board shall be Chairman and Vice Chairman to be elected from the membership thereof. Officers shall be elected by the Board at the first regularly scheduled meeting in the month of February by a majority vote of those in attendance and shall serve for one (1) year, may be reelected, for not more than three (3) consecutive terms or may be replaced by election.
- B. The Board shall have a Recording Secretary, who shall be provided by the City of Punta Gorda, and who shall not be an appointed member of the Building Board.
- C. The Board shall be represented by an attorney who shall be provided by the City of Punta Gorda.

3. FUNCTIONS AND DUTIES OF OFFICERS

- A. Chairman: The Chairman shall be the presiding officer at all meetings of the Building Board. He/she may call special meetings at his/her discretion, sign all documents of the Board and may relinquish the Chair to the Vice Chairman or other specific member at his/her discretion. The Chairman may not make or second motions, but shall vote on any and all motions to come before the Board. The Chairman or designee shall also present all recommendations to the City Council.

- B. Vice Chairman: The Vice Chairman shall serve in the absence of the Chairman and, while so serving, shall have all the authority held by the Chairman.
- C. Recording Secretary: A Recording Secretary shall attend all meetings of the Building Board and shall keep an accurate record of the spirit and intent of statements made. All motions shall be recorded. Members shall state their reasons for motions and votes, and an accurate record of all reasons for motions or votes by members of the Board shall be made. The minutes of each such meeting shall be printed and distributed to members of the Board, the City Council and other appropriate persons at an early date. The original of the minutes shall be maintained as a permanent record and shall be a part of the official records of the City of Punta Gorda.

4. MEETINGS

Regular meetings of the Building Board shall be held in the City Council Chambers, 326 West Marion Avenue, Punta Gorda, Florida, at 9:00 a.m., the fourth Tuesday of each month. Special and emergency meetings and/or workshops may be held at the call of the Chairman or, in his/her absence, the Vice Chairman. All meetings shall be open to the public. In the event that a quorum of the members is not present for a scheduled meeting, such meeting will be rescheduled as soon as possible, consistent with notice requirements.

5. POWERS AND DUTIES

The Building Board shall have the following responsibilities:

- A. To hear complaints regarding locally licensed or registered contractors alleged to have violated the provisions of Chapter 7 of the City Code. Upon a finding of violation, the Board is granted authority to take any of the following actions against the locally licensed or registered contractor:
 - (1) Order probation.
 - (2) Suspend the guilty party's local license.
 - (3) Revoke the guilty party's local license.
 - (4) Order restitution.
 - (5) Levy a fine up to five thousand dollars (\$5,000.00) per offense.
 - (6) Assess reasonable legal and investigation costs incurred by the City of Punta Gorda to prosecute the case against the contractor.
 - (7) Issue a recommended penalty to the State of Florida Construction Industry Licensing Board. Said recommended penalty may include a recommendation for no further action, or a recommendation for suspension, revocation or restriction of the contractor's State registration, or a fine to be levied by the State of Florida Construction Industry Licensing Board, or a combination of such penalties.
- B. To hear complaints regarding state certified contractors alleged to have violated the provisions of Chapter 7 of the City Code. Upon a finding of violation, the Board is granted authority to take any of the following actions against the state certified contractor:
 - (1) Deny, suspend or revoke the authority of the certified contractor to obtain a building permit or limit such authority to obtaining a permit of permits with

- specific conditions if the Building Board finds the certified contractor guilty of fraud or a willful building code violation in the City of Punta Gorda.
- (2) Deny, suspend or revoke the authority of the certified contractor to obtain a building permit or limit such authority to obtaining a permit or permits with specific conditions if the Building Board has proof that such contractor, through the public hearing process, has been found guilty in another county or municipality within the past 12 months of fraud or a willful building code violation and finds, that such fraud or violation would have been fraud or a violation if committed in the City of Punta Gorda.
 - (3) Refuse to issue permits with specific conditions to a contractor who has committed and has been disciplined for multiple violations when the additional provisions of section 489.131(3)(f), Florida Statutes, have been met.
- C. To recommend to City Council certain amendments to Chapter One of the Florida Building Code as may be allowed by Florida Statutes.
 - D. To act as condemnation Board in matters of violation of minimum standards and making inspections and reports when so requested by the Building Official. In this regard, the Board may secure the services of the Fire Chief, sanitarian, architects, engineers or other professionals as required and, upon making findings of fact, shall render a final decision.
 - E. To hear and act upon Appeals from orders, requirements, decisions or determinations made by the Building Official under the provisions of Chapter 7, Article IV, City of Punta Gorda Code, the "Unsafe Building Abatement Code".
 - F. To make a determination on applications for Certificate of Competency when so requested by the Building Official in cases where the established standards may not have been met, but extenuating circumstances may be evident.

6. AGENDA

The agenda shall be prepared at least one week prior to the date of the meeting. The order of items on the agenda shall be at the discretion of the Building Official, due consideration being given to early consideration of items likely to attract large attendance at the meeting. The Chairman may, for reasons stated to all in attendance, vary from the order of the agenda. An item may be added to the agenda only by affirmative vote of a majority of the members present. An agenda item consisting of a proposed amendment to the building code or other ordinance may be removed from the agenda only by a motion to recommend approval or denial. Other items may be removed by majority vote of those present and reasons therefore stated in the record.

7. MEETING PROCEDURE

A. Quasi-Judicial Matters.

The Chairman shall call each agenda item and briefly describe, or ask the Building Official to briefly describe, the matter before the Board. The proponent or his/her agent will then be asked to present his/her case. The name and address of the proponent or his/her agent shall be entered in the record, as well as a summary of his/her presentation. At the conclusion of the proponent's presentation, the respondent, if any, shall have the opportunity to cross-examine the proponent. If the proponent has called

witnesses in support of its case, the respondent shall have the opportunity to cross-examine each witness at the conclusion of the proponent's direct examination of the witness. The respondent shall then present its case and call its witnesses. The respondent and its witnesses shall be subject to cross-examination by the proponent in a like manner as set forth above for the presentation of the proponent's case. The members of the Board shall each have an opportunity to question any speaker. The proponent will then be given a short summary opportunity, followed by the respondent. All statements shall be directed to the Board, and cross conversation among those in attendance is prohibited except during cross-examination. At such time that the Board feels that testimony has been sufficiently heard, a motion may be passed by simple majority to terminate testimony. Interested persons wishing to testify in the case may request either the proponent or the respondent for an opportunity to speak during the presentation of the case as a witness or rebuttal witness. Because of the quasi-judicial nature of the proceedings, persons not called as witnesses by either side may not give testimony. Public input may be given after the matter has been decided by the Building Board.

B. Other Matters.

The Chairman shall conduct non-quasi-judicial matters generally in accordance with Robert's Rules of Order. Public input shall be taken either at the beginning of the meeting or at the time the agenda items comes on to be heard as the Chairman may determine is best suited to insure that the interests of the public are heard.

8. MOTIONS

Following closing of testimony or presentation, a motion may be made to recommend approval or denial of the proposition to the governing body or to continue to a date certain. A brief statement of reason for the motion should precede the making of the motion. Any stipulations should be listed following the motion to approve. Upon receiving the second, the motion may be discussed and brought to a vote. The Chairman shall not make nor second motions, but he/she has full voice and vote on all issues before the Board for decision.

Vote shall be by voice, by the raising of hands or by roll call, at the discretion of the Chairman. Any member may call for a roll call vote on any issue. Any motion may be tabled or amended. If the Board feels that delaying an action would be in the best interests of the parties involved and pose no danger to the public, the hearing may be continued to a date certain. Such a motion for continuance shall include a reason for the action and shall require a majority vote of those present.

9. RESPONDENT/APPELLANT NOT IN ATTENDANCE

In case any respondent/appellant or his/her agent is not in attendance when his/her item is called, that item shall be set over to the end of the agenda. At the time the item is again called, if the respondent/appellant is still not represented, the Board may continue his/her case under procedure of Section 9_8 or may approve or deny the proposition as it sees fit.

10. QUORUM

A majority of the appointed members shall constitute a quorum for the transaction of business and the conducting of hearings.

11. VOTING REQUIREMENTS; CONFLICT OF INTEREST

No member of the Building Board who is present at any meeting of the same at which an official decision, ruling or other official act is to be taken or adopted may abstain from voting in regard to any decision, ruling or act, and a vote shall be recorded or counted for each member present except when, with respect to any such member, there is or appears to be a possible conflict of interest. Conflict of interest is defined as any action by the Board that would inure to the member's special private gain or loss or which the member knows would inure to the special private gain or loss of a relative or business associate of the member.

When there is or there appears to be a conflict of interest, the member shall so state for the record and shall not vote on the issue. Further, the member shall, within 15 days after the vote occurs, disclose the nature of his/her interest as a public record in a memorandum filed with the Recording Secretary, who shall incorporate the memorandum in the minutes.

CITY OF PUNTA GORDA, FLORIDA

By _____
Mayor