



# City Boards

# Handbook

*Prepared by*

**Lorraine Gott**

**With Contributors Barbara Montanaro and John Fergus**

*Adopted by Ordinance No. 1101 on March 18, 2015*

# CITY BOARDS HANDBOOK

## Contents

### Section 1. Introduction to Satellite Beach

- Mayor's Welcome Letter
- City Profile
- City Organization Chart
- Brief History through 2014

### Section 2. General Board Information

- **Generally**
  - Boards
  - Committees
  - Establishment
  - Applicability
  - Rules
- **Board Members**
  - Volunteers
  - Eligibility
  - Appointment
  - Alternate Members
  - Term of Office
  - Representing the Board
  - Attendance
  - Excused Absences
  - Removal
  - Special Removal Requirements
  - Vacancies
- **Meetings**
  - Generally
  - Open Meetings
  - Public Notice
  - Agendas
  - Public Comment
  - Quorum
  - Regular Meetings
  - Special Meetings
  - Workshop Meetings
  - Parliamentary Procedure
  - Discussion Sequence
  - Voting
- **Procedures for Citizens Addressing Boards**
- **Board Officers**
  - Annual Elections
  - Election Procedure
  - Chair Pro Tem
  - Officers' Duties
  - The Chair's Role
- **Board/Staff/Council Relationship**
  - Staff
  - Council Liaison
- **Parliamentary Guide**

### **Section 3. Legal Requirements for Board Members**

- **Requirement To Vote**
- **Gifts**
- **Business Relationship with City**
- **Financial Disclosure**
- **Public Records**
  - Definition
  - Penalties
- **Communication among Board Members**
  - Prohibitions
  - Penalties
- **Ex Parte Communication with Quasi-Judicial Boards**
  - Quasi-Judicial Boards
  - Definition
  - Prohibition
  - Required Disclosure
  - Rebuttal
  - Penalties
- **Dual Officeholding**

### **Section 4. Description of City Boards**

- Beautification Board
- Board of Adjustment
- Code Enforcement Board
- Community Redevelopment Agency (CRA) Advisory Board
- Comprehensive Planning Advisory Board
- Library Board
- Pension Plan Board of Trustees, General Employees
- Pension Plan Board of Trustees, Firefighters & Police
- Planning and Zoning Advisory Board
- Recreation Board
- Samson Island Working Board

### **Section 5. Forms**

- **City of Satellite Beach**
  - Application To Serve on City Boards
  - Attendance Record
  - Ex Parte Communication Disclosure
  - Board of Adjustment Forms
    - Variance Application
    - Information for Variance Applicants
    - Variance Checklist
    - BOA Procedure for Administrative Review or Variance Public Hearings
    - Legal Ad for Variance Public Hearing
- **State of Florida**
  - **Form 1** - Statement of Financial Interests (Limited Financial Disclosure)
  - **Form 1F** - Final Statement of Financial Interests
  - **Form 4A** - Disclosure of Business Transaction, Relationship, or Interest
  - **Form 8B** - Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers
  - **Form 9** - Quarterly Gift Disclosure (Gifts over \$100)
  - **Form 10** - Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event-Related Expenses

# **Section 1**

## **Introduction**

**to**

## **Satellite Beach**

Dear Board Member:

Welcome, and thank you for volunteering to serve on a City board!

Ever since Satellite Beach was established in 1957 under the guiding force of our first mayor, Percy Hedgecock, our City has been a strong volunteer community. In large and small matters of public concern, we have depended upon our residents to advise City leaders and help execute those decisions. Satellite Beach was built by volunteers, and you are now part of that long tradition of service to our City.

Your participation as a board member is very important because, during board meetings, you are representing our City. Keep in mind that you may be the first contact people have with our City government, and they may quickly form their opinion of Satellite Beach based on that contact.

This handbook has been prepared to anticipate and answer your questions. In addition, you'll learn interesting facts about the City you now serve. Feel free to contact our City Clerk's office (773 4407) if you need additional assistance. Our City works best when the City Council, staff, and volunteers work together to address the concerns of our residents.

On behalf of our City Council and staff, I welcome you and extend our appreciation for your willingness to help lead the City "Where Progress Prevails."

Sincerely,

Frank P. Catino  
Mayor

## CITY PROFILE

(January 2015)

**Date of Incorporation:** August 3, 1957

- Originally incorporated as “Town of Satellite Beach”
- Renamed “City of Satellite Beach” on February 23, 1965

**City Motto:** “Where Progress Prevails”

**City Charter:** Adopted 1957; revised by referendum in 1973, 1986, and 2009, and 2012

**Form of Government:** Council/Manager

**Annexation of PAFB South Housing Area:** Approved by referendum on November 2, 1999.

- 310-acre area includes **Pelican Coast** (privately-owned, single-family housing giving priority to USAF rentals), **Montecito** (privately-owned, civilian housing), and additional acreage for development.

**Population** (2010 U.S. Census): 10,109 residents in 4,283 households

21% = minors (under 18)

20% = 65 or older

Largest 5-year population group: ages 50 to 55 (9%)

Households: 28% have minor child(ren); 34% have senior(s) 65 or older

**Services Provided by Others:**

**Ambulance:** Brevard County Fire/Rescue

**Electric:** Florida Power & Light

**Sanitary Sewer:** Brevard County

**Public Schools:** Brevard County School District

**Potable Water:** City of Melbourne

**Recycling, Yard Trash, Garbage:** Waste Management, Inc.

**Geography:**

- **Total Area** (3.8 square miles; 2,467 acres):
  - 2.9 square miles (1,850 acres) of land
  - 1 square mile (617 acres) of navigable water in the Banana River and City canals
- **Shoreline:**
  - Ocean Beach: 2.8 miles      Banana River: 1.3 miles      Navigable Canals: 7.2 miles
- **Widest Location:** 1.5 miles, along Cassia Boulevard from ocean beach to west shore of Lansing Island
- **Elevation above Sea Level:**
  - Highest: 19 feet, along portions of land east of SR A1A
  - Lowest: 3 to 5 feet, along canal banks west of South Patrick Drive
- **Climate:** Located where tropical and temperate zones overlap

**Natural Resources:** City and its ocean beach have plants and animals from both climates:

- Threatened Atlantic Loggerhead and endangered green sea turtles along beach.
- Approximately 20 acres of coquina rock outcrops exposed at low tide—classified as an Essential Fish Habitat/Habitat Area of Particular Concern (extremely important to aquatic life and found in only a few locations along the Eastern seaboard).
- Endangered right whales calving off City’s beach.
- Endangered West Indian manatees in City’s canals and Banana River.
- Bald eagles foraging over Samsons Island.
- Fossilized Atlantic ghost crabs occasionally found on City’s beach, relics from about 110,000 years ago.
- Multiple endemic and listed plant species growing naturally within the City.

**Public Schools:**

Satellite High School (approx. 1,300 students)

Surfside Elementary School (approx. 380 students)

DeLaura Middle School (approx. 800 students)

Holland Elementary School (approx. 390 students)

**Grant Awards:** City has received more than \$21 million in grant funds (for stormwater drainage improvements; recreation facilities, oceanfront parks, and dune crossovers; Police and Fire equipment, vehicles, training, and programs; computers and software; energy upgrades and hardening of City buildings; Public Works vehicles and equipment; sidewalks; trees planted throughout the City; and other projects).

## DEPARTMENT SERVICES

### Police Department:

- Patrol officers, detectives, school resource officers, school crossing guards, communications
  - 9-1-1 Responses: 3,669 annually (2013)
  - Active Investigations: approximately 280 annually
- Community Services/Citizens Volunteer Program:
  - Satellite Beach Police Athletic League (PAL)
  - Each year up to 40 volunteers donate 4,000+ hours valued at more than \$80,000.
  - Programs include Citizens on Patrol (COP), Marine Patrol, ATV Beach Patrol, STOP BY & SAY HI, house checks for residents out of the City for extended periods.

### Fire Department:

- Firefighter/Paramedics, Firefighter/EMTs, volunteer certified firefighters
  - 9-1-1 Responses: 1,100+ annually
- Emergency management, fire code inspections, technical rescue
- Wellness Programs: community health paramedics, blood pressure checks, flu & pneumonia vaccinations
- Safety Programs: seniors fall prevention (CFAL), fire prevention, drowning prevention, CPR classes

### Recreation Department:

- Annual Participation: 130,000+ user visits annually
- **Parks and recreation fields:** 146 acres (approximately 8% of City's land area)
- **Civic Center** (at City Hall complex)
- **David R. Schechter Community Center** (Recreation Department Office, indoor gymnasium with basketball court, meeting rooms, Teen Zone)
- **Samsons Island Nature Park** (49-acre nature preserve and passive recreation park)
- **Oceanfront parks (4):** Hightower Beach Park (18.5 acres), Gemini Park (2 acres), Pelican Beach Park (10.5 acres), Michael P. Crotty Park (1.5 acres)
- **Pelican Beach Clubhouse**
- **DeSoto Park** (15 acres) (8 tennis courts, 2 racquetball courts, 2 basketball half-courts, athletic fields [football, soccer, lacrosse], senior baseball field, fishing pier, playground)
- **Athletic fields:** Hedgecock Brothers Field, Grabosky Field, Sunshine Field, and Olson Field
- **Sports & Recreation Park** (36 acres) (soccer and football fields, concession stand, restrooms, skate park [first in Brevard County], dog park [first in Brevard County], playground, picnic pavilion, nature trails, paved exercise trail, catch-and-release fishing pond and pier)
- **Other:** Cinnamon Tot Lot, Community Park at Ellwood & Temple (1/4 acre, also used for stormwater retention)

### Public Works Department: Maintains the following:

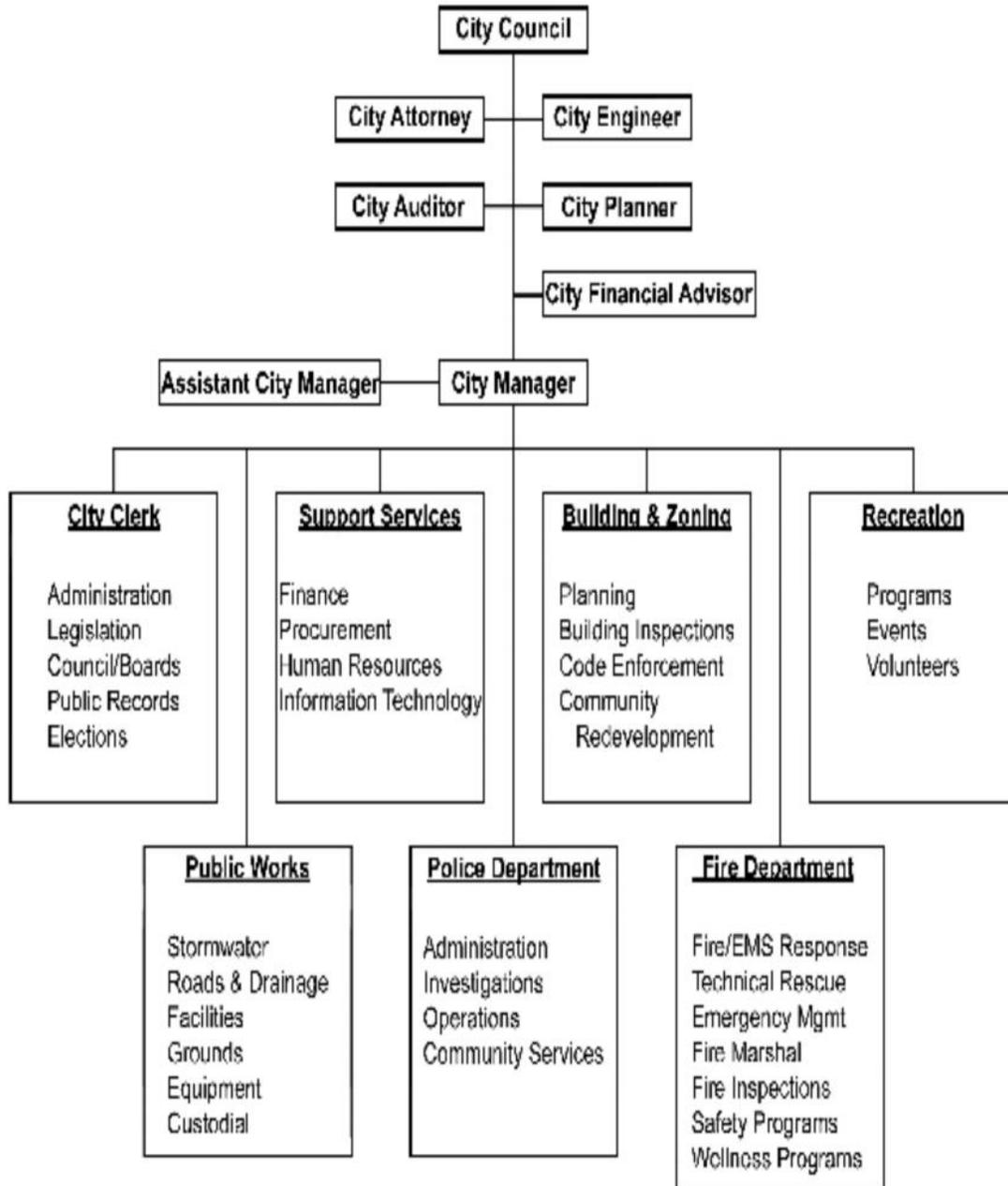
City Roads: 37 miles  
Stormwater Drainage: 17.8 miles of pipe; 0.7 miles of open ditch  
Buildings: 81,000 square feet  
Athletic Fields: 22 acres  
Landscaped Areas: approximately 130 acres  
City Vehicles: 49

### Building & Zoning Department: (2013)

Building Permits Annually: 1,444  
Code Enforcement Actions Annually: 412

# City of Satellite Beach ORGANIZATION CHART

(January 2015)



## CITY OF SATELLITE BEACH BRIEF HISTORY THROUGH 2014

Satellite Beach is a unique community. Even its name is unique, there being no other place listed by the U.S. Census Bureau with the word "satellite" in its name.

Prior to 1951, the only man-made features in what is now Satellite Beach were drainage ditches crossing the island about every half-mile and a decrepit two-lane asphalt road where State Road A1A now runs. The area consisted of palmetto scrub with a mangrove swamp along the Banana River. **Stephanie Sniath**, a widow, built the first home in this area in 1951. By the time of incorporation, Satellite Beach consisted of about 50 homes, one restaurant, and one service station.

The history of Satellite Beach as a municipality goes back only to August 3, 1957 when residents voted (45 to 11) in a referendum to incorporate as the **Town of Satellite Beach**. The 57<sup>th</sup> eligible voter was unable to vote because he was down-range. **Evelyn Price**, the secretary to the attorney who wrote the Town's original charter, won the \$25 prize in a contest to name the new Town. (That original **Charter** was replaced in 1973, and the replacement was revised in 1986, 2006, and 2009.)

Elected officials of the new Town government served without pay, a practice that continues to the present. Their first action, 10 days after the referendum, was to enact Ordinance #1, establishing residential and commercial zoning districts that effectively prohibited trailer parks. This emphasis on well-regulated development has continued as Satellite Beach has grown and become more urbanized.

After three days of pleading by residents, **Percy Hedgecock** agreed to be appointed as the first mayor. He subsequently served five consecutive terms before resigning in 1973. Donating large amounts of his personal funds to develop Satellite Beach, Mayor Hedgecock emphasized self-sufficiency and recreation for youth. Along with resident landowner **Louis Olson**, he donated land behind the police station for the Town's first athletic field, **Olson Field**. Mayor Hedgecock also donated funds to build the ballfields on the DeLaura/Satellite High campus, and he and his wife sponsored multiple **girls' softball teams**, several of which earned the **World Champions** title. At his behest in 1963, the Town donated a **swimming pool** to Satellite High School.

In 1964, Phyllis Koerner won a \$25 savings bond for suggesting "**Where Progress Prevails**" as the **Town's motto**. And in 1965, Satellite Beach was officially **designated a city**, rather than a town.

From its beginning, Satellite Beach has relied on, and benefitted from, the contributions of **volunteers**. Included among these volunteers were six individual or family builders who donated labor and materials for the earliest construction in the City: Percy, Shine, June, and Hub Hedgecock; Jimmie Caudle; Richard Smith; Dumont, Percy, and Jack Smith; Ted Craver; and Ray, Terry, and Leolin Sells.

- In 1957 (August 3 to December 21), the City's first municipal building (a **Civic Center**) was built on the northwest corner of Cinnamon Drive and Thyme Street, at a total cost to the City of ~\$6,500.
- In 1961, a **Town Hall and Fire Department**, both built largely by volunteer builders and firefighters, were added to the original Civic Center building to form the City's **original municipal complex** on Cinnamon Drive (where today's Police Department is located). Eventually, the early Police Department moved into the original Civic Center building.
- In 1966, a **Civic Center/Library complex** was built on Cassia Boulevard. (This structure, with its connecting breezeway, is today's Scotty Culp Municipal Complex, consisting of the City Hall, Civic Center, and Hedgecock Brothers Field.)
- In 1967, volunteers finished the interior of the **original library** (now City Hall) across from the Civic Center on Cassia Boulevard and donated 6,000 volumes to begin its collection. In 1976, the City library became part of the Brevard County Library system.
- In 1968, South Florida developer **Sam Fuchs** donated 34 acres of what is now **Samsons Island Nature Park** between the Banana River and the Grand Canal. Mr. Fuchs wanted this land to be named for his sons; hence the name Samsons (Sam's sons) Island. Since formation of the

**Samsons Island Development Committee** in 1990, volunteers have contributed more than 50,000 hours to develop the Nature Park.

- In 1968, the City used \$40,000 from Little League concession sales to build a **Recreation Department** on the under-used tennis court next to the original municipal complex.
- The **Beautification Board** planted and maintained the City's landscaped areas for many years.
- Residents donated money to help pay for tennis courts at **DeSoto Park**; and in 1976, builders, sports organizations, and residents donated labor and materials to build the grandstand at DeSoto Park.
- In 1977, the **Volunteer Fire Department** bought, and donated to the City, land on which the **Fire Department** now stands on South Patrick Drive. Also in 1977, the **Satellite Beach Fire Department** became the first in Brevard County to provide Advanced Life Support (ALS).
- Each year since 1996, up to 40 volunteers have contributed more than 4,000 hours annually to **Police Department** programs, such as Citizens on Patrol, Marine Patrol, and others.
- Volunteers also provide more than 10,000 hours each year to **youth sports leagues**.
- The members of all **City boards** have always served as volunteers.

In 1990, Brevard County built a new **Satellite Beach Public Library** at the south end of Jamaica Boulevard. In 1991, the vacated library space was renovated to become the current **City Hall** on Cassia Boulevard. This move, along with a new **Fire Department** in 1989 on the land donated by the Volunteer Fire Department, allowed a new **Police Department** to be built in 1993 at its present location on Cinnamon Drive.

In a 1996 agreement with Brevard County, the City agreed to develop recreation facilities on the County's 36-acre decommissioned sewage-treatment plant next to the new Satellite Beach Public Library. In exchange, the agreement calls for the County to sell the land to the City for \$100 in 2016. Almost solely with grant funds, the City has transformed the site into the **Satellite Beach Sports and Recreation Park**, which includes the first **Skate Park** and first off-leash **Dog Park** (built largely by volunteers) in Brevard County.

In 1999, using Florida's "**Preservation 2000 (P-2000)**" grant funds, the City purchased 15.3 acres of undeveloped, oceanfront land situated north and south of Brevard County's **Hightower Beach Park**. Combined with the County park and adjacent State conservation lands, this expanded Park provides public ownership of 18.5 acres (one-half mile of ocean shoreline) of undeveloped natural habitat. With additional "P-2000" funds in 2000 and a \$100,000 contribution from the **Satellite Beach Woman's Club**, the City purchased 1.85 acres of natural habitat to expand County-owned **Pelican Beach Park** 340 feet to the south. Recognizing the City's investment in County oceanfront parks, in 2012 the County gave the City title to Pelican Beach Park, the Clubhouse, and the County's portion of Hightower Beach Park. Adding to the City's public oceanfront, in 2005 the Community Redevelopment Agency bought the 1.2-acre Sunrise property (**Michael P. Crotty Park**), and a 2006 agreement with a developer gave the City two acres of undeveloped land (**Gemini Park**).

In 2000, the City purchased a 37,000-square foot derelict strip plaza on South Patrick Drive. In 2002, this renovated property became the **David R. Schechter Community Center**, replacing the 1968 Recreation Center and providing meeting and activities rooms, the Recreation Department office, a permanent home for the **Teen Zone** (which volunteers had created in this location in 1996), and an indoor gymnasium with a basketball court.

In 2003, the City designated its two commercial corridors (So. Patrick Drive and SR A1A) as a redevelopment district and established its **Community Redevelopment Agency**, assisted by its **Community Redevelopment Agency Advisory Board** to attract high-quality businesses.

Following a 1999 City referendum granting residents' approval, in 2003 the City **annexed the PAFB South Housing Area** (approximately 310 acres), which the U.S. Air Force had sold to a private developer. With developments called **Pelican Coast** and **Montecito**, it contains the largest area available for development in the City—100 acres cleared of outdated 1957 military housing.

# **Section 2**

**General**

**Board**

**Information**

## GENERALLY

**Boards.** Permanent panels shall be designated as boards.

**Committees.** Temporary (ad hoc) panels shall be designated as committees.

**Establishment.** Boards shall be established by ordinance. Committees shall be established by City Council vote and shall be of a specified duration.

**Applicability.** Even though the term “board(s)” is used throughout this Handbook, the information applies equally to committees, except where otherwise noted.

**Rules.** Unless required by Florida Statute, boards shall not establish their own rules or governing documents (charters, bylaws, procedures, etc.).

## BOARD MEMBERS

**Volunteers.** All board members are volunteers who serve without compensation; however, they may be reimbursed for such travel, mileage, and per diem expenses as authorized by the City Council.

**Eligibility.** Board members should have the expertise necessary to accomplish the board's mission. Members must be registered voters in Brevard County and, except for the **CRA Advisory Board, Library Board**, and any other board which the City Council may designate by formally amending this Handbook, all members must reside in the City of Satellite Beach. Board members may not hold any elected or staff position in the City (except for the **Pension Plan Boards**) and must have no conflict of interest with the board on which they wish to serve. All board members must continuously satisfy the requirements for being a member of their board.

**Appointment.** The appointment process begins by completing an “Application To Serve on City Boards” (available at City Hall and on the City's website) and submitting it to the City Clerk. Applicants for initial appointment to boards are then interviewed by the City Council at a workshop meeting, with formal appointments made at the next regular Council meeting. All Councilmembers, including the Mayor/Chair, may nominate applicants to boards. Interviews shall not be required for reappointments to the same board, but attendance records shall be considered in reappointments. In its sole discretion, the City Council appoints all primary and alternate board members based on experience or interest in a board's subject matter. Where there is a shortage of qualified applicants or the City Council deems that an individual's expertise is needed, an individual may concurrently serve on more than one board, or on a board and a committee, where they do not conflict. Each board member shall serve until his/her successor has been appointed.

**Alternate Members.** Alternate members are expected to attend all meetings to become knowledgeable about board business. Alternates shall sit with the primary members and participate in board discussions, but they may not make motions or vote unless they are substituting for an absent primary member.

If a primary member is unavailable to attend a meeting, an alternate shall be substituted. The alternate first appointed shall be designated “Alternate A”; the other shall be “Alternate B.” If both were appointed at the same time, “Alternate A” shall be the one whose last name comes first alphabetically. Alternates shall be responsible for substituting according to the following schedule:

- January, March, May, July, September, November: **Alternate A**
- February, April, June, August, October, December: **Alternate B**

The Chair shall announce which alternate(s) will be substituting for a primary member(s).

**Term of Office.** The term of office for board members shall be three years. Members are limited to two terms, unless no other qualified individual has applied for the board, or the City Council deems that the member's expertise is still needed on the board.

**Representing the Board.** No board member may act or speak in the name of the board unless specifically authorized to do so by a majority vote of the board.

**Attendance.** Regular in-person attendance is required of all board members, including alternates. Attendance shall be recorded at each meeting in the minutes and on the **Attendance Record** form.

**Excused Absences.** An excused absence occurs when a board member is unable to attend a regular meeting due to unavoidable and essential business or personal matters, personal or immediate-family illness, or an immediate-family emergency or bereavement. For any absence, whenever it is possible to do so, prior to the meeting the member shall notify the Recording Secretary of the anticipated absence and the Chair shall determine whether the absence is excused.

**Removal.** At the discretion of the City Council, any board member may be removed for cause (malfeasance, misfeasance, neglect of duty, habitual drunkenness, incompetence, permanent inability to perform official duties, or felony or misdemeanor conviction, per **FS 112.501**). Neglect of duty shall include excessive unexcused absences, which shall be defined as unexcused absence from 2 out of 3 consecutive regular meetings.

The Recording Secretary shall notify the City Clerk of such individuals. Before notifying the City Council and before removal is initiated, the City Clerk shall contact the individual to determine if s/he is interested in remaining on the board with assurance of regular attendance or desires to resign or be removed. If s/he desires to remain on the board and has another unexcused absence, that seat shall be automatically vacated.

**Special Removal Requirements.** In accordance with **Section 112.501, Florida Statutes**, the City Council may remove any member of boards created by general law or City Charter (**Pension Plan Boards, Comprehensive Planning Advisory Board, and Planning and Zoning Advisory Board**) only by resolution specifying the facts which are the basis for removal, after reasonable notice and an opportunity to be heard are given to the board member.

**Section 162.05(3)(e), Florida Statutes**, requires the **Code Enforcement Board** to declare a member's office vacant if that member has excessive unexcused absences as defined above.

**Vacancies.** For the first regular City Council meeting of each month, the City Clerk shall include in the Council packet a list of upcoming board vacancies scheduled to occur in the following month (if any), along with copies of applications to serve on those boards. The City Council shall fill vacancies in unexpired terms in the same manner as initial appointments. The term of such appointment shall be the remainder of the unexpired term.

## **MEETINGS**

**Generally.** In addition to regularly-scheduled meetings, other meetings (including rescheduled or continued meetings) may be called by the Chair or a majority of a board.

**Open Meetings.** Florida's Sunshine Law (**FS Chapter 286**) requires all board meetings to be open to the public and have reasonable ADA accommodation. **Minutes** of each meeting must be prepared and open to public inspection. Neither audio nor video recordings are required but, if made, they must be retained as part of the public record in accordance with the retention schedules of the Florida Department of State.

**Public Notice.** Reasonable public notice is required for all meetings subject to the Sunshine Law. Because that law does not define “reasonable notice,” the type of notice depends upon the situation and board involved; however, the time and manner of notice must be sufficient to enable the media and general public to attend.

- While **Florida courts (1<sup>st</sup> and 3<sup>rd</sup> DCAs)** have held that publishing an agenda is not required, an **informal Florida Attorney General’s Opinion** “suggests” that notice (which should be “prominently displayed” at City Hall or comparable area set aside for notices) should contain the meeting’s time and place and, if available, an agenda (or a statement of the general subject matter to be considered if an agenda is not available).
- For regular, special, and workshop meetings (including rescheduled and continued meetings), all boards shall provide at least 24 hours’ notice.
- Emergency meetings shall have the most appropriate and effective notice under the circumstances (including no prior notice if necessary).

The meeting notice shall also specify that more than one member of the City Council may be in attendance at the meeting.

**Agendas.** Agendas are decided by City staff in coordination with the Chair. Board members desiring an agenda item may request it during the preceding meeting, or they may contact City staff before the agenda has been finalized. With the board’s consent during a meeting, the Chair may change the order of agenda items, but it is Council policy that agenda items shall not be added during a meeting.

**Public Comment.** The opportunity for public comment on agenda items (except approval of minutes) shall be provided at all board meetings (except those closed to the public under FS 286.011).

**Quorum.** Unless otherwise noted in the board descriptions, the physical presence of a majority of the members shall constitute a quorum for meeting purposes. The presence of a quorum must be determined before a meeting is called to order. If no quorum is present, the meeting shall be postponed until a quorum is present.

**Regular Meetings.** Unless established by City Council, the day, time, and frequency of regular meetings are established by the board upon approval by the City Manager. Meeting times vary in length according to the number of agenda items.

**Special Meetings.** Special meetings may address only the topic(s) identified on the agenda.

**Workshop Meetings.** Workshop meetings are intended to be less formal than those requiring adherence to parliamentary or other procedures in this Handbook. No binding decisions may be made at a workshop meeting; therefore, motions may be made and voted on only to determine the majority will of the board and to facilitate the meeting’s progress.

**Parliamentary Procedure.** Board meetings shall be conducted in accordance with the latest edition of **Scott, Foresman Robert’s Rules of Order Newly Revised** where such rules do not conflict with this Handbook. See “**Parliamentary Guide**” in Section 2 of this Handbook.

**Discussion Sequence.**

1. Chair introduces the agenda item and calls on staff to present background information to facilitate the board’s deliberations. Board members may question the staff.
2. Board discusses the agenda item.
3. Chair calls for **public comment** on the item and recognizes each person who wishes to speak (see “**Procedures for Citizens Addressing Boards**”). Chair closes public comment.
4. For public hearings, Chair announces that the hearing is open for public comment. After the last comment, Chair declares that the public hearing is closed.
5. Board further discusses the agenda item, if desired, and makes any appropriate motion(s). The Chair may not make or second motions.

6. When there is no further discussion on a motion, Chair asks Recording Secretary to poll the board, which is done in the following sequence:
  - Chair is called last,
  - Member making the motion is called next to last,
  - Member seconding the motion is called third to last, and
  - Remaining members are called on a rotating basis.
6. Chair announces the voting result. Further discussion of the agenda item after the voting result has been announced is out of order.
7. With the consent of the board, the Chair may change the order of agenda items and the discussion sequence.

**Voting.** Roll-call votes are required on all motions and shall be recorded in the minutes of the meeting. Secret ballots are prohibited. Unless otherwise noted in the board descriptions, a motion passes upon the affirmative vote of the majority of the board members present. A motion fails on a tie vote. Also see “**Requirement To Vote**” in Section 3 of this Handbook.

## **PROCEDURES FOR CITIZENS ADDRESSING BOARDS**

*These procedures shall be available as a handout at every board meeting.*

1. All Satellite Beach residents and taxpayers or their authorized representatives shall have the right to address the board. Non-residents and non-taxpayers may be heard, but the Chair may have them wait until residents and taxpayers have been heard.
2. After they have been recognized by the Chair, speakers shall come to the lectern and state their name and city of residence for the public record. Speakers shall be allowed to address the board only once per agenda item. Speakers may submit documents to each member of the board when they address the board; however, there is no requirement or expectation to also submit copies to audience members.
3. Special interest groups are encouraged to select a representative to speak for them in order to conserve time and avoid repetition. If a representative is selected and the group desires, a list of the names and cities of residence of all group members present may be given to the Recording Secretary for inclusion in the record. In no case shall the selection of a representative speaker result in another person's being denied the opportunity to speak.
4. Speakers shall be limited to three minutes, unless the board restricts or extends the time limit. An exception shall be made if a speaker has requested the agenda item. In that case, the speaker shall be given the first and last opportunity to speak during citizen comments and shall be given adequate time to present pertinent and necessary information about the agenda item.
5. Speakers shall address the entire board, not the audience or a board or staff member. Questions shall be directed to the board through the Chair, and the Chair shall recognize the appropriate person for response, if the Chair deems a response necessary. Debate between a speaker and anyone else shall not be permitted.
6. Speakers shall confine comments to the issue and avoid negative comments of a personal nature.
7. Speakers shall talk directly into the microphone provided, and SPEAK UP!
8. Board members may question the speakers.
9. With the consent of the board when the audience is small, the Chair may allow an open discussion between citizens and board members.
10. Procedures for dealing with individuals who do or attempt to disturb, disrupt, or interrupt any meeting, and expulsion of disorderly persons from a meeting, shall be in accordance with **City Code Sec. 2-49 (Disruption of meetings)** which reads in pertinent part as follows:

**Sec. 2-49 (a):** It shall be unlawful for any person to disturb, disrupt or interrupt, or attempt to do so, any meeting of the . . . board . . . . The use of obscene or profane language, physical violence or the threat thereof, or other behavior which the presiding officer or a majority of the . . . board . . . shall determine is intended as a disturbance, disruption or interruption, and a failure to comply with any lawful decision or order of the presiding officer or of a majority of the . . . board . . . to cease such activities shall constitute a disruption.

**Sec. 2-49 (b):** In addition to any other penalty which may be imposed for the violation of the provisions of this section, the presiding officer or a majority of the . . . board . . . may hold any person disturbing, disrupting or interrupting such meeting, or attempting to do so, in contempt thereof and cause the ejection or removal of such person from the premises where such meeting is in progress. In the event of such ejection or removal of the person, it shall be unlawful for the person to return to the premises where the meeting is in progress until the meeting has been adjourned.

## **All Board Participants**

**To ensure that everyone in the room can hear what's being said and the meeting is properly recorded,**

### **SPEAK UP!**

- **Position your microphone in front of your face and speak into it.**
- **No side/personal/off-the-record conversations during the meeting.**

## BOARD OFFICERS

**Annual Elections.** As the last item of business at its first regular meeting each year, each board shall elect a Chair and a Vice Chair, who shall take office immediately. Before the board's next meeting, the new Chair and Vice-Chair shall meet with the City Manager for any training necessary to ensure they know how to properly conduct and control a meeting. If needed to fulfill their duties, boards may elect other officers deemed appropriate for their circumstances. Officers may be elected for successive terms. Only primary members (not alternates) may be elected.

**Election Procedure.** In accordance with *Robert's Rules*, the Chair opens the floor for nominations for Chair from any voting board member present at the meeting. Nominations do not require a motion and second. The Chair declares the nominations closed when no additional names are provided. The Recording Secretary then polls each board member to determine his/her nominee choice. The nominee receiving a majority of the votes is elected. If no nominee receives a majority, the nominating procedure is repeated until the required votes are obtained. Following the election of the Chair, the same procedure is used to elect a Vice Chair.

**Chair Pro Tem** (as needed). In accordance with **City Resolution No. 525**, at any board meeting where both the Chair and the Vice Chair are absent, the Recording Secretary (or in his/her absence, any voting board member) shall call the meeting to order, and a Chair Pro Tem shall be elected to preside until the Chair or Vice Chair arrives.

**Officers' Duties.** The Chair shall preside at all meetings of the board and have all the duties and powers customarily incident to that office, as well as those delineated in *Robert's Rules* and this Handbook. In the absence of the Chair, the Vice Chair shall assume the duties of the Chair.

### The Chair's Role.

- Serve as official host for the assembly, and ensure that all board members show courtesy to each other and to the public. Introduce new members, and help them feel welcome.
- Refer to yourself as the Chair, rather than in the first person (e.g., "The Chair finds that. . ."). Speakers should also refer to the Chair by title and not by name.
- With a quorum present, call the meeting to order on time with a rap of the gavel. Adjourn the meeting in the same manner.
- Conduct an efficient and productive meeting, being fair and impartial at all times.
- Maintain order at all times. Do not allow debate or arguments between the board (including its attorney and City staff) and members of the public.
- Announce each agenda item and proceed according to "Meetings – Discussion Sequence" in Section 2 of this Handbook.
- Recognize board members who wish to speak. For the public record, ensure that they always speak directly into their microphones, and **do not allow side conversations to occur between board members.**
- Participate in, but do not dominate, board discussions; don't try to force your wishes on the board.
- Guide the wording of motions when needed, and ensure that motions are stated affirmatively (i.e., a motion to do something, not a motion not to do something). Do not allow motions that are frivolous or not germane to the matter being discussed; rule the motion (not the member) out of order.
- Vote on all matters but, as the Chair, do not make motions. If the Chair desires to make a motion, pass the gavel to another board member (the Vice Chair, if present), who will chair the meeting until the matter is concluded.
- Appoint any necessary committee(s), which may elect their own Chair and Vice Chair.
- Notify the City Manager or Council Liaison of any board matter which needs Council or staff attention.

## **BOARD/STAFF/COUNCIL RELATIONSHIP**

**Staff.** A good working relationship between board members and City staff is essential for the boards to accomplish their mission. Each board has specific staff members assigned to provide technical and administrative support. This staff prepares and distributes a packet of information for each item on a board's agenda and provides background information on agenda items during board meetings. Because board members are responsible for reading and understanding the agenda packet before they come to the meeting, they should feel free to individually discuss agenda items with assigned staff outside of a meeting. Staff members do not vote, but they may make recommendations to the boards.

For each board except the **Pension Plan Boards** and the **Library Board**, a **Recording Secretary** shall be appointed by the City Manager to fulfill the following duties: prepare the meeting agendas in coordination with the Chair, publish the required notice of meetings, record attendance on the Attendance Record form (including the Chair's determination of whether absences are excused or unexcused) and provide a copy to the Chair, record the proceedings, prepare minutes of the meetings, maintain custody of all board records, and perform other duties incident to the office as appropriate.

**Council Liaison.** Each board has a City Council member assigned as the Council liaison to the board. The liaison's function is to observe board meetings and report on what occurs during the Council Comments portion of regular Council meetings. If a problem with the board is discerned, the liaison will inform the City Manager or City Council, as appropriate, for corrective action. Council liaisons are not board members and do not participate in the proceedings except to answer board questions directed to them or to provide requested information. Since the boards are established to provide independent citizen input to the City Council, **City Charter Sec. 4.02(a)** prohibits Council liaisons from attempting to guide the deliberations of the boards.

## **PARLIAMENTARY GUIDE**

All board members should know and practice basic parliamentary procedure. See the attached parliamentary guide on the next page for procedures most likely to be useful at board meetings.

# **Section 3**

**Legal Requirements**

**for**

**Board Members**

## REQUIREMENT TO VOTE

Per **FS 286.012, 112.311, 112.313, and 112.3143**, board members must vote on all agenda items, unless the matter would inure to a member's special private gain or loss, or to the special gain or loss of certain relative(s) or business interest(s) of the member. (The instructions on **Form 8B** provide a detailed explanation of when a member must abstain from voting.) If the matter simply affects friends, fellow church or club members, or persons with whom a member has a past business relationship, no voting conflict exists.

Where the action would affect a board member in the same way it will affect a group of similarly situated citizens, the determination of whether a special gain or loss exists will depend on the size of the class. If the class is large, a special gain or loss will result only if there are circumstances unique to a board member or business associate whereby a member or associate stands to gain or lose more than the other class members. Where the class benefiting from the measure is extremely small, the possibility of special gain or loss is much more likely.

A board member thus barred from voting may nevertheless participate in the discussion of the matter provided s/he first discloses the nature of her/his interest in the matter. S/he may do this by either:

- Making the disclosure orally at the meeting before participating, followed by filing a completed **Form 8B** with the board's Recording Secretary within 15 days of the vote.

OR

- Filing a completed **Form 8B** prior to the meeting so that the form can be provided to the other board members and read publicly at the meeting.

## GIFTS

Board members shall not solicit or accept anything of any value based upon any understanding that their vote or official action would be influenced thereby. Any board member receiving a personal gift valued over \$100 during any calendar quarter may be required to file **Form 9**, and other types of gifts and honoraria may require **Form 10** to be filed (see instructions on the forms to determine reporting requirements).

## BUSINESS RELATIONSHIP WITH CITY

Any board member having a business relationship with the City must file **Form 4A**.

## FINANCIAL DISCLOSURE

Members of certain boards (**Board of Adjustment, Code Enforcement Board, Comprehensive Planning Advisory Board, Pension Plan Boards of Trustees, and Planning and Zoning Advisory Board**) are required to provide limited financial disclosure in accordance with the following schedule:

1. 30 days after appointment (obtain **Form 1** from the City Clerk's Office),
2. Annually (Supervisor of Elections mails **Form 1** to board members for completion in June), and
3. 60 days after completing service on the board (obtain **Form 1F** from the City Clerk's Office).

Board members may mail these forms directly to the Brevard County Supervisor of Elections or bring them to the City Clerk's office.

## PUBLIC RECORDS

**Definition.** Board members are required to retain their public records. **FS 119.011** defines public records as all documents, maps, books, tapes, photographs, films, sound recordings, data processing software, and other material—regardless of form or means of transmission—made or

received by board members in connection with official board business, including business conducted via *personal* electronic media (computer, smart phone, etc.). Such items are public records even if they are not in final form. Notes made in agenda packets to help formulate a statement at the meeting are also public records which must be retained.

If someone asks to review or receive copies of a board member's public records, the records must be produced. The public records law is interpreted liberally in favor of the person requesting the records. Because the place where public records are retained might be deemed a record location subject to public inspection, board members may turn their public records over to the City Clerk for storing.

**Penalties.** **FS 119.10** provides penalties for denying access to public records. Depending upon which section of Chapter 119 is violated, violations can range from civil infractions for unintentional violations (maximum penalty of \$500 fine) to first-degree misdemeanors and third-degree felonies for intentional violations (maximum penalties as provided by statute, including fines, jail time, removal from board, and others).

### **COMMUNICATION AMONG BOARD MEMBERS**

**Prohibitions.** The Florida Sunshine Law (**FS Chapter 286**) governs board-member communication as follows:

- Members of the same board are prohibited from communicating with one another outside of a public meeting about any topic that will or might be discussed or acted upon at any future meeting.
- Technically, board members may exchange information on administrative topics that will not be acted upon. However, the City discourages such communication in order to avoid any appearance of impropriety.
- A board member may distribute a written document to the other members for their consideration prior to a meeting only by providing it to the Recording Secretary for distribution; however, no member may respond to this document outside of the public meeting (any response becomes a Sunshine Law violation).
- No person may act as a conduit to carry information from one board member to another.
- Side conversations between board members during a meeting are prohibited. Only one board member shall speak at a time; and all comments must be made into the microphone, openly, clearly (no mumbling), and on the record at all times during a meeting.

**Penalties.** Board actions taken in violation of the Sunshine Law are void; however, such actions can be cured by re-doing them in the sunshine. **FS 286.011** provides that unintentional violations are civil infractions with a maximum penalty of a \$500 fine, and intentional violations are second-degree misdemeanors punishable as provide by Florida Statutes.

### **EX PARTE COMMUNICATION WITH QUASI-JUDICIAL BOARDS**

**Definition.** Ex parte communication means any communication:

- Made or received by a member of a quasi-judicial board;
- Made by any applicant for a hearing before the board, any person with a direct or indirect interest in the proceeding, or any authorized representative of any such person;
- Made during the period from 60 days before required documents are filed to apply for a hearing on the matter through completion of the hearing;
- Made outside the duly-noticed public hearing; **and**
- Made regarding the merits of any quasi-judicial matter pending before the board, or any threat or offer of reward regarding such matter.

**Quasi-Judicial Boards.** When a board's decision is based upon evidence presented at a duly-noticed hearing before the board, the decision is quasi-judicial. The City's quasi-judicial boards are the **Board of Adjustment**; the **Code Enforcement Board**; and the **Planning & Zoning Advisory Board** and the **City Council** when they are performing quasi-judicial functions (i.e., considering site plans or rezoning specific properties).

**Prohibition.** Except for the City Council, quasi-judicial board members shall not make or receive any ex parte communication. However, members of the **Board of Adjustment** and the **Planning & Zoning Advisory Board** may visit the site of any quasi-judicial matter pending before their board and may discuss with City staff the facts surrounding such matters.

**Required Disclosure.** If any quasi-judicial communication(s) is/are sent or received by a board member(s) participating in a quasi-judicial hearing, the member(s) must use the **Ex Parte Communication Disclosure** form to disclose the communication(s). Specifically, any quasi-judicial board member who conducts an investigation or site visit, receives any expert opinion, or makes or receives any ex parte communication regarding a quasi-judicial matter pending before the board shall place into the record the substance or actual documentation of the investigation, site visit, expert opinion, and all written and oral communications made or received by the board member. This must be done during the hearing and before any vote on the matter. In addition, members of the **Board of Adjustment** and the **Planning & Zoning Advisory Board** shall likewise place into the record the substance of any discussion(s) with City staff regarding the matter.

**Rebuttal.** Any person desiring to rebut any ex parte communication shall be allowed to do so, as long as the rebuttal is made at a hearing before any vote is taken on the matter. Otherwise, the right to rebut shall be waived.

**Penalties.** Failure to disclose an ex parte communication as provided above can nullify the board's decision and subject the board member to any disciplinary action the City Council deems appropriate (including, but not limited to, removal from the board). In addition, **FS 120.66** allows a civil penalty to be assessed (maximum \$500). Failure of a City Councilmember to make the required disclosure, whether intentional or through simple or gross negligence, shall constitute a violation of **City Charter Section 2.09(3)**.

## **DUAL OFFICEHOLDING**

**Florida Constitution, Article II, Section 5(a)** states in relevant part: "No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers." While this issue rarely arises for City boards, anyone with questions regarding dual officeholding should seek legal advice.

# **Section 4**

## **Description**

### **Of**

## **City Boards**

**Provisions in board descriptions in Section 4 of this Handbook  
take precedence over any conflicting provisions elsewhere in this Handbook.**

## **BEAUTIFICATION BOARD**

**Board Established.** A Beautification Board is hereby established.

**Duties.** Using the principles of Florida-friendly landscaping as defined in FS Chapter 373, and prohibiting the use of plants on the Florida Exotic Pest Plant Council's most current list of invasive species, the board shall perform the following Citywide beautification duties:

1. Propose beautification programs to the City Council which the board deems appropriate for the various areas of the City;
2. Assist private and public landscaping and beautification programs conducted within the City as requested; and
3. Promote public interest in improving the general appearance of the City.

**Number of Members.** 5 primary members and 2 alternates

**Term of Office.** 3 years

**Financial Disclosure.** Not Required

**Support Staff/Recording Secretary.** City Clerk's Office (or other staff approved by the City Manager)

**Regular Meetings.** 1<sup>st</sup> Friday of each month at 9:00 a.m. in the Council Chamber (or other time and/or place approved by the City Manager)

[End Beautification Board]

## BOARD OF ADJUSTMENT

**Board Established.** A Board of Adjustment is hereby established.

**Duties.** The Board of Adjustment (BOA) is a **quasi-judicial board** which has the following duties:

- **Administrative Reviews.** Hear and decide appeals from any decision by the Building Official regarding any portion of City Code Chapter 30 (Land Development Regulations (LDRs)).
- **Variances.** Hear and decide requests for variances, which are exceptions made to certain LDR provisions. Variances remain with a property even when ownership changes (variances “run with the land”).

**Number of Members.** 5 primary members and 2 alternates

**Term of Office.** 3 years

**Financial Disclosure.** Limited financial disclosure is required for this board. See “Financial Disclosure” in Section 3 of this Handbook.

**Supporting Staff/Recording Secretary.** Building & Zoning Department (or other staff approved by the City Manager)

**Regular Meetings.** 1<sup>st</sup> Monday of each month at 7:00 p.m. in the Council Chamber (or other time and/or place approved by the City Manager)

**BOA Forms.** See attached forms for variance and administrative-review actions.

### **Additional Provisions.**

(a) **Administrative review of Building Official’s decision(s) regarding land development regulations.**

- (1) **Appeal procedure.** Any person aggrieved by such a decision may appeal to the board. The appeal shall be in writing, specify the grounds for appeal, and be filed with the Building Official within 30 days after the decision is rendered.
- (2) **Effect of appeal.** An appeal stays all actions involving the appealed decision, unless the Building Official certifies to the board that the Official believes a stay would pose imminent peril to life or property. In that event, actions shall not be stayed except by injunction entered by a court of competent jurisdiction after notice to the Building Official.
- (3) **Board authority.** Consistent with the land development regulations and the powers of the Building Official, the board may reverse, affirm, or modify any part of the appealed decision and make any other decision or interpretation it deems appropriate.

(b) **Variances.**

- (1) **Permissible subject matter.** The board may grant variances for the following matters only: structure size and height, lot size and area, yard size and amount of open space, setbacks, fences, and landscaping.
- (2) **Eligible applicants.** Only the following may request a variance:
  - a. The owner(s) of at least 75 percent of the property or an agent they have authorized through a properly-executed power of attorney;
  - b. The City Council;
  - c. The Planning and Zoning Advisory Board; and
  - d. Any department of the City.

- (3) **Criteria.** The board shall be governed by the following criteria when deciding whether to grant a variance.
- a. **Written application.** A written application for a variance must be submitted demonstrating all of the following criteria:
1. A **special circumstance** exists which is peculiar to the land or structure involved (i.e., not applicable to other lands or structures in the same zoning district), and is not the result of the applicant's actions. However, a variance is not precluded if the special circumstance was created by those who:
    - (i) Were acting in full compliance with all government regulations in effect when the special circumstance was created; or
    - (ii) Detrimentally relied on a permit issued in error through no fault of their own and who demonstrate such detrimental reliance to the board; **OR**
  2. In lieu of the foregoing special circumstance, a **compelling health factor** exists regarding the owner-occupant or any of owner's immediate family members residing on the property. A compelling health factor shall mean a permanent and life-threatening disease which cannot be cured or a permanent injury which cannot be rehabilitated. Immediate family members shall mean lineal ascendants or descendants, spouse, or siblings. The applicant shall provide the board with written verification of the compelling health factor from a Florida-licensed physician; **AND**
  3. Literal interpretation of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and work unnecessary hardship on the applicant; **AND**
  4. Applicant's reason justifies granting the variance, and the variance is the minimum that will allow reasonable use of the land or structure under present zoning; **AND**
  5. The variance will be in harmony with the general intent of the land development regulations and the district in which the property is located and will not be detrimental to the neighborhood or the public welfare.
- b. **Other restrictions.**
1. No variance shall be granted based on the existence of:
    - (i) A nonconforming use of property in the same zoning district, or
    - (ii) Any use of property in other zoning districts.
  2. A variance shall not establish or expand any use prohibited in any zoning district in the City.
  3. A variance shall not be granted if the special circumstance in **(b)(3)a.1.** above was created by failure of the applicant or any previous owner of the property to obtain any required permit.
- (4) **Variance Modifications.** While a variance request is being considered by the board, the applicant may modify the request to obtain a lesser variance. In addition, the board may approve a lesser variance on its own initiative. The board may also prescribe conditions and safeguards consistent with the land development regulations as a part of any variance, and the violation of such conditions and safeguards shall be subject to enforcement by law.
- (5) **Variance Effective period.** Any required building permit(s) must be obtained within six months of the variance approval date; after that time, the variance is void.

- (c) **Public hearings.** A public hearing shall be held for each requested variance and administrative review. A completed application and filing fee must be received by the Building Official at least 30 days before the scheduled hearing.
- (1) **Notice.**
- a. At least 15 days before the public hearing, notice of the hearing shall be posted on the subject property and at City Hall and published in a newspaper of general circulation within the City.
  - b. The City shall provide courtesy notices, by mail or in person, to the owners of all property located within 250 feet of the subject property. In case of notice by mail, such notice shall be mailed at least 10 days before the hearing date. Failure to mail or receive such courtesy notice shall not affect any proceeding or action taken under this Handbook's provisions for the Board of Adjustment.
- (2) **Representation.** At the hearing, any party may appear in person or be represented by an agent or attorney.
- (3) **Witnesses.** The chair may compel the attendance of witnesses; and the chair, if a notary, or the staff secretary to the board may administer oaths.
- (4) **Applicant's right to full board.** If a five-member board is not present, the applicant has the right to request that the hearing be continued until a five-member board is present.
- (5) **Quorum.** *Four* members shall constitute a quorum for the Board of Adjustment.
- (6) **Required Vote.** The approval of variance requests and appeals of Building Official decisions requires an affirmative vote of at least *four* BOA members. All other matters require a *majority vote* (at least three BOA members).
- (7) **Board decisions.** The Building Official shall promptly mail written confirmation of board decisions to the applicant's last known address. Any decision by the board may be reviewed within 30 days as provided by law.

[End Board of Adjustment]

## CODE ENFORCEMENT BOARD

**Board Established.** A Code Enforcement Board is hereby established.  
[FS §162.03(2) requires ordinance to create or abolish Code Enforcement Board.]

**Duties.** The Code Enforcement Board (CEB) is a **quasi-judicial board** which conducts hearings and decides alleged uncorrected or repeated violations of any current City ordinance or City Code provision. The Board may impose administrative fines and other non-criminal penalties [FS §162.02]. Enforcement proceedings are initiated by the Building Department and not by Board members [FS §162.06(1)]. Jurisdiction of this board is not exclusive; the City may impose other remedies and enforcement mechanisms in addition to those imposed by the Code Enforcement Board.

**Number of Members.** 7 primary members (City residents)  
[FS §162.05(1) requires 7 primary members for city population >5,000 AND may appoint 2 alternates.]  
[FS §162.05(2) requires that, whenever possible, membership shall include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor.]

**Term of Office.** 3 years [FS §162.05(3)(b)]

**Financial Disclosure.** Limited financial disclosure is required for this board. See “Financial Disclosure” in Section 3 of this Handbook.

**Support Staff/Recording Secretary.** City Clerk’s Office (or other staff approved by the City Manager)

**Regular Meetings.** As needed, 4<sup>th</sup> Tuesday at 7:00 p.m. in the Council Chamber (or other time and/or place approved by the City Manager)

**Other Meetings.** Other meetings may be called by the Chair or by written notice signed by at least three board members [FS §162.07(1)], subject to schedule approval by the City Manager.

**Quorum.** *Four* board members constitute a quorum for the Code Enforcement Board [FS §162.05(4)].

**Required Vote.** Approval of CEB decisions requires the affirmative vote of at least *four* CEB members [FS §162.07(4)].

**Legal Counsel.** The City Attorney shall act as counsel for the City’s code inspector. The City Council may appoint a practicing member of the Florida Bar, either residing or practicing in Brevard County, to represent the board when required. This attorney shall be compensated as provided by the City Council. In no case shall the City Attorney also serve as the board’s attorney [FS §162.05(5)].

**Additional Rules.** The Code Enforcement Board may adopt rules for conducting its hearings [FS §162.08], subject to approval by the City Council. Such rules shall not be inconsistent with the provisions of this Handbook or **Chapter 162, Part I, Florida Statutes**.

**Additional Provisions.** See attached **Chapter 162, Part I, §§162.01 thru 162.13, Florida Statutes**, governing the Code Enforcement Board.

[End Code Enforcement Board]

## COMMUNITY REDEVELOPMENT AGENCY (CRA) ADVISORY BOARD

**Board Established.** A Community Redevelopment Agency (CRA) Advisory Board is hereby established.

*[In accordance with Florida law, unless the Brevard County Commission extends the authority of the Community Redevelopment Agency beyond its 25-year statutory limit, this board will be terminated no later than May 21, 2027.]*

**Duties.** The jurisdiction of this board is confined to the Community Redevelopment District. This board performs the following duties:

- Make recommendations to the Community Redevelopment Agency (CRA) regarding implementation of the Community Redevelopment Plan and Plan amendment(s);
- Make recommendations to the CRA regarding the annual budget for the Community Redevelopment District;
- While maintaining its autonomy, (1) coordinate with the Comprehensive Planning Advisory Board upon notification that CPAB is considering an area(s) in which this board is involved and (2) submit to City Council a written report of any disagreement with CPAB.

**Number of Members.** 7 primary members and 2 alternates

**Special Eligibility Requirement.** Members of this board must be residents of the City of Satellite Beach or be engaged in business within the Community Redevelopment District. "Engaged in business" means owning a commercial property or business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged.

**Term of Office.** 3 years

**Financial Disclosure.** Not Required

**Support Staff/Recording Secretary.** City Clerk's Office (or other staff approved by the City Manager)

**Regular Meetings.** 3<sup>RD</sup> Thursday of each month at 7:00 p.m. in the Council Chamber (or other time and/or place approved by the City Manager)

[End CRA Advisory Board]

## **COMPREHENSIVE PLANNING ADVISORY BOARD**

*State Law Reference: Community Planning Act, F.S. 163.3161 thru 163.3217*

*City Charter Reference: Article IV, Sec. 4.02(b)*

### **Local Planning Agency**

**Board Established.** A Comprehensive Planning Advisory Board (CPAB) is hereby established.

**Duties.** CPAB performs the following duties:

- Assist the City Council in its obligation under the Community Planning Act (F.S. Chapter 163);
- In accordance with **City Charter 4.02(b)**, perform the duties of the City's **local planning agency** by developing the City's Comprehensive Plan and Plan amendments in accordance with FS Chapter 163;
- Examine and comment on the feasibility and implementation of matters submitted to it by the City Council;
- Assist in the coordination of City plans with county, state, and national plans, and assess the effect of those higher-authority plans on the City;
- Coordinate its work with that of other applicable City boards and staff to ensure full consideration of areas in which they are involved.
  - The CPAB Chair shall work with City staff to notify the other boards' chairs and City staff when matters involving their areas of responsibility are to be considered.
  - The other boards retain their autonomy, and written reports of any board disagreement shall be submitted to the City Council.

**Number of Members.** 5 primary members and 2 alternates

**Term of Office.** 3 years

**Financial Disclosure.** Limited financial disclosure is required for this board. See "Financial Disclosure" in Section 3 of this Handbook.

**Support Staff/Recording Secretary.** City Clerk's Office (or other staff approved by the City Manager)

**Regular Meetings.** As needed, 4<sup>th</sup> Monday at 7:00 p.m. in the Council Chamber (or other time and/or place approved by the City Manager)

[End Comprehensive Planning Advisory Board]

## LIBRARY BOARD

**Board Established.** A Library Board is hereby established.

**Duties.** The Library Board advises and assists Library staff on programs, services, and issues affecting the Satellite Beach Public Library.

**Number of Members.** **7 primary members** (2 may be non-Satellite-Beach residents) and **2 alternates** (one may be a non-Satellite-Beach resident)

**Term of Office.** 3 years

**Financial Disclosure.** Not Required

**Supporting Staff/Recording Secretary.** Satellite Beach Public Library staff

**Officers.** Because the City does not provide a staff recording secretary to the Library Board, this Board elects a **secretary** in addition to a **Chair** and **Vice Chair**. In addition, the Library Director serves as **Treasurer** of this Board.

**Regular Meetings.** Bi-monthly on 2<sup>nd</sup> Tuesday in January, March, May, July, September, and November at 6:00 p.m. in the Satellite Beach Public Library Community Room (or other time and/or place approved by the Library Director)

[End Library Board]

## GENERAL EMPLOYEES PENSION PLAN BOARD OF TRUSTEES

*City Code Reference: Chapter 46, Article II*

**Generally.** This board administers the City's pension plan for general employees.

**Number of Members.** 5 trustees

- 3 legal residents of the City appointed by City Council
- 2 employee members of the General Employees Pension Plan elected by members of their Pension Plan

Trustees appointed by City Council may serve simultaneously on the Firefighters & Police Pension Plan Board of Trustees.

**Term of Office.** 3 years

**Financial Disclosure.** Limited financial disclosure is required for these boards. See "Financial Disclosure" in Section 3 of this Handbook.

**Support Staff/Recording Secretary.** Florida League of Cities (*per Administrative Services Agreement*)

**Regular Meetings.** 4<sup>th</sup> Thursday in February, May, August, November @ 2:00 p.m. in Council Chamber (or other time and/or place approved by the City Manager). **Must meet at least quarterly.**

**Training.** Special training for this board is available from the Florida League of Cities. Funds are available from the Pension Fund to cover the cost, and board members are encouraged to attend. See the City Manager for details.

**See City Code Chapter 46, Article II, for complete information about this board.**

***City Code Chapter 46, Article II, shall take precedence over any conflicting provision(s) of this Handbook.***

[End General Employees Pension Plan Board of Trustees]

## **FIREFIGHTERS & POLICE PENSION PLAN BOARD OF TRUSTEES**

*State Law References: F.S. Chapters 175 (Firefighters) and 185 (Police)*

*City Code Reference: Chapter 46, Article III*

**Generally.** This board administers the City's pension plan for firefighters and police.

**Number of Members.** 5 trustees

- 2 legal residents of the City appointed by City Council
- 1 firefighter and 1 police officer elected by their Pension Plan members
- 1 member elected by the other four board members, then ministerially appointed by Council

Trustees appointed by City Council may serve simultaneously on the General Employees Pension Plan Board of Trustees.

**Term of Office.** 3 years

**Financial Disclosure.** Limited financial disclosure is required for these boards. See "Financial Disclosure" in Section 3 of this Handbook.

**Support Staff/Recording Secretary.** Florida League of Cities (*per Administrative Services Agreement*)

**Regular Meetings.** Immediately following the General Employees Pension Plan Board of Trustees meeting (which is held on the 4<sup>th</sup> Thursday in February, May, August, November @ 2:00 p.m.) in Council Chamber (or other time and/or place approved by the City Manager). **Must meet at least quarterly.**

**Training.** Special training for this board is available from the Florida League of Cities. Funds are available from the Pension Fund to cover the cost, and board members are encouraged to attend. See the City Manager for details.

**See the following for complete information about this board:**

**F.S. Chapters 175 (Firefighters) and 185 (Police)**

**City Code Chapter 46, Article III**

***These State and City laws shall take precedence over any conflicting provision(s) of this Handbook.***

[End Firefighters & Police Pension Plan Board of Trustees]

## PLANNING AND ZONING ADVISORY BOARD

*City Charter Reference: Article IV, Sec. 4.02(d)*

### Land Development Regulation Commission

**Board Established.** A Planning and Zoning Advisory Board is hereby established.

**Duties.** The Planning & Zoning Advisory Board (PZAB) has the following duties:

- In accordance with **City Charter Sec. 4.02(d)**, serve as the City's **land development regulation commission** to advise the City Council on all matters governed by City Code Chapter 30 (land development regulations) or otherwise required by law. As defined by **F.S. §163.3164(25)**, this commission is designated by the City Council to (1) develop and recommend to the City Council land development regulations which implement the adopted comprehensive plan and (2) review land development regulations, or amendments thereto, to ensure consistency with the adopted comprehensive plan and report its findings to the City Council.
- Conduct hearings on proposed site plans when required by Chapter 30, rezonings, conditional uses, and subdivision plats. PZAB is a **quasi-judicial board** when it considers site plans or rezoning specific properties.
- While maintaining its autonomy, coordinate with the Comprehensive Planning Advisory Board upon notification that CPAB is considering an area(s) in which this board is involved and submit to City Council a written report of any disagreement with CPAB.
- PZAB is authorized to request variances from the Board of Adjustment.

**Number of Members.** 5 primary members and 2 alternates

**Term of Office.** 3 years

**Financial Disclosure.** Limited financial disclosure is required for this board. See "Financial Disclosure" in Section 3 of this Handbook.

**Support Staff/Recording Secretary.** Building & Zoning Department (or other staff approved by the City Manager)

**Regular Meetings.** As needed, 3<sup>rd</sup> Monday of each month at 7:00 p.m. in the Council Chamber (or other time and/or place approved by the City Manager)

### **Additional Provisions.**

- (a) **Eligible applicants.** Any person or entity, including the City Council and any department or board of the City, may file an application with the Building Department to request approval of site plans when required by Chapter 30, rezonings, conditional uses, and subdivision plats.
- (b) **Public hearings.**
- (1) The Building Official shall refer all applications to the board, which shall hold a public hearing to consider the proposed action no later than 60 days from the date the application was first received by the Building Department.
  - (2) All City departments shall provide written comments and recommendations to the board at least seven days before the hearing.
  - (3) In the materials provided to the board before hearings, the Building Official shall include a copy of all City Code provisions governing the subject of the hearing.
  - (4) The board shall review each application to determine if it meets the requirements of Chapter 30 and the City's Comprehensive Plan. For rezoning requests, the board shall

consider the effect of the change on the subject property and surrounding properties and the amount of undeveloped land in the general area and in the City having the same classification as that requested (i.e., whether the general area and the City already have a sufficient amount of the requested zoning). For site plans and conditional uses, the board may recommend any conditions or limitations it deems necessary or desirable to protect adjacent properties and the surrounding neighborhood.

(5) The board shall report its findings and recommendations to the City Council.

(6) **Notice of public hearings.**

- a. **Required notices.** At least 15 days before the public hearing before the board and the subsequent hearing before the City Council, notice of the hearing shall be posted at City Hall **and**:
  - I. Posted on the subject property for site plans, rezonings, conditional uses, and subdivision plat approvals;
  - ii. Published in a newspaper of general circulation within the City for rezonings, conditional uses, and amendments to Chapter 30; **and**
  - iii. Sent by certified mail to the subject property owner or owner's agent or the applicant, as applicable, for all requested actions.
- b. **Courtesy notices.**
  - i. **Adjacent property owner(s).** For all requests except amendments to Chapter 30, at least 15 days before the public hearings before both the board and the City Council, the City shall mail a courtesy notice to the owner(s) of record, as maintained by the tax assessor, of all property located within 250 feet of the subject property.
  - ii. **Adjacent communities.** For rezoning requests, at least 15 days before the public hearings before both the board and the City Council, when a zoning district boundary proposed to be changed lies within 250 feet of an adjoining incorporated or unincorporated area, the City shall mail a courtesy notice to the applicable governing body.
  - iii. **For all requested actions,** failure to mail or receive any courtesy notice shall not affect any action or proceeding taken under this section.
- c. **For all requested actions,** the applicant shall pay the cost of providing all notices.

[End Planning & Zoning Advisory Board]

## RECREATION BOARD

**Board Established.** A Recreation Board is hereby established.

**Duties.** The Recreation Board has the following duties:

- Recommend City recreation programs,
- Assist as needed with private and public recreation programs conducted within the City,
- Promote public interest and participation in City recreation programs, and
- While maintaining its autonomy, coordinate with the Comprehensive Planning Advisory Board upon notification that CPAB is considering an area(s) in which this board is involved and submit to City Council a written report of any disagreement with CPAB.

**Number of Members.** 7 primary members and 2 alternates

**Term of Office.** 3 years

**Financial Disclosure.** Not Required

**Support Staff/Recording Secretary.** Recreation Department (or other staff approved by the City Manager)

**Regular Meetings.** 2<sup>nd</sup> Tuesday of each month at 6:15 p.m. in the Council Chamber (or other time and/or place approved by the City Manager)

[End Recreation Board]

## **SAMSONS ISLAND WORKING BOARD**

**Board Established.** A Samsons Island Working Board is hereby established.

**Duties.** This is a working and advisory board which plans, develops, and maintains Samsons Island Nature Park as a nature preserve, passive-recreation park, and environmental-education showcase. It either conducts, or advises the City on, the following activities for the island: planning, clearing and planting, improvements, maintenance, passive recreation, environmental education for the public, community involvement in working on the island, island access, and island security.

**Number of Members.** 7 primary members and 2 alternates

**Term of Office.** 3 years

**Financial Disclosure.** Not Required

**Support Staff/Recording Secretary.** Recreation Department (or other staff approved by the City Manager)

**Regular Meetings.** 3rd Tuesday at 6:00 p.m. in the Council Chamber (or other time and/or place approved by the City Manager)

[End Samsons island Working Board]