

## CERTIFICATION APPEALS BOARD RULES

### 100 GENERAL PROVISIONS

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

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

**100.2** The Certification Appeals Board shall hear all appeals of decisions rendered by the City's Minority Business Enterprise and Blueprint staff. All documentation supplied by appellants and staff for Board Meetings and all Board Minutes are within the scope of the Public Records Act and thus open for public review.

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

## CERTIFICATION APPEALS BOARD RULES

Minority Business Enterprise and Blueprint staff and shall determine if the City's Minority Business Enterprise and Blueprint staff was erroneous in its determination.

- (e) The appellate decisions of the Certification Appeals Board shall be final; unless a further appeal is made to the Chapter 57 Review Board.

### **101 NOTICE OF APPEAL OF CITY'S MINORITY BUSINESS ENTERPRISE AND BLUEPRINT STAFF**

**DECISION** Notice of Appeals must be received by the City's Minority Business Enterprise and Blueprint Office within ten (10) days of the receipt of the notice of the City's Minority Business Enterprise and Blueprint staff decision. Notices of appeal received after ten (10) days of receipt of the notice of the decision will not be considered.

### **102 NOTICE TO APPELLANTS**

**102.1** Appeals of City's Minority Business Enterprise and Blueprint staff decisions will be scheduled for a hearing before the Certification Appeals Board the quarter following the timely receipt of the notice of appeal in the Minority Business Enterprise and Blueprint Office.

**102.2** Appellants will be notified in writing of the scheduled Certification Appeals Board Hearing at least ten (10) days prior to the Board convening.

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

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

### **103 HEARING PROCEDURES**

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

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

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

- (a) The Appellant and/or representative will be granted fifteen (15) minutes to address the Certification Appeals Board. Appellant may be questioned by the Board members as required.
- (b) The City's Minority Business Enterprise and Blueprint staff representative will be granted fifteen (15) minutes to address the Certification Appeals Board. The City's Minority Business Enterprise and Blueprint staff representative and/or City staff may be questioned by the Board members as required.
- (c) The Appellant will be granted five (5) minutes for rebuttal.

## **CERTIFICATION APPEALS BOARD RULES**

- (d) Following discussion and/or further questioning by the Certification Appeals Board members, a vote will be taken.
- (e) The rules of evidence shall not strictly apply.
- (f) No examination or cross-examination of witnesses or introduction of new evidence will be allowed by the appellant or the City's Minority Business Enterprise and Blueprint staff representative.
- (g) The hearing will be conducted in accordance with Roberts Rule of Order, as modified by City Code and policies.
- (h) Any person may be excluded from the hearing for conduct which interferes with the hearing process.
- (i) If any person desires to appeal any decision with respect to any matter considered at a hearing, such person may need a record of the proceedings; for this purpose, such person may need to ensure that a verbatim record of the proceedings is made which includes the evidence upon which the appeal is based.

### **104 DECISIONS BY THE CERTIFICATION APPEALS BOARD**

**104.1** After hearing each appeal case, the Certification Appeals Board shall render one of the following decisions:

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

**104.2** All decisions of the Certification Appeals Board shall be in writing.

### **105 RULES AND REGULATIONS OF THE CERTIFICATION APPEALS BOARD**

**105.1** All rules, regulations and amendments thereto, promulgated by the Certification Appeals Board and the Minority Business Enterprise and Blueprint Division Manager, will only become effective upon a majority vote of the Board, approval by the Minority Business Enterprise and Blueprint Division Manager and approval by the City Council.

**105.2** These rules may be amended at anytime.