

**BARRIO REVIEW COMMISSION  
RULES OF PROCEDURE  
ADOPTED September 15, 2009**

1 **1.0 COMMISSION NAME; CITATION**  
2

3 **1.1** The name of this Commission is the City of Tampa Barrio Latino  
4 Commission, hereinafter referred to as the “Commission.”  
5

6 **1.2** The rules of procedure of the Commission shall be cited as the “Rules.”  
7 For procedures not covered by the Rules, the Commission shall follow the  
8 rules set forth in the current edition of Robert’s Rules of Order, except that  
9 the Robert’s Rules of Order which allow reconsideration and rescission of  
10 motions granting or denying applications shall not apply.  
11

12 **2.0 MEMBERS; OFFICERS; ELECTIONS; TERMS OF OFFICERS; DUTIES**  
13

14 **2.1 Members.** The Commission shall consist of nine (9) members appointed  
15 by the Mayor and City Council, the composition and terms of which are  
16 set forth in City of Tampa Code Section 27-182.  
17

18 **2.2 Alternate Members.** Two alternate members shall be appointed as  
19 provided in City of Tampa Code, Section 27-182. Alternate members  
20 shall sit only when a member is unable to attend a meeting of the  
21 Commission.  
22

23 **2.3 Officers.** Officers of the Commission shall be Chair and Vice-Chair.  
24

25 **2.4 Elections.** At the first regularly scheduled meeting in April, Commission  
26 members shall make nominations for the election of Chair and Vice-Chair.  
27 A majority vote of the Commission members present shall elect the two  
28 officers.  
29

30 **2.5 Terms of Officers.** The Chair and Vice-Chair shall hold office for a  
31 period of one year. The Commission shall elect a replacement to complete  
32 the unexpired term of any officer who resigns from such position or  
33 otherwise cannot complete his or her term of office.  
34

35 **2.6 Duties of Officers.** The Chair shall preside at all meetings of the  
36 Commission. If the Chair is absent, the Vice-Chair shall preside at the  
37 meeting.  
38

39 **2.7 Chair Pro Tem.** In the event both the Chair and Vice-Chair are absent, a  
40 Chair Pro Tem shall be elected at that hearing, and shall preside at the  
41 meeting until such time as the Chair or Vice-Chair presents himself or  
42 herself.  
43

44 **2.8 Applications, Appeals, or Recommendations Involving Member.** In  
45 accordance with applicable Florida Statutes

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(Chapter 112) and City of Tampa Code (Chapter 2, Art. VIII), no Commission member shall appear before the Commission on behalf of any person other than himself or herself.

**2.9 Impartiality required.** No Commission member shall, in any manner, discuss any application, appeal, or recommendation with any person other than staff or the Commission's Attorney prior to the Commission's deliberations on such application, appeal, or recommendation.

Members of the Commission shall not express individual opinions on any application, appeal, or recommendation with any persons prior to the determination, except in accordance with these Rules.

**2.10 Familiarity with laws.** Each member of the Commission shall be thoroughly familiar with all statutes, laws, codes and Rules relating to the Commission.

**3.0 ADMINISTRATOR; COMMISSION ATTORNEY**

**3.1 Administrator.** The Administrator shall have the duties as described in City of Tampa Code Chapter 27, Art. VIII.

**3.2 Commission Attorney.** The City Legal Department shall provide the legal advisor to the Commission.

**4.0 MEETINGS; CONDUCT OF MEETING**

**4.1 Scheduling of regular meetings.** The Commission shall meet at least once a month at a regularly scheduled time. Additional meetings may be called by the Chair or upon the request of five (5) Commission members.

**4.2 Workshop.** A workshop shall be held for the purpose of informing the Commission on a special matter of concern, but not on any specific application, appeal, or recommendation.

No official action by the Commission may be taken during the workshop.

**4.3 Designation of another meeting place.** In the event that it is impossible or impractical to meet in the Council Chambers, the Chair may designate another meeting place in the City of Tampa. Notice of such designation shall be posted at the entrance to the Council chambers or on the bulletin board on the first floor of City Hall prior to such meeting.

**4.4 Cancellation of meetings.** Prior to a meeting, whenever it is determined that there is no business for the Commission or that there are not members

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1 available to establish a quorum, the Chair may dispense with a regular  
2 meeting by giving notice to all the members not less than twenty-four  
3 hours prior to the time set for the meeting.  
4

5 **4.5 Quorum.** A quorum shall consist of five (5) members of the  
6 Commission.  
7

8 No meeting shall commence or continue unless a quorum is present. After  
9 a reasonable period of time has elapsed and a quorum is not present, all  
10 remaining matters on the agenda shall be rescheduled for the next meeting.  
11

12 **4.6 Order of Business.** The order of business shall be by Agenda. Changes  
13 to the Agenda may be made by motion and affirmative vote of the  
14 majority of the members present at the hearing.  
15

16 **4.7 Minutes.** The staff shall keep minutes of all Commission proceedings.  
17 The minutes shall show the vote of each member on each question, or if a  
18 member is absent or fails to vote because of potential conflict of interest,  
19 indication of such fact. The minutes of each meeting shall be filed in the  
20 Historic Preservation and Architectural Review office and shall be public  
21 record.  
22

23 **4.8 Reading and Amending of Minutes.** Minutes from the previous  
24 Commission meeting need not be read unless the reading is requested.  
25

26 **5.0 VOTING AND ABSTENTION**  
27

28 **5.1 Votes Required as to Certain Measures.** A simple majority vote of  
29 those Commission members present shall be required for approval and  
30 denial of applications, appeals, and recommendations. The person acting  
31 as Chair at the meeting may vote on any motion.  
32

33 **5.2 Tie Vote.** When a matter is considered by the Commission and a tie vote  
34 is obtained, the Commission's action becomes a nullity, and the matter  
35 shall be automatically carried over for consideration at the Commission's  
36 next meeting as unfinished business.  
37

38 **5.3 Abstention.** In accordance with applicable Florida Statutes (Chapter 112)  
39 and City of Tampa Code (Chapter 2, Art. VIII, Ch. 27, Art. VIII), any  
40 Commission member who has a conflict of interest due to a "special  
41 private gain" must abstain and file any required documents.  
42

43 **6.0 APPLICATIONS AND RECOMMENDATIONS, GENERAL**  
44

45 **6.1 Applicants.** Only the bona fide owner or authorized agent of the owner,

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1 of a specific piece of real property may apply for a Certificate of  
2 Appropriateness, Ad Valorem Tax Exemption, or variance.  
3

4 **6.2 Form of Applications.** Applications to the Commission shall be made in  
5 the form prescribed by the City of Tampa.  
6

7 **6.3 Site Visits by Members of the Commission.** Prior to a hearing, members  
8 of the Commission may independently visit properties to be considered at  
9 the hearing.  
10

11 **7.0 HEARINGS ON APPLICATIONS AND RECOMMENDATIONS,**  
12 **GENERAL**  
13

14 **7.1 Appearance by Applicant.** The applicant or his or her authorized agent  
15 shall appear in support of the application at the public hearing. If the  
16 applicant or authorized agent fails to appear, the Commission may allow  
17 the application to be carried over to the next available Agenda.  
18

19 **7.2 Who May be Heard.** Any interested person, firm, or corporation may  
20 appear in person, or by agent or attorney.  
21

22 **7.3 Hearing Procedures, General:**  
23

24 **7.3.1** Call to order by the Chair.  
25

26 **7.3.2** Swearing in of all persons who will be testifying and/or presenting  
27 evidence to the Commission.  
28

29 **7.3.3** Order and time allotment for the presentation shall be as provided  
30 for each application type. In the event more than one application is  
31 filed and heard in the same evening, (i.e., a variance application  
32 and a certificate of appropriateness application), the time limits  
33 shall be the greatest amount of time allowed for one of the  
34 applications.  
35

36 **7.3.4** The time limitations for speaking or presentations may be waived  
37 by a majority vote of the Commission members present for good  
38 cause shown.  
39

40 **7.3.5** The Commission may question witnesses as it feels necessary.  
41 The Commission Attorney may question witnesses to assist the  
42 Commission.  
43

44 **7.3.6** The Chair may call to order any person before the Commission  
45 who is deemed out of order. Such a person who fails to comply

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1 with said request shall be asked to leave by the Chair. The Chair  
2 may request security assistance as may be required.  
3

4 **7.3.7** Voting may be postponed only if necessary to allow the  
5 Commission to obtain additional evidence before making a  
6 decision. The Commission shall state what additional testimony is  
7 needed and the matter will be continued, unless otherwise  
8 specified, to the next available Agenda.  
9

10 **7.3.8** The Commission shall orally issue an order granting or denying the  
11 application. If the application is denied, the Commission shall  
12 state the applicable portions of the City of Tampa Code as the basis  
13 for the denial of the application. Said order shall be reduced to  
14 writing and furnished to the applicant.  
15

16 **7.4 Effect of Approval.** The Historic Preservation and Architectural Review  
17 office shall transmit a letter to the applicant describing the nature of the  
18 application approved, or the recommendation made by the Commission.  
19 The effective date of approval shall be the date of the public hearing at  
20 which the approval was issued.  
21

22 **7.5 Effect of Denial.** The Historic Preservation and Architectural Review  
23 office shall transmit a letter to the applicant describing the nature of the  
24 application denied, or the basis for the recommendation of denial. The  
25 letter shall state the applicable portions of the City of Tampa Code as the  
26 basis for the denial of the application, or the recommendation of denial.  
27 The effective date of the denial shall be the date of the public hearing at  
28 which the denial was reached. Denial of a variance application shall  
29 preclude acceptance and consideration of any application substantially the  
30 same as the original application for a period of twelve (12) months from  
31 the date of such denial, except as provided in Chapter 27 of the City of  
32 Tampa Code.  
33

34 **7.6 Appeal.** Any appeal of a Commission decision shall be in accordance  
35 with Chapter 27 of the City of Tampa Code.  
36

37 **8.0 HEARINGS ON CERTIFICATE OF APPROPRIATENESS**  
38 **APPLICATIONS**  
39

40 **8.1** Order and time allotment for hearing.

41  
42 (1) The staff shall briefly introduce the application.  
43

44 (2) Applicants appearing before the Commission shall have the right

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1 to give testimony, and to present witnesses and documentation.  
2 Applicants shall be limited to thirty (30) minutes for their  
3 presentation.

4  
5 (3) Staff shall have ten (10) minutes to present its staff report.

6  
7 (4) Interested persons will then be given an opportunity to speak in  
8 support of, or in opposition to, the application before the  
9 Commission. Interested persons shall be limited to three (3)  
10 minutes each.

11  
12 (5) The Commission shall have an opportunity to ask questions on the  
13 application.

14  
15 (6) The applicant will have five (5) minutes for final rebuttal.

16  
17 (7) The Commission will have discussion.

18  
19 (8) The Commission will make a motion to approve, approve with  
20 conditions, deny the application, or continue the application.

21  
22 **9.0 HEARINGS ON VARIANCE APPLICATIONS**

23  
24 **9.1 Order and time allotment for hearing.**

25  
26 (1) The staff shall briefly introduce the application.

27  
28 (2) Applicants appearing before the Commission shall have the right  
29 to give testimony, and to present witnesses and documentation.  
30 Applicants shall be limited to ten (10) minutes for their  
31 presentation.

32  
33 (3) Interested persons will then be given an opportunity to speak in  
34 support of, or in opposition to, the application before the  
35 Commission. Interested persons shall be limited to three (3)  
36 minutes each.

37  
38 (4) The Commission shall have an opportunity to ask questions on the  
39 application.

40  
41 (5) The applicant will have five (5) minutes for final rebuttal.

42  
43 (6) The Commission will have discussion.

44  
45 (7) The Commission will make a motion to approve, approve with

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1 conditions, deny the application, or continue the application.  
2

3 **10.0 HEARINGS ON AD VALOREM TAX APPLICATIONS**  
4

5 **10.1** Order and time allotment for hearing.  
6

- 7 (1) The staff shall briefly introduce the application.  
8  
9 (2) Applicants appearing before the Commission shall have the right  
10 to give testimony, and to present witnesses and documentation.  
11 Applicants shall be limited to fifteen (15) minutes for their  
12 presentation.  
13  
14 (3) Staff shall have five (5) minutes to present its staff report.  
15  
16 (4) Interested persons will then be given an opportunity to speak in  
17 support of, or in opposition to, the application before the  
18 Commission. Interested persons shall be limited to three (3)  
19 minutes each.  
20  
21 (5) The Commission shall have an opportunity to ask questions on the  
22 application.  
23  
24 (6) The applicant will have five (5) minutes for final rebuttal.  
25  
26 (7) The Commission will have discussion.  
27  
28 (8) The Commission will make a motion to recommend approval,  
29 approval with conditions, denial of the application, or continue the  
30 application.  
31

32 **11.0 HEARINGS ON RECOMMENDATIONS TO CITY COUNCIL**  
33

34 **11.1** Order and time allotment for hearing.  
35

- 36 (1) The staff shall briefly introduce the application.  
37  
38 (2) Applicants appearing before the Commission shall have the right  
39 to give testimony, and to present witnesses and documentation.  
40 Applicants shall be limited to thirty (30) minutes for their  
41 presentation.  
42  
43 (3) Staff shall have ten (10) minutes to present its staff report.  
44  
45 (4) Interested persons will then be given an opportunity to speak in

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1 support of, or in opposition to, the application before the  
2 Commission. Interested persons shall be limited to three (3)  
3 minutes each.

4  
5 (5) The Commission shall have an opportunity to ask questions on the  
6 application.

7  
8 (6) The applicant will have five (5) minutes for final rebuttal.

9  
10 (7) The Commission will have discussion.

11  
12 (8) The Commission will make a motion to recommend approval,  
13 approval with conditions, denial of the application, or continue the  
14 application.

15  
16 **12. HEARINGS ON APPEALS OF ADMINISTRATIVE OFFICIAL**  
17 **DETERMINATIONS**

18  
19 **12.1 Parties.** The Administrator is the administrative official who entered the  
20 order or made the requirement, decision, or determination (hereinafter  
21 referred to “Administrative Official Determination”).

22  
23 The Applicant is the party that requested an Administrative Official  
24 Determination.

25  
26 The Appellant is the party that has filed an appeal of an Administrative  
27 Official Determination.

28  
29 **12.2 Burdens of the Parties.** Because the City of Tampa Code requires a *de*  
30 *novo* appeal, when the Applicant is also the Appellant and is appealing a  
31 negative Administrative Official Determination, the Appellant/Applicant  
32 has the burden to demonstrate, by competent substantial evidence, the  
33 requirements for the condition or determination sought have been  
34 satisfied.

35  
36 When the Appellant is appealing an affirmative Administrative Official  
37 Determination and is not the same party as the Applicant, the Applicant  
38 has the burden to demonstrate, by competent substantial evidence, the  
39 requirements for the condition or determination sought have been  
40 satisfied. The Appellant has the burden to demonstrate, by competent  
41 substantial evidence, that the Applicant has not satisfied the requirements  
42 for the condition or determination sought.

43  
44 **12.3 Duties of the Administrator.** The Administrator shall, upon notification  
45 of the filing of the appeal, transmit to the Commission all the documents,

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1 plans, papers or other materials constituting the record upon which the  
2 action appealed from was taken.

3  
4 **12.4 Who May be Heard.** The Appellant, Applicant, Administrator, or any  
5 interested person, firm, or corporation may appear in person, or by agent  
6 or attorney.

7  
8 **12.5 Scope of Review.** An appeal to the Commission of an Administrative  
9 Official Determination is a *de novo* review. Additional evidence may be  
10 provided to the Commission that was not presented to the Administrator  
11 when the condition or determination was sought by the Applicant. Since  
12 the appeal is *de novo*, the Applicant must demonstrate the requirements for  
13 the condition or determination sought have been satisfied, and cannot  
14 solely rely on the decision of the Administrator. The Commission cannot  
15 solely rely upon the decision of the Administrator in making its final  
16 decision.

17  
18 **12.6 Deadline for filing evidence.** In order to allow the Commission  
19 adequate time to review all documentary evidence submitted by the Parties  
20 in support of their respective presentations, and to allow the other Parties a  
21 meaningful opportunity to respond to said documentary evidence, each  
22 Party shall file the documentary evidence it plans to present to the  
23 Commission no later than seven (7) calendar days before the scheduled  
24 hearing date. If a Party does not file its documentary evidence by the  
25 deadline and the amount of documentary evidence presented is such that it  
26 cannot be fully reviewed at the hearing, the Commission may continue the  
27 hearing to the next available Agenda or to a specially called hearing date.

28  
29 **12.7 Hearing Procedures:**

30  
31 **12.7.1** The Administrator will present first and provide the Commission  
32 with the following:

- 33  
34 (1) the nature of the application for order, requirement,  
35 decision or determination;  
36  
37 (2) a summary of the documentation the Administrator used to  
38 make the order, requirement, decision or determination;  
39  
40 (3) the requirements for the condition or determination sought  
41 that must be satisfied.  
42  
43 (4) the basis for the order, requirement, decision or  
44 determination and;  
45

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1 (5) any other relevant data.  
2

3 **12.7.2** After the Administrator's presentation, the Applicant will present  
4 and demonstrate to the Commission the requirements for the  
5 condition or determination sought have been satisfied. The  
6 Applicant shall have the right to give testimony, and to present  
7 witnesses and documentation. The Applicant shall have up to  
8 thirty (30) minutes to make a presentation.  
9

10 **12.7.3** If the Appellant is appealing an affirmative determination of an  
11 application by the Administrator and is not the same party as the  
12 Applicant, then the Appellant will present after the Applicant  
13 presents his/her case. The Appellant shall have the right to give  
14 testimony, and to present witnesses and documentation. The  
15 Appellant shall have up to thirty (30) minutes to make a  
16 presentation. If the Appellant is also the Applicant and is  
17 appealing a negative determination of an application by the  
18 Administrator, the Applicant/Appellant is only allowed the thirty  
19 (30) minutes set forth in paragraph (2) above and is not entitled to  
20 an additional thirty (30) minutes.  
21

22 **12.7.4** Following the presentations of the Administrator, Applicant, and  
23 Appellant, the Commission may hear from other interested persons  
24 who wish to speak on the matter on appeal. Interested persons  
25 shall be limited to three (3) minutes each.  
26

27 **12.7.5** After any and all interested persons have had the opportunity to  
28 speak, the Applicant will be allowed rebuttal time of no more than  
29 five (5) minutes.  
30

31 **12.7.6** After the Applicant's rebuttal, the Appellant will be allowed  
32 rebuttal time of no more than five (5) minutes.  
33

34 **12.7.7** The time limitations for speaking or presentations may be waived  
35 by a majority vote of the Commission members present for good  
36 cause shown.  
37

38 **12.7.8** The Commission may question any parties, witnesses, or interested  
39 persons it feels necessary. The attorney for the Commission may  
40 question any parties, witnesses, or interested persons to assist the  
41 Commission.  
42

43 **12.7.9** The Chair may call to order any person deemed out of order. Such  
44 party or person who fails to comply with said request shall be  
45 asked to leave by the Chair.

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1  
2           **12.7.10**        Voting may be postponed only if necessary to allow the  
3                            Commission to obtain additional evidence before making a  
4                            decision. The Commission shall state what additional evidence is  
5                            needed and the matter will be continued, unless otherwise  
6                            specified, to the next available Agenda.

7  
8           **12.7.11**        After the Commission has heard all testimony from the  
9                            Administrator, Applicant, Appellant, interested persons, and  
10                            witnesses, the Chair shall close public hearing on the matter.

11  
12           **12.7.12**        After public hearing on a matter is closed, the Commission  
13                            shall publicly discuss the matter and then immediately vote on the  
14                            question before it.

15  
16           **12.7.13**        The Commission shall orally issue an order granting or  
17                            denying the appeal and state the basis for its decision. Said order  
18                            shall be reduced to writing and furnished to the Appellant and  
19                            Applicant.

20  
21           **12.8**        There is no opportunity for a rehearing on the Commission's decision.

22  
23           **13.0 Design Review Committee.**

24  
25           **13.1**        A Design Review Committee of the Board shall be available to meet at  
26                            an early stage in the design process with applicants seeking to construct  
27                            new structures or extensive alterations and/or additions to existing  
28                            structures to provide informal advice on:

- 29  
30                            • Board's guidelines;  
31                            • Nature of proposed construction site; and  
32                            • Other relevant factors.

33  
34                            The Committee, or any of its individual members, shall refrain from  
35                            any indication of approval or disapproval. This prohibition, of itself,  
36                            shall not bar reasonable discussion of the applicant's proposals. No  
37                            advice or opinion given, or reported as having been given, by any  
38                            member of the Design Review Committee at such an informal meeting  
39                            shall be in any way official or binding upon the ARC at any time.  
40                            Notice of the need for such a conference should be given to future  
41                            applicants at the earliest appropriate time.

42  
43           **14.0 MISCELLANEOUS**

44  
45           **14.1**        Rule Changes.    These Rules may be altered in a manner not

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inconsistent with the City of Tampa Code during a regular meeting by the affirmative vote of at least five (5) members of the Commission.