

## CURRENT BY-LAWS

### SANTA CRUZ COUNTY BUILDING BOARD OF APPEALS

#### 1. DUTIES AND RESPONSIBILITIES

The purpose of the Building Board of Appeals is to hear appeals of the Building (12.04) and Grading (12.05) codes as set forth in section 12.02 of the County Code. In addition, the Building Board of Appeals may make recommendations to the Board of Supervisors concerning improvement of the codes.

#### 2. MEETINGS

- A. Meetings of the Building Board of Appeals shall be held from time to time as necessary to hear appeals or upon request from the Chief of Inspection Services or any member of the Board as set forth in Chapter 3.51.050 of the County Code.
- B. No meeting of the Building Board of Appeals shall be held in any facility that prohibits the admittance of any person, or person, on the basis of race, religious creed, color, national origin, ancestry, sex, or physical handicaps (Government Section 54961).
- C. At least forty-eight (48) hours prior to each regular meeting, an agenda for the regular meeting shall be mailed to each Board member, and each person who has submitted a written request to the Building Board of Appeals for notification of meetings. The following items should be mailed to each Board member at least forty-eight (48) hours prior to each regular meeting:
  - 1. Any written material to be discussed at the meeting;
  - 2. Minutes of the last meeting.
- D. At least forty-eight (48) hours prior to each special meeting, an agenda for the special meeting shall be mailed to each Board member, and each person who has submitted a written request to the Building Board of Appeals for notification of meetings.
- E. A person shall not be required to register his, or her, name or fulfill any other obligation as a condition to attendance at any meeting of this Board, but may volunteer such information for inclusion in the Board's minutes (Government Code Section 54953.3).
- F. The meetings will be conducted in accordance with Robert's Rules of Order Revised unless otherwise specified by the authorizing legislation or By-Laws of this Board.

#### 3. VOTING

- A. A majority of the voting members shall constitute a quorum.

- B. All official acts of the Board shall comply with Santa Cruz County Code Section 3.01.080(d).

4. **OFFICERS**

- A. The officers of the Building Board of Appeals are the Chairperson and the Vice-Chairperson.
- B. The duties of the Chairperson are to preside over meetings, prepare agendas, represent the Board, and be responsible for communication with the Santa Cruz County Planning Department.

The Vice-chairperson shall assume these same duties in the absence of the Chairperson.

5. **AGENDAS**

- A. Board members who wish to place items on the agenda shall give those items to the Secretary of the Building Board of Appeals at least one week in advance of the meeting.
- B. The agenda will terminate with new business.
1. Citizens shall be given approximately five minutes each to express their concerns.
  2. When further discussion is required, the Board may vote to allot time in the agenda of the following meeting.

6. **SUBCOMMITTEES**

Subcommittees may be appointed, as needed, by the Chairperson with the majority approval of the Board. The Chairperson, with the majority approval of the Board, shall terminate the subcommittee when its function is no longer necessary.

7. **APPROVAL OF BY-LAWS**

These By-laws, and any subsequent amendments thereto, shall be approved by the Board of Supervisors pursuant to Santa Cruz County Code Section 3.01.080(c).

8. **AMENDMENTS TO BY-LAWS**

Amendments to these By-laws may be recommended to the Board of Supervisors by a majority vote of the Building Board of Appeals.

DATE ADOPTED BY BUILDING BOARD OF APPEALS: NOVEMBER 18, 1976

DATE APPROVED BY BOARD OF SUPERVISORS: JANUARY 18, 1977

**PROPOSED BY-LAWS  
SANTA CRUZ COUNTY BUILDING, ACCESSIBILITY AND FIRE CODE  
APPEALS BOARD**

**COUNTY'S COMMISSION ORDINANCE**

The Building, Accessibility, and Fire Code Appeals Board ("Appeals Board") is subject to the County's Commission Ordinance (Chapter 2.38).

**DUTIES AND RESPONSIBILITIES**

The purpose of the Appeals Board is as indicated in including, but not limited to, County Code Chapter 2.100.

**NOTICE OF PUBLIC MEETINGS**

Special Meetings of the Appeals Board shall be held from time to time as necessary to hear appeals, upon request from the Building Official, or upon request from the Chair in response to a request by a member of the Board as set forth in Section 2.100.040 of the County Code.

At least one meeting shall be convened in January of each year to elect Officers, and to approve the annual report of the Building, Accessibility, and Fire Code Appeals Board.

All meetings and actions of the Appeals Board shall be subject to the Brown Act (Govt. Code §54950 et. seq.).

If a special meeting is called, the administrative secretary shall deliver written notice to each member of the Appeals Board and to each local newspaper of general circulation and radio or television station requesting notice in writing. The notice shall be delivered personally or by any other means and shall be received at least 72 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the Appeals Board. The written notice may be dispensed with as to any Appeals Board member who at or prior to the time the meeting convenes files with the administrative secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The agenda and notice shall be posted at least 72 hours prior to the special meeting in a location that is freely accessible to members of the public.

In addition to the above Brown Act notice, an appellant shall receive at least 10 days written notice prior to the hearing date for building code appeals and 5 days for fire code appeals.

## **OFFICERS**

The officers of the Board shall be a Chair and Vice Chair. The Chair and Vice Chair shall be elected by members of the Board. The Building Official of the Planning Department or the County Fire Marshal, or other designee, shall serve as the administrative secretary of the Board.

The Vice Chair shall serve as Chair in the absence of the Chairperson. The members may elect a Chair pro tem in the absence of both the Chair and Vice Chair.

Officers shall serve for one year.

## **QUORUM**

A majority of the members of the Board shall constitute a quorum for the conduct of all business. The affirmative vote of three Board members is required to approve any item. If fewer than five members are present and the Board is unable to reach any decision on any appeal before the Board, the appeal will be rescheduled to a subsequent special meeting of the Board when a full Board can be present. If no action is taken at the subsequent meeting, the appeal shall be deemed denied.

## **THE CONDUCT OF MEETINGS**

### **ROLL CALL**

### **BUILDING OFFICIAL / FIRE CHIEF REPORT**

### **ADDITIONS AND CORRECTIONS TO THE AGENDA**

At the beginning of the meeting, staff shall inform the Board of any additions or corrections to the agenda, and inform the Board of any requests for continuances of scheduled items. The Board may elect to continue items at this time or to consider the requests at the scheduled time for the item.

### **CONSENT AGENDA**

Consent items are those which staff recommends be approved and which do not require public discussion. If any person or Board member wishes to discuss a consent item, the item shall be taken off the consent agenda and heard as a separate item at an appropriate place on the regular agenda, if the consent agenda, as amended, is approved by a majority vote of the Board. Consent items are acted on at the beginning of the meeting.

### **PUBLIC PARTICIPATION / ORAL COMMUNICATIONS**

Public participation in Board meetings shall be allowed as follows:

- a. An opportunity for members of the public to directly address the Commission on any item on the agenda of interest to the public shall be provided before or during the Board's consideration of the item.
- b. In addition, the agenda will provide for community oral communications on items not on the agenda that are within the subject matter jurisdiction of the Board at the beginning or at the end of each special meeting agenda. Unless otherwise determined by the Board, speakers are limited to three minutes for items not on the agenda. The Board allows 30 minutes at the beginning or end of the meeting for oral communications for items not on the agenda. At its discretion, the Board Chair can allow additional time to hear oral communications.
- c. The Chair of the Board may establish reasonable limits on the amount of time allotted to each speaker on a particular item on the continued or regular agenda, and the Board may establish reasonable limits on the total amount of time allotted for public testimony on a particular item.

#### CONTINUED AGENDA

Continued items are those that were carried over from previous meetings for additional information and/or analysis. These items are generally considered as opened agenda items and any person may address the Board regarding the item. In certain instances, the public testimony may have been closed at the prior meeting, but may be reopened at the request of the applicant, the public, or the Board.

#### REGULAR AGENDA

Hearings on appeals and other matters before the Board shall be generally conducted as follows:

- a. Staff presents proposal, staff report, and recommendations. Any letters received before the hearing are summarized.
- b. Board Members may ask questions of staff.
- c. Public testimony is opened.
- d. For appeals, appellant may present justification for appeal and other pertinent information. Appellant is given approximately 10 minutes.
- e. Board members may ask questions of Appellant.
- f. Members of the public may speak either for or against the appeal or other matter before the Board, or offer additional information. Speakers shall step to the podium and give their name and address. Members of the public are generally given 5 minutes individually or 10 minutes for persons representing a group.

- g. Appellant may rebut arguments presented by the public. Appellants are generally given 5 minutes. No new issues may be raised. No new information may be presented.
- h. Public testimony is closed.
- i. Board members may ask further questions of the public, the applicant, or staff.
- j. Board members make a motion for decision on the appeal, may discuss motion, and vote on motion.
- k. The Chair shall have the option of granting additional time, as appropriate, to address unique issues related to the proposed project.

### **AGENDA DEADLINES**

Written materials from appellants in support of their appeal shall be received by the Planning Department/County Fire no later than 10 days following the date the appeal was filed to provide staff sufficient time to review the materials and prepare a staff response if appropriate, and to reproduce and distribute the materials to Board members in advance of the meeting.

Staff may request a continuance of the appeal hearing if written materials are submitted later than 10 days following the date the appeal and as a result, there was insufficient time to analyze and respond to late materials.

### **CONDUCT OF BUSINESS**

The most recent edition of Sturgis Rules of Parliamentary Procedure shall govern the conduct of meetings of the Board except as otherwise provided herein, or by State or local law.

### **CONFLICT OF INTEREST**

Each Board member shall comply with the Conflict of Interest requirements of State law. Each Board member shall file a Conflict of Interest Disclosure Statement.

### **DISCLOSURE OF INFORMATION OUTSIDE OF HEARING BY BOARD MEMBERS**

A Board member who has received oral or written information outside of a meeting or hearing or has viewed the property/building at issue with any appeal pending before the Board, or is familiar with the subject property or building, shall fully disclose at the

beginning of the hearing such information and his or her observations and familiarity with the property so that the appellant, opponents, interested persons, planning and fire staff and other members of the Board may be aware of the facts or information upon which he or she is relying and have an opportunity to support or controvert the facts or information. All written information received by Board members outside of the hearing shall be filed with the Board Secretary.

#### **APPROVAL OF BY-LAWS**

Amendments to these By-laws may be recommended to the Board of Supervisors by a majority vote of the Building Board of Appeals. The By-laws and any subsequent amendments thereto, shall be approved by the Board of Supervisors pursuant to Santa Cruz County Code Section 2.38.140.

DATE APPROVED BY THE BUILDING AND FIRE CODE BOARD OF APPEALS:  
DATE APPROVED BY BOARD OF SUPERVISORS: