

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

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**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:

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- 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

Appeals

Hearings on appeals shall be conducted as follows:

- a. Staff prepares a report that summarizes the basis for the appealed decision, order or determination. The staff report will be included as part of the agenda materials. As part of the report, staff will also provide any relevant documents related to the matter under appeal.
- b. At the appeal hearing, which is a de novo hearing, the appellant and his/her representatives shall, in the first instance, present evidence in support of the grounds enumerated in the appeal.
- c. The County official(s) shall next present evidence in support of the decision, order, or determination.
- d. The Board should then accept testimony from any member of the public that wishes to speak to the appeal before the Board. Speakers shall step to the podium and give their name and address. Members of the public are generally given 5 minutes to present their testimony.

- e. At the conclusion of public comment, the appellant and the County Official shall each have one opportunity to rebut the evidence presented by the other, or presented during public comment.
- f. Public testimony is closed. Board Members may ask questions of staff or the appellant.
- g. The Board's decision on the appeal must be made in open session. The Board can take any one of the following actions upon hearing the appeal:
 - o Affirm the decision, order, or determination of the County Official without modification.
 - o Modify the decision, order, or determination of the County Official.
 - o Uphold the appeal and vacate the decision, order, or determination of the County Official.
 - o Continue consideration of the appeal if the Board determines that additional time is required to conclude its consideration of the matter. The Board can ask staff to provide additional information to the Board as necessary.
- h. The Board must render a decision in writing no later than 14 days following the opening of the appeal hearing, unless the matter is continued for further consideration. To accomplish this, staff shall prepare and send a letter to the appellant that reflects the Board's decision. This letter of decision will be sent to the appellant by first class mail. A copy will also be provided to the Clerk of the Board of Supervisors, and retained by the administrative secretary to the Appeals Board.

Other Matters Before the Board

Hearings on 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. Members of the public may present testimony regarding any 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 to present their testimony.
- e. Public testimony is closed.
- f. Board members may ask further questions of the public or staff.

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- g. Board members make a motion for decision on the matter before them, may discuss motion, and vote on motion.
- h. The Chair shall have the option of granting additional time, as appropriate, to address unique issues related to the matter under consideration.

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:

Date: April 5, 2009

To: **Building, Accessibility and Fire Code Appeals Board**

Michael Bethke, Chair, Appeals Board
Martha Fiorovich, Member, Appeals Board
Richard Irish, Member, Appeals Board
David Parks, Member, Appeals Board
(alphabetical order)

From:

Daniel Bronson, Vice-Chair, Appeals Board

CC:

Jennifer Hutchinson, Building Official, County of Santa Cruz, 701 Ocean St, Santa Cruz CA 95060
Secretary to the SCC BAFC Appeals Board

Subject: **Follow-up regarding the consideration of this Appeals Boards Draft By-Laws**

1. At our Board meeting on March 16, 2009 during discussion of Agenda Item 9 I offered the suggestion to the Board that the DRAFT BY-LAWS be considered and accepted by the Board one provision or paragraph at a time. This will allow us to time to think through and examine carefully each part as we assemble DRAFT By-Laws to forward to the Board of Supervisors for their approval.
2. This is certainly a lengthy process but I submit that it will more certainly achieve a better result.
3. With this in mind I suggest for your consideration the following plan to generally structure the By-laws along the lines of the county code with numbered sections that will identify sections, paragraphs and single provisions. This may allow us, the staff and the public to exactly and efficiently reference and consider these items in the development process by a) keeping us on the same subject and b) focused on a single item whether we are in a meeting or individually studying the material elsewhere.
4. i.e County Code uses the modern double digit and decimal system.
Chapters are referenced by numbers such as 2 or 10 allowing for up to 99 to be included.
Sections are referenced by the chapter followed by a dot and then a number of up to 2 digits as in 2.38.
This allows for up to another 99 items.
Paragraphs (or single provisions) are then referenced by another one or more digits set off by another dot or decimal marker i.e. 2.38.130. I suggest that for our purposes that up to two digits set off in pairs by dots is more than sufficient. i.e. 10.20.30
5. The Standard Code of Parliamentary Procedure is the adopted reference in this county with regard to meetings procedures, etc. It also provides guidance to for By-Laws organization and content which I have used to guide my suggestions. The author Alice Sturgis writes, - "Good bylaws alone do not make an effective organization; they are an outline of its structure. However, suitable bylaws are necessary to enable an organization to function well." (see 2 page Attachment)
6. For our purposes I suggest simplicity is helpful and efficient and exactitude is necessary. So I suggest using this well established modern indexing system to organize our By-Laws in a similar way under these headings or other ones that we may wish to place in the draft by-laws at a meeting.

1. General Provisions
 - 1.1 Reference various establishment provisions under law, regulations and county ordinance
 - 1.2 Reference ordinance provisions regarding Boards and Commission's generally
 - 1.3 Parliamentary Authority (reference Sturgis manual)
 - 1.4 Reference county code provisions regarding board or commission by-laws adoption and revisions through the Board of Supervisors.
2. Administration and Staff
 - 2.1 Terms of Members (just adopts county code by reference)
 - 2.2 Officers
 - 2.2.1 Officers Listed
 - 2.2.2 Terms of Officers
 - 2.3 By-Laws Organization (generally)
 - 2.4 Committees
 - 2.5 Annual Reports
 - 2.6 Staff Functions, Duties and Instructions to Staff
 - 2.7 Public Records
 - 2.7.1 Maintenance of Official Records
 - 2.7.2 Access to Appeals Board Records
 - 2.7.3 Location of Public Records
 - 2.7.4
3. Purpose (or mission statement)
4. Duties and Responsibilities
 - 4.1 Jurisdiction
 - 4.2 Powers and authority
 - 4.3
5. Meetings
 - 5.1 Public Notice of Meetings
 - 5.2 Agenda Procedures
 - 5.3 Minutes Procedures
 - 5.4 Conduct of Meetings
 - 5.4.1 Standard Code of Parliamentary Procedure (Sturgis)
 - 5.4.2 Quorum
 - 5.4.3 Order within the Meeting Room
6. Appeals Procedures
7. Conflicts of Interest
 - 7.1 Statements of Economic Interest (FPPC Form 700)
 - 7.2 Conflict of Interest Code (references)
 - 7.3 Ethics & Disclosure for Appeals Board Members

Respectfully yours,

Harold Bauer

AN OUTLINE EXTRACTED FROM STURGIS ON HOW TO STRUCTURE BY-LAWS

Alice Sturgis - "Good bylaws alone do not make an effective organization; they are an outline of its structure. However, suitable bylaws are necessary to enable an organization to function well." She then adds, several paragraphs later, "Bylaws should be custom made to fit each individual organization

Bylaws enable members to determine what rules they can all agree with and abide by, and yet allow the for changes as the organization evolves. These rules ensure stability, continuity, and structure, especially during times of rapid growth or when there are not many "old" members to tell the new members what to do.

I. NAME: the full name of the organization.

II. OBJECT: What is the reason for the group's existence? State it in a single sentence. If the sentence is long, set each thought off with semicolons.

III. MEMBERSHIP

1. Classes of membership: active, inactive, honorary?
2. Eligibility for membership:
 - A. How does someone apply?
 - B. Is there a test, or list of demands, or proficiency in a certain area that applicants must meet?
 - C. Are there other limitations i.e. geography
 - D. Is there an attendance requirement?
 - F. Include disciplinary procedures and procedures for removing someone from membership
 - G. Include responsibilities of members.

IV. OFFICERS

1. Officers ranked in the order they are listed.
2. List duties of officer's. A detailed list of duties should be incorporated into a separate article. Add a phrase that says "duties include, but are not limited to....."
3. Elections of officer within the Board.
 - A. How officers are to be nominated.
 - B. How the officers are to be elected -- what method of voting: mail, ballot, plurality, preferential, commutative voting, etc. This must be completely stated and the details of the procedure described.
 - C. State the terms of office; when the term begins.

It is important to include the following phrase about the term of office: "shall hold office for a term ofor until their successors are elected". If no one is elected there is still someone to serve in the office (the person currently serving). More importantly, if an election needs to be rescinded or an officer removed with out going through any disciplinary charges this phrase allows it to be done.
 - D. How vacancies are to be filled. Can a vacancy in an office be declared if the officer or director is not doing his/her job or not attending meetings?

V. MEETINGS

1. How many meetings?

Does the organization meet quarterly, monthly, weekly, semi-annually?

When are the meetings held? (example: Fourth Thursday of month) .

Set the date of the Annual meeting.

2. Tell what business is to be conducted at the regular meetings, and is it different from the Annual meeting?

Are officers elected at the Annual meeting or is there a meeting set for only electing of officers?

3. Who can call a special meeting? This can't be done unless it is in the bylaws.

Also give the notice requirement for calling a special meeting.

Is the noticed to be mailed to the members and by whom?

Can it be done by telephone, e-mail, fax? How many days prior to the special meeting are the members to be notified?

Is business to be limited to the reason for calling the meeting?

4. What is the quorum for the meeting?

5. Who has the right to cancel the meeting and who has the right to reschedule the meeting?

Provide for the cancellation of meetings in times of emergency or extraordinary conditions.

VII. COMMITTEES

1. The standing committees of an organization should be listed in the bylaws.

Dan - There should be no standing committees.

2. Provide for the appointment of special or ad hoc committees.

Dan - Ad Hoc committees shall be temporary and appointed for a term not to exceed 1 year.

3. State who appoints the committees.

4. State how vacancies are filled and, if someone wants to resign how a resignation should be submitted.

5. Ability to file for expenses.

IX. PARLIAMENTARY AUTHORITY

State which parliamentary authority and which edition of the authority.

XII. AMENDING BYLAWS

The bylaws should contain the rules concerning how they can be changed, the procedure for changing them

and the time requirement for notice of the changes.

State who can propose amendments or call for a complete revision of the bylaws.

Booklet on writing bylaws. Cost is \$2.00 or so.

NATIONAL ASSOCIATION OF PARLIAMENTARIANS
213 South Main St. Independence, MO 64050-3850
1-888-NAP-2929