

LARIMER COUNTY BOARD OF APPEALS

BYLAWS [DRAFT 2/3/20]

I. MEETINGS

- A. Regular meetings shall be held on the second Wednesday of each month in a designated room in the Larimer County Courthouse Office Building, Fort Collins, Colorado. Meetings shall begin at ~~7:30~~ 8 a.m. All meetings and actions shall be in compliance with C.R.S. 24-6-402 regarding open meetings and any subsequent amendments to said statute, and follow Larimer County rules and procedures for Boards and Commissions. If the ~~Chair and members~~ Board determines that any application cannot be heard and considered for action by ~~09:00 a.m.~~ within 90 minutes of the published start time, it may be continued, heard, and considered at a specifically scheduled meeting or the next regularly scheduled meeting. Such application shall have priority at the next meeting and may be heard before any other matters or applications.
- B. Special meetings of the Board may be held at any time upon call of the Chair, by a majority of the entire membership of the Board, or upon request of the Board of County Commissioners. Notice of at least seven (7) calendar days shall be given to each member of the Board by telephone, e-mail or by fax. Time, place and proposed agenda of Special Meetings shall be specified with information sent to each member of the Board notifying them of a Special Meeting.

II. MEMBERS/QUORUM

- A. The Board of Appeals shall consist of five (5) members, appointed by the Board of County Commissioners. The Chair of the Board of Appeals may be asked to interview applicants for vacancies by the Board of County Commissioners.
- B. A quorum for transaction of business shall consist of three (3) members. If necessary to create a quorum, or where the member is otherwise unable to attend, one or more members of the Board of Appeals may fully participate in such meetings including voting through the use of telecommunications devices. However, all such public meetings shall have at least one person physically present at the designated meeting area to ensure that the public meeting is in fact accessible to the public. The person chairing the meeting shall be physically present at the designated meeting area.
- C. Actions shall be by a majority vote of Board members when a quorum is present.
- D. In cases where a quorum is not present, applications shall be rescheduled for hearing at the next regular Board meeting, or at a special meeting set by the Chair scheduled per Bylaws Section I B.

III. ATTENDANCE/TERM

- A. Regular attendance by members of the Board of Appeals is expected.
- B. If a Board member is unable to attend meeting, the member shall notify the staff of such fact as soon as possible after the member becomes aware of it.
- C. Term limits shall be in accordance with Larimer County Administrative Procedure 100.1.

IV. OFFICERS

- A. The Board of Appeals, at its **first** regular meeting in **or after** July of each year, shall elect a Chair and a Vice- Chair. The Chief Building Official shall be ex **officio** member of **the** Board but shall have no vote on any matter before the Board and shall designate a Recording Secretary.
- B. The duties and powers of the officers of the Board shall be as follows:

The Chair shall:

1. Preside at all meetings of the Board and maintain proper decorum by controlling the meeting, avoiding duplication of testimony, and avoiding demonstration(s). In cases where decorum **cannot** be maintained, any Board member may request the Chair to recess, continue the agenda item, or adjourn.
2. Call special meetings of the Board in accordance with the by-laws.
3. Sign the documents of the Board.
4. **Ensure** that all actions of the Board are properly taken.

The Vice-Chair shall:

1. During the absence, disability, or disqualification of the Chair, exercise and perform all ~~of~~ the duties and be subject to all the responsibilities of the Chair.

The Designated Recording Secretary shall:

1. Keep the minutes of all meetings of the Board in an appropriate and designated file.
2. Give and serve all notices required by State Statute, regulations or by the by-laws.
3. Prepare the agenda for all meetings of the Board.
4. Be custodian of Board records.
5. Inform the Board of correspondence relating to business of the Board and attend to such correspondence.

V. GENERAL RULES OF ORDER

[Item C has been added per county board policy, Item J added per Board direction, Item K from the Building Code and Contractor License Resolution, and items D-I renumbered]

- A. Persons desiring to appeal a decision of the Building Official to the Board of Appeals shall make application of appeal in writing addressed to the Chief Building Official, shall state in reasonable detail the basis for the appeal, and pay to the Larimer County Building Department Division a docket fee in the amount of fifty dollars (\$50) as specified in the Larimer County fee schedule. The appeal must be filed no later than thirty (30) days after the date of the determination being appealed. For contractor's licensing resolution appeals, the appeal must be filed no later than fourteen (14) days after the date of the decision being appealed (seventeen (17) days if the notice of decision being appealed was sent by regular US mail). The Board of Appeals will not hear appeals that do not follow the requirements of the adopted building code including payment of the specified fee.
- B. Written notice of hearing shall be given to all parties concerned at least ~~three (3)~~ fourteen (14) days prior to the hearing or by mailing the same to such parties' last known address by regular mail.
- C. Notice of Board of Appeals meetings will be posted on-line at www.Larimer.org. If exigent or emergency circumstances prevent the online posting at such location, public notice shall be physically posted at the bulletin boards located at the north and south entrances to the Larimer County Courthouse Offices Building at 200 West Oak St., Fort Collins, Colorado, in accordance with Colorado's open meetings laws.
- D. The following procedure will generally be followed by the Board when considering agenda items:
1. Introduction of the item by the Chair.
 2. County Staff presentation, limited, to the extent possible, to unresolved or controversial issues.
 3. Applicant presentation, generally limited to 20 minutes and substantively related to unresolved or controversial issues.
 4. Testimony from the audience relating to the agenda item. The Chair may set a reasonable time limit per individual and group presentations and may establish an order per testimony in support of or in opposition to the application.
 5. Applicant's rebuttal, limited to points of opposition. The Chair may set a reasonable time limit.
 6. Inquiry by the Board members of the applicant and staff.
 7. Final staff comments.
 8. Discussion among the Board members.
 9. Motion and second by the Board members.
 10. Discussion by the Board members on the motion.
 11. Call to Vote.

- E. The Chair may modify the above procedure for individual items if necessary for expeditious conduct of business.
- F. All decisions of this Board is **are** for ~~this~~ a particular appeal only (site specific) and do not set any precedent for general County approval. If appeals approval requires further action from the applicant, the applicant has one year from the appeal date to complete that required action.
- G. A Board member shall abstain from discussion and voting if a potential conflict of interest exists, from the time such conflict is discovered.
- H. Matters not covered by these rules ~~may~~ **shall generally** be governed by Roberts Rules ~~or of~~ **Order, newly revised, 1970**”, wherever applicable and not in conflict with state or local law.
- I. Agendas for items to be considered by the Board will be available to the public at the meeting, and all meetings shall be open to the public
- J. **The Chair may allow “personal appearances” at the beginning of each meeting by any citizen desiring to speak on any building code or contractor licensing matter not on the agenda. The Board of Appeals shall not take action on items presented under personal appearances. Any statement made shall be relevant to building code or contractor licensing matters and shall be not more than five minutes per person in duration.**
- K. **The Chief Building Official shall take action in accordance with the decision of the Board of Appeals and shall provide written notice of the Board’s decision to the appellant no later than fourteen (14) days after the hearing.**

VI. AUTHORITY [Switched clauses A & B, added Clause C. Should we move this entire section to be the first Section and renumber the others?]

- A. **The Board of Appeals shall hear and decide appeals of orders, decisions and determinations made by the Chief Building Official relative to the application and interpretation of the adopted building codes. ~~The building codes limits the authority for~~ **An application for** an appeal ~~to a~~ **shall be based on** a claim that the true intent of these codes or rules legally adopted have been incorrectly interpreted, the provisions of these codes do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of **the building or fire codes.****
- B. The Board of Appeals will perform the duties mandated by Colorado State Statue for a “Board of Review” to review new building codes and formulate suggested amendments to the codes.
- C. **The Board of Appeals shall hear and decide appeals of contractor license denials, suspensions or revocations, or determinations that a person is a building contractor required**

to obtain a license or a certain class of license, made by the Chief Building Official in the course of administering the Larimer County Contractor's Licensing Resolution.

VII. POUDRE FIRE AUTHORITY (PFA) FIRE BOARD OF APPEALS

- A. At the request of the Poudre Fire Authority, the members of the Larimer County Board of Appeals may from time to time act as the PFA Fire Board of Appeals. When acting as the PFA Fire Board of Appeals, the Board shall not be acting on behalf of Larimer County, ~~instead~~ but rather on behalf of the Poudre Fire Authority Fire District.
- B. When acting as the PFA Fire Board of Appeals, the Board shall follow the rules and procedures contain herein for the Larimer County Board of Appeals. The PFA Fire Marshal shall become the ex officio member of the Fire Board of Appeals and will have no vote on any matter before the board.
- C. The Fire Marshal shall designate the recording secretary and be responsible for their duties, including a separate PFA Fire Board of Appeals Agenda.

VIII. AMENDMENTS

The Board of Appeals may vote to recommend amendments to these bylaws as may seem expedient, at any regular or special Board meeting, by a majority vote of the entire Board. Amendments shall take effect upon approval by the Larimer County Board of Commissioners. The Board of Appeals shall not have the power, however, to pass any bylaws which would alter the legal status or statutory authority of the Board.

Adopted pursuant to Section 30-28-206 (1) C.R.S. this ?th day of ?, 2020

Dates, Signatures, Chair of the Board of County Commissioners, County Attorney etc.