

BOARD OF APPEALS BY LAWS

I. MEETINGS

- A. Meetings shall be held as needed at the convenience in meeting room #1 at 555 Main Street, 1st Floor, Meeker, Colorado.
- B. All meetings shall be open to the public.
- C. Efforts will be made to schedule meeting times to accommodate the applicant(s).

II. MEMBERS/QUORUM/QUALIFICATIONS

- A. The Board shall consist of three (3) members and one alternate member appointed by the RBC Board of County Commissioners (BOCC).
- B. Qualified members shall be licensed professional engineers and/or architects, building contractors, superintendents of building construction, or other persons qualified by experience and/or training to evaluate matters pertaining to building construction.
- C. A quorum shall consist of two (2) members.
- D. Actions and decisions shall be by majority vote when a quorum is present.

III. TERM

- A. If a Board member is unable to attend a meeting, the member shall notify the Chairman and the alternate member shall be notified.
- B. The term limits shall be of such length and so arranged that the terms of at least one member will expire each year.
- C. Any member of the Board may be removed for cause by the BOCC following written and signed charges, and public hearing.

IV. OFFICERS

- A. The Board at its first meeting of each year shall select a Chairman and Vice-Chairman from its membership. The RBC Building Official shall be ex officio member of the Board but shall have no vote on any matter before the Board. The Building Official shall designate a Recorder.
- B. The duties and powers of the officers of the board shall be as follows:

The Chairman shall:

- 1. Preside over all meetings.
- 2. Sign documents for the Board.

The Vice-Chairman shall:

- 1. During absence or disability of the Chairman, the Vice-Chairman shall perform all the duties and be subject to all of the responsibilities of the Chairman.

The Recorder shall:

- 1. Keep and file all minutes and documents from the meetings.
- 2. Give and serve all required notices.
- 3. Prepare meeting agendas.

V. GENERAL RULES

- A. Persons desiring to appeal a decision by the Building Official to the Board shall submit to the RBC Building Department an appeal application, on a form provided by the Building Department, within 30 days after the date of the order, the decision or determination appealed and submit a processing fee in the amount of \$50.00

- B. Written notice of the hearing shall be given or mailed to all parties concerned not less than seven and not more than 15 days prior to the meeting.
- C. Written notice of the hearing shall be published at least one time in a newspaper having a general circulation in the area, not less than seven and not more than 15 days prior to the meeting.
- D. The procedure followed by the Board when conducting hearings shall be:
 - 1. Introduction by the Chairman and setting of reasonable time limits for presenting testimony.
 - 2. County Staff presentation.
 - 3. Applicant presentation.
 - 4. Audience testimony relating to appeal topic.
 - 5. Applicant's rebuttal, limited to points of opposition raised by audience testimony.
 - 6. Board member questions directed to the applicant and/or staff.
 - 7. Final staff comments.
 - 8. Discussion by the Board members.
 - 9. Decision of the Board by motion and second.
 - 10. Call to Vote.
- E. The Chairman may modify the above procedure if appropriate.
- F. In situations where control cannot be maintained, any Board member may request the Chairman to recess, continue, or adjourn.
- G. The decision of the Board applies only to applicant's fact situation and does not set precedent.
- H. A Board member may abstain from voting and discussion if a conflict of interest exists.
- I. Agendas for items to be considered by the Board will be available to the public.
- J. All meetings shall be open to the public.

VI. AUTHORITY

- A. The Board shall perform duties which are described by Section 30-28-206 CRS for a "Board of Review".
- B. The Board may make special exceptions to the terms of the RBC Building Codes in harmony with the general purpose and intent of the Codes.
- C. The Board may suggest amendments to the RBC Building Codes for consideration by the RBC Board of County Commissioners.
- D. Appeals shall be based on a claim that the true intent of the code or the rules legally adopted there-under have been incorrectly interpreted by the Building Official, the provisions of the RBC Building 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 RBC Building Codes.

VII. BOARD COMPENSATION

- A. Board members will be compensated for travel to attend appeals hearings as follows:
 - 1. Fuel costs according to IRS per mile rate for deductions that year.
 - 2. Actual cost of food (with receipts).
- B. Board members are encouraged to utilize teleconference equipment located at the Western Annex and the Administrative Building in Meeker.