

**CITY OF CALISTOGA**  
**BUILDING AND FIRE CODE BOARD OF APPEALS**  
**RULES OF PROCEDURE**

**(Revised August 4, 2009)**

**I. PURPOSE**

The following rules shall be applicable to the organization of the Building Standards Advisory and Appeals Board (Board) pertaining to the roles and responsibilities, type and conduct of meetings, and selection of officers, pursuant to California Government Code (Section 55000) and the City of Calistoga Municipal Code (Ord. 646, Section 15.50).

**II. POWERS AND DUTIES**

The Board shall have the powers and shall perform all duties bestowed by the California Building Standards Code and, in addition, the Board shall:

1. Advise the Building and Fire Code Officials in the adoption and maintenance of the current Building Standards Code (codes), which includes the building, plumbing, mechanical, electrical, energy, historical, existing buildings, housing, accessibility, green and fire codes.
2. Hear and decide appeals of orders and decisions made by the Building and Fire Code Officials relative to the application and interpretation of the codes.
3. Determine the suitability of alternative materials, types of construction and assist in development and determination of local policies as they relate to the codes.
4. Generally conserve and promote public health, safety, comfort, convenience and general welfare.
5. Serve as an advisory body to staff on City building and fire matters, and on such other matters as may be requested by the City Council and the Planning Commission.
6. Promote public interest in Health and Safety codes and encourage citizen participation in these related issues.

**III. ORGANIZATION AND ELECTION OF OFFICERS**

1. The officers of the Board shall consist of a Chair and Vice Chair. The Secretary shall be the Building or Fire Official, or his/her designee.
2. The Building or Fire Code Official shall serve as an ex-officio member of the Board.
3. The offices of the Chair and Vice Chair shall be elective and persons elected shall serve for a term not less than one year.
4. Elections shall be held during the regular meeting held in January of each year.
5. The Vice Chair shall succeed the Chair upon absences. Should the office of Chair become vacant before the term is completed, the Vice Chair shall serve the

unexpired term of the vacated office. A new Vice Chair shall be elected at the next regular meeting.

6. In the absence of the Chair and Vice Chair, any other member shall call the Board to order, whereupon the Chair shall be elected from the members present.

#### **IV. DUTIES OF OFFICERS**

##### **CHAIR**

1. Preside over all meetings of the Board, preserve order and decorum, and decide questions of order.
2. Call special meetings in accordance with legal requirements.
3. Sign documents for the Board.
4. Assist staff in the creation of agendas.

##### **VICE CHAIR**

1. Assist the Chair in the execution of the duties of office and act in the absence of the Chair resulting from illness, disqualification, or absence due to conference or meeting.
2. Succeed the Chair if the office becomes vacant for the remaining term of the vacated office.

##### **SECRETARY**

1. The Secretary shall be responsible for the preparation of Board minutes, shall assure that all official actions by the Board are recorded in the minutes, and shall keep a record of all meetings of the Board.
2. Post the agenda at least seventy-two (72) hours prior to the meeting.
3. Give priority to matters referred to them by the City Council.
4. Ensure that all applications submitted to the Board for consideration conform to established submittal requirements.
5. Prepare, post, and publish public notices, including public hearings required by law or required by the Board.
6. Be custodian of records and sign official documents of the Board as directed.

#### **V. MEETINGS**

1. All meetings shall be held in full compliance with the provision of state law, ordinances of the City, and shall be conducted in accordance with Robert's Rules of Order.
2. Regular meetings of the Board shall be held quarterly at **5:30** p.m. in the Administration Conference Room, unless otherwise determined by the Board or requested by the Building or Fire Code Official.

3. Whenever a meeting falls on a holiday, no meeting shall be held on that day. Such meeting may be rescheduled to another day, or canceled by a motion adopted by the Board.
4. The Board may cancel any meeting by a majority vote, in an emergency, or in the event that there is no quorum. ***Four (4) members shall constitute a quorum for the purpose of conducting routine business.***
5. A meeting may be adjourned and reconvene at any specified time upon a majority vote of the Board provided that a specific date, time and location is set prior to adjourning the meeting.
6. Special meetings may be held upon the call of the Chair or by a majority vote of the voting members, or upon request by the City Council following at least 24 hours notice to each member of the Board and the press.
7. Items appearing on the agenda will be introduced and considered at the scheduled meeting, unless a time limit is placed on the meeting by a majority of the quorum present. No items shall be introduced after the established time limit, and all continued items shall be placed on the next regular meeting.
8. Requests for continuances are considered on an as needed basis (i.e., illness, new information, etc.); however the Board discourages more than one continuance.

## **VI. VOTING**

1. A majority of the Board members entitled to vote shall constitute a quorum. No business may be transacted at a regular or special meeting unless a quorum of the membership is present.
2. Voting will be by verbal vote. Each member present at the meeting shall vote for or against the measure, unless disqualified from voting or abstaining because of disqualification.
3. In the event of a tie vote, which cannot be resolved by any subsequent motion, the matter shall be considered as denied.
4. If a member is required to abstain from voting due to prohibitions of State law, such member shall *announce the conflict of interest, recuse him or herself*, during the Board deliberation and vote of the matter. This information will be noted in the minutes.
5. The order of voting shall be determined by the Chair, with the Chair voting last.
6. The Chair of the Board, or other presiding officer, may make and second motions and debate from the Chair, subject only to such limitations of debate as are imposed on all members of the Board.

## **VII. PRESENTATIONS OR APPEAL HEARINGS**

1. The Chair shall announce the subject of the agenda item or an appeal, as advertised.

2. A motion may be made and voted upon to continue an appeal hearing to a definite time and date before receiving a staff report or opening the item for public comment. For appeal hearings, testimony is typically accepted for the record with the understanding that no action will be taken and a new public hearing will be held.
3. The staff shall be asked to present the substance of the application, staff report and recommendation, and to answer technical questions of the Board.
4. In the case of Appeal Hearings, the Order of Testimony shall be as follows:
  - a. Chair announces the agenda item as advertised
  - b. Presentation of the staff report
  - c. Questions of staff by the Board
  - d. Appeal hearing opened
  - e. Applicant's statement
  - f. Proponents' statements
  - g. Opponents' statements
  - h. If necessary, a rebuttal from the applicant
  - i. Appeal hearing closed
  - j. The Board shall then deliberate and either determine the matter or continue the matter to another date and time certain
5. The Rules of Testimony shall be as follows:
  - a. Persons presenting testimony to the Board are requested, *but not required*, to give their name and address for the record.
  - b. Comments are typically limited to three (3) minutes. To avoid unnecessary cumulative evidence, the Chair may further restrict the time of testimony on a particular issue.
  - c. If there are numerous people in the audience who wish to participate on an issue, and it is known that large numbers represent the same opinion, the Chair will request that a spokesperson be selected to speak for the entire group. The spokesperson will have the opportunity of speaking for a reasonable length of time and of presenting a complete case.
  - d. Speakers will be permitted to provide testimony only once, but may answer questions of the Board through the Chair.
  - e. The Chair will rule irrelevant and off-the-subject comments out of order.
  - f. The Chair will not permit any complaints regarding the staff or individual commissioners during a public hearing.
  - g. No person shall address the Board without first securing the permission of the Chair to do so. All comments shall be addressed to the Board. All questions shall be placed through the Chair.

## **VIII. GENERAL CONDUCT**

1. The personal integrity, values and professionalism of each participant will be respected by others. The Board and staff will avoid personal attacks, stereotyping or condescending remarks. The motivations and intentions of all participants are assumed to be well intentioned.
2. Private conversations should be avoided, as they are disruptive to the meeting.
3. A decision made by the Board that requires no further action shall be the final decision of the Board. Board members and staff will avoid presenting minority opinions or otherwise promoting information that opposes the majority decision.
4. When discussing issues with the media, the Board and staff will take special care to present only their own views and opinions, and clearly qualify their comments as such. Unless otherwise determined by the Chair, the Chair will present the Board position on issues based on the action taken in a vote and recorded in the official minutes of the Board proceedings.
5. Participants should strive to maintain a positive tone in their deliberations and in communications with others including the media.
6. The Board will make every effort possible to consult with staff prior to the meeting to ask questions that may require research outside of the meeting, make minor changes to grammar or spelling in written materials, or to clarify or correct erroneous information.
7. Members who know in advance that they will be absent should notify the Secretary at the earliest opportunity. The Secretary shall notify the Chair in the event projected absences will provide a lack of quorum.

## **IX. AGENDAS**

1. An agenda shall be distributed to the board members 72 hours prior to scheduled meetings.
2. The agenda shall include, but shall not be limited to, the following:
  - a. Roll Call
  - b. Public Comments
  - c. Review and Approval of Minutes
  - d. Communications or Correspondence
  - e. Presentations or Appeal Hearings
  - f. Next Meeting Topics for Review
  - g. Adjournment

## **X. AMENDMENTS TO THE RULES OF PROCEDURE**

1. These by-laws may be amended, revised or repealed at any regular meeting of the Board by a vote of a majority of a quorum.