

BYLAWS OF THE BUILDING BOARD OF APPEALS
CITY OF BULLHEAD CITY, ARIZONA

SCOPE

These Bylaws are adopted as rules of procedure by the City of Bullhead City Building Board of Appeals (“Board”) to ensure continuity of actions, uniformity and consistency in the application and interpretation of the construction and building codes adopted by the City and the education of new members to the Board to ensure that the citizens of the City of Bullhead City (“City”) are well served in matters coming before the Board.

I. ORGANIZATION

101. MEMBERSHIP

The Board will consist of five (5) members, appointed by the Mayor with the approval of the City Council. Individual terms are for two years.

102. ELECTION OF CHAIRMAN AND VICE CHAIRMAN

The Board, in accordance with Chapter 2.50 of the City Code shall, as the first order of business at the first regular meeting of each fiscal year, elect a Chairman (“Chair”) and a Vice Chairman (“Vice Chair”) from among its appointed members, unless postponed to a later meeting. Their terms shall be for the fiscal year during which they are elected and they are eligible for re-election during each successive year.

103. CHAIR

The Chair will preside at all meetings and hearings of the Board, decide all points of order or procedure and perform any duties required by law, ordinance or these Bylaws. The Chair will vote, and may participate in discussion of any motions made by a member of the Board. The Chair may confer with the Building Official regarding: A. placing matters on the agenda and/or agenda items; B. scheduling special reports; C. discussing matters under consideration by the Board; and D. discussion of future matters to be considered by the Board.

104. VICE CHAIR

The Vice Chair shall serve as the Chair in the absence of the Chair or in the event the Chair resigns.

105. VACANCIES AND REMOVAL

- A. Vacancies in the office of Chair or Vice Chair for any cause shall be filled for the unexpired term by a new election at any regular or special meeting of the Board. Vacancies occurring in the membership of the Board through the resignation or removal of any of its appointed members will be filled by the City Council at any

regular or special meeting of the City Council.

- B. The Board, may by a majority vote, request that the City Council replace any member who has exhibited conduct which includes, but is not limited to: incompetence; willful inattention to duties; grossly discourteous treatment of the public, staff or other Board members or members of the City Council; willful violation of city ordinances or state law; attendance at any meeting of the Board while impaired by drugs or alcohol; conviction of a felony or any criminal offense involving truth, theft, or moral turpitude; or any other conduct unbecoming a member of the Board. In addition, the members of the Board may, by a majority vote, request that the City Council replace any member whom they consider as otherwise not fulfilling the obligations assumed by acceptance of appointment to the Board. The Mayor and City Council may also remove any member of the Board in accordance with Chapter 2.44 of the City Code.

106. STAFF REPRESENTATION

The City staff who will attend all meetings of the Board are: the Building Official or any other person as the city manager may designate; and a recording secretary.

107. STAFF SUPPORT

- A. Staff's duties and obligation to the Board include:
 - 1. Preparation, posting, and distribution of agendas and Board member information packets usually not less than seven (7) calendar days prior to regular or special Board meetings.
 - 2. Preparation of agendas from items generated by staff, or as requested by the Board in a previous meeting.
 - 3. Record the minutes of meetings and provide transcripts for review by the Board prior to the next meeting.
 - 4. Presentation of agenda items generated by staff.
- B. Staff will also provide further information for any matter under consideration as requested by a Board member and distribute the same to all other Board members.

108. LEGAL COUNSEL

The designated representative of the City Attorney's office will be in attendance at any regular or special meeting of the Board. Advice from the City Attorney may be received and entered in the minutes before disposition of any question of law or matter pertaining to legal interpretation or advice. The Board may receive legal advice in executive session as to any matter pending consideration on the agenda.

II. MEETINGS

201. COMPLIANCE WITH ARIZONA STATE OPEN MEETING LAW

All regular meetings, special meetings, and emergency meetings of the Board shall comply with the Arizona open meeting law as set forth in the A.R.S. § 38-431 *et seq.*.

202. REGULAR MEETINGS

Regular meetings of the Board will be held on the fourth Thursday of each month in City Council Chambers, 1255 Marina Blvd, Bullhead City, AZ at 4:00 p.m., unless public notice is made of another meeting place or time. If there are no items for Board consideration, no meeting will be held and staff may issue a notice that a meeting will not take place. The meeting date or time may be changed if a quorum cannot be present for the regularly scheduled meeting. If a regular date falls on a holiday, the meeting will be held the following Thursday or on another meeting day as approved by a majority vote of the Board.

203. SPECIAL MEETINGS

- A. A special meeting of the Board may be called by the Chair upon condition that written notice is given to all Board members and staff no sooner than seven days prior to the special meeting.
- B. A special meeting of the Board may also be called upon written request of two members of the Board directed to the Chair and staff. Written notice of the special meeting shall be provided to all Board members and staff and must not be scheduled any sooner than seven days after receipt of the written request.
- C. The Chair may schedule emergency meetings in compliance with the open meeting law.
- D. Dedications and Exactions. A special meeting of the Board may be called upon for a hearing" to consider and rule upon an appeal of a property owner regarding dedications and exactions, in compliance with Chapter 17.58 of the City Code and A.R.S. §§ 9-500.12 and 9-500.13.

204. SITE VISITS

In order to carry out its duties, the Board is permitted to visit, as a group or individually, the site of a matter scheduled to come before the Board. However, if more than two members travel to or meet together at the site(s); the visit will be deemed a meeting and must comply with the open meeting law. It is recommended that members not travel to or meet at any sites together unless staff has been notified and had reasonable opportunity to ensure compliance with open meeting law requirements.

205. QUORUM AND VOTING

- A. Three members constitute a quorum. Affirming, modifying, or overruling any interpretations of the Building Official requires the vote of three members for the passage of any matter before the Board. The minutes of the meetings will reflect a "yes" or "no" as cast on a particular measure and will reflect the vote of each member present. A member may abstain from voting only upon a declaration that the member has a conflict of interest as defined in section 207, in which case the member shall take no part in the deliberation or vote on the matter in question and take the actions as outlined in Section 207 below. A member shall not vote on minutes from a meeting at which the member was not in attendance.
- B. Recommendations to the City Council by the Board regarding amendments to Title 15 of the City Code or to any uniform construction or building codes adopted by the City, the recommendation may be made by a simple majority vote of the members present and pursuant to an item appropriately before the Board.

206. ATTENDANCE

The established dates of meetings permit Board members to schedule personal business appointments not to conflict with Board meetings. Members should notify staff in advance of anticipated absence from meetings. If a member misses more than three meetings over a twelve month period without valid cause, that member's seat on the Board may be considered vacant as determined by a majority vote of the Board and filled pursuant to Section 105 above.

207. CONFLICT OF INTEREST

- A. Any Board member having a "substantial interest" in the outcome of any matter brought before the Board under Arizona's "Conflict of Interest" laws (A.R.S. § 38-501 *et seq.*) shall declare the conflict in writing on a form provided by the City Clerk, and not participate as a Board member in the discussion, deliberation or decision of the matter.
- B. No Board member shall initiate, discuss, negotiate, secure, draft, or create any contract on behalf of the City if the Board member is an employee, agent or consultant to any other party to the contract. If a Board member believes a conflict of interest exists the member may request and receive a written opinion from the City Attorney regarding the member's participation with that particular issue.

208. ORDER OF BUSINESS

- A. The order of business will be as follows:
 - 1. Call to order.

2. Roll call by the recording secretary.
3. Pledge of allegiance.
4. Presentations.
5. Call to the public.
6. Approval of minutes of previous meeting(s).
7. Requests for postponement or withdrawal of items.
8. Hearing of items.
9. Reports by Board members or department staff.
10. Discussion to identify and approve future agenda items.
11. Adjournment.

B. The Chair may alter the order of business for convenience and necessity.

209. HEARING OF APPLICATIONS

- A. Hearings on all matters on which a decision of the Board is required by law will be open to the public. The Applicant may appear in his/her own behalf or be represented by an attorney or agent.
- B. The Chair will first call upon the Applicant to present the case and all evidence supporting the claim that the decision of the Building Official should be modified or overruled. The Board will make an inquiry of the Applicant if there are other individuals affected who support the appeal.
- C. The Chair will next call on City staff and anyone else opposed to the granting of the appeal to present their arguments. The Applicant will then have the right of rebuttal to arguments presented by the opposition. Following the rebuttal, the Chair will close the hearing. Unless permitted by the Chair or a majority of the members of the Board, there will not be a second rebuttal.
- D. Each side will proceed without interruption by the other and all arguments and statements will be addressed to the Board. No questioning or arguments between individuals will be permitted. During the hearing no member will debate or argue an issue with the Applicant nor indicate the Board member's probable vote on the appeal.
- E. Appeal procedure for Dedications and/or Exactions shall be in compliance with Title 17, Chapter 17.58 of the City Code and A.R.S. §§ 9-500.12 and 9-500.13.
- F. The Chair may consult with the City Attorney or designee or other staff to determine appropriate means of proceeding under circumstances not addressed by these Bylaws.

210. INFORMATION TO BE PRESENTED

- A. The Applicant is responsible for the presentation of all relevant information supporting the appeal. During the hearing the Applicant will present evidence and

any other relevant information demonstrating why the decision or requirement of the Building Official is in error and should be overruled or modified by the Board.

- B. If the Applicant is seeking to gain the approval of the Board of alternate materials and methods of construction to those required by required codes, the Applicant must demonstrate to the Board that the proposed design utilizes satisfactory alternate materials and/or construction methods that comply with the intent of the codes and that the materials, methods or construction work offered is, for the purpose intended, at least the equivalent of that prescribed by the codes in quality, strength, effectiveness, fire resistance, durability and safety.
- C. Dedications and/or Exactions will be heard in compliance with Title 17, Chapter 17.58 of the City Code and A.R.S. §§ 9-500.12 and 9-500.13.

211. DECISIONS OF THE BOARD

Upon the conclusion of the arguments from the Applicant and those opposed to the application, the Chair will close the hearing and the Board will then deliberate and render its decision. Decisions on appeals will be by motion. A decision on more than one request of one type of appeal will be by separate motion for each request made by the Applicant.

212. DISPOSITION OF APPEALS

- A. An application for appeal will be based on a claim that the true intent of the codes or the rules legally adopted there under have been incorrectly interpreted, the provisions of the codes do not fully apply or an equally good or better form of construction is proposed. The Board has no authority to waive requirements of the codes. In its decision, the Board may reverse or affirm, whether in whole or part, or modify the order, requirement or decision of the Building Official and may make any order or decision as the judgment of the Board considers appropriate. Following the vote of the Board, the Chair will announce the decision of the Board. The Chair will not permit further discussion concerning the application from the floor other than to answer questions regarding the intent of the Board's decision.
- B. If the Applicant is dissatisfied with the Board's decision, the Applicant may file a complaint by special action with the Superior Court within 30 days of the decision.

III. AMENDMENTS TO BYLAWS

301. AMENDMENT PROCEDURE

Amendments to these Bylaws may be made by the Board upon the affirmative vote of three members, provided the amendment is proposed at a regular meeting and recorded in the minutes of the meeting. Amendments so adopted will be forwarded to the City Council for

approval and become effective at the next regular meeting of the Board following City Council approval.

302. ANNUAL REVIEW


Staff will schedule an annual review of these Bylaws at or in close proximity to the first regular meeting of each fiscal year.

303. FILING AND DISTRIBUTION

Copies of these Bylaws and any amendments will be distributed to the members of the Board and to the Mayor and members of the City Council. The recording secretary shall maintain a file of the original copies of the Bylaws and any subsequent amendments and shall also forward the original documents to the City Clerk.

304. EFFECTIVE DATE

Upon approval of these Bylaws by the City Council, all prior Bylaws are rescinded in their entirety and replaced with the foregoing.



Dave Ingram, Chair

5-10-12
Date



Paul Selberg, Vice Chair

5-10-12
Date

ATTEST:



Susan Stein, City Clerk (SEAL)

APPROVED AS TO FORM:



Garnet K. Emery, City Attorney

Date approved by the Building Board of Appeals: OCTOBER 6, 2011

Date Approved by the City Council: FEB. 7, 2012