

RULES OF PROCEDURE BOARD OF REVIEW

These rules of procedure shall govern the Board of Review upon their adoption in accordance with the provisions of Section 15.01.010 of the City of Woodland Park Municipal Code, and Ordinance No. 1198, Series 2013. For the purposes of these rules of procedure the Board of Appeals shall be known as the Board of Review.

SECTION 1.0 ESTABLISHMENT AND MEMBERSHIP.

The City Council of the City of Woodland Park established the Board of Appeals (a.k.a. Board of Review) on December 5, 2013, pursuant to Ordinance No. 1198, Series 2013, of the City of Woodland Park

- 1.1 **Membership.** The Board shall consist of five regular members and two alternate members appointed by the City Council. Members of the Board may be residents of the City, but residency is not required to serve on the Board. Members of the Board must demonstrate qualifications by experience and training to pass on matters pertaining to building construction. No member of the Board shall be an employee of the City.
- 1.2 **Terms.** Terms shall be for three years, except that in order to achieve terms that are staggered, two of the members originally appointed shall serve a term of three years, two of the members originally appointed shall serve a term of two years and one member originally appointed shall serve a term of one year. Appointments shall be made by the City Council at the Council's second meeting in January or as determined by the City Council.
- 1.3 **Alternate Members.** Alternate members shall meet the membership qualifications as stated above. Terms shall be for three years except that in order to achieve terms that are staggered, one alternate member originally appointed shall serve a term of 2 years and the other alternate member originally appointed shall serve a term of 1 year. In the absence of a regular member, the Chairperson of the Board shall designate at the commencement of the meeting or hearing an alternate member to serve as, and fulfill the responsibility of, the regular member during his absence. Once so designated, the alternate member shall not be replaced by a returning member other than at the commencement of a different item.
- 1.4 **Compensation.** All members and alternate members of the Board shall serve without compensation.
- 1.5 **Removal and Vacancy.** A regular member or alternate member of the Board, once qualified, shall be removed during his term of office for just cause and upon two-thirds majority vote of the City Council. Unexcused absence by a regular member from three consecutive meetings shall be deemed just cause. In the event of the death, resignation, or removal of any regular member or alternate member before the expiration of his term, a successor shall be appointed by the City Council for the unexpired portion of such term.

SECTION 2.0 OFFICERS.

The Board of Review shall select from its membership two officers: A Chairperson and Vice Chairperson.

- 2.1 **Selection.** At the first meeting of the calendar year, the Board will select its officers from its regular membership. All officers are eligible for reelection.
- 2.2 **Tenure.** The Chairperson and Vice Chairperson shall take office immediately following their election and shall hold office for a term of one-year or until their successors are selected and assume office.
- 2.3 **Duties.** The Chairperson shall preside at all meetings and hearings of the Board, shall decide all points of order or procedure, and shall appoint any committees that may be found necessary. The Vice Chairperson shall assume the duties of the Chairperson in the absence of the Chairperson.
- 2.4 **Secretary to the Board.** The Secretary will be the Building Department Permit Technician or as designated by the Planning Director and the City Clerk's official designee. The Secretary shall conduct all official correspondence subject to these rules of procedure at the direction of the Board, send out all notices required, keep the minutes of the Board's proceedings, keep a file on each case that comes before the Board, be in charge of issuing the proper application forms and insure that information is compiled and ready for Board's review; and perform such other duties as determined by the Board.

SECTION 3.0 MEETINGS.

The following rules shall apply to the scheduling and the conducting of Board of Review meetings.

- 3.1 **Regular Meetings.** Regular meetings shall be held the third (3rd) Thursday of each month when a request is submitted that requires Board action, or at the call of the Chairperson, or as determined by a majority of the regular members.
- 3.2 **Special Meetings.** Special meetings may be called by the Chairperson, or at the request of three regular members of the Board, or at the request of the Building Official or at the request of the Planning Director.
- 3.3 **Notice of Meetings.** Notice of meetings shall be given by the Secretary to the members of the Board at least six days prior to meetings and shall state the purpose, time, and place of the meeting, except if a special meeting is called, in which case notice shall be given as soon as practicable.
- 3.4 **Quorum.** A quorum of the Board shall consist of three (3) members.
- 3.5 **Public.** All meetings, public hearings, and records shall be open to the public.

3.7 **Order of Business.** The Secretary shall prepare an agenda for each meeting and send it to each Board member as part of the notification process. The order of business may be as follows:

- I. CALL TO ORDER AND ROLL CALL
- II. PLEDGE OF ALLEGIANCE
- III. CONSIDERATION OF THE MINUTES OF PREVIOUS MEETING
- IV. VARIANCE OR APPEALS HEARINGS
- V. COMPLAINTS
- VI. UNFINISHED BUSINESS
- VII. NEW BUSINESS
- VIII. DISCUSSION OR COMMENT
- IX. ADJOURNMENT

3.8 **Voting.** Voting will be by voice with yeas, or nays. All regular members of the Board present, including the Chairperson, are required to cast a vote for each motion, subject to the provisions of the conflict of interest Rule 3.9 of these rules of procedure.

3.9 **Conflict of Interest.** Any member of the Board who has an interest, other than the common public interest, in any property or in the decision relating to such property, may notify the Chairperson in advance of any discussion of the agenda item, and may be disqualified from participating in the discussion, decision, or proceedings of the Board in connection therewith. When a conflict is determined then the disqualified member shall recuse themselves and vacate the hearing room unless the regular member is the applicant or representative for the applicant and must assume the role to testify on the case. An alternate member shall be appointed by the Chairperson of the Board of Review to serve in place of that regular member having a conflict of interest, for only the purpose and time of resolving the question in which the conflict of interest for that regular member exists.

3.10 **Unfinished Business.** Where all applications cannot be disposed of on the day set, due to length of meeting or extenuating circumstances, the Board may adjourn to a time and place certain or until the next regular or special meeting, as the Board may decide.

SECTION 4.0 POWERS AND DUTIES.

The Board of Review shall have the following powers and duties.

4.1 **Powers.** The Board shall have the authority granted by Ordinance No. 1198, Series 2013, as the same may be amended from time to time.

4.2 **Duties.** The Board shall have the following duties in duly exercising their powers.

- A. **Appeals.** Any person aggrieved by any order, decision, or determination of the Building Official may appeal to the Board of Appeals (a/k/a Board of Review). Such appeal shall be filed within ten days after the date of the order, decision,

or determination by filing with the Board of Appeals and the Building Official a written notice of appeal specifying the grounds for the appeal, and by paying a filing fee, as established by Resolution of the City Council and subsequent amendments thereof, at the time the notice is filed. The Building Official shall forthwith transmit to the Board certified copies of all the papers constituting the record of the matter, together with a copy of the order, decision or determination from which such appeal is taken. (Section 15.01.030 of Woodland Park Municipal Code.)

- B. Variances.** The Board of Review may grant minor variances from the provisions of the Building Code provided the Board finds that at least one of the following conditions exists:
- a. The true intent of the applicable code has been incorrectly interpreted.
 - b. The provisions of the applicable code do not fully apply.
 - c. An equally good or better form of construction is proposed.
- (Section 15.01.020 of the Woodland Park Municipal Code.)

- C. Complaints.** The Board of Review may act upon a complaint by issuing an incident report, letter of reprimand, six month suspension of the contractor's license or revocation of the contractor's license in accordance with Section RBC201.11 of the Pikes Peak Regional Building Code 2011 Edition, adopted by Ordinance No. 1198, Series 2013. The Board of Review may also decide to take no action.

SECTION 5.0 PROCEDURES FOR HEARING CASES, RENDERING DECISIONS, DETERMINATION OF FINDINGS, AND THE APPEAL OF BOARD DECISIONS.

The following procedural rules shall apply to all requests coming before the Board of Review:

- 5.1 **Application.** Application shall be made in accordance with Section 15.01.030 of the Woodland Park Municipal Code. The applicant shall cause to be filed with the Planning Director upon application forms provided by the Planning and Building Department.
- 5.2 **Public Hearing Requirements.** The Board of Review shall hold a public hearing on all applications subject to the notice provisions established by these Rules of Procedures.
- 5.3 **Public Hearing Rules and Order.** The public hearing of the Board of Review shall be held subject to the following general rules and order.
- A.) At the time of the public hearing the applicant shall appear in his/her own behalf or be represented by an agent or counsel.
 - B.) Generally, the order of the hearing will be as follows:
 1. The Chairperson presents the order of the hearing, introduces the application and opens the Public Hearing.
 2. The applicant states his/her reason and justification for the application.

3. The Building Department staff reviews the application, regulation provisions, City policy, impacts, correspondence, and may offer his/her concerns, opinions and recommendations.
4. Any interested person may offer their concerns and opinions
5. The applicant offers rebuttal.
6. The Board entertains discussion and may seek answers to questions raised by the presentation, at any time.
7. The Chairperson shall close the public comment portion of the hearing and Board shall deliberate the application.
8. The Chairperson shall request the Board to render a decision in the form of a motion with a stated justification and vote.
9. Prior to the vote, the Chairperson may solicit the majority and minority rationales for discussion.

5.4 **Applicant May Withdraw Application.** The applicant or appellant may withdraw his/her application at any time prior to the decision by the Board of Review.

5.5 **Rehearing (tabling) of Application.** A rehearing of any decision of the Board may be made if the following occur during the same meeting or no later than the next regular meeting after the decision is issued: The motion to reconsider is made by a member of the Board and carried by a majority of votes and the case is put on the agenda for rehearing at the next Board meeting.

SECTION 6.0 STAY OF PROCEEDING.

Stays shall be as provided in Section 15.01.040 of the Woodland Park Municipal Code.

SECTION 7.0 INFORMAL ADVICE.

The Board or individual members will not consider a request, informal or not, for advice on theoretical or actual situations which potentially may later come before the Board as an application for an appeal or a variance.

SECTION 8.0 AMENDMENTS.

A majority vote of all the members of the Board shall be necessary to amend these supplemental rules of procedure. Such proposed amendments must be presented in writing at any regular meeting of the Board of Review.

These Rules of Procedure may be amended by majority vote of approval by the Board of Review, followed by majority vote of approval by the City Council.

In Witness Whereof, the City of Woodland Park Board of Review has Approved, Adopted and Signed these Rules of Procedure of the City of Woodland Park Board of Review Upon the Day, Month and Year Specified Below.

Approved and Adopted by the Board of Review this ____ day of _____, 2014.

Chairperson

Passed by the City Council:

This _____ day of _____, 2014

Mayor

Attest:

City Clerk