

**RULES AND REGULATIONS  
OF  
BOARD OF BUILDING APPEALS**

**ARTICLE I.  
ORGANIZATION**

Section 1.1 Establishment

The Board of Building Appeals of the City of Modesto hereafter called "The Board," is established pursuant to the provisions of Title IX Chapter(s) 1,2,3, 7 and 8 of the Modesto Municipal Code.

**ARTICLE II.  
POWERS AND DUTIES**

Section 2.1 Enumerated.

The Board shall have the following powers and duties:

- a. Hear and determine appeals from any person aggrieved by any order of the Chief Building Official issued pursuant to the Building Maintenance Code of the City of Modesto.
- b. Hear and determine appeals from any person aggrieved by an interpretation by the Chief Building Official of any of the adopted Building, Electrical, Plumbing, Mechanical, and Building Maintenance Codes per Title IX of Modesto Municipal Code
- c. Determine the suitability of alternative materials and methods of construction
- d. Provide reasonable interpretations of any of the adopted Building, Electrical, Plumbing, Mechanical, and Building Maintenance Codes per Title IX of Modesto Municipal Code
- e. Render decisions affirming, modifying, or reversing orders of the Chief Building Official.
- f. Make recommendations to the City Council for new legislation consistent with the intent of any of the adopted Building, Electrical, Plumbing, Mechanical, and Building Maintenance Codes per Title IX of Modesto Municipal Code Consult with and advise the Chief Building Official, his staff and other City departments on matters concerning any of the adopted Building, Electrical, Plumbing, Mechanical, and Building Maintenance Codes per Title IX of Modesto Municipal Code

**ARTICLE III.  
MEETINGS**

Section 3.1 Regular Meetings.

The regular meetings of the Board shall be held at 4 p.m. on the fourth Thursday of each calendar month. If a regular meeting day falls on a holiday, as defined by the Government Code of the State of California, the meeting shall be held on the next business day. If all members are absent from any regular or adjourned meeting, the Secretary may declare the meeting adjourned to a stated time and place. If so, the Secretary shall cause written notice of the adjournment to be given in the same manner provided for in Section 3.2 hereof for special meetings, unless the notice is waived as provided for special meetings. Whenever a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of

adjournment of any meeting fails to state the hour at which the adjourned meeting shall be held, it shall be held at the hour specified for the regular meeting which was adjourned.

#### Section 3.2 Special Meetings.

A special meeting may be called at any time by the Chairperson of the Board whenever, in the Chair's opinion, the public business may require it, or upon the written request of two (2) members of the Board. Whenever a special meeting shall be called, written notice of such meeting shall be delivered personally or by mail by the office of the Secretary of the Board to each member of the Board and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered at least twenty-four (24) hours before the time of such meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Board. The written notice may be dispensed with as to any member of the Board who, at or prior to the time the meeting convenes, files with the Secretary a written notice of waiver. Waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it is convened.

#### Section 3.3 Place of Meetings.

All meetings shall be held in the Official Council Chambers of the City of Modesto or in such other location in the City as may be designated by the Board

#### Section 3.4 Quorum.

A majority of the members of the Board shall constitute a quorum for the transaction of business, but a less number than a quorum may adjourn from time to time.

#### Section 3.5 Meeting to be Public.

All meetings of the Board shall be open to the public except that executive sessions may be called for personnel matters.

#### Section 3.6 Roll Call Vote.

A roll call vote shall be taken upon all decisions and be entered upon the journal of the proceedings of the Board. All other determinations of the Board may be by voice vote except where otherwise provided by law. Upon the request of any member, a roll call vote shall be taken and recorded on any vote. Whenever a roll call vote of the Board is in order, the names of the members shall be called in alphabetical order except that the name of the presiding officer shall be called last. All members present shall be required to vote. The affirmative or negative vote of a majority of the entire membership of the Board shall be necessary for it to take action.

#### Section 3.7 Attendance.

Regular attendance at all meetings of the Board is required of all members to enable the Board to discharge the duties imposed upon it by law. If a member absents himself from three (3) regular meetings of the Board consecutively, without securing the permission of the Board expressed in its official minutes, the Secretary shall notify the City Council of this absence in writing.

### Section 3.8 Agenda and Reports.

In order to facilitate the orderly conduct of the business of the Board, the Secretary shall arrange an agenda of the matters to be considered by the Board at its next meeting in accordance with the order of business, together with a report outlining all known facts in each case to be considered by the Board, with such analysis as is necessary, including recommended action when appropriate. The agenda and all reports shall be delivered or mailed to each member of the Board, the City Manager and the City Attorney prior to the Board meeting at which they are to be considered, as far as possible in advance of the meeting as time will permit. No matter not included on the agenda may be presented to the Board without obtaining the unanimous consent of the members of the Board present at the meeting.

### Section 3.9 Road Trips.

In all cases where, in the opinion of the Board, a review of the premises will assist in making a decision, a field trip shall be arranged at the meeting at which the case is being heard. Such field trips shall be at a specified time and day set by the Board.

### Section 3.10 Order of Business.

The order of business for all meetings shall be:

- Roll Call.
- Approval of Minutes.
- Oral Communications.
- Conflict of Interest Declaration.
- Business.
- Matters Too Late For The Agenda.
- Matters For Future Agendas.
- Adjournment.

### Section 3.11 Reading of the Minutes.

The Secretary shall furnish each member of the Board with a copy of the minutes of all Board meetings and unless the reading of the minutes of the previous Board meeting is requested by a member of the Board, such minutes may be approved without reading.

### Section 3.12 Parliamentary Procedure.

Except as otherwise provided in these rules and regulations, all meetings of the Board shall be conducted in accordance with the latest edition of Sturgis Standard Code of Parliamentary Procedure.

### Section 3.13 Annual Meeting.

As soon as practical following the first day of January of each year, the Board shall hold an annual meeting at which time it shall elect a Chairperson and Vice-Chairperson. The annual meeting may consist of the first regular meeting of the Board held in January of each year.

## **ARTICLE IV. OFFICERS**

#### Section 4.1 Enumerated.

The officers of the Board shall be:

- A Chairperson, whose duties shall be to preside at all meetings; and
- A Vice-Chairperson, who shall, in the absence of the Chairperson, perform the duties of the Chairperson.
- A Secretary, who shall keep written records of all business transacted by the Board, notify Board members of meetings, and keep the official records of the Board. Upon the direction of the Board, the Secretary shall perform such other secretarial duties as the Board may require. The Chief Building Official shall act as Secretary pursuant to Section 105 of the Building Code of the City of Modesto.

#### Section 4.2 Election of Officers.

The Chairperson and Vice-Chairperson of the Board shall be elected annually as provided by Section 3.13 hereof.