

## **Bylaws and Rules of Procedure of the Board of Building Code Appeals**

### **SECTION 1 -- PURPOSE AND BASIC PRINCIPLES**

#### **Section 1-1 Purpose of Bylaws and Rules of Procedure**

- A. To enable County government to transact business expeditiously and efficiently;
- B. To protect the rights of each individual;
- C. To preserve a spirit of cooperation among Board members; and
- D. To determine the pleasure of the Board on any matter.

#### **Section 1-2 Five Basic Principles Underlying Bylaws and Rules of Procedure**

- A. Only one subject may claim the attention of the Board at one time;
- B. Each item presented for consideration is entitled to full and free discussion;
- C. Every member has rights equal to every other member;
- D. The will of the majority must be carried out, and the rights of the minority must be preserved; and
- E. The personality and desires of each member should be merged into the larger unit -- the Fauquier County Board of Building Code of Appeals.

### **SECTION 2 – MEMBERSHIP**

#### **Section 2-1 Members and terms of members**

- A. The Board shall consist of five members appointed by the Board of Supervisors for a four year term of office.
- B. Regular members may be reappointed. Written records of current membership, including a record of the current chairman and secretary shall be maintained in the office of the locality.
- C. The terms of members shall be staggered so that no less than one-half of the Board shall be appointed every two years.

#### **Section 2-2 Officers and qualifications of members.**

- A. The members of the Board shall be selected by the Board on the basis of their ability to render fair and competent decisions regarding application of the USBC and shall to the extent possible, represent different occupational or professional fields relating to the construction industry. At least one member should be an experienced builder; at least one member should be a registered design profession (RDP), and at least one member should be an experienced property manager.
- B. Employees or officials of the County shall not serve as members of the Board.

#### **Section 2-3 Conduct of members.**

- A. No member shall hear an appeal in which that member has a conflict of interest in accordance with the State and Local Government Conflict of Interests Act (Section 2.2-3100 et seq. of the Code of Virginia).
- B. Members shall not discuss the substance of an appeal with any other party or their representatives prior to any hearings.

#### **Section 2-4. Removal of members.**

The Chairman of the Board may, upon the failure of any member to attend at least 50% of the meetings of the Board in any one year, request that the Board of Supervisors remove that member for a failure to attend and appoint a suitable replacement to serve the remainder of the removed member.

### **SECTION 3 -- MEETINGS**

#### **Section 3-1 Regular Meetings**

- A. The time and place of regular meetings of the Board of Building Code Appeals (hereinafter referred to as the Board) shall be established at the Board's annual organizational meeting. Regular meetings shall be held at 5 P.M. in the Board Meeting Room, Warren Green Building, 10 Hotel Street, Warrenton, Virginia, on the second Wednesday of each month. The Board may, however, prescribe any other meeting place or time as necessary.
- B. When a regularly scheduled meeting falls on a legal holiday, the meeting shall be held on the previous Wednesday.
- C. Where no business is scheduled for any regular meeting the meeting shall be subject to cancellation by the Chairman.
- D. When the chairman is not present at an appeal hearing, the members present shall select an acting chairman.

**Section 3-2 Special Meetings**

A. The Board may hold such special meetings, as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time. Any two (2) members may call a special meeting of the Board in such a manner as prescribed by law. Only matters specified in the notice shall be considered unless all of the members of the Board are present. Where a special meeting has been called the Board shall give to the media and general public such notice of the time, place and purpose of the meeting as is feasible.

**Section 3-3 Annual Organizational Meetings**

A. The Board shall hold an annual organizational meeting prior to its regular scheduled meeting in January.

B. The Chairman shall be elected at the annual meeting for a term of one year. The Chairman may succeed himself/herself in office.

C. Following the election of the Chairman, he/she will assume the chair and conduct the election of a Secretary.

D. Upon election of the Secretary the Board shall:

1. Establish dates, times and places for the regular meetings;
2. Adopt its Bylaws and Rules of Procedure; and
3. The Chairman shall make Board appointments to standing and ad hoc Board committees as required.

**Section 3-4 Quorum and Method of Voting**

A. At any meeting, the presence of three members of the Board shall constitute a quorum. All questions submitted to the Board for decision shall be determined by a recorded vote. The Chairman may choose to have the vote by voice vote or by show of hands. Any member voting no or abstaining shall have the option of asking for a roll call vote. Upon such request, the Board shall be polled and the name of each member voting and how he or she voted shall be recorded

B. Members abstaining shall state for the record their reason for abstaining.

C. A tie vote fails.

**Section 4-5 Robert's Rules of Order**

A. The proceedings of the Board, except as otherwise provided in the Bylaws and Rules of Procedure and by applicable State law, shall be governed by Robert's Rules of Order, provided, however, that the rules governing small assemblies contained in Robert's Rules of Order shall not apply.

**SECTION 4 – STAFFING OF BOARD**

**Section 4-1 Staff to the Board.**

A. The County's Department of Community Development shall staff the Board. The Director of Community Development shall annually appoint staff to the Board and shall develop and submit a budget for the Board.

B. The County Attorney's Office shall provide legal representation to the Board. Where a conflict exists requiring the County Attorney to recuse its representation of the Board the Board shall hire appropriate legal counsel for the matter.