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# BOARD OF APPEALS POLICIES AND PROCEDURES

## I. GENERAL POLICIES

### A. Board of Appeals

The Carson City Board of Supervisors has established the Board of Appeals for certain matters involving the building codes and fire code.

1. Board members shall inform themselves concerning the laws, policies, and legal precedents related to the building codes and the fire code.
2. Board members shall make a diligent effort to attend all meetings, arrive promptly, and be properly prepared to discuss the issues calendared for the meeting.

### B. Ethics of the Board Member

#### 1. Conflict of Interest

- a. Board members shall comply with State and City regulations related to conflict of interest.
- b. No Board member shall participate in, take action, cast a vote, or lobby other Board members in relation to any project of proposal before the Board that relates to a property, business, or other venture in which the Board member or any person related to the Board member within the third degree of consanguinity or affinity has a financial or vested interest.
- c. It shall be the policy of the Board that the appearance of the conflict of interest is as prejudicial in nature for the credibility of the Board as an actual conflict of interest. Board members, on behalf of the good of the Board and to maintain its public credibility, shall utilize discretion and judgment and should disclose the appearance of conflict.
- d. In the event of a pending matter for which a Board member wishes to be disqualified, the policy of the Board shall be that if it is an actual conflict of interest as described in section I.B.1.b., the Board members shall leave the proscenium and the meeting room until the matter has been decided. If the matter is an appearance of conflict of interest, the Board member may, using his or her judgment, remain at the proscenium or step down to the floor, and announce prior to the opening of the public hearing that he or she will abstain.

- e. No Board member shall address or present himself or herself before the Board on any matter for which there is an actual conflict of interest.
2. Discretion. Board members shall be discrete in the discussion of pending matters outside the meeting forum. No commitments or prejudicial comments shall be made prior to a public hearing in advance of any official action.
3. Violations of building and fire codes. No Board member shall intentionally set forth to participate in, be a party to, or cause to take place any action which is a violation of the codes over which the Board is the administrator. Such intentional action shall be grounds for the Board to request the Board of Supervisors to consider removal of that Board member.
4. Public and private life. Board members should remember that actions taken in personal lives also reflects on the public image of the Board of Appeals.
5. Representations in public. At public and private functions at which a Board member is present as an individual, each Board member shall be careful to indicate when he is representing the Board or acting as a private citizen.
6. Gifts, gratuities. Board members shall not accept any gifts from applicants, representatives of applications, or other persons, institutions, associations, or organizations concerned with matters which have either been or are before the Board. Even a well intentioned, innocent action has the appearance of a conflict of interest.

C. Public meetings and records

1. Regular meetings of the Board shall be open to the public and subject to the provisions of the Nevada Open Meeting Law.
2. Board files shall be public documents, and shall be available for review by Board members or any member of the public within a reasonable period of time following a request to view such a document.

## II. MEETINGS OF THE BOARD

### A. Regular meetings

The Board shall hold its meetings at the call as business requires. The meetings are held at the call of a quorum of the Board or at the call of the Chair.

### B. Meeting for election of officers

1. At its first meeting after the term of office expires for the Chairman and Vice Chairman, the Board shall, as its first order of business following completion of scheduled public hearing, elect its officers for the term specified.
2. The election of an officer shall be by affirmative vote of not less than four members of the Board. The Board shall elect a Chairman and Vice-Chairman. The Recorders office shall act as recording secretary to the Board of Appeals.
3. The terms of the Chairman and Vice-Chairman shall be two years. The officers may be re-elected to additional terms, if so desired by the Board members.
4. In the absence of the Chairman and Vice-Chairman, the quorum present shall appoint a Chairman Pro-tempore by majority vote of those members present.

### C. Duties of the Chairman

1. The Chairman shall be responsible for the conduct of all Board meetings.
2. The Chairman may request that items under the Board's jurisdiction be calendared for a Board meeting. If other Board members wish to calendar an item, such request shall be made to the Chairman.
3. In the absence of the Chairman, these duties shall be assumed by the Vice-Chairman; then Chairman pro-tempore.

### D. Attendance

1. In a calendar year, Board members shall attend a minimum of ninety (90) percent of the scheduled meetings, and shall exercise due diligence in attending special meetings, public hearings, workshops, and study sessions. Should an absence be excused by the Chairman of the Board for reasons of illness, death in the family, or an emergency, this will be recorded as an excused absence and will not reflect on the attendance record.

2. Should a Board member miss a meeting for reasons of business or other travel, the Chairman may find that this is an excused absence, and it will not reflect on the attendance record. This discretion of the Chairman is based on the Board member's overall attendance record. The decision of the Chairman shall be final.
3. Three unexcused absences is a ground for a majority of the Board to request that the Board of Supervisors dismiss that member.
4. The Board Members are appointed to represent a specific occupation or professional discipline and if that status changes, the Board Member must inform the Board of Supervisors of the change by letter only.

E. Quorum

1. A quorum shall be a majority of the Board.
2. To be considered an approved motion, a vote of a simple majority of the Board present is required.

F. Conduct of the meetings

1. Board members shall attend the meetings in appropriate attire to represent the image and authority of the Board.
2. Board members shall arrive in a timely manner prior to the opening gavel.
3. There shall be no smoking or consumption of alcoholic beverages in the Board chambers during the Board meeting.
4. Board meetings shall not take place without a representative of the Building and Safety Division or the Fire Department.

G. Order of Business

1. Public hearings. Each project shall be announced by the Chairman as listed on the Agenda. The order of the project hearing shall be:
  - (a) presentation by the appellant or appellant's representative;
  - (b) questions of the Board members of the appellant;
  - (c) presentation by staff or staff representative;
  - (d) comments by members or the public in support or opposition to the proposed project;
  - (e) a rebuttal period with a time limit established by the Chairman;