

CITY OF FRESNO BUILDING STANDARDS APPEALS BOARD

RULES AND REGULATIONS

ARTICLE 1. OFFICERS OF THE BOARD

SECTION 1. Officers.

- A. **Chairperson, Vice-Chairperson.** The officers of the Building Standards Appeals Board shall be a Chairperson and Vice-Chairperson, who shall be members of the Board elected by the Board as soon as practicable, following the first day of July of every year, and who shall serve at the pleasure of the Board.
 - 1. In the conduct of the elections referred to in Charter Section 904, the Board shall endeavor to conduct its nominations and elections such that each Board Member desirous and able of doing so shall have an opportunity of serving as Chairperson.
 - 2. In the absence of both the Chairperson and Vice-Chairperson, the Secretary may call a quorum of the Board to order to elect a temporary Chairperson, who shall serve at the pleasure of the Board until either the Chairperson or Vice-Chairperson is available, or the meeting has concluded.
- B. **Secretary.** There shall also be a Secretary designated by the City Manager, who shall not be a member of the Board. The written order of the City Manager designating the particular person to serve as Secretary shall be filed with the Board, and upon such filing, the person designated shall be vested with all the powers and duties of Secretary pursuant to these rules and regulations and the Fresno Municipal Code.

SECTION 2. Powers and Duties of Officers.

- A. The **Chairperson** shall preside at all meetings of the Board, swear witnesses in all proceedings of the Board where sworn testimony is taken, and exercise and perform such other powers and duties as are conferred upon the Chairperson by law and these rules and regulations.
- B. The **Vice-Chairperson** shall have and perform all the powers and duties of the Chairperson in the absence of the Chairperson from any meeting of the Board or whenever the Chairperson is unable for any reason to act.
- C. The **Secretary** shall:
 - 1. Keep and record the minutes of all meetings of the Board and furnish a copy of the minutes of each regular and special meeting to each member of the Board.

2. Keep complete files of all communications to the Board, all pleadings and documents filed with the Board, and all other necessary records of the Board.
3. Act as custodian of the minutes and of all the books, documents, papers, and records of the Board.
4. At the request of the Board, the Director of Planning and Development, the City Attorney, or any party or the attorney of any party to any proceeding filed pursuant to the Code issue and execute and have attested by the City Clerk in the name of the City of Fresno, subpoenas ordering the attendance of any person as a witness, or the production of evidence, at any meeting of the Board.
5. Perform such other duties as the Board may from time to time prescribe.

ARTICLE 2. MEETINGS

SECTION 1. Regular Meetings. The regular meetings of the Board shall be held on the first and third Tuesday of every month at 1:00 p.m., at the City Hall of the City of Fresno or such other place as shall be determined in advance and announced by posting notice thereof on the official bulletin board at the City Hall. Whenever a regular meeting date falls on a holiday, such regular meeting shall be held at the same hour on the next regular meeting day. The Board may, however, on a majority vote of its members dispense with any regular meeting. Regular meetings shall generally be concluded by 5:00 p.m. unless extended by vote of the Board. The Secretary shall provide the Board with a list of workshop topics for future discussion. In the event there are no items on the Building Standards Appeals Board Agenda for consideration, the Building Standards Appeals Board Secretary may cancel any regularly scheduled meeting.

SECTION 2. Special Meetings. A special meeting may be called at any time by the Chairperson at his/her discretion, and the Chairperson shall call a special meeting at the written request of three members of the Board. The Building Standards Appeals Board Secretary may also request a special meeting upon majority confirmation of the Building Standards Appeals Board. Any applicable fees (unless waived) required by the Fresno Municipal Code shall first be paid by the applicant. Notice of each special meeting shall be given by delivering , written notice thereof to each member of the Board and to each local newspaper of general circulation, radio or television station requesting notice in writing, and posting a notice on the City's website. Such notice shall be delivered personally or by any other means and shall be received at least twenty-four hours before the time of such meetings as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted, and no other business shall be considered at such meeting. Such 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 waiver of notice. Such waiver by any member of the Board may be given by personal delivery, by mail, electronic-mail, or other electronic means. Such written notice may also be dispensed with as to any member of the Board who is present at the meeting at the time it convenes. The Secretary shall also post a copy of the call and notice at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

SECTION 3. Adjourned Meetings. The Building Standards Appeals Board may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may adjourn from time to time. If all members are absent from any meeting, the Secretary may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided in Section 2 of this Article for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held within twenty-four hours after the time of the adjournment. When 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 is to be held, it shall be held at the hour specified in these rules and regulations for regular meetings.

SECTION 4. Quorum. A majority of the members (3 of 5) of the Board shall constitute a quorum for the transaction of business. Except as may be otherwise provided by law and by these rules and regulations, a majority of the members voting may decide all matters of business which come before the Board.

SECTION 5. Rulings and Motions. The actions and decisions of the Board at any meeting shall be expressed by motion, duly seconded, and voted upon by vote, or at the discretion of the Chair, a roll call vote can be asked for. The voting record of the members shall reflect the ayes and noes and members present and not voting shall be entered upon the minutes of the meeting.

SECTION 6. Order of Business. At the regular meetings of the Building Standards Appeals Board, the following shall be the order of business:

- I. Roll Call
- II. Procedures
- III. Agenda Approval
- IV. Approval of Minutes
- V. Consent Calendar
- VI. Reports by Board Members
- VII. Public Comment
- VIII. Continued Matters
- IX. New Matters
- X. Report by Building Standards Appeals Board Secretary
- XI. Scheduled Oral Communications
- XII. Unscheduled Oral Communications
- XIII. Adjournment

The presiding Chairperson may vary the order of business whenever, in the Chairperson's discretion, it will expedite the conduct of the meeting, unless a majority of the quorum vote otherwise.

SECTION 7. Agenda.

A. **Agenda.** The order of business of the Board shall be conducted from a written agenda prepared by the Secretary in consultation with the Chairperson. The agenda shall specify the time and location of the meeting and a brief general description of each item of business to be transacted or discussed. No action shall be taken on items not appearing on the posted agenda. Matters to be brought before the Board shall be processed as provided in this Section. In general, there shall be no more items on any one agenda than can reasonably be accommodated within the time allotted for the meeting, notwithstanding the provisions of Article 2, Section 1, Regular Meetings, which indicates a general 5:00 p.m. ending time. These may be composed of appeals of orders, decisions, and determinations made by the Building Official and/or Code Enforcement related to Building Code Violations, and such other items of business as may be before the Board. Where it is deemed desirable to limit the number of appeals at one meeting this may be done. When the workload becomes exceptionally heavy, special meetings shall be called. Hearings will be scheduled within 60 calendar days of receipt of an appeal, and payment of the fee, unless a later date is necessary due to the availability of the parties or evidence.

B. **Distribution of Agenda.** The Secretary will endeavor to make materials to be considered by the Board available for distribution to interested persons by 1:00 p.m. of the Friday before any regular meeting. Upon receipt of written request, which must be renewed following January 1 of each year, the agenda and all supporting materials shall be mailed to any such interested person who has previously deposited sufficient funds with the Secretary to cover the cost of mailing. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 and Government Code section 54954.2 as may be amended. The Agenda shall include information regarding how, to whom, and when a request for disability related modification or accommodation in order to participate in the public meeting. At least seventy-two hours before a regular meeting, the Secretary shall post a copy of the agenda in a location that is freely accessible to members of the public and shall sign and maintain a declaration of the time and place the agenda is posted. These locations shall include outside the City Clerk's office and in the foyer area outside the main first floor entrance of City Hall. The Secretary shall also post the agenda on the City of Fresno Home Website on the Friday prior to the scheduled Building Standards Appeals Board Meeting by 4:00 p.m.

C. **Matters Not on Posted Agenda.** Notwithstanding subsection A, the Board may take action on items of business not appearing on the posted agenda under any of the following conditions:

1. The Board determines by a two-thirds vote, or, if less than two-thirds of the Board members are present, a unanimous vote of those members present, that the need to take action arose subsequent to the agenda being posted as specified in subsection A above. A separate vote shall be taken in making any such determination. The Secretary shall reflect in the minutes what the need for action was and why the need arose after the posting of the agenda.

2. The item was posted pursuant to subsection A of this Rule for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

D. **Procedures for Alleged Violation of Open Meeting Rules.** Prior to any court action being commenced pursuant to Government Code Section 54960.1(a), the interested party shall make a demand of the Board to cure or correct any action alleged to have been taken in violation of Government Code Section 54953 requiring that Board meetings be open and public, or of Sections 2 or 8. The demand shall be in writing and clearly describe the challenged action of the Board and nature of the alleged violation. The written demand shall be made and shall be filed with the Secretary within thirty days from the date the action was taken. Within thirty days of such filing, the Secretary shall place the matter on the Building Standards Appeals Board agenda for Board consideration. The Board shall either cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct or inform the demanding party in writing of its decision not to cure or correct the challenged action. If the Board takes no action within the thirty-day period following such filing with the Secretary, the inaction shall be deemed a decision not to cure or correct the challenged action.

Upon receipt of a demand described above, an item with two sub-items shall be added to the next meeting's agenda, as follows:

1. The first sub-item shall be consideration of the demand, i.e., whether the challenged action can reasonably be said to have violated the Brown Act. Such sub-item may be considered in closed session pursuant to Government Code Section 54956.9.
2. The second sub-item shall be consideration of the underlying subject matter of the challenged action if the Board decided, in considering the demand that the challenged action may have violated the Brown Act.

Should the Board determine that corrective action is warranted as to any challenged action, it shall adopt a corrective action stating that the original action is superseded or rescinded as of the effective date of the corrected action. Such corrective action shall also describe the original action and why the corrective action is being taken.

SECTION 8. Continuances. No hearing or other matter before the Board shall be continued except as follows:

- A. Upon receipt of a request by the applicant or the applicant's representative for good cause shown in writing, and prior to the distribution of the official public notice announcing the time and date of the meeting, the Director or Secretary may reschedule the hearing date.
- B. Upon receipt of a request of the applicant or their representative for good cause shown in writing, after the hearing or other matter has been announced by official public notice,

but no less than five days prior to the scheduled hearing date, and upon payment by the applicant of the applicable fee to cover costs of public notification and re-advertising, the Director or Secretary may reschedule the hearing date.

C. Upon motion of a member and a majority vote in favor thereof, the Board may continue any matter or hearing which may be legally continued. In addition, the Chairperson with the consensus of the Board members present may continue those items on the agenda which, the Chairperson determines cannot or will not be heard and completed within the remaining time allotted for that session.

SECTION 9. Other Rules for Conduct of Meetings. Robert's Rules of Order (Latest Revised Edition) shall govern in all matters of procedure not provided for herein or in the Code.

SECTION 10. Conduct of Hearings. Meeting shall be expedited to prevent undue to unnecessary delay. When a hearing is closed it shall remain closed except when the matter is continued to another date in which case the Chairperson may open the hearing for its continuance, and except when the Board, upon two-thirds vote, opens the hearing. Unsolicited comments and additions of the city staff shall be made prior to the close of the hearing. Board Members at any time may address pertinent questions to any person. Testimony, information, and arguments made at hearings shall be germane to the question before the Board. Any testimony that references race, religion, ethnicity, economic status, national origin, or any other classification protected under state or federal law in a derogatory manner shall be deemed irrelevant and will not be considered by the Board in making its determinations.

SECTION 11. Order of Procedure. The following shall be the order and procedure to be followed in the conduct of hearings:

1. Staff Presentation
2. Appellant's Presentation
3. Board Member Questions
4. Close hearing
5. Discussion and Ruling by the Board

Time Allocation for Presentations and Rebuttals:

The appellant and the Department will each have 10 minutes to present their position.

The Department shall present first, then the appellant will present. Each party will have 3 minutes for a rebuttal. The Department will present its rebuttal first, then the appellant may present its rebuttal. After the presentations, Board members may ask questions of either party. The Board may then discuss the appeal and deliberate on the appropriate action.

SECTION 12. Limiting Length of Public Debate. Public comment on all items on the agenda shall be taken during agenda item VII, Public Comment. The Chairperson, with the concurrence of the Board, may limit either the number of persons speaking on a matter and/or the length of such oral presentations when, in the Chairperson's discretion, doing so:

- A. Is reasonably necessary to avoid an undue consumption of time or a repetition of points or facts; or
- B. Will expedite the conduct of the meeting; and
- C. Will not deprive a person of a right guaranteed under applicable law.
- D. Unless otherwise specified by the Chairperson of the Building Standards Appeals Board, all public testimony shall be limited to three minutes.

SECTION 13. New Matter. Except as mentioned below, the Chairperson should refuse to allow the receipt and consideration of any matter, documents, or writings from one party concerning any application or appeal, or which effectively amends an application or appeal, at the time of the hearing which has not been previously provided to the opposing party for review at least three working days prior to the date scheduled for Board hearing or consideration. However, background information which elaborates upon explains or illustrates data already analyzed by staff in connection with the item before the Board (such as, but not limited to, photographs, elevations, and graphs) may be received. Any plans, data or information offered by a party in violation of this rule may be received if the proponent and or a majority of the Board consents to a continuance for review by the other, and upon any conditions the Board deems appropriate for the analysis and consideration of the proffered information.

ARTICLE 3. DOCUMENTATION

SECTION 1. Policy. Policy for the guiding of the Building Standards Appeals Board when not set forth by law may be adopted by resolution of the City Council. In the absence of established policy, the Board may by resolution establish policy and may request confirmation of such policy by the City Council.

SECTION 2. Staff Reports and Services. On all applications for appeals and other matters which may be brought before the Board, the Director shall furnish written reports containing an analysis and recommendation. The Board shall look to the Director for all information and staff services. The Director will be responsible for all assignments of staff members.

SECTION 3. Submission of Documents to Building Standards Appeals Board. Unless otherwise required by law to be accepted by the City at or prior to a Building Standards Appeals Board meeting or hearing, no documents shall be accepted for Board review unless they are submitted to the Planning and Development Department at least 7 days prior to the commencement of the Board meeting at which the associated agenda item is to be heard. Planning and Development Department Staff shall note the 7-day submitted requirement on each Board agenda.

ARTICLE 4. ETHICS

SECTION 1. Conflict of Interest. No member of the Board shall make, participate in making, or in any way attempt to use the Board's official position to influence a Board decision in which such Board Member knows or has reason to know he or she has a financial interest, as

defined and made applicable to Building Standards Appeals Board under Article 1, Chapter 7, Title 9 of the Government Code (Conflicts of Interest Law § 87100 et seq.)

SECTION 2. Disclosure of Interests. Board members shall file those statements disclosing the interests required of and made applicable to the Board under Articles 2 and 3, Chapter 7, Title 9 of the Government Code (Conflicts of Interest Law, §§ 87200 and 87300 et seq.).

SECTION 3. Attendance by the Board Members. No member of the Board will be absent from five regular Board meetings during a single fiscal year. Should a Board Member accrue five unexcused absences, the Secretary of the Board will notify that Board Member and the Office of the Mayor in writing and may result in removal from the Board. An excused absence from a Board meeting may be obtained by providing notice of the proposed absence, verbally or in writing, to either the Chairperson or the Secretary. (Amended 02.03.2026)

ARTICLE 5. AMENDMENTS TO RULES

SECTION 1. Amendments to Rules and Regulations. These rules and regulations may be amended by the Board by a majority of all the members thereof at any regular or special meeting when at least 10 days' written notice of the proposed presentation of such amendment at such meeting has been given all members of the Board in the manner prescribed herein for special meetings or when announcement of the proposed presentation of such amendment was recorded in the minutes of the previous regular meeting of the Board.

ARTICLE 6. DEFINITIONS

SECTION 1. Definition of Terms. For the purpose of these rules and regulations certain words, phrases, and terms shall be construed as specified in this section.

- A. "Board" shall mean the Building Standards Appeals Board of the City of Fresno.
- B. "Code" shall mean the Fresno Municipal Code.
- C. "By Law" shall mean by the Code, the Charter of the City of Fresno, the Constitution of the State of California, and any law of the state of California made applicable to chartered cities.
- D. "Building Official" shall mean the Building Official of the Building and Safety Division in the Planning & Development Department of the City of Fresno.
- E. "Assistant Director" shall mean the Assistant Director of the Planning & Development Department of the City of Fresno.
- F. "Director" shall mean the Director of the Planning and Development Department at the City of Fresno.

The foregoing **Rules and Regulations** of the Building Standards Appeals Board of the City of Fresno were adopted by **Resolution No. 2026-01** of the Building Standards Appeals Board of the City of Fresno at its regular meeting of **January 20, 2026**.

These Rules and Regulations were amended by the Building Standards Appeals Board with the amendment of Article 4, Section 3 on February 3, 2026.

The foregoing **RULES AND REGULATIONS** of the City of Fresno, Building Standards Appeals Board, were adopted by Resolution of the Building Standards Appeals Board upon a motion by (Board Member) , seconded by (Board Member).

VOTING:

AYES:

NOES:

NOT VOTING:

ABSENT:

DATED:

Eric C. Frampton, RCE, CBO, Secretary
City of Fresno, Building & Safety

BSAB Resolution No. 2025-149 (05.22.2025)

01.29.2026