

RULES OF PROCEDURE OF THE FIRE BOARD OF APPEALS  
OF THE CITY OF COLORADO SPRINGS

In accord with the authority set forth in Section 8.3.102 of the code of the City of Colorado Springs 2001, as amended, the Fire Board of Appeals of the City of Colorado Springs (“the Board”) hereby adopts the following Rules of Procedure.

Rules of Procedure

1. Annual Meeting – The annual meeting of the Board shall be in January of each year at the call of the Chair.
2. Election of Chair and Vice Chair – At the annual meeting, a Chair and Vice Chair shall be elected. Election may be by written ballot or by voice vote at the Board’s option.
3. Absence of Chair and Vice Chair – In the case of absence of the Chair, the Vice Chair shall act as Chair. In the case of absence of both the Chair and Vice Chair, the member of the Board, so long as a quorum is present, shall elect by a majority vote of those present a temporary Chair to act until the Chair or Vice Chair Appears.
4. Vacancy – A vacancy in the office of Chair shall be filled automatically by the Vice Chair and a new Vice Chair shall be elected at the next regular meeting of the Board by Board vote. A vacancy in the office of Vice Chair shall be filled at the next regular meeting of the Board by Board vote. The Chair or Vice Chair so elected shall serve until the next annual meeting.
5. Appeals from the Decision of the Chair – The Chair shall preside over all regular and special meetings of the Board and shall preserve decorum and decide all questions of order, subject to appeal to the Board.
6. Secretary – The Fire Marshal shall keep all records of the Board and shall act as secretary ex-officio to the Board. The Secretary, subject to the direction of the Board, shall prepare all correspondence of the Board, receive and file all matters referred to the Board; send out all notices required by law; prepare and keep agendas, files and minutes of the Board’s proceedings.
7. Meetings –
  - A. A regular meeting of the Board shall be held each month at such time and place as the Chair shall designate, unless otherwise cancelled by the Secretary for lack of items or lack of quorum, or as otherwise canceled by the Board or as otherwise provided in these Rules of Procedure.
  - B. Any regular meeting may be adjourned and reconvened at a time and place determined by a majority of the members present.
  - C. Special meetings may be called any time by the Chair or in the Chair’s absence by the Vice Chair or by any other members so designed by the Chair, provided that notice of the meeting including an agenda of all items to be considered shall be

provided to each member prior to the meeting and posted in accord with the applicable portions of the Colorado Open Meetings Act.

- D. A majority of the Board shall constitute a quorum for the transaction of business. Whenever a quorum is not present at a regular or special meeting, no action shall be taken except to adjourn the meeting to another time.
  - E. The Chair may from time to time call work sessions for the purpose of receiving information, hearing presentations and discussing information; provided, however, that no official or formal action may be taken at such meetings.
  - F. All meetings shall be open to the public in accord with the Colorado Open Records Act as applicable to City boards and as adopted by the Colorado Springs City Council.
  - G. Weather Cancellations. Regular and Special Board Meetings shall be automatically cancelled without further action or notice of the Board or Secretary when School District 11 declares either a cancellation or a two hour delay for any District 11 school. All matters on the cancelled meeting agenda shall automatically move to the next regular monthly meeting unless a special meeting is called by the Board to hear those matters.
  - H. Voting. The Board may act by Motion or Resolution. No vote may be held on an item unless a quorum of members exists and is present. All members of the Board present during consideration of an item, including the Chair, shall vote on the item. Each member present shall vote either for (yes) or against (no) the motion or resolution. Abstention is not permitted. Except as otherwise provided herein for elections, all votes shall be by voice, except that, if the voice vote is not clear, then the Chair may recall the vote by show of hands.
  - I. Conflicts of interest. Whenever a Board member has cause to believe that a matter to be voted upon would involve him or her in a conflict of interest, that member shall announce the conflict of interest, shall not participate further in the matter, and shall leave the meeting room until the matter has been concluded.
  - J. A record of each meeting or work session shall be kept by electronic means. The Secretary shall prepare minutes of each meeting or work session for approval by the Board. Minutes may be summary minutes; however, each motion made shall be recorded verbatim. The verbatim electronic record of each meeting or work session shall be maintained by the Secretary for a minimum of four (4) years or as otherwise required by law, whichever is longer.
8. Order of business. The order of business at regular Board meetings shall be:
- 1) Call to Order. The Chair shall call the Board to order.
  - 2) Approval of Minutes. The minutes of any preceding meeting shall be submitted for approval and shall be approved by a majority of vote of those present pending any corrections by members of the Board or the secretary.

- 3) Old Business. The Board shall hear and act upon those items which were postponed from previous meetings.
- 4) New Business. The Board shall hear and act upon those items which are new business.
- 5) Adjournment. Upon the completion of all items on the agenda, the Chair shall declare the meeting to be adjourned.

9. Hearing Procedures. At a hearing, the order of business shall be as follows:

- 1) Presentation by the Fire Department.
- 2) Presentation by the applicant.
- 3) At the Board's discretion, presentation by other interested parties.
- 4) Rebuttal information by the applicant.
- 5) Additional information or rebuttal from the Fire Department.
- 6) At the Board's discretion, additional information from the Fire Department or the Applicant.
- 7) The Chair may place a time limit on presentations by any person or party.

10. Application to the Board. An application to the Board shall meet the following requirements:

- A. An application shall be on such forms as the Board may approve. In the event that the secretary to the Board or the Board determines that additional information is required, this information shall be furnished to the Board by the applicant. Failure of the applicant to furnish such additional information may be grounds for dismissal of the application by the Board.
- B. An application for review by the Fire Board of Appeals shall be filed on or before fourteen (14) days prior to the next scheduled regular meeting of the Board provided that the secretary to the Board may accept applications after this date up to forty-eight (48) hours prior the date of that next scheduled regular meeting if the Board would impose an extreme hardship on the applicant and the Fire Department is able to present necessary information to the Board.
- C. Agenda items to be considered by the Board shall be mailed or delivered to the members of the Board and the applicants on or before the Friday, preceding the regularly scheduled board meeting except for items which are heard by the Board at a special meeting or work session, or are hardship items in accord with Rule 10.B.

11. Suspension of Rules. Upon a majority vote of the quorum of the Board, any rule may be suspended.
12. Jurisdiction of the Board. The Board shall have jurisdiction as set forth by the City Code or otherwise directed by City Council by ordinance, resolution or motion.
13. Procedure in the Absence of Rule. The absence of a rule to govern a point of procedure, "Parliamentary Law for Non-profit Organizations:" shall govern the Board's actions.
14. Amendment of these Rules of Procedure. These Rules of Procedure may be amended from time to time by majority vote of the Board at any regular or special meeting of the Board. Amendments shall be posted on the Agenda as action items.
15. Repeal of prior Bylaws or Rules of Procedure. Any Bylaws or Rules of Procedure previously approved by the Board are deemed repealed and of no further effect.

Adopted by Board vote this 14<sup>th</sup> day of October, 2011



Roger Wallace, Chair