

**JEFFERSON COUNTY
BOARD OF REVIEW BYLAWS**

I. General

- A. These bylaws (the “Bylaws”) have been adopted by the Board of Review (the “BOR”) in accordance with the authority afforded the BOR by the Board of Review Administrative Policy (the “Policy”) adopted by resolution of the Board of County Commissioners (the “BCC”).
- B. These Bylaws shall govern the organization and procedure of the BOR, including the conduct of all BOR meetings. In the event of any inconsistency between these Bylaws and the Policy, the terms of the Policy shall govern.
- C. These Bylaws may be amended by resolution approved by a majority of the BOR members present and qualified to vote.

II. Officers

- A. The BOR shall, at its first meeting of each year, select a Chairman, a Vice-chairman, and a Secretary, who shall be regular members of the BOR. Each of the officers shall perform the duties assigned to such officer in the Policy or these Bylaws or otherwise customarily performed by such officers.
- B. It shall be the responsibility of the Chairman to call BOR meetings, to preside over BOR meetings, to execute documents of behalf of the BOR, and to coordinate BOR matters with the BCC and County staff. The Vice-Chairman shall perform the duties of the Chairman during the Chairman’s absence.
- C. The Secretary shall be responsible for attesting to all resolutions approved by the BOR, keeping the minutes of each BOR meeting, and providing other secretarial functions to the BOR.

III. Conduct of Meetings

- A. Meetings of the BOR may be called by the Chairman or by a majority of the members of the BOR as necessary to hear appeals or to conduct other BOR business. Notice of BOR meetings shall be given to all BOR members at least seven (7) calendar days in advance of the meeting.
- B. The Secretary shall prepare the agenda of all BOR meetings. The agenda shall identify the room in which the BOR meeting will be held. Copies of all meeting agendas shall be delivered to all BOR members at least seven (7) calendar days before any BOR meeting and shall be posted for public inspection at the location designated in the Policy.

- C. All BOR meetings shall be held at the Jefferson County Administration and Courts Building located at 100 Jefferson County Parkway, Golden, CO 80419, in the room identified in the meeting agenda.
- D. The Chairman or, in his or her absence, the Vice-Chairman may administer oaths and compel the attendance of witnesses at BOR meetings.
- E. If any regular BOR member will be absent from a BOR meeting, or if such member intends to abstain from participating and voting on a matter before the BOR, the member shall designate and arrange for an alternate BOR member to attend the BOR meeting and participate in his or her place.
- F. The Secretary shall keep minutes or recordings of all BOR proceedings showing the vote of each BOR member upon each motion or, if the member is absent or fails to vote, indicating such fact. The BOR shall also keep records of its examinations and other official actions, all of which shall be promptly filed in the office of the BOR and shall be public records.
- G. All official actions of the BOR shall be taken by resolution considered and passed at a duly-called BOR meeting. A resolution shall be deemed to pass upon the affirmative vote of a majority (or such greater percentage, if required by applicable law) of the BOR members present at the meeting and qualified to vote on the motion being presented. In the event of a tie vote, the motion being voted on shall be deemed to have failed. Alternate members shall not vote on any matter, unless a regular member is absent or disqualified and the alternate member is qualified and designated to act in place of the absent or disqualified member.
- H. The BOR, upon the affirmative vote of two-thirds of the quorum present, may hold an executive session to consider the opinions of legal counsel or to discuss other confidential matters permitted by law. No formal action may be taken while in executive session.

IV. Appeal Filing and Hearing Procedures

A. Authority

The BOR may hear and decide any appeal challenging an order, requirement or decision made by the Jefferson County Director of Building Safety or his or her duly authorized representative (the "Building Official") that is based on or made in the enforcement of any building code adopted by the BCC, including any decision by the Building Official to grant or deny a building permit.

B. Filing Requirements

- 1. All applications for an appeal shall be made in writing on forms designated for such purpose by the Building Official. Such forms shall be available in the office of the Building Official, located at 100 Jefferson County Parkway, Suite 3540,

Golden, CO 80419. The person appealing the Building Official's order, requirement or decision (the "Petitioner") shall complete the required forms, providing all information requested by the forms, including without limitation:

- a) The name and address of the Petitioner;
 - b) The address of the building or property involved in the appeal (the "Subject Property");
 - c) A statement of all facts relevant to the appeal, including any evidence or exhibits that the Petitioner would like the BOR to review in connection with the appeal;
 - d) The reason(s) why the Petitioner believes the order, requirement or decision of the Building Official was made in error;
 - e) The relief being requested by the Petitioner; and
 - f) A list of all statutes, building code provisions, interpretations, or decisions of the Building Official that are relevant to the appeal.
2. The appeal application forms shall be signed by the owner of the Subject Property or by the owner's attorney-in-fact. If signed by the owner's attorney-in-fact, the forms shall be accompanied by an appropriate power-of-attorney form signed by the owner.
 3. Three (3) copies of the signed, completed appeal application forms shall be filed in the office of the Building Official, together with all accompanying documentation.
 4. Upon receipt of the signed, completed appeals forms, the BOR or its delegate shall review the appeal application forms for sufficiency. If the forms meet all requirements, the appeal shall be scheduled for hearing at an upcoming BOR meeting, which shall be scheduled in accordance with the timelines set forth in the Policy. If the BOR determines that the appeal application forms are insufficient or contain inaccurate information, the BOR will notify the Petitioner of its conclusion in writing.
- C. The BOR, in its sole discretion, may refuse to hear any appeal if it determines on the basis of the appeal application that the BOR does not have jurisdiction to adjudicate the appeal. If the BOR rejects an appeal application on this basis, the BOR will notify the Petitioner of its conclusion in writing.
 - D. The BOR, or any member thereof, may inspect the Subject Property if the BOR determines that an inspection is warranted under the circumstances. Such inspection

may be made at any time after the appeal is filed and before a decision is reached on the appeal. No inspection shall be undertaken except upon notice to the Petitioner and the Building Official of the time and place of the inspection.

E. Hearing Procedures

1. The Petitioner or his or her representative shall be present at the hearing on the appeal.
2. The Building Official, the Petitioner and other interested parties present at the hearing will be given an opportunity to present evidence relevant to the appeal. The Chairman shall have the authority to limit redundant, repetitive, irrelevant or inappropriate testimony or evidence.
3. Any person speaking or presenting evidence at the hearing may be questioned by the BOR.
4. Once presentation of evidence has concluded, the Chairman will declare the hearing closed, and the matter will be considered by the BOR.
5. After hearing and deliberation, the Chairman may call for a motion approving or disapproving the application that was the subject of the hearing. The motion shall be made for the adoption of specific findings of fact, conclusions of law, and reasons for the decision. The Chairman may recess any meeting to allow time for preparation of a proper motion.

F. Decisions

1. Decisions of the BOR shall be based on substantial evidence contained in the record. For the purposes of rendering a decision, the BOR shall consider only evidence presented to it in the appeal application and at the hearing on the appeal and, if an inspection of the Subject Property was performed, such information as was learned during the inspection.
2. Any matter may be tabled for discussion and decision at the next meeting of the BOR if, in the opinion of the majority of the members of the BOR, there is need for additional evidence, inspection or advice of counsel or for any other substantial reason.

G. Motions to Reconsider; Motions for Rehearing

1. No appeal that has been dismissed or denied by the BOR will be considered again, except (a) on a motion to reconsider the vote; or (b) on a request for rehearing made in accordance with this section.
2. Upon a motion to reconsider by any BOR member, the BOR may review any decision that it has made and may reverse or modify such decision, but no such

review shall prejudice the right of any person who has, in good faith, acted thereon before the ruling is reversed or modified.

3. Upon a motion for a rehearing by a Petitioner, the BOR may grant the Petitioner's request for a rehearing of an appeal that has been dismissed or denied if new evidence is submitted that, with due diligence, could not have been presented at the appeal hearing.
4. To file a motion for a rehearing, a Petitioner shall complete and file such forms as are required by the BOR and shall pay a non-refundable fee of Two Hundred Fifty Dollars (\$250.00), which shall be due at the time of filing. The Petitioner shall identify with specificity on such forms the new evidence that is being submitted and the reason(s) why such evidence could not have been presented at the appeal hearing.
5. Upon receipt of the completed motion for rehearing application, the BOR shall review the application forms and shall determine, in its sole discretion, whether or not to schedule a rehearing of the appeal at an upcoming BOR meeting, which shall be a minimum of seven (7) days later. If the BOR denies the Petitioner's request for a rehearing, the BOR will notify the Petitioner of its conclusion in writing. All denials by the BOR of a request for a rehearing, and all decisions by the BOR at any rehearing, are final and non-appealable.

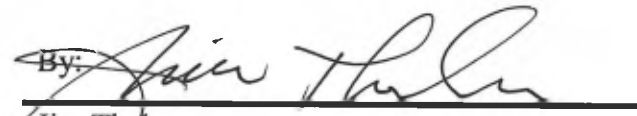
These Bylaws are ADOPTED, as amended herein, on December 12, 2018.

JEFFERSON COUNTY, COLORADO

By: 

Robert S. Loveridge
Chairman, Board of Review

ATTEST:

By: 

Jim Thelen
Secretary