

## EXHIBIT 2

# BYLAWS AND RULES OF PROCEDURES FOR COUNTY BUILDING SAFETY ADVISORY AND APPEALS BOARD, COCHISE COUNTY, ARIZONA

### ARTICLE 1-PREAMBLE

The County Building Safety Advisory and Appeals Board (“Building Board”) is created by the Board of Supervisors of Cochise County, Arizona by authority ARS § 11-862 and pursuant to Ordinance No. \_\_\_\_\_. The function of the Building Board is to hear and decide appeals of orders, decisions or determinations made by the Building Official relating to the application and interpretation of the adopted Cochise County Building Safety Codes; to determine the suitability of alternative materials and methods of construction; and to advise the Building Official and the Planning Department on any proposed revisions or additions to the Cochise County Building Safety Codes.

The purpose of these *Bylaws and Rules of Procedure* shall be to implement this Ordinance, and shall at all times be interpreted as carrying out the directives set forth in said Ordinance.

### ARTICLE 2 – OFFICERS

1. The officers of the Building Board shall be:
  - A. Chair: The Chair shall preside at all meetings and public hearings of the Building Board, have general supervision of the conduct of the affairs of the Building Board, and perform such other duties as are usually exercised by the Chair of a board.
  - B. Vice-Chair: In the Chair's absence, the Vice-Chair shall perform the duties of the Chair. In the event that both the Chair and Vice-Chair shall be absent, then the members present shall choose one from among their number to be Chair pro-tem for that meeting.
  - C. Secretary: The Building Official shall serve as an ex-officio member of the Building Board, without vote, and serve as the secretary to the Building Board. Duties shall include keeping a written record of all business transacted, notify members of all meetings, keep on file all official records and be responsible for serving legal notice of all public hearings.
  - D. The officers shall be elected each year from among the members of the Building Board for a one-year term at the Annual Meeting, with the exception of the Secretary who shall be appointed.

3. Legal Counsel: The County Attorney shall render all legal counsel, and shall defend the Building Board in all legal actions. Advice of legal counsel shall be received and entered in the minutes before disposition of any question of law, or matter requiring legal interpretation or advice unless the Building Board has obtained the advice of legal counsel in Executive Session pursuant to Article 3, Section 4, of these Bylaws.
4. Number of Members: The Building Board shall be composed of seven (7) members as set forth in the Ordinance. Any member may be removed by the Board for neglect of duty, inefficiency, or misconduct in office, after ten days written notice and hearing thereon. A written statement of the reasons for removal shall be filed with the Secretary of the Board. The Secretary shall notify the Board whenever any member is absent from three consecutive regular meetings. Three such absences, without cause, shall be sufficient for the Board to declare a vacancy in that office.
5. Vacancy: Vacancies created by any cause shall be filled for the unexpired term by appointment of the Board of Supervisors, and in the case of Officers by election by the Building Board from their membership.
6. Conflict of Interest Policy: All Members and Officers shall be governed by the Conflict of Interest Policy set forth in Title 38, Chapter 3, Article 8 of the Arizona Revised Statutes.

### **ARTICLE 3 – MEETINGS**

1. Annual Meetings: The Annual meeting for the installation of new members and election of officers shall be held at the first regular meeting of January.  
Meetings: Meetings are to be held on an "as needed" basis as determined by the Chair.
2. Meetings Open to the Public: All meetings and hearings shall be open public meetings pursuant to the requirements and procedures of Arizona's open meetings laws; and all official votes or actions must be in session open to the public. Executive sessions may be convened by the affirmative vote of the majority of the members present only pursuant to the requirements and procedures of the Arizona Revised Statutes.
3. Notifications: Notice of all meetings shall be furnished to each member at least 48 hours in advance of a meeting. The attendance of a member at a meeting shall constitute a waiver of notice of such meeting, except where a member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Docket packets shall be furnished to each member at least 48 hours in advance of any meeting.
4. A Quorum: A majority of four (4) members shall constitute a quorum.
5. Minutes & Records: The Building Board shall keep minutes and records of all its resolutions, transactions, findings, and determinations and, if the vote is not unanimous, the vote of each member present shall be recorded with each order or resolution. Votes taken may be by roll call at the discretion of the Chair and the Chair

shall be the last to vote. The minutes, records, resolutions, transactions, findings and determination shall be of public record.

6. Decisions of the Building Board: Majority votes on any matter shall be the final decision of the Building Board.
7. Recommendation to Board of Supervisors: The Building Board also serves as an advisory body to the Planning Department and Board of Supervisors. All recommendations shall be forwarded by the Secretary to the Planning Director and Board of Supervisors.
8. Rules of Order: These *Bylaws and Rules and Procedures* shall govern the proceedings of all meetings, subject to interpretation by the Chair.
9. Adjournment: A motion to adjourn shall always be in order, and shall be carried by a majority vote of members present.
10. Lack of Quorum: Where four members are not present to hear an appeal, either the appellant, the appellant's representative or the Building Official shall have the right to request a postponement of the hearing. Absent a request, the appeal shall be heard and decided by the members who are present.
11. Other Procedures: Other procedures are set forth in the Ordinance creating the Building Board and should be consulted. If nothing in these by-laws or the Ordinance governs a particular situation, the Chair, in consultation with the Secretary or the County Attorney, shall prescribe a procedure to address the situation, which procedure shall due substantial justice to the persons and entities affected.

#### **ARTICLE 4 – ORDER OF BUSINESS**

1. Call to Order by Chair or Vice-Chair
2. Roll Call
3. Determination of a Quorum
4. Approval of Minutes of last preceding meeting
5. Call to Public
6. Old Business
7. New Business
8. Adjournment

The above order of presenting new business may be changed by the Chair to accommodate persons to be heard on matters for consideration before the Building Board.

**ARTICLE 5 – PRESENTATION OF MATTERS TO THE BUILDING BOARD**

1. Writings Required: Every matter on which the Building Board is authorized or required to act, brought before it by any person, official, organization or agency, shall be presented in writing or on forms provided for the purpose, and shall include all information necessary for a clear understanding and intelligent action by the Building Board. Such information may include maps, surveys, drawings, plans, charts and other descriptive data.
2. Posting of Agenda: The agenda of cases to be heard shall be posted in the physical location required for posting other legal notices for the Board of Supervisors not less than 24 hours before each regular or special meeting.
3. Order of Proceedings: Each appeal shall be heard in the following order subject to the discretion of the Chair:
  - A. The Chair shall call the docket number and describe the docket.
  - B. The Building Official will summarize relevant information and issues.
  - C. The appellant or appellant's representative may make a statement in support of the appeal.
  - D. The Building Official, or representatives, may be heard.
  - E. The appellant may be heard in rebuttal.
  - F. Questions and discussion from Building Board members, followed by a vote.

**ARTICLE 6 – AMENDMENTS OF BYLAWS & RULES OF PROCEDURE**

The foregoing *Bylaws and Rules of Procedure*, or any part thereof, may be amended at any meeting of the Building Board after not less than three (3) days notice have been given to all members of the Board and a copy of the proposed amendment sent with the notice. It shall require the affirmative of not less than four (4) members to make any amendment or change to these *Bylaws and Rules of Procedure*.

**ARTICLE 7 – RECORDATION OF RULES AND AMENDMENTS**

A certified copy of these Rules and amendments thereto shall be placed on record in the office of the Clerk of the Board of Supervisors within five (5) days following the date of adoption.

Adopted this      day of                     , 2008

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Vice – Chair

\_\_\_\_\_  
Chair