

## RESOLUTION 2016-053

### RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING THE BUILDING BOARD OF APPEALS ENABLING RESOLUTION AND RESCINDING RESOLUTION 2002-104

**WHEREAS**, the Town Council of the Town of Los Gatos established the terms and conditions for appointment to and conduct of the Board of Appeals to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the technical ~~rules~~codes.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY RESOLVE:** that the terms and conditions for appointment to and conduct of a Board of Appeals are hereby established as follows:

1. Membership - Organization:

- a. The Board of Appeals shall consist of three (3) members who are qualified by experience and training to pass upon matters pertaining to building construction and building service equipment and who are not employees of the Town of Los Gatos. The Building Official shall be an ex officio member and shall act as secretary to said Board but shall have no vote upon any matter before the Board. The Fire Marshall shall act as an ex officio, non-voting member for issues related to the fire code. The Board of Appeals shall be appointed by the Town Council.
- b. The term of appointment shall be four (4) years and until their successors are qualified and appointed.
- c. The terms of office shall be staggered and overlapped in such a manner that the term of no more than one (1) member expires each year.
- d. Residency requirements shall conform with all current Town Resolutions and Policies.
- e. The Board shall establish rules and procedures relative to the conduct of business before the Board, and the election and term of officers. The Board shall elect a chair and a vice-chair, both of whom shall serve at the pleasure of the Board.
- f. The Board of Appeals shall hold meetings as necessary. The Board shall call and conduct its meetings in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 and following).
- g. A majority of the Board shall constitute a quorum for the purpose of transacting the business of the Board.
- h. Minutes of the actions taken during its meetings shall be kept and filed with the Town Clerk.
- i. Meeting attendance requirements will conform with all current Town Resolutions and Policies.
- j. Board members shall serve without compensation, provided that, with advance budgetary approval of the Town Council, the actual and necessary expenses (if any) incurred by the members in the conduct of Town business shall be reimbursable pursuant to the current Council policy.

2. Powers and Duties:

The duties of the Board of Appeals shall be to hear and decide appeals or orders, decisions or determinations made by the Building Official relative to the application and interpretation of the technical codes. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of the ~~Uniform Building Codes or the technical~~ codes nor shall the Board be empowered to waive code requirements.

**BE IT FURTHER RESOLVED** that Resolution 2002-104 is hereby rescinded.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 18<sup>th</sup> day of October, 2016, by the following vote:

COUNCIL MEMBERS:

AYES: Marcia Jensen, Steve Leonardis, Marico Sayoc, Mayor Barbara Spector

NAYS: Rob Rennie

ABSENT: None.

ABSTAIN: None.

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_