

RESOLUTION NO. 06-179, SERIES 2006

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS REGARDING THE STRUCTURE AND PURPOSE OF THE ACCESSIBILITY STANDARDS BOARD OF APPEALS

WHEREAS, this resolution supercedes all previous resolutions related to the structure and purpose of the Handicapped Access Standards Board of Appeals; and

WHEREAS, the City Council relies on Boards and Commissions to provide advice and information on subjects within the Board's scope; and

WHEREAS, section 19957.5 of the Health and Safety Code of the State of California provides that a city may appoint a local appeals board to hear written appeals regarding action taken by the building department of a city in enforcement of handicapped access requirements.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Davis creates an Accessibility Standards Board of Appeals to achieve the following:

1. PURPOSE

The Accessibility Standards Board of Appeals is to conduct hearings on written appeals made by any person regarding action taken by the Building Inspection Division.

As an advisory body of the Davis City Council, the commission is established and guided by the following documents:

- a. Davis Anti-discrimination ordinance; and
- b. Commission Handbook; and
- c. Commission Policy Guidelines

2. MEMBERSHIP

The Accessibility Standards Board of Appeals shall consist of five (5) members and one (1) alternate. All voting members of the Accessibility Standards Board of Appeals, regular and alternate, shall be appointed by the City Council.

The membership shall consist of the following:

- a. Two (2) members shall be physically disabled
- b. Two (2) members shall be persons with experience in construction
- c. One (1) member shall be a public member

The alternate member shall not vote except upon one of the following conditions:

- a. Absence of one (1) or more of the regular members of the commission.

- b. Disqualification of a regular member of the commission because of an expressed conflict of interest.

3. TERMS OF OFFICE

Members of the commission shall serve a term of four (4) years, or until their successors are appointed. For purposes of establishing staggered terms, appointments may be for terms varying between one (1) and four (4) years as the Council may decide. No members shall serve for more than two (2) consecutive terms, except under special circumstances.

4. TERMINATION OF APPOINTMENT

The term of appointment of any member of the commission who has been absent from three (3) consecutive regular or special meetings, or who has missed more than 1/3 of the meetings in a 12-month period, without the approval of the City Council, shall automatically terminate.

Members of the Accessibility Standards Board of Appeals serve at the pleasure of the Council and may be removed from office by a majority vote of the Council.

5. VACANCIES

Vacancies on the commission shall be filled for the unexpired term in the same manner in which regular appointments are otherwise made.

6. OFFICERS OF THE COMMISSION

The members of the Accessibility Standards Board of Appeals annually shall select one (1) of its members as Chairperson and one (1) of its members as Vice Chairperson. No chairperson or vice chairperson shall serve more than two (2) consecutive years as chair.

- a. THE CHAIRPERSON of the commission shall call the meetings to order at the appointed time, shall appoint all committees, subject to the approval of the commission, shall have all the powers and duties of the presiding officer as described in "Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century," and shall perform such other duties as may from time to time be prescribed by the commission.

- b. THE VICE CHAIRPERSON of the commission shall have all the powers and perform all the duties of the Chairperson in the case of absence or inability of the Chairperson to act. The Vice Chairperson shall perform such other duties as may from time to time be prescribed by the commission or the Chairperson.

7. MEETINGS OF THE COMMISSION

The Accessibility Standards Board of Appeals shall meet after a written appeal is received.

8. QUORUM

For the purpose of transacting business, a quorum of the Accessibility Standards Board of Appeals shall consist of three (3) of the five (5) members. An alternate member shall be counted as a full voting member for purposes of attaining a quorum.

9. FUNCTIONS OF THE COMMISSION

The Accessibility Standards Board of Appeals shall have the responsibilities as provided in this section:

- a. Conduct hearings on written appeals made by any person regarding action taken by the Building Inspection Division of the Community Development Department of the city of Davis in enforcement of the requirements of California Health and Safety Code section 19955 et seq., including the exceptions contained in section 19957 of the California Health and Safety Code, and may approve or disapprove interpretations of sections 19955 et seq. of the Health and Safety Code enforcement actions taken by the Building Inspection Division of the Community Development Department of the city of Davis. All such approvals or disapprovals shall be final and conclusive as to said Building Inspection Division in the absence of fraud or prejudicial abuse of discretion.

PASSED AND ADOPTED by the City Council of the City of Davis on this nineteenth day of September 2006, to become effective November 2, 2006 by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald

NOES: None

ABSENT: None

/S/
Sue Greenwald
Mayor

ATTEST:

/S/
Margaret Roberts, CMC
City Clerk