



**BYLAWS OF THE
MESA COUNTY FLOODPLAIN BOARD OF APPEALS**

**ARTICLE I
Introduction**

Section 1: The Floodplain Board of Appeals (“the Board”) was created by the Mesa County Board of County Commissioners to comply with the Land Development Code Floodplain Management Regulations. The purpose of the Board is to review variance requests, variances and to hear appeals of the Floodplain Administrator’s decision following a Floodplain Development Permit denial.

Section 2. These bylaws have been adopted by the Board and supersede any bylaws or rules or procedures previously in effect for the Board.

Section 3. These Bylaws are intended to assist the Board in carrying out its advisory obligations to Mesa County and its quasi-judicial responsibility to provide a fair hearing on variances and appeals that come before it.

**ARTICLE II
Object and Functions**

Section 1. The Board shall perform the functions designated for the Board in the Mesa County Land Development Code (MCLDC) Floodplain Regulations Section 2.05, 4.07, 4.08 and 8.14.

Section 2. The Board shall review variance requests that require further review after denial of a Floodplain Development Permit by the Floodplain Administrator.

Section 3. The Board is authorized to grant variances from the floodplain standards of the MCLDC, unless the variance is specifically prohibited. The granting of a floodplain variance shall not be contrary to the public interest of the MCLDC. The Board will follow Section 4.08.A Applicability for Floodplain Variances when reviewing a Floodplain Variance application.

Section 4. The Board will follow MCLDC Section 4.08.B Procedures. The procedures identify the application steps which apply to the review of a Floodplain Variance application.

Section 5. The Board will follow MCLDC Section 4.08.C Approval Criteria when reviewing a variance request.

Section 6. The Board will follow MCLDC Section 4.08.D Conditions of Approval when reviewing a variance request.

ARTICLE III
Memberships and Officers

Section 1. The Board shall consist of a minimum of five (5) members and a maximum of ten (10) members, who are appointed by the Floodplain Administrator and approved by the Board of County Commissioners. Each member will be qualified by meeting any of the following criteria:

- a. A licensed Professional Engineer (P.E.);
- b. A Professional Licensed Surveyor (P.L.S);
- c. Professional knowledge and experience with floodplain rules, hydrology, National Flood Insurance Regulations (NFIP) and floodplain regulations.

Section 2. The Board will meet once in a calendar year to appoint a membership chairperson and vice chair-person. There shall be no limitation on the number of terms a board member serves on the Floodplain Board of Appeals. There shall be no limitation on the number of terms a chairperson or vice-chairperson may serve.

Section 3. Election of the chairperson and vice-chairperson shall be made by a simple majority of the members present, or via email.

Section 4. The chairperson shall preside at all regular and special meetings of the Board, including executive sessions, and shall be subject to these Bylaws, deciding on points of procedures, unless otherwise directed by a majority of the Board Members present while voting on the matter.

Section 5. The vice-chairperson shall assume the duties and responsibilities of the chairperson in the event the chairperson is absent, or for any reason unable to preside over the meeting.

Section 6. In the event that both the chairperson and vice-chairperson are absent, or unable for any reason to preside over a meeting, those members present shall, by a majority vote, select a member to preside over the meeting.

Section 7. In the event that the chairperson does not serve out their entire term, the vice-chairperson shall serve until a new chairperson is elected or until the chairperson's term is completed. In the event of the position of the vice-chairperson becoming vacant, a new vice-chairperson shall be elected to serve the remainder of the vice-chairperson term.

Section 8. The Floodplain Administrator, or their designee, shall serve as the Mesa County Liaison, and shall be primarily responsible for coordinating with the Board chairperson and vice-chairperson, as applicable, in connection with planning and preparing for Board meetings.

Section 9. The Floodplain Administrator shall serve as secretary to the Board. The secretary shall



prepare or have prepared all correspondence of the Board and will provide the documentation to the chair and vice-chairperson. The staff shall retain the original papers and notes from the meetings.

Section 10. The Floodplain Administrator shall provide support and documentation to the Board for the variance that is brought to them.

ARTICLE IV
Rules of Operation

Section 1. Except as provided by the MCLDC, or otherwise provided, these Bylaws or the latest edition of Robert’s Rules of Order, as far as practical, shall govern the procedures of the Board.

Section 2. Each member shall be responsible for identifying and taking appropriate action in connection with any conflict of interest to their service on the Board. In accordance with applicable MCLDC, members shall refrain from voting on, or attempting to influence, any decision in which they have a financial, personal, or professional conflict of interest. The Board member shall provide a written statement of disclosure as soon as the conflict is discovered.

Section 3. A quorum shall consist of three (3) members present at a regular or special meeting of the Board. In the event that a quorum is not present at any Board meeting, those members present may adjourn the meeting to a later date and time.

Section 4. Attendance at special meetings of the Board shall be required, and members shall contact the Board chairperson or vice-chairperson in advance in writing if they will be unable to attend the meeting.

Section 5. The secretary shall keep minutes showing all substantive facts pertaining to each Board meeting, each vote, and details as the Board directs.

ARTICLE VI
Quasi-Judicial Proceedings

Section 1. The board shall conduct quasi-judicial proceedings in accordance with the applicable notice and fair hearing requirements, except as determined to be necessary by the chairperson to accommodate procedural due process in particular to circumstances. Quasi-judicial proceedings of the Board shall be organized as follows:

- 1) Confirmation of Board quorum;
- 2) Opportunity for Board members to share disclosures and descriptions of site visits, if any
 - a. Opportunity for each party to provide additional evidence concerning that information;

- 3) Opportunity for Board member to share disclosures and descriptions of ex parte communications, if any;
 - a. Opportunity for each party to provide additional evidence concerning that information;
- 4) Staff explanation of the nature of the variance request or appeal and staff presentation;
- 5) Applicant/appellant presentation(s);
- 6) Opposing parties-in-interest presentation(s);
- 7) Opportunity for rebuttal by parties-in-interest;
- 8) Board questions of any participants;
- 9) Closing statement by County Staff;
- 10) Closing statement by applicant/appellant;
- 11) Closing statement(s) by parties-in-interest;
- 12) Board motion, discussion and vote on motion.

Section 2. Board members shall make diligent efforts to avoid ex-parte or off record communications regarding the merits of any pending or potential quasi-judicial decision of the Board.

ARTICLE VII Public Participation

Section 1. All meetings of the Board and of any committees of the Board shall be open to the public, shall be at or near the beginning of each special meeting, and allow the members of the public to speak. Time limitations may be imposed by the chairperson on such public input as necessary to allow for the conduct of business of the Board and agenda for the meeting in a timely and efficient manner.

Section 2. The Board shall have the power to cause persons to be removed from a Board meeting if any person fails to comply with the requirements of the chairperson in maintaining order during the meeting.

ARTICLE VIII Changes and Amendments

Section 1. These Bylaws may be amended by affirmative vote of two-thirds (2/3) of the Board members and may be subject to approval by Mesa County Staff.

Section 2. Proposed amendments shall be presented for consideration at a regular meeting.

Section 3. Immediately after adoption, copies of the Bylaws shall be distributed accordingly.