

May 25, 2010, 3:00 p.m.

Room 109, City Hall, 333 Civic Center Plaza

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1. Chairperson Alegre called the meeting to order at 3:05 p.m.
2. Roll call found Board Members Alegre, Aubin, Corallo, and Davis present; Board Member Yerian absent. Board Member Yerian arrived at 3:15 p.m. Also present were Debra Corbett, Special Counsel; Kevin Jorgensen, Building Official and Staff Liaison to the Building Board of Appeals; and Carole Fleischmann, Secretary.
3. Items from the Audience – None
4. Minutes Approval – It was moved by Chairperson Alegre and seconded by Board Member Corallo to adopt the minutes of the Building Board of Appeals special meeting held on April 27, 2010. Voice vote found all in favor; passed and so ordered.
5. Review, Discuss and Adopt Bylaws - Ms. Corbett stated the Bylaws for the Building Board of Appeals (BBA) under consideration for approval were based on the standard bylaws adopted by the City Council for all City boards and commissions. Ms. Corbett stated she had modified the bylaws slightly to make them more relevant to the BBA. Ms. Corbett added the bylaws would need to go to Council for final approval. Board Member Corallo moved to adopt the Bylaws of the Building Board of Appeals. Board Member Davis seconded the motion. Voice vote found all in favor; passed and so ordered.

Kevin Jorgensen, Building Official and Staff Liaison, agreed to prepare the staff report and submit the bylaws to the City Council for approval.

6. Review, Discuss and Adopt Hearing Procedures – Ms. Corbett gave a brief overview of the Draft Administrative Appeal Hearing Procedures. Member Corallo asked how appeal hearings were conducted. Ms. Corbett responded they are based on the City Attorney's office administrative hearings which have been modified for the Building Board of Appeals.

In response to a question regarding burden of proof, Ms. Corbett responded the burden of proof is on the appellant to convince the Building Board of Appeals. Decisions rendered by the Building Board of Appeals will be written up by staff, and can be appealed to the City Council. Member Corallo inquired if the Board could have an attorney. Ms. Corbett responded in the affirmative. A brief discussion occurred regarding how much time would be allowed for presentations. The Board agreed the maximum time limit for presentations would be 60 minutes. Ms. Corbett added that the Board has the authority to allow additional time for the presentations and/or to continue the hearing to another time or day.

With regard to section B2 – Preparing for the Hearing – Report and Background Information – the Board agreed the appellant should have the information at least 10

City of Tracy business days before the hearing. The Building Official shall submit a written report for consideration, then the person requesting the hearing shall get a copy of that report at least 10 City of Tracy business days before the hearing. With regard to Exchange of Information and Documents – it was agreed Documents, expert opinions, copies of the relevant code provisions, and supporting materials shall be submitted to the City Clerk's office for distribution to the Building Board of Appeals no later than 15 City of Tracy business days before the hearing.

Ms. Corbett stated she would amend the hearing procedures and forward them to the secretary for distribution to the Board.

7. Schedule Hearing Date – Mr. Jorgensen reported that while the two sides are close to resolving the issue the appeal remains pending. Therefore, no hearing date was scheduled.

Ms. Corbett reminded Board Members that the bylaws include a requirement that the Board meet at least once a year in the spring.

8. ADJOURNMENT - It was moved by Board Member Corallo and seconded by Board Member Aubin to adjourn. Voice vote found all in favor; passed, and so ordered. Time: 4:01 p.m.

The above agenda was posted at the Tracy City Hall on May 13, 2010. The above are summary minutes.

Attest:

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Kevin Jorgensen, Staff Liaison

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Secretary