

CITY OF COLORADO SPRINGS

RULES AND PROCEDURES OF THE FIRE BOARD OF APPEALS

Adopted by City Council Resolution No. ____-26, effective _____, 2026

Adopted by Fire Board of Appeals Motion on _____, 2026

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SECTION 1 - ORGANIZATION

1-1. ELECTION OF OFFICERS.

- A. Annual Meeting. The annual meeting of the Board will generally be in January of each year but may be otherwise scheduled by the Chair. Officers are elected in accord with [Rule 5-7 of Part 5](#) of the Rules and Procedures of City Council at the annual meeting.
- B. Removal. The Chair or Vice Chair may be removed for good cause from the office of Chair or Vice Chair, as applicable, by a vote of at least five (5) Board Members.
- C. Vacancies. Upon a vacancy in the office of the Chair due to death, resignation, removal from office, forfeiture of office, or other reason, the Vice Chair shall automatically become the Chair. Upon a vacancy of the Vice Chair, the Board shall elect a Vice Chair at its next Regular or Special Meeting. When a vacancy on the Board occurs, a new Board Member will be selected per [City Charter § 9-10\(a\)](#) and notwithstanding, no more than two (2) of the nine (9) Board Members may reside out of but within three (3) miles of the corporate limits of the City.

1-2. POWERS AND DUTIES OF THE CHAIR, VICE CHAIR, AND SECRETARY.

- A. The powers and duties of the Chair, Vice Chair, and Secretary are set forth in Rule 5-8 of Part 5 of the Rules and Procedures of City Council.

SECTION 2 – MEETINGS

2-1. REGULAR BOARD MEETINGS.

- A. A Regular Meeting of the Board shall be held each month at such time and place as the Chair shall designate, unless otherwise cancelled by the Secretary for lack of items or lack of quorum, or as otherwise cancelled by the Board or as otherwise provided in these Rules of Procedure.
- B. Order of Business. The order of business at Board meetings shall be:
 - 1) Call to Order.
 - 2) Approval of Minutes.
 - 3) Old Business
 - 4) New Business

- 5) Adjournment.
- C. The Chair has the discretion to call items on the Agenda out of order to manage the meeting, subject to appeal and vote by the other Board Members.
 - D. Weather Cancellations. Regular and Special Board Meetings shall be adjusted when School District 11 declares either a cancellation or a two hour delay for any District 11 school. At the discretion of the Chair, electronic or telephonic attendance may be permitted through Rule 5-3.C of Part 5 of the Rules and Procedures of City Council. If a meeting is cancelled all items on the meeting agenda shall automatically move to the next regular monthly meeting unless a special meeting is called by the Board to hear those matters.

2-2. SPECIAL MEETINGS.

- A. Special Meetings. The Board may meet at such other times as it may be called together by the Chair or in the absence of the Chair by the Vice Chair, provided that the subject matter of the meeting be provided to each Board Member at least twenty-four (24) hours in advance. The notice shall state the time, place, and purpose for which the meeting is called. Notice shall be sent to the Board, City Council President, Mayor, City Clerk, and the City Attorney. The notice shall be served through electronic mail at the address provided by each Board Member for communications. Notice may be supplemented through any other form of communication reasonably calculated to provide actual notice to the Board Member. The Staff Liaison shall record and keep minutes of Special Meetings, which shall be public record.
- B. Voting. The Board may take official action at Special Meetings if properly noticed.

2-3. AGENDA.

- A. General.
 - 1) The agenda for each Regular Meeting or Special Meeting must be posted in accord with Open Meetings Laws, as adopted by the City, with a minimum of twenty-four (24) hours' notice. The City Clerk must maintain a record of such posting in a form approved by the City Attorney.
 - 2) The Board may not take action on any matter not properly noticed for the Agenda, unless an exception stated in the Open Meetings Law, as adopted, is applicable.

- B. Agenda Preparation. The Fire Marshal, with the consent of the Chair and the assistance of the Staff Liaison, shall prepare the agenda for all Board meetings, except as noted for Executive Sessions.
- C. Agenda Materials
 - 1) General. Agenda items to be considered by the Board shall be provided to the members of the Board and the applicants on or before the Friday, preceding the regularly scheduled board meeting except for items which are heard by the Board at a special meeting or work session..
 - 2) Deadlines. Materials should be filed at least ten (10) days prior to the meeting at which the item will be heard. Agenda items with materials not filed by the established filing deadline shall be held over to the next Board meeting, unless directed otherwise by the Chair or the Fire Marshal.
 - 3) Confidential Materials. Confidential materials for Executive Sessions are not included with the published agenda but are submitted to the Board in hard copy at least twenty-four (24) hours in advance, or at a later time determined by the City Attorney.
- D. Except as otherwise provided herein, the Board shall follow the Rules and Procedures of City Council, as amended, when conducting an Executive Session.

SECTION 3 - BOARD PROCEDURE

3-1. QUORUM.

- A. The Chair, or in the Chair's absence, the Vice Chair, shall take the chair at the hour appointed for the Board to meet, and shall immediately call the Board to order. The Staff Liaison shall enter into the minutes of the meeting the names of the Board members present, including any alternate Board members seated. A majority of the Board shall constitute a quorum for the transaction of business. In the absence of a quorum at the time appointed for a meeting, where sufficient alternate Board Members are not available, the Board Members present shall adjourn the meeting to another designated time.

3-2. ATTENDANCE.

- A. Attendance of Board Members shall be required as set forth in Rule 5-3 of the Rules and Procedures of City Council.

3-3. CONDUCT OF MEETINGS.

- A. Addressing the Chair. Board Members who wish to speak, ask a question, or make a motion shall address the Chair, and the Chair shall thereupon pronounce the name of the Board Member entitled to the floor. Board Members shall confine themselves to the matter under debate.
- B. Preservation of Order. The Chair shall preserve decorum. If a Board Member violates these Rules and Procedures, the Chair shall call such Board Member to order, in which case the Board Member shall be silent, unless permitted to explain.
- C. Appeals from the Decision of the Chair. The Chair shall preside at all meetings, preserve decorum, and decide all questions of order, subject to appeal to the Board. In case of an appeal from a ruling of the Chair, the question shall be: "Shall the decision of the Chair stand as the decision of the Board?" If a majority of the Board Members vote that the decision is to stand, the matter is concluded and the decision stands for the Board. If a majority votes that the decision will not stand, the Chair may change its decision or entertain alternative options.
- D. Dissents and Protests. Any Board Member shall have the right to respectfully express dissent from or protest against any action of the Board and to have the reason therefore entered into the minutes.
- E. Unanimous Consent. These rules are designed for the protection of the minority, they need not be strictly enforced by the Chair except as to voting on motions. When there appears to be no opposition to a matter, except with regards to quasi-judicial or legislative matters, the formality of voting can be avoided by a Board Member requesting unanimous consent to a proposal or by the Chair asking if there is any objection to a proposal, and if there is none, announcing the result as "unanimous consent" to the matter.
- F. In the absence of a rule to govern a point of procedure, the Board shall look to the City Council Rules and Procedures. In the absence of a rule in the City Council Rules and Procedures, the City Attorney shall advise.

3-4. VOTING.

- A. Voting by Board Members shall be in accord with Rule 5-9 of the Rules and Procedures of City Council.

3-5. SPECIAL MOTIONS AND ACTIONS.

These actions must be disposed of immediately:

- A. Motion Objecting to Consideration. This motion must be made immediately after an item is called to the attention of the Board by the Staff Liaison. This motion enables the Board to avoid a main motion that would be undesirable to consider at the time. It does not require a second, is not debatable, is not amendable, and requires a two-thirds (2/3) vote of those present.
- B. Withdrawal of Motion. A mover of any motion may withdraw the motion as a matter of right so long as the consent of the second is first obtained.
- C. Motion to Suspend Rules. The purpose of this rule is to enable the Board to set aside one or more of its procedural rules that would otherwise prevent consideration of a certain action. A motion to suspend the rules suspends only those rules which specifically interfere with the consideration of the particular action involved. The rules are suspended only temporarily and are automatically reactivated after the proposed action has been considered. No rules or law set forth in the City Charter, City Code, or state or federal law may be altered by suspending the rules. A motion to suspend rules is not a debatable motion and may not be amended. This motion requires a majority vote of the Board present.
- D. Division of the Question. On request of any Board Member, a question under consideration covering two (2) or more points shall be divided where the question allows such division.

3-6. PARLIAMENTARY PROCEDURE FOR MOTIONS.

When an item is before the Board, no motion shall be entertained except as according to priority as listed (highest to lowest). In making any motions, the motion maker may not interrupt another speaker.

- A. Motion to Adjourn - Requires a second, is not debatable, is not amendable, and requires a majority vote of those present.
- B. To Postpone Temporarily - Requires a second, is not debatable, is not amendable, and requires a majority vote of those present.
- C. To Close Debate - Requires a second, is not debatable, is not amendable, and requires a two-thirds (2/3) vote of those present.

- D. To Limit or Extend Debate - Requires a second, is debatable as to type and time of limitations, is amendable as to time and type of limitations, and requires a two-thirds (2/3) vote of those present.
- E. A Motion to Postpone to a Definite Date - Requires a second, is debatable as to reasons for postponement and date of reconsideration, is amendable as to date of reconsideration, and requires a majority vote of those present.
- F. Motion to Amend - Requires a second, is debatable unless applied to an undebatable motion, is amendable, and requires a majority vote of those present.
- G. Motion to Postpone Indefinitely - Requires a second, is debatable, is not amendable, and requires a majority vote of those present. (This motion is not applicable to quasi-judicial items.)
- H. Motion to Reconsider – Actions by the Board are not subject to reconsideration and may not be reopened once decided.
- I. Main Motions - Requires a second, is debatable, is amendable, and requires a majority vote of those present.

SECTION 4 - PUBLIC HEARINGS

4-1. GENERAL PROCEDURES FOR ALL PUBLIC HEARINGS.

- A. Hearing Procedures. At a hearing, the order of business shall be as follows:
 - 1) Presentation by the Fire Department.
 - 2) Presentation by Applicant
 - 3) At the Board's discretion, presentation by other interested parties.
 - 4) Rebuttal information by Applicant
 - 5) Additional information or rebuttal from the Fire Department.
 - 6) At the Board's discretion, additional information from the Fire Department or the Applicant.
- B. The Chair may place a time limit on presentations by any person or party
- C. At the conclusion of the presentation, each board member will vote in accord with Rule 5-9 of the Rules and Procedures of City Council and providing a detailed reason for their vote

SECTION 5 – APPLICATION FOR APPEAL TO THE BOARD

5-1. REQUIREMENTS.

- A. An appeal to the Board shall meet the following requirements:
 - 1) An appeal shall be on such forms as the Board may approve. In the event that the secretary to the Board or the Board determines that additional information is required, this information shall be furnished to the Board by the Applicant. Failure of the Applicant to furnish such additional information may be grounds for dismissal of the application by the Board.
 - 2) An appeal for review by the Fire Board of Appeals shall be filed on or before fourteen (14) days prior to the next scheduled regular meeting of the Board provided that the Fire Marshal may accept applications after this date up to forty-eight (48) hours prior to the date of that next scheduled regular meeting if the Board would impose an extreme hardship on the applicant and the Fire Department is able to present necessary information to the Board.
- 3) Agenda items to be considered by the Board shall be provided to the members of the Board and the applicants on or before the Friday, preceding the regularly scheduled board meeting except for items which are heard by the Board at a special meeting or work session, or are hardship items in accord with Rule 5-1.A.2. of the Rules and Procedures of City Council.

Appendix A

Part 5 of the Rules and Procedures of City Council