

BYLAWS OF THE BOARD OF ADJUSTMENT
CITY OF BULLHEAD CITY, ARIZONA

SCOPE

These Bylaws are adopted as rules of procedure by the City of Bullhead City Board of Adjustment (“Board”) to ensure continuity of action, uniformity in the consideration of and application of the Board’s duties under A.R.S. § 9-462.06 and City Code § 2.48.040, as well as for the guidance of new members of the Board to ensure that the citizens of the City of Bullhead City (“City”) are well served in matters coming before the Board.

I. ORGANIZATION

101. MEMBERSHIP

The Board will consist of a maximum of five members, appointed by the City Council for individual two year terms.

102. ELECTION OF CHAIRMAN AND VICE CHAIRMAN

The Board, organized as provided under Chapter 2.48 of the City Code shall, as the first order of business at the first regular meeting of each fiscal year, elect a Chairman (“Chair”) and Vice Chairman (“Vice Chair”) from among its appointed members, unless postponed to a later meeting. Their terms shall be for the fiscal year during which they are elected and they are eligible for re-election each successive year.

103. CHAIR

The Chair presides at all meetings and hearings of the Board, decides all points of order or procedure and performs any duties required by law, ordinance or these Bylaws. The Chair will vote, and may participate in discussion of any of these motions. The Chair may confer with the staff member appointed as liaison to the Board regarding A. placing matters on the agenda and/or agenda items; B. scheduling of special reports; C. special meetings; D. discussing matters under consideration by the Board; and E. discussion of future-matters to be considered by the Board.

104. VICE-CHAIR

The Vice-Chair serves in the absence of the Chair or if the Chair resigns.

105. VACANCIES AND REMOVAL

A. Vacancies in the office of the Chair and Vice-Chair for any cause shall be filled for

the unexpired term by a new election at any regular or special meeting of the Board. Vacancies occurring in the membership of the Board through resignation or removal of any of its appointed members will be filled at any regular or special meeting of the City Council.

- B. The Board may, by a majority vote, request that the City Council replace any member who has exhibited conduct which includes, but is not limited to: incompetence; willful inattention to duties; grossly discourteous treatment of the public, staff, other Board members or members of the City Council; willful violation of city ordinances or state law; attendance at any meeting of the Board while impaired by drugs or alcohol; conviction of a felony or any criminal offense involving truth, theft or moral turpitude; or any other conduct unbecoming a member of the Board. In addition, the members of the Board may, by a majority vote, request that the City Council replace any member whom they consider as otherwise not fulfilling the obligations assumed by acceptance of appointment to the Board. The City Council may also remove any member of the Board in accordance with Chapter 2.44 of the City Code.

106. STAFF REPRESENTATION

City staff who will attend all meetings of the Board are: the staff member appointed as the Board liaison; or any other person as the City Manager may designate as a representative; and a recording secretary.

107. STAFF SUPPORT

- A. Staff's duties and obligation to the Board include:
 - 1. Preparation, posting, and distribution of agendas and Board member information packets usually not less than seven calendar days prior to regular or special Board meetings.
 - 2. Preparation of agendas from items generated by staff or as requested by the Board in a previous meeting.
 - 3. Recordation of meeting minutes and provision of transcripts for review by the Board prior to the next meeting.
 - 4. Presentation of agenda items generated by staff.
- B. Staff will also provide further information for any matter under consideration requested by a Board member and distribute the same to all other Board members.

108. LEGAL COUNSEL

The designated representative of the City Attorney's office will be in attendance at any regular or special meeting of the Board. Advice from the City Attorney may be received and entered in the minutes before disposition of any question of law or matter pertaining to legal interpretation or advice. The Board may receive legal advice in executive session as to any matter pending consideration on the agenda.

II. MEETINGS

201. COMPLIANCE WITH ARIZONA STATE OPEN MEETING LAW

All regular meetings, special meetings, and emergency meetings of the Board shall comply with the Arizona open meeting law as set forth under A.R.S. § 38-431 *et seq.*

202. REGULAR MEETINGS

Regular meetings of the Board will be held on the second Monday of each month at 5:30 p.m., in City Council Chambers, 1255 Marina Blvd., Bullhead City, Arizona, unless public notice is made of another meeting place or time. If there are no items for Board consideration, no meeting will be held and staff may issue a notice that a meeting will not take place. The meeting date or time may be changed if a quorum cannot be present for the regularly scheduled meeting. If a regular date falls on a holiday, the meeting would be held the following Monday or on another day as approved by a majority vote of the Board.

203. SPECIAL MEETINGS

- A. A special meeting of the Board may be called by the Chair upon condition that written notice is given to all Board members and staff no sooner than seven days prior to the special meeting.
- B. A special meeting of the Board may called upon the written request of two Board members directed to the Chair and staff upon the condition that the meeting be scheduled no sooner than seven days after receipt of the request.
- C. The Chair may schedule an emergency meeting in compliance with the open meeting law.

204. SITE VISITS

In order to carry out its duties, the Board is permitted to visit, as a group or individually, the site of a matter scheduled to come before the Board. However, if three or more members travel to or meet together at the site(s), the visit will be deemed a meeting and must be in compliance with the open meeting law. It is recommended that members not travel to or meet

at any sites together unless staff has been notified and had reasonable opportunity to ensure compliance with open meeting law requirements.

205. QUORUM AND VOTING

Three members constitute a quorum. The affirmative vote of three members is required for passage of any matter before the Board. The minutes of the meetings will reflect a "yes" or "no" as cast on a particular measure and reflect the vote of each member present. A member may abstain from voting only upon a declaration that the member has a conflict of interest as defined in Section 207, in which case the member shall take no part in the deliberation or vote on the matter in question and take the actions as outlined in Section 207 below. A member shall not vote on minutes from a meeting at which the member was not in attendance.

206. ATTENDANCE

The established dates of meetings permit Board members to schedule personal business appointments not to conflict with Board meetings. Members should notify staff in advance of anticipated absence from meetings. If a member misses more than three meetings over a twelve-month period without valid cause, that member's seat on the Board will be considered vacant as determined by a majority vote of the Board and be filled pursuant to Section 105 above.

207. CONFLICT OF INTEREST

- A. Any Board member having a "substantial interest" in the outcome of any matter before the board under Arizona's "conflict of interest" laws (A.R.S. § 38-501 *et seq.*) shall declare the conflict in accordance with the law, in writing on a form provided by the City Clerk and not participate as a Board member in the discussion, deliberation, or decision on the matter.
- B. No Board member shall initiate, discuss, negotiate, secure, draft or create any contract on behalf of the City if the member is an employee, agent or consultant to any other party to the contract. If a Board member believes a conflict of interest exists the member may request and receive a written opinion from the City Attorney regarding the member's participation on that particular matter.

208. ORDER OF BUSINESS

- A. The order of business will be as follows:
 - 1. Call to order.
 - 2. Roll call by the recording secretary.
 - 3. Pledge of allegiance.

4. Presentations.
5. Call to the public.
6. Approval of minutes of previous meeting(s).
7. Requests for postponement or withdrawal of items.
8. Hearing of items.
9. Reports by Board members or department staff.
10. Discussion to identify and approve future agenda items.
11. Adjournment.

B. The Chair may alter the order of business for convenience and necessity.

209. HEARING OF APPLICATIONS

- A. Hearings on all matters will be open to the public. The Applicant may appear in his/her own behalf or be represented by an attorney or agent.
- B. The Chair will call the number of the application, the name of the Applicant, the location of the land under consideration, open the meeting for public hearing if required, and ask for recommendations of staff.
- C. The Applicant or legal representative may present any information or testimony the Applicant believes pertinent to the application, and Board members may address questions to the Applicant through the Chair or directly with approval of the Chair.
- D. The Chair will call for statements from property owners opposed to the application, and those appearing may either stand and be counted or make statements giving reasons for opposition. Board members may address questions through the Chairman or directly with approval of the Chair. No questioning or arguments between the Applicant or any opponent will be permitted. During the hearing no member will debate or argue an issue with the Applicant nor indicate the member's probable vote on the application.
- E. The Applicant will then have the right of rebuttal to statements presented by anyone opposing the application. Following the rebuttal, the Chair will close the hearing. Unless permitted by the Chair or a majority of the members of the Board, there will not be a second rebuttal.
- F. After the public hearing has been closed and a motion has been made by a Board member, the Chair will not recognize the Applicant or opposition for comment. During the period of discussion a member may request the Chair to call an Applicant or opponent for further questions.
- G. Votes will be recorded in the minutes as a "yes" or a "no". If abstaining to vote, the disposition of any motion will be recorded in the minutes.

- H. The Chair will announce the decision of the Board. The Chair will not recognize further discussion of the application from the floor other than to answer questions regarding the Board's decision. In the same meeting in which a matter has been voted upon, or in the next succeeding meeting if properly agendized, a member who voted with the prevailing side may make a motion to reconsider the item, which may be seconded by any member. If the motion passes the item may be reconsidered.
- I. The Chair may consult with the City Attorney or designee or other staff to determine appropriate means of proceeding under circumstances not addressed by these Bylaws.

210. APPEALS

In accordance with A.R.S. § 9-462.06(K), decisions of the Board are appealable within 30 days of the decision to the superior court by special action.

III. AMENDMENTS

301. AMENDMENT PROCEDURE

Amendments to the Bylaws may be made by the Board upon the affirmative vote of three members as an agenda item at any regular meeting of the Board. Amendments adopted will be forwarded to City Council for approval and become effective at the next regular meeting of the Board following City Council approval.

302. ANNUAL REVIEW

Staff will schedule an annual review of the Bylaws at or in close proximity to the first regular meeting of each fiscal year.

303. FILING AND DISTRIBUTION

Copies of the Bylaws and any amendments will be distributed to the members of the Board and to the Mayor and members of the City Council. The recording secretary shall maintain a file of the original copies of the Bylaws and any subsequent amendments and forward the original documents to the City Clerk.


304. EFFECTIVE DATE

Upon approval of these Bylaws by the City Council, all prior Bylaws are rescinded in their entirety and replaced with the foregoing.



Steven Buck, Chair

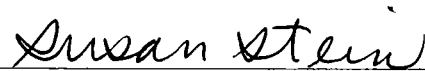
Date 2-13-12



Lois Briesemeister, Vice-Chair

Date 2-13-12

ATTEST:



Susan Stein, City Clerk (SEAL)

APPROVED AS TO FORM:



Garnet K. Emery, City Attorney

Date approved by the Board: 10-11-2011

Date approved by City Council: 2-7-2012