

GARFIELD COUNTY, UTAH
BOARD OF ADJUSTMENT
GENERAL RULES OF PROCEDURE

WHEREAS, The Board of County Commissioners of Garfield County, Utah deem it necessary to enact certain standards, rules and regulations for the Board of Adjustment of Garfield County, Utah in the interest of the health, safety and welfare of the citizens of Garfield County, Utah.

Be it ordained by the Board of Commissioners of Garfield County, Utah as follows:

SECTION I. AUTHORITY.

Utah Code§ 17-27a-701 and Chapter 3 of the Garfield County Zoning Ordinance allow the Garfield County Board of Adjustment (hereinafter "Board") to adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the Board.

SECTION II. GENERAL PROVISIONS.

- A. The Board shall interpret and comply with all requirements set forth in the "County Land Use, Development, and Management Act," Utah Code§ 17-17a-101 and seq., and Chapter 3 of the Garfield County Zoning Ordinance.
- B. Each Board Member shall be familiar with the provisions of 1) the "County Land Use, Development, and Management Act," Utah Code§ 17-17a-101, and 2) Chapter 3 of the Garfield County Zoning Ordinance.
- C. A copy of these By-Laws shall be available to members of the public without cost at the Garfield County Planning Department.

SECTION III. OFFICERS, TERMS AND DUTIES.

- A. The officers of the Board shall be a Chairperson and a Vice Chairperson. In the absence of both the Chairperson and the Vice Chairperson, the Planning Director shall appoint a Board member to serve as Chairperson pro tem until the Chairperson or Vice Chairperson becomes available. The Planning Department secretary shall serve as Secretary to the Board.
- B. The terms of office for the Board members shall be determined by the Board of Garfield County Commissioners and for the Chairperson pro tem only for the meeting at which he or she is appointed or until relieved of the Chair by the Chairperson or Vice Chairperson.
- C. The Duties of the Chairperson shall include, but are not limited to the following:
 - 1. To designate which associate member(s) of the Board shall serve on the Board for a particular meeting or agenda item when a regular member of the Board is temporarily unable to act owing to absence from the County, illness, interest in a case before the Board or any other cause.

2. To call the Board to order on the day and the hour scheduled and proceed with the agenda.
 3. To announce the agenda before the Board in the order in which it is to be acted upon.
 4. To receive and submit in the proper manner, all motions and propositions presented by the members of the Board.
 5. To put to vote all questions which are properly moved, or necessarily arise in the course of proceedings and to announce the results of said motions.
 6. To inform the Board, when necessary, on any point of order or practice. In the course of discharge of this duty, the Chairperson shall have the right to call upon the County Attorney's Office for advice.
 7. To authenticate by signature, when necessary, or when directed by the Board, all of the acts, timings and orders, and proceedings of the Board.
 8. To maintain order at the meetings of the Board.
 9. To move the agenda along, hold down redundancy by limiting time allowed for comments if necessary, set guidelines for public input, and reference handouts and procedures during meetings.
 10. To recognize speakers and members of the Board prior to receiving comments and presentations.
- D. The Vice Chairperson, during the absence or the disability of the Chairperson, shall have the power to perform all of the duties and functions of the Chairperson.
- E. During the absence or the disability of both the Chairperson and the Vice Chairperson, the Planning Director shall appoint a Board member to serve as Chairperson pro tem until the Chairperson or Vice Chairperson becomes available. In such event, the Chairperson pro tem shall have the power to perform the duties and functions assigned to the Chairperson.
- F. The Duties of the Secretary shall include, but are not limited to the following:
1. To post and publish notices of regular and special Board meetings, when appropriate.
 2. To attend every session of the Board, to take and record the roll, to read any communications, resolutions or other papers which may be ordered to be read by the Chairperson of the meeting and to receive and bring to the attention of the Board all messages and other communications from other sources.
 3. To keep the minutes of the proceedings of the Board and to record them.
 4. To keep and maintain a permanent record file of all documents and papers pertaining to the work of the Board.
 5. To ensure members of the Board receive materials pertinent to regularly scheduled Board meetings not less than five (5) days prior to Board meetings.
 6. To perform such other duties as maybe required.
- G. Associate members designated by the Chairperson to serve temporarily on the Board for a particular meeting or agenda item shall have all of the powers and duties of a regular member of the Board.

SECTION IV. REGULAR MEETINGS.

- A. Regular meetings of the Board shall be held when needed, providing that:
1. A quorum consists of three (3) members of the Board, which may include associate members.
 2. A quorum of the Board at any such regular meeting may, by formal action, substitute another day for a regular meeting for the ensuing month.
 3. In the event of lack of quorum at a regular meeting, the Chairperson or Vice Chairperson or Chairperson pro tem, in that order, shall adjourn the meeting to another date and such declaration of adjournment shall serve as sufficient notice thereof to all members present and it shall be the duty of the Secretary to employ such reasonable means as may be necessary to notify absent members.
 4. If, for any other reason than a lack of quorum, the business to be considered at a regular meeting cannot then be completed, the Board may, at such meeting, designate the time for an adjourned meeting to consider any matter that can properly be considered at a regular meeting, provided that such action shall serve as adequate notice to members present at such meeting and, with respect to members not present, it shall be the standing order that the Secretary shall endeavor to advise absent members of the determination to hold such meeting.
- B. Every member of the Board shall attend the meetings of the Board unless unable due to extenuating circumstances. Any member unable to attend shall notify the Secretary. The Secretary shall inform the Chairperson of any absences.
- C. All meetings of the Board shall be held at the Garfield County Courthouse, 55 South Main, Panguitch, Utah 84759 or at such other place as the Board or Planning Director may designate.
- D. Field trips or other work sessions may be held so long as these field trips or other work sessions are properly noticed as to time and place.

SECTION V. SPECIAL MEETINGS AND EMERGENCY MEETINGS.

- A. Special meetings may be called:
1. By action of the Board at a regular or adjourned meeting.
 2. By order of the Chairperson or, in his or her absence, by the Vice Chairperson.
 3. By written request of three (3) or more members of the Board, provided that:
 - a. Not less than five (5) days written notice for special meetings shall be provided by the Secretary to members of the Board not joining in the request.
 - b. The request must specify the business to be transacted at the special meeting, and none other than that specified shall be transacted at such special meeting.

- B. Emergency meetings may be called to consider matters of an emergency or urgent nature, and none other, and the best notice practicable must be given. No such emergency meeting of the Board shall be held unless an attempt has been made to notify all of its members and a majority votes in the affirmative to hold the meeting.

SECTION VI. PUBLIC NOTICE OF MEETINGS.

- A. All meetings shall be open to the public unless closed as provided for by the "Open and Public Meetings Act," Utah Code § 52-4-1 and seq.
- B. Notice to the public shall comply with requirements of the "Land Use, Development, and Management Act," Utah Code § 17-27a-101 and seq.; Chapter 3 of the Garfield County Zoning Ordinance, and the "Open and Public Meetings Act," Utah Code Ann. § 52-4-1 and seq.

SECTION VII. AGENDA FOR REGULAR MEETINGS.

- A. A copy of the agenda and a staff report(s) for every regular meeting of the Board shall be provided to each member not less than five (5) days prior to the date of the regular meeting.
- B. No matter shall be placed on the agenda for any given meeting, nor shall any such matter be considered by the Board, which was not formally filed with the Secretary more than thirty (30) days prior to the date of the Board meeting at which such matter is to be considered or which was not initiated by motion of the Board.
- C. No matter shall be considered by the Board until the matter is ripe for consideration, including a complete application with all supporting documentation and the required fees have been paid.
- D. When any matter is filed with the Secretary for consideration and action by the Board, which matter is of concern to other departments of the County, the Secretary shall notify each interested department of the pending matter and request a report or recommendations, if any, on the pending matter. The Secretary shall include in any such notification to the other departments any pertinent information, maps or other material and data as will clearly indicate the type of action under consideration. The Secretary shall present such reports to the Board, which reports shall be considered by the Board at the time the matter is before it.
- E. All matters presented to the Board for their consideration shall be accompanied by a staff report detailing the overview, background, analysis and staff recommendation(s) which shall include findings of fact and conditions for approval, if any. Staff reports shall address the portion of the Wasatch County Code, the Utah Code, and the master plan affected by the applicant's request. Staff report shall be as concise as possible while allowing for adequate coverage of the subject matter (preferably one page including front and back sides of the paper) and shall be made available to anyone requesting a copy of the staff report.

SECTION VIII. MINUTES AND RECORDS.

- A. It shall be the duty of the Secretary to keep the minutes of all meetings of the Board.
- B. The written minutes of all open meetings shall include, but is not limited to, the following:
 - 1. The date, time and place of the meeting;
 - 2. The names of members present, absent, or otherwise unavailable;
 - 3. The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
 - 4. The names of all citizens who appeared and the substance in brief of their testimony;
 - 5. Any other information that any member requests be entered in the minutes.
- C. It shall also be the duty of the Secretary to record the meetings and post the recordings to the Public Notice website within seven (7) days.
- D. It shall also be the duty of the Secretary to maintain all of the records of the Board, including all applications made under provisions of law and the complete files of proceedings and actions take in connection therewith.
- E. The Secretary shall, not less than five (5) days prior to any regular meeting of the Board transmit to each member of the Board a full and complete copy of the minutes of the previous meeting, including copies of any documents referred to therein.

SECTION IX. CONDUCT OF MEETINGS.

- A. The following procedure will normally be observed, but may be rearranged by the Chairperson if necessary, to expedite the agenda:
 - 1. Item introduction by Chairperson.
 - 2. Staff presentation and recommendation.
 - 3. Applicant presentation of proposal.
 - 4. Opening of the public portion of hearings.
 - 5. Opponent and Proponent comments.
 - 6. Closing of the public portion of hearings.
 - 7. Board discussion and vote.
- B. If other conduct issues arise which are not addressed by these bylaws, then Roberts Rules of Order, Modern Version (1993) shall govern such conduct issues.

SECTION X. MOTIONS.

- A. Any member of the Board, excluding the Chairperson, may make or second a motion.
- B. Motions should state findings at the beginning of the motion followed by the recommendation to the appropriate body, if any, and should be concluded with the conditions of approval. The motion may refer to the staff report for the detail of the findings of fact and conditions for approval if the author of the motion finds them acceptable.

- C. Any member of the Board may request legal advice from the County Attorney's Office in the preparation, discussion and deliberation of motions.
- D. Each motion made must be seconded.
- E. The following motions may be made by any member of the Board, except the Chairperson:
 - 1. Motion to approve/affirm.
 - 2. Motion to approve with conditions: which should state succinctly the conditions.
 - 3. Motion to deny/reverse: which should be accompanied by specific reasons for denial/reversal.
 - 4. Motion to table: which should be accompanied by specific reasons for continuing the matter and whenever possible, and a specific date to rehear the matter.
 - 5. Motion to withdraw: which allows the author of a motion prior to the vote to withdraw his or her motion
 - 6. Motion to amend: any member may make a motion to amend, at any time prior to the Chairperson putting the motion to a vote, so long as the amendment is accepted by the author and the second of the motion.
 - 7. Motion to amend amendment: any member may make a motion to amend an amendment, at any time prior to the Chairperson putting the motion to a vote, so long as the amendment is accepted by the author and the second of the motion.
 - 8. Substitute motion: is a replacement to the original motion, but must be made prior to a vote on the original motion.
 - 9. Motion to rescind: voids the results of a prior motion, but must take place before the applicant and other persons directly affected by the motion have materially changed their position in reliance on the Board's action on the prior motion.
 - 10. Motion to reconsider: recalls a prior motion for further evaluation and/or reconsideration and must be made by a Board who voted for the prior motion. The motion to reconsider must pass with a majority vote. If it is determined that the motion should stand as previously approved, no formal vote is necessary: If the former motion is to be amended or rescinded, the motion shall be put to a formal vote of the Board. Motions to reconsider a prior motion must take place during the same meeting the motion was previously considered or when the minutes containing that particular item are approved.
 - 11. Motion to open and/or close the public portion of each hearing: which must be made prior to Board discussion and vote on the matter.
 - 12. Motion to recess: which shall be made to break for a specific purpose while also stipulating a specific time to reconvene the meeting. The time to reconvene must be during the same day as the meeting in which the motion to recess was made.
 - 13. Motion to adjourn: which shall be made at the end of each Board meeting. No second is required to the motion to adjourn.
- F. No associate member may make any motion, unless the associate member has been designated by the Chairperson to serve temporarily on the Board for a particular meeting or agenda item.

SECTION XI. VOTE.

- A. No member of the Board shall be permitted to vote on any matter unless the member shall be present when the vote is taken and when the result is announced. No member shall give his or her proxy to any other person.
- B. No member of the Board shall be permitted to change his or her vote after the decision is announced by the Chairperson.
- C. The Chairperson shall vote as any other member.
- D. No member shall act or vote on any matter which he or she has a direct financial interest, which the applicant may be closely related by blood or marriage, which involve a conflict of interest as found in the Utah Code, or which the member cannot fairly and impartially act or vote on any matter before the Board.
 - 1. Any member declaring a conflict of interest shall be disqualified and shall leave the room and not participate in the discussion and vote pertaining to that particular matter.
 - 2. Any dispute as to whether a conflict of interest exists shall be resolved by the Chairperson.
 - 3. Any disqualified member still retains the right of representation before the Board through an agent.
- E. After the vote is taken, any member of the Board desiring to explain his or her vote shall be allowed an opportunity to do so and such explanation shall be recorded in the minutes.
- F. No associate member may make any vote, unless the associate member has been designated by the Chairperson to serve temporarily on the Board for a particular meeting or agenda item.

SECTION XII. AMENDMENT OF BY-LAWS.

These by-laws maybe amended at any meeting of the Board held after not less than thirty (30) days written notice of the proposal to amend the rules, upon a majority vote of all the members of the Board.

SECTION XIII. ADOPTION.

APPROVED and ADOPTED this 28th day of May, 2019

ATTEST:


Secretary,
Garfield County Board of Adjustment


Chairperson,
Garfield County Board of Adjustment


Chairperson,
Garfield County Board of Commissioners

County Seal:

