

**Town of Prescott Valley
BOARD OF ADJUSTMENT
BYLAWS**

ARTICLE I. PURPOSE AND FUNCTION.

1. **PURPOSE.** The Town of Prescott Valley Board of Adjustment has been created pursuant to Title 9, Chapter 4, Article 6.1, Arizona revised Statutes and Article 13-29 of the Town of Prescott Valley Zoning Ordinance. These bylaws are intended to establish an officer's and a member's responsibilities, the organization of the Board of Adjustment and general operating procedures for the Board of Adjustment.
2. **FUNCTION.** The Board of Adjustment functions are defined as:
 - a) Interpret, upon appeal, the Town of Prescott Valley Zoning Ordinances;
 - b) Decide upon appeal disputes regarding the terms and provisions of the Town of Prescott Valley Zoning Ordinance between an applicant and the Zoning Inspector;
 - c) Permit, upon application, Variances to the standards contained within the Town of Prescott Valley Zoning Ordinance;
 - d) Grant, upon application, Use Permits required by the Town of Prescott Valley Zoning Ordinance in accordance with the limitations prescribed by State Statute and Section 13-29 of the Town of Prescott Valley Zoning Ordinance.

ARTICLE II. MEMBERSHIP.

1. **APPOINTMENT.** The Board of Adjustment is composed of five (5) members. Each member shall be a resident and taxpayer of the incorporated area from which he or she is appointed. The appointments shall be for staggered terms of three (3) years each. Members are appointed and/or removed by the Town Council.
2. **MEMBER RESPONSIBILITIES.** Members are expected to attend the meetings of the Board of Adjustment and serve on committees, if required. They may also serve as an officer of the Board of Adjustment. Members will be notified by mail beforehand of each meeting and provided with a copy of the agenda of the cases. Prior notice of the cases will enable members to familiarize themselves with the locale of each. Members are expected to make decisions on the cases before them based upon the merits of each case.
3. **CONFLICT OF INTEREST.**
 - a) Should a member have any concern regarding a potential conflict of interest, he/she shall contact the Chairperson, staff and/or the Town Attorney's Office to discuss his/her concerns and receives advice on the situation prior to the meeting. Should staff and/or the Town Attorney have any concerns regarding a potential conflict of interest concerning a member, staff shall contact both the Chairperson and the member concerning the situation. Upon notification of a potential conflict of interest, the Chairperson shall discuss the situation with the member.

- b) Upon determination of a "remote" or "substantial" conflict of interest in accordance with the Arizona Conflict of Interest Law (ARS 38-502), the member shall declare said conflict of interest at the appropriate meeting and prior to any discussion of the issue. If a "remote" conflict of interest has been determined, then the member may continue to perform his/her duties. If a "substantial" conflict of interest has been determined, then the member shall refrain from all discussion of the issue both at and prior to the meeting. Further, the member shall physically remove himself/herself from the meeting room during discussion of the issue.
4. **REMOVAL/RESIGNATION FROM MEMBERSHIP.** The Town Council shall also have the authority to remove any member for cause after a public hearing. Should a member desire to resign from the Board prior to expiration of his/her term, a written letter of resignation must be submitted to the Town Manager with a copy to the Community Development Director. Vacancies will be filled by appointment of the Town Council for the unexpired term of the member whose place has become vacant. The member should also announce his/her pending resignation at a Board meeting prior to its effective date.
5. **VACANCY DUE TO THE EXPIRATION OF A TERM.** When a member has completed his/her complete term and does not desire to be appointed to another term, or where a member has completed two (2) full terms, the member shall provide a letter to the Town stating his/her intentions. Said notice shall provide adequate time to allow Town staff to advertise and interview and allow for the Town Council to appoint a new member so as not to leave the Board of Adjustment with less than five (5) members.

ARTICLE III. DUTIES OF OFFICERS.

1. **CHAIRPERSON.** The Chairperson will preside at all Board meetings. The Chairperson will be guided by Robert's Rules of Order as periodically revised unless otherwise directed by a majority of members in session at the time, or unless otherwise specified herein. The Chairperson has the right to vote on all matters. He/she can make a motion. He/she can second a motion. If his/her vote results in a tie, he/she cannot vote again to break the tie. The Chairperson shall appoint committee members and the committee Chairperson. The Chairperson may call special and executive meetings. The Chairperson shall preside during all elections.
2. **VICE-CHAIRPERSON.** In the absence of the Chairperson, the Vice-Chairperson will preside at the Board meeting and perform all duties of the Chairperson. If the Chairperson is unable to complete his/her term of office, the Vice-Chairperson shall become the Chairperson.
3. **TEMPORARY CHAIRPERSON.** In the event that neither the Chairperson nor the Vice-Chairperson can preside at a Board meeting or portion thereof, the remaining members shall elect a temporary Chairperson to conduct said meeting or portion thereof prior to taking any other action. The temporary Chairperson shall perform all duties of the Chairperson during his tenure.

ARTICLE IV. ELECTION OF OFFICERS.

1. **TERM OF OFFICE.** In the first regular meeting of the Board of Adjustment following appointment of new members, the Board shall elect one (1) of its members to preside as its Chairperson for the ensuing year and another member to be Vice-Chairperson. Any officer may serve consecutive terms.
2. **SUCCESSION DUE TO TEMPORARY ABSENCE.** In the event that neither the Chairperson nor the Vice-Chairperson can preside at a Board meeting or portion thereof, the remaining

members shall elect a temporary Chairperson to conduct said meeting or portion thereof prior to taking any other action.

3. **SUCCESSION DUE TO PERMANENT ABSENCE.** If the Chairperson is unable to complete his/her term of office, the Vice-Chairperson shall become the Chairperson and a new Vice-Chairperson shall be elected at the next scheduled meeting. If the Vice-Chairperson is unable to complete his term of office, a special election shall be held at the next scheduled meeting to elect a new Vice-Chairperson.
4. **ELECTIONS.** Elections for Chairperson and Vice-Chairperson shall be held at the annual meeting. Special elections shall be held as required. The Chairperson shall preside during all elections. Elections may be conducted by roll call vote.

ARTICLE V. COMMITTEES.

Committees of the Board shall be created on an as needed basis by majority vote of the Board. The Chairperson shall appoint committee members and the committee Chairperson. The committee Chairperson will preside at committee meetings and be the contact person for staff regarding committee issues. All committee meetings shall be noticed in accordance with the Open Meeting Law (ARS 38-431.02).

ARTICLE VI. MEETINGS.

1. **TYPE OF MEETINGS.** The Board may hold regular, special, executive and annual meetings.
 - a) **REGULAR MEETINGS.** Regular meeting of the board will be held on the fourth Monday of each month beginning at 5:30 p.m. in the Council Chambers. Regular meetings shall be open to the public.
 - b) **SPECIAL MEETINGS.** Special meetings may be called by the Chairperson or at the request of any three (3) of the members. Special meetings shall be open to the public.
 - c) **EXECUTIVE SESSIONS.** Executive sessions may be called by the Chairperson or at the request of any three (3) members. Executive sessions will be conducted in accordance with the Open Meeting Law (ARS 38-431.03), including receiving legal advice relating to a case. Executive sessions will be held in the Council Chambers. Executive meetings shall not be open to the public.
 - d) **ANNUAL MEETING.** The annual meeting shall be held at the first regular meeting in January. At the annual meeting elections shall be held. Staff shall present an activity report of the Board action from the previous year and shall make recommendations regarding the need for Board and/or committee activities during the coming year. Annual meetings shall be open to the public.
2. **NOTICE OF MEETINGS.** All meetings of the Board of Adjustment regardless of type shall be noticed in accordance with the Open Meeting Law (ARS 38-431.02).
3. **QUORUM.** A minimum of three (3) members is required for a quorum, with a majority of the quorum being required for passage of any matter.

4. **CHAIRPERSON'S SCRIPT.**

CALL TO ORDER

This meeting of the Board of Adjustment is now called to order.

The Board of Adjustment is a Quasi-Judicial body and is comprised of citizens of the Town of Prescott Valley that volunteer their time and efforts. We are impartial and are guided by State and Local rules and regulations.

We are somewhat informal; however, we ask that when you address the Board that you use the microphone at the podium and state your name and address for the record.

Only one person may speak at a time and all remarks must be addressed to the Board.

Members of our Town Staff Present are _____, and _____,
Secretary.

Members of the Board are: to my right; _____, and, _____ and to my left;
_____, and _____. My name is _____, Chairperson.

(Secretary), will you please call the official roll for the record.

ARTICLE VII. PROCEDURE AUTHORIZATION.

The Board shall adopt procedures which include such items as the Board's docket, agenda, conduct of meetings including order of business, executive sessions, committee meetings, court appeals and record keeping. The conduct of any meeting shall be guided by Robert's Rules of Order unless otherwise directed herein.

The Board of Adjustment is a "Quasi-Judicial Body" and is empowered to examine witnesses under oath.

Administering Oath or Affirmation:

All stand - raise your right hand and repeat after me:

I, _____(state your name) do hereby solemnly swear or affirm that the testimony I am about to give is true to the best of my knowledge.

ARTICLE VIII. AMENDMENT OF BYLAWS.

These bylaws may be amended as needed. Any amendment to these bylaws must receive three (3) affirmative votes to be effective.

Adopted January 28, 1998
Updated February 28, 2011