

**RULES OF PROCEDURE
AND
CODE OF ETHICS
TULSA COUNTY BOARD OF ADJUSTMENT
(Amended 11/17/1992)
(Amended 03/15/1994)
(Amended 08/18/2015)**

SECTION I – MEMBERSHIP AND OFFICERS

A. Name

The name of this board shall be "Tulsa County Board of Adjustment", hereinafter referred to as the "Board".

B. Membership

The Tulsa County Board of Adjustment shall consist of five members, who shall be nominated by the County Commissioners and confirmed by the Board of County Commissioners. Members of the Board shall serve without pay for a term of three years and shall continue to serve until their successors are appointed. Vacancies shall be filled for an unexpired term of any member in the manner set forth for appointments to a full term.

C. Removal

A Board member may be removed for cause, by the appointing authority after notice, written charges and a public hearing. Three (3) consecutive absences from regular and/or special called meetings, or if absences totaling two-thirds (2/3) of the regularly called or special called meetings held during any six month period, is sufficient cause for removal from the Board.

D. Officers

The Board shall elect annually from its appointed members a Chairman, a Vice-Chairman and Secretary. Any vacancy in office shall be filled by the Chairman for the unexpired term only. The elections shall take place on the regularly scheduled meeting of the Board in the month of September.

- 1) The duties of the Chairman shall include:
 - a) Preside over hearings will all powers under parliamentary procedure, unless the Chair designates another member to preside;
 - b) Sign official documents of the Board;
 - c) Represent the Board before other governmental bodies unless the Chair designates another Board member or member of the Board staff; and
 - d) Appoint a Vice-Chairman and Secretary in the event the said officers are absent from the hearing.

- 2) The duties of the Vice-Chairman shall include:

- a) Preside over all meetings in the absence of the Chair and shall have full powers of the Chair matters that come before the Board; and
 - b) Assume the duties of the Secretary in the event that the Secretary is absent from the hearing.
- 3) The duties of the Secretary shall include:
- a) Assume duties of the Chair in the event that the Chair and Vice-Chair are absent from the hearing; and
 - b) Collect and stamp exhibits of each meeting for the official record.

SECTION II- MEETING PROCEDURES

A. Quorum

A numerical majority of three (3) members of the Board shall constitute a quorum for the conduction of any Board business.

B. General Procedures

- 1) The latest edition of Robert's Rules of Order shall govern all Board proceedings to which they are applicable and where they do not conflict with other adopted rules herein.
- 2) The Board may grant a continuance of a scheduled public hearing at the request of the applicant, interested parties, or Board staff.
- 3) A motion to reconsider any action of the Board can be made by a Board member who voted with the prevailing side at any time during the meeting or at the next regularly scheduled meeting of the Board, provided that any interested parties who appeared are still in the audience or have been notified in writing five (5) working days in advance of a request to reconsider at the next regularly scheduled meeting.
- 4) When the public wishes to communicate with Board members, the most appropriate way is through a letter or e-mail correspondence to Board staff, who will deliver it to the Board members. If an individual wishes to speak personally with a Board member, the individual must contact Board staff directly and leave a message to that effect.

C. Release of Information

No Board member or Board staff shall use or transmit to others for private benefit any information derived from Board activities unless and until such information is made available to the public at large.

D. Public Hearing Procedures

- 1) The Board shall consider only public hearing items which have been properly advertised as required by law and only those where all fees have been paid, including fees for legal advertising.

- 2) During the public hearing the order of business shall be determined by the Chair; however, the following is provided as a guide:
 - a) Staff will announce the case by reading the agenda item number, case number, location of the subject tract, the applicant's name and the relief requested.
 - b) The Chairman will ask if the applicant is present and if there are any protestants or interested parties.
 - c) The applicant will be given time (not to exceed five (5) minutes unless the Chair chooses a different time limitation) to present his case. If the applicant presents a significantly changed site plan and/or written land use proposal from that submitted for Staff review, (determined by Staff and Board at the time of the presentation) such action is considered grounds for continuance.
 - d) Protestants and interested parties will be given a chance to speak (time not to exceed five (5) minutes unless the Chair chooses a different time limitation).
 - e) The applicant may be allowed time for rebuttal; however, the Board may make a motion at any point in time when they feel they have sufficient information to do so.
- 3) A second motion is required on all motions in order to bring the question to a vote of the Board.
- 4) Three (3) affirmative votes are required to approve a variance, special exception, make interpretations of the zoning map and text or reverse a decision of the Building Inspector.
- 5) Upon the concurring vote of three (3) members the Board may grant a Variance upon the stated finding:
 - a) That by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship.
 - b) That such extraordinary or exception conditions or circumstances do not apply generally to other property in the same use district.
 - c) That the variance to be granted will not cause substantial detriment to the public good or impair the purposed, spirit, and intent of the Code, or the Comprehensive Plan.
- 6) Upon the concurring vote of three (3) members the Board may grant a Special Exception upon the stated finding:
 - a) That the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. Meetings

- 1) The Board shall generally meet on the third Tuesday of each month in a designated location in accordance with its approved calendar.
- 2) Special Public Hearing meetings may be held on approval by a majority vote of the Board.
- 3) Board staff may cancel a regularly scheduled meeting if there are no applications pending for reasons of:
 - a) No applications were filed;
 - b) Pending applications were withdrawn or continued to a later hearing date;
 - c) No quorum
- 4) In the event that a regularly scheduled Board meeting is cancelled Board staff will contact the Board members before the meeting notifying them of the cancellation. Notice of the cancelled Board meeting will be posted on the INCOG website and outside the scheduled meeting room.
- 5) The meeting agenda must be posted 24 hours in advance of the meeting for all regularly scheduled hearings and 48 hours in advance of all special Board hearings.

SECTION II - CODE OF ETHICS

A. Conflict of Interest

- 1) Each member of the Board shall avoid situations that are conflicts of interests. The question is, "Would a reasonable person believe me to be unbiased and impartial". A conflict of interest shall include, but not necessarily limited to, the following:
 - a) Deliberating on, voting on or reviewing a case concerning property owned by a Board member or property which is adjacent (within 300 ft) to property owned by a Board member.
 - b) Deliberating on, voting on, or reviewing a case involving a corporation/organization, or any other entity in which a Board member may stand to have an economic interest.
 - c) Deliberating on, voting on or reviewing a case concerning a Board members spouse or child; any member of a Board members immediate family or any member of his/her household.
- 2) A Board member experiencing a conflict of interest shall declare such conflict publicly, abstain from voting on the matter, and refrain from any deliberations on the matter. When possible, the Board member shall leave the public hearing room, until the agenda item is concluded.

- 3) A Board member experiencing a conflict of interest shall not discuss the agenda item with any fellow Board member involved in decision making on the matter for the purpose of influencing a decision.

B. Ex Parte Communication

Board members should avoid ex parte discussion about cases where a decision is before the Board whenever possible. In the event that a Board member receives ex parte communication, the Board member must disclose such ex parte communication prior to or at the public of said matter.

Date Approved 10/20/15

David E. Conway
Chairman

ATTEST:

T. Don Coffey
Secretary