

BY-LAWS AND RULES OF PROCEDURE

FOR

BOARD OF ADJUSTMENT - DISTRICT TWO

COCHISE COUNTY, ARIZONA

ARTICLE I - PREAMBLE

The Board of Adjustment for supervisorial district two of Cochise County, Arizona is created by the Cochise County Board of Supervisors, by authority of the Cochise County Board of Supervisors, by Resolution 74-28 on December 18, 1974. The function of the Board of Adjustment shall be to perform those duties specified in Article 21 of the Cochise County Zoning Regulations.

The purpose of these by-laws and rules of procedure shall be to implement the Cochise County Zoning Regulations, and shall at all times be interpreted as carrying out the responsibilities set forth in said regulations.

In order that the functions, duties and responsibilities of the Board of Adjustment may be carried in an orderly and consistent fashion with full public knowledge of the procedures involved, the following by-laws and rules of procedure are adopted:

ARTICLE II - THE BOARD OF ADJUSTMENT: DISTRICT TWO

1. The Board of Adjustment shall consist of three (3) members appointed by the County Board of Supervisors.
2. The officers of the Board of Adjustment shall be:
 - A. Chairman: The Chairman shall preside at all meetings and public hearings of the Board of Adjustment, appoint all committees, have general supervision of the conduct of the affairs of the Board of Adjustment, administer oaths, and perform such other duties as are usually exercised by the Chairman of a Board of Adjustment.
 - B. Vice-Chairman: In the absence of the Chairman, the Vice Chairman shall perform the duties of the Chairman.

3. The officers of the Board of Adjustment shall be elected each year from among the members for a one-year term at the annual meeting.
4. An Office of the Board of Adjustment which becomes vacant shall be filled for the unexpired term by election by the Board of Adjustment from its membership.
5. The Executive Secretary, who shall be the Cochise County Planning Director, or the Director's designee, shall keep a written record of all business transacted by the Board of Adjustment, notify members of all meetings, keep on file all official records of the Board of Adjustment, and be responsible for serving legal notice of all public hearings.

ARTICLE III - MEETINGS

1. Annual Meeting: The annual meeting for the installation of new members and election of officers shall be held at the first regular meeting in January, or the first regularly scheduled meeting of the new year if a meeting is not held in January.

2. Regular Meetings: Regular meetings shall be held on the 1ST Wednesday of each month, and at a time and place as setforth in the notice of meeting. In the event of a regular meeting date falling upon a legal holiday, said meeting shall be held on the following Wednesday.

3. Special Meeting: Special meetings of the Board of Adjustment may be held at the call of the Chairman, or at the request in writing of any two (2) or more members, who shall all sign the notice, which shall then be considered a legal notice of said special meeting. All members shall be notified at least 48 hours in advance of the time set for a special meeting.

4. Meeting Open to Public: All meetings and hearings of the Board of Adjustment shall be open public meetings pursuant to the requirements and procedures of the Arizona Revised Statutes; and all official votes or actions must be in session open to the public. Executive sessions may be convened by the Board by affirmative vote of the majority of members present only pursuant to the requirements and procedures of the Arizona Revised Statutes. (ARS 38-431.03, Purposes for Executive Session paragraphs 3 and 4 as enacted or as hereafter amended).

5. Notices: Notices of all meetings shall be furnished to each member at the same time that the required public notification is sent to the news media for publication, usually during the first part of the month in which a meeting will be held. Docket packets shall be furnished to each member at least 48 hours in advance of any meeting to permit perusal and evaluation of the cases to be adjudicated.
6. Quorum: A majority, two or more, of the members of the Board of Adjustment shall constitute a quorum for the transaction of any business or official action.
7. Minutes and Records: The Board of Adjustment shall keep minutes and records of all its resolutions, transactions, findings, and determinations and, if the vote is not unanimous, the vote of each member present shall be recorded with each order or resolution. All votes taken by the Board of Adjustment shall be by roll call and the Chairman shall be the last to vote. The minutes, records, resolutions, transactions, findings and determinations shall be of public record.

8. Decisions: After a matter has been officially considered and the Board of Adjustment has reached a decision, the Board of Adjustment shall not reconsider that decision until the matter has been entered upon the agenda for and heard at a subsequent regular meeting of the Board of Adjustment.

9. Rules of Order: The New Robert's Rules of Order by Mary A. Devries (revised edition 1990) and these by-laws and rules of procedure shall govern the proceedings of all meetings, subject to interpretation by the County Attorney. The New Robert's Rules of Order will govern the procedures only to the extent not in conflict with these by-laws and rules of procedure.

10. Adjournment: A motion to adjourn shall always be in order, and shall be carried by a majority vote to the members present.

11. Lack of Quorum: In the event that a meeting is not held due to lack of a quorum, all matters scheduled for public hearing and/or action shall be automatically continued to the next regular scheduled meeting, unless a special meeting date is arranged. Notice of such cancellation and continuation will

be provided by staff or any Board member at the meeting place, identifying the time and place for the re-scheduled public hearing. In such instances, the matter shall not be required to be re-published, nor shall additional notification be required to be mailed to neighboring property owners.

ARTICLE IV - ORDER OF BUSINESS

1. Call to Order by Chairman or Vice-Chairman
2. Roll Call
3. Determination of Quorum
4. Approval of Minutes or Executive Summary of Preceding Meeting
5. Unfinished Business
6. New Business
7. Adjournment

ARTICLE V - PRESENTATION OF MATTERS

1. Documentation Required: Every matter on which the Board of Adjustment is authorized or required to act, brought before it by any person, official, organization or agency, shall be presented in writing or on forms provided for the purpose, and shall include all information necessary for a clear understanding and intelligent action by the Board of Adjustment. Such information may include maps, surveys, drawings, plans, charts and other descriptive data.

2. Filing: All matters requiring legal advertisement to come before the Board of Adjustment should generally be filed with the Planning Director at least one month prior to a meeting of the Board of Adjustment. The Board of Adjustment may reject any application that it considers improper or incomplete.

3. Docket and Agenda: Each matter or presentation shall be numbered serially under the proper heading and shall be placed upon the agenda, or withdrawn by the applicant, or the applicant's agent. Docket numbers shall start on the first day of January of each year and shall be referenced with the

number of the year in which said matter was filed or presented. All matters docketed shall be set for hearing in the order in which docketed. All matters docketed at least one month prior to a meeting of the Board of Adjustment shall appear on the agenda for that meeting, unless other regulations or emergency requirements necessitate a greater or shorter length of time between the date of filing and the date it is place upon the agenda.

4. Publication of Notice: On matters requiring publication of notice, such matters shall be scheduled for the next regular meeting in accordance with the notice of the hearing following the publication of notice thereof.

5. Posting of Agenda: The agenda of cases to be heard shall be forwarded for posting in the physical location required for posting other legal notices for the Board of Supervisors not less than five (5) days before each regular or special meeting.

6. The Secretary shall indicate on all documents presented for action by the Board the official action taken, and shall permanently file all such documents. All such records shall be kept open to public inspection during regular office hours.

7. Disposition of Agenda: Only those cases set for hearing at a given meeting will be heard and they shall be heard in the order in which they appear on the agenda for that day. When a matter is set for hearing on a given day and so advertised, the matter will be heard and disposed of on the record before the Board of Adjustment, whether or not anyone in favor of or in opposition to the matter appears at the hearing.

8. Order of Proceeding: Each matter shall be heard in the following order:

a. The Chairman shall call the docket number and read the notice of hearing.

b. The Planning Director or the Director's designee will summarize relevant correspondence and explain maps or other pertinent data. The Planning Director or the Director's designee will provide the Board of Adjustment with written recommendations.

- c. The applicant or the applicant's representative may make a statement in support of the application.
 - d. Other persons in favor of the application may be heard.
 - e. Those opposed to the application may be heard.
 - f. The applicant may be heard in rebuttal.
9. Consent from the Chair: All questions must be addressed to the Chair in order to prevent general discussion between those in favor of the application and those opposed to it. No person shall speak more than once on any one matter without consent from the chair.
10. Withdrawal of Application: The applicant may withdraw any matter brought before the Board of Adjustment at any time before the Board of Adjustment has rendered a decision.

ARTICLE VI - AMENDMENT OF BY-LAWS AND RULES OF PROCEDURE

The foregoing by-laws and rules of procedure, or any part thereof, may be amended at any meeting of the Board of Adjustment after not less than two (2) days notice has been given to all members of the Board of Adjustment and a copy of the proposed amendment sent with the notice. It shall require the affirmative vote of not less than two (2) members to make any amendment or change in these by-laws and rules of procedure.

ARTICLE VII - RECORDATION OF RULES AND AMENDMENTS

A certified copy of these rules and amendments thereto shall be placed on record in the office of the Clerk of the Board of Supervisors within five (5) days following the date of adoption.

REVISED ON 2, DECEMBER 1992

Mike A. Fater

Chairman

ATTESTED:

Jody N. Klein

Jody N. Klein

Planning Director and Executive

Secretary