

**GENERAL POLICIES AND  
RULES OF PROCEDURE  
BOARD OF ADJUSTMENT OF THE CITY OF TULSA**

**SECTION I - RULES OF PROCEDURE**

**A. Name**

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

**B. Membership**

The Board shall consist of five members, who shall be appointed by the Mayor and confirmed by the City Council. 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 City Council after notice, written charges and a public meeting. Three consecutive absences from regular and/or special called meetings, or absences totaling 2/3 of the regularly called or special called meetings held during any six month period, shall be 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. The Vice-Chairman shall serve as Chairman in the absence of the Chairman. Any vacancy in office shall be filled by the Chairman for the unexpired term only. The election shall take place on the first regularly scheduled meeting of the Board in the month of June.

- 1) The duties of the Chairman shall include:
  - a) Presiding over meetings with all powers under parliamentary procedure, unless the Chairman designates another member to preside;
  - b) Signing official documents of the Board;
  - c) Appointing a Vice-Chairman and Secretary in the event the said officers are absent from the meeting.
- 2) The duties of the Vice-Chairman shall include:
  - a) Presiding over all meetings in the absence of the Chair and shall have full powers of the Chair in matters that come before the Board; and
  - b) Assuming the duties of the Secretary in the event that the Secretary is absent from the meeting.

- 3) The duties of the Secretary shall include:
  - a) Assuming duties of the Chair in the event that the Chair and Vice-Chair are absent from the meeting; and
  - b) Collecting and stamping exhibits of each meeting for the official record.

#### **E. Quorum**

A numerical majority of three Board members shall constitute a quorum for the conduct of any Board business.

#### **F. General Procedures**

1. If inclined, the Board may grant a continuance of a scheduled public meeting at the request of the applicant, interested parties, or Board staff.
2. A motion to reconsider any action of the Board can be made by a Board member who voted for the prevailing party.
  - a) The Board may take a vote to reconsider an action of the Board during the meeting or at the next regularly scheduled meeting of the Board.
  - b) The action to be reconsidered will be placed on the subsequent meeting agenda and written notice must be given to all interested parties at least five working days in advance of the scheduled meeting.
3. When the public wishes to communicate with Board members, the appropriate way is through a letter or e-mail correspondence to Board staff, who will in turn distribute it to the Board members and the applicant.

#### **G. Public Meeting Procedures**

1. The Board shall consider only public meeting 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. The Chair can modify the order in which the cases will be considered from the order in which they are listed on the agenda. The procedure for each case shall normally be as follows:
  - a) Staff will announce the case by reading the item number, case number and applicant's name.
  - b) Staff will read the location of the subject tract and the action requested from the case report.
  - c) The Chair calls on the applicant for a presentation, **not to exceed fifteen (15) minutes**. If the applicant presents a significantly changed application from that submitted for BOA staff review (as determined by BOA staff and the BOA at the time of the presentation), such action is considered grounds for continuance.

- d) Any member of the public may address the Board at a regular or special meeting after signing in for a specific item. When recognized by the Chair, a member of the public should state his or her name and address. Speakers will be given **five (5) minutes to speak on an item**; however, the Chair may further limit that time based on the number of speakers for an item or impose an aggregate time for all speakers.
  - e) The Chair may rule a comment out of order if it is redundant, irrelevant, indecorous or untimely.
  - f) The applicant is given the opportunity to rebut and is allowed **no more than ten (10) minutes to speak**. If the applicant, in the Chair's opinion, should present new facts or information, the Chair may allow the protestants time to rebut same.
  - g) The Chair announces the public hearing is closed on the case and opens the review session, during which the Board members will discuss the case among themselves and make a recommendation.
  - h) BOA members shall address only the presiding Chair for recognition and shall confine their remarks to the question under discussion.
  - i) During the review session, which shall be open and public, no new evidence shall be admitted unless specifically requested by a member of the Board and permitted by the Chair. However, any Board member may make a motion at any point in time when he/she feel they have sufficient information to do so.
  - j) Before a motion is made, there shall be an opportunity for discussion of the case by the Board and for each Board member to make comments. After a motion is made, there shall be further opportunity for discussion by the Board, and the maker of the motion may refine the terms of the motion pursuant to such discussion. When the motion is formalized, the Chair shall restate the motion, state the name of the maker of the motion and the member seconding the motion, and call for a vote. If a Board member desires to amend the motion following the Chair's restatement of the motion but prior to the Chair's call for a vote, the Board member suggesting the amendment may ask unanimous consent to modify the motion. If any Board Member objects to the modification of the motion, the Board Member proposing the amendment shall move that the motion be amended. The motion to amend must be seconded, is debatable, and must be adopted by a majority vote of the members present.
3. A second is required on all motions in order to bring the question to a vote of the Board.
  4. Three affirmative votes are required to approve all variances, special exceptions, and appeals of administrative officials.
  5. No variance may be approved unless the Board determines that the all the facts required by Section 70.130-H have been established.
  6. No special exception may be approved unless the Board makes each of the findings required by Section 70.120-G.

## H. Meetings

1. The Board shall generally meet only on the second and fourth Tuesday of each month in a designated location in accordance with its approved calendar.

2. Special public meetings or work sessions may be held on approval by the Board Chair or a majority vote of the Board upon 48 hours notice.
3. The meeting agenda must be posted at least 24 hours in advance of the meeting for all regularly scheduled and special meetings and work sessions.
4. Board staff will make every effort to post the meeting agenda 6 days in advance of all regularly scheduled meetings, work sessions and special meetings.

## **SECTION II – GENERAL POLICIES**

### **A. Letter of Deficiency (LOD)**

An official Letter of Deficiency issued to the Applicant from the City of Tulsa shall accompany each application to the Board for a variance, special exception or other relief, provided that the Board Staff may waive the requirement that an LOD accompany an application when in the opinion of the Board staff it is unnecessary.

Where the LOD requirement has been waived, the Applicant shall be responsible for citing in the application the necessary relief and the sections of the Zoning Code pertinent to that relief. The waiver of the requirement that an LOD accompany the application shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the particular proposed use or construction.

### **B. Incomplete application**

If the applicant has failed to provide sufficient site plan and other factual details in its application, the BOA staff may defer the hearing date until the applicant has provided a complete application with the detail necessary for the BOA to consider and possibly act upon said application.

### **C. Applicant's obligation to be truthful**

The BOA is a quasi-judicial body which evaluates testimony from applicants and interested parties, each of which has the obligation to present testimony that is accurate and truthful to the Board.

## **SECTION III - CODE OF ETHICS**

### **A. Conflict of Interest**

Each member of the Board shall avoid situations which create conflicts of interests. The possibility, not the actuality, of a conflict of interest should govern. In deciding the matter, the Board member should consider the question, "Would a reasonable person believe me to be unbiased and impartial".

1. A conflict of interest shall include, but not necessarily be 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 to or within 300 ft of 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 or other personal interest;
  - c. Deliberating on, voting on or reviewing a case concerning a Board member's spouse or child, any member of a Board member's immediate family or any member of his/her household.
2. 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.
3. A Board member experiencing a conflict of interest shall publicly declare his/her intention to abstain, abstain from voting on the matter, and refrain from any deliberations on the matter. When possible, the Board member shall leave the public meeting room, until the agenda item is concluded.

### **B. Ex Parte Communication**

Board members shall avoid ex parte discussion about cases where a decision is before the Board. 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 meeting of said matter. If in writing (letter, e-mail, text etc.) the communication shall be transmitted to Board staff, who shall publish the communication to each Board member, and include the communication in the permanent case file.

**C. Release of Information**

No Board member or staff member 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.

Date Approved

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Chairman

ATTEST:

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Secretary

DRAFT