BEFORE THE BOARD OF ADJUSTMENT
FOR THE CITY OF PULLMAN

In the Matter of the Bylaws of the Pullman Board of Adjustment	) Resolution No. BA-98-1)) A Resolution Adopting Rules for) the Pullman Board of Adjustment's) Self Government

WHEREAS, the Board of Adjustment for the City of Pullman has determined that it wishes to revise its present bylaws;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Adjustment of the City of Pullman that the following bylaws are hereby adopted, and all former sets of bylaws are hereby repealed.

ARTICLE I - OFFICERS

SECTION 1: Officers

The elective officers of the Board of Adjustment shall consist of a Chairperson and Vice Chairperson.

SECTION 2: Nomination and Election of Officers

Nomination of elective officers shall be made from the floor on the first meeting held each year; the election shall follow immediately thereafter. A nominee receiving a majority vote of those members present at this meeting shall be declared elected.

SECTION 3: Terms of Office

The elective officers shall take office at the next meeting after their election and shall serve for a term of one year.

SECTION 4: Vacancies in Offices

Vacancies in elective offices shall be filled immediately for the unexpired portion of the term.

SECTION 5: Duties of Officers

A. Chairperson - The Chairperson shall preside at all meetings and public hearings of the Board of Adjustment and call special meetings. The Chairperson shall have the privilege of discussing all matters before the Board of Adjustment and voting thereon. The Chairperson shall have all the duties normally conferred by parliamentary procedure on such officers, and shall perform such other duties as may be requested by the Board of Adjustment.

B. Vice Chairperson - In the absence of the Chairperson, the Vice Chairperson shall assume the duties and powers of the Chairperson. If the Chairperson and Vice Chairperson are both absent at a meeting, the Board of Adjustment members may elect a temporary Chairperson by a majority vote of those present at that meeting, who shall assume the duties and powers of the Chairperson during their absence.

ARTICLE II - STAFF ADVISOR

The City Planner shall serve as Staff Advisor and Secretary of the Board of Adjustment. The Staff Advisor shall keep the minutes of all meetings of the Board of Adjustment. Such minutes shall be approved by the Board. The Staff Advisor shall notify the Board of Adjustment members of all regular and special meetings, shall post all notices of cancellation or continuance of meetings and public hearings, and shall draft and sign routine correspondence of the Board of Adjustment. The Staff Advisor shall maintain the official records of the Board of Adjustment.

ARTICLE III - MEETINGS

SECTION 1: Regular Meetings

Regular monthly meetings shall be held on the third Monday of every month at 7:30 p.m., in the Council Chambers at City Hall, unless the Board designates otherwise and gives appropriate notice thereof pursuant to the provisions of R.C.W. 42.30 (Open Public Meeting Act), as now existing or hereafter amended.

SECTION 2: Continued Meetings

Any regular or special meetings may be continued to a definite time and place by a majority vote of the Board of Adjustment members present at that meeting, and notice thereof shall be given by the Staff Advisor in accordance with the provisions of Article III, Section 4.

SECTION 3: Special Meetings

Special meetings may be called by the Chairperson or by a majority of the members of the Board.

SECTION 4: Notice of Meetings

Written notice of all regular and special meetings shall be given by the Staff Advisor to all members of the Board of Adjustment. Whenever possible, the notice of meetings shall be postmarked at least three days prior to the meeting. The notice shall state the time and place of the meeting, and shall be accompanied by an agenda of the matters to be considered by the Board at such meeting. Written notice of all special meetings shall be given at least twenty-four hours in advance of the meeting time.

SECTION 5: Quorum

Four members of the Board of Adjustment shall constitute a Quorum for the transaction of business and the taking of official action.

SECTION 6: Attendance

If a member of the Board is unable to attend a meeting, that member shall notify the Chairperson or Staff Advisor, whereupon a leave of absence may be granted by a majority vote of the members present at the meeting which the member misses. If a member misses more than three consecutive meetings without having been granted an excused absence, the Staff Advisor may recommend to the Mayor that the member be removed from the Board for inefficiency of duty. A notification of this action shall be sent to said member on the following working day. The member shall have fourteen days from the date of mailing to request a withdrawal of the recommendation, and provide reasons justifying the requested withdrawal. The request for withdrawal shall be in writing, and shall be directed to the Mayor. If a written request for withdrawal is not received within the prescribed time period, the Staff Advisor shall request that the Mayor terminate the member's appointment.

SECTION 7: Order of Business

Unless provided otherwise by the Chairperson, the order of business for regular meetings of the Board shall be as follows:

A. Call to order by Chairperson
B. Roll call
C. Approval of any minutes from previous meetings
D. New business
E. Old business
F. Other business
G. Adjournment

SECTION 8: Public Hearing Procedure

A. The Chairperson shall open the public hearing. The Staff Advisor shall present the staff report and recommendation. Board members may ask any relevant questions about the staff report to the Chairperson or staff through the Chairperson.

B. The Chairperson shall call for public testimony regarding the matter before the Board. The Chairperson shall give an oath or affirmation to all members of the public who wish to speak at the hearing. Proponents of the proposal shall be allowed to speak first, followed by opponents of the proposal. After both the proponents and opponents of a proposal have presented their cases, any interested person who is neutral as to the proposal may be heard. The Chairperson may impose reasonable time limits for persons speaking during the hearing.

C. After all interested persons have had a fair opportunity to speak and respond

to other speakers, the Chairperson shall declare the public hearing either continued or closed.

D. The Board may ask questions of the staff or any other person after a hearing is closed for public testimony. However, if these questions raise relevant new material and that material is discussed, the public hearing may be reopened by a majority of the Board members present to hear testimony on the relevant new material not presented previously.

E. Hearings may be continued to a date, time and place certain to obtain information needed for a decision, or for the presentation of written or formal findings and conclusions, or for other good cause. No further notice of the continued hearing shall be required if the hearing is continued to a date, time and place certain orally and in public before the continuation of the hearing.

F. Decision(s) of the Board shall be made within thirty (30) days of the date on which the hearing was closed for public testimony. The decision shall be supported by findings and conclusions when necessary.

G. If the hearing is quasi-judicial in nature, the Board shall observe such general procedures as have been established by resolution of the Board for the conduct of such hearings.

SECTION 9: Motions and Voting

Motions shall be restated by the Chairperson before a vote is taken. The names of the Board members making and seconding a motion shall be recorded in the minutes. Votes taken on final decisions at public hearings shall be by roll call vote, with the vote of each Board member recorded in the minutes. A majority of a quorum shall be required to grant a decision in favor of an applicant or appellant.

Each member of the Board shall be entitled to vote at all regular and special meetings of the Board, unless it would be inappropriate for that member to do so under the "Appearance of Fairness Doctrine," or due to some other conflict of interest. No eligible voting member is permitted to abstain from voting without explicitly stating the reason for abstaining.

The Board of Adjustment may postpone action during a public hearing if the principal person or persons involved, or their agent(s), are not present. A written explanation of the absence, together with a request that action not be delayed, may be honored by the Board.

SECTION 10: Review of Record

If a Board member is excused from hearing a portion of a quasi-judicial hearing, then that member may not participate in the deliberation and decision-making process for the quasi-judicial hearing until said member has listened to the entire verbatim recording from that portion of the hearing from which said member was excused, and has reviewed all exhibits which may have been presented to the Board during that portion of the hearing.

SECTION 11: Parliamentary Procedure

Parliamentary procedure in Board of Adjustment meetings shall be governed by Roberts Rules of Order, Revised, except when inconsistent with these Bylaws, in which case these Bylaws shall take precedence.

SECTION 12: Records Public

All meetings and hearings shall be subject to the provisions of the Open Public Meetings Act, Chapter 42.30 R.C.W., as now existing or hereafter amended.

ARTICLE IV - AMENDMENTS

These Bylaws may be amended at any regular or special meeting by the affirmative vote of four members of the Board of Adjustment, provided that the proposed amendments have been submitted in writing at a previous regular or special meeting.

DATED this 15th day of June, 1998.

Catherine M. Kruger
Chairperson
Pullman Board of Adjustment

ATTEST:

Pete Dickinson
Planning Director