



BOARD OF ZONING APPEALS

Operating Rules

This Board adopted the following Rules on the 16th day of July, 2015 as a guide to its orderly operation. These rules shall continue in effect until repealed or amended.

PREAMBLE: The purpose of these Rules are to:

1. Facilitate the efficient transaction of business and to promote cooperation and harmony.
2. Provide for full and free discussion of every proposition presented to the Board for decision.
3. Insure that:
 - a. All members have equal rights, privileges and obligations;
 - b. A majority vote decides questions presented for decision;
 - c. The rights of the minority are protected.
 - d. Every member knows the meaning of the question before the Board and what its effect will be.
 - e. All meetings are characterized by fairness and good faith.

SECTION 1. MEETINGS.

1.01 Regular Meetings. Regular meetings shall be held in Council Chambers at the Municipal Building beginning at 7:00 P.M. on the third Thursday of each month, as needed. Where the third Thursday of the month falls on a legal holiday, the Board may, by majority vote, change the place, date, and/or hour, or may adjourn the same to a day and hour determined by a majority of the members present if constituting a quorum.

1.02 Special Meetings. The Board may hold special meetings as may be found necessary. Said special meetings shall be called by the City Clerk upon majority vote of the members of the Board, the written request of three (3) members, or upon request of the President. Any such vote, or request for the calling of a special meeting shall state the subject or subjects to be considered at the special meeting, and no other subject or subjects shall be considered.

1.03 Notice of Special Meetings. Unless called at a regular meeting of the Board and duly noted in the minutes thereof, at least twenty-four (24) hours written notice of such special meeting shall be given to each member by personal service or by delivery thereof to their usual place of residence. Members may waive such notice by their attendance at the special meeting.

1.04 Open Meeting Law Compliance. In addition to the notice procedure set forth in rules 1.01 through 1.03 above, notice of all regular and special meetings shall be given in accordance with rules governing such notice as adopted by the Board pursuant to Ohio Revised Code Section 121.22 and any other applicable provisions of the Revised Code. Such rules as to notice shall also conform to any applicable provisions of the City of Hilliard Codified Ordinances.

1.05 Organizational Meeting. The Board shall annually hold an organizational meeting to elect a President and Vice-President during its first regularly scheduled meeting of the new year.

1.06 Supplemental and/or Supporting Documents. All documents presented at a regular or special meeting including, but not limited to staff report, material samples, presentation materials and information provided by the applicant, shall be accepted into the record.

1.07 Case Presentation. After being announced by the chair, the progression of presentation shall be as follows:

1. Staff presentation
2. Applicant presentation
3. Commission members discussion
4. Citizen comments

To assist the clerk in maintaining records of the meetings, each person speaking from the floor shall sign the speaker's log provided at the podium.

SECTION 2 THE PRESIDENT – POWERS AND DUTIES.

2.01 Election of Officers. The President of the Board shall be elected from the membership of the Board at its organizational meeting. A candidate must receive at least four votes to be elected President. The Vice-President of the Board shall be elected in the same manner. In the event the office of President is permanently vacated for any reason, then the person occupying the office of Vice-President shall immediately assume the office and duties of the President. The new President shall serve in that position until the next organizational meeting. If the office of Vice-President is permanently vacated due to a vacancy in the position of President, or for any other reason, the Board members present shall elect a new Vice-President from among their own number. The new Vice-President shall serve in that office until the next organizational meeting.

In the event that the positions of President and Vice-President are all permanently vacated simultaneously, for any reason, the Board shall meet at the next regularly scheduled meeting after the vacancies occur to hold an election from among its sworn members to elect a new President and Vice-President. The Clerk shall give all members at least seven (7) days written notice of the date and place of the election.

2.02 Temporary President. In the case of the absence of the President, the Vice-President shall serve as Temporary President and shall have all the powers and duties of the President until the appearance of the President or adjournment. If both the President and Vice-President are absent the Clerk shall call the Board to order at the appointed meeting time, and shall proceed to call roll to determine the presence of a quorum. If a quorum is present, the Clerk shall immediately call for the selection, by a majority vote of those present of a Temporary President for the meeting who shall have all the powers and duties of the President until the appearance of the President (or Vice-President) or until adjournment.

2.03 Roll Call. The President or the Vice-President shall call the meeting to order at the hour appointed for the Board to meet. Prior to conducting any business, the President shall cause the roll to be called by the Clerk to determine the presence of a quorum. The results of such call shall be noted in the minutes of that meeting. In the absence of a quorum at the time appointed for meeting, the members present may, by a majority vote, take recess or recesses and cause the Clerk to procure the attendance of absent members.

2.04 Points of Order – Appeal from Decision of the President. The President shall preserve decorum and decide all questions of order, subject to appeal to the Board. If any member transgresses the Rules, the President shall, and any member may, call that member to order; in the latter instance, the President shall render a decision as to the Point of Order. Any decision of the President as to a Point of Order may be appealed to the members present by stating, "I appeal the decision of the President." The President shall then immediately place before the members present the question: "Shall the decision of the President stand as the decision of the Board?" The President shall be sustained unless overruled by a majority vote of the members present and voting.

2.05 Voting. All questions shall be stated by the President and put to a vote of the members present as follows:

- a) Roll Call Votes – The President shall declare the vote after the Clerk has announced the number of votes cast for each side.
- b) Voice Votes – The President shall declare the vote without reference to the Clerk. If in doubt about a voice vote, the President may direct, or any member may call for a roll call vote.

SECTION 3. RECORD OF PROCEEDINGS.

3.01 Written Record to be Maintained. The Clerk shall maintain a written record of the proceedings, which shall be a public record. The Clerk shall promptly prepare, file and maintain the minutes. At each meeting, the minutes of prior regular and special meetings shall be approved by a majority vote of the members present. After approval by the Board, the minutes shall be signed by the Clerk and the President (or Temporary President) who presided over the meeting in which the minutes were approved.

3.02 Audio Recording of Proceedings. To aid in the preparation of the minutes, the Clerk shall make an audio record of the proceedings on an audio recording device. Such audio recording shall be maintained by the Clerk and shall be retained for a period of at least three (3) years.

SECTION 4 MEMBER'S DUTIES AND PRIVILEGES.

4.01 Addressing the President. When about to speak to a question or make a motion, a member shall address the President as Mr. or Madame "President", who shall in turn recognize the member entitled to the floor. Members addressing the Board shall confine themselves to the question under debate.

4.02 Voting. Every member present when a question is put shall vote on the same excepting that if a member is required to abstain for a reason that is required under the laws of the United States, the State of Ohio, the City of Hilliard, or for other good cause, the member shall abstain. There shall be no debate on the question of abstention. The President shall refer questions of legal conflict to the Law Director for advice.

4.03 Division of a Question. On demand of any member, a question under consideration that covers two or more points shall be divided where the question permits such division.

4.04 Demand for Roll Call. Any member may demand a roll call vote upon any question at any time before the President declares the vote on the question.

4.05 Excused from Attendance. No member shall be excused from attendance at a meeting except on request to and permission from the President prior to such meeting or by a vote of the majority of the members present.

4.06 Excused During a Meeting. No member shall be excused from a meeting while in session except upon permission of the President.

4.07 Decorum in Council Chambers. The President shall maintain decorum in Chambers during sessions. Persons other than members, City Officials, and members of the news media shall not be permitted upon the floor or to address the Board or any member, except upon introduction by the President or a member. If anyone other than a City Official desires to speak to a member while the Board is in session, the member, if agreeable to the request, shall leave the member's seat and retire to the rear of the Chambers or elsewhere until the conversation is finished. If any person in attendance disrupts the Board's proceedings, or refuses to abide by the rules of the Board or he President, the President may have that person removed from Chambers to restore decorum.

4.08 Conduct of Members. All members will be expected to observe the following rules of personal conduct during meetings:

1. Be on time for all meetings unless unavoidably detained.
2. Abstain from the use of alcoholic beverages that may affect behavior at meetings.
3. Dress appropriately for all meetings.
4. Observe proper parliamentary procedure, whether addressing the floor or the President.
5. Refrain from profanity at all times.

SECTION 5. ORDER OF BUSINESS.

5.01 Agenda of Meetings. The Order of Business at regular meetings of the Board shall be as follows:

1. Pledge of Allegiance to the Flag.
2. Roll call to determine quorum.
3. Approval of minutes of preceding regular and special meetings.
4. Old Business.
5. New Business.

5.02 Change in Agenda. Upon direction of the President, or upon a motion by any member, passed by a majority vote of members present, the order of business may be altered by a majority vote.

5.03 Preparation of Agenda. The City Clerk, under the direction of the President shall prepare the agenda for each regular meeting. Such agenda, together with all material shall be distributed or made available to members by the Clerk by 4:00 P.M. of the Friday preceding the regular meeting. Upon a majority vote, items not scheduled for the agenda may be added to the agenda.

SECTION 6. MOTIONS.

6.01 Motions. When a motion is made it shall be stated by the President before debate. Any member may demand that it be reduced to writing. A motion may not be withdrawn by a mover without the consent of the second. Unless otherwise required by law, a motion shall be deemed to have passed if it receives the affirmative vote of the majority of the members present.

6.02 Order of Precedence. When a motion is before the board, no motion shall be entertained except the following, which have precedence in the order given:

1. To adjourn;
2. To lay on the table;
3. To postpone to a time certain;
4. To refer;
5. To amend;
6. To postpone indefinitely.

6.03 Motion to Adjourn. A motion to adjourn shall be in order at any time except as follows:

1. When repeated without intervening business or discussion;
2. When made while another member is speaking;
3. When the previous question has been ordered;
4. While a vote is being taken.

A motion to adjourn is not debatable, except as to the time to which the meeting is adjourned.

6.04 Motion to Lay on the Table. A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of the majority of members present.

6.05 Motion to Postpone. Motions to postpone may be amended as to time, excepting a motion to postpone indefinitely. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.

6.06 Motion to Reconsider. A motion to reconsider a proposal previously acted upon may be made by any member. In the case of a defeated proposal, the motion to reconsider must be made by one of the members who voted against the proposal initially. Concurrence of a majority of the members present shall be sufficient for a reconsideration of a vote.

SECTION 7. MISCELLANEOUS RULES.

7.01 Procedure in Absence of a Rule. Nothing herein shall be interpreted as limiting or affecting the President's power to control the meeting. The President is specifically empowered to establish such rules as deemed necessary to control debate on a case-by-case basis, including but not limited to limiting the number of speakers on each issue or the amount of time each speaker is allotted.

7.02 Amending Rules. A majority vote is required to alter, amend, rescind, or supplement these Rules. Any proposed alterations, amendments, rescissions, or supplements shall be submitted in writing at a regular meeting and placed on the agenda for the next regular meeting under the order of new business. By unanimous recorded vote of all members of the Board such proposed alterations, amendments, rescissions, or supplements may be adopted at the meeting at which the same are submitted.

7.03 Quorum. A majority of all members appointed shall constitute a quorum.

7.04 Non-Discrimination Clause. Deleted.

*Adopted 07/16/2015
Previous Version 02/15/2001*