

## **CHAPTER 3 BOARD OF ADJUSTMENT**

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2-3-1: **ESTABLISHMENT:** The Idaho Falls Board of Adjustment (“Board”) is hereby established. The Mayor, with the consent of the Council, shall appoint seven (7) members to serve on the Board. Members of the Board shall be residents and electors of the City. A member of the Council, the Mayor, or an appointed officer of the City shall not serve as a member of the Board. No fewer than one (1) member of the Board shall also be a member of the Planning and Zoning Commission.

2-3-2: **PURPOSE:** The purpose of the Board is to act as an independent fact-finding and decision-making body in order to uphold the principles of the Zoning Code and other City Codes; to act as an appellate body, when directed; and to provide insight and adjustment when the Code is applied to a specific parcel of land, where necessary, and within the law.

2-3-3: **DUTIES:** The Board shall have such duties and authority as set forth in the Zoning Code and this Code, and shall perform all other duties as required by State law or as directed by the Council.

2-3-4: **ORGANIZATION:** During the first meeting of each calendar year, the Board shall elect from its membership, by majority, a person to act as Chair and a person to act as Vice-Chair. The Chair and Vice-Chair shall serve until replaced or re-elected. The Chair shall preside at all meetings. If the Chair is absent or unable to act at any meeting, the Vice-Chair shall preside.

2-3-5: **TERM OF OFFICE:** Members of the Board shall be appointed for a term of five (5) years. Terms shall expire on December 31 of the fifth year following their appointment. Not more than two (2) members' terms shall expire in any one (1) year. Committee members may be reappointed.

2-3-6: **REMOVAL:** A Board member may be removed from the Board by the Mayor and at

the Chair's request, following two (2) consecutive meeting absences unexcused by the Chair or at any time by the majority vote of the Council.

2-3-7: VACANCY: The Mayor, with consent of the Council, shall appoint a qualified person to fill the unexpired term of any member of the Board in the event of a vacancy.

2-3-8: ATTENDANCE: A majority of voting Board members present at a meeting shall constitute a quorum for purposes of conducting the business of the Board. Non-voting members present at meetings shall not be considered in determining the number required for a quorum or whether a quorum is present.

2-3-9: OPEN MEETINGS: All meetings of the Board shall be open to the public and shall follow the requirements of the Idaho Open Meeting law.

2-3-10: MINUTES: The Board shall keep minutes of its proceedings, including the vote of each member on every presented issue. The meeting minutes and other records of the Board shall be open to the public.

2-3-11: NO COMPENSATION: Board members shall receive no compensation for their service on the Board; however, expenses for equipment and supplies necessary for the Board to conduct its business shall be allowed by the Council.

2-3-12: INDEBTEDNESS: Nothing herein conveys or otherwise delegates authority to the Board to incur any liability, obligation, or indebtedness on behalf of the City without the express, written authorization of the Council.