

Board of Adjustment Attendance Issues

Discussion points for Scottsdale BOA meeting of 6/1/16

BOA
Attendance:
Problem
Statement

- Historically, attendance has been poor

Period	Number of Meetings	Number of Cases	Full board	
			% of Meetings	% of Cases
2010*	1	3	100%	100%
2011	2	3	67%	50%
2012	1	2	0%	0%
2013	6	12	50%	50%
2014	4	6	0%	0%
2015	6	15	53%	33%
2016 YTD	4	9	11%	20%
2010-now	25	50	33%	44%

*Note: The board was missing a member during this time

- Absences create hardships for applicants and inconvenience Staff & other Board members

BOA Attendance: Proposals

1. Consider modifying BOA bylaws to mirror City ordinance
 - Current BOA bylaw section 207: “Member Attendance. If any member of the Board shall be absent from three (3) consecutive hearings or 50% of the regularly scheduled meetings during a calendar year without good cause and prior notice to the secretary or the Chair, the Chair shall, at his or her discretion, bring the matter before the City Council for review.”
 - City ordinance: “Section 2-241 (h): In the event a[ny] member of a board or commission is unwilling or unable to serve, or if any member is absent or tardy from three (3) consecutive meetings, or four (4) meetings within a six-month period, then the [C]hair shall notify the [M]ayor or the [M]ayor's designee so that the consideration of removal and replacement of the member may be scheduled for city council action.”

BOA
Attendance:
Proposals

2. Scheduling

- Annual calendar should avoid likely problem dates. Examples: first Wednesday in:
 - ...January is likely close to New Year's Day
 - ...July is likely close to Independence Day
 - ...September is likely close to Labor Day
- Board members notify staff/Chair as early as possible of planned absences
- Board members bring calendars to hearings so that special meetings can be scheduled to accommodate inability to attend regular meetings

BOA
Attendance:
Proposals

3. Board members are encouraged to increase efforts to ensure availability for scheduled hearings

BOA Attendance:

Related Matter – bylaws Section 201

Bylaws do not provide for flexibility in scheduling required to improve attendance rates

- Section 201: Regular meetings of the Board **shall** be held ... on the first Wednesday of each month...
- No accommodation for annual schedule that avoids “bad first Wednesdays”
- No allowance for ad hoc rescheduling to accommodate board member schedules
- No allowance for skipping a meeting if no cases to be heard
- Propose rewrite of Section 201 per handout

BOA
Attendance:

Related Matter
– bylaws
Section 201

Propose rewording per handout

Existing rule Section 201:

Regular meetings of the Board shall be held in the City Hall Kiva (Council Chambers) or other location as designated by the Chair, on the first Wednesday of each month at 6:00 p.m. with an optional study sessions beginning at 5:45 p.m. prior to the regularly scheduled meeting. All meetings of the Board of Adjustment, except an executive session called and noticed pursuant to state statute, shall be open to the public. Interested parties are invited to observe study sessions; no formal voting will occur at a study session. Any action calling for a formal vote shall take place only at a public meeting.

Proposed rule Section 201:

Regular meetings of the Board shall be held in the City Hall Kiva (Council Chambers) or other location as designated by the Chair at 6:00 p.m. on the first Wednesday of each month **or other date and time as determined by agreement of the members, provided proper notice of such meetings is provided by the Zoning Administrator as required under ARS 38-431 as amended. Regular meetings may be canceled if there are no matters to consider.** An optional study session may be held **beginning no more than 30 minutes prior to the regularly scheduled meeting** All meetings of the Board of Adjustment, except an executive session called and noticed pursuant to state statute, shall be open to the public. Interested parties are invited to observe study sessions; no formal voting will occur at a study session. Any action calling for a formal vote shall take place only at a public meeting.

Commented [MM1]: [note that the existing version of the rule is ungrammatical because it reads "an optional study sessions"]

Commented [MM2]: . [I think it's conceivable that subjects for study session may require more than 15 minutes.]