

CITY OF PORTAGE CONSTRUCTION BOARD OF APPEALS

RULES OF PROCEDURE

Section 1. Convening of Meeting; Quorum:

The Chairperson, or in his/her absence or at his/her direction, the Vice-Chairperson, shall, at the time fixed for meeting, take the chair for convening the Board. The presence of four (4) members at the meeting shall constitute a quorum for the transacting of business. The Chairperson shall summarize the rules of order and order of business. A majority of voting members present will be necessary to approve a request for a variance or code interpretation. All meetings will comply with the Open Meetings Act.

Section 2. Order of Business:

The business of all regular meetings shall be transacted as far as possible in the following order:

- Call to Order
- Roll Call
- Approval of Minutes
- Old Business
- New Business
- Statement of Citizens
- Adjournment

Section 3. Reading of Minutes:

Unless a reading of the minutes of a meeting is requested by a member of the Board, such minutes may be approved or corrected without reading if the Director of Community Development or his/her designee has previously furnished each member with a true copy thereof.

Section 4. Agenda for Meeting:

The Director of Community Development, or his/her designate, shall prepare an agenda of the business to be considered at each regular Board meeting. No business shall be considered by the Board unless placed upon the agenda for the meeting not later than 5:00 o'clock p.m. on Monday, ten working days preceding the meeting.

Section 5. Regular Meeting; time - place:

The Board shall routinely convene on the fourth Monday of each month at 5:00 p.m. in Conference Room One of Portage City Hall; provided, however, that when the day fixed for any regular meeting falls upon a National Holiday, or the eve of a National Holiday, or upon any regular or special election day, or when the Board may determine to hold such meeting at a different hour or day, the notice of the time and place of the changed meeting date shall be given by mail to all concerned at least five (5) days prior to the meeting and at least one (1) notice shall be posted in or at the entrance to the Council Chambers in Portage City Hall.

Section 6. Special Meetings; Notices Required:

(a) Special meetings may be called, as may be necessary, by the Director of Community Development when the presiding officer is advised that:

1) an applicant requests a special meeting, and four (4) or more Board members can schedule to; or

(b) The Chairperson, or any four (4) members of the Board, may on written request to the Director of Community

Development call a special meeting.

Section 7. Officers of the Board:

- (a) The officers of the Board shall consist of a Chairperson and Vice-Chairperson. Said officers shall be elected by the Board from among its members at the regularly scheduled July meeting and shall serve for a period of one year, or until their successors are elected.
- (b) Presiding Officer; Powers and Duties: The Chairperson shall be the presiding officer of the Board. He/she shall state every request coming before the Board, announce the decision of the Board on all matters, and decide all questions of order; provided, however, that upon an appeal to the Board, a majority vote of the Board shall conclusively determine such question of order. He/she shall vote on all questions. He/she shall at the request of a Board member divide any question, if such question in his/her opinion is subject to division, and he/she shall submit it as divided. He/she shall provide all in attendance the opportunity to be heard, and will read all correspondence submitted to the Board.
- (c) Vice-Chairperson; Powers and Duties: In the event the office of the Chairperson shall become vacant by death, resignation or otherwise, the Vice-Chairperson shall become Chairperson for the unexpired term of this office. In the absence of the Chairperson or due to his/her inability to discharge the duties of this office, such duties shall for the time being devolve upon the Vice-Chairperson.
- (d) Secretary; Powers and Duties: The Director of Community Development or his/her designee shall keep or supervise the keeping of all meeting agendas and minutes of the Board and shall perform such other and further duties as may be directed by the Chairperson.

Section 8. Statements of Citizens:

All citizens shall have a reasonable opportunity to be heard for a reasonable length of time in the course of each meeting after standing, being recognized by the presiding officer, and stating their name and address. The presiding officer may set a reasonable time limit on the length of time a citizen or any other person may address the Board if, in the presiding officer's judgment, such time limit will aid in the orderly and efficient administration of the Board's business. If such time limit is imposed by the presiding officer, the Board shall accept written materials from any citizen or person. If it appears there is a number of people who wish to make a statement on a business item, they shall be encouraged by the presiding officer to elect a spokesperson or limit their statements to only providing the Board with new information.

Section 9. Rules of Debate:

- (a) There shall be no debate or discussion of any issue prior to the proper introduction of said issue.
- (b) When a motion is under debate, only the following resolutions shall be in order:
1. Motion to adjourn.
 2. Motion to take a recess.
 3. Motion to lay on the table.
 4. Motion for the previous question.
 5. Motion to postpone to a day certain.
 6. Motion to refer to a committee of the Board.
 7. Motion to amend or substitute.
 8. Motion to postpone indefinitely.
- (c) A motion to adjourn and a motion to lay on the table shall always be in order and without debate.
- (d) After a motion is made to close debate, the presiding officer shall poll the Board on the question of closing the debate and put the principal question to an immediate vote of the Board. If the yesses prevail, the presiding officer shall immediately poll the Board on the principal question, or questions, without further debate.

(e) All votes shall be taken by yes and no, and be entered upon the journal to show the names of those voting in the affirmative and in the negative, or abstaining except if the vote is unanimous, the record need merely so state.

Section 10. Suspending; Amending Rules

(a) These rules may be suspended by a vote of five (5) members of the Board present and voting.

(b) These rules may be amended by a vote of five (5) members of the Board present and voting.

Section 11. Attendance:

Board members who will be absent shall, if possible, notify the Department of Community Development prior to meeting.

Section 12. Governing Rules of Order:

Roberts Rules of Order may apply to all other items not provided for in these rules, except where they may be inconsistent with said rules.

Section 13. Appeals; Hearings:

(a) An appeal may be taken to the Construction Board by any person affected by a decision of the Director of the Department of Community Development. The appeal shall be filed with the Director of the Department of Community Development within ten (10) working days of the Director's decision. The appeal shall be filed on the form provided by the Department of Community Development. The grounds for the appeal must be documented at the time of filing. The ten (10) day appeal period shall begin from the date said decision is written and transmitted to the affected person.

(b) Agenda items, once brought before the Board, may not be resubmitted for consideration or appeal unless a substantial change in circumstances shall have occurred. The concurring vote of a simple majority of members shall be necessary to determine the significance of the change.

Section 14. Board Authority:

The Board shall exercise such powers and perform such duties as are authorized and provided by the statutes and laws of the State of Michigan and the applicable Codified Ordinances of the City of Portage.

Amended: July 9, 1998