

ZONING BOARD OF APPEALS POLICY AND PROCEDURES

I. PURPOSE

The purpose of this Policy and Procedure is to clarify procedures for the implementation the appeals process.

II. DEFINITIONS

For purposes of this Policy, certain terms are defined in this section. The word "shall" is always mandatory and not merely advisory.

Board Chair: The position that facilitates the meeting.

Call of Meeting: The action taken by the person or persons properly authorized to bring an official meeting of the Board into existence.

General Session: A prearranged gathering of the Board.

Majority vote: A vote of a majority of the Board members present at meeting where there is a quorum.

Minutes-Approved: The official record of what is said or done at a Board meeting; including but not limited to the date and time the meeting occurred, the call to order, roll call, motions or proposed motions, seconds, etc., as approve by the Board.

Minutes-Draft: The instant written record that represent the actions of the board which shall include a list of attendees.

Motion: A proposal for action made by one (1) Board member and seconded by another Board member.

Notice of Meeting: The (5) day in advance notification of the official posting of the date, time, and place for a meeting of the Board.

Quorum: Two (2) Board members shall constitute a quorum.

Record: An official document or writing, including but not limited to the approved Agenda for the Board meeting, the approved minutes of the Board meeting, as well as any resolution(s), statutes or motions proposed by the Board, or any documents, reports, etc. accepted by the Board and recorded in the minutes.

A. **Zoning Board of Appeals Established.** The Board shall meet twice a year in regular meetings and additionally if necessary within 15 days of receiving any request for action by the Board.

B. **Selection of Officers**

1. The Board shall select officers at their first held meeting.
 - a. Officers shall consist of Chair, Vice-Chair, and Secretary

C. **Meetings.**

1. A call to Meeting shall exist when a quorum of the board members are present.
2. Meetings shall be held in an open session.
3. Meetings must be posted at least five days in advance of the meeting.
4. No Board member may participate in making any decision that involves a personal or financial interest of the Board member or a member of his or her immediate family unless such interest is held in common with the Tribe and its Citizens.
5. Minutes, including draft minutes of the Board meeting shall be taken and posted to the Tribal Website.
 - a. Decisions of the Board will be made by a majority vote of the Board where a motion is made and a quorum in present.
 - b. Include the name of the Board, date and time of meeting, who called it to order, who attended and if there a quorum, all motions made, voting, when the meeting ended and who developed the minutes.
 - i. Voting shall consist of how many “Yes, No, Abstain and Absent”.
6. The secretary of the Board usually takes minutes during meetings. Written minutes are distributed to board members before each meeting for member's review. Minutes for the previous meeting should be reviewed right away in the next meeting. Any changes should be amended to the minutes and a new version submitted before the next meeting where the new version is reviewed to be approved. Minutes should be retained in a manual.

D. Appeals.

1. The Board shall hear and decide appeals on the grant or denial of permits, or the issuance of citations, under zoning regulations, building codes, or site plans.
 - a. An appeal of a decision of the Planning Department must be filed within fourteen (14) days of the challenged decision and contain:
 - i. A clear and concise statement of the reason(s) the appellant believes the decision should be overturned by the Board; and
 - ii. What the relief requested from the Board is.
2. The Board shall hear the appeal within 15 calendar days of filing, either during a regular meeting or special meeting called for that purpose.
3. The Board shall issue its written ruling within ten (10) days of such hearing to the person appealing as well as the Planning Department.

E. Judicial Review

1. The Board shall attend as reasonably available any Tribal Court proceeding regarding any decision of the Board that is appealed to the Tribal Court.
2. The Board shall seek to obtain any decision of the Tribal Court as soon as possible in order to close a file.
3. Should the Court determine that the Board's decision is clearly arbitrary, capricious, or otherwise not in accordance with applicable law or regulations, the Board may seek counsel with regard to filing an appeal in Tribal Court or otherwise close the file.
4. The Board will notify the Planning Department of any final determinations.

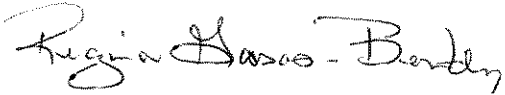
F. Records

Board records shall be open to LTBB Citizens.

This Policy was approved by the Board:


Michele Portman-LaCount, Board Secretary

9.29.16
Date



10-3-16