

# MEMORANDUM



**To:** Blue Earth County Board of Adjustment and  
Planning Commission Members

**From:** Mark Manderfeld - Deputy Director  
Property & Environmental Resources

**Date:** November 4, 2020

**Subject:** Planning Commission & Board of Adjustment Bylaws

## **Request**

The Property & Environmental Resources Department is requesting the review of amendments to the Board of Adjustment and Planning Commission Bylaws at their November 4<sup>th</sup>, 2020, meetings.

The proposed amendments were a topic of discussion at the October 13, 2020 County Board of Commissioner's work session. The amendments include increasing the number of members from unincorporated areas of the county, requiring the Chairperson to be a rotating position, establishing term limits for members, allowing staff to provide information to members electronically, and minor technical revisions. The amendments noted previously are highlighted in the attached proposed bylaws.

**BLUE EARTH COUNTY**  
**BOARD OF ADJUSTMENT BYLAWS AND PROCEDURES**

*Adopted: November 17, 2020*

**ARTICLE I**  
**INTRODUCTION**

**Section 1**     **Purpose.** It is the intent of the Blue Earth County Board of Adjustment to conduct its business and perform its responsibilities and duties in an orderly, efficient, fair, and lawful manner. These bylaws are established for that purpose.

**Section 2**     **Application of Bylaws.** Unless otherwise specifically indicated, these bylaws shall apply to the transaction and administration of all Board of Adjustment business and the conduct of all Board of Adjustment meetings and hearings.

**ARTICLE II**  
**MEMBERSHIP AND DUTIES**

**Section 1**     **Membership.** The membership of the officers of the Board of Adjustment shall be as follows:

1. The Board shall be appointed by the Board of County Commissioners. There shall be at least three members from the unincorporated areas of the county. Any elected officer of the county or employee of the County Board shall be excluded from membership on the Board of Adjustment.
2. The Board shall consist of five members of which one member shall be a member of the County Planning Commission whose term shall coincide with their term on the County Planning Commission.
3. The Chairperson shall be a rotating position. The role of Chairperson shall rotate on a biennial cycle. A Vice Chairperson shall be elected at the final meeting every other year and transition to the Chairperson role biennially.
4. Terms of the members of the Board shall be staggered three-year terms. Renewal of a member's term shall be approved by the Board of Commissioners. Each member shall be eligible to serve a maximum of four full terms. The term limit for the members of the Board shall commence at the time of their next reappointment, starting in December of 2020.
5. The members of the Board shall serve with compensation as established by the Board of County Commissioners.
6. The Board of County Commissioners may remove any members of the Board of Adjustment for nonperformance of duty or misconduct in office and may fill vacancies for any unexpired term.

**Section 2** **Duties of Members.** The duties and powers of the members of the Board of Adjustment shall be as follows:

**Chairperson:**

1. Preside at all meetings of the Board of Adjustment.
2. Call special meetings of the Board of Adjustment.
3. Sign documents of the Board of Adjustment.
4. See that all actions of the Board of Adjustment are properly taken.
5. Modify the procedure and protocol followed at meetings and hearings as necessary and desirable to efficiently conduct the business of the Board of Adjustment.

**Vice Chairperson:**

1. In the event of the absence, disability, or disqualification of the Chairperson, the Vice Chairperson shall exercise or perform all the duties and be subject to all the responsibility of the Chairperson.

**Secretary:**

1. The Zoning Administrator shall serve as recording secretary for the Board. This function may be delegated.
2. The Secretary shall attest to the signing of all approved minutes by the Chairperson.
3. The Secretary shall ensure that all records are being kept in a responsible manner to ensure due process.

**Section 3** **Recording Minutes of Meeting.** The Zoning Administrator shall supply a qualified staff member to perform all general corresponding and recording duties for the Board of Adjustment.

## **ARTICLE III MEETINGS AND HEARINGS**

**Section 1** **Notice.** Notices of all meetings and hearings of the Board of Adjustment shall be made in accordance with all statutory and ordinance notification requirements.

**Section 2** **Meetings.** All meetings of the Board of Adjustment shall be open to the public.

**Section 3** **Workshops.** Workshops and other meetings whose sole purpose is for general information and/or educational purposes will be open to the public. Public testimony may or may not be allowed.

**Section 4 Meeting Records.** All tapes, minutes, evidence, exhibits, correspondence, maps, plats, etc. shall be made part of the record, become the property of Blue Earth County, and be maintained as required by law.

**Section 5 Meeting Arrangements.** Meetings shall be arranged as follows:

1. **Date.** The Board of Adjustment shall meet regularly on the first Wednesday of the month.
2. **Location.** The Board selects a meeting location which shall be acceptable to all. Virtual meetings may be utilized at the discretion of the Board of County Commissioners.
3. **Additional Meetings.** The Chairperson may call for a special meeting at any time. Notice of the time and place shall be communicated to the Board members and publicly noticed at least three (3) days prior to the meeting.

**Section 6 Parliamentary Procedure.** The procedure followed at Board meetings will be based on but not bound by Roberts Rules of Order, as modified by the ordinary practice of the Board.

**Section 7 Public Hearing Agenda.** The Chairperson sets the agenda for the public hearings. The agenda may be amended by a majority vote of the Board.

**Section 8 Procedure for Public Hearings.** The procedures listed below generally apply for the conduct of public hearings:

1. Staff will furnish the Board with all pertinent information concerning each agenda item in a written or electronic report format.
2. The Chairperson will open the public hearing.
3. The applicant and/or representatives will be given an opportunity to offer comment, evidence, and testimony regarding the agenda item.
4. Persons attending the hearing will be given an opportunity to offer comment, evidence, and testimony. The Chair may impose time limits on those speaking. Members of the Board may ask questions of those offering comment, evidence, and testimony.
5. The applicant will then be given an opportunity to respond to any comments, evidence, and testimony offered. Members of the Board may ask questions.
6. The public hearing will then be closed. No comment, evidence, or testimony may be offered, except what may be provided in answers to questions the Board may have during their discussion of the agenda item.
7. The Chair will ask staff if there is any additional information that needs to be added to the record.

**Section 9 Protocol for Public Hearings.** The following protocol generally applies at all Public Hearings.

1. Everyone who wishes to give testimony will be allowed to do so. The Chair may impose time limits on those speaking.
2. All statements or questions should be directed to the Chairperson.
3. All statements should be as factual as possible and should not involve personalities.
4. Speakers should refrain from repeating what has already been stated.
5. Each speaker shall provide their name and address for the recorder.
6. The Board of Adjustment reserves the right to question any speaker.
7. Written testimony may be received.

**Section 10**      **Communications with Public and Applicant.** The following shall apply with respect to applicant and public communication.

1. **General.** Prior to the public hearing or Board deliberation, no Board member shall lobby the merits of a pending case with staff, Applicant, Board member, or the general public.
2. **Disclosures.** If a Board member has discussed the pending case, the member shall disclose the facts relating to such discussion during the public hearing.
3. **Exception.** Nothing in this section shall preclude the general information communication by Board members relating to the general conduct of a meeting or hearing, nor shall anything in this section forbid staff or Board members from discussing with members an upcoming meeting, so long as the facts or merits of the meeting are not discussed.

**Section 11**      **Quorum.** A majority of the Board members entitled to vote shall constitute a quorum for the transaction of business.

**Section 12**      **Conflict of Interest.** Any member of the Board of Adjustment who shall feel that they may appear to have or in fact has a conflict of interest on any matter that is on the Board of Adjustment agenda shall voluntarily excuse themselves, vacate their seat, and refrain from discussing and voting on said matter as a Board of Adjustment member.

A conflict of interest is any direct contractual pecuniary or other beneficial interest in the outcome of a matter before the Board of Adjustment.

## **ARTICLE IV**

### **EDUCATION, CONFERENCE, AND CONVENTION POLICY**

**Section 1**      **Knowledge and Skills.** Knowledge and skills are necessary and desirable to perform the responsibilities of a Board of Adjustment member. Periodic attendance at various educational opportunities, conferences, and conventions is encouraged.

The following is the policy of the Blue Earth County Board of Adjustment on educational meetings, conferences, and conventions:

1. Attendance at educational meetings, conferences, and conventions is subject to availability of funds.
2. Attendance at educational meetings, conferences, and conventions is voluntary. Board members are encouraged to attend offerings when available.
3. Involvement in relevant professional organizations such as the American Planning Association is considered educational.
4. The Board of Adjustment members are encouraged to report on their educational experiences to the commission.

**Section 2**      **Orientation for New Board of Adjustment Members.** To assist new Board members in learning their responsibilities, and to develop their understanding of the planning process as quickly as possible, they will be required to attend orientation sessions as offered.

**ARTICLE V  
AMENDMENT OF BYLAWS**

**Section 1**      **Amendment.** The Board of Adjustment shall review the bylaws annually and amend the bylaws as needed.

\_\_\_\_\_  
Blue Earth County Board of Adjustment Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair, Blue Earth County Board of Commissioners

ATTEST: \_\_\_\_\_  
County Administrator

This instrument was acknowledged before me on \_\_\_\_\_, by Vance Stuehrenberg, Chair of the Board, and by Robert W. Meyer, County Administrator.

\_\_\_\_\_  
(Signature of Notary Officer)

Title \_\_\_\_\_

(Stamp)

My commission expires: \_\_\_\_\_  
(Month/day/year)

DRAFTED BY:  
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