

RULES OF PROCEDURE  
BOARD OF ADJUSTMENT  
CITY OF CHESTERFIELD, MISSOURI

SECTION 1.

1. The City of Chesterfield, Missouri (the “City”) Board of Adjustment (the “Board”) shall have all the powers and duties as authorized and prescribed by RSMo 89.090 through 89.140, by Chapter 125, Article II of the City’s Municipal Code and by these Rules of Procedure (the “Rules”).
2. Should any conflict or inconsistency arise between these Rules and State law or City Code, State law or City Code shall control.
3. The Board, being a public body, shall at all times conduct meetings in conformity with the Missouri Sunshine Law, RSMo Chapter 610.
4. All appeals to the Board must be made within 15 days of the date of the order, requirement, decision or determination giving rise to the appeal.

SECTION 2.

1. The Board shall consist of five (5) regular members and two (2) alternate members who shall serve in the absence or disqualification of the regular members. All such appointments of members shall be made in accordance with the City’s Municipal Code.
2. The Board shall elect its own chairperson who shall serve for one (1) year.
3. In the absence of the chairperson, the Board shall elect a temporary vice-chairperson to fulfill the duties and obligations of the chairperson.

SECTION 3.

1. The chairperson shall be elected by a majority vote of the regular members of the Board at the first meeting of the Board during the calendar year. The chairperson shall serve a term of one (1) year.
2. The vice-chairperson shall be elected by a majority vote of the regular and alternate members of the Board at the meeting where the chairperson is absent. The vice-chairperson shall serve for the duration of the meeting.
3. In the absence of the chairperson, the vice-chairperson shall have the same duties, obligations, and powers as the chairperson.

#### SECTION 4.

1. The chairperson shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time.
2. The City Attorney will be seated with the Board and act as the Board's attorney.
3. The City Attorney will not represent any of the parties appearing before the Board, but such parties may be represented by other counsel.
4. The officer from whom the appeal is taken shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
5. An officer seeking relief from a stay pursuant to RSMo 89.100 and/or City Code Section 125.170(A)(5) shall do so within fifteen (15) days of the filing of the appeal.

#### SECTION 5.

1. All proceedings before the Board shall be taken down by a reporter employed by the Board, or recorded and transcribed.
2. The order of business shall be as set forth in the agenda unless otherwise agreed to by a majority of the Board.
3. The hearing procedure shall be substantially as follows:
  - a. First, the chairperson shall ask the parties if there are any prehearing matters to take up on the record.
  - b. Second, the chairperson shall ask the Board if there are any matters they wish to raise, including but not limited to communications received related to the subject of the hearing or any other matters which might bear on the subject of the hearing.
  - c. Third, the chairperson shall ask the City to present the basic facts of the matter then pending before the Board.
  - d. Fourth, the chairperson shall allow the petitioner to present their witnesses, their evidence, and any argument they may have.

- e. Fifth, the chairperson shall allow the respondent(s) to present their witnesses, their evidence, and any argument they may have. If there are multiple respondents, the Board shall determine the order of respondent presentations.
- f. Sixth, the chairperson shall take public comments. The chairperson may impose reasonable limits to save time and avoid redundant or irrelevant testimony.
- g. Seventh, chairperson shall allow the Petitioner an opportunity to speak in rebuttal.
- h. Eighth, the chairperson shall advise the parties that the Board will take the matter under advisement and that the Board will render a decision along with findings of fact, conclusions of law, and an order at the next Board meeting.

#### SECTION 6.

1. The Board should accept legally relevant exhibits to be entered into the record. The City Attorney may assist the Chair and Board with any evidentiary objections or evidence issues raised.
2. Witnesses must be sworn in order to testify. All witnesses may be questioned by the Petitioner or the Respondent(s). Objections to questions may be addressed by the City Attorney who will make a recommendation to the chairperson and Board on how to rule on the same.

#### SECTION 7.

1. The Board shall be bound by the Conflict of Interest policies found in Article II of the City's Municipal Code.
2. Board members shall refrain from discussing forthcoming or anticipated matters of business, including discussions with other Board members, prior to the meeting at which such items are to be publicly discussed.
3. If the Board receives written correspondence, the Board should not respond, and the communication should be forwarded to the Clerk to be made a part of the record.

## SECTION 8.

1. These Rules of Procedure may be amended by a majority vote of the Board.
2. Robert's Rules of Order shall supplement these Rules of Procedure.
3. Any portion of these Rules of Procedure may be waived in such cases where, in the opinion of the Board, strict conformity would pose a practical difficulty and waiver of strict adherence with the Rules of Procedure would not be contrary to the spirit and intent of these Rules of Procedure.