BOARD OF ADJUSTMENT

RULES AND PROCEDURES

Adopted: November 12, 2026

Effective date: November 12, 2026

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ARTICLE I - NAME AND AUTHORITY

Section 1. Name

The name of this body shall be the Deuel County Board of Adjustment, hereinafter referred to as the "Board."

Section 2. Legal Authority

The Board is established pursuant to applicable Nebraska law, including Neb. Rev. Stat.§§ 23-168.01 through 23-168.04, and the applicable Deuel County zoning resolution.

Section 3. Limitations of Authority

The Board shall exercise only those powers granted by Nebraska law and the applicable county zoning resolution. These rules and procedures shall not expand, diminish, or supersede the Board's statutory authority.

ARTICLE II - PURPOSE AND JURISDICTION

Section 1. Purpose

The purpose of the Board is to conduct impartial hearings and make decisions on matters properly brought before it under applicable state law and county zoning regulations.

Section 2. Jurisdiction

The Board shall consider only matters within its lawful jurisdiction, which may include:

- Appeals alleging errors in orders, requirements, decisions, or determinations made by an administrative official in enforcing applicable zoning regulations.
- Requests for interpretation of zoning maps when authorized by law and county regulations.
- Applications for variances when authorized by law and county regulations.
- Other matters expressly authorized by applicable Nebraska law.

The Board shall not decide matters assigned by law to the County Board, Planning Commission, zoning administrator, or another governmental body.

ARTICLE Ill -MEMBERSHIP AND TERMS

Section 1. Membership

The Board shall consist of five regular members and one alternate member, appointed as provided by Neb. Rev. Stat. § 23-168.01.

Section 2. Qualifications and Restrictions

Members shall satisfy all statutory qualifications. No member shall serve simultaneously as a member of the Deuel County Board of Commissioners or Board of Supervisors. One regular member shall be appointed from the membership of the County Planning Commission, as required by law.

Section 3. Terms

Members shall serve three-year terms, subject to applicable statutory requirements.

Section 4. Vacancies

Vacancies shall be filled by the appointing authority for the remainder of the unexpired term, in accordance with Nebraska law.

Section 5. Removal

Removal of a member shall be governed by applicable law, including any requirements for cause, written charges, and a public hearing.

Section 6. Alternate Member

The alternate shall attend meetings as provided by law and shall serve in place of a regular member who is unable to participate. The alternate's participation and voting status shall be documented in the minutes.

ARTICLE IV - OFFICERS AND DUTIES

Section 1. Officers

The Board shall elect a Chairperson and Vice-Chairperson from among its members, unless otherwise provided by law or county resolution.

Section 2. Election and Term

Officers shall be elected annually at the first regular meeting of each calendar year and shall serve until their successors are elected.

Section 3. Chairperson

The Chairperson shall:

- Preside over Board meetings and hearings.
- Maintain order and ensure that proceedings are conducted fairly.
- Recognize members and persons wishing to speak.
- Call meetings as authorized by law.
- Administer oaths and compel the attendance of witnesses when authorized by law.
- Sign official decisions and documents when required.

Section 4. Vice-Chairperson

The Vice-Chairperson shall perform the Chairperson's duties in the Chairperson's absence or inability to serve.

Section 5. Secretary / Recording Officer

The Board may designate the County Zoning Administrator or another qualified person to serve as Secretary or recording officer, subject to applicable Nebraska law and the County Zoning Resolution. The Secretary's duties shall be administrative and shall include preparing minutes, maintaining records, documenting votes, and filing official documents. The Secretary shall not advise the Board on the merits of a matter or participate in the Board's deliberations or decisions. If a matter concerns a decision, determination, or action previously made by the Zoning Administrator, the Secretary shall preserve and accurately maintain the record but shall not influence the Board's independent consideration of that matter. Nothing in this section authorizes the Secretary to exercise powers reserved to the Board or to interfere with the Board's independent judgment.

ARTICLE V - MEETINGS

Section 1. Regular Meetings

Regular meetings shall be held at dates, times, and locations established by the Board and consistent with applicable law.

Section 2. Special Meetings

Special meetings may be called by the Chairperson or as otherwise authorized by law and these bylaws.

Section 3. Public Meetings

All meetings and hearings shall be open to the public except as specifically permitted by applicable law. The Board shall comply with the Nebraska Open Meetings Act, including applicable notice, agenda, meeting location and record keeping requirements.

Section 4. Public Notice

Notice of meetings and public hearings shall be provided in the manner and within the time required by Nebraska law and the county zoning resolution.

Section 5. Quorum

A quorum shall be determined in accordance with applicable Nebraska law and the county zoning resolution. No official action shall be taken without the required quorum.

Section 6. Attendance

Members should attend all scheduled meetings and notify the Chairperson or Secretary when unable to attend.

ARTICLE VI - HEARING PROCEDURES

Section 1. Applications and Appeals

Applications and appeals shall be submitted in the form, manner, and time prescribed by the county zoning resolution and applicable law.

Section 2. Notice and Service

The Board shall ensure that required public notices and notices to interested parties are provided in accordance with applicable law.

Section 3. Order of Proceedings

Unless the Chairperson determines that a different order is necessary for fairness or efficiency, each hearing shall generally proceed as follows:

- Call the hearing to order and identify the matter.
- Confirm the required notice and identify the applicable legal authority.
- Receive the application, appeal, and supporting documents.
- Receive testimony and evidence from the applicant or appellant.
- Receive testimony and evidence from county staff, if applicable.
- Receive testimony from other interested persons.
- Allow appropriate questions and clarifications.

- Close the evidentiary portion of the hearing.
- Deliberate and make findings and a decision as required by law.

Section 4. Evidence and Testimony

The Board shall consider relevant evidence presented during the proceeding and maintain a record sufficient to support its decision. The Chairperson may establish reasonable procedures for testimony and questions, provided that the procedures comply with applicable law and protect each party's opportunity to be heard.

Section 5. Impartiality

Board members shall act impartially and base their decisions on the evidence, applicable law, and the county zoning resolution.

Section 6. Ex Parte Communications

Members shall avoid private communications concerning the merits of a pending matter outside the public proceeding. Any communication that must be disclosed under applicable law shall be disclosed on the record, and the Board shall take appropriate steps to protect procedural fairness.

Section 7. Continuances

A hearing may be continued when permitted by law. The Board shall announce the continued date, time, and location on the record and ensure that any additional notice required by law is provided.

ARTICLE VII - CONFLICTS OF INTEREST AND RECUSAL

Section 1. Disclosure

A member who has a personal, financial, professional, or other conflict that could affect impartiality shall disclose the matter promptly and on the record.

Section 2. Recusal

A member shall not participate in a matter when recusal is required by law. The basis for recusal and the members' nonparticipation shall be documented in the minutes.

Section 3. Fairness

Members shall not prejudge an application or appeal and shall avoid conduct that creates a reasonable appearance of bias.

ARTICLE VIII -VOTING AND DECISIONS

Section 1. Voting

Each eligible participating member shall vote on a matter unless abstention or recusal is legally required or otherwise permitted. The minutes shall accurately reflect each member's vote, absence, or failure to vote.

Section 2. Required Vote

The number of affirmative votes necessary to approve an appeal, variance, or other action shall be determined by applicable Nebraska law and the county zoning resolution. No action shall be approved unless the required vote is obtained.

Section 3. Findings of Fact

Every decision shall include written findings and conclusions sufficient to explain the basis for the Board's action and demonstrate compliance with applicable legal requirements.

Section 4. Written Decisions

The Board shall issue a written decision identifying the matter considered, the applicable authority, the material findings, the vote, and the disposition of the application or appeal.

Section 5. Conditions

Any conditions imposed on an approval shall be within the Board's legal authority, supported by applicable law, and clearly stated in the written decision.

Section 6. Finality and Appeals

The Board's decisions shall be filed and handled in accordance with applicable law. Any notice concerning judicial review or appeal shall accurately reflect the applicable statutory procedure and deadlines.

ARTICLE IX - RECORDS AND MINUTES

Section 1. Official Record

The Board shall maintain an official record for each matter, including the application or appeal, notices, evidence, exhibits, minutes, findings, and written decision.

Section 2. Minutes

Minutes shall reflect the proceedings and the vote of each member on every question. If a member is absent or does not vote, that fact shall be recorded.

Section 3. Filing and Public Access

Official records shall be filed with the appropriate county office as required by applicable Nebraska law and shall be maintained and made available in accordance with applicable public-records laws.

Section 4. Record Retention

Records shall be retained according to applicable Nebraska records-retention requirements and county policies.

ARTICLE X-PARLIAMENTARY PROCEDURE

Section 1. Rules of Order

The Chairperson shall conduct meetings in an orderly and impartial manner.

Section 2. Supplementary Procedures

Where these rules and procedures, state law, and the county zoning resolution do not address a procedural issue, the Board may use a recognized parliamentary authority as a supplementary guide, provided that it does not conflict with applicable law or the Board's quasi-judicial responsibilities.

ARTICLE XI - AMENDMENTS

Section 1. Amendments

These rules and procedures may be amended by a vote of the Board, subject to any approval or other procedure required by Nebraska law or the county zoning resolution.

Section 2. Notice

Proposed amendments shall be provided to Board members in advance of the meeting at which they will be considered.

Section 3. Legal Review

Proposed amendments affecting jurisdiction, voting requirements, hearing procedures, or statutory duties should be reviewed by the County Attorney before adoption.

ARTICLE XII - ADOPTION

These Bylaws/Rules and Procedures were considered and adopted by the Deuel County Board of Adjustment on the 12th day of November 2026.

Chairperson: _____

Signature: _____

Date: _____

Secretary: _____

Signature: _____

Date: _____