ACTION BY THE LAND USE AND EMINENT DOMAIN ADVISORY BOARD ADOPTING RULES OF ORDER AND PROCEDURE

RECITALS

WHEREAS, the Land Use and Eminent Domain Advisory Board ("Board") is an advisory body defined in UCA § 13-43-202, within the Office of the Property Rights Ombudsman; and

WHEREAS, Utah Code Ann. § 52-4-102 et. seq., Open and Public Meetings Act, require the Board to take its actions openly and conduct deliberations openly, unless statutory exceptions apply; and

WHEREAS, the Board desires to establish Rules of Order and Procedure that provide a systematic way of conducting its business, designed to provide orderly conduct of full, open, and comprehensive discussion of issues placed on the Board agenda for action in a forum open to the public, in accordance with both UCA § 13-43-202 and § 52-4-102 et. seq.

NOW, THEREFORE, the Board adopted and approved by majority vote at a duly held meeting on May 13, 2026, the Rules of Order and Procedure as follows:

Land Use and Eminent Domain Advisory Board
Rules of Order and Procedure

1. **Board Membership**

   Members of the Land Use and Eminent Domain Advisory Board (Board) shall be placed in accordance with UCA § 13-43-202, or amended code sections, as adopted into law.

2. **Quorum**

   Five Members of the Board constitute a quorum for conducting business.

3. **Election and Duties of Chair and Vice-Chair**

   a. Election: During the first regular meeting of each calendar year, the Board will elect a Chair from its number. Following the election of the Chair, the Chair will nominate a Board Member to serve as Vice-Chair. Both actions require a majority vote from the Board present at the meeting. Both the Chair and the Vice-Chair will serve until the end of their respective terms or until their successors are elected.

   b. Chair Duties: Among other duties approved by the Board, the Chair will perform the following:
      i. Approve the development of meeting agendas by the Office of the Property Rights

Ombudsman (Staff) in advance of board meetings, including coordinating the placement of any item requested by any Member of the Board for any specific meeting, all allowing for proper posting and noticing timelines to be met.

ii. Preside at all Board meetings.

iii. Call any special or emergency meetings that the Chair may deem necessary and appropriate.

iv. Ensure the integrity of the Board's processes and normally serve as the Board's official spokesperson.

v. Participate in the discussion of all matters before the Board.

vi. Vote as a Member of the Board, with no power to veto.

vii. Make only those interpretive decisions that fall within the topics covered by current Board policies regarding Board governance and Staff relationships, except where the Board specifically delegates portions of this authority to others, using any reasonable interpretation of the provisions in those policies. The Chair may not exercise any authority as an individual to direct actions of Staff, grantees, contractors, subcontractors, or other stakeholders to act outside the agreed-upon Board decisions or priorities.

viii. Represent the Board to outside parties in announcing Board-stated positions and in stating decisions and interpretations within the areas the Board has assigned to the Chair, delegating this authority to other Board Members, when appropriate, but remaining accountable for its use.

ix. Ensure that the Board's Rules of Procedure and Procedure are followed, including bearing the responsibility for:
   1. Maintaining the dignity of Board meetings.
   2. Calling meetings to order and confining the discussion to the agenda, including time limits to be given to a given subject or person before the Board.
   3. Recognizing Board Members for motions and statements and allowing staff and meeting attendees participation at appropriate times.
   4. Ensuring compliance with applicable meeting laws and standards.
   5. Coordinating with staff to ensure an accurate record of all Board meetings and actions.

c. <u>Vice-Chair Duties:</u> Among other duties approved by the Board, the Vice-Chair will act in the absence of the Chair and perform all official duties and functions that the Chair is empowered to perform when the Chair is absent.

4. Noticing

Staff will timely coordinate with the Chair to ensure the proper posting, noticing, and dissemination of all meeting materials in accordance with applicable meeting laws and regulations in effect at the time.

5. Meetings

a. General Meeting Procedures:

i. **Convening a Meeting:** The Chair will direct Staff to schedule regular meetings in advance, and any special or emergency meetings as needed. Staff will be responsible for posting meeting details publicly as required by law. At the appointed time, the Chair will call the meeting to order and conduct the meeting as stated on the agenda and in compliance with applicable laws and these Rules of Order and Procedure.

ii. **Agenda:** The meeting is governed by the agenda, and the agenda constitutes the Board's list of items for discussion and/or action. Final action may be taken on any item in the open meeting and on the agenda. A motion to amend the agenda may be made by a Board Member requesting a change in the order of the agenda. If seconded and the majority of the Board in attendance votes in favor, the agenda may be amended. At a minimum, the agenda shall provide for presentation, discussion, and/or action of:

- Previous Meeting Minutes
- Land Use Training Fund Application Reviews
- Administrative Matters and Reporting
- Additional Matters

iii. **Discussions, Motions, and Voting:** The Chair may invite the appropriate person, who may be Staff, a fellow Board Member, an applicant, or other invited person, to present information or provide input on each agenda item. Following presentations and discussion, if action is required for the agenda item, the Chair will entertain a motion made by any Board Member. If a motion is seconded by a Board Member, the Chair will then entertain a vote from all Board Members. The affirmative vote of five members is required to constitute the decision of the board on any matter. On any motion, if the voice vote is unclear, the entire vote shall be recorded as a roll call vote. Following the vote, the Chair shall announce the result and the action taken.

If reconsideration of a vote is desired, only a Board Member who is in the majority on a vote may make a motion to reconsider or rescind any action taken. Any Board Member may second the motion. If approved by a majority present, the original agenda item will be reconsidered or rescinded in the current meeting or placed on the next regularly scheduled or special meeting agenda for reconsideration and discussion.

After all agenda items have been conducted, the Chair shall either make or accept a motion to adjourn. If an adjournment is needed before all items on the agenda are considered, all remaining items will be added to the agenda for the next regularly scheduled meeting or may be considered at a special meeting, if requested by the Chair.

b. Public Comment:

Consistent with the Board's advisory function, public comment shall not be included as a regular item on meeting agendas. The Chair may, in the Chair's discretion, authorize placement of an individual or group on an upcoming agenda to provide comment, upon determining that the subject matter is germane to the Board's statutory duties and responsibilities. Public comment will be conducted in a manner intended to balance the public's right to be heard with the Board's responsibility to conduct orderly, timely, and efficient meetings.

c. Work Sessions:

The Chair may place a work session on any upcoming meeting agenda, preceding the regular agenda items. The work session may be informal and is intended for the Board to ask questions or receive input from Staff or others on agenda items or other matters. No final action will be taken on any item discussed during a work session.

d. Special or Emergency Meetings:

The Chair may schedule special or emergency meetings, as deemed appropriate for the situation, pursuant to Utah Code § 52-4-202.

e. Closed Meetings:

The Board may hold a closed meeting for certain purposes only, pursuant to Utah Code § 52-4-205. Any Board Member may make the motion to convene a closed meeting, and in the open meeting, will state the reasons for the motion. The motion must be seconded and consequently approved by a majority vote of the quorum present prior to convening the closed meeting. At the conclusion of the closed meeting discussion, the Chair will request a motion and a second to adjourn the closed meeting and return to the open meeting. A record of the closed meeting shall be maintained in accordance with Utah Code § 52-4-206.

6. Code of Conduct

Members of the Board, Staff, and visitors shall conduct themselves in a manner that promotes the integrity, effectiveness, and public trust of the Board's proceedings by adhering to the following standards:

a. Professionalism and Respect:

All meeting attendees will treat one another with courtesy, respect, and civility. Personal attacks, disruptive behavior, and discourteous conduct are prohibited.

b. Adherence to Law:

Members will comply with all applicable laws, including the Utah Open and Public Meetings Act, and will conduct Board business in an open and transparent manner as required by law.

c. Orderly Participation:

All meeting attendees will speak only when recognized by the Chair and will avoid interrupting others. Discussion will be confined to the matter under consideration.

d. Good Faith Deliberation:

Members will engage in discussions honestly and in good faith, with the intent of furthering the Board's advisory responsibilities.

e. Conflicts of Interest:

Members will disclose any actual or potential conflicts of interest and, where appropriate, abstain from participation in related discussions or votes.

f. Use of Position:

Members will not use their position for personal gain or to advance private interests inconsistent with the Board's public purpose.

g. Compliance with Direction of the Chair:

All meeting attendees will abide by the Chair's reasonable procedural rulings necessary to maintain order and efficiency during meetings.

h. Enforcement:

Failure to adhere to this Code of Conduct may result in action by the Board, including a warning, limitation of participation during a meeting, or other appropriate measures consistent with the Board's authority.

7. Situations Not Covered by the Adopted Rules of Order and Procedure

If a situation arises that is not addressed in these Rules of Order and Procedure, the Chair may apply Robert's Rules of Order, which will govern the process order.

8. Modification of Rules of Order and Procedure

To the extent these Rules of Order and Procedure conflict with any other state law or statute, the other law or statute will prevail. Staff, under the general direction of the Chair and Board, have discretion to prepare edits and/or to propose modifications to these rules or the procedures under these rules to the extent necessary to accommodate the needs of a particular situation or changes in the law. The adoption of these rules will not be deemed to confer any specific substantive or procedural rights upon any person participating in or at a Board meeting.

[signatures on next page]

Land Use and Eminent Domain Board

Brent N. Bateman (May 13, 2026 17:06:20 MDT)

Brent Bateman, Board Chairman

Attest:

Cynthia W Nelson

Cyndy Nelson, Administrative Secretary