

ORDINANCE NO.

1 AN ORDINANCE AMENDING CITY CODE SECTION 2-1-42 TO LENGTHEN
2 THE TERM LIMIT FOR BOARD OFFICERS; MODIFYING THE CITY'S
3 STANDARD BYLAWS FOR BOARDS; AND DECLARING AN EMERGENCY.
4

5 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
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7 PART 1. City Code Subsection 2-1-42(B) (*Officers and Committees*) is amended to
8 read as follows:

9 (B) A person may not serve as [~~the chair~~] an officer in a designated position of a
10 board for more than [~~two~~] three consecutive years one-year terms. Service before
11 July 31, 2008 is excluded in determining the number of years served. A person
12 who has served as an officer in a designated position of a board for three
13 consecutive terms is not eligible for re-election to that designated office until the
14 expiration of two years after the last date of the person's service in that office.

15 PART 2. Subsection (C), Article 4 (*Officers*) of the "Template for Standard City Board
16 Bylaws," as adopted in Ordinance 20080214-012 and modified by the Council Audit and
17 Finance Committee on September 23, 2008, is repealed and replaced to read as follows:

18 (C) The term of office shall be one year, beginning September 1 and ending
19 August 31. An officer may continue to serve until a successor is elected. A person
20 may not serve as an officer in a designated position of a board for more than three
21 consecutive one-year terms. A person who has served as an officer in a
22 designated position of a board for three consecutive terms is not eligible for re-
23 election to that designated office until the expiration of two years after the last
24 date of the person's service in that office.

25 PART 3. Each advisory board is directed to adopt amended bylaws that reflect the new
26 bylaw language at its first regular meeting after August 1, 2010.

27 PART 4. The council finds that the city's advisory boards will immediately elect
28 officers as required by each board's bylaws, which constitutes an emergency. Because of
29 this emergency, this ordinance takes effect immediately on its passage for the immediate
30 preservation of the public peace, health and safety.

PASSED AND APPROVED

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§
§

_____, 2010

Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
Acting City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

**BYLAWS OF THE
BOARD OF ADJUSTMENT
AND
SIGN REVIEW BOARD**

ARTICLE 1. NAME.

The name of the board is the Board of Adjustment. Under Section 2-1-181 (*Sign Review Board*) of the City Code, the members of the Board of Adjustment and two additional persons appointed by council are the Sign Review Board.

ARTICLE 2. PURPOSE AND DUTIES.

- (A) The purpose of the Board of Adjustment is to:
- (1) hear and decide a request for a variance from the requirements of Chapter 25-2 (*Zoning*), except as otherwise provided by the Code;
 - (2) hear and decide an appeal of an administrative action under Chapter 25-2 (*Zoning*);
 - (3) hear and decide on a request for a variance from the requirements of airport zoning regulations under Section 241.034, Local Government Code; and
 - (4) perform other duties prescribed by ordinance or state law.
- (B) The purpose of the Sign Review Board is to:
- (1) hear and decide a request for variance from the requirements of Chapter 25-10 (*Sign Regulations*);
 - (2) exercise the powers to revoke or suspend a sign registration under Section 25-10-236 (*Revocation and Suspension*); and
 - (3) advise the Council regarding Chapter 25-10 (*Sign Regulations*).

ARTICLE 3. MEMBERSHIP.

- (A) The Board of Adjustment is composed of seven members appointed by the city council. The council may appoint any number of alternate members to serve in the absence of a regular member.
- (B) The Sign Review Board is composed of nine members. The members and alternates of the Board of Adjustment shall serve as seven members of the Sign Review Board. Two additional members shall be appointed by the council under Section 2-1-181(A)(2) (*Sign Review Board*).
- (C) A member that was appointed to the Sign Review Board serves at the pleasure of the city council. A member that was appointed to the Board of Adjustment may be removed by the council for cause on a written charge after a public hearing.

- (D) Board members serve for a term of two years beginning August 1st on the year of appointment. A vacancy on the Board of Adjustment shall be filled for the unexpired term.
- (E) An individual board member may not act in an official capacity except through the action of the board.
- (F) A regular board member who is absent for three consecutive regular meetings or one-third of all regular meetings in a twelve month time period automatically vacates the member's position if the member was appointed to the Sign Review Board, and is subject to removal for cause if the member was appointed to the Board of Adjustment. This does not apply to an absence due to illness or injury if the member notifies the staff liaison of the reason for the absence no later than the next meeting of the board.
- (G) At each meeting, each board member shall sign an attendance sheet which indicates that the member does not have a conflict of interest with any item on that agenda, or identifies each agenda item on which the member has a conflict of interest.
- (H) A member who seeks to resign from the board shall submit a written resignation to the chair of the board, the staff liaison, or the city clerk's office. If possible, the resignation should allow for a thirty day notice so the city council can appoint a replacement.

ARTICLE 4. OFFICERS.

- (A) The officers of the board shall consist of a chair and a vice-chair.
- (B) Officers shall be elected annually by a majority vote of the board at the first regular meeting after August 1st. In the event a current officer becomes ineligible to serve as an officer, the board may hold an emergency election as needed.
- (C) The term of office shall be one year, beginning September 1 and ending August 31. An officer may continue to serve until a successor is elected. A person may not serve as an officer in a designated position of a board for more than three consecutive one-year terms. A person who has served as an officer in a designated position of a board for three consecutive terms is not eligible for re-election to that designated office until the expiration of two years after the last date of the person's service in that office.
- (D) A member may not hold more than one office at a time.

ARTICLE 5. DUTIES OF OFFICERS.

- (A) The chair shall preside at board meetings, appoint all committees, and represent the board at ceremonial functions.
- (B) In the absence of the chair, the vice-chair shall perform all duties of the chair.

ARTICLE 6. AGENDAS.

- (A) Two or more board members may place an item on the agenda by oral or written request to the staff liaison at least five days before the meeting.
- (B) The staff liaison shall prepare and distribute the agenda to the board members not less than 72 hours before the meeting.
- (C) Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 7. MEETINGS.

- (A) The board meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).
- (B) Board meetings shall be governed by Robert's Rules of Order.
- (C) The board may not conduct a closed meeting without the approval of the city attorney.
- (D) The regular meeting of the board shall be held on the second Monday of each month at 5:30 p.m., at City Hall unless otherwise determined by the board. If the regular meeting day is a holiday, the meeting will be held on the following Monday of the month.
- (E) The chair may call a special meeting, and the chair shall call a special meeting if requested by three or more members. The call shall state the purpose of the meeting. A notice of a special meeting must be in writing and sent to all members at least three days before the meeting.
- (F) Six members constitute a quorum of the Board of Adjustment for purposes of hearing and deciding on appeals and requests for variances under Article 2, Section (A). Otherwise, a majority of the maximum number of regular members under Article 3 constitutes a quorum.
- (G) If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting, then the meeting may not be held.
- (H) The affirmative vote of six members of the Board of Adjustment is required to grant an appeal or variance. The affirmative vote of six members of the Sign Review Board is required to suspend or revoke a registration. Otherwise, to be effective, a board action must be adopted by affirmative vote of not less than a majority of the maximum number of regular members under Article 3.
- (I) The chair has the same voting privilege as any other member.
- (J) The board shall allow any citizen to address the board on agenda items, except individual cases under Article 2(A)(1) through (3) and (B)(1) and (2). If a citizen requests in writing that a matter within the scope of the board's responsibilities other than a case under Article 2(A)(1) through (3) and (B)(1) and (2), the staff liaison shall place the matter on the agenda within a reasonable time. The chair may limit a speaker to three minutes.

- (K) The staff liaison shall prepare the board minutes. The minutes of each board meeting must include the vote of each member on each item before the board and indicate whether a member is absent or failed to vote on an item.
- (L) The Planning and Development Review Department shall retain all official board documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).
- (M) The chair shall adjourn a meeting not later than 10 p.m., unless the board votes to continue the meeting.

ARTICLE 8. COMMITTEES.

- (A) Each standing or special committee must be established by an affirmative vote of the board. Each committee shall consist of at least three board members appointed by the chair. A staff member shall be assigned to each committee by the director of the Planning and Development Review Department.
- (B) The board chair shall appoint a committee member as the committee chair, with the member's consent.
- (C) A majority of the total number of appointed members constitutes a quorum.
- (D) Each standing committee shall meet on a regularly scheduled basis at least quarterly.
- (E) Each standing committee shall make an annual report to the board at the January board meeting.
- (F) Committee meetings must be posted in accordance with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 9. PARLIAMENTARY AUTHORITY.

- (A) Except as otherwise provided in this article, the rules contained in the current edition of Robert's Rules of Order shall govern the board in all cases to which they are applicable, except when inconsistent with these bylaws or with special rules of order which the board or city council may adopt.
- (B) The Rules of Procedure for the Board of Adjustment and Sign Review Board shall not be subject to a motion to suspend the rules under §25 of Robert's Rules of Order.
- (C) A matter that the board has reconsidered under Article 4(G) of the Rules of Procedure for the Board of Adjustment and Sign Review Board is not subject to a motion to rescind or amend under §35 of Robert's Rules of Order.

ARTICLE 10. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Audit and Finance Committee.

The bylaws were approved by the Board of Adjustment and Sign Review Board at their meeting held on August 9, 2010.

Executive Liaison to the Board of Adjustment/Sign Review Board