



Board and Commission Council Committee Agenda Item Request

Name of Board or Commission: Board of Adjustment

Request Number: 20170313-N2

Description of item: Revision to Bylaws

Board or Commission Vote to refer item to Council: 11-0

Date of Approval of Request: March 13, 2017

Attachments: Yes No

If yes, please list the attachments: Suggested revision

Attest: Leane Heldenfels

Signature of Board/Commission Chair or Staff Liaison

MAYOR'S OFFICE USE ONLY

Council Committee Assigned:

- | | | |
|--|---|--|
| <input type="checkbox"/> Audit & Finance | <input type="checkbox"/> Housing & Community Development | <input type="checkbox"/> Planning & Neighborhood |
| <input type="checkbox"/> AE Utility Oversight | <input type="checkbox"/> Mobility | <input type="checkbox"/> Public Safety |
| <input type="checkbox"/> Economic Opportunity | <input type="checkbox"/> Open Space, Environment & Sustainability | <input type="checkbox"/> Public Utilities |
| <input type="checkbox"/> Health & Human Services | | |

Recommend a Fiscal Analysis be completed?

Recommend a Legal Analysis be completed?

Notes:

Mayor Signature & Date:

ARTICLE 8. COMMITTEES/WORKING GROUPS.

COMMITTEES

(A) The Board of Adjustment will have no committees.

(A) Each committee must be established by an affirmative vote of the board. A committee cannot meet until its creation is approved by the Council Audit and Finance Committee. 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 Development Services Department.

(C) The board chair shall appoint a board member as the committee chair, with the member's consent.

(D) A majority of the total number of appointed committee members constitutes a quorum.

(E) Each committee shall meet on a regularly scheduled basis at least quarterly.

(F) Each committee shall make an annual report to the board at the January board meeting.

(G) Committee meetings must be posted in accordance with Texas Government Code Chapter 551 (Texas Open Meetings Act).

(H) At each committee meeting, a committee member shall sign in on a sheet provided and shall indicate that the member has no conflict of interest with any item on the committee meeting agenda, or identify each agenda item on which the member has a conflict of interest.

WORKING GROUPS

(A) The board can determine the size of a working group but the number of board members serving on the working group must be less than a quorum of the board.

(B) A working group may designate a chair, with the member's consent, but is not required to do so.

(C) Quorum requirements do not apply to working groups.

(D) Staff support will not be provided for working groups.

(E) Working groups are not required to post their meetings in accordance with the 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 procedure 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. may be suspended under 22 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 is not subject to a motion to rescind or amend under 35 of Robert's Rules of Order.

- (c) The record before the Board at a public hearing on a variance, special exception, or administrative appeal is automatically incorporated into the decision sheet.

ARTICLE VI. PROHIBITION ON EX PARTE COMMUNICATIONS.

- (A) ***Quasi-Judicial Body.*** The BOA is a quasi-judicial body with authority to decide the rights of individual parties, subject to the requirements of state law and the Land Development Code. In deference to its decision-making role, no one other than City staff may contact a boardmember outside of a public hearing regarding a matter that is pending, or may in the future be pending, before the Board. All communications to the Board outside of a public hearing should be directed to the staff liaison.
- (B) ***Limitations on Outside Investigations.*** Members shall not individually investigate cases before the Board, other than routine site visits.
- (C) ***Disqualification.*** A BOA member that receives material information regarding a case that is not made available to other boardmembers is disqualified from participating in the case unless the member publicly discloses the information and its source at the earliest reasonable opportunity. A BOA member may disqualify him or herself if an applicant, interested party, or agent has sought to influence the member's vote other than in a public hearing or through documents made available at the public hearing.
- (D) ***Attendance of Required Witnesses.*** The chair may compel the attendance of witnesses at public hearings before the Board.