

Guidelines
of the
City of Bryan
BOARD OF ADJUSTMENT AND APPEALS

As adopted March 2011

ARTICLE 1- AUTHORITY

The Board of Adjustments and Appeals shall be constituted, have the powers and duties, and conduct all activities in accordance with Chapters 211 and 212 of the Texas Local Government Code, the City Charter, Chapter 2, Division 14, of the City of Bryan's Code of Ordinances, and these adopted Guidelines.

ARTICLE 2- PURPOSE AND FUNCTION

The duties and functions of the Board of Adjustments and Appeals are set forth in Chapter 2, Article III, Division 14, Section 2-401, Purpose, Duties and Functions, of the City of Bryan Code of Ordinances.

ARTICLE 3 – BOARD OF ADJUSTMENTS AND APPEALS ACTIVITY YEAR

The activity year for the Board of Adjustments and Appeals and the terms of membership shall be from January 1 - December 31.

ARTICLE 4 - MEETINGS

- A. Regular and Workshop Meetings of the board shall be held as requested and or scheduled at the time and location as posted in the public notice.
- B. Special meetings or workshops of the Board may be called by the Chair or upon request to the Chair.
- C. Each member shall be sent a written notice of the regular and workshop meetings which shall include an agenda listing all matters to be considered by the Board. Notices of the regular and workshop meetings shall be mailed to each member sufficiently in advance of each meeting to insure determination of the presence of a quorum of the Board's members and to permit study of the agenda by the members of the Board.
- D. A Board of Adjustments and Appeals meetings may be cancelled if not needed by the Chief Building Official or designee. All members of the Board will be notified of the cancellation.

ARTICLE 5 - BOARD MEMBERSHIP

- A. Board of Adjustments and Appeals member terms shall be in accordance with Chapter 2, Article III, Division 14, Section 2-403, Organization, of the City of Bryan

Code of Ordinances.

B. It is the policy of the City Council to replace any Board member appointed by the City Council if such appointee fails to attend at least two-thirds of the meetings of the Board for which that person was appointed for any six-month period during which the appointee is a member of the Board.

C. The Chief Building Official or designee shall be responsible for maintaining a record of attendance and reporting such information periodically to the City Manager. If an appointee fails to attend as required, the City Manager shall advise the City Council who will appoint a new person to such position.

ARTICLE 6 - ELECTION OF OFFICERS

A. At their first regular mandatory meeting in January each year the Board of Adjustments and Appeals shall:

1. Install new members as appointed by the City Council;
2. Nominate and elect a chair, and vice-chair.

B. Nomination for elective officers of the Board may be made by any member or members at the call of the presiding Chair. The election of new officers shall be by acclamation unless an election by ballot be requested by any member. Upon such request, the Chair shall order an election by ballot, appoint a teller to distribute ballots, collect and tabulate them and announce the results of the election. A simple majority of the votes cast will determine the elected officer.

ARTICLE 7 - DUTIES AND RESPONSIBILITIES OF OFFICERS

A. The Chair:

1. Shall preside over the meetings of the Board
2. Shall appoint committees
3. Shall sign all documents of the board
4. Shall see that all actions of the board are properly taken

B. The Vice-Chair:

1. Shall, in the absence, disability, or disqualification of the Chair, exercise or perform all the duties and be subject to all the responsibilities of the Chair
2. Shall have the power granted the Chair in the conduct of the Board's affairs in the Chair's absence.

C. The Departments of Building, Code, and Fire Services shall act as staff to the Board of Adjustments and Appeals.

D. The Chief Building Official or designated representative shall meet and work with the Board and shall assist in gathering data to the Chairman or to the proper committee.

E. The Chief Building Official or designee shall serve as secretary to the Board of Adjustments and Appeals and see that the minutes are properly recorded, maintained, and conveyed to the City Secretary.

F. Any vacancy in the office of Chair or Vice-Chair will be filled at the next regular or special meeting after a vacancy has been determined.

ARTICLE 8 - COMMITTEES

A. The Department of Building Services shall post the agendas for all regular, special, workshop and committee meeting of the Board of Adjustments and Appeals in accordance with the procedure outlined in the Open Record Act.

B. It shall be the duty of each member to review, investigate and report on all matters submitted to them by the Chair. In the discharge of all duties involving specific provisions and requirements of State Statutes and/or City Ordinances, the particular Committee involved shall perform in strict accordance with the provisions of such Statutes and Ordinances.

ARTICLE 9 - OFFICES OF THE BOARD OF ADJUSTMENTS AND APPEALS

A. The offices and headquarters of the Board of Adjustments and Appeals shall be in the office of the Chief Building Official or designee in such City of Bryan public building and in such space assigned to it.

B. All materials required by law are to be filed in the office of the Building Services Department for processing prior to consideration by the Board.

C. Deadline for the submittal of applications and supporting documents for placement on the agenda shall be established by the Chief Building Official or designee.

ARTICLE 10 - ORDER OF BUSINESS

A. The order of business conducted in regular meetings of the Board of Adjustments and Appeals or its committees shall be as follows:

1. Call to Order
2. Recognition of Affidavits for Conflict-of-Interest
3. Approval of minutes from previous meeting
4. Hear citizen
5. Regular Agenda Items
6. Future Agenda Items
7. Adjournment

ARTICLE 11 - RULES OF ORDER

A. Quorum

1. A quorum at any regular, or special meeting shall consist of four members of the Board as noted in Chapter 2, Division 14, Sec. 2-404 of the Code of Ordinances.

B. Voting

1. In the conduct of its affairs in regular and special meetings of the Board involving official action of the Board, every member of the Board, including the Chair, and Vice-Chair shall vote, unless abstaining from voting due to a conflict of interest.
2. Any member of the Board of Adjustments and Appeals who feels he or she has a conflict of interest shall file an affidavit of abstention with the City Secretary on any matter and shall refrain from discussion and voting on said items.
3. Any vote less than a unanimous vote shall be recorded such that the vote of each Board member is identified. In the event of an abstention, the abstaining member shall be reflected in the minutes.
4. In the event of an abstention, the reason for said abstention shall be specified and made part of the minutes.
5. Any action taken by a majority of the Board members present shall constitute an official action of the Board of Adjustments and Appeals.

ARTICLE 12 - CHANGES IN GUIDELINES

- A. These Guidelines may be amended at any meeting, of the board
- B. Roberts Rules of Order shall control the conduct of all meetings of the Board of Adjustments and Appeals.

ARTICLE 13 - FILING OF GUIDELINES

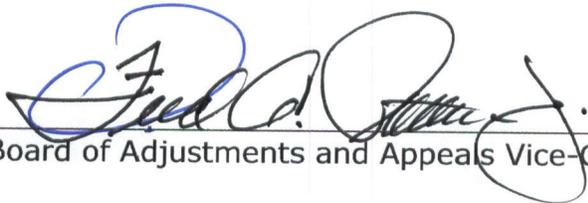
- A. These guidelines, and any subsequent amendments, upon approval, shall become part of the public record of the Board of Adjustments and Appeals meetings at which they are adopted.

Amended: _____

Attest:



Board of Adjustments and Appeals Chair



Board of Adjustments and Appeals Vice-Chair