

ORDINANCE NO. 2019-10-15-????

AN ORDINANCE AMENDING CHAPTER 46, ARTICLE II, DIVISION 3, SECTION 46-85 (BOARD OF ADJUSTMENT) MEMBERSHIP, APPOINTMENTS, GENERAL POWERS, ETC. IN ORDER TO REDUCE MEMBERSHIP FROM SEVEN (7) REGULAR MEMBERS TO FIVE (5) REGULAR MEMBERS PLUS ONE (1) SENIOR ALTERNATE MEMBER AND ONE (1) JUNIOR ALTERNATE MEMBER, PRESCRIBE ORDER OF AUTOMATIC ELEVATION, AND WHEN THE REGULAR, JUNIOR ALTERNATE, AND SENIOR ALTERNATE MEMBERS CAN AND CANNOT VOTE FOR AN ITEM BEFORE THE BOARD OF ADJUSTMENT; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS:

I.

That Chapter 46, Article II, Division 3 of the Revised Code of Ordinances, City of Elgin, Texas, 2013, is hereby amended to read as follows:

Sec. 46-85. - Membership, appointments, general powers, etc.

- (a) There is hereby created a board of adjustment consisting of ~~seven~~ five (5) regular members, one (1) senior alternate member, and one (1) junior alternate member. Each to be appointed by a majority of the city council for a term of two (2) years and removable for cause by the city council. Vacancies shall be filled by the appointment by the city council of a suitable person to serve out the unexpired term of any member whose place on the board has become vacant for any cause. The board of adjustment shall name one (1) member as chairperson and one (1) member vice-chairperson.
- (b) The board is hereby vested with power and authority, in appropriate cases and subject to appropriate conditions and safeguards to make such exceptions to the terms of this chapter in harmony with its general purpose and intent and in accordance with general or special rules therein continued for the purpose of rendering full justice and equity to the general public. The board may adopt rules to govern its proceedings; provided, however, that such rules are not inconsistent with this chapter. Meetings of the board shall be held at the call of the chairperson, who may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- (c) In situations where there is a lack of quorum for a Board meeting, the senior alternate member and then the junior alternate member is automatically elevated to regular member(s), in that order, only to satisfy quorum requirements.
- (d) Regular members can vote on any item. However, the alternate members shall only have the authority to cast a vote on an item when they are automatically elevated in accordance with subsection (c).

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ and **APPROVED** on this the 15th day of October, 2019.

CHRIS CANNON, Mayor
City of Elgin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary