

BYLAWS OF THE ZONING BOARD OF ADJUSTMENT

El Paso, Texas

Article 1. Purpose

The purpose of these bylaws is to provide general guidance to the Board in the performance of its duties as defined in the El Paso City Code, Chapter 2.16. As such, these bylaws shall be considered supplementary to the ordinance. No action of the Board which is otherwise valid shall be invalidated solely by reason of Board's failure to follow these bylaws.

Article 2. Officers

The officers of the Board shall be a Chair and a Vice-Chair. Their duties shall be those usually pertaining to their respective offices. The Chair shall preside at all meetings of the Board. In the absence of the Chair, the Vice-Chair shall preside. In the absence of the Chair and Vice-Chair, any regular member elected by the majority of the board members present and voting will act as Chair Pro-Tem. Officers shall be regular members of the Board. Officers shall serve one (1) year terms. Officers may serve consecutive terms without limit. The election of officers will take place at the first meeting in November of each year and shall be determined by a majority vote of those members present and voting. The Chair and Vice-Chair may be removed from office by a 2/3 majority vote of the entire Board. Vacancies in the Chair or Vice-Chair position shall be filled by a simple majority vote of the Board present and voting at any regular meeting.

The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Committee, shall restate questions coming before the Board as necessary for clarity, and shall announce the decision of the Board on all actions taken. All questions of order shall be decided by the presiding officer.

The Board shall be staffed by the City Development Department as designated by the Director for the City Development Department. The staff shall provide all members with a meeting schedule as established by the Board. The staff shall keep a written record of all meetings, resolutions, transactions, findings and determinations of the Board. The staff may present the recommendations of the Department or the City to the Board.

Article 3. Meetings

Regular meetings of the Board shall be scheduled on the second and fourth Monday of each month, beginning at 1:30 p.m., in the ~~City 3 Building, 801~~

~~Texas Avenue~~, City 1 Building, 300 N. Campbell Avenue, unless otherwise determined by the Board.

Special meetings may be called by the Chair, or in the absence of the Chair, by the Vice-Chair on five (5) days notice (oral or written) to all members.

All meetings shall be held in compliance with the Texas Open Meetings Act.

The minutes of the Board shall show the vote of each member on each question, or if absent or failing to vote, indicating such fact. The written records of the Board shall be public records and shall be available for inspection at the City Development Department.

Each regularly appointed member shall be entitled to one vote on any matter that may come before the Board. In the absence of the regular member, the alternate member appointed by the same council member as the regular member shall serve in the regular member's stead. In the absence of the regular member and the alternate member appointed by the same council member any other alternate member may serve as determined by the staff. Each qualified member of the Board, including the Chair, shall be entitled to vote on matters before the Board. A member may change their vote after the roll has been completed and before announcement of the result, but not thereafter.

The presiding officer of the Board may administer the following statement at the meeting:

"The Zoning Board of Adjustment of the City of El Paso is now in session. This Board is established under Article 211.008 of the Texas Local Government Code and Chapter 2.16 of the El Paso Municipal Code. In appropriate cases and subject to appropriate conditions and safeguards, this Board is empowered to make special exceptions or grant variances to the terms of the Zoning Ordinance that are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance.

Your application will be decided only after you have had the opportunity to present evidence before the Board for its consideration. Other parties interested in your case may also be heard at this time. No consultation among Board Members has been held in advance regarding your case. This Board does not act in an arbitrary manner. You may feel that this application of the Zoning Ordinance or Smart Code to your situation will result in a hardship to you, but this does not mean that this Board has the power to grant you relief unless the facts of your case are such that the Board must act on them.

You may be sure full consideration will be given to your case and following this hearing you will be promptly notified of the Board's decision."

Items scheduled for public hearing at a regular or special meeting of the Board shall be presented in the following manner:

1. The staff shall present the issue to the Board and may provide a recommendation of the City Development Department or the City. Following the staff presentation, questions may be raised by the Board and directed to staff.
2. The presiding officer will then ask the applicant to present a concise statement of the request. Following the applicant's presentation, questions may be raised by the Board and directed to the applicant or staff.
3. The presiding officer will then ask other individuals interested in doing so to address the Board on the issue. Following these presentations, questions may be raised by Board members and directed to the individuals, the applicant or staff.
4. The presiding officer may then call on the applicant for a rebuttal. Following the applicant's rebuttal, questions may be raised by Board members and directed to the applicant or staff.
5. At the completion of the discussion, the presiding officer shall then request a motion and a vote on the issue.

These procedures shall apply to regular or special meetings of the Board, but shall not apply to meetings for sub-committees of the Board.

Article 4. Rules

The Board hereby adopts the following procedural rules which shall govern meetings of the Board whenever procedure is not regulated by these Bylaws or by City Ordinance:

1. Every person desiring to speak shall address the presiding officer, shall be recognized by the presiding officer, and shall confine themselves to the question under consideration.

2. Every person shall have a reasonable opportunity to be heard at all public hearings of the Board in regard to matters to be considered at such hearings whose comments are germane and relative to the subject matter before the Board. And, provided, however, that the time allowed for each citizen's appearance before the Board may be limited to a fixed number of minutes at the discretion of the presiding officer.

3. A motion to table shall take precedence over all other motions, except the motion to adjourn, and a motion to table shall not be debatable.

4. A motion to reconsider any action taken by the Board may be made at any time prior to adjournment of the same meeting at which such action was taken.

Article 5. Ethics

Any member of the Board who has a personal or a financial interest in any specific matter presented before the Board shall excuse themselves from the deliberation and shall not participate in any action taken on that specific matter.

It is further declared to be the policy of the Board that, in the interest of fairness to the applicants appearing before the Board and those appearing in opposition to the issue, that no discussion shall be held by a member or members of this Board with the applicant or opposition concerning the application or other matter before the Board either at home or office, or in person, by telephone or by letter. All such discussions shall be held at the public meeting called for that purpose so that all members shall have the full benefit of such discussion. *Ex parte* communications are prohibited.

All actions taken by the Board members shall be in accordance with the Ethics Ordinance of the City of El Paso.

Proxies shall not be allowed.

Article 6. Amendments

The Board, by a majority vote of its full membership, may adopt, amend, or rescind these bylaws, after fourteen (14) days notice of the proposed change has been provided each regular and alternate member.

Adopted this _____ day of _____, _____.

_____, Chair

_____, Vice-Chair

_____, City Development Department