BYLAWS OF THE
BOARD OF ADJUSTMENT

ARTICLE 1. NAME.

The name of the board is the Board of Adjustment.

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 administration 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.

ARTICLE 3. MEMBERSHIP.

(A) The Board of Adjustment is composed of eleven 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) 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.

(C) Board members serve for a term of two years beginning March 1st on the year of appointment. A vacancy on the Board of Adjustment shall be filled for the unexpired term.

(D) An individual board member may not act in an official capacity except through the action of the board.

(E) A regular board member who is absent for three consecutive regular meetings or one-third of all regular meetings in a "rolling" twelve month timeframe automatically vacates the member's position subject to the holdover provisions in Section 2-1-27 of the City Code. This does not apply to an absence due to illness or injury of the board member, an illness or injury of a board member's immediate family member, active military service, or the birth or adoption of the board member's child for 90 days after the event. The board member must notify the staff liaison of the reason for the absence not later than the date of the next regular meeting of the board. Failure to notify the liaison before the next regular meeting of the board will result in an unexcused absence.

(F) 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. Failure to sign the sheet results in the member being counted as absent and his/her votes are not counted.

(G) 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 April 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 May 1st and ending April 30th. 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 four consecutive one-year terms. A person who has served as an officer in a designated position of a board for four 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. The board may override the term limit provision for an officer by an affirmative vote of two-thirds of the authorized board members.

(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, represent the board at ceremonial functions and approve each final meeting agenda.

(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. After first consulting with and receiving input from the staff liaison, the chair shall approve each final meeting agenda.

(B) The board liaison shall submit the meeting agenda through the online agenda posting system for each meeting 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 board shall meet monthly. In November of each year, the board shall adopt a schedule of the meetings for the upcoming year, including makeup meeting dates for the holidays and cancelled meetings.

(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 board may not call a meeting in addition to its regular scheduled meetings as identified in its adopted meeting schedule, more often than once a quarter, unless the meeting is required to comply with a statutory deadline or a deadline established by Council.

(F) Six members constitute a quorum, however, in order to approve a zoning variance or special exception, or to reverse an administrative decision on appeal, the following rules apply:

(i) The affirmative vote of three-fourths of all qualified voting members is required. If all positions have been appointed and no board member is disqualified from voting, the minimum number of votes required is 9 out of 11.

(ii) For purposes of calculating a required super-majority, the total number of positions excludes any vacancies (i.e., seats for which no appointment has been made) and members who are legally disqualified from voting on a particular case. For example, if one position is vacant and another position is held by a member who is legally required to recuse herself on a particular matter, then the required super-majority for that case would be 7 votes (i.e., three-fourths of 9, rounded to the nearest whole number).

(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) To be effective, a board action must be adopted by: (i) an affirmative vote of the number of members necessary to provide a quorum; or (ii) for zoning variances, special exceptions, and administrative appeals, a three-fourths supermajority as determined under Subsection (F) of this article.

(I) The chair has the same voting privilege as any other member.

(J) The board shall allow citizens 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 and during a period of time set aside for citizen communications. 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 city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The Development Services 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.

(N) Each person and board member attending a board meeting should observe decorum pursuant to Section 2-1-48 of the City Code.

(O) A member of the public may not address a board at a meeting on an item posted as a briefing.

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.

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 Austin City Council at their meeting held on May 19, 2016.

Leane Heldenfels

(Signature of Executive or Staff Liaison)

Staff Liaison

(Insert – Title -- Executive or Staff Liaison)