



# City of West University Place

*A Neighborhood City*



## BUILDING AND STANDARDS COMMISSION

### Rules of Procedure

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These rules of procedure for the Building and Standards Commission ("BSC" or "the Commission") of the City of West University Place, ("City") are adopted in accordance with the requirements of Subchapter C of Chapter 54 of the *Local Government Code* of the State of Texas (Subchapter C") and Chapter 18 of the Code of Ordinances of the City.

#### ARTICLE I

##### Rules Subordinate to Requirements of Law

The Rules of Procedures as herein set out are adopted as required by law and in the event of conflict with any provision of Subchapter C, said rules shall in all things be deemed superseded by such conflicting law.

#### ARTICLE II

##### Meetings

Regular meetings of the BSC shall be held at 6:00 P.M., on the first Thursday of each month. The City Manager with concurrence from the Chair may cancel any meeting of the BSC. Special meetings may be called by the Chair of the BSC or at the request of two commission members.

The BSC meetings may be conducted in accordance with *Robert's Rules of Order, Tenth Edition*, at the Chair's discretion. If any question arises as to procedure, the ruling of the Chair or, in his/her absence, the Vice-Chair shall be final.

Informal voice voting shall be used, unless a BSC member requests a roll call vote. Where there is a single vote on a group of items, under circumstances where no member requests a separate vote, the vote on the group is deemed to be the same as a separate, identical vote on each item.

The presiding officer will preserve order and decorum, preventing the impugning of any member's motives or other personal comments not relevant to the orderly conduct of business. The presiding officer shall request all speakers to keep comments brief and relevant to the question before the BSC. All remarks by members should be directed to the chair, not to other members. All persons present in the meeting room should eschew abusive, rude or inappropriate conduct.

Speakers at public sessions should limit their presentations to three minutes each. Speakers

should direct all remarks and questions to the presiding officer, who may refer them for investigation, response or other action. The *Texas Open Meetings Act* requires the City to post a notice, in advance, listing every topic or subject to be considered by the BSC. This law may prevent the BSC from considering a subject raised by a member of the public. In this case, the presiding officer may refer the matter and the BSC may direct that the matter be placed on the agenda for an upcoming meeting.

Any of the rules prescribed by this section may be suspended, for any single meeting, by a vote of three-fourths of the BSC members present.

### **ARTICLE III**

#### **Agenda**

The Recording Secretary is responsible for assembling the agenda for each meeting. The Recording Secretary must place a subject on the agenda if a formal application has been submitted or if requested by the Chair or by two or more commissioners.

Persons wishing to appear before the commission shall make formal application on Standard City of West University Place forms and file in the office of the Development Services, 3826 Amherst, West University Place. To be considered for placement on the Agenda of the next Regular Meeting, applications and fifteen (15) copies of all supporting documentation shall be received and docketed by the Recording Secretary (a) at least twenty-one (21) calendar days prior to the date of the next Regular Meeting if public notification is required or (b) at least fourteen (14) calendar days prior to the date of the next Regular Meeting if public notification is not required. All other Agenda items shall be submitted to the Recording Secretary by 12:00 noon ten (10) calendar days prior to the date of the Regular Meeting or in the case of a Special Meeting, 96 hours in advance of the Special Meeting.

The agenda items for each meeting shall be arranged in the following order:

- Introduction of Members
- Hearing of the Public
- Approval of Minutes
- Docketed Items
- Adjournment

The agenda shall be posted with the notice of meeting.

### **ARTICLE IV**

## **Selection of Chair and Vice-Chair**

Building & Standards Commission. The Selection of the Chair and the Vice-Chair shall be in accordance with the Ordinance No. 1751.

## **ARTICLE V**

### **Rehearing and Reconsideration of Cases**

The BSC shall have the jurisdiction to rehear and/or reconsider cases previously decided. Any person seeking rehearing and/or reconsideration of a case shall file a written motion addressed to the Commission, specifying the grounds for rehearing and/or reconsideration. The Commission shall review all motions properly filed and may schedule a formal oral hearing. Cases shall be placed on the Agenda per ARTICLE III.

## **ARTICLE VI**

### **Quasi-Judicial Enforcement Cases Under Subchapter C**

(a) *Subchapter C cases.* This Article only applies to quasi-judicial enforcement cases under Subchapter C of Chapter 54 of the Texas Local Government Code.

(b) *Initiation of cases.* The Building Official of the City shall initiate and prosecute before the BSC all cases initiated by the City. Any other person desiring to have a case prosecuted before the BSC must first file the case with the Building Official on such forms or in such format as from time to time prescribed by the Building Official. The Building Official shall determine if probable cause exists to prosecute the case before the BSC. If probable cause is found to exist, the Building Official shall initiate the case by filing a petition or complaint with the Recording Secretary. If it is determined that no probable cause exists, no further action shall be taken on the complaint. If for any reason the person initiating the complaint disagrees with the decision of the Building Official, an appeal may be taken to the City Manager.

(c) *Docketing cases.* The Recording Secretary shall set cases on the Commission's docket as they are filed by the Building Official.

(d) *Notices.* Notices of Subchapter C cases shall be given by the Recording Secretary as provided for in Subchapter C.

(e) *Panel.* The BSC is a commission of record and quasi-judicial body as provided for in Subchapter C. All cases heard by the commission must be heard by a panel of at least four members.

(f) *Records.* The Recording Secretary shall be responsible for keeping all records of

proceedings before the BSC. The Recording Secretary shall provide certified copies of the proceedings of the BSC upon payment of such cost as from time to time established by the City.

(g) *Witnesses.* All witnesses and interested persons wishing to speak will be sworn by oath prior to the commencement of any case before the Commission.

(h) *Parties.* A party in interest shall be defined as the Building Official; the owner, mortgagee, or mortgagor of the property which is the subject of a case before the Commission; and any other party who demonstrates a justifiable interest in the case and is admitted by the Commission as a party. Any party may be represented by counsel or other representative.

(i) *Order of proceedings at hearings.* The normal order of proceedings for Subchapter C hearings is as follows:

- (1) Call to order and administration of oaths to witnesses
- (2) Presentation by the Building Official
- (3) Receipt of written comments, protests, etc.
- (4) Presentation by other parties in interest (and presentations by members of the public, if time allows and the Commission grants permission for good cause shown).
- (5) Response by the Building Official (limited to issues raised by other presentations, written comments, etc.)
- (6) Incorporation of testimony, exhibits, etc. into record and close of hearing.

Members of the BSC may pose questions to each witness. Other persons may submit written questions to be asked by the Chair, at the Chair's discretion. If requested by written motion and supported by a showing of good cause and true need, the BSC may allow direct cross-questioning. A hearing may be adjourned from time to time and from place to place. After completion of the hearing, the Chair shall close the hearing. (Note: The Commission will usually deliberate later during the same meeting, but may do so at a later meeting.)

(j) *Decision.* The Commission may impose conditions or time limitations on any decision reached, as well as directing any peace officer under its jurisdiction to carry out its orders. The decision of the Commission shall be in the form of an order. All orders, supplements, or amendments thereto must be affirmatively passed by at least four members of the Commission voting in favor. Certified and/or photocopies shall be mailed and noticed in accordance with law.

## ARTICLE VII

### Non-Subchapter-C Cases

(a) *Non-Subchapter C Cases.* In addition to hearing cases pursuant to Subchapter C, the Commission has other duties and responsibilities under Chapter 18 in discharging such obligations. These functions include: deciding appeals from administrative actions, acting on variances and issuing advisory opinions.

(b) *Initiation of cases.* Cases may be initiated as provided in Chapter 18 or other ordinances of the City, typically by a person appealing from a decision of a City official or a person seeking a variance or interpretation. A City official may initiate a non-Subchapter C case.

(c) *Docketing cases.* The Recording Secretary shall set cases on the Commission's docket as they are filed.

(d) *Notices.* Notices shall be given by the Recording Secretary as required by Chapter 18, and otherwise as prescribed by the Building Official or the Commission.

(e) *Panel.* The BSC is a quasi-judicial body. Non-subchapter-C cases must be heard by a panel of at least three members.

(f) *Records.* The Recording Secretary shall be responsible for keeping all records of proceedings before the BSC. The Recording Secretary shall provide certified copies of the proceedings of the BSC upon payment of such cost as from time to time established by the City.

(g) *Witnesses.* Upon request of a party and a showing of good cause, witnesses and interested persons wishing to speak will be sworn by oath prior to the commencement of a hearing before the Commission.

(h) *Parties.* A party in interest shall be defined as the owner, mortgagee, or mortgagor of the property which is the subject of a case before the Commission; any City official whose decision is in question; the applicant (if different from the above); and any other party who demonstrates a justifiable interest in the case and is admitted by the Commission as a party. Any party may be represented by counsel or other representative.

(i) *Order of proceedings at hearings.* The normal order of proceedings for non-Subchapter C hearings is as follows:

- (1) Call to order and administration of oaths to witnesses
- (2) Presentation by the applicant
- (3) Receipt of written comments, protests, etc.
- (4) Presentation by other parties in interest (and presentations by members of the public, if time allows and the Commission grants permission for good cause shown).

- (5) Response by the applicant (limited to issues raised by other presentations, written comments, etc.)
- (5) Incorporation of testimony, exhibits, etc. into record and close of hearing.

Members of the BSC may pose questions to each witness. Other persons may submit written questions to be asked by the Chair, at the Chair's discretion. If requested by written motion and supported by a showing of good cause and true need, the BSC may allow direct cross-questioning. A hearing may be adjourned from time to time and from place to place. After completion of the hearing, the Chair shall close the hearing. (Note: The Commission will usually deliberate later during the same meeting, but may do so at a later meeting.)

(j) *Decision.* The Commission may impose conditions or time limitations on any decision reached, as well as requesting assistance from City officials to carry out its decisions. All decisions, supplements, or amendments thereto must be affirmatively passed by a simple majority of those present and voting. Certified and/or photocopies shall be mailed and noticed in accordance with law.

(k) *Recommendations.* The Commission may further make recommendations to the City Council as to any needed modifications, amendments and changes in the Code of Ordinances of the City.

## ARTICLE VIII

### Amendments

These rules may be amended at any time by a majority of the entire Commission if proper notice of an intent to amend is given in accord with the Texas Open Meetings Act, and such amendment, unless otherwise stated in the amending motion, shall take effect immediately.

PASSED AND APPROVED by the BSC on June 2nd, 20 11.

Attest:

Approved:

Josie M. Hayes

B. Bryant King Jr