

# ARTICLE IV. - BOARDS, COMMISSIONS, AGENCIES AND AUTHORITIES<sup>[4]</sup>

Footnotes:

--- (4) ---

**State Law reference**— Building and standards commissions, V.T.C.A., Local Government Code § 54.033 et seq.; development boards, V.T.C.A., Local Government Code § 371.001 et seq.; municipal planning commissions, V.T.C.A., Local Government Code § 371.042 et seq.

## Contents

ARTICLE IV. - BOARDS, COMMISSIONS, AGENCIES AND AUTHORITIES <sup>[4]</sup> .....	1
DIVISION 1. - GENERALLY.....	1
DIVISION 2. - PLANNING AND ZONING COMMISSION.....	2
DIVISION 3. - BOARD OF ADJUSTMENT .....	5
DIVISION 4. - RESERVED <sup>[5]</sup> .....	8
DIVISION 5. - RESERVED <sup>[6]</sup> .....	8
DIVISION 6. - ETHICS REVIEW COMMISSION.....	8
DIVISION 7. - HISTORICAL LANDMARK COMMISSION .....	9
DIVISION 8. - BUILDINGS AND STANDARDS COMMISSION .....	11

### DIVISION 1. - GENERALLY

Sec. 2-115. - Meeting procedure.

- (a) *Applicability.* This section applies to all meetings of all the city's boards and commissions and other similar entities.
- (b) *Robert's Rules.* Members of all city boards and commissions shall observe the parliamentary procedures as found in Robert's Rules of Order, Newly Revised, except as otherwise provided in official city procedural rules or by law.
- (c) *Suspension of rules.* Procedural rules may be suspended at any meeting by majority vote of the members present.
- (d) *Compliance with ethics code and procedural rules.* Members shall be expected to model the city code of ethics and to follow Robert's Rules of Order.

- (e) *Disciplinary actions for violations.* If a member violates Robert's Rules of Order during a meeting, the following disciplinary procedures shall be enforced:
- (1) The presiding officer or any member shall ask for a recess (not to exceed ten minutes) and the presiding officer and second officer shall confer privately with the offending member. If the offending member is the presiding officer, any member may assume that position for purpose of enforcing this policy.
  - (2) If the offending member continues to be in violation, a public warning shall be issued in open meeting by the presiding officer or if the presiding officer is the offending member by any member.
  - (3) If the offending member persists, any member of the council or board or commission may call for public censure and removal of the offending member from that meeting, which shall require a two-thirds vote of the members present.

(Ord. No. 304, §§ 1—4, 7-5-2012; Amd. No. 1, § I(1)—(4), 6-13-2013; Ord. No. 320, § 2, 8-15-2013; Amd. No. 1, § 2, 10-24-2013)

**State Law reference**— Meetings of municipal government bodies, V.T.C.A., Local Government Code § 22.038; open meetings, V.T.C.A., Government Code § 551.001 et seq.; authority of governing body to compel attendance of councilmembers, V.T.C.A., Local Government Code § 22.038.

Secs. 2-116—2-143. - Reserved.

## **DIVISION 2. - PLANNING AND ZONING COMMISSION**

Sec. 2-144. - Created.

The city has created a planning and zoning commission for the purpose of researching and establishing building codes, zoning codes, subdivision planning, and all other relevant building standards for construction and reconstruction within the city limits.

(Ord. No. 147, § I, 1-19-1993; Ord. No. 321, § 3, 8-15-2013)

Sec. 2-145. - Members; terms.

- (a) The planning and zoning commission shall consist of seven members who shall serve for terms of two years. Two alternate members shall also be appointed to serve for terms of two years. No members of the city council may serve on the planning and zoning commission.
- (b) The members of the planning and zoning commission and alternates shall be appointed by the mayor and city representatives Places 1, 2, 3, 4, and 5.
- (c) It is the intent of this division to further provide for staggered terms of the membership. Therefore, during the initial term of the members, those members appointed as mayor's appointment A and by city representatives Places 1, 3, and 5 and shall serve for a period of two years. Those members appointed as mayor's appointment B and by city representatives Places 2 and 4 shall serve for a term of one year. Alternate members, appointed by the mayor, shall serve for a period of two years.
- (d) The duties, powers and authorities of members of the planning and zoning commission shall be as outlined in section 2-150. Alternate members shall be on call to serve only when a regular member of the commission is not able to serve.
- (e) Appointed members shall not be eligible to appointment or transfer to fill another planning commission place until the term of their originally appointed places expires.

- (f) Appointed members shall not be eligible to appointment or transfer to fill another planning commission place until the term of their originally appointed places expires.
- (g) At the end of each initial term, all future members shall be appointed for two-year terms.

(Ord. No. 147, § II(C)(1), (4), (5), 1-19-1993; Ord. of 1-5-1995, § I; Ord. No. 321, § 3, 8-15-2013; Amd. No. 1, § I, 1-5-1995)

Sec. 2-146. - Nepotism.

No commissioner may hold office if he is related within the second degree by affinity or the third degree by consanguinity to members of the city council, mayor, or city officials and pursuant to the city Charter.

(Ord. No. 147, § II(C)(2), 1-19-1993; Ord. of 1-5-1995, § I; Ord. No. 321, § 3, 8-15-2013)

Sec. 2-147. - Conflict of interest.

- (a) No member of the commission, council or any officer or employee of the city shall have a financial interest, direct or indirect, in any contract with the city, or in the sale to the city, or to a contractor supplying the city, of any land or rights or interests in any land, material, supplies, or service except on behalf of the city as an officer or employee.
- (b) Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the city found guilty thereof shall forfeit his office or position. Any violation of this section with the knowledge, expressed or implied, of the person or corporation contracting with the city shall render the contract voidable by the city manager or the city council.

(Ord. No. 147, § II(C)(3), 1-19-1993; Ord. of 1-5-1995, § I; Ord. No. 321, § 3, 8-15-2013)

Sec. 2-148. - Removal of members.

Members of the commission may be removed by the nominating member of city council for any reason at any time by posting the removal and announcing same into the record of any city council meeting.

(Ord. No. 147, § II(A), 1-19-1993; Ord. of 1-5-1995, § I; Ord. No. 321, § 3, 8-15-2013)

Sec. 2-149. - Funding.

The commission may spend public funds in conformity with the adopted city budget for compiling statistics, conducting studies and formulating plans relative to the future growth and development of the city by such planning and zoning commission with such expenditures to be governed by the city adopted budget.

(Ord. No. 147, § II(D), 1-19-1993; Ord. of 1-5-1995, § I; Ord. No. 321, § 3, 8-15-2013)

Sec. 2-150. - Duties, powers and authority.

- (a) The planning and zoning commission shall have the duty, power and authority to:
  - (1) Recommend the employment of engineers, clerks, secretaries, field personnel, and administrative personnel as are necessary to formulate, prepare and design an organized master plan and building codes for the areas designated and the construction and reconstruction occurring therein.
  - (2) Prepare, formulate, design and recommend an organized master plan and building codes for the city, including, but not limited to, highway design, street layout, park layout, schooling areas, residential areas,

business areas, commercial areas, industrial areas and water reservoir areas, for the orderly growth of the areas, with such plan and codes to be approved by city council.

- (3) Make aerial photographs, land surveys, and topography studies to facilitate such planning.
- (4) Keep and maintain a complete record of all activities, meetings, expenditures, and plans.
- (5) Make regular reports of income, expenditures, accounts, and progress reports to city council.
- (6) Make all records, minutes, books, accounts and meetings open to the public for attendance and examination.
- (7) Make all reports, accounts and records as may be required by city council.
- (8) Perform any other duties or provide any other reports to city council which city council may request by resolution or ordinance.
- (9) Recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, in addition to recommending building codes and subdivision planning for all construction and reconstruction within the city limits.
- (10) Review and make recommendations to the city council regarding the adoption and implementation of a master plan and comprehensive plan, or elements or portions thereof prepared under the authorization of the city council.
- (11) After a master plan and comprehensive plan or element or portion thereof has been adopted in conformity with this division, review and make recommendations to the city council on all amendments to such plans or elements or portions thereof.
- (12) Review and make recommendations to the council on all proposals to adopt or amend land development regulations for the purpose of establishing the relationship of such proposal to, and its consistency with, the adopted master plan, and comprehensive plan or elements or portions thereof. (For purposes of this section, the term "land development regulations" includes zoning, subdivision, building and construction codes, environmental, including water conservation, and other police power regulations controlling, regulating, or affecting the use or development of land.)
- (13) Exercise control over planning and subdividing land within the corporate limits and extraterritorial jurisdiction of the city to ensure the consistency of any such plats or subdivision with the ordinances and master plan and comprehensive plan or element or portion thereof.
- (14) Exercise control over the zoning of land and land uses within the corporate limits of the city to ensure the consistency of any such land use with the adopted master plan and comprehensive plan or element or portion thereof.
- (15) Monitor and oversee the effectiveness and status of the master plan and comprehensive plan and recommend annually to the city council any changes in or amendments to the master plan and comprehensive plan as may be desired or required.
- (16) Submit annually to the city manager, not less than 150 days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the commission are necessary or desirable to implement the adopted master plan and comprehensive plan or element or portion thereof during the forthcoming five-year period.
- (17) Prepare periodic evaluations and appraisal reports on the master plan and comprehensive plan which shall be sent to the city council at least once every five years after the adoption of the master plan and comprehensive plan or element or portion thereof.
- (18) Act as an advisory body to the city council and perform such additional duties and exercise such additional powers as may be prescribed by ordinance of the city council and consistent with the intent of the city Charter.
- (19) Make preliminary reports and hold public hearings thereon before submitting its recommendations to city council.

- (b) The city council shall not hold its public hearings or take action until it has received the final written report of such commission; provided, however, city council and the planning and zoning commission may hold joint public hearings after public notice is given as required by state law, but in no instance may city council take action until it has received the final written report from such planning and zoning commission.

(Ord. No. 147, § II(C), (E), (F), 1-19-1993; Ord. of 1-5-1995, § I; Ord. No. 321, § 3, 8-15-2013)

Sec. 2-151. - Authority to recommend changes to zoning map.

Any changes on the zoning map shall be determined by the planning and zoning commission after public hearing with the approval of the city council. No change, of any nature, shall be made in the official zoning map or material shown thereon, except in conformity with the procedure set forth in the city Charter and state law.

(Ord. No. 147, § II(A), 1-19-1993; Ord. of 1-5-1995, § I; Ord. No. 321, § 3, 8-15-2013)

Secs. 2-152—2-170. - Reserved.

### **DIVISION 3. - BOARD OF ADJUSTMENT**

Sec. 2-171. - Created.

The city has created a city board of adjustment pursuant to the city Charter and V.T.C.A., Local Government Code § 211.008.

(Ord. No. 144, § I, 10-19-1992; Ord. No. 321, § 4, 8-15-2013)

Sec. 2-172. - Members, alternates, terms, qualifications.

- (a) The board of adjustment shall consist of seven members who shall serve for terms of two years. No members of the city council may serve on the board of adjustment. No member of the board of adjustment may hold any other city office.
- (b) The members of the board of adjustment shall be appointed by members of the city council to the following places:
  - (1) Place 1—District 1.
  - (2) Place 2—District 2.
  - (3) Place 3—District 3.
  - (4) Place 4—District 4.
  - (5) Place 5—At large.
  - (6) Place 6—Mayor.
  - (7) Place 7—Mayor.
- (c) Two alternate members may be appointed by the mayor and they shall serve in the absence of regular members when requested. Terms for alternates shall be two years.
- (d) Each member and alternate appointed to the board of adjustment shall continue to serve on the board beyond their term until that member or alternate is reappointed or a new member or alternate is appointed by the city council or the mayor.
- (e) A vacancy on the board shall be filled for the unexpired term.

(Ord. No. 144, § II, 10-19-1992)

Sec. 2-173. - Removal of members.

A member may be removed for cause as found by the appointing authority, on a written charge after a public hearing.

(Ord. No. 144, § II, 10-19-1992; Ord. No. 321, § 4, 8-15-2013)

Sec. 2-174. - Authority, jurisdiction and quorum.

(a) The board of adjustment may:

- (1) Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance.
- (2) Hear and decide special exceptions to the terms of the zoning ordinance when the ordinance requires the board to do so.
- (3) Authorize, in specific cases, a variance from the terms of the zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.

(b) In exercising its authority, the board of adjustment may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the board has the same authority as the administrative official.

(c) All cases presented to the board of adjustment shall be heard by at least six members or alternates. The concurring vote of six members and alternates shall be necessary to reverse any order, requirement, decisions or determination of any administrative official of the city or to decide in favor of any applicant on any matter, or to authorize a variance from the terms of the zoning ordinance.

(d) The concurring vote of 75 percent of the members (six members) of the board is necessary to reverse an order, requirement, decision, or determination of an administrative official; decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or authorize a variation from the terms of a zoning ordinance.

(Ord. No. 144, § III, 10-19-1992; Ord. No. 321, § 4, 8-15-2013)

Sec. 2-175. - Appeals.

(a) Any of the following persons may appeal to the board of adjustment a decision made by an administrative official that is not related to a specific application, address, or project:

- (1) A person aggrieved by the decision; or
- (2) Any officer, department, board, or bureau of the municipality affected by the decision.

(b) Any of the following persons may appeal to the board of adjustment a decision made by an administrative official that is related to a specific application, address, or project:

- (1) A person who:
  - a. Filed the application that is the subject of the decision;
  - b. Is the owner or representative of the owner of the property that is the subject of the decision;
  - c. Is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or
- (2) Any officer, department, board, or bureau of the municipality affected by the decision.

- (c) The appellant must file with the board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. The appeal must be filed not later than the 20th day after the date the decision is made. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed.
- (d) The board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed.

(Ord. No. 144, § IV, 10-19-1992; Ord. No. 321, § 4, 8-15-2013; Ord. No. 476, § 1, 9-5-2019)

Sec. 2-176. - Rules of procedure.

The following rules are established for the board of adjustment but it is expressly understood that the board shall establish its own rules or modify these rules as required. Until such time that new rules are adopted by the board it shall be presumed that these rules are those agreed to and adopted by the board:

- (1) Meetings of the board shall be held at a regular date, time and place as determined by the board. Special meetings may be called by the board or chairperson.
- (2) All meetings of the board shall be open to the public and shall be in compliance with the state open meetings law.
- (3) A chairperson shall be selected from among the board membership.
- (4) The board shall designate a secretary to keep records and minutes, to prepare and post notices of meetings, and to keep appropriate forms for persons to bring an appeal to the board.
- (5) The board shall keep minutes of its proceedings to indicate the vote of each member on each question or the fact that a member is absent or fails to vote.
- (6) The board shall keep records of its examinations and other official actions.
- (7) The minutes and records shall be filed immediately in the board's office and are public record.
- (8) The board must set a reasonable time for each appeal hearing, and, in addition to the public notice of the hearing, must give written notice to the parties in interest by certified letter.
- (9) The chairperson or acting chairperson may compel the attendance of witnesses by establishing a procedure to subpoena witnesses as authorized by law.
- (10) All witnesses shall testify under oath administered by the chairperson or acting chairperson and are subject to cross examination.
- (11) All appeals shall be decided within a reasonable time.

(Ord. No. 144, § V, 10-19-1992; Ord. No. 321, § 4, 8-15-2013)

Sec. 2-177. - Applications to the board; fees.

All applications to the board will be in writing on forms prescribed by the department of public inspection and shall be accompanied by the fee in the amount provided in the city fee schedule to help defray the cost of publication, the giving of notice and general expense in connection with the appeal. Before acceptance, all applications submitted shall be complete in all details.

(Ord. of 11-1-1993, § IV; Amd. No. 1, 11-1-1993; Amd. No. 2, 10-21-1994)

Secs. 2-178—2-207. - Reserved.

## **DIVISION 4. - RESERVED<sup>5</sup>**

Footnotes:

--- (5) ---

**Editor's note**— Ord. No. 393, § 2, adopted July 21, 2016, repealed Div. 4, §§ 2-208—2-212, which pertained to the parks and recreation board, and derived from Ord. No. 303, § 4, adopted May 17, 2012; and Ord. No. 321, § 6(A)—(K), adopted Aug. 15, 2013.

Secs. 2-208—2-232. - Reserved.

## **DIVISION 5. - RESERVED<sup>6</sup>**

Footnotes:

--- (6) ---

**Editor's note**— Ord. No. 386, § 3, adopted April 21, 2016, repealed Div. 5, §§ 2-233—2-239, which pertained to the museum commission, and derived from Ord. No. 252, art. I, adopted June 1, 2006; and Ord. No. 321, §§ 1, 2, adopted Aug. 15, 2013.

Secs. 2-233—2-256. - Reserved.

## **DIVISION 6. - ETHICS REVIEW COMMISSION**

Sec. 2-257. - Established; members.

- (a) In order to assist the city council, the city has created an ethics review commission. All members shall be residents of the city and shall serve without compensation.
- (b) The commission shall be composed of seven appointees who shall serve four-year terms. All terms of office shall expire on December 1 on a staggered basis. Each member shall serve until his successor is appointed.
- (c) No member shall hold any city elected office or be appointed to any position governed by this division or be a candidate for any such office or position. A member may contribute to a city political campaign, but to the extent this prohibition is consistent with state law, no member shall participate in any city political campaign or in a campaign relating to a referendum or other ballot issue in the city.
- (d) One commissioner shall be appointed by each member of the city council and two members shall be appointed by the mayor. Appointments shall be as follows:
  - (1) Place 1—District 1.
  - (2) Place 2—District 2.
  - (3) Place 3—District 3.
  - (4) Place 4—District 4.
  - (5) Place 5—At large.
  - (6) Place 6—Mayor.
  - (7) Place 7—Mayor.
- (e) Commissioners may be removed by the nominating member of city council for any reason at any time by posting the removal and announcing same into the record of any city council meeting.



- (f) The ethics review commission shall select from among its members a chair and a vice-chair and shall adopt, subject to the approval of city council, such rules governing its proceedings as it may deem proper. Such rules and regulations must be consistent with the ordinances of the city and shall parallel, to the extent possible, the rules adopted by city council to govern its own meetings.
- (g) The ethics review commission shall serve as an advisory body to the mayor and city council on matters concerning ethics in government of the city.
- (h) The commission shall be assigned staff by the city council to assist in its duties as the city council deems it to be necessary. The ethics review commission appointees are subject to this division, including the provisions on governing financial interests, restrictions on post-employment and penalties.

(Ord. No. 214, § 2, 11-2-2000; Ord. No. 321, § 9, 8-15-2013)

Secs. 2-258—2-265. - Reserved.

## **DIVISION 7. - HISTORICAL LANDMARK COMMISSION**

Sec. 2-266. - Established.

- (a) The city has established the historic landmark commission (HLC). To the extent possible, the city council shall appoint members to the HLC who have a background in architecture, urban design, history, or similar professions, or have an interest in historic preservation. Members of the HLC must be residents of El Paso County.
- (b) The purpose of the HLC shall be as follows:
  - (1) To review and approve historical sites as provided in Article XIII of the City Charter;
  - (2) To ensure the protection, enhancement, preservation and use of historic areas, places, buildings and structures as provided in Chapter 20 of this Code;
  - (3) To establish policy and direction for the city museum and to work towards the establishment of same through the city, surrounding county, state, and federal governments, the city community, and the general public; and
  - (4) To collect, preserve, and exhibit objects valuable to the art and history of the city community.
- (c) The commission consists of seven members appointed to four-year terms by the members of the city council as follows:
  - (1) Place 1—District 1.
  - (2) Place 2—District 2.
  - (3) Place 3—District 3.
  - (4) Place 4—District 4.
  - (5) Place 5—District 5.
  - (6) Place 6—Mayor.
  - (7) Place 7—Mayor.
- (d) The initial terms of the members in Places 1, 2 and 3 shall expire December 1, 2013. The initial term of members in Places 4, 5, 6, and 7 shall expire on December 1, 2016. Thereafter, all members shall serve four-year terms.
- (e) Any vacancy occurring shall be filled by appointment only for the unexpired portion of the term. Commissioners may be removed by the nominating member of city council for any reason at any time by posting the removal and announcing same into the record of any city council meeting.

(Ord. No. 287, § 4(A)—(C), 5-17-2011; Ord. No. 321, § 5, 8-15-2013; Ord. No. 386, § 2, 4-21-2016)

Sec. 2-267. - Meetings.

The HLC shall meet for regular meetings as determined by the commission as necessary and at any special meetings as called, with notice as required by state open meetings law. Regular meetings shall be held at the call of the chair or at the request of any three HLC members, and all members shall have three days' prior notice of the meeting. The chair shall call a special meeting within five working days of receiving notice from the city manager to consider the issuance of a certificate of appropriateness.

(Ord. No. 287, § 4(D)(1), (2), 5-17-2011; Ord. No. 321, § 5, 8-15-2013)

Sec. 2-268. - Voting and quorum.

Five members present shall constitute a quorum. All issues shall be decided by a majority vote of those members present and voting, except that in those instances where only a quorum of five members is present at a meeting, all issues shall be decided by at least four affirmative votes. The chair may vote on all matters coming before the commission.

(Ord. No. 287, § 4(D)(2)(a), 5-17-2011; Ord. No. 321, § 5, 8-15-2013)

Sec. 2-269. - Conduct of business.

The HLC shall adopt rules for the conduct of its business and election of officers other than the chair and vice-chair. Minutes shall be kept of all meetings and shall be available for public inspection.

(Ord. No. 287, § 4(D)(2)(b), 5-17-2011; Ord. No. 321, § 5, 8-15-2013)

Sec. 2-270. - Attendance.

Members missing three or more consecutive meetings without being excused or attending less than 75 percent of the posted meetings on a 12-month rolling average are subject to removal.

(Ord. No. 287, § 4(D)(3), 5-17-2011; Ord. No. 321, § 5, 8-15-2013)

Sec. 2-271. - Hearing and notice requirements.

- (a) The HLC shall not act upon any request for historic landmark designation or upon any application for a building permit or certificate of appropriateness without having first given the applicant for the designation, permit or certificate adequate notice of the commission meeting and his right to be present and to be heard if so desired. All meetings, regular or special, shall be open to the public.
- (b) Notice of meetings shall be posted on the appropriate bulletin board at the city hall prior to the meeting date in compliance with state law. Notice shall be sufficient if either:
  - (1) The party to be affected receives actual notice by any means;
  - (2) Notice is sent to the address shown on any application or permit filed by the applicant, by certified mail, return receipt requested, at least four days prior to the meeting; or
  - (3) In the absence of any address provided by an applicant, notice is sent to the address for the registered owner as shown by county tax rolls.

(Ord. No. 287, § 4(D)(1)(a), 5-17-2011; Ord. No. 321, § 5, 8-15-2013)

Sec. 2-272. - Historic preservation officer.

- (a) The city council or its designee shall appoint a qualified city official, or staff person through the planning and zoning department, to serve as historic preservation officer (HPO). In the absence of a qualified official or staff person of the municipality, a volunteer resident of the city may be appointed as HPO. Regardless, the HPO shall have an interest, knowledge and a demonstrated background in the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation. A volunteer should be aware of the liability issues involved in serving in this capacity.
- (b) The HPO shall be empowered to:
  - (1) Administer this chapter and advise the HLC on matters submitted to it.
  - (2) Review and help coordinate the city's preservation and urban design activities with those of local, state and federal agencies and with local, state and national preservation and urban design organizations in the private sector.
  - (3) Ensure the completeness of applications for designations of local landmarks and districts, certificates of appropriateness, economic hardship, demolition or relocation of structures, or others as provided in this chapter, and make recommendations on them to the HLC.
  - (4) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
  - (5) Facilitate all meetings of the HLC, especially when specific projects merit consideration and technical advice from the HPO or an outside consultant.

(Ord. No. 287, § 4(D), 5-17-2011; Ord. No. 321, § 5, 8-15-2013)

Sec. 2-273. - Investigation and reports.

The HLC may make such investigations and studies of matters relating to the protection, enhancement, perpetuation or use of historic landmarks, historic districts and included structures, and to the restoration of historic landmarks as the commission may from time to time deem necessary or appropriate to effect the purposes of this article. The HLC may submit reports and recommendations as to such matters to the city manager, city council, and other agencies of the city. In making such investigations and studies, the HLC may hold such public hearings as it may deem necessary or appropriate.

(Ord. No. 287, § 5, 5-17-2011)

## **DIVISION 8. - BUILDINGS AND STANDARDS COMMISSION**

Sec. 2-274. - Established.

The City of Socorro, Texas hereby establishes the buildings and standards commission pursuant to the V.T.C.A., Texas Local Government Code, Chapter 54.

(Ord. No. 378, § 2, 10-15-2015)

Sec. 2-275. - Purpose.

The purpose of this division is to provide procedures and powers for the building and standards commission to hold public hearings in substandard buildings cases pursuant to chapter 6, article IV of this Code and administrative hearings for nuisance cases pursuant to chapter 28, article II of this Code.

(Ord. No. 378, § 2, 10-15-2015)

Sec. 2-276. - Members and terms.

The buildings and standards commission shall consist of one panel of seven members. The members of the buildings and standards commission shall serve for terms of two years. Two alternate members shall also be appointed to serve for terms of two years. The members of the buildings and standards commission and alternates shall be appointed by the mayor and city representatives places 1, 2, 3, 4, and 5. No members of the city council may serve on the buildings and standards commission. A member of the buildings and standards commission may be removed by city council for cause on a written charge. Before a decision regarding removal is made, the city council must hold a public hearing on the matter if requested by the commission member subject to removal. The vacancy shall be filled for the unexpired term by the city council representative for the district for the removed commission member.

(Ord. No. 378, § 2, 10-15-2015; Ord. No. 445, § 2, 8-16-2018)

Sec. 2-277. - Funding.

The buildings and standards commission may spend public funds in conformity with the adopted city budget for sending, recording and publishing public notices and related expenses.

(Ord. No. 378, § 2, 10-15-2015)

Sec. 2-278. - Procedures of the commission.

- (a) The buildings and standards commission shall adopt bylaws that are consistent with this division, the Code and the Charter and that are approved by the city attorney. The bylaws shall be submitted to the city clerk and be available to the public upon request. The bylaws shall provide for the election of a chair and a vice-chair to preside over the meetings and public hearings of the buildings and standards commission. The chair shall preside at all meetings and shall have the power to vote on all matters before the buildings and standards commission and shall be counted toward the establishment of a quorum.
- (b) All meetings of the buildings and standards commission are open to the public. The buildings and standards commission chair, acting chair, or vice-chair may administer oaths and compel the attendance of witnesses.
- (c) The city manager or a designee shall act as secretary to the buildings and standards commission. The secretary shall not be a member of the panel, shall not have a vote and shall not be counted in determining a quorum. The secretary shall cause the minutes of each meeting to be kept and filed with the city clerk. The secretary shall keep all evidence admitted or a description of the evidence in accordance with the duly adopted bylaws.

(Ord. No. 378, § 2, 10-15-2015; Ord. No. 445, § 2, 8-16-2018)

Sec. 2-278.1. - Hearing procedures.

- (a) The city manager shall designate a representative to represent the city at each hearing before the buildings and standards commission. In addition to a city representative, the city attorney may appear as counsel for the city at each hearing. The city is entitled to present evidence and testimony and cross-examine any witness.
- (b) Each interested party may represent themselves or may appoint a representative to appear on their behalf at hearings before the buildings and standards commission. Each interested party may also be represented by counsel at hearings. Each interested party or his representative is entitled to present evidence and testimony and cross-examine any witness.
- (c) The buildings and standards commission shall make recommendations and shall propose orders to city council. City council shall issue final orders, and such orders shall be final as to administrative remedies.

- (d) Within 30 days after being notified of an order of city council a party affected by the order may appeal the order by filing a verified petition in state district court.

(Ord. No. 378, § 2, 10-15-2015; Ord. No. 445, § 2, 8-16-2018)

Sec. 2-278.2. - Powers and orders.

- (a) The buildings and standards commission may hear the following cases: public hearings for substandard buildings cases pursuant to chapter 6, article IV of this Code and administrative hearings for nuisance cases pursuant to chapter 28, article II of this Code, when properly requested.
- (b) The buildings and standards commission shall make recommendations to city council to enter orders pursuant to section 6-81 of chapter 6, article IV of this Code and pursuant to section 28-23 of chapter 28, article II of this Code, which proposed orders may include the assessment of civil penalties provided therein.

(Ord. No. 378, § 2, 10-15-2015; Ord. No. 445, § 2, 8-16-2018)

Sec. 2-278.3. - Failure to comply with orders of city council.

- (a) In addition to any civil penalties in the order, a person commits a misdemeanor offense if he or she fails to comply with an order of city council, and, upon conviction, shall be fined as provided by chapter 1, section 1-15 of this Code. A separate offense shall be deemed committed upon each day during or on which a violation or failure to comply occurs or continues to occur.
- (b) It is a defense to prosecution under subsection (a) of this section that the city council order has been appealed to the state district court and the case is pending or the commission order was not upheld on appeal.

(Ord. No. 378, § 2, 10-15-2015; Ord. No. 445, § 2, 8-16-2018)

Sec. 2-278.4. - Request for continuance or reconsideration.

A party affected by a potential decision or recommendation of the buildings and standards commission may request to have a hearing rescheduled by submitting the request in writing to the buildings and standards commission. A party affected by a potential decision of the buildings and standards commission may also request in writing that the buildings and standards commission reconsider a decision and recommendation issued after a hearing. The buildings and standards commission may, in its discretion, grant a continuance or a rehearing of a case.

(Ord. No. 378, § 2, 10-15-2015; Ord. No. 445, § 2, 8-16-2018)