

Elia Garcia
Mayor

Rene Rodriguez
At Large

Cesar Nevarez
District 1



Ralph Duran
District 2

Victor Perez
District 3/ Mayor Pro-Tem

Yvonne Colon-Villalobos
District 4

Adriana Rodarte
City Manager

NOTICE OF A SPECIAL MEETING
OF THE
BOARD OF ADJUSTMENT
OF THE
CITY OF SOCORRO, TEXAS

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative services must be made 48 hours prior to this meeting. Please contact the City Clerk's office at (915) 858-2915 or fax (915) 858-9288 for further information.

Notice is hereby given that a special meeting of the Board of Adjustment of the City of Socorro, Texas will be held **Tuesday July 30, 2019** at 5:30 p.m. at City Council Chambers, 860 N. Rio Vista, Socorro, Texas at which time the following will be discussed:

1. Call to order.
2. Establishment of quorum.
3. Excuse absent commission members.
4. Consider and Take Action:

On proposed amendments to the Rules and Bylaws of the Board of Adjustments.

EXECUTIVE SESSION

The Board of Adjustments of the City of Socorro may retire into EXECUTIVE SESSION pursuant to Texas Government Code, Section 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the Board of Adjustments of the City of Socorro may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meeting Act.) The Board of Adjustments will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

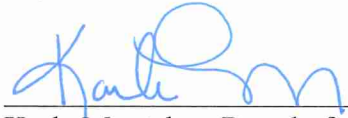
Section 551.071 CONSULTATIONS WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFT
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT

5. Adjournment.

SPECIAL MEETING AGENDA - CITY OF SOCORRO BOARD OF ADJUSTMENTS
July 30, 2019 at 5:30 PM

I, the undersigned authority hereby certifies that the above notice of meeting of the Board of Adjustments of Socorro, Texas is a correct copy and that I posted this notice at least seventy-two (72) hours preceding the scheduled meeting at City Council Chambers, 860 N. Rio Vista, Socorro, Texas.

Dated this 26th day of July 2019.



Karla Montalvo, Board of Adjustments Secretary

DATE & TIME POSTED: 07/26/2019@1:34 /BY: Ken

RULES AND BYLAWS OF THE BOARD OF ADJUSTMENT
Socorro, Texas

Article 1. Purpose

The purpose of these rules and bylaws is to provide general guidance to the Board in the performance of its duties as defined in the Code of Ordinances of Socorro, Texas, Chapter 2, Article IV, Division 3 (the "Ordinance"). 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 the Board's failure to follow these rules and bylaws.

Article 2. Membership

The Board shall consist of seven (7) regular members and two (2) alternate members. The regular members of the Board shall be appointed by City Representatives, Places 1, 2, 3, 4 and 5; and two (2) board members shall be appointed by the mayor. Two (2) alternate members may be appointed by the mayor and shall serve in the absence of regular members when requested. Each regular member and each alternate member shall serve for a term of two (2) years, unless removed by the City Council, on a written charge after a public hearing. Vacancies shall be filled for the unexpired term of any member which may become vacant in the same manner as for such member's original appointment.

Article 3. Officers

A. 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 January 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.

B. The Secretary for the Board shall be staffed by the City Planning Department as designated by the Director for the City Planning Department and approved by the Board. The Secretary shall: (a) provide all members with a meeting schedule as established by the Board; (b) keep a written record of all meetings, examinations, resolutions, transactions, findings and determinations of the Board and other official actions; (c) prepare and post notices of meetings; and (d) keep appropriate forms for persons to file an application for a variance or special exception or to file an appeal of a decision of an administrative official.

Article 4. Meetings

A. Regular meetings of the Board shall be scheduled on the fourth Thursday of each month, beginning at 6:00 p.m., in the City Council Chambers, 860 N. Rio Vista, Socorro, Texas, unless otherwise determined by the Board.

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

C. All cases presented to the Board shall be heard by at least six (6) members or alternates.

D. All meetings shall be open to the public and shall be held in compliance with the Texas Open Meetings Act.

E. 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 Planning Department.

F. The presiding officer of the Board shall read the following statement at the meeting:

"The Zoning Board of Adjustment of the City of Socorro is now in session. This Board is established under Article 211.008 of the Texas Local Government Code and Chapter 2, Article IV, Division 3 of the 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 and to hear appeals that allege an error on an order, requirement, decision or determination made by an administrative official in the enforcement of the Code.

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

G. Following the reading of the statement in F above, the presiding officer shall (1) request that all persons who will give testimony or present evidence on any agenda item to please stand and raise your right hand; and (2) shall administer the following oath to such person(s):

"Do you swear or affirm to tell the truth and nothing but the truth?"

H. 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. Following the staff presentation, questions may be raised by the Board and directed to staff.
2. The presiding officer will then ask the applicant or the owner or representative of the owner of the property that is the subject of this decision, or the owner of real property within 200 feet of the property that is the subject of the decision, or the office, department, board or bureau of the City that is affected by the decision ("Appellant") to present a concise statement of the request and submit any evidence in support of the request. Following the Appellant's applicant's presentation, questions may be raised by the Board and directed to the Appellantapplicant 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 Appellantapplicant for a rebuttal. Following the Appellant's applicant's rebuttal, questions may be raised by Board members and directed to the Appellantapplicant or staff.
5. At the completion of the discussion, the presiding officer shall then request a motion and a vote on the issue.

I. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Board, 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.

Article 5. Voting

A. Each regular member shall be entitled to one vote on any matter that may come before the Board. In the absence of the regular member, an alternate member shall serve in the regular member's stead when requested to do so by the City Manager or designee. Each qualified member of the Board, including the Chair and any alternate member serving in the absence of a regular member shall be entitled to vote on matters before the Board. A member may change his/her vote after the roll has been completed and before announcement of the result, but not thereafter.

B. The concurring vote of six (6) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any 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.

C. Proxies shall not be allowed.

Article 6. Procedural 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; 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.

5. The Board shall keep records of its examinations and other official actions.

6. The minutes and records of the Board actions shall be filed immediately in the Board's office and are public records.

7. All witnesses shall testify under oath administered by the presiding officer and are subject to cross-examination.

8. All ~~applications and appeals~~ shall be decided at the next Board meeting for which notice can be provided following the meeting in which the hearing was conducted, but within a reasonable time, not later than the 60th day after the date the appeal is filed with the Board and the official from whom the appeal is taken.

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Article 7. Ethics

A. Any voting member of the Board who has a personal, professional or financial interest in any matter presented shall make full disclosure before the Board and may not participate in the discussion, or vote on that specific matter.

B. Any voting member of the Board who has a substantial interest in a matter before the Board as defined by Section 171.002 of the Texas Local Government Code shall file an affidavit so stating with the City Clerk before a vote on the matter is taken as is required by Section 171.004 of the Texas Local Government Code. Additionally, such voting member shall leave the room for discussion and action on the item in question.

C. All actions taken by the Board shall be in accordance with Chapter 2, Article IV, Division 3 of the Ordinance.

D. In the interest of fairness to the ~~applicants and a~~Appellants appearing before the Board and those appearing in opposition to the same, no communication, direct or indirect, shall be held by a regular or alternate member of the Board with the ~~applicant, a~~Appellant, or opposition concerning the application or other matter involving an applicant or aAppellant before the Board at any location or by any means, including, but not limited to in person, by telephone, letter or electronic communication. All such discussions shall be held during a meeting at which the item is posted for discussion so that all voting members shall have the full benefit of such a discussion. Nothing herein shall prevent a voting member from gathering information regarding pending matters from City staff.

E. When a regular or alternate member is called upon to voice opinions at public or private functions, he/she shall indicate whether he/she is speaking for himself/herself and not representing the Board unless a final action by the Board has been taken on the specific issue.

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

Article 8. Conflicts

To the extent that any of these Bylaws is in conflict with Section 2-176 of the Ordinance, the provisions of these Rules and Bylaws shall control.

Article 9. Amendments

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

Article 10. Prior Bylaws

These Rules and Bylaws shall be effective September 1, 2019 and at such time shall supersede and replace any and all prior Bylaws of the Board.

ADOPTED this the ____ day of _____, 2019.

_____, Chair
Eugene Trujillo

_____, Vice-Chair
Cynthia Gutierrez

_____, Secretary
Karla Montalvo

Elia Garcia
Mayor

Rene Rodriguez
At Large

Cesar Nevarez
District 1



Ralph Duran
District 2

Victor Perez
District 3/Mayor Pro Tem

Yvonne Colon-Villalobos
District 4

Adriana Rodarte
City Manager

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 2 (ADMINISTRATION), ARTICLE IV.- (BOARDS, COMMISSIONS, AGENCIES AND AUTHORITIES), DIVISION 3.- (BOARD OF ADJUSTMENT) SECTION 2-175.- (APPEALS) OF THE CODE OF ORDINANCES OF THE CITY OF SOCORRO, TEXAS AND TO APPROVE THE RULES AND BYLAWS OF THE BOARD OF ADJUSTMENT.

WHEREAS, the City of Socorro has heretofore adopted Ordinances pertaining to the Board of Adjustment; and

WHEREAS, the legislature of the State of Texas revised certain Sections of the Local Government Code pertaining to the adoption of Rules by the Board of Adjustment and modification of the Local Government Code pertaining to appeals; and

WHEREAS, the Board of Adjustment by majority vote has adopted the Rules and Bylaws in the form attached to this Ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOCORRO:

Section 1. That Chapter 2 (Administration) Article IV (Boards, Commissions, Agencies and Authorities), Division 3 (Board of Adjustment), Section 2-175 (Appeals) is revised in its entirety to read as follows:

(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.

(a-1) 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; or
 - (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.

(b) 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.

Section 2. The Rules and Bylaws of the Board of Adjustment attached hereto are hereby approved.

Section 3. Except as amended herein, the provisions of the City Code shall remain in full force and effect and the Code Publisher is directed to revise the applicable Code provisions as set forth herein.

PASSED AND APPROVED BY THE CITY OF COUNCIL OF THE CITY OF SOCORRO, TEXAS.

This ____ day of _____, 2019.

CITY OF SOCORRO:

CITY OF SOCORRO, TEXAS

Elia Garcia, Mayor

ATTEST:

Olivia Navarro, City Clerk

APPROVED AS TO FORM:

James A. Martinez, City Attorney

First Reading:

Second Reading and Adoption: