



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
February 17, 2022

AGENDA TOPIC: Consideration and possible action on filling the open Zoning Board of Adjustment Place 1 and Alternate Places 6 and 7.

DATE: February 17, 2022

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio, TRMC, City Secretary

INTRODUCTION/BACKGROUND:

The City's Zoning Ordinance, Section 14.01.004 (a) entitled, "Zoning Board of Adjustment" provides for the structure and procedure of the Zoning Board of Adjustment ("the Board"):

(1) Creations, Appointment and Removal

- a. The Zoning Board of Adjustment is established in accordance with Chapter 211 of the Texas Local Government Code (LGC). The Board Members are appointed by the City Council.
- b. The Board shall consist of five (5) members who shall be appointed by majority vote of the city Council.
- c. A member may only be removed for cause.
- d. A vacancy on the Board shall be filled for the unexpired term.
- e. City Council, by majority vote, shall appoint two individuals as alternate board members to serve in the absence of one or more regular members when requested to do so by the Mayor or City Manager. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member⁴. A vacancy among the alternate embers is filled in the same manner as a vacancy among the regular members.

During the last appointment process at the end of Fiscal Year 2020-2021, due to limited applications received, the city was unable to fill Place 1 and Alternate Places 6 & 7.

In addition, Section 14.01.004 (b) of the City's Zoning Ordinance entitled, "Meetings and Vote" states:

- (1) Each case that goes before the ZBOA must be heard by at least four (4) of the five (5) members.
- (2) The concurring vote of four (4) of the five (5) members of the ZBOA is necessary to:
 - a. Reverse an order, requirement, decision, or determination of an administrative official, or
 - b. Authorize a variation from the terms of a zoning regulation.

To properly perform their role and allow for potential absenteeism, it will require its' five (5) regular members and at least one (1) alternate.

Tonight's agenda item is to receive guidance from the City Council on how staff is to proceed with the filling these open seats as the City anticipates receiving an application to go before the ZBOA very soon.

- a. City Council can appoint directly; or
- b. City Council can perform the standardized appointment process (interviews)

Note: There are no open applications on file in the City Secretary's office and all candidates interviewed in September 2021 were placed on a city committee, board, or commission.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- 1. Complies with Section 14.01.004 (a) of the Zoning Ordinance.
- 2. Provides the City Council with two options on addressing filling the open seats.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

Two potential motions:

- A.** I move to fill Place 1 and Alternate Places 6 & 7 of the Zoning Board of Adjustment ***by direct appointment.***
- B.** I move to fill Place 1 and Alternate Places 6 & 7 of the Zoning Board of Adjustment ***by utilizing the City's standardized appointment process.***