

# AGENDA ITEM SUMMARY SHEET

## City of Rollingwood - Board of Adjustment Meeting

Meeting Date: April 15, 2024

**Submitted By:**

Staff

**Agenda Item:**

Discussion and possible action on amendments to the Board of Adjustment Rules of Procedure

**Description:**

At the June 21, 2023 City Council Meeting, the City Council made the motion to **amend the ordinance creating the board of adjustment to require that all persons presenting testimony at a BOA hearing be sworn, and ask that the BOA add that requirement to their rules of procedure.**

An ordinance was brought back to City Council in July and was approved. Below is the amended code section referring to the requirement that a person be sworn-in before giving testimony at a BOA meeting or hearing:

Sec. 107-489. - Rules and regulations.

- (a) The board shall adopt rules necessary to the conduct of its affairs and shall furnish a copy of such rules to the building official. Rules adopted by the board shall be consistent with the provisions of this division.
- (b) All orders and other enactments adopted by the board shall be in accordance with its rules and regulations.
- (c) The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be promptly filed in the office of the board and shall be a public record. The office of the board shall be the office of the city administrator where such records shall repose.
- (d) The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of the building official or to decide in favor of the applicant on any matter upon which the board is required to pass under this chapter.
- (e) A person who gives evidence and/or testifies before the board of adjustment in any proceeding or meeting held by the board, shall be properly and duly sworn in and placed under oath by the presiding officer prior to presenting any testimony or evidence before the board in accordance with Texas Local Government Code Sec. 211.008(e).

The proposed version of the Board of Adjustment Rules of Procedure attached make the rules consistent with the city's Code of Ordinances.

**Action Requested:**

To approve the request from City Council to amend the Board of Adjustment Rules of Procedure as presented.

**Fiscal Impacts:**

No significant fiscal impacts anticipated at this time.

**Attachments:**

- Ordinance 2023-07-19-16 amending code to add swearing-in requirement
- BOA Rules of Procedure with Proposed Amendments