

40 That it is in the best interest of the City to have any and all witnesses testifying before the
41 Board of Adjustment to be duly sworn in and placed under oath by the presiding officer
42 prior to any testimony or the presentation of any evidence to the Board for any purposes.

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44 **SECTION 3:** The City Council hereby amends Part II, Chapter 107, Article V, Division
45 III, Sec 107-489 of the City's Code of Ordinances to read as follows, with added language
46 being underlined:

47

48 **Sec. 107-489. - Rules and regulations.**

49

50 (a) The board shall adopt rules necessary to the conduct of its affairs and shall furnish a
51 copy of such rules to the building official. Rules adopted by the board shall be consistent
52 with the provisions of this division.

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54 (b) All orders and other enactments adopted by the board shall be in accordance with its
55 rules and regulations.

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57 (c) The board shall keep minutes of its proceedings, showing the vote of each member upon
58 each question, or if absent or failing to vote indicating such fact, and shall keep records of
59 its examinations and other official actions, all of which shall be promptly filed in the office
60 of the board and shall be a public record. The office of the board shall be the office of the
61 city administrator where such records shall repose.

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63 (d) The concurring vote of four members of the board shall be necessary to reverse any
64 order, requirement, decision or determination of the building official or to decide in favor
65 of the applicant on any matter upon which the board is required to pass under this chapter

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67 (e) A person who gives evidence and/or testifies before the Board of Adjustment in any
68 proceeding or meeting held by the Board, shall be properly and duly sworn in and placed
69 under oath by the presiding officer prior to presenting any testimony or evidence before
70 the board in accordance with Texas Local Government Code Sec. 211.008(e).

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72 **SECTION 4.** Cumulative and Repealer Clause. This ordinance shall be cumulative of all
73 other ordinances of the City and shall not operate to repeal or affect any other ordinances
74 of the City except insofar as the provisions thereof might be inconsistent or in conflict with
75 the provisions of this Ordinance, in which event such conflicting provisions, if any, are
76 hereby repealed to the extent of such conflict.

77

78 **SECTION 5.** Severability Clause. The sections, paragraphs, sentences, clauses, and
79 phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or

80 section of this Ordinance shall be declared unconstitutional or invalid, such
81 unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses,
82 sentences, paragraphs or sections of this Ordinance, since the same would have been
83 enacted by the City Council without the incorporation in this Ordinance of any such
84 unconstitutional or invalid phrase, clause, sentence, paragraph or section.

85
86 **SECTION 6.** Effective Date. That this Ordinance will become effective on its adoption
87 and passage by the City Council.

88
89 PASSED AND APPROVED this _____ day of _____, 2023.

90
91 CITY OF ROLLINGWOOD,
92 TEXAS

93
94 by:

95 _____
96 Gavin Massingill, Mayor
97
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101 ATTEST:

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104 _____
105 Desiree Adair, City Secretary
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