



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		August 12, 2013		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady 5993				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, amending Ordinance No. 2004-10-7 codified as Section 6-3 of Article I, Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano; Ordinance No. 2009-9-25 codified as Section 16-81 of Article V, Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano; and Ordinance No. 2008-12-6 codified as Sections 16-82 and 16-83 of Article V, Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano to increase the number of regular members of the Building Standards Commission and Board of Adjustment to eight (8) members and to eliminate alternate membership; and providing a repealer clause, a severability clause, a savings clause and an effective date.</p>				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2012-13	Prior Year (CIP Only)	Current Year	Future Years
		0	0	0
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(S): N/A				
COMMENTS: This item has no fiscal impact.				
STRATEGIC PLAN GOAL: Amending the City's Code of Ordinances to increase the number of members of the Building Standards Commission and Board of Adjustment relates to the City's Goal of a Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
Staff recommends amending certain sections of the ordinances to change the membership of the two (2) boards from five (5) regular members to eight (8) regular members, and to eliminate the alternate membership.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

An Ordinance of the City of Plano, Texas, amending Ordinance No. 2004-10-7 codified as Section 6-3 of Article I, Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano; Ordinance No. 2009-9-25 codified as Section 16-81 of Article V, Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano; and Ordinance No. 2008-12-6 codified as Sections 16-82 and 16-83 of Article V, Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano to increase the number of regular members of the Building Standards Commission and Board of Adjustment to eight (8) members and to eliminate alternate membership; and providing a repealer clause, a severability clause, a savings clause and an effective date.

WHEREAS, on October 11, 2004, the City Council of the City of Plano enacted Ordinance No. 2004-10-7 to establish the duties, powers and enforcement authority of the Building Standards Commission; and

WHEREAS, on September 28, 2009, the City Council of the City of Plano enacted Ordinance No. 2009-9-25 to establish new membership standards for the Board of Adjustment; and

WHEREAS, on December 8, 2008, the City Council of the City of Plano enacted Ordinance No. 2008-12-6 to include membership standards for the Board of Adjustment in the City Code of Ordinances; and

WHEREAS, staff recommends amending certain sections of the ordinances to change the membership of the two (2) boards from five (5) regular members to eight (8) regular members, and to eliminate the alternate membership; and

WHEREAS, the City Council, after all things considered, deems it is in the best interest of the citizens of the City of Plano, to amend certain sections of the ordinances to reflect the new membership for the two (2) boards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Subsections 6-3(a), Structure, and 6-3(b). Proceedings, of Section 6-3, Building Standards Commission organization and authority, of Article I, Chapter 6, of the Code of Ordinances of the City of Plano, are hereby amended to read in their entirety as follows:

“Sec. 6-3. Building standards commission organization and authority.

(a) Structure

- (1) The Building Standards Commission will consist of eight (8) members, duly appointed by the City Council for two-year terms. Each member is removable for cause on a written charge. Prior to making a decision regarding removal, the City Council must hold a public hearing on the matter if requested by the Commission member subject to the removal action.
- (2) The City Council must fill any and all vacancies.
- (3) The City Council will appoint a Commission Chair, who has authority to administer oaths and compel witness attendance at Commission hearings. The Chair may designate an “acting chair,” who in the Chair’s absence will have the same authority as the Chair.”

(b) Proceedings of Commission

- (1) The Building Standards Commission will meet at the call of the commission's chair and at all other times determined by the commission. All commission meetings are open to the public.
- (2) The commission must adopt rules to govern its proceedings that are consistent with this chapter and the statutes of the State of Texas. The rules should establish hearing procedures that give ample opportunity for presentation of evidence and testimony by all interested parties. The city's building official will present all matters to the commission. The presence of at least five (5) commission members is necessary to hear a matter.
- (3) Minutes must be kept of the commission's proceedings that reflect each member's vote, decision to vote, decision to abstain, or absence from the hearing for each and every matter. The minutes are available to the public.
- (4) A majority vote of the members voting on a matter is necessary to take action on any matter before the commission.

Section II. Section 16-81, Regular members, of Article V, Chapter 16, of the Code of Ordinances of the City of Plano, is hereby amended to read in its entirety as follows:

“Sec. 16-81. Regular members.

There is hereby created a Board of Adjustment consisting of eight (8) members, each to be appointed by the City Council for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing.”

Section III. Section 16-82, Alternate members, of Article V, Chapter 16, of the Code of Ordinances of the City of Plano, is hereby deleted.

Section IV. Section 16-83, Meetings, of Article V, Chapter 16, of the Code of Ordinances of the City of Plano, is hereby renumbered as Section 16-82 and is amended to read in its entirety as follows:

“Sec. 16-82. Meetings.

The Board of Adjustment will have the authority to adopt rules consistent with state law. Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Adjustment as a public record.”

Section V. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section VI. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause,

sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section VII. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section VIII. This Ordinance shall become effective November 1, 2013.

DULY PASSED AND APPROVED this the 12th day of August, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY