



**CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS, REGULAR MEETING
TUESDAY, APRIL 22, 2025 - 6:00 PM,
FRIENDSWOOD CITY HALL, COUNCIL CHAMBERS
910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS**

AGENDA

1. CALL TO ORDER

2. OATHS OF OFFICE

- A. Administer Oaths of Office for all reappointed and new board members: (i) Cindy Deaton, (ii) Carlysle Gullledge, (iii) Jeff Smith, (iv) Les French, (v) Billy Mendoza, and (vi) Randy Weisinger.

3. PUBLIC COMMENT

4. ACTION ITEMS

- A. Consider electing the Chairperson and Vice Chairperson of the Construction Board of Adjustment and Appeals.
- B. Consider approving the Rules of Procedure for the Construction Board of Adjustment and Appeals.

5. DISCUSSION

- A. Receive a presentation regarding duties and responsibilities of the Board.

6. ADJOURNMENT

THE CITY OF FRIENDSWOOD IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. PLEASE CONTACT THE CITY SECRETARY'S OFFICE BY PHONE AT (281) 996-3270, FAX (281) 482-1634, OR CONTACT (281) 996-3270 VIA RELAY TEXAS AT 711 OR 1-800-735-2988 FOR TYY SERVICES. FOR MORE INFORMATION CONCERNING RELAY TEXAS, PLEASE VISIT: [HTTP://RELAYTEXAS.COM](http://RELAYTEXAS.COM)

Approved for posting by:
Aubrey Harbin, LEED AP
Director of Community Development/City Planning



Posted by: Raquel Martinez, TRMC, Deputy City Secretary
Posted in compliance with the Texas Open Meetings Act this
17th day of April 2025, at 5:30 P.M.



FRIENDSWOOD AGENDA ITEM FORM

Date requested for City Council consideration: April 22, 2025

Date submitted: 03/27/2025

Prepared by: Aubrey Harbin, DIRECTOR OF CDD/PLANNER

Subject: Consider approving the Rules of Procedure for the Construction Board of Adjustment and Appeals.

Originating Department: Community Development

Degree of importance:

SUMMARY / ORIGINATING CAUSE

A draft of the Rules of Procedure are attached for review and consideration, which govern how the board will operate in addition to the Open Meetings Act, state and local ordinances. Robert's Rules of Orders shall be used as a guide, unless they are in conflict with the City Charter, City ordinances or rules of procedure as adopted.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

ATTACHMENTS

1. 2025 CBOA Rules of Procedure for board consideration

**FRIENDSWOOD CONSTRUCTION BOARD OF ADJUSTMENT AND
APPEALS
RULES OF PROCEDURE**

1. AUTHORITY

Pursuant to the provisions of Section 2-23 "Procedure and Administration" of the Friendswood City Code, the Construction Board of Adjustment and Appeals (the "Board") enacts these rules of procedure for all meetings of the Board. The Board's primary functions are:

- (a) To hear and decide appeals of decisions and interpretations of the Building Official pursuant to chapter 14 of the Friendswood City Code (the "Code");
- (b) To hear and decide appeals of decisions and interpretations of the Fire Marshal pursuant to chapter 30 of the Code;
- (c) To consider variances to the technical codes, including, but not limited to, the following:
 - (1) The International Building Code adopted in section 14-23 of the Code,
 - (2) The National Electrical Code adopted in section 14-62 of the Code,
 - (3) The International Plumbing Code adopted in section 14-252 of the Code,
 - (4) The International Mechanical Code adopted in section 14-274 of the Code,
 - (5) The International Fuel Gas Code adopted in section 14-299 of the Code,
 - (6) The International Swimming Pool and Spa Code adopted in section 14-356 of the Code,
 - (7) The International Energy Conservation Code adopted in section 14-388 of the Code,
 - (8) The International Residential Code for One- and Two-Family Dwellings, adopted in section 14-389 of the Code,
 - (9) The International Fire Code adopted in section 30-84, and
 - (10) The Life Safety Code adopted in section 30-118 of the Code;
- (d) To hear and render judgment on appeals and requests for variances concerning flood damage prevention regulations pursuant to section 34-32 of the Code; and
- (e) To perform other duties as may be delegated to it by the City Council.

2. GENERAL RULES

2.01 Meetings to be Public

All meetings of the Board shall be open to the public, except as authorized by law.

2.02 Quorum

Four or more members of the Board shall be considered a majority of the members of the Board and shall constitute a quorum for the transaction of business.

2.03 Compelling Attendance

No member shall be excused from attendance at a Board meeting except for good, valid reasons.

2.04 Minutes of Meetings

An account of all proceedings of the Board shall be kept by the Building Official, which account shall constitute the official record of the Board.

2.05 Questions to Contain One Subject

All questions submitted for a vote shall contain only one (1) subject.

2.06 Right of Floor

Any member desiring to speak shall be recognized by the Presiding Officer and shall confine his/her remarks to the subject under consideration or to be considered and will not be interrupted.

2.07 Building Official

The Building Official or designee (collectively the "Building Official") shall attend all meetings of the Board unless excused. The Building Official may make recommendations to the Board and shall have the right to take part in all discussions of the Board, but shall have no vote; shall act as the reading and recording secretary of the Board; shall keep the official minutes; and shall perform such other duties as may be requested and assigned.

2.08 Fire Marshal

The Fire Marshal or designee (collectively the "Fire Marshal") shall attend all meetings of the Board unless excused. The Fire Marshal may make recommendations to the Board and shall have the right to take part in all discussions of the Board concerning 1(b), 1(c)(10), and 1(c)(11), but shall have no vote; and shall perform such other duties as may be requested and assigned.

2.08 City Attorney

The City Attorney shall attend all meetings of the Board unless excused and shall, upon request, give an opinion, either written or oral, on questions of law. The City Attorney shall act as the Board's parliamentarian.

2.09 Officers and Employees

Any officer or employee of the city, when requested by the City Manager, the Director of Community Development, and/or the Building Official, shall attend any meeting of the Board and present information relating to matters before the Board.

2.10 Amendment of Rules

These rules may be amended, or new rules adopted, by the affirmative vote of four or more members of the Board.

3. MEETINGS

Meetings of the Board shall be called by the Building Official upon the request of the Chair, the Building Official, or three (3) members of the Board. The Building Official shall notify each member of the Board of all meetings. Meetings shall be held at City Hall, or another location, unless otherwise directed by the Building Official or Chair.

4. PRESIDING OFFICER AND DUTIES

4.01 Presiding Officer

The Chair, or in his/her absence, the Vice Chair, shall preside as the Presiding Officer at all meetings of the Board. In the absence of both the Chair and Vice Chair, and with a quorum being present, any member of the Board may be appointed by a majority of the members of the Board present and voting. No member of the Board shall be required to abstain from voting on the election of a Presiding Officer under this section.

4.02 Call to Order

The meetings of the Board shall be called to order by the Chair, or in his/her absence, the Vice Chair. In the absence of both the Chair and the Vice Chair, the meeting shall be called to order by the Building Official.

4.03 Preservation of Order

The Presiding Officer shall (i) preserve order and decorum, (ii) prevent insulting references to members of the Board, impugning of other members' motives, and repetitious comments and (iii) confine remarks to the question under discussion.

4.04 Substitution for Chair

The Chair may call upon the Vice Chair, or if the Vice Chair is unavailable, then any other member, to take his/her place for a portion of a meeting. Such substitution is not to continue beyond adjournment.

4.05 Points of Order

The Presiding Officer shall determine all points of order, subject to the right of any member to appeal to the Board. If any appeal is taken, the following question shall be posed: "Shall the decision of the Presiding Officer be sustained"? If four or more members present vote "No," the ruling of the Presiding Officer is overruled; otherwise, it is sustained.

4.06 Questions to be Stated

The Presiding Officer shall state all questions submitted for a vote and announce the results. A roll call shall be taken upon the request of any member.

4.07 Recess

In addition to recessing for an executive session, the Presiding Officer may recess a meeting for up to fifteen (15) minutes at regular intervals of approximately one (1) hour at appropriate points in the meeting agenda.

4.08 Votes

Members of the Board shall clearly indicate their vote on each matter submitted to a vote.

- (a) The Presiding Officer may make or second motions, and shall vote on all matters before the Board, unless otherwise prohibited by law, but shall have no power of veto.
- (b) The Presiding Officer shall have no power to recess a meeting or to adjourn a meeting to prevent the Board from considering an agenda item or lay the same out for consideration except in strict accordance with the Texas Open Meetings Act and the procedures enacted herein. If, notwithstanding, the positive provisions of this rule, the Presiding Officer, whether Chair, Vice Chair, or Member of the Board presiding, shall attempt to prevent Board from taking any action on any agenda item brought before it, any member of the Board present may call for a vote of the Board to consider the matter.
- (c) An affirmative vote of a majority of the members of Boards present and voting is necessary to take any official action in the name of the Board except as otherwise provided by state or local law. Should more than a majority of the members of the Board be required to pass an item, the Building Official or the City Attorney shall notify the Board of such requirement prior to the vote.
- (d) Excluding conflicts of interest as provided by state law or by City Charter, all members of the Board present at each meeting must vote on each subject presented for Board vote.

4.09 Attendance of Witnesses.

The Chair may compel the attendance of witnesses at hearings before the Board.

5. CODE OF CONDUCT

5.01 Board Members

- (a) During Board meetings, members of the Board shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to observe the rules of the Board.
- (b) A member of the Board, once recognized, shall not be interrupted while speaking unless (i) called to order by the Presiding Officer, (ii) a point of order is raised by another member, or (iii) the speaker chooses to yield to questions from another member. If a member of the Board is called to order while speaking, such member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Board member shall be permitted to proceed.
- (c) Any member of the Board, including the Chair, who fails to observe decorous and orderly behavior during a meeting or who disturbs a meeting of the Board with such disorderly conduct, is subject to being expelled from such meeting upon motion passed by two-thirds ($\frac{2}{3}$) vote of the Board present at the meeting or four members of the Board, whichever is greater.
- (d) Any member of the Board, including the Chair, reprimanded by motion or expelled from a meeting by motion who thereafter commits another breach of decorous and disorderly behavior during a subsequent meeting and again disturbs any meeting

of the Board by such disorderly conduct shall be subject to the same power of the Board to reprimand him/her, expel him/her from the meeting, or subject such member to investigation by the Council in accordance with Section 3.16 of the Charter.

5.02 Administrative Staff

- (a) Employees of the City shall observe the same rules of procedure and decorum applicable to members of the Board and shall have no voice unless and until recognized by the Chair or Presiding Officer.
- (b) While the Presiding Officer shall have the authority to preserve decorum in meetings as far as City employees are concerned, the Building Official also shall be responsible for the orderly conduct and decorum of all City employees under his/her direction and control.
- (c) All remarks and questions addressed to the Board shall be addressed to the Board as a whole and not to any individual member thereof.
- (d) No staff member, other than a staff member having the floor, shall enter into a discussion either directly or indirectly without permission of the Chair or Presiding Officer.

5.03 Citizens

- (a) Members of the public are welcome and invited to attend all open meetings of the Board and will be admitted to the Council Chamber or other room in which the meeting is held, up to the fire safety capacity of the room and/or to protect the health, safety, and welfare of the public.
- (b) Persons will refrain from private conversation in the Council Chamber, or other room, while the Board meeting is in session.
- (c) Persons attending Board meetings shall observe the same rules of propriety, decorum, and good conduct applicable to the administrative staff.
- (d) A member of the public addressing the Board or in attendance at a Board meeting shall not engage in any manner which disrupts the orderly conduct of a Board meeting, including, but not limited to, demonstrations, unauthorized remarks, the carrying of signs or placards, and/or the display of banners. Recording equipment is permissible to the extent that such equipment or the use thereof does not (i) interfere with the meeting, (ii) block means of ingress or egress, (iii) obstruct the view or interfere with the listening of attendees, and/or (iv) prevent or otherwise unreasonably impair attendees from participating in the meeting.
- (e) The Chair may rule a member of the public out of order and in violation of these rules if: (i) the member, after having been given the floor, speaks beyond the allocated time limit and refuses to yield the floor; (ii) the person's remarks are not relevant to the agenda item under consideration; (iii) the person repeatedly interrupts a member of the Board; (iv) the person's remarks are disruptive so as to disturb the peace and good order of the meeting, through use of, without limitation,

loud, threatening, hostile, abusive, vulgar or obscene language or any other actions that disturb or are calculated to disturb the meeting; (v) the person engages in any conduct with the intent to break up the meeting of the Board or urges others to commit acts or engage in conduct to break up the meeting, including unreasonably loud and prolonged yelling, screaming, clapping or noise-creating acts which render it impossible or difficult for the Board to conduct or continue with the meeting; or (vi) the person willfully refuses or fails to comply with any rule of procedure contained herein or with any reasonable order of the Presiding Officer.

- (f) Any person while addressing the Board or while attending the Board meeting violating these rules shall be given one (1) warning. If these rules continue to be violated after such warning, the person violating the rules shall be removed from the room if directed by the Chair or Presiding Officer, and such person shall be barred from further audience before the Board during that session of the Board. In case the Presiding Officer shall fail to act, any member of the Board may move to require him/her to act to enforce the rules, and the affirmative vote of four or more members of the Board present shall require the Presiding Officer to act.

5.04 In General

- (a) **Rules**

Robert's Rules of Order (latest revision) shall be used as a guide, unless Robert's Rules of Order are in conflict with the City Charter, City ordinances, or rules of procedure hereby adopted. Any one (1) or all of these rules of procedure may be suspended in order to allow a particular consideration of a matter, provided that it does not violate the state law or the Charter, and provided that not less than two-thirds ($\frac{2}{3}$) of the members of the Board present at the meeting or four (4) members of the Board, whichever is greater, vote in favor of such suspension. Where any rule embodies a provision of state law, identically or in substance, such rule may not be suspended.

- (b) **Recognition by Presiding Officer**

No person shall address the Board without first being recognized by the Presiding Officer.

- (c) **Procedure**

Each person addressing the Board shall approach the podium, give his/her name and address in an audible tone of voice for the record, and state the subject the person wishes to discuss. All comments shall be addressed to the Board as a whole and not to any member thereof. No person other than members of the Board and the person having the floor shall be permitted to enter into any discussion, directly or through a member of the Board, without permission of the Presiding Officer. No question may be asked a member of the City staff without the permission of the Presiding Officer.

- (d) **Spokesperson for group of persons**

In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Board on the same subject, it shall be proper for the Presiding Officer to request that a spokesperson be chosen by the group to address the Board, and in case additional matters are to be presented by any other member of the group, to limit the number of such persons addressing the Board.

- (e) **Charges against employees**
Should any person in a Board meeting charge an employee with improper conduct, malfeasance, nonfeasance, or misfeasance, then in such event, such person shall be ruled out of order immediately and instructed to refer his/her complaint to the City Manager or the City Council, as appropriate.
- (f) **Disturbances**
No person attending any Board meeting shall delay, interrupt, or disrupt the proceedings or refuse to obey the orders of the Presiding Officer. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the Board or while attending the Board meeting may be asked to leave if directed by the Presiding Officer.
- (g) **Communication devices**
 - (1) The use of wireless communication devices to send/receive text messages, instant messages, and/or emails between members of the Board during Board meetings is prohibited.
 - (2) No person attending any Board meeting shall possess a pager, cellular telephone, radiotelephone, or other device that is set in a mode to provide audible notification of an incoming call, text, or page.
 - (3) No person attending any Board meeting shall use a cellular telephone, radiotelephone, or other telecommunication device for audible communications while the Board meeting is in session.
- (h) **Translation Services**
Any person who intends to participate in a hearing before the Board shall notify the staff at least 48 hours prior to the meeting of the Board so that the staff may supply a translator for the person who requests translation. Translation may include sign language or a language besides English.

6. ORDER OF BUSINESS

6.01 Agenda

The order of business of a meeting shall be as contained in the agenda prepared by the Building Official. The agenda shall be a listing by topic of subjects to be considered by the Board. The agenda order set out is the desired order for conducting the business of the Board. When in the best interest of the Board and the citizens of the City require, any item appearing on the agenda shall be considered out of order as shall be determined by the Presiding Officer in his/her sole discretion.

6.02 Agenda Order

The order of the agenda shall be as follows unless the Chair, or the Building Official, determines that a different order is in the best interest of the Board and/or the citizens of the City:

(a) Call to Order

- (b) **Approval of Minutes**
- (c) **Variances**
- (d) **Appeal Hearings**
- (e) **Business Items**
- (f) **Staff Report**
- (g) **Adjournment**

7. HEARINGS AND DECISIONS

7.01 Required Attendance

A party may appear in person or be represented by counsel or an agent.

7.02 Time Limitations

(a) Variances.

The applicant for a variance shall be given a reasonable period of time to present testimony and evidence in support of the variance. Presentations on behalf of an application for a variance by a person other than the applicant shall be limited to a total of three (3) minutes. Presentations on behalf of opponents shall be limited to a total of three (3) minutes. The applicant shall have a total of two (2) minutes to rebut the arguments of the opponents.

(b) Appeals and Other Decisions

Both parties to an appeal or other matter not described in subsection (a) of this section shall be given a reasonable period of time to present testimony and evidence. Each party shall have a total of three (3) minutes for closing arguments.

(c) Increase of Time Limits

By majority vote of the Board, or upon ruling by the Chair, time limits may be equitably extended. After the hearing is closed, no further public comment shall be accepted unless requested by the Chair.

7.03 Order of Hearing for a Variance

A hearing for a variance shall generally adhere to the following format:

- (a) The Chair shall open the hearing and explain the rules of the hearing.
- (b) The Chair shall administer an oath to all persons providing testimony or other evidence.
- (c) City staff shall introduce the case and provide a staff report concerning the same.
- (d) The applicant shall present arguments.
- (e) The Chair shall then inquire if there are others affected who support the variance, who may then speak.

- (f) The Chair shall call next those opposed to the applicant's request to present arguments.
- (g) The Chair may call the applicant to rebut arguments presented by opposition.
- (h) Following any rebuttal, the Chair shall close the hearing.

7.04 Appeals and Other Decisions

An appeal hearing or a hearing on another matter, other than described in Section 7.03 hereinabove, should generally adhere to the following format, but the Board may modify the format for particular cases as deemed appropriate:

- (a) The Chair shall open the hearing and explain the rules of the hearing.
- (b) The Chair shall administer an oath to all persons providing testimony or other evidence.
- (c) Each party shall present arguments, testimony, and evidence, starting with the City.
- (d) The Chair may ask for closing statements.
- (e) Following any closing statements, the Chair shall close the hearing.

7.05 Board Decisions

(a) **Board Deliberation**

After closing the public hearing, the Chair may call for questions from the Board to the applicant, staff, witnesses and interested parties in order to bring out all relevant facts, circumstances and conditions affecting the matter and then call for questions from other members of the Board or the responsible City official. During its deliberation, the Board may call on any party to the proceeding or witness for further questioning.

(b) **Disposition**

The Board shall dismiss a matter if the Board finds that it was improperly filed. The Board may deny any matter in which the applicant has failed to appear, provided the Board shall hear those persons appearing in response to the notice of hearing.

(c) **Written Decision**

The Board shall issue a written decision after the requisite hearing, which written decision shall include:

- (1) the ultimate disposition of a case;
- (2) if applicable, any conditions imposed on a variance; and
- (3) any findings of the Board.

A decision by the Board is a final determination unless the decision is reversed by a court of competent jurisdiction or the relevant Code provisions are amended by the City Council.

(d) Time Limit

Unless time limits are established by law, the Board shall decide appeals and variances within a reasonable period of time.

7.06 Reconsideration.

The following rules apply to a request that the Board reconsider a prior determination:

- (a)** A matter on which the Board has acted may be reconsidered once by the Board.
- (b)** A request to reconsider may be filed by any person having original standing in the matter and who appeared before the Board.
- (c)** Requests for reconsideration shall be filed in writing with the Building Official within ten (10) days after the Board's decision and must: (i) state how the Board erred in its determination; (ii) state why the action should be reconsidered; and (iii) be supported by new or clarified evidence.
- (d)** The Board shall review the request and shall, on the basis of the written material(s) submitted by the applicant in support of the request, determine whether to reconsider the matter because of an error in its original determination or on the basis of new or clarified evidence not presented to the Board at the original hearing that might affect its determination.
- (e)** Failure of a motion to reconsider shall constitute final action on the matter.

8. PROHIBITION ON EX PARTE COMMUNICATIONS.

8.01 Quasi-Judicial Body.

The Board is a quasi-judicial body with authority to decide the rights of individual parties, subject to the requirements of state law and the Friendswood City Code. In deference to its decision-making role, no one other than City staff may contact a member of the Board outside of a public hearing regarding a matter that is pending, or may in the future be pending, before the Board. All communications to the Board outside of a public hearing should be directed to the Building Official.

8.02 Limitations on Outside Investigations.

Members shall not individually investigate cases before the Board.

8.03 Disqualification.

A Board Member that receives material information regarding a case that is not made available to other members of the Board is disqualified from participating in the case unless the member publicly discloses the information and its source at the earliest reasonable opportunity. Board members may disqualify themselves if an applicant, interested party, or agent has sought to influence the members' vote other than in a public meeting of the Board or through documents made available at the public meeting.