

THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.

ORDINANCE

AMENDING CHAPTER 6 OF THE CITY CODE, ENTITLED “BUILDINGS”, AND CHAPTER 10 OF THE CITY CODE, ENTITLED “BUILDING-RELATED CODES OF THE CITY OF SAN ANTONIO” BY AMENDING THE PROCEDURES FOR THE CREATION OF SUB-COMMITTEES TO THE BUILDING STANDARDS BOARD AND THE BUILDING-RELATED AND FIRE CODES APPEALS AND ADVISORY BOARD.

* * * * *

WHEREAS, the Building-Related and Fire Codes Appeals and Advisory Board (BRFCAAB) and the Building Standards Board (BSB) are charged with reviewing and making recommendations on building-related and fire codes and the property maintenance code, respectively, upon request by the Building Official; and

WHEREAS, the Development Services Department relies on various subcommittees of the BRFCAAB and BSB who conduct public meetings for evaluation, input and any recommended revisions of the codes; and

WHEREAS, the results of these reviews are forwarded to the full BRFCAAB and BSB, respectively, where additional public meetings are conducted regarding the updated codes and their respective local amendments; and

WHEREAS, the BRFCAAB and the BSB, respectively, recommended approval and adoption of the aforementioned amendments; and

WHEREAS, on June 27th, 2024, the Planning and Community Development Committee also recommended approval and adoption of the aforementioned amendments; and

WHEREAS, all prerequisites required by state statute and the City Charter for adoption of these amendments have been satisfied; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 10, Section 10-14 (f), is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in **Attachment A**.

SECTION 2. Chapter 6, Section 6-155, is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in **Attachment B**.

SECTION 3. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, or any appendix, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision in this ordinance be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 4. There is no financial impact as a result of the passage of this Ordinance.

SECTION 5. No other provision of the City Code is amended by this Ordinance. All other provisions remain in effect.

SECTION 6. The City Clerk for the City of San Antonio is directed to publish notice of this Ordinance in a newspaper published in the City of San Antonio, Texas, as required by Article 2, Section 17 of the City Charter of San Antonio, Texas.

SECTION 7. The publishers of the City Code of San Antonio are authorized to amend said Code to reflect the changes adopted in this Ordinance, to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 8. This Ordinance is effective immediately upon receipt of eight affirmative votes; otherwise, it is effective 10 days after passage.

PASSED AND APPROVED this 8th day of August, 2024.

M A Y O R

Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

ATTACHMENT A

Chapter 10, Section 10-14(f)

(f) Sub-committees. The appeals and advisory board may form sub-committees to advise it on specific matters. Prior to conducting public hearings on any of the nationally recognized building-related codes or the City of San Antonio Signs Code, and any associated amendments thereto, the appeals and advisory board shall form code review sub-committees and shall select a chairman for such sub-committee. The purpose of code review sub-committees is to review the newly published codes and to receive public comments on these codes and their associated amendments. The building official will provide appropriate staff support to all such sub-committees. The chairman of each code review sub-committee shall report his sub-committee recommendations to the appeals and advisory board during the subsequent public hearings conducted by the board on these codes.

(1) Sub-committee membership. Sub-committee membership shall consist of appointed board members or their appointed designated alternates, should the member not be present, and may also consist of not more than four (4) individuals who are not appointed by the mayor and city council, "non-board member", and who are not required to reside in the city. A sub-committee is required to have at least four (4) appointed board members or their appointed designated alternates. Both the primary board member and alternate board member for any category may serve on a sub-committee, but only one category member, primary or alternate, may serve as a voting member on the sub-committee. Sub-committees shall have not more than seven (7) primary and alternate board members and seven (7) designated alternates. Any board member may sit on a sub-committee as an ex-officio member but shall not be counted as part of the quorum or be authorized to vote. The number of non-board members shall be limited to the lesser of four (4) or one less than the number of board members appointed to the sub-committee. The non-board members shall be appointed by either the full board or the sub-committee on which they will serve. Non-board members shall reside in the city unless the residence requirement is waived by the full board through the approved selection process.

(2) Non-Board member selection. Selection of candidates to serve as a non-board member to a sub-committee will be completed as per the sub-committee selection bylaws adopted by the board.

(2) (3) Sub-committee quorum and voting. A majority of the combined appointed board members or their appointed designated alternates, should the member not be present, of the

sub-committee and the non-board members shall constitute a quorum. ~~Only committee members who are appeals and advisory board members or their alternates, should the member not be present, shall be allowed to vote on committee items. Committee members not appointed by the mayor and city council to the appeals and advisory board, as either a member or alternate member, may not vote on committee matters, and shall not be counted in the quorum.~~ A majority of sub-committee members ~~authorized to vote~~ shall be required to approve any item before the sub-committee.

DRAFT

ATTACHMENT B

Sec. 6-155.3. Subcommittees

a) Subcommittees. BSB may form subcommittees to advise it on specific matters. Prior to conducting public hearings on any of the nationally recognized property maintenance related codes, the San Antonio Property Maintenance Code, and any associated amendments thereto, or Chapter 6, Article VIII. Building Standards Board, the BSB shall form code review subcommittees and shall select a chairman for such subcommittees. The purpose of code review subcommittees is to review the newly published codes and to receive public comments on these codes and their associated amendments. The building official will provide appropriate staff support to all such subcommittees. The chairman of each code review subcommittee shall report his subcommittee recommendations to the BSB during the subsequent public hearings conducted by the board on these codes.

1) Subcommittee membership. Subcommittee membership shall consist of board members and may also consist of individuals who are not appointed by the mayor and city council, "non-board members" and who are required to reside in the city. A subcommittee is required to have at least four (4) board members. Subcommittees shall have not more than six (6) board members. Any board member may sit on a subcommittee as an ex-officio member but shall not be counted as part of the quorum or be authorized to vote. The number of non-board members to the subcommittee shall be limited to the lesser of four (4) or one less than the number of board members appointed to the sub-committee. The non-board members shall be appointed by either the full board or the subcommittee on which they will serve. Non-board members shall reside in the city unless the residence requirement is waived by the BSB through the approved selection process.

(2) Non-board member selection. Selection of candidates to serve as a non-board member to a subcommittee will be completed as per the subcommittee selection bylaws adopted by the board.

(3) Subcommittee quorum and voting. A majority of the combined board members and the non-board members shall constitute a quorum. A majority of subcommittee members shall be required to approve any item before the subcommittee.

Sec. 6-155.3 4. Administrative liability.

No officer, attorney, agent, or employee of the city shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted and performed in good faith in the discharge of his or her duties under this article so long as such officer, agent, or employee is acting within the scope of his or her official capacity. Any suit brought against any attorney, officer, agent, or employee of the city acting within his or her official capacity and scope, as a result of any act required or permitted and

performed in good faith in the discharge of duties under this article shall be defended by the city attorney until the final determination of the proceedings therein.

Sec. 6-155.4. ~~5.~~ Severance.

Should any section, clause, sentence, or provision of this article be held illegal, invalid, or unenforceable in whole or part by a final judgment of a court of competent jurisdiction, such judgment shall not affect or invalidate the remaining provisions of this article which shall be treated as having been duly legislated without inclusion of such illegal, invalid, or unenforceable section, clause, sentence, or provision.

DRAFT