

City of Brenham Building and Standards Commission

Rules of Procedure

Adopted April 3, 2025

A. PURPOSE

These Rules of Procedure for the Building and Standards Commission ("BSC" or "the Commission") are intended to supplement but not replace federal, state and local laws. These rules may be amended as deemed appropriate and necessary by a majority vote of the Building and Standards Commission. Amendments shall be in accordance with federal, state and local laws. The following Rules of Procedure are hereby adopted by the Building and Standards Commission for the City of Brenham, Texas. These Rules of Procedure for the Building and Standards Commission of the City of Brenham are adopted in accordance with the City of Brenham Code of Ordinances, City Charter, and the requirements of Chapter 54 of the Texas Local Government Code. The Rules of Procedures as herein set out are adopted as required by law and in the event of conflict with any provision of applicable law, said Rules shall be deemed to be superseded by such conflicting law.

B. AGENDAS, MEETINGS, CONDUCT AND RECORDS

1. The Buildings and Standards Commission shall meet on an as-needed basis. Unless otherwise stated in the posted meeting agenda notice, all meetings shall be at the City of Brenham City Hall in the City Council Chambers. The meeting time will vary depending on the availability of the Building and Standards Commission Members.
2. All Building and Standards Commission agendas shall be posted in accordance with the Texas Open Meetings Act, set forth in Chapter 551 of the Texas Government Code, as amended. Agendas shall be posted online and at the City of Brenham Municipal Building main entrance exterior bulletin board.
3. Meeting agendas and packets will be distributed to each Member in advance of the meeting.
4. Notifications of meetings of the Building and Standards Commission shall comply with the requirements provided for in the City of Brenham Code of Ordinances.
5. Three (3) Members of the Building and Standards Commission shall constitute a quorum to conduct a meeting. The affirmative vote of not less than three (3) Members shall be required in order for the Building and Standards Commission to take action. A Member shall not participate in any case or other matter in which the Member has a conflict of interest as defined by applicable law.
6. The BSC meetings may be conducted in accordance with *Robert's Rules of Order*, at the Chair's discretion. If any question arises as to procedure, the ruling of the Chair or, in his/her absence, the Vice Chair shall be final.
7. Informal voice voting shall be used, unless a BSC member requests a roll call vote. Where there is a single vote on a group of items, under circumstances where no member requests a separate vote, the vote on the group of items is deemed to be the same as a separate, identical vote on each item.
8. The presiding officer will preserve order and decorum during the meeting. The presiding officer shall request all speakers to keep comments brief and relevant to the question before the BSC.
9. Speakers during any general public comment period shall limit their presentations to three (3) minutes each.

10. The Building Official or his/her designee shall be responsible for keeping all records of proceedings before the Building and Standards Commission.

C. INITIATION OF A CASE UNDER CHAPTER 54, TEXAS LOCAL GOVERNMENT CODE

1. The Building Official of the City of Brenham shall initiate and present to the Building and Standards Commission all cases initiated by the City of Brenham.
2. Any person desiring to prosecute a case with the Building and Standards Commission must first file a complaint in writing with the Building Official. The Building Official shall determine if a probable cause exists to present the case to the Building and Standards Commission.
3. The initiation of the case to the Building and Standards Commission is based on Probable Cause. The term “Probable Cause” shall be defined to mean the existence of sufficient facts and circumstances to constitute a reasonable belief that a violation of Article XII of the City of Brenham Code of Ordinances exists, justifying enforcement action pursuant to the provisions of Article XII of the City of Brenham Code of Ordinances.
4. If probable cause is found to exist by the Building Official, then a case shall be initiated. If the Building Official determines in the inspection, that no probable cause exists, no further action shall be taken on the complaint.

D. NOTIFICATION PROCEDURES

When a building or structure is determined by the Building Official to be a substandard building the property owner and person(s) of interest, if any, shall be notified in accordance with the Article XII of the City of Brenham Code of Ordinances. For purposes of these Rules of Procedure, a “Person of Interest” means any record owner, mortgagee, registered agent or any lienholder of record.

E. HEARINGS

1. Failure of any person to appear at the hearing waives that person’s right to a hearing.
2. The hearing shall offer all interested persons reasonable opportunity to be heard.
3. A person may appear at the hearing in person or through an attorney or other designated representative.
4. Hearings are not governed by the Texas Rules of Civil Procedure or the Texas Rules of Evidence.
5. Copies of all documentary and/or written evidence to be presented during the hearing by a Person of Interest or their representative shall be provided to the Building Official in writing no later than five (5) calendar days prior to the date of the hearing. For good cause shown, the Chair in his/her sole discretion, may allow documentary and/or written evidence to be presented to the BSC despite failure to timely provide such items to the Building Official prior to the date of the hearing.
6. A record shall be made of all hearings and proceedings.

7. The Chair of the BSC may obtain the issuance and service of subpoenas for the attendance of witnesses or the production of evidence at the hearings. Subpoenas may be issued upon the request of any member of the Commission or of a Person of Interest. The issuance and service of subpoenas shall be in accordance with established law. Any person who refuses without legal excuse to respond to any subpoena lawfully issued and served may be prosecuted to the extent established by law.
8. Any Member of the BSC shall have the power to administer oaths and affirmations and to certify official acts. Oral evidence shall be taken only on oath or affirmation.
9. BSC Members can ask questions at any time during hearing.

F. ORDERS AND PROCEEDINGS OF HEARINGS

1. The Chair of the Commission shall call the case, open the hearing and read the agenda item which contains a brief synopsis of the case that will be immediately heard.
2. All witnesses and interested persons wishing to speak will be sworn by oath prior to their presentation before the Commission.
3. The Building Official and/or other representatives of the City of Brenham shall present its evidence, documents, testimony and professional opinions regarding the case before the Commission.
4. After the presentation by the City of Brenham, the Chair should ask whether or not the property owner or other Person of Interest has any questions for the City.
All questions shall be directed to the Chair and the Chair will determine whether or not they are relevant to the case under consideration. The Chair shall have the power and authority to rule on any objections as to the form and substance of any question or evidence presented.
5. Following presentation by the City, the property owner or other Person of Interest shall have the right to present its evidence, documents, testimony and professional opinions regarding the case before the Commission.
6. Following presentation by the City, property owner or representative, and other Person of Interest, all other interested parties shall have the reasonable opportunity to present their evidence, documents, testimony and professional opinions regarding the case before the Commission. At the discretion of the Chair, the hearing may be limited to three (3) minutes for presenters other than the property owner or Person of Interest.
7. Rebuttal and response by the Building Official (limited to issues raised by other testimony, presentations, written comments, etc.).
8. Incorporation of testimony, exhibits, etc. into the BSC case record.
9. The Chair shall then close the hearing, and the Commission shall deliberate concerning its decision. The Commission in its deliberative session should speak openly as much as necessary concerning the issues of the testimony and the relevant facts surrounding the case. Should the Commission determine the building or structure to be substandard, the Commission may impose conditions, time limitations or action as outlined in the Article XII of the City of Brenham Code of Ordinances. The Commission may find that the building or structure is not a substandard building and refer the matter to the Building Official for further appropriate action.
10. As soon as a probable consensus has been reached by the Commission on one or more of the issues pertaining to the case, a motion may be made and seconded. Following a standing motion and second, all members of the board shall vote on the motion unless there is further discussion

- and/or parliamentary action. The Commission will usually deliberate and make a decision on a case during the same meeting, but may also do so at a subsequent meeting.
11. All orders, supplements, or amendments thereto must be affirmatively passed by three (3) Members of the Commission.

G. Rehearing and Reconsideration of Cases Previously Heard by the Building and Standards Commission

1. The Building and Standards Commission shall have the jurisdiction to rehear and/or reconsider cases previously decided. A Person of Interest seeking rehearing and/or reconsideration of a case shall file within ten (10) calendar days after the date the Commission renders its decision and files its decision in writing, in accordance with the City of Brenham Code of Ordinances. The request for rehearing/reconsideration shall be submitted in writing to the Building Official and specify the grounds for rehearing and/or reconsideration. Within sixty (60) calendar days after a request for rehearing/reconsideration is submitted to the Building Official, the Commission shall determine whether to grant a request for rehearing/reconsideration, conducting further proceedings at which testimony, evidence, or argument is permitted. In the event the Commission Fails to take action to grant a request for rehearing/reconsideration within said sixty (60) day period, such request shall be deemed to have been denied. In the event the Commission grants a request for rehearing/reconsideration, such rehearing shall be conducted within ninety (90) calendar days after the request for rehearing/reconsideration is submitted to the Building Official.

H. Limitation of these Procedural Guidelines for the Building and Standards Commission

1. In addition to hearing cases pursuant to Chapter 54 of the Local Government Code, the Building and Standards Commission has other duties and responsibilities and may function as a non-statutory commission in discharging such obligations.
2. The Building and Standards Commission may further make recommendations to the City Council as to any needed modifications, amendments and changes in the Code of Ordinances of the City of Brenham.