

AN ORDINANCE  
ABOLISHING THE BOARD OF ADJUSTMENT  
AND  
TRANSFERRING ITS DUTIES TO THE CITY COUNCIL;  
AND  
PROVIDING FOR PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF INGLESIDE ON THE BAY:


SECTION 1. The Board of Adjustment is provided for by Ordinance No. 92-0 and Ingleside on the Bay has found for some time that said Board of Adjustment was unneeded having never met for work. Therefore, the City Council of Ingleside on the Bay, having reviewed State law, its ordinances and the general public health, safety and welfare finds and determines that such Board of Adjustment is not necessary for the citizens of Ingleside on the Bay. Therefore, the Board of Adjustment is hereby abolished.

SECTION 2. There is hereby abolished the Board of Adjustment. The duties are to be transferred to the City Council of the City of Ingleside on the Bay, to be the final determination of the finding of the planning and zoning requirements for the City of Ingleside on the Bay.

SECTION 3. The duties of the Board of Adjustment as they relate to Ingleside on the Bay ordinances, rules and regulations only are hereby transferred to the City Council of the City of Ingleside on the Bay. Any duties of the Board of Adjustment with regard to enforcement or any jurisdiction are hereby abolished.

SECTION 4. The City Secretary is hereby authorized and directed to publish this Ordinance by publishing the caption hereof one time in the official newspaper and by posting the caption in three public places within Ingleside on the Bay.

Passed and approved by the City Council of Ingleside on the Bay this 6th day of April, 1993.

  
MAYOR

ATTEST:

  
CITY SECRETARY





City of Ingleside On The Bay COPY

P. O. Box B

Ingleside, Texas 78362

May 28, 1996

Mr. Hal George  
Attorney at Law  
Broyles & Pratt  
500 N. Water St. - Suite 1001 North  
Corpus Christi, Texas 78471

RE: ORDINANCE # 1993-03 ABOLISHING BOARD OF ADJUSTMENT

Dear Hal:

Enclosed is a copy of the article I mentioned to you in our phone conversation of today. I also made a copy of Al's with his response to the matter. I realize we are not Home Rule, but it was the sentence referring to the governing bodies of general law cities that caught my eye. Al & I are both a little unsure and felt we better get your opinion just to be on the safe side.

Would appreciate your response at the earliest possible. Also curious as to where we stand on the Ronnie Smith TEC file?

Sincerely,

Pat Westberry  
City Secretary

Enc

Memorandum

COPY *al*

To: Mayor & City Council & P&Z

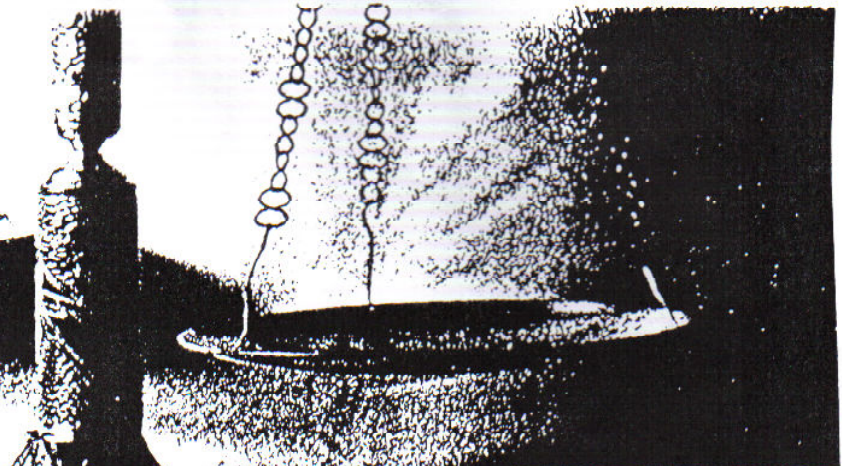
From: City Secretary *W*

Date: May 24, 1996

Subject: Ord.1993-03 Abolishing Board of Adjustment

Was concerned with this Ordinance when I read the attached article in TML's publication of Texas Town & City that Alderwoman Black brought to my attention. Could this create a problem for us if someone challenges our p&z decisions or Ordinances such as the Michael Johnson/Gunther Schmidt letter challenging our annexation.

Legal CCA



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**Q:**

If a city does not have a zoning board of adjustment, may the city council exercise the functions of the board?

**A:**

*✓* No. In 1989, in Opinion JM-1069, the Texas Attorney General concluded that the governing body of a home rule city is not authorized to serve as a zoning board of adjustment, nor can members of the governing body be appointed to serve on a board of adjustment. In 1992, in Letter Opinion 92-56, the Attorney General concluded that the reasoning in Opinion JM-1069 is equally applicable to the governing bodies of general law cities.

*ISAW PA  
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