

ORDINANCE NO. 2009-016

AN ORDINANCE AMENDING SUBSECTIONS 33.03(C) AND (D) (WATER AND WASTEWATER ADVISORY BOARD), OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS, IN ORDER TO REVISE THE NUMBER OF BOARD MEMBERS; PROVIDING FOR AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, SEVERABILITY AND REPEALER.

WHEREAS, the City of Wimberley ("City") is authorized to establish boards and commissions to receive public input and provide recommendations to the City Council; and,

WHEREAS, the City Council strives to consider qualified individuals who represent a broad sampling of the community when appointing members to the City's boards and commissions; and,

WHEREAS, the City Council of the City of Wimberley, Texas desires to amend the number of appointments to the Water and Wastewater Board in order to promote the efficient and economic use of citizens' time.

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

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of Wimberley and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

II. AMENDMENTS

1. THAT subsections 33.03(C) and (D) (WATER AND WASTEWATER ADVISORY BOARD) of the Wimberley Code of Ordinances shall be amended in their entirety to read as follows:

“(C) Composition of Board. The Board shall be comprised of 7 individuals who reside within the City limits and/or reside outside the City limits but within the 78676 zip code. A minimum of 4 members shall be appointed who must reside within the city limits of the city.

(D) Appointment of Board members; vacancies.

The City Council and Mayor shall each appoint 1 member to the Board. One additional member shall be appointed by consensus of the City Council. If a vacancy occurs on the Board, the City Council Member who originally appointed that member or his or her successor shall appoint a person, with the approval of a majority of the City Council, to fill the unexpired term. In the case of a vacancy occurring in the consensus position on the Board, the City Council shall by majority vote appoint a person to fill that vacancy.”

Except as provided herein, of the Code of Ordinances of the City of Wimberley shall remain in full force and effect.

III. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

IV. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

V. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED on this 16th day of April, 2009, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: Tom Haley
Tom Haley, Mayor

ATTEST:

Cara McPartland
Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby
Carolyn J. Crosby, Assistant City Attorney

