

ORDINANCE NO. 2009- 045

AN ORDINANCE AMENDING PORTIONS OF SECTIONS 33.02 (TRANSPORTATION ADVISORY BOARD), 33.03 (WATER AND WASTEWATER ADVISORY BOARD), 33.04 (PARKS AND RECREATION BOARD), AND 150.01 (BUILDING CODE BOARD OF REVIEW) OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS IN ORDER TO REVISE THE PROCESS FOR APPOINTMENT AND TERMS OF OFFICE FOR INDIVIDUALS APPOINTED TO THE ABOVE REFERENCED BOARDS; AND PROVIDING FOR FINDINGS OF FACT, AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, AND SEVERABILITY.

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 City boards and commissions; and,

WHEREAS, the City Council desires to amend the terms of the boards referenced in this ordinance so that they are appointed by newly elected council members in a consistent manner; and further, the City Council finds amending the board members' terms will ensure uniformity and will enhance the membership of the City's boards and commissions.

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 of Wimberley and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

II. AMENDMENTS

A. THAT Subsection 33.02(D) Transportation Advisory Board, Subsection 33.03(D) Water and Wastewater Advisory Board, Subsection 33.04(D) Parks and Recreation Board, Subsection 150.01(D) Building Code Board of Review of the Code of Ordinances of the City of Wimberley, Texas is hereby amended to read as follows:

*"(D) Appointment of Board members; vacancies.*

Each member of the City Council and Mayor shall present their nominations for designated non-consensus board positions at the first regular Council meeting in the month of July following their election to office. At that same meeting in July, city council shall consider those nominations for appointment. Once appointed by a majority vote of city council, the appointed board member shall serve until their successor is appointed. Each Board member shall be eligible for reappointment.

For consensus board positions, the Mayor and Council shall submit names of potential appointees for the consensus place(s) on the Board at the first regular Council meeting in the month of July following the Mayor's election to office. At the same meeting in July, city council shall consider those nominations for appointment. If a board has more than one consensus position, the

Mayor and Council shall submit names of potential appointees for the second consensus place on the Board at the first regular Council meeting in the month of July following the Place 1 City Council Member's election to office. At the same meeting in July, city council shall consider those nominations for appointment. Once appointed by a majority vote of city council, the appointed consensus member(s) shall serve until their successor is appointed. Each consensus Board member shall be eligible for reappointment.

**B. THAT** Subsection 33.02(E) (Transportation Advisory Board), Subsection 33.03(E) (Water and Wastewater Advisory Board), Subsection 33.04(E) (Parks and Recreation Board), and Subsection 150.01(E) (Building Code Board of Review) of the Code of Ordinances of the City of Wimberley, Texas are hereby amended to read as follows:

*"Terms of Board Members.* The term of each board member shall be two years from the date of appointment."

Except as amended herein, the Wimberley Code of Ordinances 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

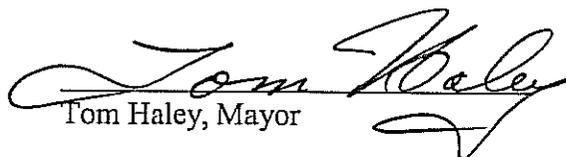
This Ordinance shall take effect following its passage and publication as may be required by governing law.

### 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 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.

**PASSED AND APPROVED** on this 5<sup>th</sup> day of November, 2009, by a 5  
(Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

### CITY OF WIMBERLEY

  
Tom Haley, Mayor

**ATTEST:**

  
Cara McPartland, City Secretary

APPROVED AS TO FORM:

*Carolyn J. Crosby*  
Carolyn J. Crosby, City Attorney

