

ORDINANCE NO. 2010- 024

AN ORDINANCE AMENDING CHAPTER 155 (ZONING) SUBSECTIONS 155.107(B)(2) AND (B)(3) (PLANNING AND ZONING COMMISSION) OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS IN ORDER TO REVISE THE APPOINTMENT PROCESS FOR PLANNING AND ZONING COMMISSION MEMBERS; 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. AMENDMENT

A. THAT § 155.107 (PLANNING AND ZONING COMMISSION), subsections (B)(2) and (B)(3) of the Code of Ordinances of the City of Wimberley, Texas are hereby amended to read as follows:

"(B) Creation; membership; officers; rules and bylaws.

(2) The City Council and Mayor shall each nominate 1 member to the Commission. A seventh Commissioner shall be nominated by consensus of the City Council. Each member of the City Council and Mayor shall present their nominations for designated non-consensus commission positions at the first regular Council meeting in the month of July following their 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 board members shall serve until their successor is appointed. Each Board member shall be eligible for reappointment.

For the one consensus position on the commission, the Mayor and Council shall present their nominations for the consensus commission position 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. Once appointed by a

majority vote of city council, the consensus commission member shall serve until their successor is appointed. Each consensus member shall be eligible for reappointment.

(2) The term for each commission member shall be for two (2) years from 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 FIRST READING this 15th day of July, 2010, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

PASSED AND APPROVED ON SECOND READING this 5th day of August, 2010, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

Bob Flocke
Bob Flocke, Mayor

ATTEST:

Cara McPartland
Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby
Carolyn J. Crosby, City Attorney

