ORDINANCE NO. 2007-030

AN ORDINANCE AMENDING CHAPTER 155, SUBCHAPTER 155.107, PLANNING AND ZONING COMMISSION, OF THE CODE OF ORDINANCES OF THE VILLAGE OF WIMBERLEY, TEXAS PROVIDING PROCEDURES FOR THE APPOINTMENT OF MEMBERS TO THE PLANNING AND ZONING COMMISSION AND REQUIREMENTS RELATING TO TERMS OF OFFICE FOR INDIVIDUALS APPOINTED TO THE PLANNING AND ZONING COMMISSION; PROVIDING FOR AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, SEVERABILITY AND REPEALER.

WHEREAS, the Village of Wimberley is authorized by Chapters 211 and 212 of the Texas Local Government Code to create a planning and zoning commission and establish the terms and duties of same; and,

WHEREAS, the City Council of the Village of Wimberley, Texas strives to consider qualified individuals who represent a broad sampling of the community when appointing members to the Village of Wimberley Planning and Zoning Commission; and,

WHEREAS, the City Council of the Village of Wimberley, Texas desires to amend the formal appointment process whereby each member of the City Council has the ability to appoint one member to the Planning and Zoning Commission, with the appointee's term running concurrent with that of the appointing Councilmember; and finds such a procedure will enhance the membership of the Planning and Zoning Commission.

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

SECTION 1

That Chapter 155, Subchapter 155.107 (B)(2) of the Code of Ordinances of the Village of Wimberley, Texas is hereby deleted in its entirety and replaced with the following language:

Section B(2). Creation; membership; officers; rules and bylaws.

(2) Each member of the City Council and Mayor shall nominate one (1) member to the Commission no later than forty-five (45) days after taking office. A seventh Commissioner shall be nominated by consensus of the Council no later than forty-five (45) days after the Mayor takes office. Each person so nominated must be approved by a simple majority vote of the Council before becoming a member of the Commission.

SECTION 2

That Chapter 155, Subchapter 155.107 (B) (3) of the Code of Ordinances of the Village of Wimberley, Texas is hereby deleted in its entirety and replaced with the following language:

Section B (3) Creation; membership; officers; rules and bylaws.

(3) Commissioners shall be appointed to a particular place (such as Planning and Zoning Commissioner, Place No. 1). The Commissioner appointed to Place No. 6 shall be the appointee of the Mayor. The Commissioner appointed to Place No. 7 shall be the appointee nominated by consensus of the City Council. Each member's term in office will run concurrent with the term of the City Councilmember who made his or her appointment, unless sooner removed or resigned. The term of the Commissioner appointed to Place No. 7 shall run concurrent with the term of the Mayor. The members of the commission shall serve until their successors are appointed. Each Commissioner shall be eligible for reappointment.

SECTION 3

That Chapter 155, Subchapter 155.107 (B)(7) of the Code of Ordinances of the Village of Wimberley, Texas is hereby deleted in its entirety and replaced with the following language:

Section B (7) Creation; membership; officers; rules and bylaws.

(7) From among its members the Commission shall elect its officers, those being the chairperson, vice-chairperson, and parliamentarian. Officers shall be elected for terms of 1 year. The chairperson shall not hold the position for 2 consecutive terms. The Commission, at its second meeting each June, shall select all the positions. New officers shall begin serving during the meeting following their selection and they shall serve until the next election of officers.

Except as provided herein, Chapter 155 of the Code of Ordinances of the Village of Wimberley shall remain in full force and effect.

SECTION 4

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

SECTION 5

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.

SECTION 6

This Ordinance shall take effect on May 10, 2008, following its passage and publication as may be required by governing law.

SECTION 7

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.

FIRST READING PASSED AND APPROVED on this 4th day of October, 2007, by a 3 (Ayes) 2 (Nays) 0 (Abstain) vote of the City Council of the Village of Wimberley, Texas.

SECOND READING PASSED AND APPROVED on this 18th day of October, 2007 by a 4 (Ayes) 1 (Nays) 0 (Abstain) vote of the City Council of the Village of Wimberley, Texas.

VILLAGE OF WIMBERLEY

Tom Haley, Mayor

ATTEST:

Don Ferguson, City Administrator

APPROVED AS TO FORM:

Carolyn J. Crosby, Assistant City Attorney