ORDINANCE NO. 2007-006

AN ORDINANCE OF THE VILLAGE OF WIMBERLEY, TEXAS AMENDING CHAPTER 30 "ADMINISTRATION" OF THE CODE OF ORDINANCES OF THE VILLAGE OF WIMBERELY, TEXAS TO ESTABLISH A UNIFORM ELECTION DATE FOR THE ELECTION OF THE MAYOR AND CITY COUNCILMEMBERS; PROVIDING TERMS FOR THE MAYOR AND CITY COUNCILMEMBERS; ESTABLISHING A PLACE SYSTEM FOR ELECTION OF COUNCILMEMBERS; ESTABLISHING RULES AND ORDER OF BUSINESS FOR CITY COUNCIL; PROVIDING FOR AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, SEVERABILITY AND REPEALER.

WHEREAS, the Village of Wimberley was incorporated as a General Law Type A municipality, governed by the statutes of the State of Texas, in a May 6, 2000, special incorporation election and a mayor and five aldermen for the Village were elected in a special election held on August 12, 2000; and

WHEREAS, after the initial election, the City Council found it necessary, for the convenience of the voters and for the orderly transition of the City Council Members of the Village of Wimberley to establish a place system for the election of city council members; and

WHEREAS, the City Council of the Village of Wimberley desires to establish a uniform election date upon which the general election for all elected municipal officers is held; and

WHEREAS, the City Council of the Village of Wimberley desires to establish terms of office for elected municipal officials in accordance with state statute; and

WHEREAS, the City Council of the Village of Wimberley desires to establish certain rules and an order of business for City Council meetings to ensure the Village government is open and accessible to all citizens.

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

I. FINDINGS

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

II. AMENDMENTS

That Chapter 30, Section 30.01 of the Code of Ordinances of the Village of Wimberley is hereby amended by deleting this section its entirety and replacing it with the following:

Section 30.01 Governing Body

(a) *The City Council shall be the governing body of the City. The City Council shall consist of a Mayor and five Councilmembers.*

(b) *Members of the City Council shall serve without compensation, but will be entitled to payment or reimbursement of all actual and necessary expenses incurred in the performance of their official duties as determined by a reimbursement policy adopted by City Council.*

Section 30.02 Elections

(a) The City is hereby designated as a single precinct for the purpose of municipal elections.

(b) The Mayor and City Council Members shall be elected under a place system.

(c) The Mayor and City Council Members for Place 2 and Place No. 4 shall be elected in even numbered years and the City Council Members for Place No. 1, Place No. 3 and Place No. 5 shall be elected in odd numbered years.

(d) Any candidate for officer of City Council Member shall file an application for a specific place on the Council, such as "Council Member, Place No. 1."

(e) Regular City elections shall be held annually on the uniform election date in May of each year as determined by the legislature of the State of Texas, at which time officers will be elected to fill those places whose terms have expired, and in even numbered years the office of the Mayor. This provision does not apply to special elections to fill vacancies, as may be authorized by law.

Section 30.03 Term of Office

Pursuant to the provisions of Section 22.035, Texas Local Government Code, as amended, the Mayor and Councilmembers of the City shall serve two year staggered terms.

Section 30.04 Meetings

(a) The City Council shall hold at least one regular meeting each month and may hold as many special meetings as necessary to conduct City business. The regular meetings of the City Council shall be held on Thursdays in the Wimberley City Hall, unless changed by majority vote of the City Council at a public meeting.

(b) While in an open meeting, an executive session which is properly posted on the agenda may be convened by the Mayor or upon motion of any Councilmember.

(c) *Notice of all meetings shall be posted in accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.*

(d) *All meetings of the City Council shall be conducted in accordance with the provisions of the latest edition of Roberts Rules of Order.*

(e) If a closed meeting is permitted by state law, the City Council may meet in a meeting that is closed to the public during any City Council meeting. A closed meeting may be held at any time during any City Council meeting, but notice of the closed meeting must be given in accordance with the Texas Open Meetings Act, Chapter 551, Texas Government Code.

Section 30.05 Presiding Officer; Mayor Pro Tempore

(a) The Mayor shall be the presiding officer of the City Council and shall conduct all meetings of the City Council to permit full and free discussion by the members of the Council and the public in accordance with the rules established by this Chapter.

(b) *At the first meeting following each regular City election, or as soon thereafter as practicable, the City Council shall elect one Councilmember to serve as Mayor Pro Tempore for a term of one year and to perform the duties of the Mayor in the event of the Mayor's failure, inability or refusal to act. If the Mayor and the Mayor Pro Tempore are absent, any alderman may be appointed to preside at a meeting.*

(c) *The Mayor shall not have the power to veto or modify any ordinance adopted by the City Council and may not, in any way, neutralize or negate any action of the City Council. The Mayor may not bind or obligate the City in any way without prior authorization from the City Council. The Mayor may not vote on any motion considered by the Council, unless necessary to break a tie.*

Section 30.06 Quorum

A majority of the number of City Council Members established in Section 30.01 of this code constitutes a quorum. However, at a special called meeting or at a meeting to consider the imposition of taxes, two-thirds of the number of City Council members established by that section constitutes a quorum unless otherwise provided.

Section 30.07 Filling Vacancies on the Council

(a) In the event of a vacancy or vacancies in the office of Mayor or Councilmembers, such vacancy or vacancies shall be filled as follows:

(1) *If no more than one (1) vacancy exists, a majority of the remaining members of the City Council may fill the vacancy by appointment, and the person appointed to fill the vacancy shall serve the term of the vacated position until the next regular City election.*

(2) *In lieu of filling one (1) vacancy on the City Council by appointment, as provided for above, a special election may be called to fill such vacancy.*

(3) *If two (2) or more vacancies on the City Council exist at the same time, a special election shall be called to fill such vacancies.*

(b) *Special elections shall be ordered, held and conducted in accordance with the general laws of the State.*

Section 30.08 Agenda for Council Meetings

(a) The City Administrator shall prepare and post the agenda for each City Council meeting.

(b) The City Administrator must place an item on an agenda if:

(1) *The item is requested by the Mayor or a member of the City Council;*

(2) *The item is requested by a City commission;*

(3) *The item is requested by a City department head or the City Attorney; or*

(4) *The City Administrator determines that the item is necessary in the general conduct of City business.*

(c) *An item placed on the agenda at the request of the Mayor or any member of the City Council may not be removed from the agenda unless the removal is approved by the person requesting the agenda item.*

Section 30.09 Consent Agenda; Exceptions

The City Council may adopt certain items by consent of the City Council, without taking a separate vote on each item. The items adopted by consent of the City Council are the "consent agenda." The Council may not adopt the following by consent:

(a) *An item subject to a public hearing;*

(b) *An item posted on the agenda for consideration at a specific time;*

(c) *An item for which the City Administrator has received a written request that the item be removed from the consent agenda;*

(d) *An item for which the City Administrator has received, before the meeting is called to order, registration cards from one or more persons who intend to testify on the items; or*

(e) *An item that any member of the City Council requests be removed from the consent agenda.*

Section 30.10 Rules of Order

(a) Decorum shall be observed by all members of the Council and all persons attending a Council meeting. No person or Councilmember may use disparaging, threatening or abusive language during a Council meeting.

(b) *The presiding officer shall maintain order at all Council meetings. The presiding officer may shorten a person's speaking time, ban a person from speaking for the balance of a meeting, or cause a person to be removed from the Council meeting for a violation of the rules of order set out in this Subchapter. A ban or removal applies only for the duration of the meeting at which it is imposed.*

(c) *The presiding officer shall rule out of order any Councilmember breaching decorum. A Councilmember ruled out of order may call for a vote of the Council to sustain or overrule the presiding officer.*

Section 30.11 Citizen Communication

(a) The presiding officer will ensure that citizens of the City have a reasonable opportunity to address the Council regarding matters under consideration at any meeting.

(b) *A person who intends to speak at a Council meeting on an agenda item or at a public hearing shall deliver to the City Administrator a registration card that includes the person's name, the date of the Council meeting, and the agenda item or items upon which he or she wishes to speak.*

(c) *The person may deliver the card to the City Administrator at any time after the City Administrator posts the agenda for the meeting and before the item is taken up.*

(d) *The presiding officer shall grant a person at least three minutes to address the City Council, unless the Council rules otherwise or the presiding officer exercises authority under Section 30.10 to reduce the speaker's time. More than three minutes of time may be granted at the discretion of the presiding officer.*

Section 30.12 General Order of Business at Council Meetings

The general order of business at a City Council Meeting is as follows:

(a) *Call to order.*

(b) *Call of Roll.*

(c) *Invocation.*

(d) *Pledge of Allegiance/Salute to the Texas Flag*

(e) *Citizen communications on any item not on the agenda.*

(f) *City Administrator Report*

(g) *Council action on the consent agenda.*

(h) *Consideration of any items pulled from the consent agenda.*

(i) *Other specific agenda items.*

(j) *City Council reports.*

(k) *Executive sessions.*

(l) *Adjournment.*

Section 30.13 Administration

The City Council shall work through the City Administrator in dealing with the City officers and employees who are under the direction of the City. City staff shall

respond to direction from the Council as a whole, and not to direction from individual members of the City Council.

Section 30.14 Effect of Procedural Rules

The procedural rules set forth in this Subchapter are directory only and it is the intent of the City Council that the violation of any such procedural rules shall not affect the validity or legality of any City Council action otherwise properly taken.

III. REPEALER

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.

IV. 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.

V. EFFECTIVE DATE

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

VI. 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 15th day of March, 2007, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the Village of Wimberley, Texas.

VILLAGE OF WIMBERLEY

By: Tom Haley

Tom Haley, Mayor

ATTEST:

Brenda Millender

Brenda Millender, City Secretary

SEAL

APPROVED AS TO FORM:

Patty L. Akers

Patty L. Akers, City Attorney