

ORDINANCE NO. 2009- 014

AN ORDINANCE REPEALING ORDINANCE NOS. 2006-015 AND 2007-009 OF THE CITY OF WIMBERLEY, TEXAS, ESTABLISHING THE ECONOMIC DEVELOPMENT COMMISSION IN ORDER TO DISSOLVE SUCH COMMISSION; AND AMENDING TITLE III (ADMINISTRATION), CHAPTER 33 (BOARDS AND COMMISSIONS) OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS, IN ORDER TO CREATE SECTION 33.05 ESTABLISHING AN ECONOMIC DEVELOPMENT COMMISSION, ITS PURPOSE, MEMBERSHIP REQUIREMENTS AND DUTIES; 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 wishes to maintain and develop sound economic development guidelines for the enhanced promotion of tourism and development of the economy within the City; and,

WHEREAS, the City Council of the City of Wimberley, Texas desires to create a citizen advisory commission to investigate and research the various elements of the City's current economic development plan and continue to review the long-range economic development plan, including new available funding sources for the City.

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. DISSOLUTION OF ECONOMIC DEVELOPMENT COMMISSION

- A. The Economic Development Commission of the City of Wimberley is hereby dissolved.
- B. Ordinances Nos. 2006-015 and 2007-009 are hereby and in all things repealed in their entirety.

III. AMENDMENT

THAT Title III (Administration), Chapter 33 (Boards and Commissions) of the Wimberley Code of Ordinances is hereby amended to add Section 33.05 (Economic Development Commission) to read as follows:

“§ 33.05 ECONOMIC DEVELOPMENT COMMISSION.

(A) *Purpose.* The purpose of this section is to create a citizen advisory Commission to provide recommendations and advice to the City Council with respect to the promotion of business, civic and cultural affairs of the community in order to enhance and promote economic development in the City. This section is adopted so that the Economic Development Commission (the “Commission”) created hereby may advise the City Council with respect to these matters.

(B) *Creation and composition of Commission.*

(1) The Commission created by this chapter, shall be an independent advisory Commission to the City Council, and shall be comprised exclusively of volunteer members appointed by the Council.

(2) The Commission shall be comprised of seven (7) members from within the corporate limits of the City and US postal zip code 78676, at least four (4) of whom shall be residents of and registered to vote in the City. The members shall be nominated for selection to the Commission as follows: one (1) each by the Mayor and each Member of the City Council, as individual appointments, and the remaining member is to be chosen by a majority vote of the City Council.

(3) Members of the Commission may be selected from among the following: (1) a representative of a local business, (2) a representative of a real estate company, (3) a representative of an arts and/or culture organization, (4) a representative of a lodging business, and (5) a representative of the Wimberley Merchants Association.

(4) No member of the Commission shall hold any other public office of honor, trust or profit in the government of the city during their term of office.

(5) The members shall serve without pay.

(C) *Duties of the Commission.* The Commission shall review and recommend amendments to the Economic Development Plan of the City to City Council on an annual basis. The Commission shall make recommendations to the City Council regarding other matters related to the policies and procedures of the economic development health and vitality of the City.

Further, the Commission shall have the following responsibilities and advise the Council with respect to:

- (1) Short- and long-term economic development goals;
- (2) Alternative methods to achieving the economic development goals and milestones detailed in the Economic Development Plan;
- (3) Informing the citizens of the City and Wimberley Valley Community about the information contained in the Economic Development Plan and programs adopted by the City Council;
- (4) Monitoring and reporting to the City Council economic development opportunities to include grants;
- (5) Investigating financing options for public projects and public/private partnerships or agreements, including capital items and real property acquisitions;
- (6) Implementation of certain tasks as specifically outlined and detailed in the approved Economic Development Plan of the City; provided, however, in no event shall the Commission or individual members have the power or authority to contract or otherwise encumber or obligate the City to participate in any economic development program, contract with third parties or pay any fees, expenses or matching funds for any contract, economic development program or incentive without the prior approval of the City Council; and,
- (7) Other matters as the Council from time to time by resolution may request.

(D) *Vacancies on the Commission.* If a vacancy occurs on the Commission in a position originally filled by the Mayor or an individual Council Member, then the person who originally appointed the Commission member or the successor shall appoint a person to fill that vacancy. In the event that a vacancy occurs on the Commission that results in the majority of the Commission members not being registered voters within the city limits of the City, then the Commission will not meet or conduct business until such time as the vacancy can be filled by appointment of the City Council so that a majority of the Commission members are registered voters within the city limits. For purposes of this section, if a member moves out of the corporate limits of the city or no longer resides within US postal zip code 78676, then the member shall be deemed to have automatically resigned from the Commission.

(E) *Terms of Commission members.* At the first regular meeting, all Commission members shall either agree among themselves, or draw lots to determine which three (3) members shall serve an initial term of one (1) year. Thereafter, all members terms shall be two (2) years.

(F) *Removal of Commission members.* The City Council may by majority vote remove a Commission member for incompetence, corruption, misconduct, malfeasance, or for any other reason stated in the vote. Any Commission member who misses 3 consecutive meetings, or 1/3 of all regular meetings within a 12-month time period, shall be deemed to have automatically vacated his or her position on the Commission. This provision shall not apply to a Commission member who applied for and received an excused absence from the Commission chairperson for

the meeting(s) at issue. If any member of the Commission changes his or her residence or voter registration with the result that fewer than 4 members of the Commission are residents of and registered to vote in the city, then that member of the Commission is deemed to have automatically vacated his or her position on the Commission.

(G) *Commission officers.* The Commission shall elect officers from among its members. The officers shall be the chairperson, vice-chairperson, and secretary. Officers shall be elected for terms of one (1) year. The Commission chairperson shall preside over all meetings and may vote. If the chairperson is absent, or fails or refuses to act, the vice-chairperson shall perform the duties of the chairperson. If the chairperson and vice-chairperson are absent or fail or refuse to act, then any Commission member may be appointed by the Commission to preside over the meeting. The secretary shall keep the minutes of the meetings of the Commission. If the secretary is absent or fails or refuses to act, then any Commission member may be appointed by the Commission to take the minutes of the meeting. The officers of the Commission shall have those other duties as the Commission may determine.

(H) *Commission meetings and rules of proceedings.* The Commission shall conduct regular quarterly meetings and other meetings as deemed necessary at a time and place determined by resolution adopted by the Commission. Special meetings may be called by the Commission chairperson or by three (3) Commission members. A majority of the Commission shall constitute a quorum. The Commission may determine the rules of its proceedings.

(I) *Proper Notice and Open Meeting.* The Commission shall comply with the provisions of Chapter 551, Texas Government Code, commonly referred to as the Open Meetings Act, including posting notices and agendas so as to adequately inform the public of the time, location and substance of business to be undertaken. Meetings closed to the public or executive sessions are normally not appropriate for Commissions, commission and committees and will not be conducted without the advice and consent of the City Attorney. All Commissions, commissions, and committees must keep at least summary records of their proceedings and these records will be accessible to the public.”

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

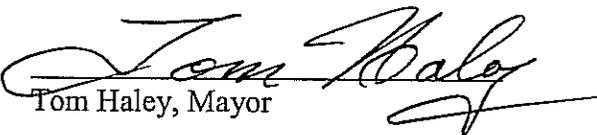
This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

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 19th day of March, 2009, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

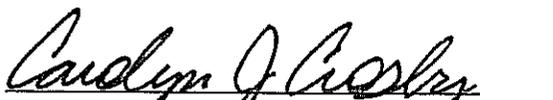
By: 
Tom Haley, Mayor

ATTEST:


Cara McPartland, City Secretary

SEAL

APPROVED AS TO FORM:


Carolyn J. Crosby, Assistant City Attorney

