

ORDINANCE NO. 2014-012

AN ORDINANCE AMENDING CHAPTER 155 (ZONING), SECTION 155.107 (PLANNING AND ZONING COMMISSION) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES FOR REQUIREMENTS RELATING TO ATTENDANCE AND THE REMOVAL OF COMMISSIONERS, AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, A SAVINGS AND SEVERABILITY CLAUSE, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Wimberley, Texas (the "City") seeks to provide for the health, safety and welfare of its citizens; and

WHEREAS, the City 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 strives to maintain qualified and dedicated individuals for appointment to the City Planning and Zoning Commission.

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

Section 1. Findings. 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.

Section 2. Amendment. Title XV (Land Usage), Chapter 155 (Zoning), section 107(B)(5) of the City of Wimberley Code of Ordinances is hereby amended as follows:

"(5) Removal of Commission Members. The City Council may, by majority vote, remove a Commission member for lack of confidence, incompetence, corruption, misconduct or malfeasance. The Commission shall hold one (1) Regular Meeting per month on the second Thursday of the month. The Commission may hold Special Called Meetings at any other time, when deemed necessary. Any Commission member who is tardy to a Regular or Special Called Meeting of the Commission is prohibited from participating in the discussion and/or vote on the agenda item being discussed by the Commission at the time of the tardy Commission member's arrival. Any Commission member who misses three (3) Regular Meetings and/or Special Called Meetings, under the circumstances set forth in this Chapter, within a twelve (12) month time period shall be deemed to have automatically vacated his or her position on the Commission. When any Commission member has missed two (2) Regular meetings and/or Special Called Meetings, under the circumstances set forth in this Chapter, in a twelve (12) month time period, the City Administrator shall notify the subject Commission member and City Council, in writing, about the subject Commission member's absences. For the purpose of this meeting attendance

requirement, it shall be considered a missed meeting for any member who misses a Special Called Meeting that was cancelled due to a lack of quorum because of the subject Commission member's absence. In addition, it shall be considered a missed meeting for any Commission member who leaves a meeting prior to the completion of all action items on the posted agenda for a meeting for any other reason other than to avoid a potential conflict of interest. For the purpose of this policy, any Commission member who automatically vacates his or her position on the Commission may be considered for reappointment to the Commission or appointment to another City Board in the future by City Council."

Section 3. Except as expressly amended herein, the Wimberley Code of Ordinances shall remain in full force and effect.

Section 4. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

Section 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Section 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is 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 Texas Open Meetings Act, Chapter 551, Tex. Loc. Gov't. Code.

FIRST READING PASSED AND APPROVED this 1st day of May, 2014, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

SECOND AND FINAL READING PASSED AND APPROVED this 15th day of May, 2014, by a vote of 4 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY, TEXAS

Bob Flocke
Bob Flocke, Mayor

ATTEST:

Cara McPartland
Cara McPartland, City Secretary

APPROVED AS TO FORM:

Catherine B. Fryer
Catherine B. Fryer, City Attorney

