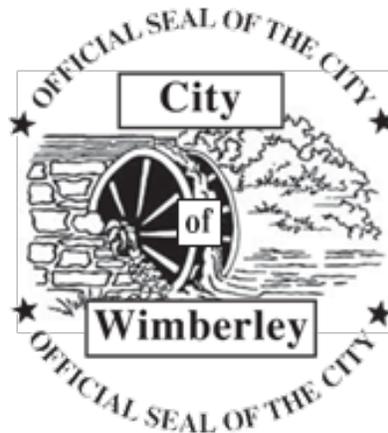


# **City of Wimberley Boards, Commissions and Committees Handbook**



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Version 1.0

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## Foreword

The City of Wimberley ("City") is a Type A, general-law municipality, which has an aldermanic form of government. City Council is composed of five (5) Council members and a Mayor, which have two-year staggered office terms. Council members and the Mayor carry out legislative responsibilities, such as identifying the needs of the City, developing programs which satisfy those needs, and evaluating the extent to which municipal services satisfactorily reflect the policy goals of the City Council. City staff's job is to assist with the implementation and on-going function of the policies and procedures set forth by City Council and manage the day-to-day operations of the City.

Volunteer boards, commissions and committees also help to support the City Council's goals and objectives and are mostly created by ordinance, which outline their composition, duties and responsibilities. The work done by volunteer citizens serving on boards, commissions and committees is a vital part of the successful functioning of the City. Members are appointed by the City Council on a periodic basis. Members have an opportunity to affect public policy, gain access to the highest levels of City government and to develop networks. Any citizen interested in serving on a board, commission or committee should request a handbook and application from the City Secretary's Office, or the appropriate staff liaison. In addition to submitting a completed application, it will also be helpful to notify the Mayor or a City Council member of your interest.

This publication provides a listing of boards, commissions and committees presently operating in the City. The directory is designed to educate the citizenry of Wimberley about opportunities available for community service. The City Council encourages participation of qualified citizens and is committed to cultural diversity on all appointments. Questions regarding board, commission, committee service or volunteering should be directed to the City Secretary's Office at 512-847-0025, ext.: 203 or by email at [lcalcote@cityofwimberley.com](mailto:lcalcote@cityofwimberley.com).

In recognition of the important civic commitment of any citizen serving the City, we have prepared this handbook to assist members in performing their duties.

It is our hope that your service to the City of Wimberley will be both rewarding and fulfilling. Again, thank you for your willingness to serve.

# Chapter I: Definitions

## **Boards, Commissions and Committees Defined.**

The City of Wimberley ("City") values on the input from volunteer residents serving on boards, commissions and committees. The City may have various kinds of boards, commissions and committees, including, but not limited to:

*Advisory Boards, Commissions and Committees*  
*Decision-making Boards, Commissions and Committees*  
*Separate Legal Entities*  
*Standing Committees*  
*Sunset Committees*

## **Advisory Boards, Commissions and Committees Defined.**

These boards, commissions and committees advise the Mayor, City Council, City Administrator and City staff. These entities play a key role in keeping the City of Wimberley government accountable and transparent to the citizenry and assist in providing ideas, feedback, and suggestions and may serve as a sounding board for proposed policy or procedure. Current advisory boards, commissions and committees found within the City of Wimberley's Code of Ordinances are as follows:

*Building Code Board of Review*  
*Parks and Recreation Board*  
*Transportation Advisory Board*  
*Water and Wastewater Advisory Board*  
*Ethics Review Commission*  
*Downtown District Committee*  
*Tourism Management and Development Committee*

## **Building Code Board of Review**

**Purpose:** The purpose of the Building Code Board of Review (hereafter, the “board”) is to provide for the orderly and safe development of the building and housing stock within the corporate limits and extraterritorial jurisdiction of the city. The board may advise the city council so as to promote the public health, safety, morals, and general welfare, and protect the public interest and preserve the safety of residents.

**Duties:** The board shall serve as a board of appeals, as a board of review, and as an advisory committee to the city council. More information regarding duties as the board of appeals, board of review, granting of variances and additional duties can be found in the City’s Code of Ordinances.

**Composition:** The board shall be comprised of seven (7) registered voters who are residents of the city or the immediate vicinity of the city, with no more than three (3) members of the board being residents outside the city limits and extraterritorial jurisdiction (ETJ). In the event that a vacancy occurs on the board that results in the majority of the board members being residents that reside outside the city limits, then the board 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 board members are residents living within the city limits. The member that moved outside the city limits, which caused the board to lose its majority of members who reside within the city limits shall be deemed to have automatically resigned from membership on the board. If the member's move outside the city limits does not result in a majority of members residing outside the city limits, then the member will continue to serve on the board.

### **Appointment of members:**

- (1) Each member of the city council and the mayor shall present their nominations for designated non-consensus board positions at the first regular council meeting in the month of July following their election to office. At that same meeting in July, the city council shall consider those nominations for appointment. Once appointed by a majority vote of city council, the appointed board member shall serve until their successor is appointed. Each board member shall be eligible for reappointment.

- (2) For consensus board positions, the mayor and council shall submit names of potential appointees for the consensus place(s) on the board at the first regular council meeting in the month of July following the mayor's election to office. At the same meeting in July, the city council shall consider those nominations for appointment. If a board has more than one consensus position, the mayor and council shall submit names of potential appointees for the second consensus place on the board at the first regular council meeting in the month of July following the city council member's election to office. At the same meeting in July, the city council shall consider those nominations for appointment. Once appointed by a majority vote of the city council, the appointed consensus member(s) shall serve until their successor is appointed. Each consensus board member shall be eligible for reappointment.

**Term of members:** The term of each board member shall be two (2) years from the date of appointment.

**Removal of members:** The city council may by majority vote remove a board member for lack of confidence, incompetence, corruption, misconduct, or malfeasance.

Any board member who misses three (3) consecutive meetings within a 12-month time period or one-third (1/3) of all regular meetings shall be deemed to have automatically vacated his or her position on the board. This subsection shall not apply to a board member who applied for and received an excused absence from the board chairperson prior to the meeting(s) at issue.

**Officers:** From among its members the board shall elect its officers, those being the chairperson, vice-chairperson, parliamentarian, and secretary. Officers shall be elected for terms of one (1) year. The board chairperson shall preside over at all meetings and may vote. If the chairperson fails or refuses to act, the vice-chairperson shall perform the duties of the chairperson. If the chairperson and vice-chairperson are absent, any board member may be appointed by the board to preside over the meeting.

**Meetings generally:** The board shall conduct regular meetings once a month at a time and place determined by resolution adopted by the board. The initial meeting of the board shall be called by the city council. Special meetings may be called by the board chairperson or upon application of three (3) board members. A majority of

the board shall constitute a quorum. The board may determine the rules of its proceedings.

**Open meetings:** The board 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 boards, commissions and committees and will not be conducted without the advice and consent of the city attorney. All boards, commissions and committees must keep at least summary records of their proceedings and these records will be accessible to the public.

## **Parks and Recreation Board**

**Purpose:** The purpose of the Parks and Recreation Board (hereafter, the “board”) is to provide for the orderly and safe development of parks and recreational facilities for the community. The board may advise the city council to promote the public health, safety, morals, and general welfare, and protect the public interest and preserve the safety of residents.

**Duties:** The board shall develop a master parks plan for consideration by the city council. The board shall also recommend amendments to the plan as needed. It shall make recommendations to the city council concerning procurement opportunities, procurement, and development of parks and other recreational facilities in the city, as well as facilities planning, construction, and park development and maintenance.

### **Composition:**

- (1) The board shall be an independent advisory board to the city council and shall be comprised exclusively of citizen volunteer members appointed by the city council.
- (2) The board shall be comprised of six (6) Hays County registered voters. Four (4) members must reside within the city's corporate limits and no more than two (2) members may reside outside the city limits.
- (3) In the event that a vacancy occurs on the board that results in the majority of the board members being residents that reside outside the city limits, then the board 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 board members are residents living within the city limits. The member that moved outside the city limits, which caused the board to lose its majority of members who reside within the city limits shall be deemed to have automatically resigned from membership on the board. If the member's move outside the city limits does not result in a majority of members residing outside the city limits, then the member will continue to serve on the board.

**Appointment of board members; vacancies:** Each member of the city council and mayor shall present their nominations for designated non-consensus board members before the second regular city council meeting in June, following their election to office. At the same meeting in June, city council shall consider those nominations for appointment. Once appointed by a majority vote of city council, the appointed board member shall serve until their successor is appointed. Each board member shall be eligible for reappointment. Reappointments can be made to each position by the original appointer.

**Terms of board members:** The term of each board member shall be one (1) year, from July 1st to June 30th. Members can serve for a limit of four (4) consecutive terms.

**Removal of board members:** Board members serve at the pleasure of city council. The city council may by majority vote remove a board member at any time. Any board member who misses three (3) consecutive meetings, or one-third (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 board. This section shall not apply to a board member who applied for and received an excused absence from the board chairperson prior to the meeting(s) at issue. Any board member who no longer resides within the boundaries as provided above, is deemed to have automatically vacated his or her position on the board.

**Board officers:** From among its members the board shall elect its officers, those being the chairperson, vice-chairperson, and secretary. Officers shall be elected for a one (1) year term. The board chairperson shall preside over all meetings and may vote. If the chairperson fails or refuses to act, the vice-chairperson shall perform the duties of the chairperson. If the chairperson and vice-chairperson are absent or refuse to act, any board member may be appointed by the board to preside over the meeting.

**Board meetings:** The board meets on the third Tuesday of each month at 4:00 p.m. at Wimberley City Hall. Special meetings may be called by the board chairperson or upon application of three (3) board members. A quorum shall be comprised of four (4) board members. The board may determine the rules of its proceedings.

**Open meetings:** The board 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 boards, commissions and committees and will not be conducted without the advice and consent of the city attorney. All boards, commissions and committees must keep at least summary records of their proceedings and these records will be accessible to the public.

## **Transportation Advisory Board**

**Purpose:** The purpose of the Transportation Advisory Board (hereafter, the “board”) is to provide for the orderly and safe development and maintenance of a roadway system within the city. This board may advise the city council to promote the public health, safety, and general welfare, and protect the public interest and preserve the safety, appearance, and functionality of the road and bridge system.

**Duties:** The board shall hold public meetings, conduct work sessions, and make recommendations to the city council regarding road and bridge development, road and bridge maintenance, traffic flow patterns, parking, and bicycle and pedestrian walkways and trails. The board shall also make recommendations to the city council regarding revisions of subdivision rules or any other ordinance or rule that may affect the road system. The board will also assist the city council with assigning priorities for road and right-of-way (ROW) projects to ensure that appropriate funds are budgeted. The board will work with the city administrator to ensure that appropriate cooperation is maintained between the city and the county and the state (TxDOT), so that all parts of the road system are planned and developed.

**Composition of board:** The board shall be comprised of six (6) Hays County registered voters. Four (4) members must reside within the city's corporate limits and no more than two (2) members may reside outside the city limits.

**Appointment of board members; vacancies:** Each member of the city council and mayor shall present their nominations for designated non-consensus board members before the second regular city council meeting in June, following their election to office. At the same meeting in June, the city council shall consider those nominations for appointment. Once appointed by a majority vote of city council, the appointed board member shall serve until their successor is appointed. Each board member shall be eligible for reappointment. Reappointments can be made to each position by the original appointer.

**Terms of board members:** The term of each board member shall be one (1) year, from July 1st to June 30th. Members can serve for a limit of four (4) consecutive terms.

**Removal of board members:** Board members serve at the pleasure of city council. The city council may by majority vote remove a board member at any time. Any board member who misses three (3) consecutive meetings, or one-third (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 board. This section shall not apply to a board member who applied for and received an excused absence from the board chairperson prior to the meeting(s) at issue. Any board member who no longer resides within the boundaries as provided above, is deemed to have automatically vacated his or her position on the board.

**Board officers:** From among its members the board shall elect its officers, those being the chairperson, vice-chairperson, and secretary. Officers shall be elected for a one (1) year term. The board chairperson shall preside over all meetings and may vote. If the chairperson fails or refuses to act, the vice-chairperson shall perform the duties of the chairperson. If the chairperson and vice-chairperson are absent or refuse to act, any board member may be appointed by the board to preside over the meeting.

**Board meetings:** The board meets on the second Wednesday of each month at 9:00 a.m. at Wimberley City Hall. Special meetings may be called by the board chairperson or upon application of three (3) board members. A quorum shall be comprised of four (4) board members. The board may determine the rules of its proceedings.

**Open meetings:** The board 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 boards, commissions and committees and will not be conducted without the advice and consent of the city attorney. All boards, commissions and committees must keep at least summary records of their proceedings and these records will be accessible to the public.

## **Water and Wastewater Advisory Board**

**Purpose:** The purpose the Water and Wastewater Advisory Board (hereafter, the “board”) is to provide for the orderly and safe development of watershed management strategies and participate in regional planning specifically for water, wastewater, and stormwater management. This board may advise the city council to promote the public health, safety, and general welfare, and protect the public interest and preserve water safety and water quality and quantity.

**Duties:** The board shall hold public meetings, conduct work sessions, and make recommendations to the city council regarding water and wastewater issues considered by the city council. The board shall also make recommendations to the city council regarding revisions of subdivision rules, the waterway overlay district, or any other ordinance or rule that may affect water quality or quantity, and regarding policies having to do with ordinances or rules pertaining to water supply, wastewater treatment, watershed protection, stormwater management, and FEMA issues.

**Composition:** The board shall be comprised of seven (7) individuals who reside within the city limits and/or reside outside the city limits but within the 78676-zip code. A minimum of four (4) members shall be appointed who must reside within the city limits.

### **Appointment of members:**

- (1) Each member of the city council and the mayor shall present their nominations for designated non-consensus board positions at the first regular council meeting in the month of July following their election to office. At that same meeting in July, the city council shall consider those nominations for appointment. Once appointed by a majority vote of city council, the appointed board member shall serve until their successor is appointed. Each board member shall be eligible for reappointment.
- (2) For consensus board positions, the mayor and council shall submit names of potential appointees for the consensus place(s) on the board at the first regular council meeting in the month of July following the mayor's election to office. At the same meeting in July, the city council shall consider those nominations for appointment. If a board has more than one consensus position, the

mayor and council shall submit names of potential appointees for the second consensus place on the board at the first regular council meeting in the month of July following the city council member's election to office. At the same meeting in July, the city council shall consider those nominations for appointment. Once appointed by a majority vote of the city council, the appointed consensus member(s) shall serve until their successor is appointed. Each consensus board member shall be eligible for reappointment.

**Term of members:** The term of each board member shall be two (2) years from the date of appointment.

**Removal of members:** The city council may by majority vote remove a board member for lack of confidence, incompetence, corruption, misconduct, or malfeasance. Any board member who misses three (3) consecutive meetings within a 12-month time period or one-third (1/3) of all regular meetings shall be deemed to have automatically vacated his or her position on the board. This section shall not apply to a board member who applied for and received an excused absence from the board chairperson prior to the meeting(s) at issue.

**Officers:** From among its members the board shall elect its officers in September, who shall take office in October, those being the chairperson, vice-chairperson, and secretary. Officers shall be elected for terms of one (1) year. The board chairperson shall preside over all meetings and may vote. If the chairperson 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 to act, any board member may be appointed by the board to preside over the meeting.

**Meetings generally:** The board shall conduct regular meetings at least once a month at a time and place determined by resolution adopted by the board. Special meetings may be called by the board chairperson or upon application of three (3) board members. A majority of the board shall constitute a quorum. The board may determine the rules of its proceedings.

**Open meetings:** The board 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 boards, commissions and committees and will not be conducted without the advice and consent of the city attorney. All boards, commissions and committees must keep at least summary records of their proceedings and these records will be accessible to the public.

## **Ethics Review Commission**

**Jurisdiction:** The Ethics Review Commission (hereafter, the “commission”) has jurisdiction over ethics complaints as described in the City’s Code of Ordinances involving city officials and city employees and may advise the city council from time to time regarding ethical matters, so as to promote personal integrity, honesty and ethical conduct in all matters conducted by the city.

**Composition; terms; officers:** The commission is to be composed of seven (7) members each serving a two-year term. Each member of the city council and the mayor shall nominate one (1) member to the commission. A seventh member shall be appointed by majority vote of the city council. If a vacancy occurs on the commission, the council member place or the mayor who made the nomination for the vacant place shall nominate a person to fill the unexpired term. Nominated members become appointed members upon a simple majority vote of the council. Each commission member shall take an oath of office comparable to that taken by council members. Ethics commissioners shall serve without compensation but shall be eligible to be reimbursed for actual expenses in accordance with the city's policy.

**Terms of commissioners:** Commissioners shall serve two-year terms and may be reappointed. Each commissioner that was appointed prior to the effective date of this section shall continue to serve as a commissioner and for the duration of the term of their original appointment. The council may by majority vote remove a commissioner with or without cause. Any commissioner who misses three (3) consecutive meetings within a twelve (12) month time period or one-third (1/3) of all regular meetings shall be deemed to have automatically vacated his or her position on the commission. This section shall not apply to a commissioner who applied for and received an excused absence from the commission chairperson prior to the meeting(s) at issue. Any commissioner who no longer resides within the corporate boundaries of the city is deemed to have automatically vacated his or her position on the commission.

**Officers:** From among its members the commission shall elect its officers, those being the chairperson, vice-chairperson, and secretary. Officers shall be elected for terms of one (1) year. The chairperson shall preside over all meetings and may vote. If the chairperson fails or refuses to act, the vice-chairperson shall perform the duties of the chairperson. If the

chairperson and vice-chairperson are absent, any commissioner may be appointed by the remaining members of the commission to preside over the meeting.

**Qualifications:**

- (A) Commission members must be registered voters who are residents of the city.
- (B) No member of the ethics commission may be:
  - (i) A member of the city council, a member of the planning and zoning commission, a member of the board of adjustment, a city employee, a city official, or the spouse of any of the foregoing;
  - (ii) A candidate for elected public office for the city;
  - (iii) Anyone having a substantial business interest or substantial interest in real property with any council member, city official, city employee, or commission member specified under subsection (i) above;
  - (iv) Anyone who has been a paid campaign worker or paid political consultant for any council or mayoral candidate; or
  - (v) A convicted felon.

**Conflicts of interest:** An ethics commissioner shall not vote or participate in any matter involving a person listed in Section 2.07.002(c)(4) of the City’s Code of Ordinances, nor on any matter or involving any person that the ethics commissioner has an economic interest in or with.

**Procedures:**

- (1) The commission shall have the authority to review and investigate complaints filed in accordance with this article and issue a written finding and ruling of the commission's determination when appropriate.
- (2) The commission shall determine its rules and procedures, which shall be submitted in writing for approval of the council. The commission shall establish, amend and rescind its procedures and maintain proper records of its proceedings and its

opinions. The commission shall meet as often as necessary to fulfill its responsibilities but must meet at least once a year to review the code of ethics.

- (3) The commission shall have the power to investigate, request and gather evidence necessary to determine if a violation has occurred. The commission shall have the power to enforce the provisions of this article, including recommending to the council the prosecution of alleged violators. Nothing in this code shall be construed, however, to prevent complainants, including the city, from instituting direct legal action on their own behalf through the appropriate judicial authority.
- (4) Service on the commission does not preclude a member from filing a complaint with the commission. The commission member filing the complaint must recuse himself/herself from the commission procedure.

**Code of ethics review:** The commission shall make recommendations to the council regarding revisions and changes to the code of ethics.

**City support:**

- (1) The commission may seek any necessary assistance from the council and city administrator regarding financial support needed to carry out the commission's duties.
- (2) The commission shall receive from the city such administrative support as reasonably necessary to carry out the duties of the commission and to assist the commission with maintenance of its records in compliance with the city's records retention schedule.

**Meetings generally:** The commission meets annually in September, and as needed.

**Open meetings:** 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 boards, commissions and committees and will not be conducted without the advice and consent of the city attorney. All boards,

commissions and committees must keep at least summary records of their proceedings and these records will be accessible to the public.

## **Downtown District Committee**

**Purpose:** The purposes of the Downtown District Committee (hereafter, the “committee”) are to stimulate downtown economic development in the city by encouraging cooperation and building leadership in the business community; creating a positive image for downtown by promoting the downtown as an exciting place to live, shop, work and invest; and guide and assist in improving the downtown appearance, mobility, safety, comfort, and environmental protection.

**Duties:** The board shall hold public meetings, conduct work sessions, and make recommendations to the city council regarding improvements to the downtown area, including but not limited to mobility, signage, facilities, and the development of a downtown master plan.

**Composition:** A member of the committee shall have a known and demonstrated interest, knowledge or expertise relevant to the development and revitalization of downtown. The committee shall have seven (7) members, comprised of the following:

- (1) Three (3) downtown property or business owners.
- (2) Two (2) residents of the city.
- (3) One (1) Wimberley Valley Chamber Representative.
- (4) One (1) merchant's association member.

**Appointment of members; vacancies:** The members of the committee shall be appointed by consensus and, shall serve at the pleasure of the city council. The primary consideration in appointing committee members shall be to provide the committee with the needed technical, professional, financial, business, or administrative expertise.

**Terms of members:** The term of each committee member shall be two (2) years from the date of appointment.

**Removal of members:** Committee members serve at the pleasure of city council. The city council may by majority vote remove a committee member at any time. Any committee member who misses three (3) consecutive meetings, or one-third (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 committee. This section shall not apply to a committee member who applied for and received an excused absence from the committee chairperson prior to the meeting(s) at issue. Any committee member who no longer satisfies the requirements as provided above, is deemed to have automatically vacated his or her position on the committee.

**Officers:** From among its members the committee shall elect its officers, those being the chairperson, vice-chairperson, and secretary. Officers shall be elected for a one (1) year term. The committee chairperson shall preside over all meetings and may vote. If the chairperson fails or refuses to act, the vice-chairperson shall perform the duties of the chairperson. If the chairperson and vice-chairperson are absent or refuse to act, any committee member may be appointed by the committee to preside over the meeting.

**Meetings:** The committee meets on the second Wednesday of each month at 6:00 p.m. at Wimberley City Hall. Special meetings may be called by the committee chairperson or upon application of three (3) committee members. A quorum shall be comprised of four (4) committee members. The committee may determine the rules of its proceedings.

**Open meetings:** The committee 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 committees, commissions and committees and will not be conducted without the advice and consent of the city attorney. All committees, commissions and committees must keep at least summary records of their proceedings and these records will be accessible to the public.

**Subcommittees:** The committee may create special committees with limited purposes or goals to perform specific functions and activities specified by the committee. At the beginning of each calendar year the committee shall determine if any special committees then in existence need to continue the work assigned to them. No special committee shall be comprised of more than two (2) members of the downtown committee. Special committee may recruit members from interested parties who have a known and demonstrated interest, knowledge or expertise relevant to the special committee's function.

## **Tourism Management and Development Committee**

**Purpose:** The seven-member Tourism Management and Development Committee (hereafter, the “committee”), shall oversee the development, implementation, management, and collection of any public funds for use in delivering, executing, monitoring, and overseeing the city's tourism.

**Membership:**

- (1) Four (4) lodging operator representatives nominated by the Wimberley Valley Tourism and Lodging Association Board.
- (2) One (1) citizen representative nominated by the city council.
- (3) One (1) arts/historical attraction representative nominated by the Wimberley Valley Arts and Cultural Alliance Board.
- (4) One (1) merchants association representative nominated by the Wimberley Merchants Association Board.
- (5) Each committee member shall be appointed to a two-year term and may be reappointed by the council for two (2) additional consecutive two-year terms. After serving a third consecutive two-year term, an individual is not eligible for reappointment for two (2) years.
- (6) Each responsible organization (Wimberley Valley Tourism and Lodging Association Board, Wimberley Valley Arts and Cultural Alliance Board, and Wimberley Merchants Association Board) shall provide its slate of nominees to the city council no later than thirty (30) days from the effective date of the ordinance from which this section derives; otherwise, the council may nominate committee members of its own choosing to represent the organization that did not nominate its own candidate.
- (7) All nominees must be representatives of a business or entity that is located within the city limits or extraterritorial jurisdiction of the city. The citizen representative nominee must live within the city limits or extraterritorial jurisdiction of the city.

- (8) Appointment to the committee is subject to the approval of a majority vote of the council. Members shall serve at the pleasure of the council, and any member may be removed by majority vote of the council at any time. In the event of removal, the responsible organization shall provide a replacement nominee no later than thirty (30) days from the date of the vacancy; otherwise, the council will nominate a person of its own choosing to fill the vacant position as representative for that organization.

**Responsibilities:** The committee is responsible for the following:

- (1) Setting the five-year tourism goals for the city that are consistent and aligned with the city's comprehensive plan and seeking approval of the same from the city council.
- (2) Creating a comprehensive tourism plan that is consistent and aligned with the city's comprehensive plan and that balances the needs of citizens and businesses.
- (3) Establishing an annual budget to bring to life the tourism plan.
- (4) Ensuring any initiatives implemented from the comprehensive tourism plan are self-sustaining and self-funding in twelve (12) or less months after implementation.
- (5) Shutting down, cancelling, and terminating initiatives that do not become self-sustaining and self-funding in twelve (12) or less months after implementation.
- (6) Recommending to city council what, if any, combination of public, grant, and private funding vehicles should be used to implement the comprehensive tourism plan.
- (7) Ensuring no single industry, association, organization, and/or interest group is taxed or burdened solely or disproportionately for the benefit of others as a means to fund the comprehensive tourism plan initiatives.
- (8) Overseeing and recommending to the city council what to do with the remaining HOT balance fund collected under the repealed city Hotel Occupancy Tax Ordinance 2015-017 and its amendments.

- (9) Ensuring any HOT funds used from the remaining HOT balance fund are strictly used as authorized by Chapter 351 of the Texas Tax Code.
- (10) Identifying, screening, selecting, managing, and terminating third party consultants, vendors, and contractors to assist in with tourism plan initiatives.
- (11) Overseeing the timely and proper execution of the tourism plan.
- (12) Creating a scorecard to measure progress and performance results of the tourism plan and supporting initiatives.
- (13) Reporting quarterly progress and results to the city council.
- (14) Tracking, monitoring, and reporting results and impacts to the community.
- (15) Reporting to city council and the city's ethics committee any attempts to politicize and/or undermine the tourism management and development ordinance, committee, and/or process.
- (16) Working with city staff and other city committees to communicate, coordinate, and integrate efforts and initiatives to achieve the tourism goals and plans.
- (17) The committee shall oversee, and review revenue received by the city through the hotel occupancy tax and shall make recommendations to the city council regarding appropriate expenditures.
- (18) All committee recommendations are subject to approval of the council. The committee shall not spend any money or authorize the expenditure of any money.
- (19) Reviewing and formally recommending appropriate action for any city council expenditures of tourism plan and budget funds not initially recommended by the committee.

**Procedures:**

- (1) All meetings of the committee shall satisfy the requirements of the Texas Open Meetings Act.

- (2) The committee shall elect a chair, vice-chair, and secretary on an annual basis.
- (3) All committee recommendations to the council shall require an affirmative vote of the majority of all members of the committee.

**Sunset review:**

- (1) Frequency of review. On an annual basis from the effective date of the ordinance from which this section derives, the committee and council shall conduct a sunset review of the tourism management and development ordinance, initiatives, programs, and the work of the committee.
- (2) Review criteria. The purpose of the sunset review shall be to determine whether a public and business need exists for the continuation of the tourism management and development ordinance, initiatives, programs, and the work of the committee. The council may consider the following criteria as part of its review:
  - (A) The benefit(s) enjoyed by the city and the city's tourism industry as a result of the tourism management and development ordinance, initiatives, programs, and the work of the committee;
  - (B) Performance and compliance with applicable statutes and regulations;
  - (C) The efficiency with which the committee operates;
  - (D) The extent to which the tourism management and development ordinance, initiatives, programs, and the work of the committee, and/or the committee is needed or used;
  - (E) The extent to which the committee has encouraged participation by the public in making its decisions, as opposed to participation solely by an occupation, interest group, organization, business or an institution, and the extent to which the public participation has resulted in decisions compatible with the objectives established by the council for the committee;
  - (F) The extent to which the committee has complied with the Open Meetings Act;
  - (G) The extent to which tourism goals have been achieved;

- (H) The extent to which tourism plan initiatives have become self-sustaining and self-funding;
- (I) The economic and financial benefits achieved by the participants funding the tourism plan and initiatives;
- (J) Interest by the citizens in continuing such tourism efforts and initiatives;
- (K) Any other criteria identified by the committee and/or council.

**Meetings generally:** The committee meets on an as needed basis.

**Open meetings:** The committee 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 boards, commissions and committees and will not be conducted without the advice and consent of the city attorney. All boards, commissions and committees must keep at least summary records of their proceedings and these records will be accessible to the public.

### **Decision-making Boards, Commissions and Committees Defined.**

These are legislative and/or 'quasi-judicial' bodies which are empowered by State Law to make decisions affecting City policy relating to the public health, safety or welfare. These boards, commissions or committees are "governing bodies" under the Texas Open Meetings Act and are thus required to comply in all respects with the Act. Current decision-making boards, commissions and committees found within the City of Wimberley's Code of Ordinances are as follows:

*Board of Adjustment*

*Planning and Zoning Commission*

## **Board of Adjustment**

**Creation:** The Board of Adjustment (hereafter, the “board”), was created for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, to grant variances from certain specific and literal terms of this article that are consistent with the general purpose and intent of this article. The board shall be composed of members who are resident citizens and qualified voters of the city.

### **Members; terms of office:**

- (1) The board of adjustment shall consist of the city council or seven (7) permanent members, five (5) regular and two (2) alternate members, who are resident citizens and qualified voters of the city. One (1) member shall be nominated by the city council as a group. One (1) member shall be nominated for appointment by the mayor. Each city council member shall nominate a board member. Board members who shall be appointed by a simple majority vote of the city council, in accordance with Texas Local Gov't Code, Sections 211.008–211.011, as amended. Of the seven (7) appointees, the board bylaws shall determine who are the five (5) regular members and the two (2) alternates for each case heard by the board.
- (2) Regular board members and alternate members shall serve for a term of two (2) years, and expiration of terms shall be staggered so that an overlapping of terms occurs, such as in any two-year period, the terms of three (3) members shall expire during one of those years, and the terms of four (4) members shall expire during the second year. Terms of office shall expire on the first day of November of any given year.
- (3) If a vacancy occurs on the commission, the city council, mayor or individual city council member who originally appointed that member or his or her successor shall appoint a person, with approval of the city council, to fill the unexpired term at the first regular meeting of the city council following notification of the vacancy.
- (4) Removal of board members. The city council may by majority vote remove a board member for lack of confidence, incompetence, corruption, misconduct, or malfeasance. In addition, upon recommendation of the board of adjustment, the city council by super-majority vote may remove any board member who misses three (3)

consecutive meetings within a twelve (12) month period of time or four (4) meetings within a twelve (12) month time period. For the purpose of this meeting attendance requirement, it shall be considered a missed meeting for any board member who leaves a meeting prior to the completion of all action items on the posted agenda for a meeting, for any other reason than to avoid a potential conflict of interest. Any board member who is removed shall not be considered for appointment to a board by the city council for a period of six (6) months from the date of their removal.

- (5) The members of the board shall regularly attend meetings and public hearings of the board and shall serve without compensation.
- (6) The board shall elect a chairperson and a vice-chairperson from among its membership, and each officer shall hold office for one year or until replaced by a simple majority vote of the full board. The director or his or her designee shall keep minutes of all meetings held by the board as well as the full record of all recommendations made by the planning and zoning commission to the city council.

**Meetings:** Meetings of the board of adjustment shall be held at the call of the chairperson and at other times as the board may determine. All meetings of the board shall be open to the public. Closed meetings (such as executive session) shall be permitted as authorized by law. Four (4) members of the board shall constitute a quorum for the conduct of business. All cases to be heard by the board will always be heard by at least seventy-five percent (75%) of the members, which constitutes four (4) members.

**Authority of board:** The board of adjustment shall have the authority, subject to the standards established in Texas Local Gov't Code, Sections 211.008–211.011, and those established herein, to exercise powers and to perform duties including the following:

- (1) Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this article and other city ordinances granting appellate jurisdiction to the board;
- (2) Authorize in specific cases a variance from the terms of this article if the variance is not contrary to the public interest and, due to special conditions, a literal

enforcement of this article would result in unnecessary hardship, and so that the spirit of this article is observed and substantial justice is done;

- (3) In exercising its authority, the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official; and
- (4) The concurring vote of a majority plus one (super-majority) of the board is necessary to:
  - (A) Reverse an order, requirement, decision, or determination of an administrative official;
  - (B) Decide in favor of an applicant on a matter on which the board is required to review by ordinance; or
  - (C) Authorize a variance from the strict and literal terms of this article.

**Limitations on authority of board:**

- (1) The board may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought, except as provided below. Generally, the board is not authorized to grant use variances.
- (2) The board shall have no power to grant or modify conditional use permits authorized under these regulations.
- (3) The board shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the planning and zoning commission or the city council, the board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment.
- (4) The board shall not grant a variance for any parcel of property or portion thereof upon which a site plan, preliminary plat, or final plat, where required, is pending on the agenda of the planning and zoning commission and, where applicable, by the city

council. All administrative remedies available to the applicant shall have been exhausted prior to hearing by the board of adjustment.

**Variations:**

- (1) A variance is the relief from strict application of any term or provision of this article when such strict application would cause an undue hardship. The hardship must be due to the nature of the land or tract of land and cannot be solely economic in nature. Under no circumstances can a variance be issued to allow any use other than those set forth in the zoning district in question.
- (2) The board of adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the board shall prescribe only conditions that it deems necessary for or desirable to the public interest. In making the findings hereinbelow required, the board shall take into account the following:
  - (A) The nature of the proposed use of the land involved;
  - (B) Any existing uses of land in the vicinity; and
  - (C) The probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.
- (3) No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance herewith and unless the board of adjustment makes specific, written findings as follows:
  - (A) That there are special circumstances or conditions affecting the property involved such that the strict application of the provisions of this article would (i) deprive the applicant of the reasonable use of the property; and (ii) create an unnecessary hardship in the development of the property;
  - (B) That such circumstances or conditions are (i) not self-imposed; (ii) not based solely on economic gain or loss; and (iii) do not generally affect most properties in the vicinity of the property;

- (C) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
  - (D) The variance if granted will not:
    - (i) Adversely affect the public health, safety or welfare;
    - (ii) Be contrary to the public interest; and
    - (iii) Be injurious to or adversely affect the orderly use of other property within the area.
  - (E) The property involved is otherwise in compliance with all other applicable city ordinances, rules, and regulations; and
  - (F) The granting of the variance will be in harmony with the spirit and purpose of this article.
- (4) In making the finding required in subsection (3)(E) above, the board may rely solely on a representation by the city administrator. If the city administrator's representation is that the property is not in compliance with any city ordinance, it shall specify such noncompliance (the "noncompliance"). In the event that the board can make the findings required to grant a variance but for the noncompliance, it may grant a variance to the applicant conditioned upon the property coming into compliance within ninety (90) days of such conditional grant, or within such longer period as may be specified by the board of adjustment. The applicant shall take no action based upon such variance until the expiration of such period. If the city administrator does not determine that the noncompliance has been cured within such period, the variance shall expire automatically.
- (5) The applicant bears the burden of proof in establishing the facts justifying a variance.
- (6) A building permit shall be applied for (if required) and construction initiated within one year of the issuance of a variance. If this condition is not met, the variance shall expire automatically unless extended by the board. No development right (if any) shall vest in an expired variance.

**Appeals to the board of adjustment:**

- (1) Authority. In addition to the authorization of variances from the terms of this article, the board shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this article. The board may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose, the BA has the same authority as the administrative official. The board may also hear and decide other matters authorized by Article 9.02 of the City's Code of Ordinances and other ordinances regarding land use regulations.
  
- (2) Who may appeal. Any of the following persons may appeal to the board a decision made by an administrative official:
  - (A) A person directly aggrieved by the decision; or
  
  - (B) Any officer, department, board, or office of the municipality affected by the decision.
  
- (3) Procedure for appeal. The appellant must file with the board and the administrative official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal. The appeal must be filed within sixty (60) days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all papers constituting the record of action that is appealed. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown. The appealing party may appear at the appeal hearing in person or by agent or attorney. The board shall decide the appeal within four (4) weeks after a public hearing is concluded, after which time the request shall be deemed automatically approved if no formal action

is taken. The board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken, and make the correct order, requirement, decision, or determination.

**Procedures:**

- (1) Application and fee. An application for a variance by the board of adjustment shall be made in writing using forms prescribed by the board, and shall be accompanied by an application fee (as adopted by the city from time to time and maintained on file), a site plan, and additional information as may be requested in order to properly review the application. This information may include, but is not limited to, plat plans, site building plans, photographs, topographic contour maps, and other similar documents.
- (2) Review and report by the city. The mayor or the mayor's designee shall visit the site where the proposed variance will apply and the surrounding area and shall report his or her findings to the board.
- (3) Notice and public hearing. The board shall hold a public hearing for consideration of the variance request no later than forty-five (45) days after the date the application for action, or an appeal, is filed. Notice of the public hearing shall be provided to all property owners within two hundred (200) feet of the affected property at least ten (10) days prior to the public hearing, and also published in the official local newspaper at least ten (10) days prior to the public hearing.
- (4) Action by the board. The board shall not grant a variance unless it finds, based upon compelling evidence, that each of the conditions above has been established. The board may impose conditions, limitations, and safeguards as it deems appropriate upon the granting of any variance. Violation of any such condition, limitation, or safeguard shall constitute a violation of this article.

**Finality of decisions; judicial review:** All decisions of the board are final and binding. However, any person aggrieved by a decision of the board may present a verified petition to a court of record which states that the decision of the board is illegal, in whole or in part, and specifying the grounds of the illegality. This petition must be presented within ten (10) days after the date the decision is filed in the director's office. Subject to the

provisions of Texas Local Gov't Code, Section 211.011, only a court of record may reverse, affirm, or modify a decision of the board.

## **Planning and Zoning Commission**

**Generally:** The Planning and Zoning Commission (hereafter, the "commission") shall function according to the following criteria which establish membership and operating procedures.

### **Creation; membership; officers; rules and bylaws:**

- (1) There is created, in accordance with Texas Local Gov't Code, Chapter 211, the commission, which shall consist of seven (7) members who are either resident citizens of the city or are residents of the extraterritorial jurisdiction of the city, provided no more than two (2) members shall reside in the extraterritorial jurisdiction of the city. In the event that a vacancy occurs on the commission that results in the majority of the commission members being residents that reside outside the city limits, 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 residents living within the city limits. For purposes of this section, the member that moved outside the city limits which caused the commission to lose its majority of members who reside within the city limits shall be deemed to have automatically resigned from membership of the commission. If the member's move outside the city limits does not result in a majority of members residing outside the city limits, then the member will continue to serve on the commission.
- (2) Any member of the city council may nominate an eligible person to fill a vacant position on the commission. Each person so nominated must be approved by a simple majority vote of the council before becoming a member of the commission.
- (3) Commissioners shall be appointed to a particular place on the commission (such as Planning and Zoning Commissioner, Place 1) that correlates with the place on the city council responsible for their nomination (such as City Council Place 1). The mayor shall be responsible for nominating the mayor and consensus places on the commission. Commissioners shall serve three (3) year staggered terms, or, in the event that a commissioner is appointed to fill a vacancy, the remainder of the term for which the commissioner is appointed, unless the commissioner resigns or is

removed prior to the expiration of the term. The members of the commission shall serve until their successors are appointed. Each commissioner shall be eligible for reappointment.

- (4) If a vacancy occurs on the commission, the city council may fill the unexpired term at the first regular meeting of city council following notification of vacancy.
- (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 misses three (3) regular meetings or special called meetings, under the circumstances set forth in this article, 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 or special called meetings, under the circumstances set forth in this article, 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 the city council.
- (6) Members of the commission shall regularly attend meetings and public hearings of the commission and shall serve without compensation. Voluntary absences from three (3) meetings of the commission in a calendar year will result in the automatic resignation of the commissioner. The chairperson may excuse an absence if the

commissioner concerned seeks an excused absence. Once three (3) unexcused absences are recorded, the chairperson will refer the commissioner in question to the city council to schedule the appointment of a replacement.

- (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 one (1) year. The chairperson shall not hold the position for two (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.
- (8) The chairperson shall preside over all meetings of the commission and may vote. The vice-chairperson shall preside in the absence of the chairperson, and the parliamentarian shall preside in the absence of both the chairperson and vice-chairperson. In the absence of the parliamentarian, a parliamentarian pro tem shall be appointed by the chairperson or vice-chairperson as appropriate.
- (9) The commission may appoint consultants, citizen committees, and council [counsel] to assist in the work of the commission on the approval of the person(s) and a duly passed motion of the commission. These groups have standing without vote as advisors in commission meetings. The entire work product of a consultant, committee, or council relating to an agenda item may become part of the records of the commission, at the discretion of the chairperson.
- (10) The commission shall take no final action on any matter before it without first obtaining reports from the city departments concerned.
- (11) Releases and statements to the public and press in the name of the commission shall be made only by the chairperson or the chairperson's designated representative. The chairperson shall sign all written recommendations of the commission.

**Parliamentary procedure; quorum; voting:** The commission will follow the parliamentary procedure adopted by the city council for all boards and commissions, and procedures shall not be in conflict with the laws applicable to the commission on [or] the following:

- (1) Quorum. A quorum shall consist of five (5) members of the commission. Motions shall carry with a simple majority vote; however, in no case shall less than four (4) votes in favor of a motion constitute a majority;
- (2) Voting on motions. Voting on zoning applications shall be by rotating roll-call vote with the chairperson always voting last. Voting on all other questions may be by voice, provided that a roll-call vote shall be taken upon demand of the public or any commissioner;
- (3) Reconsideration of decisions. Reconsideration of a finding of the commission shall be granted by the chairperson when any interested party for the reconsideration demonstrates to the chairperson that essential facts were not brought to the attention of the commission;
- (4) Conflict of interest. A member shall not vote or participate in any deliberations regarding a matter before the commission if the member has any personal interest in or any property within two hundred (200) feet of the property in question, whether that interest is direct, indirect, financial, or otherwise. In any case, where the question of a member's interest is raised, the chairperson shall rule on whether the member should be disqualified; and
- (5) Use of Robert's Rules. Any question of order of procedure not covered herein shall be decided according to the latest edition of Robert's Rules of Order, insofar as that may be applicable.

**Meetings; public record:**

- (1) Time and place; notice. Regular meetings shall be held in the city hall, except as otherwise provided herein, when called by the chairperson. There shall, however, be at least one (1) meeting each quarter. The chairperson may call special meeting times and locations, provided that written notice thereof is sent to each member seventy-two (72) hours prior to the time of the meeting. All meetings shall be posted for public review at least seventy-two (72) hours prior to the meeting date. No approval, disposal, or final action shall be taken on any zoning application unless all notice

requirements mandated by state statute, these rules and procedures, or any other ordinance pertaining to the application or notice requirements have been met.

- (2) Open and closed meeting; minutes. Meetings shall be open to the public, and minutes shall be kept and shall be treated as public record. Closed meetings (such as executive sessions) shall be permitted as authorized by law. The city secretary or his or her designee shall keep minutes and records of all proceedings of the commission. These records shall be secured at the city hall as a matter of public record.
- (3) Public comment. A public forum will be a regular part of each meeting agenda for remarks unrelated to other agenda items. Public comment will be heard on each agenda item. Each comment shall be limited to three (3) minutes unless questions by the commission are in order. Public comment requiring more than three (3) minutes must be placed on the agenda in a timely manner at the request of a commissioner or city council member. This provision may be waived in regard to work sessions at the discretion of the commission.

**Establishing extraterritorial jurisdiction:**

- (1) Statutes of the state authorizing and empowering cities to regulate the platting and recording of subdivisions or additions within the corporate limits and establishing extraterritorial jurisdiction are hereby adopted, and the commission, acting through its duly authorized officials, shall have all the rights, powers, privileges, and authority authorized and granted by and through the statutes pertaining to regulation of subdivisions and extraterritorial powers.
- (2) Subject to restrictions imposed by the city council, the commission shall have all the rights, powers, privileges, and authority authorized and granted by and through the statutes of the state authorizing and granting cities the power of zoning as found in Texas Local Gov't Code, Chapter 211, as amended.

**Powers and duties:**

- (1) In general, the commission shall be an advisory body and adjunct to the city council, and shall make recommendations regarding amendments to the comprehensive plan, changes of zoning, and zoning to be given to newly annexed areas, and shall make recommendations regarding the approval of plats of subdivisions as may be submitted to it for review and other planning related matters. The commission shall conduct an annual review of the city's comprehensive plan and shall be prepared to make recommendations to the city council as deemed necessary to keep the city's comprehensive plan current with changing conditions and trends and with the planning needs of the city. The commission shall serve in an advisory capacity on any planning related item(s) in the city, including the city's capital improvements program, annexation plan, and the expansion or extension of city infrastructure such as roadways, utility services, and public facilities. The commission shall also make recommendations to the city council regarding historical and architectural standards.
  
- (2) The commission shall perform those other duties as may be assigned by the city council by ordinance or resolution.

**Procedure on zoning hearings:** The procedure and process for zoning changes and amendments shall be in accordance with Section 9.03.255 of the City's Code of Ordinances.

## **Chapter II: Boards, Commissions and Committees Appointment Process**

### **Application Process**

Citizens interested in serving on a board, commission or committee can obtain an application from the City Secretary's Office at City Hall or from the City's website, <https://www.cityofwimberley.com/> . The completed application can be submitted directly to the City Secretary or to the Mayor or Council member who nominated the applicant. Applications are valid for one (1) year, after which a new application must be submitted.

### **Appointment Process**

The Wimberley City Council makes appointments to City of Wimberley boards, commissions or committees. The City Council considers applications to these entities during regular City Council meetings.

### **Notice of Appointment**

After the City Council appoints a person to serve as a member of a board, commission or committee, the City Administrator and/or City Secretary will notify the appointee in writing of the appointment.

### **Eligibility and Qualifications**

The Wimberley City Council seeks qualified persons to serve on boards, commissions and committees. The qualifications required to serve on a particular board, commission or committee are determined by City of Wimberley's Code of Ordinances, Policy or by the State Law, which established the board, commission or committee.

Appointments to boards, commissions or committees that do have eligibility requirements must be made in accordance with the governing City ordinance or State statute/s. Board, commission or committee members must continue to meet the eligibility requirements during the entire time they serve. If a member cannot continue to maintain the necessary requirements, he/she shall resign his/her position.

## **Nepotism**

Section 2.07.004 of the City of Wimberley's Code of Ordinances ("Code") provides that:

- (1) A city official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from city funds or fees of office if:
  - (A) The individual is related to the city official within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage), as illustrated by the chart in Section 2.07.002(c)(4) of the Code; or
  - (B) The city official holds the appointment or confirmation authority as a member of a state or local board, the legislature, or a court and the individual is related to another member of that board, legislature, or court within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage), as illustrated by the chart in Section 2.07.002(c)(4) of the Code.
  
- (2) A city official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position in which the individual's services are under the public official's direction or control and that is to be compensated directly or indirectly from city funds or fees of office if:
  - (A) The individual is related to another public official within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage), as illustrated by the chart in Section 2.07.002(c)(4) of the Code; and
  - (B) The appointment, confirmation of the appointment, or vote for appointment or confirmation of the appointment would be carried out in whole or partial consideration for the other public official appointing, confirming the appointment, or voting for the appointment or confirmation of the appointment of an individual who is related to the first public official within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage), as illustrated by the chart in Section 2.07.002(c)(4) of the Code.

### **Oath of Office**

Upon appointment, an oath of office is administered to all members of boards, commissions and committees. The oath of office can be administered by the City Secretary or designee or a City-employed Notary Public for the State of Texas.

### **Open Meetings Act Training**

Upon appointment, each new board, commission or committee member is required to complete the Open Meetings Act Training as required by the State of Texas Attorney General within ninety (90) days of his/her appointment and provide a certificate of completion to the City Secretary for the City's records.

## **Chapter III: Meetings**

### **Role of the Chairperson**

The function of the chairperson is to provide leadership for the group by presiding over the group's meetings. The chairperson is selected by other board, commission or committee members in a method agreeable to all members. The chairperson has additional duties and responsibilities, which must be performed.

The chairperson ensures the smooth operation of the board, commission or committee, and must make certain that the meeting is run by the rules, but democratic enough to use the power and authority of the position wisely. The chairperson's ability to effectively manage meetings will have a significant impact on the group's success.

An effective chairperson must make certain that discussions remain focused and do not get sidetracked on irrelevant issues.

### **The Role of Other Offices**

If the chairperson fails or refuses to act, the vice-chairperson shall perform the duties of the chairperson. Other officers and duties shall be determined by the respective board, commission or committee.

### **The Agenda**

The agenda should be prepared by City staff prior to the meeting and copies distributed to all board, commission or committee members, either digitally or in hard copy format. Extra copies of the agenda should be available for the public at the meeting.

The agenda is prepared by the department head or staff person assigned to the board, commission or committee. Most boards, commissions and committees are required by the Texas Open Meetings Act (TOMA), to post the agenda publicly, at least seventy-two (72) hours prior to the meeting. It is a City of Wimberley practice that all boards, commissions and committees follow the TOMA.

## **Parliamentary Procedures**

Meetings of boards, commissions and committees are generally conducted under standard parliamentary rules adopted by that body.

### **Meeting Attendance**

All board, commission or committee members are expected to attend meetings to ensure the community is well represented. Attendance is very important to the board, commission or committee.

The term "meetings" includes all meetings of the board, commission or committee and all meetings of the organization's subcommittees on which the member serves. The secretary of the board, commission or committee is responsible for keeping track of the members' attendance. If a member does not follow the attendance policy set for the board, commission or committee, the member can be removed.

### **Working with City Staff**

Each board, commission, or committee member works with City staff and with the designated department staff assigned to that board, commission or committee. City staff provides general assistance, such as preparation of agenda materials and general review of department programs and activities, and to perform limited studies and other services.

### **Reporting to the City Council**

The role of each board, commission or committee is to make recommendations to City Council. It is through the boards, commissions and committees that the City Council can receive citizen input. All boards, commissions and committees are required to communicate the position of the body to the City Council and shall provide regular updates to City Council during Council meetings.

There will be occasions when City staff will be required to prepare an agenda item for City Council review. In preparation of such a report, the staff member should present both the staff position and the board, commission or committee's position.

It is the desire of the City Council to have an opportunity to hear and consider all sides of an issue and all recommendations to assist in its decision-making process.

## **Chapter IV: Responsibilities of Board, Commission and Committee Members**

### **General**

It is an honor to be selected as a City board, committee or committee member and it provides a special opportunity for genuine public service. Although specific duties of each body vary widely, there are certain responsibilities that are common to all members. The following is a summary of those responsibilities:

- a) Members should understand the role and scope of their responsibilities and should be informed of the individual board, commission or committee's purpose and of its operating procedures.
- b) Members should be careful to represent the majority views of their individual board, commission or committee. Individual "opinions" to the public and press should be identified as such.
- c) Members should represent the public interest and not special-interest groups.
- d) Good communication is essential – members are in a position to serve as liaison between the City and its citizens and can help to reconcile opposing viewpoints and to build a consensus around common goals and objectives. Members serve as a communication link between the community, staff, and City, presenting recommendations and providing a channel for citizen expression.
- e) Members are required to review their agenda packets prior to meetings, and contact City staff. Where possible, members should personally view situations (i.e. visit sites or view geographical issues) under consideration prior to the meeting in order to be fully prepared to discuss, evaluate, and act on all matters scheduled for consideration. Conclusions based on a thorough review of the agenda item will strengthen the value of the group's recommendations.
- f) Establishing good working relationship within the group is important for the group's effectiveness. These relationship aspects include respecting individual viewpoints;

allowing other members time to present their views fully before making comments; being open and honest; and welcoming new members.

- g) City Council is a non-partisan body. Therefore, its appointments to boards, commissions or committees are made without regard to political party affiliation. Members are not restricted from participating in political activities; however, members should not attempt to use or involve their board, committee or commission membership in the conduct of outside political activities.

### **Texas Open Meetings Act (TOMA)**

The Texas Open Meetings Act (TOMA) requires that every meeting of the City Council be open to the public. The Act also requires all boards and commissions, other than advisory boards, commissions and committees, to follow this requirement as well. In Wimberley, all boards, commissions and committees follow the procedures for open meetings. These requirements include:

- a) A Posted Notice is required of a meeting. Written notice of the date, hour, place and subject of each meeting must be posted on a public bulletin board, located at a place convenient to the public for at least seventy-two (72) hours preceding the scheduled time of the meeting. Only those matters posted can be discussed and acted on by the governmental body.
- b) Minutes are required to be prepared and a voice or video recording made of each open meeting. Minutes must state the subject of each deliberation and indicate each vote, order, decision or other action taken.
- c) Closed Meetings – The Texas Open Meetings Act (TOMA), does allow for closed or executive meetings on a few limited subjects. Generally, boards, commissions or committees will not have occasion or legal basis to meet in closed or executive session. Closed meetings are allowed to discuss pending litigation, certain personnel matters, and the lease or acquisition of land. Before a closed meeting can be held, a quorum of the governmental body must convene in an open meeting and the presiding officer publicly announce that a closed meeting will be held and identify the sections of the Act authorizing the closed meeting. No final action, decision, or vote can be made in a closed meeting. All final actions, decisions, and votes must be

made in open meetings. The governmental body is also required to keep a Certified Agenda of the matters discussed in the closed meeting and a record of any further action taken. The presiding officer must include an announcement at the beginning and end of the closed meeting indicating the time and place and must certify that the agenda is a true and correct record of the proceedings. Blank Certified Agenda forms for use by presiding officers are available in the City Secretary's Office. In lieu of maintaining a Certified Agenda, a tape recording of the closed meeting may be made.

- d) Penalties – A fine of not less than \$100 nor more than \$500 or imprisonment in the county jail for not less than one (1) month nor more than six (6) months, or both fine and imprisonment, can be imposed for violating the provisions of the Open Meetings Act or conspiring to circumvent the provisions of the Open Meetings Act by meeting in numbers less than a quorum for the purposes of secret deliberations.

### **Public Information Act (PIA)**

The Public Information Act (PIA) also requires that virtually all information held by a governmental body must fall under the rules of the Act. If a request for information is received by a board, commission or committee, the City Secretary should be notified promptly for the proper procedure in complying with the request.

## **Chapter V: Legal Liability**

### **Personal Liability**

When members of City boards, commissions or committees are acting in good faith and within the bounds allowed by the City, state and federal law, the City will generally provide a defense for such members to the greatest extent permissible. However, if a board, commission or committee member acts fraudulently, maliciously, or in violation of a criminal law while serving in his/her official capacity, the City generally will not provide that member a defense.

### **Board, Commission or Committee Liability**

A city, its officers, and members of boards, commissions or committees as a governmental entity, must treat all individuals or groups in the same manner unless there is a compelling governmental interest to treat someone or some group differently. Therefore, the City Attorney should be consulted concerning whether or not an individual or group can be treated differently. If an officer or board, commission or committee member illegally discriminates against an individual or group, that individual or group can seek damages from the City and from the individual officer for a violation of rights under the state and federal civil rights statutes.

The above discussion is by no means intended to be a comprehensive and complete discussion of legal liabilities to which the City or board, commission or committee member may be subjected.

Board, commission or committee members are required to consult with City staff, who may seek legal advice from the City Attorney, anytime they feel their actions while serving on such board, commission or committee may have some legal consequences. The law in this area is quite complex and requires a thorough analysis of the law and facts pertaining to each particular situation.

# Appendixes

## Appendix A – Definitions

“Affinity”	means a relation by marriage.
“Business entity”	means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law.
“Board” or “Body”	means any board, commission, agency or committee of the City created by the passage of a City Ordinance or Resolution with decision or advisory making authority designated as a board, commission, agency or committee by the City Council.
“City”	means the City of Wimberley.
“City Council”	means the City Council of the City of Wimberley.
“Closed meeting”	means a meeting closed to the public which complies with specific state statutes.
“Consanguinity”	means a relation or connection by blood.
“Degree”	relating to consanguinity and affinity.  first degree of consanguinity means parents, children and siblings  first degree of affinity means spouse, in laws/parents, children and siblings  second degree means grandparents, grandchildren, aunts, uncles, nephews, nieces and first cousins
“Deliberation”	means a verbal exchange during a meeting between a quorum of a governmental body, or between a quorum of a jurisdiction of

governmental body and another person, concerning an issue within the governmental body or any public business.

“Employee” means a person who is employed by the City of Wimberley.

“Ex officio” means by virtue or because of an office.

“Governmental” means a board or commission that has rulemaking, quasi-judicial, or advisory power and that is classified as a department, agency or political subdivision of a county or municipality.

“Governing body” means the Wimberley City Council and every board, commission, or committee that exercises decision-making authority on behalf of the City.

“Incidental Interest” means an interest in a person, entity or property which is not a substantial interest, and which has insignificant value, or which would be affected only in a de minimis fashion by a decision.

“Judicial” the power to judge, to administer justice and interpret laws and ordinances.

“Meeting” means a deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another person, during which public business or public policy over which the governmental body has supervision or control is discussed or considered or during which the governmental body takes formal action. The term does not include the gathering of a quorum of a governmental body at a social function unrelated to the public business.

“Member” means a member of a board.

“Person” means any individual, firm, trust, corporation, partnership or any other legal entity.

“Quorum” means the prescribed number of members of any body that must be present to legally transact business.

“Remote Interest” means an interest of a person or entity, including an officer or member who would be affected in the same way as the general public. The interest of a council member in the property tax rate, general city fees, city utility charges or a comprehensive zoning ordinance or similar decisions is incidental to the extent that the council member would be affected in common with the general public.

“Substantial Interest in a business entity or real property” means an individual, firm, trust, corporation, partnership or any other legal entity:

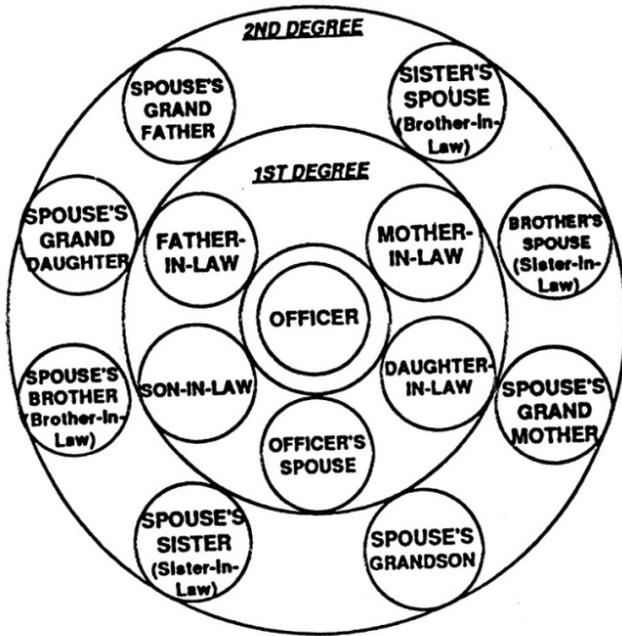
1) with respect to a business entity, the interest is ownership of ten percent (10%) or more of the voting stock or shares of the business entity or ownership of either ten percent (10%) or more or Fifteen Thousand Dollars (\$15,000) or more of the fair market value of the business entity.

2) with respect to a business entity, funds received by the person from the business entity exceed ten percent (10%) of the officer or member's gross income for the previous year.

3) with respect to real property, equitable or legal ownership with a fair market value of Two Thousand Five Hundred Dollars (\$2,500) or more. or as established from time to time in Section 171.002, Texas Local Government Code.

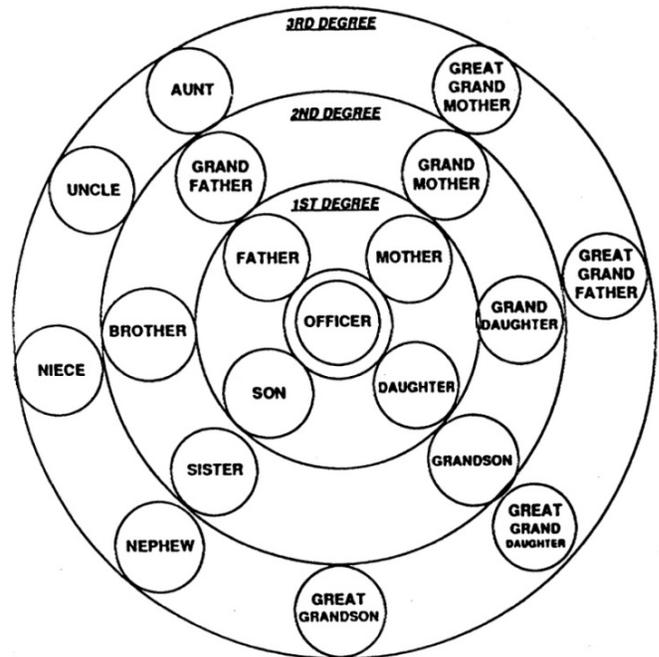
## Appendix B – Chart of Kinship

The chart to the left shows an **Affinity Kinship** (relationship by marriage)



Affinity Kinship Chart  
(Marriage)

The chart to the right shows a **Consanguinity Kinship** (relationship by blood)



Consanguinity Kinship Chart  
(Blood)

These charts are used for the purposes of interpreting nepotism as defined in VTCA Government Code, Chapter 573, §§573.021-.025

## Appendix C – Robert’s Rules of Order Relating to Motions

MOTION	DEBATABLE	DEBATE CONFINED TO PENDING QUESTION	CAN BE AMENDED	CAN RECONSIDER	REQUIRES MAJORITY VOTE	MUST BE SECONDED	OUT OF ORDER WHEN ANOTHER HAS THE FLOOR
Adjourn	No	Yes	No	No	Yes	Yes	Yes
Adopt/Accept a Report	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Adopt Constitutions, By-laws, and Rules of Order	Yes	Yes	Yes	1	Yes	Yes	Yes
Adopt Standing Rules	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Amend	2	Yes	Yes	Yes	Yes	Yes	Yes
Amend an Amendment	2	Yes	No	Yes	Yes	Yes	Yes
Amend Constitution, By-laws, and Rules or Order	Yes	Yes	Yes	1	3	Yes	Yes
Amend Standing Rules	Yes	Yes	Yes	Yes	4	Yes	Yes
Appeal (excluding Indecorum)	Yes	Yes	No	Yes	Yes	Yes	No
Debate, to Close, Limit or Extend	No	Yes	Yes	Yes	No	Yes	Yes
Division of Assembly	No	Yes	No	No	Yes	No	No
Division of Question	No	Yes	Yes	No	Yes	5	5
Fix the Time to Adjourn	6	Yes	Yes	Yes	Yes	Yes	Yes
Informal Consideration of Question	Yes	Yes	No	1	Yes	Yes	Yes
Lay on the Table	No	Yes	Yes	No	Yes	Yes	Yes
Main Motion or Question	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Nomination, to Make	Yes	Yes	No	No	Yes	No	Yes
Nominations, to Close	No	Yes	Yes	No	No	Yes	Yes
Nomination, to Re-open	No	Yes	Yes	1	Yes	Yes	Yes
Objection to Consideration of a Question	No	Yes	No	1	7	No	No

MOTION	DEBATABLE	DEBATE CONFINED TO PENDING QUESTION	CAN BE AMENDED	CAN RECONSIDER	REQUIRES MAJORITY VOTE	MUST BE SECONDED	OUT OF ORDER WHEN ANOTHER HAS THE FLOOR
Order, Question of	No	Yes	No	No	Yes	No	No
Order, to Make a Special	Yes	Yes	Yes	Yes	No	Yes	Yes
Orders of the Day, to Call for	No	Yes	No	No	Yes	No	No
Parliamentary Inquire	No	Yes	No	No	Yes	No	No
Postpone Definitely (to Certain Time)	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Postpone Indefinitely	Yes	No	No	8	Yes	Yes	Yes
Previous Question	No	Yes	No	9	No	Yes	Yes
Privilege, to Raise Question of	No	Yes	No	No	Yes	No	No
Recess, to Take a	6	Yes	Yes	No	Yes	Yes	Yes
Reconsider	2	10	No	No	Yes	Yes	Yes
Substitute (same as Amend)	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Suspend the Rules	No	Yes	No	No	No	Yes	Yes
Take from the Table	No	Yes	No	No	Yes	Yes	Yes
Withdraw	No	Yes	No	1	Yes	No	Yes

## **FOOTNOTES TO TABLE OF ROBERT'S RULES OF ORDER**

- a) An affirmative vote on this motion cannot be reconsidered.
- b) Undebatable when the motion to be amended, reconsidered, or rescinded is undebatable.
- c) Constitutions, By-Laws, and Rules of Order before adoption are in every respect main motion and may be amended by majority vote. After adoption they require prior notice and two-thirds (2/3) vote for amendment.
- d) Standing Rules may be amended at any time by a majority vote if previous notice has been given, or by a two-thirds (2/3) vote without notice.
- e) If resolutions or propositions relate to different subjects that are independent of each other, they must be divided on the request of a single member, which may be made when another has the floor. If they relate to the same subject and yet each part can stand alone, they may be divided only on a regular motion and vote.
- f) Undebatable if made when another question is before the assembly.
- g) The objection can be made only when the question is first introduced, before debate. A two-thirds (2/3) vote must be opposed to the consideration in order to sustain the objection.
- h) Negative vote on this motion cannot be reconsidered.
- i) Cannot be reconsidered after a vote has been taken under it.
- j) Opens to debate main question when latter is debatable.

# ACKNOWLEDGMENT OF RECEIPT AND REVIEW OF HANDBOOK

## PLEASE READ ALL ASPECTS OF THIS HANDBOOK CAREFULLY

This handbook is general guide for board, commission and committee volunteers. The City of Wimberley reserves the right to change the provisions of this handbook at any time and without prior notice. The provisions contained in this handbook are applicable to all board, commission and committee members. You are responsible for reading, and complying with, materials contained in this handbook and any revisions made to it.

I have received a copy of this handbook, and I understand it is my duty to read the handbook and that the policies and procedures set forth therein apply to me and exclusively govern the terms and conditions of the duties and responsibilities to the City of Wimberley.

I have read this handbook carefully and understand its contents.

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Name (print)

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Signature

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Date