

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS AMENDING CHAPTER 2 “BOARDS AND COMMISSIONS”, ARTICLE I “IN GENERAL” TO REVISE SECTION 2-2 “APPOINTMENT; TERMS; QUALIFICATIONS” TO REMOVE THE RESIDENCY REQUIREMENT FOR CITY BOARD MEMBERS; AMENDING CHAPTER 2 “BOARDS AND COMMISSIONS”, ARTICLE II “PLANNING AND ZONING COMMISSION” TO REVISE SECTION 2-20 “CREATED; NUMBER OF MEMBERS” TO ADD QUALIFICATIONS FOR PLANNING AND ZONING COMMISSION BOARD MEMBERS; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge (the “City”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code;

WHEREAS, pursuant to Section 211.007(a) of the Texas Local Government Code, the City Commission of the City (the “City Commission”) created a Planning and Zoning Commission under Chapter 2 “Boards and Commissions”, Article II “Planning and Zoning Commission” of the City’s Code of Ordinances; and

WHEREAS, Chapter 2 “Boards and Commissions”, Article I “In General” includes a requirement that all members of City Boards be residents of the City and the City Commission wishes to remove this requirement and allow members of the Planning and Zoning Commission to be either residents of the City or owners of property within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:

I. Findings Incorporated. All of the above premises are found to be true and correct findings of the City Commission and are incorporated into the body of this Ordinance as if fully set forth herein.

II. Amendment of Section 2-2. Chapter 2 “Boards and Commissions”, Article I “In General”, Section 2-2 “Appointment; Terms; Qualifications” is hereby amended in its entirety to read as follows:

Sec. 2-2. Appointment; terms.

(a) Terms of members of the boards, commissions, and committees referenced in Section 2-1 shall be for two (2) years except as otherwise indicated. All appointments shall be made by majority vote of the City Commission. A partial term is not considered as a term for such purpose.

(b) In the event of resignation or termination of membership during such term or portion thereof, the City Commission shall appoint a successor to serve for such unexpired term.

(c) Any existing member shall serve until their successors have been appointed.

(d) Each board, commission, or committee shall make recommendations to the City Commission for the appointment and reappointment of members of such board, commission, or committee.

III. Amendment of Section 2-20. Chapter 2 “Boards and Commissions”, Article II “Planning and Zoning Commission”, Section 2-20 “Created; Number of Members” is hereby amended in its entirety to read as follows:

Sec. 2-20. Created; Membership.

Pursuant to authority conferred by V.T.C.A., Local Government Code, §211.001 et seq., there is hereby created a city planning and zoning commission, to be composed of seven (7) members appointed by a majority vote of the governing body. Board members shall be either residents of the City or owners of real property within the City.

IV. Severability. The provisions of this Ordinance are declared to be severable. If any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect notwithstanding the validity of any part.

V. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Local Government Code.

VI. Effective Date. This Ordinance shall take effect immediately upon its adoption by the City Commission.

The above and foregoing ordinance was duly proposed, read in full and adopted on the 5th day of March, 2024 at a regular meeting of the City Commission.

Bob Sims, Mayor

ATTEST:

Jessica Sutter, City Secretary

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