

ORDINANCE

AN ORDINANCE AMENDING THE CITY OF BURLESON CODE OF ORDINANCES BY AMENDING SECTIONS 2-31 (APPOINTMENTS; TERMS; REMOVAL; EXCEPTIONS), 2-36 (ADVISORY COMMITTEE ON PEOPLE WITH DISABILITIES), AND 2-37 (PARK BOARD) OF CHAPTER 2 (ADMINISTRATION) BY INCREASING THE NUMBER OF VOTING MEMBERS ON CITY BOARDS, COMMISSIONS, AND COMMITTEES TO NINE AND TO LIMIT THE NUMBER OF CONSECUTIVE TERMS A MEMBER MAY SERVE ON ANY BOARD, COMMISSION, AND COMMITTEE TO TWO, EXCEPT FOR THE PLANNING AND ZONING COMMISSION AND FOR YOUTH MEMBERS, AND REESTABLISHING THE PARK BOARD; SECTION 6-16 (ANIMAL SHELTER ADVISORY COMMITTEE) OF CHAPTER 6 (ANIMAL CARE AND CONTROL) BY MAKING SUCH CHANGES TO THE NUMBER OF MEMBERS AND TERMS TO THE ANIMAL SHELTER ADVISORY COMMITTEE; SECTIONS 10-76 (APPOINTMENT AND TERMS) AND 10-78 (ORGANIZATION) OF CHAPTER 10 (BUILDINGS AND BUILDING REGULATIONS) BY MAKING SUCH CHANGES TO THE NUMBER OF MEMBERS AND TERMS TO THE BUILDING CODES AND STANDARDS BOARD; SECTIONS 18-2 (DEFINITIONS) AND 18-3 (CEMETERY ADVISORY BOARD; CREATED AND ESTABLISHED) BY MAKING SUCH CHANGES TO THE NUMBER OF MEMBERS AND TERMS TO THE CEMETERY BOARD; SECTION 44-54 (DEFINITIONS) OF CHAPTER 44 (IMPACT FEES) BY MAKING SUCH CHANGES TO THE NUMBER OF MEMBERS AND TERMS TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE; SECTIONS 46-31 (CREATED AND ESTABLISHED; NUMBER OF MEMBERS; COMPENSATION) AND 46-32 (APPOINTMENT; TERMS) OF CHAPTER 46 (LIBRARY BOARD) BY MAKING SUCH CHANGES TO THE NUMBER OF MEMBERS AND TERMS TO THE LIBRARY BOARD; SECTIONS 86-51 (CREATION AND ESTABLISHMENT) AND 86-52 (TERM OF OFFICE) BY MAKING SUCH CHANGES TO THE NUMBER OF MEMBERS AND TERMS TO THE TREE BOARD; AND SECTIONS 62-32 (MEMBERSHIP; APPOINTMENT; ATTENDING MEETINGS; COMPENSATION; REMOVAL FOR ABSENCE) AND 62-33 (TERMS OF OFFICE) OF CHAPTER 62 (PLANNING AND DEVELOPMENT) BY INCREASING THE NUMBER OF VOTING MEMBERS ON THE PLANNING AND ZONING COMMISSION TO NINE AND TO LIMITING THE NUMBER OF CONSECUTIVE TERMS A MEMBER MAY SERVE ON THE COMMISSION TO THREE, EXCEPT FOR THE YOUTH MEMBERS FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A CUMULATIVE CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council desires to increase the number of voting members to nine (9) on certain boards, commissions, and committees in the City, specifically the Advisory Committee on People with Disabilities, Park Board, Animal Shelter Advisory Committee, Building Codes and Standards Board, Cemetery Advisory Board, Capital Improvements Advisory Committee, Library Board, Planning and Zoning Commission, and Tree Board; and

WHEREAS, including the non-voting, ex-officio youth member on the Planning and Zoning Commission, the City Council desires to increase the number of members to ten (10) on the Planning and Zoning Commission; and

WHEREAS, except for the Planning and Zoning Commission and for youth members, the City Council desires to limit the number of consecutive terms a member may serve on any board, commission, and committee to two (2); and

WHEREAS, except for youth members, the City Council desires to limit the number of consecutive terms a member may serve on the Planning and Zoning Commission to three (3); and

WHEREAS, the City Council desires to amend its ordinances as provided herein; and

WHEREAS, the City Council hereby finds and determines that the amendments and regulations set forth herein are in the best interest of the public and are adopted in furtherance of the public health, safety, welfare, morals, and general welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, THAT:

Section 1.

Chapter 2 “Administration,” Article II “Boards, Commissions, Committees” is hereby amended by repealing and replacing Section 2-31 “Appointments; terms; removal; exceptions” to read as follows:

“Sec. 2-31. Appointments; terms; removal; exceptions.

- (a) All appointments to boards, commissions, and committees of the city will expire on October 1 of the year in which they would ordinarily expire. The terms shall be for three years except youth members whose term shall be one (1) year. These appointment dates will apply to all boards, commissions, and committee created by the city council.
- (b) Prior to all appointments, the city secretary shall report, in writing to the city council, the following information:
 - (1) The number of times each board has met since the beginning of that appointment year.
 - (2) The attendance record of all board members on each board, and further report any vacancies which have not been filled during the preceding appointment year.

- (c) The city council may, for cause, remove a board member at any time.
- (d) The term of each member shall not exceed two (2) consecutive full terms and a member must have remained off of that particular board, commission, or committee for one (1) full term before the member can be reappointed. Planning and Zoning commission members terms shall not exceed three (3) consecutive full terms. Youth members terms have no limit except that they must remain qualified members.
- (e) Number of members for each board, commission or committee shall be nine (9) voting members."

Section 2

Chapter 2 "Administration," Article II "Boards, Commissions, Committees" is hereby amended by repealing and replacing Section 2-36 "Advisory Committee on People with Disabilities" to read as follows:

"Sec. 2-36. Advisory committee on people with disabilities.

- (a) *Creation.* There is hereby created an advisory committee on people with disabilities.
- (b) *Purpose.* The committee is established to encourage, assist, and enable persons with disabilities to participate in the social and economic life of the city, achieve maximum personal independence, and use and enjoy fully all public facilities available within the community.
- (c) *Number of members; terms;.* The committee membership shall be in compliance with Chapter 2, Article II, Section 2-31 (e) for number of members and Section 2-33 (a) for qualifications. Of the committee members, four shall be people with disabilities. Each member shall serve terms in compliance with Chapter 2, Article II, Section 2-31(d).
- (d) *Duties.* The committee shall:
 - (1) Serve as an advisory body to the city council regarding problems affecting disabled persons in the city;
 - (2) Recommend to the city council measures aimed at improving city facilities to accommodate disabled persons;
 - (3) Recommend to the city council measures aimed at improving the ability of various city departments and contractors at providing services for disabled persons; and
 - (4) Perform additional duties and functions as required by the city council."

Section 3

Chapter 2 "Administration," Article II "Boards, Commissions, Committees" is hereby amended by adding Section 2-37 "Park Board" to read as follows:

"Sec. 2-37. Park board.

- (a) *Creation.* The Park Board creation was established in the City Charter and removed through charter election in 2013.
- (b) *Purpose.* The Board was created to recommend to the city council improvements and activities for the parks of the city.
- (c) *Number of members; terms.* The committee membership shall be in compliance with Chapter 2, Article II, Section 2-31 (e) for number of members and Section 2-33 (a) for

qualifications. Each member shall serve terms in compliance with Chapter 2, Article II, Section 2-31(d).”

Section 4

Chapter 6 “Animal Care and Control” is hereby amended by repealing and replacing Section 6-16 “Animal Shelter Advisory Committee” to read as follows:

“Sec. 6-16. Animal shelter advisory committee.

- (a) *Creation.* There is hereby created, pursuant to the Texas Health and Safety Code, § 823.005, an animal shelter advisory committee.
- (b) *Purpose.* The purpose of the committee shall be to assist animal shelters located within the city limits regarding compliance with Chapter 823 of the Health and Safety Code. Additionally, upon request of the city council, the committee may: (i) provide recommendations to the city regarding its compliance with the Texas Rabies Control Act and (ii) recommend ways to improve the efficiency and cost effectiveness of the city's animal control program.
- (c) *Number of members; terms.* The committee shall be in compliance with Chapter 2, Article II, Section 2-31 (e) for number of members and each member shall serve terms in compliance with Chapter 2, Article II, Section 2-31(d).
- (d) *Members.* The composition of the committee shall include at least one licensed veterinarian, at least one municipal official, at least one person whose duties include the daily operation of an animal shelter, and at least one representative from an animal welfare organization. The same person shall not be appointed to fulfill more than one of these requirements. It shall not be required for the representative of the animal welfare organization to reside within the city limits of Burleson or for the agency (s)he represents to be chartered in the City of Burleson. It shall not be required for the licensed veterinarian to reside within the city limits of Burleson if his/her primary veterinary practice is located with the city limits of Burleson.
- (e) *Vacancies.* Members of the committee shall be subject to removal at any time by the city council. Any vacancy in the membership of the committee shall be filled by the city council for the unexpired term of the member whose place has, by removal or otherwise, become vacant. Vacancies shall be filled within 60 days after the city council removes the member or within 60 days after the city council receives notice of the member's resignation.
- (f) *Meetings.* The committee shall meet a minimum of three times per calendar year, as outlined in Texas Health and Safety Code, § 823.005.
- (g) *Quorum.* A quorum of the committee shall consist of a majority of the members, excluding any vacancies. The presence of a quorum of the committee shall be required prior to a meeting being called to order.
- (h) *Voting.* Approval of all items before the committee shall require a majority vote of those in attendance.
- (i) *Rules.* The committee may adopt rules, subject to city council approval, for conduct of its meetings.”

Section 5

Chapter 10 “Buildings and Building Regulations,” Article II “Administration,” Division 3 “Building Codes and Standards Board” is hereby amended by repealing and replacing Section 10-76 “Appointment and Terms” to read as follows:

“Sec. 10-76. Appointment and terms.

- (a) *Membership.* The board membership shall be in compliance with Chapter 2, Article II, Section 2-31(e). The building official shall be an ex officio member of and shall act as secretary to the board, but shall have no vote on any matter before the board..
- (b) *Terms.* The terms of members shall be in compliance Chapter 2, Article II, Section 2-31(d).”

Section 6

Chapter 10 “Buildings and Building Regulations,” Article II “Administration,” Division 3 “Building Codes and Standards Board” is hereby amended by repealing and replacing Section 10-78 “Organization” to read as follows:

“Sec. 10-78. Organization.

The board shall hold an organizational meeting in October of each year. The board shall meet when required to carry out the duties established by this division. The board shall adopt its own rules and procedures and shall keep a record of its proceedings consistent with the provisions of this division and the requirements of law. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its decisions and other official actions, all which shall be filed in the office of the city secretary and kept as public records.”

Section 7

Chapter 18 “Cemeteries,” Article I “In General” is hereby amended by repealing and replacing Section 18-2 “Definitions” to read as follows:

“Sec. 18-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the members appointed by the city council under and subject to the provisions of chapter 2 of this Code.

Cemetery means a cemetery within the city limits and under the jurisdiction of the city.

Interment means the entombment or burial of the remains of a deceased person.

Memorial means any marker, monument, headstone, or structure upon or in any lot or niche, place thereupon or partially therein for identification or in memory of the interred.

Owner means the owner of record of a space, or designated representative or successor in interest.

Space means the area normally designated for a single interment.”

Section 8

Chapter 18 “Cemeteries,” Article I “In General” is hereby amended by repealing and replacing Section 18-3 “Cemetery Advisory Board; Created and Established” to read as follows:

“Sec. 18-3. Cemetery advisory board; created and established.

There is hereby created and established a cemetery advisory board. The committee membership shall be in compliance with Chapter 2, Article II, Section 2-31(e) for number of members and Section 2-33 (a) for qualifications. Each member shall serve terms in compliance with Chapter 2, Article II, Section 2-31 (d).The board shall be charged with the responsibility of recommending policies, rules, and regulations for cemeteries in the city limits under the jurisdiction of the city.”

Section 9

Chapter 44 “Impact Fees,” Article II “Water and Wastewater Impact Fees,” Division 1 “General Provisions,” Section 44-54 “Definitions,” is hereby amended by repealing and replacing the definition of “Capital improvements advisory committee (advisory committee)” to read as follows without repealing and replacing any other portion of the Section:

“Sec. 44-54. Definitions.

Capital improvements advisory committee (advisory committee). Advisory committee, appointed by the city council, consisting of a membership in compliance with Chapter 2, Article II, Section 2-31(e) for number of members and Section 2-31(d) for terms. .Not less than 40 percent shall be representatives of the real estate, development, or building industries, and, if impact fees are to be applied within the extraterritorial jurisdiction of the city, including one member representing the extraterritorial jurisdiction; or consisting of the planning and zoning commission, including one regular or ad hoc member who is not an employee of the city and which is representative of the real estate, development, or building industry, and, if impact fees are to be applied within the extraterritorial jurisdiction of the city, one representative of the extraterritorial jurisdiction area; which committee is appointed to regularly review and update the capital improvements program in accordance with the requirements of Chapter 395 of the Texas Local Government Code, and its successors.”

Section 9

Chapter 46 “Library Board,” Article II “Library Board” is hereby amended by repealing and replacing Section 46-31 “Created and Established; Number of Members; Compensation” to read as follows:

“Sec. 46-31. Created and established; number of members; compensation.

There is hereby created and established a library board for the city, the committee membership shall be in compliance with Chapter 2, Article II, Section 2-31(e) for number of members and Section 2-33(a) for qualifications. and all of whom will serve without compensation.”

Section 10

Chapter 46 “Library Board,” Article II “Library Board” is hereby amended by repealing and replacing Section 46-32 “Appointment; Terms” to read as follows:

“Sec. 46-32. Appointment; terms.

All members of the library board shall be appointed by the city council, and each member shall serve terms in compliance with Chapter 2, Article II, Section 2-31(d).”

Section 11

Chapter 62 “Planning and Development,” Article II “Planning and Zoning Commission” is hereby amended by repealing and replacing Section 62-32 “Membership; Appointment; Attending Meetings; Compensation; Removal for Absence” to read as follows:

“Sec. 62-32. Membership; appointment; attending meetings; compensation; removal for absence.

- (a) The planning and zoning commission membership shall be in compliance with Chapter 2, Article II, Section 2-31 (e) for number of members and Section 2-33 (a) for qualifications.
- (b) The city council will consider for appointment to the commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability to prepare for and attend meetings.
- (c) Place eight shall be an ex officio, non-voting place on the commission and be designated for appointment of a student who is a resident of the city and who, at the time of appointment, is 15 to 17 years of age and enrolled in an accredited school recognized by the state commissioner of education or a home school participant. In the event that a qualified student is not identified for appointment, place eight shall remain vacant until a qualified student is identified to be appointed.
- (d) It is the intent of the city council that members shall, by reason of diversity of their individual interests and experience, constitute a commission which is broadly representative of the community.
- (e) The members of the commission shall regularly attend meetings and public hearings of the commission and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.
- (f) Absences from commission meetings shall be treated in accordance with the provisions of section 2-34.”

Section 12

Chapter 62 “Planning and Development,” Article II “Planning and Zoning Commission” is hereby amended by repealing and replacing Section 62-33 “Terms of Office” to read as follows:

“Sec. 62-33. Terms of office.

Each member of the commission shall serve terms in compliance with Chapter 2, Article II, Section 2-31(d).”

Section 13

Chapter 86 “Landscaping, Trees and Vegetation,” Article II “Trees and Shrubbery,” Division 2 “Tree Board” is hereby amended by repealing and replacing Section 86-51 “Creation and Establishment” to read as follows:

“Sec. 86-51. Creation and establishment.

There is hereby created and established a tree board for the city which shall consist of all of the members of the parks board.”

Section 14

Chapter 86 “Landscaping, Trees and Vegetation,” Article II “Trees and Shrubbery,” Division 2 “Tree Board” is hereby amended by repealing and replacing Section 86-52 “Term of Office” to read as follows:

“Sec. 86-52. Term of office.

Each member shall serve terms in compliance with Chapter 2, Article II, Section 2-31(d).”

Section 15

It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

Section 16

This ordinance shall be cumulative of all provisions of the City Code and other ordinances of the City of Burleson, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

Section 17

The terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 18

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

First Reading: the _____ day of _____, 20____.

Final Reading: the _____ day of _____, 20____.

PASSED AND APPROVED this the _____ day of _____, 20____.

Chris Fletcher, Mayor

(Seal)

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney