

ITEM# 1.9

Discussion and Action to amend the Planning and Zoning Commission Bylaws

A directive was given to staff to review the bylaws for all the Boards in an effort to make any necessary changes. In the Planning and Zoning Commission bylaws staff proposes the changes below:

Article 1

Organization

- C. The tenure for each member of the Planning and Zoning Board shall be for ~~three (3)~~ two (2) years. Vacancies occurring shall be filled for the unexpired term in the same manner as provided for original appointments.

Purpose of this amendment is to be consistent with the other boards.

Article IV

Voting

- F. A Planning and Zoning Board member shall only abstain from voting if he/she has a vested interest in a particular proposal before the Planning and Zoning Board and shall sign an affidavit to the conflict (see attached Exhibit A). Should there not be sufficient cause for abstention, the Planning and Zoning Board member shall vote.

Purpose of this amendment is to update city forms for all boards.

Article VI

Meetings

- A. ~~Regular meetings shall be on the second and fourth Wednesdays of each month at 5:30 p.m. at the City Hall's Council Chambers.~~

The Planning and Zoning shall hold at least one regular meeting in each month at a time to be fixed by it for such regular meetings, and may hold as many additional regular meetings during the month as may be necessary for the transaction of the business of the City and its citizens. All regular meetings of the Planning and Zoning Commission shall be public and shall be held at a place designated in advance.

Purpose of this amendment is to cut the waiting time an item gets presented to the City Council.

Article VII

Administrative and clerical support for the Planning and Zoning Board shall be provided by the ~~City's Community Development and~~ Planning Department which shall keep any and all records pertaining to business undertaken by the Planning and Zoning Board.

Purpose of this amendment – the Planning Department is the only department that handles and keeps all records pertaining to business undertaken by the P&Z Board.

BYLAWS
FOR THE
PLANNING AND ZONING BOARD

ARTICLE I

Organization

- A. Pursuant to Ordinance 649 (3/22/71), the Planning and Zoning Board is hereby created and established.
- B. The Planning and Zoning Board shall be composed of seven (7) members, and one (1) alternate, who shall be resident citizens, taxpayers and qualified voters of the City and shall be appointed by the Mayor with confirmation by the City Council. Such appointments will be staggered upon the membership.
- C. The tenure for each member of the Planning and Zoning Board shall be for ~~three (3)~~ two (2) years. Vacancies occurring shall be filled for the unexpired term in the same manner as provided for original appointments.
- D. Members of the Planning and Zoning Board may be removed by the Mayor with the City Council's consent after a public hearing and for cause assigned in writing.

ARTICLE II

Duties

The Planning and Zoning Board shall perform such duties as may be prescribed upon them by the City Council, by Ordinance, and/or by State law.

ARTICLE III

Officers

- A. The Planning and Zoning Board shall elect a Chairman & Vice-Chairman from its membership.
- B. The Chairman shall make a good faith effort to attend all meetings involving the Planning and Zoning Board wherein he shall be the presiding officer; shall oversee that all meetings are professionally conducted; and shall maintain order during meetings.

- C. The tenure for the Chairman & Vice-Chairman shall be for three (3) year whereby the Planning and Zoning Board shall consider his/her effectiveness in being the chief presiding officer of said Board. The Chairman for the Planning and Zoning Board shall be elected each January, thereby providing the Mayor and City Council to fully appoint the Board during its December Board appointments.
- D. In the absence of the Chairman, the Vice-Chairman shall have the full authority and responsibilities of the Planning and Zoning Board Chairman.
- E. In the event the Chairman & Vice-Chairman are not present, the attending members shall appoint among themselves an Acting Chairman. The Acting Chairman shall have the full authority and responsibility of the Planning and Zoning Board Chairman.

ARTICLE IV

Voting

- A. Each member shall have one (1) vote.
- B. The Chairman shall always have the right to vote on any issue but it shall be at his discretion and option to exercise this right.
- C. The Chairman, however, shall vote when there is a tie vote. The Chairman shall also vote when there are four (4) members present, inclusive of the Chairman, so that the result shall be a total of four (4) votes. During this latter mandatory vote by the Chairman, should there be a 2-2 tie vote, the motion shall be considered as defeated.
- D. Furthermore, should a Planning and Zoning Board member abstain from voting so that the total number of notes is three (3), the Chairman shall then note to render a total of four (4) active votes.
- E. The Chairman shall not make a motion or second any motion on any issue without relinquishing the Chair to another Planning and Zoning Board member who had not made the respective motion or the second to the motion.
- F. A Planning and Zoning Board member shall only abstain from voting if he/she has a vested interest in a particular proposal before the Planning and Zoning Board and shall sign an affidavit to the conflict (see attached Exhibit A). Should there not be sufficient cause for abstention, the Planning and Zoning Board member shall vote.
- G. A Planning and Zoning Board member presenting a proposal before the Planning and Zoning Board shall remove himself/herself from the Planning and Zoning Board's platform thereby becoming a member of the respective audience and, of course, be automatically considered as an abstaining Planning and Zoning Board member. Once the time is acted on, the member shall take his/her seat on the Planning and Zoning Board.

- H. An alternate member shall have the right to attend and participate in any Planning and Zoning Meeting and shall have all rights and privileges as a regular Planning and Zoning member. An alternative member shall vote as provided herein except where there are five (5) active Planning and Zoning members present.
- (a) An alternate member shall substitute at any such meeting a regular member who is absent and have full voting privileges during such meeting. The need to establish quorum need not be present for an alternate member to substitute for a regular member who is absent.

ARTICLE V

Quorum

The quorum for the transaction of business shall be four (4) members from the eight (8) member Board.

Attendance

Pursuant to Sec. 2-16, any member of the board who is absent more than three (3) consecutive times from any regular or special meeting of said board, or who is absent from said meetings more than fifty (50) percent of the time during any one calendar year, without a legitimate excuse to be determined by the majority of any such board, shall be automatically dropped from membership.

ARTICLE VI

Meetings

- A. ~~Regular meetings shall be on the second and fourth Wednesdays of each month at 5:30 p.m. at the City Hall's Council Chambers.~~

The Planning and Zoning shall hold at least one regular meeting in each month at a time to be fixed by it for such regular meetings, and may hold as many additional regular meetings during the month as may be necessary for the transaction of the business of the City and its citizens. All regular meetings of the Planning and Zoning Commission shall be public and shall be held at a place designated in advance.

- B. Special meetings shall be held at times and places to be determined by the Chairman with the advice and consent of the Planning and Zoning Board's membership.
- C. There shall be no regular meeting scheduled should there be less than three (3) agenda items deemed for action.

ARTICLE VII

Administrative and clerical support for the Planning and Zoning Board shall be provided by the ~~City's Community Development and~~ Planning Department which shall keep any and all records pertaining to business undertaken by the Planning and Zoning Board.

ARTICLE VIII

The Chairman shall appoint any combination of members as a temporary subcommittee of the Planning and Zoning Board in order to review, research and discuss a particular issue. The subcommittee shall then report back to the full Planning and Zoning Board the findings and results of their meeting(s).

ARTICLE IX

These Bylaws may be amended or added to by a majority vote (4) of the Planning and Zoning Board provided that:

1. Notice of proposed amendment(s) shall contain a full statement of the proposed amendment(s) on an agenda to be presented to the Board at a regular meeting; and,
2. Pursuant to Sec. 26-25 of Mission's Codes, shall be approved by the Mission City Council.

ARTICLE X

These Bylaws are hereby duly adopted at a regular meeting of the Planning and Zoning Board and the Mission City Council on the dates given below:

Adoption by the Planning and Zoning Board:

Chairman

Date

Adoption by the Mission City Council:

Mayor

Date

AFFIDAVIT

STATE OF TEXAS)

COUNTY OF HIDALGO)

I, _____ as a member of the Mission Planning and Zoning Commission, make this affidavit and hereby on oath, state the following:

I and/or a person or persons related to me, have substantial interest in the below named business entity, or real property that would be peculiarly affected by a vote or decision of the Mission Planning and Zoning Commission as those terms are defined in Tex. Local Gov't Code, Section 171.001.

The business entity is _____

The real property is: _____

Date of Planning and Zoning Meeting: _____

Agenda Item Number: _____

I, and/or such relative or relatives have substantial interest for the following reason(s): (check all which are applicable)

___ Ownership of 10% or more of the voting stock or shares of the business entity.

___ Ownership of \$15,000 or more of the fair market value of the business entity.

___ Funds received from the business entity exceed 10% of my gross income from the previous year.

___ An equitable or legal ownership with a fair market value of \$2,500 or more in the real property.

___ A person related to me in the first degree by either affinity (marriage) or consanguinity (blood) has a substantial interest in the business entity or real property that would be affected by a Decision of the public body of which I am a member.

Upon the filing of this affidavit with the City Secretary of the City of Mission, I affirm that I will abstain from voting on any decision involving this business entity or real property, and from any further participation on this matter whatsoever.

Signed this the _____ day of _____, 20__

Mission Planning and Zoning Commission Member

BEFORE ME, the undersigned authority, this day personally appeared _____ and on oath stated that the facts hereinabove stated are true to the best of his/her knowledge or belief.

SWORN TO AND SUBSCRIBED BEFORE ME, on this the _____ day of _____, 20____.

(seal)

Notary Public in and for the State of Texas

My Commission Expires: _____

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Adoption by the Planning and Zoning Board:

Chairman

Date

Adoption by the Mission City Council:

Mayor

Date

Exhibit "A"

LOCAL GOVERNMENT OFFICER CONFLICTS
DISCLOSURE STATEMENT

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

1 Name of Local Government Officer

2 Office Held

3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code

4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.

5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 SIGNATURE

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.

Signature of Local Government Officer

Please complete either option below:

(1) Affidavit

NOTARY STAMP / SEAL

Sworn to and subscribed before me by _____ this the _____ day of _____, 20_____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

OR

(2) Unsworn Declaration

My name is _____, and my date of birth is _____

My address is _____, _____, _____, _____, _____
(street) (city) (state) (zip code) (country)

Executed in _____ County, State of _____, on the _____ day of _____, 20_____.
(month) (year)

Signature of Local Government Officer (Declarant)

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Signature.** Signature of local government officer. Complete this section after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says "Signature of Local Government Officer" (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say "Signature of Local Government Officer (Declarant)" (an electronic signature is not acceptable), and fill out the unsworn declaration section.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Local Government Code § 176.003(a)(2)(A):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.