

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF WOODCREEK, TEXAS, CODE OF ORDINANCES AT TITLE III (“ADMINISTRATION”), CHAPTER 30 (“OFFICIALS, EMPLOYEES AND ORGANIZATIONS”) TO ESTABLISH A TREE BOARD; PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.

WHEREAS, The City of Woodcreek has in existence boards, commissions, panels, and committees; and these entities are advisory bodies and accountable to the City Council, and, thereby, to the electorate; and

WHEREAS, The City of Woodcreek seeks to be inclusive and transparent regarding its business thus subjecting boards, commissions, panels, and committees to the Open Meetings Act; and

WHEREAS, The City of Woodcreek values its citizens' talents, input, and ideas in helping shape our city and seeks to involve its citizens in their local government thus appointing willing volunteers to positions on existing boards, commissions, panels and committees; and

WHEREAS, The City of Woodcreek City Council finds that it is prudent for all boards, commissions, panels, and committees to have uniform appointment structures, member numbers, and staggered term limits to create fairness and streamline City business; and

WHEREAS, the City Councils finds the creation of this ordinance aligns with the best interests of its citizens and is for good government and order of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodcreek:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

The Code of Ordinances of the City of Woodcreek is amended at Title III ("Administration"), Chapter 30 ("Officials, Employees and Organizations") so as to read in accordance with Attachment A.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby authorized and directed to record and publish the language of Title III, Chapter 30, as written by this Ordinance, in the City's Code of Ordinances.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon its passage and the publication of caption of this ordinance as provided by law.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. 27

PASSED & APPROVED this, the ___ day of August 2022, by a vote of ____ (ayes) to ____ (nays) and ____ (abstentions) of the City Council of Woodcreek, Texas.

Jeff Rasco, Mayor

Suzanne Mac Kenzie, City Secretary

Attachment "A"

City of Woodcreek

CODE OF ORDINANCES TITLE III: ADMINISTRATION

CHAPTER 30: OFFICIALS, EMPLOYEES AND ORGANIZATIONS

TREE BOARD

§ 30.10 POPULAR NAME.

This subchapter shall be commonly cited as the "Tree Board."

§ 30.11 PURPOSE.

The purpose of this subchapter is to create a Tree Board which shall advise the City Council as it relates to the city of Woodcreek's Trees. The Tree Board shall be viewed as an independent advisory body.

§ 30.12 CREATION AND COMPOSITION.

The Tree Board is hereby created. The Tree Board shall consist of seven members: five regular members and two alternate members. Each of Woodcreek's five Councilmembers shall make one regular member appointment to the Tree Board. The Mayor will make two alternate member appointments to the Tree Board, specifically a first and second alternate. All appointments shall be confirmed by a majority vote of the City Council. In the event any Councilmembers or the Mayor refuses or is unable to make an appointment, the vacancy may be filled by the majority vote of the remaining members of the City Council. No member of the Tree Board may be a present member of the City Council.

§ 30.13 TERMS, RESIGNATION, VACANCY, AND REMOVAL.

(A) The terms of each member (regular and alternate) of the Tree Board shall be concurrent with the Councilmember who appointed each member and will expire upon the appointing Councilmember's term in office ending, either by expiration or resignation. Members shall serve terms of two years and may be reappointed with no limitation on the number of terms one may serve. Terms will begin on January 1 and end on December 31, two years thereafter.

(B) Any member of the Tree Board may resign by submitting written notice to the Chairperson of the Tree Board. Resignation will be effective when sent. Upon receipt of written notice of resignation, the Chairperson of the Tree Board shall promptly send such resignation to the Mayor.

(C) If a vacancy occurs on the Tree Board, the vacancy may be filled by the Councilmember who appointed the resigning member.

(D) Members of the Tree Board may be removed from the Tree Board by a simple majority vote of the Councilmembers, and at a meeting of the Woodcreek City Council for which such a vote has been properly noticed.

§ 30.14 DUTIES AND MEETINGS.

(A) The Tree Board shall meet to consider advising the City Council as it relates to the city of Woodcreek's policy and regulations regarding trees under the City's jurisdiction.

(B) The Tree Board shall create and maintain a "tree inventory" including species and location of all trees located in public parks, right-of-way greenspaces, and other public land.

(C) It shall be the responsibility of the Tree Board to study, investigate, provide counsel, develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, right-of-way greenspaces, and in other public areas per the Greenspaces Ordinance. Such a plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City. Any actions taken in accordance with this plan shall require the approval of city council.

(D) The Tree Board, upon request by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

(E) The Tree Board shall participate in or hold an annual Arbor Day event (date to be established annually). This event can occur in conjunction with the celebration of other natural resources and/or protective organizations, such as but not limited to the Cypress Creek Watershed protections, Trinity Aquifer regulations, Jacob's Well management zone, rainwater collection efforts, permaculture education, and other similar sustainable practices.

§ 30.15 OFFICERS.

(A) The Tree Board shall choose its own officers from among its members. Officers shall be elected for terms of one year by majority vote of all its membership present. Officers shall include Chairperson and Vice-Chairperson.

(B) The Chairperson's sole duty shall be to preside over at all meetings in accordance with any rules the Tree Board may establish. The Chairperson 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 committee member may be appointed by the committee to preside over the meeting. The committee shall keep minutes of its proceedings. A majority of the members shall be a quorum for the transaction of business.

§ 30.16 OPEN MEETINGS ACT.

The Tree Board shall comply with the provisions of Tex. Gov't Code Ch. 551, commonly referred to as the Open Meetings Act, including posting notices and agendas. The Tree Board agenda shall have a Public Comments section allowing the public the right to speak.

City Staff shall post a notice of quorum for all meetings of the Tree Board so that all members of the governing body may attend all meetings of the Tree Board.