

THE CITY OF WOODCREEK

ORDINANCE NO. XXXX-XX-XX-XX

AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE III (“ADMINISTRATION”), CHAPTER 30 (“PLANNING AND ZONING COMMISSION”); PROVIDING FOR AMENDMENTS TO THE OPERATION AND STRUCTURE OF THE PLANNING AND ZONING COMMISSION.

WHEREAS the City Council has previously created a Planning and Zoning Commission the purpose of which is to: (1) advise and make recommendations to the City Council on amendments to the municipal Comprehensive Plan, changes of zoning, zoning ordinance amendments and zoning to be given to newly annexed areas, and shall consider approval of plats of subdivisions as may be submitted to it for review and other planning related matters; (2) secure public input in this process; and (3) promote transparency in the process of amendments to the municipal Comprehensive Plan, changes of zoning, zoning ordinance amendments and zoning to be given to newly annexed areas, and shall consider approval of plats of subdivisions as may be submitted to it for review and other planning related matters; and

WHEREAS, the City Council of the City of Woodcreek finds it appropriate to approve certain amendments to the operation and structure of the Planning and Zoning Commission.

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

SECTION I. CODE AMENDMENT: The City Code of Ordinances Title III, Chapter 30, is hereby amended as follows with underlines being additions to the code and ~~strikethroughs~~ being deletions from the code:

§ 30.38 CREATION; MEMBERSHIP; OFFICERS; RULES AND BYLAWS.

(A) There is created, in accordance with Tex. Local Gov't. Code Ch. 211, the Planning and Zoning Commission, hereafter sometimes referred to as the "Commission", which shall consist of five ~~people~~ regular voting members ~~(and two alternates non-voting members)~~ ~~residing within the City limits.~~

(1) Exception: at a meeting where there are not enough regular members present to establish a quorum, an alternate(s) may act as a voting member. Those present committee members, including alternates, shall vote on the alternate(s) who will stand in as a voting member for that meeting.

(B) Commission members shall reside within the City Limits.

~~(B) Members and alternates shall be nominated by the Mayor and appointed by the City Council.~~

(C) Each of Woodcreek's five Councilmembers shall make one regular member appointment to the Planning and Zoning Commission. The Mayor will make two alternate member appointments to the Planning and Zoning Commission, 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 fails or refuses to make an appointment, the vacancy may be filled by the majority vote of the remaining members of the City Council, in their stead.

(1) The terms of each member (regular and alternate) of the Planning and Zoning commission shall coincide with the term of the Council member (including Mayor) who appointed the member and will expire upon the appointing Council member's term of office ending. This shall result in staggered two year terms for Planning and Zoning commission members. One year, the three newly elected members of council shall make recommendation for a regular member of the Planning and Zoning commission. The next year, the two newly elected members of council shall make a recommendation for a regular member of the commission, and the newly elected Mayor shall make recommendation for two alternates.

(2) In order to be considered for appointment or reappointment to the Commission, a Volunteer Application shall be filled out and submitted to the City Records Management Officer. City staff shall present all volunteer applications to council for their consideration of commission appointments.

~~(C)~~(D) All appointments to the Commission shall serve as a member of the Commission for a term of office of ~~three~~ two years. Members may be reappointed with no limitation on the number of terms one may serve. When a term expires without request for renewal or resignation from the member, the City Council may, at its discretion, extend the member's term for a one-year period. Members may remain on the committee, past their expired term, until their reappointment or replacement has been approved by Council.

~~(D)~~ Any vacancy(s) on the Commission shall be filled via appointment by a simple majority vote of the City Council.

~~(E)~~ Any member of the Commission may resign by submitting written notice to the Chairperson of the Commission. Resignation will be effective when received. Upon receipt of written notice of resignation, the Chairperson of the Commission shall promptly send such resignation to the Mayor, the City Secretary and the Commission liaison.

~~(F)~~ If a vacancy occurs on the Planning and Zoning Commission, that vacancy shall be filled by a recommendation from the Council member who appointed the resigning member. Upon confirmation by a simple majority vote of council, the newly appointed member shall fulfill the unexpired term of that Planning and Zoning Commission seat.

~~(E)~~(G) Members of the Planning and Zoning Commission may be removed from office at any time by a simple majority vote of the full City Council either upon its own motion or upon recommendation of the Commission. Failure to attend three consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family, or if the Commission or Council approves the absence(s) as excused.

A vote to remove a Commission member shall be placed on the appropriate agenda as a regular item, and shall be voted upon accordingly.

~~(F)~~(H) The members of the Commission shall regularly attend meetings and public hearings of the Commission, shall serve without compensation and shall not hold any other office within, or serve as an employee of, the City while serving on the Commission. Appointments to non-voting commissions and/or boards seats (e.g., the Beautification Committee) shall be permitted. The Commission shall meet a minimum of twice per year at a time established by the City Council or the Planning and Zoning Chairperson. ~~If there have been no applications filed for review by the Commission, the City Secretary shall notify the Chairperson and no meeting shall be required.~~

~~(G)~~(I) The Commission shall elect a Chairperson and a Vice-Chairperson from among the ~~Commission membership, its regular voting members, and each officer shall hold office for a term of three years upon or until replaced by a two-thirds vote of the full Commission. The City Manager's/Administrator's designee shall serve as Secretary to the Commission, and shall keep minutes of all meetings held by the Commission as well as the full record of all recommendations made by the Commission to the City Council.~~

(1) Chairpersons shall be elected for terms of one year by simple majority vote of its membership present, (including alternates) or until replaced by a two-thirds vote of the full Commission. Chairpersons shall include Chairperson and Vice-Chairperson.

(2) The Chairperson's sole duty shall be to preside over all meetings in accordance with any rules the Commission may establish. 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.

(3) Chairpersons retain all rights given to them as regular voting members.

~~(H)~~(J) The Commission shall have the power to make rules, regulations and bylaws for its own governance, which shall conform with those set forth by the City Council, and such rules, regulations and bylaws shall be subject to approval by the City Council. Such rules and bylaws shall include, among other items, provisions for the following:

- (1) Regular and special meetings, open to the public;
- (2) A record of its proceedings, to be open for inspection by the public;
- (3) Reporting to the City Council and the public, from time to time and annually; and
- (4) Reviewing the City's municipal Comprehensive Plan on a biennial basis.

(K) The City Manager's/Administrator's designee shall serve as Secretary to the Commission, and shall keep minutes of all meetings held by the Commission as well as the full record of all recommendations made by the Commission to the City Council.

§ 30.39 PARLIAMENTARY PROCEDURE; QUORUM; VOTING.

The Commission will follow the parliamentary procedure adopted by the City Council, and procedures shall not be in conflict with the laws applicable to the Commission on the following.

- (A) *Quorum.* A quorum shall consist of a majority of the regular voting membership of the Commission, and any issue to be voted upon shall be resolved by a majority of those members present.
- (B) *Voting.* All regular voting Commission members, including the Chairperson, shall be entitled to one vote each upon any question, upon a quorum being present. Voting procedures shall be in accordance with the parliamentary procedures adopted by the City Council.
- (C) *Conflict of interest.*
 - (1) If any member has a conflict of interest regarding any item on the Commission's agenda, that member may remove themselves from the room and shall refrain from discussing and/or voting only on the item for which a conflict exists.
 - (2) Refer to Tex. Local Gov't. Code Ch. 171 and any applicable City policies or regulations governing the same.

§ 30.40 MEETINGS; PUBLIC RECORDS.

- (A) Unless otherwise provided for, the Planning and Zoning Commission shall meet in City Hall or in some other specified location as may be designated by the presiding Chairperson and at such intervals as may be necessary to orderly and properly transact the business of the Commission, but not less than twice each year.
- (B) Meetings shall be conducted in accordance with the Open Meetings Law. Refer to Tex. Gov't. Code Ch. 551.
- (C) City Staff shall post a notice of quorum for all meetings of the Planning and Zoning Commission so that all members of the governing body may attend all meetings of the Planning and Zoning Commission.

SECTION II. SEVERABILITY CLAUSE: 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. All provisions of this Ordinance are declared severable.

SECTION III. CUMULATIVE CLAUSE: This Ordinance shall be cumulative of all provisions of ordinances of the City except where provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION IV. REPEALER CLAUSE: 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.

SECTION V. SAVINGS CLAUSE: The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any right of the City of Woodcreek under any section or provisions of any ordinances in effect at the time of the passage of this Ordinance.

SECTION VI. PROPER NOTICE AND MEETING: 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 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

Effective as of final passage and any publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2024,

by a _____ to _____ vote of the City Council of Woodcreek, Texas.

WOODCREEK, TEXAS

By:

Jeff

PLACE
CITY SEAL
HERE

Rasco, Mayor

ATTEST:

Suzanne J. Mac Kenzie, City Secretary