

ORDINANCE NO. 2026-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS AMENDING ARTICLE 1.02.003 , BOARDS, COMMISSIONS, COMMITTEES; SUBSECTION §1.02.003 (a) PROCEDURES, AMENDING THE UNIFORM SELECTION MONTH FOR ALL BOARDS, COMMISSIONS, COMMITTEES, AND DIVISION 3 §1.02.073 & §1.02.075, DIVISION 4 §1.02.101 & §1.02.103, DIVISION 6 §1.02.141 & §1.02.143, DIVISION 7 §1.02.161 & §1.02.163, DIVISION 8 §1.02.181 & §1.02.183, DIVISION 9 §1.02.201 & §1.02.203, DIVISION 10 §1.02.301 & §1.02.303, AND DIVISION 11 §1.02.401 & §1.02.403 RELATED TO 1) CREATED; APPOINTMENT OF MEMBERS; TERMS, AND 2) OFFICERS; RULES; MEETINGS; QUORUM; RECORD; CONFLICT OF INTEREST, PROVIDING FOR THE PROVISION REGARDING THE MAXIMUM AND MINIMUM NUMBER OF BOARD MEMBERS, SETTING THE NUMBER OF RQUIRED MEETINGS, AND ESTABLISHING A QUORUM OF THE APPOINTED MEMBERS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council encourages all Buda Citizens to participate in their local government and seeks the most qualified candidates for appointed positions; and

WHEREAS, the City Council has determined that the development and establishment of an appointment process for appointments on the City's boards and commissions will assist the City Council and staff involved in the appointment process with consistent procedures and standards when seeking candidate appointments by the City Council; and

WHEREAS, the City Council wishes to amend certain sections of the ordinance to clarify the uniform appointment month applying to all boards and commissions, designating the selection and election of the chairman to the City Council, and designating ex-officio members to certain boards; and

WHEREAS, this ordinance was passed and approved at a meeting of the City Council of the City of Buda held in compliance with the Texas Open Meetings Act at which a quorum of the City Council Members were present and voting.

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

Section 1. Article 1.02, *Boards, Commissions and Committees*, is hereby amended in its entirety as follows:

DIVISION 1

Generally

§ 1.02.003. Procedures.

(a) It is hereby declared to be the policy of the city to provide for consistent

procedures and standards when appointing board, commission, and committee members. Current ordinances and bylaws governing appointments to boards and commissions of the city shall be amended in such a manner so that the appointments shall be effective on one uniform month each year in **May**.

- (b) The city council may establish rules or written policies that:
- (1) Better advertise and improve citizen interest in serving on a board, commission, or committee;
 - (2) Make city council aware of member vacancies and new members aware of board, commission, or committee roles;
 - (3) Enable staff to work efficiently in filling appointments; and
 - (4) As necessary for the orderly conduct of its appointments, subject to approval by the city council.

(Ordinance 2016-20, sec. 1, adopted 10/11/16, 03/24/26)

Section 2. Article 1.02, *Boards, Commissions and Committees*, § 1.02.073 Created; appointment of members; terms. And § 1.02.075. Officers; rules; meetings; quorum; record; conflict of interest, is hereby amended in its entirety as follows:

DIVISION 3

Historic Preservation Commission

§ 1.02.073 Created; appointment of members; terms.

- (a) This division creates the historic preservation commission (“commission”) appointed by the city council. The commission shall consist **of a maximum of seven (7) members or a minimum of five (5)** who shall reside either in the incorporated city limits or its extraterritorial jurisdiction.
- (b) The members of the commission shall serve two-year staggered terms, with four (4) members being appointed in April of even-numbered years and three (3) members being appointed in April of odd-numbered years.
- (c) On the initial commission, four (4) of the members shall be appointed for one-year terms and three (3) of the members shall be appointed for two-year terms. Thereafter, all terms shall be two-year terms.
- (d) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

(Ordinance 2013-21, sec. 1, adopted 8/20/13; Ordinance 2016-20, sec. 3, adopted 10/11/16)

§ 1.02.075 Officers; rules; meetings; quorum; record; conflict of interest.

- (a) The commission shall have a chairperson and a vice-chairperson elected from its membership to serve for a one-year term. The chairperson shall be appointed annually, therefore elected, by the City Council for a maximum of two (2) consecutive one (1) year terms and the remaining officers shall be

elected annually by the commission. If the commission wishes to appoint an officer residing outside of the city limits, then the commission must request city council approve such appointment.

- (b) The chairperson shall preside over the commission and shall have the right to vote on all items before the commission. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.
- (c) The city manager or his or her designee shall be an ex officio member of the commission.
- (d) The commission may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.
- (e) The commission shall meet at least **quarterly or as needed**, if there is business at hand, at a time and place established by the commission. Special meetings may be called by the chairperson or interim chairperson of the commission, city manager or his or her designee or upon the request of any three (3) commission members. All meetings of the commission shall be open to the public and shall conform with the Texas Open Meetings Act, section 551 of the Government Code.
- (e) A quorum shall consist of a majority of the **appointed** members of the commission except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.
- (f) The commission shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings and actions.
- (g) A commission member shall be required to complete any state-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.
- (h) A commission member having any potential conflict of interest, as defined by this code or state law, on any policy, decision, or determination before the commission shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in section 1.01.009 of this code.

Section 3. Article 1.02, *Boards, Commissions and Committees*, § 1.02.101Created; appointment of members; terms and § 1.02.103. Officers; rules; meetings; quorum; record; conflict of interest, is hereby amended in its entirety as follows:

DIVISION 4

Planning and Zoning Commission

§ 1.02.101. Created; appointment of members; terms.

- (a) This division creates the planning and zoning commission (“commission”) appointed by the city council. The commission shall consist of a maximum of seven (7) members or a minimum of five (5) members who shall reside either in the incorporated city limits or its extraterritorial jurisdiction.
- (b) The members of the commission shall serve two-year staggered terms, with four (4) members being appointed in April of even-numbered years and three (3) members being appointed in April of odd-numbered years.
- (c) On the initial commission, four (4) of the members shall be appointed for one-year terms and three (3) of the members shall be appointed for two-year terms. Thereafter, all terms shall be two-year terms.
- (d) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

§ 1.02.103. Officers; rules; meetings; quorum; record; conflict of interest.

- (a) The commission shall have a chairperson and a vice-chairperson elected from its membership to serve for a one-year term. The chairperson shall be appointed annually, therefore elected, by the City Council for a maximum of two (2) consecutive one (1) year terms and the remaining officers shall be elected annually by the commission. If the commission wishes to appoint an officer residing outside of the city limits, then the commission must request city council approve such appointment.
- (b) The chairperson shall preside over the commission and shall have the right to vote on all items before the commission. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.
- (c) A city councilmember, the city manager, or his or her designee shall be an ex officio member of the board.
- (d) The commission may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.
- (e) The commission shall meet at least quarterly or as needed, if there is business at hand, at a time and place established by the commission. Special meetings may be called by the chairperson or interim chairperson of the commission, city manager or his or her designee or upon the request of any three (3) commission members. All meetings of the commission shall be open to the public and shall conform with the Texas Open Meetings Act, section 551 of the Government Code.
- (f) A quorum shall consist of a majority of the appointed members of the commission except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.
- (g) The commission shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings and actions.
- (h) A commission member shall be required to complete any state-mandated

training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.

- (i) A commission member having any potential conflict of interest on any policy, decision, or determination before the commission shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in section 1.01.009 of this code.

(Ordinance 2013-21, sec. 1, adopted 8/20/13; Ordinance 2016-20, sec. 4, adopted 10/11/16)

Section 4. Article 1.02, *Boards, Commissions and Committees*, § 1.02.141 Created; appointment of members; terms, and § 1.02.143. Officers; rules; meetings; quorum; record; conflict of interest, is hereby amended in its entirety as follows:

DIVISION 6

Sustainability Commission

§ 1.02.141. Created; appointment of members; terms.

- (a) This division creates the sustainability commission ("commission") appointed by the city council. The commission shall consist of a maximum of seven (7) members or a minimum of five (5) who shall reside in the incorporated city limits or its extraterritorial jurisdiction.
- (b) The members of the commission shall serve two-year staggered terms, with four (4) members being appointed in April of even-numbered years and three (3) members being appointed in April of odd-numbered years.
- (c) On the initial commission, four (4) of the members shall be appointed for one-year terms and three (3) members shall be appointed for two-year terms. Thereafter, all terms shall be two-year terms.
- (d) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

(Ordinance 2016-19 adopted 9/20/16)

§ 1.02.143. Officers; rules; meetings; quorum; record; conflict of interest.

- (a) The commission shall have a chairperson and a vice-chairperson elected from its membership to serve for a one (1) year term. The chairperson shall be appointed annually, therefore elected, by the City Council for a maximum of two (2) consecutive one (1) year terms and the remaining

officers shall be elected annually by the board. If the commission wishes to appoint an officer residing outside of the city limits, then the commission must request city council approve such appointment.

- (b) The chairperson shall preside over the commission and shall have the right to vote on all items before the commission. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.
- (c) The city manager or his or her designee shall be an ex officio member of the commission.
- (d) The commission may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.
- (e) The commission shall meet at least **quarterly or as needed**, if there is business at hand, at a time and place established by the commission. Special meetings may be called by the chairperson or interim chairperson of the commission, city manager or his or her designee or upon the request of any three (3) commission members. All meetings of the commission shall be open to the public and shall conform with the Texas Open Meetings Act, section 551 of the Government Code.
- (f) A quorum shall consist of a majority of the **appointed** members of the commission except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.
- (g) The commission shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings and actions.
- (h) A commission member shall be required to complete any state-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.
- (i) A commission member having any potential conflict of interest on any policy, decision, or determination before the commission shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in section 1.01.009 of this code.

(Ordinance 2016-19 adopted 9/20/16)

Section 5. Article 1.02, *Boards, Commissions and Committees*, § 1.02.161. Created; appointment of members; terms, and § 1.02.163. Officers; rules; meetings; quorum; record; conflict of interest, is hereby amended in its entirety as follows:

DIVISION 7

Library Commission

§ 1.02.161. Created; appointment of members; terms.

- (a) This division creates the public library commission ("commission") appointed by the city council. The commission shall consist of a maximum of seven (7) members or a minimum of five (5) who shall reside either in the incorporated city limits or its extraterritorial jurisdiction.
- (b) The members of the commission shall serve two-year staggered terms, with four (4) members being appointed in April of even-numbered years and three (3) members being appointed in April of odd-numbered years.
- (c) On the initial commission, four (4) of the members shall be appointed for one-year terms and three (3) members shall be appointed for two-year terms. Thereafter, all terms shall be two-year terms.
- (d) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

(Ordinance 2016-20 adopted 10/11/16)

§ 1.02.163. Officers; rules; meetings; quorum; record; conflict of interest.

- (a) The commission shall have a chairperson and a vice-chairperson elected from its membership to serve for a one (1) year term. The chairperson shall be appointed annually, therefore elected, by the City Council for a maximum of two (2) consecutive one (1) year terms and the remaining officers shall be elected annually by the board. If the commission wishes to appoint an officer residing outside of the city limits, then the commission must request city council approve such appointment.
- (b) The chairperson shall preside over the commission and shall have the right to vote on all items before the commission. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.
- (c) The city manager or his or her designee shall be an ex officio member of the commission.
- (d) The commission may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.
- (e) The commission shall meet at least quarterly or as needed, if there is business at hand, at a time and place established by the commission. Special meetings may be called by the chairperson or interim chairperson of the commission, city manager or his or her designee or upon the request of any three (3) commission members. All meetings of the commission shall be open to the public and shall conform with the Texas Open Meetings Act, section 551 of the Government Code.
- (f) A quorum shall consist of a majority of the appointed members of the commission except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.
- (g) The commission shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings and actions.

- (h) A commission member shall be required to complete any state-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.
- (i) A commission member having any potential conflict of interest on any policy, decision, or determination before the commission shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in section 1.01.009 of this code.

(Ordinance 2016-20 adopted 10/11/16)

Section 6. Article 1.02, *Boards, Commissions and Committees*, § 1.02.181. Created; appointment of members; terms, and § 1.02.183. Officers; rules; meetings; quorum; record; conflict of interest, is hereby amended in its entirety as follows:

DIVISION 8

Parks and Recreation Commission

§ 1.02.181. Created; appointment of members; terms.

- (a) This division creates the parks and recreation commission ("commission") appointed by the city council. The commission shall consist of a maximum of seven (7) members or a minimum of five (5) who shall reside either in the incorporated city limits or its extraterritorial jurisdiction.
- (b) The members of the commission shall serve two-year staggered terms, with four (4) members being appointed in April of even-numbered years and three (3) members being appointed in April of odd-numbered years.
- (c) The initial commission, four (4) of the members shall be appointed for one-year terms and three (3) members shall be appointed for two-year terms. Thereafter, all terms shall be two-year terms.
- (d) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

(Ordinance 2016-20 adopted 10/11/16)

§ 1.02.183. Officers; rules; meetings; quorum; record; conflict of interest.

- (a) The commission shall have a chairperson and a vice-chairperson elected from its membership to serve for a one (1) year term. The chairperson shall be appointed annually, therefore elected, by the City Council for a maximum of two (2) consecutive one (1) year terms and the remaining officers shall be elected annually by the board. If the commission wishes to appoint an officer residing outside of the city limits, then the commission

must request city council approve such appointment.

- (b) The chairperson shall preside over the commission and shall have the right to vote on all items before the commission. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.
- (c) The city manager or his or her designee shall be an ex officio member of the commission.
- (d) The commission may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.
- (e) The commission shall meet at least **quarterly or as needed**, if there is business at hand, at a time and place established by the commission. Special meetings may be called by the chairperson or interim chairperson of the commission, city manager or his or her designee or upon the request of any three (3) commission members. All meetings of the commission shall be open to the public and shall conform with the Texas Open Meetings Act, section 551 of the Government Code.
- (f) A quorum shall consist of a majority of the **appointed** members of the commission except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.
- (g) The commission shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings and actions.
- (h) A commission member shall be required to complete any state-mandated training, to include but not limited to open meetings act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.
- (i) A commission member having any potential conflict of interest on any policy, decision, or determination before the commission shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in section 1.01.009 of this code.

(Ordinance 2016-20 adopted 10/11/16)

Section 9. Article 1.02, *Boards, Commissions and Committees*, § 1.02.201. Created; appointment of members; terms, and § 1.02.203. Officers; rules; meetings; quorum; record; conflict of interest, is hereby amended in its entirety as follows:

DIVISION 9

Main Street Advisory Board

§ 1.02.201. Created; appointment of members; terms.

(a) This division creates the main street advisory board ("board") appointed by the city council. The board shall consist of a maximum of seven (7) members or a minimum of five (5) who shall reside in the incorporated city limits, reside in the ETJ, or own businesses within the incorporated city limits.

(b) The members of the board shall serve two-year staggered terms, with four (4) members being appointed in April of even-numbered years and three (3) members being appointed in April of odd-numbered years.

(c) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

(Ordinance 2017-01 adopted 1/3/17; Ordinance 2024-08 adopted 2/6/2024)

§ 1.02.203. Officers; rules; meetings; quorum; record; conflict of interest.

(a) The commission shall have a chairperson and a vice-chairperson elected from its membership to serve for a one (1) year term. The chairperson shall be appointed annually, therefore elected, by the City Council for a maximum of two (2) consecutive one (1) year terms and the remaining officers shall be elected annually by the board. If the board wishes to appoint an officer residing outside of the city limits, then the board must request city council approve such appointment.

(b) The chairperson shall preside over the board and shall have the right to vote on all items before the board. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.

(c) The city manager or his or her designee shall be an ex officio member of the board.

(d) The board may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.

(e) The board shall meet at least quarterly or as needed, if there is business at hand, at a time and place established by the board. Special meetings may be called by the chairperson or interim chairperson of the board, city manager or his or her designee or upon the request of any three (3) board members. All meetings of the board shall be open to the public and shall conform with the Texas Open Meetings Act, section 551 of the Government Code.

(f) A quorum shall consist of a majority of the appointed members of the board except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.

(g) The board shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings, and actions.

(h) A board member shall be required to complete any state-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.

- (i) A board member having any potential conflict of interest on any policy, decision, or determination before the board shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the board member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the board's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in section 1.01.009 of this code.

(Ordinance 2017-01 adopted 1/3/17)

Section 10. Article 1.02, *Boards, Commissions and Committees*, § 1.02.301. Created; appointment of members; terms, and § 1.02.303. Officers; rules; meetings; quorum; record; conflict of interest, is hereby amended in its entirety as follows:

DIVISION 10

Arts Commission

§ 1.02.301. Created; appointment of members; terms.

(a) This division creates the arts commission ("commission") appointed by the city council. The board shall consist of a maximum of seven (7) members or a minimum of five (5).

(b) The members of the board shall serve two-year staggered terms, with four (4) members being appointed in April of even-numbered years and three (3) members being appointed in April of odd-numbered years.

(c) On the initial board, four (4) of the members shall be appointed for one-year terms and three (3) members shall be appointed for two-year terms. Thereafter, all terms shall be two-year terms.

(d) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

(Ordinance 2022-18 adopted 6/21/22; Ordinance 2024-05 adopted 1/3/2024)

§ 1.02.303. Officers; rules; meetings; quorum; record; conflict of interest.

- (a) The commission shall have a chairperson and a vice-chairperson elected from its membership to serve for a one (1) year term. The chairperson shall be appointed annually, therefore elected, by the City Council for a maximum of two (2) consecutive one (1) year terms and the remaining officers shall be elected annually by the board. If the commission wishes to appoint an officer residing outside of the city limits, then the commission must request city council approve such appointment.
- (b) The chairperson shall preside over the board and shall have the right to vote on all items before the board. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.

- (c) The city manager or his or her designee shall be an ex officio member of the commission.
- (d) The commission may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.
- (e) The commission shall meet at least **quarterly or as needed**, if there is business at hand, at a time and place established by the commission. Special meetings may be called by the chairperson or interim chairperson of the commission, city manager or his or her designee or upon the request of any three (3) commission members. All meetings of the commission shall be open to the public and shall conform with the Texas Open Meetings Act, section 551 of the Government Code.
- (f) A quorum shall consist of a majority of the **appointed** members of the commission except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.
- (g) The commission shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings and actions.
- (h) A commission member shall be required to complete any state-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.
- (i) A commission member having any potential conflict of interest on any policy, decision, or determination before the board shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in section 1.01.009 of this code.

(Ordinance 2022-11 adopted 5/3/22)

§ 1.02.305. through § 1.02.400. (Reserved)

Section 11. Article 1.02, *Boards, Commissions and Committees*, § 1.02.401. Created; appointment of members; terms, and § 1.02.403. Officers; rules; meetings; quorum; record; conflict of interest, is hereby amended in its entirety as follows:

DIVISION 11

Commission on Aging

§ 1.02.401. Created; appointment of members; terms.

- (a) This division creates the commission on aging ("commission") appointed by the city council. The commission on aging shall consist of a maximum of seven (7) members or a minimum of five (5).
- (b) Members shall be appointed for staggered two-year terms beginning in May of the year they are appointed.
- (c) On the initial board, three (3) of the members shall be appointed for one-year terms and four (4) members shall be appointed for two-year terms. Thereafter, all terms shall be two-year terms.
- (d) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

(Ordinance 2023-25 adopted 11/28/2023)

§ 1.02.403. Officers; rules; meetings; quorum; record; conflict of interest.

- (a) The commission shall have a chairperson and a vice-chairperson elected from its membership to serve for a one (1) year term. The chairperson shall be appointed annually, therefore elected, by the City Council for a maximum of two (2) consecutive one (1) year terms and the remaining officers shall be elected annually by the board. If the commission wishes to appoint an officer residing outside of the city limits, then the commission must request the city council approve such an appointment.
- (b) The chairperson shall preside over the board and shall have the right to vote on all items before the board. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.
- (c) The city manager or his or her designee shall be an ex officio member of the commission.
- (d) The commission may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.
- (e) The commission shall meet at least quarterly or as needed, if there is business at hand, at a time and place established by the commission. Special meetings may be called by the chairperson or interim chairperson of the commission, city manager or his or her designee or upon the request of any three (3) commission members. All meetings of the commission shall be open to the public and shall conform with the Texas Open Meetings Act, section 551 of the Government Code.
- (f) A quorum shall consist of a majority of the appointed members of the commission except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.
- (g) The commission shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings and actions.
- (h) A commission member shall be required to complete any state-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.
- (i) A commission member having any potential conflict of interest on any

policy, decision, or determination before the board shall disclose to each of the other members the nature of his or her potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in section 1.01.009 of this code.

(Ordinance 2023-25 adopted 11/28/2023)

Section 12. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

Section 13. Passage. Pursuant to Section 3.11(A) of the City Charter, if the Council determines that the first reading of this ordinance is sufficient for adequate consideration by an affirmative vote of five or more members of the City Council during the first reading and the Ordinance is passed by a the affirmative vote of four or more members of the City council, this Ordinance is adopted and enacted without further readings. In the event a second reading is necessary, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council upon second reading.

Section 14. Effective Date. Pursuant to Section 3.11(D) of the City Charter, this ordinance is effective upon adoption, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published once in its entirety, or a caption that summarizes the purpose of the ordinance and the penalty for violating the ordinance in a newspaper designated as the official newspaper of the City. An ordinance required by the Charter to be published shall take effect when the publication requirement is satisfied.

PASSED, APPROVED, AND ADOPTED on first and final reading by an affirmative vote of the City Council of the City of Buda, this 2nd day of June, 2026.

THE CITY OF BUDA, TEXAS

Lee Urbanovsky, Mayor

ATTEST:

Alicia Ramirez, City Clerk

DIVISION 1
Generally

§ 1.02.001. Purpose.

This directive sets forth the comprehensive process for items pertaining to appointments to the city's boards and commissions including advertising for candidates, processing information to the city council, interviewing of candidates, appointment timetable, attendance records, and oaths of offices. (Ordinance 2016-20, sec. 1, adopted 10/11/16)

§ 1.02.002. Policy.

The city council has the right to appoint citizens to various boards and commissions. It is the stated desire and intent of the city council to provide for an orderly appointment process to be followed by city staff and to encourage participation by interested citizens. All appointments and removals are made at the discretion of the city council. This policy is intended to create consistency for all boards and commissions of the city, therefore, any portion of an ordinance or policy which conflicts with this policy, as amended, is repealed. All other portions of said ordinances or policies shall remain in full force and effect.

(Ordinance 2016-20, sec. 1, adopted 10/11/16)

§ 1.02.003. Procedures.

- (a) It is hereby declared to be the policy of the city to provide for consistent procedures and standards when appointing board, commission, and committee members. Current ordinances and bylaws governing appointments to boards and commissions of the city shall be amended in such a manner so that the appointments shall be effective on one uniform month each year, May,.
- (b) The city council may establish rules or written policies that:
 - (1) Better advertise and improve citizen interest in serving on a board, commission, or committee;
 - (2) Make city council aware of member vacancies and new members aware of board, commission, or committee roles;
 - (3) Enable staff to work efficiently in filling appointments; and
 - (4) As necessary for the orderly conduct of its appointments, subject to approval by the city council.

(Ordinance 2016-20, sec. 1, adopted 10/11/16)

§ 1.02.004. through § 1.02.030. (Reserved)

DIVISION 2
Zoning Board of Adjustment and Appeals

§ 1.02.031. Created; appointment of members; terms.

- (a) This division creates the zoning board of adjustment and appeals (“board”) appointed by the city council. The board shall consist of five (5) members and two (2) alternate members. All of the members and alternate members shall be residents of the city at the time they are appointed and during their term in office.
 - (b) Members and alternate members shall serve two-year staggered terms with four (4) members being appointed in April of even-numbered years and three (3) members being appointed in April of odd-numbered years.
 - (c) The initial board shall consist of three (3) regular members appointed to two-year terms and two (2) regular members appointed to a one-year term; and one alternate member appointed to a two-year term and an alternate member appointed to a one-year term. After the initial one-year terms have expired, all members, both regular and alternate, shall be appointed to two-year terms.
 - (d) When there will be an absence of one or more members at a scheduled board meeting, alternate members may serve when requested to do so by the city manager or his/her designee.
 - (e) Members and alternate members may only be removed for cause as found by the city council, on a written charge after a public hearing.
- (Ordinance 2013-21, sec. 1, adopted 8/20/13; Ordinance 2016-20, sec. 2, adopted 10/11/16)

§ 1.02.032. Qualifications of members.

- (a) When appointing members, the city council shall make every reasonable and practical attempt to appoint board members and alternate board members from different geographical locations within the corporate limits of the city and from different interest groups. The council shall avoid appointing a board that has a concentration of members from the same or similar economic, business, racial or vocational interests, but instead shall endeavor to the extent reasonably practical to diversify the membership of the board to the end that the entire community is represented thereon.
- (b) If a city resident member of the board ceases to reside in the city and his or her relocation reduces the number of city residents, that person shall give notice of such fact and may be deemed to have resigned, upon approval by the city council, from the board as of the date his or her residence changed, and, if approved by council, the city council shall appoint a resident board member to fill the remainder of the resigning member’s term. A quorum of the board shall be required to open meetings, conduct business and take action on any agenda items.
- (c) The city council may take into consideration an applicant’s history on delinquency in payment of any city taxes, utility bills, citations, municipal court judgments and assessments and so forth in qualifying the applicant.
- (d) Notwithstanding any city ad hoc committees or except where duplicate appointments are authorized by ordinance, city charter or by state law, a person may not serve as a member of the zoning board of adjustment and appeals if he or she is also serving on the economic development corporation board of directors or local government corporation. (Ordinance

2013-21, sec. 1, adopted 8/20/13; Ordinance 2018-05, sec. 2, adopted 4/3/18)

§ 1.02.033. Officers; rules; meetings; quorum; record; conflict of interest.

- (a) All cases before the board must be heard by at least 75% of the members. The concurring vote of 75% of the members of the board is necessary to:
- (1) Reverse an order, requirement, decision or determination of an administrative official;
 - (2) Decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance or issue; or
 - (3) Authorize a variation from the terms of a zoning ordinance or issue.

In all other cases, a simple majority of the members present at an official meeting is necessary to approve a matter.

- (b) The board shall have a chairperson and a vice-chairperson elected from its membership to serve for a one (1) year term. The chairperson shall be appointed, therefore elected, annually by the City Council for a maximum of two (2) consecutive one (1) year terms and the remaining officers shall be elected annually by the board.
- (c) The chairperson shall preside over the board and shall have the right to vote on all items before the board. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.
- (d) The city manager or his or her designee shall be an ex officio member of the board.
- (e) The board, by majority vote, may adopt rules or bylaws in accordance with this division and the requirements of the Local Government Code as necessary for the orderly conduct of its business, subject to approval by the city council.
- (f) The board shall meet upon the call of the presiding officer and at other times as determined by the board rules. The presiding officer or acting presiding officer may administer oaths and compel attendance of witnesses. All meetings of the board shall comply with the Texas Open Meetings Act.
- (g) The board shall keep minutes of its proceedings and indicate the vote of each member on each question or the fact that a member is absent or abstains. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed with the city secretary and its records are public records.
- (h) A board member shall be required to complete any state-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.
- (i) A board member having any potential conflict of interest on any policy, decision, or determination before the board shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the board member recognizes a conflict or clear potential

for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the board's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in section 1.01.009 of this code.

- (j) When there will be an absence of one or more members at a scheduled board meeting, alternate members may serve when requested to do so by the mayor, city manager or his or her designee, or presiding officer or acting presiding officer.

(Ordinance 2013-21, sec. 1, adopted 8/20/13; Ordinance 2018-05, sec. 2, adopted 4/3/18)

§ 1.02.034. Powers and duties.

The board shall have the following powers and duties:

- (1) To hear and decide appeals where the applicant alleges that there is an error in any order, requirement, decision or determination made by city staff or the city council in the enforcement of the city's zoning regulations and ordinances;
- (2) To hear and decide requests for special exceptions to the city's zoning regulations and ordinances;
- (3) To hear and decide judicial variances; and
- (4) To decide such other matters as may be assigned by the city council from time to time.

(Ordinance 2013-21, sec. 1, adopted 8/20/13; Ordinance 2018-05, sec. 2, adopted 4/3/18)

§ 1.02.035. Appeals.

- (a) Any of the following persons may appeal to the board a decision made by an administrative official:

- (1) A person aggrieved by the decision.
- (2) Any officer, department, board, commission or bureau of the city affected by the decision.
- (3) Only the city manager shall have the right to request an administrative exception.

- (b) Appeal of a board decision. Appeal of any decision of the board shall be taken to a state court of competent jurisdiction by filing a verified petition stating that the decision of the board is illegal in whole or in part and specifying the grounds of the illegality. The petition must be filed within ten (10) days after the date that the board's decision is filed with the city clerk.

(Ordinance 2013-21, sec. 1, adopted 8/20/13; Ordinance 2018-05, sec. 2, adopted 4/3/18)

§ 1.02.036. through § 1.02.070. (Reserved)

DIVISION 3
Historic Preservation Commission

§ 1.02.071. Purpose; subject to Unified Development Code.

The city council hereby declares that the purpose of this division is to preserve, protect and enhance areas of historical or cultural significance, including sites, structures, and landmarks within the city and its extraterritorial jurisdiction in order to promote the economic, cultural, educational and general welfare of the public. Where there is a conflict between any provision of this division and any provision of the Unified Development Code, the Unified Development Code shall control.

(Ordinance 2013-21, sec. 1, adopted 8/20/13; Ordinance 2016-20, sec. 3, adopted 10/11/16)

§ 1.02.072. Definitions.

For the purposes of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Appurtenant feature. Features that define the design of a building or property, which may include, but are not limited to, porches, railings, columns, shutters, fences, sidewalks, driveways, garages, outbuildings, arbors, ponds and pools.

Certificate of design compliance. A certificate issued by the historic preservation commission pursuant to this division and/or the city's Unified Development Code. The term includes a certificate of historic design compliance.

Commission. The Buda Historic Preservation Commission.

Designated historic district, historic district or district. A geographically defined area established pursuant to this division and/or pursuant to the city's Unified Development Code.

Designated historic landmark, historic landmark or landmark. Any site designated as a landmark pursuant to this division and/or the city's Unified Development Code.

Exterior features. Features that include the architectural style, general design, and general arrangement of the exterior of a building or structure, including type and texture of materials, and types and styles of all windows, doors, walls, roofs, light fixtures, signs, and significant trees and other foliage.

Person. An individual, group, corporation, political subdivision or government agency.

Significant trees. Trees which measure 24 caliper inches four feet above the ground, or those that are identified with historic personages or important events in city, county, state or national history.

(Ordinance 2013-21, sec. 1, adopted 8/20/13; Ordinance 2016-20, sec. 3, adopted 10/11/16)

§ 1.02.073. Created; appointment of members; terms.

- (a) This division creates the historic preservation commission ("commission") appointed by the city council. The commission shall consist of seven (7) members who shall reside either in the incorporated city limits or its extraterritorial jurisdiction.
- (b) The members of the commission shall serve two-year staggered terms, with four (4) members being appointed in April of even-numbered years and three (3) members being appointed in April of odd-numbered years.
- (c) On the initial commission, four (4) of the members shall be appointed for one-year terms and three (3) of the members shall be appointed for two-year terms. Thereafter, all terms shall be

two-year terms.

- (d) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

(Ordinance 2013-21, sec. 1, adopted 8/20/13; Ordinance 2016-20, sec. 3, adopted 10/11/16)

§ 1.02.074. Qualifications of members.

- (a) Unless otherwise determined by city council, at least five (5) of the members of this commission shall reside within the corporate limits of the city and no more than two (2) members shall be residents of the city's extraterritorial jurisdiction. The city council shall consider individuals who show an interest, competence or knowledge in the architectural, archeological, cultural, social, economic, ethnic or political history and/or heritage activities of the city. Moreover, the city council may allow for preferential consideration of applicants residing along Old Black Colony Road from Cole Springs to FM 1626.
- (b) If a city resident member of the commission ceases to reside in the city and his or her relocation reduces the number of city resident commission members below four (4), that person shall give such notice of such fact and may be deemed to have resigned from the commission as of the date his or her residence changed, and the city council shall appoint a resident commission member to fill the remainder of the resigning member's term. The temporary lack of four (4) resident members created by the vacancy shall not impair the ability of the commission to perform its duties nor the actions taken by the commission. If a resident commission member moves to the city's extraterritorial jurisdiction and the relocation leaves at least four (4) resident members on the commission, the relocated member shall continue to hold his or her place on the commission. A quorum of the commission shall be required to open meetings, conduct business and take action on any agenda items.
- (c) The city council may take into consideration an applicant's history on delinquency in payment of any city taxes, utility bills, citations, municipal court judgments and assessments and so forth in qualifying the applicant.
- (d) Notwithstanding any city ad hoc committees or except where duplicate appointments are authorized by ordinance, city charter or by state law, a person may not serve as a member of the historic preservation commission if he or she is also serving on the planning and zoning commission, economic development corporation board of directors, or local government corporation.

(Ordinance 2013-21, sec. 1, adopted 8/20/13; Ordinance 2016-20, sec. 3, adopted 10/11/16)

§ 1.02.075. Officers; rules; meetings; quorum; record; conflict of interest.

- (a) The board shall have a chairperson and a vice-chairperson elected from its membership to serve for a one-year term. The chairperson shall be appointed annually, therefore elected, by the City Council for a maximum of two (2) consecutive one (1) year terms and the remaining officers shall be elected annually by the board. If the commission wishes to appoint an officer residing outside of the city limits, then the commission must request city council approve such appointment.
- (b) The chairperson shall preside over the commission and shall have the right to vote on all items before the commission. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.
- (c) A city councilmember, the city manager, or his or her designee shall be an ex officio member of the board.

- (d) The commission may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.
- (e) The commission shall meet at least monthly, if there is business at hand, at a time and place established by the commission. Special meetings may be called by the chairperson or interim chairperson of the commission, city manager or his or her designee or upon the request of any three (3) commission members. All meetings of the commission shall be open to the public and shall conform with the Texas Open Meetings Act, section 551 of the Government Code.
- (f) A quorum shall consist of a majority of the members of the commission except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.
- (g) The commission shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings and actions.
- (h) A commission member shall be required to complete any state-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.
- (i) A commission member having any potential conflict of interest, as defined by this code or state law, on any policy, decision, or determination before the commission shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in section 1.01.009 of this code.

(Ordinance 2013-21, sec. 1, adopted 8/20/13; Ordinance 2016-20, sec. 3, adopted 10/11/16)

§ 1.02.076. Powers and duties.

The commission shall serve in an advisory capacity to the mayor and city council and shall have the following purposes and duties, as well as other duties as assigned by the city council, as necessary to perform the business of the commission:

- (1) Advise the city council about uses of funds available from private and/or public sources for the benefit of local heritage and/or historic activities, projects or organizations serving the city and its citizens, as allowed by law;
- (2) Review applications for certificates of design compliance in accordance with the city's Unified Development Code;
 - (3) Prepare rules and procedures of the commission, subject to approval by the city council;
 - (4) Adopt criteria for the designation of historic, architectural, and cultural landmarks and properties located in the city or historic districts therein, subject to city council approval;
- (5) Conduct surveys and maintain an inventory of significant historic, architectural and cultural landmarks and properties located in the city or historic districts therein;
- (6) Recommend the designation of resources as landmarks and historic districts;
- (7) Establish subcommittees from among its members and delegate responsibilities to these subcommittees to carry out the purposes of this division;

- (8) Develop and participate in public education programs to promote public awareness of the value of historic preservation in the city;
 - (9) Recommend the acquisition of landmark structures by the city where their preservation is essential to the purpose of this division but private preservation is not feasible;
 - (10) Accept on behalf of the city the donation of preservation easements, development rights, and other gifts of value for the purpose of historic preservation, subject to approval by the city council;
 - (11) Recommend to the city council tax abatement programs for historic landmarks or districts;
 - (12) Prepare design guidelines for the review of historic landmarks and districts, subject to approval by the city council;
 - (13) Provide for the design of signs and/or markers designating properties and historic landmarks or districts, subject to the approval of the city council;
 - (14) Recommend amendments to this division, to the city council as the commission deems necessary to effectuate the purposes of this division;
 - (15) Conduct studies regarding the protection, enhancement, restoration, perpetuation or use of local historic landmarks and historic districts, and submit reports and recommendations to the city council or other city agencies based on the studies; and
 - (16) At the request of the city council, prepare and submit an annual report to the city council summarizing the work of the commission performed during the previous year.
- (Ordinance 2013-21, sec. 1, adopted 8/20/13; Ordinance 2016-20, sec. 3, adopted 10/11/16)

§ 1.02.077. Appointment of historic preservation officer.

The city council shall appoint the city manager or his or her designee to serve as the historic preservation officer. This officer shall administer this division and advise the commission on matters submitted to it. The officer also is responsible for coordinating the city's historic preservation activities with those of county, state and federal agencies and non-profit organizations.

(Ordinance 2013-21, sec. 1, adopted 8/20/13; Ordinance 2016-20, sec. 3, adopted 10/11/16)

§ 1.02.078. through § 1.02.100. (Reserved)

DIVISION 4
Planning and Zoning Commission

§ 1.02.101. Created; appointment of members; terms.

- (a) This division creates the planning and zoning commission (“commission”) appointed by the city council. The commission shall consist of seven (7) members who shall reside either in the incorporated city limits or its extraterritorial jurisdiction.
- (b) The members of the commission shall serve two-year staggered terms, with four (4) members being appointed in April of even-numbered years and three (3) members being appointed in April of odd-numbered years.
- (c) On the initial commission, four (4) of the members shall be appointed for one-year terms and three (3) of the members shall be appointed for two-year terms. Thereafter, all terms shall be two-year terms.
- (d) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

(Ordinance 2013-21, sec. 1, adopted 8/20/13; Ordinance 2016-20, sec. 3, adopted 10/11/16)

§ 1.02.102. Qualifications of members.

- (a) Unless otherwise determined by city council, at least five (5) of the members of this commission shall reside within the corporate limits of the city and no more than two (2) members shall be residents of the city’s extraterritorial jurisdiction.
- (b) If a city resident member of the commission ceases to reside in the city and his or her relocation reduces the number of city resident commission members below four (4), that person shall give such notice of such fact and may be deemed to have resigned from the commission as of the date his or her residence changed, and the city council shall appoint a resident commission member to fill the remainder of the resigning member’s term. The temporary lack of four (4) resident members created by the vacancy shall not impair the ability of the commission to perform its duties nor the actions taken by the commission. If a resident commission member moves to the city’s extraterritorial jurisdiction and the relocation leaves at least four (4) resident members on the commission, the relocated member shall continue to hold his or her place on the commission. A quorum of the commission shall be required to open meetings, conduct business and take action on any agenda items.
- (c) The city council may take into consideration an applicant’s history on delinquency in payment of any city taxes, utility bills, citations, municipal court judgments and assessments and so forth in qualifying the applicant.
- (d) Notwithstanding any city ad hoc committees or except where duplicate appointments are authorized by ordinance, city charter or by state law, a person may not serve as a member of the planning and zoning commission if he or she is also serving on the city historic preservation commission, parks and recreation commission, economic development corporation board of directors, or local government corporation.

(Ordinance 2013-21, sec. 1, adopted 8/20/13; Ordinance 2016-20, sec. 4, adopted 10/11/16)

§ 1.02.103. Officers; rules; meetings; quorum; record; conflict of interest.

- (a) (a) The commission shall have a chairperson and a vice-chairperson elected from its membership to serve for a one-year term. The chairperson shall be appointed annually, therefore elected, by the City Council for a maximum of two (2) consecutive one (1) year terms and the remaining officers shall be elected annually by the commission. If the commission wishes to appoint an officer residing outside of the city limits, then the commission must request city council approve such appointment.
- (b) The chairperson shall preside over the commission and shall have the right to vote on all items before the commission. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.
- (c) A city councilmember, the city manager, or his or her designee shall be an ex officio member of the board.
- (d) The commission may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.
- (e) The commission shall meet at least monthly, if there is business at hand, at a time and place established by the commission. Special meetings may be called by the chairperson or interim chairperson of the commission, city manager or his or her designee or upon the request of any three (3) commission members. All meetings of the commission shall be open to the public and shall conform with the Texas Open Meetings Act, section 551 of the Government Code.
- (f) A quorum shall consist of a majority of the members of the commission except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.
- (g) The commission shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings and actions.
- (h) A commission member shall be required to complete any state-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.
- (i) A commission member having any potential conflict of interest on any policy, decision, or determination before the commission shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in section 1.01.009 of this code.

(Ordinance 2013-21, sec. 1, adopted 8/20/13; Ordinance 2016-20, sec. 4, adopted 10/11/16)

§ 1.02.104. Powers and duties.

The commission shall serve in an advisory capacity to the mayor and city council and shall have the following purposes and duties, as well as other duties as assigned by the city council, as necessary to perform the business of the commission:

- (1) Develop, support, and recommend updates and amendments to the city's comprehensive plan, at the direction and with the approval of the mayor and city council;
- (2) Advise the mayor, city council and staff on matters related to the creation of and amendments

to the Land Development Code for the city;

- (3) Propose regulations governing the subdivision and zoning of land within the planning and platting jurisdiction of the city;
- (4) Review and recommend consent, denial, or conditional consent to zoning and subdivision platting and zoning and site development applications within the platting and planning jurisdiction of the city;
- (5) Hear and decide appeals from staff decisions regarding sign regulations, section 4.02 of the Unified Development Code;
- (6) Hear and decide special exceptions to the terms of the sign regulations;
- (7) Authorize, upon appeal in specific cases, such variances from the terms of the sign regulations as will not be contrary to the public interest, where literal enforcement would result in unnecessary hardship; and
- (8) Perform such other functions as the city council may from time to time grant to the commission for the purpose of promoting the health, safety, morals or general welfare of the city.

(Ordinance 2013-21, sec. 1, adopted 8/20/13; Ordinance 2016-20, sec. 4, adopted 10/11/16; Ordinance 2022-16 adopted 6/21/2022)

§ 1.02.105. through § 1.02.120. (Reserved)

DIVISION 5
Construction Board of Appeals

§ 1.02.121. Created; appointment of members; terms.

- (a) This division creates the construction board of appeals (“board”) appointed by the city council. The commission shall consist of five (5) members and two (2) alternates who shall reside either in the incorporated city limits or its extraterritorial jurisdiction.
- (b) The members of the board shall serve two-year staggered terms, with four (4) members being appointed in April of even-numbered years and three (3) members being appointed in April of odd-numbered years.
- (c) The initial board shall consist of three (3) regular members appointed to two-year terms and two (2) regular members appointed to a one-year term; and one alternate member appointed to a two-year term and an alternate member appointed to a one-year term. After the initial one-year terms have expired, all members, both regular and alternate, shall be appointed to two-year terms.
- (d) Should an alternate member be appointed to serve as a board member, such appointment shall be for two (2) full two-year terms regardless of time served as an alternate member.
- (e) When there will be an absence of one or more members at a scheduled board meeting, alternate members may serve when requested to do so by the city manager or his/her designee.
- (f) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

(Ordinance 2013-21, sec. 1, adopted 8/20/13; Ordinance 2016-20, sec. 4, adopted 10/11/16)

§ 1.02.122. Qualifications of members.

- (a) Unless otherwise determined by city council, at least five (5) members of the entire board membership shall reside within the corporate limits of the city and no more than two (2) members of the entire board membership shall be residents of the city’s extraterritorial jurisdiction.
- (b) It is preferred that at least three (3) members have a background in at least one of the following professions or disciplines:
 - (1) Registered design professional who is a registered architect or engineer; or a builder or superintendent of building construction with years of experience in a responsible charge of work.
 - (2) Registered design professional with structural engineering or architectural experience.
 - (3) Registered design professional with mechanical and plumbing engineering experience; or a mechanical contractor with years of experience in a responsible charge of work.
 - (4) Registered design professional with electrical engineering experience; or an electrical contractor with years of experience in a responsible charge of work.
 - (5) Registered design professional with fire protection engineering experience; or a fire protection contractor with years of experience in a responsible charge of work.

At the discretion of the city council, council members may elect to choose more than one board member from the same profession or discipline.

- (c) If a city resident member of the board ceases to reside in the city and his or her relocation reduces the number of city resident board members below five (5), that person shall give such notice of such fact and may be deemed to have resigned from the board as of the date his or her residence changed, and the city council shall appoint a resident board member to fill the remainder of the resigning member's term. The temporary lack of five (5) resident members created by the vacancy shall not impair the ability of the board to perform its duties nor the actions taken by the board. If a resident board member moves to the city's extraterritorial jurisdiction and the relocation leaves at least five (5) resident members on the board, the relocated member shall continue to hold his or her place on the board.
 - (d) The city council may take into consideration an applicant's history on delinquency in payment of any city taxes, utility bills, citations, municipal court judgments and assessments and so forth in qualifying the applicant.
 - (e) Notwithstanding any city ad hoc committees or except where duplicate appointments are authorized by ordinance, city charter or by state law, a person may not serve as a member of the board if he or she is also serving on the city economic development corporation board of directors, or local government corporation.
- (Ordinance 2013-21, sec. 1, adopted 8/20/13)

§ 1.02.123. Officers; rules; meetings; quorum; record; conflict of interest.

- (a) The commission shall have a chairperson and a vice-chairperson elected from its membership to serve for a one (1) year term. The chairperson shall be appointed annually, therefore elected, by the City Council for a maximum of two (2) consecutive one (1) year terms and the remaining officers shall be elected annually by the board. . If the board wishes to appoint an officer residing outside of the city limits, then the board must request city council approve such appointment.
- (b) The chairperson shall preside over the board and shall have the right to vote on all items before the board. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.
- (c) The city manager or his or her designee shall be an ex officio member of the board.
- (d) The board may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.
- (e) The board shall meet upon the call of the presiding officer and at other times as determined by the board rules. The presiding officer or acting presiding officer may administer oaths and compel attendance of witnesses. All meetings of the board shall comply with the Texas Open Meetings Act.
 - (f) A quorum of the board shall be required to open meetings, conduct business and take action on any agenda items. A quorum shall consist of a majority of the members of the board except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.
- (g) The board shall keep minutes of its proceedings and indicate the vote of each member on each question or the fact that a member is absent or abstains. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed with the city secretary and its records are public records.

- (h) A board member shall be required to complete any state-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.
- (i) A board member having any potential conflict of interest on any policy, decision, or determination before the commission shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in this code.
- (j) When there will be an absence of one or more members at a scheduled board meeting, alternate members may serve when requested to do so by the mayor, city manager or his or her designee, or presiding officer or acting presiding officer.
(Ordinance 2013-21, sec. 1, adopted 8/20/13)

§ 1.02.124. Powers and duties.

The board shall have the following purposes and duties:

- (1) To hear and decide appeals of orders, decisions or determinations made by the building or code official relative to the application and interpretation of chapter 6 of this code as adopted and amended from time to time by the city council; and
- (2) To decide such other matters as may be assigned by the city council from time to time.
(Ordinance 2013-21, sec. 1, adopted 8/20/13)

§ 1.02.125. Applicability, process, approval criteria and appeals.

- (a) Applicability. The owner of property within the city limits may seek relief from the regulations found in chapter 6 of this code by requesting an appeal from the construction board of appeals.
- (b) Process.
 - (1) The owner of the affected property or its authorized agent may seek an appeal by applying to the city manager or his or her designee on such forms and with such supporting documents as may be required by the city. An applicant for relief may appeal the decision of the city manager or city staff to the construction board of appeals within ten (10) days of the written decision of the city manager or city staff.
 - (2) The construction board of appeals shall set a hearing on the appeal of the staff decision, give public notice in an official newspaper or a newspaper of general circulation in the municipality containing the time and place of the hearing and a general description of the item to be considered or reviewed as well as written notice to the applicant seeking relief, and decide the same within forty-five (45) days of the making of the appeal. Any party may appear at the hearing in person or by agent. The applicant bears the burden of proof in establishing that relief is justified.
 - (3) Public notice. Before the 15th day before the date of the hearing before the construction board of appeals, the city manager or his/her designee shall cause to be published public notice in an official newspaper or a newspaper of general circulation in the municipality.

The notice shall contain notice of the time and place of the hearing and a description of the item to be considered or reviewed.

- (c) Approval criteria. In considering whether to grant relief from the regulations found in chapter 6 of this code, the construction board of appeals shall consider the following criteria:
 - (1) An application for appeal shall be based on a claim that the true intent of the codes as adopted in chapter 6 of this code or the rules or any amendments legally adopted thereunder have been incorrectly interpreted, do not fully apply to the development in question or an equally good or better form of construction or means are proposed to satisfy the requirements of the codes.

The construction board of appeals shall have no authority to waive requirements of the codes as adopted in chapter 6 of this code.

- (d) Responsibility for final action. The ruling of the construction board of appeals is final, unless the applicant timely appeals the ruling to the city council for review and final action.
- (e) Appeals from the construction board of appeals. The applicant or the city may appeal a decision of the construction board of appeals to the city council for “de novo” reconsideration and final determination. An appeal from a decision of the construction board of appeals shall be submitted in writing, on a form prescribed by the city, to the city secretary within ten (10) days of the meeting date of the decision by the construction board of appeals.

(Ordinance 2013-21, sec. 1, adopted 8/20/13)

§ 1.02.126. through § 1.02.140. (Reserved)

DIVISION 6
Sustainability Commission

§ 1.02.141. Created; appointment of members; terms.

- (a) This division creates the sustainability commission (“commission”) appointed by the city council. The commission shall consist of seven (7) members who shall reside in the incorporated city limits or its extraterritorial jurisdiction.
- (b) The members of the commission shall serve two-year staggered terms, with four (4) members being appointed in April of even-numbered years and three (3) members being appointed in April of odd-numbered years.
- (c) On the initial commission, four (4) of the members shall be appointed for one-year terms and three (3) members shall be appointed for two-year terms. Thereafter, all terms shall be two-year terms.
- (d) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

(Ordinance 2016-19 adopted 9/20/16)

§ 1.02.142. Qualifications of members.

- (a) Unless otherwise determined by city council, at least five (5) of the members of this commission shall reside within the corporate limits of the city and no more than two (2) members shall be residents of the city’s extraterritorial jurisdiction.
- (b) If a city resident member of the commission ceases to reside in the city and his or her relocation reduces the number of city resident commission members below four (4), that person shall give such notice of such fact and may be deemed to have resigned from the commission as of the date his or her residence changed, and the city council shall appoint a resident commission member to fill the remainder of the resigning member’s term. The temporary lack of four (4) resident members created by the vacancy shall not impair the ability of the commission to perform its duties nor the actions taken by the commission. If a resident commission member moves to the city’s extraterritorial jurisdiction and the relocation leaves at least four (4) resident members on the commission, the relocated member shall continue to hold his or her place on the commission. A quorum of the commission shall be required to open meetings, conduct business and take action on any agenda items.
- (c) The city council may take into consideration an applicant’s history on delinquency in payment of any city taxes, utility bills, citations, municipal court judgments and assessments and so forth in qualifying the applicant.
- (d) Notwithstanding any city ad hoc committees or except where duplicate appointments are authorized by ordinance, city charter or by state law, a person may not serve as a member of the sustainability commission if he or she is also serving on the city council, economic development corporation board of directors, or local government corporation.

(Ordinance 2016-19 adopted 9/20/16)

§ 1.02.143. Officers; rules; meetings; quorum; record; conflict of interest.

- (a) The commission shall have a chairperson and a vice-chairperson elected from its membership to serve for a one (1) year term. The chairperson shall be appointed annually, therefore elected, by the City Council for a maximum of two (2) consecutive

one (1) year terms and the remaining officers shall be elected annually by the board. If the commission wishes to appoint an officer residing outside of the city limits, then the commission must request city council approve such appointment.

- (a) The chairperson shall preside over the commission and shall have the right to vote on all items before the commission. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.
- (b) The city manager or his or her designee shall be an ex officio member of the commission.
- (c) The commission may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.
- (d) The commission shall meet at least monthly, if there is business at hand, at a time and place established by the commission. Special meetings may be called by the chairperson or interim chairperson of the commission, city manager or his or her designee or upon the request of any three (3) commission members. All meetings of the commission shall be open to the public and shall conform with the Texas Open Meetings Act, section 551 of the Government Code.
- (e) A quorum shall consist of a majority of the members of the commission except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.
- (f) The commission shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings and actions.
- (g) A commission member shall be required to complete any state-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.
- (h) A commission member having any potential conflict of interest on any policy, decision, or determination before the commission shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in section 1.01.009 of this code.

(Ordinance 2016-19 adopted 9/20/16)

§ 1.02.144. Powers and duties.

The commission shall serve in an advisory capacity to the mayor and city council and shall have the following purposes and duties, as well as other duties as assigned by the city council, as necessary to perform the business of the commission:

- (1) Act in the interest of sustainable practices, recognizing all three aspects of sustainability, including environmental stewardship, social responsibility and economic development. Make advisory policy recommendations to the city council on issues relating to the environment, efforts or programs to address environmental issues such as air quality, water quality, and resource conservation relating to the protection and integrity of the natural environment.
- (2) In an advisory capacity, assist and advise the city council, any other boards and commissions, and city staff in assessing the environmental impact of proposed undertakings, including physical

projects as well as policy changes, that fall in part or in total under the city's jurisdiction and recommend changes that would lessen or eliminate the environmentally detrimental effects of such undertakings.

- (3) Recommend to the city council additional environmental policy provisions and ordinances for enactment, as well as actions and programs that will maintain or improve environmental quality and conservation of natural resources.
- (4) Request that the city council authorize studies on matters pertaining to environmental quality and natural resources and recommend, when necessary, the employment of professional qualified persons to carry out such studies.
- (5) Establish educational programs and public forums that provide information to community residents, businesses, and other institutions about environmental issues and initiatives.
- (6) Establish environmental programs, volunteer opportunities and initiatives that community residents can take part in.
- (7) Identify and pursue local, regional, state and national programs and grants in support of sustainable practices.
- (8) Support the implementation of the city's comprehensive plan and any other adopted long-range plans of the city.
- (9) To perform such other duties as may be assigned by the city council from time to time.
- (10) At the request of the city council, the commission shall prepare an annual work plan, make a complete annual report and other required reports to the city council.

(Ordinance 2016-19 adopted 9/20/16)

§ 1.02.145. through § 1.02.160. (Reserved)

DIVISION 7
Library Commission

§ 1.02.161. Created; appointment of members; terms.

- (a) This division creates the public library commission (“commission”) appointed by the city council. The commission shall consist of seven (7) members who shall reside either in the incorporated city limits or its extraterritorial jurisdiction.
- (b) The members of the commission shall serve two-year staggered terms, with four (4) members being appointed in April of even-numbered years and three (3) members being appointed in April of odd-numbered years.
- (c) On the initial commission, four (4) of the members shall be appointed for one-year terms and three (3) members shall be appointed for two-year terms. Thereafter, all terms shall be two-year terms.
- (d) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

(Ordinance 2016-20 adopted 10/11/16)

§ 1.02.162. Qualifications of members.

- (a) Unless otherwise determined by city council, at least five (5) of the members of this commission shall reside within the corporate limits of the city and no more than two (2) members shall be residents of the city’s extraterritorial jurisdiction.
- (b) If a city resident member of the commission ceases to reside in the city and his or her relocation reduces the number of city resident commission members below four (4), that person shall give such notice of such fact and may be deemed to have resigned from the commission as of the date his or her residence changed, and the city council shall appoint a resident commission member to fill the remainder of the resigning member’s term. The temporary lack of four (4) resident members created by the vacancy shall not impair the ability of the commission to perform its duties nor the actions taken by the commission. If a resident commission member moves to the city’s extraterritorial jurisdiction and the relocation leaves at least four (4) resident members on the commission, the relocated member shall continue to hold his or her place on the commission. A quorum of the commission shall be required to open meetings, conduct business and take action on any agenda items.
- (c) The city council may take into consideration an applicant’s history on delinquency in payment of any city taxes, utility bills, citations, municipal court judgments and assessments and so forth in qualifying the applicant.
- (d) Notwithstanding any city ad hoc committees or except where duplicate appointments are authorized by ordinance, city charter or by state law, a person may not serve as a member of the public library commission if he or she is also serving on the city council, or local government corporation.

(Ordinance 2016-20 adopted 10/11/16)

§ 1.02.163. Officers; rules; meetings; quorum; record; conflict of interest.

- (a) The commission shall have a chairperson and a vice-chairperson elected from its membership to serve for a one (1) year term. The chairperson shall be appointed annually, therefore elected, by the City Council for a maximum of two (2) consecutive one (1) year terms

and the remaining officers shall be elected annually by the board. If the commission wishes to appoint an officer residing outside of the city limits, then the commission must request city council approve such appointment.

- (b) The chairperson shall preside over the commission and shall have the right to vote on all items before the commission. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.
- (c) The city manager or his or her designee shall be an ex officio member of the commission.
- (d) The commission may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.
- (e) The commission shall meet at least monthly, if there is business at hand, at a time and place established by the commission. Special meetings may be called by the chairperson or interim chairperson of the commission, city manager or his or her designee or upon the request of any three (3) commission members. All meetings of the commission shall be open to the public and shall conform with the Texas Open Meetings Act, section 551 of the Government Code.
- (f) A quorum shall consist of a majority of the members of the commission except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.
- (g) The commission shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings and actions.
- (h) A commission member shall be required to complete any state-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.
- (i) A commission member having any potential conflict of interest on any policy, decision, or determination before the commission shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in section 1.01.009 of this code.

(Ordinance 2016-20 adopted 10/11/16)

§ 1.02.164. Powers and duties.

The commission shall serve in an advisory capacity to the mayor and city council and shall have the following purposes and duties, as well as other duties as assigned by the city council, as necessary to perform the business of the commission:

- (1) Recommend policies for the operation of the library.
- (2) Act in an advisory capacity to the city council for the continued development and improvement of the public library.
- (3) Promote close communication between the city and all private citizens in order to secure the greatest degree of public benefit from library resources and services.
- (4) Advise in the formulation of reasonable policies governing the use of library facilities and

§ 1.02.164

§ 1.02.165

resources based upon recommendations of the library director.

(5) To perform such other duties as may be assigned by the city council from time to time.
(Ordinance 2016-20 adopted 10/11/16)

§ 1.02.165. through § 1.02.180. (Reserved)

DIVISION 8
Parks and Recreation Commission

§ 1.02.181. Created; appointment of members; terms.

- (a) This division creates the parks and recreation commission (“commission”) appointed by the city council. The commission shall consist of seven (7) members who shall reside either in the incorporated city limits or its extraterritorial jurisdiction.
- (b) The members of the commission shall serve two-year staggered terms, with four (4) members being appointed in April of even-numbered years and three (3) members being appointed in April of odd-numbered years.
- (c) The initial commission, four (4) of the members shall be appointed for one-year terms and three (3) members shall be appointed for two-year terms. Thereafter, all terms shall be two-year terms.
- (d) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

(Ordinance 2016-20 adopted 10/11/16)

§ 1.02.182. Qualifications of members.

- (a) Unless otherwise determined by city council, at least five (5) of the members of this commission shall reside within the corporate limits of the city and no more than two (2) members shall be residents of the city’s extraterritorial jurisdiction.
- (b) If a city resident member of the commission ceases to reside in the city and his or her relocation reduces the number of city resident commission members below four (4), that person shall give such notice of such fact and may be deemed to have resigned from the commission as of the date his or her residence changed, and the city council shall appoint a resident commission member to fill the remainder of the resigning member’s term. The temporary lack of four (4) resident members created by the vacancy shall not impair the ability of the commission to perform its duties nor the actions taken by the commission. If a resident commission member moves to the city’s extraterritorial jurisdiction and the relocation leaves at least four (4) resident members on the commission, the relocated member shall continue to hold his or her place on the commission. A quorum of the commission shall be required to open meetings, conduct business and take action on any agenda items.
- (c) The city council may take into consideration an applicant’s history on delinquency in payment of any city taxes, utility bills, citations, municipal court judgments and assessments and so forth in qualifying the applicant.
- (d) Notwithstanding any city ad hoc committees or except where duplicate appointments are authorized by ordinance, city charter or by state law, a person may not serve as a member of the parks and recreation commission if he or she also serves on the city planning and zoning commission, economic development corporation board of directors, or local government corporation.

(Ordinance 2016-20 adopted 10/11/16)

§ 1.02.183. Officers; rules; meetings; quorum; record; conflict of interest.

- (a) The commission shall have a chairperson and a vice-chairperson elected from its membership to serve for a one (1) year term. The chairperson shall be appointed annually, therefore elected, by the City Council for a maximum of two (2) consecutive one (1) year terms and the remaining officers shall be elected annually by the board. If the commission wishes to appoint an officer residing outside of the city limits, then the commission must request city council approve such appointment.
- (b) The chairperson shall preside over the commission and shall have the right to vote on all items before the commission. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.
- (c) The city manager or his or her designee shall be an ex officio member of the commission.
- (d) The commission may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.
- (e) The commission shall meet at least monthly, if there is business at hand, at a time and place established by the commission. Special meetings may be called by the chairperson or interim chairperson of the commission, city manager or his or her designee or upon the request of any three (3) commission members. All meetings of the commission shall be open to the public and shall conform with the Texas Open Meetings Act, section 551 of the Government Code.
- (f) A quorum shall consist of a majority of the members of the commission except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.
- (g) The commission shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings and actions.
- (h) A commission member shall be required to complete any state-mandated training, to include but not limited to open meetings act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.
- (i) A commission member having any potential conflict of interest on any policy, decision, or determination before the commission shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in section 1.01.009 of this code.

(Ordinance 2016-20 adopted 10/11/16)

§ 1.02.184. Powers and duties.

The commission shall serve in an advisory capacity to the mayor and city council and shall have the following purposes and duties, as well as other duties as assigned by the city council, as necessary to perform the business of the commission:

- (1) The commission shall act in an advisory capacity to the city council and the planning and zoning commission with advice and recommendations on all policies, rules and regulations relating to the administration of a public parks and recreation program.
- (2) The commission shall provide advisory oversight of public playgrounds, athletic fields, recreation

§ 1.02.184

§ 1.02.185

centers and other facilities and activities on any of the properties owned or controlled by the city or on other properties with the consent of the owners and authorities.

- (3) The commission shall have the power to conduct any form of recreation activity that will employ the leisure time of the people in a constructive and wholesome manner.
- (4) At the request of the city council, the commission shall make a complete annual report and other required reports to the city council.
- (5) The commission will act in an advisory capacity with other municipal departments and/ or political subdivisions to provide and establish, operate, conduct, and maintain a supervised recreation system and to acquire, operate, improve and maintain property, both real and personal, for parks, playgrounds, recreation centers, and other recreation facilities and activities.
- (6) The commission will follow the directives of the city's comprehensive plan and any subsequent master plans regarding parks, recreation, trails and so forth.

(Ordinance 2016-20 adopted 10/11/16)

§ 1.02.185. through § 1.02.200. (Reserved)

DIVISION 9
Main Street Advisory Board

§ 1.02.201. Created; appointment of members; terms.

- (a) This division creates the main street advisory board ("board") appointed by the city council. The board shall consist of seven (7) members who shall reside in the incorporated city limits, reside in the ETJ or own businesses within the incorporated city limits.
- (b) The members of the board shall serve two-year staggered terms, with four (4) members being appointed in April of even-numbered years and three (3) members being appointed in April of odd-numbered years.
- (c) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

(Ordinance 2017-01 adopted 1/3/17; Ordinance 2024-08 adopted 2/6/2024)

§ 1.02.202. Qualifications of members.

- (a) Unless otherwise determined by city council, at least five (5) of the members of this board shall reside within the corporate limits of the city, and at least two (2) may reside in the ETJ or own or operate a business within the corporate limits of the city.
- (b) If a city resident member of the board ceases to reside in the city and his or her relocation reduces the number of city resident board members below five (5), that person shall give such notice of such fact and may be deemed to have resigned from the board as of the date his or her residence changed, and the city council shall appoint a resident board member to fill the remainder of the resigning member's term. The temporary lack of five (5) resident members created by the vacancy shall not impair the ability of the board to perform its duties nor the actions taken by the board. A quorum of the board shall be required to open meetings, conduct business, and take action on any agenda items.
- (c) The city council may take into consideration an applicant's history on delinquency in payment of any city taxes, utility bills, citations, municipal court judgments and assessments and similar criteria in qualifying the applicant.
- (d) Notwithstanding any city ad hoc committees or except where duplicate appointments are authorized by ordinance, city charter, or by state law, a person may not serve as a member of the main street advisory board if he or she is also serving on the city council or local government corporation.

(Ordinance 2017-01 adopted 1/3/17; Ordinance 2024-08 adopted 2/6/2024)

§ 1.02.203. Officers; rules; meetings; quorum; record; conflict of interest.

- (a) The commission shall have a chairperson and a vice-chairperson elected from its membership to serve for a one (1) year term. The chairperson shall be appointed annually, therefore elected, by the City Council for a maximum of two (2) consecutive one (1) year terms and the remaining officers shall be elected annually by the board. If the board wishes to appoint an officer residing outside of the city limits, then the board must request city council approve such appointment.
- (b) The chairperson shall preside over the board and shall have the right to vote on all items before the board. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.

- (c) The city manager or his or her designee shall be an ex officio member of the board.
- (d) The board may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.
- (e) The board shall meet at least monthly, if there is business at hand, at a time and place established by the board. Special meetings may be called by the chairperson or interim chairperson of the board, city manager or his or her designee or upon the request of any three (3) board members. All meetings of the board shall be open to the public and shall conform with the Texas Open Meetings Act, section 551 of the Government Code.
- (f) A quorum shall consist of a majority of the members of the board except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.
- (g) The board shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings, and actions.
- (h) A board member shall be required to complete any state-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.
- (i) A board member having any potential conflict of interest on any policy, decision, or determination before the board shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the board member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the board's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in section 1.01.009 of this code.

(Ordinance 2017-01 adopted 1/3/17)

§ 1.02.204. Powers and duties.

The board shall serve in an advisory capacity to the mayor and city council and shall have the following purposes and duties, as well as other duties as assigned by the city council, as necessary to perform the business of the board:

- (1) Advising the main street program manager on matters related to main street program policy.
- (2) Developing strategic plans, and establishing goals and priorities for the main street program, including assisting with annual reports.
- (3) Monitoring expenditures of program funds and assessing the effectiveness of the program.
- (4) Formulating proposed budgets for the program and making recommendations to the city manager and city council on the budgets.
- (5) Building support for the program.
- (6) Reviewing and approving designs for incentive programs.
- (7) Fundraising for the main street program, or for special projects organized through Main Street, including identifying and utilizing local, state, federal and private sources including grants and contributions.

§ 1.02.204

§ 1.02.205

- (8) Sponsoring public forums on Main Street issues.
- (9) Developing criteria needed for the board's activities.
- (10) To perform such other duties as may be assigned by the city council from time to time.
- (11) At the request of the city council, the board shall prepare an annual work plan, make a complete annual report and other required reports to the city council.
(Ordinance 2017-01 adopted 1/3/17)

§ 1.02.205. through § 1.02.300. (Reserved)

DIVISION 10
Arts Commission

§ 1.02.301. Created; appointment of members; terms.

- (a) This division creates the arts commission ("commission") appointed by the city council. The board shall consist of seven (7) members.
- (b) The members of the board shall serve two-year staggered terms, with four (4) members being appointed in April of even-numbered years and three (3) members being appointed in April of odd-numbered years.
- (c) On the initial board, four (4) of the members shall be appointed for one-year terms and three (3) members shall be appointed for two-year terms. Thereafter, all terms shall be two-year terms.
- (d) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

(Ordinance 2022-18 adopted 6/21/22; Ordinance 2024-05 adopted 1/3/2024)

§ 1.02.302. Qualifications of members.

- (a) Unless otherwise determined by city council, at least five (5) of the members of this board shall reside within the corporate limits of the city, with the remaining two (2) but no more than three (3) residing in the extraterritorial jurisdiction (ETJ) or owning or operating a business within the corporate limits of the city.
- (b) If a city resident member of the board ceases to reside in the city and his or her relocation reduces the number of city resident board members below five (5), that person shall give such notice of such fact and may be deemed to have resigned from the board as of the date his or her residence changed, and the city council shall appoint a resident board member to fill the remainder of the resigning member's term. The temporary lack of five (5) resident members created by the vacancy shall not impair the ability of the board to perform its duties nor the actions taken by the board. A quorum of the board shall be required to open meetings, conduct business, and take action on any agenda items.
- (c) The city council may take into consideration an applicant's history on delinquency in payment of any city taxes, utility bills, citations, municipal court judgments and assessments and similar criteria in qualifying the applicant.
- (d) Notwithstanding any city ad hoc committees or except where duplicate appointments are authorized by ordinance, city charter or by state law, a person may not serve as a member of the arts commission if he or she is also serving on the city council, or local government corporation.

(Ordinance 2022-11 adopted 5/3/22; Ordinance 2022-18 adopted 6/21/22; Ordinance 2024-05 adopted 1/3/2024)

§ 1.02.303. Officers; rules; meetings; quorum; record; conflict of interest.

- (a) The commission shall have a chairperson and a vice-chairperson elected from its membership to serve for a one (1) year term. The chairperson shall be appointed annually, therefore elected, by the City Council for a maximum of two (2) consecutive one (1) year terms and the remaining officers shall be elected annually by the board. If the commission wishes to appoint an officer residing outside of the city limits, then the commission must request city council approve such

appointment.

- (b) The chairperson shall preside over the board and shall have the right to vote on all items before the board. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.
- (c) The city manager or his or her designee shall be an ex officio member of the commission.
- (d) The commission may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.
- (e) The commission shall meet at least monthly, if there is business at hand, at a time and place established by the commission. Special meetings may be called by the chairperson or interim chairperson of the commission, city manager or his or her designee or upon the request of any three (3) commission members. All meetings of the commission shall be open to the public and shall conform with the Texas Open Meetings Act, section 551 of the Government Code.
- (f) A quorum shall consist of a majority of the members of the commission except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.
- (g) The commission shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings and actions.
- (h) A commission member shall be required to complete any state-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.
- (i) A commission member having any potential conflict of interest on any policy, decision, or determination before the board shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in section 1.01.009 of this code.

(Ordinance 2022-11 adopted 5/3/22)

§ 1.02.304. Powers and duties.

The board shall serve in an advisory capacity to the mayor and city council and shall have the following purposes and duties, as well as other duties as assigned by the city council, as necessary to perform the business of the board:

- (1) Advising the city council and the destination services department on matters related to arts and arts programming policy.
- (2) Developing strategic plans and establishing goals and priorities for the city council regarding the arts, arts programming, and establishment of cultural arts districts, including assisting with annual reports.
- (3) Monitoring expenditures of program funds and assessing the effectiveness of the program.
- (4) Formulating proposed budgets for the program and making recommendations to the city manager and city council on the budgets.

§ 1.02.304

§ 1.02.305

- (5) Building support for the program.
 - (6) Reviewing and approving designs for incentive programs and grants.
 - (7) Fundraising for public art, art programming, or for special projects organized through the city, including identifying and utilizing local, state, federal and private sources including grants and contributions.
 - (8) Sponsoring public forums on public arts and art programming issues.
 - (9) Developing criteria needed for the commission's activities.
 - (10) To perform such other duties as may be assigned by the city council from time to time.
 - (11) At the request of the city council, the commission shall prepare an annual work plan, make a complete annual report and other required reports to the city council.
- (Ordinance 2022-11 adopted 5/3/22)

§ 1.02.305. through § 1.02.400. (Reserved)

DIVISION 11
Commission on Aging

§ 1.02.401. Created; appointment of members; terms.

- (a) This division creates the commission on aging ("commission") appointed by the city council. The commission on aging shall consist of nine (9) members in accordance with the enabling ordinance adopted by the city, as it may be amended from time-to-time.
- (b) Members shall be appointed for staggered two-year terms beginning in April of the year they are appointed.
- (c) On the initial board, four (4) of the members shall be appointed for one-year terms and five (5) members shall be appointed for two-year terms. Thereafter, all terms shall be two-year terms.
- (d) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

(Ordinance 2023-25 adopted 11/28/2023)

§ 1.02.402. Qualifications of members.

- (a) A majority (51%) of the members will be persons 60 or older.
- (b) Members of the commission will be residents of the city except for three (3) positions that may be residents of the city's extra territorial jurisdiction (ETJ) and two (2) positions that may be held by representatives of aging services organizations located in the Central Texas area which serve the city and its ETJ. Eligible organizations include nonprofit, not-for-profit, governmental, and educational entities. People representing for-profit organizations shall not be considered eligible.
- (c) Members of the current city task force on aging shall be grandfathered into the newly organized city commission on aging during its first year of existence.
- (d) If the enabling ordinance sets specific residency requirements, then those requirements must be observed, provided that if a vacancy occurs because of the death, incapacity, resignation, or change or residency of a member (as provided above), the commission may continue its functions in the interim during the process of filling the vacancy.
- (e) Unless otherwise required by ordinance or other applicable local, state and federal law, all matters shall be decided by a majority vote of the members present and voting when a quorum is present. Proxy voting shall not be permitted.

(Ordinance 2023-25 adopted 11/28/2023)

§ 1.02.403. Officers; rules; meetings; quorum; record; conflict of interest.

- (a) The commission shall have a chairperson and a vice-chairperson elected from its membership to serve for a one (1) year term. The chairperson shall be appointed annually, therefore elected, by the City Council for a maximum of two (2) consecutive one (1) year terms and the remaining officers shall be elected annually by the board. If the commission wishes to appoint an officer residing outside of the city limits, then the commission must request the city council approve such an appointment.
- (b) The chairperson shall preside over the board and shall have the right to vote on all items before the board. The vice-chairperson shall fulfill the duties of the chairperson when the

chairperson is not available for any reason.

- (c) The city manager or his or her designee shall be an ex officio member of the commission.
- (d) The commission may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.
- (e) The commission shall meet at least monthly, if there is business at hand, at a time and place established by the commission. Special meetings may be called by the chairperson or interim chairperson of the commission, city manager or his or her designee or upon the request of any three (3) commission members. All meetings of the commission shall be open to the public and shall conform with the Texas Open Meetings Act, section 551 of the Government Code.
- (f) A quorum shall consist of a majority of the members of the commission except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.
- (g) The commission shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings and actions.
- (h) A commission member shall be required to complete any state-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.
- (i) A commission member having any potential conflict of interest on any policy, decision, or determination before the board shall disclose to each of the other members the nature of his or her potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in section 1.01.009 of this code.

(Ordinance 2023-25 adopted 11/28/2023)

§ 1.02.404. Powers and duties.

The board shall serve in an advisory capacity to the mayor and city council and shall have the following purposes and duties, as well as other duties as assigned by the city council, as necessary to perform the business of the board:

- (1) Represent the interest of older persons.
- (2) Sponsor, conduct, and support public hearings, conferences, and other meetings designed to obtain and publish information related to the problems, needs, accomplishments, and interests of older persons. The commission shall make recommendations to the city council on ways to make the city a more age-friendly city.
- (3) Work with and seek advice from other groups on aging, senior advocacy organizations, other aging commissions, elected officials, and the general public for the purpose of advocating for and making presentations on issues of concern to older persons.
- (4) Review and comment on all community policies, programs and actions that affect older persons with the intent of assuring maximum coordination and responsiveness to older persons.

- (5) Solicit, vet, and approve community partner organizations which agree to collaborate to make the city a more age-friendly city.
(Ordinance 2023-25 adopted 11/28/2023)