

ORDINANCE NO. 2021-22

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, ADDING TO CODE OF ORDINANCE CHAPTER 2 (ENTITLED "ADMINISTRATION"), A NEW ARTICLE III, (ENTITLED "ADVISORY BODIES"); AND ADDING A NEW SECTION 2-42 (ENTITLED "PLANNING AND ZONING COMMISSION"); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, city council is imbued with the authority to establish such appointed bodies as it may deem necessary for the conduct of city business and management of municipal affairs; and

WHEREAS, the purpose of this ordinance is to codify the general provisions for the establishment and operations of bodies appointed by council; and

WHEREAS, a further purpose of this ordinance is to provide the public with easy reference to the advisory boards established by council; and

WHEREAS, an additional purpose of this ordinance is to codify the establishment and functions of the planning and zoning commission.

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

Section one. Code amendment. City Code Chapter 2 (entitled "Administration"), is hereby amended by the adoption of a new Article III (entitled "Appointed bodies") to read as follows:

Article III. – Appointed bodies

Section 2-41 Generally.

- (a) *Authority.* Pursuant to the Charter and the laws of this state, City Council is vested with the authority to establish and abolish appointed bodies, as may be mandated by state statute or other law, or as City Council deems beneficial or necessary to serve the public good.
- (b) *Purpose.* The purpose of this Article is to provide guidance generally as to the establishment, appointment of members, and operations of appointed bodies. The authority, functions and responsibilities of such appointed bodies shall be prescribed by separate ordinance, resolution, or order of City Council.
- (c) *Scope.* This article is applicable to all bodies appointed by city council, whether such body is designated as a board, commission, agency, bureau, committee or by other designation.
- (d) *Establishment.* The authority, functions and responsibilities of such appointed bodies shall be established by city council ordinance, resolution, or order. In its sole prerogative, city council may abolish an appointed body; or modify or alter an appointed body's authority,

functions, and responsibilities. In the event of a conflict between the ordinance, resolution, or order establishing an advisory body and this section the ordinance, resolution, or order establishing the advisory body shall prevail.

- (e) *Term.* Members shall be appointed for two-year terms. Members may be reappointed to an advisory body and may serve on two or more advisory bodies unless such appointments are prohibited by an incompatibility law.
- (f) *Appointments.* Appointments shall be made in June of each year. Each advisory board positions shall be assigned a place number. Even numbered places shall be appointed in even numbered years and odd numbered places shall be appointed in odd numbered years.
- (g) *At will appointment.* Except as provided by state statute, members appointed to an appointed body serve at the pleasure of city council and a member may be removed by city council with or without cause.
- (h) *Policies and Procedures for Advisory Boards and Commissions.* To the extent not in conflict with this article, qualifications, appointment, term, ethics requirement and meeting procedures shall comply with the *Policies and Procedures for Advisory Boards and Commissions* adopted by city council on August 4, 2015.
- (i) *Rules of order.* Appointed bodies shall conduct business under rules of order adopted by the body and approved by city council.

Section 2-42. Planning and zoning commission.

- (a) *Establishment.* In accordance with Texas Local Government Code Chapter 212, Subchapter A there is hereby established a Planning Commission. In accordance with Texas Local Government Code Chapter 211, Subchapter A the members of the Planning Commission shall serve as the Zoning Commission.
- (b) *Name.* This body is designated as the City of Burnet Planning and Zoning Commission and may be referred to simply as the commission.
- (c) *Duties and authority.* The commission shall have those duties and authority prescribed in city code chapters 98 and 118.
- (d) *Membership.* The commission shall consist of five members. Three members shall constitute a quorum.
- (e) *Officers.* Commission officers shall be the chairperson, vice chairperson and secretary. All officers must be appointed members of the commission except the secretary who may be a member of city staff.
 - (1) The chairperson shall preside over all meetings, may appoint committees, and preside over such committees; certify all commission official documents and minutes; and act in the absence of the secretary.
 - (2) The vice chairperson shall act in the absence of the chairperson, and if both the chairperson and secretary is absent, serve as the secretary.
 - (3) The secretary shall cause a record of meeting attendance and minutes; provide notification of meetings to commission members, file official records and reports

of the commission with the city secretary; and provide notification and publications of commission meetings as prescribed by law.

- (f) *Meetings.* The commission's regular meetings shall occur the first Monday of each month. The chairperson may call special meetings as may be required to comply with statutory plat approval timelines or address other emergency matters.

Section 2-43 Zoning Board of Adjustment.

The Zoning Board of Adjustment is established and governed by City Code Chapter 118, Article IV.

Section 2-44 Historic Preservation Board of Directors.

The Historic Preservation Board of Directors is established and governed by City Code Chapter 22, Article X, Division 2.

Section 2-45 Airport Zoning Board.

The Airport Zoning Board is established and governed by City Code Chapter 18, Article I.

Section 2-46 Economic Development Corporation Board of Directors.

The Economic Development Corporation Board of Directors Board is established and governed by June 11, 2008 Articles of Incorporation and the Burnet Economic Development Corporation Bylaws.

Section 2-47 Parks and Recreation Advisory Board.

The Parks and Recreation Advisory Board is established and governed by City Code Chapter 74, Article II.

Section 2-48 Board of Ethics.

The Board of Ethics is established and governed by City Code Chapter 2, Article VII.

Note to publisher: Existing Chapter 2 Articles III through X are to be recodified follows: Article III – Officers is recodified as Article IV; Article IV – Records Management is recodified as Article V; Article V – Claims Against the City is recodified as Article VI; Article VI – Investment Policy is recodified as Article VII; Article VII – Code of Ethics is recodified as Article VIII; Article VIII – Annual Reports . . . is recodified as Article IX; Article IX – Capital Improvement Plan is recodified as Article X; and Article X – Lost Personal Property is recodified as Article XI.

Section two. Recitals. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section three. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled "general penalty").

Section four. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled "Repealer") shall be controlling.

Section five. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section six. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

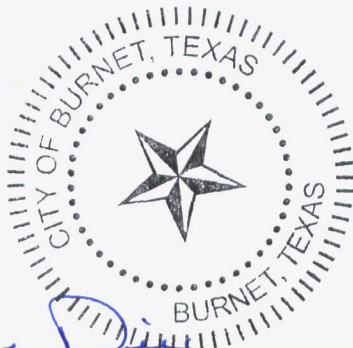
Section seven. TOMA Compliance. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was conducted in compliance with the Texas Open Meeting Act.

Section eight. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section nine. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

Passed on first reading on the 22nd day of June, 2021

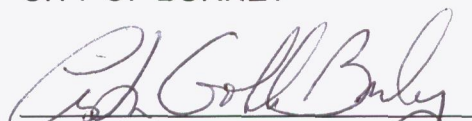
Passed, approved, and adopted on the 13th day of July, 2021



ATTEST:


Kelly Dix, City Secretary

CITY OF BURNET


Crista Goble Bromley, Mayor