

Ordinance Number 93-1100.16

An ordinance refining the City Code's Section 26-30 (capital improvements advisory committee) in accordance with state law; and dealing with related matters.

Whereas, this ordinance bears a substantial relationship to the public health, safety, or general welfare; and all procedural requirements for the passage hereof have been met;

Be It Ordained by the City of Brownsville:

PART 1. That Article II of Chapter 26 of the Code of Ordinances, City of Brownsville, Texas, is hereby amended to read as follows:

"ARTICLE II. PLANNING COMMISSION.

Sec. 26-16. Created.

- A. There is hereby created a municipal planning commission under Chapter 212 of the Texas Local Government Code.
- B. The municipal planning commission is hereby appointed to serve as the comprehensive zoning commission under Chapter 211 of the Texas Local Government Code.
- C. There is hereby created a city planning and zoning commission consisting of the municipal planning commission and the comprehensive zoning commission.
- D. The city planning and zoning commission is hereby appointed to act as the capital improvements advisory committee under Chapter 395 of the Texas Local Government Code.

- E. As used in this Article, "body" shall mean the "city planning and zoning commission and capital improvements advisory committee."

Sec. 26-17. Composition.

The body shall consist of seven (7) regular members and one (1) special member, for a total of eight (8) members.

Sec. 26-18. Qualifications of members.

- A. Each member of the body shall meet all of the following qualifications at all times:
1. Possess an outstanding and unselfish interest in civic affairs.
 2. Comply with all laws applicable to an officer of the city.
 3. Comply with the conflict-of-interest provisions of both Chapter 171 and Chapter 212 of the Texas Local Government Code.
- B. Each regular member of the body shall meet all of the following additional qualifications at all times:
1. Reside inside this city's territorial jurisdiction.
 2. Comply with all laws applicable to a member of a deliberative, non-advisory board.
- C. The special member of the body shall meet all of the following additional qualifications at all times:
1. Reside inside this city's extraterritorial jurisdiction, save and except any municipal utility district.
 2. Comply with all laws applicable to a member of an advisory board.

- D. At least one (1) member of the body shall meet all of the following additional qualifications at all times:
1. Represent the real estate, development, or building industry.
 2. Not be an employee of a political subdivision or governmental entity.
 3. Not be an official of a political subdivision or governmental entity, other than being a member of this body.

Sec. 26-19. Appointment.

- A. Regular members of the body shall be appointed by the mayor and confirmed by the city commission.
- B. The special member of the body shall be appointed by a majority vote of the city commission.

Sec. 26-20. Terms.

- A. The term of office for each position on the body shall be three (3) years, commencing on February 12.
- B. Regular members of the body shall be appointed to staggered terms in accordance with Ordinance Number 727.
- C. The first special member of the body shall be appointed to fill out the remainder of a three (3)-year term expiring in 1994.

Sec. 26-21. Removal.

Any member of the body may be removed from office at any time by a majority vote of the city commission.

Sec. 26-22. Vacancies.

Vacancies occurring in the membership of the body shall be filled for the unexpired term only and shall be processed in accordance with Section 26-19.

Sec. 26-23. Compensation.

The members of the body shall serve without compensation.

Sec. 26-24. Officers.

A. City planning and zoning commission.

The commission's regular members shall select from themselves a chair, vice-chair, and secretary.

B. Capital improvements advisory committee.

The advisory committee shall hold a separate election to select from its membership a chair, vice-chair, and secretary. New elections shall be held at the first advisory committee meeting after a new member is appointed to the committee. No member of the advisory committee shall serve as its chair for more than 14 consecutive months.

Sec. 26-25. Authority.

The body shall have all the functions and duties outlined in and prescribed for such body by state law.

Sec. 26-26. Rules.

The city planning and zoning commission and the capital improvements advisory committee shall each separately adopt rules for the efficient transaction of all its business.

Sec. 26-27. Meetings.

A. City planning and zoning commission.

All members of the body shall be eligible to vote during commission meetings except for the special member. A quorum shall consist of four (4) regular members. At least one (1) meeting of the commission shall be held each month. The chair may call all additional meetings deemed necessary. Should a regular member of the commission fail to attend three (3) consecutive regular monthly meetings of the commission, that member's office shall automatically be vacated and a vacancy declared in such member's office.

B. Capital improvements advisory committee.

All members of the body shall be eligible to vote during advisory committee meetings. A quorum shall consist of five (5) members. Regular meetings of the advisory committee shall be scheduled so as to be no more than 26 weeks apart. No meeting of the advisory committee shall be held concurrently with a meeting of the city planning and zoning commission. The advisory committee's chair, vice-chair, or secretary shall call all regular meetings and any special meetings of the advisory committee. The posting of agendas 72 hours before advisory committee meetings is encouraged but not required. The advisory committee's comments may take the form of one (1) majority report, eight (8) minority reports, or any combination(s) or variant(s) thereof. The attendance records and the minutes for each advisory committee meeting shall be transmitted by the planning director to each city commissioner within one (1) month after such meeting.

Sec. 26-28. Professional services.

The body may recommend to the city commission the appointment of such employees as it may deem necessary for its work, and may also recommend to the city commission the execution of contracts and agreements with city planners, engineers, architects, and other consultants for such services as it may deem necessary and proper to carry on its functions.

Sec. 26-29. Expenditures restricted.

No expenditures shall be made by the body unless the same shall have been submitted to and approved by the city commission.

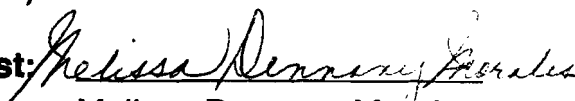
Secs. 26-30—26-39. [Reserved].”

PART 2. That all provisions of Sections 26-3 thru 26-10 of the City Code are incorporated herein by reference and declared to be a part hereof; and that this ordinance shall become **effective** on **January 27, 1993**, provided, however, that it shall have been signed, attested, and recorded in an Ordinance Book of the City with proof of publication, as specified by the City Charter.

INTRODUCED at a public hearing on January 19, 1993. Passed at First Reading on January 19, 1993. **Passed** at Second and Final Reading and **Adopted, Approved, and Enacted** on January 26, 1993.

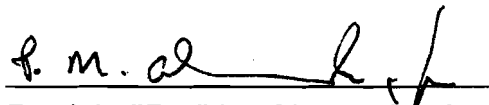
(SEAL)

Attest:



Melissa Dennany Morales,
City Secretary

By:



Patricio "Pat" M. Ahumada, Jr.,
Mayor