Village of Volente

ORDINANCE NO. 2004-O-25
AN AMENDMENT TO THE PLANNING AND ZONING COMMISSION ORDINANCE

AN AMENDMENT TO ORDINANCE NO. 2004-O-24 OF THE VILLAGE OF VOLENTE, TEXAS ADDING TWO ALTERNATE MEMBERS TO THE PLANNING AND ZONING COMMISSION AND SETTING FORTH RULES GOVERNING THEIR APPOINTMENT; TERMS OF OFFICE; FILLING OF VACANCIES; CONFLICTING PROVISIONS; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Village of Volente ("Volente") is a newly-created governmental entity that was incorporated pursuant to the laws of the State of Texas as a Type B General-Law Municipality following an election held on February 1, 2003; and

WHEREAS, the Village Council ("Council") has adopted Ordinance No. 2004-O-24 establishing the Planning and Zoning Commission; and

WHEREAS, the Council has concluded that it is in the best interest of Volente to appoint two alternate members of the Commission to minimize the problem of having a quorum to conduct the business of the commission during periods when two or more of the permanent members of the commission are unavailable;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS: THAT THE FOLLOWING RULES SHALL ESTABLISH, REGULATE AND GOVERN THE PLANNING AND ZONING COMMISSION FOR THE VILLAGE OF VOLENTE, TEXAS.

SECTION 1. Amendments to Ordinance #2004-O-24

1. Section 2 of Ordinance #2004-O-24 is amended and modified to provide as follows:

SECTION 2. Membership and Appointment.

The Planning and Zoning Commission shall be composed of five (5) permanent and two alternate members. All the members shall be qualified voters who reside in the Village. The Village Council will consider for appointment to the Commission those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability

to attend meetings. The Village Council shall strive to appoint members who, by reason of their occupations and the areas of the Village in which they reside, will be broadly representative of the community.

2. Section 4 of Ordinance #2004-O-24 is amended and modified to provide as follows:

SECTION 4. Terms of Office; Filling of Vacancies.

The terms of two of the permanent members and one of the alternate members shall expire on January 1st of each odd-numbered year and the terms of three of the permanent members and one of the alternate members shall expire on January 1st of even-numbered years. Place numbers one through five shall identify the permanent members of the Commission. The alternate members shall not have place numbers but can substitute for any of the permanent members if he or she is unavailable to attend a Commission meeting. Commission members may be appointed to successive terms. A member of the Commission shall serve until his or her successor is appointed and installed. The Village Council shall fill vacancies for the uncompleted term of any vacant position. Newly appointed members shall be installed at the first regular commission meeting after their appointment.

3. Section 5 of Ordinance #2004-O-24 is amended and modified to provide as follows:

SECTION 5. Removal of Commissioners.

The Village Council may by majority vote remove a permanent or alternate Commissioner for lack of confidence, incompetence, corruption, misconduct, or malfeasance. Any permanent Commissioner who misses three *(3)* consecutive meetings within a twelve (12) month time period or one-third (1/3) of all regular meetings shall be deemed to have automatically vacated his/her position on the Commission. This section shall not apply to a Commissioner who applied for and received an excused absence from the Commission chair prior to the meeting(s) at issue. Any Commissioner who no longer resides within the corporate boundaries is deemed to have automatically vacated his/her position on the Commission.

SECTION 2. Conflicting Provisions.

In the case of any conflict between the other provisions of this Ordinance and any existing ordinance of the Village, the provisions of this Ordinance will control.

SECTION 3. Severability.

If any part of this ordinance, or the application of the same to any person, or set of circumstances is for any reason held to be unconstitutional, invalid, or unenforceable, the validity of the remaining portions of this ordinance shall not be affected thereby, this being the intent of the City Council in adopting this ordinance and all provisions of this ordinance are declared severable for that purpose.

SECTION 4. Effective Date.

This Ordinance shall become effective upon approval of the City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS on this 3 day of August, 2004.

Jan Yenawine, Mayor
Village of Volente

Attest:

Jennifer Zufelt, City Secretary

Approved to Form:

Tom Buckle, City Attorney