

ORDINANCE 23-08-03-01

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING CHAPTER 9 TITLED "PERSONNEL," TO INCLUDE NOTICE REQUIREMENTS FOR MEMBERS WHO ARE ABSENT FROM MEETINGS; PROCEDURES FOR APPOINTING ALTERNATE MEMBERS, AND PROCESS FOR REMOVAL OF MEMBERS THAT FAIL TO ATTEND MEETINGS FOR THE BUILDING AND STANDARDS COMMISSION, PLANNING AND ZONING COMMISSION, AND THE BOARD OF ADJUSTMENT; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ENACTMENT; SEVERABILITY; EFFECTIVE DATE, OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Lago Vista ("City") is a home rule municipality with the rights and privileges thereto; and

WHEREAS, Section 7.01 of the City Charter of the City of Lago Vista (the "Charter") establishes the authority of The Lago Vista City Council ("City Council") to establish boards and commissions as it may deem necessary for the conduct of business and affairs of the City;

WHEREAS, the Charter mandates the City Council make appointments to boards and commissions and establish qualifications and procedures for the appointment and removal of their members;

WHEREAS, the City Council finds it necessary to amend Chapter 9 of the Code of Ordinances of the City of Lago Vista in order to establish notice requirements when a member of the Building and Standards Commission, Planning and Zoning Commission, and the Board of Adjustment is absent from a meeting; and

WHEREAS, the City Council finds it necessary to amend Chapter 9 of the Code of Ordinances of the City of Lago Vista in order to allow alternate members to have voting privileges when a member of the Building and Standards Commission, Planning and Zoning Commission, and the Board of Adjustment is absent from a meeting; and

WHEREAS, the City Council finds it necessary to amend Chapter 9 of the Code of Ordinances of the City of Lago Vista in order to establish removal procedures when a member of the Building and Standards Commission, Planning and Zoning Commission, and the Board of Adjustment is absent from three (3) consecutive meetings; and

WHEREAS, the City Council deems it to be in the best interest of the citizens of the City to enact the rules described in Exhibit A.

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

SECTION 1. FINDINGS. The foregoing recitals are hereby found to be true and correct

and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby amend Articles 9.80, 9.18, and 9.19 Chapter 9 of the Lago Vista Code of Ordinances as shown in **Exhibit "A."**

SECTION 3. REPEALER. All ordinances, orders, or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders, or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase, or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

SECTION 6. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 3rd day of August, 2023.


Ed Tidwell, Mayor



ATTEST:


Lucy Aldrich, City Secretary

On a motion by Councilmember Sullivan, seconded by Councilmember Marion, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

CHAPTER 9

PERSONNEL

ARTICLE 9.800 BUILDING AND STANDARDS COMMISSION

Sec. 9.808 Notification of Absence

Each member shall notify the chair and council liaison of their absence from a meeting or a conflict of interest for a posted agenda item no later than seventy-two (72) hours before the scheduled start of the meeting at which the absence or conflict will occur. Notwithstanding the previous sentence, in the event of an absence due to illness or injury of the member, or an illness or injury of a member's immediate family member, or a similar emergency, the board member shall notify the chair and council liaison as soon as reasonably possible, but in no event later than the next regular meeting.

Sec. 9.809 Appointing Alternate Members

Council may appoint up to three (3) alternate members who shall serve in the absence of one or more regular members of the commission. When the chair becomes aware of an upcoming absence by a regular member from a meeting, or conflict of interest disqualifying a regular member from voting on an item the chair shall notify one or more of the alternate members to replace such absent or conflicted regular member. Alternate members shall serve for the same period as a regular member, are subject to removal in the same manner as a regular member, and a vacancy among the alternate members shall be filled in the same manner as a vacancy among the regular members all except as otherwise explicitly provided in this Article. Council may determine whether the terms of alternate members commence on an odd-numbered or even-numbered year.

Sec. 9.810 Removal from Office for Failure to Attend Meetings

In the event that a regular member is absent for three (3) consecutive meetings (whether regular meetings or special-called meetings) or one third of all meetings in a rolling twelve-month period, or if such regular member fails to notify the chair and council liaison as required in Section 9.808, above, Council may but shall not be required to remove such regular member after a hearing. Consideration for continued service may include a determination that a temporary hardship caused such absence or failure to notify, but, that the hardship is unlikely to result in future absences. In the event that an alternate member is notified by the chair of an absence or conflict under Section 9.809 no later than twenty-four (24) hours prior to the start of such meeting and is unable to replace such regular member three (3) consecutive times, then Council may, but shall not be required to, remove such member after a hearing, unless Council determines that an unforeseeable hardship exists that will not result in future inability to replace regular members. This section does not apply to an absence or inability to replace due to active military service, or the birth or adoption of the member's child for sixty (60) days after the event.

ARTICLE 9.1800 PLANNING AND ZONING COMMISSION

Sec 9.1802 Membership, Appointment And Removal

(d) Notification of Absence. Each member shall notify the chair and council liaison of their absence from a meeting or a conflict of interest for a posted agenda item no later than seventy-two (72) hours before the scheduled start of the meeting at which the absence or conflict will occur. Notwithstanding the previous sentence, in the event of an absence due to illness or injury of the member, or an illness or injury of such member's immediate family member, or similar emergency, the board member shall notify the chair and council liaison as soon as reasonably possible, but in no event later than the next regular meeting.

(e) Appointing Alternate Members. Council may appoint up to three (3) alternate members who shall serve in the absence of one or more regular members of the commission. When the chair becomes aware of an upcoming absence by a regular member from a meeting, or conflict of interest disqualifying a regular member from voting on an item the chair shall notify one or more of the alternate members to replace such absent or conflicted regular member. Alternate members shall serve for the same period as a regular member, are subject to removal in the same manner as a regular member, and a vacancy among the alternate members shall be filled in the same manner as a vacancy among the regular members all except as otherwise explicitly provided in this Article. Council may determine whether the terms of alternate members commence on an odd-numbered or even-numbered year.

(f) Removal from Office for Failure to Attend Meetings. In the event that a regular member is absent for three (3) consecutive meetings (whether regular meetings or special-called meetings) or one third of all meetings in a rolling twelve-month period, or if such regular member fails to notify the chair and council liaison as required in Section 9.1802(d), above, Council may but shall not be required to remove such regular member after a hearing. Consideration for continued service may include a determination that a temporary hardship caused such absence or failure to notify, but that the hardship is unlikely to result in future absences. In the event that an alternate member is notified by the chair of an absence or conflict under Section 9.1802(e) no later than twenty-four (24) hours prior to the start of such meeting and is unable to replace such regular member three (3) consecutive times, then Council may, but shall not be required to, remove such member after a hearing, unless Council determines that an unforeseeable hardship exists that will not result in future inability to replace regular members. This section does not apply to an absence or inability to replace due to active military service, or the birth or adoption of the member's child for sixty (60) days after the event.

ARTICLE 9.1900 BOARD OF ADJUSTMENT

Sec 9.1902 Composition, Removal Of Members, Filling Of Vacancies

(c) Notification of Absence. Each member shall notify the chair and council liaison of their absence from a meeting or a conflict of interest for a posted agenda item no later than seventy-two (72) hours before the scheduled start of the meeting at which the absence or conflict will occur. Notwithstanding the previous sentence, in the event of an absence due to illness or injury of the member, or an illness or injury of a member's immediate family member, or a similar emergency, the board member shall notify the chair and council liaison as soon as reasonably possible, but in no event later than the next regular meeting.

(d) Appointing Alternate Members. Council may appoint up to three (3) alternate members who shall serve in the absence of one or more regular members of the commission. When the chair becomes aware of an upcoming absence by a regular member from a meeting, or conflict of interest disqualifying a regular member from voting on an item the chair shall notify one or more of the alternate members to replace such absent or conflicted regular member. Alternate members shall serve for the same period as a regular member, are subject to removal in the same manner as a regular member, and a vacancy among the alternate members shall be filled in the same manner as a vacancy among the regular members all except as otherwise

explicitly provided in this Article. Council may determine whether the terms of alternate members commence on an odd-numbered or even-numbered year.

(e) Removal from Office for Failure to Attend Meetings. In the event that a regular member is absent for two (2) consecutive meetings (whether regular meetings or special-called meetings) or one-fourth of all meetings in a rolling twelve-month period, or if such regular member fails to notify the chair as required in Section 9.1902(c), above, Council may but shall not be required to remove such regular member after a hearing. Consideration for continued service may include a determination that a temporary hardship caused such absence or failure to notify, but that the hardship is unlikely to result in future absences. In the event that an alternate member is notified by the chair of an absence or conflict under Section 9.1902(d) no later than twenty-four (24) hours prior to the start of such meeting and is unable to replace such regular member two (2) consecutive times, then Council may, but shall not be required to, remove such member after a hearing, unless Council determines that an unforeseeable hardship exists that will not result in future inability to replace regular members. This section does not apply to an absence due to active military service, or the birth or adoption of the member's child for sixty (60) days after the event.

9.808 – Each member shall notify the chair and ~~vice-chair~~council liaison of their absence from a meeting or a conflict of interest for a posted agenda item no later than ~~twenty-four (24)~~seventy-two hours (72) hours before the scheduled start of the meeting at which the absence or conflict will occur.

Notwithstanding the previous sentence, in the event of an absence due to illness or injury of the member, or an illness or injury of a member's immediate family member, or similar emergency, the board member shall notify the chair and ~~vice-chair~~council liaison as soon as reasonably possible, but in no event later than the next regular meeting.

9.809 – Council may appoint up to three (3) alternate members who shall serve in the absence of one or more regular members of the commission. When the chair ~~and vice-chair become~~becomes aware of an upcoming absence by a regular member from a meeting, or conflict of interest disqualifying a regular member from voting on an item the chair ~~and vice-chair~~ shall notify one or more of the alternate members to replace such absent or conflicted regular member. Alternate members shall serve for the same period as a regular member, are subject to removal in the same manner as a regular member, and a vacancy among the alternate members shall be filled in the same manner as a vacancy among the regular members all except as otherwise explicitly provided in this Article. Council may determine whether the terms of alternate members commence on an odd-numbered or even-numbered year.

9.810 – In the event that a regular member is absent for three (3) consecutive meetings (whether regular meetings or special-called meetings) or one third of all ~~regular~~ meetings in a rolling twelve-month period, or if such regular member fails to notify the chair and ~~vice-chair~~council liaison as required in Section 9.808, above, Council may but shall not be required to remove such regular member after a hearing, ~~unless Council determines. Consideration for continued service may include a determination that an unforeseeable temporary hardship exists caused such absence or failure to notify, but that will not the hardship is unlikely to~~ result in future absences ~~by such regular member.~~ In the event that an alternate member is notified by the ~~chair or vice-chair~~ of an absence or conflict under Section 9.809 no later than twenty-four (24) hours prior to the start of such meeting and is unable to replace such regular member three (3) consecutive times, then Council may, but shall not be required to, remove such member after a hearing, unless Council determines that an unforeseeable hardship exists that will not result in future inability to replace regular members. This section does not apply to an absence or inability to replace due to ~~illness or injury of the member, an illness or injury of such member's immediate family,~~ active military service, or the birth or adoption of the member's child for sixty (60) days after the event.

9.1802(d)– Each member shall notify the chair and ~~vice-chair~~council liaison of their absence from a meeting or a conflict of interest for a posted agenda item no later than ~~twenty-four (24)~~seventy-two (72) hours before the scheduled start of the meeting at which the absence or conflict will occur.

Notwithstanding the previous sentence, in the event of an absence due to illness or injury of the member, or an illness or injury of such member's immediate family member, or similar emergency, the board member shall notify the chair and ~~vice-chair~~council liaison as soon as reasonably possible, but in no event later than the next regular meeting.

9.1802(e) –Council may appoint up to three (3) alternate members who shall serve in the absence of one or more regular members of the commission. When the chair ~~and vice-chair become~~becomes aware of an upcoming absence by a regular member from a meeting, or conflict of interest disqualifying a regular member from voting on an item the chair ~~and vice-chair~~ shall notify one or more of the alternate members to replace such absent or conflicted regular member. Alternate members shall serve for the same period as a regular member, are subject to removal in the same manner as a regular member, and a vacancy among the alternate members shall be filled in the same manner as a vacancy among the regular members all except as otherwise explicitly provided in this Article. Council may determine whether the terms of alternate members commence on an odd-numbered or even-numbered year.

9.1802(f) – In the event that a regular member is absent for three (3) consecutive ~~regular~~ meetings (whether regular meetings or special-called meetings) or one third of all ~~regular~~ meetings in a rolling twelve-month period, or if such regular member fails to notify the chair and ~~vice-chair~~council liaison as required in Section 9.1802(d), above, Council ~~may but~~ shall not be required to remove such regular member after a hearing, ~~unless Council determines. Consideration for continued service may include a determination that an unforeseeable temporary hardship exists caused such absence or failure to notify, but that will not the hardship is unlikely to~~ result in future absences ~~by such regular member.~~ In the event that an alternate member is notified by the ~~chair or vice-chair~~ of an absence or conflict under Section 9.1802(e) no later than twenty-four (24) hours prior to the start of such meeting and is unable to replace such regular member three (3) consecutive times, then Council may, but shall not be required to, remove such member after a hearing, unless Council determines that an unforeseeable hardship exists that will not result in future inability to replace regular members. This section does not apply to an absence or inability to replace due to ~~illness or injury of the member, an illness or injury of such member's immediate family,~~ active military service, or the birth or adoption of the member's child for sixty (60) days after the event.

9.1902(c) – Each member shall notify the chair and ~~vice-chair~~council liaison of their absence from a meeting or a conflict of interest for a posted agenda item no later than ~~twenty-four (24)~~seventy-two (72) hours before the scheduled start of the meeting at which the absence or conflict will occur. Notwithstanding the previous sentence, in the event of an absence due to illness or injury of the member, or an illness or injury of a member's immediate family member, or similar emergency, the board member shall notify the chair and ~~vice-chair~~council liaison as soon as reasonably possible, but in no event later than the next regular meeting.

9.1902(d) –Council may appoint up to three (3) alternate members who shall serve in the absence of one or more regular members of the commission. When the chair ~~and vice-chair become~~becomes aware of an upcoming absence by a regular member from a meeting, or conflict of interest disqualifying a regular member from voting on an item the chair ~~and vice-chair~~ shall notify one or more of the alternate members to replace such absent or conflicted regular member. Alternate members shall serve for the same period as a regular member, are subject to removal in the same manner as a regular member, and a vacancy among the alternate members shall be filled in the same manner as a vacancy among the regular members all except as otherwise explicitly provided in this Article. Council may determine whether the terms of alternate members commence on an odd-numbered or even-numbered year.

9.1902(e) – In the event that a regular member is absent for ~~three (3)~~two (2) consecutive meetings (whether regular meetings or special-called meetings) or one ~~third~~fourth of all ~~regular~~ meetings in a rolling twelve-month period, or if such regular member fails to notify the chair ~~and vice-chair~~ as required in Section 9.1902(c), above, Council may but shall not be required to remove such regular member after a hearing, ~~unless Council determines~~. Consideration for continued service may include a determination that an unforeseeable temporary hardship exists caused such absence or failure to notify, but that will not the hardship is unlikely to result in future absences ~~by such regular member~~. In the event that an alternate member is notified by the ~~chair or vice~~ chair of an absence or conflict under Section 9.1902(d) no later than twenty-four (24) hours prior to the start of such meeting and is unable to replace such regular member ~~three (3)~~two (2) consecutive times, then Council may, but shall not be required to, remove such member after a hearing, unless Council determines that an unforeseeable hardship exists that will not result in future inability to replace regular members. This section does not apply to an absence due to ~~illness or injury of the member, an illness or injury of such member's immediate family,~~ active military service, or the birth or adoption of the member's child for sixty (60) days after the event.