

ORDINANCE NO. 1164-04-18

AN ORDINANCE OF THE CITY OF HONDO, TEXAS AMENDING CHAPTER 25.1900 - BOARD OF ADJUSTMENT AND PLANNING AND ZONING COMMISSION, SEC. 25.1901 – CREATING BOARD OF ADJUSTMENT TO REVISE PROCEDURES FOR DESIGNATING ALTERNATE MEMBERS; REMOVAL OF MEMBERS AND FILLING OF VACANCIES; SETTING AN EFFECTIVE DATE AND A SEVERABILITY CLAUSE.

WHEREAS, Section 211.008 of the Local Government Code authorizes the City of Hondo to adopt an ordinance to allow for the appointment of a Board of Adjustment; and

WHEREAS, the City Council of the City of Hondo in May 2009 with Ordinance 913-03-09, as amended, established a Board of Adjustment (the “Board”) for the city; and

WHEREAS, the City Council of the City of Hondo now wish revise the procedures for the designation of alternates, to the Board.

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

- 1. Findings of Fact.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.
- 2. Amendment.**

a. Section 25.1901.2 is appended to include the following:

(d) Alternate board members serve in the absence of one or more regular members when requested to do so by the mayor or city manager. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. Alternates will only vote in case of an absence of a member. In the case where two alternates are present, the longest standing member of the commission shall vote.

(e) City Council may remove a board member for cause, as found by the City Council, on a written charge after a public hearing.

(f) A vacancy on the board shall be filled by City Council for the unexpired term.

b. Section 25.1901.3 is deleted in its entirety and replaced with the following:

A vacancy in a term of office shall occur whenever a member has resigned, has not maintained the qualifications required for appointment, or has failed to attend three (3) consecutive scheduled meetings or 25% of the total number of meetings held in any 12-month period immediately preceding and including the absence in question, without explanation acceptable to a majority of the other members, shall forfeit his/her position on the board.

3. The remainder of Chapter 25.1900 – BOARD OF ADJUSTMENT AND PLANNING AND ZONING COMMISSION, shall remain unchanged.
4. **Amendment of Ordinances.** The City of Hondo, Texas Code of Ordinances is hereby amended to the extent of any conflict or inconsistency herewith only and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the city, the terms and provisions of this Ordinance shall govern.
5. **Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.
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 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.
7. **Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

PASSED AND APPROVED this 9th day of APRIL, 2018.



JAMES W. DANNER SR.
MAYOR

ATTEST:



Miguel Cantu
City Secretary

