

# Attachment A

**BYLAWS OF THE PLANNING AND  
ZONING COMMISSION OF THE CITY  
OF SAN MARCOS**

**ARTICLE 1. NAME.**

The name of the Commission is “The Planning and Zoning Commission of the City of San Marcos, Texas.” Within these bylaws, this Commission may be referred to as either the “Planning and Zoning Commission” or “the Commission”

**ARTICLE 2. PURPOSE AND DUTIES.**

The Planning and Zoning Commission shall have powers and duties expressly granted to it under Article VII of the City Charter of the City of San Marcos, the ordinances of the City of San Marcos, and the laws of the State of Texas. In the event of a conflict between these bylaws and any provision of the City Charter or ordinance, or law of the State of Texas, such charter provision, ordinance, or law shall govern.

**ARTICLE 3. MEMBERSHIP.**

- A. The Planning and Zoning Commission is composed of nine members appointed by the city council.
- B. A member serves at the pleasure of the City Council and may be removed if not in compliance with these bylaws.
- C. To be eligible for appointment to the Commission, all Commission members must have resided in the city for a period of five years before the date of appointment. To be eligible for continued service on the Commission, the Commission members must maintain residence in the City.
- D. The Commission members serve for a term of three years beginning March 1 on the year of appointment. If a member is appointed to fill a vacancy, that member will serve for the unexpired portion of the term to which they are appointed. All members must complete required orientation and training as applicable prior to their first meeting.
- E. Prior to taking office all newly appointed members shall attend an orientation. This orientation will include, but may not be limited to, a review of Bylaws, Specific Board Ordinance and Charge, Open Meetings Act, Public Information Act, Ethics, parliamentary procedure, how to run a meeting, and procedures on how to file a complaint with the City.
- F. All vacancies shall be filled in accordance with Section 2.071, Vacancies of the City Code and posted on the City Council agenda.
- G. Except as specifically duly authorized by their respective Commission or the City Council, an individual Commission member may not:
  - 1) act in an official capacity on behalf of the Commission;

- 2) make any representations to third party or any governing body before which such member appears that the member is authorized to speak for or on behalf of the Commission; or
  - 3) participate through written or public comment on a matter being considered by another board or commission or the City Council that is an appeal of the decision of or succeeds the recommendation of the Commission member's respective Commission.
- H. Attendance at the Commission meetings shall conform to the requirements outlined in Section 2.069 - Absence from meetings of the City Code.
- I. A member who seeks to resign from the Commission shall submit a written resignation to the chair of the Commission, and the staff liaison, who shall notify the City Clerk's office. If possible, the resignation should allow for a thirty-day notice.
- J. Members must comply with Chapter 2, Article 5, Code of Ethics, of the San Marcos City Code of Ordinances. If, in connection with a decision or matter before the Commission, a conflict of interest or appearance of impropriety as to a Commission member is identified, the affected member shall:
- 1) notify the staff liaison who shall provide a conflict of interest disclosure form to the member;
  - 2) complete and submit the conflict of interest disclosure form;
  - 3) when the matter is taken up by the Commission, announce the nature of the conflict or appearance of impropriety;
  - 4) thereafter, leave the room until consideration of the matter is concluded; and
  - 5) abstain from any participation in the matter whether before the Commission, a City department, another board or commission or the City Council until the matter is finally concluded.
- K. In accordance with Chapter 36 of the Texas Penal Code, members of the Commission shall not accept gifts from persons in connection with the member's official duties and responsibilities.

#### **ARTICLE 4. OFFICERS.**

- A. The officers of the Commission shall consist of a Chair and a Vice-Chair.
- B. Officers shall be elected annually by a majority vote of the Commission at the first regular meeting on or after March 1 during the agenda item posted for this purpose.
- 1) In accordance with Section. 12.09 of the City Charter, if the previous chair continues on the Commission they will preside over the meeting and conduct the election.
  - 2) If the previous chair is no longer on the Commission and the Vice-Chair continues on the Commission, the Vice-Chair will preside over the meeting and conduct the election.
  - 3) If neither the Chair nor the Vice-Chair remains on the Commission the staff liaison shall conduct the election of the Chair, at which point the newly elected Chair will preside over the remainder of the meeting, including the election of the Vice-Chair.
- C. In the event of a vacancy of the Chair or Vice-Chair during the term, the Commission may hold an election at the next regular meeting. As needed, the Vice-Chair shall conduct the election of the Chair or the Chair shall conduct the election of the Vice-Chair.

- D. The term of office shall be one year, beginning the first day of March and ending the last day of February.
- E. A member may not hold more than one office at a time.

#### **ARTICLE 5. DUTIES OF OFFICERS.**

- A. The Chair shall be in person at the meeting location, preside at Commission meetings, review each final meeting agenda, and execute approved meeting minutes.
- B. In the absence of the Chair, the Vice-Chair may preside, if in person, and shall perform all duties of the Chair.
- C. In the absence of both the Chair and the Vice-Chair at the meeting location, the Commission should elect a temporary Chair for that meeting, or until the Chair or Vice-Chair arrives. The staff liaison may conduct the election of a temporary Chair, who shall serve only for the current meeting. The temporary Chair must be present at the meeting location.
- D. The Chair is responsible for promoting and maintaining order in meetings. The Chair should ensure adherence to the agenda for the meeting.
- E. The Chair should control discussion to ensure that it focuses on the issue and not on any person. Personal remarks and attacks are not permitted. See also Article 7 (B).

#### **ARTICLE 6. AGENDAS.**

- A. Agenda items must comply with Article 2. PURPOSE AND DUTIES.
- B. The following general order of business should be used for regular meetings of the Commission:
  - 1. Call to order
  - 2. Roll call
  - 3. Citizen Comments – 3 minutes per speaker
  - 4. Consent Agenda (includes routine items which normally do not need separate discussion such as minutes from the previous meeting)
  - 5. Presentations by City staff or outside entities invited by the Commission.
  - 6. Public Hearings as needed
  - 7. Items for action or discussion/direction
  - 8. Reports (report items should be listed individually as needed to comply with Open Meetings Act requirements)
  - 9. Executive Session (in accordance with Open Meetings Act exceptions)
  - 10. Question and Answer Session.
  - 11. Adjournment
- C. The Commission may only discuss or consider an item on the agenda that is stated within the assigned scope of work or charge of the Commission as provided in Article 2.
- D. The chair or two or more members may place a discussion item on an agenda for a regular Commission meeting no later than 10 business days prior to the meeting. If two or more members wish to place a discussion item on a meeting agenda, they must separately contact the staff liaison and the chair in writing or by email with the specific topic. The agenda item must comply with Article 2. PURPOSE AND DUTIES.

- E. After first consulting with and receiving input from the staff liaison, the Chair shall review each final meeting agenda as prepared by the staff liaison. The Chair may not remove an item placed on an agenda by the staff liaison, prior direction of the Commission under subsection (B) above or placed on an agenda as a discussion item by two members under subsection (C) above.
- F. The staff liaison will submit the meeting agenda, and packet as applicable, to the City Clerk's Office for posting no later than 72 hours before the meeting. If the 72-hour deadline should fall on a weekend or holiday it is the responsibility of the staff liaison to provide the meeting agenda to the City Clerk's Office by noon on the last business day before the weekend or holiday.
- G. Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

## **ARTICLE 7. MEETINGS.**

- A. The Commission meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act) in that discussion and action is limited to the items listed on the agenda for this meeting.
- B. If a quorum (a majority of the voting members) does not convene within fifteen minutes of the posted time for the meeting, then the meeting may be cancelled. If there is not a quorum, no business can be conducted, no votes or action can be taken, and there are no minutes.
- C. The Commission will conduct its meetings by the rules of common courtesy and procedure identified in Article 10.
- D. The Chair should introduce each item as it appears on the agenda, and in the order in which it appears on the agenda. The Chair may allow items to be considered out of order with the informal consent of the Commission.
- E. The following types of actions may be taken, or motions can be made during a meeting:
  - 1. **Approval** - Means the item is approved as proposed.
  - 2. **Conditional approval** - Means approval for the item will take effect upon the occurrence of the conditions.
  - 3. **Approval as amended** - Means the item is approved with changes from the original proposal.
  - 4. **To Table** - Means to temporarily delay the consideration of the item while another item is brought up for consideration.
  - 5. **Remove from Table** - Means to bring back the previously delayed item for consideration.
  - 6. **Postpone** - Means postponement of consideration of the item, either until a definite date or event, or indefinitely. Action on the item at a subsequent meeting requires the item to be placed on the agenda for that meeting.
  - 7. **Reconsider** - Means to reopen discussion of an item that was already acted upon. Reconsideration may only occur at the same meeting, or at the next meeting after the one at which the original action occurred. A motion to reconsider may only be made by a person who voted on the prevailing side on the original action. Reconsideration of an item at a subsequent meeting requires the item to be placed on the agenda for that meeting.

8. **Withdraw** - Made by the person who made the motion. Does not require a formal vote unless a member objects to the withdrawal.
  9. **Close debate ("calling for the question")** – Requires a motion and second and 2/3 vote. If it passes, a vote is then taken on the motion that was under discussion, without further debate. If it fails, debate resumes on the motion that was being discussed.
  10. **Amend** - Usually consists of striking out, inserting, adding, or substituting words, sentences or paragraphs to the subject of the original motion. This motion is voted upon separately from the original motion.
  11. **Recess** - A temporary break in a meeting may be called by the Chair. This does not require a formal vote unless a member objects to the recess.
  12. **Limited discussion or debate** - The Chair may establish a reasonable time limit for consideration of an item, or a reasonable time limit on each person addressing the Commission, or upon each Commission member who comments on an issue. This does not require a formal vote unless a member objects to the limits.
- F. The Commission shall meet monthly, on the second and fourth Tuesdays of each month. In October of each year, the Commission shall adopt a schedule of the meetings for the upcoming year.
- G. Special meetings of the Commission shall be called by the staff liaison to comply with a statutory deadline or a deadline established by Council or by a vote by the Commission. A special meeting may be called upon the written request of the Chair or any three members of the Commission no more often than once a quarter.
- H. Executive sessions are permitted only when they have been posted in advance and conform to those requirements of the Texas Government Code Chapter 551 (Texas Open Meetings Act) which pertain to executive sessions.
- J. A majority of the voting membership of the Commission members constitute a quorum regardless of vacancies.
- K. To be effective, a Commission action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.
- L. All votes shall be conducted by roll call rather than simple voice vote.
- M. The Chair has the same voting privilege as any other member. The voting privileges of members is defined in the Ordinance defining that Commission.
- M. The Commission will allow citizens to address the Commission during a period of time set aside for citizen communications during their regular meeting. Each speaker will be limited to three minutes, may speak only once per time period, and may not yield time to others. *See* Section 2.045 of the City Code for details.
- N. The staff liaison shall prepare the meeting minutes. The minutes of each Commission meeting must include the vote of each member on each item before the Commission and indicate whether a member voted in favor, against, abstained or is absent.
- Example:  
 For: Member 1, Member 2, Member 3, Member 4  
 Against: Member 6  
 Absent: Member 5 (line only needed if someone is absent)  
 Recused: Member 7 (line only needed if someone has recused)

- O. The City Clerk shall retain agendas, approved minutes, internal review reports and bylaws. The Planning and Development department shall retain all other Commission documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).
- P. The Chair shall adjourn a meeting not later than 10 p.m., unless the Commission votes to continue the meeting.

#### **ARTICLE 8. RECOMMENDATIONS.**

- A. The Commission is encouraged to provide the City Council with advisory recommendations on matters of City policy within their purpose and duties provided in Article 2 as necessary.
- B. In order to communicate recommendations by the Commission to the City Council, the Commission must develop a recommendation resolution. If the recommendation resolution is approved by a majority of the membership, the staff liaison must submit the recommendation resolution to the City Clerk and City Manager for distribution to the City Council within 30 days. In addition, the staff liaison will prepare a cover memo including Staff Recommendations for Implementation which may include budget impacts, staff time required, and/or other considerations.
- C. The Commission will submit an annual report to the City Clerk by February 28 of each year.

#### **ARTICLE 9. COMMITTEES.**

- A. The Planning and Zoning Commission does not have any standing committees but may have ad hoc committees as necessary.
- B. Each committee must be established by an affirmative vote of the Commission. Each committee shall consist of at least two, maximum of three Commission members approved by the Commission. A staff member shall be assigned to each committee by the Director of the Planning and Development Services
- C. A committee may choose the Chair, with the members' consent, but is not required to do so.
- D. Quorum requirements do not apply to committees.
- E. Committees are not required to post their meetings in accordance with the Texas Government Code Chapter 551 (Texas Open Meetings Act). A quorum of the membership is not allowed to be present.
- F. Each committee shall update the Commission at least quarterly on their work.

#### **ARTICLE 10. RULES OF COMMON COURTESY AND PROCEDURE.**

- A. During meetings, members shall preserve order and decorum, and shall not interrupt or delay proceedings. The Commission meetings will adhere to Section. 2.046. - Rules of Decorum for City Council and City Board and Commission Meetings of the City Code.

- B. Members shall demonstrate respect and courtesy to each other, to city staff members, and to members of the public appearing before the Commission.
- C. Members shall refrain from rude and derogatory remarks and shall not belittle staff members, other Commission members, or members of the public.
- D. The Chair should exercise control over persons who abridge this policy or disrupt a meeting in the following ascending order of action:
  - 1. Call the person to order, advising the person of the infraction.
  - 2. Advise the person that the infraction must cease immediately, or the person will be ordered to leave the meeting.
  - 3. Order the person to leave the meeting. If the offending person is a member of the Commission, the Chair shall call for a vote on the expulsion of the member from the meeting.

#### **ARTICLE 11. GENERAL POWERS AND DUTIES**

- A. Personnel Issues: Personnel matters are not within the purview of the Commission and are not appropriate for posting on an agenda, discussion at a meeting, or as a subject for Commission recommendation. Neither the Commission nor any of its members shall recommend, instruct or request the City Manager or any of the City Manager's subordinates to change the job qualifications for a current employee, appoint, or remove any person from, office or employment. The Commission and its members are prohibited from giving orders to subordinates of the City Manager either publicly or privately.
- B All Boards and Commissions shall adhere only to their specific general powers and duties within their Ordinance, as provided in Article 2.

#### **ARTICLE 12. AMENDMENT OF BYLAWS.**

A bylaw amendment is not effective unless approved by the Council Finance and Audit Committee.

The bylaws were approved by the Planning and Zoning Commission at their meeting held on July 23, 2024.

---

*Enrique Velasquez*

---

*Recording Secretary*