

Attachment C

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

ARTICLE I. NAME

The name of the Commission shall be "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 II. PURPOSE, AUTHORITY, AND DUTIES

Section 1. The Planning and Zoning Commission is responsible for the orderly growth and physical development of the City of San Marcos and its extraterritorial jurisdiction ("ETJ") through the implementation of the community's Master Plan and related land use and development ordinances. *Removed*

Section 2. 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 III. MEMBERSHIP, TERMS, QUORUM, ATTENDANCE

Section 1. The Planning and Zoning Commission shall consist of nine members appointed by the City Council. To be eligible for appointment to the Commission, eight of the Commission members must have resided and owned real property in the city for a period of three years before the date of appointment, and the remaining member must have resided and owned real property in the city's ETJ for a period of three years before the date of appointment. To be eligible for continued service on the Commission, the Commission members appointed as city residents must maintain residence and property ownership in the city, and the Commission member appointed as an ETJ resident must maintain residence and property ownership in the ETJ. Effective March 1, 2015 the ETJ member of the Commission shall be deleted and a qualified city resident member shall be appointed. Members of the Commission shall serve without compensation. *Charter Changed.*

Section 2. Each Commission member serves a three-year term. Terms are staggered so that three of the members' terms expire in any given year. Term limits shall be governed by Section 2.068 of the City Code, or successor provision.

Section 3. A quorum shall be no less than five members. No business shall be conducted or actions taken without a quorum of the membership present except to call the meeting to order, take roll, declare that a quorum is not present, set time and date of next meeting, and either recess or adjourn the meeting.

Section 4. Absences from meetings shall be governed by Section 2.069 of the City Code.

ARTICLE IV. OFFICERS

Section 1. The offices of Commission Chair, Commission Vice-Chair and Recording Secretary are established. The Commission shall elect a Chair and Vice-Chair at the first regular meeting of the new term. The Commission shall also confirm, as needed from time to time to fill a vacancy, the Director of Development Services' appointment of a Recording Secretary. The Recording Secretary shall be a member of the Planning and Development Services Department staff and shall not be a member of the Commission. *Doesn't follow current practices.*

Section 2. The Chair shall:

- (a) preside at all meetings of the Commission;
- (b) call special meetings of the Commission in accordance with Article V of these bylaws;
- (c) sign official documents of the Commission; *Not mentioned*
- (d) appoint special committees of the Commission; and,
- (e) see that all actions of the Commission are properly taken.

Section 3. The Vice-Chair shall, during the absence, disability or disqualification of the Chair, perform all the duties of the Chair.

Section 4. In the event that both the Chair and Vice-Chair are absent from any one meeting, the remaining members of the Commission shall elect a temporary Chair to preside over the meeting.

Section 5. In the event of a vacancy in an unexpired term of the Chair, the Vice-Chair will automatically become the Chair and conduct an election to fill the unexpired term of the Vice-Chair. Likewise, in the event of a vacancy in an unexpired term of the Vice-Chair, the Chair will hold an election to fill the unexpired term of the Vice-Chair. If both the Chair and Vice-Chair seats are vacated simultaneously, the remaining members of the Commission will hold an election to fill both unexpired terms of office.

Section 6. The Recording Secretary shall:

- (a) post the agenda for all meetings of the Commission;
- (b) give or serve all public notices as required by law;
- (c) attend the meetings of the Commission and record all votes or other actions taken by the Commission;
- (d) prepare the written minutes in accordance with the provisions of Article V, Section 2 of these bylaws;

- (e) be the custodian of all Commission records;
- (f) sign and attest to the signature of the Chair on all official documents of the Commission;
- (g) ensure the proper recordation of subdivision plats and other documents requiring filing with the County Clerk's office. *Reworded in article 7. Section N.*

ARTICLE V. COMMISSION RECORDS

Section 1. A public record shall be maintained of all Commission proceedings. The Recording Secretary, pursuant to the duties outlined in Article IV, Section 6 shall be responsible for all Commission records. All records of the Commission shall be subject to applicable State laws governing the records of a public board.

Section 2. Minutes of all meetings of the Commission, including the vote of "ayes" and "noes" upon the passage of any item properly brought before the Commission, shall be taken and recorded, and such minutes shall constitute a permanent record to which any citizen may have access at all reasonable times. Meeting minutes shall be prepared after each Commission meeting and permanently maintained in the Planning and Development Services Department of the City. Meeting minutes shall be considered draft minutes until the Commission takes formal action to approve the minutes. Meeting minutes shall be a concise record of each agenda item, the action taken on each item and a listing of those who spoke regarding each item. The minutes shall reflect only a short abstract of the position taken by each speaker and shall be neither a verbatim transcript nor a lengthy description of the discussion. Meeting minutes shall accurately reflect all motions and seconds, along with the results of the vote taken on each motion. Where substitute motions, motions to reconsider, or motions to withdraw are made, such motions and the votes on those motions shall also be reflected in the meeting minutes.

Section 3. Each Commission member shall have an obligation to check the meeting minutes for accuracy prior to the meeting at which the minutes will be considered for approval. If a Commission member has more than three corrections or amendments to make to a given set of minutes, the member shall report the corrections in writing to the Recording Secretary prior to the meeting. When the approval of minutes is subsequently called up for discussion, the Recording Secretary shall announce that written corrections have been received and the Commission shall automatically table the minutes to the next meeting without further discussion. Three or fewer corrections may be offered and voted on at the meeting where the minutes are being considered. Approved minutes shall be signed by all members who attended that meeting. *Not mentioned*

Section 4. Commission meetings shall be recorded on audiotape. The tapes of Commission meetings shall be retained for the period of time prescribed by State law. *Not mentioned*

Section 5. The Commission Chair shall require that each person coming before the Commission identify himself or herself for the record prior to addressing the Commission.

ARTICLE VI. MEETINGS, RULES OF CONDUCT

Section 1. The regular meetings of the Planning and Zoning Commission shall be on the second and fourth Tuesdays of each month at 6:00 p.m.

Section 2. Additional or special meetings of the Commission may be held at any time upon the request of either the Chair, the City Council or a majority of the members of the Commission. Such meetings shall follow at least seventy-two hours of notification to Commission members and the public.

Section 3. All meetings of the Commission shall be conducted in accordance with the requirements of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

Section 4. The Chair or two Commission members may direct the staff to place a discussion item on an agenda for a meeting or workshop. If two Commission members wish to direct staff to place a discussion item on an agenda, they must separately contact the staff and the contacts must occur before the Director of Development Services or successor official has set the agenda for the meeting.

Section 5. Regular meetings of the Commission may be canceled by the Director of Development Services or successor official with the consent of the Chair if both of the following criteria are met:

- (a) no new items requiring the Commission's attention have been submitted by the public as of 5:00 p.m. of Monday, three weeks prior to any regular meeting date; and
- (b) the Chair, a majority of the Commission membership, or the Director of Development Services or successor official have not submitted any items for discussion as of ten days prior to any regular meeting date. *Not mentioned*

Section 6. The Commission may vote to reschedule or cancel the dates of regularly scheduled meetings to avoid conflicts with holidays or for other special circumstances. The rescheduling or canceling of regular meetings shall be done at least 30 days in advance of the regularly scheduled meeting date.

Section 7. Except as provided in these bylaws, the rules of conduct contained in the most current edition of Robert's Rules of Order Revised shall govern the meetings of the Planning and Zoning Commission. *Reworded in Article 10*

Section 8. Members, including the Chair and Vice-Chair, shall have the right to vote on all matters coming before the Commission, except for those matters on which the member has a conflict of interest. Voting shall be by roll call vote and the order of voting is to be rotated with each item.

Section 9. Any member of the Planning and Zoning Commission who has a conflict of interest, as defined in Chapter 2, Article V of the City's Code of Ordinances or State law, concerning a matter that is on the agenda of the Commission shall:

- (a) publicly announce the nature of the conflict immediately after the agenda item has been called up for discussion or action;
- (b) leave the room during the discussion of the item; and
- (c) refrain from any discussion or voting on the matter.

Section 10. Any member of the Planning and Zoning Commission who does not legally have a conflict of interest but would like to avoid the appearance of a conflict of interest may elect to follow the procedure established in Section 9 of this Article.

Section 11. Members shall have an obligation to vote on all matters coming before the commission unless the provisions of Sections 8 and 9 of this Article apply or the member was absent during the discussion of the matter. *Not mentioned*

Section 12. Members shall not represent themselves or any other person, group or interest before the Commission, the Zoning Board of Adjustments and Appeals or the City Council on any matter involving land use or development. This provision shall not preclude a member from representing an interest in his or her homestead. Members may represent an interest in their own property before the City Council. Members may represent the Commission in reporting on the activities of the Commission to the Zoning Board of Adjustments and Appeals or the City Council.

ARTICLE VII. COMMITTEES

Section 1. Committees, standing or special, may be established or abolished by the direction of a majority of the entire membership of the Commission.

Section 2. The Chair shall appoint members of all committees.

ARTICLE VIII. AMENDMENTS

These rules may be amended at any meeting by a vote of the majority of the entire membership of the Commission provided a minimum of seventy-two hours notice of the intent to change the bylaws has been given to the public and each member of the Commission. *Reworded in Article 12*

PASSED, APPROVED AND ADOPTED by the City of San Marcos Planning and Zoning Commission on this the 26th day of August, 2014.

Attest:

Chris Wood, Chair
Planning and Zoning Commission

Francis Serna
Recording Secretary