

ORDINANCE NO. 2009-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AMENDING CHAPTER 2, ADMINISTRATION, DIVISION 2. SECTION 2.069 OF THE SAN MARCOS CITY CODE TO PROVIDE THAT ATTENDANCE AT A SPECIAL MEETING, WORKSHOP, OR COMMITTEE MEETING WILL NO LONGER BE COUNTED AS ATTENDANCE AT A REGULAR MEETING FOR THE PURPOSE OF DETERMINING WHEN AUTOMATIC RESIGNATION OF A BOARD OR COMMISSION MEMBER HAS OCCURRED; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Section 2.069 of the San Marcos City Code is amended as follows (underlining indicates added text; ~~overstrike~~ indicates deleted text):

**Sec. 2.069. Absence from meetings.**

- (a) The voluntary absence of a board or commission member from three consecutive regular meetings of the board or commission will result in automatic resignation of the member from the board or commission.
- (b) The voluntary absence of a member of a board or commission that meets quarterly from two regular meetings during a fiscal year of the city will result in automatic resignation of the member from the board or commission. The voluntary absence of a member of any other board or commission from more than 25 per cent of the board or commission's regular meetings during a fiscal year of the city calendar year will result in automatic resignation of the member from the board or commission. ~~In determining compliance with this subsection, the attendance of a board or commission member at a special meeting, workshop or committee meeting of a board or commission during a fiscal year of the city will count as an attendance at a regular meeting of the board or commission during the same period.~~
- (c) In this section:
  - (1) *Regular meeting* includes only regularly scheduled meetings, and does not include special meetings, workshops, or committee meetings of a board or commission.
  - (2) *Excused absence* means an ~~absence~~ that results from a medical reason of a board

or commission member or a relative of the member, child care for a newly born or newly adopted child during the first eight weeks of the child's life, or from an unexpected factor beyond the control of the board or commission member. The chair of a board or commission shall be responsible for determining whether an absence is excused. The determination is subject to appeal to the entire board or commission.

(3) *Voluntary absence* means an absence other than an excused absence.

(d) The staff liason of a board or commission will inform the city clerk of the automatic resignation of a member of the board or commission under subsection (a) or (b). The city clerk shall submit the member's position to the city council for appointment of a replacement.

SECTION 2. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 3. All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.


SECTION 4. This Ordinance shall be effective upon final reading.

PASSED AND APPROVED on first reading December 16, 2008.


PASSED AND APPROVED on second reading January 6, 2009.

  
Susan Narvaiz  
Mayor

ATTEST:

  
Sherry Mashburn  
City Clerk

APPROVED:

  
Michael Cosentino  
City Attorney