



City Council Agenda Item Report

April 16, 2013

Contact – Chance Sparks, AICP, CNUa, Director of Planning
512-312-0084 / csparks@ci.buda.tx.us

**SUBJECT: DELIBERATION AND POSSIBLE ACTION REGARDING APPOINTMENTS TO THE
PLANNING & ZONING COMMISSION.**

1. BACKGROUND/HISTORY

The Planning & Zoning Commission is an advisory body to the Mayor and City Council. Its powers and duties include:

- Develop, support, and recommend updates and amendments to the city's comprehensive plan, at the direction and with the approval of the mayor and city council;
- Advise the mayor, city council and staff on matters related to the creation of and amendments to the Land Development Code for the city;
- Propose regulations governing the subdivision and zoning of land within the planning and platting jurisdiction of the city;
- Review and recommend consent, denial, or conditional consent to zoning and subdivision platting and zoning and site development applications within the platting and planning jurisdiction of the city; and
- Perform such other functions as the city council may from time to time grant to the commission for the purpose of promoting the health, safety, morals or general welfare of the city.

The membership characteristics of the P&Z are:

- 7 members
- No more than 2 members may be residents of the ETJ
- 2-year staggered terms, with 4 appointed in January of even-numbered years and 3 appointed in April of odd-numbered years
- Maximum of 3 consecutive terms
- A member serving to fill an unexpired term shall be eligible for reappointment to serve 2 full 2-year terms

2. FINDINGS/CURRENT ACTIVITY

During the reappointment/appointment process in January 2013, all positions were filled except for the vacant unexpired term of now Councilmember Montoya. Current membership and expiration for the Commission is as follows:

Planning & Zoning Commission

Highlighted places indicate those in need of City Council action:

Commissioner	Location	Term Expiration	Term Status/Eligibilit
Britton	Cullen Country	1/2015	2 nd Term
Stewart	Whispering Hollow	1/2014	1 st Term
Altmiller	Old Town	1/2015	2 nd Term
Gray	Main Street	1/2014	Final Term
Graham	Garlic Creek	1/2015	2 nd Term
Strother	Creekside Park	1/2015	2 nd Term
Vacant unexpired (Montoya)		1/2014	

For the single position available, Staff has received two applications from the following:

- Application for Appointment from Dick Schneider, resident of Elm Grove
 - Note: appointment of Schneider to the Planning & Zoning Commission would result in his need to resign from the Library Board as enabling ordinances & bylaws prohibit holding both positions
- Application for Appointment from Angela Kennedy, resident of Whispering Hollow

3. FINANCIAL IMPACT

N/A

4. ACTION OPTIONS/RECOMMENDATION

City Council may appoint one of the applicants to the Commission, or choose to leave the position vacant.

5. ATTACHMENTS

- Applications for Appointment & Reappointment
- Bylaws
- Enabling Ordinance



APPLICATION FOR APPOINTMENT TO BOARDS/ COMMISSIONS

PLEASE SELECT THE BOARD/COMMISSION THAT YOU ARE INTERESTED IN:

- PLANNING & ZONING COMMISSION
- HISTORIC PRESERVATION COMMISSION
- ZONING BOARD OF ADJUSTMENT
- LIBRARY COMMISSION
- CONSTRUCTION BOARD OF APPEALS
- PARKS & RECREATION COMMISSION
- OTHER: _____

NAME: Kennedy Angela Dean

(LAST)

(FIRST)

(MIDDLE)

HOME STREET/MAILING ADDRESS: 773 Clear Springs Hollow Buda, TX 78610

(ZIP)

PREFERRED PHONE: 512-695-1409 CELL PHONE: 512-695-1409

OCCUPATION/POSITION: Project Manager - TWDB BUSINESS CONTACT PHONE: 512-463-1437
(IF RETIRED, PLEASE INDICATE FORMER OCCUPATION)

E-MAIL ADDRESS: acleankennedy@gmail.com FAX NUMBER: _____

ARE YOU A RESIDENT OF THE CITY OF BUDA?

- YES
- NO

IF NO, ARE YOU A RESIDENT OF THE CITY'S EXTRA TERRITORIAL JURISDICTION (ETJ)?

- YES
- NO
- N/A

ARE YOU CURRENTLY OR HAVE YOU EVER SERVED ON ANY CITY BOARD OR COMMISSION? YES NO

IF YES, PLEASE LIST EACH BOARD AND DATES OF MEMBERSHIP -- ADDITIONAL SHEET MAY BE ADDED, IF NEEDED.

N/A

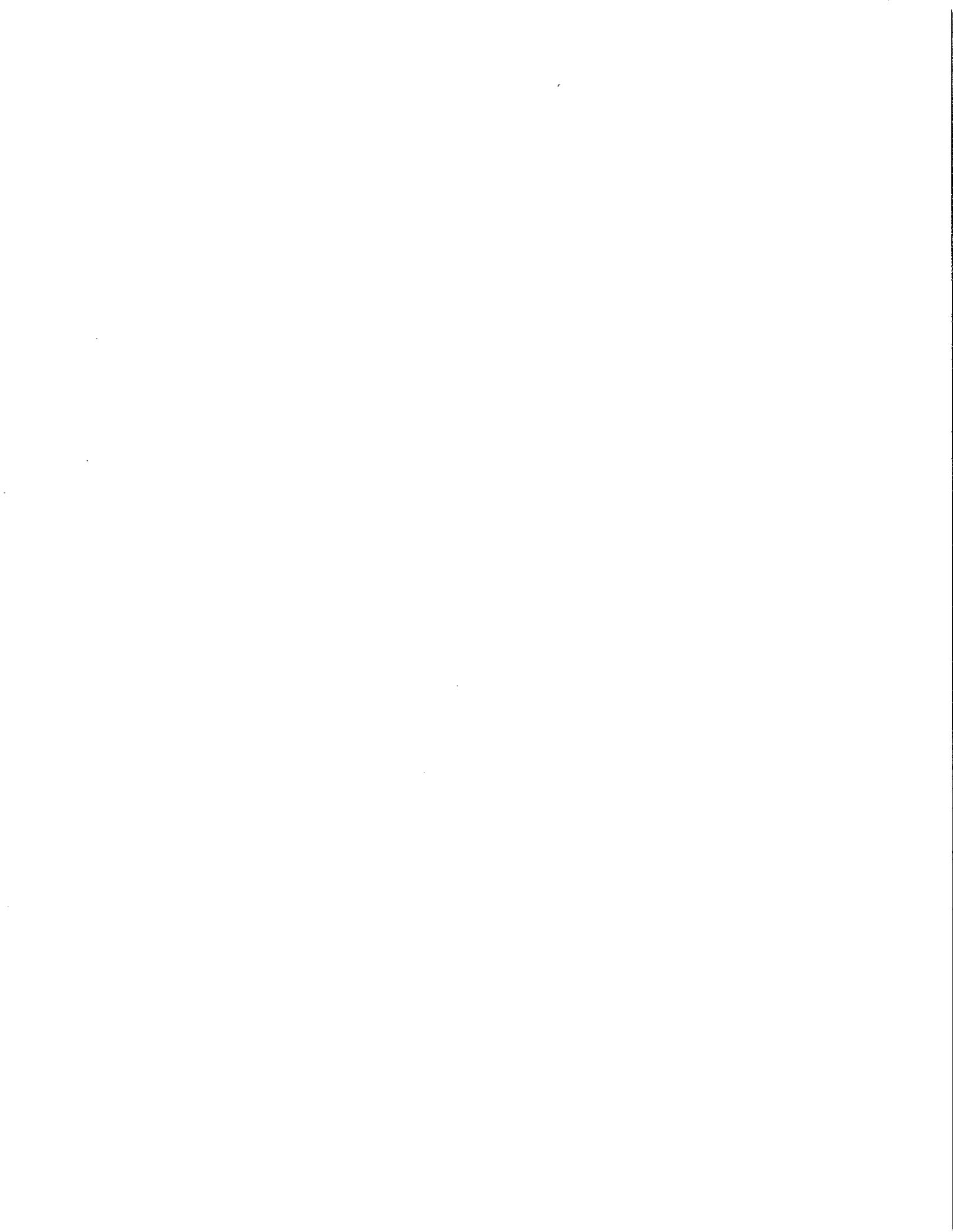
DESCRIBE ANY QUALIFICATIONS OR EXPERTISE THAT RELATE TO YOUR INTEREST IN SERVING ON A BOARD/COMMISSION. YOU MAY ATTACH A RESUME.

I am a licensed professional engineer and have worked in water resources engineering and planning for 14 years.
- My Resume is attached.

DO YOU HAVE ANY RELATIVES THAT WORK FOR THE CITY OF BUDA? YES NO

IF YES, WHAT IS THEIR NAME AND POSITION

SIGNATURE: [Signature] DATE: 2/26/13



ANGELA D. KENNEDY

773 Clear Springs Hollow • Buda, Texas • 78610
Phone (512) 695-1409 • E-mail: adeankennedy@gmail.com

PROFESSIONAL CERTIFICATION

Professional Engineer (Texas No. 92609) – Environmental
December 2003

PROFESSIONAL EXPERIENCE

Texas Water Development Board, Austin, Texas

Project Manager, 6/08 – Present

Develop and manage contracts for regional water planning, regional water and wastewater facility planning and water-related research. Project manager for three of 16 statewide water planning regions including: Region O (Lubbock), Region C (Dallas/Fort Worth) and Region N (Corpus Christi). Contributed to the development of the 2012 State Water Plan. Participating in effort to develop a web based GIS application to view State Water Plan data.

Bury+Partners – Public Works, Inc., Austin, Texas

Project Engineer, 6/07 – 6/08

Licensed professional engineer responsible for water and wastewater treatment design, permitting, water conservation and water quality projects. Consulted with clients to prepare project specifications, cost estimates, preliminary engineering reports and designs. Planned and directed project schedules and budgets.

Lower Colorado River Authority, Austin, Texas

Engineer, 10/02 – 6/07

Performed a variety of engineering assignments involving water resources planning, modeling and management. Primary responsibility was to develop watershed water quality models of basins for the lower Colorado River to evaluate environmental, water quality and other related data for relationships and effects of anthropogenic activities on water ecosystems. Provided technical review of water quality modeling work performed for the LCRA-SAWS project. Contributed to the Matagorda Bay Freshwater Inflow Needs Study including modeling review, coordinating work group meetings with participating State Agencies and acting as editor of the final report. Leadership LCRA Class of 2004.

HDR Engineering, Inc, Austin, Texas

Water Resources Engineer, 5/99 – 10/02

Responsible for application of various engineering and modeling techniques for development of water resource projects for federal, state and local municipalities. Technical focus on water treatment process optimization and water quality analysis including evaluating contributions of contamination from point and non-point sources to aquatic systems, and determination of watershed level management strategies. Experience includes water resources planning, developing preliminary engineering reports, sampling plan design and implementation, fate and transport modeling, and water quality analysis.

EDUCATION

Texas A&M University, College Station, Texas

MS / Agricultural Engineering

May 2001

BS / Agricultural Engineering – Environmental and Natural Resources Engineering

May 1999

BS / Biochemistry

December 1995

MODELING EXPERIENCE & SOFTWARE

SWAT, HSPF, HEC RAS, MIKE11, QUAL-2E (QUAL-TX), CEQUAL-W2, WASP, SAS, ArcGIS

PUBLICATIONS AND PRESENTATIONS

Rodriguez, A, M. Matlock. 2008. *Measuring Variability in Trophic Status in the Lake Waco/Bosque River Watershed*. Journal of Biological Engineering, 2:1.

Rodriguez, A, R.S. Solis, and J. Wedig. *A Phased Approach to Developing Water Quality Models for Watershed Management in the Lower Colorado River, Texas*. Proceedings of the ASABE 2006 International Meeting, Portland, Oregon.

Rodriguez, A, M Graves, N Graff, A Huckabee, and G Guy. 2005 *Preventing Red Water Episodes: Integration of New Waters Sources*. Chapter 22 in "Water Quality in the Distribution System", American Water Works Association, Denver, Colorado.

Perkins, RB, S Vaughn, and A Rodriguez. *Pilot Recharge Models of the Edwards Aquifer, Texas*. Proceedings of the AWRA 2002 Groundwater/Surface Water Interactions Summer Specialty Conference.

Rodriguez, A, S Reiber, B Black, N Graff. *Predicting Colored Water Episodes when Integrating New Source Waters into Your Distribution System: A Bench Scale Protocol*. Proceedings of the AWWA 2001 Water Quality Technology Conference.

Rodriguez, A, M Graves, N Graff, A Huckabee, and G Guy. *Preventing Red Water Episodes: Integration of New Water Sources*. Proceedings of the AWWA 2001 Distribution System Symposium.

Rodriguez, A. *Impact of Nutrient Loading from Point and Non-Point Sources on Water Quality and Lotic Ecosystem Health in Texas' North-Bosque Watershed Using a Bio-Indicator Response Approach*, Masters Thesis, Texas A&M University, May 2001

Rodriguez, A and G Grunkemeyer. *Lower Nueces River Dissolved Minerals Study*, presented at the South Texas Environmental Conference, Corpus Christi, TX, 2000

Rodriguez, A. *Arsenic Health Effects and Occurrence*, presented at WEAT/AWWA Texas Water 2000, Dallas, TX

Black, BD, TD Chinn, A Rodriguez, and A Huckabee. *Arsenic: Answers to Commonly Asked Questions by Drinking Water Professionals*, AWWA Research Foundation, 1999

Rodriguez, A. *Determining the Critical Concentration of Phosphorous in Texas Streams*, presented at the Texas River and Reservoir Management Society Meeting, Denton, TX, October 1, 1998

Rodriguez, A. *A Rationale for Standardized Curriculum and Professional Certification in Ecological Engineering*, presented at the American Society for Engineering Education Annual Conference, Seattle, WA, June 30, 1998



APPLICATION FOR APPOINTMENT TO CITY OF BUDA BOARDS AND COMMISSIONS

Name: SCHNEIDER RICHARD W
 (Last) (First) (Middle)

Mailing Address: 122 THYME SPRINGS BUDA, TX 78610
 (Zip)

Daytime Phone: 512-523-8415 Cell Phone: 512-914-8546

Employer: SPANGLOSS CONTRACTORS Business Phone: 512-914-8546

Occupation/Position: BUSINESS DEVELOPMENT Fax Number: —

E-mail Address: dick@dickschneider.com

The City of Buda recognizes and supports the concept of balanced representation in regard to filling vacancies on Boards and Commissions. To this end, every effort is made to appoint members who represent Buda's diverse community, including citizens of all ethnic groups as well as people with disabilities.

- In which geographic area of Buda do you reside? ELM GROVE SUB DIVISION
- Are you a registered voter? Yes No
- Are you a City of Buda resident? Yes No
- Are you now or have you in the last three years registered/worked as a city lobbyist? Yes No

§ 8-16-4 of the City Code requires a person meeting the following criteria to register with the City Clerk as a registered lobbyist:

- (A) receives compensation of \$200 or more in a calendar quarter for lobbying;
- (B) receives reimbursement of \$200 or more in a calendar quarter to lobbying;
- (C) expends \$200 or more in a calendar quarter for lobbying; or
- (D) lobbies as the agent or employee of a person who:
 - (1) receives compensation of \$200 or more in a calendar quarter for lobbying;
 - (2) receives reimbursement of \$200 or more in a calendar quarter for lobbying;
 - (3) expends \$200 or more in a calendar quarter for lobbying.

- Do you or your employer have any business dealings with the City of Buda that might present a conflict of interest? Yes No
- Recognizing that serving on a Board or Commission is often time consuming, are you committed to attending all regularly scheduled meetings? Yes No
- Do you agree to complete any training necessary for the Board or Commission to which you are applying? Yes No

- If a position on the Board to which you are applying is not available at this time, please indicate if you would be willing to serve on any of the following Boards or Commissions:

Please check all that apply:

- Historic Preservation Commission – (Meets 1st Thursday of month @ 7:00 p.m.) Yes No
- Economic Development Corporation - (Meets 1st Monday of month @ 6:00 p.m.) Yes No
- Local Government Corporation – (Meets on an as needed basis) Yes No
- Planning & Zoning Commission - (Meets 2nd & 4th Tuesday of month @ 7:00 p.m.) Yes No
- Parks & Recreation Commission - (Meets 3rd Wednesday of month @ 6:30 p.m.) Yes No
- Zoning Board of Adjustment – (Meets on 3rd Thursday and on an as needed basis) ** Yes No
- Library Commission – (Meets 2nd Thursday of month @ 7:00 p.m.) Yes No

**Zoning Board of Adjustment applicants must live inside the City Limits

Describe any qualifications, expertise, or special interests that relate to your possible appointment, and why you would wish to serve:

SERVED 11 YEARS AS PRESIDENT OF BUDA AREA CHAMBER OF COMMERCE
 WORKED CLOSELY WITH THE BUDA EDC TO HELP BRING ECONOMIC
 DEVELOPMENT TO BUDA. CABELAS, WALMART, HOTELS, RESTAURANTS

List past service on any boards or commissions. (Please includes dates of service)

NONE WHILE PRESIDENT OF BUDA CHAMBER
 CURRENTLY ON LIBRARY BOARD

(Applicants are encouraged to submit cover letter and resume along with their applications)

Richard W. Schneider
 Signature

2/26/13
 Date

OFFICE USE ONLY (Applications to be kept on file for a period of two years in the City Secretary's Office)

PLEASE RETURN TO THE CITY SECRETARY'S OFFICE

Date Application Received: 2/26/2013 AH

Date of First Contact: _____

Still interested? Yes No

Date of Second Contact: _____

Still interested? Yes No

Date new application mailed: _____

P. O. Box 1218/121 Main Street * Buda, TX 78610 * Phone (512) 312-0084 * Fax (512) 312-1889

Revised 07-22-10

Division 4. Planning and Zoning Commission*

Sec. 1.02.101 Created; appointment of members; terms

(a) This division creates the planning and zoning commission (“commission”) appointed by the city council. The commission shall consist of seven (7) members who shall reside either in the incorporated city limits or its extraterritorial jurisdiction.

(b) The members of the commission shall serve two-year staggered terms, with four (4) members being appointed in January of even-numbered years and three (3) members being appointed in January of odd-numbered years.

(c) On the initial commission, four (4) of the members shall be appointed for one-year terms and three (3) of the members shall be appointed for two-year terms. Thereafter, all terms shall be two-year terms.

(d) Unless otherwise approved by the city council, members of the commission shall serve a maximum of three (3) consecutive terms. After a member serves his or her three (3) maximum consecutive terms, such ex-member cannot immediately reapply for the planning and zoning commission; however, such ex-member can apply immediately for positions to other boards or commissions that may have vacancies or reappointments. An appointment to fill a vacancy shall be for the unexpired term. A member serving to fill an unexpired term shall be eligible for reappointment to serve two (2) full two-year terms.

(e) Unless otherwise required by state law, all members serve at the pleasure of the city council and may be removed at any time with or without cause.

Sec. 1.02.102 Qualifications of members

(a) Unless otherwise determined by city council, at least five (5) of the members of this commission shall reside within the corporate limits of the city and no more than two (2) members shall be residents of the city’s extraterritorial jurisdiction.

(b) If a city resident member of the commission ceases to reside in the city and his or her relocation reduces the number of city resident commission members below four (4), that person shall give such notice of such fact and may be deemed to have resigned from the commission as of the date his or her residence changed, and the city council shall appoint a resident commission member to fill the remainder of the resigning member’s term. The temporary lack of four (4) resident members created by the vacancy shall not impair the ability of the commission to perform its duties nor the actions taken by the commission. If a resident commission member moves to the city’s extraterritorial jurisdiction and the relocation leaves at least four (4) resident members on the commission, the relocated member shall continue to hold his or her place on the commission. A quorum of the commission shall be required to open meetings, conduct business and take action on any agenda items.

(c) The city council may take into consideration an applicant's history on delinquency in payment of any city taxes, utility bills, citations, municipal court judgments and assessments and so forth in qualifying the applicant.

(d) Notwithstanding any city ad hoc committees or except where duplicate appointments are authorized by ordinance, city charter or by state law, a person may not be appointed as a member of the planning and zoning commission if he or she is currently serving on the city zoning board of adjustment and appeals, historic preservation commission, parks and recreation commission, library commission, economic development corporation board of directors, local government corporation or any other permanent city board or commission.

Sec. 1.02.103 Officers; rules; meetings; quorum; record; conflict of interest

(a) The commission shall have a chairperson and a vice-chairperson elected from its membership to serve for a one-year term, officers shall be elected annually by the commission. Such officers shall be residents within the city limits.

(b) The chairperson shall preside over the commission and shall have the right to vote on all items before the commission. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason.

(c) The city manager or his or her designee shall be an ex officio member of the commission.

(d) The commission may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the city council.

(e) The commission shall meet at least monthly, if there is business at hand, at a time and place established by the commission. Special meetings may be called by the chairperson or interim chairperson of the commission, city manager or his or her designee or upon the request of any three (3) commission members. All meetings of the commission shall be open to the public and shall conform with the Texas Open Meetings Act, section 551 of the Government Code.

(f) A quorum shall consist of a majority of the members of the commission except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.

(g) The commission shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings and actions.

(h) A commission member shall be required to complete any state-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the city subject to the city's travel and training policy.

(i) A commission member having any potential conflict of interest on any policy, decision, or determination before the commission shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In

the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in [section 1.01.009](#) of this code.

Sec. 1.02.104 Powers and duties

The commission shall serve in an advisory capacity to the mayor and city council and shall have the following purposes and duties, as well as other duties as assigned by the city council, as necessary to perform the business of the commission:

- (1) Develop, support, and recommend updates and amendments to the city's comprehensive plan, at the direction and with the approval of the mayor and city council;
- (2) Advise the mayor, city council and staff on matters related to the creation of and amendments to the Land Development Code for the city;
- (3) Propose regulations governing the subdivision and zoning of land within the planning and platting jurisdiction of the city;
- (4) Review and recommend consent, denial, or conditional consent to zoning and subdivision platting and zoning and site development applications within the platting and planning jurisdiction of the city; and
- (5) Perform such other functions as the city council may from time to time grant to the commission for the purpose of promoting the health, safety, morals or general welfare of the city.

(Ordinance 110705-2 adopted 7/5/11)

These Bylaws govern the Planning and Zoning Commission of the City of Buda.

ARTICLE ONE ORGANIZATION

1. A. The Planning & Zoning Commission (Commission) shall consist of seven (7) members in accordance with the enabling ordinance adopted by the City of Buda, as it may be amended from time to time.

B. If the enabling ordinance sets specific residency requirements, then those requirements must be observed, provided that if a vacancy occurs as a result of the death, incapacity, resignation, or change of residency of a member (as provided above), the Commission may continue its functions in the interim during the process of filling the vacancy.
2. Unless otherwise required by ordinance or other applicable law, all matters shall be decided by a majority vote of the members present and voting. Proxy voting shall not be permitted.

ARTICLE TWO MEETINGS

1. All meetings of the Commission shall be conducted in strict compliance with the Texas Open Meetings Act. All members shall attend and complete a state approved Open Meetings Act training program.
2. The general public, elected officials, the Commission, and city staff may request agenda items subject to approval by the Chairperson. Such items can be submitted via electronically, paper copy, agenda public comment.
3. A. The Commission shall establish a date and time for its regular meetings. It shall not be required to give notice of regularly scheduled meetings to members, other than compliance with the Open Meetings Act.

B. Special meetings of the Commission may be called by:
 - (1) The Chairperson or interim Chairperson of the Commission;
 - (2) The City Manager or his or her designee; or
 - (3) Three (3) Commission members.

Unless otherwise required by the enabling ordinance, UDC or state law, not less than three (3) days' notice shall be given by the City Manager or his or her designee of special meetings.

C. Emergency meetings may be called in accordance with the Texas Open Meetings Act.

4. A member, who attends a meeting for any purpose other than objecting to the meeting because of lack of required notice, waives any objection to the meeting.
5. *Conflict of Interest.* A Commission member having any potential conflict of interest, as defined by the City Code of Ordinances or State law, on any policy, decision, or determination before the Commission shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the Commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the Commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in the City's Code of Ordinances.
 - (1) Any member of the 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 5.
 - (2) Members shall not represent any other person, group or interest before the Planning and Zoning Commission, the Zoning Board of Adjustments and Appeals, Historic Preservation Commission, Parks and Recreation Commission, Library Commission, Economic Development Corporation, Local Government Corporation or the City Council on any matter pending before such Board or Commission. This provision shall not preclude a member from representing an interest in his or her real homestead property. Members may represent the Planning and Zoning Commission in reporting on the activities or decisions made of the Commission to the Zoning Board of Adjustments and Appeals, Historic Preservation Commission, Parks and Recreation Commission, Library Commission or the City Council.

ARTICLE THREE OFFICERS

Unless otherwise required by the enabling ordinance or state statute, the following provisions shall control the officers of the Commission:

1. The Commission shall have a Chairperson and a Vice-Chairperson elected from its membership to serve for a one (1) year term. Officers shall be elected annually by the Commission.
2. The Chairperson and Vice-Chairperson shall be residents within the city limits.
3. The Chairperson shall preside over the Commission and shall have the right to vote on all items before the Commission.
4. The Vice-Chairperson shall fulfill the duties of the Chairperson when the Chairperson is not available for any reason.

ARTICLE FOUR ATTENDANCE POLICY

Recognizing that members serve voluntarily and that the business of the Commission is advisory in nature, and keeping a proper balance between those principles and the important nature of the public business entrusted to the Commission, the following attendance policy shall apply to all members of the Commission:

- A. The voluntary absence of a Commissioner from three (3) consecutive regular meetings of the Commission will result in automatic resignation of the member from the Commission.
- B. The voluntary absence of a Commissioner from more than twenty-five (25) percent of the Commission's regular meetings during a calendar year will result in automatic resignation of the member from the Commission.

However, in no case shall a Commissioner, regardless of whether excused or voluntary, be absent from more than fifty (50) percent of the Commission's regular meetings during a calendar year. Such absenteeism will result in an automatic resignation of the member from the Commission.

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, including but not limited to:
 - 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,
 - death of a family member,
 - a scheduled vacation
 - More than one (1) scheduled vacation will be deemed a voluntary absence.
 - business travel,
 - school, or
 - from an unexpected factor beyond the control of the Commissioner.

The City Manager or his or her designee shall be responsible for determining whether an absence is excused.

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

- D. Members shall strive to notify the City Manager or his or her designee in advance of any known or planned absence to enable the City Manager or his or her designee to determine if a quorum will be present. Failure to give reasonable notice may be considered when determining whether an absence shall be excused.
- E. In the event where there is an automatic resignation, the City Manager or his or her designee shall coordinate with the City Secretary to provide a list of eligible candidates to the City Council for consideration of replacement for such vacancy.
- F. The City Manager or his or her designee shall keep abreast the City Council on such voluntary absences.

ARTICLE FIVE RECORDS

All records of the Commission are public records. All such records shall be in the custody of the City Secretary but available to the members in the due course of their proceedings. The City Manager or his or her designee shall be responsible for the care and custody of the records while in the Commission's use.

All secretarial duties of the Commission shall be performed by City staff with the aid and assistance of the Chairperson.

ARTICLE SIX REGULATIONS

The Commission is not a regulatory body and has no authority to adopt regulations governing persons or properties, nor does it have authority to adopt rules implementing City policies. Should the Commission determine rules or regulations would provide a public benefit, those rules or regulations shall be submitted to the City Council for review and adoption.

ARTICLE SEVEN RULES OF DECORUM

1. A. The purposes of these rules are as follows:
 - (1) To ensure that meetings of the city boards and commissions are conducted in a way that allows the business of the city to be effectively conducted.
 - (2) To ensure that members of the public who attend meetings of the city council and of city boards and commissions can be heard in a fair, impartial and respectful manner.
 - (3) To ensure that meetings of the city boards and commissions are conducted in a way that is open to all viewpoints, yet free from abusive, distracting or intimidating behavior.
 - (4) To ensure that the rules governing decorum at meetings of the city boards and commissions are understood by persons attending the meetings.
- B. This section applies to meetings of boards and commissions whose membership is wholly appointed by the city council.
- C. Members of the public may address the city board or commission at the following times during a meeting:
 - (1) During citizen comment period, if such a period is on the agenda for the meeting;
 - (2) During a public hearing on an agenda item; or
 - (3) At other times with the permission of the presiding officer.
- D. Members of the public who wish to address a board or commission at any time during a meeting must complete a sign-in form prior to the meeting at the office of the staff liaison, for a board or commission meeting. Speakers must state their name and place of residence, and must limit their remarks to the specified time limit on the agenda unless otherwise determined by the presiding officer. The allotted time will commence from the beginning of the

speaker's remarks and will include any time spent in discussion between the speaker and board or commission members. Issues taking longer to communicate can be addressed outside the meeting to the city staff or to individual members of a board or commission, or submitted in writing.

- E. All comments and questions by members of the public at a meeting will be directed to the presiding officer.
- F. During a citizen comment period, members of the public will be given an opportunity to speak, and they must observe the specified time-limit, unless otherwise determined by the presiding officer, under subsection D.
- G. The presiding officer and members of boards and commissions, will endeavor to ensure that meetings are conducted in a courteous manner, and in an atmosphere free of defamation, intimidation, personal affronts, profanity, or threats of violence.
- H. Members of the public shall not engage in any of the following in the meeting room during a board or commission meeting:
 - (1) Shouting, unruly behavior, distracting side conversations, or speaking out when another person is talking.
 - (2) Defamation, intimidation, personal affronts, profanity, or threats of violence.
 - (3) Audible use of phones, pagers, radios, computers or other electronic equipment notwithstanding the use during presentation purposes before a board or commission.
 - (4) Booing, hissing, foot stomping, parading, singing or other similar behavior that impedes or disrupts the orderly conduct of the meeting.
- I. The rules in this section shall be enforced in the following manner:
 - (1) The presiding officer will request that a person who is violating a rule cease the violation.
 - (2) If the violation continues, the presiding officer will warn the person that he or she will be required to leave the meeting room if the violation continues.
 - (3) If the violation continues, the presiding officer will order the person to leave the meeting room.
 - (4) If the person does not leave the meeting room, the presiding officer may order any peace officer at the meeting to remove the person from the meeting room.
- J. It is unlawful for any person to intentionally or knowingly resist removal from a meeting room by a peace officer under subsection I of this Article.

**ARTICLE EIGHT
MOTIONS AND MEETING PROCEDURES**

The motions and meeting procedures set forth herein are to guide Commissioners during meetings. Any errors and/or omissions by a Commissioner(s) on a procedure during such meeting shall not constitute the action to be illegal. Any motions and/or meeting procedures not expressly defined in this section or any procedures as set forth within the City Charter shall follow under the latest edition of Robert's Rules of Order.

1. Motions. After a Commissioner obtains the floor, he/she may make a motion on the particular subject of discussion or a procedural point as permitted. A "Second" to the motion, if required, must be made by another Commissioner within a reasonable but brief time period. A "Second" merely implies that the seconder agrees that the main motion should come before the meeting and not that he/she necessarily favors the motion. Without a "Second", if required, the motion dies.

2. Debate. Debate, if permitted, must be limited to the merits of the issue under discussion as stated by the presiding officer.

3. Motion Procedures. There are eleven (11) types of motions in three (3) categories: Meeting Conduct Motions (4 types), Disposition Motions (6 types), and Main Motions. When any motion is pending, any motion listed above it on the chart below is in order; those below it are out of order.

Motion	May Interrupt Speaker	Second Required	Debatable	Amendable	Resolved by Chair No Vote	Affirmative Vote by 3 Commissioners	2/3 Vote
A. Meeting Conduct Motions							
1.point of privilege	yes	no	no	no	yes	no	no
2.point of procedure or order	yes	no	no	no	yes	no	no

3.to appeal a ruling	no	yes	yes	no	no	yes	no
4.to recess	no	yes	yes	yes	no	yes	no
B. Disposition Motions							
5.to withdraw	yes	no	no	no	yes	no	no
6.to postpone	no	yes	yes	yes	no	yes	no
7.to refer	no	yes	yes	yes	no	yes	no
8.to amend	no	yes	yes	yes	no	yes	no
9.to limit; extend or close debate; or to “call the question”	no	yes	yes	yes	no	no	yes
10.to count the vote	no	yes	no	no	no*	no	no
C. Main Motions							
11.to take action or reconsider action taken	no	yes	yes	yes	no	yes**	no

* Mandatory if seconded; no vote required

** Unless a greater vote is required by the Charter or State law

4. Point of Privilege. A point of privilege, sometimes called a point of personal privilege, is a communication from a Commissioner to the presiding officer, drawing urgent attention to a need for personal accommodation. For example, the point may relate to an inability to see or hear, a matter of comfort, a matter of requested convenience, or an overlooked right of privilege that should have been accorded to the Commissioner(s). In essence, it is a call to the presiding officer for the purpose of assuring a Commissioner’s convenient and appropriate participation in the meeting. Because of its urgent nature, a point of privilege can interrupt a speaker. Because it is addressed to the attention and action by the presiding officer, it cannot be debated or amended, and no vote is required.

5. Point of Procedure or Order. A point of procedure, sometimes called a point of order, is a question addressed to the presiding officer, no seconding is required, and either inquiring into the manner of conducting

business or raising a question about the propriety of a particular procedure. It is simply an inquiry and is resolved by correction or clarification by the presiding officer. A point of procedure can interrupt a speaker. Because it is addressed to the attention of and action by the presiding officer, a second is not required, and it cannot be debated or amended, and no vote is taken.

6. To Appeal a Ruling. Decisions or rulings of the presiding officer are final on questions of procedure, except that any ruling by the presiding officer's ruling can be appealed to a vote of the Commission. Whenever a Commissioner questions the appropriateness or essential fairness of the presiding officer, that member can appeal the ruling to a vote of the meeting. If, however, a motion is out of order as a matter of law (not a proper subject of the meeting, improper notice given etc.), the presiding officer's ruling cannot be appealed. A motion to appeal cannot interrupt a speaker. To prevent frivolous appeals, a second is required. The motion is subject to debate (which should be brief) and, by its nature, is not amendable. To overrule a procedural decision of the presiding officer, an affirmative vote of three (3) Commissioners is required.
7. To Recess. A motion to recess requests a brief interruption of the meeting's business, usually so that an ancillary matter can be addressed, or simply to provide a needed break. Unless stated in the motion, the period of recess is decided by the presiding officer. If necessary, a recess can extend the meeting from one day to another, subject to State law. The motion cannot interrupt a speaker, and a second is required. It is debatable, it can be amended, and an affirmative vote of three (3) Commissioners is required.
8. To Withdraw. Only the maker of the motion can make a motion to withdraw it. It is essentially a communication to the presiding officer that the maker is withdrawing his/her proposal. This is the maker's privilege; thus, it does not require a second. Because the withdrawal motion obviates discussion, it can interrupt a speaker. In addition, because another Commissioner later can make a similar motion, a withdrawal motion is not subject to debate, amendment, or vote. The presiding officer should simply state that the motion is withdrawn, and the meeting should proceed with a new treatment of the issue at hand – or a new issue.
9. To Postpone. This motion may arise from a need for further information, a matter of convenience, or for any other reason that will enable the Commission to deal with the issue more effectively at a later time. Unless otherwise specifically provided in the motion itself, a postponed motion can be renewed at a later appropriate time during the meeting or, if properly posted, at a later meeting. This motion cannot interrupt a speaker. It requires a second, it is debatable, and it is amendable

(particularly as to postponement, timing), and an affirmative vote of three (3) Commissioners is required.

10. To Refer. A motion to refer is typically used to submit an issue to a committee, usually for study leading to a subsequent recommendation. Because it ordinarily disposes the motion for purposes of the current meeting, a motion to refer is subject to the same rules that apply to a main motion. (See Section 14.). This motion cannot interrupt a speaker, and a second is required. It is debatable and amendable, and an affirmative vote of three (3) Commissioners is required.
11. To Amend. A motion to amend proposes a change in the wording of a motion then under consideration. When a motion to amend is pending and an amendment to the amendment is proposed, the presiding officer should focus discussion on the latest amendment, resolve that question, then proceed to the first amendment before continuing discussion on the main motion. Votes on amendments thus are in reverse order of the sequence in which they are proposed. A motion to amend cannot interrupt a speaker. It requires a second, and it is debatable and amendable. An affirmative vote of three (3) Commissioners is required for approval of the amendment. Note that State law may restrict amendments to proposals that are required to be set forth in the notice of the meeting.
12. To Limit, Extend, or Close Debate or “Call the Question”. Because the extent to which an issue is discussed rests primarily with discretion of the presiding officer, it is the presiding officer who carries the burden of ensuring that adequate time and discussion are given to differing points of view. A motion to limit, extend, or close debate is therefore an overruling of the presiding officer’s determination. A motion to close debate is the same as a motion to “call the question”. Because this motion affects the most fundamental right of any Commissioner, the right to speak one’s views, it is the only procedural motion that requires an affirmative vote of two-thirds of the participants voting.
13. To Count the Vote. A motion to count the vote should be limited to those circumstances where the convenient hearing of “yeas” and “nays” cannot clearly resolve the issue. It represents the right of a Commissioner to have a vote demonstrated by count. That count can be directed by the presiding officer either as a showing of hands or a standing of voting members while the vote is recorded. Upon completion of the count, the presiding officer announces the result-and final disposition of the issue voted upon. This motion cannot interrupt a speaker. It requires a second; it is neither debatable nor amendable; and, because of the importance of the matter, it should be considered mandatory; thus, no vote is required.
14. To Take Action or Reconsider an Action; Main Motions. These main motions state proposed policy or action on a substantive issue being considered by the Commission. As such, the motion can be an initial call

to take particular action; to reconsider action taken; or to rescind a prior decision. Although lowest in precedence among all motions, main motions are clearly the most important: through their content, the business decisions of the Commission are determined. A main motion can be made only when a prior main motion has been disposed of. It cannot interrupt a speaker; a second is required; it is debatable and amendable; and an affirmative vote of three (3) Commissioners is required unless a greater vote is prescribed by the Charter or State law.

**ARTICLE NINE
AMENDMENTS TO BYLAWS**

These Bylaws may be amended only by the City Council. Requests for amendment may be submitted to the City Council by any member of the Commission.

APPROVED AND ADOPTED by the City Council on _____,
201____.

CITY OF BUDA, TEXAS

Sarah Mangham, Mayor

ATTEST:

Toni Milam, City Secretary