

**ORDINANCE 2018-121**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF SAN ANGELO, TEXAS BY DELETING AND REPLACING CHAPTER 2 "ADMINISTRATION AND PERSONNEL", ARTICLE 2.07 "BOARDS, COMMITTEES, AND COMMISSIONS"; DELETING CHAPTER 4 "BUILDING AND CONSTRUCTION"; ARTICLE 4.02 "ADMINISTRATION", SECTION 4.02.01 "CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS"; DELETING SECTION 4.02.002 "APPEALS"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

- 1) THAT**, Chapter 2, Article 2.07, is hereby deleted and replaced as shown on Exhibit "A".
- 2) THAT**, Chapter 4, Article 4.02, Sections 4.02.001 and 4.02.002 be deleted in the entirety.
- 3) THAT**, all Boards and Commissions of the City of San Angelo are hereby instructed to revise their bylaws to conform with these changes within six months of the passage of this ordinance.
- 4) THAT** the City Clerk is hereby instructed to create staggered terms for the City of San Angelo Development Corporation Board and to adjust all other boards as necessary to ensure appropriate of members.
- 5) THAT**, all remaining provisions not amended by this ordinance remain in full force and effect.
- 6) THAT**, the following severability clause is hereby adopted with this amendment:  
  
SEVERABILITY:  
  
That the terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.
- 7) THAT**, this Ordinance shall be effective on, from, and after the date of its passage and publication as required by law.

**INTRODUCED** on the 18th day of September, 2018, and finally **PASSED, APPROVED and ADOPTED** on this the 2<sup>nd</sup> day of October, 2018.

**THE CITY OF SAN ANGELO:**

DocuSigned by:



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Brenda Gunter, Mayor

**ATTEST:**

DocuSigned by:

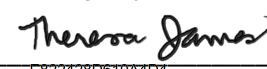


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Bryan Kendrick, City Clerk

**APPROVED AS TO FORM:**

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Theresa James, City Attorney

**Exhibit A**

**ARTICLE 2.07 BOARDS, COMMITTEES AND COMMISSIONS**

**Division 1. Generally**

**Sec. 2.07.001 Organization and Procedure.** Unless otherwise required by statute or this article, all boards and commissions shall be governed as follows:

(1) *Appointment.* Members shall be appointed by a vote of City Council. One member shall be nominated by the mayor. Each of the six remaining member seats shall be designated for a single member district one through six respectively, to be filled by nomination of the councilmember representing the designated single member district. Should any nominee not secure at least four affirmative votes of councilmembers, the mayor or single member district city council member having made the nomination shall schedule a new nomination for vote of the council.

(2) *Attendance.* Any member who fails to attend at least 2/3 of the meetings in a rolling one year period shall be deemed to have automatically resigned from office unless such absences are considered excused as set forth in the board or commission's bylaws.

(3) *Number of members.* Boards shall be composed of seven members.

(4) *Compensation.* All members shall serve without compensation.

(5) *Conflict of interest.*

(A) No member of the board shall participate in any case in which he or she has financial or personal interest in the property concerned, or will be directly affected by the decision, or has any other conflict of interest as defined by applicable law. The determination of "substantial" interest in a business entity, as well as rules affecting participation of board members in cases affected thereby, are described in chapter 171 in the Texas Local Government Code, as amended.

(B) No member of the city council, or person related to a councilmember within the second degree by consanguinity or affinity, shall be eligible for a grant or assistance from any board during his/her tenure or for six months thereafter.

(C) None of the following persons or entities shall be eligible for a grant or assistance from any board during his/her tenure or for six months thereafter.

1) The member of the board;

2) A person related to a board member within the second degree by consanguinity or affinity;

3) A legal entity owned by or under the control of the board member or for which the board member serves as an officer, director or member;

4) A legal entity owned by or under the control of a person related to the board member within the second degree by consanguinity or affinity or for which such person serves as an officer, director or member.

(D) No employee of the department associated with the board, or person related to an employee or supervisor of this department within the second degree by consanguinity or

affinity, shall be eligible for assistance from the board during his/her employment or for six months thereafter.

(E) A member may disqualify himself/herself from voting whenever any requestor, or his/her agent, has sought to influence the vote of the member in any setting, other than in the public meeting.

(6) *Election of Officers.* Each board shall include in the adopted bylaws the manner in which officers and committees will be selected. Each board shall have at a minimum a chair, vice-chair, and secretary.

(7) *Meetings.* Each board shall hold regular monthly meetings on a day to be selected by the commission and on other such occasions as may be called by the chairman. Additional meetings may be called as needed. Meetings may be cancelled in months where there is no business to be transacted. All meetings shall be open to the public and held in accordance with the Texas Open Meetings Act. All meetings shall be held within the city limits.

(8) *Minutes.* Board liaisons shall keep a permanent record of all minutes.

(9) *Qualifications.* Members shall be at least 18 years of age and a resident of the City.

(10) *Quorum.* A quorum shall consist of a simple majority of the appointed members, excluding any ex-officio members.

(11) *Removal.* Members may be removed at any time by a 2/3 vote of the City Council without cause.

(12) *Rules, regulations and bylaws.* Each board shall have the power to make rules, regulations and bylaws for its own government and in conformity with the laws of the state and this article. All said rules, regulations, and bylaws shall be approved by the city council.

(13) *Term:* The term of office for each member of the boards shall be two years.

(14) *Term Limit.* No member may serve more than 3 consecutive terms, not including an unexpired term. Members who term out of a position are eligible for reappointment after one year. For the purposes of this Article, the current number of terms held as of the date of passage of this Article stands, with respect to established term limits.

(15) *Vacancies.* All vacancies shall be filled for unexpired terms in the same manner as original appointment. Vacancies for unexpired terms shall be filled for the remainder of the unexpired term.

**Secs. 7.02.002 through 7.02.010 Reserved**

## **Division 2. Planning Commission**

### **Sec. 2.07.011 Creation; members; terms**

(a) There is hereby created within the city a planning board to be known as the planning commission which shall serve for all purposes as the zoning commission required under Chapter 211 of the Texas Local Government Code, as amended.

(b) All members of the board shall be representative, insofar as possible, of different businesses, professions or occupations.

(c) No more than three (3) members of the commission shall be in the same, similar or related business, profession or occupation.

**Sec. 2.07.012 Removal or resignation of members.** Members of the planning commission may be removed by the mayor with the approval of the city council after a public hearing and for cause assigned in writing.

**Sec. 2.07.013 Ex-officio members.** The director of planning and the director of public works shall be ex-officio, nonvoting members of the planning commission. The director of planning, assisted by staff, shall furthermore serve as recording secretary for the planning commission.

**Sec. 2.07.014 Meetings**

If a quorum is not present on any regular meeting day in which there is business to be transacted, the chairman shall call a special meeting in order to transact said business with minimum delay. Said chairman shall continue to call special meetings until a quorum is present.

**Sec. 2.07.015 Additional duties**

In addition to duties delegated to the planning commission by other laws of the city, it shall be the duty of the planning commission to prepare, amend and keep current a master plan for the development of the city, and to make recommendations to the city council relative to long-range planning of all phases of city development that it deems necessary.

**Secs. 2.07.016–2.07.025 Reserved**

**Division 3. Zoning Board of Adjustment**

**Sec. 2.07.026 Creation and Appointment of Members**

(a) There shall be a zoning board of adjustment that consists of seven (7) regular board member seats and four alternate board member seats to be filled by nomination and appointment by the city council as follows:

(1) Four alternate board member seats shall be designated to be filled by nominations of the mayor and mayor pro-tem with each nominating two of the alternates

(b) Each case before the zoning board of adjustment must be heard by at least six (6) members.

(c) The board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the board's office and are public records.

(d) Removal for Cause. The city council may remove a regular board member or alternate board member for cause on a written charge after a public hearing.

**Sec. 2.07.027 Authority**

(a) The zoning board of adjustment may:

- (1) Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this division or the zoning ordinance.
  - (2) Hear and decide special exceptions to the terms of the zoning ordinance when the ordinance requires the board to do so.
  - (3) Authorize in specific cases, and subject to appropriate conditions and safeguards, a variance from the terms of the zoning ordinance, if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the regulation is observed and substantial justice is done.
- (b) In exercising its authority under subsection (a), the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for the purpose of the board has the same authority as the administrative official.
- (c) The concurring vote of six (6) members of the board is necessary to:
- (1) Reverse an order, requirement, decision, or determination of an administrative official;
  - (2) Decide in favor of any applicant on a matter on which the board is required to pass under the zoning ordinance; or
  - (3) Authorize a variation from the terms of the zoning ordinance;

**Sec. 2.07.028 Appeal to the board**

- (a) Any of the following persons may appeal to the zoning board of adjustment a decision made by an administrative official:
- (1) A person aggrieved by the decision; or
  - (2) Any officer, department, board, or bureau of the city affected by the decision.
- (b) The appellant must file with the board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. The appeal must be filed within a reasonable time as determined by the rules of the board. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed.
- (c) An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown.
- (d) The board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The board shall decide the appeal within a reasonable time.
- (e) Prior to the public hearing in which the zoning board of adjustment shall hear an appeal, the following actions shall be made by the board at a separate public hearing:

- (1) Designating of the parties in interest;
  - (2) Setting of a reasonable time and date for the appeal hearing;
  - (3) Giving of due notice of the appeal hearing to parties in interest;
  - (4) Giving of public notice of the appeal hearing; and
  - (5) Establishing of protocol for conducting the appeal hearing.
- (f) The public hearing for any appeal shall follow the following procedural order except as may otherwise be directed by consensus of the board:
- (1) Identification of parties.
  - (2) Identification of documents constituting the record on appeal to the board.
  - (3) Identification and admission as evidence of pre-filed documents and any additional documents offered into evidence.
  - (4) Presentation by city staff.
  - (5) Presentations by identified parties in interest.
  - (6) Public comment.
  - (7) Rebuttals.
  - (8) Discussion and deliberation by board members.
  - (9) Motion and decision to affirm, modify, or reverse the decision of the administrative official, with supporting findings of fact applicable under the zoning ordinance.

**Sec. 2.07.029 Judicial review of board decision**

(a) Any of the following persons may present to a court of record a verified petition stating that the decision of the zoning board of adjustment is illegal in whole or in part and specifying the grounds of the illegality:

- (1) A person aggrieved by a decision of the board;
- (2) A taxpayer; or
- (3) An officer, department, board, or bureau of the city.

(b) The petition and procedure must be in compliance with Texas Local Government Code section 211.011, as amended.

**Sec. 2.07.030 Fee**

(a) No application to the zoning board of adjustment shall be processed unless such application is accompanied with the appropriate processing fee as established by the city council.

(b) In the case of a second hearing, the fee, or a portion thereof, may be waived by the board.

**Sec. 2.07.031 Notification of property owners**

(a) The zoning board of adjustment shall mail notices of each hearing to the petitioner and to the owners of property lying within two hundred feet (200') of any point of the lot, or portion thereof, on which a variance or special exception is desired, and to all other persons deemed by the board to be affected thereby, such owners and persons being determined according to the current tax rolls of the Tom Green County tax appraisal district.

(b) Written notice of the public hearing shall be sent within not less than ten (10) days before any such hearing is held. Depositing such written notification in the mail shall be deemed sufficient compliance.

**Sec. 2.07.032 Second hearing.**

(a) An appeal of a denial by the zoning board of adjustment shall not be allowed on the same piece of property prior to the expiration of six months from a ruling of the board, unless other property in the same zoned area shall have been, within such six (6) month period, altered or changed by a ruling of the zoning board of adjustment.

(b) Such circumstance shall permit the allowance of a second hearing but shall in no way have any force in law to compel the zoning board of adjustment, after a hearing, to grant the variance or special exception; such request shall be considered on its individual merits.

**Sec. 2.07.033 Time limitation on approved requests.**

(a) Unless otherwise specified in the minute record of the zoning board of adjustment's action on a request, an application to commence construction of improvements that were the subject of the request must be applied for and approved within 12 months from the date of approval of that request; otherwise, the board's action on that request shall automatically become null and void. Permitted time frames do not change with successive owners.

(b) Upon written request, only one extension of the 12-month period may be granted by the planning director if it is determined that conditions of the site and immediately surrounding area are substantially changed.

**Sec. 2.07.034 Enforcement.** In addition to other remedies provided under this Code of Ordinances and this Division, the Director of planning or designee may institute appropriate action to:

- (1) prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
- (2) restrain, correct, or abate the violation;
- (3) prevent the occupancy of the building, structure, or land; or
- (4) prevent any illegal act, conduct, business, or use on or about the premises

**Secs. 2.07.035–2.07.045 Reserved.**

**Division 4. Airport Advisory Board**

**Sec. 2.07.046 Creation; members.** There is hereby created an airport advisory board.

**Sec. 2.07.047 Officers; quorum; rules.** Three (3) members shall constitute a quorum and said board.

**Sec. 2.07.048 Duties.** The board shall act as an advisory board to the airport manager and the city council, and is expressly directed and empowered to make a complete study of all phases of the airport operations and make recommendations from time to time for the most efficient operation of the airport.

**Secs. 2.07.049–2.07.060 Reserved**

#### **Division 5. Design and Historic Review Commission**

**Sec. 2.07.061 Creation; members**

(a) A design and historic review commission is hereby created and established within the city.

(b) *Qualifications.* Candidates shall have a known or demonstrated interest in, general knowledge of, and experience relevant to historic preservation or other professional design field within the city.

(c) To the extent that candidates are available among the residents of the community, appointments shall be made by the city council based upon the following qualifications:

- (1) At least two (2) members shall be licensed or otherwise recognized as professional in architecture, landscape architecture, design, engineering, surveying, or related profession;
- (2) At least one (1) member shall be recognized as a historian or a member of a local historic preservation group;
- (3) At least one (1) member shall be an owner of real property within the River Corridor;
- (4) At least one (1) member shall own real property designated or recognized as a community landmark, or within a designated historic district; and
- (5) At least one (1) member shall be a member of a downtown development organization under contract with the city.

**Sec. 2.07.062 Ex-officio members.** The planning manager and the building official of the city shall serve as nonvoting ex-officio members of the commission.

**Sec. 2.07.063 Duties.** The duties of the design and historic review commission shall include acting as an advisory commission to the city council in matters of design review relating to historic preservation in the city and development along the Concho River. The responsibility of the commission within the scope of its general authority shall include the authority to:

- (1) Adopt criteria for the designation of historic, architectural, and cultural landmarks and delineation of historic districts, which shall be ratified by the city council.
- (2) Prepare and present to the city council recommendations for policies and ordinances regarding development and all types of signage along the Concho River and other similar bodies of water as designated, which shall be ratified by the city council.
- (3) Conduct surveys and maintain an inventory of significant historic, architectural, and cultural landmarks and all properties located in historic districts within the city.
- (4) Recommend the designation of landmarks, historic districts, and other types of districts.



- (5) Recommend conferral of recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.
- (6) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public educational programs.
- (7) Increase public awareness of the value of open spaces, public spaces, natural habitats, and wildlife along the Concho River and other similar bodies of water as designated by developing and participating in public educational programs.
- (8) Make recommendations to the city council concerning the utilization of state, federal, or private funds to promote the preservation of open and public spaces along the Concho River and other similar bodies of water as designated.
- (9) Make recommendations to the city council concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the city.
- (10) Approve or deny applications for certificates of appropriateness pursuant to provisions of the city zoning ordinance.
- (11) Prepare specific design guidelines for the review of landmarks, districts, and construction and demolition of historic buildings.
- (12) Recommend the acquisition of a landmark structure by the city where its preservation is essential to the purpose of this division and where private preservation is not feasible.
- (13) Recommend the acquisition of land along the Concho River and other similar bodies of water as designated by the city where its proximity to the river is vital to the purpose of this division.
- (14) Recommend to the city council tax abatement and other economic development programs for the preservation of landmarks or historic districts.
- (15) Recommend to the city council tax abatement and other economic development programs for sustainable developments along the Concho River and other similar bodies of water as designated.
- (16) Recommend to the city council the acceptance of the donation of preservation easements and development rights as well as any other gift of value for the purpose of historic and environmental preservation.
- (17) Carry out other duties as specifically delegated to the commission by the city council.

**Sec. 2.07.064 Officers.** The commission shall elect from the appointed members of the commission a chairperson and a vice-chairperson to serve in the absence of the chairperson. The chairperson and vice-chairperson shall serve in their respective capacities for one (1) year terms or until their term of appointment to the commission expires, whichever shall first occur. No chairperson or vice-chairperson shall serve in such capacity for more than three (3) consecutive years. The planning manager for the city, or the manager's designee, shall serve as secretary to the commission. The commission shall elect such other officers as the commission may establish in its bylaws.

**Sec. 2.07.065 Historic preservation officer.** The city council or its designee shall appoint a city official, city staff person, or resident of the city having a known or demonstrated interest in, general knowledge

of and experience relevant to historic preservation or other professional design field to serve as the historic preservation officer (HPO) for the city, to facilitate the administration of this division and serve as an advisor to the commission on request of the commission. The historic preservation officer, in coordination with the secretary for the commission and the planning manager or his/her designee, shall coordinate the preservation efforts of the commission with applicable state and federal agencies and nonprofit organizations.

**Sec. 2.07.066 Quorum and voting.** Five (5) duly appointed regular members of the commission shall constitute a quorum. The affirmative vote of four members is required to approve any item brought before the commission.

**Sec. 2.07.067 Minutes.** The commission shall keep minutes of its proceedings in a permanent record, and a certified copy of said minutes shall be filed with the secretary for the commission.

**Secs. 2.07.068–2.07.080 Reserved**

#### **Division 6. Economic Development Corporation\***

**Sec. 2.07.081 Creation.** There is hereby created a corporation known as the city development corporation.

**Sec. 2.07.082 Powers.** The corporation shall have the powers and duties and be subject to the limitations set out in Chapters 501, 502, and 505 of the Texas Local Government Code, as amended.

**Sec. 2.07.083 Board of directors**

(a) Each member of the board of directors (“board” hereinafter) of the corporation shall:

(b) No person shall be appointed as a director who is an employee, officer or member of the city council of the city, or a member of any board or commission of the city, except that a director may be appointed to serve as a member of the water advisory board.

(c) A director who is a member of any other boards or commissions of the city, except the water advisory board, shall elect the board on which he will continue to serve within fourteen (14) days of the effective date of this section. If he fails to designate the board on which he will continue to serve within the specified time period, the city council shall make the designation.

**Sec. 2.07.084 Registered agent; corporate office.** The corporation’s registered agent must be an individual resident of the state and the corporation’s registered office must be within the boundaries of the city.

**Sec. 2.07.085 Administrative services.** The corporation shall contract with the city for the provision of administrative services.

**Sec. 2.07.086 Levy, use and termination of sales tax.**

(a) In accordance with the results of the November 2, 2010, sales tax election held under section 4B of article 5190.6 V.A.C.S, the city shall continue to levy and collect a one-half cent sales and use tax for the purposes and projects authorized by said election.

(b) In accordance with the results of the September 11, 2004, sales tax election held under section 4B of Vernon's Ann. Civ. St. article 5190.6 ("act" hereinafter), the city shall continue to levy and collect a one-half cent sales and use tax for the purposes authorized by said election.

**Secs. 2.07.087–2.07.095 Reserved.**

#### **Division 7. Tax Increment Reinvestment Zone Board**

##### **Sec. 2.07.096 Organization and procedure.**

(a) There is hereby created within the city a tax increment reinvestment zone board that consists of nine (9) regular board members to be filled by nomination and appointment as follows:

- (1) One (1) board seat shall be appointed by city council from a nomination of the mayor;
- (2) Each of six board member seats shall be appointed by city council, designated for city council single member districts one through six respectively, from nomination of each councilmember representing each designated single member district;
- (3) Two (2) board member seats shall be appointed by the county commissioners court;

(b) In addition, there shall be five (5) nonvoting, ex-officio members who will attend and participate in an advisory capacity. Each one of the five will be a representative of each of the following organizations: San Angelo Chamber of Commerce, Downtown San Angelo, San Angelo Independent School District, Goodfellow Air Force Base, and Angelo State University.

##### **Sec. 2.07.097 Qualifications.**

(a) All regular and alternate board members shall be at least eighteen (18) years of age and be a resident of the county in which the zone is located or a county adjacent to that county; or own real property in the zone, whether or not the individual resides in the county in which the zone is located or a county adjacent to that county.

(b) *Vacating position.* Any regular board member who ceases to possess such qualifications shall automatically be deemed to have vacated his or her position on the board.

**Sec. 2.07.098 Terms.** All appointments for regular members made after the initial appointments shall be for a term of two (2) years, except vacancies for unexpired terms, which shall be filled for the remainder of the unexpired term, thereby maintaining staggered terms. Ex-officio members will not have terms or term limitations.

##### **Sec. 2.07.099 Duties.**

(a) The TIRZ board shall act as an advisory board to the city council in the operation and administration of the TIRZ

(b) All action by the board is subject to city council approval.

(c) The authority and responsibility of the board expressly includes:

- (1) Make recommendations to the city council regarding the administration of this division.

- (2) Make recommendations to the city council regarding agreements that are necessary or convenient to implement the project plan and reinvestment zone financing plan.
- (3) Make recommendations to the city council regarding agreements with local governments or political subdivisions for management of the zone or implementing the project plan and reinvestment zone financing plan.
- (4) Make recommendations to the city council regarding establishing and providing for the establishment of programs that:
  - (A) Develop and diversify the economy of the zone;
  - (B) Eliminate unemployment and underemployment in the zone;
  - (C) Develop or expand transportation, business and commercial activity in the zone;
  - (D) Make grants and loans; and
  - (E) Stimulate business and commercial activity in the zone.
- (5) Contract with the city regarding allocation from the tax increment fund to pay for the incremental costs of providing municipal services incurred as a result of the creation of the zone or the development or redevelopment of land within the zone.
- (6) Make recommendations to the city council regarding the expenditure of TIRZ funds, in conformance with the following process:
  - (A) An affirmative recommendation to expend TIRZ funds for a project in the same area as that from which the funds are derived requires a simple majority vote of the TIRZ board members present when the matter is voted upon. The city council may approve expenditures under this subsection by a simple majority vote if such expenditure is recommended by the TIRZ board.
  - (B) An affirmative recommendation to expend TIRZ funds for a project located in the area outside that from which the funds are derived requires an affirmative vote by three-quarters of the TIRZ board members present when the matter is voted upon. The city council may only approve expenditures under this subsection when such expenditures are recommended by the TIRZ board and with an affirmative vote of six (6) members of the city council.
- (7) Providing a progress report to the city council annually, or as requested by the city council.

**Sec. 2.07.100 Officers.** The city council shall appoint a chair, as established in section 311.009.f of the Local Government Code, as amended, for a term of one year, beginning in January.

**Sec. 2.07.101 Minutes.** The board shall keep a record of its proceedings in a permanent book.

**Sec. 2.07.102 Absent members.** In the event of three (3) consecutive absences or a cumulative total of four (4) absences by a member within a calendar year from regularly scheduled meetings, a board member shall be deemed to have resigned unless the board excused such absences by procedures established in its bylaws.

**Secs. 2.07.103–2.07.115 Reserved.**

### **Division 8. Water Advisory Board**

**Sec. 2.07.116 Creation; members.** There is hereby created a water advisory board ("board"), which shall be composed of nine (9) members, seven (7) of whom shall be voting members and two (2) of whom shall be non-voting members appointed or designated as follows:

(a) Voting members; appointment or designation.

(1) City Council shall appoint four (4) voting members to the board. For city council appointments, the city manager shall conduct a review of potential appointees to identify the most qualified candidates for board membership and make recommendations to city council for city council appointment of appointees to serve as members of board. Of the four (4) city council appointees:

(2) One (1) member shall be an individual who is either an engineer, a hydrologist, a meteorologist or a water well driller;

(3) One (1) member shall be an individual who is involved in either the industry of banking, accounting or financial services with a specialization in agricultural lending or water financing;

(4) One (1) member shall be an individual involved either in agriculture or rural water issues; and

(5) One (1) member shall be an individual who is either an attorney, a former municipal water district or other governmental officer, a legislator or a person who has experience in legal issues related to water.

(6) The city development corporation board shall appoint one (1) voting member to the board who shall be an individual who is either a member of the city development corporation board or a city employee who performs staff services by contract for the city development corporation;

(7) The county commissioners court shall appoint one (1) voting member to board who shall be an individual who is a member of the commissioners court, including the county judge; and

(8) One (1) voting member who shall be an individual employed by the Upper Colorado River Authority as director of operations.

(b) Non-voting members; appointment or designation.

(1) The chamber of commerce shall appoint one (1) non-voting member to board who shall be an individual who is a member of the chamber of commerce board or a staff employee of the chamber of commerce.

(2) One (1) non-voting member who shall be an individual employed by the city as water utilities director or a designee of such director. Furthermore, the water utilities director or a designee of such director shall serve as secretary for board.

**Sec. 2.07.117 Duties.** The board shall act as an advisory board to the city council and city manager on water related matters which the city council directs it to investigate, study and make recommendations on from time to time.

**Sec. 2.07.118 Staff representative.** The city manager or his designee shall act as staff representative to the board.

**Sec. 2.07.119 Meetings.** The board shall meet when directed by Council.

**Sec. 2.07.120 Absenteeism of members.** In the event of two (2) unexcused absences from regularly scheduled meetings, a board member shall be deemed to have resigned. The city manager shall recommend a policy for excusing absences to be adopted by the board in its bylaws.

**Sec. 2.07.121 Minutes.** The board shall keep minutes of its proceedings in a permanent record and a certified copy of said minutes shall be filed with the secretary for the board.

**Secs. 2.07.122–2.07.130 Reserved.**

#### **Division 9. Civic Events Board**

**Sec. 2.07.131 Creation.** There is hereby created a civic events board.

**Sec. 2.07.132 Duties.** The board shall act as an advisory board to the city council as to matters of policy and to the city manager or his/her representatives as to administrative matters in regard to operation of the convention center, Foster Communications Coliseum, Bill Aylor Sr. Memorial River Stage, Farmer's Market, City of San Angelo Indoor Arena, Pecan Creek Park Pavilion, and El Paseo de Santa Angela. The board may enact rules and regulations regarding the operation of the above-named facilities which shall take effect after review by the city council; however, the city council may take action to enact different rules and regulations at any time.

**Sec. 2.07.133 Minutes.** The board shall keep a record of its proceedings.

**Sec. 2.07.134 Absent members.** Any member who shall be absent from three (3) meetings, regular or special, in a calendar year, unless excused by the board by procedures established in its bylaws, shall be deemed to have resigned, and the board shall immediately notify the city council that a vacancy exists.

**Secs. 2.07.135–2.07.145 Reserved.**

#### **Division 10. Fort Concho Museum Board**

**Sec. 2.07.146 Creation.** There is hereby created a Fort Concho Museum board of the city, which board shall be composed of fifteen (15) members. Fourteen (14) members shall be appointed by the city council. The remaining position shall be filled by the Army Commander at Goodfellow Air Force Base or designee.

**Sec. 2.07.147 Vacancies.** Vacancies on the board, whether by expiration of term or for other reason, shall be filled by the city council upon recommendation by the remaining board members, provided that the city council can reject any nomination and request additional nominations for any reason.

**Sec. 2.07.148 Duties.** The board shall act as an advisory board to the city in the operation and administration of all the Fort Concho Museum properties of the city. The authority and responsibility of the board expressly includes:

- (a) Establishing goals, objectives and operational policies for the fort which are consistent with city council policies and objectives.
- (b) Approving all budget proposals made to the city manager's office and the city council.

(c) Establishing guidelines for acquisition, restoration, preservation and maintenance of Fort Concho and museum property so long as those procedures do not conflict with existing objectives and policies of the city council.

(d) Determining regulations, guidelines, and procedures for staffing, operation and programs for Fort Concho.

**Sec. 2.07.149 Qualifications.** All members of the board shall meet the following qualifications:

- (1) Shall be twenty-one years of age or older at the time of appointment; and
- (2) Shall have demonstrated experience or interest in heritage education, historic preservation, and community service and/or tourism promotion.

**Secs. 2.07.150–2.07.160 Reserved.**

### **Division 11. Public Art Commission**

**Sec. 2.07.161 Creation; members.**

- (a) There is hereby created a city public art commission.
- (b) To the extent available, the city council shall appoint to the commission:
  - (1) At least one (1) member who is a teacher or professor of art.
  - (2) At least one (1) member who is a member of the San Angelo Cultural Affairs Council or the San Angelo Museum of Fine Arts.
  - (3) At least one (1) member who is an artist.
  - (4) At least one (1) member who is a landscape architect, architect, engineer, or other type of design professional.
- (c) There may be one (1) ex-officio nonvoting member who represents the parks and recreation department or parks and recreation advisory board as designated by the city council from time to time.

**Sec. 2.07.162 Duties.** The commission shall act as an advisory board to the city council and city manager on the selection and placement of art on city owned or controlled property, and this shall be accomplished through:

- (1) Developing a plan for the appropriate location for works of art;
- (2) Developing a plan for the type of art that will be recommended at the different locations;
- (3) Evaluating and making recommendation on art that is proposed for donation to the city; and
- (4) Assisting with related projects which the city council directs it to investigate, study and make recommendations on from time to time.

**Sec. 2.07.163 Staff representative.** The city manager or his designee shall act as staff representative to the commission.

**Sec. 2.07.164 Meetings.** Meetings shall be scheduled only as needed.

**Secs. 2.07.165–2.07.175 Reserved.**

### **Division 12. Parks and Recreation Advisory Board**

**Sec. 2.07.176 Creation; members.** A parks and recreation advisory board is hereby created and established within the city. Said parks and recreation advisory board shall be composed of eight (8) members, seven (7) of whom shall be appointed by the city council. The eighth member shall be a member of the park commission, nominated by the park commission and approved by the city council. The appointments to the board shall be on the basis of the nominee's educational and professional qualifications and general knowledge of, interest in, and experience relevant to youth or adult sports, senior activities, recreation activities, other organized social activities, parks, nature or conservation.

**Sec. 2.07.177 Duties.** The parks and recreation board shall act as an advisory board to the city council in matters of oversight, policy and administration relating to city parks, recreation programs and facilities, with the exception of the Santa Fe Parks, for which the parks commission shall continue to act as the advisory commission to the city council. The responsibility of the parks and recreation board within the scope of its general authority shall include to:

- (1) Communicate with and make recommendations to the city manager and parks and recreation director regarding parks, recreation programs and senior services programs.
- (2) Make recommendations to the city manager, parks and recreation director and city council regarding the administration of parks, recreation programs and senior services programs.
- (3) Make recommendations to the city manager, parks and recreation director and city council regarding the creation of a parks and recreation system.
- (4) Make recommendations to the city manager, parks and recreation director and city council regarding maintenance of parks and park improvements.
- (5) Make recommendations to the city manager, parks and recreation director and city council regarding maintenance of recreation and/or senior facilities.
- (6) Make recommendations to the city manager, parks and recreation director and city council regarding the acquisition of physical improvements and equipment for parks, recreation and senior services programs.
- (7) Make recommendations to the city manager, parks and recreation director and city council regarding rules or regulations for parks, recreation and senior services programs.

**Sec. 2.07.178 Quorum and voting.** Five (5) duly appointed members of the board shall constitute a quorum. The affirmative vote of a majority of the members present at a properly called meeting with a quorum present shall be the act of the board.

**Secs. 2.07.179–2.07.190 Reserved.**

### **Division 13. Animal Shelter Advisory Committee**

**Sec. 2.07.191 Committee created.** In accordance with the authority granted under Texas Health and Safety Code chapter 823, there is hereby created the animal shelter advisory committee.



**Sec. 2.07.192 Purpose.** The committee shall perform the state law advisory committee functions contemplated in section 823.005 of the Health and Safety Code, as amended by rendering advice and assistance to the animal services manager regarding the city's compliance with the requirements of chapter 823 of the Health and Safety Code.

**Sec. 2.07.193 Composition.**

(a) The committee shall consist of seven members which shall be designated as positions one through seven.

(b) The members shall be appointed by the city council. The following membership criteria shall apply:

- (1) Position one shall be filled by a veterinarian.
- (2) Position two shall be filled by a municipal or county official.
- (3) Position three shall be filled by a person whose duties include the daily operation of an "animal shelter" as that term is defined in section 823.001 of the Health and Safety Code.
- (4) Position four shall be filled by a person who is an officer or employee of an animal welfare organization.
- (5) Positions five through seven shall be filled by residents of the city.

**Sec. 2.07.194 Terms.** The members of the committee in positions one through three shall serve an indefinite term until a successor is duly appointed.

**Sec. 2.07.195 Removal of members.** Members of the animal shelter advisory committee in positions four through seven may be removed for good cause by the city council after hearing.

**Sec. 2.07.196 Officers.** At the first meeting of each calendar year, the members of the committee shall select a chairperson. The member serving in position two of the committee shall be the ex-officio secretary of the committee.

**Sec. 2.07.197 Meetings.** The committee shall meet from time to time at the call of the chairperson, provided that the committee shall meet not less than three times per calendar year.

**Secs. 2.07.198–2.07.205 Reserved.**

#### **Division 14. Civil Service Commission**

**Sec. 2.07.206 Creation.** In accordance with chapter 143 of the Texas Local Government Code, which was adopted by the qualified voters of the city, there is hereby established a civil service system for firefighters and police officers; and pursuant thereto, there is hereby established a civil service commission (fire and police), which shall consist of three (3) members.

**Sec. 2.07.207 Appointments; vacancies.**

(a) Members of the commission shall be appointed by the City Manager, and such appointments shall be confirmed by the city council before such appointments shall be effective.

(b) Any vacancies in said commission, caused by death, resignation or otherwise, or by failure of any appointee to qualify within ten (10) days after appointment, shall be filled in the manner hereinabove

specified, and such appointment shall be for the unexpired term of the retiring commissioner or the appointee failing to qualify.

**Sec. 2.07.208 Qualifications.** All such commissioners shall be of good moral character and resident citizens of the city, shall have resided in the city for a period of more than three (3) years, shall be over the age of twenty-five (25) years, and shall not have held any public office within the preceding three (3) years.

**Sec. 2.07.209 Terms.** The term of office of each member shall be for three (3) years, or until a successor is appointed, confirmed and qualified.

**Sec. 2.07.210 Removal of members.** Any member of the commission may be removed by 2/3 vote of the governing body for any act contrary to the best interest of the service or failure to act in a manner to promote the best interest of the service, having first given to such member a copy of the charges against him. Such action of the governing body shall be final.

**Sec. 2.07.211 Meetings.** The members of the civil service commission shall, at a date, hour and place set by the commission, hold meetings as needed or required to properly discharge its duties.

**Sec. 2.07.212 Quorum.** Two (2) members of said commission shall constitute a quorum to transact business.

**Sec. 2.07.213. Duties.** The duties of the civil service commission, as a body, are as follows:

- (1) *Commission's operational rules.* To prepare and in open meeting to adopt such rules and regulations for the proper conduct of its business as it shall find necessary and expedient.
- (2) *Limits on rules for hiring.* To refrain from the adoption of any rule or regulation which will permit the appointment or employment of any person without good moral character, any person unfit mentally or physically or any person incompetent to discharge the duties of such appointment or employment.
- (3) *Substantive rules for employees.* To make rules and regulations as authorized by civil service law, including, but not limited to, rules regarding promotion, removal, and leaves of absence, with and without pay. Such rules shall be consistent with city ordinances.
- (4) *Written and published rules.* To reduce to writing and publish any rules it makes in accordance with civil service law.
- (5) *Standards and qualifications for employees.* To formulate minimum standards and qualifications for each classified position in the classified service.
- (6) *Development of classification and compensation plans.* In open meeting to adopt, modify or reject such classification and compensation plans for firefighters and police officers, together with rules for their administration, as may be recommended by the director of civil service after a thorough survey of the personnel and departmental organization of the fire department and police department. No such plans or any amendments thereof shall be effective until adopted by ordinance of the governing body, which body shall have the authority to originate or make such changes to any such plans as it may deem fit.

- (7) *Competitive examinations.* To make provisions for open, competitive and free examinations for persons making proper application and meeting the requirements as prescribed in the civil service law, this division and the rules and regulations of the commission.
- (8) *Maintenance of eligibility lists.* To maintain an eligibility list for each classified position.
- (9) *Temporary appointments.* To authorize temporary appointments to the classified service in the event no eligibility list has been prepared for the position and to limit such temporary appointments to a maximum period of three (3) continuous months.
- (10) *Enforcement of civil service law.* To require compliance with the provisions of the civil service law.
- (11) *Hearings of disciplinary appeals.* To hear appeals of disciplinary suspensions to determine whether there is just cause for any such suspension.
- (12) *Hearings of promotional examination appeals and demotions.* To hear appeals of promotional examinations and to consider demotions recommended by the fire and police chiefs.
- (13) *Hearings of various complaints.* To hear and determine complaints respecting the administrative work of the director of civil service, the rejection of an applicant for admission to an examination, and such other matters as may be referred to the commission by the director of civil service.
- (14) *Format of decisions.* To render written decisions, signed by each commissioner.
- (15) *Conducting investigations.* To conduct investigations either on request of a citizen, a public official or on its own initiative concerning the enforcement and effect of civil service law or rules and to require observance of them. In such investigations, the commission shall have the power to administer oaths, subpoena witnesses and evidence relevant to such investigations, and require depositions.
- (16) *Technical services for commission.* To contract or arrange, within its budgetary allowance, for such technical services in connection with personnel selection and administration as may be necessary, including the preparation and conduct of examinations.

**Sec. 2.07.214 Powers and duties of director.** A director shall be appointed pursuant to Chapter 143 of the Texas Local Government Code, as amended. It shall be the duty of the director of firefighter's and police officers' civil service:

- (1) To attend the regular and special meetings of the commission, to act as its secretary and to record its official actions.
- (2) To prepare and recommend rules and regulations for the administration of this division, which shall become effective after approval by the civil service commission and the governing body of the city as provided in this division; to administer such rules and regulations; and to propose amendments thereto.
- (3) To establish and maintain in card or other suitable form a roster of officers and employees in the classified service of the city. Such roster shall include items specified by the commission in its rules and regulations.

- (4) To recommend, as soon as practicable after this division takes effect, with such outside assistance as may be authorized, a classification plan, which when adopted by the governing body of the city shall become the official classification plan for the city.
- (5) To make a study of the rates of compensation being paid for each class of position in the classified service and prepare a compensation plan for submission to the commission when called upon. No such plan shall be effective until it is approved by the governing body of the city.
- (6) To formulate and hold competitive examinations to determine the relative qualifications of persons who seek employment and as a result thereof establish eligibility lists for the various classes of positions.
- (7) When a vacant position is to be filled, to certify to the appointing authority on written request the name of the three (3) persons highest on the reinstatement list or eligibility list for the class.
- (8) To submit to the governing body recommendations as to uniform standards in respect to attendance and leave regulations, employee training and welfare, duties and salary classification and other personnel matters.
- (9) To establish records of performance and a system of service ratings to be used in determining increases and decreases in salaries, promotions, the order of layoffs and reinstatement.
- (10) To keep such records as may be necessary for the proper administration of this division and rules and regulations.
- (11) To make investigations concerning the administration and effect of this division and the rules made thereunder and report his findings and recommendations to the commission.
- (12) To make an annual report to the commission, and such interim reports as may be requested by the commissioner or the governing body.
- (13) To perform such other work relevant to the civil service system as may be required by the commission.
- (14) If directed by the governing body, to provide a system of checking payrolls, estimates and accounts for payment of salaries to employees so as to enable the commission, upon satisfactory evidence, to certify or cause to be certified that the persons whose names appear thereon have been regularly employed in the performance of the duties indicated at the compensation rates and for the periods for which compensation is claimed or are on authorized leave before payment may be lawfully made to such employees.

**Sec. 2.07.215 Civil suits.** It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this division and of the rules of the commission and to defend all civil suits which may be brought against the commission. The commission shall be represented in such suits by the city attorney or other counsel designated by the governing body.

**Secs. 2.07.216 through 2.07.225 Reserved.**

### **Division 15. Construction Board of Adjustment and Appeals.**

**Sec. 2.07.226 Creation.** There is hereby created a Construction Board of adjustments and appeals.

**Sec. 2.07.227 Definitions.**

(a) "Contractor" defined. For the purposes of this Contractor means any person engaged in any occupation regulated by this chapter who has registered with the building official and paid the annual registration fee as set forth in the fee schedule found in appendix A of this code and holds a valid state license for his occupation.

**Sec. 2.07.228 Composition.** Composition. The construction board of adjustments and appeals created pursuant to section 112.1 of the International Building Code shall include:

- (1) One architect or engineer.
- (2) One commercial building contractor.
- (3) One residential building contractor.
- (4) One electrical contractor.
- (5) One plumber.
- (6) One mechanical contractor.
- (7) One realtor, real estate inspector or real estate appraiser (member at large building industry).
- (8) One homeowner (member at large from the public).
- (9) One commercial business owner.

**Sec. 2.07.229 Removal of members.** The city council may remove any member of the board for good cause shown after hearing.

**Sec. 2.07.230 Duties and powers.** The board shall submit to the council such recommendations for the improvement and revision of this code as it may from time to time deem necessary or proper in light of the development of new materials, methods, or techniques which would result in a safer and more economical construction system or construction work. All requests for use of materials or methods not covered in this code shall be fully supported by factual evidence, or prior approval, from a recognized testing agency or other impartial, qualified, non-local authority.

**Sec. 2.07.231 Appeals.**

(a) The owner of a building, structure or service system, or the owner's duly authorized agent, may appeal a decision of the building official or code official to the board under the conditions and pursuant to the procedures set forth in section 112 of the International Building Code, section 112 of the International Residential Code, section 109 of the International Mechanical Code and section 108 of the International Fire Code.

(b) Building official is defined as that official designated in the International Building Code. Code official is defined as that official designated in each of the codes adopted in article 4.04 and article 6.03 of this code.

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(c) Any appeals pending before or eligible to be heard by the former board of appeals at the time of adoption of this amendment, and any appeals that become eligible to be heard by the board before all of its members are appointed, shall be heard by the board upon appointment of all of the members.

**Secs. 2.07.232 through 2.07.250 Reserved.**

#### **Division 16. Airport Zoning Board**

**Sec. 2.07.251 Creation.** There is hereby created the San Angelo-Tom Green County joint airport zoning board, which board shall have the powers and exercise the duties set forth in Texas Local Government Code Section 241.014.

**Sec. 2.07.092 Members; appointments.** The San Angelo-Tom Green County joint airport zoning board shall be composed of five (5) members, two (2) to be appointed by the commissioner's court of the county and two (2) members to be appointed by the city council. The fifth member shall be elected by a majority of the members so appointed and said fifth member shall serve as chairman of the San Angelo-Tom Green County joint airport zoning board.

**Sec. 2.07.093 Meetings.** The board shall convene meetings as needed.