

Rev-
Please file
under Planning
& Zoning
QRB

TOWN OF ADDISON
CITY PLAN COMMISSION
BRIEFING
November 21, 1991

ORDINANCE NO. 088-039

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, PROVIDING DEFINITIONS; PROVIDING A POLICY; PROVIDING STANDARDS OF CONDUCT; PROHIBITING CONFLICT OF INTEREST; PROVIDING FOR RECEIPTS; PROHIBITING ACCEPTING EMPLOYMENT FROM ENTITY REGULATED BY CITY; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That Chapter 2 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to add Secs. 2-2 through 2-7 to read as follows:

Sec. 2-2. Definitions. As used in this article, the following words shall have the meanings herein ascribed to them:

"Board" means a board, commission or committee which is established by City ordinance, City Charter interlocal contract or state law and any part of whose membership is appointed by the City Council.

"Business Entity" or "Entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust or any other Entity recognized in law.

"City" or "Town" means the Town of Addison, Texas.

"Employee" means a person employed or paid a salary by the City on a full-time basis excluding officers as that term is defined hereinafter.

"Incidental Interest" means an interest in a person, Entity or property which is not a substantial interest and which has insignificant value, or which

would be affected only in a de minimis fashion by a decision. This chapter does not establish dollar limits on the terms "insignificant value" and "de minimis," which shall have their usual meanings and be subject to interpretation on a case by case basis.

"Interest" or "Benefit" means anything reasonably regarded as economic gain or economic advantage, other than Incidental or Remote Interests. The term applies to the Official and also to any person who is related to such Official within the second degree by consanguinity or affinity.

"Officer" means the Mayor and members of the City Council.

"Official" means Officers, Employees and members of any Board which is established by City ordinances, City Charter, interlocal contract, or state law and any part of whose membership is appointed by the City Council.

"Remote Interest" means an interest of a person or Entity, including an Official who would be affected in the same way as the general public. The interest of a councilmember in the property tax rate, general City fees, City utility charges or a comprehensive zoning ordinance or similar decisions is incidental to the extent that the councilmember would be affected in common with the general public.

Sec. 2-3. Policy.

(a) It is hereby declared to be the policy of the City that the proper operation of democratic government requires that:

(1) Officials be independent, impartial and responsible only to the people of the City;

(2) governmental decisions and policy be made using the proper procedures of the governmental structure;

(3) no Official have any Interest, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of his duties in the public interest;

(4) public office not be used for personal gain;

(5) the City Council at all times be maintained as a nonpartisan body; and

(6) Officials fully comply with state statutes, as amended, concerning conflicts of interest.

(b) To implement this policy, the City Council has determined that it is advisable to enact this code of ethics for all Officials, whether elected or appointed, paid or unpaid, advisory or administrative, to serve not only as a guide for official conduct of the City's public servants, but also as a basis for discipline for those who refuse to abide by its terms.

Sec. 2-4. Standards of conduct. No Official shall:

(a) accept or solicit any money, property, service or other thing of value by way of gift, favor, loan or otherwise which he knows or should know is being offered or given with the intent to unlawfully influence said person in the discharge of official duties, or in return for having exercised or performed official duties;

(b) use his official position to secure special privileges or exemptions for himself or others;

(c) grant any special consideration, treatment or advantage to a person or organization beyond that which is available to every other person or organization (this shall not prohibit the granting of fringe benefits to City Employees as a part of their contract of employment or as an added incentive to the securing or retaining of Employees);

(d) disclose information that could adversely affect the property or affairs of the City, or directly or indirectly use any information understood to be confidential which was gained by reason of his official position or employment for his own personal gain or benefit or for the private interest of others;

(e) transact any business on behalf of the City in his official capacity with any Entity with which he is an officer, agent or member or in which he has an Interest. In the event that such a circumstance should arise, then he shall make known his interest, and:

(1) in the case of an Officer or Board member, refrain from discussing the matter at any

time with the members of the body of which he is a member or any other body which will consider the matter and abstain from voting on the matter; or

(2) in the case of an Employee, turn the matter over to his superior for reassignment, state the reasons for doing so and have nothing further to do with the matter involved;

(f) accept other employment or engage in outside activities incompatible with the full and proper discharge of his duties and responsibilities with the City, or which might impair his independent judgment in the performance of his public duty;

(g) personally provide services for compensation, directly or indirectly, to a person, Entity or organization who is requesting an approval, investigation, or determination from the body or department of which the Officer or Employee is a member. This restriction does not apply to outside employment of an Officer if the employment is the Officer's primary source of income.

(h) receive any fee or compensation for his services as an Officer or Employee of the City from any source other than the City, except as may be otherwise provided by law. This shall not prohibit his performing the same or other services for a public or private organization that he performs for the City if there is no conflict with his City duties and responsibilities.

(i) In the case of a member of the City Council or an Employee, personally represent, or appear in behalf of, the private interests of others:

(a) before the City Council or any City Board or department;

(b) in any proceeding involving the City; or

(c) in any litigation to which the City is a party.

(j) in the case of a Board member, personally represent or appear in behalf of, the private interests of others:

(a) before the Board of which he is a member;

(b) before the City Council;

(c) before a Board which has appellate jurisdiction over the Board of which he is a member; or

(d) in litigation to which the City is a party if the interests of the person being represented are adverse to the City and the subject of the litigation involves the Board on which the Board member is serving or the department providing support services to that Board.

(k) use his official position or City-owned facilities, personnel, equipment, supplies, vehicles, printing facilities, postage facilities, long-distance telephone services or any other resources for private purposes, personal advantage, pecuniary gain for such Official or for others or for any political campaign for himself or others;

(l) use the prestige of his position with the City in behalf of any political party;

(m) knowingly perform or refuse to perform any act in order to deliberately thwart the execution of the City ordinances, rules or regulations or the achievement of official City programs;

(n) engage in any dishonest or criminal act or any other conduct prejudicial to the government of the City or that reflects discredit upon the government of the City;

(o) make false reports to the City concerning attendance at meetings, expense accounts or for any other act which would entitle him to remuneration or reimbursement.

Sec. 2-5. Prohibition on conflict of interest. An Official may not participate in a vote or decision on a matter affecting a person, Entity or property in which the Official has an Interest; in addition, an Official who serves as a corporate officer or member of the board of directors of a nonprofit Entity which is not appointed by the City Council may not participate in a vote or decision regarding funding by or through the City for the Entity. Where the interest of an Official in the subject matter of a vote or decision is Remote or Incidental, he may participate in the vote or decision and need not disclose the interest.

Sec. 2-7. Accepting employment from an Entity regulated by City prohibited. An Employee in a position which involves significant reporting, decision-making, advisory, regulatory or supervisory responsibility who leaves the service or employment of the City shall not, within six (6) months after leaving that service or employment, seek or accept employment from an Entity which had appeared for formal action or decision before the body of which such Employee was a member or which had been subject to the Employee's regulation or inspection during such Employee's employment with the City.

SECTION 2. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 4. (a) The failure of any Officer or Employee to comply with this article or the violation of one or more of the standards of conduct set forth in this article, which apply to him, shall constitute grounds for expulsion, reprimand, removal from office or discharge; in addition, such failure to comply is an offense and the violator shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty of fine only not to exceed the sum of Four Hundred and no/100 Dollars (\$400.00) for each offense, and each and every day such

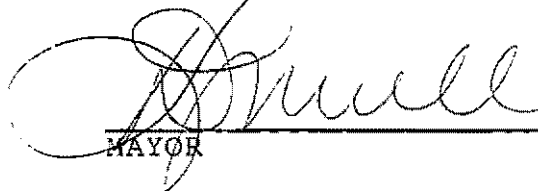
offense is continued shall constitute a new and separate offense.

(b) In the case of an Employee of the City, disciplinary action and appeals therefrom shall be in conformance with applicable procedures established by the City Charter and personnel rules and regulations. In the case of a City Councilman, the matter shall be decided by a vote of two-thirds of the entire membership of the City Council. In the case of members of Boards, the matters shall be decided by the City Council. The decision of these bodies shall be final in the absence of bias, prejudice or fraud.

SECTION 5. The fact that the present code of Ordinances does not provide for standards of conduct, and therefore is inadequate to properly safeguard the general public health and safety, creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED by the City Council of the Town of Addison, Texas, this the 13th day of September, 1988.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY

TOWN OF ADDISON

CITY PLAN COMMISSION

BRIEFING

November 21, 1991

TABLE OF CONTENTS

TAB

- I. Chapter 211. Municipal Zoning Authority
- II. Chapter 212. Municipal Regulation of Subdivisions and Property Development
- III. Article 6252-17. Open Meetings Act
- IV. Chapter 171. State Conflict of Interest Law
- V. Addison City Charter Provisions
 - A. Article VII. Municipal Planning and Zoning
 - B. Article XI. Section 11.01. No officer or employee to accept gift, etc.
 - C. Article XI. Section 11.02. Financial interest of officers or employees.
- VI. Addison Zoning Ordinance Provisions
 - A. Article VIII.A. Planned Development District
 - B. Article XVI. Unplatted Property
 - C. Article XX. Changes and Amendments
- VII. Sample - City Plan Commission Rules of Procedure
 - A. City of Dallas, Texas - 1990
 - B. City of Garland, Texas - 1991



I.

CHAPTER 211

MUNICIPAL ZONING AUTHORITY

CHAPTER 211.
MUNICIPAL ZONING AUTHORITY

SUBCHAPTER A. GENERAL ZONING REGULATIONS

§ 211.001. Purpose

The powers granted under this subchapter are for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance.

§ 211.002. Adoption of Regulation or Boundary Includes Amendment or Other Change

A reference in this subchapter to the adoption of a zoning regulation or a zoning district boundary includes the amendment, repeal, or other change of a regulation or boundary.

§ 211.003 Zoning Regulations Generally

(a) The governing body of a municipality may regulate:

(1) the height, number of stories, and size of buildings and other structures;

(2) the percentage of a lot that may be occupied;

(3) the size of yards, courts, and other open spaces;

(4) population density; and

(5) the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes.

(b) In the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures.

(c) The governing body of a home-rule municipality may also regulate the bulk of buildings.

**§ 211.0035. Zoning Regulations and District Boundaries
Applicable to Pawnshops**

(a) In this section, "pawnshop" has the meaning assigned by Section 2, Texas Pawnshop Act (Article 5069-51.02, Vernon's Texas Civil Statutes).

(b) For the purposes of zoning regulation and determination of zoning district boundaries, the governing body of a municipality shall designate pawnshops that have been licensed to transact business by the Consumer Credit Commissioner under the Texas Pawnshop Act (Article 5069-51.01 et seq., Vernon's Texas Civil Statutes) as a permitted use in one or more zoning classifications.

(c) The governing body of a municipality may not impose a specific use permit requirement or any requirement similar in effect to a specific use permit requirement on a pawnshop that has been licensed to transact business by the Consumer Credit Commissioner under the Texas Pawnshop Act (Article 5069-51.01 et seq., Vernon's Texas Civil Statutes).

§ 211.004. Compliance With Comprehensive Plan

(a) Zoning regulations must be adopted in accordance with a comprehensive plan and must be designed to:

- (1) lessen congestion in the streets;
- (2) secure safety from fire, panic, and other dangers;
- (3) promote health and the general welfare;
- (4) provide adequate light and air;
- (5) prevent the overcrowding of land;
- (6) avoid undue concentration of population; or
- (7) facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

(b) Notwithstanding any provision of a city charter or an adopted comprehensive plan to the contrary, a majority of the governing body of a municipality may adopt or amend a comprehensive plan at any time. The policies of a

comprehensive plan may only be implemented by ordinances duly adopted by the municipality and shall not constitute land use or zoning regulations or establish zoning district boundaries.

§ 211.005. Districts

(a) The governing body of a municipality may divide the municipality into districts of a number, shape, and size the governing body considers best for carrying out this subchapter. Within each district, the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land.

(b) Zoning regulations must be uniform for each class or kind of building in a district, but the regulations may vary from district to district. The regulations shall be adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality.

§ 211.006. Procedures Governing Adoption of Zoning Regulations and District Boundaries

(a) The governing body of a municipality wishing to exercise the authority relating to zoning regulations and zoning district boundaries shall establish procedures for adopting and enforcing the regulations and boundaries. A regulation or boundary is not effective until after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard. Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the municipality.

(b) In addition to the notice required by Subsection (a), a general-law municipality that does not have a zoning commission shall give notice of a proposed change in a zoning classification to each property owner who would be entitled to notice under Section 211.007(c) if the municipality had a zoning commission. That notice must be given in the same manner as required for notice to property owners under Section 211.007(c). The governing body may not adopt the proposed change until after the 30th day after the date the notice required by this subsection is given.

(c) If the governing body of a home-rule municipality conducts a hearing under Subsection (a), the governing body may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of the public hearing. Notice requirements prescribed under this subsection are in addition to the publication of notice required by Subsection (a).

(d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either:

(1) the area of the lots or land covered by the proposed change; or

(2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

(e) In computing the percentage of land area under Subsection (d), the area of streets and alleys shall be included.

(f) The governing body by ordinance may provide that the affirmative vote of at least three-fourths of all its members is required to overrule a recommendation of the municipality's zoning commission that a proposed change to a regulation or boundary be denied.

§ 211.007. Zoning Commission

(a) To exercise the powers authorized by this subchapter, the governing body of a home-rule municipality shall, and the governing body of a general-law municipality may, appoint a zoning commission. The commission shall recommend boundaries for the original zoning districts and appropriate zoning regulations for each district. If the municipality has a municipal planning commission at the time of implementation of this subchapter, the governing body may appoint that commission to serve as the zoning commission.

(b) The zoning commission shall make a preliminary report and hold public hearings on that report before submitting a final report to the governing body. The governing body may not hold a public hearing until it receives the final report of the zoning commission unless the governing body by ordinance provides that a public hearing is to be held, after

the notice required by Section 211.006(a), jointly with a public hearing required to be held by the zoning commission. In either case, the governing body may not take action on the matter until it receives the final report of the zoning commission.

(c) Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail. If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the municipality and is not included on the most recently approved municipal tax roll, the notice shall be given in the manner provided by Section 211.006(a).

(d) The governing body of a home-rule municipality may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of a public hearing held jointly by the governing body and the zoning commission. If notice requirements are prescribed under this subsection, the notice requirements prescribed by Subsections (b) and (c) and by Section 211.006(a) do not apply.

(e) If a general-law municipality exercises zoning authority without the appointment of a zoning commission, any reference in a law to a municipal zoning commission or planning commission means the governing body of the municipality.

§ 211.008. Board of Adjustment

(a) The governing body of a municipality may provide for the appointment of a board of adjustment. In the regulations adopted under this subchapter, the governing body may authorize the board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of the zoning ordinance that are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance.

(b) A board of adjustment must consist of five members to be appointed for terms of two years. The appointing authority may remove a board member for cause on a written charge after a public hearing. A vacancy on the board shall be filled for the unexpired term.

(c) The governing body, by charter or ordinance, may provide for the appointment of four alternate board members to serve in the absence of one or more regular members when requested to do so by the mayor or city manager. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.

(d) Each case before the board of adjustment must be heard by at least four members.

(e) The board shall adopt rules in accordance with any ordinance adopted under this subchapter. Meetings of the board are held at the call of the chairman and at other times as determined by the board. The chairman or acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.

(f) 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.

§ 211.009. Authority of Board

(a) The 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 subchapter or an ordinance adopted under this subchapter;

(2) hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so; and

(3) authorize in specific cases a variance from the terms of a 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 ordinance is observed and substantial justice is done.

(b) In exercising its authority under Subsection (a)(1), 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 that purpose the board has the same authority as the administrative official.

(c) The concurring vote of four members of the board is necessary to:

(1) reverse an order, requirement, decision, or determination of an administrative official;

(2) decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or

(3) authorize a variation from the terms of a zoning ordinance.

§ 211.010. Appeal to Board

(a) Any of the following persons may appeal to the 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 municipality 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 this 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.

§ 211.011. 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 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 municipality.

(b) The petition must be presented within 10 days after the date the decision is filed in the board's office.

(c) On the presentation of the petition, the court may grant a writ of certiorari directed to the board to review the board's decision. The writ must indicate the time by which the board's return must be made and served on the petitioner's attorney, which must be after 10 days and may be extended by the court. Granting of the writ does not stay the proceedings on the decision under appeal, but on application and after notice to the board the court may grant a restraining order if due cause is shown.

(d) The board's return must be verified and must concisely state any pertinent and material facts that show the grounds of the decision under appeal. The board is not required to return the original documents on which the board acted but may return certified or sworn copies of the documents or parts of the documents as required by the writ.

(e) If at the hearing the court determines the testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence as directed. The referee shall report the evidence to the court with the referee's findings of fact and conclusions of law. The referee's report constitutes a part of the proceedings on which the court shall make its decision.

(f) The court may reverse or affirm, in whole or in part, or modify the decision that is appealed. Costs may not be assessed against the board unless the court determines that the board acted with gross negligence, in bad faith, or with malice in making its decision.

§ 211.012. Enforcement; Penalty; Remedies

(a) The governing body of a municipality may adopt ordinances to enforce this subchapter or any ordinance or regulation adopted under this subchapter.

(b) A person commits an offense if the person violates this subchapter or an ordinance or regulation adopted under this subchapter. An offense under this subsection is a misdemeanor, punishable by fine, imprisonment, or both, as provided by the governing body. The governing body may also provide civil penalties for a violation.

(c) If a building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if a building, other structure, or land is used in violation of this subchapter, or an ordinance or regulation adopted under this subchapter, the appropriate municipal authority, in addition to other remedies, 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.

§ 211.013. Conflict With Other Laws; Exceptions

(a) If a zoning regulation adopted under this subchapter requires a greater width or size of a yard, court, or other open space, requires a lower building height or fewer number of stories for a building, requires a greater percentage of lot to be left unoccupied, or otherwise imposes higher standards than those required under another statute or local ordinance or regulation, the regulation adopted under this

subchapter controls. If the other statute or local ordinance or regulation imposes higher standards, that statute, ordinance, or regulation controls.

(b) This subchapter does not authorize the governing body of a municipality to require the removal or destruction of property that exists at the time the governing body implements this subchapter and that is actually and necessarily used in a public service business.

(c) This subchapter does not apply to a building, other structure, or land under the control, administration, or jurisdiction of a state or federal agency.

II.

CHAPTER 212

MUNICIPAL REGULATION OF SUBDIVISIONS
AND PROPERTY DEVELOPMENT

CHAPTER 212.
MUNICIPAL REGULATION OF
SUBDIVISIONS AND PROPERTY DEVELOPMENT

§ 212.001. Definitions

In this subchapter:

(1) "Extraterritorial jurisdiction" means a municipality's extraterritorial jurisdiction as determined under Chapter 42, except that for a municipality that has a population of 5,000 or more and is located in a county bordering the Rio Grande River, "extraterritorial jurisdiction" means the area outside the municipal limits but within five miles of those limits.

(2) "Plat" includes a replat.

§ 212.002. Rules

After a public hearing on the matter, the governing body of a municipality may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.

(1) The source law refers to "rules and regulations" governing plats and subdivisions. The reference to "regulations" is omitted from the revised law because under the definitions section of the Code Construction Act (Section 311.005, Government Code) a rule includes a regulation.

(2) The source law refers to a municipality's authority to "adopt and promulgate" rules. The reference to "promulgate" is omitted from the revised law because the authority to promulgate (officially publish or announce) is inherent in the authority to adopt rules.

§ 212.003. Extension of Rules to Extraterritorial Jurisdiction

(a) The governing body of a municipality by ordinance may extend to the extraterritorial jurisdiction of the municipality the application of municipal ordinances adopted

under Section 212.002 and other municipal ordinances relating to access to public roads. However, unless otherwise authorized by state law, in its extraterritorial jurisdiction a municipality shall not regulate:

(1) the use of any building or property for business, industrial, residential or other purposes;

(2) the bulk, height, or number of buildings constructed on a particular tract of land;

(3) the size of a building that can be constructed on a particular tract of land, including without limitation any restriction on the ratio of building floor space to the land square footage; or

(4) the number of residential units that can be built per acre of land.

(b) A fine or criminal penalty prescribed by the ordinance does not apply to a violation in the extraterritorial jurisdiction.

(c) The municipality is entitled to appropriate injunctive relief in district court to enjoin a violation of municipal ordinances or codes applicable in the extraterritorial jurisdiction.

§ 212.004. Plat Required

(a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, or to lay out suburban, building, or other lots, and to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

(b) To be recorded, the plat must:

(1) describe the subdivision by metes and bounds;

(2) locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part; and

(3) state the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part.

(c) The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgment of deeds.

(d) The plat must be filed and recorded with the county clerk of the county in which the tract is located.

(e) The plat is subject to the filing and recording provisions of Section 12.002, Property Code.

§ 212.0045. Exception to Plat Requirement: Municipal Determination

(a) To determine whether specific divisions of land are required to be platted, a municipality may define and classify the divisions. A municipality need not require platting for every division of land otherwise within the scope of this subchapter.

(b) In lieu of a plat contemplated by this subchapter, a municipality may require the filing of a development plat under Subchapter B if that subchapter applies to the municipality.

§ 212.0046. Exception to Plat Requirement: Certain Property Abutting Aircraft Runway

An owner of a tract of land is not required to prepare a plat if the land:

(1) is located wholly within a municipality with a population of 5,000 or less;

(2) is divided into parts larger than 2 1/2 acres; and

(3) abuts any part of an aircraft runway.

§ 212.005. Approval by Municipality Required

The municipal authority responsible for approving plats must approve a plat that is required to be prepared under this subchapter and that satisfies all applicable regulations.

§ 212.006. Authority Responsible for Approval Generally

(a) The municipal authority responsible for approving plats under this subchapter is the municipal planning commission or, if the municipality has no planning commission, the governing body of the municipality. The governing body by ordinance may require the approval of the governing body in addition to that of the municipal planning commission.

(b) In a municipality with a population of more than 1.5 million, at least two members of the municipal planning commission, but not more than 25 percent of the membership of the commission, must be residents of the area outside the limits of the municipality and in which the municipality exercises its authority to approve subdivision plats.

§ 212.0065. Delegation of Approval Responsibility

A municipality may delegate the ability to approve minor plats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities to an employee of the municipality. The designated employee may, for any reason, elect to present the plat to the municipal planning commission or governing body, or both, to approve the plat. The employee shall not disapprove the plat and shall be required to refer any plat which he refuses to approve to the municipal planning commission or governing body, or both, within the time period specified in Section 212.009.

§ 212.007. Authority Responsible for Approval: Tract in Extraterritorial Jurisdiction of More than One Municipality

(a) For a tract located in the extraterritorial jurisdiction of more than one municipality, the authority responsible for approving a plat under this subchapter is the authority in the municipality with the largest population that under Section 212.006 has approval responsibility. The governing body of that municipality may enter into an agreement with any other affected municipality or with any other

municipality having area that, if unincorporated, would be in the extraterritorial jurisdiction of the governing body's municipality delegating to the other municipality the responsibility for plat approval within specified parts of the affected area.

(b) Either party to an agreement under Subsection (a) may revoke the agreement after 20 years have elapsed after the date of the agreement unless the parties agree to a shorter period.

(c) A copy of the agreement shall be filed with the county clerk.

§ 212.008. Application for Approval

A person desiring approval of a plat must apply to and file a copy of the plat with the municipal planning commission or, if the municipality has no planning commission, the governing body of the municipality.

§ 212.009. Approval Procedure

(a) The municipal authority responsible for approving plats shall act on a plat within 30 days after the date the plat is filed. A plat is considered approved by the municipal authority unless it is disapproved within that period.

(b) If an ordinance requires that a plat be approved by the governing body of the municipality in addition to the planning commission, the governing body shall act on the plat within 30 days after the date the plat is approved by the planning commission or is considered approved by the inaction of the commission. A plat is considered approved by the governing body unless it is disapproved within that period.

§ 212.010. Standards for Approval

(a) The municipal authority responsible for approving plats shall approve a plat if:

(1) it conforms to the general plan of the municipality and its current and future streets, alleys, parks, playgrounds, and public utility facilities;

(2) it conforms to the general plan for the extension of the municipality and its roads, streets, and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;

(3) a bond required under Section 212.0106, if applicable, is filed with the municipality; and

(4) it conforms to any rules adopted under Section 212.002.

(b) However, the municipal authority responsible for approving plats may not approve a plat unless the plat and other documents have been prepared as required by Section 212.0105, if applicable.

§ 212.0105. Water and Sewer Requirements in Certain Counties

(a) This section applies only to a person who:

(1) is the owner of a tract of land in either:

(A) a county that is contiguous to an international border; or

(B) a county in which a political subdivision has received financial assistance through Subchapter K, Chapter 17, Water Code;

(2) divides the tract in a manner that creates any lots that are intended for residential purposes and are five acres or less; and

(3) is required under this subchapter to have a plat prepared for the subdivision.

(b) The owner of the tract:

(1) must:

(A) include on the plat or have attached to the plat a document containing a description of the water and sewer service facilities that will be constructed or installed to service the subdivision and a statement of the date by which the facilities will be fully operable; and

(B) have attached to the plat a document prepared by an engineer registered to practice in this state certifying that the water and sewer service facilities described by the plat or on the document attached to the plat are in compliance with the model rules adopted under Section 16.343, Water Code; or

(2) must:

(A) include on the plat a statement that water and sewer service facilities are unnecessary for the subdivision; and

(B) have attached to the plat a document prepared by a engineer registered to practice in this state certifying that water and sewer service facilities are unnecessary for the subdivision under the model rules adopted under Section 16.343, Water Code.

(c) The governing body of the municipality may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the water and sewer service facilities must be fully operable if the governing body finds the extension is reasonable and not contrary to the public interest. If the facilities are fully operable before the expiration of the extension period, the facilities are considered to have been made fully operable in a timely manner. An extension is not reasonable if it would allow a residence in the subdivision to be inhabited without water or sewer services.

§ 212.0106. Bond Requirements and Other Financial Guarantees in Certain Counties

(a) This section applies only to a person described by Section 212.0105(a).

(b) If the governing body of a municipality in a county described by Section 212.0105(a)(1)(A) or (B) requires the owner of the tract to execute a bond, the owner must do so before subdividing the tract unless an alternative financial guarantee is provided under Subsection (c). The bond must:

(1) be payable to the presiding officer of the governing body or to the presiding officer's successors in office;

(2) be in an amount determined by the governing body to be adequate to ensure the proper construction or installation of the water and sewer service facilities to service the subdivision but not to exceed the estimated cost of the construction or installation of the facilities;

(3) be executed with sureties as may be approved by the governing body;

(4) be executed by a company authorized to do business as a surety in this state if the governing body requires a surety bond executed by a corporate surety; and

(5) be conditioned that the water and sewer service facilities will be constructed or installed:

(A) in compliance with the model rules adopted under Section 16.343, Water Code; and

(B) within the time stated on the plat or on the document attached to the plat for the subdivision or within any extension of that time.

(c) In lieu of the bond an owner may deposit cash, a letter of credit issued by a federally insured financial institution, or other acceptable financial guarantee.

(d) If a letter of credit is used, it must:

(1) list as the sole beneficiary the presiding officer of the governing body; and

(2) be conditioned that the water and sewer service facilities will be constructed or installed:

(A) in compliance with the model rules adopted under Section 16.343, Water Code; and

(B) within the time stated on the plat or on the document attached to the plat for the subdivision or within any extension of that time.

§ 212.011. Effect of Approval on Dedication

(a) The approval of a plat is not considered an acceptance of any proposed dedication and does not impose on the municipality any duty regarding the maintenance or

improvement of any dedicated parts until the appropriate municipal authorities make an actual appropriation of the dedicated parts by entry, use, or improvement.

§ 212.0115. Certification Regarding compliance with Plot Requirements

(a) For the purposes of this section, land is considered to be within the jurisdiction of a municipality if the land is located within the limits or in the extraterritorial jurisdiction of the municipality.

(b) On the approval of a plat by the municipal authority responsible for approving plats, the authority shall issue to the person applying for the approval a certificate stating that the plat has been reviewed and approved by the authority.

(c) On the written request of an owner of land, an entity that provides utility service, or the governing body of the municipality, the municipal authority responsible for approving plats shall make the following determinations regarding the owner's land or the land in which the entity or governing body is interested that is located within the jurisdiction of the municipality:

(1) whether a plat is required under this subchapter for the land; and

(2) if a plat is required, whether it has been prepared and whether it has been reviewed and approved by the authority.

(d) The request under Subsection (c) must identify the land that is the subject of the request.

(e) If the municipal authority responsible for approving plats determines under Subsection (c) that a plat is not required, the authority shall issue to the requesting party a written certification of that determination. If the authority determines that a plat is required and that the plat has been prepared and has been reviewed and approved by the authority, the authority shall issue to the requesting party a written certification of that determination.

(f) The municipal authority responsible for approving plats shall make its determination within 20 days after the date it receives the request under Subsection (c) and shall

issue the certificate, if appropriate, within 10 days after the date the determination is made.

(g) If both the municipal planning commission and the governing body of the municipality have authority to approve plats, only one of those entities need make the determinations and issue the certificates required by this section.

(h) The municipal authority responsible for approving plats may adopt rules it considers necessary to administer its functions under this section.

§ 212.012. Connection of Utilities

(a) An entity described by Subsection (b) may not serve or connect any land with water, sewer, electricity, gas, or other utility service unless the entity has been presented with or otherwise holds a certificate applicable to the land issued under Section 212.0115.

(b) The prohibition established by Subsection (a) applies only to:

(1) a municipality and officials of a municipality that provides water, sewer, electricity, gas, or other utility services;

(2) a municipally owned or municipally operated utility that provides any of those services;

(3) a public utility that provides any of those services;

(4) a water supply or sewer service corporation organized and operating under Chapter 76, Acts of the 43rd Legislature, 1st Called Session, 1933 (Article 1434a, Vernon's Texas Civil Statutes), that provides any of those services;

(5) a county that provides any of those services;
and

(6) a special district or authority created by or under state law that provides any of those services.

(c) This section does not apply to any area covered by a development plat duly approved under Subchapter B or under an ordinance or rule relating to the development plat.

(d) The prohibition established by Subsection (a) applies only to land that an entity described by Subsection (b)(1), (2) or (3) first serves or first connects with services on or after September 1, 1987. The prohibition applies only to land that an entity described by Subsection (b)(4), (5), or (6) first serves or first connects with services on or after September 1, 1989.

§ 212.013. Vacating Plat

(a) The proprietors of the tract covered by a plat may vacate the plat at any time before any lots in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

(b) If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

(c) The county clerk shall write legibly on the vacated plat the word "Vacated " and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

(d) On the execution and recording of the vacating instrument, the vacated plat has no effect.

§ 212.014. Replatting Without Vacating Preceding Plat

A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

(1) is signed and acknowledged by only the owners of the property being replatted;

(2) is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the municipal authority responsible for approving plats; and

(3) does not attempt to amend or remove any covenants or restrictions.

§ 212.015. Additional Requirements for Certain Replats

(b) Notice of the hearing required under Section 212.014 shall be given before the 15th day before the date of the hearing by:

(1) publication in an official newspaper or a newspaper of general circulation in the county in which the municipality is located; and

(2) by written notice, with a copy of Subsection (c) attached, forwarded by the municipal authority responsible for approving plats to the owners of property in the original subdivision, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll within 200 feet of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.

(c) If the proposed replat is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of all members of the municipal planning commission or governing body, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the municipal planning commission or governing body, or both, prior to the close of the public hearing.

(d) In computing the percentage of land area under Subsection (c), the area of streets and alleys shall be included.

(e) Compliance with Subsections (c) and (d) is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

§ 212.016. Amending Plat

(a) The municipal authority responsible for approving plats may approve and issue an amending plat, which may be

recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

(1) to correct an error in a course or distance shown on the preceding plat;

(2) to add a course or distance that was omitted on the preceding plat;

(3) to correct an error in a real property description shown on the preceding plat;

(4) to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;

(5) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

(6) to correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names and identification of adjacent recorded plats;

(7) to correct an error in courses and distances of lot lines between two adjacent lots if:

(A) both lot owners join in the application for amending the plat;

(B) neither lot is abolished;

(C) the amendment does not attempt to remove recorded covenants or restrictions; and

(D) the amendment does not have a material adverse effect on the property rights of the other owners in the plat;

(8) to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.

(9) to relocate one or more lot lines between one or more adjacent lots if:

(A) the owners of all those lots join in the application for amending the plat;

(B) the amendment does not attempt to remove recorded covenants or restrictions; and

(C) the amendment does not increase the number of lots; or

(10) to make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

(A) the changes do not affect applicable zoning and other regulations of the municipality;

(B) the changes do not attempt to amend or remove any covenants or restrictions; and

(C) the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area.

(b) Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

§ 212.017. Conflict of Interest; Penalty

(a) In this section, "subdivided tract" means a tract of land, as a whole, that is subdivided. The term does not mean an individual lot in a subdivided tract of land.

(b) A person has a substantial interest in a subdivided tract if the person:

(1) has an equitable or legal ownership interest in the tract with a fair market value of \$2,500 or more;

(2) acts as a developer of the tract;

(3) owns 10 percent or more of the voting stock or shares of or owns either 10 percent or more or \$5,000 or more of the fair market value of a business entity that:

(A) has an equitable or legal ownership interest in the tract with a fair market value of \$2,500 or more; or

(B) acts as a developer of the tract; or

(4) receives in a calendar year funds from a business entity described by Subdivision (3) that exceed 10 percent of the person's gross income for the previous year.

(c) A person also is considered to have a substantial interest in a subdivided tract if the person is related in the first degree by consanguinity or affinity, as determined under Article 5996h, Revised Statutes, to another person who, under Subsection (b), has a substantial interest in the tract.

(d) If a member of the municipal authority responsible for approving plats has a substantial interest in a subdivided tract, the member shall file, before a vote or decision regarding the approval of a plat for the tract, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter. The affidavit must be filed with the municipal secretary or clerk.

(e) A member of the municipal authority responsible for approving plats commits an offense if the member violates Subsection (d). An offense under this subsection is a Class A misdemeanor.

(f) The finding by a court of a violation of this section does not render voidable an action of the municipal authority responsible for approving plats unless the measure would not have passed the municipal authority without the vote of the member who violated this section.

§ 212.0175. Enforcement in Certain Counties; Penalty

(a) The attorney general may take any action necessary to enforce a requirement imposed by or under Section 212.0105 or 212.0106 or to ensure that water and sewer service facilities are constructed or installed to service a subdivision in compliance with the model rules adopted under Section 16.343, Water Code.

(b) A person who violates Section 212.0105 or 212.0106 or fails to timely provide for the construction or installation of water or sewer service facilities that the person described on the plat or on the document attached to the plat, as required by Section 212.0105, is subject to a civil penalty of not less than \$500 nor more than \$1,000 plus court costs and attorney's fees.

(c) An owner of a tract of land commits an offense if the owner knowingly or intentionally violates a requirement imposed by or under Section 212.0105 or 212.0106 or fails to timely provide for the construction or installation of water or sewer service facilities that the person described on a plat or on a document attached to a plat, as required by Section 212.0105. An offense under this subsection is a Class B misdemeanor.

§ 212.018. Enforcement in General

(a) At the request of the governing body of the municipality, the municipal attorney or any other attorney representing the municipality may file an action in a court of competent jurisdiction to:

(1) enjoin the violation or threatened violation by the owner of a tract of land of a requirement regarding the tract and established by, or adopted by the governing body under this subchapter; or

(2) recover damages from the owner of a tract of land in an amount adequate for the municipality to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the tract and established by, or adopted by the governing body under, this subchapter.

(b) A reference in this section to an "owner of a tract of land" does not include the owner of an individual lot in a subdivided tract of land.

III.

ARTICLE 6252-17
OPEN MEETINGS ACT

(b) "Religious organization" means an organization that qualifies under Section 11.20, Tax Code.

(c) "Religious holy day" means a day on which the tenets of a religious organization prohibit its members from participating in secular activities.

(d) "State agency" means any agency in the executive, legislative, or judicial branch of state government that administers an examination for licensing or other regulatory purposes.

(e) Each state agency shall adopt rules as necessary to implement this section. Acts 1987, 70th Leg., ch. 825, § 6, eff. Sept. 1, 1987.

Historical and Statutory Notes

Section 7 of the 1987 Act provides:

"This Act takes effect September 1, 1987, except that Section 6 applies to an examination scheduled to be administered on or after January 1, 1988."

Title of Act:

An Act relating to the protection of the free exercise of religious beliefs. Acts 1987, 70th Leg., ch. 825.

Art. 6252-17. Prohibition on governmental bodies from holding meetings which are closed to the public

Definitions

Section 1. As used in this Act:

(a) "Meeting" means any deliberation between a quorum of members of a governmental body, or between a quorum of members of a governmental body and any other person, at which any public business or public policy over which the governmental body has supervision or control is discussed or considered, or at which any formal action is taken. It shall not be construed that the intent of this definition is to prohibit the gathering of members of the governmental body in numbers of a quorum or more for social functions unrelated to the public business which is conducted by the body or for attendance of regional, state, or national conventions or workshops as long as no formal action is taken and any discussion of public business is incidental to the functions, conventions, or workshops.

(b) "Deliberation" means a verbal exchange during a meeting between a quorum of members of a governmental body, or between a quorum of members of a governmental body and any other person, concerning any issue within the jurisdiction of the governmental body or any public business.

(c) "Governmental body" means any board, commission, department, committee, or agency within the executive or legislative department of the state, which is under the direction of one or more elected or appointed members; and every Commissioners Court and city council in the state, and every deliberative body having rule-making or quasi-judicial power and classified as a department, agency, or political subdivision of a county or city; and the board of trustees of every school district, and every county board of school trustees and county board of education; and the governing board of every special district heretofore or hereafter created by law.

(d) "Quorum" unless otherwise defined by constitution, charter, rule or law applicable to such governing body, means a majority of the governing body.

Sec. 1 amended by Acts 1973, 63rd Leg., p. 46, ch. 31, § 1, eff. Jan. 1, 1974; Sec. 1(a), (b) amended by Acts 1987, 70th Leg., ch. 549, § 1, eff. Aug. 31, 1987.

Application of act

Sec. 2. (a) Except as otherwise provided in this Act or specifically permitted in the Constitution, every regular, special, or called meeting or session of every governmental body shall be open to the public; and no closed or executive meeting or session of any governmental body for any of the purposes for which closed or executive meetings or sessions are hereinafter authorized shall be held unless a quorum of the governmental body has first been convened in open meeting or session for which notice has been given as hereinafter provided and during which open meeting or session the presiding officer has publicly announced that a closed or executive meeting or session will be held and

identified the executive sess

(b) In this meetings of t Legislature, e

(c) A govern examination o

(d) Nothing

(e) Private permitted excu respect to pen duty of a pu Responsibility

(f) The pub discussion is h negotiated cor body, when su the governme

(g) Nothing meetings open reassignment, complaints or requests a pul

(h) Nothing open to the pu hearing is req

(i) All or an; as defined her recorder, vide governmental. These rules in such equipmen that the rules coverage or ta

(j) Nothing i open meetings security person

(k) Nothing body where su charter.

(l) Wheneve permitted by considered in t public and in c

(m) Nothing consultation aq deliberate in o will follow or i employee grou

(n) Nothing Federal funds

(o) Nothing committees to psychiatric rec are being cons

PUBLIC OFFICES, ETC.

Art. 6252-17

Title 110A

identified the section or sections under this Act authorizing the holding of such closed or executive session.

(b) In this Act, the Legislature is exercising its rule-making powers to prohibit secret meetings of the Legislature, its committees, or any other bodies associated with the Legislature, except as otherwise specifically permitted by the Constitution.

(c) A governmental body may exclude any witness or witnesses from a hearing during examination of another witness in the matter being investigated.

(d) Nothing in this Act shall be construed to affect the deliberation of grand juries.

(e) Private consultations between a governmental body and its attorney are not permitted except in those instances in which the body seeks the attorney's advice with respect to pending or contemplated litigation, settlement offers, and matters where the duty of a public body's counsel to his client, pursuant to the Code of Professional Responsibility of the State Bar of Texas, clearly conflicts with this Act.

(f) The public may be excluded from that portion of a meeting during which a discussion is had with respect to the purchase, exchange, lease, or value of real property, negotiated contracts for prospective gifts or donations to the state or the governmental body, when such discussion would have a detrimental effect on the negotiating position of the governmental body as between such body and a third person, firm or corporation.

(g) Nothing in this Act shall be construed to require governmental bodies to hold meetings open to the public in cases involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear complaints or charges against such officer or employee, unless such officer or employee requests a public hearing.

(h) Nothing in this Act shall be construed to require school boards to hold meetings open to the public in cases involving discipline of public school children unless an open hearing is requested in writing by a parent or guardian of the child.

(i) All or any part of the proceedings in any public meeting of any governmental body as defined hereinabove may be recorded by any person in attendance by means of a tape recorder, video camera, or any other means of sonic or visual reproduction. The governmental body may adopt reasonable rules to maintain order at the meeting place. These rules may include, but shall not be limited to, a determination of the location of such equipment and the manner in which the recording is conducted; provided, however, that the rules do not have the effect of preventing or unreasonably impairing camera coverage or tape recording.

(j) Nothing in this Act shall be construed to require governing bodies to deliberate in open meetings regarding the deployment, or specific occasions for implementation, of security personnel or devices.

(k) Nothing in this Act shall be construed to allow a closed meeting of a governing body where such closed meeting is prohibited, or where open meetings are required, by charter.

(l) Whenever any deliberations or any portion of a meeting are closed to the public as permitted by this Act, no final action, decision, or vote with regard to any matter considered in the closed meeting shall be made except in a meeting which is open to the public and in compliance with the requirements of Section 3A of this Act.

(m) Nothing in this Act shall be construed to require school boards operating under consultation agreements provided for by Section 13.901 of the Texas Education Code to deliberate in open meetings regarding the standards, guidelines, terms, or conditions it will follow or instruct its representatives to follow, in consultation with representatives of employee groups.

(n) Nothing in this Act shall be construed to require an agency wholly financed by Federal funds to deliberate in open meetings.

(o) Nothing in this Act shall be construed to require medical boards or medical committees to hold meetings open to the public in cases where the individual medical and psychiatric records of an applicant for a disability benefit from a public retirement system are being considered.

(p) Nothing in this Act shall be construed to require that interviews or counseling sessions between the members of the Board of Pardons and Paroles¹ and inmates of any facility of the Texas Department of Corrections be open to the public.

(q) The requirements of this Act shall not apply to a meeting of the State Board of Insurance in the discharge of responsibilities to regulate and maintain the solvency of those persons over which the agency has regulatory authority. In this regard, the State Board of Insurance may meet in closed meeting with any of its staff and/or the regulated person or representatives of the regulated person to deliberate and determine appropriate action to be taken with respect to the person's solvency.

Text of subsec. (r) as added by Acts 1987, 70th Leg., ch. 549, § 2

(r) Nothing in this Act shall be construed to require a quorum of the members of a governmental body to confer with an employee or employees of the governmental body in an open meeting where such conference is for the sole purpose of receiving information from the employee or employees or to ask questions of the employee or employees; provided, however, that no discussion of public business or agency policy that affects public business shall take place between the members of the governmental body during the conference.

Text of subsec. (r) as added by Acts 1987, 70th Leg., ch. 964, § 4

(r) This Act does not prohibit the board of regents or other governing body of an institution of higher education, as defined by Section 61.003 of the Education Code, from holding an open or executive meeting by telephone conference call. Each part of a meeting that is required to be open to the public and that is held by a conference call must be available to be heard by the public at the normal meeting place for the board of regents or, in the case of Systems, the board of regents conference room at the System office and must be tape recorded. The tape recording must be made available to the public. A meeting held by conference call is subject to the same notice requirements that apply to other meetings. For purposes of the notice, the place of the meeting by conference call is considered to be the normal meeting place for the board of regents or, in the case of Systems, the board of regents conference room at the System office. Telephone conference calls shall be restricted to special called meetings requiring immediate action when it is otherwise difficult or impossible to convene a quorum of the board of regents in one location.

(s) [Blank]

(t) This Act does not require the Credit Union Commission to deliberate in open meetings regarding matters made confidential by law.

Sec. 2 amended by Acts 1971, 62nd Leg., p. 1401, ch. 381, § 1, eff. Aug. 30, 1971; Acts 1973, 63rd Leg., p. 45, ch. 31, § 2, eff. Jan. 1, 1974; Sec. 2, subsec. (q) added by Acts 1985, 69th Leg., ch. 348, § 1, eff. Aug. 26, 1985; Sec. 2(a), (i) amended and (r) added by Acts 1987, 70th Leg., ch. 549, § 2, eff. Aug. 31, 1987; Sec. 2(r) added by Acts 1987, 70th Leg., ch. 964, § 4, eff. Aug. 31, 1987; Sec. 2(t) added by Acts 1989, 71st Leg., ch. 1098, § 18, eff. Aug. 28, 1989.

¹ References to the Board of Pardons and Paroles shall mean either the Board of Pardons and Paroles or the pardons and paroles division of the Texas Department of Criminal Justice as provided by Acts 1989, 71st Leg., ch. 785, § 1.20(f)(2) as amended by Acts 1990, 71st Leg., 6th C.S., ch. 25, § 5.

Agenda for closed meetings

Sec. 2A. (a) For each of its meetings that is closed to the public, except for consultations in accordance with Subsection (e) of Section 2 of this Act, a governmental body shall keep a certified agenda of the proceedings.

(b) The presiding officer must certify that the agenda kept under Subsection (a) of this section is a true and correct record of the proceedings.

(c) The certified agenda shall include an announcement made by the presiding officer at the beginning and end of the meeting indicating the date and time. The certified agenda shall state the subject matter of each deliberation and shall include a record of any further action taken. The certified agenda of closed or executive sessions shall be made available for public inspection and copying only upon court order in an action brought under this Act.

(d) In lieu of the rec Subsections (a), (b), and recording of the proceed officer at the beginning

(e) The certified ageno of a district court if litig: The court upon entry of evidence in whole or in : appropriate, including ar the certified agenda or t under this Act.

(f) The governmental . years after the date of during the required pres pending the outcome of

(g) No member of a g mental body closed to ti being kept or tape recor commits a Class C misde

(h) No individual, corp make public the certifie meeting that was close subsection shall be liab

(1) actual damages inc of character, or mental

(2) costs of court;

(3) reasonable attorne

(4) exemplary or puni

(i) An offense under §

(j) It shall be a defe affirmative defense in releasing the certified a; lawful or that the relea content of the certified : Sec. 2A added by Acts 198

Man

Sec. 3. (a) Any inter may commence an actio preventing, or reversing governing body. An a voidable.

(b) In an action broug reasonable attorney's fe In exercising its discret mental body had a reaso faith.

Sec. 3 amended by Acts 16 Leg., ch. 549, § 4, eff. Aug

Sec. 3A. (a) Written by a governmental bod The requirement for nc which specific factual response to an inquiry r

(d) In lieu of the requirements for maintaining a certified agenda as provided in Subsections (a), (b), and (c) of this section, a governmental body may make a tape recording of the proceedings which shall include an announcement made by the presiding officer at the beginning and end of the meeting indicating the date and time.

(e) The certified agenda or tape shall be available for in camera inspection by the judge of a district court if litigation has been initiated involving an alleged violation of this Act. The court upon entry of a final judgment may admit the certified agenda or tape into evidence in whole or in part. The court may grant equitable or legal relief it considers appropriate, including an order that the governmental body make available to the public the certified agenda or tape of any part of a meeting that was not authorized to be closed under this Act.

(f) The governmental body shall preserve the certified agenda or tape for at least two years after the date of the meeting. If an action involving the meeting is commenced during the required preservation period, the certified agenda or tape shall be preserved pending the outcome of the action.

(g) No member of a governmental body shall participate in a meeting of the governmental body closed to the public knowing that a certified agenda of the meeting is not being kept or tape recording is not being made. A person who violates this subsection commits a Class C misdemeanor.

(h) No individual, corporation, or partnership shall, without lawful authority, knowingly make public the certified agenda or tape recording of a meeting or that portion of a meeting that was closed under authority of this Act. A person who violates this subsection shall be liable to any person injured or damaged thereby for:

- (1) actual damages including but not limited to lost wages, damages due to defamation of character, or mental or other emotional distress or other personal injury or damages;
- (2) costs of court;
- (3) reasonable attorney's fees; and
- (4) exemplary or punitive damages in the discretion of the trier of fact.

(i) An offense under Subsection (h) of this section is a Class B misdemeanor.

(j) It shall be a defense to prosecution under Subsection (h) of this section and an affirmative defense in any civil action arising under Subsection (h) that the person releasing the certified agenda or tape thereof had good reason to believe the release was lawful or that the release was the result of a mistake of fact concerning the nature or content of the certified agenda or tape.

Sec. 2A added by Acts 1987, 70th Leg., ch. 549, § 3, eff. Aug. 31, 1987.

Mandamus or injunction to prevent closed meetings

Sec. 3. (a) Any interested person, including bona fide members of the news media, may commence an action either by mandamus or injunction for the purpose of stopping, preventing, or reversing violations or threatened violations of this Act by members of a governing body. An action taken by a governmental body in violation of this Act is voidable.

(b) In an action brought under this section, a court may assess costs of litigation and reasonable attorney's fees incurred by a plaintiff or defendant who substantially prevails. In exercising its discretion, the court shall consider whether the conduct of the governmental body had a reasonable basis in law and whether the litigation was brought in good faith.

Sec. 3 amended by Acts 1979, 66th Leg., p. 1015, ch. 449, § 1, eff. Aug. 27, 1979; Acts 1987, 70th Leg., ch. 549, § 4, eff. Aug. 31, 1987.

Notice of meetings

Sec. 3A. (a) Written notice of the date, hour, place, and subject of each meeting held by a governmental body shall be given before the meeting as prescribed by this section. The requirement for notice prescribed by this section does not apply to matters about which specific factual information or a recitation of existing policy is furnished in response to an inquiry made at such meeting, whether such inquiry is made by a member

of the general public or by a member of the governmental body. Any deliberation, discussion, or decision with respect to the subject about which inquiry was made shall be limited to a proposal to place such subject on the agenda for a subsequent meeting of such governmental body for which notice has been provided in compliance with this Act.

(b) A State governmental body shall furnish notice to the Secretary of State, who shall then post the notice on a bulletin board to be located in the main office of the Secretary of State at a place convenient to the public.

(c) A city governmental body shall have a notice posted on a bulletin board to be located at a place convenient to the public in the city hall.

(d) A county governmental body shall have a notice posted on a bulletin board located at a place convenient to the public in the county courthouse.

(e) A school district shall have a notice posted on a bulletin board located at a place convenient to the public in its central administrative office and shall give notice by telephone or telegraph to any news media requesting such notice and consenting to pay any and all expenses incurred by the school district in providing special notice.

(f) A governmental body of a water district or other district or political subdivision covering all or part of four or more counties shall have a notice posted at a place convenient to the public in its administrative office, and shall also furnish the notice to the Secretary of State, who shall then post the notice on a bulletin board located in the main office of the Secretary of State at a place convenient to the public; and it shall also furnish the notice to the county clerk of the county in which the administrative office of the district or political subdivision is located, who shall then post the notice on a bulletin board located at a place convenient to the public in the county courthouse.

(g) The governing body of a water district, other district, or other political subdivision, except a district or political subdivision described in Subsection (f) of this section, shall have a notice posted at a place convenient to the public in its administrative office, and shall also furnish the notice to the county clerk or clerks of the county or counties in which the district or political subdivision is located. The county clerk shall then post the notice on a bulletin board located at a place convenient to the public in the county courthouse.

(h) Notice of a meeting must be posted in a place readily accessible to the general public at all times for at least 72 hours preceding the scheduled time of the meeting, except that notice of a meeting of a state board, commission, department, or officer having statewide jurisdiction, other than the Texas Workers' Compensation Commission or the governing board of an institution of higher education, must be posted by the Secretary of State for at least seven days preceding the day of the meeting. In case of emergency or urgent public necessity, which shall be clearly identified in the notice, it shall be sufficient if the notice is posted two hours before the meeting is convened. Any public official or person who is designated or authorized to post notices of meetings by a governmental body in accordance with Section 3A of this Act shall post the notice taking at face value the reason for the emergency as stated by the governmental body. Cases of emergency and urgent public necessity are limited to imminent threats to public health and safety or reasonably unforeseeable situations requiring immediate action by the governmental body. Provided further, that where a meeting has been called with notice thereof posted in accordance with this subsection, additional subjects may be added to the agenda for such meeting by posting a supplemental notice, in which the emergency or urgent public necessity requiring consideration of such additional subjects is expressed. In the event of an emergency meeting, or in the event any subject is added to the agenda in a supplemental notice posted for a meeting other than an emergency meeting, it shall be sufficient if the notice or supplemental notice is posted two hours before the meeting is convened, and the presiding officer or the member calling such emergency meeting or posting supplemental notice to the agenda for any other meeting shall, if request therefor containing all pertinent information has previously been filed at the headquarters of the governmental body, give notice by telephone or telegraph to any news media requesting such notice and consenting to pay any and all expenses incurred by the governmental

body in providing such meetings shall be as provided by Section 3A amended by Acts 1977, ch. 31, § 3, eff. Sept. 1, 1977; § 1, eff. Aug. 29, 1977; Sec. 3A(a) amended by Acts 1981, ch. 31, § 1, eff. Sept. 1, 1981; Sec. 3A(h) amended by Acts 1987, ch. 5, § 5, eff. Sept. 1, 1987.

Sec. 3B. A governmental body shall make a record of each of its deliberations and shall make such records available to the public. The records shall be made available to the public by the chief administrative officer of the governmental body. Sec. 3B added by Acts 1987, ch. 5, § 5, eff. Sept. 1, 1987.

Sec. 4. (a) Any member of a governmental body who knowingly closes or aids in closing a meeting to the public where a close relative of the member is guilty of a misdemeanor or a felony, or who knowingly closes or aids in closing a meeting for more than six months, or who knowingly closes or aids in closing a meeting for more than six months, shall be guilty of a misdemeanor or a felony, whichever is more severe.

(b) Any member or governmental body who circumvents the provision of this section for the purpose of secret deliberation and on conviction shall be fined not more than \$500 or imprisoned not more than six months, or both.

Sec. 4 amended by Acts 1977, ch. 31, § 3, eff. Sept. 1, 1977; Acts 1987, 70th Leg., ch. 5, § 5, eff. Sept. 1, 1987.

Ser

WHEREAS, Senate Bill 1987, passed the House and

WHEREAS, Senate Bill 1987, present open meeting and is intended to prevent a

WHEREAS, The bill and client are recriminal procedure and

WHEREAS, It was a portion of Section 1967 (Article 1967) law, to eliminate where in the law;

RESOLVED by the members concurring, passing Senate Bill 1987, nature of commun

body in providing such special notice. The notice provisions for legislative committee meetings shall be as provided by the rules of the house and senate.

Sec. 3A amended by Acts 1971, 62nd Leg., p. 1789, ch. 527, § 1, eff. June 1, 1971; Acts 1973, 63rd Leg., p. 47, ch. 31, § 3, eff. Jan. 1, 1974; Sec. 3A, subsec. (h) amended by Acts 1975, 64th Leg., p. 968, ch. 367, § 1, eff. Sept. 1, 1975; Sec. 3A, subsec. (a) amended by Acts 1977, 65th Leg., p. 1674, ch. 659, § 1, eff. Aug. 29, 1977; Sec. 3A, subsec. (e) amended by Acts 1981, 67th Leg., p. 2231, ch. 529, § 1, eff. Sept. 1, 1981; Sec. 3A(a), (h) amended by Acts 1987, 70th Leg., ch. 549, § 5, eff. Aug. 31, 1987; Sec. 3A(h) amended by Acts 1989, 71st Leg., 2nd C.S., ch. 1, § 15.34, eff. Jan. 1, 1991.

Record of open meetings.

Sec. 3B. A governmental body shall prepare and retain minutes or make a tape recording of each of its open meetings. The minutes shall state the subject matter of each deliberation and shall indicate each vote, order, decision, or other action taken by the governmental body. The minutes or tapes prepared under this section are public records and shall be made available for public inspection and copying on request to the chief administrative officer of the governmental body or to any other official designated by the chief administrative officer.

Sec. 3B added by Acts 1987, 70th Leg., ch. 549, § 4, eff. Aug. 31, 1987.

Violations and penalties

Sec. 4. (a) Any member of a governing body who knowingly calls or aids in calling or organizing a special or called meeting or session which is closed to the public, or who knowingly closes or aids in closing a regular meeting or session to the public, or who knowingly participates in a regular, special, or called meeting or session which is closed to the public where a closed meeting is not permitted by the provisions of this Act, shall be guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$500 or imprisonment in the county jail for not less than one month nor more than six months, or both.

(b) Any member or group of members of a governing body who knowingly conspires to circumvent the provisions of this Act by meeting in numbers less than a quorum for the purpose of secret deliberations in contravention of this Act shall be guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$500 or imprisonment in the county jail for not less than one month nor more than six months or both.

Sec. 4 amended by Acts 1973, 63rd Leg., p. 48, ch. 31, § 4, eff. Jan. 1, 1974; Sec. 4(a), (b) amended by Acts 1987, 70th Leg., ch. 549, § 6, eff. Aug. 31, 1987.

Senate Concurrent Resolution No. 83 (1969)

WHEREAS, Senate Bill No. 260 [Acts 1969, 61st Leg., p. 674, ch. 227] has passed the House and the Senate; and

WHEREAS, Senate Bill No. 260 was amended to delete provisions in the present open meetings law stating that "Nothing in this Act shall be construed to prevent a governing body from consulting with its attorney"; and

WHEREAS, The privileged nature of communications between attorney and client are recognized by the common law, by Article 38.10, Code of Criminal Procedure of Texas, 1965, and by the rules of the State Bar of Texas; and

WHEREAS, It was the intent of the legislature, in repealing the quoted portion of Section 2, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes), the open meetings law, to eliminate from that law surplus matter already covered elsewhere in the law; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the legislature declare that it did not intend, in passing Senate Bill No. 260, to abridge or in any way affect the privileged nature of communications between attorney and client.

IV.

CHAPTER 171.

STATE CONFLICT OF INTEREST LAW

CHAPTER 171.
REGULATION OF CONFLICTS OF INTEREST OF
OFFICERS OF MUNICIPALITIES, COUNTIES, AND
CERTAIN OTHER LOCAL GOVERNMENTS

§ 171.001. Definitions

In this chapter:

(1) "Local public official" means a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), county, municipality, precinct, central appraisal district, transit authority or district, or other local governmental entity who exercises responsibilities beyond those that are advisory in nature.

(2) "Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

§171.002. Substantial Interest in Business Entity

(a) For purposes of this chapter, a person has a substantial interest in a business entity if:

(1) the person owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more or \$5,000 or more of the fair market value of the business entity; or

(2) funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year.

(b) A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

(c) A local public official is considered to have a substantial interest under this section if a person related to the official in the first degree by consanguinity or affinity, as determined under Article 5996h, Revised Statutes, has a substantial interest under this section.

§ 171.0025. Application of Chapter to Member of Higher Education Authority

This chapter does not apply to a board member of a higher education authority created under Chapter 53, Education Code, unless a vote, act, or other participation by the board member in the affairs of the higher education authority would provide a financial benefit to a financial institution, school, college, or university that is:

(1) a source of income to the board member; or

(2) a business entity in which the board member has an interest distinguishable from a financial benefit available to any other similar financial institution or other school, college, or university whose students are eligible for a student loan available under Chapter 53, Education Code.

§ 171.003. Prohibited Acts; Penalty

(a) A local public official commits an offense if the official knowingly:

(1) violates Section 171.004;

(2) acts as surety for a business entity that has work, business, or a contract with the governmental entity; or

(3) acts as surety on any official bond required of an officer of the governmental entity.

(b) An offense under this section is a Class A misdemeanor.

§ 171.004. Affidavit and Abstention From Voting Required

(a) If a local public official has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:

(1) in the case of a substantial interest in a business entity the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or

(2) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

(b) The affidavit must be filed with the official record keeper of the governmental entity.

(c) If a local public official is required to file and does file an affidavit under Subsection (a), the official is not required to abstain from further participation in the matter requiring the affidavit if a majority of the members of the governmental entity of which the official is a member is composed of persons who are likewise required to file and who do file affidavits of similar interests on the same official action.

§ 171.005. Voting on Budget

(a) The governing body of a governmental entity shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a member of the governing body has a substantial interest.

(b) Except as provided by Section 171.004(c), the affected member may not participate in that separate vote. The member may vote on a final budget if:

(1) the member has complied with this chapter; and

(2) the matter in which the member is concerned has been resolved.

§ 171.006. Effect of Violation of Chapter

The finding by a court of a violation under this chapter does not render an action of the governing body voidable unless the measure that was the subject of an action involving a conflict of interest would not have passed the governing body without the vote of the person who violated the chapter.

§ 171.007. Common Law Preempted; Cumulative of Municipal Provisions

(a) This chapter preempts the common law of conflict of interests as applied to local public officials.

(b) This chapter is cumulative of municipal charter provisions and municipal ordinances defining and prohibiting conflicts of interests.

§ 171.008. Renumbered as § 171.006 by Acts 1989, 71st Leg., ch. 1, § 40(a), aff. August 28, 1989

§ 171.009. Service on Board of Corporation for no Compensation

It shall be lawful for a local public official to serve as a member of the board of directors of private, nonprofit corporations when such officials receive no compensation or other remuneration from the nonprofit corporation or other nonprofit entity.

V.

ADDISON CITY CHARTER PROVISIONS

nearly as possible the cost of any service furnished to or rendered by any such utility to any other City or governmental department. The Council shall annually cause to be made by a certified public accountant, and shall publish, a report showing the financial condition of said public utility and the financial results of such City ownership and operation, giving the information specified in this section and such additional data as the Council shall deem expedient.

Section 6.12. Regulations of rates and services.

The City Council shall have full power, after due notice and hearing, to regulate by Ordinance the rates and service of every public utility operating in the Town of Addison.

Section 6.13. Rate changes.

No person or corporation enjoying any franchise to operate a public utility within the Town of Addison shall ever make any charge or fix any rate for public service to its patrons or the inhabitants of the Town of Addison without first being authorized by the City Council of the City by an Ordinance or order approving the same, and no public utility shall contest any rate or charge or order fixed by the City Council of the City under the authority otherwise conferred in the Charter of the City in any suit or cause of action in any court until after such utility has filed a motion for a rehearing with the City Council of the City specifically setting out the grounds of complaint against any such order or Ordinance fixing any rate or charge and until the City Council of the City shall have passed upon the said motion for rehearing.

**ARTICLE VII. MUNICIPAL PLANNING
AND ZONING**

Section 7.01. Platting of Property.

Hereafter, every owner of any tract of land situated within the corporate limits of the Town of Addison, Texas, who

may divide the same in two (2) or more parts for the purpose of laying out any subdivision or any addition to the City, or seeks to have issued a building permit to construct any improvement on such land, shall comply with the provisions of Article 974a of the Revised Civil Statutes of the State of Texas of 1925, as now or hereafter amended, [which] is hereby adopted and incorporated herein for all purposes.

State law reference—Platting and recording subdivisions or additions, V.T.C.S., Art. 974a.

Section 7.02. Development of property.

The City Council shall cooperate in every manner possible with persons interested in the development of property within, or beyond, the City limits. No expenditure of public funds, however, shall be authorized for the development of privately owned subdivisions, situated within or beyond the corporate limits of the City; except, (where feasible for the City) for the extension of utilities or services to such areas.

Section 7.03. Master plan.

a. The official master plan of the City shall be used as a guide by the City Council and the City Planning and Zoning Commission for development of the City with respect to land use, thoroughfares and streets, buffer zones, parks, and other matters affecting development.

b. The master plan may be amended by majority vote of the whole Council, and such amendments as are read into the master plan shall be entered therein and shall become part thereof and of the official records of the City.

Section 7.04. Planning and zoning commission.

The City Council shall have the power and authority to appoint a City Planning Commission, in accordance with the General Laws of the State of Texas, as provided for in Articles 1011a through 1011(1) of the Revised Civil Statutes of the State of Texas (Title 28, Chapter 4) as now, or hereafter, amended; and the City Council and Town of Addison shall have all of the rights, privileges, powers, and

authority, given, permitted and granted under the laws of the State of Texas, relative to zoning and planning in, for, and of, municipalities, and their environs. Such commission may also be designated and referred to as the "City Zoning Commission." The present City Zoning Commission of the Town of Addison may continue to serve, (or, may be specially designated by the City Council, as the City Planning Commission or City Planning and Zoning Commission, and shall, in such event, thereafter serve under such new title).

State law reference—Zoning, V.T.C.S., Art. 1011a et seq.

ARTICLE VIII. NOMINATIONS AND ELECTIONS

Section 8.01. Election.

The regular City election shall be held on the first Saturday in May of each year or on such day established by state law, at which time officers will be elected to fill those offices which become vacant that year. The Council shall fix the hour and place for holding such elections. The Council, may, by Resolution, order a special election, fix the time and place for holding same and provide all means for holding such special election. (Ord. No. 088-032, § 1, Prop. 7, 7-12-88, election 8-13-88)

Section 8.02. Regulation of elections.

The Council shall make all regulations considered to be necessary or desirable which are not inconsistent with this Charter or the laws of the State of Texas, for the conduct of municipal elections, for the prevention of fraud, and shall make provisions for recount of the ballots in case of doubt or fraud. The Council will appoint election officials who will conduct the municipal elections consistent with this Charter, regulations made by the Council, or the laws of the State of Texas.

State law reference—Officers of election, V.T.C.S. Election Code, Art. 3.01 et seq.

of any technical defects in the recall petition, be deemed removed from office, and the vacancy [shall] be filled as vacancies in the Council are filled, as provided in this Charter.

Section 10.10. Recall, restrictions thereon.

No recall petition shall be filed against any officer of the City within three (3) months after his election, nor within three (3) months after an election for such officer's recall.

Section 10.11. Failure of the Council to call an election.

In case all of the requirements of this Charter shall have been met and the Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed upon said Council by the provisions of this Charter with reference to such recall, then the county judge of Dallas County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of City Secretary or by the Council.

ARTICLE XI. MISCELLANEOUS PROVISIONS

Section 11.01. No officer or employee to accept gift, etc.

No officer or employee of the Town of Addison shall ever accept, directly or indirectly, any gift, favor, privilege or employment from any public utility corporation, or other company, contractor or individual which currently has a grant, franchise, or contract with said City during the term of office of such officer, or during such employment of such employee, except as authorized by law or ordinance. Any officer or employee of the City who shall violate the provisions of this section shall be guilty of a misdemeanor and may be punished by any fine that may be prescribed by Ordinance for this offense, and forthwith be removed from office. (Ord. No. 088-032, § 1, Prop. 9, 7-12-88, election 8-13-88)

S
es
ci.
ar
Ci
of
off
or
exp
wit
vol
this
by
8-13
Sec
Th
of its
Com
provi
empl
such
to pr
Stat
seq. 1
Securit
Secti
Sale
restrict
betwe
way of
describ
Cor
Line
Louis
Supp. No.

Section 11.02. Officers or employees of the City not to have financial interest in any contracts of the City.

No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies or services, except on behalf of the City as an officer or employee. Any knowing or willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the City Council of the City shall render the contract involved voidable by the City Council. The restrictions contained in this section shall be cumulative of those required and provided by state law. (Ord. No. 088-032, § 1, Prop. 9, 7-12-88, election 8-13-88)

Section 11.03. Retirement system and social security--group insurance.

The Council shall have the power to provide for coverage of its appointed officers and employees under the Workmen's Compensation, Retirement and Social Security systems provided by laws of the State of Texas for such officers and employees, of the City; and for group insurance coverage of such officers and employees, with the Council having power to provide for the payment of all or any part of the cost.

State law references—Workers' compensation, V.T.C.S., Art. 8307 et seq.; Texas Municipal Retirement System, V.T.C.S., Art. 6243h; Social Security for municipal employees, V.T.C.S., Art. 696g.

Section 11.04. Restriction of sale of alcoholic beverages.

Sale of alcoholic beverages for off-premises consumption is hereby restricted and limited to the existing west side of Inwood Road between the southern corporate limits and the southern right-of-way of Belt Line Road and such area being more specifically described as follows:

Commencing at a point on the south right-of-way of Belt Line Road (a 100-foot R.O.W.) and the west right-of-way of St. Louis Southwestern Railway Company (a 100-foot R.O.W.);

VI.

ADDISON ZONING ORDINANCE PROVISIONS

A

ARTICLE VIII-A

PLANNED DEVELOPMENT DISTRICT

Section 1. PURPOSE OF DISTRICT

The purpose of this district is to encourage better development in the City by allowing more flexibility in the planning and development of projects. Variable combinations of land use units such as industrial parks, office or commercial districts, mixed or uniform residential development, or other appropriate combination of uses will be allowed if developed and operated as integral land use units by a single owner or combination of owners. It is the policy of the City that the developer shall inventory site conditions and environs, both natural and man-made, and shall provide appropriate protection of these elements prior to approval of the Planned Development District. The district is further designed to allow the City Council greater control over the development of areas adjacent to residential districts.

Section 2. APPLICATION

An application for a Planned Development District may be made to the City Planning Commission in the same manner that an application for any amendment to the zoning ordinance is made. In addition to the requirements outlined in Section 4 and 5, the Planning and Zoning Commission or the City Council may require additional information or special plans related to specific elements of the Planned Development District.

Section 3. USES PERMITTED

A Planned Development District may be approved for any use or combination of uses allowed under the zoning ordinance including special use permits. The uses permitted in any specific Planned Development District shall be enumerated in the ordinance establishing such districts.

Section 4. DEVELOPMENT SCHEDULE

1. An application for a Planned Development District shall, if the applicant desires or the Planning and Zoning Commission or City Council requires, be accompanied by a development schedule indicating the appropriate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, if adopted and approved by the City Council, shall become part of the development plan and shall be adhered to by the owner, developer and his successor in interest. The City Council, in the ordinance approving the development schedule, may authorize the Planning and Zoning Commission to extend the development schedule or adopt a new development schedule without additional public hearings.

2. Annually, where a development schedule has been required, the Building Official shall report to the City Council the actual development accomplished in the various Planned Development Districts as compared with the development schedules.
3. The Planning and Zoning Commission may, if in its opinion the owner or owners of the property are failing or have failed to meet the approved schedule, initiate proceedings to rezone the Planned Development District by removing all or part of the Planned Development District from the Zoning District Map and recommending that the area involved be placed in another appropriate zoning district. This recommendation shall be passed to the City Council as are other amendments to the Zoning Ordinance.
4. The owner or owners may, at any time, apply to the Planning and Zoning Commission for an extension of the development schedule. Such application shall be acted upon by the Planning and Zoning Commission and if the ordinance setting out the development schedule gives the authority to the Planning and Zoning Commission to extend the development time, the action of the Planning and Zoning Commission making the extension shall be final. In the event the Planning and Zoning Commission denies the extension, the owner or owners of the property shall have a right of appeal to the City Council and the rules for the amendment of the Zoning Ordinance shall apply and govern the handling of the appeal.

Section 5. PROCEDURE FOR APPROVAL OF DEVELOPMENT PLAN

1. An applicant for development of an area included under a Planned Development District, or one seeking to have an area designated as such a district, must submit a Development Plan which shall become part of the amending ordinance. Changes in the Development Plan shall be considered the same as changes in the Zoning District Map and shall be processed as required by the Zoning Ordinance; except that changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height or coverage of the site, or which do not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site or does not significantly alter the landscape plans or signage as indicated on the approved development plan may be authorized by the zoning administrator. Any applicant may appeal the decision of the zoning administrator to the Planning and Zoning Commission for review and decision as to whether an amendment to the Planned Development District ordinance shall be required.

2. The Development plan shall include:

- (a) A site inventory analysis including a scale drawing showing existing vegetation, natural watercourses, creeks or bodies of water and analysis of planned changes in such natural features as a result of the development. This should include a delineation of any flood prone areas.
- (b) A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width of all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five (5) feet.
- (c) A site plan for proposed building complexes showing the location of separate buildings and the minimum distance between buildings, and between buildings and property lines, street lines and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.
- (d) A landscape plan showing screening walls, ornamental planting, wooded areas and trees to be planted.
- (e) An architectural plan showing elevations and signage style to be used throughout the development on commercial buildings.

Any or all of the required information may be incorporated on a single drawing if one drawing is clear and can be evaluated by the Zoning Administrator and the Building Official.

A legal instrument establishing a plan for permanent care and maintenance of any common area or communally-owned facility must be submitted before the Development Plan will be approved. All such instruments shall be approved by the City Attorney as to legal form, and by the City Council as to suitability for the proposed use of the common area.

Section 6. COORDINATION WITH SUBDIVISION REGULATION ORDINANCE

1. Processing under the Subdivision Ordinance shall be carried out simultaneously with the review of the Development Plan under this section.
2. The Development Plan submitted under Section 5 shall be accompanied by a preliminary plat which meets the requirements of the Subdivision Ordinance. The preliminary plat shall be reviewed and approved by the Planning and Zoning Commission prior to the granting of any building permits.
3. Every Planned Development District approved under the provisions of this ordinance shall be considered as an amendment to the Zoning Ordinance as applicable to the property involved. In carrying out the development of a Planned Development District, the development conditions and the development schedule, if required, shall be complied with and such conditions as are specified for the development of a Planned Development District shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy.

ARTICLE XVI

UNPLATTED PROPERTY

The City Planning and Zoning Commission shall not approve any final plat of any subdivision within the city limits of the city until the area covered by the proposed plat shall have been permanently zoned by the City Council.

The City Planning and Zoning Commission of the City shall not approve any final plat of any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the City is pending before the City Council.

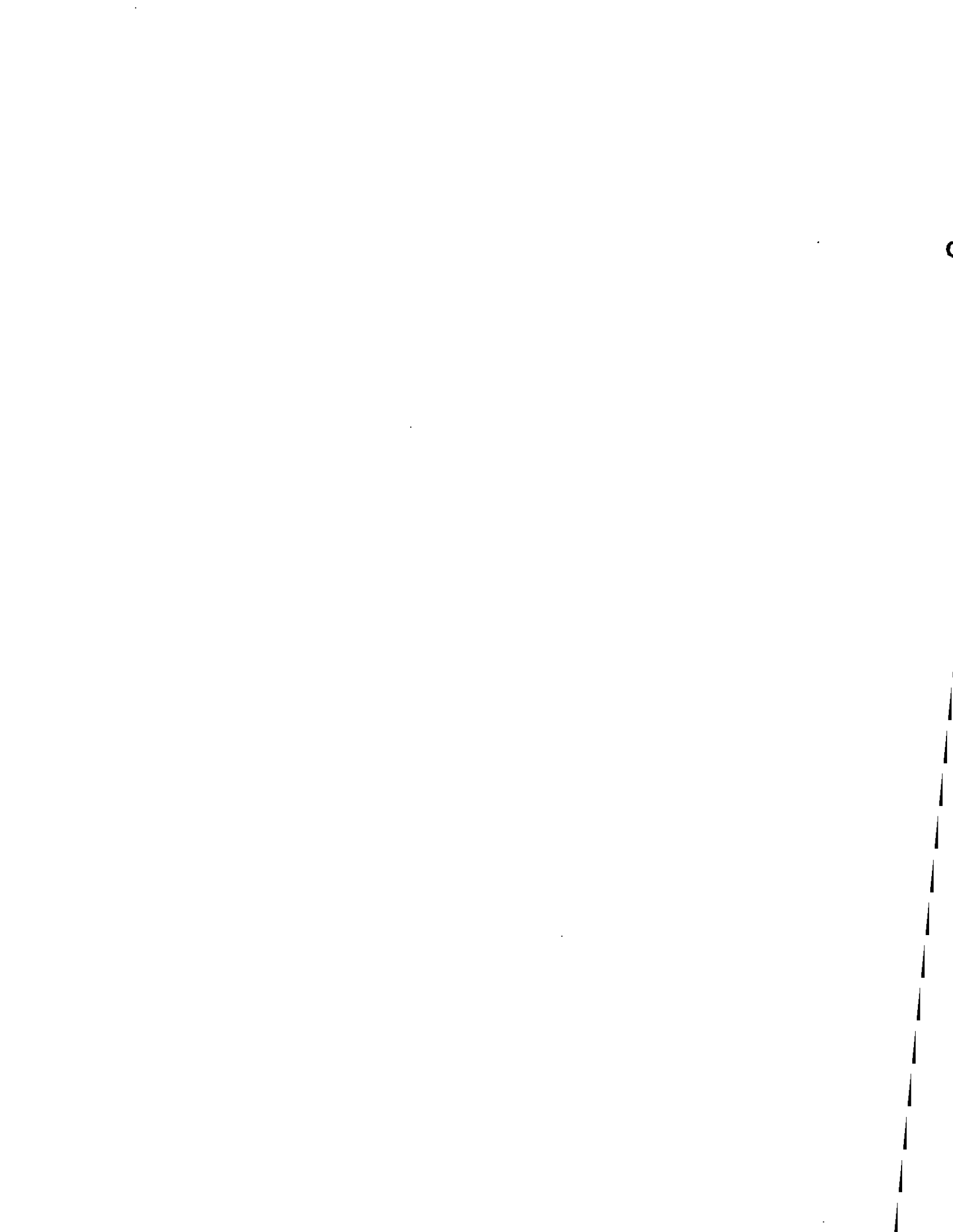
In the event that the City Planning and Zoning Commission holds a hearing on proposed annexation, it may, at its discretion, at the same time hold a hearing upon the permanent zoning that is to be given to the area or tract to be annexed, and make a recommendation on both matters to the City Council so that the City Council can, if it desires, act on the matter of permanent zoning and annexation at the same time.

ARTICLE XVII

PERMITS AND CERTIFICATES

Section 1. CERTIFICATE OF OCCUPANCY AND COMPLIANCE

- A. No building hereafter erected or structurally altered shall be used, occupied or changed in use until a certificate of occupancy and compliance shall have been issued by the Building Inspector stating that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations.
- B. Certificates of occupancy and compliance shall be applied for co-incident with the application for building permit and shall be issued within ten (10) days after the erection or structural alteration of such building shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having a propriety or tenancy interest in the building affected.
- C. No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy and compliance.



ARTICLE XX

CHANGES AND AMENDMENTS

Section 1.

The governing body may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established.

Section 2.

Before taking action on any such proposed amendment, supplement or change, the governing body shall submit the same to the City Planning and Zoning Commission for its recommendation and report.

Section 3.

A public hearing shall be held by the Governing Body before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given, by publication one (1) time in the official newspaper of the City or a paper of general circulation in the City, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication.

Section 4.

- (a) If a written protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed by the owners of twenty percent (20%) or more either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same extending two hundred feet (200) therefrom, such amendment shall not become effective except by the favorable vote of three fourths (3/4) of all the Governing Body.
- (b) Where there is not a written protest against such a proposed amendment, supplement or change; and the decision of the Planning and Zoning Commission is for denial, a three fourths (3/4) vote of all of the governing body shall be required to overrule the decision of Planning and Zoning Commission.

Section 5.

The official zoning map of the City shall be kept in the office of the City Secretary, and all changes in district boundaries shall be noted thereon immediately after approval by the governing body of the City.

Section 6.

Each application for permanent zoning or for an amendment or change to the existing provisions of this zoning ordinance shall be made in writing on a form suitable to the Building Inspection Department and shall be filed with the Building Inspection Department with the appropriate fee to be charged to the City of Addison, Texas, for administration of the zoning application. The fee for one (1) lot to one (1) acre shall be one hundred and fifty dollars (\$150.00), the fee for one and one-tenth (1.1) acres to five (5) acres shall be three hundred dollars (\$300.00) and the fee for more than five (5) acres shall be five hundred dollars (\$500.00). The fee for any special use request shall be four hundred twenty-five dollars (\$425.00). If a request is made, the above costs include the first request. Each additional request is twenty five dollars (\$25.00).

Section 7.

Upon receipt of a written application for permanent zoning or for a change or for an amendment to an existing provision of this zoning ordinance, a date will be set for public hearing before the Planning and Zoning Commission. Notice of such public hearing will be given as required by the General Laws of the State of Texas.

Section 8.

The applicant will be required to furnish:

- (a) Legal description of the property sought to be changed. The legal description must be sufficient so as to allow a qualified surveyor to take the description and locate and mark off the tract on the ground, if necessary.
- (b) Five plats showing the area of the requested zone change.
- (c) Zoning change desired.
- (d) Reasons for change.
- (e) Deed restrictions on the property, if any.
- (f) Status of applicant - owner, tenant, or prospective purchaser.

Section 9.

The Planning and Zoning Commission may establish such regulations and restrictions regarding the presentation of a zoning case at the public hearing as they may deem necessary.

Section 10.

When an application is denied by the Planning and Zoning Commission, the Planning and Zoning Commission should offer reasons to the applicant for such denial.

Section 11.

After a public hearing before the Planning and Zoning Commission, the Planning and Zoning Coordinator shall notify the City Secretary and the City Council of any action taken by the Planning and Zoning Commission on the application, and if the application be approved by the Planning and Zoning Commission, the City Secretary shall automatically schedule a public hearing regarding said application to be held before the City Council, giving notice as required by the General Laws of the State of Texas.

Section 12.

After a public hearing is held before the City Council regarding the zoning application, the City Council shall either approve or deny said application, and if said application be approved, an appropriate ordinance shall be prepared for execution by the Mayor.

Section 13.

The City Council may deny said application with or without prejudice. If the City Council shall deny the application and fail to clearly state that the same as being denied without prejudice, then it shall be deemed that said application is denied with prejudice against refiling.

Section 14.

If the application be denied by the Planning and Zoning Commission, the applicant may, upon his own motion, file with the City Secretary, on a form suitable to the City Secretary, a written request that a public hearing be scheduled and held before the City Council regarding the said application to be held before the City Council, giving notice as required by the General Laws of the State of Texas.

Section 15.

If an application is denied with prejudice against re-filing, the applicant may not refile the same zoning application for a period of one (1) year from the date of filing the original application. However, a revised zoning application may be filed before the expiration of one (1) year, and in such event, the City Council shall be charged with the responsibility of determining whether or not a sufficient change has been made in the zoning application so that the one (1) year waiting period may be waived.

Section 16.

The Planning and Zoning Commission shall consist of seven (7) members, each to be appointed by a majority of the City Council for a term of two (2) years and removable for cause by the City Council. Vacancies shall be filled by the appointment by the City Council of a suitable person to serve a term of two (2) years. Members may be reappointed.

Section 17.

Members of the Commission shall serve without compensation except they shall be entitled to reimbursement of expenses in the amount of Fifty and no/100 Dollars (\$50.00) for each meeting attended.

Section 18.

The Commission shall hold an organizational meeting in January of each year and shall elect a Chairman and Vice-Chairman from among its members before proceeding to any other matters of business. The Commission shall elect a secretary and such other officers as it deems necessary either from its membership or from staff representatives assigned by the City Manager of the City or work with the Commission. The Commission shall meet regularly and shall designate the time and place of its meetings. The Commission and the Chairman are hereby authorized to adopt its own rules of procedure and other rules and regulations to keep a record of its proceedings consistent with the provisions of this ordinance and the requirements of law.

Section 19.

The Planning and Zoning Commission is hereby charged with the duty and invested with the authority to:

(a) Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas and of the City.

(b) Formulate and recommend to the City Council for its adoption a City Plan for the orderly growth and development of the City and its environs, and from time to time recommend such changes in the Plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety and general welfare of the citizens of the City.

(c) Formulate a zoning plan as may be deemed best to carry out the goals of the City Plan; hold public hearings and make recommendations to the City Council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in Articles 1011a to 1011k, Revised Civil Statutes of Texas, as amended, authorizing cities and incorporated villages to pass regulations; all powers granted under said Act are specifically adopted and made a part hereof.

(d) Exercise all the powers of a Commission as to approval or disapproval of plans, plats or replats and vacations of plans, plats or replats set out in Article 974a and 970a, Revised Civil Statutes of Texas.

(e) Study and recommend on the location, extension and planning of public rights-of-way, parks or other public places, and on the vacating or closing of same.

(f) Study and recommend on the general design and location of public buildings, bridges, viaducts, street fixtures and other structures and appurtenances. Study and recommend on the design or alteration and on the location or relocation of works of art which are, or may become, the property of the city.

(g) Initiate, in the name of the City, for consideration at public hearing all proposals: (1) for the original zoning of annexed areas; and (2) for the change of zoning district boundaries on an area-wide basis. No fee shall be required for the filing of any such proposal in the name of the City.

(h) Formulate and recommend to the City Council for its adoption policies and regulations consistent with the adopted City Plan governing the location and/or operation of utilities, public facilities and services owned or under the control of the City.

(i) Keep itself informed with reference to the progress of City Planning in the United States and other countries and recommend improvements in the adopted plans of the city.

(j) Submit each year a progress report to the City Council summarizing its activities, major accomplishments for the past year, and a proposed work program for the coming year. The report shall contain for the year the attendance record of all members and the identity of Commission officers. (Ord. #085-022)

Section 20.

All meeting of the Commission shall be open to the public. The Commission shall establish the dates, time and place of meetings. All proceedings of the Commission shall be recorded in minutes of meetings, and such minutes be approved by the Commission and made a matter of public record.

VII.

SAMPLE
CITY PLAN COMMISSION
RULES OF PROCEDURE

A

CITY PLAN COMMISSION RULES OF PROCEDURE

DEPARTMENT OF PLANNING AND DEVELOPMENT

CITY OF DALLAS

1990

TABLE OF CONTENTS

SECTION 1.	INTERPRETATION	1
SECTION 2.	DEFINITIONS.	1
SECTION 3.	OFFICERS	2
SECTION 4.	MOTIONS.	3
SECTION 5.	MEETING PROCEDURE.	5
SECTION 6.	CONDUCT OF MEMBERS	7
SECTION 7.	EXECUTIVE SESSIONS	7
SECTION 8.	ATTENDANCE	9
SECTION 9.	VOTING AND VOTING QUALIFICATIONS	10
SECTION 10.	MINUTES.	11
SECTION 11.	ENFORCEMENT.	12
SECTION 12.	SUBCOMMITTEES.	12
APPENDIX A.	ARTICLE V. CODE OF CONDUCT	
APPENDIX B.	CPC STATEMENT ON PERSONAL INSPECTION	

4/10/90

CITY PLAN COMMISSION
RULES OF PROCEDURE

SECTION 1. INTERPRETATION. Unless the context clearly indicates otherwise:

- (1) These rules apply to the City Plan Commission. The City Plan Commission is the zoning commission created by Chapter XV, Section 3 of the City of Dallas Charter. The duties of the City Plan Commission (hereafter the "COMMISSION"), are outlined in Chapter XV, Section 4 of the City of Dallas Charter and Section 51A-3.101 of the Dallas Development Code, as amended.
- (2) Words used in the present tense include the future tense.
- (3) Words in the singular include the plural, and words in the plural include the singular.
- (4) These rules apply to all subcommittees of the COMMISSION, except where the context clearly indicates otherwise.

SECTION 2. DEFINITIONS.

- (1) "BRIEFING" means the scheduled portion of the COMMISSION'S meeting at which information is given to the COMMISSION regarding zoning cases and other matters scheduled for consideration by the COMMISSION.

- (2) "CITY PLAN COMMISSION" means the main advisory body to the City Council concerning public hearings on zoning or changes in zoning and subdivision plats, amendments to zoning and development ordinances, and other items which affect the growth of the City of Dallas.
- (3[7]) "COMMISSION" means the CITY PLAN AND ZONING COMMISSION.
- (4[7]) "CHAIR" means the presiding officer of the COMMISSION unless the context clearly indicates otherwise.
- (5[4]) "MEETING" means a regular, special, or called MEETING of the COMMISSION and includes all BRIEFINGS and the OFFICIAL INSPECTION TOUR.
- (6[8]) "MEMBER" means a duly appointed MEMBER of the COMMISSION.
- (7[8]) "OFFICIAL INSPECTION TOUR" means the scheduled site inspection for zoning cases on the COMMISSION'S MEETING agenda.

SECTION 3. OFFICERS.

(1) CHAIR.

- (a) The CHAIR, if present, shall preside at all MEETINGS. In the absence of the CHAIR, the Vice-CHAIR shall preside. In the absence of the CHAIR and Vice-CHAIR, the COMMISSION shall elect a temporary CHAIR. If the presiding officer vacates the chair during a MEETING, and no council-appointed Vice-CHAIR is present, the presiding officer may, subject to the approval of the COMMISSION, appoint a temporary CHAIR. The[18] appointment or

election of a temporary CHAIR does not survive the MEETING in which it is made.

- (b) A temporary CHAIR may be removed by a two-thirds vote of the COMMISSION. If the temporary CHAIR is removed, a new temporary CHAIR must be elected. This election does not survive the MEETING in which it was held.
- (c) The CHAIR shall rule on points of order and procedures that are brought up in MEETINGS; however, a MEMBER may appeal to the COMMISSION from a ruling of the CHAIR. If the appeal is seconded, the MEMBER making the appeal may briefly explain the reason for the appeal and the CHAIR may briefly explain the ruling; but there shall be no debate on the appeal, and no other MEMBER shall participate in the discussion. The CHAIR shall then put the question "shall the decision of the CHAIR be sustained?" If a majority of the MEMBERS present vote "Aye," the ruling of the CHAIR is sustained; otherwise it is overruled.
- (d) In debate, the CHAIR shall be referred to by official title and shall be addressed by prefixing Mr. or Madam, as the case may be, to that title.

SECTION 4. MOTIONS.

- (1) Equal right to make motions. All MEMBERS shall have an equal right to make a motion on any matter before the COMMISSION.

(2) Holding motions. When recognized by the CHAIR, a MEMBER may state a readiness to make a motion. It is the privilege of the CHAIR, if the CHAIR thinks debate is not ended, to ask the MEMBER to hold the motion. The MEMBER may defer to the CHAIR'S request or make the motion at the MEMBER'S option. If the recognized MEMBER defers to the request, the CHAIR must return to that MEMBER prior to accepting a motion from any other MEMBER.

(3) Reconsideration.

(a) Unless an item is referred back to the COMMISSION by the City Council, a motion to reconsider is the exclusive method by which a matter can again be brought before the COMMISSION after final vote has been taken. A motion to reconsider any action of the COMMISSION can be made not later than the next succeeding MEETING. Such a motion can only be made by a MEMBER who voted with the prevailing side. It can be seconded by any MEMBER. No question shall be twice reconsidered, except by unanimous consent of the COMMISSION.

(b) In order to reconsider the action in the same MEETING at which the motion to reconsider is made, the subject matter of the reconsideration must be on the agenda that is publicly posted in accordance with applicable laws. If the motion to reconsider is not on the agenda when made, it must include a date when reconsideration of the previous action is proposed to be placed on the agenda.

- (c) Once an action reaches the floor of the City Council, it cannot be changed by the COMMISSION. Once an action can no longer be changed by the COMMISSION, it may not be reconsidered.
- (d) After a matter has been finally voted on and all possibilities of reconsideration have been exhausted, the matter may not again be brought before the COMMISSION until at least six months from the date it was last voted on.
- (e) An item referred back to the COMMISSION by the City Council is a new item.

SECTION 5. MEETING PROCEDURE.

- (1) Items taken in order. The items on the COMMISSION docket must be acted upon in the order in which they appear, unless, upon a majority vote, the COMMISSION finds that:
 - (a) the grouping of certain cases together provides a more expeditious means to handle those cases;
 - (b) the special nature of a particular case indicates that it should be acted upon earlier or later than the other items in the docket; or
 - (c) a hardship is shown.
- (2) Placing an item on the agenda. Any MEMBER may have an item placed on the agenda of the COMMISSION if the request is provided to the city staff by 10:30 a.m. of the Monday

directly preceding the MEETING at which the MEMBER wants the item considered.

(3) Calendar. The COMMISSION shall adopt a calendar of MEETING times and events on a regular basis. This calendar should cover no less than a 90-day time period from the date it is adopted.

(4) Discussion.

(a) All discussion must be relevant to the issue on the floor for debate, and all discussion must be addressed to the CHAIR and not to individual MEMBERS.

(b) No MEMBER shall be allowed to speak more than once upon any one subject until every other MEMBER choosing to speak thereon shall have spoken, and no MEMBER shall speak more than twice upon any one subject, nor for a longer time than five minutes, without a majority vote of the COMMISSION. The five-minute limitation includes time expended by the MEMBER on discussion, debate, and asking questions[~~//and/objaining/answrs~~].

(c) A MEMBER, once recognized, shall not be interrupted while speaking unless called to order by the CHAIR, or a point of order is raised by another MEMBER. If a MEMBER is called to order while speaking, the MEMBER shall cease speaking immediately until the question of order is determined. If ruled to be in order, the MEMBER shall be permitted to proceed. If ruled to be not in order, the MEMBER shall remain silent or shall alter the remarks so as to comply with rules of the COMMISSION.

- (5) Intermissions. Intermissions must be taken at regular intervals during MEETINGS. The length of the intermission shall be announced by the CHAIR, and MEMBERS must return to their seats in the MEETING room promptly at the conclusion of the intermissions.

SECTION 6. CONDUCT OF MEMBERS.

- (1) While in the MEETING room during a MEETING, MEMBERS shall comport themselves in a manner consistent with the Code of Conduct (Appendix A), at all times, and each MEMBER shall:
- (a) not use the telephones in the MEETING room;
 - (b) refrain from reading materials not pertinent to business of the COMMISSION; and
 - (c) refrain from any other activity that could possibly divert their attention or that of other MEMBERS from the matters properly before the COMMISSION as a whole.
- (2) A MEMBER temporarily absent from a MEETING shall return to the MEETING as soon as possible.

SECTION 7. EXECUTIVE SESSIONS.

- (1) The COMMISSION may remove itself from an open MEETING, by moving to go into an executive session. Only matters allowed by state law may be addressed in an executive session. All communication in an executive session is privileged

information. The privilege can only be waived by a MEMBER by formal waiver. MEMBERS are cautioned that discussing the privileged communication with a member of the public, the media, or any other person not privy to the executive session may damage the privilege. The COMMISSION shall not hold an executive session except when it is considering the merits or deficiencies of an individual potential appointee to a subcommittee, discussing complaints about or evaluations of individual staff members, or seeking the advice of its attorney on the following matters:

- (a) pending or contemplated litigation;
- (b) settlement offers;
- (c) risk of liability of the COMMISSION or individual MEMBERS thereof for taking an action; or
- (d) any matter where the duty of the COMMISSION'S counsel to his client, pursuant to the Code of Professional Responsibility of the State Bar of Texas, conflicts with the Open Meetings Law.

(2) A motion to go into an executive session must be seconded and requires a majority vote. If the motion passes, the COMMISSION shall follow the following procedure:

- (a) The CHAIR shall announce that the COMMISSION is going into an executive session.
- (b) The CHAIR shall announce the time.
- (c) MEMBERS shall move quickly to the location of the executive session with no discussion among themselves or with members of the public or media.

- (d) At the end of the executive session, MEMBERS shall return quickly to the MEETING room with no discussion among themselves or with members of the public or media.
- (e) The CHAIR shall announce the time when the COMMISSION resumes the open MEETING.

SECTION 8. ATTENDANCE.

- (1) All MEMBERS must comply with the attendance rules set forth in Chapter 8, §8-20, §8-20.1, and §8-21 of the Dallas City Code.
- (2) A MEMBER who certifies visiting some, but not all of the scheduled sites visited by the official inspection tour, is absent for the purpose of the attendance rules. Attendance of ~~[BY]~~ (1) the public hearing, ~~[AND]~~ (2) the briefing, and (3) the official inspection tour or personal inspection of all scheduled sites counts as attendance of a MEETING.
- (3) A member can certify inspection tour attendance by submitting a personal statement or a personal "Inspection of Sites" form to the COMMISSION Secretary (Appendix B), to become part of the minutes.
- (4) A MEMBER may not leave a MEETING without acknowledgment by the CHAIR. A MEMBER who leaves a MEETING after the COMMISSION has been duly called to order and remains absent for the remainder of the MEETING without first obtaining the consent of the CHAIR shall be charged with an unexcused absence for that MEETING. The consent of the CHAIR may be given only in the

case of an emergency condition beyond the control of the MEMBER and which requires that the MEMBER leave the MEETING.

- (5) A MEMBER absent from the MEETING room because of a conflict of interest is not absent for purposes of the attendance rules.

SECTION 9. VOTING AND VOTING QUALIFICATIONS.

- (1) A MEMBER must be physically present in the MEETING room to vote except that, a MEMBER present during the MEETING according to the attendance rules who does not vote and who is not prevented from voting by a conflict of interest, shall be recorded as having voted in the affirmative.
- (2) Whenever a vote is taken on a matter before the COMMISSION, at the CHAIR'S request, a city staff member shall call out the votes of each MEMBER of the COMMISSION, whether voting aye or nay, and shall announce the tally, otherwise the CHAIR shall call out the votes.
- (3) A MEMBER not present on the official inspection tour may vote only on the cases the MEMBER has personally inspected or the cases not visited by the official inspection tour, and then only if the MEMBER has heard all of the evidence concerning them.
- (4) A MEMBER must attend the BRIEFING to vote on a matter.
- (5) Once cast and called out, no vote may be changed except through a reconsideration. Votes called out in error must be corrected immediately on the public record. Votes registered

improperly in the minutes may be corrected by the procedure set forth in Section 10.

SECTION 10. MINUTES.

- (1) Within five working days of any MEETING, a draft of the minutes from that MEETING must be filed in the office of the city secretary (or the COMMISSION secretary for subcommittees).
- (2) The draft of the minutes shall be distributed to the COMMISSION not later than its next official MEETING.
- (3) Corrections to the minutes may be submitted to the secretary of the COMMISSION at any time up until the second official MEETING after the MEETING at which the draft was distributed.
- (4) Unless the corrections address changes in the registration of votes or changes in the wording of a motion, the secretary shall incorporate the changes.
- (5) If corrections address changes in the registration of votes or changes in the wording of a motion, the secretary shall prepare the portion of the official record relied on in the preparation of the draft and present it to the COMMISSION. The COMMISSION shall vote, after hearing the record, whether to accept the correction as submitted, modify the correction or let the minutes stand.
- (6) The approved minutes shall be filed in the office of the city secretary within five working days of the MEETING at which the minutes were approved.

SECTION 11. ENFORCEMENT.

[X] MEMBERS shall be removed from the MEETING for failure to comply with decisions of the CHAIR or continued violations of the rules of the COMMISSION. If the CHAIR fails to act, any MEMBER may move to require the CHAIR to enforce the rules, and the affirmative vote of a majority of the COMMISSION shall require the CHAIR to act.

SECTION 12. SUBCOMMITTEES.

(1) Standing committees.

The standing committees of the COMMISSION are:

- (a) the environmental quality committee (EQC);
- (b) the special sign district advisory [~~ordinance/review~~] committee ([~~SRQ~~]);
- (c) the subdivision review committee (SRC);
- (d) the transportation committee; and
- (e) the zoning ordinance advisory committee (ZOAC).

(2) Other subcommittees. Subcommittees other than standing committees may be appointed from time to time by the COMMISSION.

(3) Subcommittee rules.

- (a) All subcommittees shall determine their meeting times. The date, time, and place of each subcommittee meeting must be published in the COMMISSION'S weekly agenda.

- (b) The attendance rules set forth in Chapter 8, §8-20, §8-20.1, and §8-21 of the Dallas City Code apply to all subcommittees.
 - (c) A majority of members present constitutes a quorum of any subcommittee.
 - (d) Any subcommittee may be discharged by a two-thirds vote of the entire COMMISSION.
 - (e) Any item may be taken from a subcommittee and considered by the COMMISSION upon a majority vote of the entire COMMISSION.
 - (f) Subcommittees shall undertake the responsibilities outlined in Subsection (5), as well as any other duties as directed by the COMMISSION or the City Council.
 - (g) Actions taken or recommendations made by subcommittees are not binding on the COMMISSION.
- (4) Subcommittee Creation, Membership, and Appointment.
- (a) All subcommittees are created and appointments approved by the COMMISSION.
 - (b) Members of standing committees, and the Chair of each, are appointed by the CHAIR of the COMMISSION subject to the approval of the COMMISSION. A potential nominee to a standing committee must fill out the COMMISSION-approved service form and these forms must be furnished to the entire COMMISSION at the time of the nomination. Members of standing committees must be voted on, if at all, as a group and not individually. If no objection is raised

within 30 days of the appointments, the appointments are approved for a two-year period that runs concurrently with the terms of the COMMISSION. Any vacant position on a subcommittee must be filled by this process, regardless of when the vacancy arises.

[(c) THE /// SUBDIVISION /// REVIEW /// COMMITTEE /// MEMBERSHIP /// MUST INCLUDE /// AT /// LEAST /// ONE /// ARCHITECT /// ONE /// PLANNER /// ONE GRAPHIC /// DESIGNER ARTIST /// AND /// ONE /// CITY /// PLAN COMMISSIONER /// ALL /// MEMBERS /// MUST /// HAVE /// KNOWLEDGE / EXPERIENCE /// OF /// INTEREST /// IN /// THE /// FIELD /// OF /// SIGNAGE /// ART / ARCHITECTURE /// THIS COMMITTEE /// INCLUDES /// THOSE /// PERSONS APPOINTED /// TO /// THE /// SPECIAL /// SIGN /// DISTRICT /// ADVISORY COMMITTEE / CREATED BY THE DAILY DEVELOPMENT CODE]

(5) Standing Subcommittee Powers and Responsibilities.

(a) Environmental Quality Committee:

- (1) The Committee shall review and make recommendations to the COMMISSION on environmentally-related projects and other environmental matters.
- (2) The Committee shall help preserve environmental resources by suggesting actions the COMMISSION can take to protect the environment against destruction and deterioration by urban development activities.

(b) Special Sign District Advisory [Ordinance/Review]
Committee:

ԵՄԲ/ՎՓԻՔԲՔՐՈՂԸ/ՔՂՓՓՈՂԸ/ՓՂ/ՆՓՐԻՓ//ՄԻ//ՎՓԻՔԲՔՐՈՂԸ//ՔԻՄՂ
 ՂՓ///ՎՓԻՔԲՔԻՂՈՂԸ/ՔՂՔՂԻՂԻՔԻ//ՓՂ//ԵՄԲ//ՔՂՐԻՔԻՐՓ//ՄԵԻՔ
 ՎՓԻՔԻՂՈՂԸ/ՂՔԻՐՓՓՔ/ՔՔ/ՂԻՂԻՔՈՒ/ՂՔՈ//ՄՓԻՄՈ//ՂՂԻՐ//ՔՄՂ//ՂՓ
 ՔՔՔՔ//ՔՓՈՂ//ՂՓ//ԵՄԻՔԻՂԻ//Ք/ՄԻՔՂՄԻՔՈ/ՓՂ/ՔՔԵՂՈՓՈՒՔ/ՔԻ
 ՔՔԻՂՈՓՈՒՔ//ՔՄԼ///ՈՓԻՏՏԻՄՈՒՔ//ՔՄՂ//ՓՂ//ՔՄՓԻՔԲՔՐՈՂԸՔՂ
 ՔՂՔՈ//ՂԻՔՈՒ//ՔՄԲ//ՔՄՓԻՔԲՔԻՂՈՂԸ//ՂՐԻՔԻՔԻՐՓ
 ՄԵԻՔ/ՎՓԻՔԻՂՈՂԸ/ՂՔԻՐՓՓՔ/ՂԻՔ/ՄՓԻՔՂԻ/ՂԻՔՈ/ՔՔԻՂՈՓՈՒՔ//ՔՄԼ

ՂՑ

/ՔԻՔՂՔՂՄԻ/ՔՂՔԻՂՈՂՈՂԸ

ՔՔ//ՔՄԻՔԻՔ//ՂՂՔՈՒՔՄԻ///ՂՓԻ///ՎՓԻՔԲՔԻՂՈՂԸ//ՂՐՔՄՂ
 ՔՔԵՂՈՓՈՒՔ//ՓՂ//ԵՄԲ//ՎՓԻՔԲՔՐՈՂԸՔՐ/ՄԵԻՔ//ՂՂՔՈՒՔՄԻ//ՂՓԻ
 ՂԻՂԻՔՈՒ/ՂՔՈ/ՄՓԻՄՈ/ՔՄԵԻՔ/ՔՓՈՂ/ՂՓ//ԵՄԻՔԻՂԻ//Ք//ՄԻՔՂՄԻՔՈ
 ՓՂ///ՔՔԵՂՈՓՈՒՔ//ՔԻ//ՔՔԻՂՈՓՈՒՔ//ՔՄԼ///ՈՓԻՏՏԻՄՈՒՔ
 ՔՄՂ/ՓՂ/ՔՄՓԻՔԲՔՐՈՂԸՔՂ/ՔՂՔՈ//ՂԻՔՈՒ//ՔՄԲ//ՔՄՓԻՔԲՔԻՂՈՂԸ
 ՄԵԻՔ///ՂՂՔՈՒՔՄԻ///ՂԻՔ//ՄՓԻՔՂԻ//ՂԻՔՈ/ՔՔԻՂՈՓՈՒՔ//ՔՄԼ

ՂՑ

/ՈՓԻՏՏԻՄՈՒՔ/ՔՄՂ/ՓՂ/ՔՄՓԻՔԲՔՐՈՂԸՔՂ/ՔՂՔԻՂՈՂՈՂԸ

ՔՂՔՈ//ՂԻՔՈՒ//ՔՄԲ//ՐՓՓՂԻՔԻՐՈՒ/ՔՄԲ/ՔՂՔՐՈՒՔՈՒՔ/ՂՂՂՂՂՂՂՂՂ
 ՔՂՔ/ՔՔԵՂՈՒՔ//ՂՄԲ//ՂՓ//ՔՂՔՂԻՔ//ՂԻՂԻ//ՔՄՂ//ՂՔՂ//ՔԻՔՈՒՔ
 ՂԻՔՈ//ՔՄԲ//ՔՓՈՒՔՂՈՒ/ՄԵԻՔ/ՔՔԻՔԻՐ/ՂՓ//ՂՂԻՐ//ՔՄՂ//ՓՂ
 ՔՂՄՈՒՔՈՒՔ/ՔՔՓՓՈՂԸ/ՂԻՔ/ՄՓԻՔՂԻ//ՂԻՔՈ/ՔՔԻՂՈՓՈՒՔ//ՔՄԼ

ՂՑ

/ՎՓԻՔՂՔՂՔՐՈՂԸ/ՔՄԲ

ՂՂԻՔՈՒ/ՔՓՔՐՓՔՄԻ//ՔՄԲ//ՂՂՂՂՂՂՂՂՂՂ//ՔՄՓԻՔԲՔԻՂՈՂԸ
 /ՂՂՂՂՂՂ//ՔՂՔՂՈՒՔ//ՓՂ//ՔՄՓԻՔՐ/ՔՂԻ//ՂԻՔ//ՄԻ//ՔՂԻՔՂ
 ՂԻՔՈ/ՔՄԲ/ՐՓԻՂՈՒ/ՔՄՂ/ՂՓ//ՂՂՂՂՂՂՂՂՂ//ՔՄԲ//ՔՓՈՒՔՂՈՒՔ
 /ՔՂՔԻՂՈՒ//ՂՂՂՂՂՂ//ՂՂՂՂՂՂՂ//ՔՄՂ//ՂՓ//ՎՓԻՔՐՈՂԸ
 ՂՓ//ՔՂՔՂՂ//ՂՂՂՂՂՂ//ՔՂԻ//ՔՄԲ//ՔՓՈՒՔՂՈՒՔ//ՄԵԻՔ//ՂՂԻՐ
 ՔՄՂ//ՂՓ//ՂՂԻՔՐՈՒՔ//ՔՄՂ//ՔՂՔՐՈՒՔ/ՂԻՔՈ/ՔՔԻՂՈՓՈՒՔ/ՔՄԼ

(1)

~~conservation of these areas~~. The Committee is governed by the provisions of Section 51A-7.504 of the Dallas Development Code, as amended.

(c) Subdivision Review Committee:

- (1) The Committee shall review and make recommendations to the COMMISSION on plats in the event that proposed staff conditions and preliminary plat conditions are appealed by the applicant.
- (2) The Committee shall review and make recommendations to the COMMISSION on requests for street name changes.

(d) Transportation Committee:

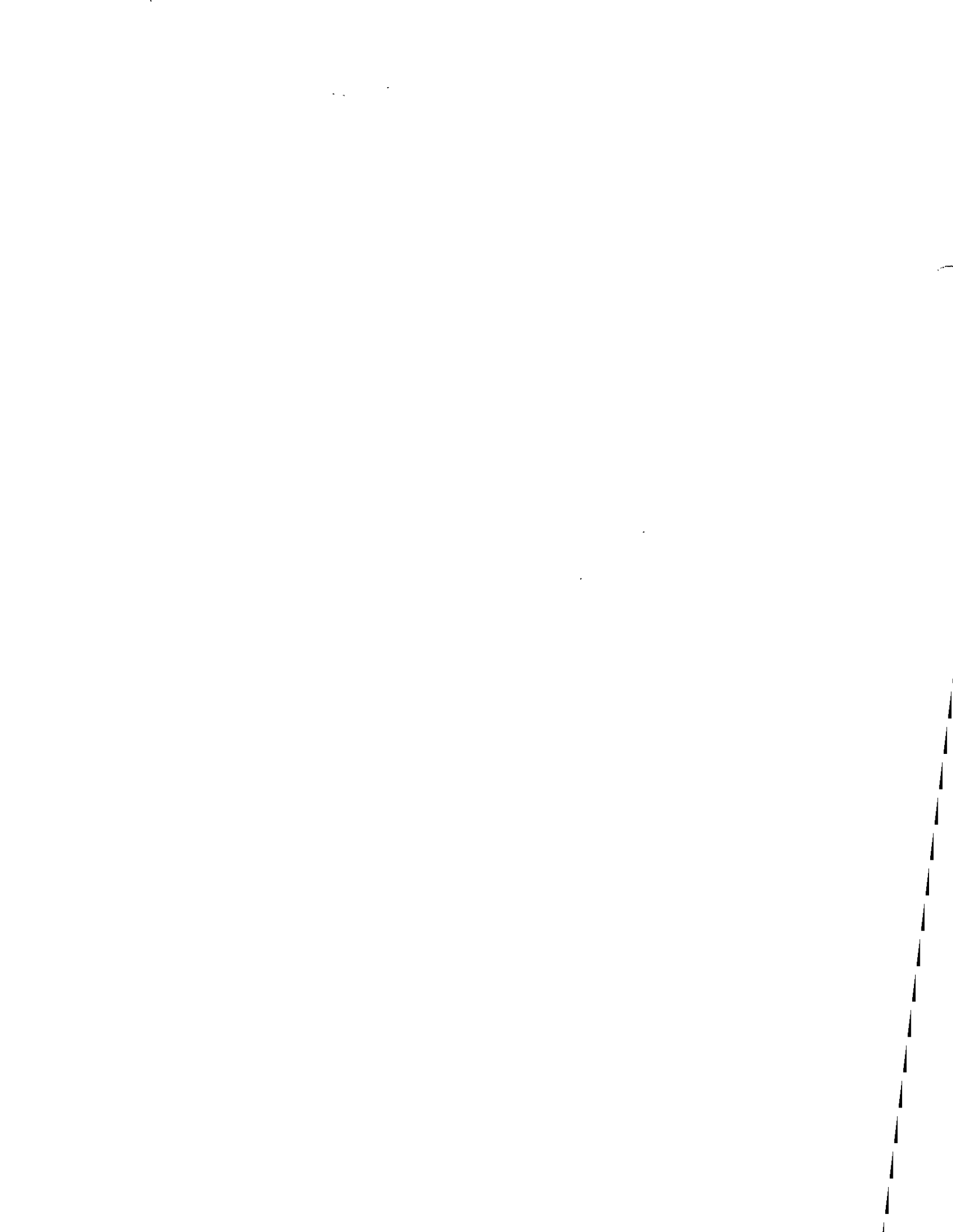
- (1) The Committee shall review and make recommendations to the COMMISSION on proposed amendments to the City's Thoroughfare Plan.
- (2) The Committee shall review all traffic management operations, and DART-related transportation issues that would affect or amend the City's Thoroughfare Plan, or the Central Business District Streets and Vehicular Circulation Plan.

(e) Zoning Ordinance Advisory Committee:

- (1) The Committee shall thoroughly familiarize itself with the provisions of the Dallas Development Code and make recommendations to the COMMISSION on amendments to those zoning regulations.
- (2) The Committee shall carefully consider and understand the impact of proposed amendments.

- (3) The Committee shall ensure that amendments meet the spirit and intent of the Dallas Development Code, and do not contradict other existing regulations.
- (4) The Committee shall receive input from citizens, interest groups, professional organizations, and any other groups or individuals deemed appropriate.
- (5) ANY MEMBER serving on the Committee may inform the COMMISSION about the Committee's discussions and recommendations during the BRIEFING of a matter.

8600G



**RULES AND REGULATIONS
CITY PLAN COMMISSION
CITY OF GARLAND, TEXAS**

A Resolution adopting Rules and Regulations governing the actions, proceedings, and deliberations of the City Plan Commission and its Committees, the election of officers, the time and place of holding meetings, which shall supersede the rules heretofore adopted, provided, however, that any action taken by the City Plan Commission, or its Committees, prior to the adoption of this regulation, in matters which have not finally been completed by the City Plan Commission or final action taken thereon by the City Council, shall be unaffected by these rules.

ARTICLE I. POWERS AND DUTIES

The powers, duties, objectives, and purposes of the City Plan Commission of the City of Garland, Texas, are those set forth under the laws of the State of Texas, Charter, and Ordinances of the City of Garland.

ARTICLE II. OFFICERS AND THEIR DUTIES

Section 1. The officers of the City Plan Commission shall be a Chairman, First Vice-Chairman, Second Vice-Chairman, Secretary, and Assistant Secretary - the Secretary and Assistant Secretary to be non-members of the Commission.

Section 2. The Chairman will preside over all meetings of the Commission and have the duties normally conferred by parliamentary usage of such officer. He shall have the privilege of discussing all matters before the Commission and voting thereon. He shall sign subdivision plats approved by the Commission and such other papers and documents as may be deemed necessary. He shall appoint all Committees and may call special meetings of the City Plan Commission. He shall be responsible for the efficient and orderly transaction of the Commission business.

Section 3. The First Vice-Chairman shall perform the duties of the Chairman during his absence or inability to act. He shall sign subdivision plats during the absence of the Chairman. The Second Vice-Chairman shall perform duties, etc., only in the absence of the Chairman and First Vice-Chairman.

Section 4. The Secretary shall keep the Minutes and records of the Commission, prepare the agenda of regular and special meetings, provide notice of meetings and copies of Minutes to Commission members, arrange proper and legal notice of all hearings, attend to the correspondence of the Commission and other such duties as are normally carried out by a Secretary. It shall be the duty of the Secretary to submit to the Commission the Minutes of the previous meeting so that the same may be corrected, if necessary, to reflect fairly accurately the proceedings of the last meeting, and said Minutes shall not be official until they are adopted by a majority vote of the Commission.

Section 5. The Assistant Secretary shall perform the duties of the Secretary during absence or inability to act.

ARTICLE III. ELECTION OF OFFICERS

Section 1. The Chairman and Vice-Chairman shall be elected annually at the first regular meeting after the City Council appointments are made. Nominations shall be made from the floor and the election shall follow immediately. The candidate receiving a majority vote for the position for which he was nominated shall be declared elected and shall take office immediately. Upon request of a Commission member, election may be by ballot.

Section 2. The Secretary and Assistant Secretary shall be selected by the Chairman with the approval of the Commission from the staff of the Department of City Planning.

Section 3. When a vacancy occurs, for whatever reason, it shall be filled as above indicated by the Commission at a regular or special meeting.

ARTICLE IV. MEETINGS

Section 1. Regular meetings will be held on the second (2nd) and fourth (4th) Mondays of each month at 7:30 P.M. in the City Hall, Garland, Texas. Under special circumstances, such as holidays and special events, the City Plan Commission, by a majority vote, may change the date, time, and location of the regular meeting of said Commission to meet such a contingency.

Section 2. Special meetings may be called at any time by the Chairman or upon a written request signed by three (3) members of the Commission.

Section 3. A majority of membership (5 out of 9) of the Commission shall constitute a quorum. No official action shall be taken unless a quorum be present.

Section 4. The number of votes necessary to determine a question shall be a majority of those present. Each member of the City Plan Commission present shall be required to vote unless he either has a direct interest as a neighboring property owner or a financial interest in the outcome of the particular case, or for reason of nepotism, as defined by the State law or prohibited by State law.

Section 5. All decisions and recommendations of the City Plan Commission shall be made in meetings open to the public and a vote taken at such meetings and duly recorded. All meetings shall be held in accordance with State laws and open to the public.

Section 6. Parliamentary procedure shall be governed by "Robert's Rules of Order," except when in conflict with City and State laws; then, the City and State laws shall govern.

Section 7. It shall be proper for the Commission to take a matter under advisement and announce its decision at some subsequent meeting which is open to the public. No hearing, however, will be adjourned without setting a definite date when such hearing will be resumed.

ARTICLE V. COMMITTEES AND THEIR FUNCTIONS

Section 1. Special committees may be appointed by the Chairman of the Commission from time to time as the occasion for such arises. These committees may be assigned any problem normally considered by the City Plan Commission or be assigned to make a field inspection of zoning cases or any other matter. Special committees shall be composed of at least three (3) members.

Section 2. A Chairman shall be appointed from the membership of each committee by the Chairman of the Commission. The committee Chairman shall preside over committee meetings, shall vote upon all questions, and shall report the result of such meetings to the Commission.

ARTICLE VI. ZONING HEARINGS, PROCEDURES, AND RULES

Section 1. A special committee may make visual inspection of the site of an application and area around application on the ground prior to or after a public hearing so that the members may be fully acquainted with the subject property and the surrounding area and may report their findings to the Commission.

Section 2. At the hearing, proponents and opponents shall be given reasonable and adequate opportunity to present their respective views, and the Commission will, from staff reports, field inspections, and the evidence presented, form its recommendation to the City Council.

Section 3. The Secretary shall include in the Minutes of the Commission a fair resume of the evidence presented at the hearing.

Section 4. After the City Plan Commission has reached its decision and taken official action on any zoning case, the recommendation shall be forwarded to the City Council so that the Council may have the benefit of such report and recommendation when the case comes before the Council for hearing and decision.

Section 5. In all public hearings, the Commission may ask for each delegation to appoint a speaker or speakers to represent the delegation in order to conserve the Commission's time.

Section 6. After a final decision is reached by the Commission or City Council in a request for zoning amendment involving a specific piece of property, no additional application will be accepted by the Commission involving this property within a period of six (6) months from the date of final decision except:

- (a) When the City Plan Commission waives the six-month rule at the time the request is denied.
- (b) At request of the City Council.
- (c) On written request by applicant with pertinent facts which the City Plan Commission deems sufficient to warrant a new hearing. Such requests shall not be set for public hearings unless approved by a majority vote of those present. If a rehearing is granted by the Commission, then the procedure thereon will be the same as that given an original application for zoning change filed with the Commission. A "final decision" shall be defined as being a recommendation to the City Council by the Commission or as approval or denial by the City Council.
- (d) This shall not apply to site plans required as a part of the zoning on the property in question.

Section 7.

- (a) All applications for the amendment of the Zoning Ordinance shall be filed with the Secretary on a form approved by the Commission.
- (b) Any application filed less than 19 days prior to a Commission hearing shall not be placed on the agenda until the following hearing except that the Planning Director may include the application on the agenda of the earliest hearing if, in his opinion, such will not overload the Commission or staff.
- (c) All applications shall be accompanied by a legal description of the area of request.

Section 8. Written notice shall be given to property owners as required by State law.

Section 9. Withdrawals, postponements for same.

(a) **Withdrawals**

- (1) Written request by the applicant to withdraw his petition for zoning change prior to mailing hearing notices shall be honored.
- (2) Written request by the applicant for withdrawal made after mailing hearing notices shall be honored but shall be subject to provisions of Article VI, Section 6.

(b) Postponements

- (1) Written request by the applicant to postpone his application for zoning change prior to mailing hearing notices shall be honored.
- (2) Written request by the applicant for hearing postponement made after mailing hearing notices shall be honored if there is proper time for notification to be mailed to property owners. In the event there is not adequate time for notification, this request shall be subject to the discretion of the Plan Commission.
- (3) If 20% of the property owners within the 200 feet notification area are in opposition, one request for postponement will be permitted.
- (4) If a request for a postponement is made by an applicant before the Plan Commission hears the request, applicant will have 3 months from the time this request is received to decide whether to proceed with the zoning change or the file will be closed.

Section 10. Development Plans.

- (a) Development Plans, when required, must be submitted with the applicant's request.
- (b) Applicants who have a Development Plan reviewed at the Technical Review meeting shall have the revised Plan returned to the Planning Department for Staff review by 9 a.m. Friday with a print suitable for xerographic copy. If the revised plan is not returned in time for adequate staff review, the Plan Commission shall have the option to table the request until the next Plan Commission meeting.

ARTICLE VII. SUBDIVISION RULES AND PROCEDURES

The Rules and Regulations governing the subdivision and platting of land shall be governed by the ordinances and resolutions heretofore adopted and approved by the City of Garland. The City Plan Commission may hold such public hearings concerning subdivision plats as are deemed necessary by the Commission.

ARTICLE VIII. SPECIAL HEARINGS

Section 1. Special hearings may be held by the City Plan Commission or by a special committee, under the direction of the City Plan Commission, on any matter other than zoning and subdivision cases when such a public hearing would be in the public interest.

Section 2. Notice of such special hearing shall be in accordance with the Texas Open Meetings laws or other applicable regulations.

ARTICLE IX. AMENDMENTS

These Rules and Regulations may be changed at any regular meeting of the City Plan Commission by a two-thirds (2/3) vote of the members. Any proposed change or amendment of these rules shall be in the hands of the City Plan Commission members for not less than one (1) week in advance of the meeting at which such change or amendment is considered for adoption.

ARTICLE X. TEMPORARY WAIVER OF BYLAWS

These Rules and Regulations may be temporarily waived by a two-thirds (2/3) vote of those present if a unique or emergency situation develops.

ARTICLE XI

Any action taken by the City Plan Commission or its committees prior to the adoption of the resolution in matters which have not been finally completed by the City Plan Commission or final action taken thereon by the City Council shall be unaffected by these rules.