

ORDINANCE NO. 2022- 21

**AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, AMENDING ARTICLE 2, "PLANNING AND ZONING COMMISSION," OF APPENDIX A, "ZONING," OF THE SAGINAW CITY CODE, WHICH ESTABLISHES A PLANNING AND ZONING COMMISSION AND PROVIDES FOR THE PURPOSES, ORGANIZATION, AND MEMBERSHIP OF THE COMMISSION; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Saginaw is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

**WHEREAS**, pursuant to Chapter 211 of the Texas Local Government Code, the City Council of the City of Saginaw (the "City Council") has created a Planning and Zoning Commission (the "Commission"); and

**WHEREAS**, the City Council has previously established regulations for the administrative governance of the Commission and now seeks to update those regulations; and

**WHEREAS**, the Planning and Zoning Commission of the City of Saginaw, Texas held a public hearing on November 8, 2022, and the City Council of the City of Saginaw, Texas, held a public hearing on November 15, 2022, with respect to the regulations described herein; and

**WHEREAS**, the City has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements to amend the Zoning Regulations of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS:**

**SECTION 1.**

That Sections 2-2, 2-3, 2-6, 2-8, and 2-9 of Article 2, "Planning and Zoning Commission," of Appendix A, "Zoning," of the Saginaw City Code are hereby amended to read as follows:

**"Sec. 2-2. Membership and appointment.**

The said commission shall consist of five regular members and two alternate members to be appointed by the city council. All regular and alternate members shall be qualified electors of the city who have resided in the city one year prior to appointment.

Alternate members should attend all meetings of the commission, and may participate in discussions, but shall have no right to make motions or vote except when acting in the absence or disqualification of a regular member. Alternates shall be designated on their appointment as first and second alternate. On absence or disqualification of one or more regular members, alternates shall be requested by the chair of the commission to act in place of the absent or disqualified member in numerical order of their respective alternate designations.

The members of the commission also serve as members of the Capital Improvements Advisory Committee as established in section 2-163 of the city code. The city council's appointment of any member of the commission shall be deemed to be a simultaneous appointment of that member to the said committee. If the commission does not contain at least one representative from the real estate, development, or building industries, then one such representative shall be appointed by the city council as an ad hoc voting member of the said committee.

### **Sec. 2-3. Terms of office.**

The terms of three of the regular members shall expire on June 30 of each even-numbered year and the terms of two of the regular members shall expire on June 30 of each odd-numbered year. The regular members of the commission shall be identified by place numbers one through five. The odd numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years. No member shall be appointed for a term in excess of two years. Members may apply to be reappointed to succeed themselves. Newly appointed members shall be installed in the first regular commission meeting after their appointment.

The term for an ad hoc Capital Improvements Advisory Committee member who is not a member of the commission shall be for two years and shall expire on June 30.

\* \* \*

### **Sec. 2-6. Organization and conduct of business.**

The commission shall hold an annual organizational meeting and shall elect a chair and vice-chair from among its members before proceeding to any other matters of business. The enforcing officer shall be the secretary of the commission. The commission shall adopt its own rules of procedure and keep a record of its proceedings in accordance with applicable state statutes and these regulations. Newly appointed members shall be installed at the first regular meeting after their appointment. Members shall complete all statutorily required open government training within 90 days of either the date upon which the member is sworn into service or the date by which the member assumes their responsibilities, whichever is sooner.

\* \* \*

**Sec. 2-8. Meeting and quorum.**

(a) *Meeting and quorum.* The commission shall hold at least one regular meeting each quarter and may call special meetings as necessary. A quorum for the conduct of business shall consist of three members of the commission. The members of the commission shall regularly attend meetings of the commission and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

(b) *Administration.* The commission, with the assistance of the City Manager, or his designee, shall post agendas, minutes, and attendance on the commission's webpage on the city's official website. The commission shall provide an annual report to the city council, as well as additional or supplemental reports upon request of the city council.

**Sec. 2-9. Commission actions.**

A motion may be made by any member other than the presiding officer or an alternate. Each motion made by the commission shall require a majority of those members present and voting in order to pass.

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**SECTION 2.**

This ordinance shall be cumulative of all provisions of ordinances and of the Saginaw City Code, and except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 3.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.**

This ordinance shall be in full force and effect from and after its passage and approval, and it is so ordained.

**PASSED AND APPROVED ON THIS 15<sup>th</sup> DAY OF November, 2022.**



*Scott Stutz*  
MAYOR

ATTEST:  
*Jamie Egan*  
CITY SECRETARY

EFFECTIVE: 11-15-2022

APPROVED AS TO FORM AND LEGALITY:

*[Signature]*  
CITY ATTORNEY