

ORDINANCE NO. 2020-23

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, AMENDING SECTION 2-163 OF THE CODE OF ORDINANCES, DESIGNATING THE PLANNING AND ZONING COMMISSION TO SERVE AS THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE IN ACCORDANCE WITH CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE AND DISSOLVING THE CURRENT CAPITAL IMPROVEMENTS ADVISORY COMMITTEE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas 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; and

WHEREAS, the City has previously established a capital improvements advisory committee to fulfill the purposes set forth in V.T.C.A., Local Government Code, Chapter 395; and

WHEREAS, state law permits the City's Planning and Zoning Commission to serve as the advisory committee if the commission includes at least one representative of the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity; or, if no such representative is a member of the planning and zoning commission, the commission may still act as the advisory committee if at least one such representative is appointed by the political subdivision as an ad hoc voting member of the planning and zoning commission when it acts as the advisory committee; and

WHEREAS, the City Council now desires to dissolve the current capital improvements advisory committee and designate the Planning and Zoning Commission to serve as the advisory committee; and

WHEREAS, the City Council determines that the matters contained herein are in the best interest of the City and will promote the health, safety and welfare of the citizens of the City of Saginaw.

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

SECTION 1.

That Section 2-163 of the Saginaw City Code is hereby amended to read as follows:

"Sec. 2-163. – Capital improvements advisory committee.

- (a) *Established purpose.* A capital improvements advisory committee (CIAC) shall be established for the purposes set forth in V.T.C.A., Local Government Code § 395.058.
- (b) *Appointment.* The members of the Planning and Zoning Commission (P&Z) shall serve as the CAIC, and the city council's action of appointing the P&Z members shall be deemed to be their simultaneous appointment as members of the CIAC. If the P&Z does not have 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 CIAC.
- (c) *Terms.* Terms for CIAC members that are P&Z members shall cease or expire when their P&Z term ceases or expires. The term for an ad hoc voting member, who is not a member of the P&Z, shall be for two years, and shall expire on May 31; provided, however, that the members shall continue to serve until their successors are appointed.
- (d) *Vacancies.* Vacancies shall be filled by the city council, as necessary, for the unexpired term of any member whose term becomes vacant.
- (e) *Removal.* CIAC members who are P&Z members shall be removed in accordance with the conditions of removal for a P&Z member. A CIAC member who is not a member of the P&Z shall serve at the will of the city council.
- (f) *Compensation.* Members shall serve without pay.”

SECTION 2.

The current capital improvements advisory committee is hereby dissolved and replaced in accordance with Section 1 of this Ordinance. The members of the current capital improvements advisory committee and hereby removed.

SECTION 3.

This Ordinance shall be cumulative of all other ordinances of the City of Saginaw and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 4.

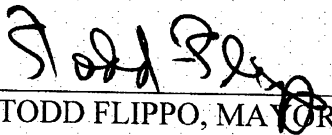
It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since

the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

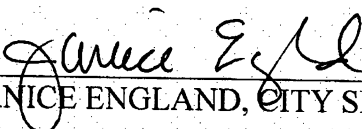
SECTION 5.

This Ordinance shall take effect immediately from and after its date of passage.

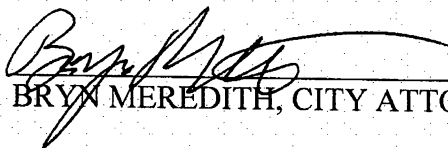
PASSED AND APPROVED ON this the 3rd day of November, 2020.


TODD FLIPPO, MAYOR

ATTEST:


JANICE ENGLAND, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:


BRYN MEREDITH, CITY ATTORNEY