

**ORDINANCE NO. 110705-4**

**AN ORDINANCE OF THE CITY OF BUDA, TEXAS AMENDING CHAPTER EIGHTEEN, ARTICLE 18.03, DIVISION 2, CHANGING THE REQUIREMENTS FOR SERVING ON LIBRARY COMMISSION; CONTAINING A PROVISION RELATED TO CONFLICTS; AND CONTAINING A SEVERABILITY CLAUSE AND EFFECTIVE DATE.**

**WHEREAS**, The City adopted Ordinance Numbers 080805-1 creating Buda Public Library Commission; and

**WHEREAS**, the requirements for serving on Buda Public Library Commission need to be consistent with revisions to the City's Master Plans and development regulations ; and

**WHEREAS**, this Ordinance was adopted at the regularly scheduled city Council meeting held in strict compliance with the Texas Open Meetings Action, at which a quorum of the City Council was present and voting.

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

**SECTION 1.** Chapter 18, *Street and Public Places*, Article 18.03, *Library*, Division 2. *Board of Trustees*, of the City of Buda Code of Ordinances is hereby repealed and replaced in its entirety as follows:

**Division 2. Library Commission**

**Section 18.03.031 Created; appointment of members; terms**

- (a) This division creates the Buda Public Library Commission ("Commission") appointed by the City Council. The Commission shall consist of seven (7) members who shall reside either in the City of Buda incorporated city limits or its extraterritorial jurisdiction.
- (b) The members of the Commission shall serve two (2) -year staggered terms, with four (4) members being appointed in April of even numbered years and three (3) members being appointed in April of odd numbered years.

- (c) On the initial Commission, four (4) of the members shall be appointed for one -year terms and three (3) members shall be appointed for two -year terms. Thereafter, all terms shall be two -year terms.
  
- (d) Unless otherwise approved by the City Council, members of the Commission shall serve a maximum of three (3) consecutive terms. After a member serves his or her three (3) maximum consecutive terms, such ex-member cannot immediately reapply for the Library Commission; however, such ex-member can apply immediately for positions to other Boards or Commissions that may have vacancies or re-appointments. An appointment to fill a vacancy shall be for the unexpired term. A member serving to fill an unexpired term shall be eligible for reappointment to serve two (2) full two-year terms.
  
- (e) Unless otherwise required by state law, all members serve at the pleasure of the City Council and may be removed at any time with or without cause.

**Sec. 18.03.032            Qualifications of members**

- (a) Unless otherwise determined by City Council, at least five (5) of the members of this Commission shall reside within the corporate limits of the city and no more than two (2) members shall be residents of the City's extraterritorial jurisdiction.
  
- (b) If a City resident member of the Commission ceases to reside in the City and his or her relocation reduces the number of City resident Commission members below four (4), that person shall give such notice of such fact and may be deemed to have resigned from the Commission as of the date his or her residence changed, and the City Council shall appoint a resident Commission member to fill the remainder of the resigning member's term. The temporary lack of four (4) resident members created by the vacancy shall not impair the ability of the Commission to perform its duties nor the actions taken by the Commission. If a resident Commission member moves to the City's extraterritorial jurisdiction and the relocation leaves at least four (4) resident members on the Commission, the relocated member shall continue to hold his or her place on the Commission. A quorum of the Commission shall be required to open meetings, conduct business and take action on any agenda items.
  
- (c) The City Council may take into consideration an applicant's history on delinquency in payment of any city taxes, utility bills, citations, municipal court judgments and assessments and so forth in qualifying the applicant.

- (d) Notwithstanding any city ad hoc committees or except where duplicate appointments are authorized by ordinance, City Charter or by state law, a person may not be appointed as a member of the Buda Public Library Commission if he or she is currently serving on the City Council, Zoning Board of Adjustment, Planning & Zoning Commission, Historic Preservation Commission, Parks and Recreation Commission, Economic Development Corporation Board of Directors, Local Government Corporation or any other permanent City Board or Commission.

**Sec. 18.03.033 Officers; rules; meetings; quorum; record; conflict of interest**

- (a) The Commission shall have a Chairperson and a Vice-Chairperson elected from its membership to serve for a one (1) year term. Officers shall be elected annually by the Commission. Such officers shall be residents within the city limits.
- (b) The Chairperson shall preside over the Commission and shall have the right to vote on all items before the Commission. The Vice-Chairperson shall fulfill the duties of the Chairperson when the Chairperson is not available for any reason.
- (c) The City Manager or his or her designee shall be an ex officio member of the Commission.
- (d) The Commission may establish rules or bylaws as necessary for the orderly conduct of its business, subject to approval by the City Council.
- (e) The Commission shall meet at least monthly, if there is business at hand, at a time and place established by the Commission. Special meetings may be called by the Chairperson or Interim Chairperson of the Commission, City Manager or his or her designee or upon the request of any three (3) Commission members. All meetings of the Commission shall be open to the public and shall conform with the Texas Open Meetings Act, Section 551 of the Government Code.
- (f) A quorum shall consist of a majority of the members of the Commission except that when a vacancy exists, a quorum shall consist of a majority of the remaining members.
- (g) The Commission shall keep a record, which shall be reasonably available to the public, of its resolutions, proceedings and actions.

- (h) A Commission member shall be required to complete any State-mandated training, to include but not limited to Open Meetings Act training, within ninety (90) days after appointment. Any training expenses incurred by the member may be eligible for reimbursement by the City subject to the City's Travel and Training Policy.
- (i) A Commission member having any potential conflict of interest on any policy, decision, or determination before the Commission shall disclose to each of the other members the nature of his potential conflict and shall abstain from voting on such policy, decision or determination. In the event that the commission member recognizes a conflict or clear potential for conflict of interest, he or she shall recuse him or herself from discussion and action on the topic involving such conflict. The disclosure shall be recorded in the Commission's minutes. Intentional or knowing failure to disclose a conflict of interest shall be governed under the general penalty section as set forth in the City's Code of Ordinances.

**Sec. 18.03.034 Powers and duties**

The Commission shall have the following purposes and duties:

The Commission shall serve in an advisory capacity to the Mayor and City Council and shall have the following purposes and duties, as well as other duties as assigned by the City Council, as necessary to perform the business of the Commission:

- (a) Recommend policies for the operation of the library.
- (b) Act in an advisory capacity to the city council for the continued development and improvement of the public library.
- (c) Promote close communication between the city and all private citizens in order to secure the greatest degree of public benefit from library resources and services.
- (d) Advise in the formulation of reasonable policies governing the use of library facilities and resources based upon recommendations of the library director.
- (e) To perform such other duties as may be assigned by the City Council from time to time.

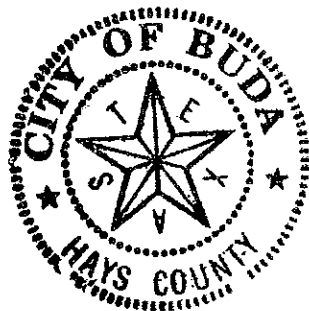
**Section 2.** This ordinance shall be cumulative of all other ordinances of the City of Buda, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Buda except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

**Section 3.** The sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 or invalid phrase, clause, sentence, paragraph or section.


**Section 4.** This Ordinance shall be effective immediately from and after its final passage and any publication in accordance with the requirements of the City of Buda and the laws of the State of Texas.

PASSED AND APPROVED on first reading by the City Council of the City of Buda on this the 21st day of June, 2011.

PASSED, APPROVED AND ADOPTED on second reading by the City Council of the City of Buda on this the 5th day of July, 2011.



APPROVED:

  
Sarah Mangham, Mayor

ATTEST:

  
Toni Milam, City Secretary