

**ORDINANCE NO. 200-05-07**

**AN ORDINANCE OF THE CITY OF SHAVANO PARK CREATING THE SHAVANO PARK WATER ADVISORY COMMITTEE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council is responsible for all basic policy decisions relating to the Water System, including approval of the operation and maintenance of the system, operating budget, short-term and long-term capital budgets and associated projects; and

**WHEREAS**, the City Council desires to create a Water System Advisory Committee to render advisory assistance to the City Council on the water system including operation and maintenance of the system, operating budget, short-term and long-term capital budgets and associated projects.

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

**I**

All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

**II**

The Shavano Park Water Advisory Committee is established as follows:

**I. COMMITTEE CREATED.**

**(A) Creation.** There is hereby created a Water System Advisory Committee.

**(B) Membership.**

The Committee shall consist of six (6) members, whom shall be appointed by City Council as follows:

**(1)** Each City Council Member shall recommend one individual who shall have full voting power on the Commission;

**(2)** The Mayor shall recommend one individual who shall be the Chair of the Commission for the duration of their appointment, shall preside

over all Commission meetings and may participate in Commission debate but shall not vote.

**(3)** All recommended appointments shall be approved by a majority of City Council.

**(C) Terms.**

**(1)** Members shall be appointed for 2 (two) year terms.

**(2)** No member shall serve more than 3 (three) consecutive terms.

**(3)** Members whose terms expire may continue to serve until a successor member is appointed. In such case when a new member is appointed, the term shall relate back to the time of expiration of the previous term. Service for a partial term of greater than one year constitutes a term for the purpose of determining the consecutive number of terms permissible.

**(4)** The initial terms of the members of the Committee shall be established and staggered as follows:

**(a)** Three members shall be appointed with terms ending in January of 2009.

**(b)** Two members and the Mayor recommended appointment shall be appointed with terms ending January of 2010.

**(D) Vacancies.**

**(1)** Vacant positions occurring as a result of an expired term shall be filled by the individual that appointed the outgoing member. Vacant positions occurring for reasons other than an expired term shall be filled by the individual that appointed the departing member, with the replacement member serving for the remainder of the unexpired term.

**(E) Qualifications.**

**(1)** Committee members shall represent the public interest and have a commitment to ensuring the proper and efficient operation of the City of Shavano Park Water System.

**(2)** Members shall be residents of the City and shall reside within the City of Shavano Park Water System service area.

**(3)** No person employed on a full time basis by the City or the San Antonio Water System Authority, or the County shall be appointed to the Committee. No elected official or a family member of an elected official within the 2<sup>nd</sup> degree of consanguinity shall be appointed to the Committee.

**(F) Removal.**

**(1)** Members of the Committee serve at the pleasure of the City Council and may be removed at any time.

**(2)** Members of the Committee shall automatically forfeit their seat on the Committee for the following reasons:

**(a)** The member has been absent from three consecutive meetings, unless the absence was excused by the Chair. For this purpose, being absent is defined as not being in attendance 75% or more of the duration of each officially called meeting.

**(b)** The member has been absent, whether excused or not, from more than 50% of the meetings during any twelve (12) consecutive months.

**(c)** The member ceases to meet any of the required qualifications.

**II. ORGANIZATION; MEETINGS.**

**(A) Officers.**

Annually, in the first quarter of the calendar year, the Committee shall elect a Vice-Chair, and any other officers which the Committee deems appropriate. Officers shall be elected by vote of the majority of the Committee members. Officers shall be elected for one-year terms. No officer shall serve in the same position for more than two consecutive terms at a time

**(B) Meetings.**

**(1)** The Committee shall meet at times as established by a majority of the committee but at least once a quarter. Should the workload diminish sufficiently, as determined by the Committee, the Committee may reduce its meeting schedule to no less than twice a year.

**(2)** All meetings shall be in compliance with the provisions of the Texas Open Meetings Act.

**(C) Conduct of Business.**

**(1)** Unless the Committee adopts other written rules to govern its proceedings, the Committee shall conduct business according to Robert's Rules of Order, which the Committee may modify in writing as it deems appropriate.

**(2)** A quorum of three (3) members shall be necessary to transact business, adopt motions, or conduct voting. Actions may be decided by a majority of the members present.

**(D) Records.**

A record shall be kept of all meetings of the Committee, including the vote of each member on each action. The records shall be filed with the City Secretary's Office and shall be made available for public inspection at reasonable times.

**(E) Conflict of Interest.**

**(1)** Any member who has a conflict of interest regarding a policy, decision, or determination before the Committee or one of its committees or work groups on which the member serves shall, as soon as possible after the conflict of interest becomes apparent, disclose the nature of the conflict to each of the other members voting on the matter. Disclosures shall be recorded. Disclosure of a conflict of interest shall not disqualify a member from participating in any discussion, debate, or vote on the matter unless:

**(a)** A majority of the remaining members voting on the matter determines that, for reasons of propriety, the member should not participate or vote on the matter; or

**(b)** The member voluntarily disqualifies himself or herself.

**(2)** For purposes of this Ordinance, a CONFLICT OF INTEREST means that the member, member's spouse, or member's minor child has an adverse or financial interest in the outcome of any policy, decision, or determination before the Committee or one of its committees or work groups on which the member serves.

**III. RESPONSIBILITIES OF THE COMMITTEE.**

**(A) Delegation.**

There is hereby delegated to the Committee the following responsibilities:

**(1) Advisory Functions.**

The Committee shall advise the Mayor and the City Council on the City of Shavano Park Water System including recommended policies on water protection measures; operation and maintenance of the system, operating budget, short-term and long-term capital budgets and associated projects; ordinances appropriate for effecting such policies; and other appropriate matters as established by city council.

**(2) Reports.**

**(a)** The Committee shall report at least once a year to the City Council on its activities and any recommendations for additional policies or ordinances relative to the purpose of the Committee.

**(b)** At least every five years, the Committee shall undertake a comprehensive review and evaluation of the City of Shavano Park Water System.

**(3) Other Duties, Responsibilities, and Powers.**

The Committee shall have other duties, responsibilities, and powers as may be delegated to it by the City Council.

**III**

If any paragraph, sentence, phrase or other portion of this Ordinance should be declared to be unconstitutional by a court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance and all portions of the Ordinance not held to be invalid shall continue and remain in full force and effect.

**IV**


This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

**PASSED AND APPROVED this the 18th day of December 2007.**

APPROVED:

  
Honorable, A. David Marne Mayor

ATTEST:

  
Sandra Passailaigue, City Clerk

APPROVED AS TO FORM:

  
Charlie Zech, City Attorney

