

RESOLUTION NO. R \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSON CITY, TEXAS APPROVING BYLAWS OF THE PLANNING AND ZONING COMMISSION; AUTHORIZING THE CHIEF ADMINISTRATIVE OFFICER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY; AND ADOPTING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Johnson City, Texas recommended approval of the attached Bylaws on October 22, 2024; and

WHEREAS, the City Council desires to approve the attached Bylaws for the orderly administration of the Planning and Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED that:

Section One. Approval. The Bylaws of the Planning and Zoning Commission, attached hereto as Exhibit A, are hereby approved.

Section Two. Authorization. The Chief Administrative Officer is hereby authorized to take all necessary steps to implement the provisions of this Resolution.

Section Three. Effective Date. This Resolution shall take effect immediately upon its adoption.

Section Four. Recitals. The City Council finds all of the above recitals to be true and correct and incorporates the same in this Resolution as findings of fact.

Section Five. Severability. If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Resolution. The City Council hereby declares that it would have passed this Resolution, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared void.

PASSED, ADOPTED, AND APPROVED by the City Council this the \_\_\_\_\_ day of \_\_\_\_\_ 2024.

APPROVED:

\_\_\_\_\_  
Stephanie Fisher  
Mayor

**ATTEST:**

\_\_\_\_\_  
Whitney Walston  
City Secretary

**BYLAWS OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF JOHNSON CITY, TEXAS**

Upon their adoption and approval by the City Council of the City of Johnson City, these bylaws supersede any previously adopted bylaws of the Planning & Zoning Commission.

1. **General Governing Statutes, Ordinances and Rules.** The Planning & Zoning Commission of the City of Johnson City shall be governed by the following statutes, ordinances, and rules, as amended, and supplemented from time to time and to the extent that such statutes, ordinances, and rules remain in full force and effect:
  - a. Chapter 211 in the State of Texas Local Government Code, concerning municipal zoning authority;
  - b. Chapter 212 in the State of Texas Local Government Code, concerning municipal regulation of subdivisions and property development;
  - c. Chapter 213 in the State of Texas Local Government Code, concerning municipal comprehensive plans;
  - d. Chapter 551 in the State of Texas Government Code, concerning the open conduct of meetings, recording, and notice of meetings;
  - e. Chapter 10 – Subdivision Regulation of the City of Johnson City Code of Ordinances;
  - f. Chapter 14 – Zoning Ordinance of the City of Johnson City Code of Ordinances;
  - g. Any other state statute or city ordinance regarding authority for oversight of planning and development of the community.
  
2. **Membership of the Commission.**
  - a. Any member proposing to resign shall give notice of that intent to the chair and City Secretary.
  - b. A member whose term has expired or who has proposed to resign may continue to serve until a successor is duly appointed and qualified.
  
3. **Meeting Date, Time, and Place.** Regular meetings of the Commission shall be on the fourth Tuesday of each month at 6:00 p.m. in the City Hall Council Chamber, unless otherwise provided.
  - a. The number of meetings per month, the schedule of meeting dates, and the place of meetings may be changed by the Commission at any regularly scheduled meeting or upon call of the chair or Chief Administrative Officer.
  - b. Special meetings may be held at any time upon the call of the chair, the chief administrative officer, by a majority of voting members of the Commission, or upon request of the City Council, following at least a seventy-two hour notice to each member of the Commission. Call of special meeting (at a specified time and place and for specified purposes) at a regular meeting shall be notice thereof to members in attendance at such regular meeting, but members not in attendance shall receive written notice thereof. If a special meeting is called on a case or cases subject to notice of hearing, the required notice provisions for the public hearing shall be met.

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**4. Conduct of Meetings.**

- a. Quorum. A majority of the members of the Commission entitled to vote shall constitute a quorum.
- b. Meetings of the Commission shall be open to the public in compliance with the requirements of the Open Meetings Act, Chapter 551, of the Texas Government Code. The Commission may meet in closed executive session during an open meeting in compliance with the Open Meetings Act.
- c. Order of consideration of each agenda item. The following procedure shall generally be observed for the presentation of items on the agenda; however, it may be amended by the chair for individual items if necessary for the expeditious conduct of business:
  - (1) Members of the public in attendance at the meeting are given an opportunity to speak and present information in favor of or in opposition to the request. Orderly procedure requires that each speaker during the public comment or the public hearing period shall proceed without interruption by others, except that commissioners, staff, or counsel may ask questions or make appropriate comment; however, no Commission member should debate or argue an issue with the applicant or any person addressing the Commission.
  - (2) The chair introduces the item to be considered, summarizing the nature of the request and its location, as described on the meeting agenda.
  - (3) City staff or consultants to the City describe in more detail the nature of the request and its relation to applicable ordinances and regulations of the City. Additional relevant information, including presentations by others, is presented and a staff recommendation may be provided.
  - (4) The Commission may ask questions of the staff or other presenters regarding their presentation and report.
  - (5) The applicant outlines the nature of the request and presents supporting evidence including third-party testimony, if so desired.
  - (6) Commission members may ask questions of the applicant and supporting parties. The applicant may make a rebuttal or add points not previously covered.
  - (7) At the discretion of the chair, members of the public in attendance at the meeting may be given an opportunity to speak and present information in favor of or in opposition to the request.
  - (8) Staff may respond to answer questions or provide additional information.
  - (9) Commission members may ask any final questions of the applicants, supporters, opponents, or staff.
  - (10) Commission members shall then deliberate and render a decision, which may include tabling the item to a future date.
- d. All deliberations and votes taken by the Commission shall be made at a public meeting by a motion made and seconded, and by a show of hands or voice vote. On conclusion of the presentations at a hearing, the Commission may:

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- (1) proceed immediately to deliberation and vote; or
  - (2) defer deliberations and vote until later in the same meeting; or
  - (3) defer deliberations and vote to another specified regular or special meeting of the Commission in order to obtain additional information or for other good cause.
- e. On any matter for which the Commission offers a recommendation to City Council, a tie vote by the Commission shall be forwarded without recommendation to the City Council.
- f. Cancellation. If no business is scheduled before the Commission, or if it is apparent that a quorum will not be available, any meeting may be canceled by the chair, acting chair, the Chief Administrative Officer, or City Secretary.

**5. Minute Record.**

- a. The Commission shall maintain a record of the minutes of each meeting, including attendance, all absences, any disqualifications or recusal of members, the subject of each deliberation, each vote, each order, decision, or action, and all other official actions.
- b. The draft minute record of a Commission meeting shall be presented for approval at a subsequent meeting of the Commission after preparation of the draft. The minute record must be approved by a majority of the Commission members who were present at the meeting described in the minutes. If this is not possible due to a change in the make-up of the Commission or other cause, then a majority of the members present and voting shall be all that is necessary to approve the minute record.

**6. Officers of the Planning & Zoning Commission.**

- a. Election of Chair and Vice-Chair. Annually, at its first meeting after June 1, as the first item of new business, the Commission shall elect a chair and vice-chair. A commissioner may serve consecutive one-year terms as chair or vice-chair.
- b. Presiding at Meetings.  
If present and able, the chair shall preside at all meetings of the Commission. During the absence or inability of the chair to preside, the vice-chair shall exercise or perform all the duties and be subject to all the responsibilities of the chair. If both are absent or unable to preside, the members present shall appoint an acting chair to preside.

In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure or order, unless otherwise directed by a majority of the members in attendance on a motion duly made and passed. The presiding officer shall maintain order and decorum and, to that end, may order removal of disorderly or disruptive persons. The presiding officer shall, furthermore, vote on all matters

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and motions pending before the Commission.

c. **Other Duties and Powers of Chair.**

In addition to presiding at all meetings and hearings of the Commission, the chair shall have the following additional powers and duties:

- (1) The chair shall appoint such committees as may be found necessary.
- (2) The chair shall call special meetings of the Commission in accordance with the bylaws.
- (3) The chair shall execute official documents as the presiding officer of the Commission.

d. **Succession of Vice-Chair to Chair.**

The vice-chair shall succeed the chair if the chair vacates office before the term is completed. The installation of the vice-chair as chair and the election of a new vice-chair shall occur at the next regular meeting following vacation of the chair's seat on the Commission.

e. **Delegation to Vice-Chair.**

The chair may delegate specific duties generally to the vice-chair or may authorize the vice-chair to perform specific duties, during the chair's absence, so that the necessary Commission functions are performed in a timely manner. In case of absence or incapacity of the chair, and on approval by a majority of the Commission, the vice-chair shall perform any or all duties of the chair, whether or not so delegated.

f. **Appointment of Secretary; Duties.**

The City Secretary, Chief Administrative Officer, or their designee shall serve as secretary to the Commission. The secretary shall attend to correspondence relating to business of the Commission; serve or publish all notices required; attend meetings of the Commission; maintain custody of the records of the Commission; and generally perform or supervise all clerical work of the Commission.

**7. Conduct of Commission Members.**

a. **Conflict of Interest.**

- (1) A Commissioner may not vote nor participate on any matter before the Commission if a conflict of interest, per state statute, exists.
- (2) A conflicted commissioner shall execute an appropriate affidavit, as required by statute, and shall not participate in the discussion or vote on an item in which the commissioner has a conflict of interest per state statute.
- (3) If a commissioner has a perceived conflict of interest other than as stipulated in state law for a specific matter from which he or she desires to be excused, then that commissioner may be excused by a majority vote of the remaining Commission members.
- (4) A commissioner conflicted or recused as noted above shall be required to leave the meeting room during discussion and/or deliberation of the case in

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which the Commission member has a conflict of interest or perceived conflict. After all deliberation and voting by the Commission on the matter is complete, the excused member shall rejoin the Commission.

- b. **Required to Vote.**  
Unless excused or disqualified from voting, commissioners shall cast a vote on each and every motion duly made and seconded. A failure to cast a vote by a commissioner required and eligible to vote shall be deemed a vote in the affirmative.
- c. **Expressions of Bias, Prior to Hearing.**  
Commissioners shall not express any bias, prejudice, or individual opinion or judgment on any matter pending before the Commission prior to deliberation on the matter at a scheduled public hearing.
- d. **Representation.**  
A commissioner shall not represent applicants on matters pending or likely to become pending before the Commission. This provision does not limit the right of a commissioner to represent on his or her personal application to the Commission.

**8. Code of Ethics.**

Commissioners shall be guided by the American Planning Association’s “Ethical Principles in Planning.”

**9. Criteria, Required Findings, and Other Considerations for Approval from Zoning Regulations.**

In exercising its power to grant approval of individual requests, the Planning & Zoning Commission will apply criteria as applicable and referenced in the Zoning Ordinance, Subdivision Regulations, and all other applicable ordinances, plans, and policies.

**10. Deadline for Applications.**

City staff is authorized to establish a schedule of regular meetings and appropriate application deadline dates therefor, based on guidelines provided by state statutes, the City’s code of ordinances, and these bylaws and making allowances for holidays. This schedule of meetings and applications deadlines shall be available on the City’s website and/or in City Hall.

**11. Miscellaneous.**

- a. All maps, plats, site plans, or photographs, or other exhibits or materials submitted to the Commission for presentation purposes shall become the property of the City and may be included in the minute record for that meeting.
- b. Matters referred to the Commission by the City Council shall be placed on the calendar for consideration at the next available meeting of the Commission after

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such references, subject to notice and notification requirements and deadlines.

**12. Amendment of Bylaws.**

- a. These rules may be amended at any regular or special meeting of the Commission by a majority of the whole Commissioners (qty. 4 Commissioners) present, provided that each of the following conditions are met:
- (1) The amendment is not in conflict with applicable State law or City ordinance.
  - (2) Written notice of the proposed amendment is furnished to each Commissioner at least seven days prior to the open meeting at which the amendment is to be considered.
  - (3) The amendment is approved by City Council.

DULY ADOPTED by the Planning and Zoning Commission this 22<sup>nd</sup> day of October, 2024, SUBJECT TO APPROVAL of the City Council of the City of Johnson City, Texas.

\_\_\_\_\_  
Suree Birck, Chair

APPROVED AND ADOPTED BY the City Council for the City of Johnson City, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Stephanie Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Whitney Walston, City Secretary



Planning and Zoning Commission unanimously recommended approval of this item on 10/22/24.