

ORDINANCE 2020-31-0427

AN ORDINANCE OF THE TOWN OF ANTHONY, TEXAS DISBANDING THE PLANNING & ZONING COMMISSION AND RELEGATING THE POWERS OF THE PLANNING & ZONING COMMISSION BACK TO THE TOWN COUNCIL PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 211.007(E).

WHEREAS, the GOVERNING BODY did hold a duly noticed Public Hearing; and

WHEREAS, the GOVERNING BODY did consider testimony from staff and the public before reaching its decision; and

WHEREAS, pursuant to the statutory authority granted to the GOVERNING BODY as a municipality under Texas Local Government Code Section 51.001, the GOVERNING BODY may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that: (1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, pursuant to the statutory authority granted to the municipality as a Type A General-Law Municipality under Texas Local Government Code Section 51.012, the municipality may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic; and

WHEREAS, the GOVERNING BODY does make the following findings:

1. That at its regular meeting of April 1, 2020, the Planning & Zoning Commission unanimously considered and approved a recommendation to the Town Council to disband the Planning & Zoning Commission for reasons of administrative difficulties arising from persistent member turnover and lack of quorum.

2. That it is in the best interest of the municipality and to otherwise provide for the good government and order of the municipality that the Planning & Zoning Commission be disbanded for reasons of administrative difficulties arising from persistent member turnover and lack of quorum.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ANTHONY, TEXAS: that in consideration of the aforementioned findings and testimony, it hereby ordains that it does hereby approve the recommendation of the Planning & Zoning Commission to disband the Planning & Zoning Commission as more fully set out below:

Section 1. AUTHORITY AND PURPOSE.

AUTHORITY: This Ordinance is adopted pursuant to the enabling provisions of Texas Local Government Code Section 51.001 and Section 51.012.

PURPOSE: The purpose of this ordinance is to disband the Planning & Zoning Commission and relegate the powers of the Planning & Zoning Commission back to the Town Council pursuant to Texas Local Government Code Section 211.007(e) which provides as follows:

“(e) If a general-law municipality exercises zoning authority without the appointment of a zoning commission, any reference in a law to a municipal zoning commission or planning commission means the governing body of the municipality.”

Section 2. DISBAND OF THE PLANNING & ZONING COMMISSION.

- A. The Planning & Zoning Commission be and is hereby disbanded.
- B. All powers of the Planning & Zoning Commission be and are hereby relegated back to the Town Council pursuant to Texas Local Government Code Section 211.007(e).
- C. All references in any town ordinance or any other applicable law to a municipal zoning commission or planning commission of the Town of Anthony, Texas shall mean and refer to the Town Council of the Town of Anthony, Texas who shall now alone serve and perform in that capacity.

Section 3. SEVERABILITY.

Should any section, paragraph, clause or provision of this Ordinance for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 4. REPEALER.

All ordinances or resolutions or parts thereof, inconsistent with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency or conflict. This repealer shall not be construed to revive any ordinance or resolution or part thereof, heretofore repealed.

Section 5. EFFECTIVE DATE.

This ordinance shall be effective as provided by law.

Section 6. PROPER NOTICE & MEETING.

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code 551.

PASSED, ADOPTED AND APPROVED THIS 27TH DAY OF APRIL 2020.

APPROVED:


Benjamin Romero
Mayor

ATTEST:


Norma Gonzalez
Town Clerk

{SEAL}

ROLL CALL VOTE:

Mayor Pro-Tem Shawn Weeks

Councilor Jose Garcia

Councilor Eddie Chavez

Councilor Louie Alfaro

___ YES ___
___ YES ___
___ YES ___
___ YES ___