

**ORDINANCE NO. 19 -**

**AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY, BY AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE III BOARDS AND COMMISSIONS, DIVISION 3 BEAUTIFICATION COMMISSION, IN PART, BY AMENDING SECTION 2-81 CREATED MEMBERSHIP, SECTION 2-82 ORGANIZATION, AND SECTION 2-83 DUTIES; AND, PROVIDING AN EFFECTIVE DATE.**

A regular meeting of the City Council of the City of Commerce, Texas, was held in Commerce, Texas, at City Hall, on the 15<sup>th</sup> day of January 2019 at 6:00 p.m., a majority of Council Members being present and constituting a quorum, the following Ordinance was adopted:

**WHEREAS**, the Beautification Commission of the City of Commerce, Texas, during a regular meeting on October 25, 2018, voted unanimously to recommend revisions to Section 2-81, Section 2-82, and Section 2-83 of Chapter 2, Article III, Division 3 Beautification Commission of the Commerce Code of Ordinances as reflected within this Ordinance;

**AND WHEREAS**, the minutes of the City of Commerce, Beautification Commission meeting of October 25, 2018, are attached hereto, marked Exhibit "A" and made a part hereof as if copied herein verbatim; and,

**AND WHEREAS**, the City Council, after having reviewed the action of the Beautification Commission and its recommendation, deems it in the best interest and general welfare of the City of Commerce that said revisions should be approved.

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

That Chapter 2 Administration, Article III Boards and Commissions, Division 3 Beautification Commission, be amended, in part, by amending Section 2-81 Created Membership, Section 2-82 Organization, and Section 2-83 Duties to read as follows:

**DIVISION 3. - BEAUTIFICATION COMMISSION**

Sec. 2-81. – Created; membership.

- (A) The City Council hereby creates a Beautification Commission, which shall be composed of eight (8) members of the City public at large who shall meet as provided in this article to consider, recommend, and implement programs for the beautification of the City.
- (B) There shall be two (2) ex officio members of the Commission. Such members shall have no voting privileges.
  - (1) The City Manager or a designee.
  - (2) One (1) Council member appointed by the City Council shall serve as an ex officio member and shall serve as liaison between the Commission and the City Council.
- (C) The members of the Beautification Commission and their successors shall be appointed by the City Council for two-year staggered terms or until their successors are duly appointed. All vacancies shall be filled for the unexpired term in the same manner as provided for the original appointments.
- (D) The members of the Commission shall serve without compensation and must be residents of the City.
- (E) Notwithstanding anything herein, all Commission members shall serve at the will of the City Council and, as such, any such Commission member may be removed by the majority vote of the City Council at any time, in the sole discretion of the City Council, with or without cause.
- (F) The Beautification Commission shall promulgate its own rules of procedure and bylaws consistent with the ordinances of the City and the laws of the State.
- (G) The Beautification Commission shall act as advisory body to the Council in the creation and development of beautification programs.

Sec. 2-82. – Organization.

- (A) The Beautification Commission shall elect a chairperson and vice chairperson from among its members. The term of the chairperson and vice chairperson shall be one (1) year with eligibility for reelection. The vice chairperson shall, in the temporary absence of the chairperson, perform the duties of the chairperson. The ex officio members shall not be eligible for chairperson or vice chairperson.
- (B) The Beautification Commission shall hold at least one (1) regular meeting per month which shall at all times be open to the public. The time and place of the meeting shall be posted on the main bulletin board at City hall and at the usual place the Commission meets.
- (C) A quorum consisting of a minimum of five (5) voting members shall be required to conduct business.
- (D) If a member is absent for three (3) consecutive meetings or three (3) unexcused absences within a twelve-month period, the Beautification Commission may, by majority vote,

request the City Council to remove and replace the member. It is the chairperson's responsibility to notify the City Council of any member to which this applies.

Sec. 2-83. – Duties.

(A) The Commission shall have the following powers, duties, and responsibilities:

- (1) Make the City a clean and attractive City in which to live and to maintain a healthy environment;
- (2) Encourage private citizens, businesses, and other entities to beautify buildings and landscapes of residential, commercial, or public properties within the City;
- (3) Stimulate public interest in overall community appearance;
- (4) Establish a process and criteria for City beautification awards, select recipients of annual awards, and officially and publicly recognize at a meeting of the City Council those businesses, individuals, and entities that have made concerted and sustained efforts to enhance and beautify the appearance of buildings or landscapes in the City;
- (5) Using the process and criteria established above, nominate, solicit nominations, and present annual awards for City beautification;
- (6) Advise, when requested, City commissions and departments, community non-profit organizations and other entities interested in community beautification and increased awareness of good landscaping practices, community-wide clean-up efforts, and individual and group efforts for beautification;
- (7) Consider the following aspects of potential beautification programs and make recommendations to the City Council: landscaping of City rights-of-way and City property; award programs for businesses and residential areas that beautify their surroundings through landscaping, maintenance, the abatement of litter, graffiti, or other methods; voluntary recycling, including the promotion and education of the need for recycling; the possibility of joining state or nationwide groups that are focused on beautification; and how to involve the general public, the school system, the business community, and residents and property owners in beautification programs;
- (8) Develop and present to the City Council an annual plan outlining the Commission's program recommendations for the upcoming fiscal year. This plan shall be presented to the City Council prior to July 31<sup>st</sup> of each year; and
- (9) Perform any additional duties as determined by the City Council that is related to beautification activities.

(B) Nothing herein shall convey or otherwise delegate authority to the Commission to incur any obligation or indebtedness of the City without express authorization of the City Council.

**BE IT FURTHER ORDAINED** that the Mayor of the City of Commerce, Texas, be authorized and he is hereby authorized to execute this Ordinance;

**BE IT FURTHER ORDAINED** that the City Secretary be authorized, and she is hereby authorized, to attest to the signature of the Mayor to this Ordinance; and

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED on the FIRST READING** at a regular meeting of the City Council of the City of Commerce, Texas, on the 15<sup>th</sup> day of January, 2019

**PASSED AND APPROVED on the SECOND READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 19<sup>th</sup> day of February, 2019

**ATTEST:**

**CITY OF COMMERCE:**

\_\_\_\_\_  
Molly Jacobsen, City Secretary

\_\_\_\_\_  
Wyman Williams, Mayor

(seal)

Approved as to Form:

\_\_\_\_\_  
Charles Anderson, City Attorney

I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a Resolution, and that the same has not been repealed and is in full force and effect.

(Seal)

\_\_\_\_\_  
Molly Jacobsen, City Secretary

Sworn to and subscribed before me, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2019 to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public, State of Texas

(Seal)