



City of Hutto

Agenda

City Council Work Session

Thursday, November 7, 2024 at 6:00 PM

Executive Conference Room, City Hall – 500 W. Live Oak Street

1. **CALL SESSION TO ORDER**
2. **ROLL CALL**
3. **OTHER BUSINESS**

3.1. Discussion and possible action regarding appointment of Non-US Citizens to Boards and Commissions. (Peter Gordon)

4. **ADJOURNMENT**
5. **CERTIFICATION**

I certify that this notice of the November 7, 2024 Hutto City Council meeting was posted in accordance with the Texas Open Meetings Act on the City of Hutto website (huttotx.gov) and the City Hall bulletin board (500 W. Live Oak Street) on November 1, 2024 before 5:30 P.M.




Laura Hallmark

The City of Hutto is committed to complying with the Americans with Disabilities Act. The Hutto City Hall is wheelchair accessible. Requests for reasonable special accommodations must be made 48 hours prior to the meeting. Please email the City Secretary's office at Laura.Hallmark@huttotx.gov or call (512) 759-4839 for assistance.

AGENDA ITEM REPORT

3.1.



To: City Council
Subject: Discussion and possible action regarding appointment of Non-US Citizens to Boards and Commissions. (Peter Gordon)
Meeting: Thursday, November 7, 2024
Department: City Council /
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF COUNCIL REQUEST

The City Council was briefed by Memo on September 19, 2024. Council directed staff to schedule a work session to discuss the following issues:

1. Whether Non-US Citizens for Foreign Nationals may serve on City Boards or Commissions?
2. An analysis of state laws or City Ordinances of City Boards or Commissions that a Non-US Citizen or Foreign National may not qualify to serve on the Board or Commission.
3. If Council determines that Non-US Citizens or Foreign Nationals may be appointed to a Board or Commission, Council can consider what Boards or Commissions a Non-US Citizen may serve on.

DEFINITION OF NON-US CITIZENS OR FOREIGN NATIONALS

Non-US Citizens and Foreign Nationals are defined as:

Resident-Alien is defined in the IRS Tax Code as a person who “meets the green card test or the substantial presence test for the year.

The Green Card Test is defined in the IRS Tax Code as: a person who at any time during the calendar year was a lawful permanent resident of the United States according to the immigration laws, and this status has not been revoked or administratively or judicially determined to have been abandoned.

Substantial Presence Test is defined in the IRS Tax Code as: a person who has been physical present in the United States on at least:

- 31 days during the calendar year, and
- 183 days during the 3-year period that includes the current year and the 2 years immediately preceding the current year.

Non-Resident Alien is defined in the IRS Tax Code as: a person who is not a U.S. Citizen, nor a resident alien for tax purposes.

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Foreign National is defined in the IRS Tax Code as: A person who is any person who is not a citizen of the United States and is a resident of a foreign country.

STATE LAWS, CITY CHARTER AND ORDINANCES

ESTABLISHING BOARDS AND COMMISSIONS

The City's Charter allows for the City to establish boards and commissions by passing ordinances. The qualifications for the board/commissioner members may be set by the ordinance which creates the board or commission. Some state laws determine whether a resident of the ETJ can serve on the board or commission.

Hutto City Code § 2.02.001, Qualifications of members, limits board/commission membership to individuals who are registered to vote in the City or who reside within the corporate limits of the City. Attached.

Boards and Commissions that the City Council has created, the duties and the membership criteria are as follows:

1. **Building & Standards**. **Hutto City Code § 2.02.182. Composition; terms of members.**

The purpose of the Building and Standards Commission is to hear appeals and render decisions upon rulings by the building official when requests for a modification or a variation have been made and denied.

2. **HEDC**. The only statutory requirement for membership is that the member must reside within the City limit or the City's ETJ.

The Hutto Economic Development Corporation (EDC) works to promote economic development within the City of Hutto.

3. **Diversity, Equity, Inclusion, & Belonging Commission**. **Hutto City Code Section § 2.02.203. Creation; membership requirements.**

The City of Hutto is determined to providing equitable opportunities to all residents and visitors with assistance from the Diversity and Inclusion Commission.

4. **Ethics Review**. **Hutto City Code § 2.05.005 Ethics review commission.**

The Ethics Review Commission is composed of seven members, all of whom shall reside in the city. The Ethics Review Commission shall render advisory opinions on potential conflicts of interest or violation at the request of a City official.

5. **Historic Preservation**. **Hutto City Code § 2.02.001 (e)** shall reside within the city limits or the extraterritorial jurisdiction of the city; provided, however, that no more than two (2) members of the commission shall reside in the city's extraterritorial jurisdiction. Also, in **UDC 10.208.4**, Attached.

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The Historic Preservation Commission's mission is to preserve our past and work with ongoing development in the community to support incentives for revitalization, protect our historic properties and structures, and provide education to today's youth who stand to inherit the future of Hutto.

6. [Library Advisory Board](#). **Hutto City Code § 2.02.001 (c)** Members of the library advisory board shall reside in the Hutto Independent School District.

The Library Advisory Board makes recommendations to the City Council concerning planning, development and operation of the City Library.

7. [Parks Advisory Board](#). **Hutto City Code § 2.02.001 (d)** members must reside within the city limits or the extraterritorial jurisdiction of the city, provided, however, that no more than two (2) members of the board shall reside in the city's extraterritorial jurisdiction.

The Parks Advisory Board works with Hutto staff to develop recommendations to City council regarding policies, rules, and regulations for the management of Hutto's public parks, trails, and recreation facilities.

8. [Planning & Zoning](#) **UDC 10.208.3** Attached.

The Texas Local Government Code requires a Home Rule City to create a Zoning Commission. The Planning and Zoning Commission works as an advisory board to the City council on issues of zoning and building within Hutto.

9. [TIRZ Boards](#).

Membership requirements from the TIRZ Bylaws. Attached.

The purpose of these boards within a Tax Increment Reinvestment Zone is to oversee the administration and financials of the Zone, pursuant to the Tax Increment Financing Act.

10. [Zoning Board of Adjustment](#) **UDC 10.208.4** Membership and Duties. Attached.

Texas Local Government Code Sec. 211.008.

CONCLUSION

State laws relating to Boards and Commissions do not contain provisions that prohibit a Non-US Resident or Foreign National from serving on a board or Commission. If Council elects to allow Non-US Citizens to serve on City Boards or Commissions, Council may want to consider the state law creating the Board or Commission or the City ordinance establishing the duties and membership requirements of the Board or Commission.

Endnotes:

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Sec. 211.007. ZONING COMMISSION. (a) To exercise the powers authorized by this subchapter, the governing body of a home-rule municipality shall, and the governing body of a general-law municipality may, appoint a zoning commission. The commission shall recommend boundaries for the original zoning districts and appropriate zoning regulations for each district. If the municipality has a municipal planning commission at the time of implementation of this subchapter, the governing body may appoint that commission to serve as the zoning commission.

Tex. Tax Code Sec. 311.009. COMPOSITION OF BOARD OF DIRECTORS. (a) Except as provided by Subsection (b), the board of directors of a reinvestment zone consists of at least five and not more than 15 members, unless more than 15 members are required to satisfy the requirements of this subsection. Each taxing unit other than the municipality or county that designated the zone that levies taxes on real property in the zone may appoint one member of the board if the taxing unit has approved the payment of all or part of the tax increment produced by the unit into the tax increment fund for the zone. A unit may waive its right to appoint a director. The governing body of the municipality or county that designated the zone may appoint not more than 10 directors to the board; except that if there are fewer than five directors appointed by taxing units other than the municipality or county, the governing body of the municipality or county may appoint more than 10 members as long as the total membership of the board does not exceed 15.

(b) If the zone was designated under Section [311.005\(a\)\(4\)](#), the governing body of the municipality or county that designated the zone may provide that the board of directors of the zone consists of nine members appointed as provided by this subsection, unless more than nine members are required to comply with this subsection. Each taxing unit, other than the municipality or county that designated the zone, that levies taxes on real property in the zone may appoint one member of the board if the taxing unit has approved the payment of all or part of the tax increment produced by the unit into the tax increment fund for the zone. The member of the state senate in whose district the zone is located is a member of the board, and the member of the state house of representatives in whose district the zone is located is a member of the board, except that either may designate another individual to serve in the member's place at the pleasure of the member. If the zone is located in more than one senate or house district, this subsection applies only to the senator or representative in whose district a larger portion of the zone is located than any other senate or house district, as applicable. If fewer than seven taxing units, other than the municipality or county that designated the zone, are eligible to appoint members of the board of directors of the zone, the municipality or county may appoint a number of members of the board such that the board comprises nine members. If at least seven taxing units, other than the municipality or county that designated the zone, are eligible to appoint members of the board of directors of the zone, the municipality or county may appoint one member.

(c) Members of the board are appointed for terms of two years unless longer terms are provided under Article XI, Section 11, of the Texas Constitution.

(b) A board of adjustment must consist of at least five members to be appointed for terms of two years. The governing body must provide the procedure for appointment. The governing body may authorize each member of the governing body, including the mayor, to appoint one member to the board. The appointing authority may remove a board member for cause, as found by the appointing authority, on a written charge after a public hearing. A vacancy on the board shall be filled for the

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unexpired term.

(c) The governing body, by charter or ordinance, may provide for the appointment of alternate board members to serve in the absence of one or more regular members when requested to do so by the mayor or city manager. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.

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(c) The governing body, by charter or ordinance, may provide for the appointment of alternate board members to serve in the absence of one or more regular members when requested to do so by the mayor or city manager. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.

SUMMARY OF REQUEST:

STAFF REVIEW:

FISCAL NOTES:

ATTACHMENTS:

1. Generally (1)
2. Creation. - Composition; terms of members. - Powers and duties. - Variance of provision. - Decision to be final. - Building official ruling effective
3. Short title. - Definitions. - Creation; membership requirements. - Organization. - Dismissal from commission. - Commission meetings. - Duties of the c
4. Historic Preservation Commission
5. Library Advisory Board
6. Parks Advisory Board
7. Planning and Zoning Commission (1)
8. Hutto TIRZ Membership Qualifications 10302024
9. Hutto Unified Development Code P&Z, ZBOA, Historic Commission
10. Zoning Board of Adjustment

DIVISION 1
Generally

§ 2.02.001. Qualifications of members.

- (a) Except as provided by subsections (b)-(e) below, each candidate for an appointment as a member of any board or commission shall meet the following requirements:
 - (1) Be a registered voter of the city;
 - (2) Shall reside within the corporate limits of the city including territory annexed prior to appointments and individuals appointed;
 - (b) The members of the Hutto Economic Development Board of Directors shall reside within the county.
 - (c) Members of the library advisory board shall reside in the Hutto Independent School District.
 - (d) Members of the parks advisory board shall reside within the city limits or the extraterritorial jurisdiction of the city; provided, however, that no more than two (2) members of the board shall reside in the city's extraterritorial jurisdiction.
 - (e) Members of the historical preservation commission shall reside within the city limits or the extraterritorial jurisdiction of the city; provided, however, that no more than two (2) members of the commission shall reside in the city's extraterritorial jurisdiction.
 - (f) Current city councilmembers, that are currently serving on the Hutto Economic Development Corporation Board of Directors are not required to resign from the Hutto Economic Development Corporation Board of Directors when running for re-election.
- (Ordinance O-2021-022 adopted 5/6/21)

§ 2.02.002. Attendance.

- (a) Any member of a city board or commission or the board of directors of the Hutto Economic Development Corporation who is absent for 25 percent or more of the meetings of such board, commission, or corporation within a 12-month period may become eligible to be removed from said board, commission, or corporation board.
 - (b) A written notice shall be sent to the member, and city council when it appears that an individual has violated the attendance policy. The council will review each case and decide on removal or other action. If a member is removed from a board, commission, or corporation board, that position shall be considered vacant and a new member shall be appointed by the city council.
- (Ordinance O-2021-022 adopted 5/6/21)

§ 2.02.003. Appointments; vacancies.

- (a) The city council shall make annual appointments to the boards, commissions and corporation boards as terms expire of each year. If vacancies occur other than by expiration of a term, the city council shall appoint a member to fill the remainder of the vacated term. When a vacancy

occurs, the councilmember occupying a city council place corresponding to the place number for a board, commission or corporation board shall review applications for appointment and recommend an individual for city council approval not later than the date of the second regular city council meeting after the vacancy occurs. If a councilmember does not recommend an individual for city council approval as provided for in this subsection or if the office is vacant at the time the vacancy occurs, any councilmember may recommend an individual for city council approval. Each member currently occupying a board, commission or corporation board position shall be assigned a place number pursuant to the chart attached as exhibit A to Ordinance O-18-07-05-8B. For boards and commission where the number of members is increased pursuant to this section the new positions shall be assigned a place number. Terms of board and commission members and corporation directors shall be altered and established pursuant to the notation on the attached exhibit A to Ordinance O-18-07-05-8B. Certain terms expiring in 2019 are reduced and will expire June 30, 2019.

- (b) The chair and vice-chair for each city board, commission, or corporation shall be elected from the membership of the board or commission by an affirmative majority vote of the members. The city council will appoint the chair and/or vice-chair if:
 - (1) The board or commission cannot agree by majority vote amongst themselves by the end of the 2nd regularly scheduled meeting of the board or commission; or
 - (2) The chair or vice-chair is removed from the board or commission and a successor is not appointed at the next regularly scheduled meeting of the board of commission.
- (c) Terms for each board or commission shall consist of staggered terms.
(Ordinance O-2021-022 adopted 5/6/21)

§ 2.02.004. Meetings.

Each board, commission, or corporation must hold regular meetings at a predefined time. Special called meetings may be made at the request of the chair or notice from city staff for consideration of business.

- (1) Meetings must be posted in accordance to the Open Meetings Act and open to the public.
- (2) A quorum shall consist of a majority of the membership of the board.
- (3) Any issue to be voted on shall be resolved by a majority of those present.
- (4) Written records of meetings must be kept and made available to the public, showing its action on each case.
(Ordinance O-2021-022 adopted 5/6/21)

§ 2.02.005. through § 2.02.030. (Reserved)

§ 2.02.181. Creation.

The city hereby implements chapter 54, subchapter C of the Texas Local Government Code (V.T.C.A., Local Government Code section 54.031 et. seq.). Pursuant to such subchapter, the city council shall provide for the appointment of a building and standards commission, and the regulations and restrictions adopted shall be pursuant to the provisions of applicable statutory requirements for a building standards commission under state law.

(Ordinance O-15-01-22-7C adopted 1/22/15)

§ 2.02.182. Composition; terms of members.

The commission shall consist of seven members that serve two-year terms. To the extent possible, the city council shall appoint members to the commission who have experience or expertise in the building trades.

(Ordinance O-2021-030 adopted 5/20/21)

§ 2.02.183. Powers and duties.

- (a) The commission shall have the powers and duties as set forth in chapter 54, subchapter C of the Texas Local Government Code (V.T.C.A., Local Government Code section 54.031 et. seq.) to hear and determine cases concerning alleged violations of ordinances.
- (b) The commission has the power to hear appeals and render decisions upon rulings and refusals of ruling by the building official when requests for a modification or a variation from the provisions of this division have been made. Whenever the building official rejects or refuses to approve the mode or manner of work proposed to be followed or materials to be used in the proposed construction, or when it is claimed that the provisions of this code do not apply, or that any equally good or more desirable form of installation can be employed in any specific case, or when it is claimed that the true intent and meaning of this code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal the decision of the building official to the commission. Notice of the appeal shall be in writing and filed within 30 days after the decision is rendered by the building official.
- (c) The commission shall have the power and duty to act as the fire code board of appeals as set forth in chapter 54, subchapter C of the Texas Local Government Code (V.T.C.A., Local Government Code section 54.032(2)).
- (d) The commission shall adopt its rules of procedure by majority vote of the entire commission, provided that such rules not are in conflict with laws applicable to the commission or any provisions of the city charter.

(Ordinance O-15-01-22-7C adopted 1/22/15)

§ 2.02.184. Variance of provision.

The commission, after hearing an appeal, may vary the application of any provision of this code to any particular case, when it has [been] determined that the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this code or public interest.

(Ordinance O-15-01-22-7C adopted 1/22/15)

§ 2.02.185. Decision to be final.

Every decision of the commission shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

(Ordinance O-15-01-22-7C adopted 1/22/15)

§ 2.02.186. Building official ruling effective pending appeal.

During the pendency of an appeal to the commission, the ruling or refusal of the building official shall be in full force and effect.

(Ordinance O-15-01-22-7C adopted 1/22/15)

§ 2.02.187. through § 2.02.200. (Reserved)

§ 2.02.201. Short title.

This division shall be known, and may be cited, as the diversity and inclusion commission ordinance of the city.

(Ordinance O-2020-021 adopted 7/16/20)

§ 2.02.202. Definitions.

For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

City. The City of Hutto.

Commission. The diversity and inclusion commission of the city.

(Ordinance O-2020-021 adopted 7/16/20)

§ 2.02.203. Creation; membership requirements.

(a) Creation. There is hereby created the diversity and inclusion commission of the city.

(b) Membership.

- (1) All commission members shall be appointed by the city council and shall serve without compensation.
- (2) The commission shall be composed of seven members to serve three-year terms.
- (3) Each candidate for appointment as a member of the diversity and inclusion commission shall be at least eighteen (18) years old and shall have resided within the corporate city limits, within territory annexed prior to the appointment, or within the boundaries of the Hutto Independent School District for at least twelve months preceding the appointment. The diversity and inclusion commission shall, to the extent possible, be broadly representative of economic status, race, color, religion, gender, national origin, ancestry, marital status, physical or mental disability, sexual orientation and gender identity.
- (4) Commission members shall serve without compensation and shall not be employed by or hold any other position in city government. In addition to any other requirements prescribed by the city council, members shall maintain the qualifications established by this section while in office.
- (5) Members of the commission shall be limited to three consecutive full terms in office. A person who has served three consecutive full terms as a regular member may not again hold the same office until at least one term out of office has passed.
- (6) The commission members shall serve staggered three-year terms that will coincide with the term of the member of the city council with the same place number.

(Ordinance O-2020-021 adopted 7/16/20; Ordinance O-2022-031 adopted 7/7/22; Ordinance O-2023-073 adopted 11/2/2023)

§ 2.02.204. Organization.

- (a) Officers. The commission shall elect from its members, at the first meeting of the commission held on or after January 1st of each year, a chairman and a vice-chair, and may elect a secretary. Such officers shall hold office for terms of one year, or until their successors take office.
- (b) The commission shall establish rules of procedure consistent with city ordinances, resolutions, and regulations.
(Ordinance O-2020-021 adopted 7/16/20)

§ 2.02.205. Dismissal from commission.

- (a) Any member who moves one's residence outside the city limits shall automatically be dismissed from membership.
- (b) No member of the commission shall remain in his/her position after being elected or appointed to city, county or state board or office.
(Ordinance O-2020-021 adopted 7/16/20; Ordinance O-2022-051 adopted 2022)

§ 2.02.206. Commission meetings.

- (a) The commission shall hold at least one regular meeting each month and shall fix regular meeting dates at a regular meeting place. Special meetings may be called as necessary. A majority of the commission members serving shall constitute a quorum to do business.
- (b) All meetings shall be held in accordance with the Texas Open Meeting Act (Tex. Gov't Code, §§551.001 et seq.), as it now exists, or as same may hereafter be amended or codified, to the extent of its applicability to the commission.
- (c) Every regular or special meeting of the commission shall be open to the public, except as may be authorized by the Texas Open Meetings Act.
(Ordinance O-2020-021 adopted 7/16/20)

§ 2.02.207. Duties of the commission.

- (a) The commission shall serve in an advisory capacity and render recommendations upon request of the city council to include, without limitation, as follows.
- (1) Create focused recommendations specific to the city related to equity and empowerment issues.
 - (2) Actively promote community awareness and education on the value of diversity.
 - (3) Promote equity on the basis of economic status, race, color, religion, gender, national origin, ancestry, marital status, lawful source of income, physical or mental disability, familial status, sexual orientation and gender identity.
 - (4) Develop recommendations for actions to strengthen policies, practices, services and programs.
 - (5) Create a culture and framework of community equity, diversity and inclusion awareness efforts, programs and activities that are available and accessible to all community

members.

- (b) The commission shall provide upon request of the city council coordination, collaboration, innovation and focus to development effective solutions to address equity and empowerment issues.
- (c) The commission shall provide an annual report to the city council by January 31st of each year and may be required to provide additional reports upon request of the city council.
(Ordinance O-2020-021 adopted 7/16/20)

§ 2.02.208. Quorum.

A quorum of the commission shall consist of three (3) members.
(Ordinance O-2023-073 adopted 11/2/2023)

§ 2.02.209. Commission action.

An action of the commission shall be approved by three (3) members.
(Ordinance O-2023-073 adopted 11/2/2023)

§ 2.02.210. through § 2.02.230. (Reserved)

DIVISION 6
Historic Preservation Commission

§ 2.02.151. Creation.

- (a) The historic preservation commission members shall consist of seven members that serve three-year terms.
- (b) The city will designate a member of development services staff to act as liaison of the historic preservation commission. The liaison may in an advisory capacity participate in discussions, but has no right to vote. The liaison of the historic preservation commission will also serve as the local preservation officer and fulfill all duties as may be required under any certified local government agreement with the state historical commission.
- (c) Historic preservation commission members should, to the extent reasonably possible, have a demonstrated outstanding interest in the historic traditions of the city and have experience in the preservation of the historic character of the city. City council will try, to the extent reasonably possible, to appoint members from the following categories:
 - (1) Architect, planner or design professional; historian.
 - (2) Licensed real estate broker/appraiser; attorney at law.
 - (3) Archaeologist or member of a related scholarly discipline.
 - (4) Member of chamber of commerce (either the chamber president or a member designated by the chamber president).
- (d) Texas Secretary of the Interior Standards for Rehabilitating Historic Buildings, approved by the state historical commission, serves as a guideline for decisions made by the historic preservation commission.

(Ordinance O-18-07-05-8B adopted 7/5/18)

§ 2.02.152. Powers and duties.

The historic preservation commission will:

- (1) Adopt rules and procedures for its governance.
- (2) Establish committees as needed.
- (3) Consider and recommend designation of a historic district or historic landmark.
- (4) Consider and render decisions on certificates of appropriateness and demolition requests in designated historic districts.
- (5) Conduct and administer historic resource surveys.
- (6) Develop public outreach/education/awareness programs.
- (7) Recommend acquisition of endangered historic resources to city council when necessary.

- (8) Recommend acceptance of donations of preservation easements.
 - (9) Submit an annual report to city council and the mayor on the status of preservation in the community and on the work of the historic preservation commission.
 - (10) Recommend tax or other financial incentives to encourage preservation of historic resources.
 - (11) Prepare and promote design guidelines for historic landmark districts.
 - (12) Make an annual report to the city council showing the activities of the commission for the current year.
- (Ordinance O-15-01-22-7C adopted 1/22/15)

§ 2.02.153. Initiation of requests.

Development services staff, the city manager, city council, and the planning and zoning commission may make a request requiring historic preservation commission consideration.

(Ordinance O-15-01-22-7C adopted 1/22/15)

§ 2.02.154. Appeals.

The historic preservation commission is an administrative body. The applicant or city may appeal decisions to city council.

(Ordinance O-15-01-22-7C adopted 1/22/15)

§ 2.02.155. through § 2.02.180. (Reserved)

DIVISION 4
Library Advisory Board

§ 2.02.091. Creation.

The city library advisory board shall make recommendations to the city council concerning planning, development and operations of the city library, assist in preparing grants, and meet with other interested persons with library development knowledge. It shall also hold meetings to receive public input.

(Ordinance O-15-01-22-7C adopted 1/22/15)

§ 2.02.092. Composition; terms of members.

The board shall consist of seven members that serve a three-year term.

(Ordinance O-18-04-19-8B adopted 4/19/18)

§ 2.02.093. Powers and duties.

The board shall have the following powers, duties and responsibilities:

- (1) To make recommendations to the city council regarding policies, rules and regulations relating to the administration of the public library system, its facilities and programs.
- (2) To review budget recommendations developed by staff.
- (3) To receive information and comments from citizens pertaining to the city's library and its related facilities and programs.
- (4) To make recommendations with staff regarding the planning of facilities during the concept plan phase, and the availability of grants to the city council.
- (5) To cooperate with the public schools, citizens and city staff in the development of library facilities and programs.
- (6) To supply reports to the city council regarding the status of any library facility and/or programs as deemed appropriate by the city council.
- (7) To participate in fundraising activities, including but not limited to the acquisition of grant funding and in-kind third-party donations to the city for the benefit of library development.
- (8) Make an annual report to the city council showing the activities of the commission for the current year.

(Ordinance O-15-01-22-7C adopted 1/22/15)

§ 2.02.094. Definitions.

Board action. An action of the board must be approved by 3 members.

Board quorum. A quorum of the board shall consist of 3 members.

(Ordinance O-2023-074 adopted 11/2/2023)

§ 2.02.095

§ 2.02.095

§ 2.02.095. through § 2.02.120. (Reserved)

DIVISION 3
Parks Advisory Board

§ 2.02.061. Creation.

The city parks advisory board shall make recommendations to the city council concerning planning, development and operations of parks and trails, assist in preparing grants, and meet with other interested persons with park development knowledge. It shall also hold meetings to receive public input.

(Ordinance O-15-01-22-7C adopted 1/22/15)

§ 2.02.062. Composition; terms of members.

The board shall consist of seven members that serve a three-year term.

(Ordinance O-15-01-22-7C adopted 1/22/15)

§ 2.02.063. Powers and duties.

The board shall have the following powers, duties and responsibilities:

- (1) Make recommendations to the city council regarding policies, rules and regulations relating to the administration of public parks, trails, recreation facilities, and programs.
- (2) Review budget recommendations developed by staff.
- (3) Receive information and comments from citizens pertaining to the city's parks and recreation facilities.
- (4) Make recommendations with staff regarding the dedication of parkland by developers during the concept plan phase, the acquisition of park sites and the availability of grants to the city council.
- (5) Cooperate with the public schools, citizens and city staff in the development of parks and recreational facilities and programs.
- (6) Recommend changes in parks and recreation related ordinances to the city council.
- (7) Supply reports to the city council regarding the status of any park, trail, recreational facility and/or programs as deemed appropriate by the city council.
- (8) Participate in fundraising activities, including but not limited to the acquisition of grant funding, in-kind third-party donations to the city for the benefit of park acquisition and development and/or recreational activities.
- (9) Develop, manage and maintain guidelines for operating the board, which may not be in conflict with the city charter and must be approved by the city council for adoption.
- (10) Make an annual report to the city council showing the activities of the commission for the current year.

(Ordinance O-15-01-22-7C adopted 1/22/15)

§ 2.02.064

§ 2.02.064

§ 2.02.064. through § 2.02.090. (Reserved)

DIVISION 2
Planning and Zoning Commission

§ 2.02.031. Creation.

There is hereby created by the city an advisory commission to be known as the planning and zoning commission of the city.

(Ordinance O-15-01-22-7C adopted 1/22/15)

§ 2.02.032. Composition; terms of members.

There shall be a city planning and zoning commission, which shall consist of seven members that serve a three-year term.

(Ordinance O-2021-030 adopted 5/20/21)

§ 2.02.033. Powers and duties.

The commission shall have the power and be required to:

- (1) Be responsible to act as an advisory body to the city council;
- (2) Recommend to the council for its action an official zoning map and recommend any changes to the map zoning change requests;
- (3) Study plats and plans of proposed subdivision and insure that all plats and plans conform to the city's subdivision and development ordinances;
- (4) Annually recommend an annexation plan to the city council;
- (5) Annually review the general (master) plan for the city and recommend to the city council any change;
- (6) Perform such other functions as may be duly delegated to them from time to time by the city council; and
- (7) Make an annual report to the city council showing the activities of the commission for the current year.

(Ordinance O-15-01-22-7C adopted 1/22/15)

§ 2.02.034. through § 2.02.060. (Reserved)

MEMBERSHIP QUALIFICATIONS FOR REINVESTMENT ZONES

Reinvestment Zone Number One

1. Must be at least 18 years of age; and
2. Be a resident of Williamson County or a country adjacent to Williamson County.

Reinvestment Zone Number Two

1. Must be at least 18 years of age; and
2. Be a resident of Williamson County or a country adjacent to Williamson County.

Reinvestment Zone Number Three

Pursuant to Section 311.009 of the Texas Tax Code.

Sec. 311.009. Composition of Board of Directors.

- (a) Except as provided by Subsection (b), the board of directors of a reinvestment zone consists of at least five and not more than 15 members, unless more than 15 members are required to satisfy the requirements of this subsection. Each taxing unit other than the municipality or county that designated the zone that levies taxes on real property in the zone may appoint one member of the board if the taxing unit has approved the payment of all or part of the tax increment produced by the unit into the tax increment fund for the zone. A unit may waive its right to appoint a director. The governing body of the municipality or county that designated the zone may appoint not more than 10 directors to the board; except that if there are fewer than five directors appointed by taxing units other than the municipality or county, the governing body of the municipality or county may appoint more than 10 members as long as the total membership of the board does not exceed 15.

* * * * *

- (e) To be eligible for appointment to the board by the governing body of the municipality or county that designated the zone, an individual must be at least 18 years of age and:

(1) if the board is covered by Subsection (a):

- (A) be a resident of the county in which the zone is located or a county adjacent to that county; or
- (B) own real property in the zone, whether or not the individual resides in the county in which the zone is located or a county adjacent to that county.

Hutto Unified Development Code

Chapter 2 Administration §10.208 Reviewing and administration parties 78 City of Hutto Unified Development Code Revised March 2024

10.208.3 Planning and Zoning Commission Refer to City Charter.

HUTTO CITY CHARTER § 12.04 PLANNING AND ZONING COMMISSION.

There shall be a City Planning and Zoning Commission which shall be established by ordinance consisting of seven (7) members serving staggered terms of three (3) years.

The Commission shall have the power and be required to:

- a) be responsible to and act as an advisory body to the City Council;
- b) recommend to the City Council for its action an official zoning map and recommend any changes to the map;
- c) approve or disapprove plats and plans of proposed subdivisions and insure that all plats and plans conform to the City's subdivision and development ordinances;
- d) annually recommend a five (5) year Capital Improvement Program to the City Council;
- e) annually recommend an annexation plan to the City Council;
- f) annually review the General Plan for the City and recommend to the City Council any change;
- g) perform such other functions as may be duly delegated to them from time to time by the City Council; and
- h) establish that a quorum is set at four (4) members present.

10.208.4 Zoning Board of Adjustment

10.208.4.1 Intent The Zoning Board of Adjustment will:

- Consider numerical variance requests for: use, site design, subdivision, Form Based Code and special exceptions, subject to variance approval criteria, recommendation of Development Services staff, and state law.
- Consider administrative appeals that allege error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this code. • Consider special exceptions to the terms of this code.
- Consider, in specific cases, a variance from the terms of this code if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this code would result in unnecessary hardship, and so that the spirit of this code is observed and substantial justice is done.
- Consider appeals to Development Services staff's interpretation of this code. • Consider other matters, as authorized by this code.

10.208.4.2 Organization

- City Council appoints the five Zoning Board of Adjustment members, each for a two-year term.
- Board members must elect members to serve as chair and vice chair for a one-year term.
- The city will designate a member of Development Services staff to act as board secretary.
- Board members must be Hutto residents, but not city employees.

10.208.5 Historic Preservation Commission

10.208.5.2. Organization

- City Council appoints the five Historic Preservation Commission members, each for a term of two years, except that initial appointments are as follows: three Historic Preservation Commission members for a two-year term, and two Historic Preservation Commission members for a one-year term. Afterwards, Historic Preservation Commission members have a two-year term. Historic Preservation Commission member terms must be staggered, with three members appointed one year and two members appointed the next year.
- Board members must elect members to serve as chair and vice chair for a one-year term.
- The city will designate a member of Development Services staff to act as liaison of the Historic Preservation Commission. The liaison may, in an advisory capacity participate in discussions, but has no right to vote. The liaison of the Historic Preservation Commission will also serve as the local preservation officer and fulfill all duties as may be required under any certified local government agreement with the state historical commission.
- The Mayor fills vacancies, with City Council majority vote to confirm.
- Historic Preservation Commission members must be Hutto residents, but not city employees. Historic Preservation Commission members should, to the extent reasonably possible, have demonstrated outstanding interest in the historic traditions of the city and have experience in the preservation of the historic character of the city. City Council will try, to the extent reasonably possible, to appoint members from the following categories:
 1. Architect, planner or design professional; historian.
 2. Licensed real estate broker/appraiser; attorney at law.
 3. Archaeologist or member of a related scholarly discipline.
 4. Member of Chamber of Commerce (either the Chamber president or a member designated by the Chamber president).

Texas Secretary of the Interior Standards for Rehabilitating Historic Buildings, approved by the state historical commission, serves as a guideline for decisions made by the Historic Preservation Commission.

DIVISION 5
Zoning Board of Adjustment

§ 2.02.121. Composition, terms of members.

The zoning board of adjustment members shall consist of seven regular members appointed by the city council, for two-year terms.

(Ordinance O-2021-066 adopted 12/2/21)

§ 2.02.122. Powers and duties.

The zoning board of adjustment will:

- (1) Consider numerical variance requests for: use, site design, subdivision, form based and special exceptions, subject to variance approval criteria, recommendation of development services staff, and state law.
 - (2) Consider administrative appeals that allege error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the city development codes.
 - (3) Consider special exceptions to the terms of the city development codes.
 - (4) Consider, in specific cases, a variance from the terms of the city development codes if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the city development codes would result in unnecessary hardship, and so that the spirit of the city development codes are observed and substantial justice is done.
 - (5) Consider appeals to development services staff's interpretation of the city development codes.
 - (6) Consider other matters, as authorized by the city development codes.
- (Ordinance O-2021-066 adopted 12/2/21)

§ 2.02.123. Initiation of requests.

Development services staff, the city manager, city council, and the planning and zoning commission may make a request requiring zoning board of adjustment consideration.

(Ordinance O-2021-066 adopted 12/2/21)

§ 2.02.124. Appeals.

The zoning board of adjustment is a quasi-judicial body. The applicant or city may appeal decisions to the district court.

(Ordinance O-2021-066 adopted 12/2/21)

§ 2.02.125. Organization and rules.

- (a) Meetings. The zoning board of adjustment shall hold its meetings when necessary, based upon business to be brought before the board through an application or otherwise. The

board may adopt rules to govern its meetings; provided, however, such rules shall be consistent with this article, the city charter, and applicable state law. All rules adopted or amended must be approved by city council. All board meetings shall be open to the public.

- (b) Quorum. 75 percent (4 members) shall constitute a quorum for the purpose of transaction of board business.
 - (c) Open meetings act. The board and its members shall comply with the Texas Open Meetings Act. No member shall communicate or deliberate outside of a posted meeting about a matter coming before the board or over which the board has authority in an attempt to circumvent the Open Meetings Act.
 - (d) Ex parte communications. The board has authority to decide the rights of individual parties, subject to the requirements of state law and the unified development code. The requirements of procedural due process necessitate a fair hearing before an impartial body with the goal of ensuring that all sides, including the public, are provided an opportunity to present views in public meetings. Thus, all decisions made by the board shall be based upon information contained in the official public record and consisting of back-up material and discussion during the meeting. No board member shall intentionally or knowingly communicate with a person outside of a meeting, known as ex parte communication, if reasonable grounds exist for believing that: (i) the person is a party to a matter being considered by the board; and (ii) if such communication is designed to influence the member's consideration of, or action on, the matter. A "party" includes an applicant or anyone who has received mailed notice of the matter. If any such ex parte communication should occur, it shall be the responsibility of the member to:
 - (1) Not engage in such communications involving unsolicited inquiries or other forms of communication, personally or through other means; and
 - (2) Advise the person or sender that such information should be presented at a board meeting or be directed to the staff liaison.
 - (e) Limitations on outside investigations. Board members shall not individually investigate cases before the board, other than routine site visits or reviewing publicly available information.
 - (f) Disqualification. A board member that receives material information regarding a case that is not made available to other board members is disqualified from participating in the case unless the member publicly discloses the information and its source at the earliest reasonable opportunity. A board member may disqualify him or herself if an applicant, interested party, or agent has sought to influence the member's vote other than in a public hearing or through documents made available at the public hearing.
 - (g) Meeting records. The secretary shall keep a record of all proceedings of the board, showing the vote of each member upon each question; or, if absent or failing to vote, indicate such fact; and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the city secretary and shall be a public record.
- (Ordinance O-2021-066 adopted 12/2/21)

§ 2.02.126. through § 2.02.150. (Reserved)