

**ORDINANCE NO. 1382-2023**

**AN ORDINANCE AMENDING ARTICLE 1.04 “BOARDS AND COMMISSIONS” DIVISION 1 “GENERALLY” IN SECTION 1.04.002 “MEMBERS” SPECIFICALLY (c) “APPOINTMENT AND REMOVAL” AND SECTION 1.04.005 “CHAIR AND VICE-CHAIR” (c) “APPOINTMENT”; AMENDING DIVISION 3 “PARK BOARD” IN SECTION 1.04.063 “COMPOSITION, APPOINTMENT; QUALIFICATIONS; TERMS; VACANCY; REMOVAL” SPECIFICALLY IN SUBSECTIONS (b) AND (e) OF THE RIVER OAKS CODE OF ORDINANCES (2020) AS AMENDED; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PROVISIONS OF ORDINANCES IN THE CITY OF RIVER OAKS; PROVIDING THAT THE PHRASES, CLAUSES, SENTENCES, PARAGRAPHS, AND SECTIONS OF THIS ORDINANCE ARE SEVERABLE AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of River Oaks, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, Section 1.04.002 (c) “Appointment and Removal” requires that members of city boards and commissions be appointed by the Mayor with advice and consent of the City Council; and

**WHEREAS**, Section 1.04.002 (c) “Appointment and Removal” requires that members of city boards and commissions may be removed by the Mayor with the approval and consent by a majority vote of the City Council:

**WHEREAS**, Section 1.04.063 (b) Members of the park board, including the chair, are appointed by the mayor, with the advice and consent of the city council. The mayor may also remove a member with the approval of a majority vote of the city council.; and

**WHEREAS**, Section 1.04.063 (e) If a vacancy occurs on the board, the vacancy shall be filled by appointment of the mayor with the advice and consent of the city council; and

**WHEREAS**, it is the opinion of the city attorney that the language is conflicting that in appointing members it is with advice and consent of the city council and in removing members, it requires a majority vote of the city council; and

**WHEREAS**, it is recommended by the City Attorney that the language be revised requiring a majority vote of the city council for member appointments and removal; and

**WHEREAS**, the City Council finds that not only should the conflicting language be revised, but also with the change to a Manager/Council Form of Government in 2019, Members of city boards and commissions, as officers of the city, are recommended by the Mayor/City Manager, but are appointed and approved by a majority vote of the city council and removal of Board and Commission Members as recommended by the Mayor/City Manager be made and approved by the City Council by a majority vote.

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

**SECTION 1.**

That Division 1 “Generally” in Section 1.04.002 “Members” specifically in 1.04.002 (c) “Appointment and Removal” of Article 1.04 “Boards and Commissions” of the Code of Ordinances of the City of River Oaks, Texas as adopted and as amended is hereby revised to now read as follows:

**Section 1.04.002 “Appointment and Removal”**

“(c) Members of city boards and Commissions, as officers of the city are recommended by the Mayor/City Manager but are appointed and approved by a majority vote of the city council. The City

Council may also remove a member as recommended by the Mayor/City Manager with the approval and consent by a majority vote of the city council.”

## **SECTION 2.**

That Division 1 “Generally” in Section 1.04.005 “Chair and Vice-Chair” specifically in 1.04.005 (c) “Appointment” of Article 1.04 “Boards and Commissions” of the Code of Ordinances of the City of River Oaks, Texas as adopted and as amended is hereby revised to now read as follows:

### **Section 1.04.005 “Chair and Vice-Chair”**

“(c) Appointment. Unless specifically provided otherwise in the ordinance or city charter provision creating a particular board, the chair and vice-chair of every board of the city as recommended by be the Mayor/City Manager but appointed with the approval and consent by a majority vote of the city council.”

## **SECTION 3.**

That Division 3 “Park Board” in Section 1.04.063 “Composition, appointment; qualifications; terms; vacancy; removal” specifically in subsections (b) and (e) of Article 1.04 “Boards and Commissions” of the Code of Ordinances of the City of River Oaks, Texas as adopted and as amended is hereby revised to now read as follows:

### **Section 1.04.063 “Composition, appointment; qualifications; terms; vacancy; removal”**

“(b) Members of the board, including the chair, are recommended by the Mayor/City Manager but appointed by the City Council, with the approval of a majority vote of the City Council. The City Council may also remove a member by recommendation from the Mayor/City Manager with approval of a majority vote of the city council. The chair shall serve for a two-year term.”

“(e) If a vacancy occurs on the board, the vacancy shall be filled by recommendation from the Mayor/City Manager with the approval of a majority vote of the city council. A member appointed to fill a vacant place on the board shall serve for the length of the unexpired term.”

## **SECTION 4.**

This ordinance shall be cumulative of all provisions of ordinances of the City of River Oaks, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

## **SECTION 5.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 6.**

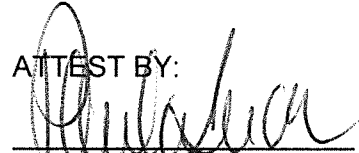
This ordinance shall be in full force and effect from and after its passage and it is so ordained.

**PASSED AND APPROVED ON THIS THE 27<sup>TH</sup> DAY OF JUNE 2023.**



DARREN HOUK  
MAYOR  
CITY OF RIVER OAKS

ATTEST BY:



CITY SECRETARY