

**RESOLUTION NO. 21-R-28**

**A RESOLUTION OF THE CITY COUNCIL OF SCHERTZ, TEXAS AUTHORIZING THE REVISED BYLAWS OF THE PLANNING AND ZONING COMMISSION, AND OTHER MATTERS IN CONNECTION THEREWITH**

**WHEREAS**, the Planning and Zoning Commission of the City of Schertz (the “City”) has recommended that the City approve the revised Bylaws, herein as “Exhibit A” of the Planning and Zoning Commission; and

**WHEREAS**, the City Council has determined that it is in the best interest of the City to approve the revised Bylaws of the Planning and Zoning Commission

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS: THAT:**

Section 1. The City Council hereby authorizes the revised bylaws of the Planning and Zoning Commission.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

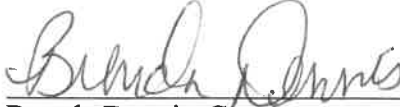
Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 6<sup>th</sup> day of April, 2021.

  
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Ralph Gutierrez, Mayor

ATTEST:

  
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Brenda Dennis, City Secretary  
(SEAL OF THE CITY)



## Planning and Zoning Commission Bylaws

### Section 1 – Purpose

The Planning and Zoning Commission shall:

- A. Review and approve or make recommendations on applications as set forth in the City of Schertz Unified Development Code.
- B. Make recommendations regarding the implementation of the City's Comprehensive Plan.

### Section 2 – Membership and Officers

- A. The Planning and Zoning Commission shall be composed of seven (7) members and two (2) additional members who shall serve as alternates. The alternates will not be seated unless one of the regular members is not in attendance at the start of the meeting. If seated, an alternate shall serve in place of the regular member even if the regular member arrives late. Four (4) members shall make a quorum.
- B. Commissioners shall reside within the corporate limits of the City.
- C. Commissioners shall serve two (2) year staggered terms with the terms of 3 Commissioners and the alternate expiring in odd numbered years and 4 Commissioners expiring in even numbered years.
- D. Terms shall expire on May 31.
- E. The Commission shall hold elections for a chair who shall serve as the presiding officer and vice chair at the first meeting in August of each year. Special elections shall be held as needed if the chair or vice chair's membership ends during their term.

### Section 3 – Meetings

- A. Meetings shall generally be held on the second and fourth Wednesdays of the month. Meetings will be cancelled if there are no items to be considered. The meeting schedule may be adjusted to account for holidays.
- B. Special meetings may be called as needed.
- C. The Commission may establish committees as needed.
- D. Meetings shall comply with the Texas Government Code Chapter 551 (Texas Open Meetings Act).
- E. Each meeting shall provide for citizens to be heard generally as per City Council meetings.

#### CITIZENS' RIGHTS

- 1 Addressing the Commission. Any person desiring to address the Commission by oral communication shall first secure the permission of the presiding officer.
- 2 Manner of Addressing the Commission – Time Limit. Each person addressing the Commission shall speak at the podium into the microphone (or at another designated location), shall give his/her name and address in an audible tone of voice

for the record, and, unless further time is granted by the Commission, shall, subject to Section E4 below, limit his/her remarks to three (3) minutes or less. All remarks shall be addressed to the Commission as a body, and not to any individual member thereof. No person, other than members of the Commission or City staff (when requested by the presiding officer) and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Commission, unless requested or approved by the presiding officer. No questions shall be asked of the Commission members, except through the presiding officer. Responses to questions may be limited as required by State law.

- 3 Personal and Slanderous Remarks. Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous, either while addressing the Commission or otherwise while in attendance at a Commission meeting, may be requested to leave the meeting, if after receiving a warning from the presiding officer a person persists in disturbing the meeting, and may be removed from the meeting if necessary for the conduct of the remainder of the meeting.
- 4 Public Hearings. After being recognized by the presiding officer, interested persons, or their authorized representatives, may address the Commission with respect to the subject matter of a public hearing being conducted. The presiding officer may establish procedures at a public hearing to limit the amount of time (which, unless modified by the presiding officer, shall be as set forth in Section E2 above) interested persons may speak, subject to the Commission members' right to appeal the presiding officer's ruling pursuant to Section F6. Subject to modification by the presiding officer, and subject to the Commission members' right of appeal pursuant to Section F6, the normal order of a public hearing is as follows: (i) the opening of the hearing and the establishment, if any, of a modified public hearing procedure by the presiding officer; (ii) address to the Commission by any interested person(s); (iii) discussion by the presiding officer and Commission members, including requests for information from City staff or any person(s) who addressed the Commission; and (iv) action by the Commission, if any is posted on the agenda relating to the hearing.
- 5 Written Communications. Interested persons, or their authorized representatives, may address the Commission by written communication in regard to any matter concerning the City's business or over which the Commission has control at any time by direct mail or by addressing the City Secretary, who shall, on the request of the writer, distribute copies to the Commission members.
- 6 Hearing of Residents. There shall be included on the agenda of each Planning and Zoning Commission meeting an item labeled "Hearing of Residents". After being recognized by the presiding officer, members of the public (giving precedence to residents of the City) may address the Commission on items on or not on the agenda at that time, providing they have completed the "Hearing of Residents" form, unless authorized by the presiding officer. The form shall be made available to persons wishing to address the Commission prior to the calling of the meeting to order and

such completed form shall be made available to the presiding officer prior to the calling of the meeting to order. The persons signed up for “Hearing of Residents” must speak during the “Hearing of Residents” portion of the meeting. Commission members and members of City staff may not discuss unposted items nor take any action thereon other than to (1) make a statement of factual information, (2) make a statement of existing City policy, or (3) discuss placing the item on a future agenda. Persons speaking shall be subject to the time limits set forth in Section E2, unless otherwise authorized by the presiding officer.

F. Motions and Meeting Procedures are as follows:

1. Motions. A Commission member, after he/she obtains the floor, or the presiding officer may make a motion on the particular subject of discussion or a procedural point as permitted. A “Second” to the motion, if required, must be made by a Commission member who did not make the motion within a reasonable but brief time period. The presiding officer may not “Second” a motion. A motion or a “Second” merely implies that the maker of the motion and the person who “Seconds” agree that the motion should come before the meeting and not that he/she necessarily favors the motion. Without a “Second”, if required, the motion dies. If a motion is made to conditionally approve, deny, recommend conditional approval or recommend denial of an agenda item, the Commission member must also state the reasons for conditional approval, denial, recommend conditional approval or recommend denial, and provide a citation to the regulation, ordinance, and/or law as required by the Unified Development Code.
2. Debate. Debate, if permitted, must be limited to the merits of the issue under discussion as stated by the presiding officer.
3. Motion Procedures. There are twelve (12) types of motions in three (3) categories: Meeting Conduct Motions (4 types), Disposition Motions (7 types), and Main Motions (1 type)\*. When any motion is pending, any motion listed above it on the chart below is in order; those below it are out of order.

Motion	May Interrupt Speaker	Second Required	Debatable	Amendable	Resolved by Chair No Vote	Affirmative Vote by 4 members	2/3 Vote
<b>Meeting Conduct Motions</b>							
point of privilege	yes	no	no	no	yes	no	no
point of procedure or order	yes	no	no	no	yes	no	no
to appeal a ruling	no	yes	yes	no	no	yes	no
to recess	no	yes	yes	yes	no	yes	no
<b>Disposition Motions</b>							
to withdraw	yes	no	no	no	yes	no	no
to postpone	no	yes	yes	yes	no	yes	no
to refer	no	yes	yes	yes	no	yes	no
to amend	no	yes	yes	yes	no	yes	no
to limit or close debate or "call the question"	no	yes	yes	yes	no	no	yes
to extend debate	no	yes	yes	yes	no	yes	no
to count the vote	no	yes	no	no	no**	no	no
<b>Main Motions</b>							
to reconsider	yes	yes	if original motion was debatable	no	no	yes	no
to rescind	no	yes	yes	yes	no	no	yes
to take action	no	yes	yes	yes	no	Yes***	no

\*\* Mandatory if seconded; no vote required  
\*\*\* Unless not allowed

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- 4 Point of Privilege. A point of privilege, sometimes called a point of personal privilege, is a communication from a Commission member to the presiding officer, drawing urgent attention to a need for personal accommodation. For example, the point may relate to an inability to see or hear, a matter of comfort, a matter of requested convenience, or an overlooked right of privilege that should have been accorded to the Commission member(s). In essence, it is a call to the presiding officer for the purpose of assuring a Commission member's convenient and appropriate participation in the meeting. Because of its urgent nature, a point of privilege can interrupt a speaker. Because it is addressed to the attention of and action by the presiding officer, it cannot be debated or amended, and no vote is required.
- 5 Point of Procedure or Order. A point of procedure, sometimes called a point of order, is a question addressed to the presiding officer, no seconding is required, and either inquiring into the manner of conducting business or raising a question about the propriety of a particular procedure. It is simply an inquiry and is resolved by correction or clarification by the presiding officer. A point of procedure can interrupt a speaker. Because it is addressed to the attention of and action by the presiding officer, a second is not required, and it cannot be debated or amended, and no vote is taken.
- 6 To Appeal a Ruling. Decisions or rulings of the presiding officer are final on questions of procedure, except that any ruling by the presiding officer's ruling can be appealed to a vote of the Commission. Whenever a Commission member questions the appropriateness or essential fairness of the presiding officer, that member can appeal the ruling to a vote of the meeting. If, however, a motion is out of order as a matter of law (not a proper subject of the meeting, improper notice given, etc.), the presiding officer's ruling cannot be appealed. A motion to appeal cannot interrupt a speaker. To prevent frivolous appeals, a second is required. The motion is subject to debate (which should be brief) and, by its nature, is not amendable. To overrule a procedural decision of the presiding officer, an affirmative vote of four (4) Commission members is required.
- 7 To Recess. A motion to recess requests a brief interruption of the meeting's business, usually so that an ancillary matter can be addressed, or simply to provide a needed break. Unless stated in the motion, the period of recess is decided by the presiding officer. If necessary, a recess can extend the meeting from one day to another, subject to State law. The motion cannot interrupt a speaker, and a second is required. It is debatable, it can be amended, and an affirmative vote of four (4) Commission members is required.
- 8 To Withdraw. Only the maker of the motion can make a motion to withdraw it. It is essentially a communication to the presiding officer that the maker is withdrawing his/her proposal. This is the maker's privilege; thus, it does not require a second. Because the withdrawal motion obviates discussion, it can interrupt a speaker. In addition, because another Commission member later can make a similar motion, a withdrawal motion is not subject to debate, amendment,

or vote. The presiding officer should simply state that the motion is withdrawn, and the meeting should proceed with a new treatment of the issue at hand—or a new issue.

- 9 To Postpone or Extend. These motions may arise from a need for further information, a matter of convenience, or for any other reason that will enable the Commission to deal with the issue more effectively during the same meeting or at a later time. Unless otherwise specifically provided in the motion itself, a postponed or extension motion can be renewed at a later appropriate time during the meeting or, if properly posted, at a later meeting. This motion cannot interrupt a speaker. It requires a second, it is debatable, and it is amendable (particularly as to postponement, timing), and an affirmative vote of four (4) Commission members is required.
- 10 To Refer. A motion to refer is typically used to submit an issue to a committee, usually for study leading to a subsequent recommendation. Because it ordinarily disposes the motion for purposes of the current meeting, a motion to refer is subject to the same rules that apply to a main motion. (See Section F14). This motion cannot interrupt a speaker, and a second is required. It is debatable and amendable, and an affirmative vote of-four (4) Commission members is required.
- 11 To Amend. A motion to amend proposes a change in the wording of a motion then under consideration. When a motion to amend is pending and an amendment to the amendment is proposed, the presiding officer should focus discussion on the latest amendment, resolve that question, then proceed to the first amendment before continuing discussion on the main motion. Votes on amendments are thus in reverse order of the sequence in which they are proposed. A motion to amend cannot interrupt a speaker. It requires a second, and it is debatable and amendable. An affirmative vote of four (4) Commission members is required for approval of the amendment. Note that State law may restrict amendments to proposals that are required to be set forth in the notice of the meeting.
- 12 To Limit or Close Debate or “Call the Question”. Because the extent to which an issue is discussed rests primarily with discretion of the presiding officer, it is the presiding officer who carries the burden of ensuring that adequate time and discussion are given to differing points of view. A motion to limit or close debate is therefore an overruling of the presiding officer’s determination. A motion to close debate is the same as a motion to “call the question”. Because this motion affects the most fundamental right of any Commission member, the right to speak one’s views, it is the only procedural motion that requires an affirmative vote of two-thirds of participants voting.
- 13 To Count the Vote. A motion to count the vote should be limited to those circumstances where the convenient hearing of “yeas” and “nays” cannot clearly resolve the issue. It represents the right of a Commission member to have a vote demonstrated by count. That count can be directed by the presiding officer either as a showing of hands or a standing of voting members while the vote is recorded.

Upon completion of the count, the presiding officer announces the result—and final disposition of the issue voted upon. This motion cannot interrupt a speaker. It requires a second; it is neither debatable nor amendable; and, because of the importance of the matter, it should be considered mandatory; thus, no vote is required.

- 14 Motion to Reconsider. Allows a main motion to be brought back before the Commission for consideration. May be made only at the meeting at which the vote to be reconsidered was taken. It may be made by any member of the Commission. Any Commission member may second it. It can be made while any other question is pending, even if another member has the floor. It requires a majority vote to pass. A motion may only be reconsidered twice. If the reconsideration is moved while another subject is before the Commission, it cannot interrupt the pending business, but, as soon as the pending business has been disposed of the motion has the preference over all other main motions and general business of the agenda. In such a case the presiding officer does not state the question on the reconsideration until the immediately pending business is completed.
- 15 Motion to Rescind. The motion to rescind is a main motion without any privilege, may only be made when there is nothing else before the Commission and must be made at the same meeting at which the subject matter of the motion was considered, and it requires a two-thirds vote of the commission members. It cannot be made if a motion to reconsider has been previously made. The motion to rescind can be applied to votes on all main motions with the following exceptions: votes cannot be rescinded after something has been done as a result of that vote that the Commission cannot undo; or, where a resignation has been acted upon, or one has been appointed to, or expelled from, a committee or office, and was present or was officially notified. In the case of expulsion, the only way to reverse the action afterwards is to restore the person to the committee or office, which requires the same preliminary steps and vote as is required for the original appointment.
- 16 To Take Action; Main Motions. Main motions state proposed policy or action on a substantive issue being considered by the Commission. As such, the motion is an initial call to take particular action. Although lowest in precedence among all motions, main motions are clearly the most important: through their content, the business decisions of the Commission are determined. A main motion can be made only when a prior main motion has been disposed of. It cannot interrupt a speaker; a second is required; it is debatable and amendable; and an affirmative vote of four (4) Commission members is required unless a greater vote is prescribed by the Charter or State law.

17 Effect of Abstentions; action on required Abstentions; Effect of non-required Abstentions. The following rules shall apply when a Commission Member abstains from voting on an item:

a. When the Commission Member is Legally Obligated to Abstain from Voting.

When a Commission Member is legally obligated to abstain from voting pursuant to Texas Local Government Code Chapter 171, a local ordinance or the City Charter then the Commission Member shall leave the dais and exit City Council Chambers until such time as the debate and vote on the item has been concluded. Staff shall record that the Commission Member left the room and abstained from the vote in the official minutes and there shall be no other effect.

b. When the Commission Member Has No Legal Obligation to Abstain from Voting.

When a Commission Member has no legal obligation to abstain from voting, the Commission Member is prohibited from casting a vote of abstention and must cast an “aye or yes” vote or “nay or no” vote.