

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 40-09

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, REPEALING CHAPTER 2, ARTICLE III, DIVISION 8, ENTITLED "TRANSPORTATION COMMISSION," SECTION 2-226, ENTITLED "ORGANIZATION," OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, AND REPLACING SECTION 2-226 WITH A NEW SECTION 2-226, REGARDING TWO ALTERNATE MEMBERS; AND AMENDING SECTION 2-227 (a) BY ADDING LANGUAGE REGARDING ALTERNATE MEMBERS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Flower Mound, Texas, has established certain Boards and Commissions that effectuate good government; and

WHEREAS, the Town Council has determined that the addition of two alternate members to the Transportation Commission, would best serve the interests of the citizens of Flower Mound; and

WHEREAS, the Town Council has determined that these changes are desirable to provide for the health, safety and welfare of the citizens of the Town of Flower Mound.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1

All of the above premises are found to be true and correct factual and legislative determinations of the Town of Flower Mound and are hereby approved and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

From and after the effective date of this Ordinance, Chapter 2, Article III, Division 2, Section 2-226, entitled "Organization" shall be repealed in its entirety, and replaced with a new Section 2-226 to read as follows:

Sec. 2-226. Organization

TOWN OF FLOWER MOUND
TOWN SECRETARY/Clerk
OFFICE OF THE TOWN CLERK

- (a) The Transportation Commission shall consist of seven regular members appointed by a majority vote of the Town Council in accordance with established procedures.
- (b) In addition to the seven regular members of the transportation commission, two alternate members of the Transportation Commission, who shall serve in the absence of one or more regular members, shall be appointed by a majority vote of the Town Council in accordance with established procedures. In determining which of the two alternate members shall serve in the absence of a regular member, the alternate member with the longest tenure shall so serve. If for any reason the alternate member with the longest tenure is unable to serve, the second alternate member shall so serve.
- (c) Regular members shall be designated as places number one through seven and alternate members shall be designated as alternate place number eight and alternate place number nine.
- (d) The terms of office for members of the transportation commission shall be for two years. Places one, three, five, seven and alternate place nine shall be appointed to two-year terms ending on September 30 in odd-numbered years. Places two, four, six and alternate place 8 shall be appointed to two-year terms ending on September 30 in even-numbered years. Members of the commission serve at the will and pleasure of the Town Council and may be removed from the commission before their terms expire.
- (e) Members and alternate members of the Transportation Commission shall serve without compensation.
- (f) Other qualifications for membership shall be a genuine interest in the short-term and long-term transportation needs of the Town, the ability to work with the public to listen to unique citizen concerns relative to transportation, and the time to devote to this service.
- (g) Each member of the Commission shall be a resident citizen and qualified voter of the Town at the time of his appointment. A member who ceases to reside in the Town during his term of office shall immediately forfeit his office.

SECTION 3

From and after the effective date of this Ordinance, subsection (a) of Chapter 2, Article III, Division 2, Section 2-227, entitled "Officers and Procedures" shall read as follows:

- (a) At the first scheduled commission meeting in October of each year, or as soon thereafter as practicable, the first item of business shall be the selection of the commission's chairperson and vice-chairperson from among the membership of the commission. The alternate members of the commission are not eligible to serve as the

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TOWN OF WESTPORT
CLERK OF TOWN

chairperson or vice-chairperson or to participate in the selection of said chairperson or vice-chairperson.

SECTION 4

This Ordinance shall be cumulative of all provisions of ordinances of the Town of Flower Mound, 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

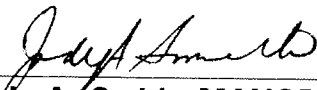
It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section, and said remaining portions shall remain in full force and effect.

SECTION 6

This Ordinance shall take effect and be in full force from and after its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS BY A VOTE OF 5 TO 0, ON THIS THE 5th DAY OF OCTOBER, 2009.

APPROVED:



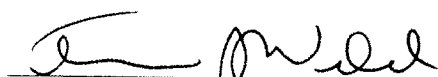
Joely A. Smith, MAYOR

ATTEST:



Paula J. Paschal, TOWN SECRETARY

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, TOWN ATTORNEY

10/5/09 10:00 AM