

MINUTES
SPECIAL CALLED JOINT MEETING OF THE
PLANNING AND ZONING COMMISSION, HISTORIC LANDMARK COMMISSION, AND
ZONING BOARD OF ADJUSTMENTS
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
December 2, 2019– 4:00 p.m.

1. CALL TO ORDER – 4:00 PM

Joe Davis, Chairman of the Planning & Zoning Commission, Ben Adams, Chairman of the Historic Landmark Commission, and Scott Lowry, Chairman of the Board of Adjustments & Appeals convened the meeting at 4:00 p.m.

2. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the Zoning Board of Adjustments on any issue, in compliance with LGC Section 551.007. The Zoning Board of Adjustments may not discuss any presented issue, nor may any action be taken on any issue at this time. (attorney general opinion - JC-0169)

3. DISCUSSION ITEMS:

- Open Government Laws – Open Meetings Act and Public Information Act
- Ethics Ordinance
- Other Important Statutes

Mick McKamie, interim City Attorney, started the training by explaining the background of The Texas Open Meetings Act and definition of General Rule. He went on to discuss who is subject to the Act and what is the definition of a governmental body. Each of the three boards that are here today fit the definition of a governmental body because each of these boards make final decisions or make recommendations to City Council which are usually approved. Mick continued on by explaining what a quorum is and what constitutes a meeting. A quorum is a majority of the board members. There are two definitions in what constitutes a meeting. If there is a gathering of a quorum and anyone asks a question about the Boards or Commissions then you're having a meeting. Attendance at another

entity's meeting and same or similar subject is discussed about business and there is a quorum, then you're having a meeting. Mick explained that you need to develop the habit of asking the question "Is this a meeting?" The Act does not apply to social functions, regional, state or national workshops. However, it does apply to local workshops because it could result in an illegal meeting. It's legal for council members and members of boards to discuss public business or policy in online message boards when certain conditions are met. Mick explained that if you have communications among each other where a quorum is involved about the same or similar subject on a matter your board deals with that could be a meeting. Be aware of your communication in a meeting or outside a meeting. Mick went on to explain the notice requirements. The more important the issue, the more specific the notice should be. The Act says individual notice is not typically required. If the City has a website, it must be posted on the website as well. The public needs to have 24 hour access unless it is posted on the website and then the physical notice just needs to be readily accessible during normal business hours. Emergency meetings need a two hour notice. Notice must describe the emergency meeting. Mick explained what constitutes an emergency. Items of community interest don't need notice. He continued on explaining recordkeeping. A governmental body must prepare and keep minutes of a meeting or a recording of each open meeting. He said many governmental bodies keep recordings of the meetings. Minutes are prepared by Staff usually and need to have at a minimum is the subject of each item and indicate each vote and action taken. There are no legal requirements to be verbatim. Meetings may not be convened unless a quorum is present even when holding a meeting using video conference. If audio or video communication is lost, a member is considered absent and you lose your quorum. Americans with Disabilities Act requires meetings to be held in rooms that are physically accessible to those with disabilities. Also, members of the public have the right to record the meeting by audio or video tape. The governmental body may adopt reasonable rules to maintain order in a meeting. Public has the right to speak before and during consideration of the item. The public can ask questions about items

not on the agenda. However, it can't be discussed if it's not on the agenda. Mick explained procedures and requirements and who may attend for executive sessions. He said that you do not want to admit a person whose presence is against the interests of the governmental body. He also explained common exceptions to the procedures and requirements of executive sessions. Mick went on to explain The Act's provisions for violations and how it provides for civil remedies and criminal penalties. Mick provided resources to include web links and phone numbers. Mick explained the Ethics Ordinance and who it applies to and what is the purpose of the Ethics Ordinance. He also explained types of conflicts of interest. Mick explained the Boerne Ethics Ordinance vs Texas Local Government Code as well as the Ethics Ordinance vs Texas Penal Code.

Pursuant to Section 30.06 Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to section 30.07 Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

4. ADJOURNMENT

Meeting was adjourned at 5:44 p.m.

Chair

Secretary