

Ordinance amending the Code of Ordinances by adding Section Division 29, to Chapter 2, to establish the Street Maintenance Fee Board of Appeals; providing for severance; and providing for publication.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. The Corpus Christi Code of Ordinances is amended to add a new Division 29 titled "Street Maintenance Fee Board of Appeals" to Article IV of Chapter 2:

CHAPTER 2. ADMINISTRATION

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ARTICLE IV.

Miscellaneous Boards, Commissions and Committees

DIVISION 29. STREET MAINTENANCE FEE BOARD OF APPEALS

Sec. 2-284. Creation, purpose, membership, requirements.

(a) The Street Maintenance Fee Board of Appeals ("Board") is established for the purpose of hearing and deciding appeals and matters related to the Street Maintenance Fee under Article XX of Chapter 55 of the Code ("Street Maintenance Fee") consistent with the Appeals Process for the Street Maintenance Fee adopted by the City Council ("Appeals Process").

(b) The Board shall be composed of five members:

- i) the Assistant City Manager over Financial Services;
- ii) the Director of the Water or Wastewater Department;
- iii) the Director of Street Operations;
- iv) a citizen appointed by the City Manager; and
- v) a citizen appointed by the City Manager.

(c) Each citizen board member shall be appointed to serve a two-year term.

(d) A citizen board member may be removed by the City Manager with or without cause.

(e) The Board shall:

- i) review any appeal filed in accordance with Article XX of Chapter 55 of the Code and the adopted Appeals Process for the Street Maintenance Fee;
 - ii) hear and decide appeals of orders, decisions, or determinations made by the Resolution Officer of the Utility Business Office relating to the application and interpretations of the Street Maintenance Fee;
 - iii) hear and decide any matter referred to the Board by the City Manager related to the Street Maintenance Fee;
 - iv) perform other duties prescribed by ordinance;
- (f) The Board may not waive a Code requirement.
- (g) The Board shall hold meetings at the call of the chairperson and at other times as requested by the Board.
- (h) The chairperson, or the acting chairperson in the absence of the chairperson, may administer oaths and compel the attendance of witnesses.
- (i) Each case before the Board must be heard by at least 75 percent of the board members.
- (j) The concurring vote of 75 percent of the board members is necessary to:
- i) reverse an order, requirement, decision, or determination of an administrative officer or other staff member; or
 - ii) decide in favor of an applicant on a matter on which the Board may hear under this section;
- (k) The Board shall render all decisions and findings in writing, file them with the Utility Business Office, and send copies to the appellant.
- (l) The Board shall prepare minutes of its proceedings. The minutes shall include the vote of each member on each item before the Board and shall state if a member is absent or fails to vote on an item.
- (m) The Board may establish rules and procedures consistent with this Code of Ordinances.

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SECTION 2. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not

affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

SECTION 3. Publication shall be made one time in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 4. Penalties are as provided in Section 1-6 of the Code of Ordinances.

ATTEST:

CITY OF CORPUS CHRISTI

Armando Chapa
City Secretary

Nelda Martinez
Mayor

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2013, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2013, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

PASSED AND APPROVED this the _____ day of _____, 2013.

ATTEST:

CITY OF CORPUS CHRISTI

Armando Chapa
City Secretary

Nelda Martinez
Mayor