

ORDINANCE 2014-01-13-02

AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES BY ADOPTING A POLICY FOR THE APPOINTMENT OF CITY BOARDS AND COMMISSIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE AND EFFECTIVE DATE

WHEREAS, the City Council is responsible for appointing various boards and commissions; and

WHEREAS, the City currently does not have a policy regarding the appointment of individuals to City boards and Commissions; and

WHEREAS, the City Council desires to have a fair and consistent policy for purposes of appointments to City boards and commissions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:

- 1. That the City's Code of Ordinances Chapter 1 General Provisions is amended by adding Section 1.06.005, "Appointment of Boards and Commissions" as follows:**

(a) Applicability

The term of "Boards and Commissions" shall cover all Advisory Boards, statutory Boards and Commissions, Ad-hoc and Standing Committees, and Corporations. These Boards and Commissions have been categorized into the following three tiers:

Tier I – Statutory Boards, Commissions and Corporations (Policy Making Authority)

Tier II– Standing Advisory Boards (Serve in an Advisory Capacity)

Tier III- Ad-Hoc and Committees that are called up for a specific task or project. *Committees that fall under this tier could automatically dissolve/sunset upon completion of its charge, or the time prescribed by the City Council. City Council may dissolve/sunset by official action.*

The Tiers of current boards and commission are as provided for in the attached Exhibit "A". Exhibit "A" may amended by Resolution as determined necessary by City Council from time to time.

(b) Application Process

In order to maintain a consistent method of outreach and appointment of members, the following process shall be followed.

1. Tier I and Tier II Board appointments and reappointments will be conducted by Mayor and Council two times per year, in January and June, which coincide with 1) the beginning of the calendar year; and 2) Mayor and Council terms.
 - a. The Chairperson of a Tier I and Tier II Board may request consideration of appointments for a vacancy outside of the appointment schedule if there is a critical need for immediate consideration.
 - b. Appointments for Tier III Committees will be on-going, do not require interviews and will be scheduled for City Council consideration at regular monthly City Council meetings.
2. Vacancies and call for applications will be publicized through existing City communications (i.e. newsletter, website, email announcement), and shall include a deadline for submission of an application by a date and standardized timeframe, i.e. Regular Business Hours of 7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 11:30 a.m. on Friday.
3. All applications will be submitted to the City, through the City Secretary, and shall be time and date stamped upon receipt by staff, if delivered in person. Applications submitted by fax or email must arrive by the defined deadline listed in the notice calling for applications.
4. The applicant shall provide information on the application regarding criminal background and will be subject to a criminal background check.
5. A slate of applicants with their applications that are received by the advertised deadline will be forwarded to the Mayor and Council for review.
6. Interviews will be conducted for first time applicants for Tier I Boards and Commissions only; and will be scheduled during a work session of the full City Council; and will appear on the Regular Agenda as an action item.
 - a. Sitting board members who wish to serve an additional term will be required to submit an updated application by the advertised deadline to be considered for reappointment; however, an interview will not be required.

(c) Performance Measures

Below are measures to be included in the policy for use by Mayor and Council when evaluating appointments and re-appointments to its Boards and Commissions.

1. Attendance shall be tracked on an attendance log and kept by the staff liaison, and readily available to view by City Council.
2. All approved meeting minutes shall be included in the City Council agenda packet for review, and will be placed on the website.
3. Staff liaisons must track and report to the City Secretary any problem noted as soon as possible with the following issues:
 - a. If a member misses three (3) consecutive meetings of all regular meetings in a 12-month period
 - b. If a board member has any changes to their contact information, address, employment, etc.
 - c. If a board is failing to meet for any reason for more than six months
 - d. If a board member resigns
4. Members that are absent for three consecutive meetings, except for illness or disability, without first being excused by the Chairperson, shall be deemed to have vacated the position and the City Council may appoint a new member to fill the unexpired term during the next board and commission work session, or as requested by the Chairperson.

5. A member who is automatically removed from a board or commission for failure to meet the attendance requirement is ineligible to seek appointment to any board or commission for a period of one calendar year from the date of the member's automatic removal.
 6. The Mayor and Council may request that some boards and commissions conduct an annual review and work plan. Council will designate which boards will conduct an annual review by December 31st of each year. The report will be due during the first quarter of the following year. The staff liaison is responsible for making sure that the review is done and the report is filed in a timely manner.
 7. Tier I members shall follow the same requirements set for Mayor and Council, regarding the completion of a sanctioned training course on the Texas Public Information Act and Open Meetings Act, within a reasonable timeframe after appointment.
2. **This Ordinance shall be cumulative of all provisions of ordinances of the City 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. Nothing contained in this Ordinance generally or this chapter specifically shall be construed to allow the violation of any residential deed restriction.**
 3. **Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.**
 4. **This ordinance shall become effective on and after its passage, approval and publication as prescribed by law.**

PASSED and APPROVED this 13th day of January, 2014.



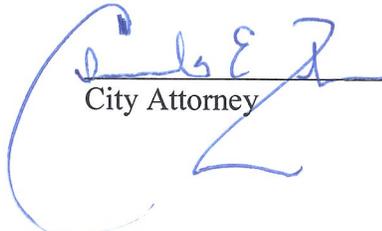
Mayor

ATTEST:



City Secretary

APPROVED AS TO FORM:



City Attorney

Exhibit "A"
Boards and Commissions Categories

Tier I Boards and Commissions
(Interviews Conducted for Applicants)

Board of Adjustment
Leon Valley Economic Development Corporation
Zoning and Land Use Commission

Tier II Boards and Commissions

Community Events
Earthwise Living Committee
Leon Valley 2012 Bond Oversight Committee
Library Board
Parks Commission
Stormwater Management Program
Tree Advisory Board

Tier III Boards and Commissions

Bandera Road Site - Community Advisory Group (CAG)
Branding Committee
Business Owners and Managers' Alliance (BOMA) - *inactive*
Communications Committee
Festival Committee

MAYOR AND COUNCIL COMMUNICATION

M&C# 2014-01-13-06

DATE: JANUARY 13, 2014
TO: MAYOR AND CITY COUNCIL
FROM: Leticia Callanen, Interim City Secretary
THROUGH: Manuel Longoria, Jr., City Manager
SUBJECT: Boards and Commissions Policy Adoption

PURPOSE

The purpose of this agenda item is to have City Council adopt a policy setting procedural guidelines for the application and appointment process for all individuals wishing to serve on a Leon Valley Board, Commission, Corporation, or Committee.

BACKGROUND

During the September 17, 2013, City Council Meeting, direction was given to staff to develop a policy for a board and commission appointment process that can be applied consistently to all future appointments. The parameters for this policy address boards and commissions where the establishing documents require appointments to be made by Mayor and City Council, and will not apply to individuals that volunteer for special events. A list of the subject boards and commissions are attached as Exhibit A.

This item was presented to City Council in draft form for consideration on December 9, 2013. City Council provided comments on the proposed policy and recommended revisions that have been incorporated into the final draft.

Applicability

The term of "Boards and Commissions" shall cover all Advisory Boards, statutory Boards and Commissions, Ad-hoc and Standing Committees, and Corporations. These Boards and Commissions have been categorized into the following three tiers:

Tier I – Statutory Boards, Commissions and Corporations (Policy Making Authority)

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Tier III- Ad-Hoc and Committees that are called up for a specific task or project. *Committees that fall under this tier could automatically dissolve/sunset upon completion of its charge, or the time prescribed by the City Council. City Council may dissolve/sunset by official action.*

During the December 9th City Council Meeting, comments were made by Mayor and Council supporting and objecting to some of the recommendations. In response, staff proposes the following revisions.

Revisions Made to Categories I, II, and III	
Tier I	Tier II and III
No relatives serving on same board	Relatives may serve on same board
No Term Limits	No Term Limits
Residency Requirements as outlined in establishing documents	Residency Requirements, flexibility to add non-resident members
Ethics and Open Meeting/Open Records Training Required	Ethics and Open Meeting/Open Records Training (Voluntary)

Below is the policy with other revisions incorporated as requested by the Mayor and Council.

Application Process

The following recommended steps are proposed that will create a consistent process and allow for thorough outreach in the event of an unforeseen board or commission vacancy.

1. Tier I and Tier II Board appointments and reappointments will be conducted by Mayor and Council two times per year, in January and June, which coincide with 1) the beginning of the calendar year; and 2) Mayor and Council terms.
 - a. The Chairperson of a Tier I and Tier II Board may request consideration of appointments for a vacancy outside of the appointment schedule if there is a critical need for immediate consideration.
 - b. Appointments for Tier III Committees will be on-going, do not require interviews and will be scheduled for City Council consideration at regular monthly City Council meetings.
2. Vacancies and call for applications will be publicized through existing City communications (i.e. newsletter, website, email announcement), and shall include a deadline for submission of an application by a date and standardized timeframe, i.e. Regular Business Hours of 7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 11:30 a.m. on Friday.
3. All applications will be submitted to the City, through the City Secretary, and shall be time and date stamped upon receipt by staff, if delivered in person. Applications submitted by fax or email must arrive by the defined deadline listed in the notice calling for applications.
4. A slate of applicants with their applications that are received by the advertised deadline will be forwarded to the Mayor and Council for review.
5. Interviews will be conducted for first time applicants for Tier I Boards and Commissions only; and will be scheduled during a work session of the full City Council; and will appear on the Regular Agenda as an action item.
 - a. Sitting board members who wish to serve an additional term will be required to submit an updated application by the advertised deadline to be considered for reappointment; however, an interview will not be required.

Performance Measures

Staff was directed to recommend performance measures for the Mayor and Council to use when deliberating appointments. Below are suggested measures to be included in the policy:

1. Attendance shall be tracked on an attendance log and kept by the staff liaison, and readily available to view by City Council.
2. All approved meeting minutes shall be included in the City Council agenda packet for review, and will be placed on the website.
3. Staff liaisons must track and report to the City Secretary any problem noted as soon as possible with the following issues:
 - a. A member misses three (3) consecutive meetings of all regular meetings in a 12-month period
 - b. If a board member has any changes to their contact information, address, employment, etc.
 - c. If a board is failing to meet for any reason for more than six months
 - d. If a board member resigns
4. Members that are absent for three consecutive meetings, except for illness or disability, without first being excused by the Chairperson, shall be deemed to have vacated the position and the City Council may appoint a new member to fill the unexpired term during the next board and commission work session, or as requested by the Chairperson.
5. A member who is automatically removed from a board or commission for failure to meet the attendance requirement is ineligible to seek appointment to any board or commission for a period of one calendar year from the date of the member's automatic removal.
6. The Mayor and Council may request that some boards and commissions conduct an annual review and work plan. Council will designate which boards will conduct an annual review by December 31st of each year. The report will be due during the first quarter of the following year. The staff liaison is responsible for making sure that the review is done and the report is filed in a timely manner.

Other considerations that staff recommended have been revised and will be added to the appropriate sections of the final policy:

- The applicant provides information on the application regarding criminal background and will be subject to a criminal background check. (*Application Process*)
- **Tier I** members shall follow the same requirements set for Mayor and Council, regarding the completion of a sanctioned training course on the Texas Public Information Act and Open Meetings Act, within a reasonable timeframe after appointment. (*Performance Measures*)

FISCAL IMPACT

There is no financial impact associated with this proposed action.

RECOMMENDATION

This proposed policy is consistent with the 2013-2014 Mayor and Council Strategic Goals,

specifically, Goal #3 Strengthen Communications to the Community, by increasing awareness of the value Boards and Commissions bring to the City, and providing opportunities for members of the community to serve in that capacity.

Staff recommends approval of this policy.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:


Leticia Callanen, Interim City Secretary