

35 (B) A board established by the city council that is to be in existence for more
36 than three years should be included in this chapter~~[-]~~, unless other law conflicts
37 with provisions of this chapter.

38
39 (C) The city clerk shall maintain a list of all boards, task forces, and other ~~[city-~~
40 ~~related]~~ bodies established by council that are not included in this chapter and to
41 which the council or mayor appoints one or more members.

42
43 (D) To the extent not otherwise required by Texas Government Code, Chapter
44 551 or other state or federal law or rule, all temporary and permanent boards,
45 commissions, and task forces not included in this chapter and that are established
46 solely by council shall comply with Chapter 551 (*Open Meetings Act*). This
47 subsection does not apply to working groups.

48
49 **PART 3.** Section 2-1-7 (*Staff Support*) is amended to read:

50
51 (A) The city manager shall designate a City department to provide staff support
52 for each board and each committee of a board and each joint committee, including
53 [a] an executive to serve as executive board liaison and a staff member to serve as
54 board liaison [for] between the department and the board.

55 (B) The city clerk serves as liaison between boards, citizens, council, and
56 department liaisons ~~[shall assist each board and task force in complying with~~
57 ~~Government Code Chapter 551 (*Open Meetings Act*), including the posting of~~
58 ~~meeting notices].~~

59
60 **PART 4.** Section 2-1-8 (*Council Audit and Finance Committee*) of the City Code is
61 amended and renumbered accordingly to read:

62
63 (A) The Council Audit and Finance Committee shall:

64 ~~[(1) — annually designate the boards that are required to conduct a review~~
65 ~~and prepare a review report and work plan in accordance with Section 2-1-~~
66 ~~46 (*Annual Review, Review Report, And Work Plan*);]~~

67 ~~[(2)]~~ (1) review each ~~[designated]~~ board's internal review report ~~[and work~~
68 ~~plan] that is required by Section 2-1-46(*Annual Internal Review and Review*~~
69 ~~*Report*);~~

70 ~~[(3)]~~ (2) make recommendations to the council on the continued need for
71 and role of each board;

72 [~~(4)~~] (3) review and approve or disapprove a board's requested amendment
73 to the City's standard board bylaws;

74 [~~(5)~~] (4) receive notice of a board's failure to convene for a period of six
75 months and make a recommendation to council on the continued existence
76 or dissolution of the board; [~~and~~]

77 [~~(6)~~] (5) make recommendations to council on other issues related to City-
78 related boards[~~-~~]; and

79 (6) direct the city auditor to annually assess the risks related to boards
80 utilizing available information about board actions and recommend boards
81 for performance audits.

82 (B) The committee may review a board audited by the city auditor.

83 [~~(1) The committee's review shall include:~~

84 ~~(a) a written or oral presentation by the chair of the board related to:~~

85 ~~(i) the mission, goals, and objectives of the board;~~

86 ~~(ii) the board's performance during the review period; and~~

87 ~~(iii) the findings by the city auditor; and~~

88 ~~(b) written or oral public comment on a board's operation and~~
89 ~~performance during the review period.]~~

90 [~~(2) The committee shall make a recommendation to council on whether~~
91 ~~to continue, modify, or dissolve the board.]~~

92 **PART 5.** Subsection (G) of Section 2-1-21 (*Eligibility Requirements and Removal*) of
93 the City Code is modified to read:

94 (G) To maintain eligibility, a board member must:

95 (1) complete the [~~initial and annual refresher~~] board [~~courses~~] training
96 required by Section 2-1-23 (*Training*);

97 (2) comply with Section 2-7-72 (*Public Financial Statements*), if
98 applicable;

99 (3) comply with the attendance requirements of Section 2-1-26
100 (*Attendance Requirements And Automatic Vacation*); and

101 (4) comply with the residency requirements of Subsection 2-1-21(B).

102 **PART 6.** Subsection (B) of Section 2-1-23 (*Training*) is amended and Subsection (C)
103 is deleted to read as follows:

104 (B) Each board member must complete a board course developed by City staff
105 not later than the 90th day after the date of the member's appointment or
106 reappointment. The training shall include:

107 (1) a review of a board member's personal and ethical responsibilities;

108 (2) the role of council and staff and the council-manager form of
109 government;

110 (3) the role of advisory boards in making recommendations and advising
111 council;

112 (4) board procedures, including attendance and quorum;

113 (5) the City's business planning process;

114 (6) Government Code Chapter 551 (*Open Meetings Act*), Robert's Rules
115 of Order, and Americans with Disabilities Act requirements; and

116 (7) conflict resolution.

117 [~~(C) After the initial training, each board member must annually complete a~~
118 ~~refresher course developed by City staff.~~]

119
120 **PART 7.** Section 2-1-24 (*Conflict of Interest and Recusal*) of the City Code is
121 amended to add new Subsections (C) and (D) and to re-letter accordingly to read:

122 (C) At each meeting of a committee to which a board member is appointed, a
123 committee member shall sign in on a sheet provided and shall indicate:

124 (1) that the committee member has no conflict of interest related to any
125 item on the committee meeting agenda; or

126 (2) the number of an agenda item for which the committee member has a
127 conflict of interest.

128 (D) Failure by a member to comply with Subsection (B) will result in that
129 member being counted as absent from the board meeting; such an absence is an
130 unexcused absence. Any vote or votes cast by a member who fails to comply with
131 Subsections (B) or (C) will not be counted at the board or committee meeting at
132 issue.

133 [~~(C)~~] (E) Chapter 2-7, Article 3 (*Violation: Complaint And Hearing*
134 *Procedures*) applies to this section, and a sworn complaint alleging a violation may
135 be filed under the procedures of that article. If the Ethics Review Commission
136 determines that a violation of this section has occurred, it shall follow the
137 procedure required by Section 2-7-47(*Prosecution*).

138
139 **PART 8.** Subsection (A) of Section 2-1-26 (*Attendance Requirements and Automatic*
140 *Vacation*) of the City Code is amended and Subsection (B) is repealed and replaced to
141 read:

142
143 (A) Except as provided in Subsection (B), a board member automatically
144 vacates the member's position if the member is absent for three consecutive regular
145 meetings or one-third of all regular meetings in a rolling 12-month [period]
146 timeframe, subject to the hold over provision in Section 2-1-27 (*Vacancy and*
147 *Hold Over Capacity*). Attendance by a board member at committee meetings and
148 working group meetings is not considered for purposes of determining the board
149 member's compliance with attendance requirements.

150
151 (B) Subsection (A) does not apply to an absence due to the following:

- 152
153 i. the board member's illness or injury;
154
155 ii. the illness of or injury to a member of the board member's immediate
156 family; or
157
158 iii. the birth or adoption of the board member's child, for 90 days after
159 the birth or adoption.

160
161 The board member must notify the staff liaison of one of these stated reasons
162 for the absence not later than the date of the next regular meeting of the
163 board. For an absence due to the birth or adoption of the board member's
164 child, the board member must notify the staff liaison not later than the date
165 of the next regular meeting after the birth or adoption.
166
167

168 **PART 9.** Subsections 2-1-42(B), (C) and (D) (*Officers and Committees*) of the City
169 Code are amended and Subsection (E) is added to read:
170

171 (B) A person may not serve as an officer in a designated position of a board for
172 more than three consecutive one-year terms. Service before July 31, 2008 is
173 excluded in determining the number of years served. A person who has served as
174 an officer in a designated position of a board for three consecutive terms is not
175 eligible for re-election to that designated office until the expiration of two years
176 after the last date of the person's service in that office[-], unless, by a two-thirds
177 vote, the board votes to reelect the person to that designated office for an additional
178 term. For a seven member board, five members constitute a two-thirds vote.

179 (C) A board may create a committee from its membership to aid the board in
180 carrying out its purpose. A board may not designate or appoint a non-member to
181 serve on a committee. A board may not create a joint committee with another
182 board unless directed by a formal action of council to do so.

183 (D) A meeting of a committee or a joint committee shall be posted under
184 Government Code Chapter 551 (*Open Meeting Act*).

185 (E) In lieu of creating a committee, a board may create a working group to
186 consider a defined matter or matters and report its recommendation to the board. A
187 working group is not required to comply with Government Code Chapter 551
188 (Open Meetings Act) or to keep minutes of its meetings.
189
190

191 **PART 10.** Subsections (A), (E) and (G) of Section 2-1-43 (*Meeting Requirements*) of
192 the City Code are amended and new Subsection (H) is added to read:
193

194 (A) Unless otherwise provided in this chapter, each board shall meet not less
195 often than quarterly. A board shall annually approve a regular meeting schedule
196 and file the schedule with the Office of the City Clerk. A Board may not call a
197 meeting in addition to its regularly scheduled meetings, as identified in its adopted
198 meeting schedule and bylaws, more often than once a quarter, unless the
199 unscheduled meeting is required to comply with a statutory deadline or a deadline
200 established by Council.
201

202 (E) A board liaison shall submit a meeting agenda through the city's on-line
203 agenda posting system for each meeting. [transmit :]

204 [~~1~~]—~~a meeting agenda to the city clerk as required for posting under~~
205 ~~Government Code Chapter 551 (*Open Meetings Act*); and~~

206 (2) ~~an electronic agenda to the Public Information Office for posting on~~
207 ~~the City's website].~~

208 (G) Each board and each committee shall keep and post minutes of its meetings
209 on the designated on-line system[-]. ~~[which]~~ The minutes shall:

210 (1) list the members in attendance;

211 (2) state the subject of each deliberation; and

212 (3) indicate each vote, order, decision, or other action taken[-]; ~~[and~~

213 ~~(4) be filed with the liaison department.]~~

214 (H) After first consulting with and receiving input from the staff liaison, the
215 board chair shall approve each final meeting agenda prior to posting. Two or more
216 board members may place an item on the agenda by oral or written request to the
217 staff liaison at least five days before the meeting.
218
219

220 **PART 11.** Subsections 2-1-44(B) and (D) (*Meeting Procedures*) of the City Code are
221 amended to read:

222 (B) Each board shall adopt the City's standard board bylaws. ~~[Not more than~~
223 ~~once a year, a board may adopt a revision to the standard bylaws.]~~ A bylaw
224 amendment is not effective unless approved by the Council Audit and Finance
225 Committee.
226

227 (D) Boards may adopt special rules of procedure as required. A board's special
228 rules of procedure may not conflict with state or federal law, the board's bylaws, or
229 the City Code.
230

231 **PART 12.** Subsection 2-1-45(B) (*Failure to Meet*) of the City Code is amended to read:

232 (B) The city clerk shall send written notice to the Council Audit and Finance
233 Committee of a board's failure to convene for a period of six months. The Council
234 Audit and Finance Committee shall make a recommendation to council on
235 whether to continue the board within 60 days of receiving notice under this
236 subsection[-], unless dissolution of the board is prohibited by other law.
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240 **PART 13.** Section 2-1-46 (*Annual Review, Review Report, and Work Plan*) is repealed
241 and replaced with a new Section 2-1-46 to read:
242

243 **§ 2-1-46 ANNUAL INTERNAL REVIEW AND REVIEW REPORT.**

244 (A) Each calendar year, a board chair must conduct an internal review of
245 the board and prepare an internal review report using the template provided
246 by the city clerk. The internal review report must be filed with the city clerk
247 and the city department assigned to support the board by March 31 of each
248 year.

249 (B) The report must include the following:

250 (1) a statement of the board’s mission and a description of the
251 board's actions in furtherance of that mission during the previous
252 calendar year; and

253 (2) the board’s goals and objectives for the new calendar year.

254 (C) The city auditor must review each internal review report and make
255 recommendations to the Council Audit and Finance Committee concerning
256 which board, or boards, if any, will be audited by that office.

257
258 **PART 14.** Subsection 2-1-47(A) (*Dissolution*) is amended to read:

259 (A) The council may vote to dissolve a board at any time[-], unless prohibited by
260 other law.
261
262

263 **PART 15.** Chapter 2-1 is amended to add a new section 2-1-48 to read:

264 **§ 2-1-48 RULES OF ORDER.**

265 (A) Each person and board member attending a board meeting should
266 observe decorum. A person or board member should not speak out of turn,
267 use disparaging or abusive language, or make threats of violence against any
268 other person during a board meeting.

269 (B) The presiding officer:

270 (1) should maintain order;

271 (2) should exercise the officer’s authority impartially; and

272
273
274

(3) may shorten a person's speaking time or ban a person from speaking for the duration of a meeting only for a violation of decorum set out in this section.

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276

PART 16. Section 2-1-123 (*Early Childhood Council*) of the City Code is amended by adding new Subsection (D) to read:

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(D) If only a quorum of the Early Childhood Council is present at a meeting, a board action is adopted by an affirmative vote of two thirds of the quorum. If more than a quorum is present at a meeting, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.

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282

PART 17. Section 2-1-127 (*Community Development Commission*) of the City Code is amended by adding new Subsection (G) to read:

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(G) If only a quorum of the Community Development Commission is present at a meeting, a board action is adopted by an affirmative vote of two thirds of the quorum. If more than a quorum is present at a meeting, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.

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PART 18. Subsection 2-1-141(A) (*Downtown Commission*) of the City Code is amended to read:

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295

(A) The Downtown Commission is composed of 15 members appointed by the city council. If only a quorum of the Downtown Commission is present at a meeting, a board action is adopted by an affirmative vote of two thirds of the quorum. If more than a quorum is present at a meeting, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.

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297

PART 19. Subsection 2-1-144(A) (*Environmental Board*) of the City Code is amended to read:

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299

(A) In this section, "department" means the Watershed Protection [~~and Development Review~~] Department.

300

PART 20. Section 2-1-150 (*Library Commission*) of the City Code is amended to read:

301 **§ 2-1-150 LIBRARY COMMISSION.**

302 The Library Commission shall make recommendations to the city council[
303 ~~the city manager, and the librarian~~] on matters relating to the establishment,
304 maintenance, and operation of the public libraries.

305 **PART 21.** Section 2-1-166 (*Renaissance Market Commission*) of the City Code is
306 repealed.

307 **PART 22.** Section 2-1-170 (*Sustainable Food Policy Board*) of the City Code is
308 amended to add new Subsection (D) to read:

309 (D) If only a quorum of the Sustainable Food Policy Board is present at a
310 meeting, a board action is adopted by an affirmative vote of two thirds of the
311 quorum. If more than a quorum is present at a meeting, a board action must be
312 adopted by an affirmative vote of the number of members necessary to provide a
313 quorum.

314 **PART 23.** Subsection 2-1-182(C) (*Solid Waste Advisory Commission*) is repealed, the
315 Section is re-lettered accordingly, and Subsection (F) is amended to read:

316 ~~[(G)]~~ (F) The commission may also exercise the following oversight
317 functions:

- 318 (1) work with staff to develop programs to implement the
319 commission's duties and responsibilities;
- 320 (2) evaluate the economic feasibility and impacts of its goals
321 and objectives programs;
- 322 (3) coordinate with the staff for utilization of staff time and
323 resources for liaison activities with the commission;
- 324 (4) make policy and budget recommendations to the city
325 council relating to solid waste program implementation;
- 326 (5) review waste disposal program implementation strategies
327 as they are developed;
- 328 (6) review staff progress toward successful implementation
329 of solid waste management on a periodic basis;

330 (7) review staff reports and studies relating to commission
331 programs, including economic and rate impacts and
332 environmental effects; and

333 (8) review the results from the monitoring of solid waste
334 programs and facilities[; ~~and~~

335 ~~(9) review activities of waste to energy advisory task force].~~

336
337 **PART 24.** Subsection 2-1-183(B) (*Urban Forestry Board*) of the City Code is amended
338 to read:

339
340 (B) The urban forester, city arborist, the director of Parks and Recreation
341 Department, and the director of the Watershed Protection [~~and Development~~
342 ~~Review~~] Department shall serve as ex officio members of the board.

343
344 **PART 25.** Subsection 2-1-186(D) (*Water and Wastewater Commission*) of the City
345 Code is amended to read:

346 (D) The commission [~~shall develop~~] may conduct an annual [~~program~~] review
347 [~~setting out~~] of the commission's goals and objectives, and the activities needed to
348 achieve these goals and objectives in the following areas, for the year covered by
349 the program:

350 (1) water supply distribution;

351 (2) water demand and conservation management;

352 (3) wastewater treatment and collection;

353 (4) water quality;

354 (5) service area master planning and capital improvement project
355 development;

356 (6) utility operating budget;

357 (7) rates and fees; and

358 (8) citizen education.

359 **PART 26.** Section 4-8-3 (*Applicability*) of the City Code is repealed and replaced
360 with a new Section 4-8-3 to read:

361 § 4-8-3 APPLICABILITY.
362

363 This chapter applies to a person who lobbies the mayor, a councilmember,
364 their aides, a member of a board governed by Chapter 2-1 of the Code, a
365 member of a board, task force, or other bodies established by council and
366 listed by the city clerk in accordance with section 2-1-3(C) of the Code, and
367 the following city staff: the city manager, an assistant city manager, their
368 aides, the city attorney, an assistant city attorney, a department or assistant
369 department director, and, where no assistant department director serves, the
370 first principal assistant of the department.
371

372 **PART 27.** Subsection 14-2-19(C) of the City Code is repealed.
373

374 **PART 28.** The Renaissance Market Commission is dissolved.
375

376 **PART 29.** Newly appointed and reappointed board members are not required to receive
377 training within 90 days of appointment or reappointment on topics described in Section
378 2-1-23(B)(3) or (4) until City staff updates the training materials concerning those topics
379 to reflect changes to the City Code made by this ordinance. Board members who are
380 appointed or reappointed on or after the date council approves this ordinance will be
381 required to receive the updated training not later than the 90th day after the updated
382 training materials are made available. The city clerk shall notify all board members who
383 are required to take the updated training of its availability, and shall include in the notice
384 the date by which the board members must take the training.
385

386 **PART 30.** A board chair is required to conduct the first internal review of the board and
387 prepare an internal review report as required by section 2-1-46 in calendar year 2012.

388 **PART 31.** The council adopts the revised standard bylaws for City boards attached as
389 Exhibit A. The Council Audit and Finance Committee may modify the standard bylaws.

390 **PART 32.** This ordinance takes effect on _____, 2010.

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PASSED AND APPROVED

_____, 2010 §
 §
 §

Lee Leffingwell
Mayor

APPROVED: _____
 Karen M. Kennard
 Acting City Attorney

ATTEST: _____
 Shirley A. Gentry
 City Clerk