

ORDINANCE 997-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS AMENDING, RESTATING, AND ADOPTING THE DICKINSON POLICY ON BOARD AND COMMISSION MEMBER APPOINTMENT AND ELIGIBILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS:

SECTION 1. THAT the City Council hereby approves and adopts the Dickinson Policy on Board and Commission Member Appointment and Eligibility attached hereto as Exhibit "A".

SECTION 2. THAT should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 3. THAT all provisions of the ordinances of the City of Dickinson, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Dickinson, Texas, not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. THAT this Ordinance shall take effect immediately from and after its passage, as the law and Charter in such case provide.

PASSED, APPROVED, AND ADOPTED on 1st Reading on June 28, 2022, **2022.**

PASSED, APPROVED, AND ADOPTED on 2nd Reading on July 12, 2022, **2022.**



SEAN SKIPWORTH, MAYOR

ATTEST:



Ana Urps, City Secretary

EXHIBIT "A"

CITY OF DICKINSON AMENDED AND RESTATED POLICY
ON BOARD AND COMMISSION MEMBER APPOINTMENT AND ELIGIBILITY

(Amended June 14, 2022)

I. OVERVIEW.

The City Council is very interested in citizens serving as members of City of Dickinson boards or commissions. Citizens can provide an invaluable service to the City of Dickinson through board membership and participation. Board and commission members volunteer many hours annually, sharing their time and expertise, and learning more about the City through their membership. Boards and commissions are established to offer citizens an extraordinary opportunity to participate in the City's governmental affairs and influence public policy in many areas. The City has several boards, commissions and committees that endeavor to reflect the varied interests of our City's citizenry.

Some of the City's boards and commissions are required and established by state statute, while others result from provisions of the City of Dickinson Home-Rule Charter or from local ordinances. Where discrepancies exist between individual board and commission bylaws and this policy, this policy shall apply, subject however to any superseding state law. A number of the bodies exercise legal authority in some aspect of City government. Although many boards and commissions are advisory only, their influence and value can be significant. They make recommendations on a wide range of topics that eventually come before the City Council.

City Council members and existing active members of Boards and Commissions shall actively recruit candidates for service on City boards and commissions. The City Council shall strive to have adequate representation from all geographic areas of the City in the overall appointment process and will endeavor to appoint Board and Commission membership reflective of the City of Dickinson's diversity of residents.

II. APPOINTMENT PROCESS.

Application and Eligibility.

Written Application/Eligible Applicant. A signed, current application is required for appointment for service on any board or commission. The City Council shall consider any person an "Eligible Applicant" who has satisfied the foregoing and the residency requirements of (b) below prior to being sworn-in to an appointive position on a board or commission. Applications are valid for one (1) year from receipt by the City Secretary's office after which time the application(s) will be considered lapsed. Without exception, no lapsed application will be considered after the third Friday in June of each year, the Application Deadline Date. An Eligible Applicant may be appointed to any board or commission regardless of the applicant's stated preference; however, the City Council endeavors to duly consider the preferences of all applicants.

Residency & Voter Registration. Unless the authorizing ordinance or law creating a Board or Commission specifically allows otherwise, all applicants and appointees must continuously reside within and be qualified voters of the City of Dickinson, Texas. All applicants shall provide their voter registration number on the application. For board and commission positions which may be filled by non-residents, such applicants shall be qualified voters, registered to vote in the precinct in which they reside.

All applicants shall be responsible for establishing proof of residency to the City Secretary under this subsection, and the City Secretary shall make all determinations of residency hereunder. The City Secretary may request a current voter registration card as circumstances warrant. The residence address contained on an applicant's or appointee's voter registration or on a current voter registration card provided by an applicant to the City Secretary shall be determinative of residency. If a question of residency is presented to the City Secretary in writing, the affected board or commission member shall submit to the City Secretary any utility account statement in the name of the board or commission member for a residence address within the corporate limits along with a sworn statement (notary not required) that such residence address is the applicant's residence. The receipt of the foregoing by the City Secretary shall be conclusive proof of residency under this subsection.

City Council Appointment to Boards and Commissions. On occasion and from time to time, City Council and or individual City Council members may desire to appoint or be appointed to a City Board or Commission. Members of City Council are eligible for service on Boards and Commissions in accordance with applicable statutes. Members of City Council desiring to serve on Boards and Commissions shall at all times adhere to the application requirements and policies outline in this document. At no time will members of City Council consist of a voting majority of any Board or Commission for a period of time greater than 90 days.

City Employee Appointment to Boards and Commissions. City employees are prohibited from serving on any City Boards or Commissions.

Candidate Interviews.

Interview Schedule. On or before June 30th of each year, the City Council shall set dates and times for candidate interviews. All Final Board and Commission interviews shall be held in an open public meeting with a posted agenda. Meeting agendas shall contain information stating that there may be a potential quorum of the City Council in attendance at each particular interview session, and any City Council member may attend.

Conducting Interviews. Candidates will be provided the opportunity to present information regarding their qualifications and answer questions from the City Council. The interview format will be similar for all candidates.

Nominations. Members of Boards and Commissions are encouraged to confer upon and prepare a list of preferred nominees from the applicants/interviewees and submit same to the City Secretary prior to the City Council Special Meeting regarding Boards & Commissions Appointments. As part of this vetting process, Boards and Commissions are encouraged to conduct preliminary interviews with prospective nominees. Council members may also prepare and submit nominations Boards & Commissions. Prior to the final interview, a nominating committee consisting of the Mayor and two Council members shall interview each nominee and provide a list of eligible nominees for Council consideration. City Council will give preference to nominees recommended by members of particular Boards and Commissions; however, City Council shall not be obligated to any Board or Commission recommendations.

Appointing Board/Commission Members.

Preferencing and Selection. After the interview process for the Boards and Commissions is completed (and typically on the fourth Tuesday of August), the City Council will consider the recommendations and nomination lists for Eligible Applicants, during a posted public meeting in open session; however, the

City Council may consider and confer upon any recommendation in a closed session under the Texas Open Meetings Act. The City Council shall make appointments through an "open preference procedure" wherein each City Council member's preferences are openly registered prior to the presiding officer's acceptance of any motion for approval of an appointee(s) for an unfilled position(s). Council discussion regarding applicants during the preferencing process shall not be limited to information contained on the applicant's application or resume. The City Council may meet in a work session, without action, to discuss preferencing nominations, prior to the special meeting held to appoint members.

Official Notification.

A letter of appointment shall be sent electronically or through a parcel delivery service to each member appointed to a board or commission. The letter shall confirm the appointee's membership status and the respective term commencement/expiration dates.

A letter of gratitude shall be sent electronically or through a parcel delivery service to each retiring member and shall confirm the member's end of service date.

Member Onboarding.

Orientation sessions for new and/or reappointed members shall be held within 30 days or as required or deemed appropriate by the respective boards and the City Secretary. The respective boards and City Secretary shall notify members of the orientation requirements.

Open Government. The City shall administer training to address requirements related to the Texas Open Meetings Act, Texas Public Information act, and ethical conduct. All new members are required to complete Open Government Training prior to actively serving on any board. To remain knowledgeable of the requirements and any legislative changes affecting a board, reappointed members shall retrain prior to any new term effective date, and the most recent training shall be completed within the previous two (2) years. A certification shall be issued to each member upon completion, and a copy shall be retained for public inspection.

Board Specific Training. A Board may utilize staff support for specific training and may further require, coordinate, and conduct pertinent training to support member knowledge and performance. Should appointment to a Board or Commission require specific training as determined by the Board or Commission, City Council or Statutory Requirement, the training shall be completed within 180 days of appointment.

Broadcasted Meetings. Members appointed to boards that are broadcast for real-time public viewing shall complete training to support knowledge, conduct, and application of relevant technology utilized in such meetings.

III. MEMBERSHIP CRITERIA.

Appointments. Appointments shall be made once a year (typically on the fourth Tuesday of August) and are effective on October 1 unless the appointment is made for filling a vacancy in which case the appointment shall be for the remainder of the term filled.

Term Length. All terms shall be two (2) years unless such terms are otherwise modified by the City Council, governed solely by State law, or established by ordinance. Notwithstanding the foregoing and subject to the provisions for immediate removal in (n) below, the City Council shall annually review the performance of all board and commission members during the Appointment Process. Subject to the

provisions for immediate removal in (n) below, appropriate appointments and removals shall be considered in conjunction with such annual review.

Alternate Members

The City Council shall appoint two (2) alternate members.

The Alternate for each of the Boards and Commissions will be appointed for a two-year term.

Duties of the Alternate Member. An Alternate shall serve in the place of a seated member only in the physical absence (i.e., not due to conflict or abstention) of a seated member. Alternates are encouraged to attend all meetings; however, an Alternate shall not participate as a member in the deliberations and voting (open session) unless they are sitting for an absent, seated member. Alternates may attend any called Closed Session. Alternates may participate during those portions of meetings when the public at large may participate. Unless holding a one-year staggered term, Alternates shall serve for the same term length as seated members.

General.

Attendance. Subject to the provisions for immediate removal in (o) below, attendance shall be reviewed annually during the board appointment process. A board or commission member shall attend seventy-five percent (75%) of the board meetings to be considered for continuation of any current term and for reappointment to any subsequent term. Subject to the provisions for immediate removal in (n) below, failure to attend 75% of the meetings shall result in the board member not being reappointed by the City Council unless the City Council finds good cause for such reappointment based on special circumstances presented by the board member.

Spousal Service and Nomination Noting Procedures. Spouses may serve concurrently on separate boards or commissions. City Council members shall not knowingly participate in voting for or appointing any relative within the second degree of consanguinity or affinity to any board or commission¹. In the event a relative of a City Council member is recommended for a board or commission position at the time of preferencing, the City Council member who is related shall step down from the vote for such board appointments.

Commitment. Board and commission members shall support the annual goals of the City of Dickinson.

Change of Address. Board and commission members shall notify the City Secretary of any change in residency status at least two (2) weeks prior to such change.

Removal. The City Council may remove any board or commission member at any time, with or without cause, including but not limited to the failure to attend seventy-five percent (75%) of board meetings.

Failure to adhere to any of the policies contained in Sections II, III, or IV of this Policy may subject the member to immediate removal by the City Council.

IV. PRACTICES

Disclosure of Vendor Relationships/Board member training. All members of any board or commission shall complete the required annual disclosures under Texas Local Government Code Chapter 176 whenever they contract with or are otherwise doing business with the City under applicable sections of this state law. Training on open government procedures and expectations for ethical conduct will be

made available to all boards and commission members on an annual basis.

Disclosure of interests. A City Council member or a board or commission appointee shall not participate or vote on a matter involving any entity on whose board the City Council member or appointee serves in any capacity or for which he/she is employed.

Appointed board or commission members appearing before any board or commission. Board or commission members may not appear on behalf of a business, client, or other private or public interest before any City board or commission, save and except for an appearance concerning a business or property owned in whole or in part by such member, where approval by said board or commission is required for action by the business, client, private or public interest during their term on such board or commission.

Appointed board or commission members doing business with the City. A board or commission member is prohibited from contracting or otherwise doing business with any board or commission during the member's term on any board or commission.

Appointed board or commission member using board position status in public forum. Except while acting in a meeting on his/her appointed board or commission, a board or commission member shall not use his/her board title or position in communicating opinions or issues in a public forum, either written or oral. The purpose of this provision is to avoid confusion regarding the attribution of the member's statements, whether intended or not, to the member's board or to the City of Dickinson. Upon receipt of notice of any member's communication contrary to this subsection, the City Manager shall place an item on the next available City Council agenda for consideration of removal of such member.