

AN ORDINANCE 2009-03-19-0205

AMENDING CHAPTER 2 OF THE CITY CODE ENTITLED "ADMINISTRATION" BY AMENDING ARTICLE IX ENTITLED "BOARDS AND COMMISSIONS" WHICH GOVERNS THE CREATION AND OPERATION OF BOARDS AND COMMISSIONS CREATED BY CITY COUNCIL, AND AMENDING ANY RELATED ORDINANCES, AS REQUESTED BY COUNCILMAN JUSTIN RODRIGUEZ, DISTRICT 7; COUNCILWOMAN DELICIA HERRERA, DISTRICT 6, AND COUNCILWOMAN MARY ALICE CISNEROS, DISTRICT 1.

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WHEREAS, the City Council Governance Committee's Ad Hoc Council Subcommittee on Boards and Commissions periodically reviews all procedures and guidelines governing city boards, commissions and committees, in order to improve and strengthen the relationship between the city's appointees to its boards and commissions and the City Council; and

WHEREAS, beginning in September of 2008, the ad hoc subcommittee members Councilman Justin Rodriguez, District 7; Councilwoman Delicia Herrera, District 6, and Councilwoman Mary Alice Cisneros, District 1, met at regular intervals to discuss the current rules for boards and commissions; and

WHEREAS, in February 2009, the ad hoc subcommittee directed staff to forward proposed amendments to the boards and commissions rules for the Governance Committee's consideration; and

WHEREAS, the proposed amendments provide for the application of the rules to all city-created boards and commissions, with certain exceptions, and amend the terms of office for boards and commissions members to correspond to the terms of office of City Councilmembers and provide additional recommendations or modifications to the City of San Antonio City Code Chapter 2, Article IX; and

WHEREAS, on March 4, 2009, the Governance Committee approved the suggested revisions to the City Code rules for boards and commissions, and directed staff to bring the revisions to the full Council for consideration; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City of San Antonio City Code Chapter 2, Article IX, entitled "Boards and Commissions" is amended by adding the underscored words and deleting those struck through and bracketed to read in its entirety as follows:

ARTICLE IX. BOARDS AND COMMISSIONS RULES.

The following shall govern the creation and operation of all boards and commissions created by ordinance or resolution passed by the City Council of the City of San Antonio. Unless specified otherwise in this Ordinance or by the City Council in an ordinance or resolution, these rules are [~~not~~] intended to govern those boards and commissions created pursuant to the authority granted by [~~the City Charter,~~] state law, federal law, to the extent not in conflict with state or federal law; City appointees to boards and commissions jointly created with the County or any other governmental entity; boards and commissions with special membership requirements set out elsewhere in this Code, such as but not limited to the Electrical [~~Examining and Supervising~~] Board, the Mechanical Board of Appeals, [~~the Home~~

~~Improvement Advisory Board]~~ and the Plumbing Appeals and Advisory Board; ~~[Blue Ribbon Committees; Ad Hoc Committees]~~ but are not intended to govern those boards and commissions created pursuant to the authority granted by the City Charter, Blue Ribbon Committees; Ad Hoc Committees or those boards or commissions whose members are comprised of City employees or to an individual City employee sitting on a board or commission as an ex officio member; or to Council Committees or Subcommittees."

Sec. 2-526. Application.

- (a) All applications for district and at-large boards and commissions shall be submitted to the office of the city clerk.
- (b) The city clerk will establish specific deadlines for submission of applications for at-large boards or commissions. To be considered for appointment to at-large boards or commissions, the completed applications must be submitted by the advertised deadline.
- (c) Applications for district boards and commissions may be submitted at any time to the office of the city clerk for consideration for appointment.
- (d) Applications for all boards and commissions shall be valid for one year after submission. A completed application must be on file in order for an individual to be considered for appointment to a board or commission.

Sec. 2-527. District appointments.

- (a) The office of the city clerk will coordinate review of the applications with the pertinent city departments and the city attorney's office to ensure that the applicants meet the necessary qualifications for each respective board or commission. The office of the city clerk will notify the applicant in writing, or via email if an email address is provided, if he/she is not qualified to serve on the board or commission for which he/she has applied.
- (b) The city clerk will forward the applications of the qualified applicants to the respective city council member for his/her review.
- (c) The office of the city clerk will initiate ~~[an ordinance for]~~ appointments, upon submission of a memorandum by a city council member, designating his/her respective appointees.
- (d) The provisions of this section apply to mayoral appointments.

Sec. 2-528. At-large appointments.

- (a) The office of the city clerk will coordinate review of the applications with the pertinent city departments and the city attorney's office to ensure that the applicants meet the necessary qualifications for each respective board or commission. The office of the city clerk will notify the applicant in writing, or via email if an email address is provided, if he/she is not qualified to serve on the board or commission for which he/she has applied.
- (b) The office of the city clerk shall submit applications to the city council committee to which the board reports. The city council committee will review the applications to determine a proposed slate for council consideration, and may request to conduct interviews of applicants during a committee meeting.
- (c) City council members may submit their nominations, in writing, to the office of the city clerk, in the form of a memorandum, for consideration by the respective city council committee as described in subsection (b).
- (d) Official selection by the city council shall take place no sooner than one week after the date of the council committee meeting, unless otherwise directed by the city council.
- (e) If an interview is requested, nominees must appear in person for the interview. If an individual is ill, out of town, or cannot appear in person, a written statement must be submitted to the office of the city clerk prior to the date of the interview, in order to be considered for appointment. An individual will not be considered for appointment if he/she fails to appear in person for the interview or fails to submit a written statement.

(f) Subsection 2-529(a) does not apply to boards or commissions whose members are appointed at-large.

Sec. 2-529. Membership.

(a) Each board or commission shall consist of eleven (11) members (one per council district and mayor). This subsection does not apply to section 2-528 and any board or commission in existence prior to December 27, 2004.

(b) ~~[Each citizen is limited to membership on two (2) boards or commissions concurrently (this includes advisory, more than advisory, City Charter, loan boards or commissions, and ad hoc committees).]~~

~~[(e)]~~ In order to be qualified to serve, all applicants for boards and commissions must be residents of the city, and continue such residency during the term of their appointment, if appointed.

(c) ~~[(d)]~~ When making appointments to boards and commissions, the city shall not discriminate on the basis of race, color, national origin, religion, sex, age or handicap.

Sec. 2-530. Terms of office.

(a) Length of term. Board or commission members are appointed for a term of office of two (2) years. The term of office for each board or commission member will run concurrently with the terms of office of the city council that appoints each member.

~~[(b) Term limit. All board and commission members are limited to serving no more than two (2) complete consecutive terms. After serving two (2) complete consecutive terms, members are ineligible for reappointment, except in accordance with subsection (e).~~

~~(e) Members can be reappointed to a board or commission after sitting out a term of two (2) years.]~~

Sec. 2-531. Meeting procedures.

(a) Boards and commissions will conduct meetings in accordance with the latest edition of Robert's Rules of Order.

(b) Board and commission meetings shall be conducted in accordance with the Texas Open Meetings Act. A majority of the number of seats on the ~~[all members]~~ board or commission shall constitute a quorum to convene a meeting; in all other matters upon which the board or commission may vote, a majority of the members in office shall be necessary for adoption.

(c) The pertinent city department shall be responsible for posting the meeting notices seventy-two (72) hours prior to the meeting.

(d) Proxy votes will not be allowed.

(e) The pertinent city department shall prepare and maintain minutes of the board or commission meetings. Such minutes shall be maintained in accordance with the city's records retention schedule. All records are subject to the provision of the Texas Public Information Act.

Sec. 2-532. Subcommittees.

(a) Boards and commissions may create subcommittees comprised of persons other than current members of the board or commission to address specific policy initiatives of the city, on an as-needed basis, to provide input and recommendations.

(b) ~~[(1)]~~ The size of a subcommittee's membership may be equal to, but no larger than the size of the creating board or commission.

(c) ~~[(2)]~~ The chair of a subcommittee shall be a member of the creating board or commission.

(d) ~~[(3)]~~ Subcommittees shall be created for a specific purpose and shall operate for a specific time period. A subcommittee will automatically dissolve upon completion of its charge, or the time prescribed by the city council, without any further action by the city council.

Sec. 2-533. Attendance.

(a) If a board or commission member's attendance at regularly scheduled meetings falls below fifty (50) percent on an annual basis from the appointment date, or a member misses three (3) regularly scheduled

consecutive meetings, the member will be automatically removed from the respective board or commission, without any further action by the city council.

(b) Such removal shall act as direction to the office of the city clerk to advertise for applications to the board or commission from which the member was removed, in the same manner as described in sections 2-527 [~~2-401~~] and 2-528 [~~2-402~~], [~~at large appointments above,~~] as applicable. The new member shall serve out the remainder of the term of the removed member.

(c) 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.

Sec. 2-534. Financial disclosure report.

(a) All board and commission members shall be subject to the requirements set forth in the city's ethics code, as applicable to city officials.

(b) All board and commission members must file a financial disclosure report with the office of the city clerk upon appointment, and annually thereafter, throughout the member's term.

(c) Failure to file a financial disclosure report within the time required by the city's ethics code will be considered an automatic removal, without any further action by the city council.

(d) Such removal shall also act as direction to the office of the city clerk to advertise for applications to the board or commission from which the member was removed in the same manner as described in sections 2-527 [~~2-401~~] and 2-528 [~~2-402~~], as applicable. The new member shall serve out the remainder of the term of the removed member.

(e) A member who is automatically removed from a board or commission for failure to file a financial disclosure report is ineligible to serve on any other board or commission for a period of one calendar year from the date of the member's automatic removal.

Sec. 2-535. Removal from office.

(a) All board and commission members serve at the pleasure of the city council and may be removed from office at the discretion of the city council without cause, such removal to be evidenced by passage of an ordinance.

(b) Requests for removal of a board or commission member must be initiated by city council consideration requests. Such request shall also direct the office of the city clerk to advertise for applications to the board or commission from which the member was removed in the same manner as described in sections 2-527 [~~2-401~~] and 2-528 [~~2-402~~], as applicable. The new member shall serve out the remainder of the term of the removed member.

Sec. 2-536. Resignations.

(a) All resignations must be in writing, filed with the office of the city clerk, and state the specific date of resignation and the name of the board or commission from which the member is resigning.

(b) All resignations shall take effect upon receipt by the office of the city clerk and without any further action by the city council, shall constitute an automatic removal from the board or commission and act as direction to the office of the city clerk to advertise for applications to the board or commission from which the member resigned in the same manner as described in sections 2-527 [~~2-401~~] and 2-528 [~~2-402~~], as applicable. The new member shall serve out the remainder of the term of the resigned member.

Sec. 2-537. Template enabling ordinance.

All new boards and commissions shall be created using the template ordinance, attached to Ord. No. 100199 as exhibit I. Unless otherwise provided in said subsequent enabling ordinance, the provisions provided for in article IX, shall govern the creation and operation of all boards and commissions.

Sec. 2-538. Information on boards and commissions.

(a) In addition to any other applicable notification requirement, public notices will be provided for all board and commission vacancies. In addition, the office of the city clerk will issue media advisories, will post information on the city's website and the TVSA channel. ~~[, and will provide informational materials to community and civic groups via email.]~~ Notices may ~~[will]~~ also be posted at the Central library, at branch libraries, city parks and at city community centers.

(b) Informational material, which includes current data about all boards and commissions, will be available to prospective appointees, in the office of the city clerk.

Sec. 2-539. New member orientation and swearing-in.

(a) A thorough orientation will be provided to all newly appointed board and commission members by the pertinent city department. Specific information on policies and procedures for the respective board or commission will be provided at that time. Board and commission members will sign a document to verify that they have attended the necessary orientation. The pertinent city department shall maintain records of these documents in accordance with the city's records retention schedule.

(b) Continuing education programs will be instituted by various city departments to provide up-to-date information on any legislation or other pertinent information that would affect the department's respective board or commission. Board and commission members must be kept abreast of all issues related to the board or commission and its responsibilities.

(c) Newly appointed members will be invited to a swearing-in ceremony to be held during a city council meeting.

Sec. 2-540. Municipal Leadership Institute.

(a) The Municipal Leadership Institute shall be utilized to provide an orientation to city government to all newly appointed board and commission members. A comprehensive overview will be provided on issues that include, but are not limited to, ethics, liability, fiscal responsibility, attendance requirements, removal, parliamentary procedures (Robert's Rules of Order), the Texas Open Meetings Act, the Texas Public Information Act, and general information about the city and the board and commission appointment process.

(b) All first-time newly-appointed board and commission members (district and at-large appointments), must attend a Municipal Leadership Institute Training before they can be considered for reappointment to any city board or commission.

Sec. 2-541. City council Ad Hoc C[e]ommittee on Boards and Commissions.

(a) The office of the city clerk shall maintain a list of all city boards and commissions, divided into two (2) categories, "district boards and commissions" and "at-large boards and commissions". Periodically, the Mayor [with each new city council term, city council] shall appoint a three-member Ad Hoc C[e]ommittee to review all city boards and commissions for sunset, consolidation, or other recommended change.

(b) This city council Ad Hoc C[e]ommittee on B[b]oards and C[e]ommissions will be comprised of one senior council member, who will serve as the chairperson, and two (2) other council members. Ad Hoc C[e]ommittee will meet as needed, to review any board or commission concerns that need to be presented to the full city council.

(c**[b]**) ~~[Sunset-]~~ The city [City] council, as evidenced by passage of an ordinance, may [will] sunset [,-or discontinue,] inactive boards or commissions [,-] as recommended [deemed necessary] by the respective city council committee having oversight over the board or commission, and as deemed necessary by the Ad Hoc Committee.

~~[The office of the city clerk shall maintain a list of all city boards and commissions, divided into two (2) categories, "district boards and commissions" and "at large boards and commissions". Beginning in October 2005, and every four (4) years thereafter, d istrict boards and commissions will to periodically~~

~~undergo a review by city council for [reauthorization or] consolidation or sunset. At large boards and commissions will undergo a review for reauthorization or sunset beginning in October 2007, and every four (4) years thereafter.]~~

Sec. 2-542. City council committee oversight [and board and commission sunset.]

(a) ~~[Oversight.]~~ Each board and commission will report to a designated city council committee. This reporting relationship is determined by aligning boards and commissions with those city council committees that address similar subject matters.

(b) The office of the city clerk shall maintain a list of this reporting relationship, which will include the name of each city board and commission and its designated city council committee. ~~[Once during each term]~~

(c) The Mayor may [the council committee on boards and commissions will review and] make any changes to the reporting relationships between the council committees and the boards and commissions.

(d) Written reports from each board or commission regarding its activities and recommendations must be provided to its respective city council committee on an annual basis.

(e) Each city council committee may recommend sunset, consolidation or other necessary action to the city council subcommittee on boards and commissions.

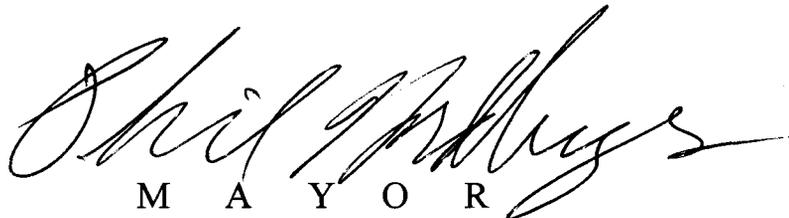
SECTION 2. The remainder of the City Code, Chapter 2, Article IX remains in full force and effect.

SECTION 3. The amendments to the City Code, Chapter 2, Article IX do not affect the current terms of office of those members of the boards and commissions to whom the provisions of City of San Antonio City Code Chapter 2, Article IX apply, or to whom the City Council, by the passage of an ordinance or resolution has applied.

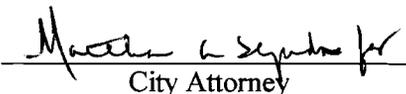
SECTION 4. If any provision of this Ordinance or its application to any circumstance is held to be invalid, the remainder of this Ordinance and its application to other circumstances shall nevertheless be valid, as if the invalid provision had never appeared in this Ordinance, and this governing body declares that this Ordinance would have been enacted without the invalid provision.

SECTION 5. This ordinance is effective immediately upon the receipt of eight affirmative votes, or in the event eight affirmative votes are not received, on the tenth day after passage.

PASSED AND APPROVED this 19th day of March 2009.


M A Y O R
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney