ORDINANCE NO. 210-022018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE ADOPTING BOARD AND COMMISSION POLICY AND PROCEDURES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS City Council and each Commission, and therein Council members and Commissioners, represent the City of Garden Ridge and all its citizens, and should strive to present transparent, professional, efficient, and consistent meetings, not only to represent the citizens who have elected and appointed Council and Commission members;

WHEREAS there are numerous City Commissions created to assist in the governance of the City of Garden Ridge, each independent of one another, created at different times with different procedures of operation;

WHEREAS, the City Council has determined that a policy is needed to establish uniform standards for citizens seeking appointment to boards and commissions and to ensure uniform operating procedures for all boards and commissions.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF GARDEN RIDGE:

Section 1. Findings. The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

Section 2. Adoption of Policy. The City of Garden Ridge City Council adopts the following as its policy for the operating procedures and the appointment of citizens to City boards and commissions:

I. Commissions and Relevant Ordinances.

A. Planning and Zoning Commission

1. Ordinances 7-112017; 13-06217; 55-122017

B. Quarry Commission

1. Ordinance 34-082012

C. Water Commission

1. 54-042017; 61-112017; 159-052015
D. Wildlife Management Advisory Commission

1. 186-122015; 196-022017

II. Qualifications for Office.

Every candidate seeking appointment to a City board or commission will meet these qualifications:

A. Be a registered voter in Garden Ridge, Comal County, Texas;

B. Have resided in the City for at least six (6) months as of the deadline for filing for the position;

C. Not have been convicted of a felony for which he or she has not been pardoned or acquitted; and

D. Not have been found mentally incompetent by a final judgment of a court.

III. Terms of Office.

A. Commissioners will be appointed for two- (2) year terms.

B. Commissioners’ terms of office will overlap one another to create staggered terms of office:

1. The staggered terms in effect at the time of the adoption of this policy will remain in effect.

2. When a new board or commission is created, each place will be assigned a number. The odd numbered positions will begin in one year and the even numbered positions will begin the following year.

C. Commissioners may not serve more than four (4) consecutive terms on any one Commission without at least one (1) year off the Commission. The one (1) year off period shall begin on the date of expiration of the fourth consecutive term.

D. For purposes of determining consecutive terms, a person will be deemed to have served on a Commission if the person has served as a member for at least one-half (1/2) of a two- (2) year term.

E. This section will not apply to service on a different City Commission or where good cause exists to appoint a person for a fourth or longer consecutive term. For this purpose, good cause will be determined by the City Council, and includes but is not limited to, circumstances in which:
1. More than one-half (1/2) of the members of a City Commission are inexperienced with the work of the Commission, in which case the incumbent member(s), determined by Council to meet the good cause exception, may be reappointed for only one (1) additional term; or

2. There are not sufficient qualified citizens interested in serving on said City Commission.

F. A person who is not eligible for reappointment to a Commission under this section will remain ineligible for reappointment to said Commission for a period of one (1) year from the date the person’s term will expire.

G. A person who is not eligible for reappointment to a City Commission under this section is eligible for appointment to a different City Commission.

H. Commissioners currently serving on a City Commission who exceed these rules of consecutive terms may complete their current term of office.

I. Chairs will be appointed for a maximum of two (2) consecutive terms of office as Chair. The Chair may remain on the Commission as a regular member after completing his or her term as Chair.

   1. A Chair may be reappointed as Chair after remaining out of the position for one (1) year.

J. Vice Chairs will be appointed for a maximum of two (2) consecutive terms of office as Vice Chair. The Vice Chair may remain on the Commission as a regular member, or as Chair, after completing his or her term as Vice Chair.

   1. A Vice Chair may be reappointed as Vice Chair after remaining out of the position for one (1) year.

IV. Attendance.

The City Secretary will distribute a meeting attendance inquiry to each Commissioner prior to each meeting. No later than one (1) business day prior to a meeting, each Commissioner will:

A. Respond to the Secretary’s inquiry; and

B. Notify the Commission Chair if he or she will be absent.

   1. If the Chair will be absent the Chair will notify the Vice Chair.

      a. Absences Defined.
i. Excused Absence.

a) An absence that results from a medical reason of the member or a relative of the member;

b) Child care for a newly born child during the first eight (8) weeks of the child’s life (or) the first eight (8) weeks of an adopted child’s life in the home;

c) Military deployment;

d) Family emergency; or

e) Jury duty.

ii. Voluntary and Announced Absence.

a) An absence other than an Excused Absence.

b) Commissioner has notified both the City Secretary and the Commission Chair or Vice Chair no later than one (1) business day prior to the meeting.

iii. Unannounced Absence.

a) Failure to inform the City Secretary and the Commission Chair no later than one (1) business day prior to the meeting.

V. Termination.

A. Three (3) consecutive absences or four (4) total absences in a twelve (12) month period will result in automatic termination with the following exceptions:

1. If all absences are Excused Absences, the Commission can recommend termination be waived by a majority vote of the Commission, with such recommendation forwarded to Council for a final determination;

2. If all absences are Voluntary and Announced Absences, the Commission can recommend termination be waived by a majority vote of the Commission to allow a fourth (4th) consecutive absence or a (5th) total absence, with such recommendation forwarded to Council for a final determination.
B. City Council can, by majority vote, waive any of the above conditions.

C. If a Commissioner becomes ineligible as stipulated in Section II, Qualifications for Office, membership on the Commission will terminate immediately.

D. The Commission may make a recommendation to have a Commissioner terminated for cause, by majority of the full Commission, with such recommendation forwarded to Council for a final determination.

VI. Vacancies.

It is the intent of the City Council that collectively, members to each Commission shall, by diversity of their individual occupations and experience, be broadly representative of the City. The Council may establish specific qualifications and amend such qualifications as needed to meet the objective of each board or commission.

A. When a vacancy occurs, the City will seek qualified candidates via all reasonable means from the public, after such vacancy has been advertised for at least one (1) month prior to any appointment.

B. All applicants will be reviewed by City Staff to validate qualifications and eligibility, after which all qualified applicants will be interviewed during a regular Commission meeting on which there is the vacancy.

1. Previous applicants for Commission positions will be considered equally with new applicants.

C. After all qualified applicants have been interviewed by the Commission at a regular Commission meeting; the Commission’s recommendation for appointment will be forwarded to City Council for an additional interview or final determination on the recommendation.

1. The Commission recommendation will be based on the majority vote of the Commission, with such recommendation being forwarded to Council for their consideration.

VII. Preparation.

All Commissioners will be prepared for each meeting; all Commissioners will be able to spontaneously run any meeting should the need arise in the absence of the Chair and the Vice Chair.
A. Thoroughly review the agenda packet, including agenda reports, onsite inspections when appropriate, and any other pertinent material before the meeting.

B. Know the responsibilities of the Commission as well as the limitations of his/her individual authority. A Commissioner is a member of an advisory body which requires that his/her provide informed recommendations to City Council.

C. Be familiar with the Texas Open Meetings Act [TOMA], and be cautious with electronic communication regarding any issue, notably the risk of “walking quorums” that can occur unintentionally.

D. Maintain familiarity with the following:
   
   1. “Findings Necessary to Grant a Variance” document as provided by the City Attorney;
   
   2. Robert’s Rules of Order;
   
   3. Commission’s annual calendar reflecting the regular meeting dates of City Council and each Commission; and
   

VIII. Procedures and Decorum.

City Council is dependent on each Commission to make recommendations to the City Council. It is through not only the City’s Council meetings but through input from Commission meetings that Council can receive citizen input.

Robert’s Rules of Order will be followed in all cases where applicable to ensure the Chair as leader can conduct an efficient procedural meeting. However, strict adherence to the rules is not necessary for the orderly conduct of meetings.

When a joint City Council/City Commission meeting is held, the Mayor will chair the meeting.

A. Agendas.

1. Items will be placed on the agenda by the Chair and the City Administrator adhering to established deadlines.

   a. The deadline for submission of an agenda item is fourteen (14) days prior to the Commission meeting.
3. Items may be placed on the agenda in any of the following ways:

   a. Unanimous consent or majority vote during a Commission meeting;
   b. Outside of a public meeting, paying particular attention to adhering to Texas Open Meetings Acts Procedures, by;

      i. The Chair;
      ii. The Chair and a Commissioner. The Chair may consider nominations to the agenda from an individual Commissioner; or
      iii. Two (2) Commissioners. If two (2) Commissioners wish to nominate an item for an agenda, they must both contact the City Administrator prior to the established deadline. The Chair may not remove an item placed on an agenda by prior direction of the Commission.
   c. In accordance with the Texas Open Meetings Act [TOMA], items not on the agenda may not be discussed at that meeting.

4. Commission packets will be sent electronically to Commissioners seven (7) days prior to the meeting.

   a. Review the agenda and attached minutes from prior meeting(s) for corrections/amendments. Notify the City Secretary of any corrections or amendments two (2) business days prior to the public posting date.

5. Each Commission will create a Rolling Agenda to reflect items the Commission would like to consider in the future. The Rolling Agenda will reflect the Commissioner who initiated the request as well as the ongoing status of the item.

B. The Chair will:

   1. Begin meetings on time. He or she will keep the agenda in mind to give each item the appropriate consideration;

   2. Be responsible for maintaining procedure and decorum at each meeting;

   3. Ensure that all comments are electronically recorded for the record by having all participants speak into a microphone;
4. Ensure that the use of other electronic devices is limited to pertinent, urgent, or emergency use only;

5. Ensure that fair, impartial review and respect for all members of the Commission, Staff, and audience will be maintained;

6. Remain a non-voting member; he or she will vote only in the case of a tie; and

7. Report, in person, during City Council meetings, any and all pertinent Commission recommendations. If the Chair is unavailable, he or she will ensure the Vice Chair or an available representative from the Commission appears before City Council. Absent an available representative, the Chair will deliver a written summary of the Commission’s recommendation to the City Administrator prior to the City Council Meeting.

C. The Vice Chair will:

1. Assume the duties of the Chair when the Chair is absent; in the absence of both the Chair and the Vice Chair and assuming there remains a quorum, a temporary Chair will be selected from the remaining Commission members for that meeting.

D. Ex Officio.

A City Council member will serve as an Ex Officio member of each Commission except Planning and Zoning.

1. The Ex Officio member will be a non-voting advisory position only.

F. Dress Code.

The dress code for all scheduled Commission meetings will be “business casual”, except when an offsite meeting necessitates other appropriate attire as directed by the Chair.

G. Social Media.

Commissioners should be judicious in their use of social media. Commissioners, in their official capacity representing the Commission or the City, will not respond, comment, or post opinion, views, or information on social media that relates to any matter the Commission is considering, discussing, or recommending to City Council.

IX. Training and Education.
A. Within two (2) months of appointment, a Commissioner will complete training for new Commissioners including Open Meetings Act Training and The Public Information Act Training as provided by The Office of the Attorney General of Texas.

B. The City Administrator, with input from the Commission Chairs, will advise Commissioners of the dates and locations of approved seminars, and will facilitate the Commissioners’ registration and attendance. The Commissioners will be entitled to reimbursement for reasonable costs of attendance.

C. Each Commissioner will attend at least two (2) regular City Council meetings during each calendar year.

D. Each Commissioner will attend an annual training session pertinent to that Commission’s responsibilities as determined by the Chair.

E. Each Chair will establish an Ordinance review tutorial as an agenda item a maximum of every two (2) years. The City Attorney will attend.

F. Each Commission will be aware of the State Legislature’s session that occurs every two (2) years. When relevant, new laws and procedures will be reviewed by each Commission during a Commission Meeting.

G. Due to specific legal requirements associated with participation on the Planning and Zoning Commission, Commissioners will attend training related to Planning and Zoning as deemed appropriate by the City Administrator. Attendance at an approved seminar on land use, environmental or planning issues within three (3) years prior to appointment is acceptable, otherwise a new Commissioner must complete the requirement within one (1) year of appointment. Reappointed Commissioners must attend such training at least every four (4) years.

H. Wildlife Management Advisory Commission members will attend training by Texas Parks and Wildlife or other approved sources every two (2) years.

Section 3. Interpretation of rules.

In the event of any dispute related to the interpretation or application of the policy established herein, the City Council will hear and make such determinations as needed.

Section 4. Cumulative and savings.

This Ordinance shall be cumulative of all provisions of ordinances of the City of Garden Ridge, Texas, except where the provisions of the ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are
hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

Section 5. Severability.

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of the Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the validity of any part.

Section 6. Effective date.

This ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED ON this 7th day of February, 2018.

Larry Thompson, Mayor

ATTEST:

Shelley Goodwin, City Secretary