



BOARDS AND COMMISSIONS HANDBOOK

Revised February 2019



Welcome!

On behalf of the City Council I would like to thank you for your willingness to serve the City as an appointed member of a board or commission. Your commitment of time and talent is a very important contribution to our community.

The work performed by citizens who serve as volunteers on these boards and commissions is a vital part of our city government. Board and commission members assist the City Council in setting public policy, implementing public policy and in communicating that policy to the community as a whole.

In recognition of the important civic commitment members of boards and commissions have made, this orientation handbook has been prepared to assist new members in performing their duties.

It is our hope that your service to the City of Taylor will be both rewarding and fulfilling. Again, thank you for your willingness to serve.

**Mayor
Taylor City Council**

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CHAPTER 1: DEFINITIONS AND LEGAL

LIABILITY 1.1 Boards and Commissions Defined

The work performed by citizens serving on boards and commissions is a vital part of the work of the city of Taylor government. Taylor has two types of boards and commissions: **ADVISORY** and **DECISION-MAKING**. Additionally, there are boards whose membership is appointed by the City Council but are separate entities. Appendix A provides a general description of each type of board and commission.

1.2 Definitions of Terms

AGENDA is required of a meeting of a city governmental body. An agenda stating the date, hour, place, and subject of each meeting must be posted at City Hall for at least seventy-two (72) hours preceding the scheduled time of the meeting. Only those matters posted on the agenda can be discussed and acted on by the governmental body.

BOARD means a board or commission:

- which is established by city ordinance, city charter, interlocal contract, or state law;
- which serves as the board of a non-profit development corporation that acts as an instrumentality of the city; and
- any part of whose membership is appointed by the City Council, but does not include a board or commission which is the governing body of a separate political subdivision of the state.

CITY COUNCIL means the legislative and governing body of the City of Taylor consisting of five members who are elected by the citizens of Taylor for three year terms. Both the Mayor and Mayor Pro Tem are elected by the council members themselves and these terms are for one year.

CITY means the City of Taylor, Texas.

DELIBERATION means a verbal exchange during a meeting between a quorum of a governmental body, or between a quorum of a governmental body and another person, concerning an issue within the jurisdiction of the governmental body or any public business.

MEETING means a deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another person, during which public business or public policy over which the governmental body has supervision or control is discussed or considered or during which the governmental body takes formal action. A social or informal event where council members attend is not considered a meeting.

MINUTES of every called meeting are required to be prepared, approved, and signed by the Chairman and attested to by the Secretary. The minutes become part of the City's permanent records.

OFFICER means the legislative and governing body of the city of Taylor consisting of the five council members including the Mayor and Mayor Pro Tem

PUBLIC OFFICIAL means any person who is appointed to a board or commission by the City Council.

1.3 Advisory Boards and Commissions

Advisory boards and commissions advise the City Council on public policy and play a very important role in city government by providing the Council with creative ideas, feedback from the community, and by serving as a sounding board for proposed public policy. It is important to remember that the role of advisory boards is not to set public policy but to advise the City Council.

ADVISORY BOARDS AND COMMISSIONS

| Name | Members | Term (Yrs.) |
|---|--------------|-------------|
| Airport Board | 7 | 3 |
| Animal Control and Shelter Advisory Board | 9 | |
| Library Board | 7 | 3 |
| Main Street Advisory Board | 11 | 3 |
| Moody Museum Board | 11 | 3 |
| Parks & Recreation | 11+1 student | 3 |
| Public Arts Advisory Board | 7 | 3 |
| Tree Advisory Board | 7 | 3 |

1.4 Decision-making Boards and Commissions

Decision-making boards and commissions are "quasi-judicial" and are governed by state law. Decision-making boards set or enforce public policy and are potentially subject to review by the courts. Members serving on decision-making boards should take an oath of office and are subject to the Texas Open Meetings Act and the Texas Public Information Act.

DECISION-MAKING BOARDS AND COMMISSIONS

| Name | Members | Term (Yrs.) |
|---------------------------------|---------|-------------|
| Building & Standards Commission | 5 | 2 |
| Planning & Zoning Commission | 9 | 3 |
| Zoning Board of Adjustments | 5 | 2 |

1.5 Separate Legal Entities

There are three boards serving the City of Taylor that are separate entities, corporations, or political bodies, even though the City Council may appoint the members to these boards. They are usually established under the provisions of a state statute which sets forth the functions, duties, responsibilities, and limitations of the corporation or political body.

The boards that are separate entities from the City of Taylor, but whose members are appointed by the City Council or the Mayor are:

SEPARATE LEGAL ENTITIES

| Name | Members | Term (Yrs.) |
|-----------------------------------|---------|-------------|
| Taylor Economic Development Corp. | 5 | 3 |
| Taylor Housing Authority | 5 | 2 |
| Civil Service Commission | 3 | 3 |

The members appointed to these boards oversee the operation of an organization as a Board of Directors would a corporation. The City of Taylor has no authority over the members except for their appointment and budget review; and, therefore, the city has no liability for their actions. Board members will find that the organization to which they have been appointed will provide much of the information needed. The state statute establishing the organization, the articles of incorporation and the bylaws of the organization will provide a great deal of information.

1.6 Legal Liability

It is important to understand that the actions of members of the various city boards can subject the city to liability and subject the board members to personal liability. Therefore, board members are strongly encouraged to consult with the city attorney anytime they feel their actions, while serving on such board, may have some legal consequences. The law in this area is quite complex and requires a thorough analysis of the law and facts pertaining to each particular situation.

As a general rule, quasi-judicial public officials cannot be held personally liable for erroneous acts while honestly exercising the judicial or quasi-judicial functions of their office. The board members who render decisions are considered quasi-judicial public officials. The problem with stating such a general rule as a proposition of law is that there will always be exceptions to the general rule. For example, if a court finds that a quasi-judicial public official performs certain functions in excess of his/her authority and such functions were not performed under a good faith assumption that the officer had the authority to act, then the public official will subject himself/herself to personal civil liability. If a person is damaged by the excessive acts of a quasi-judicial public official, then that public official will have to pay damages to the person harmed. The aggrieved person can also seek other remedies such as an injunction compelling the public official to perform or refrain from performing a particular act.

Officers of the city can also subject themselves, as well as the city, to liability if they perform their functions in a manner that denies an individual any right that is secured to that individual by the constitution or a statute. An example of how this type of liability could arise is if an officer illegally discriminates against an individual. A city and its officers, as a governmental entity, must treat all individuals or groups equally. Therefore, officers of the city should treat all individuals and groups in the same manner. If an officer illegally discriminates against an individual or group, that individual or group can seek monetary damages from the city and the individual officer for a violation of his rights under the state and federal civil rights statutes.

When members of boards are acting in good faith and within the bounds allowed by the city ordinances and procedures and the state and federal law, the city will provide a defense for such members to the greatest extent permissible. However, if a board or commission member violates a criminal law while serving in his/her official capacity, the city generally will not provide that member a defense. The reason for this is that if a criminal law was violated, the board member was probably acting outside the bounds of his authority.

The above discussion is by no means intended to be a comprehensive and complete discussion of legal liabilities to which the city or the board member may be subjected. You are reminded that the city attorney is available to the city boards and should be consulted on such questions.

CHAPTER 2: APPOINTMENT PROCESS

2.1 How Public Officials are Appointed

The City Council (and/or Mayor) is responsible *for* appointments to all of Taylor's boards. Citizens interested in being appointed are urged to obtain an application form (see Appendix A) from the city clerk's office at city hall or on the City's Web page: www.taylortx.gov. Applications must be received at least 10 business days prior to the council meeting scheduled with the appointment on the agenda.

2.2 Notice of Appointment

The city clerk will notify the City Council prior to the expiration of board terms. Appointments will be placed on a City Council agenda for Council action. After the City Council appoints a person to serve as a member of a board, the city clerk will notify the appointee, in writing of the appointment and furnish new members with a copy of this Boards and Commissions Handbook.

2.3 Eligibility and Qualifications

The City Council strives to appoint the most qualified citizens to serve on boards. Appointments, in most cases, will be made from applications on file with the city clerk. The qualifications required to serve on a particular board are determined by Taylor City ordinance. Many of the boards do not have specific eligibility requirements beyond voting residency, leaving the membership qualifications to the discretion of the City Council. City of Taylor voting residency requirements do not apply to the Moody Museum Board, Library Board, Main Street Advisory Board, Airport Board, or the Taylor Economic Development Commission (April, 2005).

Appointments to boards having eligibility requirements must be made in accordance with the governing city ordinance. Board members must continue to meet the eligibility requirements during the entire time they serve on the board.

2.4 Oath of Office

An oath of office (Appendix B) will be administered to all members of decision-making boards. The oath of office can be administered by the city clerk or a notary public for the state of Texas. The necessary forms are available in the city clerk's office.

CHAPTER 3: RESPONSIBILITIES OF PUBLIC OFFICIALS

3.0 Open Government Training

Effective January 1, 2006, elected and appointed officials are required by state law to receive training in Texas open government laws. The Office of the Attorney General offers free video training courses to attend in person or online by visiting their website at <https://www.texasattorneygeneral.gov/faq/og-open-government-training-information> . You may check with the City Clerk for additional options. All newly appointed municipal board members must complete the Open Meetings portion of the training within ninety (90) days of their appointment. The Certificate of Completion must be kept on file with the City Clerk for five (5) years.

3.1 Texas Open Meetings Act

The Texas Open Meetings Act is codified in the Texas Government Code section 551.001. This article generally requires that meetings of a governmental body be open to the public and enumerates some exceptions to the requirement. The Act also requires that the public be given notice of the time, place, and subject matter of meetings of governmental bodies. The Texas Open Meetings Act prohibits the use of secret ballots in meetings of governmental bodies.

3.1.1 Closed Meetings

The Taylor City Council, the Taylor Economic Development Corporation and the Taylor Housing Authority are the only city boards authorized under law to conduct closed meetings.

The Texas Open Meetings Act does allow for closed meetings on a few limited subjects. Closed meetings are only allowed for discussion of items that include pending litigation, certain personnel matters, receiving a gift or donation, to discuss deployment or implementation of security personnel or devices, and the lease or acquisition of real estate.

Before a closed meeting can be held, notice of the meeting identifying the sections of the Texas Open Meetings Act authorizing the closed meeting must be posted 72-hours in advance of the meeting. A quorum of the governmental body must convene in an open meeting and the presiding officer publicly announces that a closed meeting will be held and identifies the sections of the Texas Open Meetings Act authorizing the closed meeting. No final action, decision, or vote can be made in a closed meeting. All final actions, decisions and votes must be made in an open meeting.

Further, the governmental body is required to keep a certified agenda of the matters discussed in the closed meeting and a record of any further action taken. The presiding officer must include an announcement at the beginning and end of the closed meeting indicating the time and place that the meeting started and ended, and must certify by his/her signature that the agenda is a true and correct record of the proceedings. It is a misdemeanor offense for any individual to make public such certified agenda unless directed by a court order. The certified agenda must be preserved in a safe and secure place for a minimum of two (2) years. The city clerk or city attorney are available to answer questions pertaining to agendas, minutes, or any other questions that may arise regarding the Texas Open Meetings Act.

3.1.2 Penalties

A fine of not less than \$100.00 nor more than \$500.00 or imprisonment in the county jail for not less than one (1) month nor more than six (6) months, or both fine and imprisonment, can be imposed for violating the provisions of the Texas Open Meetings Act or conspiring to circumvent the provisions of the Texas Open Meetings Act by meeting in numbers less than a quorum for the purposes of secret deliberations.

3.2 Robert's Rules of Order

Meetings are generally conducted under standard parliamentary rules as outlined in Robert's Rules of Order.

3.3 Agendas

City boards and commissions are expected to abide by the Texas Open Meetings Act and their agendas are properly posted on the city hall bulletin board at least seventy-two (72) hours preceding the scheduled time of the meeting. Only those matters posted on an agenda can be discussed and acted upon by the governmental body.

At the time of posting, copies of the agenda must be given to all members of the boards or commissions pertaining to the meeting being posted. If non-members attend the meeting, they should also be provided with an agenda. The agenda should be prepared (under the direction of the board chairman) by the board secretary, who is usually the ex-officio department head or staff person to the board.

Generally, the order of business on the agenda is: declaring a quorum, the reading, correcting and passing of the minutes from the last meeting, specific information listed for each agenda item to inform the public of the item being discussed. A general listing such as "Committee Reports" is not allowed. Items to be discussed must be specific.

3.4 Role of the Chairman

The role of the board chairman is to provide leadership to the group. He/She has certain duties and responsibilities which must be performed:

1. insure that the meeting is conducted in accordance with established rules; and

2. maintain order and bring the group to a conclusion on the matters before it.

3.5 Quorum

A quorum is the minimum number of members needed to officially conduct business. The quorum is generally established by the ordinance, resolution, or other document which establishes the board. Where no statement on the quorum number exists the quorum is the majority of the members. If no quorum exists, the meeting should be canceled and rescheduled.

3.6 Public Hearings

Public hearings are open forums that allow the public an opportunity to express their opinion on a specific issue related to the City of Taylor. Public hearings are generally conducted in the following manner:

1. The chairman of the board formally opens the public hearing.
2. After hearing all citizens who wish to comment on the issue, the chairman formally closes the public hearing.
3. Members of the board may ask questions directed to the citizen speaking during the public hearing. After the public hearing is closed, members of the public may speak **ONLY** in answer to a question directed to them by a member of the board.
4. If a public hearing draws a large number of interested citizens, a time limit for individual speakers may be set by the chairman before the public hearing opens, typically 3 or 4 minutes.
5. The chairman may use his/her judgment about how strictly this format is followed.

3.7 Minutes

Minutes of a decision-making board are required to be prepared, approved, signed and retained permanently in a safe and secure place. The minutes of decision-making boards **MUST** be signed by the chairman and attested to by the secretary or other member of the board once the minutes are approved by a majority of the members in a called meeting. The minutes become a part of the city's permanent records.

3.8 Texas Public Information Act

The Texas Public Information Act (formerly known as Texas Open Records Act) is codified in the Texas Government Code section 552.001. It declares the basis for the policy of open government expressed in the Public Information Act. It finds that basis in "the American constitutional form of representative government" and "the principle that government is the servant and not the master of the people." The Texas Public Information Act applies to virtually all local and state governmental bodies, private entities that are supported by or that expend public funds and/or information held by private entities in the constructive possession of governmental bodies.

All information held by a governmental body must be released unless the information falls within one of the acts specifying exceptions to disclosure. Virtually all information in the physical possession of a governmental body is subject to the act.

A written request for information that is received from a citizen by a public official under the Texas Public Information Act, should immediately file the written request with the City Clerk. The City Clerk will forward the open records request to the City Attorney for review. Upon direction from the City Attorney, the City Clerk will either produce the requested public information or forward a letter to the requestor stating the reasons why the information cannot be produced.

If the City Clerk cannot produce public information for inspection or duplication within ten (10) business days after the date the information is requested, the City Clerk is required to "certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication" and, if necessary, request an opinion from the Attorney General.

3.8.1 Penalties

A fine of not less than twenty-five (\$25.00) dollars or more than four thousand (\$4,000) dollars or confinement in the county jail for not less than three (3) days or more than three (3) months, or both fine and confinement, can be imposed for violating the provisions of the Texas Public Information Act.

3.9 Meeting Attendance

A public official that has a scheduled regular monthly or semi-monthly meeting shall be expected to maintain a suitable attendance record. It is important to keep in mind that your attendance is very important to the board you are serving on and that the City Council appointed you for your expertise. Because your attendance is important, the City Council has adopted the following attendance policy:

1. If a member is absent from more than twenty-five (25%) percent of the duly called meetings in any period of twelve (12) consecutive months or absent from more than two duly called meetings in any period of twelve consecutive months, whichever is greater, for any reason, other than a medical reason or a reason acceptable to the Chairman of that Board, which prevents the public officials' attendance, the member shall be disqualified and automatically removed from serving as a board member.

The term "duly called meetings" includes all meetings of the board and all meetings of subcommittees of the board on which the public official serves. The secretary of the board is responsible for maintaining records of the public officials' meeting attendance. The board secretary shall provide the City Council, through the City Clerk's office, with a quarterly attendance record, as well as copies of the minutes from each meeting held within that quarter.

3.9.1 Voting by Proxy

Proxy voting is automatically prohibited in organizations that have adopted Robert's Rules of Order or The Standard Code of Parliamentary Procedure.

3.10 City Staff Support

Each public official is encouraged to communicate openly with the city management staff. Suggestions, opportunities and constructive criticism are necessary for a proper relationship with management. However, each public official is strongly encouraged to communicate with the appropriate department head assigned to that board. Contact with operational type people or individuals below the department head level is discouraged. The community development director working with the planning and zoning members and the library director working with the library board, are examples of appropriate relationships.

3.11 Reports to the City Council

The City Council is highly dependent on each board member to make recommendations and offer possible solutions to city projects and opportunities. All members are encouraged to communicate the position of the total or majority of the group. Such communication or recommendations should be in a formal or written form from the entire board. Of course, each public official may from time-to-time want to visit informally with a member of the City Council. This one-on-one informal communication is necessary, but, to protect the integrity of the organization, the complete City Council should be addressed in terms of the majority of the members of the board.

CHAPTER 4. CODE OF

ETHICS 4.1 Ordinance No. 99-17

The City Council adopted a Code of Ethics (Ordinance No. 99-17) for council members and all members of boards and commissions appointed by the City Council.

A copy is included in Appendix C.



City of Taylor
Boards and Committee
Application

PLEASE TYPE OR PRINT CLEARLY:

Name _____

Address (Residence and Mailing)

How long at this residence? _____

Phone (Home) _____

Cell Phone _____

Fax _____

Email _____

Occupation _____

Employer _____

Address _____

Work Phone _____

Business owner? Yes No

Additional information? _____

List the Board or Commission you are applying for. A person may not be appointed by the City Council to serve on more than one board or commission simultaneously. (Does not apply to the Comprehensive Plan Implementation Committee.) If more than one, please list in order of priority for which you wish to be considered.) :

Please consider attending a committee meeting of interest to you prior to submitting your application. Check the website at <http://www.taylor.tx.gov> for a complete roster of committee appointees.

List experience, training, skills or interests which you believe you could bring to this position. (Attach resume or additional pages if needed.)

APPLICANTS FOR ZONING BOARD OF ADJUSTMENTS, PLANNING AND ZONING, BUILDING AND STANDARDS COMMISSION, AND PARKS AND RECREATION BOARD MUST BE A LEGAL RESIDENT OF THE UNITED STATES AND A VOTING RESIDENT WHO LIVES AND RESIDES* IN THE CITY OF TAYLOR. (*Effective 12/16/08. Residency requirement does not apply to the Moody Museum Board, Library Board, Main Street Advisory Board, Airport Board, or the TEDC. Change in residency status during term can result in termination of appointment.)

I hereby swear and affirm that the information provided above is true and correct

Signature _____ Date _____

Airport Board meets the fourth Tuesday at 5:30 pm each month and makes recommendations about the operations of the municipal airport and helps ensure that the airport meets the needs of the City and the air industry.

Animal Control Appeals Board and Shelter Advisory Committee meets three times a year and consists of a licensed veterinarian, a county or city official, a representative from an animal welfare organization, and an animal control shelter staff person.

Building & Standards Commission meets as needed to provide final interpretations concerning alleged violations of ordinances by upholding or overturning decisions made by the building officials. Members must be knowledgeable with the building, plumbing, mechanical, electrical and fire codes adopted by the city.

Civil Service Commission is a three member board appointed by the City Manager to adopt rules regarding hiring and promotional processes, the disciplinary process, maintenance of personnel files, and other subjects as defined by Civil Service Law.

Library Advisory Board meets the second Tuesday each month at 6pm and makes recommendations to the City Council regarding library operations and to help ensure that the Library meets the needs of the City.

Main Street Advisory Board meets the third Wednesday each month to carry out an annual action plan for implementation of a downtown revitalization program focused on: design/historic preservation, promotion, organization/management, and economic restructuring/development.

Moody Museum Advisory Board meets on the third Tuesday at 5:30 pm every other month and makes recommendations regarding the operation of the Moody Museum.

Parks and Recreation meets the third Wednesday at 6 pm to make recommendations to the City Council regarding sports and recreational programs, and facilities and helps ensure that they meet present and future needs.

Planning & Zoning Commission meets the second Tuesday at 6 pm and makes decisions regarding platting or replatting of land into subdivisions within the corporate limits and within the extraterritorial jurisdiction of the City and makes recommendations to the City Council regarding the regulations of the use of land, location of buildings, and the locations of businesses, in respect to their environments.

Public Arts Advisory Board meets as often as necessary and whose purpose is to promote the acquisition by the City of works of art in public places and to raise awareness, interest and funding for art in public places. Members serve 3 year terms.

Taylor Economic Development Corporation (TEDC) meets at 5:00 pm once a month (usually the third Wednesday) and promotes, assists, and enhances economic development activities for the City.

Taylor Housing Authority meets one Thursday afternoon a month and establishes policy and reviews operations of subsidized housing in Taylor.

Tree Advisory Committee meets quarterly on Tuesday at 6 pm to discuss beautification of the city through the planting and maintenance of trees and assist staff with the annual Arbor Day event.

Zoning Board of Adjustments meets on the first Tuesday of the month at 6 pm (or as needed) to hear and decide special exceptions to the zoning ordinance and rules on appeals. This board is autonomous.

Applications are public information. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest. Applications are kept on file for two (2) years from date of application.

Please complete and return to:

City Clerk, City of Taylor, 400 Porter St., Taylor, Texas 76574
(512) 352-3676 or (Fax) (512) 352-8255 or email
Dianna.Barker@taylortx.gov

- APPENDIX B -

OATH OF OFFICE

I, _____ do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment as a reward to secure my appointment or confirmation thereof, and that I will faithfully execute the duties of the office of _____ of the City of Taylor, of the state of Texas, and will to the best of my ability, preserve, protect and defend the constitution and laws of the United States and of this State, so help me God.

Affiant's Signature

SWORN TO and subscribed before me by affiant on this the _____ day of _____, 2019.

Notary Public Signature

APPENDIX C

Add Ord 99-17