

ORDINANCE NO. 0-2008-108

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 1, "GENERAL PROVISIONS", ARTICLE III., "BOARDS", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, RELATING TO CITY BOARDS; ESTABLISHING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, City Code Section 1-20 sets forth miscellaneous provisions regarding City Boards; and

WHEREAS, it is important to update certain provisions relating to City Boards;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: That City Code Chapter 1, "General Provisions", Article III., "Boards", is hereby amended by amending City Code Section 1-20 to read as follows:

ARTICLE III. BOARDS

Sec. 1-20. General Regulations

a. Definitions.

1. Board: A group created by the City Council to serve a particular purpose and with a membership set by the City Council, sometimes referred to as a Commission or Committee.

2. Regular Board: Boards that have regularly scheduled monthly or bi-monthly meetings, including the following:

Airport Advisory Board
Board of Adjustment (Zoning)
Keep Tyler Beautiful Board
Neighborhood Revitalization Board
Northeast Texas Public Health District
One-Half Cent Sales Tax Corp, Inc. Board
Park Board
Planning and Zoning Commission
Traffic Safety Board
Tyler Historical Preservation Board
Tyler Public Library Board

3. Periodic Board: Boards that either meet quarterly, less often, or only "as needed," including the following:

Audit Firm Review Committee

Civil Service Commission
Construction Board of Adjustment & Appeals
Disability Issues Review Board
Industrial Development Corporation of Tyler Board
Medical Control Board
Reinvestment Zone Committee
Records Management Committee
Tyler Health Facilities Development Corporation Board

4. Members: All appointees to a board described herein who have voting authority.

5. Quorum: A majority of a board's members.

b. Eligibility. Members must reside inside the City limits and should not have any delinquent City taxes, City utilities or other City assessments, and must not have any pending claim against the City.

c. Appointment process. The City Manager will develop a board handbook which explains the duties and responsibilities of each board and the appointment process. In June of each year, the City Manager will solicit applications from eligible citizens through the media and other means. Each appointee must certify that the section of this ordinance pertaining to attendance has been read and acknowledge understanding of the duties and responsibilities of the position. Each August these applications and applications from incumbents who wish to be re-appointed will be compiled and submitted to the Council. The City Clerk shall be responsible for the applications' completeness. The City Clerk shall check each nominee's qualifications and include the completed applications in information sent to the City Council. The Council will be provided an attendance report detailing the number of absences of each current member and a status report on vacancies. All applicants will be considered at a City Council meeting in August, and the Council will jointly select the most qualified individuals for the available positions. The appointments should be made by the last Council meeting in August. The Mayor shall be responsible for recognition of appointees not continuing service.

d. Orientation. The Board Liaison shall be responsible for conducting an orientation session for new members to overview City government and the functions of the Board.

e. Vacancies. Vacancies occurring on the Board shall be filled for the unexpired term by appointment of the City Council from completed applications.

f. Terms of office; selection of presiding officer; other officers.

1. The terms of office for all boards shall be for two (2) years staggered, and shall expire on the 31st day of August, unless otherwise provided. Members shall continue to serve until a replacement has been appointed and qualified.

2. The presiding officer of each board shall be appointed annually by the City Council from among the ranks of regular members of the said board, unless otherwise provided. The Board shall select a vice-presiding officer annually to serve in the presiding officer's absence.

g. Boards may adopt, subject to City Council approval, such rules as the Board considers appropriate.

h. Maximum terms of office. No member of any Board shall be appointed to that same Board as a regular member for more than three (3) complete successive terms or six years, unless otherwise provided. This provision shall apply to all future appointments.

i. One membership. No member shall serve on more than one board at a time.

j. Salary. All members, including ex officio members, shall serve without salary.

k. No financial liability. Neither any Board nor any member thereof shall incur any financial liability in the name of the City without proper authorization.

l. Attendance.

1. Active participation by all appointed members is necessary for proper functioning of boards. Once notice of a City Board meeting has been supplied to a Board member, it shall be the responsibility of that member to either attend or, prior to the time of the meeting, notify the City staff member originally providing the notice to the board member of his/her inability to attend.

2. For "Regular Boards" as defined herein, failure to attend at least two-thirds (2/3) of the meetings of the Board for which that person was appointed for any six-month period during which the appointee is a member of the board will be considered a voluntary resignation as shown below:

Regular Board Required Attendance Chart	
If the Board Meets:	Required Attendance
One (1) time within a six month period*	1*
Two (2) times within a six month period	1
Three (3) times within a six month period	2
Four (4) times within a six month period	3
Five (5) times within a six month period	3
Six (6) times within a six month period	4

* however, consideration will be given for illness or extenuating circumstances.

3. For "Periodic Boards" failure to attend two (2) meetings within any six month period will be considered a voluntary resignation.

4. If an appointee fails to attend as required herein and thus voluntarily resigns, the City Council shall appoint a person to the unexpired term. The City Manager is designated to develop a program whereby minutes are taken and distributed timely, attendance taken, and appropriate and necessary action taken.

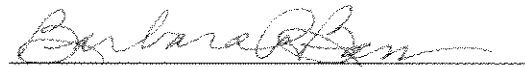
m. Use of position. Appointed members shall not use or refer to their position in writing letters or taking public positions unless approved by a majority of the Board and approved by the City Council.

n. Removal of members. The City Council, by majority vote, may remove any member of a Board from office whenever, in its discretion, the best interests of the City shall be served thereby. (Ord. No. O-98-45, 5/27/98) (Ord. No. 0-2004-33, 5/12/04) (0-2008-108, 8/27/08)

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall become effective upon its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be October 14, 2008.

PASSED AND APPROVED this 27th day of August, A. D., 2008.


BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:


MARY C LANDERS, CITY ATTORNEY

