



HANDBOOK FOR BOARDS, COMMISSIONS, AND COUNCIL COMMITTEES



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INTRODUCTION

Congratulations on your appointment to one of our City's boards, commissions or City Council committees! Boards and commissions are essential to the successful function of City government, and your contributions will help shape the future of Denton. You will be studying and recommending policy application on a variety of issues vital to the City's future. The basic duty of each board is to apply City policy as expressed in the City Charter, its Code of Ordinances, and through Council directives to individual circumstances and issues placed before the board. Should a policy or directive require clarification, the board should request such from the Council.

The handbook is designed to assist you in your service. It consolidates provisions of the City Charter, Code of Ordinances, and other regulations into one place to assist you as a board member. It will provide a general introduction to topics and processes that directly affect members of boards. Discussion in the handbook applies to all City Council appointed citizen boards, commissions, and committees including citizen task forces, ad hoc boards, commissions, and committees, and all City Council committees, unless stated otherwise. Throughout the document, reference to "boards" should be interpreted to mean all City Council appointed citizen boards, commissions, and committees, including citizen task forces, ad hoc boards, commissions, and committees, as well as all City Council committees, unless otherwise stated. Keep in mind, not all the provisions will apply equally to every board. In case of legal liability, for example, members of some boards may be more susceptible than members of other boards. The staff liaison assigned to your board will be able to provide you with more information on the specific duties and responsibilities of the particular board and its members. Additionally, due to the unique nature of citizen boards, commissions, and committees, citizen task forces, and ad hoc boards, commissions, and committees, a section providing additional guidance has been included under Membership Information in the handbook. While no one document could adequately cover all aspects of serving on a board, the handbook has been designed as a basic reference point from which a board member can build an extensive knowledge of his/her responsibilities to the citizenry of Denton. The handbook has been adopted by resolution of the City Council and will be updated from time to time. If any provision of the handbook is in conflict with any Code or Ordinance of the City, then such Code or Ordinance shall prevail.

The City Secretary, City Attorney, and staff liaisons are available as resources to all boards. Any requests for assistance shall be coordinated through the staff liaison assigned to the board on which you serve.

Thank you for your interest in serving your community. Your efforts will make Denton a better place to live and work.

DENTON MUNICIPAL GOVERNMENT

City Charter

The Denton City Charter was adopted in 1959 and is the basic governing authority of the City. The Charter determines the form of municipal government, the composition and powers of the City Council, and establishes the legal framework necessary for a city to function. The Charter provides for the operation of municipal functions under the council-manager form of government. Under this system, the City Council serve as political leaders and policy makers and retain a professionally trained manager to oversee the delivery of public services.

City Council

The City Council consists of a mayor and six council members who are elected to serve as the legislative body of the City. Four council members are elected from one of four single member districts. The mayor and two other council members are elected at-large. The mayor and each council member serve two-year terms with a consecutive three full term limit.

The mayor, in a council-manager form of government, is one of seven voting members of the Council and serves as the ceremonial head and policy leader. The mayor presides at meetings, serves as a spokesperson to the community, facilitates communication and understanding between elected officials, advocates policy decisions, assists the Council in setting goals, and serves as a promoter and defender of the community. In addition, the mayor serves as a key representative in intergovernmental relations.

The council members in this form of government are the leaders and policy-makers elected to represent various segments of the community and concentrate on policy issues that are responsive to citizens' needs and wishes. As a legislative body, the council members are the community decision-makers. They approve the budget and determine the tax rate. The Council focuses on community goals, major projects, and long-term considerations such as community growth, land-use development, capital improvement plans, capital financing, and strategic planning.

The City Council appoints the city manager, city attorney, city auditor, and municipal judge. The City Council also affirms the City Manager's appointment of a City Secretary. All other employees of the city report to the city manager. Pursuant to the City Charter, the Council is prohibited from giving direction to City staff. The Council gives policy direction to the city manager, who is responsible for its administration and implementation.

City Manager

The city manager is appointed by the council to serve the community through the professional administration of local government projects and programs. The city manager prepares the budget for the Council's consideration; recruits, hires, and supervises the local government staff; and serves as the Council's chief adviser by bringing forth objective information regarding policy matters. The manager makes policy recommendations to the Council, which the Council may adopt, modify, or reject.

City Attorney

The city attorney is appointed by the City Council. The City Attorney's Office serves as the legal branch of the City, representing the City's legal interests and rights, providing legal advice, and prosecuting criminal complaints. Among other things, the City Attorney's Office drafts and reviews the City's legal documents and issues legal opinions.

City Secretary

The city secretary administers the City's board and commission program. The city secretary is also responsible for conducting city elections, preparing and posting City Council meeting agendas and minutes, and maintaining the official records of the City.

Staff Liaison

The city manager assigns a staff member to work with each board or commission. The staff liaison's role is to:

- Prepare meeting agendas, staff reports and supporting information to the commission prior to meetings.
- Ensure compliance with the Texas Open Meetings Act.
- Prepare board recommendations to the City Council and make presentations to the City Council on behalf of the board.
- Respond to board member requests for information related to the business of the board.

Board members do not have authority over the work program of city staff. Rather, the liaison acts as an information resource and provides technical assistance. Board and commission members may not direct city staff in the performance of their commission-related activities, nor can they assign projects or direct the work of staff. A board or commission may request staff's assistance on various projects; however, the city manager must approve all requests which create a substantial demand for a work product.

MEMBERSHIP INFORMATION

Appointments

Each City Council member is responsible for making nominations for board and commission places assigned to him or her, which corresponds to the City Council member's place. Individual City Council members make nominations to the full City Council for the governing body's approval or disapproval. Council members will consider interested persons on a citywide basis and review an individual's qualifications, willingness to serve, application information in selecting nominations for service, and any prior board service/attendance, as applicable. The City Council will make an effort to be inclusive of all segments of the community and will consider ethnicity, gender, socio-economic levels, and other factors to ensure a diverse representation of citizens. In an effort to ensure maximum citizen participation, council members will continue the practice of nominating new citizens to replace board members who have served the maximum terms established by the Denton Code of Ordinances.

Member Information Subject to Public Information Act

The Texas Public Information Act requires government entities give citizens access to information about what public servants are doing on their behalf and how taxpayer funds are spent. Most information held by a governmental entity is public including emails regarding official city business and city issued email addresses of governmental officials/employees. If the City of Denton provides you a city e-mail, that e-mail address is subject to disclosure at the will of the City and upon any request received pursuant to the Public Information Act. Using a non-city email address for official city business, subjects the email address and any email related to official city business to public disclosure. Text messages and social media posts regarding official city business are also subject to public disclosure even if the information is maintained on personal devices not paid for by the City. There are exceptions in the law that allow certain information to be withheld.

Section 552.137 of the Texas Government code excepts from public disclosure information of current or previous public employees or officials that relates to the home address, home telephone number, emergency contact information, social security number, or information that reveals whether an individual has family members provided the employee/official has elected to withhold the information on the Public Access form which must be submitted not later than the 14th day after appointment. The Public Access form is a part of the orientation packet.

Service Limitations/Terms

Members are usually appointed to a two-year term. The Denton Code of Ordinance currently establishes the number of consecutive terms a member can serve. A board member who has served the maximum terms established by the Denton Code of Ordinances shall not be eligible for reappointment to that same board for a period of one year. However, appointment to a different board is permitted.

Termination of Appointment

A member's appointment to a board can be terminated by written resignation from the member, by action of the City Council pursuant to the Denton Code of Ordinances. Examples of removal for cause are failure to meet attendance requirements, complete City-mandated ethics training (as applicable), and/or no longer meeting residency/registered voter requirements. The examples are not a comprehensive list of reasons of why termination or removal may occur. Members continue to hold over past a term end date until the member resigns or is replaced. A resignation may be submitted to a city official, member of city staff, or another member of the board and shall become effective immediately. Once the resignation has been submitted to any of the above-noted individuals, that resignation cannot be withdrawn.

Oath of Office

Board members are required to take one or more oaths of office. Consult the City Secretary's office to make sure you have taken and signed such oaths before serving as a board member. The corresponding staff liaison is also responsible for ensuring all documents finalizing the appointment processes have been completed before allowing a member to participate in a meeting.

Orientation and Training

Board members are required to participate in training session(s) provided by the City Secretary's Office. These training session(s) will be scheduled as a regular agenda item by your board's staff liaison. *Members are also required to complete open government training through the Texas Attorney General's Office.* Training is available online at www.texasattorneygeneral.gov. Upon completion of training, members must submit a completed certificate to the city secretary.

Staff liaisons are encouraged to meet with "new" appointees well in advance of the first meeting to provide a general overview of the board's responsibilities, agenda/meeting process, and any other issues relevant to the board, commission or committee.

Attendance¹

You, as an interested and informed citizen, are essential to effective local government. Because your viewpoint is so valuable to the City Council members, they take your appointment, attendance, and involvement on a board very seriously and ask that you do also.

The Council is aware that board members have careers and other responsibilities that demand their time. However, because of the importance of citizen boards, the City Council asks that each new board member make every effort to attend all meetings of the board and notify the chair or appropriate staff liaison of their board in advance if they will be unable to attend a board meeting.

¹ Not applicable to City Council committees.

Per §2-83(c) of the Code of Ordinances of the City of Denton, an excused absence shall include personal or family illness, death of a family member, jury duty, service in the armed forces, testifying before the legislature, attending a seminar involving municipal matters of importance to the member's duties, absence necessary for the member's business or employment, and any related emergencies or other matters which the board finds qualifying as an excused absence.

Per §2-83 (c) Code of Ordinances, the unexcused absence of any board member from more than three regularly called and scheduled meetings of the board of which he or she is a member in any one year or lack of attendance at 50 percent of the number of regular meetings in a year, unless such absence is excused,, shall be considered "cause," as that term is used in §14.16 of the Charter of the City of Denton for removal of said member by the City Council from such board.

If a board member violates the above attendance policy, the staff liaison shall immediately notify the City Secretary. The City Secretary will contact the member in writing, as required under §14.16 of the Charter of the City of Denton, advising the member of his/her upcoming removal for cause at a duly posted meeting if a resignation is not received within 10 business days as of the date of that notification letter. In the event the member fails to submit his/her resignation within those 10 business days, the City Secretary shall place an action item on the next available agenda providing for the removal of the board member.

The attendance of all members shall be recorded by the staff liaison and forwarded to the City Secretary on a quarterly basis.

Removal from Office

In the event a new member fails to submit the required appointment forms (oath of office, appointment of officer, and/or affirmation of qualifications) within 14 days of notice of appointment or make an appointment with the City Secretary's office, or complete the open government training within the timeframe specified by the Office of the Attorney General, that failure shall constitute for-cause removal as outlined in City Charter, Article XIV, Section 14.16. At that time, the City Secretary's Office shall send written notification to the member of such failure; and as required under §14.16 of the Charter of the City of Denton, advising the member of his/her upcoming removal for cause at a duly posted meeting if the member fails to remedy within 10 business days as of the date of that notification letter.. In the event the member fails to submit all the required appointment forms within those 10 business days, the City Secretary shall place an action item on the next available agenda providing for the removal of the board member. City Council shall reserve the right to consider reappointment of the individual either to the same or a different board, commission or committee.

Minutes

The staff liaison will provide a staff member at the meeting of each board to take minutes of each meeting in a form consistent with City Council meeting minutes as prescribed by the city secretary to reflect an accurate record of business transacted at the meeting. Minutes of the meeting will be submitted for approval by the members present at the next meeting with revisions, corrections, or amendments being made at that time. The approved minutes shall be

signed by the presiding officer of that meeting, reflect the date of approval, and forwarded to the City Secretary's office on a monthly basis. Preparation of the Minutes shall clearly outline the agenda captions applicable to the item being recorded. The retention period shall be as prescribed by the City Records Management Policy.

The City Secretary is authorized to transfer any such records to the City Archivist for historical preservation purposes as deemed appropriate.

Election of Officers

Procedures for the election of officers for appointed boards are established to ensure consistency with the City Council's goals and policies in making board appointments. Except where otherwise provided by state law, federal law, City Charter, or City ordinances or resolutions, election of officers for City of Denton council-appointed boards will be as follows:²

- The chair and vice-chair will be elected by voting board members.
- Election of officers shall be annually and occur in January or February. For those boards not meeting regularly, the election shall be held during the first board meeting of the calendar year. If, for any reason, the chair or vice-chair vacates their seat, a special election shall be held to fill the unexpired term. A temporary chair may be selected by the board pursuant to Roberts Rules of Order.
- The staff liaison, designated by the City Manager, shall serve as the official secretary to the board or commission to ensure records are maintained in accordance with requirements of the City Secretary's office.
- The City Council shall reserve the right, as deemed necessary in individual instances, to appoint the chair and vice-chair for any special issue or temporary advisory committees. If the City Council chooses not to make the appointment for chair and vice-chair, then the procedure outlined in this policy will apply.

Questions regarding the election of officers should be directed to the city attorney through your staff liaison.

Ethics Policy

Pursuant to Resolution No. R2006-003, as may be amended, the City Council has adopted an ethics policy that applies to council members and appointed officials, including board and commission members, depicted below. Note the ethics policy lists some state penal laws that may be applicable to members. A copy of the policy is noted below. Please consult the city attorney with any questions about the policy.

² Check with staff liaison for special rules that apply to your board.

RESOLUTION NO. R2006-003

A RESOLUTION AMENDING THE ETHICS POLICY FOR ELECTED AND APPOINTED OFFICIALS FOR THE CITY OF DENTON, TEXAS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on May 18, 2004 City Council passed Resolution R2004-025 adopting an Ethics Policy for Elected and Appointed Officials and upon a recommendation by the Council Ethics Sub-committee hereby approves an amendment to the policy as set forth herein; and

WHEREAS, the City Council of the City of Denton acknowledges that our government is a representative democracy and those who are elected or appointed to serve others as representatives accept a public trust that requires them to faithfully and diligently fulfill their public responsibilities; and

WHEREAS, the City Council of the City of Denton recognizes the those individuals who serve as public servants must adhere to a higher ethical standard of conduct since the activities of government should benefit the community as a whole and should never benefit the individual interest of public decision makers; **NOW, THEREFORE,**

THE COUNCIL OF THE CITY OF DENTON HEREBY RESOLVES:

SECTION 1. That the following **ETHICS POLICY for Elected and Appointed Officials – City of Denton, Texas**, which shall apply to all elected and appointed officials of the City, is hereby amended to read as follows:

ETHICS POLICY for Elected and Appointed Officials - City of Denton, Texas.

This Ethics Policy has been adopted to encourage and ensure the highest standards of personal and public conduct during tenure in office. Adherence to this Policy will maintain the confidence and trust in the decision-makers and representatives of the City who must remain independent, impartial, and accountable to the people they serve. In addition, elected and appointed officials must adhere to Texas state statutes and City Charter provisions and City Council Rules of Procedure governing their conduct. These are listed at the end of this Policy. Thus, elected City Council Members as well as appointed members of the City's Boards and Commissions are asked to subscribe to the Texas statutes, City of Denton Charter, Rules of Procedures for City Boards and Commissions, and this Ethics Policy.

1. As a representative of the City of Denton, I will be ethical.

I will act with integrity and moral courage. I will be absolutely truthful. I will make impartial decisions that are free of bribes, unlawful gifts, narrow political interests and other personal interests that might impair my independence of judgment. I will always decide what is best for the whole city. I will respect confidences and information designated "confidential" to the extent

permitted by law. I will use my title and city logo or letterhead only when conducting official City business and will not exceed my authority.

2. As a representative of the City of Denton, I will be service-oriented.

I will be friendly, receptive, courteous, and respectful to everyone. I will be attuned to and care about the needs and issues of all Denton citizens.

3. As a representative of the City of Denton, I will be fiscally responsible.

I will make prudent decisions, taking into account the long-term financial needs of the City and its financial stability. I will make decisions that seek to promote programs and services for City residents.

4. As a representative of the City of Denton, I will be communicative.

I will communicate that I am approachable, open-minded and willing to enter into dialog. I will listen carefully and my response will add value to the conversation.

5. As a representative of the City of Denton, I will be cooperative.

I will work toward consensus building and gain value from diverse opinions. I will approach my position and relationships with a positive attitude. I will consider the broader regional and statewide implications of decisions. I will work with the Universities, DISD, the Chambers of Commerce, other governmental entities, and local nonprofit agencies and others as partners on common issues.

6. As a representative of the City of Denton, I will be progressive and receptive to new ideas.

I will promote intelligent and thoughtful innovation whenever possible. I will be sensitive to the need for compromise, to think creatively, and improve existing models when necessary. I will keep my knowledge of local government current and growing.

7. As a representative of the City of Denton, I will not be delinquent in paying monies owed the City.

I will not be in arrears on any city taxes, utility service charges, or other obligations owed the City.

Elected officials and appointed officials, boards and commissions must adhere to the following Texas statutes:

Civil Statutes

- Open Meetings Act (Tex. Govt. Code. Ann. Ch. 551)
- Public Information Act/Open Records Act (Tex. Govt. Code. Ann. Ch. 552)
- Conflicts of Interest (Tex. Loc. Govt. Code, Ch. 171, Ch. 212)
- Official Misconduct (Tex. Penal Code, Ch. 36, Ch. 39)
- Nepotism (Tex. Rev. Civ. Stat. Ann., arts. 5996a & 5996b)
- Whistleblower Protection (Tex. Rev. Civ. Stat. Ann., art. 6552-16a)

Competitive Bidding and Procurement (espec. Tex. Loc. Govt. Code, Ch. 252)

State Penal Laws

- Bribery (Tex. Penal Code, § 36.02)
- Coercion of Public Servant or Voter (Tex. Penal Code, § 36.03)
- Improper Influence (Tex. Penal Code § 36.04)
- Tampering with a Witness (Tex. Penal Code § 36.04)
- Retaliation (Tex. Penal Code § 36.06)
- Gifts to Public Officials (Tex. Penal Code § 36.08)
- Offering Gift to Public Servant (Tex. Penal Code § 36.09)
- Abuse of Office (Chapter 39)
- Official Misconduct (Tex. Penal Code § 39.01)
- Official Oppression (Tex. Penal Code § 39.02)
- Misuse of Official Information (Tex. Penal Code § 39.03)

City Documents

In addition, the City of Denton Charter, the City Council Rules of Procedure, House Rules and Code of Election Ethics are applicable.

The Ethics Policy is designed as a positive guide to the behavior and decorum of Council and board members as they represent the citizens of Denton. I will voluntarily accept reprimand from my colleagues if I should act contrary to this policy.

SECTION 2. This resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 17th day of January, 2006.

Euline Brock
EULINE BROCK, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: Jennifer Walters

APPROVED AS TO LEGAL FORM:
EDWIN M. SNYDER, CITY ATTORNEY

BY: Edwin M. Snyder

Ethics Ordinance

The City Council adopted Ordinance No. 18-757 establishing a Code of Ethics, applicable to the City Council, Board of Ethics, Historic Landmark Commission, Planning and Zoning Commission, Public Utilities Board, and Zoning Board of Adjustment. It further outlines ethical standards that all boards/commissions should be aware of. This information is provided by the City Secretary's office at the time of (re)appointment. Annual training is required and coordinated through the City Auditor's office. The most up-to-date Ethics Code can be found at:

https://library.municode.com/tx/denton/codes/code_of_ordinances?nodeId=SPA_COOR_CH2AD_ARTXIET.

In the event any member of the Board of Ethics, Historic Landmark Commission, Planning and Zoning Commission, Public Utilities Board, and Zoning Board of Adjustment fail to complete the ethics training within the timeframe specified by the City Auditor's office at time of initial appointment or annually thereafter, that failure shall constitute for-cause removal as outlined in City Charter, Article XIV, Section 14.16. At that time, the City Secretary's Office shall send written notification to the member of such failure; and as required under §14.16 of the Charter of the City of Denton, advising the member of his/her upcoming removal for cause at a duly posted meeting if the member fails to remedy within 10 business days as of the date of that notification letter. In the event the member fails to submit all the required appointment forms within those 10 business days, the City Secretary shall place an action item on the next available agenda providing for the removal of the board member. City Council shall reserve the right to consider reappointment of the individual either to the same or a different board, commission or committee. If the Denton City Code specifically provides for additional steps in removal of a member, that process shall be followed by the City Secretary in consultation with the City Attorney.

Communication with City Council

In accordance with Resolution R2012-030, upon consensus of a board or commission, such board may request that staff propose questions regarding public policies or prepare policy statement recommendations regarding a matter that clearly falls within the scope and purpose of the board. Such policy recommendations or questions, once approved by a majority of the board or commission, will be forwarded to the City Council for their response or consideration as the Council determines appropriate.

Boards and commissions may provide an annual or more periodic report to the City Council as appropriate outlining their activities, accomplishments, projects, and initiatives. Content of the report may be customized by each board. Upon approval of a majority of the board, such reports will be provided to the City Secretary's office to be forwarded to the entire City Council.

Advisors, Subcommittees, and Ad Hoc Committees

No City board shall appoint persons outside its membership as advisors or to subcommittees, ad hoc committees, or other accessory entities without prior approval of the City Council.

The following provisions of the handbook are not applicable to Citizen Task Forces, Ad Hoc Boards, Commissions, and Committees:

- a. Service Limitations
- b. Oath of Office
- c. Orientation and Training
- d. Penalties and Remedies for TOMA Violations

Additional Guidelines for City Council Committees

- Committees will generally be formed by resolution which will provide for the committee's membership, election of chair and vice chair, and purpose.
- No more than three Council members shall serve on any committee.
- Council committee meeting agendas will be posted in accordance with the Open Meetings Act, Chapter 551 of the Texas Government Code. The Open Meetings Act requires committee meeting agendas must be publicly posted at least 72 hours in advance of the meeting. Only items posted on the agenda may be discussed and/or action taken during the committee meeting.
- The committee may convene into closed session in compliance with the Open Meetings Act.
- Robert's Rules of Order pertaining to small assemblies may be consulted regarding the conduct of the committee meetings.
- A quorum of the committee members must be present to hold a committee meeting or to take committee action. A quorum is considered to be more than half of the Council committee members unless otherwise stated in the Denton Code of Ordinances.
- Each member of the committee shall have one vote and members must be present to cast a vote.
- A draft of meeting minutes shall be sent to all committee members as part of the upcoming agenda packet. Such draft may be distributed to the City Council upon direction of the City Manager. Minutes will be submitted for approval by the members present at the next meeting with revisions, corrections, or amendments being made at that time. However, the chair may direct the draft minutes be shared with the entire City Council when the information regarding the action of the committee is needed to conduct official business and the draft minutes have not been officially approved by the committee.
- The acts of the majority of the members present at the meeting are the acts of the committee.

CONFLICTS OF INTEREST

The State's conflict of interest law, Chapter 171 of the Texas Local Government Code, although only applicable to officers of the City, has been made applicable to all board members, whether advisory or governmental, by Denton's Charter. However, the penal provisions of Chapter 171 are not applicable to advisory board members.

Chapter 171 requires a board member with substantial interest in a business entity or real property to file an affidavit with the staff liaison and abstain prior to a vote or decision on any matter involving the business entity or real property if the action on the matter will have a special economic effect on the business entity distinguishable from the effect on the public, if it is foreseeable that the action on the matter will have a special economic effect on the value of the real property, distinguishable from its effect on the public. For example, the Attorney General (AG) has opined that a special economic effect on the value of real property distinguishable from the affect on the public exists when a P&Z board member has an interest in real property located within 200 feet of property being rezoned. However, the AG made it clear that these evaluations are highly fact intensive. Ask yourself the question, will this action before my board affect the value of my real property in a manner that is different from public at large?

- You have a substantial interest in a business entity (non-profit or government entity is not a business entity) if:
 1. You own 10 percent or more of the voting shares of the business entity or own either 10 percent or more or \$15,000 or more of its fair market value; or
 2. You received funds from the business entity exceeding 10 percent of your gross income for the previous year.
- You have a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.
- You have a substantial interest if your close relative (within the first degree of consanguinity and affinity) has a substantial interest.

A violation of Chapter 171 is a Class A misdemeanor.

If you think you have a Chapter 171 conflict, contact the staff liaison prior to the meeting to make arrangements for the signing of the required affidavit. The affidavit must be signed prior to the item being considered. You should announce that you have a conflict at the meeting and excuse yourself from the room while the item is being considered. You should not participate on the matter, including contacting members of the board or staff concerning the matter. However, if you have any questions whether you have a Chapter 171 conflict, consult the City Attorney's office. The staff liaison is responsible for timely submitting such affidavit(s) to the City Auditor's office.

Incompatibility of Office

The common law doctrine of incompatibility of office prohibits you from holding two conflicting public offices. This only applies to governmental board members. You cannot hold another public office that conflicts with your duties with the board. Because this is very fact sensitive, you should consult with the City Attorney's office if you hold another public office. You should do this prior to being sworn in as a governmental board member, as your acceptance of the governmental board appointment may result in the automatic forfeiture of your other public office.

Appearance of Conflict

There are times you will have a perceived conflict of interest even though it is not a conflict that is prohibited by law or the City Code of Ethics for applicable boards/commissions. In those cases, you should make a judgment call as to whether you should abstain from the matter. The City's Ethics Policy states:

“I will act with integrity and moral courage. I will be absolutely truthful. I will make impartial decisions that are free of bribes, unlawful gifts, narrow political interests and other personal interests that might impair my independence of judgment. I will always decide what is best for the whole city...”

If you think the perceived conflict affects your ability of independent judgment or there is a strong appearance that you lack the ability to divorce yourself from the perceived conflict in making a decision, you should carefully consider whether abstention is appropriate. Often, these are difficult judgment calls for which there are no absolute right answers. In making your decision, you should weigh the harm of participating against your general duty to serve on the board. You have a duty to participate and vote on all matters that come before the board, unless you have a conflict or you lack information to decide the issue. Do not hesitate to contact your staff liaison who will refer the inquiry to the appropriate office for guidance.

Chapter 176 Conflicts Disclosure

Chapter 176 of the Texas Local Government Code requires you to file a Conflicts Disclosure Statement (“CIS”) with the City Secretary if you or your family member (a) has an employment or business relationship with a City contractor or vendor that results in taxable income, or (b) received or accepted one or more gifts from a city Contractor or vendor (excluding gifts of food, lodging, transportation, or entertainment accepted as a guest) with an aggregate value of \$100 in the preceding 12 months. You are required to file the form within seven days after you become aware of the relationship with the City. The CIS is signed under penalty of perjury and it is a Class C misdemeanor to fail to timely file the form. However, it is a defense to prosecution if you file the CIS not later than the seventh day after you receive notice of violation. Therefore, you have two chances to comply.

Appearing before City Boards and Commissions

If you appear before your own board or commission in a private capacity, you must recuse yourself from any deliberation regarding that or any matter which could result in a conflict of interest or give the appearance of a conflict of interest. Further, you must not insinuate you are representing your board or commission in the event you choose to appear before the City Council or other board or commission. You must be clear regarding which capacity you are appearing, either as a board member or a private citizen.

TEXAS OPEN MEETINGS ACT

By City Council rule, all boards must comply with the Texas Open Meetings Act. The Act generally provides that meetings of a governmental body shall be public, although there are a few exceptions whereby a decision-making body may deliberate in a closed meeting. Written notice must be given of dates, times, and locations of all meetings. Minutes of each meeting must be taken and a record of votes and decisions kept as public record. There are criminal penalties for holding an unauthorized closed meeting for boards with decision-making authority. It is important that when more than two members are in any given place where City business is being discussed, the meeting should be posted as a precautionary measure to avoid the accusation of attempting or conspiring to conduct City business in private. It is also very important that the board limit discussion during meetings to only those items listed on the posted agenda. Conversation or action on items not posted on the agenda would also be considered a violation of the Act. The Open Meetings Act does not apply to purely social gatherings, conventions, or workshops such as Texas Municipal League events. Any specific question or issues should be referred to the City Attorney's office, through the staff liaison.

Open Meetings Act

The Open Meetings Act (hereinafter called the "Act") is located in Chapter 551 of the Texas Government Code. The Act generally provides that meetings of a board shall be public. There are exceptions to this general rule, as will be discussed. It also requires that the public be given notice of the time, place, and subject of such meeting. It is important to remember when considering the Act's requirements that compliance with its provisions is mandatory, not discretionary.

What Constitutes a Meeting?

A. Definition of Meeting

A board becomes subject to the Act when it conducts a meeting. A meeting is "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." It also includes "a gathering: (i) that is conducted by the governmental body or for which the governmental body is responsible; (ii) at which a quorum of members of the governmental body is present; (iii) that has been called by the governmental body; and (iv) at which the members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of the governmental body, about the public business or public policy over which the governmental body has supervision or control." The definition specifically includes a session of a board.

The term “deliberation” is important to define what a meeting is under the Act. Deliberation is “a verbal exchange during a meeting between quorums 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.” Included in the meaning of a verbal exchange is written and non-spoken communications.

B. Social Gatherings

The Act specifically excludes informal or social functions from the definition of meeting. However, if a quorum of a board assembles in an informal setting, it will still be subject to the requirements of the Act if the members engage in a verbal exchange about public business or policy. Therefore, it is important for members of a board to be cautious about the topics of conversation at social gatherings where a quorum of the body is present.

C. Employee Briefings

Prior to 1999, the Act permitted a board to have briefings by third parties or employees outside of open session. However, the 76th Legislature repealed that provision. The definition of “meeting,” as restated above, was amended to specifically include such briefings. Now, a board will be subject to the Act during briefings, even if no deliberations occur. Further, a board may be subject even during public comment sessions of meetings.

D. Telephone and Videoconference Meetings

Telephone meetings do not comply with the Act. It is considered a secret deliberation, which is not permitted. There are very limited emergency cases whereby it could be conducted. However, any such telephone conferencing should never be conducted without consulting the City Attorney’s office. Videoconferencing is allowed only in limited circumstances, and consultation with the City Attorney’s office should occur before videoconferencing is considered. Videoconferencing, if/when permitted, shall follow regulations established by State law or the City Council Rules of Procedure.

Notice

A. Content

The Act specifically requires that before a meeting of a board is conducted, written notice of the date, hour, place, and subject matter of the meeting must be properly posted. The content of the notice must be sufficient to apprise the general public of the subjects to be considered at the meeting. Compliance with this provision is often very fact specific. Therefore, it is recommended that the board work closely with the staff liaison and either the City Manager’s office or the City Attorney’s office when posting the subject matter of each proposed meeting in order to ensure compliance.

B. Place of Posting

The Act provides for specific places to post the notice of a meeting, depending on the type of governmental body. For municipal governing bodies, notice should be posted on a bulletin board at a place convenient to the public in the City Hall and the City's website. Additionally, the City Council agenda must be posted on the City's website. The City Secretary's office shall ensure proper posting of these notices.

C. Time of Posting

The notice of a meeting of a board must be posted in a place readily accessible to the general public at all times at least **72 hours** before the scheduled time of the meeting. There are very few emergency exceptions to this rule. In cases of emergency or urgent public necessity where there is an imminent threat to public health or a reasonably unforeseeable situation, a one-hour posting is permitted. The notice must clearly identify the emergency or urgent public necessity. A determination that an emergency exists is subject to judicial review. Before any deviation from the "72 Hour Rule," the City Attorney's office should be consulted.

D. Recess in a Meeting

A board may continue a meeting from one day to the next day without reposting on any item(s) noted on the original posting. However, notice must be reposted if a meeting is continued to any day other than the one immediately following the posted meeting day, or any item that must be considered.

Open Sessions

A. Convening the Meeting

A meeting may not convene unless a quorum of the board is present in the meeting room. This rule applies even if the members of the board plan to go into closed meeting after convening the meeting. This applies the general rule that the members of the public are entitled to know what members are present for the closed meeting and if a quorum is present.

B. Rights of the Public

An "open meeting" is one that the public is permitted to attend. However, the Act does not entitle the public to choose items to be discussed.

The public or any of the board members may raise a subject not included in the agenda, but the discussion must be limited to a proposal to include that item on the agenda for the next meeting. Moreover, the public has a right to tape or record any open meeting. However, the board has the right to regulate the placement of equipment and the manner in which the meeting is being recorded.

C. Public Comment

A board may give members of the public an opportunity to speak at a public meeting (known as Open Microphone). If such a public comment period is permitted, the board may set reasonable limits on the number, frequency, and length of the presentations before it. The opportunity to speak under that category should appear at the beginning of the board agenda. However, it cannot unfairly discriminate among speakers for or against a particular point of view. Moreover, many quasi-judicial boards are bound legally to permit certain citizens to speak on specific agenda items that relate to the citizen's property. Because such a period is included in the definition of a meeting, it must be posted in the notice of the meeting. The term "public comment" does provide sufficient notice of one of these periods when no deliberation occurs among the board. However, if any of the members of the board or its employees have prior knowledge of the subject matter to be commented on by the public, the item to be discussed must be specifically posted on the notice.

D. Final Actions

The general rule is that a final action, decision, or vote on a matter deliberated in either an open session or a properly conducted closed meeting (discussed below) may only be made in an open meeting that is held in compliance with the Act. Therefore, a board may not vote with a secret ballot or take action by a written agreement without a meeting. The general rule is that if the board has the authority to make a decision or take an action, the board should act in open session.

Closed Meetings

A. Overview

There are a few exceptions listed within the Act, whereby a board may deliberate in a closed meeting. It is important to remember that pursuant to City policy, if a board of the City of Denton wishes to conduct a closed meeting, the City Attorney's office must be consulted to avoid any violations of the Act. A request for a member from the City Attorney's office should be submitted to that office as soon as possible to provide for legal representation at the closed meeting, if applicable. A certified agenda for that closed meeting must be submitted to the City Secretary's office within 3 working days, unless otherwise stated under Section B below.

Before a closed meeting may be conducted, a quorum of the board must convene in open session, and the presiding officer must announce that a closed meeting will be held and then identify the section(s) of the Act under which the closed meeting will be held. The posted agenda must also state the specific provisions of the Act under which any closed meeting will be held and a general statement as to the topic to be discussed.

B. Provisions Authorizing Closed Meetings

Listed below are the most common exceptions available to boards. It is important to remember that the Act will not permit a closed meeting in cases where the City's Charter or another law requires it to be open.

1. Section 551.071: Consultations with Attorney

This section allows a board to consult with its attorney in a closed meeting to seek his or her advice on legal matters. This section is often invoked in order for a board to consult with its attorney regarding pending or contemplated litigation. However, it may be held to discuss other legal matters. A discussion under this exception may relate only to legal proceedings or legal matters. General discussion of policy, unrelated to legal matters, is not permitted under this exception. [A certified agenda for this category is not required for discussions held under this category.]

2. Section 551.072: Deliberations about Real Property

This section permits a board to deliberate the purchase, exchange, lease, or value of real property in closed meeting. However, this will only be allowed in closed meeting when public discussion of the subject would have a detrimental effect on the board's negotiation position with respect to a third party. It does not allow the board to make a deal in private, without public input or debate.

3. Section 551.073: Deliberations about Gifts and Donations

This section permits a closed meeting to deliberate a negotiated contract for a prospective gift or donation to the governmental body. However, this is only allowed if deliberation in an open meeting would have a detrimental effect on the position of the board with a third party as explained above.

4. Section 551.074: Personnel Matters

This section permits a closed meeting to deliberate about officers and employees of the board. It is important to note the primary interest protected by this section is the protection of the reputation of the *individual* officer or employee under consideration. Moreover, this section only permits deliberation in closed meeting on individual officers or employees. Discussion about a *class* of employees must be conducted in open session. Also, the public officer or employee that is the subject of the meeting may request that session occur in a public hearing.

5. Section 551.075: Deliberation about Security Devices

This section permits a closed meeting to deliberate the deployment, or specific occasions for implementation of security personnel or devices.

6. Section 551.086: Competitive Matters of Certain Public Power Utilities

This section permits certain boards of public power utilities to deliberate, vote, or *take final action* on any competitive matter related to the utility in closed meeting. A competitive matter is defined as: "a utility-related matter that the public power utility governing body in good faith believes is related to the public power utility's competitive

activity, including commercial information, and would, if disclosed, give advantage to competitors or prospective competitors but may not be deemed to include” several categories of information specifically set out in the Act. Further, notice of the subject to be discussed in the session is required to contain no more than a general representation of the subject matter.

7. Section 551.087: Deliberation about Economic Development Negotiations

This section permits a closed meeting to deliberate commercial or financial information the board has received from a business prospect that it seeks to have locate, stay, or expand in or near the territory of the board and with which it is conducting economic negotiations, or deliberating about an offer of an incentive to such a business prospect.

Records of Meetings

The Act requires that minutes or a tape recording be kept of each open meeting. These shall be considered public information. Moreover, during a closed meeting, either a certified agenda or tape recording of the session must be kept, except as provided under the Texas Local Government Code, section 551.103, which states, in part, “... except for a private consultation permitted under section 551.071...” The records kept for the closed meeting are considered confidential information and may not be released unless ordered by a court.

Penalties and Remedies for Violations of the Act

A. Voidability of a Boards Actions

If any action by a board violates any provision of the Act, that action is voidable. This means that any interested party may challenge an action of the board in court. If a court finds a violation of the Act occurred, it might declare the particular action by the board is void.

A board that has taken action that violates the Act may meet again and validly authorize that action at a meeting where the public has received adequate notice. However, this action is generally effective only from the date of the new meeting and only if the new meeting complies with the Act.

B. Mandamus, Injunction, or Declaratory Judgment

The Act provides that any interested person, including a member of the news media, may bring an action by mandamus or injunction to stop, prevent, or reverse a violation or threatened violation of the Act. To enforce provisions of the law, a court may require a public official to perform duties imposed on him by law by issuing a writ of mandamus. A mandamus commands the doing of an act, whereas an injunction is issued to restrain an act. Courts have also allowed

parties to bring a declaratory judgment action. In this type of proceeding, a court would be authorized to determine the rights, status, duties, and other legal regulations of various persons, including the public officers. Thus, a court may determine the validity of a board's actions under the Act in such a proceeding.

Furthermore, the Act provides that a court may award reasonable attorney fees and litigation costs to the party who substantially prevails in an action brought under the Act. This relief is not mandatory, but rather up to the court. Further monetary damage may be awarded against a board that violates the Act if a court finds the action caused direct monetary damage to the aggrieved party.

C. Criminal Provisions

A very important issue to note is that the Act does provide for criminal penalties for violations. A member or group of members of a board commits a criminal offense if they knowingly conspire to circumvent the Act by meeting in numbers less than a quorum for the purpose of secret deliberations.

A member of a board commits an offense if a closed meeting is not permitted by the Act and the member knowingly: (1) calls or aids in calling or organizing the closed meeting, whether it is a special or called closed meeting; (2) closes or aids in closing the meeting to the public, if it is a regular meeting; or (3) participates in the closed meeting, whether it is a regular, special, or called meeting. It is an affirmative defense if the member acted in reasonable reliance on a court order or a written interpretation of the Act contained in an opinion of a court of record, the Attorney General, or the attorney for the board.

Also, a member of a board commits an offense if the member participates in a closed meeting knowing that a certified agenda of the closed meeting is not being kept or a tape recording of the meeting is not being made.

Another offense is committed when any person, corporation, partnership, without lawful authority, knowingly disclosed to the public the certified agenda or tape recording of a lawfully closed meeting.

Penalties for violation of the Act are a misdemeanor offense, punishable by a fine of between \$100 and \$500, one to six months in jail, or both.

Open Government Training

The City of Denton requires all board members to complete open government training through the Texas Attorney General's Office. Training is available online at www.texasattorneygeneral.gov. Upon completion of training, members must submit a completed certificate to the city secretary. Please contact the city secretary or city attorney for specific questions about open meetings requirements.

PROCEDURES FOR CONDUCTING A MEETING

The City Council has formally adopted rules of procedure that govern the proceeding of City Council, board, and commission meetings, except where these rules are silent. In that case, the most recent edition of *Robert's Rules of Order* shall govern. The rules of procedure also address the code of conduct and participation guidelines for citizens, staff, and board members. The City Council Rules of Procedure can be found at:

https://library.municode.com/tx/denton/codes/code_of_ordinances?nodeId=SPAC_OOR_CH2AD_ARTIADOR_S2-29CICORUPR

Role of the Chairperson

The function of the chairperson is to provide leadership to the group in the following ways:

1. To maintain order by enforcing the established rules, and
2. To ensure the meeting proceeds smoothly and follows the agenda.

If the group is indecisive, the chairperson should exercise leadership and make suggestions. When debate is concluded, the chairperson should summarize the major points made. In general, the chairperson should maintain order and try to bring the group to a conclusion on matters before it.

To facilitate the chairperson's duties, staff should **always** provide copies of the agenda and corresponding back up material (in either hard copy or electronic form) to all board members before the meeting. Agendas must be made available at the meeting for any members of the public in attendance. The agenda should be prepared by the staff liaison assigned to work with the board.

Rules of Thumb

Here are a few obvious points that should be followed, but are often forgotten:

1. The chairperson should recognize the person or persons who wish to speak and only they should be allowed to speak. Others should hold their comments until they have been recognized by the chairperson.
2. Discuss only one point at a time.
3. If the meeting is a public hearing, the board should hear the public without making comments until questions are allowed by the chairperson.

Procedural Rules of Order

NOTE: While this review of parliamentary procedures has been designed to cover the most common situations a board member may encounter during the course of a meeting, these procedures may not always apply. They may be superseded because of legal constraints if the meeting is a public hearing. However, these basic procedures are usually acceptable during most meetings. Answers to complicated procedural questions can be found in *Robert's Rules of Order*.

1. *Making a motion* – Before discussion of an issue by board members, a motion should be made and seconded. The making of a motion normally occurs following a presentation or description of the issue by a staff member or chairperson. After the motion is made and seconded, debate can be conducted. Example of the proper form of a motion is: “Mr./Madam Chairperson, I move the following...”
2. *Amending a motion* – Any motion may be amended as follows: “Mr./Madam Chairperson, I move that we amend the motion by adding, deleting, etc. the following...” The amendment must be seconded before discussion can ensue. When discussion ends, the amendment is voted on first. If the amendment passes, the original motion is then put to vote as amended. If the amendment fails or receives no second, the original motion is put to a vote.
3. *Change by a Substitute Motion* – Another way to change an original motion is by use of the **substitute motion**. A substitute motion is simply an amendment that changes an entire sentence or paragraph. It must be seconded before discussion can take place. It may be amended and differs only from an amendment in that if the substitute motion passes, it eliminates the original motion.
4. *Table a Motion* – This motion is used to lay something aside temporarily to take care of a more urgent matter. It should not be used to prevent debate or to kill a question. To table an item requires a motion and a second. A vote is immediately taken without discussion. Once it has been decided to table an item, such item cannot be brought up again until the board votes to do so by a motion to “Take from the Table”, which must receive an affirmative vote. Once removed from the table, the item can be discussed and voted upon.

A question laid on the table remains there until taken from the table or until the close of the next regular meeting; if not taken up that time, the question dies.
5. *Postpone a Motion* – Another method of delaying a decision on a matter is to postpone to a certain day, or to a certain event with a reasonably definable date, the consideration of a motion. This is accomplished by simply making a motion to postpone consideration of the motion until a definite future date or event and having it seconded. The motion to

postpone is then open for discussion. Following discussion, a vote is taken. A motion to postpone indefinitely is a parliamentary strategy which allows members to dispose of a question without making a decision for or against. This type of motion, if passed, allows the item to return before the board or commission at a later date.

6. Point of Order – Any time a member feels an incorrect procedure is being used, the member can interrupt with a point of order request which requires the chairperson to decide the correct procedure.
7. Suspension of the Rules – Occasionally, board members may want to discuss a business item without the constraints of any rules. Unless the by-laws require otherwise, a two-thirds (2/3) vote of the members is needed to suspend the rules. This motion is not debatable and must be voted on upon being seconded.
8. Tie Votes – With the exception of the Planning and Zoning Commission, matters voted on by boards, commissions, and committees, which end in a tie-vote, regardless of the cause, shall be considered a denial. This provision applies to all task forces, ad hoc committees, or other limited duration groups established by the City Council.

What is a Quorum?

A quorum is the minimum number of members needed to officially conduct business. The quorum may be set by state law, the City Charter, the board's by-laws, or Robert's Rules of Order. Generally, a quorum is a majority of the members of a board or committee unless a different quorum is fixed by by-laws or by rule of the parent body. Approval of an action, except as otherwise provided by law, rule or regulation, requires a majority vote of persons legally entitled to vote, excluding abstentions, at a meeting at which a quorum is present.

Public Participation

The rules of procedure accommodate public comment on agenda items and public hearings. Members of the public may sign up to speak on regular agenda items by signing up with the recording secretary. Members of the public are also able to speak on items posted as a public hearing. Speakers generally have four minutes to address the board regarding the specific item. The agenda should reflect an item specifically designed to allow for such registration and may limit the number of individuals that can register.

BOARDS, COMMISSIONS & COUNCIL COMMITTEES

I. JUDICIAL OR QUASI-JUDICIAL BOARDS (Governmental Board Members)

Boards that use decision-making powers apply particular regulations to specific facts to make judgments or decisions on matters within their jurisdiction. The following six board/commissions are judicial or quasi-judicial boards, those that administer particular ordinances or regulations.

Board of Ethics

- Established by Ordinance No. 18-757 (§2-277 of the Code of Ordinances)
- Membership: Seven regular members and three alternate members appointed by the City Council. Preference in appointments shall be given to professionals such as attorneys, architects, engineers, doctors, teachers, pastors, mediators, retired jurists, licensed professional counselors, and those with licenses demonstrating high levels of education or master craftsmanship in the building trades. The Board shall be comprised of at least three (3) members who are attorneys or retired jurists.
- Purpose: Implements and enforces the Ethics Ordinance; administers oaths and affirmations, issues and enforces limited subpoenas to compel attendance of witnesses and the production of testimony, evidence, and/or documents as is reasonably relevant to complaints regarding violation of the ethics ordinance.

Civil Service Commission

- Established by Chapter 143 of the Texas Local Government Code.
- Membership: Three members appointed by City Manager and confirmed by City Council.
- Purpose: Ensures compliance with Chapter 143 of the Texas Local Government Code governing police and fire. The duties of the Commission include approval of eligibility hiring lists and holding hearings, upon appeal, on matters of promotions, performance, reclassifications, and other civil service issues.

Denton Housing Authority Board

- Established by Chapter 392 of the Texas Local Government Code.
- Membership: Five members appointed by the Mayor.

- Purpose: Prepares, acquires, leases, and operates housing projects. The Board also investigates housing conditions to determine when and where an economically depressed neighborhood exists, identifies revitalization areas, and provides accommodations for persons of low income. **Although appointed by the Mayor, the Housing Authority Board operates independently from the City of Denton.**

Health and Building Standards Commission

- Established by Ordinance No. 2010-133 (§2-261 of the Code of Ordinances).
- Membership: Seven members appointed by the City Council with two alternates
 - One (1) general contractor
 - One (1) architect or engineer
 - One (1) person from the plumbing industry
 - One (1) person from the electrical industry
 - Two (2) individuals who are associated with the construction, development, or real estate industry
 - One (1) additional member

Ex-officio – city building official.

- Purpose: Hears and decides appeals of orders, decisions or determinations made by the Building Official, Code Official, or Fire Marshal relative to the application and interpretation of the requirements of the Denton Code of Ordinances and all other applicable codes of/adopted by the City of Denton.

Historic Landmark Commission

- Established by Ordinance No. 1980-030 (§2.3.6 of the Denton Development Code).
- Membership: Nine members appointed by the City Council, including at least one (1) representative from each of the following organizations or professions:
 - County historical commission
 - County bar association
 - Architect
 - Certified public accountant
 - Owner of real property in the city

Ex-officio – Director of Planning, City Building Official, Chairman of the County Historical Commission.

- Purpose: Recommends to the Planning & Zoning Commission and City Council those buildings, structures, sites, districts, and areas in the city that the Commission has determined should be preserved and designated as historic landmarks. The Commission also regulates design review for designated properties and districts.

Planning & Zoning Commission

- Established by Ordinance Nos. 76-12, 99-057, and 2006-232 (§10.02 of the City Charter); also referenced in §2.3.3 of the Denton Development Code).
- Membership: Seven members appointed by the City Council.
- Purpose: Makes decisions or recommendations to the City Council regarding the Comprehensive Plan, Development Code, zoning regulations, long-range planning, zoning changes, platting, and other development-related policies as required or permitted by State law or Council policy.

Zoning Board of Adjustment

- Established by Ordinance Nos. 69-1, 94-078, and 99-218 (§10.07 of the City Charter; also referenced in §2.3.4 of the Denton Development Code).
- Membership: Seven members and three alternate members appointed by the City Council.
- Purpose: Provides a vehicle for citizens to appeal zoning interpretations and decisions of the Building Official, and request variances from the zoning and sign regulations in the Denton Development Code. The Board may also make final decisions regarding changes, the reestablishment, or termination of nonconforming uses within the city.

II. ADVISORY BOARDS

Advisory boards advise or make recommendations to a person or the City Council and have no final decision-making authority. The following bodies serve in an advisory function:

Airport Advisory Board

- Established by Ordinance No. 97-299; amended by Ordinance No. 2011-055 (§3-109 of the Code of Ordinances) and further referenced in Ordinance No. 20-240.
- Membership: Seven members appointed by the City Council.
- Purpose: Serves in an advisory capacity to the City Council on matters relative to airport safety, flight and ground operations, safety and security issues arising from the creation and development of long-term master plans; tenant/stakeholder outreach; the Airport Business Plan and the Airport Master Plan; airport infrastructure improvement or other major projects impacting the airport; grant funding for the airport; and long term financial planning and budgetary issues affecting the airport.

Animal Shelter Advisory Committee

- Established by Ordinance No. 2000-460; amended by Ordinance No. 2006-330 and §823.005 of the Texas Health & Safety Code (§6-6 of the Code of Ordinances).
- Membership: Seven members appointed by the City Council, composed of at least:
 - One (1) licensed veterinarian who has a principal place of business or a residence in the City of Denton
 - One (1) city official
 - One (1) person who is employed by the City of Denton Animal Shelter
 - One (1) representative of an animal welfare organization
 - Three (3) people who are not involved by occupation or membership in any of the above categories
- Purpose: Assists the City in complying with the provisions of the Animal Shelter Act and makes recommendations to the City Council regarding methods and procedures necessary to ensure compliance with the Act.

Committee on Persons with Disabilities

- Established by Resolution No. 18-1741
- Membership: Eleven citizens appointed by the City Council. Each Council Member shall appoint one citizen who resides in his/her respective district and four committee members will be appointed at-large. In the case of the Mayoral, Place 5 and Place 6 districts, citizens may reside in any district of the City.
- Purpose: Advises the City in those areas of committee interest including but not limited to, disability concerns such as accessibility and accommodations for City project and activities. Some of the specific projects may include the following: (a) construction of new sidewalks, ramps, and crosswalk features; (b) replacing and repairing existing sidewalks, ramps, and crosswalk features; (c) the creation of an ADA Transition Plan; (d) the planning and development of an adaptive/handicap accessible park; (e) provide guidance on incorporating new or enhanced signage at the City facilities; (f) advise on improvements for new and existing city facilities; (g) provide input on parking lot rehabilitation projects; (h) provide input for improving City operations (i) provide input for improving the operation of other entities; and (j) provide input on Parks and Recreation adaptive activities.

Community Development Advisory Committee

- Established by Resolution passed by the City Council on September 19, 1978 (resolutions not numerically numbered at that time).

- Membership: Nine members appointed by the City Council.

Ex-officio – City Manager, or his designee.

- Purpose: Holds public hearings and makes decisions regarding the expenditure of federal Community Development Block Grant and Home Investment Partnership Program monies.

Denton Police Department Chief of Police Advisory Board

- Established by Resolution No. 20-2085 (§23-177 of the Denton Code of Ordinances).
- Membership: Comprised in total of 11 regular members. Seven Citizen Members appointed by the City Council. The remaining members shall be appointed by the City Manager as follows: One officer of the DEPARTMENT at the rank of Assistant Chief or below; One member from the Denton Police Officers Association; One member from the Denton Municipal Police Association; One member from the City Manager’s Office.

Ex Officio: The Chief of Police may, at his discretion, appoint up to five (5) non-voting members from other organizations, such as the University of North Texas, Texas Woman’s University, and Denton Independent School District.

- Purpose: Assists with review, gathering of community input, and establishing clear findings, conclusions and achievable recommendations that promote the use of best practices in the use-of-force policies and training for the Denton Police Department.

Development Code Review Committee

- Established by Ordinance No. 21-647. NOTE: Replaced the *Ad Hoc* Development Code Review Committee.
- Membership: Six (6) voting members: three (3) City Councilmembers and three (3) Planning and Zoning Commissioners. Members of the Development Code Review Committee must be current members of the Planning and Zoning Commission or current elected City Council members of the City of Denton.
- Purpose: Reviews proposed Denton Development Code amendments and makes recommendations to the Planning and Zoning Commission and the City Council regarding proposed Denton Development Code amendments.

Downtown Denton Tax Increment Financing Reinvestment Zone Board

- Established by Ordinance No. 2010-316 and §311.009 of the Tax Increment Financing Act.
- Membership: Seven members: two are City Council members, two are either property owners of property located within the Tax Increment Reinvestment Zone or residents whose primary residence is located within the Tax Increment Reinvestment Zone, two are either business owners of businesses located within the Tax Increment Reinvestment Zone or members of the Denton Chamber of Commerce Board of Directors, and one a qualified voter of the City of Denton.
- Purpose: Makes recommendations to the City Council concerning the administration of the Zone; prepares and adopts a project plan and Tax Increment Financing Reinvestment Zone financing plan for the Zone and submits the plans to the City Council for approval; prepares, implements and monitors such project and financing plans for the Tax Increment Financing Reinvestment Zone as the City Council considers advisable including the submission of an annual report on the status of the Zone.

Economic Development Partnership Board

- Established by Ordinance No. 2017-203 (repealed Ordinances Nos. 2003-258, 2011-042, 2014-009, 2015-074, and 2015-249) (§2.251 of the Code of Ordinances).
- Membership: Twelve members: (1) two members from City Council at the time of their appointment, who must also serve on the Tax Increment Reinvestment Zone No. 2 Board; (2) two members from the Chamber Board of Directors at the time of their original appointment who reside or work in the city; (3) two members who will be, or must be currently employed by a top 20 City of Denton ad valorem or sales tax payer and who reside or work in the city; (4) the President of UNT or his/her designee who does not have a city residency requirement; (5) the Chancellor and President of TWU or his/her designee who does not have a city residency requirement; (6) a member with knowledge or experience in general aviation-related matters with no financial interest at the Denton Municipal Airport and who resides or works in the city; (7) a citizen of Denton with specific knowledge skills and abilities to assist in the functions of the Economic Development Partnership Board; (8) a member nominated by the Denton Black Chamber Board of Directors who resides or works in the City; (9) a member nominated by the Hispanic Chamber Board of Directors who resides or works in the City. To aid the City Council in making appointments to the Board, the City Council will appoint two City Council members and one Chamber of Commerce member to act as a nominating committee. After evaluating the recommended nominees, the committee will present to the City Council a slate of Board nominees for City Council approval.

Ex-officio – City Manager, or his designee, Chamber President and Superintendent of Denton Independent School District.

- Purpose: Provides economic development policy guidance and makes recommendations to the City Council and Chamber of Commerce; reviews, considers and makes recommendations to the City Council regarding branding and marketing for the Denton Enterprise Airport; reviews, considers and makes recommendations to the City Council regarding Denton Enterprise Airport incentive policies as assigned by the City Council or requested by the City Manager; and acts as a recommending body to the City Council for specific airport economic development incentives as assigned by the City Council or requested by the City Manager and permitted by City and State law.

Human Services Advisory Committee

- Established by Ordinance No. 89-098 (§14-61 of the Code of Ordinances).
- Membership: Eleven members appointed by the City Council.
Ex officio – City Manager, or his designee.
- Purpose: Serves in an advisory capacity to encourage continuous evaluation of the human services delivery system and to recommend actions and funding to the City Council that would provide human services in the city.

Library Board

- Established by Ordinance No. 84-162 (§2-176 of the Code of Ordinances).
- Membership: Seven members appointed by City Council.
- Purpose: Serves in an advisory capacity to the City Council to recommend operating policies, and programs for the operation of the library system.

Parks, Recreation and Beautification Board

- Established by Ordinance Nos. 99-219 and 2000-436 (§11.02 of the City Charter).
- Membership: Seven members appointed by the City Council.
- Purpose: Serves in an advisory capacity to the City Council to make recommendations regarding issues related to community appearance, beautification, and the environment of the City and the entrances into the City. The Board is charged to stimulate public interest in the development and maintenance of parks and playgrounds and a well-rounded community-wide program to promote close cooperation between the City and citizens so that all park and recreational facilities are used to their maximum benefit.

Public Art Committee

- Established by Ordinance No. 2006-105; amended by Ordinance Nos. 2013-207 and 19-1156 (§22-6 of the Code of Ordinances).
- Membership: Nine members appointed by the City Council. Two of the nine members will be nominated by the Greater Denton Arts Council and appointed by the City Council.

Ex-officio – Parks and Recreation Department Director, Economic Development Department Director, and the Greater Denton Arts Council Executive Director.

- Purpose: Makes recommendations to the City Council on the commissioning, placing, and the installing of public art; implementation of funding mechanism(s) for public art; effective and efficient management of public art; ongoing maintenance of public art; and the accessioning, deaccessioning, re-siting of public art; and oversight of cultural districts.

Public Utilities Board

- Established by §12.07 of the City Charter.
- Membership: Seven members appointed by City Council.

Ex-officio – City Manager and Director of Utilities.

- Purpose: Reviews the department of utilities budget and makes recommendations to the City Council in the format required by the City Manager. The Board is authorized to expend funds for information and advertising. All matters relating to utility policies, capital projects, rates, and the sale and issuance of utility bonds are submitted to the Board for review and recommendation prior to Council consideration. The Public Utilities Board makes recommendations for the Capital Improvement Program pursuant to the provisions in the City Charter.

Sustainability Framework Advisory Committee

- Established by Resolution No. 21-2575.
- Membership: Seven members appointed by City Council. Not less than four (4) of the members of the committee shall have academic, professional, occupational, or volunteer knowledge and/or experience in one or more of the following areas set forth in the Sustainability Framework: air quality; water; energy; transportation; resiliency; education; solid waste; and, land use.
- Purpose: Advises the City Council on the implementation of, and matters related to, the City's Sustainability Framework.

Tax Increment Reinvestment Zone Number Two Board

- Established by Ordinance No. 2012-366; amended by Ordinances 2014-039, 2014-274, 2015-370, and 2016-354, and §311.009 of the Tax Increment Financing Act.
- Membership: Fourteen members, twelve (12) of whom shall be appointed by the City Council. The membership consists of the twelve members of the Economic Development Partnership Board (of whom two must be sitting council members), one member appointed by the governing body of Denton County and one member appointed by the “developer”, Rayzor Investments, LLP.
- Purpose: Makes recommendations to the City Council concerning the administration of the Zone. Prepares and adopts a project plan and Tax Increment Reinvestment Zone financing plan for the Zone and submits the plans to the City Council for approval. Prepares, implements and monitors such project plan and financing plan for the Zone as the Council considers advisable, including the submission of an annual report on the status of the Zone.

Traffic Safety Commission

- Re-established by Ordinance No. 2010-317.
- Membership: Seven members appointed by the City Council.
- Purpose: Serves in an advisory capacity to the City Council on matters brought forward to the Commission by the City Manager, or his/her designee, or assigned by the City Council which pertains to traffic safety education and publicity; ways and means of improving traffic conditions and safety for motor vehicles; bicycle and pedestrian safety; implementation of traffic control devices; public parking restrictions; or roadway speed limit designations.

III. CITY COUNCIL COMMITTEES

The Denton City Council has internal advisory committees, as well as representation on local and regional committees. Assignments to the committees are made following the May city council election. Council members submit requests for committee assignments, with committee membership designated following a Council discussion of the requests.

Agenda Committee

- Established by Ordinance No. 2016-197.
- Membership: Mayor, Mayor Pro Tem, City Manager.
- Purpose: Reviews the City Manager’s proposed City Council agendas as to form and agenda content.

Audit/Finance Committee

- Established by Resolution No. R2009-015.
- Membership: Three City Council members.

Ex-officio – City Manager, or his designee.

- Purpose: Assists the City Council in fulfilling its organizational oversight responsibilities relating to the audit function, the investment function and other financial related activities as delegated by the City Council.

City Council Airport Committee

- Established by Resolution No. R2011-009
- Membership: Three City Council members.

- Purpose: Reviews, considers and makes recommendations to the City Council on: the Airport Business Plan and the Airport Master Plan; any airport infrastructure improvement or other major project impacting the airport; the acquisition, review, and consideration of grant funding for the airport; contracts and leases of airport property, including recommending appropriate terms to the City Council; long term financial planning and budgetary issues affecting the airport; and issues raised as a result of interface between citizens, airport tenants, or other interested parties.

Committee on Community Engagement

- Established by Resolution Nos. R2012-026 (Committee on Citizen Engagement) and 20-1873 (name changed to Committee on Community Engagement).
- Membership: Three City Council members appointed by Mayor and approved by City Council.
- Purpose: Advices both the City Council and/or staff regarding the timely distribution of accurate and complete information to Denton citizens and devise methods of engaging Denton Citizens in the various processes of city government.

Committee on the Environment

- Established by Resolution No. R2009-015.
- Membership: Three City Council members.

Ex-officio – City Manager or designee.

- Purpose: Reviews, discusses, deliberates, and considers environmental issues and resources and make recommendations to the City Council. Also deliberates and makes recommendations regarding any other matter delegated to the Committee by the City Council.

Council Appointee Performance Review Committee

- Established by Resolution No. R2009-015.
- Membership: Three City Council members.

Ex-officio – Director of Human Resources.

- Purpose: Assists the City Council in performance review of the Council appointees and to ensure that the appointees’ job descriptions are accurate and properly reflect current job duties in order to make recommendations to the City Council to assist the Council in evaluating the job performance of the Council appointees. Additionally, makes recommendations regarding employment agreements, including renewals, of Council appointee positions.

Council Mobility Committee

- Established by Resolution No. R2009-015.
- Membership: Three City Council members.

Ex-officio – City Manager, or his designee.

- Purpose: Reviews, considers and makes recommendations to the City Council regarding any changes to the Mobility Plan, local transportation policy, and any items concerning regional transportation policies and activities.

Community Partnership Committee

- Re-established by Resolution Nos. 18-1710 (Hotel Occupancy Tax and Sponsorship Committee) and 20-1471 (name changed to Community Partnership Committee).
- Membership: Three City Council members, at least two of whom serve on the Convention and Visitors Bureau Advisory Board.

Ex-officio – City Manager, or designee.

- Purpose: Monitors allocation and use of both the hotel occupancy tax and sponsorship funds, ensuring HOT funds are being used to directly enhance and promote tourism and hotel/convention industry, ensuring the sponsorship funds are being used to further a charitable cause, economic or community growth and serve a public purpose in the best interest of the general welfare of the City of Denton, recommend organizations to receive funding to the City Council, and other duties as assigned by the City Council.

Ad Hoc Council Committees

The City Council occasionally creates ad hoc council committees to provide guidance and assistance with short term projects. These committees are dissolved upon the completion of their work.

IV. LOCAL AND REGIONAL COMMITTEES

Community Justice Council (Inactive 2018-2021)

- Established by §76.003 of the Texas Government Code.
- City Membership: One City Council member of the most populous municipality in the county that the facility will serve.
- Purpose: Provides policy guidance and direction for the development of criminal justice plans and community correction facilities and programs.

Dallas Regional Mobility Coalition

- Established by 1997 Interlocal Agreement.
- City Membership: Must be the Mayor or another member of the City Council.
- Purpose: Examines all issues related to transportation and recommends transportation improvements and other related actions for the portion of the Dallas Metropolitan Area served by District 18 of the Texas Department of Transportation (Eastern Subregion).

Denton County Behavioral Health Leadership Team

- Per Denton County Behavioral Health Leadership Team Bylaws
- City Membership: May be elected official, senior staff, executive, or community member.
- Purpose: Convene as a policy making team tasked with improving the planning, coordination, oversight, and implementation required to create systems change, for behavioral health services in Denton County.

Denton County Homelessness Leadership Team

- Per Denton County Homelessness Leadership Team am Bylaws
- City Membership: May be elected official(s), senior staff, executive, or community member.
- Purpose: Convene as a policy making team tasked with improving the planning, coordination, oversight, and implementation required to create systems change, for housing/homelessness initiatives in Denton County.

Denton County Transportation Authority

- Established in January 2002.
- City Membership: May be a representative of the City Council and an alternate. Board members must have professional experience in the field of transportation, business, government, engineering or law.
- Purpose: The Board of Directors is responsible for the management, operation, and control of the Authority and its properties.

Denton County Workforce Success Leadership Team

- Per Denton County Workforce Success Leadership Team Bylaws
- City Membership: May be elected official, senior staff, executive, or community member.
- Purpose: Convene as a policy making team tasked with improving the planning, coordination, oversight, and implementation required to create systems change for workforce/employment initiatives in Denton County.

Discover Denton Advisory Board

- Established by an agreement between Denton Chamber of Commerce and City of Denton; creates an Advisory Board established by the Denton Chamber of Commerce. NOTE: Formerly known as the Convention and Visitors Bureau Advisory Board.
- City Membership: Three City Council members, at least two of whom serve on the Community Partnership Committee.

- Purpose: Provide recommendations to the Denton CVB director, Denton Chamber of Commerce board, and city council; establish goals and priorities for the Denton CVB; monitor expenditures of program funds while complying with State of Texas Tax Code (Title 3, Subtitle D, Chapter 351) and assess effectiveness of CVB programs and initiatives; assist/advise in formulation of budgets for the program; provide recommendations to the Chamber board, city manager and city council; and advocate for the Denton CVB and its mission.

Lake Ray Roberts Planning and Zoning Commission

- Established by §231.107(3) and §231.107(3)(c) of the Local Government Code. In 1994, the Lake Ray Roberts Land Use Ordinance was approved by voters in Denton County and adopted by the Denton County Commissioners Court.
- City Membership: Must be the Mayor from each city included in the Lake Ray Roberts area.
- Purpose: Reviews and approves land use and development proposals for unincorporated county land in the Lake Ray Roberts area.

North Texas Commission

- Established in the early 1970s.
- City Membership: Prefer it be an elected official (historically the Mayor) otherwise a City employee; can appoint a proxy (historically the City Manager)
- Purpose: Public-private partnership dedicated to advancing the vibrancy of the North Texas region.

Regional Transportation Council

- Established - Independent transportation policy body of the Metropolitan Planning Organization.
- City Membership: Representative of the City Council.
- Purpose: Oversees the metropolitan transportation planning process, including guidance regarding the development of multimodal transportation plans and programs and programming federal and state funds for the implementation of transportation improvements.

Texas Municipal Power Agency Board of Directors

- Established by Resolution No. 75-22 providing for a board with eight members, two appointed by the Denton City Council.
- City Membership: Two representatives approved by the City Council who may, but need not necessarily be, members of the City Council and/or the Public Utilities Board. Once appointed by City Council, members may only be removed for cause in accordance with the Denton City Charter, Section 14.16.
- Purpose: Assists in establishing policies, setting regulations, and overseeing the administration and management of the agency as well as approving and auditing the budget.

Miscellaneous Boards and Committees:

From time to time, Council Members are called upon to serve as Denton's representatives on a regional board or committee for a short-term project. Often, the appointments are for the duration of the project and the board is dissolved. The City Secretary maintains a record of these commitments and may be contacted for updated information.

APPENDIX A

APPROVAL HISTORY FOR B&C HANDBOOK

- **Adopting:** November 17, 2009 Resolution R2009-032
- **Revising:** October 4, 2011 Resolution R2011-036
- **Amending:** September 18, 2012 Resolution R2012-030
- **Revising:** September 10, 2013 Resolution R2013-027
- **Revising:** September 16, 2014 Resolution R2014-037
- **Revising:** September 1, 2015 Resolution R2015-023
- **Amending:** August 28, 2018 Resolution 18-1377
- **Superseding:** July 16, 2019 Resolution 19-1441
- **Revising:** March 3, 2020 Resolution 20-466
- **Revising:** April 20, 2021 Resolution 21-271