



MEMORANDUM

DATE: March 25, 2024
TO: Public Utilities Board
FROM: Marcella Lunn, Senior Deputy City Attorney
SUBJECT: Voting Requirements for Public Utilities Board Members

This memorandum addresses voting requirements for Public Utilities Board Members.

City of Denton Code of Ordinances Section 2-83(b) provides:

Voting required. No attending member of a board shall be excused or shall abstain from voting on any matter before the board on which a vote is called or required, except where a board member's personal interest is involved. When such member's personal interest is involved, such member shall announce such interest at the commencement of consideration of the matter, and such member shall not enter into discussion or debate on such matter and shall abstain from voting thereon and shall fill out an affidavit stating such interest in accordance with V.T.C.A., Texas Local Government Code § 171.004. A member shall be considered to have a personal interest in a matter whenever any matter before the board could or does affect the member's financial interest. The phrase "financial interest" when used herein shall have the same meaning as "substantial interest in a business entity" as that phrase is defined in V.T.C.A., Texas Local Government Code § 171.002.

Due to this requirement, Public Utilities Board Members are required to vote on all items unless there is a personal interest. If a Public Utilities Board Member has questions about an item or does not think the item was ripe for discussion at the time it is brought before the board, the Public Utilities Board Member can either vote no on the item or move to postpone the item until additional information can be provided.

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