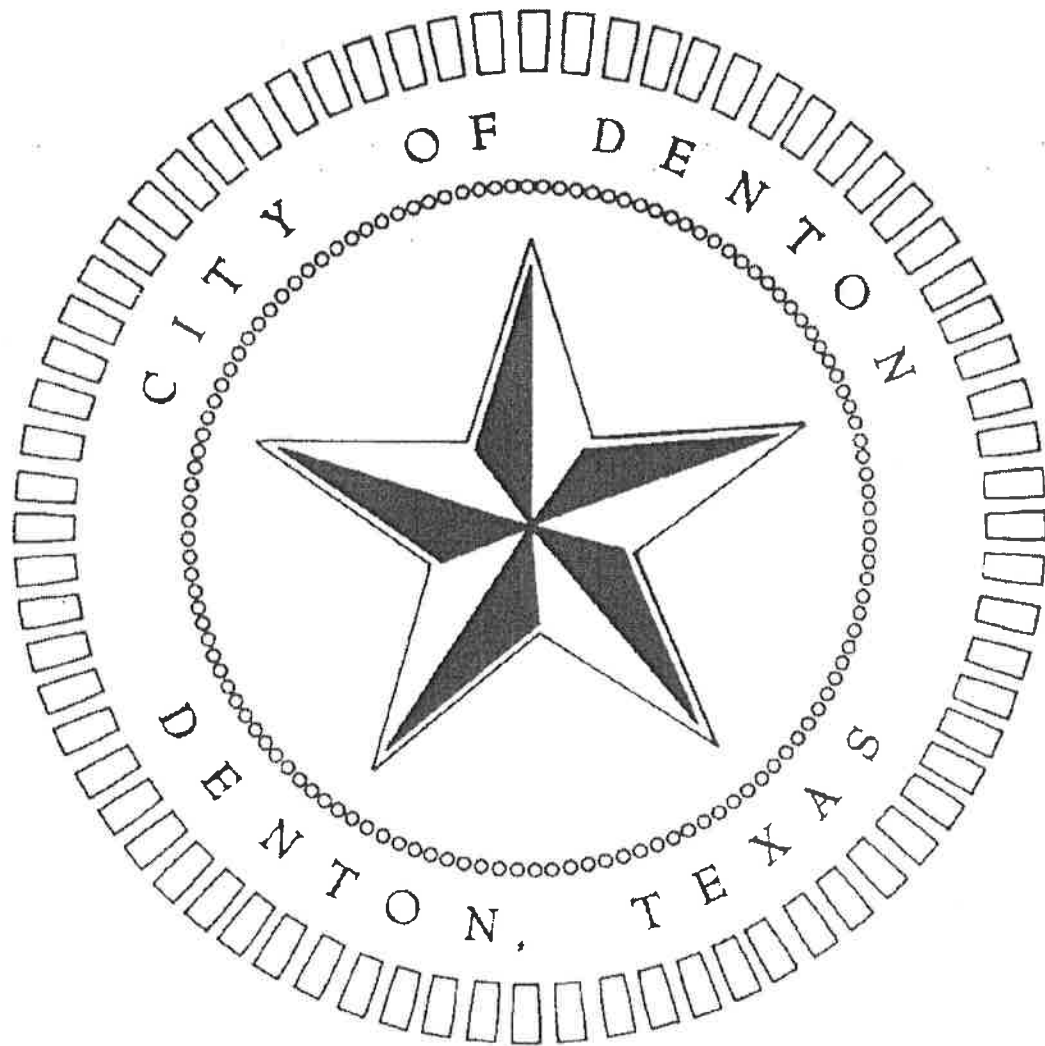




CITY OF DENTON
HANDBOOK for BOARDS, COMMISSIONS,
and COUNCIL COMMITTEES



Approval Date – September 2014

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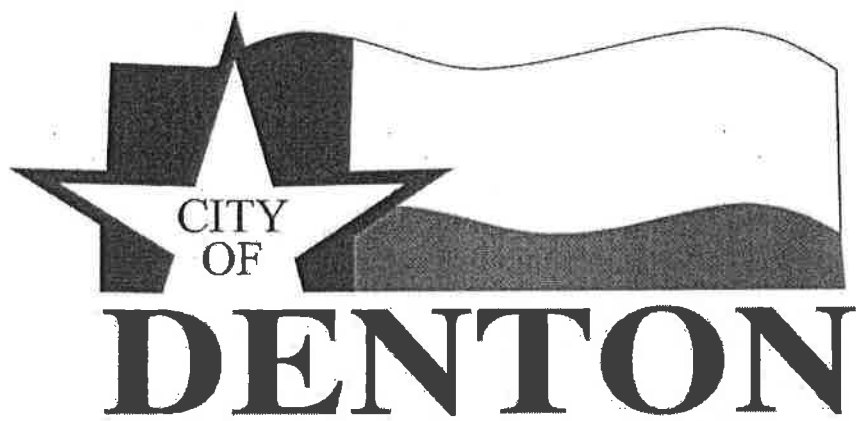
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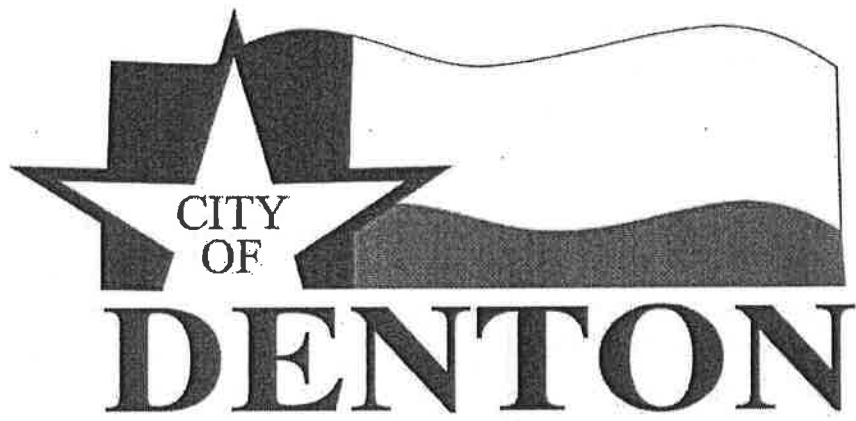
INTRODUCTION

Congratulations on your recent appointment to one of our City's boards, commissions or City Council committees. Discussion in the handbook applies to all City Council appointed citizen boards and commissions and all City Council committees unless stated otherwise. Throughout the document, reference to "boards" should be interpreted to mean "commissions and committees" as well, unless otherwise stated. As the City of Denton continues to grow, so does the need for citizen advice and assistance. This need has led to a growth in the number and importance of citizen boards at City Hall. The City could not function without the outstanding advice, expertise, and time provided by individuals like you who volunteer to serve. The City's boards link the City Council and staff to the citizens of Denton and help keep our city government vital, responsive, and accountable. 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. Keep in mind, not all the provisions will apply equally to every board. In cases 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. 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's staff and the City Attorney's staff are available as resources to all boards. Any requests for assistance should 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.



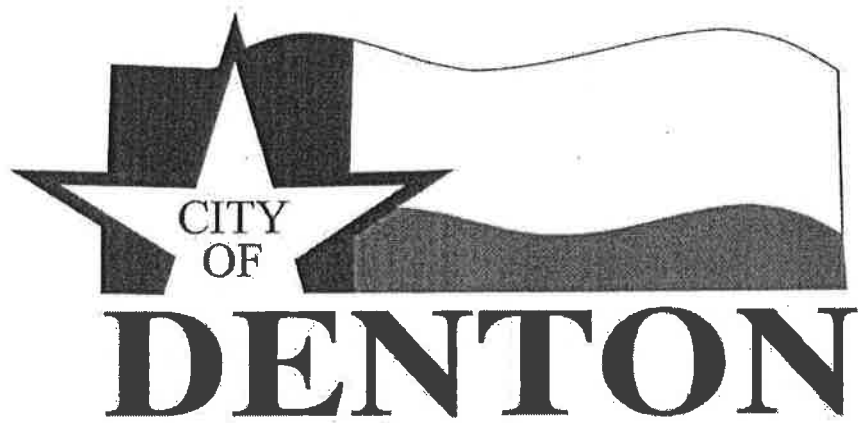
DENTON'S APPROACH TO CITY GOVERNMENT

The basic operating document of the City of Denton is the City Charter. The Charter determines the form of municipal government, the composition and powers of the City Council, and contains the basic legal framework necessary for a city to function. Denton's home-rule Charter was adopted on February 24, 1959, and has been modified since then from time to time by the voters. The Charter provides for the operation of municipal functions under the council-manager form of government.

Under the council-manager plan, the citizens of Denton elect a City Council, comprised of a mayor and six (6) members. The City Council members are elected with residency requirements for all members. 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's responsibilities include presiding over Council meetings, serving as ceremonial head of the City, and signing certain official documents.

The City Council has all the powers of a home-rule municipal government under state law for which they are accountable to the citizens of Denton. The Council exercises power by determining policy, adopting the budget and employing a City Manager who is held accountable for the administration and direction of the municipality. The Council also appoints the City Attorney, City Auditor, and Municipal Court Judge. The council-manager plan under which Denton functions is consciously designed to concentrate policy-making with the Council and to separate policy and legislation from administration.

As a board member, most of your contact will be with the staff liaison for your board. Board members and staff liaisons must be aware of the duties and responsibilities of the board and help the board to fulfill its mandate to the citizens of Denton.



POLICIES AFFECTING SERVICE

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 Council places on citizen boards, they ask that each new board member make every effort to attend all meetings of the board. In addition, the Council asks each board member to notify the staff liaison of their board in advance if they will be unable to attend a board meeting.

Per §2-83(c) of the Code of Ordinances of the City of Denton (appendix i), 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 is a member in any one year or lack of attendance at 50 percent of the number of regular meetings in a year, 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.

In the event that a board member violates the above attendance policy, the staff liaison shall notify the City Secretary. The City Secretary will contact the member in writing and ask the board member to make a decision about whether their current schedule will allow continued service. The letter will encourage the member to submit a letter of resignation to the City Secretary if the board or commission member feels their schedule will not allow continued service.

NOTE: In accordance with §2-83(c) of the Code of Ordinances, attendance records will be forwarded by the staff liaison to the City Secretary's office quarterly.

¹ Not applicable to City Council committees.

SERVICE LIMITATIONS

Members are usually appointed to a two-year term. Current City policy states that a member can only serve three consecutive terms. A board member who has served three consecutive terms shall not be eligible for reappointment to that same board for a period of one year.

TERMINATION OF APPOINTMENT

A member's appointment to a board can be terminated by written resignation from the member or by action of the City Council.

MINUTES OF MEETINGS AND ATTENDANCE RECORDS

The staff liaison will provide a staff member at the meeting of each board to take minutes of each 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 forwarded to the City Secretary's office on a quarterly basis. For retention purposes, all agendas and minutes shall be digitized and saved by the end of each calendar year. Further information regarding minutes for City Council committees can be found in the "Guidelines and Rules of Procedure" section of this handbook.

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

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.



OVERVIEW OF LEGAL RESPONSIBILITY

It is important to understand that city boards are not legislative bodies. The only legislative body in the City of Denton is the City Council, as outlined in the City Charter. Boards fall into various categories, depending on the ordinance, resolution, or state legislation creating such board or commission. These are:

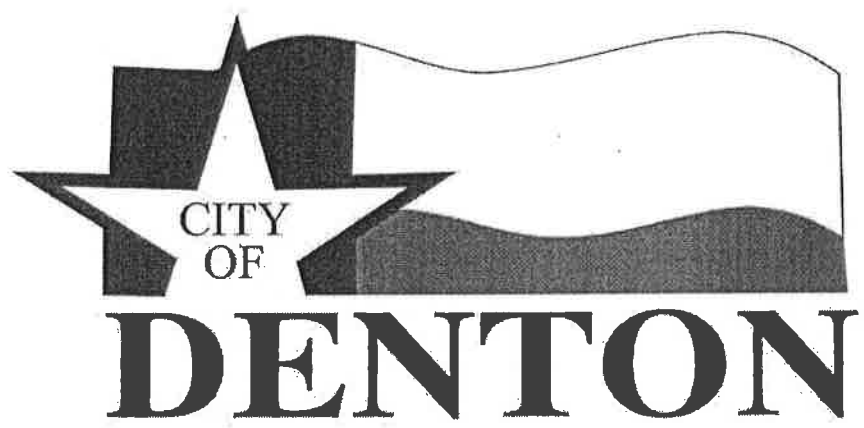
- a. Advisory boards and commissions ("Advisory Board Members");
- b. Boards and commissions which act in a quasi-judicial manner or perform some sovereign function of government ("Governmental Board Members"); and
- c. Governmental, non-profit, and corporate boards and commissions.

Consult the City Attorney's office to ascertain whether your board is purely an advisory board or if it acts in a quasi-judicial manner or performs a function of government. A governmental board member is considered an officer of the City, which affects that member's legal status for such purposes as certain oaths of office, the application of conflict of interest doctrines, and criminal statutes.

Attached is the City's ethics policy (appendix ii). All board members are required to adhere to the policy. Note the ethics policy lists some state penal laws that may be applicable to members. Should you have any questions regarding the application of the ethics policy or the penal laws, consult the City Attorney's 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.

Sample forms that may be required of board members are illustrated in the next section of this handbook.



The City of Denton, Texas

OATH OF OFFICE

I, Name, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of the Board of the City of Denton, Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, and the Charter and Ordinances of this City.

Signature

SUBSCRIBED and sworn to before me the undersigned on this the _____ day of _____, 20XX. To certify which witness my hand and seal of office.

Signature of Person Administering Oath

(Seal)

Printed Name

Title

**CITY OF DENTON
AFFIRMATION OF QUALIFICATIONS**

As a duly appointed member of the _____ of the City of Denton, Texas, I have taken the prescribed oath of office.

I also hereby affirm that:

- (1) I am a qualified voter of the City:
- (2) If I shall be convicted of a felony during my term, I understand it shall constitute cause for removal.
- (3) I am not in arrears on any city taxes, utility service charges, or other obligations owed the City.

In addition to meeting the above qualifications, I also have been made aware of Section 2-62, Article III (Boards, Commissions and Committees) of Chapter 2 of the Code of Ordinances of the City of Denton, Texas, which provides:

Quorum. A quorum for the transaction of business of a board shall be a majority of the members appointed to said board.

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 financial interest is involved. Where such member's financial 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.

A member shall be considered to have a financial interest in a matter whenever any matter before the board could or does affect the member's financial interest, or those of a business with which the member is associated.

Absences. All board members shall attend all regularly called and scheduled meetings of the board of which he is a member. The unexcused absence of any board member from more than three (3) regularly called and scheduled meetings of the board of which he is a member in any one year or lack of attendance at fifty percent of the number of regular meetings in a year, shall be considered "cause," as that term is used in section 14.16 of the charter of the City of Denton, 1959, for removal of said member by the City Council from such board. 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 necessary for the member's business or employment, and any related emergencies or other matters which the board, commission, or committee finds qualify as an excused absence.

Dated this _____ day of _____, 20XX.

Signature

* Financial interest shall be defined as a substantial interest in a business entity or real property as that term is defined in Texas Local Government Code, Section 171.002 as it now reads or is hereafter amended. Examples of situations where a board member has a financial interest include, but are not limited to: ownership of real or personal property which is the subject of a board deliberation, an interest in the form of ownership, or in the receipt of salary, services or dividends from a business which has a matter before the board. If a relative within the first or second degree of affinity or consanguinity has such an interest, a personal interest may also exist. Anytime a board member is concerned that a personal interest may exist, the office of the City Attorney should be consulted.

STATEMENT OF ELECTED/APPOINTED OFFICER

Statement

I, _____ «Name» _____, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

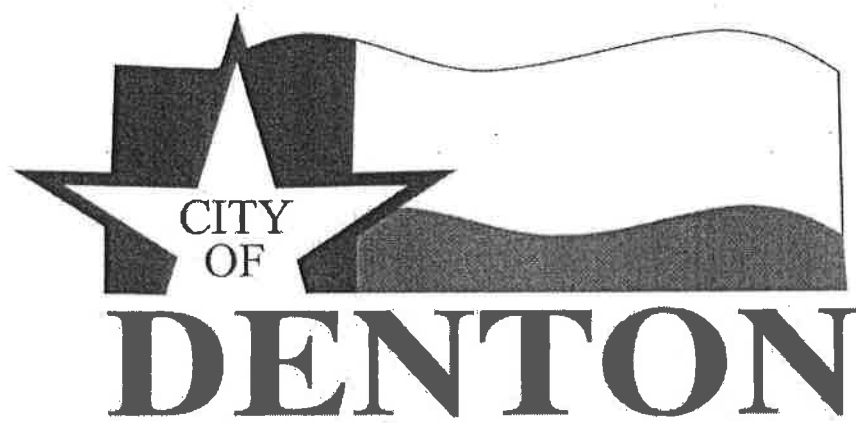
Position to Which Elected/Appointed: _____ «Board» _____

City and/or County: _____ City of Denton _____

Execution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: _____
Signature of Officer _____



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 as soon as practicable after the annual appointment process. If, for any reason, the chair or vice-chair vacates their seat, a special election should 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.

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



CONFLICTS OF INTEREST

Chapter 171 Conflict

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, or 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 affect on the public. For example, the Attorney General 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.

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

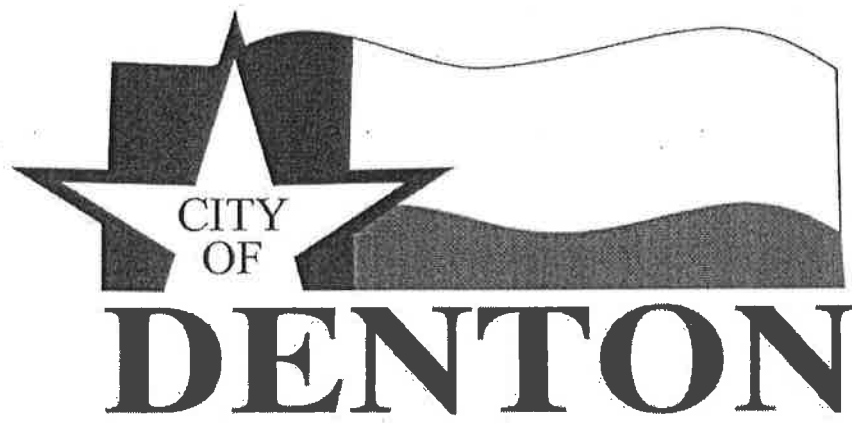
There are times you will have a perceived conflict of interest even though it is not a conflict that is prohibited by law. In those cases you should make a judgment call as to whether you should abstain from the matter. The City's Ethics Policy states:

"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 consult with the City Attorney's 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 \$250 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.



COMPLIANCE WITH THE TEXAS OPEN MEETINGS LAW

By City Council rule, all boards must comply with the Texas Open Meetings Act. Some boards having decision-making authority include the Civil Service Commission, Denton Housing Authority, Health and Building Standards Commission, Historic Landmark Commission, Planning & Zoning Commission, and Zoning Board of Adjustment. All board meetings must be open to the public unless they come under one of the specific exceptions listed in the Texas Open Meetings Act for a closed meeting. Consultation with an attorney is one of the exceptions listed, which allows the board to hold closed meetings. Consult with the City Attorney's office before any closed meeting is posted to make sure the Act is followed. There are criminal penalties for holding an unauthorized closed meeting for boards with decision-making authority. Minutes of each meeting must be taken and a record of votes and decisions kept as public record. Written notice must be given of dates, times, and locations of all meetings. It is a criminal violation to meet in less than a quorum for the purpose of circumventing the Act. Therefore, it is recommended 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. The Open Meetings Act does not apply to purely social gatherings, conventions, or workshops such as Texas Municipal League events.

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.

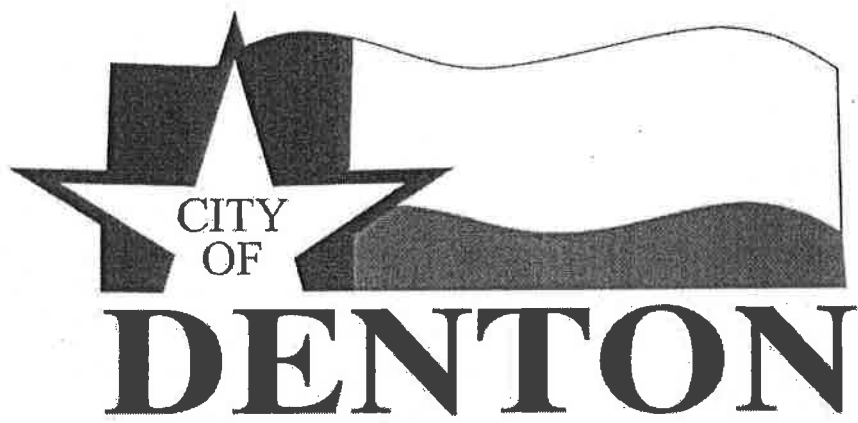
OPEN GOVERNMENT TRAINING

While State law requires each board member of a decision-making body to complete open government training no later than 90 days after taking office, Denton's policy is that all board and commission members complete this training. The training includes the Open Meetings Act. The training requirement may be satisfied via the Internet by visiting the Attorney General's Web site³. As the training is completed, each person receives an identification code that needs to be entered on the course completion certificate. Alternatively, CD training discs are available in the City Attorney's office. Upon completion of the CD training for the Open Meetings Act, the CD provides board members with an identification code. Whether the training is completed online or with the CD, each person must visit the Attorney General's Web site, complete the certificate online for the training using the identification

³ http://www.oag.state.tx.us/opinopen/og_training.shtml

code that has been provided, print a copy, and file the certificate with the City Secretary.

More information on Texas Open Meetings Laws may be accessed at http://www.oag.state.tx.us/opinopen/om_easy.shtml, the Attorney General's Web page. Please contact the City Secretary or City Attorney for specific questions about open meetings requirements.



TEXAS OPEN MEETINGS ACT

If a specific issue or question arises, please consult the City Attorney's office for advice.

I. 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.

II. 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 VIDEO CONFERENCE 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.

III. 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 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. Additionally, the City Council agenda must be posted on the City's website. The staff liaison to the board will be able to properly place the 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 two-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. However, notice must be reposted if a meeting is continued to any day other than the one immediately following the posted meeting day.

IV. 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 or to speak about agenda items.

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. 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. 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. The only exception to this rule is a closed meeting for the purpose of discussing competitive matters of a public utility, which will be discussed below.

V. 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.

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.

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 a offer of an incentive to such a business prospect.

VI. 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. The records kept for the closed meeting are considered confidential information and may not be released unless ordered by a court.

VII. PENALTIES AND REMEDIES FOR VIOLATIONS OF THE ACT

A. VOIDABILITY OF BOARD'S ACTION

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 JUDGEMENT

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.

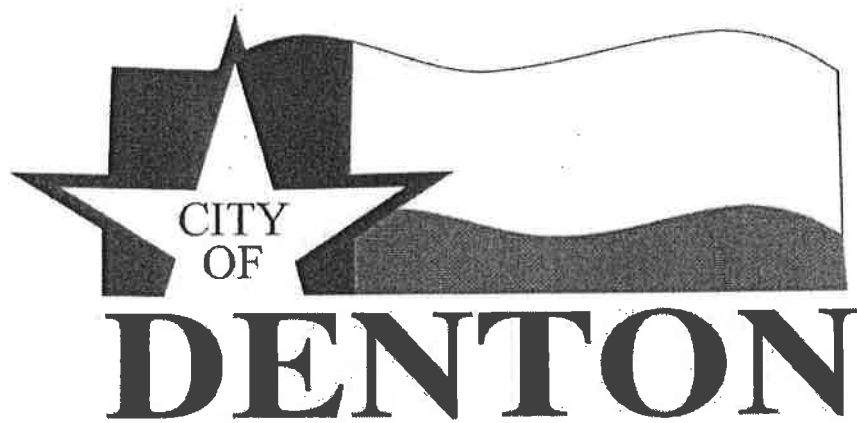
Also, a member of a board commits an offense if the member participates in a closed meeting knowing that a certified agenda of the closed meeting is not being kept or a tape recording of the meeting is not being made.

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 not less than \$100 or more than \$500 and/or confinement in the county jail for not less than one month or more than six months.

VIII. CONCLUSION

As stated before, the application of the Open Meetings Act is often very fact specific. The Texas Attorney General, who oversees compliance, and courts, gives a liberal interpretation to the Act in order to ensure that the spirit of open government is protected. Violators of the Act have been sentenced to jail time. Therefore, it is urged that careful attention to compliance is made. Any specific question or issues should be referred to the City Attorney's office, through the staff liaison.



PROCEDURES FOR CONDUCTING A MEETING

To ensure board meetings are conducted in a fair and orderly manner, a number of rules and procedures should be followed. The following sections describe these procedures, which create a cordial yet formal atmosphere for conducting meetings.

ROLE OF THE CHAIRPERSON AND THE AGENDA

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 to all board members before the meeting. Agendas should also be provided to 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. Discuss only one point at a time.
2. 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 the floor.
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, 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.

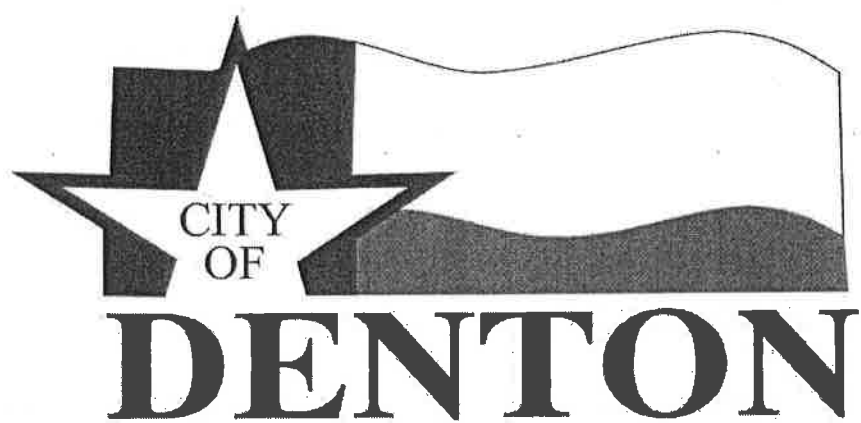
5. *Postpone a Motion* – Another method of delaying a decision on a matter is to postpone to a certain day, or to a certain event with a reasonably definable date, the consideration of a motion. This is accomplished by simply making a motion to postpone consideration of the motion until a definite future 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.
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.

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.

SUMMARY

In conclusion, it stands to reason that if a meeting is to be held in a fair and orderly manner, all the members of the board must be willing to cooperate. They must be informed of the established rules and act accordingly. The chairperson has final responsibility for ensuring the meeting is properly conducted. Unless the chairperson understands the basic parliamentary procedures discussed and is willing to use them in the best interest of all concerned, the board will be unable to adequately carry out its responsibilities.



GUIDELINES & RULES OF PROCEDURE FOR BOARDS, COMMISSIONS AND CITY COUNCIL COMMITTEES

CREATION

In accordance with Ordinance No. 2011-038 (appendix iii):

- City Council may authorize, by resolution, the appointment of a Council committee as the need arises.
- Committees, boards, and commissions may be created to assist in the conduct of the operation of the City government with such duties as the Council may specify that are not inconsistent with the City Charter or Code.
- Membership and selection of members shall be by Council resolution if not specified by the City Charter or Code.
- Committees so appointed will be advisory to the Council or the City Manager unless otherwise specified by the Charter or Code.
- Any committee so created shall cease to exist when abolished by resolution of the Council.

APPOINTMENTS

In accordance with Ordinance No. 2011-038:

- Individual City Council members making nominations for members to citizen boards and commissions will consider interested persons on a citywide basis.
- The City Council will make an effort to be inclusive of all segments of the community in the board and commission appointment process. City Council members will consider ethnicity, gender, socio-economic levels, and other factors to ensure a diverse representation of citizens.
- The City Council will take into consideration an individual's qualifications, willingness to serve, and application information in selecting nominations for membership to each board and commission.
- In an effort to ensure maximum citizen participation, City Council members will continue the practice of nominating new citizens to replace board members who have served three consecutive terms on the same board.
- Each City Council member will be responsible for making nominations for board and commission places assigned to him or her, which shall correspond to the City Council member's place. Individual City Council members will make nominations to the full City Council for the governing body's approval or disapproval.

PURPOSE

- In creating a committee, board, or commission, Council shall set forth its purpose and duties which shall be consistent with City Charter or Code.
- Appointees serve to advise the Council and shall not appear before another board or commission as a representative of, or on behalf of, the board or commission on which they serve.

STRUCTURE

In accordance with Ordinance No. 2011-038:

- Each committee, board, or commission shall comply with the provisions of Article III of Chapter 2 (appendix i) of the Code of Ordinances and will be provided with a copy of these rules of procedure and a copy of the City of Denton Handbook for Boards, Commissions and Committees, which shall govern operational procedures of such boards, commissions and committees.

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 Council determines appropriate.

Boards and Commissions may provide an annual or more periodic report to Council as appropriate outlining their activities, accomplishments, projects, and initiatives. Content of the report may be customized by each Board. Such reports will be forwarded to the entire Council upon approval of the majority of the Board.

ADDITIONAL GUIDELINES & PROCEDURES FOR CITY COUNCIL COMMITTEES

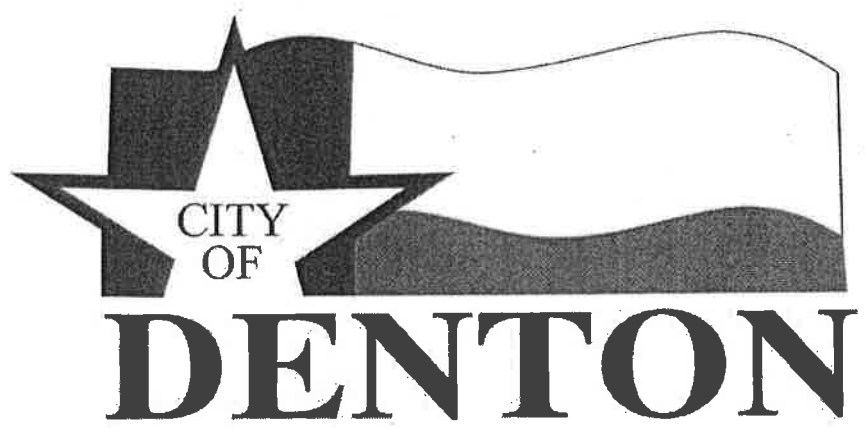
- Committees will generally be formed by resolution which will provide for the committee's membership, election of chair and vice chair, and purpose.
- The chair and/or vice chair will be elected by voting committee members.
- Election of officers shall be annually as soon as practicable after the annual appointment process. If, for any reason, the chair or vice-chair vacates their

seat, a special election should be held to fill the unexpired term. This does not preclude a member of the board acting as a temporary chair.

- No more than three Council members shall serve on any committee.
- The staff liaison, designated by the City Manager, shall serve as official secretary to the committee to ensure that records are maintained in accordance with requirements of the City Secretary's office.
- The Council shall reserve the right, as deemed necessary in individual instances, to appoint the chair and vice-chair for any special issue or for temporary advisory committees. If Council chooses not to make the appointment for chair and vice-chair, then the procedure outlined in this policy will apply.
- 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.
- Each member of the committee shall have one vote and members must be present to cast a vote.
- The acts of the majority of the members present at the meeting are the acts of the committee.

MINUTES

- Minutes of each board, commission, or committee meeting shall be prepared 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. More detailed minutes may be recorded if required by the board, commission, or committee.
- A draft of the minutes shall be sent to all committee members within two weeks. Such draft may be distributed to the City Council upon direction of the City Manager.
- Minutes of the meetings 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 of the Committee may direct that 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.



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.

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 §2-261 of the Code of Ordinances.
- Membership
Seven members appointed by the City Council with two alternates.
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 made pursuant to Chapters 13, 14, 17, 28 and 29 of the Code of Ordinances; makes reasonable interpretations or rulings in matters properly before it pursuant to Section 2-460.

Historic Landmark Commission

- Established by §35.4.3 of the Denton Development Code.
- Membership
Nine members appointed by the City Council.
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 §10.02 of the City Charter; also referenced in Denton Development Code, Section 35.4.1.
- 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 §10.07 of the City Charter; also referenced in Denton Development Code, Section 35.4.2.
- 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 §3-2 of the Code of Ordinances.
- 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 §823.005 of the Texas Health & Safety Code.
- Membership
Seven members appointed by the City Council.
- 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.

Community Development Advisory Committee

- Established by Resolution passed by the City Council on September 19, 1978.
- 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.

Downtown Denton Tax Increment Financing Reinvestment Zone Board

- Established by Ordinance 2010-316
- 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 §2.251 of the Code of Ordinances.
- Membership
Nine members: two from City Council at the time of their original appointment, two from the Chamber Board of Directors at the time of their original appointment who reside or work in the city, two who are employed by a top 20 City of Denton ad valorem or sales tax payer and who reside or work in the city, the president of UNT or his/her designee who does not have a city residency requirement, 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, and a citizen of Denton with specific knowledge skills and abilities to assist in the functions of the Economic Development Partnership Board. 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 Airport Branding and Marketing to support the implementation of the Denton Airport Business Plan; reviews, considers and makes recommendations to the City Council regarding Denton Municipal 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 §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 regarding City of Denton human services.

Library Board

- Established by §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 policies, rules, and regulations for the operation of the library system. The Board also provides citizen input to the City Council and recommends fees for Council consideration.

Parks, Recreation and Beautification Board

- Established by §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 recommend improvements to park and recreation programs. The Board is charged to stimulate public interest in the development and maintenance of parks and playgrounds; to promote close cooperation between the City and private citizens so that all park and recreational facilities are used to their maximum benefit; and pursuant to the Charter, make recommendations regarding the appearance, beautification, and environment of the city.

Public Art Committee

- Established by §22-6 of the Code of Ordinances.
- **Membership**
Nine members: seven members are nominated by assignment to individual City Council members, and the remaining two are nominated by and represent the Greater Denton Arts Council.
Ex-officio – Parks and Recreation Department Director and the Greater Denton Arts Council Executive Director.
- **Purpose**
Makes recommendations to the Parks, Recreation and Beautification Board and 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, and re-siting of public art.

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.

Tax Increment Reinvestment Zone Number Two

- Established by Ordinance 2012-366
- Membership
Board membership consists of eleven members, nine of whom are appointed by the City Council. The membership consists of the nine members of the Economic Development Partnership Board, 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.

Tax Increment Reinvestment Zone Number Three

- Established by Ordinance 2014-191
- Membership
Board membership consists of up to eleven members; nine of whom are appointed by the City Council. The membership consists of the nine members of the Economic Development Partnership Board. Each taxing unit other than the City that contributes incremental taxes to the TIF Fund may, but is not required to, appoint one member to the board. Should the taxing unit other than the City waive its right to appoint a member, the Council shall appoint whatever number of members are necessary to fill the remaining positions on the Board.
- 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 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 Manger, 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. 2011-038.
- 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
The duties and purpose of the Committee shall be to assist 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 Citizen Engagement

- Established by Resolution No. R2012-026
- Membership
Three current City Council Members appointed by Mayor and approved by Council City Manager or designee to provide guidance and assistance
- Purpose
The Committee shall provide advice to 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
The duties of the Committee shall be to review, discuss, deliberate, and consider environmental issues and resources and make recommendations to the City Council. The Committee will also deliberate and make 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
The duties and purpose of the Committee shall be to assist the City Council in performance review of the Council appointees and to insure 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, the Committee will make recommendations regarding employment agreements, including renewals, of Council appointee positions.

Council Ethics Committee

- Established by Resolution No. R2009-015.
- Membership
Three City Council members.
Ex-officio - City Manager, or designee, and City Attorney, or designee.
- Purpose
The duties and purpose of the Committee shall be to advise the City Council on the Ethics Policy, gather information from citizens regarding the Ethics Policy, and conduct hearing and inquiries as set forth in the enabling resolution.

Council Mobility Committee

- Established by Resolution No. R2009-015.
- Membership
Three City Council members.
Chair of the committee serves as representative to Dallas Regional Mobility Committee and Regional Transportation Council.
Ex-officio - City Manager, or his designee.
- Purpose
The duties and purpose of the Committee shall be to review, consider and make recommendations to the City Council regarding any changes to the Mobility Plan, local transportation policy, and any items concerning regional transportation policies and activities.

Hotel Occupancy Tax Committee

- Established by Resolution No. R2009-015.
- Membership
Three City Council members.
Ex-officio - City Manager, or designee.

- Purpose

The duties and purpose of the Committee shall be to monitor allocation and use of hotel occupancy tax funds, ensuring funds are being used to directly enhance and promote tourism and hotel/convention industry and to recommend organizations to receive funding to 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. Current ad hoc committees are the Development Code Review Committee, the Property Maintenance Code Committee; and the Council Historic Landmark Committee.

IV. LOCAL AND REGIONAL COMMITTEES

Community Justice Council

- 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.

Convention and Visitors Bureau

- Established by an agreement between Denton Chamber of Commerce and City of Denton; creates an Advisory Board established by the Denton Chamber of Commerce.
- City Membership
Non-specified number of City Council representatives.
- Purpose
Makes recommendations to the Chamber of Commerce Board of Directors to assist in the promotion of events and attractions to ensure a positive experience to Denton visitors.

Dallas Regional Mobility Coalition

- Established by 1997 Interlocal Agreement.
- City Membership
Representative 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 Committee on People with Disabilities

- Established by a group of Denton citizens, and officially recognized by the City of Denton in Resolution No. R2007-030.
- Membership
Members are not appointed by the City Council. City Manager is authorized to provide a City staff person or persons to attend Committee meetings and to assist in Committee activities.
- Purpose
To promote aid to disabled persons, which includes the promotion of better public and employer understanding concerning needs and contributions of persons with disabilities; increased employment, retention, and advancement of disabled workers; encouragement for use of the available services for disabled persons; encouragement of the removal of architectural barriers; and promotion of participation in community life by persons with disabilities.

Lake Ray Roberts Planning and Zoning Commission

- Established by 1994 Lake Ray Roberts Land Use Ordinance approved by voters in Denton County and adopted by Denton County Commissioners Court.
- City Membership
One city council representative 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.

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 1976 Power Sales Agreement 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
- 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.



ARTICLE III. BOARDS, COMMISSIONS AND COMMITTEES***DIVISION 1. GENERALLY**

Secs. 2-46—2-60. Reserved.

DIVISION 2. QUALIFICATIONS FOR MEMBERS**Sec. 2-61. Requirements generally.**

Each member of a board or commission, in addition to qualifications prescribed by federal or state law or ordinance, shall be a qualified voter of the city.

(Code 1966, § 1-21(a); Ord. No. 93-140, § I, 8-3-93)

Sec. 2-62. Conflict of interest.

A member of a board or commission of the city having a substantial interest in a business entity or real property, as those terms are defined in chapter 171 of the Texas Local Government Code as it now reads or may hereafter be amended, shall comply with chapter 171 and, if necessary, shall abstain from voting on a matter involving the business entity or real property and file an affidavit setting forth the substantial interest in the matter to be voted upon.

(Code 1966, § 1-22; Ord. No. 96-154, § II, 7-9-96; Ord. No. 99-268, § 1, 8-3-99)

Charter reference—Personal interest of officers and employees, § 14.04.

State law reference—Conflict of interest, V.T.C.A., Local Government Code § 171.001 et seq.

Sec. 2-63. Removal from office.

Should a board or commission member cease to meet the qualifications prescribed in section 2-61 or 2-62, if applicable, or should such member be convicted of a felony during his term of service, such failure or conviction, as the case may be, shall be cause for removal.

(Code 1966, § 1-23)

***Charter reference**—Boards and commissions, § 14.16.

Cross references—Library board, § 2-176 et seq.; downtown development advisory board, § 2-211 et seq.; beautification advisory commission, § 2-241 et seq.; airport advisory board, § 3-2; animal shelter advisory committee, § 6-5 et seq.; cable TV advisory board, § 8-130; human services committee, § 11-61 et seq.; park and recreation board, § 22-1; construction advisory and appeals board, § 28-438 et seq.; development review committee, § 34-6; board of adjustment, § 35-41 et seq.; historic landmark commission, § 35-236 et seq.

Sec. 2-64. Exceptions.

The provisions of this article shall not apply to task forces, ad hoc committees or other commissions established by the city council from time to time to make recommendations with respect to a particular subject or issue and which are not intended to be permanent in nature. (Code 1966, § 1-24)

Sec. 2-65. Term of office.

No board or commission member shall be eligible for appointment to a board or commission for more than three (3) consecutive terms on such board or commission. A board or commission member who has served three (3) consecutive terms shall not be eligible for reappointment to that same board or commission for a period of one year. (Ord. No. 93-140, § II, 8-3-93; Ord. No. 93-212, § I, 11-16-93)

Secs. 2-66—2-80. Reserved.

DIVISION 3. RULES AND PROCEDURES

Sec. 2-81. Definition.

The word "board," "boards," "commission" or "commissions," as used in this division, shall be construed to mean any managerial, administrative or quasi-judicial body of persons which has an advisory or deliberative character and whose members are appointed by or serve at the pleasure of the city council. (Code 1966, § 1-42)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 2-82. Applicability.

The provisions of this division shall govern and control the rules, procedures and operation of all boards and the removal of members thereof; provided, however, wherever any provision of the state constitution, state statutes, the Charter or a city ordinance conflicts or is inconsistent with any provision of this division, the conflicting or inconsistent provision of this division shall not be applicable. (Code 1966, § 1-43)

Sec. 2-83. General rules.

(a) *Quorum.* A quorum for the transaction of business of a board shall be a majority of the members appointed to the board.

(b) *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.

Charter reference—Personal interest, § 14.04.

(c) *Absences.* Every board, commission, and committee member shall attend all regularly called and scheduled meetings of the board, commission, or committee of which he or she is a member. The chairperson shall announce, for the record, the names of members absent and determine if the absence is excused or unexcused. Members who cannot attend the meeting should contact the chairperson or an appropriate staff liaison concerning his or her absence prior to the meeting. The unexcused absence of any board, commission, or committee member from more than three (3) regularly called and scheduled meetings of the board, commission, or committee of which he or she is a member in any one (1) year or lack of attendance at fifty (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 section 14.16 of the Charter, for removal of the member by the city council from such board, commission, or committee. 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, commission, or committee finds qualify as an excused absence. Attendance reports will be provided by boards, commissions, and committees to the city council on a quarterly basis for their review. Copies of this ordinance shall be forwarded to members of all of the standing boards, commissions, and committees and to new members as they are appointed.

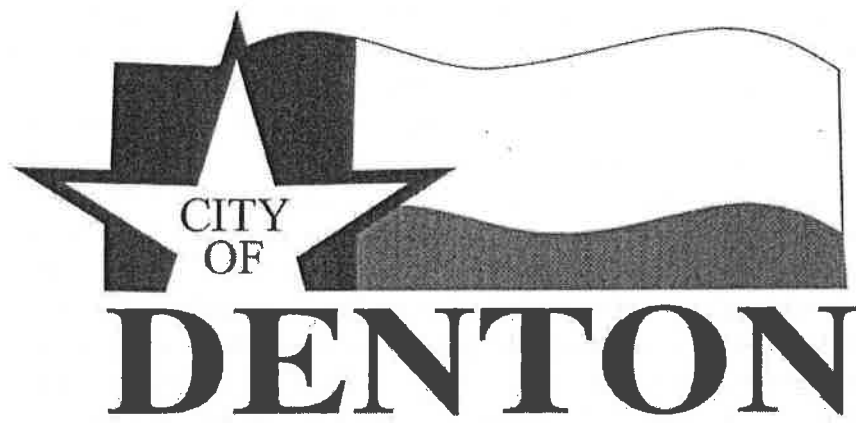
(Code 1966, § 1-44; Ord. No. 96-154, § III, 7-9-96; Ord. No. 00-046A, § 1, 2-1-00)

Sec. 2-84. Nominating and appointing members to certain boards.

All nominations to the public utilities board and parks and recreation board shall be by procedures established by the city council to fairly allow each member of the city council an opportunity to nominate a member to each of these boards. All appointments to the public utilities board and parks and recreation board shall be by affirmative vote of four (4) members of the city council.

(Ord. No. 96-169, § I, 7-16-96; Ord. No. 99-268, § 2, 8-3-99)

Secs. 2-85—2-105. Reserved.



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: Ed Snyder



ORDINANCE NO. 2011-038

AN ORDINANCE REPEALING ORDINANCE NO. 2009-174 AND ORDINANCE NO. 2010-312 AND AMENDING SECTION 2-29 OF THE CITY OF DENTON CODE OF ORDINANCES RELATING TO RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF DENTON; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Denton desires to conduct the City Council meetings of the City of Denton in the most efficient and time effective manner; and

WHEREAS, the City Council also desires to allow open dialogue by citizens of the community regarding the business of city government; and

WHEREAS, recent meetings of the City Council have run into the late evening hours and even the early morning hours, thereby inconveniencing citizens waiting to make comments to the City Council and fatiguing the Council, staff and citizens; and

WHEREAS the City Council has conducted a pilot project test for several months of some alternative processes and procedures to streamline the City Council meetings, limit their duration, and facilitate citizen's access to make comments to their local governing body; and

WHEREAS the City Council is of the opinion that such alternative processes and procedures have effected the desired goals and the City Council is desirous of codifying these changes in the Rules of Procedure; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. That Section 2-29 of the City Code, known as the Denton City Council Rules of Procedure, is hereby amended to read as follows:

1. (2-29(a)) AUTHORITY

1.1(1) Charter: Pursuant to the provisions of Section 2.07 of the Charter of the City of Denton, Texas, the City Council hereby enacts these rules of procedure for all meetings of the City Council of the City of Denton, Texas.

During any meeting, a reasonable opportunity shall be given for citizens to be heard under these rules. These Rules of Procedure are enacted as guidelines to be followed by all persons in the Council Chamber including the city administrative staff, news media, and visitors.

2. (2-29(b)) GENERAL RULES

2.1 (1) Meetings to be Public: All official meetings of the Council and Council committees and subcommittees, except closed meetings permitted by the provisions of the Texas Open Meetings Act, Chapter 551, TEX. GOV'T. CODE ANN. (Vernons Annotated Texas Civil Statutes (Vernons 2009), as amended, shall be open to the public.

2.2 (2) Quorum: Four members of the Council shall constitute a quorum for the transaction of business. (Charter, Section 2.06)

2.3 (3) Compelling Attendance: No member shall be excused from attendance at a Council meeting except for good and valid reasons. It will be the duty of the Council member to notify the City Secretary prior to the meeting at which he or she is going to be absent. The City Secretary will record each Council member as being present or absent as a part of the minutes prepared for each Council meeting.

2.4 (4) Misconduct: The Council may punish its own members for misconduct consistent with any Ethics Policy adopted by the Council.

2.5 (5) Minutes of Meetings: An account of all proceedings of the Council shall be kept by the City Secretary and shall be entered in a book constituting the official record of the Council. A certified agenda shall be prepared and shall be approved by the Mayor for all closed meetings for which a certified agenda is required to be kept in accordance with Chapter 551, TEX. GOV'T. CODE ANN. (Vernons 2009), as amended.

2.6 (6) Questions to Contain One Subject: All questions submitted for a vote shall contain one subject, except the City Council may approve all items which are on the consent agenda in one motion, regardless of how many subjects are contained in the consent agenda, so long as all items have been properly posted in accordance with the Texas Open Meetings Act and have not been removed from the consent agenda by a Council member. If two or more points are involved, any member may require a division, if the question reasonably admits of a division.

2.7 (7) Right of Floor: Any member desiring to speak shall be recognized by the Chairperson, and shall confine his or her remarks to the subject under consideration or to be considered. No member shall be allowed to speak more than once on any one subject until every member wishing to speak shall have spoken.

2.8 (8) City Manager: The City Manager, or Acting City Manager, shall attend all meetings of the Council unless excused. He or she may make recommendations to the Council and shall have the right to take part in all discussions of the Council, but shall have no vote. (Charter, Section 5.03 (d)).

2.9 (9) City Attorney: The City Attorney, or Acting City Attorney, shall be available upon request for all meetings of the Council unless excused and shall, upon request, give an opinion, either written or oral, on questions of law. The City Attorney shall act as the Council's parliamentarian.

2.10 (10) City Secretary: The City Secretary, or Acting City Secretary, shall attend all meetings of the Council unless excused, and shall keep the official minutes and perform such other duties as may be requested by the Council.

2.11 (11) Officers and Employees: Any officer or employee of the City, when requested by

the City Manager, shall attend any meeting of the Council. If requested to do so by the City Manager, such employee may present information relating to matters before the Council.

2.12 (12) Rules of Order: These rules govern the proceedings of the Council in all cases, except that where these rules are silent, the most recent Edition of Robert's Rules of Order revised shall govern.

2.13 (13) Suspension of Rules: Any provision of these rules not governed by the City Charter or other City Code provisions may be temporarily suspended by the affirmative vote of four members of the Council. The vote on any such suspension shall be taken by yeas or nays and entered into the minutes of the Council.

2.14 (14) Amendment of Rules: These rules may be amended, or new rules adopted by the affirmative vote of four members of the Council, provided that the proposed amendments or new rules shall have been introduced before the City Council at a prior Council meeting.

3. (2-29(c)) CODE OF CONDUCT

3.1 (1) Council members:

a. During Council meetings, Council members shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to observe the rules of the Council.

b. A Council member, once recognized, shall not be interrupted while speaking unless called to order by the Mayor or presiding officer, unless a point of order is raised by another member or the parliamentarian, or unless the speaker chooses to yield to questions from another member. If a Council member is called to order while he or she is speaking, he or she shall cease speaking immediately until the question of order is determined. If ruled to be in order, he or she shall be permitted to proceed. If ruled not to be in order he or she shall remain silent or shall alter his or her remarks so as to comply with rules of the Council.

3.2 (2) Administrative Staff:

a. Members of the Administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council, and shall have no voice unless and until recognized by the Chair.

b. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and City employees are concerned, the City Manager also shall be responsible for the orderly conduct and decorum of all City employees under his or her direction and control.

c. The City Manager shall take such disciplinary action as may be necessary to insure that such decorum is preserved at all times by City employees in Council meetings.

d. All remarks and questions addressed to the Council shall be addressed to the Council as a

whole and not to any individual member thereof.

e. No staff member, other than a staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the presiding officer.

3.3 (3) Citizens:

a. Citizens and other visitors are welcome to attend all public meetings of the City Council, and will be admitted to the City Council Chamber or other room in which the City Council is meeting, up to the fire safety capacity of the room.

b. All meeting attendees shall conduct themselves with propriety and decorum. Conversations between or among audience members should be conducted outside the meeting room. Attendees will refrain from excessively loud private conversations while the Council is in session.

c. Unauthorized remarks from the audience, stamping of the feet, applauding, whistles, yells, and similar demonstrations shall not be permitted.

d. Placards, banners, or signs will not be permitted in the City Council Chamber or in any other room in which the City Council is meeting. Exhibits, displays, and visual aids used in connection with presentations to the City Council, however, are permitted.

e. Audience members may not place their feet on any chairs in the City Council Chamber or other room in which the City Council is meeting.

f. Only City Council members and City staff may step onto the dais.

g. All people wishing to address the City Council shall first be recognized by the presiding officer and shall limit their remarks to the matter under discussion.

h. All remarks and questions addressed to the City Council shall be addressed to the City Council as a whole and not to any individual members.

i. Any person addressing the City Council in the City Council Chamber shall do so from the lectern unless physically unable to do so. People addressing the City Council shall not be permitted to approach the dais. If they wish to hand out papers or other materials to the City Council, they should express that desire to the presiding officer, and the City Manager shall direct a staff member to hand out the materials.

j. When the time has expired for a presentation to the City Council, the presiding officer shall direct the person speaking to cease. A second request from the presiding officer to cease speaking shall be cause of the removal of the speaker if that person continues to speak.

k. Equipment, apparatus, or paraphernalia such as camera tripods, easels, or wheelchairs shall not obstruct, block, or otherwise be located in the doorway, entranceway, or walkways of

the City Council Chambers or of any other room in which the City Council may choose to meet. Representatives of the electronic media may set up cameras and other equipment only in the back of the room. It is permissible for television camera operators to film for short periods of time (several minutes) from the entranceway to the City Council Chambers using hand-held cameras only. Any radio station, which broadcasts the regular City Council meetings live may hook their equipment up at the front of the room as long as it remains out of sight and out of the way.

1. There will be a uniformed City of Denton police officer present at all regular meetings of the City Council. This police officer shall act in the capacity of a security officer/sergeant-at-arms, and shall enforce the meeting rules and act upon the direction of the presiding officer.

m. Any person making personal, impertinent, profane, or slanderous remarks, or who becomes boisterous while addressing the City Council or who otherwise violates any of the above-mentioned rules while attending a City Council meeting shall be removed from the room at the direction of the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require the offending person's removal, and the affirmative vote of a majority of the City Council shall require the presiding officer to act. The sergeant-at-arms, if so directed by the presiding officer or an affirmative vote of the majority of the City Council, shall remove the offending person from the meeting.

3.4 (4) Enforcement: The City Manager, in the absence of a designated law enforcement officer, shall act as Sergeant-at-Arms for the Council, and shall furnish whatever assistance is needed to enforce the rules of decorum herein established.

3.5 (5) Seating Arrangement: The City Secretary, City Manager and City Attorney shall occupy the respective seats in the Council Chamber assigned to them by the Mayor, but any two or more members of the Council may exchange seats.

4. (2-29(d)) TYPES OF MEETINGS

4.1 (1) Regular Meetings: The Council shall meet on the first and third Tuesday of each month, at such time as may be set by the City Council, unless the meeting is postponed or cancelled for valid reasons. All regular meetings of the Council will be held in City Hall at 215 East McKinney Street, Denton, Texas or at such other location as the City Council may, by motion, resolution or ordinance from time to time designate.

4.2 (2) Special Meetings: Special meetings may be called by the Mayor, the City Manager, or by any three members of the Council. The call for a special meeting shall be filed with the City Secretary in written form, and he or she shall post notice thereof as provided by the Texas Open Meetings Act, TEX. GOV'T. CODE ANN. § 551.001, et seq. (Vernons 2009, as amended). The Mayor, City Manager, or three of the council members may designate a location for the special meeting other than City Hall as long as the location is open to the public.

4.3 (3) Workshop Meetings: Workshop meetings or work sessions may be held on the first

and third Tuesday of each month at such time as may be set by the City Council, or on such other day as the City Council may designate and at such time as may be set by the City Council to discuss near to mid or long range issues and to answer City Council questions concerning all agenda items. Workshops or Work Sessions may be called using the same procedure required for special meetings as provided for in Section 4.2(2) above. The purpose of the workshop meeting is to discuss or explore matters of interest to the City, to meet with City boards, commissions, or committee members, City staff or officers of civic organizations, governing bodies or individuals specifically invited to the session by the Mayor, Council or City Manager. These meetings are informational and normally no final action shall be taken unless the posted agenda indicates otherwise. Citizens or other interested persons attending the workshop meeting will be allowed to make citizen comment regarding consent agenda items to be considered in the regular council meeting. This will be the only opportunity for citizens to speak to consent agenda items unless the item is removed from the consent agenda by a member of the Council to be considered as an individual item during the regular meeting. Speakers will be allowed three minutes per speaker and may comment on any or all consent agenda items so long as any speaker's time does not exceed a total of three minutes. All speakers must comply with 2-29(f)(4)b. with regard to completing a "request to speak" card prior to the council's consideration of the clarification of the consent agenda items. As it concerns all other items posted on the workshop agenda, citizens or other interested persons may not participate in the session unless invited to do so by the Mayor. Citizens should be advised of the nature of the work session and that they may make comment on the consent agenda items as herein specified, but that their input on other items on the agenda may be received and considered at a regularly scheduled council meeting where the agenda provides for final action to be taken on the matter. The purpose of this procedure is to allow the citizens attending the regular meeting the opportunity of hearing the views of their fellow citizens in a more formal setting. Any citizen may supply the City Council a written statement or report regarding the citizen's opinion on a matter being discussed in a work session. If the Mayor invites citizens to participate in a work session other than citizen comment on consent items, their participation will cease at the point the Mayor closes the session to public input to allow the Council to give City staff direction as to needed information for the possible future meeting without distracting comment from the audience.

4.4 (4) Emergency Meetings: In case of emergency or urgent public necessity, which shall be expressed in the notice of the meeting, an emergency meeting may be called by the Mayor, the City Manager or by three members of the Council, and it shall be sufficient if the notice is posted two hours before the meeting is convened.

4.5 (5) Closed Meetings: The Council may meet in a closed meeting pursuant to the requirements of the Texas Open Meetings Act, Chapter 551, TEX. GOV'T CODE ANN. (Vernons 2009), as amended.

4.6 (6) Recessed Meetings: Any meeting of the Council may be recessed to a later time, provided that no recess shall be for a longer period than until the next regular meeting.

4.7 (7) Notice of Meetings: The agenda for all meetings, including Council Committee or Subcommittee meetings, shall be posted by the City Secretary on the City's official bulletin board and notice of all meetings shall be given by the City Secretary pursuant to the requirements of the Texas Open Meetings Act, Chapter 551, TEX. GOV'T CODE ANN. (Vernons 2009, as amended.)

5. (2-29(e)) PRESIDING OFFICER AND DUTIES

5.1 (1) Presiding Officer: The Mayor, or in the absence of the Mayor, the Mayor Pro-Tem, shall preside as chairman, or presiding officer at all meetings of the Council. In the absence of the Mayor, Mayor Pro-Tem, the Council shall elect a temporary presiding officer. (Charter, Section 2.03)

5.2 (2) Call to Order: The meetings of the Council shall be called to order by the Mayor, or in his or her absence, by the Mayor Pro-Tem. In the absence of both the Mayor and the Mayor Pro-Tem, the meeting shall be called to order by the City Secretary, and a temporary presiding officer shall be elected as provided above.

5.3 (3) Preservation of Order: The presiding officer shall preserve order and decorum, and confine members in debate to the question under discussion. The presiding officer shall call upon the Sergeant-at-Arms as necessary to enforce compliance with the rules contained herein.

5.4 (4) Points of Order: The presiding officer shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the presiding officer be sustained?". If a majority of the members present vote "No", the ruling of the chair is overruled; otherwise, it is sustained.

5.5 (5) Questions to be Stated: The presiding officer shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon the request of any member, and upon the passage of all ordinances and resolutions.

5.6 (6) Substitution for Presiding Officer: The presiding officer may call any other member to take his or her place in the chair, such substitution not to continue beyond adjournment.

5.7 (7) Call for Recess: The presiding officer may call for a recess of up to fifteen (15) minutes at regular intervals of approximately one hour at appropriate points in the meeting agenda, or if requested by any two members.

6. 2-29 (f)(4)(5) ORDER OF BUSINESS

6.1 (1) Agenda: The order of business of each meeting shall be as contained in the agenda prepared by the City Manager, which shall be reviewed and approved by an Agenda Committee composed of the Mayor, the Mayor Pro Tem, and the City Manager. When items are removed from the consent agenda and placed on the regular agenda by members of the Council, the removed items shall be taken up in the order of removal right after the consent agenda. Placement of items on the agenda shall be governed by this Section and Section 6.3; provided that if a Council member has an "emergency" item that the Council member believes should be placed on the next regular or special meeting agenda, the placement must be approved by two members of the Agenda Committee or at the direction of a majority of the Council. Conduct of business at special meetings and Council Committees and subcommittees will likewise be governed by an agenda and these Rules of Procedure.

6.2 (2) Pledge of Allegiance: Each agenda shall provide an item for the recital of the "Pledge of Allegiance" at the regularly scheduled city council meetings. This item shall begin with the recital of the pledge of allegiance for the United States flag and shall follow with a recital of the pledge of allegiance for the Texas state flag in accordance with Section 3100.101 of the Tex. Gov't Code.

6.3 (3) Presentations by Members of Council or City Manager: The agenda shall provide a time when the Mayor or any Council member may bring before the Council any business that he or she feels should be deliberated upon by the Council at a future Council meeting. These matters need not be specifically listed on the agenda, but discussion and formal action on such matters shall be deferred until a subsequent Council meeting. Any member may suggest an item for discussion at a future work session. The City Manager or City staff shall only respond preliminarily on this item at the work session. If the City Council believes the item requires a more detailed review, the Council will give the City Manager or City Staff direction to place the item on a future regular meeting agenda and advise staff as to the background materials to be desired at such meeting. The City Council may receive from the City Manager or City staff or a member of the City Council reports about items of community interest including expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda so long as authorized by the Texas Open Meetings Act, Chapter 551, TEX. GOV'T CODE ANN. (Vernons Annotated Texas Civil Statutes 2009) (Vernons 2009).

6.4 (4) Presentations from Members of the Public:

a. Reports from Members of the Public:

Any person who wishes to place a subject on the Council agenda at regular City Council meetings shall advise the City Manager's office of that fact and the specified subject matter which he or she desires to place on the agenda no later than 5:00 p.m. Wednesday prior to the Council meeting at which he or she wishes the designated subject to be considered. Such reports shall be heard either at the beginning of the regular meeting of the City Council, or later on the council's agenda at a place determined by the Agenda Committee in light of the length of the agenda and the anticipation of time needed for the agenda items under consideration. Placement of citizen reports at the beginning of the agenda shall be determined by a rule of rotation as follows: Every member of the public will be given an opportunity for placement of their report at the beginning of the regular city council meeting once every six (6) months; should a citizen desire to present reports more frequently than once every 6 months, such reports will be heard by the council at the time determined by the Agenda Committee after the calling of an agenda item posted for such purpose; and speakers will be

assigned to the first part of the meeting on a first come, first served basis with a limit of three (3) speakers assigned to this early forum. It is the intent of the rule of rotation to better manage the time of the City Council members, the city staff, and to fashion some more available and convenient time for all members of the public to address the City Council on a non-discriminatory and rotating basis. Any speaker providing a report shall speak for no longer than four (4) minutes on all items that he or she may bring before the Council at each meeting, unless the Mayor or the majority of the Council grants an extension of time. No person may fill out a "request to speak" form in order to speak or comment on another person's report, which is given at the same Council meeting. An announcement may be made, prior to the time for reports from members of the public on the agenda, summarizing the main portions of the Rules and subsection (c), "Code of Conduct" as they may apply to members of the public speaking to the Council.

b. Speaking on Regular and Consent Agenda Items: Any person who wishes to address the Council regarding a non-public hearing item that is on the Council's agenda, shall complete a "request to speak" form asking to speak regarding the item and shall return it to the City Secretary before the Council considers the item. This procedure applies to speakers desiring to speak to items for individual consideration on the agenda during the regular meeting of the City Council, as well as to speakers desiring to speak to consent agenda items during a workshop session. During the regular session, the Mayor will call upon the person to speak for no longer than three (3) minutes as that particular agenda item is considered by the City Council, except that applicants and their agents on public hearing items shall be allowed to speak for no longer than five (5) minutes or as indicated in subsection (f)(5). The provisions of 2-29(d)(3) "Workshop Meetings" shall control with regard to time limitations for speakers on consent agenda items.

c. Public Hearings: Any person who wishes to address the Council at a public hearing is encouraged to complete a "request to speak" form and return it to the City Secretary before the applicable hearing. The Mayor will call upon the person to speak for no longer than three (3) minutes or five (5) minutes for applicants and their agents in accordance with paragraph 6.5(5) "Time Limits."

d. Any group or organization comprised of ten or more members present in the City Council Chambers who wishes to address the Council at a public hearing or on a non-public hearing agenda item shall designate a representative to address the City Council and shall limit their remarks to ten (10) minutes or less. The group or organization shall turn in a written designation to the City Secretary prior to the commencement of the meeting identifying the representative who will address the City Council on behalf of the group or organization.

6.5 (5) Time Limits: Speakers before the Council shall limit their remarks to no more than three (3) minutes for public hearing items provided that applicants for land use or other public hearing items and their agents shall limit their remarks to five (5) minutes or less per speaker and shall have a maximum of fifteen (15) minutes to speak to the item. Reports from members of the public shall be limited to four (4) minutes or less. Groups or organizations comprised of ten or more members shall limit their remarks in accordance with the parameters established in paragraph 2-29(f)(4). Speakers before the Council on consent agenda items during the workshop sessions shall limit their remarks on all consent items to no more than three (3) minutes per section 2-29(d). At the discretion of the presiding officer or a majority of the City Council, any speaker may be

granted an extension of time to speak.

6.6 (6) Presentation of Proclamations: The agenda may provide a time for the presentation of proclamations. The Mayor or presiding officer may deliver and present proclamations upon the request of citizens. Proclamations may encompass any activity or theme except that proclamations with a theme religious or partisan in nature shall not be presented. Moreover, proclamations shall not be used for any commercial or advertising purpose.

7. (2-29(g)) CONSIDERATION OF ORDINANCES, RESOLUTIONS, AND MOTIONS

7.1 (1) Printed or Typewritten Form: All ordinances and resolutions shall be presented to the Council in printed, typewritten or electronic form. The Council may, by proper motion, amend any ordinance or resolution presented to it at the meeting at which it is presented or directs that the amended ordinance be placed on the next or any future Council Agenda for adoption.

7.2 (2) City Attorney to Approve: All ordinances, resolutions, and contracts and amendments thereto, shall be approved as to form and legality by the City Attorney, or he or she shall file a written opinion on the legality of such ordinance, resolution or contract prior to submission to the Council. (Charter, Section 6.02).

7.3 (3) Distribution of Ordinances and Resolutions: The City Manager shall prepare copies of all proposed ordinances and resolutions for distribution to all members of the Council at the meeting at which the ordinance or resolution is introduced, or at such earlier time as is expedient.

7.4 (4) Recording of Votes: The yeas and nays shall be taken upon the passage of all ordinances and resolutions and the vote of each member shall be recorded in the minutes. (Charter, Section 2.06 (b)).

7.5 (5) Majority Vote Required: An affirmative vote of four (4) members is necessary to repeal any ordinance or take any official action in the name of the City except as otherwise provided in the Charter, by the laws of the State of Texas, or these Rules. (Charter, Section 2.06).

7.5.1(a) Tie-Vote: Matters voted on by the City Council which end in a tie-vote shall automatically be placed on each subsequent Council meeting agenda until a full Council is present.

7.6 (6) Demand for Roll Call: Upon demand of any member, the roll shall be called for yeas and nays upon any question before the Council, with the exception of those circumstances set forth in Section 7.12, The Previous Question. It shall not be in order for members to explain their vote during the roll call.

7.7 (7) Personal Privilege: The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are assailed, questioned, or impugned.

7.8 (8) Dissents and Protests: Any member shall have the right to express dissent from or protest against any ordinance or resolution of the Council and have the reason therefore entered

upon the minutes. Such dissent or protest may be filed in writing, and presented to the Council not later than the next regular meeting following the date of passage of the ordinance or resolution objected to.

7.9 (9) Voting Required: No member shall be excused from voting except for lack of information and except on matters involving the consideration of his or her own official conduct, or where his or her personal interests are involved in accordance with Chapter 171, TEX. LOC. GOV'T CODE ANN. (Vernon 2009), and in these instances he or she shall abstain. Any member prohibited from voting by personal interest shall announce this at the commencement of consideration of the matter and shall not enter into discussion or debate on any such matter and shall leave the meeting room. The member having briefly stated the reason for his or her request, the excuse from voting shall be made without debate.

7.10 (10) Order of Precedence of Motions:

a. The following motions shall have priority in the order indicated:

1. Adjourn (when unqualified) and is not debatable and may not be amended;
2. Take a recess (when privileged);
3. Raise a question of privilege;
4. Lay on the table;
5. Previous question (2/3 vote required);
6. Limit or extend limits of debate (2/3 vote required);
7. Postpone to a certain time;
8. Commit or refer;
9. Amend;
10. Postpone indefinitely;
11. Main Motion.

b. The first two motions are not always privileged. To adjourn shall lose its privilege character and be a main motion if in any way qualified. To take a recess shall be privileged only when other business is pending.

c. A motion to adjourn is not in order:

1. When repeated without intervening business or discussion;

2. When made as an interruption of a member while speaking;
3. While a vote is being taken.

d. Only certain motions may be amended as provided in the most current edition of Robert's Rules of Order, revised. A motion to amend shall be undebatable when the question to be amended is undebatable.

7.11 (11) Reconsideration: A motion to reconsider any action of the Council can be made not later than the next succeeding official meeting of the Council. Such a motion can only be made by a member who voted with the prevailing side. It can be seconded by any member. In order to comply with the Texas Open Meetings Act, any Council member who wishes to make such a motion at a meeting succeeding the meeting where the action was taken shall notify the City Manager to place the item for reconsideration on the Council agenda. No question shall be twice reconsidered, except by unanimous consent of the Council, except that action related to any contract may be reconsidered at any time before the final execution thereof. A matter which was not timely reconsidered in the manner provided by this section or was reconsidered but the action originally taken was not changed by the Council cannot be reintroduced to the Council or placed on a Council meeting agenda for a period of six (6) months unless this rule is suspended as provided for in these Rules of Procedure.

7.12 (12) The Previous Question: When the previous question is moved and seconded, it shall be put as follows: "Shall the main question be now put?". There shall then be no further amendment or debate; except that nothing herein shall allow the previous question to be called prior to a least one opportunity for each member of the Council to speak on the question before the Council. Any pending amendments shall be put in their order before the main question. If the motion for the previous question is lost, the main question remains before the Council. An affirmative vote of 2/3 of the Council shall be required to move the previous question. To demand the previous question is equivalent in effect to moving "That debate now cease, and the Council shall immediately proceed to vote on the pending motion". In practice, this is done with the phrase "Call for the question", or simply saying "Question".

7.13 (13) Withdrawal of Motions: A motion may be withdrawn, or modified, by its movant without asking permission until the motion has been stated by the Presiding Officer. If the movant modifies his or her motion, the seconding council member may withdraw his or her second. After the question has been stated, the movant shall neither withdraw it nor modify it without the consent of the Council. The subject different from that under consideration shall be admitted under color of amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order.

7.14 (14) Appropriations of Money: Before formal approval by the Council of motions providing for appropriation of money, information must be presented to the Council showing purpose of the appropriation. In addition, before finally acting on such an appropriation, the Council shall obtain a report from the City Manager as to the availability of funds and his or her recommendations as to the desirability of the appropriation.

7.15 (15) Transfer of Appropriations: At the request of the City Manager, at any time during the fiscal year, the Council may by resolution transfer an unencumbered balance of an appropriation made for the use of one department, division, or purpose; but no transfer shall be made of revenues or earnings of any non-tax supported public utility to any other purpose.

8. (2-29(h)) CREATION OF COMMITTEES, BOARDS AND COMMISSIONS

8.1 (1) Council Committees: The Council may, by resolution and as the need arises, authorize the appointment of Council committees. Any committee so created shall cease to exist when abolished by resolution of the Council.

8.2 (2) Citizen Boards, Commissions, and Committees: The Council may create other Committees, Boards and Commissions to assist in the conduct of the operation of the City government with such duties as the Council may specify not inconsistent with the City Charter or Code. Creation of such Committees, Boards and Commissions and memberships and selection of members shall be by Council resolution if not otherwise specified by the City Charter or Code. Any Committee, Board, or Commission so created shall cease to exist when abolished by a resolution approved by the Council. No Committee so appointed shall have powers other than advisory to the Council or to the City Manager, except as otherwise specified by the Charter or Code.

8.3 (3) Appointments:

a. Individual City Council members making nominations for members to citizen boards and commissions will consider interested persons on a citywide basis.

b. The City Council will make an effort to be inclusive of all segments of the community in the board and commission appointment process. City Council members will consider ethnicity, gender, socio-economic levels, and other factors to ensure a diverse representation of Denton citizens.

c. The City Council will take into consideration an individual's qualifications, willingness to serve, and application information in selecting nominations for membership to each board and commission.

d. In an effort to ensure maximum citizen participation, City Council members will continue the general practice of nominating new citizens to replace board members who have served three consecutive terms on the same board per the provisions of Denton Code of Ordinances, Sec. 2-65.

e. Each City Council member will be responsible for making nominations for board and commission places assigned to him or her, which shall correspond to the City Council member's place. Individual City Council members will make nominations to the full City Council for the governing body's approval or disapproval.

8.4 (4) Rules of Procedure: Board, Commission and Committee members shall comply

with the provisions of Article III of Chapter 2 of the Code of Ordinances. Each Board, Commission and Committee member shall be provided a copy of these rules of procedure and a copy of the City of Denton Handbook for Boards, Commissions and Committees, which shall govern operational procedures of such Boards, Commissions and Committees.

9. (2-29 (i)) VOTES REQUIRED

Questions on which the voting requirement is varied by the Charter, State Statutes and these rules are listed below:

9.1 (1) Charter and State Statutory Requirements:

a. Charter Amendment - Five Votes: Ordinances submitting proposed Charter amendments must be adopted by a two-thirds vote of the Council. (Article XI, Section 3, Texas Constitution and Chapter 9, Texas Local Government Code (Vernons 2009.) For a seven member Council, this means five members must vote affirmatively.

b. Levying Taxes - Five Votes: Ordinances providing for the assessment and collection of certain taxes require the approval of two-thirds of the members of the Council (Section 302.101 Texas Tax Code) (Vernons, 2009).

c. Changing Paving Assessment Plans - Five Votes: Changes in plans for paving assessment require a two-thirds vote of the Council (Section 313.053(e) Transportation Code, Vernons 2009).

d. Changes in Zoning Ordinance or Zoning Classifications: In cases of a written protest of a change in a zoning regulation or zoning classification by the owners of twenty (20%) percent or more either of the area of the lots included in such proposed change, or of the lots immediately adjoining the same and extending two hundred feet (200') therefrom, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council; six (6) votes of the City Council is required to override the decision of the Planning and Zoning Commission that a zoning change be denied (Section 211.066 Tex. Loc. Gov't Code and Section 35.3.4.C.(4) Denton City Code (Development Code).

e. Amendment of Tax Abatement Policy: The guidelines and criteria adopted as the City's Tax Abatement Policy may be amended or repealed by a vote of three-fourths (3/4) of all members of the City Council (Section 312.002(c)) Texas Tax Code (Vernons 2009).

10. (2-29(j)) SEVERABILITY CLAUSE

That if any section, subsection, paragraph, sentence, clause, phrase or word in this ordinance, or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Denton, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

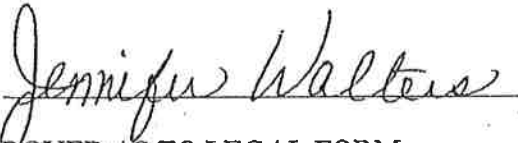
SECTION 2. That Ordinance Nos. 2009-174 and 2010-312 are hereby repealed.

SECTION 3. That this Ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 1st day of March, 2011.


MARK A. BURROUGHS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

BY: 



RESOLUTION NO. R2009- 015

A RESOLUTION RE-ESTABLISHING A STANDING COMMITTEE OF THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS TO BE KNOWN AS THE AUDIT/FINANCE COMMITTEE AND ASSIGNING IT ADDITIONAL DUTIES; DISSOLVING THE INVESTMENT COMMITTEE; RESCINDING RESOLUTION NO. R2006-013, R2006-026, AND SECTION V. OF THE ATTACHMENT TO RESOLUTION NO. R2008-009; FURTHER, RE-ESTABLISHING A STANDING COMMITTEE OF THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS FOR THE CITY COUNCIL TO BE KNOWN AS THE APPOINTEE PERFORMANCE REVIEW COMMITTEE; RESCINDING RESOLUTION NO. R2007-043; FURTHER RE-ESTABLISHING A STANDING COMMITTEE OF THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS FOR THE CITY COUNCIL COMMITTEE ON THE ENVIRONMENT; RESCINDING RESOLUTION NO. R2005-040; FURTHER, RE-ESTABLISHING A STANDING COMMITTEE OF THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS FOR THE CITY COUNCIL ETHICS COMMITTEE; FURTHER, ESTABLISHING A STANDING COMMITTEE OF THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS FOR THE CITY COUNCIL HOTEL OCCUPANCY TAX (HOT) COMMITTEE; FURTHER, RE-ESTABLISHING A STANDING COMMITTEE OF THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS FOR THE CITY COUNCIL MOBILITY COMMITTEE; RESCINDING RESOLUTION NO. R2005-041; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Denton deems it to be in the best interest of the City and beneficial to enhanced efficiency of governmental operations to consolidate the resolutions and ordinances creating the City Council oversight committees; and

WHEREAS, the City Council opines that appointments to Council committees will be made in a more timely fashion upon the consolidation of the resolutions and ordinances creating these City Council committees; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY RESOLVES:

TITLE I. RELATING TO THE AUDIT/FINANCE COMMITTEE

SECTION 1. History of the Audit/Finance Committee and findings.

- A. On April 18, 2006, the Denton City Council established an Audit/Finance Committee by Resolution No. R2006-013 (as amended by Resolution No. R2006-026) to act as an advisory body to the Denton City Council to provide governance and oversight of the organization's audit activities, internal controls, and financial and operational reporting.
- B. On February 17, 1987, the Denton City Council approved a resolution creating an Investment Policy and establishing an Investment Committee by Resolution No. R87-019.

- C. The City Council is of the opinion and hereby finds, that it is in the public interest that an Audit/Finance Committee be re-established and that such Committee should meet regularly to determine general investment strategies and to monitor such results.

SECTION 2. Re-establishment of the Audit/Finance Committee and statement of duties and purpose of the Committee.

- A. The City Council hereby re-establishes a standing Audit/Finance Committee to be composed of three (3) members of the City Council to be appointed by the Mayor and approved by the City Council. The City Manager, or his or her designee, will provide guidance and assistance to the Committee and be responsible for ensuring that records are maintained in accordance with requirements of the city secretary's office.
- B. The Committee members shall serve at the pleasure of the City Council until successors are duly appointed by the Mayor and approved by the Denton City Council. The presiding officer of the Committee shall be chosen annually by the Committee. Members of the Committee must be current elected City Council members of the City of Denton, Texas.
- C. The duties and purpose of the Committee shall be to assist the City Council in fulfilling its organizational oversight responsibilities relating to the audit function, the investment function, and any other financial related activities as delegated by the City Council. Further, the Committee shall assist Council in its oversight duties related to the City's internal audit function as needed or as directed by Council.

SECTION 3. The Investment Committee shall be dissolved and its duties and responsibilities are included in the duties of the Audit/Finance Committee as outlined in Section 2.C.

SECTION 4. Resolutions No. R2006-13, R2006-026 and Section V. of the attachment to Resolution No. R2009-006 are hereby rescinded.

TITLE II. RELATING TO THE CITY COUNCIL APPOINTEE
PERFORMANCE REVIEW COMMITTEE

SECTION 1. History of the City Council Appointee Performance Review Committee and findings.

- A. On December 11, 2007, the Denton City Council re-established the City Council Appointee Performance Review Committee by Resolution No. R2007-043 to act as an advisory body to the Denton City Council to recommend performance review standards to the City Council for City

Council appointees, to include the City Manager, City Attorney, Municipal Court Judge and City Auditor.

- B. The Denton City Council finds that it is in the public interest to re-establish the Committee as a standing committee of the City Council.

SECTION 2. Re-establishment of the City Council Appointee Performance Review Committee and statement of duties and purpose of the Committee.

- A. The City Council hereby re-establishes the City Council Appointee Performance Review Committee as a standing committee of the City Council. The Committee shall consist of three (3) City Council members to be appointed by the Mayor of the City of Denton, and approved by the Denton City Council. The City Manager will be responsible for ensuring that records are maintained in accordance with requirements of the city secretary's office.
- B. The Committee members shall serve at the pleasure of the City Council until successors are duly appointed by the Mayor and approved by the Denton City Council. The presiding officer of the Committee shall be chosen annually by the Committee. Members of the Committee must be current elected City Council members of the City of Denton, Texas.
- C. The duties and purpose of the Committee shall be to assist the City Council in performance review of the City Council appointees and to insure 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, the Committee will make recommendations regarding employment agreements, including renewals, of council appointee positions and any other duties as assigned by the City Council.

SECTION 3. Resolution No. R2007-043 is hereby rescinded.

TITLE III. RELATING TO THE COMMITTEE ON
THE ENVIRONMENT

SECTION 1. History of the Committee on the Environment and findings.

- A. On October 18, 2005, the Denton City Council established the City Council Committee on the Environment by Resolution No. R2005-040 to act as an advisory body to the Denton City Council to address issues facing the Council that deal with Denton's stewardship, management, and conservation of environmental issues, environmental resources and related matters.

- B. The City Council is of the opinion and hereby finds, that it is in the public interest that the City Council Committee on the Environment be re-established as a standing committee and that such Committee should meet regularly to consider environmental matters impacting the City of Denton and to recommend appropriate action to the City Council, as necessary.

SECTION 2. Re-establishment of the City Council Committee on the Environment and statement of duties and purpose of the Committee.

- A. The Denton City Council hereby re-establishes a standing committee to be called the City Council Committee on the Environment. The Committee shall consist of three (3) City Council members who will be appointed by the Mayor of the City of Denton and approved by the Denton City Council. The City Manager will be responsible for ensuring that records are maintained in accordance with requirements of the city secretary's office.
- B. The Committee members shall serve at the pleasure of the City Council until successors are duly appointed by the Mayor and approved by the Denton City Council. The presiding officer of the Committee shall be chosen annually by the Committee. Members of the Committee must be current elected City Council members of the City of Denton, Texas.
- C. The duties of the Committee shall be to review, discuss, deliberate and consider environmental issues and resources and make recommendations to the Denton City Council. The Committee will also deliberate and make recommendations regarding any other matter delegated to the Committee by the City Council.

SECTION 3. Resolution No. R2005-040 is hereby rescinded.

TITLE IV. RELATING TO THE CITY COUNCIL ETHICS COMMITTEE

SECTION 1. History of the City Council Ethics Committee and findings.

- A. On September 7, 2004, the Denton City Council established the City Council Ethics Committee by Ordinance No. 2004-255, which is being rescinded by Ordinance No. 2009-137 adopted on this date, to act as an advisory body to the Denton City Council on issues that may arise under the Ethics Policy for the City of Denton.
- B. The Denton City Council finds that it is in the public interest to re-establish the Committee as a standing committee of the City Council.

SECTION 2. Re-establishment of the City Council Ethics Committee and statement of duties and purpose of the Committee.

- A. The City Council hereby re-establishes the City Council Ethics Committee as a standing committee of the City Council. The Committee shall consist of three (3) City Council members to be appointed by the Mayor of the City of Denton, and approved by the Denton City Council. The City Manager, or his or her designee, shall serve as the recording secretary to the Committee and shall provide such administrative services as necessary.
- B. The Committee members shall serve at the pleasure of the City Council until successors are duly appointed by the Mayor and approved by the Denton City Council. The presiding officer of the Committee shall be chosen annually by the Committee. Members of the Committee must be current elected City Council members of the City of Denton, Texas.
- C. The duties and purpose of the Committee shall be to advise the Denton City Council on the Ethics Policy and to gather information from the Citizens of Denton regarding the Ethics Policy, conduct hearings and inquiries as herein set forth and consider other matters as delegated by the City Council.

SECTION 3. Any person, including, any Elected or Appointed Official of the City of Denton, or any person acting on behalf of a public or private entity may request the Committee to consider an issue arising under the Ethics Policy by filing a written Notice of Potential Violation, ("Notice"), of the Ethics Policy with the City Secretary. The City Secretary shall make a copy of the Notice and provide a copy of the Notice to the Elected or Appointed Official who is named in the Notice, and to the Chair of the Committee. Within thirty days, the Chair shall place the notice on the Agenda of the Committee and the Committee shall provide notice of the meeting to the Elected or Appointed Official, and meet and conduct hearings, as necessary. The Committee may, in its discretion, determine to advise the City Council on the Notice. The Committee may extend this time period if the Committee needs additional information in order to properly advise the City Council regarding any issues raised in the Notice.

VI. RELATING TO THE CITY COUNCIL HOTEL OCCUPANCY
TAX (HOT) COMMITTEE

SECTION 1. History of the City Council Hotel Occupancy Tax Committee and findings.

- A. The Denton City Council adopted Ordinance No. 75-53 on December 16, 1975, amending Chapter 23 of the Code of Ordinances by adding Article I entitled "Hotel Occupancy Tax" which provides for the collection of a hotel occupancy tax.

- B. On January 6, 1976, the Denton City Council entered into a contractual agreement with the Denton Chamber of Commerce to promote tourism and advertise the City of Denton as a potential site for public meetings and conventions.
- C. By consensus of the Denton City Council at their work session of September 20, 1994, three representatives of the Denton City Council have served annually on a Hotel Occupancy Tax Fund Committee to monitor allocation and use of hotel occupancy funds.
- D. The Denton City Council finds that it is in the public interest to re-establish the Committee as a standing committee of the City Council.

SECTION 2. Re-establishment of the City Council Hotel Occupancy Tax (HOT) Fund Committee and statement of duties and purpose of the Committee.

- A. The City Council hereby re-establishes a standing committee to be called the HOT Committee. The Committee shall be composed of three (3) members of the City Council to be appointed by the Mayor and approved by the City Council. The City Manager, or his or her designee, will provide guidance and assistance to the Committee and be responsible for ensuring that records are maintained in accordance with requirements of the city secretary's office.
- B. The Committee members shall serve at the pleasure of the City Council until successors are duly appointed by the Mayor and approved by the Denton City Council. The presiding officer of the Committee shall be chosen annually by the Committee. Members of the Committee must be current elected City Council members of the City of Denton, Texas.
- C. The duties and purpose of the Committee shall be to monitor allocation and use of hotel occupancy tax funds, ensuring funds are being used to directly enhance and promote tourism and the hotel/convention industry, recommend organizations to receive funding to the City Council, and other duties as delegated by the City Council.

SECTION 3. Members of the Committee shall also serve as members of the Denton Live Advisory Board.

VII. RELATING TO THE CITY COUNCIL MOBILITY COMMITTEE

SECTION 1. History of the City Council Mobility Committee and findings.

- A. The Denton City Council, on October 18, 2005, heretofore established the City Council Mobility Committee by Resolution No. R2005-041 to act as

an advisory body to the Denton City Council regarding local and regional transportation issues.

- B. The Denton City Council finds that it is in the public interest to re-establish the Committee as a standing committee of the City Council.

SECTION 2. Re-establishment of the City Council Mobility Committee and statement of duties and purpose of the Committee.

- A. The City Council hereby re-establishes a standing committee to be called the City Council Mobility Committee. The Committee shall be composed of three (3) members of the City Council to be appointed by the Mayor and approved by the City Council. The City Manager, or his or her designee, will provide guidance and assistance to the Committee and be responsible for ensuring that records are maintained in accordance with requirements of the city secretary's office.
- B. The Committee members shall serve at the pleasure of the City Council until successors are duly appointed by the Mayor and approved by the Denton City Council. The presiding officer of the Committee shall be chosen annually by the Committee. Members of the Committee must be current elected City Council members of the City of Denton, Texas.
- C. The duties and purpose of the Committee shall be to review, consider and make recommendations to the City Council regarding any changes to the Mobility Plan, local transportation policy, any items concerning regional transportation policies and activities and other duties as delegated to the Committee by the City Council.

SECTION 3. Resolution No. R2005-041 is hereby rescinded.

VIII. RELATING TO ALL CITY OF DENTON CITY COUNCIL COMMITTEES

- A. ALL COMMITTEES are subject to the provisions of Texas Government Code §§551 and 552, as amended, and its meetings shall be posted in compliance with the Texas Open Meetings Act. Minutes and records will be maintained in accordance with requirements of the city secretary's office.
- B. This Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 16th day of June, 2009.



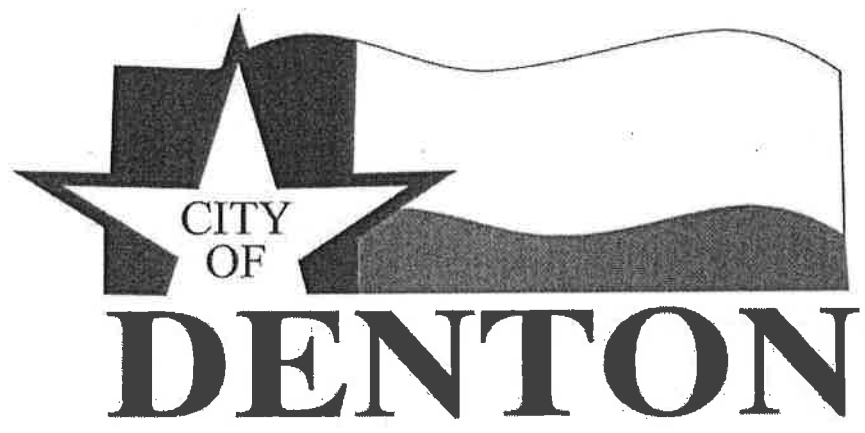
MARK A. BURROUGHS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

BY: 



RESOLUTION NO. R2009-032

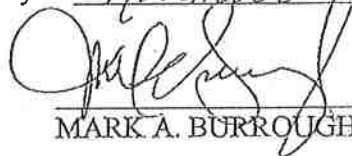
A RESOLUTION OF THE CITY OF DENTON, TEXAS ADOPTING THE CITY OF DENTON HANDBOOK FOR BOARDS, COMMISSIONS, AND COUNCIL COMMITTEES; AND DECLARING AN EFFECTIVE DATE.

THE COUNCIL OF THE CITY OF DENTON, TEXAS HEREBY RESOLVES:

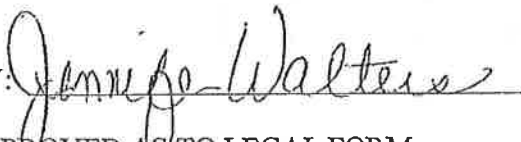
SECTION 1. The City Council hereby adopts the City of Denton Handbook for Boards, Commissions, and Council Committees, a copy of which is attached hereto.

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

PASSED AND APPROVED this the 17th day of November, 2009.


MARK A. BURROUGHS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

BY: 

RESOLUTION NO. R2011-036

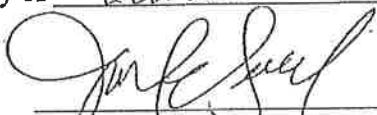
A RESOLUTION OF THE CITY OF DENTON, TEXAS ADOPTING A REVISED CITY OF DENTON HANDBOOK FOR BOARDS, COMMISSIONS, AND COUNCIL COMMITTEES; AND DECLARING AN EFFECTIVE DATE.

THE COUNCIL OF THE CITY OF DENTON, TEXAS HEREBY RESOLVES:

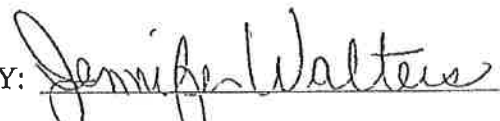
SECTION 1. The City Council hereby adopts a revised City of Denton Handbook for Boards, Commissions, and Council Committees, a copy of which is attached hereto.

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


PASSED AND APPROVED this the 4th day of October, 2011.


MARK A. BURROUGHS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

BY: 

RESOLUTION NO. R2012-026

A RESOLUTION AMENDING RESOLUTION NO. R2009-015 BY ESTABLISHING A STANDING COMMITTEE OF THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS TO BE KNOWN AS THE COMMITTEE ON CITIZEN ENGAGEMENT AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Denton deems it to be in the best interest of the City and beneficial to enhanced efficiency of governmental operations to establish, in addition to other standing Committees of the City Council, a City Council Committee on Citizen Engagement; and

WHEREAS, the City Council opines such a committee is essential to insure efficient and timely distribution of accurate and complete information to our citizens; and

WHEREAS, the City Council desires to use the dissemination of such information about city operations to engage citizens of this community in constructive dialogue with the goal of refining and broadening citizen input in processes of city governance; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY RESOLVES:

SECTION 1. THAT Resolution No. R2009-015 is hereby amended to add a new Title VIII. which will read as follows:

TITLE VIII. RELATING TO THE COMMITTEE ON CITIZEN ENGAGEMENT

SECTION 1. Establishment of the City Council Committee on Citizen Engagement and statement of duties and purpose of the Committee.

- A. The City Council hereby establishes a standing committee to be called the City Council Committee on Citizen Engagement. The Committee shall be composed of three (3) members of the City Council to be appointed by the Mayor and approved by the City Council. The City Manager, or his or her designee, will provide guidance and assistance to the Committee and be responsible for ensuring that records are maintained in accordance with requirements of the city secretary's office.
- B. The Committee members shall serve at the pleasure of the City Council until successors are duly appointed by the Mayor and approved by the Denton City Council. The presiding officer of the Committee shall be chosen annually by the Committee. Members of the Committee must be current elected City Council members of the City of Denton, Texas.
- C. The duties and purpose of the Committee shall be to provide advice to 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. The Committee shall, from time to time and at its discretion, make recommendations and provide information to the City Council relevant to its stated purpose.

SECTION 2. THAT TITLE VIII. of Resolution No. R2009-015 is renumbered to TITLE

IX.

SECTION 3. This Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 11th day of September, 2012.

Pete Kamp
MARK A. BURROUGHS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: Jennifer Walters

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

BY: Anita Burgess

RESOLUTION NO. R2012-030

A RESOLUTION OF THE CITY OF DENTON AMENDING RESOLUTION NO. R2011-036 REGARDING THE DENTON HANDBOOK FOR BOARDS, COMMISSIONS, AND COUNCIL COMMITTEES TO ADD A PROCESS BY WHICH BOARDS AND COMMISSIONS MAY COMMUNICATE WITH THE CITY COUNCIL; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council approved Resolution No. R2011-036 which adopted a revised City of Denton Handbook for Boards, Commissions, and Council Committees; and

WHEREAS, the City Council desires to add a provision in said Handbook which will provide for a process by which Boards and Commissions might communicate with the City Council regarding questions or recommendations concerning policy within the scope and purpose of the City's Boards and Commissions; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY RESOLVES:

SECTION 1. The City Council of the City of Denton hereby adds as SECTION 2 to Resolution No. R2011-036 the following language:

SECTION 2. A process of communication between the City Council and the City's Boards and Commissions is hereby created, as follows:

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 Council determines appropriate.

Boards and commissions may provide an annual or more periodic report to Council as appropriate outlining their activities, accomplishments, projects, and initiatives. Content of the report may be customized by each board. Such reports will be forwarded to the entire Council upon approval of the majority of the board.

SECTION 2. SECTION 2 of Resolution No. R2011-036 is renumbered to SECTION 3.

SECTION 3. The City Council directs that the language referenced in SECTION 1 of this Resolution be included in the City of Denton Handbook for Boards, Commissions, and Council Committees upon subsequent publications of said Handbook, and that this Resolution accompany distribution of the Handbook until such time as additional publications are printed.

RESOLUTION NO. R2013-027

A RESOLUTION OF THE CITY OF DENTON, TEXAS ADOPTING A REVISED CITY OF DENTON HANDBOOK FOR BOARDS, COMMISSIONS, AND COUNCIL COMMITTEES; AND DECLARING AN EFFECTIVE DATE.

THE COUNCIL OF THE CITY OF DENTON HEREBY RESOLVES:

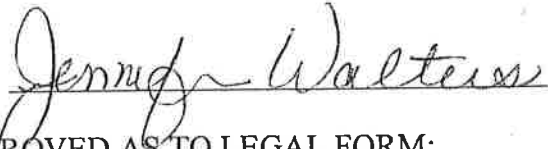
SECTION 1. The City Council hereby adopts a revised City of Denton Handbook for Boards, Commissions, and Council Committees, a copy of which is attached hereto.

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

PASSED AND APPROVED this the 10th day of September, 2013.


MARK A. BURROUGHS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

BY: 



ADA/EOE/ADEA
TDD: (800) 735-2989
www.cityofdenton.com
Resolution No. R2014-
Published 09/2014