ORDINANCE NO. O2021-10-14

AN ORDINANCE OF THE CITY OF HILLSBORO, TEXAS, AMENDING ARTICLE 1.000, BOARDS, COMMISSIONERS, AND COMMITTEES, PROVIDING FOR THE COMPOSITION OF CITY COMMITTEES; QUALIFICATIONS THEREFORE; APPOINTMENT AND TERMS; FILLING OF VACANCIES; REMOVAL OF MEMBERS; OFFICERS; MEETINGS AND TRAINING; CONFLICTING PROVISIONS AND REPEALER; SEVERABILITY; PROPER NOTICE AND MEETING

WHEREAS, as the governing body of a home-rule municipality, the City Council of the City of Hillsboro ("City Council") has the authority to create certain boards and committees; and

WHEREAS, the City Council has created such boards and committees; and

WHEREAS, the City Council previously agreed upon certain policies and procedures applicable to the City's boards and committees, but despite being reflected in the Code of Ordinances of the City of Hillsboro, said policies and procedures were not officially adopted by the City Council; and

WHEREAS, the City Council desires to adopt said policies and procedures into the Code of Ordinances;

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

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENT

Article 1.1000, is hereby repealed and replaced in its entirety to read as follows:

ARTICLE 1.1000 BOARDS, COMMISSIONS AND COMMITTEES

Division 1. Generally

Sec. 1.1001 Membership

(a) Except for the Hillsboro Housing Finance Corporation and Building and Standards Commission, each committee shall be composed of seven members appointed to serve "at-will" by the City Council.

(b) Membership of the Hillsboro Economic Development Corporation shall be as provided in Division 2 of this Article.

(c) Committees shall include one or more City staff liaisons appointed as ex-officio members by the City Manager.

(d) The City Manager shall serve as an ex-officio member to each committee.

Sec. 1.1002 Qualifications

(a) Qualifications for appointment and serving on a City committee shall include:

(1) No delinquent indebtedness to the City.
(2) No family relationship within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any member of the City Council or to the City Manager.
(3) No conflict between the appointee's private interests and duties and their interests and duties as a committee member.
(4) Attendance at a minimum of 75 percent of all regular meetings.

(b) Appointees shall take an oath of office prescribed by the City Council prior to taking office.

(c) Any qualifications mandated by statute shall also apply.

Sec. 1.1003 Appointment and Terms

(a) Appointments shall be made at the first regular City Council meeting in October.

(b) Applications shall be made available to persons interested in serving on a City committee. City staff shall post notice and advertise that committee appointments will be made as well as distribute and collect applications. The City Secretary or their designee shall review each application for completeness and eligibility prior to the first regular Council meeting in October.

(c) The Council shall select from the entire slate of eligible nominees.

(d) Each appointment shall be for two-years.

(e) To preserve the continuity of experience, four appointments will be made in even-numbered years and three appointments in odd-numbered years.

(f) Appointments are contingent upon attending training covering the Public Information Act and the Open Meetings Act. Training may be done online by visiting www.oag.state.tx.us and completing the training course provided there. Print the Certificates and file the same with the City Secretary prior to taking the oath of office.

(g) Appointees are limited to a maximum of three consecutive full terms on the same committee.

(h) If an appointee has prior consecutive service as a result of filling a vacancy, prior service shall not be included in the count of three consecutive full terms. Additionally, service on other committees shall not be included in the count of three consecutive full terms.

(i) Appointees shall be limited to service on no more than one standing board, commission, or committee with legislative authority at one time. Appointees are not prohibited from serving on additional ad hoc committees or standing boards, commissions, or committees that are purely advisory.

Sec. 1.1004 Transition

(a) For board members with terms that expire December 31, 2014, those terms will be extended to September 30, 2015.

(b) For board members with terms that expire December 31, 2015, those terms will be extended to September 30, 2016.

(c) For new appointments made at the first Council Meeting in October 2015, those terms will expire September 30, 2017.

Sec. 1.1005 Vacancies

(a) Appointees to vacant positions will serve the remainder of their predecessor's unexpired term.

(b) Appointees filling vacancies shall meet with the City Secretary to review ethics, the Public Information Act, and the Open Meetings Act prior to being sworn in.

Sec. 1.1006 Removal

Members may be removed by an affirmative majority vote of the entire Council. "Entire Council" is defined as the entire membership of the Council, excluding any vacant positions.

Sec. 1.1007 Officers

(a) Officers of each committee shall include a Chair, Vice-Chair, and Secretary.

(b) The duties of the Chair include calling and presiding over meetings of the committee, and ensuring that all resolutions and directives of the committee are implemented.

(c) The duties of the Vice-Chair shall be to serve as Chair in the absence or disability of the Chair.

(d) The duties of the Secretary include maintaining correct and complete records of the committee and forwarding originals of all records to the City Secretary in a timely, reasonable, and prudent manner.

(e) Officers shall be elected by the membership of the body at their first meeting after appointment of committee members by the Council in October.

(f) The term of office for officers shall be from their time of appointment through the first meeting after appointment of committee members by the Council in October, *i.e.* approximately one-year.

(g) No officer shall serve more than three full, consecutive terms in a single position.

(h) Officers may be removed from their office, but not the committee, by a simple affirmative majority vote of a quorum of the committee.

Sec. 1.1008 Meetings

(a) Each committee shall meet quarterly, or more frequently as the committee shall deem necessary, and at a time and location determined by the committee.

(b) The Chair or a majority of the body shall have authority to call a meeting of the committee.

(c) The Chair or his or her designee shall submit a proposed agenda to the City Secretary at least 96 hours before the scheduled date and time of the meeting. The City Secretary shall review the agenda for format, legal requirements, and reservation of City facilities.

(d) Meetings shall be posted at the City Administration Building and the City's newspaper of record shall be sent notice of the meeting at the time of posting. The latest edition of Robert's Rules of Order shall be used to provide guidance for the procedure of meetings.

Sec. 1.1009 Training

(a) Training on the Public Information Act and Open Meetings Act may be done online. Certificates shall be printed and filed with the City Secretary.

(b) Appointees shall be required, at the City's expense, to complete any additional training required by any governing statutes, regulations, ordinances, or resolutions.

Sec. 1.1010 Waiver

The City Council reserves the right to authorize a waiver of any of the requisites of this article which are not mandated by statute, if the waiver is determined by the City Council to be in the best interests of the City. The City Council shall approve any waivers contemplated by this section by resolution of the City Council.

III. CONFLICTS AND REPEAL

The provisions of this Ordinance shall be cumulative of all other ordinances, resolutions or parts of either. Ordinances and resolutions or portions or ordinances or resolutions in conflict with this Ordinance, particularly including Resolutions Numbers R2010-07-37, R2007-0-38 and R2007-05-38A are hereby repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

IV. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

V. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

VI. PROPER NOTICE AND MEETING

It is officially found and that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

ADOPTED AND APPROVED this 19th day of October 2021, by the City Council of the City of Hillsboro, Texas.

CITY OF HILLSBORO, TEXAS

Andrew Smith, Mayor

ATTEST:

Karen Warren, City Secretary