

ORDINANCE NO. O-2017-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 1, "GENERAL PROVISIONS", ARTICLE III., "BOARDS", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY UPDATING CERTAIN CITY BOARD PROVISIONS AND MAKING OTHER CLEAN-UP CHANGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of local self-government; and

WHEREAS, the City of Tyler has adopted ordinances pursuant to Texas Local Government Code Sections 51.001 and 51.072, as well as Tyler City Charter Sections 1, 2 and 6; and

WHEREAS, it is important to update certain City Board provisions and to make other clean-up changes to City Code Chapter 1;

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

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

Sec. 1-20. General Regulations

a. Definitions.

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

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

Airport Advisory Board
Keep Tyler Beautiful Board
One-Half Cent Sales Tax Corp, Inc. Board
Park Board
Planning and Zoning Commission
Traffic Safety Board
Tyler Historical Preservation Board
Tyler Public Library Board

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

Animal Care Advisory Board
Audit Firm Review Committee
Board of Directors of Tax Increment Reinvestment Zone No. 1 (TIRZ No. 1)
Board of Directors of Tax Increment Reinvestment Zone No. 2 (TIRZ No. 2)
Board of Directors of Tax Increment Reinvestment Zone No. 3 (TIRZ No. 3)
Civil Service Commission
Construction Board of Adjustment & Appeals
Disability Issues Review Board
Industrial Development Corporation of Tyler Board
Medical Control Board
Neighborhood Revitalization Board
Reinvestment Zone Committee
Redevelopment Authority Board
Tyler Health Facilities Development Corporation Board
Zoning Board of Adjustment

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

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

b. Eligibility. Except as otherwise provided herein, members must reside inside the City limits and should not have any delinquent City taxes, City utilities or other City assessments, and must not have any pending claim against the City.

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

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

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

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

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

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

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

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

i. One membership. No member shall serve on more than one board at a time, except where the City Council determines otherwise that such dual membership is necessary or desirable.

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

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

l. Attendance.

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

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

Regular Board Required Attendance Chart

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

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

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

4. If an appointee fails to attend as required herein and thus voluntarily resigns, the City Council shall appoint a person to the unexpired term. The City Manager or designee is

designated to develop a program whereby minutes are taken and distributed timely, attendance taken, and appropriate and necessary action taken.

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

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

o. A City-appointed board may appoint subcommittees as it deems necessary to provide recommendations to the full Board to accomplish the purposes and objectives of the Board. Said subcommittees shall serve at the pleasure of the Board. (Ord. No. O-98-45, 5/27/98) (Ord. No. 0-2004-33, 5/12/04) (0-2008-108, 8/27/08) (Ord. No. 0-2012-71; 9/26/12) (Ord. No. 0-2013-113; 12/11/13) (Ord. No. 0-2017-32; 4/12/17)

PART 2: That Tyler City Code Chapter 1, "General Provisions", Article III., "Boards", is hereby amended by amending Section 1-26 to read as follows:

Sec. 1-26. Definitions

For purposes of this Article, the following definitions shall apply:

Agent: A person expressly authorized by the City to transact business or otherwise duly authorized to act on behalf of the City as the City's representative. This definition excludes City officers and City employees, which are defined elsewhere herein. This definition also excludes appointed or selected members of any City board, commission, committee, panel or other group, that is advisory in nature only.

Business Entity: A sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized by law. This definition excludes the State government, State agencies, and political subdivisions of the state, including school districts, public colleges and universities.

City Employee: means the City Manager, all department leaders, and any other supervisory position appointed by the City Manager or selected by the department. Any City employee so appointed or selected must be notified in writing of this ordinance.

City Officer: means the Mayor, any elected City Council Member, the Municipal Court Judge, and any associate Municipal Court Judge(s). The term shall also include all appointed members of any City board, commission, committee, panel or other group that is more than advisory in nature, including, but not limited to, the Planning and Zoning Commission, Zoning Board of Adjustment, Construction Board of Adjustment and Appeals, Civil Service Commission, Neighborhood Revitalization Board, Historical Preservation Board and the One-Half Cent Sales Tax Corporation, Inc. Board.

Contract: An award of money in return for land, materials, supplies, goods or services, to the City of Tyler, whether authorized by the City Council or by one of the City's representatives.

Direct Financial Interest: Defined in Sections 1-27.a. and c.

Indirect Financial Interest: Defined in Sections 1-27.b. and d.

Prohibited substantial interest (direct or indirect): Defined in Section 1-29.b.

Transaction: Means either a purchase or lease of land from the City of Tyler or a sale or lease of land to the City of Tyler. (Ord. No. 0-2005-33, 4/27/05)(Ord. No. 0-2012-71; 9/26/12) (Ord. No. 0-2017-32; 4/12/17)

PART 3: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 4: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be April 14, 2017.

PASSED AND APPROVED this 12th day of April, A.D., 2017.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS


ATTEST:



CASSANDRA BRAGER, CITY CLERK



APPROVED:



DEBORAH G. PULLUM,
CITY ATTORNEY