

ORDINANCE NO. O-2021-53

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 CLARIFYING THE CITY BOARD REVIEW PROCESS AND THE TIMING FOR CITY BOARD APPOINTMENTS; 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 self-government; and

WHEREAS, the Tyler City Council has adopted various provisions related to City Boards in City Code Chapter 1, Article; and

WHEREAS, City Boards provide an important service to the citizens of Tyler and to the City Council; and

WHEREAS, it is important to update the time periods for appointment of members to the City Boards to reflect current practice and to provide the City Council with more discretion as to timing of appointments; and

WHEREAS, it is important to add a reference to conflict of interest reviews of Board applications currently being provided by the City Attorney's Office;

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, "Minimum Boards", is hereby amended by amending subsection c. of Section 1-20 to read as follows, with no other changes:

Sec. 1-20. General Regulations

a. through b. No changes...

c. Appointment Process. The City Manager or designee will solicit applications from eligible citizens through the media and other means. Each appointee shall receive training regarding attendance and the duties and responsibilities of the position. Applications for appointment or re-appointment will be compiled and submitted to the Council. The City Clerk shall be responsible for the applications' completeness, and the City Attorney's Office shall conduct a review of applications for any potential conflicts of interest. 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 or at any other time as designated by the City Council at its discretion, and the Council will jointly select the most qualified individuals for the available positions. (Ord. No. 0-2021-53; 6/9/21)

d. through n. No changes...

(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) (Ord. No. 0-2019-61; 7/24/19) (Ord. No. 0-2020-16; 2/12/20) (Ord. No. 0-2020-44; 4/22/20) (Ord. No. 0-2021-53; 6/9/21)

PART 2: 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 3: 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 June 11, 2021.

PASSED AND APPROVED this 9th day of June, A. D., 2021,



DONALD P. WARREN, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK



The seal of the City of Tyler, Texas, is circular with a dotted border. The words "CITY OF TYLER" are at the top and "TEXAS" are at the bottom. In the center, the word "SEAL" is surrounded by three horizontal lines.

APPROVED:



DEBORAH G. PULLUM,
CITY ATTORNEY