

AN ORDINANCE **101119**

AMENDING CHAPTER 2 OF THE CITY CODE ENTITLED "ADMINISTRATION" BY AMENDING ARTICLE VIII ENTITLED "BOARDS AND COMMISSIONS" WHICH GOVERNS THE CREATION AND OPERATION OF BOARDS AND COMMISSIONS CREATED BY CITY COUNCIL, AND AMENDING ANY RELATED ORDINANCES, AS REQUESTED BY COUNCILMAN RICHARD PEREZ, DISTRICT 4; COUNCILMAN ART A. HALL, DISTRICT 8, AND COUNCILMAN CHIP HAASS, DISTRICT 10

* * * * *

WHEREAS, The Council Subcommittee on Boards and Commissions was created in February 2004, to review all City Boards, Commissions and Committees, in order to improve and strengthen the relationship between the City Board, Commission and Committee appointees and the City Council; and

WHEREAS, in December 2004, by Ordinance No. 100199, the City Council passed and approved guidelines ("Guidelines") for most of the Boards and Commissions created by the City Council in its sole discretion and independent of other statutory authority, by amending Chapter 2 of the City of San Antonio City Code entitled "Administration" to add Article VIII, entitled "Boards and Commissions"; and

WHEREAS, on July 6, 2005, Councilman Richard Perez, District 4, Councilman Art A. Hall, District 8, and Councilman Chip Haass, District 10, submitted a Council Consideration Request signed by all members of the City Council, directing staff to forward for the Council's consideration amendments to the Guidelines to provide for terms of office for Board and Commission members to correspond to those of City Councilmembers and directing the City Clerk to coordinate with the City Attorney's Office to bring forward any additional recommendations or modifications to the City of San Antonio City Code Chapter 2, Article VIII; and

WHEREAS, the City Clerk and the City Attorney's Office have incorporated the request of the City Council, and have recommended several changes to Chapter 2, Article VIII of the City Code; and

WHEREAS, it is now necessary for the City Council to approve those recommendations and modifications to the City of San Antonio City Code Chapter 2, Article VIII; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Section 1 of Ordinance No. 100199, passed and approved on December 17, 2004, which amended the City of San Antonio City Code Chapter 2, by adding Article VIII, entitled "Boards and Commissions" is amended by adding the underscored words and deleting those struck through and bracketed to read in its entirety as follows:

ARTICLE VIII. BOARDS AND COMMISSIONS RULES.

~~[Unless provided otherwise by City Charter, state law, federal law, or subsequent ordinance, the]~~ The following shall govern the creation and operation of all boards and commissions created by ordinance or resolution passed by the City Council of the City of San Antonio. Unless specified otherwise in this

Ordinance or by the City Council in an ordinance or resolution, these rules are not intended to govern those boards and commissions created pursuant to the authority granted by the City Charter, state law, federal law; boards and commissions jointly created with the County or any other governmental entity; [or a subsequent ordinance] boards and commissions with special membership requirements set out elsewhere in this Code, such as but not limited to the Electrical Examining and Supervising Board, the Mechanical Board of Appeals, the Home Improvement Advisory Board and the Plumbing Appeals and Advisory Board; Blue Ribbon Committees; Ad Hoc Committees; boards or commissions whose members are comprised of City employees or to an individual City employee sitting on a board or commission as an ex officio member; or Council Committees or Subcommittees.

Sec. 2-400. Application

- (a) All applications for district and at-large boards and commissions shall be submitted to the Office of the City Clerk.
- (b) The City Clerk will establish specific deadlines for submission of applications for at-large boards or commissions. To be considered for appointment to at-large boards or commissions, the completed applications must be submitted by the advertised deadline.
- (c) Applications for district boards and commissions may be submitted at any time to the Office of the City Clerk for consideration for appointment.

Sec. 2-401. District Appointments

- (a) The Office of the City Clerk will coordinate review of the applications with the pertinent City Departments and the City Attorney's Office to ensure that the applicants meet the necessary qualifications for each respective board or commission. The Office of the City Clerk will notify the applicant in writing if he/she is not qualified to serve on the board or commission for which he/she has applied.
- (b) The City Clerk will forward the applications of the qualified applicants to the respective City Council Member for his/her review.
- (c) The Office of the City Clerk will initiate an ordinance for appointments, upon submission of a memorandum by a City Council Member, designating his/her respective appointees.
- (d) The provisions of this Section apply to Mayoral appointments.

Sec. 2-402. At-large Appointments

- (a) A work session of the City Council for at-large appointments will be held semi-annually, in July and December, and as often as deemed necessary, in order to conduct interviews.
- (b) The Office of the City Clerk will coordinate review of the applications with the pertinent City Departments and the City Attorney's Office to ensure that the applicants meet the necessary qualifications for each respective board or commission. The Office of the City Clerk will notify the applicant in writing if he/she is not qualified to serve on the board or commission for which he/she has applied.

- (c) Individuals must be nominated by three (3) members of the City Council in order to be interviewed and considered for appointment by the entire City Council.
- (d) City Council members will submit their nominations, in writing, to the Office of the City Clerk, in the form of a memorandum with the three (3) City Council Members' signatures.
- (e) The City Council shall interview the nominees at a work session, prior to a vote on the appointments. Official selection by the City Council shall take place no sooner than one week after the date of the interviews, unless otherwise directed by the City Council.
- (f) Nominees must appear in person for the interview. If an individual is ill, out of town, or cannot appear in person, a written statement must be submitted to the Office of the City Clerk prior to the date of the interview, in order to be considered for appointment. An individual will not be considered for appointment if he/she fails to appear in person for the interview or fails to submit a written statement.
- (g) Section 2-403(a) does not apply to boards or commissions whose members are appointed at-large.
- ~~(h) The provisions of this Section do not apply to Mayoral appointments to at-large boards and commissions.~~

Sec. 2-403. Membership

- (a) Each board or commission shall consist of eleven (11) members [one (1) per Council District and Mayor]. This section (a) does not apply to Section 2-402, At-large appointments and any board or commission in existence prior to December 27, 2004. ~~[the effective date of this Ordinance.]~~
- (b) Each citizen is limited to membership on two (2) boards or commissions concurrently (this includes advisory, more than advisory, City Charter, loan boards or commissions, and ad hoc committees).
- (c) In order to be qualified to serve, all applicants for boards and commissions must be residents of the City of San Antonio, and continue such residency during the term of their appointment, if appointed.
- (d) When making appointments to boards and commissions, the City shall not discriminate on the basis of race, color, national origin, religion, sex, age or handicap.

Sec. 2-404. Terms of Office

- (a) **Length of Term:** Board or commission members are appointed for a term of office of two (2) years. The term of office for each board or commission member will run concurrently with the terms of office of the City Council that appoints each member. ~~[begin on January 1st and will expire on December 31st. This provision shall take effect on January 1, 2006.]~~
- (b) **Term Limit:** All board and commission members are limited to serving no more than two (2) complete consecutive terms. After serving two (2) complete consecutive terms

[~~Thereafter~~], members are ineligible for reappointment, except in accordance with subsection (c), below.

- (c) Members can be reappointed to a board or commission after sitting out a term of two (2) years.

Sec. 2-405 Meeting Procedures

- (a) Boards and commissions will conduct meetings in accordance with the latest edition of Robert's Rules of Order.
- (b) Board and commission meetings shall be conducted in accordance with the Texas Open Meetings Act. A majority of all members of the board or commission shall constitute a quorum to convene a meeting; in all other matters upon which the board or commission may vote, a majority of the members in office shall be necessary for adoption.
- (c) The pertinent City Department shall be responsible for posting the meeting notices seventy-two (72) hours prior to the meeting.
- (d) Proxy votes will not be allowed.
- (e) The pertinent City Department shall prepare and maintain minutes of the board or commission meetings. Such minutes shall be maintained in accordance with the City's Records Retention Schedule. All records are subject to the provision of the Texas Public Information Act.

Sec. 2-406. Subcommittees

Boards and commissions may create subcommittees comprised of persons other than current members of the board or commission to address specific policy initiatives of the City, on an as-needed basis, to provide input and recommendations.

- (a) The size of a subcommittee's membership may be equal to, but no larger than the size of the creating board or commission.
- (b) The chair of a subcommittee shall be a member of the creating board or commission.
- (c) Subcommittees shall be created for a specific purpose and shall operate for a specific time period. A subcommittee will automatically dissolve upon completion of its charge, or the time prescribed by the City Council, without any further action by the City Council.

Sec. 2-407. Attendance

If (a) a board or commission member's attendance at regularly scheduled meetings [~~(a)~~] falls below 50% on an annual basis from the appointment date, or (b) a member misses three (3) regularly scheduled consecutive meetings, the member will be automatically removed from the respective board or commission, without any further action by the City Council. Such removal shall act as direction to the Office of the City Clerk to advertise for applications to the board or commission from which the member was removed, in the same manner as described in Sections 2-401 District Appointments and 2-402 At-

large Appointments above, as applicable. The new member shall serve out the remainder of the term of the removed member. [~~and therefore is ineligible to hold over.~~]

A member who is automatically removed from a board or commission for failure to meet the attendance requirement is ineligible to seek appointment to any board or commission for a period of one (1) calendar year from the date of the member's automatic removal.

Sec. 2-408. Financial Disclosure Report [~~Other Requirements~~]

All board and commission members shall be subject to the requirements set forth in the City's Ethics Code, as applicable to City Officials. All board and commission members must file a Financial Disclosure Report with the Office of the City Clerk upon appointment, and annually thereafter, throughout the member's term. Failure to file a Financial Disclosure report within the time required by the City's Ethics Code will be considered an automatic removal, without any further action by the City Council. Such removal shall also act as direction to the Office of the City Clerk to advertise for applications to the board or commission from which the member was removed in the same manner as described in Sections 2-401 District Appointments and 2-402 At-large Appointments above, as applicable. The new member shall serve out the remainder of the term of the removed member. [~~and therefore ineligible to hold over.~~]

A member who is automatically removed from a board or commission for failure to file a Financial Disclosure Report is ineligible to serve on any other board or commission for a period of one (1) calendar year from the date of the member's automatic removal.

Sec. 2-409. Removal from Office

All board and commission members serve at the pleasure of the City Council and may be removed from office at the discretion of the City Council without cause, such removal to be evidenced by passage of an ordinance.

Requests for removal of a board or commission member must be initiated by City Council Consideration Requests. Such Request shall also direct the Office of the City Clerk to advertise [~~commence advertising~~] for applications to the board or commission from which the member was removed in the same manner as described in [~~the~~] Sections 2-401 District Appointments and 2-402 At-large Appointments above, as applicable [~~the ensuing vacancy~~]. The new member shall serve out the remainder of the term of the removed member. [~~vacancy shall be advertised and a member appointed.~~]

Sec. 2-410. Resignations

All resignations must be in writing, filed with the Office of the City Clerk, and state the specific date of resignation and the name of the board or commission from which the member is resigning. All resignations shall take effect upon receipt by the Office of the City Clerk and without any further action by the City Council, shall constitute an automatic removal from the board or commission and act as direction to the Office of the City Clerk to advertise [~~commence advertising~~] for applications to the board or commission from which the member resigned in the same manner as described in [~~the~~] Sections 2-401 District Appointments and 2-402 At-large Appointments above, as applicable. [~~the vacancy created by such resignation shall be advertised and a member appointed~~] The new member shall serve out the remainder of the term of the resigned member.

Sec. 2-411 - 2.499. Reserved

SECTION 2. The remainder of Ordinance No. 100199, passed and approved by the City Council on December 17, 2004 remains in full force and effect.

SECTION 3. The terms of office of those members of the boards and commissions to whom the City of San Antonio City Code Chapter 2, Article VIII provisions apply, or to whom the City Council, by the passage of an ordinance or resolution has applied City of San Antonio City Code Chapter 2, Article VIII, who were appointed by the City Council of the City of San Antonio between January 1, 2005 and July 14, 2005, as detailed in **Exhibit 1** attached to this Ordinance, are amended to terminate upon the effective date of this ordinance. All ordinances listed in **Exhibit 1** are amended to reflect said revised terms.

SECTION 4. The Office of the City Clerk is directed to solicit applications for appointments to those board and commission positions identified in **Exhibit 1**, in accordance with the provisions of the City of San Antonio City Code Chapter 2, Article VIII, as amended.

SECTION 5. If any provision of this Ordinance or its application to any circumstance is held to be invalid, the remainder of this Ordinance and its application to other circumstances shall nevertheless be valid, as if the invalid provision had never appeared in this Ordinance, and this governing body declares that this Ordinance would have been enacted without the invalid provision.

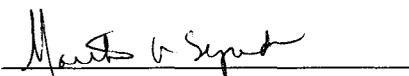
SECTION 6. This ordinance is effective on the tenth day after passage.

PASSED AND APPROVED this 14th day of July 2005.



M A Y O R
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
Acting City Attorney

Board or Commission Appointments from January 1, 2005 to July 14, 2005

Date of Ordinance	Ordinance Number	Name of Board or Commission	Type of appointment (Council District)
1/13/05	100275	Parks and Recreation Board	District (7)
1/27/05	100345	Disability Access Advisory Commission	District (8)
	100346	Mayor's Commission on the Status of Women	District (8)
	100347	Parks and Recreation Board	District (8)
	100348	San Antonio Commission on Literacy	District (8)
	100350	San Antonio Youth Commission	District (8)
2/3/05	100375	Arts and Cultural Advisory Committee	District (5)
	100376	Transportation Advisory Board	District (2)
2/10/05	100393	Commission for Children and Families	District 4
2/17/05	100432	Affirmative Action Advisory Committee	District (1)
2/24/05	100466	Arts and Cultural Advisory Committee	District (1)
	100469	Parks and Recreation Board	District (1)
	100471	Mayor's Commission on the Status of Women	District (6)
	100472	Affirmative Action Advisory Committee	District (10)
3/3/05	100493	Disability Access Advisory Commission	District (1)
	100496	Mayor's Commission on the Status of Women	Mayor
3/10/05	100528	Arts and Cultural Advisory Committee	District (3)
	100531	Tax Phase-In Advisory Committee	District (3)

Board or Commission Appointments from January 1, 2005 to July 14, 2005

Date of Ordinance	Ordinance Number	Name of Board or Commission	Type of appointment (Council District)
	100573	Mayor's Commission on the Status of Women	District (10)
	100575	Linear Creekway Parks Advisory Board	District (1 - 10 and Mayor)
	100610	City Commission on Veteran's Affairs	Mayor
	100613	Historic and Design Review Commission	District (1)
	100649	San Antonio Commission on Literacy	District (5)
	100682	Parks and Recreation Board	District (5)
4/21/05	100732	Disability Access Advisory Committee	District (10)
4/28/05	100759	Tax Increment Reinvestment Zone #4	At large
	100760	Tax Increment Reinvestment Zone #10	At large
	100761	Tax Increment Reinvestment Zone #12	At large
	100762	Tax Increment Reinvestment Zone #14	At large
	100763	Tax Increment Reinvestment Zone #17	At large
	100764	Tax Increment Reinvestment Zone #19	At large
5/5/05	100804	Mayor's Commission on the Status of Women	District (4)
	100806	Housing Trust Fund Board of Trustees	District (6)
	100807	Small Business Advisory Committee	District (2)
	100809	Tax Increment Reinvestment Zone #5	At large
	100810	Tax Increment Reinvestment Zone #16	At large
	100811	Tax Increment Reinvestment Zone #20	At large
	100812	Tax Increment Reinvestment Zone #21	At large
	100813	Tax Increment Reinvestment Zone #22	At large

Board or Commission Appointments from January 1, 2005 to July 14, 2005

Date of Ordinance	Ordinance Number	Name of Board or Commission	Type of appointment (Council District)
5/12/05	100843	Parks and Recreation Board	District (9)
	100844	Transportation Advisory Board	District (9)
	100846	Tax Increment Reinvestment Zone #23	At large
5/19/05	100897	Mayor's Commission on the Status of Women	District (9)
	100898	Greater San Antonio Crime Prevention Commission	Mayor
	100901	Housing Trust Fund Board of Trustees	District (1)
6/2/05	100974	Tax Phase-In Advisory Committee	District (4)
6/9/05	100997	Tax Phase-In Advisory Committee	District (10)
	100999	City Commission on Veteran's Affairs	District (5)
	101001	San Antonio Youth Commission	District (4)
6/16/05	101052	Noise Abatement Advisory Committee	At large
6/23/05	101068	Mayor's Commission on the Status of Women	District (1)

Agenda Voting Results

Name: 5.

Date: 07/14/05

Time: 10:14:21 AM

Vote Type: Multiple selection

Description: An Ordinance amending Chapter 2 of the City Code entitled "Administration" by amending Article VIII entitled, "Boards and Commissions" which governs the creation and operation of Boards and Commissions created by City Council and amending any related ordinances, as requested by Councilman Richard Perez, District 4; Councilman Art A. Hall, District 8, and Councilman Chip Haass, District 10. [Presented by Leticia Vacek, City Clerk]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		X		
SHEILA D. McNEIL	DISTRICT 2		X		
ROLAND GUTIERREZ	DISTRICT 3		X		
RICHARD PEREZ	DISTRICT 4		X		
PATTI RADLE	DISTRICT 5		X		
DELICIA HERRERA	DISTRICT 6		X		
ELENA GUAJARDO	DISTRICT 7		X		
ART A. HALL	DISTRICT 8		X		
KEVIN WOLFF	DISTRICT 9		X		
CHIP HAASS	DISTRICT_10		X		
MAYOR PHIL HARDBERGER	MAYOR		X		