

RESOLUTION NO. 2021-08-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ITS POLICY FOR BOARD AND COMMISSION MEMBER APPOINTMENTS AND ELIGIBILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of McKinney, Texas, appoints citizens to the various boards and commissions each year; and

WHEREAS, the City Council has adopted a Board and Commission Member Appointment and Eligibility policy relative to the appointment process and service on boards and commissions, including the appointment of alternate members to serve in the absence of regular members; and

WHEREAS, the City Council of the City of McKinney, Texas, desires to amend its Board and Commission Member Appointment and Eligibility policy as it applies to the participation of alternate members in the discussions during the closed session of their respective Boards and Commissions, and further finds and determines that it is in the best interest of the City to amend its policy relative thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AS FOLLOWS:

Section 1. That the foregoing recitals are hereby found to be true and correct legislative findings of the City of McKinney, Texas, and are fully incorporated into the body of this resolution.

Section 2. That the City Council of the City of McKinney, Texas, does hereby amend and restate the City of McKinney Policy on Board and Commission Member Appointment and Eligibility, a copy of which Amended and Restated Policy is attached hereto as Exhibit A.

Section 3. That this Resolution shall become effective from and after its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 3rd DAY OF AUGUST, 2021.

CITY OF MCKINNEY, TEXAS

GEORGE FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

Approved as to Form:

MARK S. HOUSER
City Attorney

EXHIBIT A

CITY OF MCKINNEY AMENDED AND RESTATED POLICY ON BOARD AND COMMISSION MEMBER APPOINTMENT AND ELIGIBILITY (Amended August 3, 2021)

I. Overview.

The City Council is very interested in citizens serving as members of City of McKinney boards or commissions. Citizens can provide an invaluable service to the City of McKinney through board membership and participation. Board and commission members volunteer many hours annually, sharing their time and expertise, and learning more about the City through their membership. Boards and commissions are established to offer citizens an extraordinary opportunity to participate in the City's governmental affairs and influence public policy in many areas. The City has several boards, commissions and committees that endeavor to reflect the varied interests of our City's citizenry.

Some of the City's boards and commissions are required and established by state statute, while others result from provisions of the City of McKinney Home-Rule Charter or from local ordinances. Where discrepancies exist between individual board and commission bylaws and this policy, this policy shall apply, subject however to any superseding state law. A number of the bodies exercise legal authority in some aspect of City government. Although many boards and commissions are advisory only, their influence and value can be significant. They make recommendations on a wide range of topics that eventually come before the City Council.

II. Appointment Process.

City Council members shall actively recruit candidates for service on City boards and commissions. Recognizing the City has four City Council districts, the City Council will strive to have adequate representation from all geographic areas of the city in the overall appointment process. The City Council shall endeavor to appoint Board and Commission membership reflective of the City of McKinney's diversity of residents.

On or before June 30th of each year, the Mayor shall designate interview committees comprised of two (2) City Council members that will thereafter interview candidates for designated Boards or Commissions. The City Council shall set interview dates and times upon such designation. All Board and Commission interviews shall be held in an open public meeting with a posted agenda. Meeting agendas shall contain information stating that there may be a potential quorum of the City Council in attendance at each particular interview session, and any City Council member may attend; however, such City Council members shall not participate as an interview committee member. A make-up interview meeting will be scheduled for any applicants that wish to attend and all City Council members may attend and participate in the interview meeting.

Council member interview committees are encouraged to confer upon and prepare a list of recommended nominees from the applicants/interviewees of their committees' respective Boards or Commissions. When there are sufficient numbers of qualified applicants, it is recommended that each interview committee propose to the entire City Council a nomination list of twice the number of openings on each particular board. After the interview process is complete for any or all Boards or Commissions, the entire City Council will consider the recommendations and nomination lists of the interview committees, as well as any other council member nominations for Eligible Applicants, during a posted public meeting in open session; however, the City Council may consider and confer upon any recommendation in a closed session under the Texas Open Meetings Act. The City Council shall make appointments through an "open preference procedure" wherein each City Council member's preferences are openly registered prior to the presiding officer's acceptance of any motion for approval of an appointee(s) for an unfilled position(s). Council discussion regarding applicants during the preferencing process is limited to information contained on the applicant's application or resume.

Orientation sessions for new board or commission members shall be held annually for new appointees.

The Mayor shall establish liaison assignments consisting of two (2) City Council members for each of the following Boards or Commissions: MEDC, MCDC, MCVB, Main Street, McKinney Housing Authority, Parks, Recreation, and Open Space Advisory Board, and Planning and Zoning Commission. City Council liaison assignments shall be of varying length, as the Mayor shall determine, rotating in accordance with a matrix or other method determined by the Mayor.

The role of the liaisons is to attend meetings and report to the City Council any information related to action taken by the Board or Commission at said meeting. In the event the Board or Commission requests input from the City Council, the liaisons shall advise the Board or Commission that the City Council will be briefed on the issue and the position of the City Council will thereafter be relayed to the Board or Commission, by the liaisons or the entire City Council, as the case dictates. The liaisons shall use best efforts to not initiate communications during a Board or Commission meeting regarding a) his or her personal opinions regarding any issue before the Board or Commission; b) suggested actions to be taken by the Board or Commission; or c) opinions pertaining to actions previously or subsequently taken by the Board or Commission. The liaisons shall be responsible for communicating to the Board or Commission the position of the City Council only upon the City Council providing information or direction to the liaisons after the City Council has been fully-apprised of the issue. The liaisons shall also communicate to the Board or Commission any requests for information from the City Council and shall report back to the City Council the response to said requests based on the position of the entire Board or Commission and not of any single Board or Commission member.

Each Board or Commission having liaisons shall report in its respective minutes submitted for approval by the City Council any and all comments made by both Board or Commission members and City Council liaisons during any Board or Commission meeting.

All Board or Commission meetings shall be posted with a notice that a potential quorum of the Council may be attendance pursuant to Texas Open Meetings Act.

The provisions herein for communications between the Board or Commission members and the liaisons shall apply to all Council members attending a Board or Commission meeting.

III. Eligibility and Membership Criteria.

- (a) Written Application/Eligible Applicant. A signed, current application is required for appointment for service on any board or commission. The City Council shall consider any person an "Eligible Applicant" who has satisfied the foregoing and the residency requirements of (b) below prior to being sworn-in to an appointive position on a board or commission. Applications are valid for one (1) year from receipt by the City Secretary's office after which time the application(s) will be considered lapsed. Without exception, no lapsed application will be considered after the third Friday in June of each year, the Application Deadline Date. An Eligible Applicant may be appointed to any board or commission regardless of the applicant's stated preference; however, the City Council endeavors to duly consider the preferences of all applicants.
- (b) Residency. Unless the authorizing ordinance or law creating a Board or Commission specifically allows otherwise, all applicants and appointees must continuously reside within and be qualified voters of the City of McKinney, Texas. All applicants shall be responsible for establishing proof of residency to the City Secretary under this subsection, and the City Secretary shall make all determinations of residency hereunder. All applicants shall provide their voter registration number on the application, and all applicants and appointees shall be registered to vote in the City. The

City Secretary may request a current voter registration card as circumstances warrant. The residence address contained on an applicant's or appointee's voter registration or on a current voter registration card provided by an applicant to the City Secretary shall be determinative of residency. If a question of residency is presented to the City Secretary in writing, the affected board or commission member shall submit to the City Secretary any utility account statement in the name of the board or commission member for a residence address within the corporate limits along with a sworn statement (notary not required) that such residence address is the applicant's residence. The receipt of the foregoing by the City Secretary shall be conclusive proof of residency under this subsection. Board and commission members shall notify the City Secretary of any change in residency status at least two (2) weeks prior to such change. For board and commission positions which may be filled by non-residents, such applicants shall be qualified voters, registered to vote in the precinct in which they reside.

- (c) Term. All terms shall be two (2) years unless such terms are otherwise modified by the City Council, governed solely by State law, or established by ordinance. Notwithstanding the foregoing and subject to the provisions for immediate removal in (k) below, the City Council shall annually review the performance of all board and commission members during the Appointment Process. Subject to the provisions for immediate removal in (k) below, appropriate appointments and removals shall be considered in conjunction with such annual review. For those board and commission members appointed to boards which are transitioning from 1-year to 2-year terms on August 28, 2017, a simple majority of each board shall be appointed to 2-year terms, and the remainder of each board shall be appointed to 1-year unexpired, remainder terms of newly-created, 2-year terms. The purpose of the foregoing is to create board and commission member continuity through staggered board appointments.
- (d) Appointments. Appointments shall be made once a year, and are effective on October 1 unless the appointment is made for filling a vacancy in which case the appointment shall be for the remainder of the term filled.
- (e) Attendance. Subject to the provisions for immediate removal in (l) below, attendance shall be reviewed annually during the board appointment process. A board or commission member shall attend seventy-five percent (75%) of the board meetings to be considered for continuation of any current term and for reappointment to any subsequent term. Subject to the provisions for immediate removal in (l) below, failure to attend 75% of the meetings shall result in the board member not being reappointed by the City Council unless the City Council finds good cause for such reappointment based on special circumstances presented by the board member.
- (f) Alternate Members. The City Council shall appoint two (2) alternate members (collectively the "Alternates" or singly "Alternate") for each of the following boards and commissions: Building and Standards Commission; Board of Adjustment; Parks Recreation and Open Space Board, and the Planning and Zoning Commission. The Alternates for each of the foregoing Boards and Commissions will be appointed for staggered two-year terms with the first of the Alternates appointed for service beginning October 2019 serving for two years until October 2021 or until their successor is appointed, and the second of the Alternates appointed for service beginning October 2019 serving for one (1) year until October 2020 or until their successor is appointed.

The City Council shall appoint one (1) alternate member (the "Alternate") for each of the following boards and commissions: Animal Service Facility Advisory Committee; Community Grants Advisory Commission; Historic Preservation Advisory Board; Library Advisory Board; McKinney Armed

Services Board; McKinney Arts Commission; McKinney Community Development Corporation (MCDC); McKinney Economic Development Corporation (MEDC); McKinney Convention & Visitors Bureau (MCVB); McKinney Housing Authority; McKinney Housing Finance Corporation; and the McKinney Main Street Board. The Alternate for each of the foregoing Boards and Commissions will be appointed for a two-year term beginning in October 2019 serving until October 2021 or until their successor is appointed.

An Alternate shall serve in the place of a seated member only in the physical absence (i.e. not due to conflict or abstention) of a seated member. Alternates are encouraged to attend all meetings; however, an Alternate shall not participate as a member in the deliberations (open session) unless they are sitting for an absent, seated member. Alternates may participate during those portions of meetings when the public at large may participate. Unless holding a one-year staggered term, Alternates shall serve for the same term length as seated members. However, Service of an Alternate shall not count against any term limits under (g) below.

- (g) Term Limits. The limit for consecutive service on the same board or commission is three (3) consecutive, full terms, regardless of term length (2-year, 3-year, etc.). Any member appointed to fill the remainder of an unexpired term shall be eligible to serve three (3) consecutive, full terms thereafter.
- (h) Multiple Service. Board and commission members shall not serve concurrently on more than one board or commission.
- (i) Spousal Service and Nomination/Voting Procedures. Spouses may serve concurrently on separate boards or commissions; however, no concurrent spousal service shall be permitted on any combination of the following boards and commissions: McKinney Economic Development Corporation, McKinney Community Development Corporation, Main Street Board, McKinney Housing Finance Corporation, and McKinney Convention and Visitors Bureau. Spouses may serve concurrently on any separate board or commission not listed herein. City Council members shall not knowingly participate in voting for or appointing any relative within the second degree of consanguinity or affinity to any board or commission¹. In the event a relative of a City Council member is recommended for a board or commission position at the time of preferencing, the City Council member who is related shall step down from the vote for such board appointments. City Council members shall not knowingly nominate, appoint or vote to nominate or appoint any person who is a member or employee, whether compensated or non-compensated, of a business entity of which the City Council member is also a member or employee. "Business Entity" shall mean a sole proprietorship, partnership, limited partnership, firm, corporation, limited liability company, holding company, joint-stock company, receivership, trust, unincorporated association, or any other business entity recognized by law. Applicants shall disclose on the application any membership or employee status in a business entity involving the applicant and a City Council member.
- (j) Commitment. Board and commission members shall support the annual goals of the City of McKinney.
- (k) Removal. Notwithstanding any provision of Section III (a)-(l), the City Council may remove any board or commission member at any time, with or without cause, including but not limited to the failure to attend seventy-five

¹ Second Degree of Consanguinity and Affinity relatives: mother, father, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, sister-in-law, brother-in-law, spouse's grandmother, spouse's grandfather, spouse's granddaughter, spouse's grandson.

percent (75%) of board meetings. Failure to adhere to any of the policies contained this Section III or in Section IV below may subject the member to immediate removal by the City Council.

- (l) Resignation Upon Filing for Elective Office. Any appointed member of any board or commission who files for any City Council, Independent School Board (located within the city limits) or Collin County elective office other than that which he or she is holding at the time of filing for elective office, shall resign from his or her appointive position concurrently with the filing for such elective office. If the board or commission member fails to resign, the appointive position shall be automatically vacated by the member as of the date of filing for elective office.

IV. Practices

- a) Disclosure of Vendor Relationships/Board member training. All members of any board or commission shall complete the required annual disclosures under Texas Local Government Code Chapter 176 whenever they contract with or are otherwise doing business with the City under applicable sections of this state law. Training on open government procedures and expectations for ethical conduct will be made available to all boards and commission members on an annual basis.
- b) Disclosure of interests. A City Council member or a board or commission appointee shall not participate or vote on a matter involving any entity on whose board the City Council member or appointee serves in any capacity or for which he/she is employed.
- c) Appointed board or commission members appearing before any board or commission. Board or commission members may not appear on behalf of a business, client, or other private or public interest before any City board or commission, save and except for an appearance concerning a business or property owned in whole or in part by such member, where approval by said board or commission is required for action by the business, client, private or public interest during their term on such board or commission.
- d) Appointed board or commission members doing business with the City. A board or commission member is prohibited from contracting or otherwise doing business with any board or commission during the member's term on any board or commission.
- e) Appointed board or commission member using board position status in public forum. Except while acting in a meeting on his/her appointed board or commission, a board or commission member shall not use his/her board title or position in communicating opinions or issues in a public forum, either written or oral. The purpose of this provision is to avoid confusion regarding the attribution of the member's statements, whether intended or not, to the member's board or to the City of McKinney. Upon receipt of notice of any member's communication contrary to this subsection, the City Manager shall place an item on the next available City Council agenda for consideration of removal of such member.

V. Official Notification.

- (a) A letter of appointment shall be sent to each member appointed to a board or commission.
- (b) A letter of gratitude shall be sent to each retiring member.