

RESOLUTION NO. 2011-10-____ (R)

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

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

WHEREAS, in June 2010, the City Council last amended its formal policy on the process for making such appointments; and

WHEREAS, the City Council of the City of McKinney, Texas, desires to make amendments to such adopted policy relative to the appointment process for boards and commissions and 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. The City Council of the City of McKinney, Texas does hereby amend the City of McKinney Policy on Board and Commission Member Appointment and Eligibility, a copy of which amended Policy is attached hereto as Exhibit A.

Section 3. 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 4th DAY OF OCTOBER, 2011.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary

BLANCA I. GARCIA
Assistant City Secretary

Approved as to Form:

MARK S. HOUSER
City Attorney

Exhibit A
CITY OF MCKINNEY
POLICY ON BOARD AND COMMISSION MEMBER
APPOINTMENT AND ELIGIBILITY
(Amended October 4, 2011)

I. Overview.

The City Council is very interested in citizens serving as members of City of McKinney boards or commissions. As interested community leaders, 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. Boards and commissions address such subjects as planning and zoning, transportation, parks, libraries, buildings and airports. 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. Board and commission membership shall reflect the City of McKinney's diversity of residents.

At its sole discretion, the City Council may appoint liaisons to boards and commissions from time to time.

On or before June 30th of each year, the City Council will designate interview committees comprised of two (2) City Council members that will thereafter interview candidates for designated Boards or Commissions. The City Council shall select the interview committee members. All Board and Commission interviews will be held in an open public meeting with a posted agenda. Meeting agendas will 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.

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

III. Eligibility and Membership Criteria.

- (a) Written Application/Eligible Applicant. A signed, current application form for all boards and commissions is required for consideration for service on a board or commission. Applications are considered current for one (1) year after original submittal, after which the application will be removed for consideration. The applicant may reapply and submit a new application. The City Council shall consider any person an "Eligible Applicant" who has met the above criteria and, in addition, has on file an application with the City Secretary prior to the last Friday in June of any year (for annual appointments). Mid-year vacancies shall be filled with any applicant having a valid application on file at the time of appointment. 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 be residents of the City of McKinney, Texas. Board and commission members shall notify the City Secretary of any change in residency status at least two (2) weeks prior to such change. 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. Failure to provide proof of residency when required by this subsection within ten (10) business days of notice to the board of commission member by the City Secretary shall be grounds for removal by the City Council.

- (c) Term. All terms shall be two (2) years unless otherwise modified by the City Council or provided by State law or ordinance.
- (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. A board or commission member shall endeavor to attend seventy-five percent (75%) of the board meetings to be considered for reappointment. Failure to attend 75% of the meetings may result in the board member not being reappointed at the City Council's discretion.
- (f) Term Limits. The limit for service on a board or commission is two (2) consecutive, full two-year terms; however the following exceptions apply:
 - 1. A reappointment to a board or commission due to the existence of an insufficient amount of applicants for the position to be filled; or
 - 2. A reappointment to a board or commission whereupon fifty percent (50%) or more of its members are subject to term limits under their expiring terms.
- (g) Continued Service. Subject to the provisions of (i) below, a board or commission member is immediately eligible for all other boards and commissions upon completion of term limits on current board or commission.
- (h) Multiple Service. Board and commission members shall not serve concurrently on more than one board or commission.
- (i) Spousal Service and Successive Appointments to Certain Board/Commissions. Board and commission members and spouses may serve concurrently on separate boards or commissions or on the same board or commission; however no concurrent service shall be permitted on any single board or combination of the following boards and commissions: McKinney Economic Development Corporation, McKinney Community Development Corporation, McKinney Airport Development Corporation, Main Street Board and McKinney Convention and Visitors Bureau. Spouses may serve concurrently on any of the above listed boards and commissions and any board or commission not listed herein. A member who serves a full term on any of the Boards/Commissions listed herein shall not serve on another or the same herein-listed Board/Commission until one (1) year after the end of such member's full

term. For purposes of the foregoing sentence, “full term” shall mean the member’s initial term or any successive term, regardless of the term length (i.e. 2 or 3 year), and as such, this paragraph shall not be construed to limit a member to only one full term on the boards/commissions listed herein. Partial terms shall not be affected by this policy. 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. A City Council member is not required to step down if the relative that has sought appointment is not on the recommended list for the preferencing portion of the selection process. 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. The City Council may remove any board member at any time, with or without cause, including but not limited to the failure to attend seventy-five 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.

IV. Practices

- a) Disclosure of Vendor Relationships. 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.

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.

- 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 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.

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.