

**AN ORDINANCE**

**AMENDING CHAPTER 2 OF THE CITY CODE ENTITLED "ADMINISTRATION" BY AMENDING ARTICLE IX ENTITLED "BOARDS AND COMMISSIONS RULES" WHICH GOVERNS THE CREATION AND OPERATION OF BOARDS AND COMMISSIONS CREATED BY CITY COUNCIL.**

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**WHEREAS**, the City Council Governance Committee's Ad Hoc Council Subcommittee on Boards and Commissions periodically reviews all procedures and guidelines governing city boards, commissions and committees, in order to improve and strengthen the relationship between the city's appointees to its boards and commissions and the City Council; and

**WHEREAS**, beginning February 21, 2019, the ad hoc subcommittee members Councilmember Ana E. Sandoval, District 7; Councilmember Rebecca J. Viagran, District 3, and former Councilmember Rey Saldaña, District 4, met at regular intervals to discuss the current rules for boards and commissions; and

**WHEREAS**, after consideration, the ad hoc subcommittee directed staff to forward proposed amendments to the boards and commissions rules for the Governance Committee's consideration; and

**WHEREAS**, the proposed amendments provide for the application of the rules to all city-created boards and commissions, with certain exceptions, and amend the terms of office for boards and commissions members to correspond to the terms of office of City Councilmembers and provide additional recommendations or modifications to the City of San Antonio City Code Chapter 2, Article IX; and

**WHEREAS**, on June 19, 2019, the Governance Committee approved the suggested revisions to the City Code rules for boards and commissions, and directed staff to bring the revisions to the full Council for consideration; **NOW THEREFORE:**

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

**SECTION 1.** The City of San Antonio City Code Chapter 2, Article IX, 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 IX. BOARDS AND COMMISSIONS RULES.**

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**\*Editor's note:** Section 1 of Ord. No. 2009-03-19-0205, adopted March 19, 2009, states: "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 intended to govern those boards and commissions created pursuant to the authority granted by state law, federal law, to the extent not in conflict with state or federal law; City appointees to boards and commissions jointly created with the County or any other governmental entity; boards and commissions with special membership requirements set out elsewhere in this Code, such as but not limited to the Electrical Board, the Mechanical Board of Appeals, and the Plumbing Appeals and Advisory Board; but are not intended to govern those boards and commissions created pursuant to the authority granted by the City Charter, Blue Ribbon

Committees; Ad Hoc Committees or those 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 to Council Committees or Subcommittees."

Ord. No. 100199, § 1, adopted December 17, 2004, enacted provisions intended for use as article VIII, §§ 2-400--2-410. Inasmuch as there are already provisions so designated, and at the discretion of the editor, said provisions have been redesignated as article IX, §§ 2-526--2-536. Sections 2--7 of said ordinance were non-specific and have therefore been codified as §§ 2-537--2-542 at the discretion of the editor.

**Sec. 2-526. 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]~~ coordinate specific deadlines for submission of applications for at-large boards or commissions with the respective department. 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.
- (d) Applications for all boards and commissions shall be valid for one year after submission. A completed application must be on file in order for an individual to be considered for appointment to a board or commission.

**Sec. 2-527. 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, or via email if an email address is provided, if he/she is not qualified to serve on the board or commission for which he/she has applied.]~~ The city clerk will forward the applications to the respective city council member for his/her review.
- (b) ~~[ The city clerk will forward the applications of the qualified applicants to the respective city council member for his/her review. The office of the city clerk will initiate appointments, upon submission of a memorandum by a city council member, designating his/her respective appointees.]~~ The office of the city clerk will initiate appointments, upon submission of a memorandum by a city council member, designating his/her respective appointees and requesting a waiver of a city-imposed qualification requirement, if applicable.
- (c) 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, or if a waiver of a city-imposed qualification is necessary for the appointment. The office of the city clerk will notify the applicant in writing, or via email if an email address is provided, if he/she is not selected to serve on the board or commission for which he/she has applied.  
~~[The provisions of this section apply to mayoral appointments.]~~
- (d) The provisions of this section also apply to mayoral appointments.

**Sec. 2-528. At-large 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, or via email if an email address is provided, if he/she is not qualified to serve on the board or commission for which he/she has applied.

- (b) The office of the city clerk shall submit applications to the city council committee to which the board reports. The city council committee will review the applications to determine a proposed slate for council consideration, and may request to conduct interviews of applicants during a committee meeting.
- (c) City council members may submit their nominations, in writing, to the office of the city clerk, in the form of a memorandum, for consideration by the respective city council committee as described in subsection (b).
- (d) Official selection by the city council shall take place no sooner than one week after the date of the council committee meeting, unless otherwise directed by the city council.
- (e) If an interview is requested, 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.
- (f) Subsection 2-529(a) does not apply to boards or commissions whose members are appointed at-large.

**Sec. 2-529. Membership.**

- (a) Each board or commission shall consist of eleven ~~[(11)]~~ members (one per council district and mayor). This subsection does not apply to section 2-528 and any board or commission in existence prior to December 27, 2004.
- (b) In order to be qualified to serve, all applicants for boards and commissions must be residents of the city, and continue such residency during the term of their appointment, if appointed.
- (c) When making appointments to boards and commissions, the city shall not discriminate on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, veteran status, age or disability.

**Sec. 2-530. Terms of office.**

*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. Appointments made during an existing term are for the remainder of the unexpired term.

**Sec. 2-531. Meeting procedures.**

- (a) Boards and commissions will conduct meetings in accordance with the latest edition of Robert's Rules of Order, or in accordance with meeting procedures adopted by the board or commission that ensure basic parliamentary procedures are followed.
- (b) Board and commission meetings shall be conducted in accordance with the Texas Open Meetings Act. A majority of the number of seats on 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. Non-voting members do not count when determining a quorum.
- (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]~~ are 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. 2-532. Subcommittees.**

- (a) 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.

- (b) The size of a subcommittee's membership may be equal to, but no larger than the size of the creating board or commission.
- (c) The chair of a subcommittee shall be a member of the creating board or commission.
- (d) 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. 2-533. Attendance.**

- (a) If a board or commission member's attendance at regularly scheduled meetings falls below fifty ~~[(50)]~~ percent on an annual basis from the appointment date, or a member misses three ~~[(3)]~~ regularly scheduled consecutive meetings, the respective department liaison shall notify the office of the city clerk, who shall coordinate the attendance issue with the appointing council member's office, or the Mayor, if an at-large appointee. The city clerk, upon approval by the appointing council member or Mayor, as applicable, shall notify the member in writing that the member will be [automatically] removed from the respective board or commission, without any further action by the city council.
- (b) 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 2-527 and 2-528, as applicable. The new member shall serve out the remainder of the term of the removed member.
- (c) 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 calendar year from the date of the member's automatic removal.

**Sec. 2-534. Financial disclosure report.**

- (a) All board and commission members shall be subject to the requirements set forth in the city's ethics code, as applicable to city officials.
- (b) 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.
- (c) 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.
- (d) 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 2-527 and 2-528, as applicable. The new member shall serve out the remainder of the term of the removed member.
- (e) 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 calendar year from the date of the member's automatic removal.

**Sec. 2-535. Removal from office.**

- (a) 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]~~ the appointment of a new appointee.
- (b) Requests for removal of a board or commission member must be initiated ~~[by city council consideration requests.]~~ in writing by the city council member for whose district the member represents, and directed to the office of the city clerk, or by a city council consideration request if an at-large appointment. Such request ~~[shall also]~~ may direct 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 2-527 and 2-528, as applicable. The request may also direct the office of the city clerk to place the name of a new appointee on the next available city council agenda for appointment. The new member shall serve out the remainder of the term of the removed member.

**Sec. 2-536. Resignations.**

- (a) 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.
- (b) 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 for applications to the board or commission from which the member resigned in the same manner as described in sections 2-527 and 2-528, as applicable. The new member shall serve out the remainder of the term of the resigned member.

**Sec. 2-537. Template enabling ordinance.**

All new boards and commissions shall be created using the template ordinance, attached to Ord. No. 100199 as exhibit I. Unless otherwise provided in said subsequent enabling ordinance, the provisions provided for in article IX, shall govern the creation and operation of all boards and commissions.

**Editor's note:** Exhibit I to Ord. No. 100199 may be found in the city clerk's office.

**Sec. 2-538. Information on boards and commissions.**

- (a) In addition to any other applicable notification requirement, public notices will be provided for all board and commission vacancies. In addition, the office of the city clerk will issue media advisories, will post information on the city's website and the TVSA channel. Notices may also be posted at the Central library, at branch libraries, city parks and at city community centers.
- (b) Informational material, which includes current data about all boards and commissions, will be available to prospective appointees, in the office of the city clerk.

**Sec. 2-539. New member orientation and swearing-in.**

- (a) A thorough orientation will be provided to all newly appointed board and commission members by the pertinent city department. Specific information on policies and procedures for the respective board or commission will be provided at that time. Board and commission members will sign a document to verify that they have attended the necessary orientation. The pertinent city department shall maintain records of these documents in accordance with the city's records retention schedule.
- (b) Continuing education programs will be instituted by various city departments to provide up-to-date information on any legislation or other pertinent information that would affect the department's respective board or commission. Board and commission members must be kept abreast of all issues related to the board or commission and its responsibilities.
- (c) Newly appointed members will be invited to a swearing-in ceremony to be [held during a city council meeting] scheduled by the office of the city clerk.
- (d) The failure or refusal to attend the department orientation within the first year of service shall constitute an automatic removal without further action by the city council. The office of the city clerk shall notify the appointing council member and the board member of the removal. A replacement board member shall be appointed in the same manner as described in sections 2-527 and 2-528, as applicable.
- (e) A member who is automatically removed from a board or commission for failure to attend the department orientation requirement is ineligible to seek appointment to any board or commission for a period of one calendar year from the date of the member's automatic removal.

**Sec. 2-540. Municipal Leadership Institute.**

- (a) The Municipal Leadership Institute shall be utilized to provide an orientation to city government to all newly appointed board and commission members. A comprehensive overview will be provided on issues that include, but are not limited to, ethics, liability, fiscal responsibility, attendance requirements, removal, parliamentary procedures (Robert's Rules of Order), the Texas Open Meetings Act, the Texas

Public Information Act, and general information about the city and the board and commission appointment process.

(b) All first-time newly-appointed board and commission members (district and at-large appointments), must attend a Municipal Leadership Institute Training before they can be considered for reappointment to any city board or commission.

(c) The failure or refusal to attend the Municipal Leadership Institute within the first year of service shall constitute an automatic removal without further action by the city council. The office of the city clerk shall notify the appointing council member and the board member of the removal. A replacement board member shall be appointed in the same manner as described in sections 2-527 and 2-528, as applicable.

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

**Sec. 2-541. City council Ad Hoc Committee on Boards and Commissions.**

(a) The office of the city clerk shall maintain a list of all city boards and commissions, divided into two [~~(2)~~] categories, "district boards and commissions" and "at-large boards and commissions". Periodically, the mayor shall appoint a three-member Ad Hoc Committee to review all city boards and commissions for sunset, consolidation, or other recommended change.

(b) This city council Ad Hoc Committee on Boards and Commissions will be comprised of one senior council member, who will serve as the chairperson, and two [~~(2)~~] other council members. Ad Hoc Committee will meet as needed, to review any board or commission concerns that need to be presented to the full city council.

(c) The city council, as evidenced by passage of an ordinance, may sunset inactive boards or commissions as recommended by the respective city council committee having oversight over the board or commission, and as deemed necessary by the Ad Hoc Committee.

**Sec. 2-542. City council committee oversight**

(a) Each board and commission will report to a designated city council committee. This reporting relationship is determined by aligning boards and commissions with those city council committees that address similar subject matters.

(b) The office of the city clerk shall maintain a list of this reporting relationship, which will include the name of each city board and commission and its designated city council committee.

(c) The Mayor may make any changes to the reporting relationships between the council committees and the boards and commissions.

(d) Written reports from each board or commission regarding its activities and recommendations must be provided to its respective city council committee on an annual basis and upon request.

(e) Each city council committee may recommend sunset, consolidation or other necessary action to the city council subcommittee on boards and commissions.

**SECTION 2.** The remainder of the City Code, Chapter 2, Article IX remains in full force and effect.

**SECTION 3.** 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 4.** This Ordinance is effective immediately upon the receipt of eight affirmative votes, or in the event eight affirmative votes are not received, on the tenth day after passage.

***PASSED AND APPROVED*** this \_\_\_\_ day of \_\_\_\_\_.

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Leticia M. Vacek, City Clerk

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Andrew Segovia, City Attorney

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