

Office of the City Manager

City of Richland Hills, Texas

Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council
From: Curtis E. Hawk, City Manager
Date: June 18, 2013
Subject: Amendment to Chapter 10, "Boards, Committees, Commissions" of Richland Hills Municipal Code (City Code of Ordinances).

City Council Action Requested:

Consider Amendments to Chapter 10 of the City Code of Ordinances, including authorization to initiate process of transitioning Keep Richland Hills Beautiful from a City board to an independent Affiliate with Keep Texas Beautiful with status as non-profit, 501 (c) (3) corporation.

Background Information:

This item was before Council at its May 21st and June 4th meetings . Although there was general discussion on several of the boards covered by the ordinance, particular discussion was centered on the Keep Richland Hills Beautiful Commission and whether it should be included as a city board or separated from the municipal organization to operate as an independent affiliate with Keep Texas Beautiful and, with perhaps assistance from the city, established as a non-profit, 501 (c)(3) tax-exempt organization. No action was taken by Council at either meeting, but my understanding of the general direction of Council at the June 4, 2013 meeting is that the item should be discussed in more detail with Council. The item has been posted in order to give City Council flexibility to take specific action if it so decides.

For Council's reference, the remainder of the memo narrative which follows is as appeared in the May 21, 2013 and June 4, 2013 Council agenda packets.

Memo to Council, Amending Chapter 10
June 18, 2013 Council Meeting
Page 2 of 3

City Council approved Ordinance 1234-12 on September 11, 2012 amending Chapter 10 of the Richland Hills Municipal Code to provide for the creation of the Council's various advisory boards, committees, and commissions, and their terms, rules of procedure and other requirements. Over the last several months I have had one-on-one discussions with individual Council members regarding roles and responsibilities of the boards, committees, and commissions and staff, questions of overlapping responsibilities of some boards, and the question of whether or not some duties assigned to the various boards, committees, and commissions require more direct involvement by city management staff and/or city council.

Several of you have independently inquired as to whether or not it would be appropriate to include Council members on some of the various boards, much like the Comprehensive Plan Steering Committee which includes members of the Council and several boards. The short answer is that it **would not be appropriate** due to the common law doctrine of incompatibility, which in this instance would prohibit a governing body from appointing one of its members to serve on a board it has created. The difference from what the Council has done with the Comprehensive Plan Steering Committee, and the boards, committees and commissions set out in Chapter 10, is that the Steering Committee is an ad hoc (special purpose) **committee of the City Council**, with others besides council members appointed to serve on the committee with the council members.

Some of the City's boards are required as currently constituted, e.g., the P&Z by City Charter, the ZBA and the Animal Shelter Advisory Board by state law. Others were established by City Council to assist Council (and thereby staff) in different ways – some by recommending policies (e.g., Economic Development Advisory Board), some by recommending events (e.g., Special Events Committee), some by recommending activities (e.g., Keep Richland Hills Beautiful).

Memo to Council, Amending Chapter 10
June 18, 2013 Council Meeting
Page 3 of 3

For a number of reasons, particularly policy considerations and budget impacts, it might be appropriate for Council to consider transitioning (for lack of a better term) some of the specific boards, committees and commissions set out in Chapter 10 to where they would become committees of the council (where not prohibited by state statute) – either like the Council’s Finance Committee (a standing committee) or the Steering Committee and the Council’s Charter Review Committee (both ad hoc committees with a special, specific purpose and a projected cessation date).

Board/Citizen Input:

N/A

Financial Impact:

Staff Contacts:

Curtis E. Hawk, City Manager
817-616-3806
chawk@richlandhills.com

Attachment: Chapter 10, Boards, Committees, Commission, Code of Ordinances

ORDINANCE NO. 1234-12

AN ORDINANCE OF THE CITY OF RICHLAND HILLS AMENDING CHAPTER 10 "BOARDS, COMMITTEES, COMMISSIONS" OF THE RICHLAND HILLS MUNICIPAL CODE ("CITY CODE") BY AMENDING CERTAIN PROVISIONS REGARDING THE CREATION, DISSOLUTION, POWERS AND DUTIES OF THE VARIOUS BOARDS AND COMMISSIONS OF THE CITY, AND THE COMPOSITION, QUALIFICATIONS, APPOINTMENT, AND REMOVAL OF MEMBERS AND OFFICERS, AND RULES OF PROCEDURE GOVERNING MEETINGS OF SUCH BOARDS AND COMMISSIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS:

SECTION 1.

Chapter 10 "Boards, Committees, Commissions" of the Richland Hills Municipal Code is hereby revised to read as follows:

ARTICLE I. - IN GENERAL

Sec. 10-1. – Applicability of article.

- (a) Except as otherwise provided in this Code, the provisions of this Article shall apply to all boards and commissions and committees created by the city council. The term "board" shall mean boards, committees, or commissions.
- (b) Except as otherwise clearly provided, all boards created by this chapter shall serve in an advisory capacity to the city council.

Sec. 10-2. - Rules of procedure, posting, open meetings.

Every board created pursuant to this chapter shall adopt such rules of procedure as deemed advisable by the board not inconsistent with the city Charter or the provisions of this chapter to govern its business, subject to approval of the city council. In the absence of a governing rule, the board shall abide by the most recent edition of Rosenberg's Rules of Order on file with the city secretary. The

agenda for all meetings shall follow the format of the city council agendas and shall be posted at least 72 hours prior to any meeting at the place where city council agendas are customarily posted. All meetings shall be open to the public, except that to the extent any such board is subject to the Texas Open Meetings Act or other applicable law relating to open meetings and is authorized to convene in executive session under such law, such board shall be entitled to consider only the portion of such agenda in executive session as is permitted by such law.

Sec. 10-3. – Term, appointment; application

(a) Except as otherwise provided in this chapter, each council member shall be entitled to nominate one member of the board whose place corresponds to the nominating council member's place on the council. All nominations are subject to the approval by a majority vote of council members present. Except as otherwise provided in this chapter, all board members shall serve two year terms commencing October 1st in the first year of the term of their nominating council member and holding the same place number as their nominating council member as the case may be. The term of any regular or alternate board member whose term is set to coincide with the term of the mayor shall commence on October 1st in the first year of the term of the mayor. The council shall review applications and make board appointments in September.

(b) All members serve until re-appointed, replaced, removed or resign.

(c) Prior to appointment and re-appointment, each applicant for a place on a board shall complete an application on a form approved by the city manager, which shall be made available to the city council prior to appointment. Each applicant shall affirmatively show an interest and competency in the purpose, duties and tasks of the board.

(d) The city secretary shall maintain all such applications for a period of two years after their filing, for consideration by any councilmember considering an appointment to any city board. The city secretary shall indefinitely maintain previously filed applications of an appointed board member if such member is to be considered for reappointment by the city council and such member has expressed a desire to continue service on such board.

(e) When a person is appointed to a board, removed from a board or their term is up and they are not re-appointed to a board, the city secretary shall promptly call and email the chair of the board and the person to inform them of the council's appointment, removal, or that their term is up and not re-appointed.

Sec. 10-4. – Staff support.

(a) A city staff representative to the boards shall be designated by the city manager to assist with board duties and tasks, and to coordinate with the city secretary regarding the preparation of agendas and meeting minutes.

(b) All board member contact with the city attorney shall be through or approved by the city manager.

(c) Unless authorized by the city manager, board members shall not give an order to any employee of the city.

Sec. 10-5. – Appearance.

Board members attending public meetings must maintain a professional appearance, with business casual clothing the standard.

Sec. 10-6. – Service on multiple boards.

No board member may serve in any capacity on more than one other board, unless it is a special committee for a term less than six months in duration.

Sec. 10-7. – Debt and expenditures.

No debt of any kind or character shall be made or incurred by any board, by any board member, or by anyone acting on its behalf except in strict accordance with a budget approved by the city council. Any expenditures made pursuant to an approved budget must be pre-approved by the city manager. All board members shall serve without compensation.

Sec. 10-8. – Alternates.

On any board with appointed alternates, alternates shall be given preferred consideration over any person who is not currently a member of the board for appointment to an expired term or vacant seat.

Sec. 10-9. – Bi-annual reporting.

All boards shall submit to the city council bi-annual, written and oral reports, one in January and one in July, regarding the current activities, projects, achievements and goals of the board.

Sec. 10-10. – Organizational Meeting and Officers.

All boards shall have an organizational meeting in October of each year. New officers will be elected at each organizational meeting. The officers of the boards shall be a chairman, vice-chairman and secretary who shall be elected by a majority vote of the members at their organizational meeting. The officers shall be elected from places 1 - 5. Each board shall be responsible for setting up their own needs. In the event staff support is needed, it should be coordinated through the city manager's office. A chairman, vice-chairman and secretary shall meet the minimum office requirements for each board.

Sec. 10-11. – Minutes and attendance reports submitted to the council.

The board secretary or a staff liaison shall keep minutes of all proceedings of the boards. The minutes shall be approved at each meeting thereafter and shall be promptly submitted to the city secretary. Such minutes shall become a part of the city council's informational reports. The secretary or staff liaison shall also keep attendance records on each member for submission to the city council along with the board's minutes and will make specific notation if a member misses three consecutive meetings. Members must attend at least 75 percent of all meetings of the board based on a 12 month period beginning October 1 of each year.

Secs. 10-12—10-30. - Reserved.

ARTICLE II. - ANIMAL SHELTER ADVISORY BOARD

Sec. 10-31. - Creation; qualifications of members.

There is hereby created the city animal shelter advisory board. Members of the animal shelter advisory board shall be registered voters within the city, except as follows:

- (1) The licensed veterinarian and representative of an animal welfare organization need not be registered voters within the city. Qualified registered voters within the city shall be given preference for appointment.
- (2) The municipal official and person whose duties include daily operation of an animal shelter need not be registered voters within the city. Qualified registered voters within the city shall be given preference for appointment.

Sec. 10-32. - Composition, appointments and terms of members.

- (a) The animal shelter advisory board shall be composed of nine members who shall hold designated places 1 through 9.

(b) The nomination and appointment of the persons who shall hold office in places 1 through 5 shall be in accordance with section 10-3 of this chapter.

(c) Place 6 shall be held by a licensed veterinarian; place 7 shall be held by a municipal official; place 8 shall be held by a person whose duties include daily operation of an animal shelter; and place 9 shall be held by a representative of an animal welfare organization. Any member of the city council may nominate a person to places 6 through 9, and each nomination shall be subject to approval by a majority vote of the city council present. Places 6 through 9 shall serve terms coinciding to that of the mayor in accordance with section 10-3 of this chapter.

Sec. 10-33. - Vacancies; unexpired terms.

Any vacancy occurring in the membership of the animal shelter advisory board shall be filled by appointment and approval by majority vote of the city council present, in the same manner as provided in section 10-32 for appointment of members for full terms, for the remainder of the unexpired term of the member whose place becomes vacant.

Sec. 10-34. - Meetings, quorum and votes.

The animal shelter advisory board shall hold meetings regularly at least every quarter at a time and place designated by a majority vote of the members and coordinated with the city manager. A majority of the members shall constitute a quorum for the transaction of business. All members shall have a vote.

Sec. 10-35. – Removal of members.

Any member of the animal shelter advisory board may be removed by a majority vote of the city council present at any time without cause. The council shall thereupon proceed to fill the vacancy thereby created in the manner provided in section 10-33.

Sec. 10-36. - Powers and duties.

The powers and duties of the animal shelter advisory board are as follows:

- (1) To advise the city council on all matters pertaining to the animal shelter of the city.
- (2) When requested by the city council, investigate, initiate, plan and complete projects on the operation, development and improvements of animal shelter facilities, and coordinate all projects for the improvement of the animal shelter.
- (3) Carry out such other tasks as the city council may designate.

Secs. 10-37—10-90. - Reserved.

ARTICLE III. - ECONOMIC DEVELOPMENT ADVISORY BOARD

Sec. 10-91. - Creation; qualifications of members.

There is hereby created the city economic development advisory board. Members of the economic development advisory board shall be registered voters within the city, except that the two representatives of the business community need not be registered voters within the city. Qualified registered voters within the city shall be given preference for appointment.

Sec. 10-92. - Composition, appointments and terms of members.

(a) The economic development advisory board shall be composed of seven members who shall hold designated places 1 through 7.

(b) The nomination and appointment of the persons who shall hold office in places 1 through 5 shall be in accordance with section 10-3 of this chapter.

(c) Places 6 and 7 shall be representatives of the business community and must be affiliated with a commercial business operating within the city limits. Any member of the city council may nominate a person to places 6 and 7 and each nomination shall be subject to approval by a majority vote of the city council present. Places 6 and 7 shall serve terms coinciding to that of the mayor in accordance with section 10-3 of this chapter.

Sec. 10-93. - Vacancies; unexpired terms.

Any vacancy occurring in the membership of the economic development board shall be filled by appointment and approval by majority vote of the city council present, in the same manner as provided in section 10-92 for appointment of members for full terms, for the remainder of the unexpired term of the member whose place becomes vacant.

Sec. 10-94. - Meetings, quorum and votes.

The economic development advisory board shall hold meetings regularly at least once each month at a time and place designated by a majority vote of the members and coordinated with the city manager. A majority of the members shall constitute a quorum for the transaction of business. All members shall have a vote.

Sec. 10-95. - Removal of members.

Any member of the economic development advisory board may be removed by a majority vote of the city council present at any time without cause. The council

shall thereupon proceed to fill the vacancy thereby created in the manner provided in section 10-93.

Sec. 10-96. - Powers and duties.

The powers and duties of the economic development advisory board shall be as follows:

- (1) To advise the city council on all matters pertaining to the economic development of the city.
- (2) Recommend to the city council policy alternatives which will promote and enhance economic development while ensuring quality of life in the city.
- (3) Recommend to city council policies which attract new businesses and assist existing businesses.
- (4) Recommend to city council policies which encourage commercial development and redevelopment.
- (5) Coordinate, schedule and host meetings of members of the business community in order to facilitate a positive relationship between the city and the business community.
- (6) Establish a data base of information relating to market characteristics, labor force, land availability, labor availability and capital availability in the city.
- (7) Carry out such other tasks as the city council may designate.

Secs. 10-97—10-120. - Reserved.

ARTICLE IV. - CRIME PREVENTION ADVISORY BOARD

Sec. 10-121. - Creation; qualifications of members.

There is hereby created the city crime prevention advisory board. Members of the crime prevention advisory board shall be registered voters within the city, except that the representatives of the public schools and of the business community need not be registered voters within the city. Qualified registered voters within the city shall be given preference for appointment.

Sec. 10-122. - Composition, appointments and terms of members.

(a) The crime prevention advisory board shall be composed of seven members who shall hold designated places 1 through 7.

(b) The nomination and appointment of the persons who shall hold office in places 1 through 5 shall be in accordance with section 10-3 of this chapter.

(c) Place 6 shall be a representative of the Birdville Independent School District or other independent school district which is located in whole or in part within the city limits, and place 7 shall be a representative of the business community and must be affiliated with a commercial business operating within the city limits. Any member of the city council may nominate a person to places 6 and 7, and each nomination shall be subject to approval by a majority vote of the city council present. Places 6 and 7 shall serve terms coinciding with that of the mayor in accordance with section 10-3 of this chapter.

(d) Due to the sensitive nature of the information provided to the board and of the matters considered by the crime prevention advisory board, applicants for membership shall be subject to background checks prior to their appointment.

Sec. 10-123. - Vacancies; unexpired terms.

Any vacancy occurring in the membership of the crime prevention advisory board shall be filled by appointment and approval by majority vote of the city council present, in the same manner as provided in section 10-122 for appointment of members for full terms, for the remainder of the unexpired term of the member whose place becomes vacant.

Sec. 10-124. - Meetings, quorum and votes.

The crime prevention advisory board shall hold meetings regularly at least once each month at a time and place designated by a majority vote of the members and coordinated with the city manager. A majority of the members shall constitute a quorum for the transaction of business. All members shall have a vote.

Sec. 10-125. - Removal of members.

Any member of the crime prevention advisory board may be removed by a majority vote of the city council present at any time without cause. The council shall thereupon proceed to fill the vacancy thereby created in the manner provided in section 10-123.

Sec. 10-126. - Powers and duties.

The powers and duties of the crime prevention advisory board shall be as follows:

- (1) To advise the city council on all matters pertaining to the crime prevention of the city.
- (2) To assist the crime prevention officer by organizing and participating in various crime prevention programs or events.
- (3) To recruit active citizen participation in the crime prevention programs offered by the police department.
- (4) To recognize those citizens who have contributed to the success of the crime prevention program.
- (5) To recommend to the city council improvements in crime prevention programs and services.
- (6) Carry out such other tasks as the city council may designate.

Secs. 10-127—10-150. - Reserved.

ARTICLE V. – SPECIAL EVENTS COMMITTEE

Sec. 10-151. Creation; qualifications of members.

There is hereby created the city special events committee. Members of the special events committee shall be registered voters within the city.

Sec. 10-152. - Composition, appointments and terms of members.

- (a) The special events committee shall be composed of five members who shall hold designated places 1 through 5.
- (b) The nomination and appointment of the persons who shall hold office in places 1 through 5 shall be in accordance with section 10-3 of this chapter.

Sec. 10-153. Vacancies; unexpired terms.

Any vacancy occurring in the membership of the special events committee shall be filled by appointment and approval by majority vote of the city council present, in the same manner as provided in section 10-152 for appointment of members for full terms, for the remainder of the unexpired term of the member whose place becomes vacant.

Sec. 10-154. Meetings, quorum and votes.

The special events committee shall hold meetings regularly as needed at a time and place designated by a majority vote of the members and coordinated with the city manager. A majority of the members shall constitute a quorum for the transaction of business. All members shall have a vote.

Sec. 10-155. - Removal of members.

Any member of the special events committee may be removed by a majority vote of the city council present at any time without cause. The council shall thereupon proceed to fill the vacancy thereby created in the manner provided in section 10-153.

Sec. 10-156. Powers and Duties.

The powers and duties of the special events committee shall be as follows:

- (1) To advise the city council on all matters pertaining to the special events of the city.
- (2) To assist the City Council with planning, budgeting for, and fund-raising for City-sponsored special events, including, but not limited to, the Easter Egg Hunt, Fourth of July Parade and the annual lighting of the Christmas tree.
- (3) Carry out such other tasks as the city council may designate.

Secs. 10-157—10-180. - Reserved.

ARTICLE VI. - KEEP RICHLAND HILLS BEAUTIFUL COMMISSION

Sec. 10-181. - Creation: qualifications of members.

There is hereby created the city Keep Richland Hills Beautiful Commission. Members of the Keep Richland Hills Beautiful Commission shall be registered voters within the city, except that the two representatives of the business community need not be registered voters within the city. Qualified registered voters residing the city shall be given preference for appointment.

Sec. 10-182. - Composition, appointments and terms of members.

- (a) The Keep Richland Hills Beautiful Commission shall be composed of seven members who shall hold designated places 1 through 7.

(b) The nomination and appointment of the members who shall hold office in places 1 through 5 shall be in accordance with section 10-3 of this chapter.

(c) Places 6 and 7 shall be representatives of the business community and must be affiliated with a commercial business operating within the city limits. Any member of the city council may nominate a person to places 6 and 7 and each nomination shall be subject to approval by a majority vote of the city council present. Places 6 and 7 shall serve terms coinciding to that of the mayor in accordance with section 10-3 of this chapter.

Sec. 10-183. - Vacancies; unexpired terms.

Any vacancy occurring in the membership of the Keep Richland Hills Beautiful Commission shall be filled by appointment and approval by majority vote of the city council present, in the same manner as provided in section 10-182 for appointment of members for full terms, for the remainder of the unexpired term of the member whose place becomes vacant.

Sec. 10-184. - Meetings, quorum and votes.

The Keep Richland Hills Beautiful Commission shall hold meetings regularly at least once each month at a time and place designated by a majority vote of the members and coordinated with the city manager. A majority of the members shall constitute a quorum for the transaction of business. All members shall have a vote.

Sec. 10-185. - Removal of members.

Any member of the Keep Richland Hills Beautiful Commission may be removed by a majority vote of the city council present at any time without cause. The council shall thereupon proceed to fill the vacancy thereby created in the manner provided in section 10-183.

Sec. 10-186. - Powers and duties.

The powers and duties of the Keep Richland Hills Beautiful Commission shall be as follows:

- (1) To advise the city council on all matters pertaining to Keep Richland Hills Beautiful.
- (2) Recommend refuse and environmental management policies to the city council so all city refuse and clean city activities may follow a common purpose.
- (3) Develop city-wide refuse and environmental policy plan.

- (4) Evaluate city actions in light of that policy.
- (5) Determine and recommend to the city council management and program priorities on a city-wide basis.
- (6) Recommend enforcement and additional program alternatives.
- (7) Monitor city performance from data collected and examined under the Keep America Beautiful, Inc., Keep America Beautiful System guidelines and make an annual report to the city council.
- (8) Carry out such other tasks as the city council may designate.

Sec. 10-187. - Executive director.

There shall be an executive director of the Keep Richland Hills Beautiful Commission, who shall serve as nonvoting secretary of the commission. The executive director shall be appointed by the city manager. The executive director shall serve in volunteer capacity under the supervision of the city manager or the city manager's designee to implement the provisions of this article

Secs. 10-188—10-210. - Reserved.

ARTICLE VII. - LIBRARY ADVISORY BOARD

Sec. 10-211. - Creation; qualifications of members.

There is hereby created the city library advisory board. Members of the library advisory board shall be registered voters within the city.

Sec. 10-212. - Composition, appointments and terms of members.

- (a) The library advisory board shall be composed of five members who shall hold designated places 1 through 5.
- (b) The nomination and appointment of the persons who shall hold office in places 1 through 5 shall be in accordance with section 10-3 of this chapter.

Sec. 10-213. - Vacancies; unexpired terms.

Any vacancy occurring in the membership of the library advisory board shall be filled by appointment and approval by majority vote of the city council present, in the same manner as provided in section 10-212 for appointment of members for full terms, for the remainder of the unexpired term of the member whose place becomes vacant.

Sec. 10-214. - Meetings, quorum and votes.

The library advisory board shall hold meetings regularly at least once every other month at a time and place designated by a majority vote of the members and coordinated with the city manager. A majority of the members shall constitute a quorum for the transaction of business. All members shall have a vote.

Sec. 10-215. - Removal of members.

Any member of the library advisory board may be removed by a majority vote of the city council present at any time without cause. The council shall thereupon proceed to fill the vacancy thereby created in the manner provided in section 10-213.

Sec. 10-216. - Powers and duties.

The powers and duties of the library advisory board are as follows:

- (1) To advise the city council on all matters pertaining to the library.
- (2) To make recommendations to the city council regarding the annual budget of the library, and the expenditure of funds from the library fund and other donations dedicated to supporting, operating, maintaining, improving, and expanding the library.
- (3) To assist in the development of the city's five-year capital improvements plan regarding any matters related to the library.
- (4) To promote community appearance and to stimulate public interest therein, and to solicit to the fullest extent possible from all civic groups, other public agencies and private organizations their cooperation, support and assistance in the improvement of library facilities.
- (5) To recommend to the city council general rules and regulations governing the use of the library.
- (6) When requested by the city council, investigate, initiate, plan and complete projects on the operation, development and improvements of library facilities, and coordinate all projects for the improvement of the library.
- (7) Carry out such other tasks as the city council may designate.

Secs. 10-217—10-240. - Reserved.

ARTICLE VIII. - PARKS AND BEAUTIFICATION ADVISORY BOARD

Sec. 10-241. - Creation; qualifications of members.

There is hereby created the city parks and beautification advisory board. Members of the parks and beautification advisory board shall be registered voters within the city.

Sec. 10-242. - Composition, appointments and terms of members.

(a) The parks and beautification advisory board shall be composed of five members who shall hold designated places 1 through 5.

(b) The nomination and appointment of the persons who shall hold office in places 1 through 5 shall be in accordance with section 10-3 of this chapter.

Sec. 10-243. - Vacancies; unexpired terms.

Any vacancy occurring in the membership of the parks and beautification advisory board shall be filled by appointment and approval by majority vote of the city council present, in the same manner as provided in section 10-242 for appointment of members for full terms, for the remainder of the unexpired term of the member whose place becomes vacant.

Sec. 10-244. - Meetings, quorum and votes.

The parks and beautification advisory board shall hold meetings regularly at least once each month at a time and place designated by a majority vote of the members and coordinated with the city manager. A majority of the members shall constitute a quorum for the transaction of business. All members shall have a vote.

Sec. 10-245. - Removal of members.

Any member of the parks and beautification advisory board may be removed by a majority vote of the city council present at any time without cause. The council shall thereupon proceed to fill the vacancy thereby created in the manner provided in section 10-243.

Sec. 10-246. - Powers and duties.

The powers and duties of the parks and beautification advisory board are as follows:

- (1) To advise the city council on all matters pertaining to the parks and beautification of the city.

(2) To act in an advisory capacity and recommend plans to the city council on the operation, layout, planning and development of parks, outdoor recreation facilities and beautification of city-owned property.

(3) To provide guidance and assistance in the form of recommendations by providing a yearly budget to the city council for the expenditure of funds out of the parks and beautification fund from dedicated donations for projects which support the beautification and general appearance of city-owned property and for improvements to the parks.

(4) To assist in the development of the city's five-year capital improvements plan including future acquisition of potential park and open space lands.

(5) To promote community appearance and to stimulate public interest therein, and to solicit to the fullest extent possible from all civic groups, other public agencies and private organizations their cooperation, support and assistance in the improvement of park facilities and general appearance of city owned property.

(6) To recommend to the city council general rules and regulations governing the use of parks, open spaces and other outdoor recreational facilities.

(7) To recommend to the city council in an advisory capacity beautification and outdoor recreational programs for the citizens of the city.

(8) When requested by the city council, investigate, initiate, plan and complete projects on the operation, layout, planning, development and improvements of parks and outdoor recreational facilities, and coordinate all landscape and beautification projects for the highway medians, streets, city complex, parks and other city-owned property for an aesthetic and unified appearance.

(9) Carry out such other tasks as the city council may designate.

Secs. 10-247—10-270. - Reserved.

ARTICLE IX. - PLANNING AND ZONING COMMISSION

Sec. 10-271. - Creation; qualifications of members.

There is created in Charter § 14.01 the city planning and zoning commission. In addition to the requirements in Charter § 14.01, the members of the planning and zoning commission shall be registered voters within the city.

Sec. 10-272. - Composition, appointments and terms of members.

The planning and zoning commission membership shall be as provided in Charter § 14.01. The city council may appoint two alternate members of the planning and zoning commission who shall serve in the absence of one or more regular members. To the extent practicable, alternates shall take turns when regular members are absent. Appointment of planning and zoning commission members should be accomplished by the city council to coincide with election of city council members in places 1 through 5. Any member of the city council may nominate applicants for alternate members and each nomination shall be subject to approval by a majority vote of the city council present. Alternate members shall serve terms coinciding to that of the mayor, in accordance with Section 10-3 of this Chapter. When the city council members take office and appointments are made in the month of September, the seating of new members of the planning and zoning commission should occur during the first regular meeting following that appointment.

Sec. 10-273. - Vacancies; unexpired terms.

Any vacancy occurring in the membership of the planning and zoning commission shall be filled by appointment and approval by majority vote of the city council present, in the same manner as provided in section 10-272 for appointment of members for full terms, for the remainder of the unexpired term of the member whose place becomes vacant.

Sec. 10-274. - Staff representative.

In addition to Sec. 10-4 of this chapter, a staff representative shall be made available by the city to record the minutes of all planning and zoning commission meetings and workshops, and additional staff members shall be made available to assist the planning and zoning commission as requested by its chairman.

Sec. 10-275. - Meetings, quorum and votes.

The planning and zoning commission shall hold meetings regularly at least once each month at a time and place designated by a majority vote of the members and coordinated with the city manager, unless the City staff determines in consultation with the Chair that a meeting is not necessary due to a lack of items presented to the commission for consideration. Additional meetings may be called with consultation of city staff and the chairman. A majority of the members shall constitute a quorum for the transaction of business. All regular members shall have a vote. An alternate may vote only when serving in the place of an absent member.

Sec. 10-276. - Minutes and attendance reports submitted to the council.

In addition to Sec. 10-11 of this chapter, the secretary (staff representative) shall keep minutes of all official meetings of the planning and zoning commission where there are plats and zoning requests. Meetings of the planning and zoning commission with no plats or zoning requests are to be taped and written minutes shall be submitted by the elected secretary of the commission for those meetings. City staff is only required to attend those planning and zoning commission meetings where official action is taking place.

Sec. 10-277. - Powers and duties.

The powers and duties of the planning and zoning commission shall be as follows:

- (1) To advise the city council on all matters pertaining to the planning and zoning of the city.
- (2) Formulate and recommend to the city council for its adoption a master plan for the orderly growth and development of the city and its environs and from time-to-time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the city.
- (3) Formulate a zoning plan as may be deemed best to carry out the goals of the master plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in V.T.C.A., Local Government Code § 211.001 et seq., authorizing cities and incorporated villages to pass regulations; all powers granted under such code are specifically adopted and made a part hereof.
- (4) Recommend to the city council approval or disapproval of proposed changes in the zoning plan as provided in the Charter § 14.02(2).
- (5) Recommend to the city council approval or disapproval of plans, plats or replats as provided in the Charter § 14.02. The final approval or disapproval of plans, plats or replats shall be made by the city council. Exercise all other powers of a planning and zoning commission as to approval or disapproval of plans, plats or replats as set out in V.T.C.A., Local Government Code § 211.001 et seq.
- (6) Study and recommend on the location, extension and planning of public rights-of-way, parks or other public places, and on the vacating or closing of such public rights-of-way, parks or other public places.

(7) Study and recommend on the general design and location of public buildings, bridges, viaducts, street fixtures and other structures and appurtenances. Study and recommend on the design or alteration and on the location or relocation of works of art which are, or may become, the property of the city.

(8) Initiate, in the name of the city, for consideration at public hearing all proposals:

a. For the opening, vacating or closing of public rights-of-way, parks or other public places; or

b. For the change of zoning district boundaries on an area-wide basis. No fee shall be required for the filing of any such proposal in the name of the city.

(9) Formulate and recommend to the city council for its adoption policies and regulations consistent with the adopted master plan governing the location and/or operation of utilities, public facilities and services owned or under the control of the city.

(10) Recommend to the city council approval or disapproval of specific use requests.

(11) Carry out such other tasks as the city council may designate.

Secs. 10-278—10-300. - Reserved.

ARTICLE X. - PUBLIC TRANSPORTATION ADVISORY BOARD

Sec. 10-301. - Creation and qualification of members.

There is hereby created the city public transportation advisory board. Members of the public transportation board shall be registered voters of the city.

Sec. 10-302. - Composition; appointments and terms of members.

(a) The public transportation advisory board shall be composed of five members who shall hold designated places 1 through 5.

(b) The nomination and appointment of the persons who shall hold office in places 1 through 5 shall be in accordance with section 10-3 of this chapter.

Sec. 10-303. - Vacancies; unexpired terms.

Any vacancy occurring in the membership of the public transportation advisory board shall be filled by appointment and approval by majority vote of the city council present, in the same manner as provided in section 10-302 for appointment of members for full terms, for the remainder of the unexpired term of the member whose place becomes vacant.

Sec. 10-304. - Meetings, quorum and votes.

The public transportation board shall hold meetings regularly at least once each quarter at a time and place designated by a majority vote of the members and coordinated with the city manager. A majority of the members shall constitute a quorum for the transaction of business. All members shall have a vote.

Sec. 10-305. – Removal of members.

Any member of the public transportation advisory board may be removed by a majority vote of the city council present at any time without cause. The council shall thereupon proceed to fill the vacancy thereby created in the manner provided in section 10-303.

Sec. 10-306. - Powers and duties.

The powers and duties of the public transportation advisory board shall be as follows:

- (1) To advise the city council on all matters pertaining to the public transportation of the city.
- (2) To act in an advisory capacity to city council on the operation, layout, planning and development of public transportation services in the city.
- (3) To serve as coordinating board for the city's membership in the Fort Worth Transportation Authority, including coordination of "T" membership and service plan development and implementation. Such shall include development of bus routes, mobility impaired transportation service plans, and Airporter and Railtran services.
- (4) To assist in the development of the city's five-year capital improvement plan.
- (5) To promote public transportation and stimulate public interest therein in order to build support, cooperation and assistance in the usage and support for public transportation in the city.

(6) To recommend to the city council general rules and regulations governing transportation facilities and monies returned to the city as a result of the levy of the additional one-half cent sales tax.

(7) When requested by city council to investigate the transportation needs of the city.

(8) To meet on a semi-annual basis in order to evaluate the transportation services provided by the Fort Worth Transportation Authority and made recommendations to city council related thereto.

(9) To hold periodic meetings, minimum of semi-annually, to receive citizen input regarding transportation services in Richland Hills, including the receipt of citizen complaints regarding services.

(10) Carry out such other tasks as the city council may designate.

Secs. 10-307—10-330. - Reserved.

ARTICLE XI. - TEEN COURT ADVISORY BOARD

Sec. 10-331. - Creation; qualifications of members.

There is hereby created the city teen court advisory board. Members of the teen court advisory board shall be registered voters within the city.

Sec. 10-332. - Composition, appointments and terms of members.

(a) The teen court advisory board shall be composed of five members who shall hold designated places 1 through 5.

(b) The nomination and appointment of the persons who shall hold office in places 1 through 5 shall be in accordance with section 10-3 of this chapter.

(c) Due to the sensitive nature of the information provided to the board and of the matters considered by the teen court advisory board, applicants for membership shall be subject to background checks prior to their appointment.

Sec. 10-333. - Vacancies; unexpired terms.

Any vacancy occurring in the membership of the teen court advisory board shall be filled by appointment and approval by majority vote of the city council present, in the same manner as provided in section 10-332 for appointment of members for full terms, for the remainder of the unexpired term of the member whose place becomes vacant.

Sec. 10-334. - Meetings, quorum and vote.

The teen court advisory board shall hold meetings regularly at least every quarter on the fourth Monday of the months of June, September, December and March at a time and place designated by a majority vote of the members and coordinated with the city manager. A majority of the members shall constitute a quorum for the transaction of business. All members shall have a vote.

Sec. 10-335. – Removal of members.

Any member of the teen court advisory board may be removed by a majority vote of the city council present at any time without cause. The council shall thereupon proceed to fill the vacancy thereby created in the manner provided in section 10-333.

Sec. 10-336. - Powers and duties.

The powers and duties of the teen court advisory board are as follows:

- (1) To advise the city council on all matters pertaining to the teen court of the city.
- (2) To recommend to city council for approval the practices and procedures of the teen court which are initially drawn and promulgated by the municipal court judge. After such practices and procedures have been approved by the teen court advisory board and city council, the municipal judge shall enter its order officially adopting such practices and procedures as the "Rules of the Teen Court of Richland Hills."
- (3) To review the activities of the court on a periodic basis in order to report such activities to the city council.
- (4) Carry out such other tasks as the city council may designate.

Secs. 10-337—10-350. - Reserved.

ARTICLE XII. - RESERVED

Secs. 10-351—10-380. - Reserved.

ARTICLE XIII. - RESERVED

Secs. 10-381—10-410. - Reserved.

ARTICLE XIV. - BUILDING BOARD OF APPEALS

Sec. 10-411. - Creation, qualifications, composition and appointment of members.

There is hereby created a building board of appeals. The building board of appeals shall be composed of the sitting members of the city council who shall hold numbered places 1 through 5, and the mayor.

Sec. 10-412. - Officers.

The mayor shall serve as chair of the building board of appeals and the mayor pro tem shall serve as vice-chair.

Sec. 10-413. - Meetings, rules of procedure, quorum and voting.

(a) *Meetings.* The building board of appeals shall meet at such times as determined advisable by the building board of appeals.

(b) *Rules of procedure.*

(1) Any party adversely affected by a decision of the chief building official or the chief building official's designee with regard to interpretation or application of a building code adopted by the city may appeal such decision to the building board of appeals by filing written notice of such appeal to both the chief building official and the city secretary within ten business days of notice of such adverse decision. The notice of appeal must state the appellant's desire to appeal, the ruling from which the appellant desires to appeal and the relief or ruling sought. The building board of appeals, by the affirmative vote of a majority of the members then present and voting, may reverse or modify the decision of the chief building official or the chief building official's designee. If a majority does not vote to reverse or modify the decision being appealed, it will be deemed affirmed. The decision of the building board of appeals concerning an appeal under this article shall be final. The decision being appealed shall be suspended pending such appeal, unless the chief building official or the chief building official's designee determines that such suspension endangers the public health and safety, in which case the filing of a notice of appeal shall not act to suspend the decision of the chief building official or the chief building official's designee.

(2) Any appeal shall be governed by the following rules and procedures:

a. Such appeal shall be set as an item on the agenda of the next meeting of the building board of appeals.

b. The appellant shall bear the burden of persuasion that the ruling being appealed is in error and shall bear the burden of proof on such matter.

c. No formal testimony or swearing of witnesses shall be required, and the building board of appeals may consider facts or evidence as it determines is appropriate. The chief building official or the chief building official's designee shall present the facts and evidence relied upon by the chief building official or the chief building official's designee and the reasons for the ruling; the appellant shall then have an opportunity to present the facts and evidence relied upon by the appellant; the building board of appeals shall then consider any facts or evidence from the public or other interested persons. The building board of appeals may ask questions of the chief building official or the chief building official's designee, the appellant, and any other interested persons as the city council determines is appropriate. The building board of appeals may limit the time for any presentation in its sole discretion.

(3) Upon the conclusion of the hearing, the building board of appeals shall then render its decision. A majority of the members present and voting shall be required in order to reverse or modify the decision being appealed.

(4) Written documents or evidence which any party wishes to submit must be filed with the chief building official and to the city secretary no less than three business days prior to the appeal hearing.

(5) Meetings shall be posted and open to the public.

(c) *Quorum.* Three members, regular or alternate, shall constitute a quorum for the transaction of business.

(d) *Voting.* All regular members shall be entitled to vote except for the mayor who shall only vote in the event of a tie. In the event that a regular member is absent, an alternate member shall be entitled to vote.

Sec. 10-414. - Minutes and attendance reports submitted to the council.

The chief building official or chief building official's designee shall keep minutes of all proceedings of the building board of appeals and shall submit such minutes, following approval by the building board of appeals, to the city secretary. Such minutes shall become a part of the city council's official records.

Sec. 10-415. - Powers of the building board of appeals.

The powers, duties and responsibilities of the building board of appeals shall be to hear, consider and determine appeals from all building codes adopted by the city, including but not limited to the following:

- (1) The Uniform Building Code as adopted and amended by the City of Richland Hills;
- (2) The Uniform Code of Abatement of Dangerous Buildings as adopted and amended by the City of Richland Hills;
- (3) The International Electrical Code as adopted and amended by the City of Richland Hills;
- (4) The International Existing Residential Code as adopted and amended by the City of Richland Hills;
- (5) The International Fire Code as adopted and amended by the City of Richland Hills;
- (6) The International Mechanical Code as adopted and amended by the City of Richland Hills;
- (7) The International Plumbing Code as adopted and amended by the City of Richland Hills; and
- (8) The International Residential Code as adopted and amended by the City of Richland Hills.

Secs. 10-416—10-430. - Reserved.”

**SECTION 2.
PROVISIONS CUMULATIVE**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Richland Hills, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 3.
PROVISIONS SEVERABLE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and

if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

PASSED AND APPROVED ON THIS _____ DAY OF _____, 2012.

THE HONORABLE BILL AGAN, MAYOR

ATTEST:

LINDA CANTU, CITY SECRETARY

EFFECTIVE DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BETSY ELAM, CITY ATTORNEY