

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: October 1, 2013
Subject: Amendments to Chapter 10, "Boards, Committees, Commissions," Richland Hills Municipal Code (City Code of Ordinances).

City Council Action Requested:

Consider Ordinance 1255-13, Amendments to Chapter 10, "Boards, Committees, Commissions," Richland Hills Code of Ordinances.

Background Information:

The attached ordinance hopefully contains the changes and revisions to the proposed amendments to Chapter 10 as discussed at the September 17th City Council meeting.

The genesis of the changes to Chapter 10 grew out of discussions relating to roles and responsibilities of the boards, committees, and commissions (and staff), and the question of overlapping responsibilities of some boards as well as the question of whether or not some duties assigned to the various boards, committees, and commissions require more direct involvement by city council and city staff.

The question of 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, had a legal answer. The short answer is that it **would not be appropriate** due to the common law doctrine of incompatibility which would prohibit a governing body from appointing one of its members to serve on a board it has created. Council can, of course, serve on

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Committees of the Council as long as the numbers of councilmembers on the committee do not constitute a quorum of the Council.

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).

With the approval of Resolution No. 415-13 at the September 17th meeting creating the additional standing Committees of the Council, the duties and responsibilities of many of the advisory boards, committees, and commissions will be incorporated into the standing committees of the council, which will have two members of the council serving on each committee. The five standing committees created by Resolution No. 415-13 will give Council members direct participation in the subject matters that in the past have been attended to by the various boards and committees.

The ***Transportation and Infrastructure Committee*** will look at issues with the T, roads and streets, drainage structures, and water and sewer lines as they relate to physical issues. The ***Public Safety Committee*** will look at issues dealing with Fire, Police, Animal Control, Code Enforcement, and Public Health (mosquito abatement, etc.). The ***Community Enrichment Committee*** will focus on Parks, Library, Open Space and medians, the Community Center, Special Events, and other quality of life issues. The ***Community Development Committee*** will look at issues that relate to growth and development matters. There will be some overlap on what the Committees will focus on at any given time; for example, the Transportation and Infrastructure Committee will look at physical issues relating to a topic, but the Finance Committee will look at these same topics from a fiscal perspective. The standing committees, with the assistance as needed from citizen volunteers working with the committees, will reduce

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the number of council appointed boards and committees. Ordinance 1255-13 provides the amendments to Chapter 10 accordingly.

Board/Citizen Input:

The proposed amendments have been discussed with some board members, and other boards are aware of Council's direction and actions over the last several months.

Financial Impact:

N/A

Staff Contacts:

Curtis E. Hawk, City Manager
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Attachment: Ordinance No. 1255-13

ORDINANCE NO. 1255-13

AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING CHAPTER 10 "BOARDS, COMMITTEES, COMMISSIONS" OF THE RICHLAND HILLS MUNICIPAL CODE ("CITY CODE") BY AMENDING SECTION 10-3 "TERM, APPOINTMENT, APPLICATION" TO PROVIDE FOR THE APPOINTMENT, TERM, APPLICATION, AND QUALIFICATIONS OF BOARDS IN GENERAL; BY AMENDING SECTION 10-10 "ORGANIZATIONAL MEETING AND OFFICERS" TO PROVIDE FOR THE ORGANIZATIONAL MEETINGS AND OFFICERS OF BOARDS IN GENERAL; BY AMENDING SECTION 10-31 "CREATION, QUALIFICATIONS OF MEMBERS" TO PROVIDE FOR CREATION, QUALIFICATIONS, COMPOSITION AND APPOINTMENT OF MEMBERS TO THE ANIMAL SHELTER ADVISORY BOARD; BY AMENDING SECTION 10-32 "COMPOSITION, APPOINTMENTS AND TERMS OF MEMBERS" TO PROVIDE FOR ELECTION OF OFFICERS OF THE ANIMAL SHELTER ADVISORY BOARD; BY DELETING SECTION 10-91 THROUGH SECTION 10-96, SECTION 10-121 THROUGH SECTION 10-126, SECTION 10-151 THROUGH SECTION 10-156, SECTION 10-211 THROUGH 10-216, SECTION 10-241 THROUGH SECTION 10-246, SECTION 10-301 THROUGH SECTION 10-306, AND SECTION 10-331 THROUGH SECTION 10-336; BY AMENDING SECTION 10-411 "CREATION, QUALIFICATIONS, COMPOSITION AND APPOINTMENT OF MEMBERS" TO PROVIDE FOR THE APPOINTMENT OF MEMBERS, BY AMENDING SECTION 10-412 "ELECTION OF OFFICERS" TO PROVIDE FOR THE ELECTION OF OFFICERS, AND BY AMENDING SECTION 10-415 "POWERS OF THE BUILDING BOARD OF APPEALS" TO PROVIDE FOR AND ALTER THE POWERS AND DUTIES OF THE BUILDING BOARD OF APPEALS; 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

WHEREAS, the Richland Hills City Council has determined that certain provisions pertaining to Chapter 10 "Boards, Committees, Commissions" should be amended; and

WHEREAS, the Richland Hills City Council has determined that the Economic Development Advisory Board, Crime Prevention Advisory Board, Special Events Committee, Library Advisory Board, Parks and Beautification Advisory Board, Public Transportation Advisory Board, and the Teen Court Advisory Board should be dissolved and thereby deleted from Chapter 10 "Boards, Committees, Commissions"; and

WHEREAS, the Richland Hills City Council has determined that the members of the Building Board of Appeals should be persons other than the members of the City Council; and

WHEREAS, the City Council finds that this ordinance is in the best interests of the citizens of the City of Richland Hills.

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

SECTION 1.

Section 10-3 (a) of Article I of Chapter 10 of the Richland Hills Municipal Code is hereby revised to read as follows:

Sec. 10-3. Appointment, term, application, qualifications.

(a) Except as otherwise provided in this chapter, any member of the council shall be entitled to nominate a member to any vacancy to a board provided for in this chapter, be it for appointment of members for full terms or for the remainder of the unexpired term of members whose place becomes vacant.

(b) Each nomination shall be subject to approval by majority vote of the city council present. Except as otherwise provided in this chapter, all board members and alternates shall serve two year terms commencing in October. The council shall review applications and make board appointments in September. Except as otherwise provided in this chapter, all board members shall be registered voters within the city.

SECTION 2.

Section 10-10 of Article I "IN GENERAL" of Chapter 10 of the Richland Hills Municipal Code is hereby revised to read as follows:

Sec. 10-10. Organizational meetings and officers.

All boards shall have an organizational meeting in October of each year to review rules and procedures. Except as otherwise provided by state law, City Charter, or this chapter, the officers of the boards shall be a chairman and vice-chairman selected by a majority vote of the City Council. Each board shall have a secretary, who shall be appointed by the city manager.

SECTION 3.

Section 10-31 of Article II "ANIMAL SHELTER ADVISORY BOARD" of Chapter 10 of the Richland Hills Municipal Code is hereby revised to read as follows:

Sec. 10-31. Creation, qualifications, composition and appointment of members.

- (a) The animal shelter advisory board shall be composed of five members and up to two alternates appointed by the Council in accordance with Section 10-3 of this chapter.
- (b) The five members of this board shall hold places 1 through 5. Place 1 shall be held by a licensed veterinarian; place 2 shall be held by a representative of an animal welfare organization; place 3 shall be held by a municipal official who may be an elected official or an employee of the city; place 4 shall be held by a person whose duties include daily operation of the animal shelter; place 5 shall be held by a person who volunteers at the animal shelter.
- (c) The persons who are appointed to places 1 through 4 need not be registered voters within the city, but registered voters within the city shall be given preference for appointment. The person appointed to place 5 shall be a registered voter within the city. The persons appointed as alternates to this board need not be registered voters within the city, but registered voters within the city shall be given preference for appointment.
- (d) The chair and vice chair shall be selected as provided in section 10-10 of this chapter. The person who holds place 3 on the board shall serve as secretary.

SECTION 4.

Section 10-32 of Article II "ANIMAL SHELTER ADVISORY BOARD" of Chapter 10 of the Richland Hills Municipal Code is hereby revised to read as follows:

Sec. 10-32. Prohibition.

No member may serve as city representative to a local, state, or national organization without prior approval by a majority vote of City Council.

SECTION 5.

The following sections and articles of Chapter 10 of the Richland Hills Municipal

Code are hereby deleted and the boards and committees provided for in these sections are hereby dissolved:

Section 10-91 through Section 10-96 of Article III, Economic Development Advisory Board; Section 10-121 through Section 10-126 of Article IV, Crime Prevention Advisory Board; Section 10-151 through Section 10-156 of Article V, Special Events Committee; Section 10-211 through Section 10-216 of Article VII, Library Advisory Board; Section 10-241 through Section 10-246 of Article VIII, Parks and Beautification Advisory Board; Section 10-301 through Section 10-306 of Article X, Public Transportation Advisory Board; Section 10-331 through Section 10-336 of Article XI, Teen Court Advisory Board.

SECTION 6.

Section 10-411 of Article XIV "BUILDING BOARD OF APPEALS" of Chapter 10 of the Richland Hills Municipal Code is hereby revised to read as follows:

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

(a) There is hereby created a building board of appeals. The building board of appeals shall be composed of five members and up to four alternate members appointed by majority vote of the City Council, in the manner set out in (b), (c), and (d) below.

(b) The five members of this board shall hold places 1 through 5, each to be appointed to two year terms. Each councilmember shall be entitled to appoint one member to the board, to the place corresponding to the numbered place of the nominating councilmember.

(c) The alternate members shall be appointed in accordance with section 10-3 of this chapter.

(d) Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any reason, in the same manner as the original appointment.

(e) The members of this board should be qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the City of Richland Hills.

(f) Until such time as the building board of appeals is appointed as provided by this section, or at any time there shall not be enough duly appointed members to constitute a quorum to meet to hear an appeal to this board, City Council shall serve as the building board of appeals.

SECTION 7.

Section 10-412 of article XIV of Chapter 10 of the Richland Hills Municipal Code is

hereby revised to read as follows:

Sec. 10-412. Officers.

The chair and vice chair of the board shall be selected as provided in section 10-10 of this chapter.

SECTION 8.

Section 10-415 of article XIV of chapter 10 of the Richland Hills Municipal Code is hereby revised to read as follows:

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 substandard building cases under Chapter 14 of the Code and to hear, consider and determine appeals as set forth in all building codes adopted and amended by the city, including but not limited to the following:

- (1) International Building Code;
- (2) The National Electric Code;
- (3) The Uniform Housing Code;
- (4) The International Fire Code;
- (5) The International Mechanical Code;
- (6) The International Plumbing Code;
- (7) The International Residential Code; and
- (8) The International Property Maintenance Code

**SECTION 9.
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 10.
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 11.
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 _____, 2013.

THE HONORABLE BILL AGAN, MAYOR

ATTEST:

LINDA CANTU, CITY SECRETARY

EFFECTIVE DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BETSY ELAM, CITY ATTORNEY