

ORDINANCE 14-3098

AN ORDINANCE AMENDING CHAPTER 2. "ADMINISTRATION," ARTICLE IV. "BOARDS, COMMISSIONS AND COMMITTEES;" CHAPTER 74. "LIBRARY," ARTICLE II "LIBRARY BOARD;" CHAPTER 86. "PARKS AND RECREATION," ARTICLE II. "PARKS AND RECREATION BOARD;" AND CHAPTER 18. "ANIMALS," ARTICLE III. "ANIMAL SHELTER ADVISORY BOARD" OF THE CITY OF BEDFORD CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of Bedford, Texas desires to assist the Citizen Boards and Commissions in achieving their goals and making their meetings as effective as possible; and,

WHEREAS, the City Council of Bedford, Texas desires the terms of the Citizen Boards and Commissions be in line with the City's fiscal year; and,

WHEREAS, the City Council of Bedford, Texas desires the Code of Ordinances be amended in regards to the Citizen Boards and Commissions including their purposes, setting of agendas, the appointment of officers, the formation of subcommittees, requests for funding and staff time, and yearly reports.

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

SECTION 1. That the findings above are found to be true and correct, and are incorporated herein.

SECTION 2. That the terms of all Board and Commission members, excluding the members of the Zoning Board of Adjustment, the Building and Standards Commission and the Teen Court Advisory Board, shall expire effective September 30, 2014.

SECTION 3. That Chapter 2. Administration, Article IV, Boards, Commissions, Committees shall read in its entirety as follows:

DIVISION 1. GENERALLY

Sec. 2-166. Board, commission appointment residency requirement.

Any person appointed by the city council to a city board or commission must reside within the city when appointed, must have resided within this city for 12 consecutive months preceding the appointment and when serving on such board or commission. Any position on a city board or commission that is specified by the creating ordinance as requiring operation of a business within the city limits shall be exempt from the provisions of this section. Any board or commission with membership not requiring residency within the city limits shall be exempt from the provisions of this section. Any city employee serving as an ex officio member shall be exempt from the provisions of this section.

Sec. 2-167. Expiration of terms.

Notwithstanding any other provision in this Code of Ordinance or Resolution, the terms of all board, commission, and committee appointments shall continue until their respective successors have been duly qualified and appointed. Prior to taking office, members of the ethics commission, the planning and zoning commission, the building and standards commission and the zoning board of adjustment shall be properly given an oath of office.

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Sec. 2-168. Meetings, agendas.

All board, commission and committee meetings shall be held in accordance with the Open Meetings Act. Agendas for all meetings shall be prepared by the staff liaison and the appointed chairperson with input from the council liaison.

Sec. 2-169. Quorum.

A quorum for any board, committee or commission shall be established as a majority of regular members. Alternate members may act in a regular member's absence to establish a quorum. Vacant positions shall not be counted in determining a quorum.

Sec. 2-170. Attendance.

Any member of a city board, commission or committee who has two absences within the fiscal year as defined by Section 4.01 shall become eligible to be removed from said board, commission or committee. Upon the second absence, the city secretary's office shall send a letter via certified mail to the member, copied to the board, commission or committee chairperson, informing them that they are eligible to be removed and that they need to contact the chairperson. The chairperson shall then have the discretion to recommend to the city council that the member be removed from their respective board, commission or committee.

Sec. 2-171. Serving on multiple boards, commissions or committees.

No person may concurrently serve on more than standing one board, commission or committee unless their position is also a position on another standing board, commission or committee.

Sec. 2-172. Subcommittees, meetings.

Notwithstanding any other provisions within the Code of Ordinances, all subcommittees for a board, commission or committee shall require approval by the City Council. No subcommittee shall be composed of a number of members to establish a quorum of their respective board, commission or committee. All subcommittee meetings shall be held in accordance with the Open Meetings Act, including the posting of agendas.

Sec. 2-173. Officers.

Notwithstanding any other provisions within the Code of Ordinances, each board, commission or committee shall have officers consisting of a chairperson, a vice chairperson and a secretary. The chairperson shall be appointed by the council. The vice chairperson and secretary shall be elected by the members of the board, commission or committee. The term of office for each officer is one year.

Sec. 2-174. Requests for funding and/or staff time.

Any requests by a board, commission or committee to utilize City funds and/or labor by city staff shall be made through their respective staff liaison.

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Secs. 2-175—2-205. Reserved.

DIVISION 2. BEAUTIFICATION COMMISSION

Sec. 2-206. Composition.

- (a) There is hereby created a beautification commission which shall be composed of 15 members of the city public at large.
- (b) There shall be two ex officio members of the commission as follows:
 - (1) The city manager or a designee.
 - (2) One councilmember appointed by the city council shall serve as an ex officio member and shall serve as liaison between the commission and the city council.
- (c) The members of the beautification commission and their successors shall be appointed by the council for two-year staggered terms, commencing on October 1, or until their successors are duly appointed. All vacancies shall be filled for the unexpired term in the same manner as provided for the original appointments. The members of the commission shall serve without compensation and must be residents of the city and have resided within the city for 12 consecutive months preceding the appointment. Notwithstanding anything herein, all commission members shall serve at the will of the City Council and, as such, any such commission member may be removed by the majority vote of the City Council at any time, in the sole discretion of the City Council, with or without cause.
- (d) The beautification commission shall promulgate its own rules consistent with the ordinances of the city and the laws of the state. The commission shall hold quarterly meetings and such special meetings as it deems necessary. The members of the commission shall meet as soon after their appointments as practicable for the purpose of organization. A full and complete record of proceedings of this commission shall be kept on file with the city secretary. Meetings shall be held at the call of the chairman, or of the mayor, and at such other times as the commission may determine. All meetings shall be open to the public as provided in the Open Meetings Act (V.T.C.A., Government Code ch. 551). Attendance at meetings shall be regulated pursuant to section 2-170 of the Code of Ordinances.
- (e) The beautification commission shall act as advisory body to the council in the creation and development of a beautification program.
- (f) Any officer or employee or member of the board acting for the city in the discharge of prescribed duties shall not thereby be rendered liable personally and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties.

Sec. 2-207. Purpose.

- (a) The purpose of the beautification program will be to make the city a clean and attractive city in which to live, to maintain a healthy environment, to educate the city's citizens as to the ongoing process of keeping their city beautiful, and to generally beautify the city.
- (b) The commission shall consider the following aspects of a potential beautification program and shall make recommendations of each to the city council: landscaping of city rights-of-way and city property; award programs for businesses and residential areas that beautify their areas through landscaping, maintenance, the abatement of litter or other methods; voluntary recycling, including the promotion and education of the need for recycling; the possibility of joining state or nation-wide groups that are focused on beautification; and how to involve the general public, the school system, the business community and homeowners in a beautification program.
- (c) On an annual basis, the commission shall present a report to the city council regarding their activities.

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Sec. 2-208. Subcommittees.

There are hereby created the following subcommittees of the beautification commission: Adopt-A-Street, Clean Up Bedford, and Chunk Your Junk. All subcommittee meetings shall be held in accordance with the Open Meetings Act, including the posting of agendas.

Secs. 2-209—2-225. Reserved.

DIVISION 3. COMMUNITY AFFAIRS COMMISSION

Sec. 2-226. Creation.

- (a) There is hereby created a community affairs commission, which shall be composed of 12 members, five of which are business owners in the city, one of which is a member of the HEB Chamber of Commerce and six of which are residents.
- (b) Each member of the commission will apply for membership on the commission and be formally appointed by the city council.
- (c) The member either needs to operate a business within the city or meet the residency requirements in order to qualify for appointment to this board.
- (d) In the event that there are not enough qualified applicants that are business owners, the city council may appoint applicants that otherwise meet the residency requirements to those positions.
- (e) Notwithstanding anything herein, all commission members shall serve at the will of the City Council and, as such, any such commission member may be removed by the majority vote of the City Council at any time, in the sole discretion of the City Council, with or without cause.

Sec. 2-227. Ex officio members.

One ex officio member shall be a member of the city council and shall serve as liaison between the commission and the city council.

Sec. 2-228. Terms staggered.

Except for the ex officio member, the members of the community affairs commission shall serve for a two-year period, commencing on October 1, or until their successors are duly appointed. The term of the commissioners shall be staggered so that six members of the commission shall be appointed in even numbered years and six members in odd numbered years. The ex officio member shall serve a one-year term.

Sec. 2-229. Powers and duties.

The community affairs commission shall:

- (1) Serve as an advisory board and shall provide the city council with feedback on business and residential concerns.
- (2) Explore issues of public interest as identified and designated by the city council, collect information on these issues and make constructive recommendations to council and staff if any action should be taken by the city to satisfy those issues.

Sec. 2-230. Meetings.

The community affairs commission shall meet quarterly or as called at a time and date to be decided by the commission. Attendance at meetings shall be regulated pursuant to section 2-170 of the Code of

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Ordinances. A full and complete record of proceedings of this commission shall be kept on file with the city secretary.

Sec. 2-231. Mission.

The mission of the community affairs commission is to serve businesses, residents, homeowners associations, apartment associations, care centers and faith based organizations. On an annual basis, the commission shall present a report to the city council regarding their activities

Sec. 2-232. Subcommittees.

There are hereby created the following subcommittees of the community affairs commission: Business Outreach, Residential Outreach, Faith Based Outreach, and City Expo. All subcommittee meetings shall be held in accordance with the Open Meetings Act, including the posting of agendas.

Secs. 2-333 – 2-336. RESERVED

DIVISION 4. CULTURAL COMMISSION

Sec. 2-237. Creation.

- (a) There is hereby created a cultural commission, which shall be composed of seven members, four of which are residents of the City of Bedford, two of which are members of Arts Council Northeast to include the president and one additional board member, and one community member representing the HEB Chamber of Commerce. The commission shall also include two alternate members, each a resident of the City of Bedford, to serve in the absence of one or more of the regular members.
- (b) Each member of the commission, excluding the Arts Council Northeast members and Chamber representative, will apply for membership on the commission and be formally appointed by the city council.
- (c) Notwithstanding anything herein, all commission members shall serve at the will of the City Council and, as such, any such commission member may be removed by the majority vote of the City Council at any time, in the sole discretion of the City Council, with or without cause.

Sec. 2-238. Ex officio members.

One ex officio member shall be a member of the city council and shall serve as liaison between the commission and the city council. One ex officio member shall be the city manager or his/her designee.

Sec. 2-239. Terms staggered.

Except for the ex officio members, the members of the cultural commission shall serve for a two-year period, commencing on October 1, or until their successors are duly appointed. The term of the commissioners shall be staggered so that four members of the commission shall be appointed in even numbered years and three members in odd numbered years. One alternate member shall be appointed in an even numbered year and one alternate member shall be appointed in an odd numbered year.

Sec. 2-240. Purpose.

The purpose of the Cultural Commission is to serve as an advisory body to the City Council in order to improve arts and culture in the City of Bedford. The Cultural Commission will enhance arts and culture in Bedford by supporting the Cultural District, developing strategic plans and reports, encouraging

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arts/cultural related communication and awareness, researching and recommending priorities and projects to the City Council and assisting the City of Bedford with cultural programming. On an annual basis, the commission shall present a report to the city council regarding their activities.

Sec. 2-241. Meetings.

The cultural commission shall meet as called at a time and date to be decided by the commission. Attendance at meetings shall be regulated pursuant to section 2-170 of the Code of Ordinances. A full and complete record of proceedings of this commission shall be kept on file with the city secretary.

Sec. 2-242. Subcommittees.

There are hereby created the following subcommittees of the cultural commission: 501(c)(3), Arts Incubator, ArtsFest and Storefront Gallery. All subcommittee meetings shall be held in accordance with the Open Meetings Act, including the posting of agendas.

Secs. 2-243—2-246. Reserved.

DIVISION 5. LIBRARY ADVISORY BOARD

Sec. 247. Created, composition, appointment, terms.

There is hereby created a library advisory board to be composed of nine members appointed by the council for two-year staggered terms, commencing on October 1, or until their successors are duly appointed. At the expiration of each of the terms as provided for herein, a successor shall be appointed for a term of two years. Vacancies shall be filled for any unexpired term in the same manner as provided for regular appointments. Notwithstanding anything herein, all board members shall serve at the will of the City Council and, as such, any such board may be removed by the majority vote of the City Council at any time, in the sole discretion of the City Council, with or without cause.

Sec. 2-248. Member qualifications.

All members of the library advisory board must be residents of the city and must have resided within this city for 12 consecutive months preceding the appointment.

Sec. 2-249. Organization.

A majority of the regularly appointed and qualified members shall constitute a quorum, and the board shall adopt its own rules and order of business. There shall be one ex officio member of the city council on this board and they shall serve as liaison between the board and the city council.

Sec. 2-250. Meetings.

The library advisory board shall meet at least once each month. All meetings shall be open to the public. A full and complete record of proceedings of this board shall be kept on file with the city secretary. Attendance at meetings shall be regulated pursuant to section 2-170 of the Code of Ordinances.

Sec. 2-251. Function.

The library advisory board shall serve as a consulting and advisory body. It shall be the duty of the library board to act in an advisory capacity to the city manager and city council and to study and

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recommend policies relating to the operation, promotion, enlargement and future planning of the city library. On an annual basis, the board shall present a report to the city council regarding their activities.

Sec. 2-252. Employees.

It shall be the duty of the library advisory board to secure applicants for the position of library director and to interview the same, submitting favorable applications with recommendations to the city manager, who shall have sole power to employ the same.

Sec. 2-253. Agreements involving expenditures.

The library advisory board shall, before entering into any agreement for the expenditure of funds, submit such proposed agreement to the city manager for review and approval. No such agreement shall be finally executed unless approved by the city council.

Secs. 2-254—2-258. Reserved.

DIVISION 6. PARKS AND RECREATION ADVISORY BOARD

Sec.2-259. Created; composition.

There is hereby created and established for the city a parks and recreation advisory board which shall be composed of 11 members. There shall be one ex officio member of the city council on this board and they shall serve as liaison between the board and the city council. All members must be residents of the city and must have resided within this city for 12 consecutive months preceding the appointment.

Sec.2-260. Appointment; terms; filling vacancies.

The members of the parks and recreation advisory board shall be appointed by the council for two-year staggered terms, commencing on October 1, or until their successors are duly appointed. All vacancies shall be filled for the unexpired term in the same manner as provided for the original appointments. Members of the board shall serve without compensation. Notwithstanding anything herein, all board members shall serve at the will of the City Council and, as such, any such board member may be removed by the majority vote of the City Council at any time, in the sole discretion of the City Council, with or without cause.

Sec.2-261. Rules; meetings.

The parks and recreation advisory board shall promulgate its own rules consistent with the ordinances of the city and laws of this state. The board shall hold regular monthly meetings, and such special meetings as it deems necessary. Attendance at meetings shall be regulated pursuant to section 2-170 of the Code of Ordinances. A full and complete record of proceedings of this board shall be kept on file with the city secretary

Sec.2-262. Function.

The parks and recreation advisory board shall act as an advisory body to the council in the procurement, development, supervision and administration of city public recreational activities within or without the city. On an annual basis, the board shall present a report to the city council regarding their activities.

SECTION 4. That Chapter 74. "Library", Article II. "Library Board", is deleted in its entirety.

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SECTION 5. That Chapter 86. "Parks and Recreation". Article II. "Parks and Recreation Board", is deleted in its entirety.

SECTION 6. That Chapter 18. "Animals", Article III. "Animal Shelter Advisory Board", shall read in its entirety as follows:

Sec. 18-25. Animal shelter advisory board.

- (a) There is hereby created an animal shelter advisory board to consist of seven members as follows:
- (1) One representative of the general public;
 - (2) One licensed veterinarian;
 - (3) One representative from an animal welfare organization;
 - (4) One municipal employee (police supervisor over the animal control division);
 - (5) One municipal employee whose duties include the daily supervision of the animal shelter (animal control supervisor).
- (b) Members of the board and their successors shall be appointed by the city council and shall hold office for staggered terms of two years or until their successors are appointed; excepting the municipal employees who shall serve at the pleasure of the city. All board members, except for the municipal employees, shall serve without compensation. The board members representing the general public shall be residents of the city and have resided within the city for 12 consecutive months preceding the appointment. The veterinarian member shall either be a resident of the city, operate a veterinarian business within the city, or conduct veterinarian services within the city. The representative from the animal welfare organization is not required to be a resident of the city. Notwithstanding anything herein, all board members shall serve at the will of the City Council and, as such, any such board member may be removed by the majority vote of the City Council at any time, in the sole discretion of the City Council, with or without cause.

Sec. 18-26. Rules; meetings.

- (a) The board shall promulgate its own rules consistent with the ordinances of the city and laws of this state. The board shall meet at least three times per year, and such special meetings as deemed necessary.
- (b) Municipal employees assigned to this board shall be non-voting members.
- (c) A majority shall constitute a quorum for the transaction of business. Only voting members shall be considered for the purposes of determining a quorum.
- (d) A full and complete record of proceedings of this board shall be kept on file with the city secretary.
- (e) When any board member has direct interest in any matter before this board, such member shall disqualify himself/herself from the item under consideration.

Sec. 18-27. Powers and duties.

The board shall have the power and duties as set forth in the City of Bedford Code of Ordinances, specifically as it reads in Section 18-84 and Section 18-187, and as the city council may from time to time impose upon the board.

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Sec. 18-28. Immunity.

Any member of the board acting for the city in the discharge of prescribed duties, shall not thereby be rendered personally liable and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties.

Secs. 18-29—18-39. Reserved.

SECTION 7. That if any section, paragraph, clause, phrase, or provision of this ordinance, shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, phrase, or provision shall not affect any of the remaining provisions of this ordinance.

SECTION 8. That this ordinance shall be in full force and effect from and after its passage.

PRESENTED AND PASSED this 12th day of August 2014, by a vote of 6 ayes, 1 nays and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney