



City of Nacogdoches **Boards/Commissions Handbook**

City Council

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TABLE OF CONTENTS

Introduction.....	3
Board Appointment Policy.....	4
Ethics.....	5
Conflicts of Interest.....	6
Airport Advisory Board.....	7
Building Standards Commission.....	7
City Naming Committee.....	8
Convention and Visitors Bureau Board.....	8
Health Code Advisory Committee.....	9
Historic Landmark Preservation Committee.....	9
Housing Authority Board.....	10
Industrial Development Authority.....	10
Main Street Advisory Committee.....	11
Mayor’s Committee on People with Disabilities.....	11
Parks and Recreation Advisory Board.....	12
Pine Grove Cemetery Board.....	12
Planning and Zoning Commission.....	13
Zoning Board of Adjustment.....	13

INTRODUCTION

Congratulations on your appointment to one of our City's boards, commissions, or City Council committees! Boards and commissions are essential to the successful function of City government, and your contributions will help shape the future of Nacogdoches. The basic duty of each board is to apply City policy as expressed in the City Charter, its Code of Ordinances, and through Council directives to individual circumstances and issues placed before the board. Should a policy or directive require clarification, the board should request such from City Council.

The handbook consolidates provisions of the City Charter, Code of Ordinances, and other regulations into one place to assist you as a board member. It will provide a general introduction to topics and processes that directly affect members of boards. Discussion in the handbook applies to all City Council appointed citizen boards and commissions and all City Council committees unless stated otherwise. Keep in mind, not all the provisions will apply equally to every board. While no one document could adequately cover all aspects of serving on a board, the handbook has been designed as a basic reference point from which a board member can build an extensive knowledge of his/her responsibilities to the citizenry of Nacogdoches. If any provision of the handbook is in conflict with any Code or Ordinance of the City, then such Code or Ordinance shall prevail.

The City Secretary, City Attorney, and staff liaisons are available as resources to all boards. Any requests for assistance should be coordinated through the staff liaison assigned to the board on which you serve.

Thank you for your interest in serving your community. Your efforts will make Nacogdoches a better place to live and work.



Board and Commission Appointment Policy

Purpose:

Twice a year, City Council considers appointments for the City's various Boards and Committees. Upcoming openings are posted at www.nactx.us, with further information available through the City Secretary.

Application/Appointment Process

Individuals interested in seeking appointment may submit application via:

- Email: vinsonj@nactx.us
- Mail: Nacogdoches City Secretary / PO Box 635030 / Nacogdoches, TX 75963-5030,
- Fax: 936-559-2912
- In person to: Nacogdoches City Hall—202 E. Pilar Street, Room 320

Applications will be held for nine (9) months from the date of submission. Individuals must reapply if their application is more than nine months old.

All appointees serve at the will of the City Council (Charter – Sect. 2-201).

Eligibility

Eligible voters residing or working in Nacogdoches (City or County) may serve on the various Boards and Committees.

Attendance Requirement

Board members are expected to maintain excellent attendance at meetings. Failure to do so may result in removal by City Council.

Selection Process

City Council will interview applicants. If an applicant cannot attend the interview contact the City Secretary to make other arrangements. All board/commission members are appointed by City Council.

Texas Public Information Act

Information submitted by applicants is subject to the Texas Public Information Act.

The Public Information Act (PIA) helps provide a legal framework for open government and establishes a legal process for the disclosure and protection of public information. The PIA protects the ability of the citizens to access information maintained by governmental bodies and obtain a more complete understanding of how their government works. The TPIA helps to ensure governmental bodies in Texas remain open and accountable to the people they serve because open government elevates the public to their proper role as partners in leadership with governmental bodies.

Board and Commission Training, Ethics and Conflicts of Interest

All Board members are expected to complete required training, adhere to high ethical standards and avoid all conflicts of interest!

Required Training on the Texas Open Meetings Act

Texas Government Code Section 551.005 imposes a mandatory educational requirement that applies to council members and members of the city's boards, commissions, and committees to attend one hour of training on the Texas Open Meetings Act within ninety (90) days from the date appointed to such board.

The training includes instruction in:

1. The general background of the legal requirements for open meetings;
2. Procedures and requirements regarding quorums, notice and recordkeeping;
3. Procedures and requirements for holding an open meeting and for holding a closed meeting; and
4. Penalties and other consequences for failure to comply.

The training is available online at the Texas Attorney General's webpage

www.texasattorneygeneral.gov/open-government

When the training is completed, print the certificate of completion and provide to the City Secretary.

Ethics

A board or commission member is considered a Public Servant, a Local Public Official, and a City Officer. Board members are responsible for knowing and adhering to the ethical standards set forth by the City of Nacogdoches.

Board members are expected to act with integrity and moral courage. Decisions must be made with the best interest of the entire city in mind.

Decisions must be impartial and free of any bribes, unlawful gifts, narrow political interests, and other personal interests that might impair independence of judgment.

Board members are expected to be service-oriented while caring about the needs and issues of all citizens.

Board members are expected to be fiscally responsible, make prudent decisions, and take into account the long term financial needs and financial stability of the City of Nacogdoches.

Board members are expected to be communicative and approachable, while fostering an open mind. Being receptive of new ideas and diverse opinions will prove valuable to the City of Nacogdoches.

Board members shall not use their office for private advancement or gain or to secure special privileges or exemptions for themselves or others.

Board members shall not grant any special consideration, treatment or advantage to any person or group beyond that which is available to others generally.

Conflicts of Interest

Chapter 171 of the Local Government Code requires a board member with a conflict of interest to file an affidavit with the City and abstain from voting on the matter before the board. The board member should not be involved in presenting the matter in which he or she has a conflict of interest to the board and many instances should not be present.

A board member has a conflict of interest if he or she has “substantial” interest in a business entity or real property in any matter that comes before the board for a vote. A substantial interest exists when action on the matter will have a special economic effect on the business entity distinguishable from the effect on the public, or if it is foreseeable that the action on the matter will have a special economic effect on the value of the real property, distinguishable from its affect on the public.

For example, the Attorney General has opined that a special economic effect on the value of real property distinguishable from the affect on the public exists when a Planning and Zoning board member has an interest in real property located within 200 feet of property being rezoned. However, the Attorney General made it clear that these evaluations are highly fact intensive. Ask yourself the question, will this action before my board affect the value of my real property in a manner that is different from public at large?

A person has a substantial interest in a business entity (non-profit or government entity is not a business entity) if:

1. They own 10 percent or more of the voting shares of the business entity or own either 10 percent or more or \$15,000 or more of its fair market value; or
2. They received funds from the business entity exceeding 10 percent of your gross income for the previous year.

A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

A person has a substantial interest if their close relative (within the first degree of consanguinity and affinity) has a substantial interest.

A violation of Chapter 171 is a Class A misdemeanor.

There are times you will have a perceived conflict of interest even though it is not a conflict that is prohibited by law. In those cases you should make a judgment call as to whether you should abstain from the matter. You have a duty to participate and vote on all matters that come before the board, unless you have a conflict or you lack information to decide the issue. Do not hesitate to consult with the City Attorney’s office or the City Secretary’s office for guidance.

If you think you have a Chapter 171 conflict contact the staff liaison prior to the meeting to make arrangements for the signing of the required affidavit. The affidavit must be signed prior to the item being considered. You should announce that you have a conflict at the meeting and excuse yourself from the room while the item is being considered. You should not participate on the matter, including contacting members of the board or staff concerning the matter.

Airport Advisory Board

COMPOSITION: Five (5) regular members and two (2) alternate members

TERMS: Two (2) years

CITY DEPARTMENT: A.L. Mangham Jr. Regional Airport

CITY LIAISON: Airport Manager

DUTIES AND RESPONSIBILITIES:

Airport Advisory Board shall be an advisory board to City Council. It shall select from its membership a chair. It may establish its own rules and regulations for meetings and proceedings. Its recommendations may be presented to City Council as needed. Airport Advisory Board shall advise City Council and make recommendations on the following matters:

- Master planning for use, expansion, and development of the airport and its property;
- Construction, expansion, improvements, maintenance, and operation of the airport;
- Consultant selection for various planning and construction projects;
- Selection of all fixed base operators and other lessees of airport property;
- Terms, conditions, duties, responsibilities, consideration, and other lease provisions to be contained in all lease arrangements concerning airport property;
- Methods and matters in recruiting and creating interest at the airport;
- Planning and developing airport services and working toward the general improvement of the airport as an air transportation center; and
- All other matters that may arise regarding the operation, facilities, or services provided at the airport.

MEETINGS: Once per quarter or as needed.

Code of Ordinances - Section 10.56-10.57

Building Standards Commission

COMPOSITION: Seven (7) regular members and two (2) alternate members

To the extent possible, members of the Building Standards Commission should be qualified in one or more fields of fire prevention, building construction, sanitation, plumbing, electricity, mechanical systems, engineering, architecture, or public health. Failure to be qualified in any of said fields shall not prevent or disqualify a person from sitting on the commission.

OFFICERS: The board shall select from its membership a chair, vice chair, and secretary. The chairperson of the commission may designate an alternate to serve in the event of the absence or resignation of a regular member. Neither members nor alternates shall be employees of the city.

TERMS: Two (2) years

CITY DEPARTMENT: Inspection Services

CITY LIAISON: Chief Building Official

DUTIES AND RESPONSIBILITIES:

The purpose, functions, and responsibilities of the commission shall include:

- Serve as the board of appeals for Building, Mechanical, Electrical, Plumbing, Energy Conservation, Fire, and Fuel Gas codes as may be adopted by the City Council;
- Hear appeals of decisions and interpretations of the building official;
- Hear appeals of decisions and interpretations of the fire marshal regarding City fire code;
- Consider or grant variances for special conditions and periodically review construction and fire codes;
- Suspend building trade licenses issued by the City for due cause;
- Hear appeals of decisions and interpretations of the city engineer regarding City's driveway access policy;
- Periodically review the construction and fire codes to make recommendations to City Council pertaining to minimum construction, fire code safety standards and amendments;

- Make recommendations to City Council pertaining to condemning of dilapidated structures.

In addition, the Commission shall be the successor to all authority, responsibility and functions as set out in any and all ordinances of the City of Nacogdoches previously exercised by the Building Code Board of Adjustments and Appeals, Plumbing Appeals and Advisory Board, Heating/Air Conditioning and Mechanical Refrigeration Board, Board of Electrical Examiners, Fire Prevention Board, and Urban Standards Board of Adjustments and Appeals.

MEETINGS: Four (4) members shall constitute a quorum and majority vote of members present is required to take action. To take official action, affirmative votes of the majority of members present shall be required. Meetings are held as needed. All meetings shall be conducted as open meetings following timely postings of notice and agenda in conformity with the Texas Open Meetings Law. Additionally, the Chairman or Housing Official may call meetings.

Code of Ordinances - Section 14.2

City Naming Committee

COMPOSITION: Five (5) members

TERMS: Ad Hoc Committee

CITY DEPARTMENT: City Council

CITY LIAISON: City Manager

DUTIES AND RESPONSIBILITIES:

Review applications for naming/renaming of City facilities, streets, and park land and make a recommendation to City Council for final approval.

MEETINGS: As needed.

City Council created – October 18, 2011 minutes

Convention and Visitors Bureau Board

COMPOSITION: Seven (7) members.

Three (3) representatives from retail merchants, including restaurants; Three (3) representatives from the hotel/motel and/or bed and breakfast industry; One (1) representative from university interests. Four (4) members of the CVB shall constitute a quorum for the conduct of business.

TERMS: Three (3) years

CITY DEPARTMENT: Convention and Tourism

CITY LIAISON: Convention and Tourism Director

DUTIES AND RESPONSIBILITIES:

The Convention and Visitors Bureau (CVB) shall promote, market and sell convention and tourism-related business in the Nacogdoches area; to further the promotion of tourism and publicity for the area; and promote Nacogdoches as a tourist destination through the state, region, nationally and internationally. The CVB Board of Directors is the governing body of the CVB, setting policies, goals and objectives.

MEETINGS: The CVB Board meets monthly on the 3rd Wednesday at 8:30 a.m. at the Convention and Visitors Bureau.

Code of Ordinances - Section 94.231-94.246

Health Code Advisory Committee

COMPOSITION: Nine (9) members

TERMS: Three (3) years

CITY DEPARTMENT: Planning and Neighborhood Services

CITY LIAISON: Planning and Neighborhood Services Director

DUTIES AND RESPONSIBILITIES:

The Health Code Advisory Committee's primary function is to advise City Council of any issues involving health and safety of the citizens of Nacogdoches. The committee will review City health department and animal control department ordinances and is composed of City Health Officer, one licensed veterinarian, at least one representative from an animal welfare organization, at least one member from food service industry, and at least one member from child-care service industry. The committee, at a minimum, shall provide guidance to promote:

- Environmental health programs for enforcement of health and safety laws relating to food, water, waste control, general sanitation, and vector control;
- Personal health promotion;
- Animal health promotion; and
- Environmental health education and information services.

MEETINGS: As needed.

Code of Ordinances - Section 46.61-46.68

Historic Landmark Preservation Committee

COMPOSITION: Seven (7) members to be appointed by the City Council

TERMS: 3 year terms, staggered

CHAIR & VICE-CHAIR: Shall be selected annually by a majority of committee members

CITY DEPARTMENT: Community Services

CITY LIAISON: Director of Community Services

DUTIES AND RESPONSIBILITIES:

All members of the Historic Landmark Preservation Committee (HLPC), regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic preservation within the City. Consideration will be given to the following recommended professions: architecture, planning, or other design profession; historian; licensed real estate broker; property owner of a landmark or in a historic district; attorney; or archaeologist or related discipline. The powers of HLPC shall include:

- Recommendation for employment of staff and professional consultants as necessary to carry out the duties of the committee;
- Prepare rules and procedures as necessary to carry out the business of the committee, which shall be ratified by City Council;
- Adopt criteria, for the designation of historic, architectural, and cultural landmarks and the delineation of historic districts, which shall be ratified by City Council;
- Conduct surveys and maintain an inventory of significant historic, architectural, and cultural landmarks and all properties located in historic historical districts within the city;
- Recommend the designation of resources as landmarks and historical districts;
- Confer recognition upon the owners of landmarks or within districts by means of certificates, plaques, or markers;
- Increase public awareness of the value of historic, cultural, and architectural preservation by developing public education programs;
- Prepare rules and procedures, create subcommittees and maintain minutes recording all actions of HLPC;
- Make recommendations to city government concerning the use of state, federal, or private funds to

- promote preservation of landmarks and historic districts within the City;
- Approve or disapprove applications for certificates of appropriateness;
 - Prepare and submit annual report to City Council and prepare design guidelines; and
 - Proposes preservation incentive programs for landmarks or districts;
 - Recommends acquisition of a landmark structure by the city government where its preservation is essential.

MEETINGS: NHLPC shall meet on the first Monday of each month at 4 p.m. Special meetings may be called at any time by the chair or at the written request of two committee members.

Code of Ordinances - Section 50.61-50.68

Housing Authority Board

COMPOSITION: Five (5) members

SPECIAL REQUIREMENTS: Members cannot have tenants in Section 8 HUD Housing Program.

TERM: Two (2) years

CITY DEPARTMENT: City Secretary

CITY LIAISON: City Secretary

DUTIES AND RESPONSIBILITIES:

On April 22, 1975 the Housing Authority of the City of Nacogdoches was created by resolution of Nacogdoches City Council. City Council appoints members of the Housing Authority Board who serve voluntarily as the policy-making body for Nacogdoches Housing Authority. Once appointed, this Board serves and functions autonomously from City Council. Nacogdoches Housing Authority provides safe, decent and sanitary housing for low income families throughout Nacogdoches County, and works toward providing home ownership opportunities and self-sufficiency for these families. They also work to promote drug abuse elimination and prevention and healthy lifestyles for participants.

MEETINGS: As needed.

Resolution April 22, 1975

Industrial Development Authority

COMPOSITION: Five (5) members

TERM: Three (3) years

CITY DEPARTMENT: City Manager

CITY LIAISON: Economic Development Department

DUTIES AND RESPONSIBILITIES:

The Industrial Development Authority was created by resolution in November of 1979 as a non-profit corporation to act as a conduit through which all Industrial Revenue Bonds are channeled under the Texas Industrial Revenue Bond Program. This program provides tax exempt financing of land and depreciable property for eligible industrial or manufacturing projects. The purpose of the Industrial Development Authority is to issue taxable and tax exempt bonds for eligible projects within the City of Nacogdoches.

MEETINGS: Bylaws require the Industrial Development Authority to meet annually on the 2nd Thursday of February at 1:30 p.m. or at such time and place as shall be fixed by the consent in writing of all the directors. Special meetings may be called as needed.

Resolution November 6, 1979

Main Street Advisory Committee

COMPOSITION: Eleven (11) members

TERM: Three (3) years

CITY DEPARTMENT: Historic Sites/Main Street

CITY LIAISON: Assistant Director of Community Services

DUTIES AND RESPONSIBILITIES:

The Main Street Advisory Committee's was created in November 1997 by City Council. Their mission is to preserve and promote historic downtown Nacogdoches through economic, historic and cultural revitalization. Envisioning a year round destination where visitors and locals experience the heart of our community rich with history, commerce, entertainment, cultural, and educational opportunities.

The Main Street Advisory Committee works directly with the Main Street Manager.

BOARD MEMBER REQUIREMENTS:

- A demonstrated interest in Nacogdoches Main Street's purpose and its goals;
- Specific experience in and/or knowledge of preservation, tourism development, fundraising, finance, advertising, public relations, marketing, nonprofit development, or economic development;
- 4-5 hours per month of available time outside of board meetings
- Serve on at least one of the four Main Street Subcommittees

MEETINGS: Meeting times and dates will be set by agreement of the Committee.

City Council created – November 18, 1997 minutes

Mayor's Committee on People with Disabilities

COMPOSITION: Eleven (11) members

TERM: Two (2) years, Chairman will serve three (3) years

CITY DEPARTMENT: City Secretary

CITY LIAISON: City Secretary

DUTIES AND RESPONSIBILITIES:

Mayor's Committee on People with Disabilities (NMCPD) envisions a community dedicated to inclusion of citizens at whatever level of ability they possess. The mission of the NMCPD is to keep City Council advised of living conditions and needs of people with disabilities in the community and to further opportunities for people with disabilities to enjoy a life of independence, productivity, and self-determination. NMCPD is an affiliate of the Texas Governor's Committee on People with Disabilities and operates at the discretion of City Council. The committee objectives are to:

- Promote better public understanding concerning needs and contributions of persons with disabilities;
- Promote increased enjoyment of workers with disabilities on a year-round basis;
- Encourage retention and advancement of those workers presently employed;
- Develop better understanding by persons with disabilities of services available to them;
- Encourage persons with disabilities to use these services;
- Remove all architectural barriers; and
- Promote participation in community life by people with disabilities.

MEETINGS: The committee shall meet at least four times per year. Regular meetings are held every three months in March, June, September and December. The committee may meet more often if needed. Currently, the committee meets monthly on the 2nd Thursday at 12:00 noon.

City Council created - February 2, 1988 minutes

Parks and Recreation Advisory Board

COMPOSITION: Not less than seven or more than eleven members

TERM: Three (3) years

CITY DEPARTMENT: Community Services

CITY LIAISON: Community Services Director

DUTIES AND RESPONSIBILITIES:

Parks and Recreation Advisory Board shall be consulted regarding advice on operation and general administration of the parks, park playgrounds and other recreational property and facilities as may be requested by City Council. The Board shall never obligate the City in any manner or for any purpose.

The Duties of the board as it relates to the care and maintenance of public trees shall be as follows:

- Assist with development of future public arboreal policies and initiatives
- Act as a board of appeals
- Recommend policies and guidelines
- Seek out ways to implement policies, achieve goals and provide educational material to the public

The Board works closely with the Director of Community Services, or designee on matters involving parks, trails and other recreation activities in the City of Nacogdoches. It shall be the responsibility of the Parks and Recreation Advisory Board to advise the city on the preservation, trimming, planting, replanting, removal, and disposition of trees and shrubs on public property. The Parks and Recreation Advisory Board shall not make a recommendation to the city until the board has reviewed a report regarding the situation from a person that has experience and training in all issues regarding trees. Such experience may include a bachelor's degree from an accredited college or university in urban forestry or agriculture with training in arboriculture or equivalent experience.

MEETINGS: The Parks and Recreation Advisory Board meets as needed.

Code of Ordinances - Section 74.26-74.35

Pine Grove Cemetery Board

COMPOSITION: Five (5) members

TERMS: Two (2) years

CITY DEPARTMENT: Community Services

CITY LIAISON: Community Services Director

DUTIES AND RESPONSIBILITIES:

The mission of the Pine Grove Cemetery Board is to maintain and beautify Pine Grove Cemetery in honor of those interred.

MEETINGS: The Pine Grove Cemetery Board meets quarterly.

City Council created - October 7, 1947 minutes

Planning and Zoning Commission

COMPOSITION: Five (5) members

TERMS: Two (2) years

CITY DEPARTMENT: Planning & Neighborhood Services

CITY LIAISON: Planning & Neighborhood Services Director

DUTIES AND RESPONSIBILITIES:

Actions of the Planning and Zoning Commission on zoning related items are to conduct public hearings and make recommendations to City Council. Planning and Zoning Commission shall have the power and duty to:

- Advise the City Council and make recommendations concerning adoption of or amendments to the city's comprehensive plan and thoroughfare plan, and implementation thereof;
- Serve as an advisory body to the City Council concerning the adoption of, or amendments to, the zoning regulations and zoning map, and to make recommendations thereon;
- To call a public hearing to determine proper zoning for a tract of land or for an area;
- Undertake such actions as are necessary to exercise its delegated powers, as indicated by the adopted ordinance.

MEETINGS: The Planning and Zoning Commission holds regular meetings on the second Monday of each month at 5:00 p.m.

Code of Ordinance - Section 118.66-118.69

Zoning Board of Adjustment

COMPOSITION: Five (5) regular members and four (4) alternate members

TERMS: Two (2) years, staggered

CITY DEPARTMENT: Planning & Neighborhood Services

CITY LIAISON: Planning & Neighborhood Services Director

DUTIES AND RESPONSIBILITIES:

Zoning Board of Adjustment has the power to hear and decide appeals where it is alleged there is an error made by the City Planner in any order, requirement, decision or determination. The board of adjustments may permit in any district modifications/variances as the board may deem necessary to secure appropriate development.

OFFICERS: The board of adjustment shall meet and organize as soon as practicable, shall elect one of its members as chair, and shall have a secretary.

MEETINGS: The Zoning Board of Adjustments meets the third Thursday at 4:00 p.m. as needed.

Code of Ordinance - Section 118.96-118.101

Applications must be received by end of business the 2nd Friday in June for July appointments and the 2nd Friday in December for January appointments.