



The City of Leonard, Texas

Boards, Commissions and Committees Handbook

Adopted by City Council on 1-12-2016

Dear Citizen:

I would like to thank you on behalf of the Citizens of Leonard for your willingness to serve the City as an appointed member of a Board, Commission or Committee. Your commitment of time and talent is a very important contribution to our community.

The work done by citizens who serve on Boards, Commissions and Committees is a vital part of our City government. Such members assist the City Council in setting public policy, implementing public policy and in communicating that policy to the community as a whole.

In recognition of the important civic commitment members of Boards, Commissions and Committees have made, we have prepared this orientation handbook to assist members in performing their respective duties. It is our hope that your service to the City of Leonard will be both rewarding and fulfilling. Again, thank you for your willingness to serve.

Sincerely,

Willie Johnson
Mayor

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CHAPTER I

DEFINITIONS

Boards, Commissions and Committees.

The City of Leonard City Council depends on the input from residents serving on Boards, Commissions and Committees. Leonard has four kinds of Boards, Commissions and Committees. They are:

Advisory Boards
Decision Making Boards
Separate Legal Entities
Ad hoc Committees

Advisory Boards, Commissions and Committees defined.

These Boards, Commissions and Committee advise the City Council, City Administrator and City Staff. They play a key role in keeping the City government close to the people it serves and provide ideas, feedback and suggestions as may serve as a sounding board for proposed policy. These particular Boards, Commissions and Committees include:

Parks, Recreation Advisory Board

Public Library Board

Parks and Recreation Advisory Board

Establishment: Reference Ordinance No. 011497B

Purpose: The Parks and Recreation Advisory Board is responsible for advising and making recommendations to the City Council on all matters relating to the establishment, maintenance and operation of city parks and recreation programs for the City of Leonard and its inhabitants, and to carry out other duties as may be assigned by the City Council.

Duties:

- Study the recreation and park facilities programs of the City including various Sports Associations and confer with the City Administrator and advise him with respect to the development and use of the City's parks and the recreation programs.
- Recommend to the Council rules for the use of parks, public grounds and recreation facilities consistent with the ordinances of the City and the statutes of the State of Texas.
- Review and recommend the capital improvement budget for the Parks and Recreation Department.

Time Commitments:

Members must attend regularly scheduled meetings. Additional time may be required for outside meetings to visit sites and to read relevant reports and documentation.

Members:

This Board is comprised of five (5) positions, appointed by the City Council. Members must be residents of City of Leonard if possible. It is recommended that a representative from each youth sports program be appointed as members.

Term:

Three (3) members are appointed for two (2) year terms, two (2) members are appointed for one (1) year terms. Board members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of four (4) years.

Term of appointment shall begin January 1 of the appropriate calendar year.

Leonard Public Library Board

Establishment: Reference Ordinance No. 021213

Duties:

The Leonard Public Library Board shall administer and supervise the operation of the Library under the supervision and control of the mayor of the city and the city council.

The Board shall have the following powers and perform the following duties:

1. It shall follow all rules and regulations prescribed by the City Council for the conduct of its business.
2. It shall set policies on library service, provided that no policy shall conflict with any ordinance, council directive, or council policy. All policies shall be subject to council approval and acceptance.
3. It shall act in an advisory capacity to the City Council in all matters pertaining to the library and may make any other recommendation to the City Council regarding library matters or concerns that it considers advisable.
4. It shall study and encourage the development of adequate library facilities and services for the residents of the City and shall make recommendation to the City Council regarding suggested programs for the development of library facilities, programs and financial support.
5. It may meet or consult with other governmental agencies of the county, region, state or federal governments and shall investigate any other agency, public or private, that may aid or assist the growth of the library.
6. It may solicit for the library gifts, revenues, bequests or endowments of money or property as donations or grants from person, firms or corporations, subject to the approval and acceptance of the City Council.
7. It may elect from its membership the lay representative and alternate position require as a part of the City's responsibility for the Northeast Texas Library System.

The Board of Trustees shall have no power to obligate the City in any manner whatsoever.

Time Commitments:

Members must attend regularly scheduled meetings.

Members:

The Board of Trustees shall consist of seven (7) members, to be appointed by the city council for the term of two (2) years. Members must be residents of City of Leonard or within Fannin County.

Term:

Four (4) members are appointed during even-numbered years and three (3) are appointed during odd-numbered years. Term of appointment shall begin April 1 of the appropriate calendar year.

Decision-making Boards and Commissions defined.

These are ‘quasi-judicial’ bodies which are empowered by State law to make decisions affecting City policy. These Boards and Commissions are “governing bodies” under the Texas Open Meetings Act and are thus required to comply in all respects with the Act. These Boards and Commissions include:

Planning and Zoning Commission
Zoning Board of Adjustment

Planning and Zoning Commission

Establishment: Reference Ordinance No. 091096 Zoning Ordinance, Section 35
Council action August 22, 1995

Purpose: To advise and make recommendations to the City Council on matters relating to City planning and development.

Duties and Authority:

The Planning and Zoning Commission Is hereby charged with the duty and invested with the authority to:

- Formulate and recommend to the City Council for its adoption a city 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 good, and the health, recreation, safety, and general welfare of the citizens of the city.
- Formulate a zoning plan as may be deemed best to carry out the goals of the city plan; hold public hearings and make recommendations to the City Council relating to the creation, amendment, and implementation of zoning regulation and districts as authorized under state law.
- Exercise all powers of a commission as to approval or disapproval of plats, zoning request, plats, or replats as authorized under state law.
- Study and recommend the location, extension, and planning of public rights-of-way, parks, or other public places, and on the vacating or closing of same.
- Study and make recommendations regarding the general design and location of public buildings, bridges, viaducts, street fixtures, and other structures and appurtenances.
- Initiate, in the name of the city, proposals for the opening, vacating, or closing of public rights-of-way, parks, or other public places and for the change of zoning district boundaries on the area-wide basis.
- Formulate and recommend to the City Council, for its adoption, policies and regulations consistent with the adopted city plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the city.
- Make regular reports to the City Council.
- Hold public meeting and hearing as necessary in compliance with the Texas Open Meetings Act.

Members:

The City Council appoints five (5) members who are residents of Leonard or its extraterritorial jurisdiction; however the majority shall be residents of Leonard.

Term:

Two (2) year terms. Places 1, 3, and 5 shall expire on June 30 of each odd-numbered year and places 2 and 4 shall expire on June 30 of each even-numbered year.

Zoning Board of Adjustment

Creation: Leonard Zoning Ordinance, Section 36: A Zoning Board of Adjustment is hereby reestablished in accordance with the provisions of Texas Local Government Code, § 211.008, as amended regarding the zoning of cities and with the powers and duties as provided in said Code.

Powers and Duties:

All powers and duties of the Zoning Board of Adjustment are detailed in the Leonard Zoning Ordinance, Section 36. This includes Hearings, Meetings, Rules and Regulations as well as detailed information regarding Appeals and Variances.

Members:

This Board is comprised of five (5) positions, each to be appointed by the Mayor and confirmed by the City Council.

Term:

Term of service is two (2) years. Three (3) members serve until January 1 of odd-numbered years, as appointed, and two (2) members serve until January 1 of even-numbered years.

Meetings:

Regular meetings of the Board shall be held at such times as the Board may determine.

Separate Legal Entities defined.

These are boards that are recognized by the State as separate legal entities with their own Articles of Incorporation and By-Laws, registered with the office of the Secretary of State, created by an act of the State Legislature and recognized as a separate governmental entity. These Boards include:

Leonard Community Development Corporation

Leonard Community Development Corporation (4B)

Purpose: To develop, implement, provide and finance projects under the Development Corporation Act of 1979 and as defined by Section 4B of the Act.

Duties:

Section 4B tax proceeds may be spent on land, buildings, equipment, and improvements for items encompassing manufacturing and industrial facilities, recycling facilities, distribution centers, small warehouse facilities, enterprise zone projects and facilities related to these projects. Additionally, Section 4B specifically permits expenditures of tax proceeds for land, buildings, equipment, and improvements suitable for the following eight types of projects:

- 1) Athletic Facilities
- 2) Tourism and entertainment facilities
- 3) Parks and public space improvements
- 4) Public facility improvements
- 5) Commercial facilities
- 6) Transportation improvements
- 7) Infrastructural improvements
- 8) Other business-related improvements

Time Commitments:

Members must attend regularly scheduled meetings. Additional time may be required for outside meetings to visit sites and to read relevant reports and documentation.

Members:

This Board is comprised of seven (7) positions, appointed by the City Council, who are residents of City of Leonard. Up to four (4) members of the Board can be members of the City Council. Three (3) members must not be employees of the City nor City Council members.

Term:

Two (2) years. Term limitations are three (3) consecutive terms. Term begins on October 1st of each year.

Meetings:

Regular meetings are typically held on the first Wednesday of the month at 8:30 a.m.

Ad hoc (Sunset) Committees defined.

Ad hoc or Sunset Committees are temporarily appointed advisory committees that terminate upon completion of their specific task.

Quasi-Governmental Boards, Committees and Commissions

There are various Boards, Commissions and Committees that are created by entities within the county and city that operate independently by their own by laws. The City is often asked to provide a representative to serve on these boards, etc.

At the present time the following Boards, Commissions and Committees exist and require a city representative:

Leonard Housing Authority

Five (5) appointments by the Mayor and ratified by the Council. Term is for two (2) years. Appointment term is staggered every other year. City residence is a requirement.

CHAPTER II

BOARD, COMMISSION AND COMMITTEE APPOINTMENT PROCESS

Application Process:

Citizens interested in serving on a board, commission, committee or separate legal entity can obtain an application (See Exhibits) from the City Secretary's office at City Hall or download the application from the city website. The completed application along with the Affidavit of Residence (See Exhibits) can be submitted directly to the Mayor or returned to the City Secretary's office.

Notice of Appointment:

After the City Council appoints a person to serve as a member of a Board, Commission, Committee or separate legal entity, the City Secretary will notify the appointee in writing of the appointment.

Eligibility and Qualifications:

The Leonard City Council seeks the best qualified person(s) to serve on Boards, Commissions and Committees. The qualifications required to serve on a particular Board, Commission or Committee are determined by Ordinance, or by State law which established the particular Board, Commission or Committee. Appointments to Boards, Commissions, Committees or separate legal entities that do have eligibility requirements must be made in accordance with the governing City Ordinance or State statute. Board, Commission or Committee members must continue to meet the eligibility requirements during the entire time they serve. If a member cannot continue to maintain the necessary requirements he shall resign his position.

Oath of Office:

Upon appointment, an oath of office is administered to all members of Boards, Commissions and Committees. The oath of office can be administered by the City Secretary or designee or a city-employed Notary Public for the State of Texas.

CHAPTER III

MEETINGS

Role of the Chair.

The function of the Chair is to provide leadership for the group. The Chair is selected by other board members in a method agreeable to all board members. There are certain duties and responsibilities which must be performed. The Chair can ensure the smooth operation of the board, commission or committee. The Chair must be strong enough to make certain that the meeting is run by the rules, but democratic enough to use the power and authority of the position wisely. The Chair's ability to handle meeting will have a significant impact on operation and effectiveness. The Chair must make certain that discussions do not get side-tracked on minor issues and must have the ability to remain focused on the agenda.

Role of Other Offices.

The Vice-Chair will serve as Chair in the absence of the Chair. Other officers and duties shall be determined by the respective board, commission, or committee.

The Agenda.

The agenda should always be prepared prior to the meeting and copies given to all Board, Commission, or Committee members. Extra copies of the agenda should be available for the public. The agenda is prepared by the department head or staff person assigned to the Board, Commission, or Committee. Certain Boards, Commissions, and Committees are required by the state, in the Open Meetings Act, to post the agenda publicly at least 72 hours prior to the meeting.

Parliamentary Procedures.

Meetings of Boards, Commissions and Committees are generally conducted under standard parliamentary rules adopted by that particular body.

Public Hearings.

These hearings are open forums that allow the public an opportunity to express their opinions on a specific issue. Public Hearings are generally conducted in the following manner:

1. The Chairman of the Board, Commission or Committee formally opens the public hearing.
2. The applicant's presentation of his request is heard.
3. Proponents (those in favor) of a measure speak first.
4. Opponents (those against) speak second.
5. After hearing all who wish to comment on the issue, the proponents are allowed to give a rebuttal and summarize their position, and then the Chair formally closes the Public Hearing.

6. Members of the Board, Commission or Committee may ask questions at any time during the public hearing of each witness if recognized by the Chair. After the Public Hearing is closed, members of the public may speak ONLY when recognized by the Chair. A time limit for individual speakers may be set by the Board, Commission or Committee for purposes of order and equity before the Public Hearing begins.

Signing the Minutes for the Meeting.

The minutes of Boards, Commissions and Committees MUST be signed by the Chair and the Secretary once the minutes are approved by a majority vote of the members of the Board, Commission or Committees.

Meeting Attendance.

Every Board, Commission or Committee member is expected to maintain a suitable attendance record. It is important to keep in mind that attendance is very important to the Board, Commission or Committee. Because attendance is important, the City Council has adopted an attendance policy of no more than three (3) consecutive absences without an excuse for regular Board, Commission or Committee Members. The Chair of the Board, Commission or Committee can excuse a member's absence. The term "meetings" includes all of the meetings of the board and all meetings of the board's subcommittees on which the member serves. The Secretary of the Board, Commission or Committee is responsible for keeping track of the members' attendance. If a member does not follow the attendance policy set for the board, commission or committee, the member can be removed from service by a vote of the City Council.

Working with City Staff.

Each Board, Commission or Committee member is encouraged to work closely with city staff and with the appropriate department staff assigned to that Board, Commission or Committee. City staff is assigned to provide general assistance, such as preparation or agenda materials and general review of department program and activities and to perform limited studies and other services.

Reporting to the City Council.

The Council is dependent on each Board, Commission or Committee to make recommendations to City projects. It is through the Boards, Commissions and Committees that the City Council can receive community input. All Boards, Commissions and Committees are encouraged to communicate the position of the body to the City Council and, from time-to-time may want to visit informally with a Council member. There will be occasions when city staff will be required to prepare an agenda item for City Council review.

CHAPTER IV

RESPONSIBILITIES OF THE MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES

It is an honor to be selected as a City Board, Commission or Committee member and it provides an unusual opportunity for genuine public service. Although specific duties of each body vary widely, there are certain responsibilities that are common to all members. The following is a summary of those responsibilities:

- Members should understand the role and scope of their responsibilities; be informed of the individual board, commission or committee's purpose and of its operating procedures.
- Members should be careful to represent the majority views of their individual board, commission or committee. Individual "opinions" to the public and press should be identified as such.
- Members should represent the public interest and not special-interest groups.
- Good communication is essential. Members are in a position to serve as liaison between the City and its citizens and can help to reconcile opposing viewpoints and to build a consensus around common goals and objectives. Members serve as a communication link between the community, staff, and city, presenting recommendations and providing a channel for citizen expression.
- Members are encouraged to do their homework, and be thorough in recommendations – view situations under consideration prior to the meeting in order to be fully prepared to discuss, evaluate and act on all matters scheduled for consideration. Conclusion based on preparedness will strengthen the value of the group's recommendations.
- Members are encouraged to establish a good working relationship within the group; respect individual viewpoints; allow other members time to present their views fully before making comments; be open and honest; welcome new members.
- Council appointment to boards, commissions or committees are made without regard to political party affiliation. Members are not restricted from participating in political activities; however, member shall not use or involve their memberships in the conduct of political activities.

CHAPTER V

LEGAL LIABILITY

Personal Liability.

Board, Commission or Committee members cannot be held personally liable for erroneous acts while honestly exercising the functions of their offices in good faith. The only time a member can be held personally liable is when they act outside the scope of their office and in bad faith. When members of City Boards, Commissions or Committees are acting in good faith and within the bounds allowed by the city, state and federal law, the City will provide a defense for such members to the greatest extent permissible. However, if a Board, Commission or Committee member acts fraudulently, maliciously, or in violation of a criminal law while serving his/her official capacity, the City generally will not provide that member a defense.

Board Liability.

A City, its officers and members of Board, Commissions or Committees, as a governmental entity, must treat all individuals or groups in the same manner unless there is a compelling governmental interest to treat someone or some group differently. Therefore, the City Attorney should be consulted concerning whether or not an individual or group can be treated differently. If an officer or Board, Commission or Committee member illegally discriminates against an individual or group, that individual or group can seek damages from the City and the individual officer for a violation of rights under the state and federal civil rights statutes.

The above discussion is by no means intended to be a comprehensive and complete discussion of legal liabilities to which the City or Board, Commission or Committee member may be subjected. Board, Commission or Committee members are strongly encouraged to consult with the City Attorney anytime they feel their actions while serving on such Board, Commission or Committee may have some legal consequences. The law in this area is quite complex and requires a thorough analysis of the law and facts pertaining to each particular situation.

VI. Exhibits

Application for Board, Commission and Committees

Affidavit of Residence

Board, Commissions and Committees Rosters

10. Do you have any relatives or members of your household serving as an elected or appointed official of the City of Leonard? Yes No

If yes, please list names and relationships: _____

11. Are any relatives of your household employed by the City of Leonard? Yes No

12. Please read the Code of Ethics on the City's website before answering the following questions:

- a. Do you understand and agree to adhere to the code of Ethics? Yes No
- b. Do you understand the term length for the position you have applied for and the attendance policy for members? Yes No
- c. Do you understand that it is very important that you attend all regular meetings of the board, commission or committee you have applied for and the importance of completion of your term?
Yes No

Any member of a board, commission or committee who is absent from three (3) consecutive regular meetings, or twenty-five (25) percent of regularly scheduled meetings during the twelve-month (12-month) period immediately preceding and including the absence in question, without explanation acceptable or a majority of the other members shall forfeit his or position on the board, commission, or committee.

13. Do you have any physical or mental constraints which may limit your ability to perform the duties of a board member or commissioner? Yes No

If yes, what can be done to accommodate these constraints? _____

Pursuant to the Americans with Disabilities Act, the City of Leonard will make reasonable efforts to accommodate persons with qualified disabilities during the Board, Commissions and Committees interview process. If you require special accommodation, please contact the Office of the City secretary at least five (5) days in advance of any scheduled interview.

14. List any relative educations, training or experience: _____

15. List your current or last employer:

Name: _____

Address: _____

Date(s) of employment: _____ Phone No.: _____

Job Duties: _____

I certify that all statements that I have made on this application and other supplementary materials are true and correct. I hereby authorize the City of Leonard to investigate the accuracy of this information from any person or organization, and I release the City of Leonard and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement of misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

Signature of Applicant _____ Date _____

CITY OF LEONARD §
STATE OF TEXAS §
COUNTY OF FANNIN §

Before me, the undersigned authority, on this day personally appeared:

_____, who, after

being duly sworn, on His/Her oath stated as follows:

“My name is _____. I am eighteen (18) years of age or older. I have never been convicted of a felony and I am in all things competent to make this Affidavit. The statements contained in this Affidavit are true and correct and are based upon my personal knowledge.

1. I was born in _____ on ____/____/20____.
2. My residential address is _____.
3. My mailing address is (if different from residential address) _____.
4. My Driver’s License No. or Person ID No. _____.
5. I currently reside within the city limits of the City of Leonard, Texas and have been residing within the city limits of the City of Leonard, Texas since ____/____/____.

Further Affidavit sayeth not.”

Signature of Applicant

SUBSCRIBED AND SWORN TO BEFORE ME by the said _____
_____ on this the _____ day of _____, _____

Notary Public in and for the State of Texas