

The City of Farmersville

Board and Commission Handbook

And

Code of Ethics

Ordinance #2002-06 adopted 3-12-02

Amended with Ordinance #2002-31 adopted 5-14-02

Revised January, 2008

City of Farmersville

Boards and Commissions

If you have always wanted to be a part of the decision-making process in Farmersville, serving on one of the boards or commissions is a great way to get involved.

City government is built on the foundation of concerned and caring citizens becoming actively involved in local government. The members of the various boards and commissions help in setting the direction of Farmersville's future.

All appointees must qualify for the one-year residency status of the particular board or commission to which they are appointed. Further, they must subscribe to the Code of Ethics as adopted by ordinance.

City Council will appoint one ex-officio member from the Farmersville Extraterritorial Jurisdiction for the Planning and Zoning Commission. This person will act as a voting member when the commission meets as the Capital Improvements Advisory Commission.

Each board or commission has a three year term, except where indicated otherwise, with two consecutive terms maximum. After two consecutive terms on a board/commission a member is eligible for re-appointment to the same board or commission after a one term lapse (2 or 3 years).

Following is a brief overview of the duties and responsibilities for each board or commission.

BUILDING AND PROPERTY STANDARDS COMMISSION (Three year term)

- ❑ Hears and decides appeals of orders, decisions and determinations of Code Enforcement Officer and serves as an advisory board to the City Council
- ❑ **Residency requirement:** 1 year within the city limits immediately preceding the appointment

FARMERSVILLE COMMUNITY DEVELOPMENT CORPORATION BOARD (FCDC 4B) (Two year term)

- ❑ Promotes the revitalization of the core area of Farmersville, quality economic development, and expanded recreational programs for the entire city.
- ❑ Special residency requirements: within the boundaries of the Farmersville School District.
- ❑ **Residency requirement:** 1 year within the Farmersville ISD immediately preceding the appointment

FARMERSVILLE ECONOMIC DEVELOPMENT CORPORATION BOARD (FEDC 4A) (Three Year Term)

- ❑ Promotes quality economic development by encouraging the retention, expansion, and relocation of industries to the City.

- ❑ Special residency requirements: Two of the five members must be Farmersville citizens with three members from within the City or the Farmersville School District or have significant investment in the City.
- ❑ **Residency requirement:** Two of the five members must live within the city limits 1 year immediately preceding the appointment; three directors may (as the discretion of the Council) be non-residents, however must either be residents of the Farmersville ISD or have a significant investment in the City for more than one year.

LIBRARY / CIVIC CENTER BOARD (Three year term)

- ❑ Supports and promotes the need for good public library service.
- ❑ Advises the Council on policy governing the Civic Center and Library.
- ❑ No residency requirement

MAIN STREET BOARD (Three year term)

- ❑ Promotes the Farmersville Main Street Program
- ❑ Supports economic development within the Main Street Area.
- ❑ Special residency requirements: Farmersville School District, or a Main Street Merchant or Main Street building owner
- ❑ **Residency requirement:** 1 year within the city limits or in the Farmersville ISD immediately preceding the appointment

PARKS AND RECREATION BOARD (Three year term)

- ❑ Promotes the development and beautification of all parks within the city.
- ❑ Encourages expansion and strengthening of all recreation programs by partnering with groups such as the Little League Association and the Riding Club.
- ❑ Advises the Council on the allocation of city funds in the continuing development of the park system and recreation program.
- ❑ **Residency requirement:** 1 year within the city limits immediately preceding the appointment

PLANNING AND ZONING COMMISSION (Three year term)

- ❑ Recommends approval or disapproval of changes to the City's Zoning Ordinance and the Comprehensive Plan, sub-division plats and development plans.
- ❑ Advises the Council on physical improvements of the City, including capital improvement programs, and other changes or additions to the physical arrangement of the City.
- ❑ Also serves as the Capital Improvements Advisory Commission. by projecting land use of the City over a period of time to develop "Land Use Assumptions". Using these "Land Use Assumptions", the Commission recommends a Capital Improvements Plan to ensure that adequate infrastructure is in place to meet the City's ten year needs.
- ❑ **Residency requirement:** 1 year within the city limits immediately preceding the appointment. Council shall appoint an ETJ representative to sit as a voting member when the P&Z Commission sits as the CIAC.

SENIOR CITIZENS ADVISORY COMMITTEE (Three year term)

- Advises Council on needed improvements of services and facilities for senior citizens. **Residency requirement:** 1 year within the city limits immediately preceding the appointment

If you are interested in serving on any City board or commission, please complete the application located in the back of the handbook and return to City Hall, Attn: City Secretary, 205 S. Main Street, Farmersville, TX 75442.

If you have questions please call the City Secretary at 972-782-6151 or email at edie@farmersvilletx.net.

BOARD AND COMMISSION APPOINTMENT PROCESS

Application Process. Citizens interested in serving on a board or commission can obtain an application from the City Secretary's office at City Hall. The completed application can be submitted directly to the City Council during a City Council meeting or returned to the City Secretary's office.

Appointment Process. The Farmersville City Council makes appointments to the various boards and committees by May each year or as replacement members are needed. The applications are considered and appointments are made by the Council during a regular City Council meeting. Terms vary in duration between two and three years. Generally, the member terms are staggered so that at least half of the membership is experienced.

Notice of Appointment. After the City Council appoints a person to serve as a member or alternate member of a Board or Commission, the City Secretary will notify the appointee in writing of the appointment. Because vacancies may arise throughout the year, all applications are kept on file for one year.

Eligibility and Qualifications. The Farmersville City Council seeks the best qualified citizens to serve on the City's boards and commissions. The qualifications required to serve on a particular board or commission are established by city ordinance, the City Code of Ethics which is found at the back of this Handbook, and/or by the state law which created the board or commission.

Generally, the Code of Ethics requires one-year residency in either the City, or in the instance of the Farmersville Economic Development Corporation Board, the Farmersville Community Development Corporation Board, or the Library/Civic Center Board, a one-year residency in the Farmersville Independent School District. Further, an appointee must be a qualified voter of the jurisdiction in which they reside, not be in arrears in the payment of City taxes, utility service charges, or other obligations to the City, and not be an adversary part to pending litigation against the City. Following appointment, members must continue to meet the eligibility requirements during the entire time they serve on the board or commission. If a member can not maintain the necessary requirements, the member shall resign his/her position.

Oath of Office. Upon appointment, a Statement of Appointed Officer is required prior to taking the Oath of Office and before the appointee can take part in the deliberations of his or her board or commission. The Oath is administered by the City Secretary or a City-employed Notary Public for the State of Texas.

Orientation. The City of Farmersville provides an Orientation for new board and commission members. Additionally, some board and commission members participate in specialized training.

Building and Property Standards Commission

Purpose. The Building and Property Standards Commission hears and determines any case that comes before it concerning alleged violations of health, safety and welfare standards and codes as provided by City Ordinance. As such the Board enforces jurisdiction over substandard buildings and property maintenance standards.

Duties:

- Hears and decides appeals of orders, decisions or determinations as made by the Code Enforcement Officer relative to the application and interpretation of the Building and Property Standards Ordinance and of the construction codes.

Time Commitments: Members of the Building and Property Standards Commission meet as called by the Chairperson and/or the staff liaison. Depending on the number of items on the agenda, a regular meeting may take from thirty minutes to an hour or so to complete. Additionally, in order to be adequately prepared to deliberate during meetings Board members may visit the site of the complaint to observe existing conditions.

Terms: Three year terms - 2 consecutive terms maximum. After two consecutive terms a member is eligible for re-appointed after a one term lapse.

Members: The Board is comprised of five members. All are appointed positions determined by a majority vote of the City Council. The Code of Ethics requires a one-year residency of the City immediately preceding appointment. Further, an appointee must be qualified voter of the jurisdiction in which they reside, not be in arrears in the payment of City taxes, utility service charges, or other obligations to the City, and not be an adversary party to pending litigation against the City. The Board selects its officers, comprised of a Chairperson and a Secretary, by majority vote.

Meetings: Meetings are held when called at City Hall, typically at 6:00 p.m.



Farmersville Community Development Corporation (4B)

Purpose: The Corporation was formed under the State of Texas Development Corporation Act that allows municipalities to create nonprofit corporations funded with one half percent sales tax, to promote a wide variety of projects to improve the quality of life. The Board helps to identify the projects that will best achieve the goals of the City of Farmersville, within the framework of the regulatory legislation. Generally, funds can be expended for projects that promote manufacturing, industrial or recycling facilities, new and expanded business development, job creation and retention, job training facilities, facilities for higher education, targeted infrastructure, athletic facilities, parks, and tourism. Following public hearing, all projects must be approved by the City Council.

Duties:

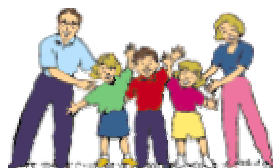
- ☐ Consider requests and develops projects that will enhance the quality of life for Farmersville,
- ☐ Hold a Public Hearing prior to the development of an annually updated Capital Improvement Program.
- ☐ Make recommendations to the City Council.

Time Commitment: Members of the Board attend regularly scheduled meetings that are typically held once per month on the third Tuesday of the month. Depending on the number of items comprising the agenda, a regular meeting may take anywhere from thirty minutes to an hour or so to complete. Additional time must also be spent to study the packet of information and materials related to the agenda. This packet is provided to all Board members prior to the meeting. Board members are required to attend special seminars or training workshops to better prepare themselves in discharging their duties.

Members: This Board is comprised of seven (7) members. All are positions appointed by the City Council. The Code of Ethics requires a one-year residency in the City, or in the Farmersville Independent School District immediately preceding appointment. Further, an appointee must be a qualified voter of the jurisdiction in which they reside, not be in arrears in the payment of City taxes, utility service charges, or other obligations to the City, and not be an adversarial party to pending litigation against the City. The Board elects its officers, comprised of a Chairperson and a Secretary.

Term: Two (2) year - 2 consecutive terms maximum. After two consecutive terms a member is eligible for re-appointed after a one term lapse.

Meetings: Regular meetings are scheduled for the second Monday of the month at 5:45 p.m. in the Best Community Center.



Farmersville Economic Development Corporation (4A)

Purpose: The Corporation was formed under the State of Texas Development Corporation Act that allows municipalities to create nonprofit corporations funded with one half percent sales tax, that promote a wide variety of projects to promote the expansion and development of manufacturing and industrial facilities. The Board helps to recruit, retain, and promote businesses, within the framework of the regulatory legislation. Generally, funds can be expended for projects that promote manufacturing, industrial, recycling facilities, distribution centers, warehouse facilities, job creation and retention, job training facilities, facilities for higher education, and targeted infrastructure. Following public hearing, all projects must be approved by the City Council.

Duties:

- ☐ Consider requests and develops projects that will enhance the economy within the City of Farmersville.
- ☐ Works with businesses considering relocation to Farmersville and with businesses already in the City with plans for expansion.
- ☐ Develops an annual program for presentation to the City Council for the economic development of the City, to promote employment through the expansion and development of a sound industrial, manufacturing, and retail base within the city.

Time Commitment: Members of the Board attend regularly scheduled meetings that are typically held once per month on the fourth Tuesday of the month. Depending on the number of items comprising the agenda, a regular meeting may take anywhere from thirty minutes to an hour or so to complete. Additional time must also be spent to study the packet of information and materials related to the agenda. This packet is provided to all Board members prior to the meeting. Board members are required to attend special seminars or training workshops to better prepare themselves in discharging their duties.

Members: This Board is comprised of five (5) members. All are positions appointed by the City Council. Two of the five directors must be residents of the City of Farmersville, but three directors may (at the discretion of the Council) be non-residents of the City. However, these directors must be either residents of the Farmersville Independent School District or have significant investment in the City. For the two City of Farmersville places, the Code of Ethics requires a one-year residency in the City. For the three places that may be made up of non-residents, the Code requires a one year residency within the school district immediately preceding appointment unless the appointee is being selected on the basis of his or her investment in the City. Further, an appointee must be a qualified voter of the jurisdiction in which they reside, not be in arrears in the payment of City taxes, utility service charges, or other obligations to the City, and not be an adversary party to pending litigation against the City. The Board elects a Chairperson, Vice-Chairperson and a Secretary/Treasurer.

Term: Three (3) year, 2 terms maximum, can be reappointed after one term lapse

Meetings: Regular meetings are scheduled for the fourth Tuesday of the month at 1:00 p.m. at the Best Community Center.



Farmersville Main Street Board

Purpose: The Board of Directors was established to guide and administer the Main Street Program as outlined by the Texas Historical Commission.

Duties:

- ☐ Works with Main Street District merchants and property owners to improve the economic vitality and sustainability of businesses within the area.
- ☐ Encourages preservation and rehabilitation of the historic commercial buildings within the District.
- ☐ Develops promotions and marketing efforts to act as a draw for both residents and non-residents.
- ☐ Works with other groups and organizations that have common interest.
- ☐ Develops an annual budget to support the Main Street Project for presentation to Farmersville Community Development Corporation, which funds the project.

Time Commitment: Members of the Board attend regularly scheduled meetings that are typically held once per month on the fourth Monday of the month. Depending on the number of items comprising the agenda, a regular meeting may take anywhere from thirty minutes to an hour or so to complete. Additional time must also be spent to study the packet of information and materials related to the agenda. This packet is provided to all Board members prior to the meeting. Board members are required to attend special seminars or training workshops to better prepare themselves in discharging their duties.

Members: This Board is comprised of five (5) members. All are positions appointed by the FCDC (4B). The Code of Ethics requires a one year residency within City, or in the Farmersville Independent School District immediately preceding appointment. Further, an appointee must be a qualified voter of the jurisdiction in which they reside, not be in arrears in the payment of City taxes, utility service charges, or other obligations to the City, and not be an adversary party to pending litigation against the City. The Board elects a Chairperson, Vice-Chairperson and a Secretary/Treasurer.

Term: Three (3) year

Term Max: 1 Term, can be reappointed after one term lapse

Meetings: Regular meetings are scheduled for the fourth Monday of the month at 5:00 p.m. in the Best Community Center.



Library/Civic Center Board

Purpose: The Library/Civic Center Board works with individuals, business and industry, government, and private organizations for the constructive improvement of the Library and the Civic Center. The Board advises the City Council on policies that affect the use of the Civic Center.

Duties:

- ☐ Consider requests from the community for the purchase of materials and services.
- ☐ Make recommendations to the City Council.
- ☐ Keep current with trends and advances in public libraries.
- ☐ Keep current with the library's collection and services.

Time Commitment: Members of the Board attend regularly scheduled meetings that are typically held once per quarter on the first Thursday of the month or as called. The Head Librarian serves as the staff liaison to the Board. Depending on the number of agenda items the meeting usually last no longer than an hour and a half..

Members: This Board is comprised of five (5) members. All are positions appointed by the City Council. An appointee must be a qualified voter of the jurisdiction in which they reside, not be in arrears in the payment of City taxes, utility service charges, or other obligations to the City, and not be an adversary party to pending litigation against the City. The Board selects its officers, comprised of a Chairperson and a Secretary.

Terms: Three year terms - 2 consecutive terms maximum. After two consecutive terms a member is eligible for re-appointed after a one term lapse.

Meetings: Quarterly regular meetings scheduled for the first Thursday of the month, 4:00 p.m., at the Library.



Parks and Recreation Board

Purpose: This Board acts as an advisory board to the City Council on all issues relating to park facilities, improvements, and recreational programs in Farmersville.

Duties:

- Review and recommend all park projects and related city recreational facilities such as the Spain Athletic Complex and the Farmersville Riding Arena.
- Serve as a liaison between other governmental agencies, civic groups, and all Farmersville citizens in the planning for the City parks and recreational programs.
- Recommend the allocation of the capital improvement parks budget.
- Recommend the policies for park use to the City Council.

Time Commitment: Members of the Parks and Recreation Board attend meetings scheduled by the Chairperson and the staff liaison. Depending on the number of items comprising the agenda, a regular meeting may take anywhere from thirty minutes to an hour or so to complete. Additionally, Board members must often visit park sites and facilities to observe existing conditions in order to be adequately prepared to deliberate certain cases or requests. Board members may also choose to attend special seminars or training workshops to better prepare themselves for the issues that confront the Board as it strives to meet the recreational needs of Farmersville Citizens.

Members: This Board is comprised of six (6) members. All are appointed by the City Council by majority vote. The Code of Ethics requires a one year residency of the City immediately preceding appointment. Further, an appointee must be a qualified voter of the jurisdiction in which they reside, not be in arrears in the payment of City taxes, utility service charges, or other obligations to the City, and not be an adversary party to pending litigation against the City. The Board selects its officers, comprised of a Chairperson, a Secretary, and an Assistant Secretary, by majority vote.

Terms: Three year terms - 2 consecutive terms maximum. After two consecutive terms a member is eligible for re-appointed after a one term lapse.

Meetings: Meetings are held when called in City Hall or Best Community Center.



Planning and Zoning Commission

Purpose: The Planning and Zoning Commission serves as an advisory board to the City Council concerning matters primarily related to the development and use of private property and the planning of the public improvements.

Duties:

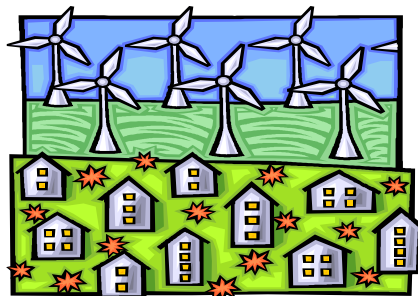
- ❑ Consider requests for zoning changes, Specific Use Permits, site plan approvals, and the sub-division or platting of land.
- ❑ Conduct public hearings and makes recommendations to the City Council with regards to all of these matters.
- ❑ Maintain and is responsible for the accuracy of the City's Comprehensive Plan.
- ❑ Consider and make recommendations to the City Council on matters involving the physical improvement of the City, including capital improvement programs.
- ❑ **The Planning and Zoning Commission also serves as the Capital Improvements Advisory Commission. Description of the CIAC following this page.**

Time Commitment: Depending on the number of items on the agenda, a regular meeting may take approximately one hour to complete. Additional time must also be spent to study the agenda packet of information and materials related to the agenda. This packet is provided to the Commission members prior to the meeting. The Commissioners may often find they must visit the property sites to observe existing conditions firsthand in order to be adequately prepared to deliberate certain cases or requests. Commissioners are encouraged to attend special seminars or training workshops to better prepare themselves to perform their duties.

Members: The Planning and Zoning Commission is comprised of seven (7) members. All positions appointed by the City Council. The Code of Ethics requires a one-year residency of the City immediately preceding appointment. Further, an appointee must be a qualified voter of the jurisdiction in which they reside, not be in arrears in the payment of City taxes, utility service charges, or other obligations to the City, and not be an adversary party to pending litigation against the City. Council shall appoint an Ex-officio ETJ representative member to the Commission. The Ex-officio member will sit as a voting member when the P&Z Commission sits as the CIAC.

Terms: Three year terms - 2 consecutive terms maximum. After two consecutive terms a member is eligible for re-appointed after a one term lapse.

Meetings: Regular meetings are scheduled for the third Monday of the month at 6:30 p.m. at City Hall.



The Planning and Zoning Commission also serves as the

Capital Improvements Advisory Commission

Purpose: The Capital Improvements Advisory Commission was established September 2002, for the purpose of considering and making recommendations to the City Council concerning a “Capital Improvements Plan” which is based upon the “Land Use Assumptions” as developed by the Commission.

Duties: The Commission will study the current land use within the City and project the changes in future land use over the next ten years, what population densities might be desirable in differing areas, and what specific capital improvements would be required to support that population. The needs for water and wastewater facilities will be considered and whether storm water and related drainage and flood control facilities are in order. These and other studies will be made with the help from planning and engineering professionals.

The “Land Use Assumptions” will serve as the basis from which Commission will prepare a “Capital Improvements Plan” to ensure that the necessary infrastructure will be in place to meet the needs of a growing City. The recommended “Capital Improvements Plan” (CIP) will be submitted to the Council for adoption. However, the Commission’s duties do not end there. As all plans must be reviewed over time to determine if changes or modifications need to be made, so too will the CIP, on a twice yearly basis.

Time Commitments: During the period for developing the initial “Land Use Assumption”, members of the Capital Improvements Advisory Commission will likely spend several hours each meeting reviewing materials and information presented by the planner and engineer. The entire process may require a number of meetings at the outset. Once the “Land Use Assumptions” and “Capital Improvements Plan” are in place, meeting time will diminish to review time.

Members: The Planning and Zoning Commission services as the Capital Improvements Advisory Commission. The Ex-officio ETJ representative member of the P&Z Commission will sit as a voting member when the P&Z Commission sits as the CIAC.

Terms: Three year terms - 2 consecutive terms maximum. After two consecutive terms a member is eligible for re-appointed after a one term lapse.

Meetings: Meetings held when called at City Hall, typically 6:30 p.m.

Senior Citizen Advisory Committee

Purpose: This Board acts as an advisory board to the City Council on all issues relating to park facilities, improvements, and recreational programs in Farmersville.

Duties:

- Advises Council on needed improvements to services and facilities for senior citizens.

Time Commitment: Members of the Senior Citizen Advisory Committee must attend scheduled meetings as called by the Chairperson and/or the staff liaison. Depending on the number of items comprising the agenda, a regular meeting may take anywhere from thirty minutes to an hour or so to complete. Additionally, Board members must often visit the Senior Citizen Center to observe existing conditions in order to be adequately prepared to deliberate during meetings.

Members: This Board is comprised of five (5) members. All are appointed positions determined by majority vote of the City Council. The Code of Ethics requires a one-year residency of the City immediately preceding appointment. Further, an appointee must be a qualified voter, not be in arrears in the payment of City taxes, utility service charges, or other obligations to the City, and not be an adversary party to pending litigation against the City. The Board selects its officers, comprised of a Chairperson and a Secretary by majority vote.

Terms: Three year terms - 2 consecutive terms maximum. After two consecutive terms a member is eligible for re-appointed after a one term lapse.

Meetings: Regular meetings are held when called at the Senior Citizen Center.



MEETINGS

Role of the Chairperson: The function of the chairperson is to provide leadership for the group. The chairperson is elected to that position by other board members. Depending on the particular board or commission, there are certain duties and responsibilities that must be performed by the chairperson.

The chairperson can ensure the smooth operation of the board or commission. The chairperson 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 chairperson's ability to handle meetings will have a significant impact on the operation and effectiveness of the group.

The chairperson must make certain that discussions do not get side-tracked on minor issues and must have the ability to remain focused on the agenda.

The Role of Other Offices: The vice-chairperson will serve as chair in the absence of the chairperson. The respective board or commission determines other officers and the duties of those elected to these positions.

The Agenda: The agenda is prepared by the staff member assigned to each board or commission in conjunction with the chairperson. The agenda, with its supporting information, is delivered to each board or commission member several days prior to meeting.

The agendas for all boards and commissions, including any subcommittees, comply with the 72 hour public posting requirements of the Open Meetings Act.

Parliamentary Procedures: Meetings of the City's boards and commissions are generally conducted under standard parliamentary rules.

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

- The chairperson of the board or commission formally opens the public hearing.
- The applicant is provided the opportunity to present his/her request.
- Proponents (those in favor) of the request speak first.
- Opponents (those against) of the request speak second.
- 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 chairperson formally closes the public hearing.
- Members of the board or commission may ask questions at any time of the witness, if recognized by the chair. Board or commission members are encouraged to ask questions even after the 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 chairperson, with the agreement of the board or commission members, before the public hearing begins.

- The chair person may ask for a formal motion to close the public hearing.

Signing the Minutes for the Meeting: The minutes of all boards and commissions must be signed by the chairperson and the board secretary once the minutes are approved by a majority vote of the board or commission members.

Meeting Attendance: Every board or commission member is expected to maintain a suitable attendance record. It is important to keep in mind that attendance is very important, and no business can be handled without a quorum. Because attendance is important, the City Council has adopted an attendance policy of no more than three (3) consecutive absences without an excuse for all board and commission members.

The term “meeting” includes all meetings of the board and all meetings of the board’s subcommittees on which the member serves. If a member does not follow the attendance policy set in Ordinance #2002-05, the member can be removed from service by a vote of the City Council. Alternate members are expected to follow the same attendance policy as regular members.

Working with City Staff: Each board or commission member is encouraged to work closely with City Staff and with the staff person assigned to that board or commission. The staff person is assigned to provide general assistance, keep the minutes of the meeting, prepare the agenda packet, provide general information on the associated City department, and to perform limited studies and other services.

Reporting to the City Council: The Council is dependent on each board and commission to make recommendations regarding City projects. It is through the boards and commissions that the Council can receive community input. Each board and commission member is encouraged to communicate their position on an issue, or issues, to the Council and to visit informally at anytime.

On occasion, the City staff is required to prepare an agenda item pertaining to a particular board or commission for Council review. In preparation of such an item, the Staff member should present both the staff position and the board or commission’s position. The position of a board or commission member not voting with the majority on an item should also be presented to Council if requested by the member in the minority position.

It is the desire of the Council to have an opportunity to hear and consider all sides of an issue and receive alternative recommendations to assist in their decision-making process.

RESPONSIBILITIES OF BOARD AND COMMISSION MEMBERS

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

1. Members should understand the role and scope of their responsibilities; be informed of the purpose and the operating procedures of the particular board or commission on which they serve.
2. Members should be careful to represent the majority views of their particular board or commission. Expressions of private or personal “opinion” provided to the press of the public should be identified as such.
3. Members should keep in mind the public’s interest rather than that of special-interest groups.
4. Good communication is essential. Members are in a position to serve as a liaison between the citizens of Farmersville and the Council by helping to reconcile opposing viewpoints and developing consensus around common goals and objectives. Members serve as a communication link between the community and City staff by presenting recommendations and providing a channel for citizen expression.
5. Members are encouraged to do their homework, and review the issues under consideration prior to meeting time so that they are prepared to fully discuss, evaluate, and act on all items on the agenda. Conclusions based on preparedness will strengthen the value of the group’s recommendations.
6. Members are encouraged to establish a good working relationship within the group; respect individual viewpoints; allow other members time to express their views fully before making comments; be open and honest; and welcome new members.
7. Council appointments to commissions are made without regard to political affiliation. Members are not restricted from participating in political activities; however, members should not use or involve their membership in the conduct of political activities.

Open Meetings Act: Texas Law requires that every meeting of the City Council is open to the public. The law also requires certain boards and commissions to follow this law as well. By City practice, all boards, commissions, committees, or sub-committees comply with the requirements of the Open Meetings Act. The following briefly outlines the Open Meeting Act requirements:

- A Posted Notice is required of the meeting. Written notice of the date, hour, place and subject of each meeting must be posted in the City Hall posting window at least 72 hours prior to the meeting. All agenda items must be stated with sufficient information so that a member of the general public is informed of the subject matter

- to be discussed. Only those matters stated on the publicly posted agenda may be discussed and acted upon by the board or commission.
- Minutes are required to be prepared of each open meeting. Minutes must state the subject of each deliberation and indicate each vote, order, decision, or other action taken.
 - Closed Meetings. The Texas Open Meetings Act allows for closed or executive meetings on a few limited subjects. Generally boards and commissions will not have occasion or legal basis to meet in closed or executive session. Closed meetings are allowed to discuss pending litigation, certain personnel matters, and the lease or acquisition of land. However, before a closed meeting can be held, a quorum of the governmental body must convene in open meeting and the presiding officer must publicly announce that a closed meeting will be held and identify the particular section of the Open Meeting Act that authorizes closing the meeting. No final action, decision, or vote can be made in a closed meeting. All final actions, decisions, and votes must be made in an open meeting. Further, the governmental body is required to keep a certified agenda of the matters discussed in the closed meeting. The presiding officer must include an announcement at the beginning and end of the closed meeting indicating the time and place of such meeting and must certify that the agenda is a true and correct record of the proceedings.

Open Records Act: Texas Law also requires that virtually all information held by a governmental body falls under the rules of the Texas Open Records Act. If a request for information is received by a board or commission, the City Secretary should be immediately notified for the proper procedure.



LEGAL LIABILITY

Personal Liability: As a general rule, board and commission members cannot be held personally liable for erroneous acts while honestly exercising the functions of their offices in good faith. The problem with stating such a general rule as a proposition of law is that there will always be exception to the general rule. For example, if a court finds that an officer performs certain functions in excess of his/her authority, and such functions were not performed under good faith assumption that the officer had the authority to act, then the officer will subject himself/herself to personal civil liability. When members of City boards and commissions 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 or commission member acts maliciously or violates a criminal law while serving in his/her official capacity, the City generally will not provide that member a defense.

Board Liability: A city, its officers, and members of boards and commissions 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 or commission member illegally discriminates against an individual or group, that party 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 or commission member may be subjected.

Boards and commission members are strongly encouraged to consult with the staff and/or with the City Attorney anytime they feel their actions may have some legal consequences while they serve on such boards or commission. The law in this area is quite complex. It requires a thorough analysis of the law and the facts pertaining to each particular situation before a determination can be made.



“CODE OF ETHICS”

ORDINANCE #2002-06 Adopted March 12, 2002
Amended ORDINANCE #2002-31 on May 14, 2002

Sec. (1) Definitions

A. **BENEFIT** means anything reasonably regarded as economic gain or economic advantage, including benefit to any other person in whose welfare the beneficiary is interested, but does not include a contribution or expenditure made and reported in accordance with law.

B. **BOARD** means a board, commission or committee:

(1) which is established by City ordinance, charter, interlocal contract or state law; or

(2) which serves as the board of a nonprofit development corporation that acts as an instrumentality of the city; and

(3) any part of whose membership is appointed by the City Council, but does not include a board, commission, or committee which is the governing body of a separate political subdivision of the state or agency of the state or county.

C. **EMPLOYEE** means a person employed and paid a salary by the City whether under civil service or not, including those individuals on a part-time basis, but does not include an independent contractor or City Council member.

D. **NEGOTIATING CONCERNING PROSPECTIVE EMPLOYMENT** means a discussion between a City officer or employee and another employer concerning the possibility of the City officer or employee considering or accepting employment with the employer, in which discussion the City officer or employee responds in a positive way.

E. **OFFICER** means a member of the City Council and any member of a board or commission who is appointed by the City Council.

F. **FINANCIAL INTEREST** means an interest that a person has in an entity or transaction which may result in an economic gain or economic advantage to that person, including a benefit.

Sec. (2) Policy

A. It is hereby declared to be the policy of the City that the proper operation of democratic government requires that:

(1) Officers and employees of the City are independent, impartial and responsible only to the people of the City;

(2) Governmental decisions and policy be made using the proper procedures of the governmental structure;

(3) No officer or employee have any financial interest, direct or indirect, or engage in any business, transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of his duties in the public interest;

(4) Public office not be used for personal gain; and

(5) The City Council at all times be maintained as a nonpartisan body.

(6) No person shall be appointed to a City board or commission, unless he or she is a qualified voter of the jurisdiction in which he or she resides, is not in arrears in the payment of City taxes, utility service charges, or other obligations owed to the City, is not an adversary party to pending litigation against the City, and has been a resident of the City, or the Farmersville Independent School District, depending on the appointment, for at least one year immediately preceding the date of appointment, except the Library/Civic Center Board.

B. To implement this policy, the City Council has determined that it is advisable to enact this code of ethics for all officials and employees, whether elected or appointed, paid or unpaid, advisory or administrative, to serve not only as a guide for official conduct of the City's public servants, but also as a basis for discipline for those who refuse to abide by its terms.

Sec. 3 Standards of Conduct

A. An officer or employee of the City shall not:

(1) Accept or solicit a benefit that might reasonably tend to influence the officer or employee in the discharge of his official duties;

(2) Use his official position to secure special privileges or exemptions for himself or others;

(3) Grant any special consideration, treatment or advantage to a person or organization beyond that which is available to every other person or organization. This shall not prohibit the granting of fringe benefits to City employees as part of their employment or as an added incentive to the securing or retaining of employees;

(4) Disclose information that could adversely affect the property or affairs of the City, or directly or indirectly use any information understood to be confidential which was gained by reason of his official position or employment for his own personal gain or benefit or for the private interest of others;

(5) Transact any business on behalf of the City in his official capacity with any business entity with which he is an officer, agent or member or in which he

has a financial interest. In the event that such a circumstance should arise, then he shall make known his interest, and:

- (a) in the case of an officer, leave the room during debate or hearing, refrain from discussing the matter at any time with the members of the body of which he is a member or any other body which will consider the matter and abstain from voting on the matter; or
 - (b) in the case of an employee, turn the matter over to his superior for reassignment, state the reasons for doing so and have nothing further to do with the matter involved;
- (6) Personally provide services for compensation, directly or indirectly, to a person or organization who is requesting an approval, investigation, or determination from the body or department of which the officer or employee is a member. This restriction does not apply to outside employment of an officer if the employment is the officer's primary source of income;
- (7) Accept other employment or engage in outside activities incompatible with the full and proper discharge of his duties and responsibilities with the City, or which might impair his independent judgment in the performance of his public duty;
- (8) Personally participate in a decision, approval, disapproval, recommendation, investigation, or rendering of advice in a proceeding, application, request for ruling or determination, contract, claim, or other matter under the jurisdiction of the City, if the officer or employee is negotiating or has an arrangement concerning prospective employment with a person or organization which has a financial interest in the matter, and, in the case of an employee, it has been determined by the City Manager that a conflict of interest exists. If an officer or employee begins negotiation or enters an arrangement concerning prospective employment with a person or organization that has a financial interest in a matter in which the officer or employee has been participating, the officer or employee shall:
 - (a) in the case of an employee, immediately notify the official responsible for appointment to his position of the nature of the negotiation or arrangement and, if the City Manager determines that a conflict of interest exists, follow the instructions of the City Manager with regard to further involvement in the matter; or
 - (b) in the case of a board member, immediately notify the board of which he is a member of the nature of the negotiation or arrangement and:
 - (i) refrain from discussing the matter at any time with other board members or members of the City Council if the City Council will also consider the matter;
 - (ii) leave the room during debate or hearing on the matter; and

- (iii) abstain from voting on the matter; or
- (c) in the case of a member of the City Council, file an affidavit with the City Secretary describing the nature of the negotiation or arrangement and:
 - (i) refrain from discussing the matter at any time with other Council members or members of a board that will consider the matter;
 - (ii) leave the room during debate or hearing on the matter; and
 - (iii) abstain from voting on the matter;
- (9) Receive any fee or compensation for his services as an officer or employee of the City from any source other than the City, except as may be otherwise provided by law. This shall not prohibit his performing the same or other services for a public or private organization that he performs for the City if there is no conflict with his City duties and responsibilities;
- (10) In the case of a member of the City Council or an employee, personally represent, or appear in behalf of, the private interests of others:
 - (i) before the City Council or any City board or department;
 - (ii) in any proceeding involving the City; or
 - (iii) in any litigation to which the City is a party.
- (11) In the case of a board member, personally represent or appear in behalf of, the private interests of others:
 - (i) before the board of which he is a member;
 - (ii) before the City Council;
 - (iii) before a board which has appellate jurisdiction over the board of which he is a member; or
 - (iv) in litigation or a claim to which the City or an employee of the City is a party if the interests of the person being represented are adverse to the City or an employee of the City and the subject of the litigation or claim involves the board on which the board member is serving or the department providing support services to the board;
- (12) Use the prestige of his position with the City on behalf of a political party;
- (13) Knowingly perform or refuse to perform any act in order to deliberately thwart the execution of the City ordinances, rules or regulations or the achievement of official City programs;
- (14) Use City supplies, equipment or facilities for any purpose other than the conduct of official City business; or,

- (15) Engage in any dishonest or criminal act or other conduct prejudicial to the government of the City or that reflects discredit upon the government of the City.
- A. The restrictions in this section do not apply to business associates of officers or employees, but only personally to the officers and employees themselves.
- B. The restrictions and requirements of Subsection “A(5)” of this section do not apply to an officer or employee of the City serving as a member of any board, commission, or other entity when transacting business on behalf of the City in an official capacity with that board, commission or entity, if the officer or employee:
- (1) Was appointed by the Mayor, City Council or City Manager to represent the City on the board, commission, or entity; and
 - (2) Has no financial interest in the board, commission, or entity or in the business being transacted.

Sec. 4 Financial Interests

Any officer, whether elected or appointed, who has a substantial financial interest or financial interest other than an incidental or remote interest in any matter that is pending before, or that might be considered by, the body of which the officer is a member shall:

- (1) Disclose such interest to the other members of the body;
- (2) Refrain from discussing the matter at any time with any other member of the body of which the officer is a member or with a member of any other body that might consider the matter;
- (3) Leave the room during debate or hearing; and **Refrain from voting on the matter.**

Sec. 5 Political Activities of Officers

- A. In elections other than for City Council of the City, a member of the City Council may not:
- (1) Use the prestige of the member’s position with the City on behalf of a candidate;
 - (2) Solicit or receive contributions; or
 - (3) Serve as the designated campaign treasurer for a candidate as required by Chapter 14, Texas Election Code.
- B. In any election, a member of a City board, commission, or committee, whether governmental or advisory, may not:
- (1) Use the prestige of the member’s position with the City on behalf of a candidate;
 - (2) Serve as the designated campaign treasurer for a candidate as required by Chapter 14, Texas Election Code; or

- (3) Personally solicit or receive contributions for a candidate. A member, however, is not prohibited from serving on a steering committee to plan a program of solicitation and listing the member's name without reference to the office held when the committee as a whole is listed.
- C. Subsections A (1) and B(1) do not prohibit a member of the City Council or of a board from lending the member's name in support of a candidate so long as the office held with the City is not mentioned in connection with the endorsement.

Sec. 6 Additional Employment

An employee of the City may accept employment from a public utility corporation enjoying the grant of a franchise, privilege, or easement from the City if:

- (1) The employee is to perform the duties of a security guard for the public utility corporation;
- (2) The employment is approved by the employee's department head; and
- (3) The employment does not conflict with his duties as an employee of the City.

Sec. 7 Restrictions on Contracting with the City or Providing Representation of Others

- A. An officer or employee in a position that involves significant reporting, decision-making, advisory, or supervisory responsibility who leaves the service or employment of the City may not, within twenty-four (24) months after leaving that service or employment, represent any other person or organization in any formal or informal appearance:
- (1) Before the City concerning a project for which the person had responsibility as a City officer or employee; or
 - (2) Before any other agency on a project for which the person had responsibility as on officer or employee.
- B. A former officer or employee who is subject to the requirements of Subsection A shall, during the twenty-four (24) months after leaving the service or employment of the City, disclose the officer or employee's previous position and responsibilities with the City when representing any other person or organization in any formal or informal appearance before a City agency.
- C. A member of the City Council or an employee may not, within twenty-four (24) months after leaving the service or employment of the City, either individually or as the officer or principal of a private business entity:

- (1) Submit a proposal, on behalf of the member or employee or on behalf of a private business entity, to make any City contract that is not required by state law to be competitively bid;
- (2) Negotiate or enter into any City contract that is not required by state law to be competitively bid; or
- (3) Have or acquire any financial interest, direct or indirect, in any City contract that is not required by state law to be competitively bid.

Sec. 8 Limitations on Employee Political Activity and on Holding of Elective Public Office by an Employee

- A. An employee of the City immediately forfeits employment with the City if:
- (1) the employee becomes a candidate for election to the Farmersville City Council;
 - (2) the employee becomes a candidate for nomination or election to an elective public office where the holding of that office will conflict with the full and proper discharge of the employee's duties with the City; or
 - (3) a managerial or supervisory exempt City employee becomes a candidate for nomination or election to an elective public office of an entity having contractual relations with the City that involve the employee's department.

Sec. 9 Violations; Removal; Appeals

- A. The failure of any officer or employee to comply with this ordinance or the violation of one or more of the standards of conduct set forth in this ordinance, which apply to him, shall constitute grounds for expulsion, reprimand, removal from office or discharge. In the case of an employee of the City, disciplinary action and appeals therefrom shall be in conformance with procedures established by the City personnel rules and regulations. Where no specific appeal procedure is otherwise prescribed, the appeal shall be to the City Council. In the case of a City Councilman, the matter shall be decided by a vote of two-thirds (2/3) of the entire membership of the City Council. In the case of members of boards or commissions, the matters shall be decided by the City Council, after notice and hearing. The decisions of these bodies shall be final in the absence of bias, prejudice or fraud.
- B. If the City Council determines that a person has violated Section 9, the City Council may direct the City Attorney to initiate whatever legal action is necessary to seek enforcement of its provisions."