



Board, Commission,
Committee and
Corporation
Orientation Manual

CITY OF CORPUS CHRISTI ORIENTATION HANDBOOK

**FOR APPOINTEES TO THE CITY'S BOARDS,
COMMISSIONS, COMMITTEES and CORPORATIONS**



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INTRODUCTION

Congratulations on your recent appointment to one of our City's boards, commissions, committees or corporations (boards). The City could not function without the outstanding advice, expertise and time provided by individuals like you who volunteer to serve at no pay and with little expected reward. The City's boards link the City Council and Staff to the citizens of Corpus Christi and help keep our city government vital, responsive and accountable.

This orientation handbook is designed to assist you in your service. It will provide a general introduction to topics, processes and approaches which directly affect members of boards. While reading the handbook, keep in mind that not all the provisions will apply equally to every board. In cases of legal liability, for example, members of various boards and their officers may be more susceptible than others. The Staff Liaison assigned to your board will be able to provide you with more information on the specific duties and responsibilities of the board and its members.

The City Secretary's Office Staff and the City Attorney's Office Staff are available as a resource to all boards. Any requests for assistance should be coordinated through the Staff Liaison assigned to your board.

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

THE APPOINTMENT PROCESS

Appointments to boards, commissions, committees and corporations (boards) in Corpus Christi are generally made by the City Council. Nominations are made by individual Council Members and then the Council as a whole takes a vote. The individual receiving the majority of the votes will receive the appointment. Most appointments are made during the third City Council meeting of the month. Citizens who wish to serve on boards must have an application on file with the City Secretary's Office, not later than the fourteenth calendar day before the date appointments are considered by City Council.

The Mayor has the legal right or privilege to make appointments to certain boards, subject to the confirmation of the City Council. These boards are as follows: Human Relations Commission and Arts & Cultural Commission.

In making appointments, the Mayor and City Council consider the suggestions of some of the boards in question. In some cases, state law dictates membership, while in others, an expertise and knowledge of the subject matter is considered. In the Construction Trade Advisory & Appeals Board, for example, expertise of subject matter (electrical, plumbing, etc.) is especially a factor. However, representation on specialized boards does include membership by average citizens because a profession must not be allowed to regulate itself.

TAKING THE OATH OF OFFICE

Article XVI, Section I, of the Texas Constitution requires that all newly elected and appointed officers of the state or its subdivisions must file a bribery statement, administered by the City Secretary, **before** taking the Oath of Office and entering upon the duties of the office.

The City Attorney has provided this office with a legal opinion that only board members with quasi-judicial powers are required to file bribery statements and take an oath of office. Members of the following boards, commissions, committees and corporations (boards) are subject to this requirement:

Board of Adjustment
Building Standards Board
Civil Service Board
Civil Service Commission
Coastal Bend Council of Governments
Construction Trade Advisory & Appeals Board
C.C. B Corporation (Type B)
C. C. Business and Job Development Corporation (Type A)
C. C. Convention & Visitors Bureau
C. C. Downtown Management District
C. C. Regional Economic Development Corporation
C. C. Regional Transportation Authority
Crime Control & Prevention District
Ethics Commission
Housing Authority
Human Relations Commission
Landmark Commission
Nueces County Tax Appraisal District
Planning Commission / Airport Zoning Commission
Port of Corpus Christi Authority
Reinvestment Zone No. 2 (Packery Channel)
Reinvestment Zone No. 3 (Downtown)
Reinvestment Zone No. 4 (North Beach)
Street Maintenance Fee Board of Appeals
Workforce Development Corporation

The Statement of Appointed Officer and Oath of Office for all of the above boards must be administered by the City Secretary's Office prior to attending the first meeting of the board to which they have been appointed.

Additionally, all newly appointed board members of other boards are encouraged to attend a "ceremonial" swearing-in ceremony during the regular City Council meeting the week after appointments are made.

POLICIES AFFECTING SERVICE

BOARD, COMMISSION, AND COMMITTEE PROCEDURES

The following policies regarding the city's boards, commissions, committees and corporations were approved by the City Council on March 17, 2020.

All vacancies must be listed on the City Council agenda in order for Board appointments to be made. Recommendations for Board appointments will not be solicited from the Board except for the Commission on Children & Youth and the Committee for Persons with Disabilities. Any Council Member can nominate persons to fill vacancies, except where the law requires nomination by the Mayor or City Manager. Each appointment must receive a majority vote of the Council Members present and voting.

ELIGIBILITY REQUIREMENTS AND REMOVAL

- (A)** Each Member is appointed by and serves at the pleasure of the City Council.
- (B)** A person must be a resident of the City to be eligible for appointment to a Board unless an exception to the residency requirement is created by federal or state law, the City Charter, a City ordinance, or other council action. A board member who was required to be a resident of the City when appointed and who moves primary residence outside of the City limits vacates the position on the date residence is moved.
- (C)** A person must file an application with the City Secretary to be eligible for consideration for appointment or reappointment to a Board, Task Force, Ad Hoc Committee not later than the 14th calendar day before the date appointments are considered by City Council. Applications filed with the Office of the City Secretary after this deadline shall not be considered by City Council on the date appointments are considered, that date being 14 days after the aforementioned application deadline, but will be retained for future consideration. Applications are held for one year only.
- (D)** After a Member is appointed the person is not eligible to begin service until the person has
 1. signed a written acknowledgment stating that the person:
 2. has taken the oath of office if required by State law;
 3. has received a copy of and agreed to comply with the City's Ethics Code; and
 4. has agreed to complete the training required.
- (E) To maintain eligibility, a Member must:**
 1. complete the training required, including Open Meetings Act training, within 6 months of appointment;
 2. comply with Financial Reporting, if applicable;
 3. comply with the attendance requirements; and
 4. comply with the residency requirements.
- (F)** Failure to comply with eligibility requirements shall result in an automatic vacancy.

(G) A person may not serve on more than one board, commission, committee or corporation simultaneously unless: required by City Charter, statute or other ordinance; said committee is one ad hoc committee or task force; when such service is required by virtue of the individual's position or title as the result of employment; when such appointment involves the Mayor or Council Members; or when such appointment involves a Type A or Type B corporation, in which case a person may serve as a director of both a Type A and Type B corporation, concurrently.

(H) A Member may be removed at any time with or without cause by an affirmative vote of the majority of the City Council at a duly called meeting of the City Council.

(I) A Member may file as a candidate for nomination or election to any non-city public office. Upon the election or appointment to a non-City public office, or upon the filing as a candidate for position on the Corpus Christi City Council, such Member shall result in automatic vacancy of his or her position.

(J) All appointments will be presented to the City Council by the City Secretary no earlier than ninety (90) days before a term expires unless required by law.

(K) No appointments will be made during the period thirty (30) days prior to a city council election and extending to the taking of office for the newly elected council.

(L) Unless otherwise required by law, a City employee may not serve as a member of a Board, Task Force, or Ad Hoc Committee.

(M) Members serve without compensation.

TRAINING

(A) A Member must comply with the training requirements of this section to maintain eligibility to serve. Members shall be responsible to sign and submit a statement to the City Secretary verifying completion of these training requirements within 6 months of initial appointment. A Member who does not comply with the training requirements within 6 months of initial appointment automatically vacates the position. These training requirements do not apply to City Council Members who are appointed to the Board/Ad Hoc Committee/Task Force.

(B) Each Member must complete a training course developed by the City Secretary. The training shall include:

1. Membership responsibilities;
2. Duties of the Board/Ad Hoc Committee/Task Force;
3. City Code of Ethics;
4. the role of City Council and staff and the council-manager form of government;
5. the role of advisory bodies in making recommendations and advising City Council;
6. meeting procedures, including attendance and quorum;
7. requirements of Texas Government Code Chapter 551 *Texas Open Meetings Act*;
8. requirements of Texas Government Code Chapter 552 *Texas Public Information Act*; and
9. review of Robert's Rules of Order.

ATTENDANCE

(Note: this rule applies only to City appointees)

Attendance rates are calculated per term year based on the number of regular scheduled meetings. A term year is defined as that annual period after which a term is normally scheduled to begin. Also, please note this applies only to regularly scheduled meetings. If meetings are cancelled due to lack of a quorum and an individual is not present, he/she is counted **absent**. When calculating the attendance of a member for a term year, you continue to count the **regular** number of meetings held annually, **even if a quorum is not met to hold the meeting**.

- (A)** Unexcused absences from more than twenty-five (25) percent of regularly scheduled meetings during a term year on the part of any Member shall result in an automatic vacancy, which vacancy shall be promptly reported to the City Council. An absence shall be deemed unexcused unless excused by the board, committee, or commission for good cause no later than its next meeting after the absence. Any Member, otherwise eligible, shall not be precluded from reappointment by reason of such automatic vacancy.
- (B)** The City department assigned to provide staff support shall keep attendance records and notify the City Secretary if a Member fails to comply with attendance requirements.

RESIDENCY

A person must be a resident of the City to be eligible for appointment to a Board unless an exception to the residency requirement is created by federal or state law, the City Charter, a City ordinance, or other council action. A board member who was required to be a resident of the City when appointed and who moves primary residence outside of the City limits vacates the position on the date residence is moved.

COMPLIANCE WITH TEXAS OPEN MEETINGS ACT

Members of Boards with rule making or quasi-judicial authority are covered by the Texas Open Meetings Act and shall comply therewith. All Members of all other Boards, Ad Hoc Committees, and Task Forces are directed to follow the Texas Open Meetings Act. No closed meeting may be conducted except with prior approval of the City Attorney.

ANNUAL REVIEW REPORT

- (A)** Each Board/ Ad Hoc Committee/ Task Force shall file a required Annual Review Report.
- (B)** Each calendar year, the chair must conduct a review of the Board/ Ad Hoc Committee/ Task Force and prepare an Annual Review Report using the template provided by the City Secretary.
- (C)** The Annual Review Report must be ratified by the Board/ Ad Hoc Committee/ Task Force and filed with the City Secretary and the City Manager by January 31 of each year and be distributed to the City Council by the City Secretary.

(D) The report must include the following:

1. a statement of the goals and objectives for the previous calendar year;
2. description of the actions taken in furtherance of those goals and objectives during the previous calendar year;
3. the number of times board met or failed to meet; and
4. the goals and objectives for the new calendar year.

SERVICE LIMITATION

A person may not serve on more than one board, commission, committee or corporation simultaneously unless: required by City Charter, statute or other ordinance; said committee is one ad hoc committee or task force; when such service is required by virtue of the individual's position or title as the result of employment; when such appointment involves the Mayor or Council Members; or when such appointment involves a Type A or Type B corporation, in which case a person may serve as a director of both a Type A and Type B corporation, concurrently.

A Board member may serve no longer than six (6) consecutive years on the same Board. No person may be reappointed to the same Board after having been appointed to terms that would provide for six (6) consecutive years of service as a voting member unless the person has not served on that Board for a period of twelve (12) months.

TERMINATION OF APPOINTMENT

A member's appointment to a board, commission, committee or corporation can be terminated by:

1. Resignation;
2. Violation of the attendance policy;
3. By filing as a candidate for City Council Office;
4. Being elected to a non-City Office.
5. Residence changes outside the city limits.
6. Failure to comply with the following eligibility requirements: taking the oath if required by State law, complying with the City's Ethics Code, completing the Open Meeting Act Training, complying with financial reporting if applicable and completing the training course.

RESIGNATION

A Member may resign from the Board/Task Force/Ad Hoc Committee effective upon submittal of written statement of resignation to the City Secretary.

ADVISORS, SUBCOMMITTEES AND AD HOC COMMITTEES PROHIBITED WITHOUT APPROVAL

No city board, commission, committee or corporation shall appoint persons outside its membership as advisors or to subcommittees, ad hoc committees or other accessory entities without prior approval of the City Council, unless specified otherwise by Ordinance.

TYPES OF AUTHORITY

BOARDS AND COMMISSIONS GOVERNED BY STATE LAW

Several boards and commissions are governed by state law. Cities must therefore form these committees in accordance with such statutes. Said boards will be referred to as “more than advisory” boards, which have been separated from those boards and commissions not governed by state law.

Some more than advisory boards are “quasi-judicial” and their actions must follow prescribed procedure. “Quasi-judicial” boards are fact-finding bodies with the power to require the presentation of evidence after their jurisdictions have been evoked. They are “judicial” type bodies in that they render a decision based on the factual material presented to them, which decision resolves a single case.

Any board or commission action can be subject to review by the City Council or the courts, depending on the City Charter or statute. The following boards are examples of those governed by state law:

1. Board of Adjustment
2. Civil Service Commission
3. Corpus Christi Regional Transportation Authority
4. Corpus Christi Downtown Management District
5. Housing Authority
6. Planning Commission
7. Port of Corpus Christi Authority

BOARDS AND COMMISSIONS NOT GOVERNED BY STATE LAW

Advisory committees are composed of individuals appointed by the Mayor and Council. Their purpose is to give advice to the Council on areas of community interest. Unlike quasi-judicial boards and commissions, advisory committees cannot pass ordinances or other instruments that are binding but can study problems and make recommendations to City Staff and/or City Council. These committees are not governed by state law but must comply with the City Charter and/or the Council’s mandates. Some are created because they are required by the City Charter and others may be created by the Council to assist on a specific project or issue. Boards and commissions not created by the Charter may expire at a specific time or may exist for an unspecified duration, depending on how the legislation creating them was written.

Elected officials have many uses for advisory committees in municipal government. Advisory committees are generally created to expand citizen participation in government and to obtain input from citizens on important issues prior to passing legislation. Other uses are to hear viewpoints that might not otherwise be heard, to gain input from a cross-section of the community, to involve qualified persons in the government who do not wish to serve in public office, to serve as a training ground for those interested in seeking public office, and to resolve conflicts between groups of citizens. Specific benefits of using advisory boards are as follows:*

1. Provide assistance to the legislative body when formulating public policy and help transform policy decisions into action
2. Address issues of interest or conduct background work on technical or politically sensitive issues
3. Serve as a way to build public consensus on controversial issues before elected officials make a decision
4. Give the community a forum for discussion in greater depth than is possible before a legislative body

5. Provide a more thorough review of complex and significant matters than a part-time council may be able to give
6. Provide expertise without expending budget money, and assist in the resolution of conflicts

*(*Citizen Advisory Boards and Committees," Chapter 3 in Elected Officials Handbook 2 Building a Policy-Making Team, 4th Edition,(Washington D.C., ICMA, 1994)*

PROCEDURES FOR CONDUCTING A MEETING

To ensure that board, commission and committee meetings are conducted in a fair and orderly fashion, there are a number of rules and procedures that should be followed. The following sections describe these procedures, which when used, create a cordial yet formal atmosphere for conducting meetings.

ROLE OF THE CHAIRPERSON AND THE AGENDA

The function of the chairperson is to provide leadership to the group in the following ways:

1. To maintain order by enforcing the established rules
2. To ensure that the meeting proceeds smoothly and follows the agenda

If the group is indecisive, the chairperson should exercise leadership and make suggestions. When debate is concluded, he/she should summarize the major points made. In general, the chairperson should maintain order and try to bring the group to a conclusion on matters before it.

To facilitate the chairperson's duties, staff should **always** provide copies of the agenda to all board, commission, committee or corporation (board) members before the meeting, if possible. Agendas should also be provided to any members of the public in attendance. The agenda should be prepared by the department head or staff person assigned to work with the board. (See Appendix A at the end of the manual for a sample agenda.)

RULES OF THUMB

Here are a few obvious points that should be followed but are often forgotten:

3. Discuss only one point at a time.
4. The chairperson should recognize the person or persons who wish to speak and only they should be allowed to speak. Others should hold their comments until they have the floor.
5. If the meeting is a public hearing, the board or commission should hear the public without making comments until questions are allowed by the chairperson.
6. If a large number of people wish to speak on a topic, some time limit should be set on each presentation.

PROCEDURAL RULES OF ORDER

NOTE: While this review of parliamentary procedures has been designed to cover the most common situations a board member may encounter during the course of a meeting, these procedures may not always apply. They may be superseded by the by-laws adopted by the board or because of legal constraints if the meeting is a public hearing. However, these basic procedures are usually acceptable during most meetings. Answers to complicated procedural questions can be found in **Roberts Rules of Order, Newly Revised**.

1. **Making a motion** - Begin the discussion by having a member make a motion. Motion should be made and seconded. After this, debate can be conducted. Example of proper form: "Mr./Madam Chairperson, I move the following..."

2. **Amending a motion** - Any motion may be amended as follows: “Mr./Madam Chairperson, I move that we amend the motion by adding, deleting, etc. the following...” The amendment must be seconded before discussion can ensue. When discussion ends, the amendment is voted on first. If the amendment passes, the original motion is then put to vote as amended. If the amendment fails, the original motion is put to a vote.
3. **Change by a Substitute Motion** - Another way to change an original motion is by use of the **substitute motion**. A substitute motion is simply an amendment that changes an entire sentence or paragraph. It must be seconded before discussion can take place. It may be amended and differs only from an amendment in that if the substitute amendment passes, it eliminates the original motion.
4. **Table a Motion** - Occasionally, a board may wish to defer action on a motion until a later meeting. One way to accomplish this is to make a motion to table the item being considered. To table an item requires a motion and a second. A vote is immediately taken without discussion. Once it has been decided to table a motion, it cannot be brought up again until the board votes to do so, unless the motion to table specifies a date. Then the item shall be placed on the agenda for that date. A tabled motion is not debatable and must be voted on immediately. If it is decided to remove a motion from the table, the motion can then be discussed, and a vote taken. A tabled motion can be removed from the table during the same meeting but is usually done so at a later meeting when unfinished business is being considered.
5. **Postpone a Motion** - Another method of delaying a decision on a matter is to postpone to a certain day the consideration of a motion. This is accomplished by simply making a motion to postpone consideration of the motion until a definite future date and having it seconded. The motion to postpone is then open for discussion. Following discussion, a vote is taken.
6. **Motion to Refer** - A motion may also be delayed by making a motion to refer the main motion to a committee or person for further study. After the motion to refer is moved and seconded, it is open for discussion, and motions to amend can be made as to whom the main motion should be referred. The motion to refer as amended is then voted on. If the motion to refer passes, the discussion on the main motion begins.
7. **Point of Order** - Any time a member feels an incorrect procedure is being used, he/she can interrupt with a point of order request which requires the chairperson to decide the correct procedure.
8. **Suspension of the Rules** - Occasionally, board members may want to discuss a business item without the constraints of any rules. Unless the by-laws require otherwise, a two-thirds ($\frac{2}{3}$) vote of the members is needed to suspend the rules. This motion is not debatable and must be voted on upon being seconded.

QUORUM and ACTION

- (A) Except as otherwise provided by ordinance, a majority of the total number of the members constitute a quorum for the conduct of business.
- (B) An action must be adopted by an affirmative vote of the majority of the quorum present and voting.
- (C) All Members necessary to provide a quorum must be physically present at a meeting to conduct business.
- (D) An ex officio member may participate in discussions at meetings but may not vote or bring a motion and does not count towards calculation of a quorum or any other minimum vote count required by city code or state law.

SUMMARY

In conclusion, it stands to reason that if a meeting is to be held in a fair and orderly manner, all the members of the board must be willing to cooperate. They must be informed of the established rules and act accordingly. The chairperson has final responsibility for ensuring that the meeting is properly conducted. Unless the chairperson understands the basic parliamentary procedures discussed and is willing to use them in the best interest of all concerned, the board or commission will be unable to adequately carry out its responsibilities.

WORKING WITH CITY STAFF

STAFF LIAISON

- (A) The City Manager shall designate a City department to provide staff support for each Board, Ad Hoc Committee or Task Force. The City Department Director shall identify a City staff person To provide staff support to serve as the City staff liaison to the Board/Ad Hoc Committee/Rask Force.
- (B) The City Secretary serves as liaison between Boards/Ad Hoc Committees/Task Forces and citizens, council, and department liaisons.

WORKING WITH STAFF LIAISONS

Basically, an advisory committee member has two problems to overcome when working with City Staff. First, City Staff must have their work organized to fit the time available for group meetings. Second, the advisory committee member must concentrate on their specific role and tasks and constantly work to retain the citizen's viewpoint and not the views of a "City Hall Insider".

EFFECTIVE USE OF MEETING TIME

To increase the productive time boards and their Staff Liaisons spend together, the following guidelines have been established:

1. The City Manager will appoint a person to serve as a Staff Liaison to the board. This person should serve as the primary "channel" from the group to City Staff.
2. Each board member should meet individually with the Staff Liaison assigned to the group for an orientation and to reach an understanding of the functions of the group.
3. The Staff Liaison should provide the group with an organized agenda, brief overviews of the agenda items and visual aids to increase rapid understanding of the issues. Chair approves the agenda.
4. Some meetings should be devoted to planning and "background" presentations. This is a time for bringing in other City Staff and possibly other citizens. These sessions save a great deal of time in deliberative discussions and greatly increase the quality of decisions.
5. Have board members occasionally make oral presentations of group work to the City Council. The process of preparing such a report greatly enhances the group's ability to put actions into concise and understandable form.

THE INSIDER TRAP

Boards, commissions, committees and corporations (boards) exist in part to broaden the view of the City Council and Staff, serving as a conduit between City Hall and the community. These groups also provide citizens a glimpse into the workings of City Hall. But almost from the outset, factors may be at play to make the board member more of a City Hall insider and less of a private citizen. Some counter measures which might be employed to avoid this outcome are:

1. Boards with Staff assistance should determine how representative they are of community views. Where gaps exist, perhaps subcommittees can be appointed, subject to City Council review and approval.
2. Board members should insist that City Staff avoid presenting proposals and information in jargon and technical terms. Staff should avoid thinking they are obligated to “train” board members to use technical and professional language.
3. Advisory committee members should insist that Staff bring them primarily policy-oriented proposals and not administrative matters for decisions.
4. Advisory committee members should stress plans, policies and broad structure. They should not become advocates for a department or for departmental concerns.

NOTE ON PRESS RELATIONS

PRESS RELATIONS

Most City boards, commissions, committees or corporations (boards) are not covered by the local press. However, the press pays close attention to those that are more high-profile. Such boards and their Staff Liaisons should be prepared to deal with the press. In dealing with the press, keep in mind that often the reporter with the least experience in local government is assigned to cover it. The reporter's unfamiliarity with the issues, coupled with racing to meet inflexible deadlines, can lead to inaccurate reporting. To minimize inaccurate reporting, interviews should be conducted with the goal of educating the press as well as the public. Thus, the Chairperson should not assume that the reporter is familiar with the board's subject matter. Cooperating with the press and supplying them with useful information will lead to more accurate reporting. This is mutually beneficial to the board and the press.

BOARD AND COMMISSION MEMBER LEGAL LIABILITY

THE NATURE OF CITY BOARDS, COMMISSIONS, COMMITTEES AND CORPORATIONS

It is important to understand that City boards, commissions, committees and corporations (boards) are not legislative bodies, which means that they cannot create new regulations or standards but can work within the framework that is established by the City Council or the State Legislature. As described in an earlier section, some boards are fact-finding bodies which have the power to require the presentation of evidence after their jurisdictions have been evoked. They are “judicial” type bodies when they render a decision based on the factual material presented to them, which decision resolves a single case. The term used, generally, to identify a board with those kinds of powers is “quasi-judicial”.

AUTHORIZED CONDUCT

The boundaries of authorized conduct are drawn by common law, civil statutes and penal statutes. Acts by officials which are extra-legal or, more accurately, extra-jurisdictional, which are not prescribed by statute, are called **ultra vires** acts. This is a Latin term which means “beyond power” and is used in modern legal terminology to define acts which are beyond the scope of power of a corporation granted to it by its Charter, but not prohibited by law. It is also applied to designate acts which are within the scope of powers, but which are performed irregularly and to acts of the officials of the corporation within those categories. Acts by a board member or the collective act for the board, which is beyond authority of the board granted by ordinance or statute would be **ultra vires** acts because the City is a corporation and the same definitions apply.

WHAT IS A PUBLIC SERVANT?

The acts prescribed by statute are both civil and penal in nature and have broad application affecting public officials. The Texas Penal Code, for example, defines public servant as a “person elected, selected, appointed, employed or otherwise designated...to perform a government function”. The penal code prohibits several kinds of conduct based on an intent to obtain a benefit for himself or to harm another. It prohibits intentionally or knowingly doing any of the following: 1) an unauthorized exercise of official power; 2) an act which exceeds his power; 3) refraining from performing his duty; 4) violating a law relating to his office; and 5) taking or misapplying anything of value belonging to the governmental body. Government, for the purpose of the penal code, means “the state, county, municipality, political subdivision of the state; or any branch or agency of the state”. The public servant, as defined, also commits an offense if he acquires or assists another in acquiring property or anything of value by the use of information to which he has access which has not been made to the public.

CONFLICT OF INTEREST

- (A) Members must carefully review the City Code of Ethics upon appointment. If a Member has a conflict of interest regarding any item that is presented or required to be presented to the body for discussion or approval, the Member must (1) file a written statement to disclose the conflict of interest to the Chair and remaining Members, (2) abstain from any discussion on the matter with City staff or any other Members, and (3) recuse themselves from the meeting when the item is being discussed or considered by the body.

- (B) A Member may request a legal opinion from the City Attorney regarding a potential conflict of interest.
- (C) Failure of the Member to comply with the City Code of Ethics subjects the Member to an ethics complaint filed before the Ethics Commission.

The most difficult area to define in which problems might occur is the area of conflict of interest. The portion of the penal code discussed above is intended to prevent conflict of interest on the part of public officials, but the difficulty arises in determining exactly what constitutes a conflict of interest. In a San Antonio case several years ago, a county commissioner who voted favorably for the purchase of voting machines was discovered to have a commission contract with the successful bidder. Although it was shown that, for some undisclosed reason, the commissioner would receive no money from the sale of the voting machines to the county, he was determined to have a conflict of interest, and the sale was voided by the court. The court remarked that in this transaction it is presumed that the commissioner was not in a position to give the county his undivided loyalty when he was so vitally interested in the business of the company in other parts of the state.

In another San Antonio case, a contract was voided by the court because the city entered into a contract with an electrical contracting company of which one-third of the stock was owned by a member of the city's electrical board. The court found that the board member was a city official and that the contract with his company placed him in a conflict of interest situation. The contract was therefore voided. It is generally said that, if a city official receives any personal or pecuniary benefit from a contract, it is void; that in all official action, the law directs that the city official serve only one master - the city.

If it can be shown that the position of an official was such that the contract should be voided, then it would not be much more difficult to bring some action that he might have taken within those sections of the penal code set out above and bring some of that criminal liability to rest upon him. It is a far different proposition to be liable to the state than it is to be personally liable to some individual. The state can take some of your time, as well as your money. This area of the law should present your greatest concern.

A recent state law has made clear the guidelines a public official should know concerning conflict of interest. The following are current guidelines as set out by Article 988b (V.R.C.S.):

A local public official is said to have a substantial interest in a business under the following circumstances:

1. The interest or ownership of ten percent (10%) or more of a business entity or ownership of \$2,500 or more of the fair market value of the business entity.
2. Funds received by the person from the business entity exceed ten percent (10%) of the person's gross income for the previous year.
3. 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.

Under the new statute, a local public official commits a Class A misdemeanor if he knowingly does one of the following:

1. Participates in a vote or decision on a matter involving a business entity in which the local public official has a substantial interest. If it is reasonably foreseeable that an action on the matter would confer an economic benefit to the business entity involved;
2. Acts as a surety for a business entity that has a contract to do work or other business with a governmental entity;
3. Acts as a surety on an official bond required of an officer of the governmental entity.

This law also applies to the local public officials if the vote involves a relative in the first- or second-degree of affinity or consanguinity when that relative has substantial interest in a business entity that would be affected thereby. Under the above-mentioned circumstances, the local public official must file an affidavit stating the nature and extent of his/her interest. The affidavit must be filed with the official record keeper of the government entity. In this particular case, it will be the City Secretary. See Appendix B and Appendix C at the end of the handbook for copies of the forms to be used under such circumstances where a conflict of interest arises. The affidavit in Appendix B is based on state law and only applies to quasi-judicial boards and commissions with actual governmental authority and City Council members. It does not apply to bodies that are primarily advisory in nature. The affidavit in Appendix C is based on the City of Corpus Christi's ethics ordinance. It is applicable to all boards, commissions, committees and corporations, not just those with governmental authority. **Please note that consultation with a private attorney is suggested where specific issues arise.**

PERSONAL LIABILITY

As a general rule, quasi-judicial officers cannot be held personally liable for erroneous acts while honestly exercising the judicial or quasi-judicial functions of their offices. However, if a court finds that excessive acts were performed not in good faith or that the assumption or jurisdiction was not made in good faith, then the officer will subject himself to civil liability. This does not necessarily mean that a fine will be imposed because civil sanctions are imposed specifically by statute or generally by common law. As previously stated, if the legislature prescribes certain act(s) and says that it or they will carry out certain penalties, then those penalties will be applied. However, if the infraction involves a monetary loss, then the officer may also be held liable for these damages. If, on the other hand, no civil penalties are imposed, the aggrieved person is left to other remedies carried over from common law and can seek to have an act enjoined or have a person compelled to perform an act. In addition, if such person can prove harm caused by the act, then damages may also be assessed.

(The preceding quoted excerpts are taken from "The Handbook for Mayors and Council Members in Home Rule Cities," Texas Municipal League, Austin, TX 1984 and pertain more to members of the City Council.)

CITY CODE OF ETHICS

The City Code of Ethics provides the specific ethical standards that board, commission, committee and corporation members are held to during the execution of their duties as City Officials. The Code of Ethics also applies to the Mayor and Council. Please refer to pages 43-63 for the full text.

ARTICLE V. CODE OF ETHICS DIVISION 1. RULES OF CONDUCT

Sec. 2-310. Preamble.

The purpose of this Code of Ethics is to promote public trust by establishing rules of conduct for City Council Members, Board Members, and employees; by providing a fair process for receiving and adjudicating complaints; and by requiring periodic financial disclosure. The rules of conduct form the basis for possible sanctions, and are therefore intended to clearly define proper conduct so that those who must comply may understand the rules and carry out their responsibilities consistently with the rules. It is recognized that situations with ethical implications will arise outside the prohibitions of the rules; in such situations, Council Members, Board Members, and employees are encouraged to keep in mind the ideal of the public trust and to conduct themselves in a manner to avoid the appearance of impropriety even where not compelled by the rules.

If a Council Member believes that he/she should abstain from voting on an item to avoid the appearance of impropriety, as encouraged by this Code of Ethics Ordinance, or who in discussing or voting on an issue is unable to take an unbiased position, that Council Member shall be disqualified from discussions about and subsequent voting for that item under this City Ordinance.

The City recognizes that City Council Members are also members of the society and, therefore, cannot and should not be without any personal and economic interest in the decisions and policies of government; that City Council Members retain their rights as citizens to interests of a personal or economic nature and their rights to publicly express their views on matters of general public interest. It is not the intent of this ordinance to diminish the rights of City Council Members as citizens of the community.

However, City Council Members may not use their positions in dealing with the City Manager or City employees to advance their personal economic interest, their families' economic interest, or the entities in which they have a substantial interest.

Sec. 2-311. Standards.

The following rules of conduct apply to all Council Members, Board Members, and employees:

Special privileges.

- (1) You shall not use your office for private advancement or gain or to secure special privileges or exemptions for yourself or others.
- (2) You shall not grant any special consideration, treatment or advantage to any person or group beyond that which is available to others generally.

- (3) (a) You shall not use City facilities, personnel, equipment or supplies for purposes unrelated to the interests of the City, except to the extent such are lawfully available to the public. Notwithstanding the foregoing sentence, Corpus Christi Police Officers, Airport Public Safety Officers and Municipal Court Marshals may wear their city-issued uniforms, badges, and other uniform attire, may use their city-issued radios, and may carry their city-issued weapons, on approved off-duty law enforcement employment; and Corpus Christi Fire Fighters may wear their city-issued uniforms, badges, and other uniform attire, and use their city-issued radios on approved off-duty fire watch employment.
- (b) You may not spend or authorize the spending of public funds for political advertising. This prohibition does not apply to a communication that factually describes the purposes of a measure if the communication does not advocate passage or defeat of the measure. This paragraph shall be construed consistently with Texas Election Code Section 255.003.
- (4) You shall maintain appropriate relationships with other officials, employees, customers, defendants and individuals receiving services from you or your organizational unit and shall not use your position to engage in any inappropriate personal relationships.

Gifts:

- (5) You shall not accept or solicit any money, property, service or other thing of value by way of gift, favor, loan or otherwise that might reasonably tend to influence you in the discharge of your official duties or which you know or should have known was offered with the intent to influence or reward your official conduct.
- (6)(a) Special applications. Subsection 2-311(5) does not include:
- (1) A gift to a City Official or employee relating to a special occasion, such as a wedding, anniversary, graduation, birth, illness, death, or holiday, provided that the value of the gift is fairly commensurate with the occasion and the relationship between the donor and recipient;
 - (2) Advancement for or reimbursement of reasonable expenses for travel in connection with official duties provided by third parties must be disclosed in the travel report; payment for or reimbursement of expenses for travel in excess of authorized rates under City Policy will be treated as a personal gift to the official or employee for any applicable reporting requirement;
 - (3) A public award or reward for meritorious service or professional achievement, provided that the award or reward is reasonable in light of the occasion and it is not prohibited under V.T.C.A. Penal Code Section 36.08 (Gift to Public Servant by Person Subject to His Jurisdiction);
 - (4) A loan from a lending institution made in its regular course of business on the same terms generally available to the public;
 - (5) A scholarship or fellowship awarded on the same terms and based on the same criteria that are applied to other applicants;
 - (6) Any solicitation for civic or charitable causes;

- (7) Admission to an event in which the City Official or employee is participating in connection with his or her spouse's position;
 - (8) Ceremonial and protocol gifts presented to City Officials from a foreign government or international or multinational organization and accepted for the City of Corpus Christi;
 - (9) Admission to a widely attended event, such as a convention, conference, symposium, forum, panel discussion, dinner, viewing, reception or similar event, offered by the sponsor of the event, and unsolicited by the city official or employee, if attending or participating in an official capacity, including:
 - (A) the Official or employee participates in the event as a speaker or panel participant by presenting information related to matters before the City; or
 - (B) the Official or employee performs a ceremonial function appropriate to that individual's position with the City; or
 - (C) attendance at the event is appropriate to the performance of the official duties or representative function of the Official or employee;
 - (10) Admission to a charity event provided by the sponsor of the event, where the offer is unsolicited by the City Official or employee;
 - (11) Admission to training or education program or other program, including meals and refreshments furnished to all attendees, if such training is related to the official or employee's official duties and the training is in the interest of the City.
- (7) In the event you receive any gift or loan of property or services on behalf of the City, you shall promptly deliver such gift or loan to the City Manager for official acceptance and inventory of the City.

Conflicts of interest:

- (8) (a) **General Rule.** To avoid the appearance and risk of impropriety, a City Official or employee shall not take any action or fail to take any action related to their position that is likely to affect the economic interests of:
 1. The Official or employee;
 2. His or her parent, child, spouse, or other family member within the second degree of consanguinity or affinity;
 3. His or her outside client;
 4. A member of his or her household;

5. The outside employer of the official or employee or of his or her parent, child (unless the child is a minor), spouse, or member of the household (unless member of household is a minor);
 6. An entity which the official or employee knows that any of the person listed in Subsections (8)(a)1 or (8)(a)2 holds an economic interest as that term is defined herein;
 7. An entity which the official or employee knows is an affiliated or partner of an entity in which any of the persons listed in Subsections (8)(a)1 or (8)(a)2 holds an economic interest as defined herein;
 8. An entity for which the City Official or employee serves as an officer or director or in any other policy making position;
 9. A person or entity with whom, within the past twelve (12) months:
 - a. The official or employee, or his or her spouse, directly or indirectly has:
 1. Solicited an offer of employment for which the application is still pending;
 2. Received an offer of employment which has not been rejected; or
 3. Accepted an offer of employment; or
 - b. The official or employee, or his or her spouse, directly or indirectly engaged in negotiations pertaining to business opportunities, where such negotiations are pending or not terminated.
- (b)** No City employee, City Official, appointed or elected, family member, friend or business associate of a City employee or City Official appointed or elected should profit from privileged information discussed in confidential City meetings. Any Council Member already involved in any City projects should immediately recuse themselves from any executive session meetings as well as City Council votes where such matters are being discussed.
- (c)** *Recusal and disclosure.* A City Official or employee whose conduct would otherwise violate Subsections (8)(a) or (8)(b) must recuse himself or herself. From the time that the conflict is, or should have been recognized, he or she shall:
1. Immediately refrain from further participation in the matter, including discussions with any persons likely to consider the matter; and
 2. Promptly file with the City Secretary the appropriate form for disclosing the nature and extent of the prohibited conduct.

In addition:

3. A supervised employee shall promptly bring the conflict to the attention of his or her supervisor who will then, if necessary, reassign responsibility for handling the matter to another person; and
4. A member of a board shall promptly disclose the conflict to other members of the board and shall not be present during the board's discussion of, or voting on, the matter.

(d) Definitions. For purposes of this rule in Subsection (8):

1. An action is likely to affect an economic interest if it is likely to have an effect on that interest that is distinguishable from its effect on members of the public in general or a substantial segment thereof.
2. The term "client" includes fiduciary relationship, but not an ordinary customer relationship.
3. A relationship by "affinity" (by marriage) is defined in V.T.C.A., Government Code §§ 573.024 and 573.025.
4. A relationship by "consanguinity" is defined in V.T.C.A., Government Code §§ 573.022 and 573.023.
5. For purposes of this subsection (8), the term "official" includes the following persons: the mayor; members of the city council; municipal court judges and magistrates; city manager; deputy city manager; assistant city managers; assistants to the city manager; city secretary; deputy city secretary; assistant to the city secretary; municipal court clerk, deputy court clerks; all department heads and assistant department heads; internal auditor and all assistant internal auditors; assistant to mayor; executive secretaries; and members of all boards, commissions (except the youth commission whose members are minors), committees, and other bodies created by the city council pursuant to federal or state law or city ordinance, including entities that may be advisory only in nature, who are appointed by the mayor, the city council, or who are designated in the by-laws or organization papers of the entity to serve on behalf of the city; and board members of any entity who are appointed by the mayor or city Council to such board membership. This list is updated and posted to the city website annually by the city manager.

(e) Elected City Officials may not use their position to influence the action of a City Official or City employee in the performance of their duties related to a contract or business transaction involving an individual or organization who contributed to the Official's campaign contributions during the most recent election either directly, or indirectly, via a third party.

(f) If you were initially not aware that you or a relative has a conflict or potential conflict of interest, you must comply with Subsection (8)(c) as soon as you become aware that you have or should have been aware that you have the conflict or potential conflict of interest.

- (g) However, you may apply for City services or discuss your personal interest with a City representative on behalf of your own interest if you notify the City Secretary and City Manager in writing that you have a personal interest in a matter that requires action by the City, and that you are acting strictly in your private capacity, and not as a member of the City Council or board or as a City employee and you advise any member of the City Council, City board or commission, or any City employee you are dealing with that you are appearing only in your private capacity.
- (9) You shall not engage in any outside activities or employment which will conflict or be incompatible with the full and proper discharge of your official duties, impair your independent judgment in the performance of your duties, or reflect discredit upon the City.
- (10) You shall not represent any other private person, or group or interest in any action or proceeding against or adverse to the interest of the City or in any litigation in which the City is a party.
- (11) You shall not represent any other private person or group in any action or proceeding in the Municipal Courts of the City which was instituted by City Officers or employees in the course of their official duties.
- (12) You shall not receive any fee or compensation for your official services from any source other than the City except as may be provided by law or authorized by the City Council.

Actions adverse to the city:

- (13) You shall not disclose information that could adversely affect the property or affairs of the City.
- (14) You shall not knowingly perform or refuse to perform any act in order to deliberately thwart the execution of federal, state or local laws or regulations or the achievement of any official City programs.
- (15) You shall not engage in any felony crime, misdemeanor involving moral turpitude, or other conduct that reflects discredit on the City.

Confidential Information:

- (16) *Improper access.* A City Official or employee shall not use his or her position to obtain official information about any person or entity for any purpose other than the performance of official duties.
- (17) *Improper disclosure or use.* A City Official or employee or former City Official or employee shall not intentionally, knowingly, or recklessly disclose any confidential government information gained by reason of said Official's or employee's position concerning the property, operations, policies or affairs of the City. This rule does not prohibit:
 - (1) Any disclosure that is no longer confidential by law; or
 - (2) The confidential reporting of illegal or unethical conduct to authorities designated by law.

Provisions for Council Members:

- (18) As a City Council Member, individually, you shall not have a substantial interest in any contract with the City of Corpus Christi.
- (19) In order to preserve and promote independent advice and decisions from City boards and the integrity of the independent board process as a Council Member, you shall not speak before any City board, commission or committee except on behalf of your own financial interest; in which case, you shall publicly state the nature of your financial interest and that you are appearing only in your private capacity.
- (20) As a Council Member, you shall not give any orders to any employee except through the City Manager as provided by the City Charter.
- (21) As a Council Member, you shall not participate in the process for the appointment of or the confirmation of the appointment of a member to a board, commission or committee of the City, or to the governing body of an independent entity all or part of whose members are appointed by the City Council, after you are aware that an individual seeking, being promoted for, or being considered for the position:
 - (A) Is related to you within a degree described by V.T.C.A., Government Code 573.002;
 - (B) Is your employer;
 - (C) Is a director or officer of a business entity (as defined in V.T.C.A., Government Code 171.001) which is your employer;
 - (D) Owns ten (10) percent or more of the voting stock or shares of a business entity which is your employer; or
 - (E) Contributed two thousand seven hundred dollars (\$2,700.00) or more to your total campaign contributions during the previous election.

Provisions for board members:

- (22) As a board member, you shall not have a substantial interest in any contract with the City in which your board or commission, or the City department related thereto, has jurisdiction.
- (23) As a board member, you shall not represent or appear on behalf of the private interest of others before your board, commission or committee, the City Council, or any board which has appellate jurisdiction over your board, commission or committee, concerning a matter which is within the subject matter jurisdiction of your board. (This rule does not prohibit you from appearing on behalf of your own financial interest even though others may have the same or a similar interest.)

Provisions for employees:

- (24) As an employee you shall not have an interest in any contract with the City. This prohibition does not include any employment contract which may be authorized for the employee, a contract of sale for real property or a contract for services which

are available for all citizens.

- (25) Unless previously recommended by the City Manager, and approved by the Ethics Commission, as an employee, you shall not, within twelve (12) months after leaving City employment, represent any other person or organization in any formal or informal appearance with the City Council or any other agency or employee of the City concerning a project for which you had responsibility as an employee.
- (26) As an employee, you shall not represent or appear on behalf of the private interest of others before the City Council or any board, commission or committee of the City. (This rule does not prohibit you from appearing on behalf of your own financial interest even though others may have the same or a similar interest).
- (27) As an employee, you may not be employed by any business or individual who has business dealings with or for your department, including any work that is subject to review or inspection by your department, even if you do not personally review or inspect the work of the business or individual.
- (28) As an employee, you may not violate the confidentiality or privacy of an individual, including a juvenile and adult defendants or detainees or juvenile clients being counseled through a City Program, unless it is to seek emergency assistance or consultation services from within the City's program or school campus; the individual has threatened to harm themselves or others; or to provide details of any criminal activity or enterprise.

Sec. 2-312. Definitions.

The following definitions apply to the above rules of conduct:

Board member: A member of any board, commission or committee of the City, including the board of any corporation created by the City.

Conflict of interest: Any interest, reasonable expectation of an economic benefit, substantial interest, or anticipated substantial interest in a matter or business transaction involving the City that could influence an individual's ability to make an impartial decision.

Economic benefit: An action that is likely to affect an economic interest if it is likely to have an effect on that interest that is distinguishable from its effect on members of the public in general or a substantial segment thereof.

Employee: Any person employed by the City, whether under Civil Service or not, including part-time employees and employees of any corporation created by the City.

Interest: Any direct or indirect pecuniary or material benefit in a contract or transaction other than:

- (1) An interest which is shared by and available to all other persons similarly situated; or
- (2) A remote or incidental interest which would not increase or decrease materially due to the action of the City or is less than two hundred dollars (\$200.00) in value; or

- (3) An interest of a subcontractor which has no direct contractual relationship with the City, is receiving fair and reasonable compensation, and is not operating as a subterfuge to circumvent the Code of Ethics; or
- (4) An interest in real property acquired by the City which could otherwise be accomplished only through eminent domain provided that the property must be acquired for a public purpose and just compensation must be paid under the Texas Constitution after obtaining an independent appraisal.

Relative: Spouse, father, mother, brother, sister, son, daughter, spouse's children, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law and adoptive relationships being treated the same as natural relationships.

Substantial interest: Any interest in a business entity if the person or relative owns ten (10) per cent or more of voting stock or shares of the business entity or owns ten (10) per cent or more or five thousand dollars (\$5,000.00) or more of the fair market value of the business entity or funds received from the business entity exceeds ten (10) per cent or more of the person's gross income for the previous year. A person has a substantial interest in real property if he or his relative controls or has an equitable or legal ownership interest with a fair market value of two thousand five hundred dollars (\$2,500.00) or more.

Sec. 2-313. Effect of violation.

A violation of these rules of conduct shall subject the Council Member, board member or employee to appropriate disciplinary proceedings, but such violation shall not render the action of the City voidable by the City unless the action would not have been approved without the vote of the person who violated the rules of conduct.

Sec. 2-314. Exceptions to abstention requirement.

The requirement that a Council Member or board member abstain from voting on a matter or participating in discussion as contained in rule 7 of the rules of conduct shall not apply in the following situations, provided that such person has complied with the requirements of written disclosure of the interest:

- (a) In the event a majority of the members of the Council or the board, commission or committee have filed a written disclosure of a conflict of interest on the matter and would be required to abstain; or
- (b) On the final approval of the budget when the person has abstained from a separate vote taken on the particular budget item pertaining to the conflict of interest and action or that particular item has been resolved.

Sec. 2-315. Freedom of expression.

Nothing contained in the Code of Ethics shall abridge the right of any citizen, whether or not a Council Member, board member or employee, to exercise his or her right of expression under the U.S. or Texas Constitutions.

Sec. 2-316. Lobbyist registration.

Subsection A. Persons required to register as lobbyists.

- (a) A person who engages in lobbying must register with the City Secretary if, with respect to any client, the person engages in lobbying activities for compensation.
- (b) The following persons are not required to register under Subsection (a):
 - (1) **Media outlets.** A person who owns, publishes or is employed by:
 - (A) a newspaper;
 - (B) any other regularly published periodical;
 - (C) a radio station;
 - (D) a television station;
 - (E) a wire service; or
 - (F) any other bona fide news medium that in the ordinary course of business disseminates news, opinions, or paid advertisements that directly or indirectly oppose or promote municipal questions to seek to influence official action relating thereto, if the person does not engage in other activities that require registration under Part E. This subsection does not exempt the news media or a person whose relation to the news media is only incidental to a lobbying effort or if a position taken or advocated by a media outlet directly impacts, affects, or seeks to influence a municipal question in which the media outlet has a direct or indirect economic interest.
 - (2) **Mobilizing entity constituents.** A person whose only lobbying activity is to encourage or solicit the members, employees, or owners (including shareholders) of an entity by whom the person is compensated to communicate directly with one or more City Officials to influence municipal questions. This exception is intended to apply to neighborhood and other similar not-for-profit organizations.
 - (3) **Governmental entities.** Governmental entities and their officers and employees provided the communications relate solely to subjects of governmental interest concerning the respective governmental bodies and the City.
 - (4) **Unknown municipal questions.** A person who does not know and has no reason to know that a municipal question is pending at the time of contact with a City Official.
 - (5) **Dispute resolution.** An attorney or other person whose contact with a City Official is made solely as part of resolving a dispute with the City, provided that the contact is solely with City Officials who do not vote on or have final authority over any municipal question involved and so long as such an attorney complies with Rule 4.02 of the Texas Disciplinary Rules of Professional Conduct, as amended.

Subsection B. Definitions.

The following words and phrases have the meaning ascribed to them in this section unless the context requires otherwise:

- (a) **City official** means the members of the City Council, City Manager, Deputy and Assistant City Managers, City Secretary, City Attorney, Assistant City Attorneys, Department Heads, Municipal Court Judges, and all members of any board, commission or committee of the City, including the board of any corporation created by the City.

- (b) *Client* means any person on whose behalf lobbying is conducted. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.
- (c) *Compensation* means money, service, facility or other thing of value or financial benefit that is received or is to be received in return for or in connection with services rendered or to be rendered. Compensation does not include a payment made to any individual regularly employed by a person if: (1) the payment ordinarily would be made regardless of whether the individual engaged in lobbying activities; and (2) lobbying activities are not part of the individual's regular responsibilities to the person making the payment. Compensation does not include the financial gain that a person may realize as a result of the determination of a municipal question, unless that gain is in the form of a contingent fee.
- (d) *Lobby or lobbying* means any oral or written communication (including an electronic communication) to a City Official, made directly or indirectly by any person in an effort to influence or persuade an official to favor or oppose, recommend or not recommend, vote for or against, or take or refrain from taking action on any municipal question. The term lobby or lobbying does not include a communication:
- (1) Merely requesting information or inquiring about the facts or status of any municipal question, matter, or procedure, and not attempting to influence a City Official;
 - (2) Made by a Public Official or employee acting in his or her official capacity;
 - (3) Made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;
 - (4) Made in a speech, article, publication, or other material that is distributed and made available to the public, or through radio, television, cable television, or any other medium of mass communication;
 - (5) Made at a meeting open to the public under the Open Meetings Act;
 - (6) Made in the form of a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;
 - (7) Made in writing as a petition for official action and required to be a public record pursuant to established City procedures;
 - (8) Made in writing to provide information in response to an oral or written request by a City Official for specific information;
 - (9) The content of which is compelled by law;
 - (10) Made in response to a public notice soliciting communications from the public and directed to the official specifically designated in the notice to receive such communications;
 - (11) Made on behalf of an individual with regard to that individual's employment or benefits;

- (12) Made by a fact witness or expert witness at an official proceeding; or
 - (13) Made by a person solely on behalf of that individual, his or her spouse, or his or her minor children.
- (e) *Municipal question* means a public policy issue of a discretionary nature pending or impending before City Council or any board or commission, including but not limited to proposed action, or proposals for action, in the form of ordinances, resolutions, motions, recommendations, reports, regulations, policies, nominations, appointments, sanctions, and bids, including the adoption of specifications, awards, grants, or contracts. The term municipal question does not include the day-to-day application, administration, or execution of City programs and policies.

Subsection C. Registration.

- (a) A registration form shall be completed and filed by a person required to register prior to the commencement of lobbying activity for a client.
- (b) A separate registration form must be filed for each client.
- (c) The registration shall be on a form prescribed by the City Secretary and shall include, to the extent applicable:
 - (1) The full name, phone number, permanent address, and nature of the business of:
 - (A) The registrant;
 - (B) The client;
 - (C) Any lobbying firm for which the registrant is an agent or employee with respect to the client; and
 - (D) Each employee or agent of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client;
 - (2) A statement of all municipal questions on which the registrant will lobby for the client.
- (d) A registrant shall file an amended registration if the information contained in the current registration changes or is incorrect.
- (e) A registrant may file a termination of registration when no longer required to register.

Subsection D.

A person may not register as a lobbyist with the City for a period of two (2) years from end of City service.

Secs. 2-317--2-319. Reserved.

DIVISION 2. ETHICS COMMISSION

Sec. 2-320. Establishment.

An Ethics Commission is created and shall consist of nine (9) members. The city Council shall solicit nominations for the Ethics Commission from a wide variety of professional and community organizations in the City. Interested individuals may also submit their names for consideration. Members of the Commission may not hold or be a candidate for any City elected or appointed office. The City Council shall appoint the members of the Ethics Commission by a two-thirds (2/3) vote of the full Council.

Sec. 2-321. Terms.

Members shall hold office for three-year terms commencing October 1. In order to establish staggered terms, however, the initial terms of three (3) members shall be one year, and the initial terms of another three (3) members shall be two (2) years. The persons serving such shorter terms shall be determined by lot. No holding over is permitted except as expressly provided in this Code of Ethics.

Sec. 2-322. Removal.

In addition to the Council's usual powers of removal, members of the Commission may be removed by a majority of the Council for cause. In considering a complaint filed with the City Secretary or on its own initiative, the Council may follow the procedures hereinafter set forth regarding the disposition of such alleged violations.

Sec. 2-323. Vacancies.

All vacancies shall be filled for the unexpired terms. A member shall hold office until his successor has been appointed and shall continue to hold office after his successor has been appointed for the limited purpose of disposition of all complaints filed and for which presentation of evidence was commenced during that member's term.

Sec. 2-324. Chairperson; quorum.

The Commission shall elect a Chairperson and a Vice-Chairperson. The Vice-Chairperson shall act as Chairperson in the absence of the Chairperson or in the event of a vacancy in that position. The officers of the Commission shall serve one-year terms. A majority of the members of the Commission shall constitute a quorum.

Sec. 2-325. Meetings.

The Commission shall have such meetings as may be necessary to fulfill its responsibilities. The Chairperson or any three (3) members may call a meeting provided that reasonable notice is given to each member.

The Commission shall meet at least once a year. The date of the annual meeting shall be in September as set by the Commission.

The Commission shall comply with the Texas Open Meetings Act.

Sec. 2-326. Duties.

- (a) The Commission shall, in addition to its other duties:
- (1) Review all proposed changes to this ordinance and make recommendations to City Council before being placed on a City Council agenda for action.
 - (2) Prepare and publish pamphlets and other materials explaining the duties of individuals subject to the Code of Ethics. Such materials shall include instructions to the public about how to obtain information such as financial disclosures, campaign reports, and the like from the City.
 - (3) Review all financial disclosure reports which are filed with the City pursuant to this article. If the Commission identifies a possible conflict of interest or needs further disclosure from its review of the Financial Disclosure Report, the Commission shall notify the filing official to request additional information regarding the possible conflict of interest.
 - (4) Annually review the Code of Ethics and make appropriate recommendations to the City Council after conducting a public hearing on any such recommendations.
 - (5) Review all public opinions related to the Code of Ethics that are issued by the City Attorney.
 - (6) Prepare and disseminate a report listing all campaign contributions and expenditures for each candidate within thirty (30) days following the deadline for filing the last campaign finance reports for each City Council election. For the purposes of this provision, a general election and run-off election shall be considered as a single City Council election.
- (b) **The Commission may:**
- (1) Adopt rules of procedure for the conduct of its business and to carry out the provisions of the Code of Ethics, consistent with the Code of Ethics and other applicable law.
 - (2) Prepare reports and studies to advance the purposes of the Code of Ethics.
 - (3) Request the City Council and City Manager to provide such assistance as it may require in the discharge of his duties.

Sec. 2-327. Staffing.

The Commission shall be assigned Staff by the City Attorney to assist in its duties. The Commission shall also designate independent legal counsel, and when complaints are filed, such independent Legal Counsel may be utilized to advise the Commission and participate in hearings.

Sec. 2-328. Legal opinions and services.

- (a) Any Council Member, employee or board member may submit a written request to the City Manager for an opinion concerning the meaning or effect of any section, word or requirement of the Code of Ethics as it affects such official, employee or board member. The City Manager shall submit such request to the City Attorney,

who will promptly issue a written opinion to the City Manager. Such opinion shall be filed with the City Secretary with a copy to the requesting person shall constitute an authoritative determination of the meaning of this article, until amended by the Council.

- (b) If a complaint is filed with the Ethics Commission about any specific action, omission or alleged conflict of interest by the charged person which has been the subject, in whole or in part, of a City Attorney's opinion, the independent Legal Counsel shall act as the Commission's attorney on said complaint.

Sec. 2-329. Jurisdiction of commission.

The Ethics Commission shall have jurisdiction of complaints involving any "City Official" which includes the Mayor and members of the City Council, City Manager, Deputy and Assistant City Managers, City Secretary, City Attorney, Department Heads, and Municipal Court Judges (including substitute judges), and all members of any board, commission or committee of the City, including the board of any corporation created by the City.

Sec. 2-330. Complaints.

- (a) A sworn complaint alleging violation of the Code of Ethics shall specify the provisions of the Rules of Conduct (Section 2-311) alleged to have been violated and facts alleged to constitute the violation. In lieu of a complaint sworn to under oath, the complainant may subscribe to the complaint using an unsworn declaration prepared in compliance with the Texas Unsworn Declaration Act, V.T.C.A., Civil Practice and Remedies code Ch. 132, as amended.
- (b) Upon the complaint of anyone (1) person filed with the City Secretary's Office, the Commission shall consider possible violations of the Code of Ethics by City Officials and board members and former City Officials and board members other than members of this Commission. In addition, the Commission shall consider such possible violations when referred to it as a complaint by majority vote of all Council Members holding office and qualified to vote thereon. The Council may direct the City Attorney to draft such referred complaint, which shall be reviewed as other complaints hereunder. The Council Members voting for the complaint shall sign the complaint.
- (c) A complaint alleging a violation must be filed with the City Secretary within six (6) months from the date the complainants knew or should have known of the action alleged as a violation, and not afterward.
- (d)
 - (1) The City Secretary, after receiving a complaint submitted in accordance with Subsection (a) above, shall, within three (3) working days, acknowledge receipt to the complainant and provide a copy to the City Attorney, the Commission, and the person complained against.
 - (2) The person complained against shall have ten (10) calendar days, from receipt of the complaint, to submit a written response to the complaint to the City Secretary.
 - (3) The Commission shall, not earlier than the time allotted in Subsection (d)(2) and not later than thirty (30) calendar days after receipt of a complaint by the City Secretary, notify in writing the person who made the complaint and the person complained against whether it intends to schedule a hearing or

take other action concerning the complaint.

- (4) The complainant shall have one (1) opportunity within fifteen (15) calendar days of any denial of their original complaint by the Commission to amend their complaint and refile the same with the Commission.
- (e) If the Commission determines such party's complaint or defense was groundless, legal fees incurred by the complainants, the Commission, and the party complained against, in an amount determined reasonable by the Commission may be awarded against the unsuccessful party. "Groundless" means (1) without basis or fact, or (2) not warranted by law or reasonably arguable interpretation thereof. The complainants shall not be liable for such fees if the Commission has determined grounds exist for a hearing.

Sec. 2-331. Ex parte communications.

After a complaint has been filed and during the pendency of a complaint before the Commission, a member of the Commission may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the complaint, except at a meeting of the Commission.

Sec. 2-332. Hearing.

- (a) The hearing shall be held as expeditiously as possible following the determination by the Commission to conduct a hearing on a particular matter. The Commission may grant two (2) postponements, not to exceed fifteen (15) days each, upon the request of the person complained against; provided, however, the Commission may also delay commencement of a hearing for good cause such as a hurricane or unavailability of a material witness.
- (b) The issue at hearing shall be whether the violation alleged in the complaint occurred. The Commission shall make its determination based on the preponderance of credible evidence in the record. All witnesses shall testify under oath. Strict rules of evidence shall not be required; however, the Commission shall require that all evidence be of such quality that persons customarily rely on in the conduct of serious affairs. If the Commission determines that a violation has occurred, it shall state its findings in writing, shall identify the particular provisions which have been violated, and within five (5) working days shall deliver a copy of the findings to the complainants, the person complained against, and the City Secretary.

Sec. 2-333. Oaths.

If a complaint proceeds to hearing, the Commission may subpoena witnesses to attend and testify, administer oaths, take evidence and subpoena the production of books, papers, records or other evidence needed for the performance of the Commission's duties or exercise its powers, including its duties and powers of investigation.

Sec. 2-334. Sanctions.

- (a) If the Commission determines that a violation occurred, it shall proceed directly to determine its recommendation of appropriate sanctions. The affirmative vote of a majority of the members present at the meeting shall be required for the

determination that a violation has occurred and the recommendation any sanction under this Code of Ethics. The Commission may receive additional testimony or statements before considering sanctions but is not required to do so.

- (b)** If the Commission determines that a violation has occurred:
 - (1)** Against a Council Member or against a Board Member or City Official appointed or confirmed by the Council, it may recommend to the full City Council a reprimand, temporary suspension, removal or any other sanction or corrective action within the power of the City Council, or recall by the citizens.
 - (2)** Against a City Official other than those in (b)(1), it may recommend to the City Manager that appropriate action be taken, as deemed necessary by the City Manager.
- (c)** In determining its recommendation, the Commission shall consider the seriousness of the violation, the importance of deterrence, the impact on public confidence in government, the violations' repeated or isolated nature, the mental state with which the violation was committed, and the prior record of the person complained against. The recommendation shall be reduced to writing and transmitted to the supervisory authority and to the person complained against.
- (d)** If the Commission finds that conduct occurred which, if willful, would violate the rules of conduct, but the Commission cannot determine that the conduct was a willful violation because of ambiguity as to the meaning of the standard of conduct involved, the Commission will recommend no sanction, but will issue a clarifying interpretation to guide future cases.
- (e)** Nothing in the Code of Ethics shall change or affect the civil service, at will, or other status of any employee, City Official, or Board Member as established by the City Charter and ordinances. The City Council or supervisory authority shall consider the recommendation of the Commission, but will exercise its own judgment and discretion in determining what action, if any, to take.
- (g)** If the Commission determines that a violation of any criminal law has occurred, it shall deliver a copy of its findings to the complainants, the person complained against, and the City Attorney, recommending whether prosecution should be initiated or setting forth requirements to be complied with in order that voluntary compliance requirements may be had. Said findings shall also be delivered to the County Attorney or District Attorney, if a violation may be within their jurisdiction.

Secs. 2-335--2-339. Reserved.

DIVISION 3. FINANCIAL DISCLOSURE

Sec. 2-340. Required reports.

On or before the last Friday of March of each year, reporting officials shall file with the City Secretary an Annual Report of Financial Information covering January 1 through December 31 of the previous year. Council members and Planning Commission Members shall also file with the City Secretary a Supplemental Report of Financial Information by the last Friday of July of each year covering the most recent January 1 through June 30. Those reporting officials who have no changes to report since their

most recent complete report may, in lieu of filing a complete report, file a short form annual report stating no changes, provided they have filed a complete financial disclosure form within the previous five (5) years. Each reporting official shall utilize a form provided by the city secretary, which shall be signed and submitted in hard copy, or submitted electronically, as may be provided for by the city.

Sec. 2-341. Definitions.

The following definitions shall apply to these financial disclosure provisions:

Person: An individual, proprietorship, firm, partnership, joint venture, syndicate, trust, company, corporation, association, committee, estate, receiver, entity or any other organization or group of persons acting in concert, whether profit or nonprofit.

Relative: Spouse, father, mother, brother, sister, son, daughter, spouse's children, grandfather, son-in-law, daughter-in-law, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandfather-in-law, grandmother-in-law, uncle by marriage, aunt by marriage, nephew's wife, niece's husband, grandson-in-law, granddaughter-in-law, and first cousin's spouse, adoptive relationships being treated the same as natural relationships.

Reporting official: The Mayor and members of the City Council, City Manager, Deputy and Assistant City Manager, City Secretary, City Attorney, Department Heads, Municipal Court Judges (including substitute Judges), and all members of the Planning Commission, Ethics Commission, Civil Service Board, Civil Service Commission, Corpus Christi Health Facilities Development Corporation, Corpus Christi Housing Finance Corporation, Corpus Christi Housing Improvement Corporation, Corpus Christi Industrial Development Corporation and the attorney who serves as local issuer's counsel for and any executive employee hired by the above corporations.

Sec. 2-342. Content of reports.

The reports required shall contain the following information for the reporting period by separate listing. In this section, the report for the reporting official shall include all such information for the reporting official's spouse, but information relating to the spouse need not be segregated from that relating to the reporting official.

- (a) Name and residence address.
- (b) All professional, occupational, business licenses held by the reporting official.
- (c) The names of any businesses with which the reporting official was actively engaged or associated, and the principal address and phone number of each, together with the position or title held. (This list should not include interests in or positions with any businesses which are required to be reported in other provisions of this section.)
- (d) The names and addresses of all sources of income which exceed ten (10) per cent of the reporting official's gross income, or five thousand dollars (\$5,000.00) in salary, bonuses, commissions or professional fees, or twenty thousand dollars (\$20,000.00) in payment for goods, products or non-professional services. If the reporting official is self-employed or owns or controls at least a twenty (20) per cent interest in a partnership, corporation or other entity through which the reporting official does business, the reporting official shall also report the names and addresses of the

clients or customers who do business with the City from whom the reporting official, partnership, corporation or other entity received at least ten (10) per cent of its gross income. Prior to each reporting deadline, the City shall publish a list of the names and addresses of the persons who do business with the City in the amount of ten thousand dollars or more each year (excluding utility services or the payment of taxes) which reporting officials may rely upon for the purposes of complying with this provision. A reporting official operating a business as a sole proprietor shall not be required to report a client or customer under this subsection he or she would not have to report if operating as a corporation or partnership.

- (e)** The names and addresses of all corporations, partnerships or other business organizations in which the reporting official held, owned, acquired or sold stock or other equity ownership having a value exceeding five thousand dollars (\$5,000.00) or equivalent to ten (10) percent or more of the stock or equity in the entity or owns ten (10) percent or more or five thousand dollars (\$5,000.00) or more of the fair market value of the business organization or funds received from business organization exceeds ten (10) percent or more of the person's gross income for the previous year.
- (f)** An itemized list of all real property in Nueces County or any adjoining county in which the reporting official held any legal or equitable ownership with a fair market value of two thousand five hundred dollars (\$2500.00) or more. The list shall include a description sufficient to locate the property.
- (g)** The name and address of any person to whom the reporting official was indebted in excess of ten thousand dollars (\$10,000.00) together with the dates any such debts were incurred. "Indebted" includes obligations on which the reporting official is a guarantor or co-signer, in which case the names of the borrower and lender shall be listed.
- (h)** The name and address of any person who is an obligor on any note, bond, loan or any other similar obligation, written or unwritten, owed to the reporting official which in the aggregate equal ten thousand dollars (\$10,000.00) or more together with the dates of such obligations.
- (i)** A list of all contracts with the City of Corpus Christi, including the date, term, type of good or services provided and the amount of the contract.
- (j)** All Boards of Directors or governing bodies of which the reporting official is a member, and all offices or executive positions the reporting official holds in corporations, partnerships, limited partnerships, professional corporations, associations, or other entities, including non-business and non-profit entities, stating the name of each entity and position held, and excluding entities owned or created by the City.
- (k)** The names and addresses of all persons from whom the reporting official received gifts or favors, including but not limited to trips, excursions, food, lodging, money, commodities or services, cumulatively exceeding two hundred dollars (\$200.00) in value. The nature and date of each gift received shall be specified. Provided, however, campaign contributions reported as required by state law and gifts or favors from relatives need not be reported hereunder.

Sec. 2-343. Financial disclosure by candidates.

All candidates for City Council shall file an Annual Report of Financial Information covering January 1 through December 31 of the previous year containing the information required by the above sections with the City Secretary within three (3) days after filing for office. If the deadline for candidate filing is after June 30, they shall also file a Supplemental Report of Financial Information. If any incumbent candidate has previously filed a report for the appropriate period(s), that report shall satisfy this section.

Sec. 2-344. Reports to be sworn and maintained.

All Reports of Financial Information required by the Code of Ethics shall be sworn, and shall be preserved for-five (5) years as public records. In lieu of report sworn to under oath, the reporting official may subscribe to the report using an unsworn declaration prepared in compliance with the Texas Unsworn Declaration Act, V.T.C.A. Civil Practice and Remedies Code, Ch. 132, as amended.

Sec. 2-345. Filing dates for reports.

Reports required by this division must be physically filed with the City Secretary by 4:45 p.m. on the day required for filing. When the day falls on an official City holiday as established by the City Council, the deadline for receipt by the City Secretary is extended to 4:45 p.m. of the next day which is not a Saturday or Sunday or official City holiday. In lieu of paper filing, the filing official may file the report electronically, as may be provided for by the city, on or before the day required for filing.

Sec. 2-346. Failure to file report.

The failure of a reporting official or employee to file a true and accurate report as required under this Code of Ethics shall constitute a violation of the rules of conduct. Failure to timely file a report by a member of the Planning or Ethics Commission or the Civil Service Board/Commission shall constitute forfeiture of the office. Such forfeiture shall be automatic and immediate, except if State law requires a hearing, the forfeiture shall occur immediately upon a Council determination of timely failure to file. In the event a person who has failed to file a required report no longer serves in an official capacity with the City, that person shall be barred from serving as an appointed officer, board member or employee of the City in the future until the required report has been filed.

Sec. 2-347. Voluntary reports.

Any City Official, employee, or Board Member may file reports exceeding the requirements of the Code of Ethics, and said reports shall be preserved in the same manner as required reports.

Sec. 2-348. Disclosure of gifts by employees.

Any employee of the City other than reporting officials, whether under Civil Service or not, who received gifts or favors, including but not limited to trips, excursions, food, lodging, money, commodities, or services, cumulatively exceeding two hundred dollars (\$200.00) in value in any calendar year, from any person (other than a relative) whose name is published in the list of persons doing business with the City under Section 2-342(d), shall file a report of the names and addresses of such persons and the date and nature of each gift with the City Secretary. The deadline for filing such reports shall be February 1 of each year; provided that, such a separate report shall not be required for any employee who is required to file a report as a reporting official.

Sec. 2-349. Disclosure of interests by contractors.

- (a)** Any business desiring City Council, Board, Commission or Committee consideration or action concerning that business (other than granting an electrician license, solicitation permit and approving a plat) shall, prior to its placement as an agenda item on the public notice of such body, file with the City (and if a vendor, file with the City's purchasing agent) a statement specifically naming any City employee, official and board member having an ownership interest in the business constituting three (3) per cent or more of the ownership, or having any pecuniary interest in the transaction or property which is the subject of consideration or action.
- (b)** In the case of any business desiring to sell goods or services to the City (except when the value of the goods or services is not reasonably anticipated to exceed one hundred dollars (\$100.00) per calendar year), but which does not require City Council, Board, Commission or Committee consideration or action, the business shall file with the City's purchasing agent a statement specifically naming any City employee, official and board member having any ownership interest in the business constituting three (3) per cent or more of the ownership, or having any pecuniary interest in the transaction. This provision does not apply to or include the purchase of magazine subscriptions and memberships in professional or trade organizations related to municipal operations.
- (c)** For corporate businesses whose shares are publicly traded and listed on recognized national or regional stock exchanges or over-the-counter markets, it shall be sufficient if a current Securities and Exchange Commission Form 10-K is filed in lieu of the statements required by this section.
- (d)** If a person who requests official action on a matter knows that the requested action will confer an economic benefit on any City Official or employee that is distinguishable from the effect that the action will have on members of the public in general or a substantial segment thereof, he or she shall disclose that fact in a signed writing to the City Official, employee, or body that has been requested to act in the matter, unless the interest of the City Official or employee in the matter is apparent. The disclosure shall also be made in a signed writing filed with the City Secretary.

TEXAS OPEN MEETINGS ACT REQUIREMENTS FOR BOARDS, COMMISSIONS, COMMITTEES AND CORPORATIONS

Boards, commissions, committees and corporations with rule-making or quasi-judicial authority are covered by Open Meetings Act, Chapter 551, of the Texas Government Code and must be in compliance. Other City committees that are advisory in nature must also comply with the Open Meetings Act.

MEETING The Texas Open Meetings Act defines a “meeting” as any deliberation between a quorum of members of a governmental body at which any public business or public policy is discussed. Social functions and conventions are specifically excluded from the definition as long as no formal action is taken and deliberation of public business does not occur.

DELIBERATION A verbal exchange during a meeting between a quorum of a governmental body, or between a quorum of a governmental body and another person, concerning an issue within the jurisdiction of the governmental body or any public business.

AGENDA Notice of each meeting must be posted at least 72 hours prior to the meeting in a place readily accessible to the public at all time during that period. Each agenda must state the time and place of the meeting and provide “full and adequate notice” of the subjects to be considered. In particular, subjects, which due to their nature would be considered of special interest to the public, must be clearly described in the agenda.

The agenda may also include the following additional notices:

Example of ADA notice

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact (office) at (phone) at least 48 hours in advance so that appropriate arrangements can be made.

Example of Optional Bilingual Availability Notice

Si usted se dirige a la junta y cree que su inglés es limitado, habrá un intérprete inglés-español en la reunión de la junta para ayudarle.

Example of Closed Session Notice

PUBLIC NOTICE is given that (Board) may elect to go into executive session at any time during the meeting in order to discuss matters listed on the agenda, when authorized by the provisions of the Open Meetings Act, Chapter 551 of the Texas Government Code. In the event the (Board) elected to go into executive session regarding an agenda item, the section or sections of the Open Meetings Act authorizing the executive session will be publicly announced by the presiding officer.

RECORD OF MEETINGS Either a tape recording or minutes of the meeting must be kept which state the subject of each deliberation and indicate each vote, order, decision or action taken. For closed sessions, either a tape recording must be made or the presiding officer must sign a “certified agenda” which states the subject matter of each deliberation and includes a record of any further action taken in open session. Neither the tape recording nor the certified agenda of a closed

session may be examined by anyone except on court order. A member of the board has a right to inspect the certified agenda or recording of a closed meeting, even if he or she did not participate in the meeting. Wrongful disclosure is a Class B misdemeanor and may also result in civil damages and attorney's fees.

EMERGENCY MEETINGS Emergency meetings may be called with at least two (2) hours notice, and emergency items can be added to the agenda of a regularly called meeting by posting them as a supplemental agenda at least two (2) hours before the meeting is convened. An emergency must involve an "imminent threat to the public health or safety" or "a reasonable unforeseeable situation". The grounds for an emergency must be stated in the notice and are subject to review by the courts.

PENALTIES Participating in an illegal closed meeting is a misdemeanor offense punishable by a fine from \$100 to \$500, or imprisonment from one (1) to six (6) months, or both. Conspiring to circumvent the law by meeting in groups of less than a quorum is also an offense.

CLOSED SESSION INFORMATION

Note: All boards, commissions, committees and corporations must consult with the City Attorney's Office prior to scheduling a closed session.

Closed meetings are authorized under the Texas Open Meetings Act in the following cases:

Section 418.183 (f) certain information relating to the subject of emergencies and disasters.

Section 551.071 to consult with the organization's attorney for legal advice concerning pending or contemplated litigation, a settlement offer, or matters which are the subject of attorney-client privilege.

Section 551.072 to deliberate the purchase, exchange, lease or value of real property, if deliberation in an open meeting would have a detrimental impact on negotiations with a third party.

Section 551.073 to negotiate contracts for prospective gifts or donations, if deliberation in an open meeting would have a detrimental impact on negotiations with a third party.

Section 551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint or charge against an officer/employee.

Section 551.076 discussion about security personnel security devices, or security audit.

Section 551.086 discussions of certain competitive matters relating to a city-owned electric or gas utility for which the city council is the governing body.

Section 551.087 to discuss or deliberate commercial or financial information received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory with which the governmental body is conducting economic development; or to deliberate the offer of a financial or other incentive to a business prospect.

Section 551.088 discussion by a governing body of potential items on test that the governing body conducts for purposes of licensing individuals to engage in an activity.

Prior to going into closed session, a quorum of the group first must convene in open session.

1. The presiding officer must announce that a closed meeting will be held and identify one or more of the above sections under the Act which authorizes the closed session.
2. Once the governing body has convened in closed session, the presiding officer must announce and record the date and time of the beginning of the closed session.
3. Upon conclusion of the closed session, the presiding officer must announce and record the date and time of the conclusion of the closed session.

NO FINAL ACTION, DECISION OR VOTE MAY BE TAKEN IN CLOSED SESSION.

TEXAS OPEN MEETINGS TRAINING BY CITY BOARDS, COMMISSIONS, COMMITTEES AND CORPORATION MEMBERS

Texas Government Code Section 551.005 imposes a mandatory educational requirement that applies to council members and members of the City's boards, commissions, committees and corporations (boards) 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 City Staff Liaison assigned to your board will coordinate the training with the newly appointed board member and upon completion of the training, will file a Certificate of Completion in the Office of the City Secretary for record.

This training is now available on-line at the Texas Attorney General's webpage. Here are steps to complete the required Open Meetings Act training video on-line:

1. Go to the website: www.texasattorneygeneral.gov.
2. Click on Open Government tab.
3. Click on Open Government Training.
4. Click on Open Meetings Act Training.
5. Once completed, it will give the attendee a code.
6. You can print a course completion certificate by hitting "back button" and clicking on "Course Completion Certificate". Please e-mail/mail the certificate to your City Staff Liaison.
7. If you don't have printer capability, write down the code and e-mail it to your City Staff Liaison. The Liaison will then forward the information to the City Secretary's Office to print.

All City boards, commissions, committee and corporation members **must** comply with this requirement.

APPENDICES

APPENDIX A

Sample Agenda For Boards, Commissions and Committees

- I. Call to order
- II. Public Comment

Please be advised that the Open Meetings Act prohibits (name of committee) from responding and discussing your comments at length. The law only authorizes them to do the following:

- 1) Make a statement of factual information,
- 2) Recite an existing policy in response to the inquiry, or
- 3) Advise the citizen that this subject will be placed on an agenda at a later date.

- III. Approval of minutes (Date of meeting)
- IV. Committee Reports (Specify)
 - A.
 - B.
 - C.
- V. Unfinished Business (Specify)
 - A.
 - B.
 - C.
- VI. New Business (Specify)
 - A.
 - B.
 - C.
- VII. Identify items to be placed on next agenda (If needed)
- VIII. Adjourn

POSTING STATEMENT

This notice was posted on the official electronic bulletin board in the atrium of Corpus Christi's City Hall, 1201 Leopard Street, 1st Floor, Corpus Christi, Texas, at _____ a.m./p.m., _____, 20____.

Signature of Liaison Preparing the Agenda
Name and Title of Person

APPENDIX B
SAMPLE OF DISCLOSURE AFFIDAVIT
TEXAS LOCAL GOVERNMENT CODE / ETHICS ORDINANCE
(To be used by City Council and quasi-judicial boards, commissions and corporations only.)

THE STATE OF TEXAS
COUNTY OF NUECES

I, _____ (name), as a member of the _____ (city council/board/commission) of the City of Corpus Christi make this affidavit pursuant to chapter 171, Texas Local Government Code and the Ethics Ordinance, and hereby on oath state the following:

I, (or a relative within the first degree of consanguinity or affinity) have a substantial interest in a business entity or real property that may receive a special economic effect that is distinguishable from the effect on the public by a vote or decision of the concerning item number _____ regarding _____ on its agenda for _____, 20XX.

I, or a relative, have a potential conflict of interest, a reasonable expectation of an economic benefit, an interest or a substantial interest in a contract or transaction involving a vote or decision of the _____ (governing body, board, commission). What constitutes a “substantial interest” and a “relative” are terms defined in Code of Ordinance Section 2-312.

The business entity or real property is: _____

I (or the following relative: _____) (have/has) a substantial interest in this business entity or real property for the following reasons (circle all which are applicable):

1. ownership of 10% or more of the voting stock or shares of said entity;
2. ownership of 10% or \$15,000 or more of the fair market value of said entity;
3. funds received from the business entity exceed 10% of income for the previous year;
4. equitable or legal ownership of real property with a fair market value of at least \$2,500.
5. OTHER: _____

Upon the filing of this affidavit with the official record keeper for the City, I affirm that I shall abstain from any discussion, vote or decision involving this business entity or real property and from any further participation in this matter whatsoever.

Signed this the _____ day of _____, 20XX.

Signature of Public Official

BEFORE ME, the undersigned authority, this day personally appeared _____ (name of affiant) and by oath stated that the facts hereinabove stated are true and correct to the best of (his/her) knowledge or belief.

SWORN TO AND SUBSCRIBED BEFORE me on this _____ day of _____, 20XX.

Notary Public, State of Texas

APPENDIX C

**SAMPLE OF DISCLOSURE AFFIDAVIT
CITY ETHICS ORDINANCE**

(To be used by city advisory committees only.)

I, _____, a member of a board/commission/committee/corporation of the City of Corpus Christi, Texas, pursuant to Section 2-311(7), Code of Ordinances, hereby disclose that I (or the following relative: _____) have a substantial interest, as defined in the City's Ethics Ordinance, in item number _____ on said entity's agenda for _____.

Upon the filing of this affidavit with the official record keeper for the City, I affirm that I shall abstain from any discussion, vote or decision involving this business entity or real property and from any further participation in this matter whatsoever.

Signed this the _____ day of _____, 20XX.

Signature of Public Official

BEFORE ME, the undersigned authority, this day personally appeared _____ (name of affiant) and by oath stated that the facts hereinabove stated are true and correct to the best of (his/her) knowledge or belief.

SWORN TO AND SUBSCRIBED BEFORE me on this _____ day of _____, 20XX.

Notary Public, State of Texas

APPENDIX D
City of Corpus Christi
Appointed Boards, Commissions, Committees and Corporations
Enabling Legislation

<u>BOARD</u>	<u>CITY CODE</u>	<u>OTHER LEGISLATION</u>	<u>AUTHORITY</u>
Airport Board	Sec. 2-175	Ord. 17012	A
Airport Zoning Board	Sec. 2-130		MA
Animal Control Advisory Committee	Sec. 2-115	Ord. 14214	A
Arts & Cultural Commission	Sec. 2-100	Ord. 8288	A
Board of Adjustment		State V.A.C.S.	MA
Building Standards Board		Building Code	MA
Citizens Advisory Health Board	Sec. 2-110	Ord. 5557	A
Civil Service Board		City Charter	MA
Civil Service Commission		State-1269M	MA
Commission on Children & Youth	Sec. 2-215	Ord. 021927	A
Committee for Persons with Disabilities	Sec. 2-242	Ord. 024364	A
Construction Trade Advisory & Appeals Board	Sec. 14-206	Ord. 032058	MA
C.C. Aquifer Storage and Recovery Cons. Dist.		H.B. 3513	MA
C.C. B Corporation		State Law	MA
C.C. Business and Job Development Corp.		Ord. 024206	MA
CCCIC/Loan Review Committee		Federal-HUD	FA
C.C. Convention and Visitors Bureau		Motion 2000-037	FA
C.C. Downtown Management District		Gov't. Code	FA
C.C. Regional Economic Dev. Corp.		Motion 2000-031	FA
C.C. Regional Transportation Authority		State V.A.C.S.	FA
Crime Control & Prevention District		State Law	MA
Ethics Commission	Sec. 2-320	Ord. 20781	MA
Flood Hazard Mitigation Information Committee		Ord. 031455	FA
Housing Authority		State V.T.C.S.	FA
Human Relations Commission	Sec. 24-2	Ord. 9410	MA
Island Strategic Action Committee	Sec. 2-291	Ord. 028488	A
Landmark Commission	Sec. 2-204	Ord. 12315	MA
Library Board	Sec. 2-75	Ord. 1889	A
Marina Advisory Committee	Sec. 2-260	Ord. 027408	A
Nueces County Tax Appraisal District		State-Tax Act	FA
Padre Isles Management District		Res. 029719	A
Parks and Recreation Adv. Committee	Sec. 2-70	Ord. 11046	A
Planning Commission		City Charter	MA
Port of Corpus Christi Authority		State Constitution	FA
Regional Health Awareness Board		Res. 025359	A
Sister City Committee	Sec. 2-150	Ord. 10195	A
Street Maintenance Fee Board of Appeals	Sec. 2-302	Ord. 029901	MA
Transportation Advisory Commission	Sec. 2-120	Ord. 3679	A
Watershore and Beach Advisory Committee	Sec. 2-80	Ord. 27408	A

A - Advisory

MA – More than Advisory - May be appealed to City or other Governmental Entity

FA - Final Authority - Only appeal to District Court

BOARD, COMMISSION, COMMITTEE AND CORPORATIONS SUMMARY

1. **AIRPORT BOARD** - Ten (10) members appointed by the City Council for three-year terms to provide advice on matters relating to the aviation interests of the City of Corpus Christi and the operation of the Corpus Christi International Airport facilities for the promotion of those interests. Meets 3rd Wednesday of every month at 3:30 p.m., International Airport Board Room. ***(Advisory)***
2. **AIRPORT ZONING COMMISSION** - Nine (9) members appointed by the City Council for three-year terms and shall preserve, protect, and maintain the importance of the operations of the Corpus Christi International Airport and of the military flight training mission of Naval Air Station. Meets every other Wednesday, City Hall, Council Chambers, 5:30 p.m. ***(More than Advisory)***
3. **ANIMAL CARE ADVISORY COMMITTEE** - Seven (7) members appointed by the City Council for three-year terms to provide advice on all aspects of animal control, including fees, staffing, ordinances, procedures, policies and facilities. Membership in one or more of the following categories is preferred but not required: (1) veterinarian, two (2) members representing local animal welfare organizations (at least one of the organizations must operate an animal shelter) and four from the Community-at-large. Meets 3rd Thursday of every month at 12:30 p.m., at the Animal Care Facility Conference Room, 2626 Holly Road. ***(Advisory)***
4. **ARTS & CULTURAL COMMISSION** - Nine (9) members appointed by the Mayor subject to confirmation by the Council for three-year terms to provide advice on beautification and cultural development of the City. Membership in one or more of the following categories is preferred but not required: (1) Marketing Representative; (1) Economic Development/Tourism representative; (1) Public Space/Public Art representative; (1) Youth/Education representative; (1) Performing Arts representative, (1) Visual Arts representative, (1) Architecture representative; (1) Higher Education representative; and (1) Business development groups/Corporate representative. Meets 2nd Tuesday of every month at 4:00 p.m., Galvan House, 1581 N. Chaparral. ***(Advisory)***
5. **BOARD OF ADJUSTMENT** - Seven (7) members appointed by the City Council for two-year terms to hear appeals from City decisions in the enforcement of zoning provisions. The membership must include two (2) alternates. Meets 4th Wednesday of every month at 1:30 p.m. and on call, City Hall, Council Chambers. ***(More than Advisory)***
6. **BUILDING STANDARDS BOARD** - Seven (7) members appointed by the City Council for three-year terms to hear appeals under the Building Standards and Housing Code. The membership

must include a lawyer, three (3) chosen from among the following fields: realtor, architect, engineer, general contractor, home builder or building materials dealer; and three (3) members at large who shall be residents of the City and homeowners. Meets every other month on the 4th Thursday at 1:30 p.m., City Hall, Council Chambers. ***(More than Advisory)***

7. **CITIZENS ADVISORY HEALTH BOARD** - Eleven (11) members, five (5) of whom are appointed by the City Council and one member appointed jointly by the City and the County for three-year terms. The Citizens Advisory Health Board studies and assists in health and human service operations, services and programs, and makes recommendations to the City and County through the Director of Health and Human Services. Meets 2nd Wednesday of every month at 12:00 p.m. in the City-County Health Department Administration Conference Room, 1702 Horne Road. ***(Advisory)***
8. **CIVIL SERVICE BOARD** - Three (3) members and two (2) alternate appointed by the City Council for three-year terms to oversee a code of rules and regulations providing for appointments, employment, suspensions, promotions, demotions and reduction of force of employees in the classified service. Meets 3rd Thursday of every month at 9:00 a.m. or on call, City Hall, Human Resources Conference Room, 2nd Floor. ***(More than Advisory)***
9. **CIVIL SERVICE COMMISSION - (Firefighters and Police Officers Commission)** Three (3) members appointed by the City Manager and confirmed by the City Council for three-year terms to oversee rules and regulations regarding qualifications, hiring and firing of firemen and policemen. Members must have lived in the City for three years preceding appointment. Meets 3rd Thursday of every month at 9:00 a.m. or on call, City Hall, Human Resources Conference Room, 2nd Floor. ***(More than Advisory)***
10. **COMMITTEE FOR PERSONS WITH DISABILITIES** - Nine (9) members appointed by the City Council for two-year staggered terms. The membership of the committee shall be composed of individuals with disabilities and representatives of agencies and organizations functioning within the committee's area who are interested in the provision of services to persons with disabilities and others who are interested in the abilities and specific needs of persons with disabilities. Meets 1st Wednesday of every month at 3:00 p.m. in City Hall, City Hall Council Chambers. ***(Advisory)***
11. **CONSTRUCTION TRADE ADVISORY & APPEALS BOARD** - Nine (9) members appointed by the City Council for two-year terms Board shall be composed of one general contractor, one engineer or architect, one master electrician, one electrical contractor, one master plumber, one plumber contractor, one heating, ventilation, air conditioning, and refrigeration contracting technician, one contractor, and one Texas professional land surveyor. ***(More than Advisory)***
12. **C. C. AQUIFER STORAGE AND RECOVERY CONSERVATION DISTRICT** - Five (5) directors appointed by the City Council to serve staggered four-year terms. If a vacancy occurs on the board, the board may appoint a director to serve the remainder of the term. The board shall annually elect officers and officers must be confirmed by the City Council. The purpose of the

district is to develop and protect municipal aquifer storage areas created by the City of Corpus Christi. Meets on call. ***(More than Advisory)***

13. **C. C. B CORPORATION** - Seven (7) member board appointed by the City Council. The directors serve two-year, staggered terms, expiring on September 30. Each director must be a resident of the City and must be a qualified elector. Directors are removable by the City Council at any time without cause. Meets 3rd Monday of every month at 1:30 p.m., City Hall, Council Chambers. ***(More than Advisory)***
14. **C. C. BUSINESS AND JOB DEVELOPMENT CORPORATION** - Seven (7) member board appointed by the City Council. The directors serve two-year, staggered terms, expiring on September 30. Each director must be a resident of the City and must be a qualified elector. Directors are removable by the City Council at any time without cause. Meets 3rd Monday of every month at 2:30 p.m., City Hall, Council Chambers. ***(More than Advisory)***
15. **CORPUS CHRISTI COMMISSION ON CHILDREN & YOUTH** - Fifteen (15) members appointed by City Council for three-year terms. Each appointee shall have demonstrated interest in the welfare of children or youth through occupation or through association with community-based organizations. The commission shall be composed with 9 Adult Members and 6 Youth Members as follows: 8 Adult members; membership in one or more of the following categories is preferred but not required: (1) - Health and Human Services, (1) - Law Enforcement, (1) - Education, (1) - Youth and Family Services, (1) - District Attorney's Office, (3) -At-Large members, and (1) Faith-based organization. 6 Youth members as follows: (1) high school student from Corpus Christi Independent School District, (1) high school student from Calallen Independent School District, (1) high school student from Tuloso-Midway Independent School District, (1) high school student from West Oso Independent School District, (1) high school student from Flour Bluff Independent School District, (1) high school student from a charter school. The youth members shall be high school juniors or seniors at time of appointment. Meets the 3rd Monday of every month at 5:30 p.m., City Hall, Staff Conference Room. ***(Advisory)***
16. **CORPUS CHRISTI COMMUNITY IMPROVEMENT CORPORATION/LOAN REVIEW COMMITTEE** - Eleven (11) members appointed by the CCCIC Board of Directors for three-year terms to review and approve loan applications submitted through the various City loan programs in accordance with the Rehabilitation Loan Handbook. Membership must include five (5) members from the following professions: legal, member of clergy, real estate agency, general contractor/remodeler/homebuilder, architect, engineer, residential home designer; two (2) members associated with financial institutions; one (1) member in Health and Human Services, and three (3) members from the community at large. On Call Meetings - 2nd Wednesday of every month at 12:00 p.m., City Hall, Staff Conference Room. ***(Final Authority)***
17. **C. C. CONVENTION & VISITORS BUREAU** - Fifteen (15) members selected directly by the City Council. The members shall be representatives of the following groups: 3 - lodging industry; 3 - attraction industry; 2 - restaurant industry; and 5 - community at-large. The Mayor and City

Manager, or their designees, will serve as voting members of the Executive Committee of the Board. In addition, the City-designated contract manager shall serve as an ex-officio non-voting member of the Board. In addition, the City Council will appoint a representative from the Port of Corpus Christi Authority, a representative from the Corpus Christi International Airport, and a representative from the Regional Transportation Authority to serve as ex-officio advisory non-voting members. Meets 3rd Thursday of every month, 11:30 a.m., American Bank Center. **(Final Authority)**

18. **CORPUS CHRISTI DOWNTOWN MANAGEMENT DISTRICT** - The district is composed of at least nine (9) but not more than 30 directors serving four years. The District will provide maintenance, security, marketing, and the promotion and input of property and facilities within the District. The District has the authority to levy taxes or assessments for inputs in the downtown area. Meets the 3rd Thursday of every month at 9:00 a.m., IBC Bank, 221 S. Shoreline, 2nd Floor. **(Final Authority)**
19. **C. C. REGIONAL ECONOMIC DEVELOPMENT CORPORATION** - Eighteen (18) directors, of which six (6) are designated by the City of Corpus Christi to represent the public sector; one of which shall be the Mayor of the City of Corpus Christi and another Council member appointed by the Mayor. The remainder of the Board shall be comprised of not more than eight (8) Directors to represent the private sector elected by the Corporation's membership in accordance with its bylaws. Representing the public sector, two (2) shall be appointed by the Port of Corpus Christi Authority, and up to two (2) designated by any other governmental entities that each contribute at least \$50,000 annually to the Corporation. The Board may also consist of such additional non-voting, ex-officio Directors as determined by resolution. The Directors shall serve not more than two consecutive three-year terms as provided in the Corporation's bylaws; provided that the term of office of any Director who is a public official shall coincide with his or her term of public office. Meets 2nd Thursday of every month at 7:30 a.m., Omni Hotel **(Final Authority)**
20. **CORPUS CHRISTI REGIONAL TRANSPORTATION AUTHORITY** - Eleven (11) members, five (5) appointed by the City Council for two-year terms; three (3) appointed by Nueces County Commissioners' Court; two (2) appointed by Mayors of Cities in Transit Authority other than Corpus Christi, and Chairman who is appointed by the Board, either from its membership or from outside. The principal municipality shall make its appointments to the board so that at least one of the appointees is designated to represent the interests of the transportation disadvantaged. The statute does not mandate that this Board member be "transportation disadvantaged." Purpose is to operate and provide public transportation for Nueces County and cities in the Authority. A member of the board must be a qualified voter residing in the Authority. Meets 1st Wednesday of every month, 8:30 a.m., at the RTA Administration/Operations Facility, 602 N. Staples Street. **(Final Authority)**
21. **CRIME CONTROL & PREVENTION DISTRICT** - The District will consist of the same number of members as the City Council. One member of the Board of Directors shall be appointed by each member of the City Council to serve at the pleasure of that member of the City Council for

a term that is concurrent with the term of the member of the City Council that appointed the Director. The creation of the District is dedicated to crime reduction programs and the adoption of a proposed sales and use tax at a rate of one-eighth of one percent. Meets on a quarterly basis 3rd Wednesday of the month at 2:00 p.m., City Hall, Sixth Floor Conference Room. ***(More than Advisory)***

22. **ETHICS COMMISSION** - Nine (9) members appointed by a two-thirds vote of the full Council for three-year terms. In addition to having jurisdiction of complaints involving any "city official", the duties of this commission is to prepare and publish pamphlets and other materials explaining the duties of individuals subject to the code of ethics; review all statements and reports filed with the city; annually review the code of ethics and make appropriate recommendations to the city council; review all public opinions related to the code of ethics that are issued by the city attorney; prepare and disseminate a report listing all campaign contributions and expenditures for each candidate within 30 days following the deadline for filing the last campaign finance reports for each city council election. The commission shall elect a chairperson and vice-chairperson. Meets 3rd Thursday of every month at 5:30 p.m., City Hall, Fifth Floor, Assistant City Manager's Conference Room. ***(More than Advisory)***
23. **FLOOD HAZARD MITIGATION INFORMATION COMMITTEE** - Five (5) members appointed by the Mayor for three-year terms. At least three members must be from outside local government. Membership must include: One or more representatives from the community's floodplain management office; One or more representatives from the community's public information office; One or more representative from the insurance industry. Three members of the Committee shall constitute a quorum. Meets at least twice a year. ***(Final Authority)***
24. **HOUSING AUTHORITY** - Five (5) members appointed by the Mayor for two-year terms to acquire, construct, maintain and operate low rent housing projects. Meets 4th Tuesday of every month at 5:30 p.m., City Hall Housing Authority Office, 3701 Ayers. ***(Final Authority)***
25. **HUMAN RELATIONS COMMISSION** - Sixteen (16) members, fourteen (14) of whom shall be appointed by the Mayor with approval of the Council to study problems of group relationships within the City. One member shall represent the area of selling dwellings, one member shall represent the area of renting dwellings and one member of the staff of the Legal Aid Society to serve continuously; three (3) shall not be more than 20 years of age at time of appointment for one-year term and one shall be the chairperson of the Committee for Persons with Disabilities serving as an ex-officio voting member. Meets 1st Thursday of every month at 5:00 p.m., City Hall, Council Chambers. ***(More than Advisory)***
26. **ISLAND STRATEGIC ACTION COMMITTEE** - fourteen (14) members appointed by the City Council. Membership in one or more of the following categories is preferred but not required: Padre Isles Property Owners Association, residential property owner who owns property and resides on Mustang or Padre Island; commercial property owner who owns property and operates a business on Mustang or Padre Island; developer of property on Mustang or Padre Island; member of the Padre Island Business Association; architect or professional engineer,

who does work on projects on Mustang or Padre Island; realtor, who primarily represents buyers or sellers of property on Mustang or Padre Island; construction contractor, who primarily works on projects on Mustang or Padre Island; representative of an environmental group; person who resides on Mustang Island or who is an employee of a Mustang Island property owner; and at-large representatives who are residents of the City. Not less than twelve (12) members must reside or own property on Mustang or Padre Island. One (1) of the at-large representatives may, but is not required to, reside on Mustang or Padre Island. The City Council may appoint not more than five (5) members of the action committee who do not reside within the City if they own or represent the owner of property on Mustang or Padre Island. Meets 1st Tuesday of each month at 5:30 p.m., Holiday Inn Express, 15209 Windward Dr. **(Advisory)**

27. **LANDMARK COMMISSION** - Eleven (11) members appointed by the City Council by majority for three-year terms to promote the use of historical and cultural landmarks for the cultural prosperity, education and general welfare of the people of the City and visitors to the City. . Membership in one or more of the following categories is preferred but not required: historians, licensed real estate salespersons, architect, structural or civil engineer, title search business, property surveyor and members at-large. Meets 4th Thursday of every month, at 4:30 p.m., City Hall, Council Chambers. **(More than Advisory)**
28. **LIBRARY BOARD** - Nine (9) voting members which nine (9) members shall be appointed by the City Council with terms of two (2) year or until a successor is appointed. A member in each of the following categories is preferred but not required: La Retama Club and Friends of the Corpus Christi Public Libraries Board. The Committee shall be advisory to the City Council and its duties shall be to investigate and recommend to the Council matters relating to library services. Meets 1st Tuesday of every month at 10:30 a.m., La Retama Central Library Board Room, 2nd Floor, 805 Comanche, and occasional location changes to other Branch Libraries. **(Advisory)**
29. **MARINA ADVISORY COMMITTEE** - Nine (9) members appointed by the City Council for two-year terms. Membership in one or more of the following categories is preferred but not required: Scientist, i.e. Marine Biologist, Engineer, Environmentalist, and employee or affiliate of restaurant located within the boundaries of the Corpus Christi Downtown Management District. Meets 1st Monday of every month at 5:30 p.m., Lawrence Street T-Head Boater's Facility. **(Advisory)**
30. **NUECES COUNTY TAX APPRAISAL DISTRICT** - Eight (8) members, two (2) of whom are appointed by the Council for two-year terms. The District is responsible for appraising property in the district for ad valorem tax purposes. A member must be a resident of the district and reside in the district for at least two (2) years immediately preceding the date the individual takes office. Meets 2nd Wednesday of every month, 9:00 a.m., 201 N. Chaparral, 1st Floor Board Room. **(Final Authority)**
31. **PARK AND RECREATION ADVISORY COMMITTEE** - Eleven (11) members appointed by the City

Council for two-year terms to provide advice on City parks and buildings therein, public outdoor recreation areas and centers and other grounds under its purview as designated by the City Manager. Meets 2nd Wednesday of every month, at 5:00 p.m., City Hall, Basement Training Room. **(Advisory)**

32. **PLANNING COMMISSION** - Nine (9) members appointed by the City Council for three-year terms to prepare and amend a master plan for the physical development of the City, review and recommend capital improvements and changes in zoning. Members shall be registered voters of the City. Meets every other Wednesday at 5:30 p.m., City Hall, Council Chambers. **(More than Advisory)**
33. **PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY, TEXAS** - Seven (7) members, three (3) of whom are appointed by the City Council for three-year terms to serve as commissioners of the port. Each person who is appointed or elected commissioner shall be a resident of the proposed navigation district and shall be an elector of the county. Must be a resident of Nueces County for six months preceding appointment to the Port Commission. Meets 3rd Tuesday of the month, at 9:00 a.m., Solomon P. Ortiz International Center, 402 Harbor Drive. **(Final Authority)**
34. **REGIONAL HEALTH AWARENESS BOARD** - Fifteen (15) members, three (3) of whom are delegated by the City of Corpus Christi. Two (2) shall be community members representing a cross-section of health, environmental, and social interests appointed by the City Council, and one (1) additional appointed member representing the City of Corpus Christi (employee). Terms are for three-years. Meets 4th Thursday of every month at 4:00 p.m., City Hall, Sixth Floor Conference Room. **(Advisory)**
35. **SENIOR CORPS ADVISORY COMMITTEE** - Five (5) members appointed by the City Council for two-year terms. The committee shall consist of five (5) members. One (1) member shall be a current Senior Companion Program ("SCP") volunteer, one (1) member shall represent the SCP Volunteer Station; one (1) member shall be a current Retired and Senior Volunteer Program ("RSVP") volunteer; one (1) member shall represent the RSVP volunteer station; and one (1) member shall be at large. Meets last Thursday of every month at 4:00 p.m., Lindale Senior Center. **(Advisory)**
36. **SISTER CITY COMMITTEE** - Nine (9) members appointed by the City Council for three-year terms to study ways and means of improving relations with Corpus Christi Sister Cities and to advise and consult the Council, the City Manager, and other City agencies in accomplishing the purposes of the Sister City program. Meets 1st Monday of every month at 12:00 p.m., C.C. Convention and Visitors Bureau Room, Jalufka House. **(Advisory)**
37. **STREET MAINTENANCE FEE BOARD OF APPEALS** - Five (5) members consisting of the following: 1- the Assistant City Manager over Financial Services, 1- the Director of Water or Wastewater Department, 1- the Director of Street Operations, 2 - citizen appointed by the City Manager. Citizen board members may be removed by the City Manager with or without cause and shall

serve a two-year term. This board is established for the purpose of hearing and deciding appeals and matters related to the Street Maintenance Fee under Article XX of Chapter 55 of the Code consistent with the Appeals Process for the Street Maintenance Fee adopted by the City Council. Meets 3rd Thursday of every month at 3:00 p.m., City Hall, Council Chambers. **(Limited)**

38. **TRANSPORTATION ADVISORY COMMISSION** - Nine (9) members appointed by the Council and at least one (1) member shall be a representative of the bicycling community for three-year terms to be responsible for public advisory jurisdiction and citizen traffic safety investigation, traffic accident, injury and damage prevention in the City and to provide advice on transportation and traffic safety matters. Meets 4th Monday of every month, at 2:30 p.m., City Hall, Council Chambers, First Floor. **(Advisory)**

39. **WATERSHORE AND BEACH ADVISORY COMMITTEE** - Nine (9) members appointed by the City Council for two-year terms. Membership in one or more of the following categories is preferred but not required: Scientist, i.e. Marine Biologist, Engineer, Environmentalist; owner or representative of a hotel or condominium located on North Padre Island or Mustang Island; and a board member of the Corpus Christi Convention & Visitors Bureau. The Chairperson of the Watershore and Beach Advisory Committee shall act as an advisor to the Parks and Recreation Advisory Committee and vice versa. Meets 1st Thursday of the month at 5:30 p.m., at City Hall, Staff Conference Room. **(Advisory)**