

**CITY OF BROWNSVILLE POLICY
ON BOARD AND COMMISSION MEMBER
APPOINTMENT AND ELIGIBILITY
(Approved: April 3, 2012)**

I. PURPOSE:

To encourage qualified individuals to serve on city boards, to increase the information available to the public regarding service on city boards, to make the commission aware of qualified individuals who may be willing to serve on city boards. The City Commission recognizes that the City is best served by boards and advisory bodies that reflect the geographic distribution and diversity of the community they serve. The Commission also recognizes that the needs of the City and the agencies are best met when qualified candidates are matched to the boards' individual requirements.

II. APPOINTMENT PROCESS FOR BOARD APPOINTMENT BY THE CITY COMMISSION

The Department Directors shall promptly notify the City Secretary of any current or anticipated vacancies on city boards and committees. The members of the City Commission should also actively recruit candidates who wish to apply for service on City boards and committees.

The City Secretary shall post and advertise on the City's web page current and upcoming vacancies in city boards and committees. All applicants shall complete an application packet containing and execute a conflict of interest statement before being considered for service on any city committee. The City Secretary will gather all applications which meet the minimum eligibility criteria set forth in this policy and submit them to the City Commission. The applications will be considered to be on file and effective for one year. The City Commission, during a posted public meeting, may only consider applicants whose completed applications are on file no less than 15 days prior to consideration for appointment to a board or committee.

All Board members will be elected by the City Commission as provided by state law, the city charter or the relevant bylaws. The City Commission will make every reasonable attempt to insure that geographical diversity of the different city districts are fairly represented on all boards. On all boards having six or more appointed members, such board shall consist of a board member from of the respective district: all others may be selected from the qualified candidates as determined by the commission. In the event there fails to be a qualified candidate from an individual district, the commission may, in their discretion, select a qualified candidate from an individual district, the commission may, in its discretion, select a qualified candidate from any other district or, if no residing requirement, from the entire number of qualified candidates regardless of the district they reside.

The members of the Commission shall make their motions to appoint from the names of qualified candidates who have a valid application on file and who are eligible for a term on said board/committee. The Commission may also, subject to each commissioners right to make nominations, in its discretion, vote to consider other applicants who have completed applications and conflict of interest statements on file with the City Secretary's office who may have missed the application deadline.

III. APPLICATION PROCESS APPLICABLE TO MAYORAL APPOINTMENTS

Texas Law gives the Mayor of a municipality the unilateral authority to make certain appointments. [TLGC Sec. 392.031] The following procedure is advisory only. The Mayor should, any time he wishes to make an appointment, notify the city secretary of the vacancy, who shall post and advertise on the city's web page current and upcoming vacancies in applicable City boards and committees. Any interested applicant seeking an appointment should complete an application packet containing and execute a conflict of interest statement before being considered for a mayoral appointment for service on any city board / committee. The City Secretary will gather all applications which meet the minimum eligibility criteria set forth in this policy and submit them to the Mayor and Commissioners for review. The Mayor shall announce the name of the appointee at a City Commission meeting. Such a policy ensures that the Commissioners and the public are informed of who was appointed by the Mayor.

IV. ELIGIBILITY CRITERIA

(a) Written Application. A signed, current application form is required for consideration for service on a board or committee. Applications are considered current for one (1) year after original submittal, after which the application will be removed from consideration. The applicant may reapply and submit a new application.

(b) Residency. Unless the authorizing ordinance or law creating or otherwise governing a board or committee specifically requires otherwise, appointees should be residents of the City of Brownsville, Texas. However, the Commission may also appoint an individual to a city board if otherwise permitted by law, where that individual has established a business in Brownsville, provided significant civic or community service within Brownsville or who has otherwise demonstrated prior significant willingness to serve the community in Brownsville, Texas. The same shall apply to appointments made the Greater Brownsville Incentives Corporation (GBIC a Type-A corporation) and the Brownsville Community Improvement Board (BCIC a Type-B corporation) where permitted by state law.

(c) Criminal Check. No individual may serve on any city board or committee who has a felony conviction or who has, within the past ten years, been convicted of any crime of moral turpitude.

(d) Vendors or Grantees. No individual who is presently a city vendor, or who presently owns a substantial interest in any company which is a city vendor, is eligible to sit on a city board which contracts directly with that vendor. No individual who has obtained business incentives from a city board, or individual who owns a substantial interest in any company which has obtained business incentives from any city board, may serve on that same city board or committee within five years of receiving such incentives.

V. TERM OF OFFICE, ATTENDANCE AND MULTIPLE SERVICE

(a) All terms shall be two (2) years unless otherwise provided by state law or ordinance.

(b) Appointments. Appointments shall be made twice a year, and appointments are effective when made, unless the appointment is made for filling a vacancy in which case the appointment shall be for the remainder of the term filled. The Commission can fill any unexpired term with an appointment from any qualified individual who has an application and conflict of interest waiver on file with the city secretary.

(c) Attendance. A board or commission member shall attend seventy-five percent (75%) of the board meetings to be considered for reappointment. Any Board member or committee member who has three consecutive unexcused absences shall be automatically deemed to have resigned from his/her appointment with no further action by the commission.

(d) Term Limits. The recommended limit for service on a board or commission is two (2) consecutive two-year terms; however circumstances shall allow for longer member service at the discretion of the City Commission.

(e) Continued Service. A board or commission member is immediately eligible for all other boards and commissions upon completion of term limits on current board or commission.

(f) Multiple Service. Board and commission members shall not serve concurrently on more than two boards or commissions.

(g) Family Service. No spouses or individuals related within one degree of consanguinity or affinity may simultaneously serve on the same city board. Spouses and individuals related within one degree of consanguinity or affinity may serve on different city boards provided they comply with any statutes or rules pertaining to conflict of interest.

(h) Removal. The City Commission may remove any board member at any time, with or without cause, including but not limited to the failure to attend seventy-five percent (75%) of board meetings. This shall not apply to Boards whose removal is governed by the city charter or state statute, in which case the city charter or state statute will control. The procedures relating to removal of board members shall apply to all city boards, including the GBIC and the BCIC, whose Board members serve at the will of the City Commission. The procedures relating to removal of board members shall not apply to the Brownsville PUB as the provisions for removal of PUB Directors are established by City Charter.

VI. OFFICIAL NOTIFICATION.

A letter of appointment shall be sent to each member appointed to a board or commission. A letter of gratitude shall be sent to each retiring member.

VII. NONDISCRIMINATION.

The City of Brownsville is committed to providing an inclusive and welcoming environment for all members of our community and to ensuring that board and committee appointments are based on individuals' abilities and qualifications. Consistent with this principle and applicable laws, it is therefore the City's policy not to discriminate in making appointments to its boards and committees on the basis of race, color, gender, national origin, age, religion, creed, disability, veteran's status, sexual orientation, gender identity or gender expression. Such a policy ensures that only relevant factors are considered and that equitable and consistent standards of conduct and performance are applied.

VIII. SAVINGS CLAUSE

These rules shall apply generally as follows:

This policy shall apply generally to all city boards with the exception that, in the case of a conflict between this policy and state law, or the city charter, state law or the city charter shall prevail.

The procedures relating to the Commission's appointment of board members shall apply to all City Boards, including the Brownsville PUB, the GBIC a Type-A corporation, and the BCIC a Type-B corporation.

In the event of a conflict, between this policy and any bylaw provision of any internal city board (but not the Brownsville Public Utilities Board,) this policy shall control.

If any provision of this policy is held unenforceable, then such provision will be modified to reflect the parties' intention. All remaining provisions of this policy shall remain in full force and effect.

IX. NON WAIVER

This policy is intended as a procedural guide for the City Commission and is not intended to establish any property right or procedural right as to any board appointment which appointments are totally discretionary with the City Commission. The City Commission shall have the right to modify or change this policy.

The right to make an appointment to any City Board is a discretionary right which belongs to the City Commission or, in several cases where required by statute, the Mayor. The City Commission does not, through adoption of this policy, abandon or cede any of its discretionary rights to make appointments.

This policy is intended as a guide for the Commissions and shall not create any property right or right to procedural due process or due course of law under the constitutions of the State of Texas or the United States. The Commission reserves the right to change or eliminate this procedure at any time it feels, in its discretion, it no longer best serves the interests of the City of Brownsville.