

Mayor and Council Communication

DATE: 08/08/23

M&C FILE NUMBER: M&C 23-0617

LOG NAME: 12EXPAND BYDISTRICT BD AND COMMN

SUBJECT

(ALL DISTRICTS) Adopt Ordinance to Amend the Code of the City of Fort Worth, Chapter 2, Article III, "Boards and Commissions," Division 1 to Invest the City Secretary's Office with Certain Powers and Obligations Regarding Rules, Recordkeeping, Reporting, and Training for City Boards and Commissions; Adding a New Division 3 to Encompass the Enacting Provisions for Identified Boards and Commissions, which are Nominated on a By-District Basis, and to Provide for Each Such Board and Commission to Have Eleven Members to Correspond with the Number of Councilmembers; Redesignating the Existing Division 3 as Division 4; Providing a Process and Criteria Regarding Possible Discipline of Members of By-District Boards and Commissions; and Making Conforming Changes to Identified Portions of the City Code

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance, amending Chapter 2, Article III, "Boards and Commissions," of the Code of the City of Fort Worth to:

1. Provide the City Secretary's Office with the power and obligation to promulgate rules of decorum and standardized attendance forms, to ensure board and commission members take certain training, and to report information to the City Council;
2. Add a new Division 3, "Composition and Role of By-District Boards and Commissions," to Article III so that enacting provisions for identified boards and commissions, which are nominated on a by-district basis, may generally all be found in the same portion of the City Code and to provide for each such board and commission to have eleven members to correspond with the number of Councilmembers;
3. Provide a process and criteria regarding possible discipline of members of by-district boards and commissions; and
4. Redesignating the current division 3 as Division 4 of Article III; and
5. Making conforming changes to the various City Code provisions regarding the boards and commissions in the new division 3 to reflect the relocation of the enacting provisions for those bodies.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to make changes to the City Code provisions regarding by-district boards and commissions.

Increasing the Number of Board/Commission Members for By-District Bodies

In 2016, voters in the City of Fort Worth approved an amendment to the City Charter to increase the number of City Council Districts to eleven (11) at the first regular City Council election following the 2020 census. The new district structure took effect with the canvassing of the May 2023 election.

Staff recommends increasing the number of appointees from 9 to 11 on the boards that are currently nominated on a by-district basis so that each member of the City Council continues to be represented.

The by-district boards and commissions whose membership would be expanded consist of:

Aviation Advisory Board	Boards of Adjustment
Building Standards Commission	Community Development Council
Historic and Cultural Landmarks Commission	Library Advisory Board
Park and Recreation Advisory Board	Pedestrian and Bicycle Advisory Commission
Plan Commission	Urban Design Commission
Zoning Commission	

To mitigate concerns about the boards and commissions making quorum while also allowing time for the zoning ordinance changes to go through

their process and for the additional positions to be filled and trained, it was recommended that the change in number be delayed until after the summer break.

Charging City Secretary with Duties Regarding Boards and Commissions

The City Secretary’s Office (CSO) has traditionally tracked the rosters of the various boards and commissions and apprised departments and the City Council regarding vacancies. But the day-to-day management of board and commission matters has been left to individual departments.

As a result, the quality of the staffing for each board/commission has varied depending on the skills and knowledge of individual department staffers and the quality of resources and training provided to those staffers by their predecessors. In an effort to aid departmental board liaisons, the attached ordinance charges the City Secretary’s Office with a greater role in preparing and promulgating board/commission and liaison resources and training, coordinating records, and serving as a resource.

Specifically the attached ordinance:

- designates the **CSO** to serve a **centralized resource** for both the members of boards and commissions and for the departmental liaisons who staff each board/commission, acting as a neutral intermediary and resource to facilitate communication and cooperation
- tasks CSO, in conjunction with the City Attorney’s Office, with developing initial and follow up training for new board and commission members and for liaisons
- charges the CSO with developing and promulgating **standardized attendance forms** for use by all boards and commission
- requires department liaisons return the **completed attendance forms** to the CSO **within 24 business hours** after the start date and time of each meeting
- directs the CSO to develop model rules of decorum to ensure efficient conduct of city business at each public meeting as well as basic civility
- requires each board and commission to adopt and follow the rules of decorum

Providing Disciplinary Process

Requests were made to provide for a mechanism for the City Council to remove or otherwise discipline members of boards or commissions who behave in a manner that undermines the board or commission’s ability to function and similar situations if nominating/appointing City Council member has declined to act.

The proposed ordinance notes that the by-district structure serves the important purpose of ensuring all parts of the City are represented; that such appointments should not be disturbed “except in the most extreme circumstances”; and that the preference is “always . . . for the councilmember who nominated . . . the board or commission member to address any concerns . . . directly with their appointee.”

With those precepts in mind, the ordinance does not provide for any mandatory discipline. Instead it provides a framework for ways in which the Council *may* discipline board or commission members. The determination on whether or not to seek to impose discipline always remains vested with the City Council.

Under the attached draft, the criteria that would merit discipline consist of

- violation of the rules of decorum;
- acting outside of board/commission’s scope;
- filing a claim or lawsuit against the City; and
- having an unresolved conflict of interest related to the function of the board or commission on which the member is serving.

The following chart summarizes the types of discipline available and the number of City Council votes that would be required to impose such discipline:

Possible Discipline	Number of Votes Required
Additional Training	Six
Informal Warning	Seven
Formal Written Reprimand	Seven
Removal	Eight

As far as process, the attached ordinance would generally require that an action to propose discipline be sponsored by at least one-third of all Council members and that potential discipline be discussed at a work session prior to the item being listed for action on a business meeting agenda.

The ordinance provides an exception for an emergency or an egregious situation that allows City Council to vote at a business meeting without a work session presentation if the City Council, by majority vote, first adopts a finding of egregiousness or emergency. This exception does not

