

Office of the City Manager

City of Richland Hills, Texas

Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council
From: Curtis E. Hawk, City Manager
Date: January 7, 2014
Subject: Discuss Amendments to Chapter 10, "Boards, Committees, Commissions," Richland Hills Municipal Code (City Code of Ordinances), including Article VI, Keep Richland Hills Beautiful Commission.

City Council Action Requested:

No action requested. Discussion item only.

Background Information:

Prior to the City Council's amendments to Chapter 10 of the Richland Hills Code of Ordinances in its October 1, 2013 Regular Meeting, the City had eleven council-appointed boards, committees, and commissions. Two are required as currently constituted, the P&Z by City Charter and the ZBA by state law, and a third, the Animal Shelter Advisory Board, is required by state law in those cities that operate an animal shelter, but prior to the amendments to Chapter 10 it had a membership significantly larger than required by state law.

Amendments to Chapter 10.

City Council's approval of Ordinance 1255-13 on October 1, 2013 amended Chapter 10, "Boards, Committees, Commissions," by deleting seven sections and articles of Chapter 10 and dissolving the boards and committees provided for in these sections of the ordinance, and amending two others. The sections of the Code deleted and the advisory boards dissolved were:

- Section 10-91 through Section 10-96 of Article III, Economic Development Advisory Board;

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- Section 10-121 through Section 10-126 of Article IV, Crime Prevention Advisory Board;
- Section 10-151 through Section 10-156 of Article V, Special Events Committee;
- Section 10-211 through Section 10-216 of Article VII, Library Advisory Board;
- Section 10-241 through Section 10-246 of Article VIII, Parks and Beautification Advisory Board;
- Section 10-301 through Section 10-306 of Article X, Public Transportation Advisory Board;
- Section 10-331 through Section 10-336 of Article XI, Teen Court Advisory Board.

The sections of Chapter 10 that were revised included sections 10-31 and 10-32 of Article II, Animal Shelter Advisory Board, to bring the makeup of the board more in line with membership requirements set out in the state law, and sections 10-411, 10-412, and 10-415 of Article XIV, Building Board of Appeals, to provide for a building board of appeals composed of five members and up to four alternate members appointed by majority vote of the City Council, that would not include members of Council or staff, to hear, consider and determine substandard building cases under Chapter 14 of the Code of Ordinances and to hear, consider and determine appeals as set forth in all building codes adopted by the city. (Currently and until the appointed board members are determined, the City Council serves as the Building Board of Appeals.)

The advisory boards, committees, and commissions provided in Chapter 10 were established by City Council to assist Council (and thereby staff) in different ways – some by recommending policies (e.g., Economic Development Advisory Board), some by recommending events (e.g., Special Events Committee), some by recommending activities (e.g., Keep Richland Hills Beautiful). The changes to Chapter 10 grew out of discussions by Council over a period of almost twelve months relating to roles and responsibilities of the boards, committees, and commissions (and staff), the question of overlapping responsibilities of some boards, the question of whether or not some duties assigned to the various boards, committees, and commissions require more direct involvement by city council and city staff, and whether or not the duties of some of the advisory boards, committees, and commissions should more appropriately be the

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responsibility of the elected City Council rather than be delegated to the boards - particularly given the size of the city's population and land area. The common law doctrine of incompatibility would prohibit a governing body from appointing one of its members to serve on a board it has created unless expressly provided for by state law, but Council members can obviously serve on committees of the Council created for any specific purpose so long as council membership on a council committee does not constitute a quorum of the City Council (in which case it would be a meeting of the full council, not a committee).

Committees of the Council.

At its September 17, 2013 Regular Meeting the City Council approved Resolution No. 415-13 creating four additional standing Committees of the Council to go along with the existing standing committee, the Finance Committee. The duties and responsibilities of the advisory boards, committees, and commissions deleted with the amendments to Chapter 10 in Ordinance 1266-13 were incorporated into the standing committees of the council, which will have two members of the council serving on each committee. The **Transportation and Infrastructure Committee** will look at issues such as the T, roads and streets, drainage structures, and water and sewer lines as they relate to physical issues. The **Public Safety Committee** will look at issues such as Fire, Police, Animal Control, Code Enforcement, and Public Health (mosquito abatement, etc.). The **Community Enrichment Committee** will focus on Parks, Library, Open Space and medians, the Community Center, Special Events, and other quality of life issues. The **Community Development Committee** will look at issues that relate to growth and development matters.

Teen Court.

The City's Teen Court Advisory Board was dissolved because of Richland Hills' unique opportunity to participate in the regional teen court along with Haltom City, North Richland Hills, and Watauga. The 4-city teen court has a separate advisory committee, with a member appointed by the city council of each participating city. The City of

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Richland Hills joined the 4-city regional teen court through an interlocal agreement approved by the City Council in October 2013.

Keep Richland Hills Beautiful Commission.

For a number of months prior to approval of the October 1, 2013 amendments to Chapter 10, City Council and staff discussed transitioning Keep Richland Hills Beautiful (KRHB) from a City board to an independent Affiliate with Keep Texas Beautiful with status as non-profit, 501 (c) (3) corporation. The thought at the time was that this would eventually benefit KRHB in that it would not have the restrictions that by state law and City Charter are placed on a city board, and KRHB could independently solicit tax deductible donations.

At the August 6, 2013 Council meeting, City Council authorized the City Manager to start the process of transitioning Keep Richland Hills Beautiful as a 501 (c) (3) corporation, with the City assisting KRHB in setting up its by-laws and with filing paperwork with the state as a non-profit corporation and the IRS as a tax exempt organization. For a number of reasons this approach has run into complications, for example, the need for names of the members of the corporation, need for a business address, etc., that have become problematic.

It appears apparent that Keep Richland Hills Beautiful can best function and accomplish its goals and objectives as an ongoing affiliate with KTB and KAB if it receives city staff and funding support. An alternative to the idea previously presented to Council would be to continue to pursue status as a non-profit corporation and a separate IRS a tax exempt organization (the City is already tax exempt), but to restructure the organization of the board something along the lines of the Animal Shelter Board, that is, have a 5-member board (or some other workable number, e.g., 7?) appointed by City Council that would hold places 1 through 5 with Place 1 held by a municipal official other than staff; Place 2 held by a staff representative of the municipal organization responsible for keeping the city's public places clean (streets, parks, rights of way, etc., e.g.,

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Neighborhood Services as the organization is today); Places 3 and 4 held by a person representing the business community (e.g., the City's service provider for solid waste, a local landscaping company, or some other business interested in the community's physical appearance as a way of protecting their investment in the community), and Place 5 held by a resident of the community who has a history of volunteering in efforts to beautify the community. Or, it could be some other combination of membership, but the City would be the named business address, and the board members would be ad hoc (meaning appointed because of specific criteria, the position they hold, represent, etc., and not personally liable for membership).

Board/Citizen Input:

The proposed amendments have been discussed with board members previously, and the KRHB Commission is aware of Council's direction and actions over the last several months. The purpose of this agenda item is to discuss with Council an alternative that might work just as well as originally envisioned in the discussion on August 6, 2013.

Financial Impact:

N/A at this point.

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