

# **Government Performance and Financial Management Committee**

**January 25, 2021**

## **Board and Commission Rules of Procedure**



# **City of Dallas**

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# Purpose

**To provide background and information about City of Dallas board and commission rules of procedure and specifically how committees are appointed.**



# Background

- The city council shall provide by ordinance for each commission and board to have a number of members equaling or exceeding the number of members of the city council, unless otherwise required by law. (City Charter Chapter XXIV § 13)
- Chapter 8, Boards and Commissions, sets forth the qualifications for appointments to boards and commissions, with certain waivers. (Dallas City Code Section 8-1.4)



# Background

An appointee to a board must:

- (1) have been a resident of the city for at least six months prior to the date of appointment;
- (2) have no conviction that is considered by the city council to be so serious that it should serve as a disqualification;
- (3) not be an adversary party to pending litigation or a claim against the city or a city employee, except for eminent domain proceedings;
- (4) not be an employee or a business associate of either an adversary party or a representative of an adversary party, nor have a pecuniary interest, in any pending litigation or claim, other than an eminent domain proceeding, against the city relating to the board on which the appointee will serve;



# Background

An appointee to a board must:

- (5) not be in arrears on any city taxes, water services, or other obligations owed the city;
- (6) have a creditable record of attendance in any previous board service; and
- (7) except as provided in this section, meet any other qualifications for service on a board that are mandated by the city charter or other ordinances.



## Chapter 8 – Boards and Commissions

- Generally, Chapter 8 establishes basic rules of procedure for the city's Chapter 8 boards and commissions, including:
  - Meetings
  - Officers and their Duties
  - Duties and Privileges of the Members
  - Code of Conduct and
  - Administrative Procedures



## Chapter 8 – Boards and Commissions

- However, Chapter 8 does not provide specific rules or guidelines for creating committees or appointing persons to those committees.
- Chapter 8 states that unless otherwise stipulated by the board or this Chapter, proceedings of a board shall in all cases be governed by “Robert’s Rules of Order.”



# Board and Commissions – Established

- Chapter 8 boards and commissions are codified in Chapters 2, 12A, 13, 24, 37, 40A, 51A, and 52 with provisions for the board or commission's purpose, powers and duties, jurisdiction, etc.
- Chapter 8 boards and commissions are classified as either quasi-judicial or advisory.
  - Quasi-judicial boards and commissions – make binding decisions that affect individuals.
  - Advisory boards and commissions – make recommendations only.
- Generally quasi-judicial boards and commissions, as part of their powers and duties, may establish additional rules and amend the rules of procedure governing their proceedings.





# Boards and Commissions

- Examples of quasi-judicial boards/commissions with rule making authority as part of their powers and duties:
  - Board of Adjustment - Shall adopt, subject to approval of city council, rules, not inconsistent with state law or city ordinances, governing its proceedings.
  - City Plan Commission - Shall adopt, subject to approval of city council, rules, not inconsistent with state law or city ordinances, governing its proceedings.
  - Civil Service Board - Shall, subject to the approval of city council, adopt, amend, and enforce rules and regulations governing the civil service process.



# Boards and Commissions

- Ethics Advisory Commission - Shall establish, amend, and rescind rules and procedures governing its own internal organization and operations in a manner and form consistent with Chapter 12A.
- Landmark Commission - Shall adopt, subject to approval of city council, rules, not inconsistent with state law or city ordinances, governing its proceedings.
- Other quasi-judicial board/commission with rules of procedure:
  - Park and Recreation Board
  - Permit and License Appeal Board



# Boards and Commissions

- Advisory boards, although it is not explicitly stated in their powers and duties, may also establish additional rules governing their proceedings under Chapter 8 as their proceedings are governed by RONR. (12<sup>th</sup> ed.)
- RONR states that,
  - as a general principle, a board cannot delegate its authority or empower a subordinate group to act independently, but a board may appoint committees to work under its supervision or according to its specific instructions. (49:12)



# Advisory Boards and Commissions

- RONR states that,
  - when establishing rules for committees, the rules should provide for standing committees, the purpose, number of members, who appoints, etc. (56:44)
  - in the absence of special conditions, RONR recommends that the chair or the regular presiding officer appoints the committee members (50:13(d) *and see* 13:15 regarding appointing nonmembers).

Examples of advisory boards with established rules of procedure:

- Arts and Culture Advisory Commission
- Community Police Oversight Board



# QUESTIONS



# Appendix

BOARD/ COMMISSION	COMMITTEES	HOW APPOINTED	QUALIFICATIONS
Board of Adjustment (QJ)	No standing committees		
City Plan Commission (QJ)	<p><u>Standing committees:</u></p> <p>(1)Arts District Sign Review Committee.</p> <p>(2) Rules Committee.</p> <p>(3)Special Sign District Advisory Committee.</p> <p>(4)Subdivision Review Committee.</p> <p>(5)Thoroughfare Committee.</p> <p>(6)Trinity River Committee.</p> <p>(7)Urban Design Advisory Committee (UDAC).</p> <p>(8)Zoning Ordinance Advisory Committee (ZOAC).</p> <p><u>Ad hoc committees:</u></p> <p>The chair may create ad hoc committees from time to time to study and make recommendations on specific issues.</p>	<p><u>Standing committees:</u></p> <p>Except the below standing committees, chair shall appoint a to standing committees and shall appoint the chair and vice chair of standing committees.</p> <p>Appointments to the arts district sign review committee and the special sign district advisory committee are made by the commission in accordance with Section 51A-7.1204(d).</p> <p><u>Ad hoc committees:</u></p> <p>The chair shall appoint appointees to ad hoc committees and the chair and vice chair of ad hoc committees.</p>	<p><u>Trinity River Committee:</u></p> <p>The committee must be composed of four members and five citizens. The five citizens must include a representative of the cultural or arts community, a representative of residential neighborhoods, a representative of the central business district, an architect or urban planner, and a landscape architect.</p> <p><u>Urban Design Advisory Committee:</u></p> <p>The five citizens must include a representative of the cultural or arts community, a representative of residential neighborhoods, a representative of the central business district, an architect or urban planner, and a landscape architect.</p> <p><u>Zoning Ordinance Advisory Committee:</u></p> <p>The committee must be composed of two or three members and five citizens.</p> <p><u>Arts District Sign Review Committee:</u></p> <p>The committee shall be composed of five members appointed by the city plan commission. One member of the committee must be an architect or graphic designer. The commission shall solicit a list of nominees from entities operating in the Arts District.</p>



# Appendix

BOARD/ COMMISSION	COMMITTEES	HOW APPOINTED	QUALIFICATIONS
Civil Service Board	No standing committees.		
Ethics Advisory Commission (QJ)	No standing committees.		
Landmark Commission (QJ)	<p><u>Standing committee:</u> Designation Committee</p> <p><u>Other committees:</u> May be appointed from time to time by the Commission.</p>	Members of committees, and the chair of each, are appointed by the chair of the Commission subject to the approval of the Commission.	Regular and alternate members of committees shall meet the qualifications for service in Section 8-1.4(a)(4) (no litigation or claims against the city), (5) (no interest in litigation or claims against the city), (6) (not in arrears on any city taxes, water service charges, or other obligations owed the city), and (7) (creditable record of service) of the Dallas City Code.
Park and Recreation Board (QJ)	<p><u>Standing committees:</u> (1) Administration and Finance (2) Planning and Design (3) Employee Grievance</p> <p><u>Ad hoc committees:</u> The President may appoint ad hoc committees from time to time to study and review specific issues.</p>	<p><u>Standing committees:</u> Members are appointed by the President.</p> <p><u>Ad hoc committees:</u> The President shall determine the number of members and appoint a chair of ad hoc committees.</p>	A standing committee shall consist of not less than three members of the Park Board.



# Appendix

BOARD/ COMMISSION	COMMITTEES	HOW APPOINTED	QUALIFICATIONS
<b>Arts and Culture Advisory Commission (Adv)</b>	<p><u>Standing committees:</u> (1) Allocations Committee (2) Public Art Committee</p> <p><u>Ad hoc committees:</u> The Chair or the Commission, by majority vote, may create ad hoc committees from time to time to study and review specific issues.</p> <p><u>Task forces and working groups:</u> The Chair may create ad hoc task forces and working groups as may be appropriate from time to time.</p>	<p><u>Standing committees:</u> Except for the Public Art Committee, chair makes committee, task force and working group assignments. Public Art Committee members are appointed by the Commission.</p> <p><u>Ad hoc committees:</u> The Chair shall determine the number of members on the committee.</p>	<p><u>Public Affairs Committee:</u> Composed of the three Commissioners who are full City Council appointments to the Commission plus an additional eight Commissioners who are professionally qualified residents of the City appointed by the Commission (each, a “Resident Member”). Resident Members must have been a resident of the City for at least six months prior to the date of appointment, be a qualified voter in the City at the time of appointment, and have demonstrated experience as one or more of the following: (a) a visual artist (by means of a currently demonstrable record of exhibitions, work sold/collected and/or commissioned), (b) as an architect, (c) landscape architect, (d) art historian or critic, (e) arts advocate/collector, (f) curator or gallerist, (g) urban planner or engineer, (h) producer of public art, or (i) art scholar or art teacher.</p>
<b>Community Police Oversight Board (Adv)</b>	<p><u>Standing committees:</u> (1) Board training. (2) Policy review. (3) Community engagement and transparency. (4) Rules.</p>	<p><u>Standing committees:</u> Shall consist of not less than three members of the board appointed by the Chair.</p> <p><u>Ad hoc committees:</u> The Chair may appoint ad hoc committees from time to time to study and review specific issues. The Chair shall determine the number of members.</p>	

