

Memorandum



CITY OF DALLAS

DATE February 23, 2011

TO Honorable Mayor and
Members of the City Council

SUBJECT Dallas City Code, Chapter 8 - Board and Commission Attendance Briefing

On Wednesday, March 2, 2011, you will be briefed on City Code attendance requirements for board and commission members and possible amendments. The presentation material is attached for your review.

Please contact me if you have questions.

A handwritten signature in blue ink, appearing to read 'Deborah Watkins'.

Deborah Watkins
City Secretary

Attachment

C: Mary K. Suhm, City Manager
Thomas P. Perkins, Jr., City Attorney
Rosa A. Rios, Assistant City Secretary
Warren Ernst, General Counsel/Assistant City Attorney
Lisa Christopherson, Assistant City Attorney
Barbara Martinez, Assistant City Attorney
Tammy Palomino, Assistant City Attorney
Daniel Soliz, Boards and Commissions Manager, CSO
Jesse Salazar, Boards and Commissions Coordinator, CSO

**BOARDS AND COMMISSIONS
DALLAS CITY CODE, CHAPTER 8
RECOMMENDED AMENDMENTS**

Deborah Watkins

City Secretary

March 2, 2011

PURPOSE OF BRIEFING

- Provide an overview of Dallas City Charter and City Code provisions governing board and commission attendance requirements
- Review City Charter and City Code provisions relating to attendance requirements
- Discussion of recommended amendments

DALLAS CITY CHARTER

CHAPTER XXIV, §17 (a)

“...Any member of any commission or board appointed by the city council shall forfeit that office if the member misses more than three regular meetings in succession, unless for medical reasons certified to by a physician or unless excused by the board or commission of which he or she is a member and the city council. In such case, the city council shall declare the position vacant and appoint a new member to fill the vacancy.”

DALLAS CITY CODE

SECTION 8-20. ATTENDANCE.

- (a) No member shall be excused from attendance at a board meeting, unless for medical reasons certified to by a physician or unless excused by the board and the city council. A member having three unexcused absences in succession shall forfeit membership on the board.
- (b) A member of a board that meets weekly or biweekly, who is absent from more than 25 percent of the regular meetings in any six month period, whether excused or not, shall forfeit membership on the board.
- (c) A member of a board that meets monthly, who is absent from more than 25 percent of the regular meetings during any 12 month period, whether excused or not, shall forfeit membership on the board.
- (d) An office that has been forfeited under the provisions of this section shall be filled for the remainder of the term by appointment of the city council.
- (e) For purposes of this section, the record of a member's absences will begin with the first regular meeting after the 15th day from the date the member received notice of appointment.

MEETING PROVISIONS

- Dallas City Code, Section 8-2. Regular Meetings.
 - “Each board shall determine the time and place of its meetings. Regular meetings shall be scheduled weekly, monthly, semi-monthly, or quarterly, as the responsibilities of the board necessitate, at a location within a public building.”
- Dallas City Code, Section 8-3. Special Meetings.
 - “Special meetings may be called by the chair at any time and shall be called by the chair upon written request of members comprising at least one-third of the board.”

APPLICATION OF THE RULES (EXAMPLE)

Board	Meeting Schedule	Percentage of Meetings	Forfeiture Threshold
Permit and License Appeal Board	1 per month	More than 25% in any 12 month period	4
Park and Recreation Board	2 per month	More than 25% in any 6 month period	4

APPLICATION OF THE RULES (CONTINUED)

- Absences excused “for medical reasons certified to by a physician”
 - Documentation from a physician would be required either before or immediately after an absence occurs
- Absences excused “by the board or commission of which he or she is a member and the city council”
 - The board or commission must take official action first to excuse the absence and then staff would place an item on the Agenda for City Council consideration

APPLICATION OF THE RULES (CONTINUED)

- Absences from special meetings or committee meetings of boards and commissions are not counted against members
- Board and Commission Coordinators send warning letters to their respective members whose absences near 25%
- The City Secretary's Office sends a forfeiture letter when notified that a board or commission member has missed more than the allowable number of absences

PERMIT AND LICENSE APPEAL BOARD RECOMMENDATION

- December 3, 2010 – PLAB sent City Council a letter that states, in part, the following:
 - “Absences from PLAB hearings due to grand jury service are not excused under the code.”
 - “Absences due to illness are not easily excused...”.

OPTIONS FOR CONSIDERATION

- Make no changes to the attendance requirements in the City Code
- Amend the City Code to automatically exclude absences due to petit/grand jury service when calculating whether a board and commission member has missed more than 25% of regular meetings
- Amend the City Code to allow the City Council, on a case by case basis, to waive absences due to petit/grand jury service when calculating whether a board or commission member has missed more than 25% of regular meetings
- Amend the City Code to allow the City Council to waive, on a case by base basis, any absence for any reason when calculating whether a board or commission member has missed more than 25% of regular meetings