



City Council Agenda Item Report

June 18, 2013

Contact – Chance Sparks, AICP, CNUa, Director of Planning
512-312-0084 / csparks@ci.buda.tx.us

SUBJECT: HOLD A WORKSHOP DISCUSS AND CONSIDER THE REQUIREMENTS, QUALIFICATIONS AND COMPOSITION OF CITY BOARDS AND COMMISSIONS.

1. BACKGROUND/HISTORY

The City Council requested discussion of the requirements, qualifications and composition of City boards and commissions at the January 15th meeting in light of difficulty maintaining complete membership on each. A brief follow-up was provided February 5th, with direction from City Council to discuss the item in a future, less formal workshop setting. That workshop took place May 18th as part of the City Council retreat, where direction was received to bring it to a regular meeting for additional discussion.

Membership for Most Commissions

State law does not provide specific requirements for most boards & commissions. The membership characteristics of most boards & commissions are as follows:

- 7 regular members, or 5 members & 2 alternates
- No more than 2 members may be residents of the ETJ
- ETJ residents are not eligible for leadership positions on Commissions
- 2-year staggered terms, with 4 appointed in January of even-numbered years and 3 appointed in April of odd-numbered years
- Maximum of 3 consecutive terms
- A member serving to fill an unexpired term shall be eligible for reappointment to serve 2 full 2-year terms

Each individual Commission from that point may have some other specialized requirements or preferences. For example, the Construction Board of Appeals encourages membership from the building trades.

Membership for the Zoning Board of Adjustment

The ZBOA differs from the other boards & commissions due to its quasi-judicial nature and specific enabling under Chapter 211 of Local Government Code. Chapter 211 has the following membership specifications:

- ZBOA must be at least 5 members
- Members must live in the City Limits
- City must provide procedure for appointment
- City may also appoint alternate board members to serve in the absence of regular board members

- Terms must be two years (but no limit on number of terms)

As such, the membership characteristics of the City of Buda ZBOA are as follows:

- 5 members and 2 alternates
- All members and alternate members must be residents of the city
- 2-year staggered terms, with 4 appointed in January of even-numbered years and 3 appointed in January of odd-numbered years
- Maximum of 3 consecutive terms
- A member serving to fill an unexpired term shall be eligible for reappointment to serve 2 full 2-year terms

Membership for the Dupre LGC & Reinvestment Zone No. 1

Like ZBOA, these boards are also governed by state law. Both of these are five-member boards whose composition, terms & appointment are nearly impossible to alter. They are currently comprised of current and former City Council members due to their complexity and relationship with the City.

2. FINDINGS/CURRENT ACTIVITY

The City of Buda currently maintains eight boards or commissions, not including the Economic Development Corporation. Those boards and commissions are as follows:

- Dupree Local Government Corporation – 5 regular (all filled)
- Reinvestment Zone No. 1 – 5 regular (all filled)
- Historic Preservation Commission – 7 regular (5; potentially all filled tonight)
- Library Commission – 7 regular (all filled)
- Parks & Recreation Commission – 7 regular (all filled)
- Planning & Zoning Commission – 7 regular (all filled)
- Zoning Board of Adjustment – 5 regular, 2 alternate (all regular filled; alternates vacant)
- Construction Board of Adjustment – 5 regular, 2 alternate (all regular filled; alternates vacant)

The City Council also appoints members to the 7-member Economic Development Corporation Board of Directors.

Staff's understanding is that City Council wishes to explore membership options for the boards & commissions in order to address inability to fill vacancies, create more fulfilling experiences for board/commission members and mitigate the risk of failed quorums. At the May 18th City Council Workshop, staff has prepared the following non-exhaustive list to assist Council in discussion (without any recommendation). The three **highlighted** items received the most interest/support from City Council for further discussion, and are discussed in greater depth in the attached presentation:

1. Eliminate term limits

- Can be implemented for ZBOA
- May be a good idea for CBOA in particular given the specialized knowledge of building trades involved
- Advantages
 - Allows interested members to continue serving
 - Maintains institutional knowledge
 - Reduces the demand to find new members as frequently
- Disadvantages
 - May limit participation of citizens that become interested in serving
 - May make some reappointments for contentious (won't be able to use term limit as reason to not reappoint)

- Even if implemented, City Council may philosophically maintain term limits for boards/commissions without being bound by ordinance.

2. Reduce the size of some boards or commissions

- ZBOA cannot be reduced below five members per state law
- Advantages
 - Reduces the overall number of positions to fill
- Disadvantages
 - May limit opportunity for citizens that become interested in serving to participate
 - May exacerbate quorum issues (three absences on a board of five breaks quorum; three absences on a board of seven can still conduct business)
 - May limit diversity of opinions on a board or commission

3. Allow ETJ residents to serve in board or commission leadership

- Not applicable to ZBOA
- Requested by some sitting individual board & commission members
- Advantages
 - Defers leadership decisions entirely to the board or commission, allowing them to select whomever they feel is best qualified for leadership regardless of residence
 - Places ETJ residents on more equal footing within each board or commission
- Disadvantages
 - Some people may be uncomfortable with a non-citizen of Buda serving in a leadership role – perception of ‘outsider’ running the board or commission even though all seats are equal in voting

4. Provide discretionary funds to boards or commissions for their use on select projects/initiatives

- Not applicable to all boards given their scope of responsibility
- Advantages
 - Allows boards and commissions to feel like they have a more tangible impact
 - Allows boards and commissions to implement positive programs on their own initiative
- Disadvantages
 - May be perceived as City Council passing financial duties to boards/commissions
 - Boards or commissions may pursue actions contrary to City Council goals/preferences

5. Lengthen terms of service of some boards or commissions (increase from two-year to three-year)

- Not possible for ZBOA due to state law specified 2-year term
- Advantages
 - Don't have to address as many vacancies at one time
 - Vacancies may be more competitive and allow presentation of multiple options
 - Allows “senatorial” approach in which only 1/3 of a commission or board changes at a time
 - More stability
 - Preserves institutional knowledge
- Disadvantages

- May limit opportunity for citizens that become interested in serving to participate

6. Allow members to serve on more than one Board or Commission

- Not possible for ZBOA due to state law
- Already allowed for CBOA due to specialized knowledge of building trades
- Allow City Council to consider how related the Boards & Commissions are to one another
 - Serving on more than one planning-related board/commission, such as P&Z and HPC
 - Serving on two unrelated boards/commissions, such as P&Z and the Library Board
- Advantages
 - Vacancies may be more competitive and allow presentation of multiple options
 - More stability
 - Preserves institutional knowledge
- Disadvantages
 - May limit opportunity for citizens that become interested in serving to participate

7. Alter method of appointment for some boards or commissions to allow individual Council members to select one member for each board or commission rather than by consensus of City Council

- Not possible for five-member boards since the City Council and Mayor places total seven
- Advantages
 - Simplicity
 - Transfers responsibility for finding board & commission members to individual Council members
- Disadvantages
 - May be viewed as undemocratic
 - Boards & commissions may become more political in nature and less consensus-driven, reducing effectiveness
 - May limit opportunity for newer citizens interested in serving but not familiar with Council members to be appointed

3. FINANCIAL IMPACT

N/A

4. ACTION OPTIONS/RECOMMENDATION

Staff provides this topic for discussion and direction without recommendation.

5. ATTACHMENTS

Presentation



Commission Qualifications and Restrictions

*City Council
June 18, 2013*



Background

- Discussion item at May 18th City Council retreat
- Discussed 7 aspects, with 3 seeming to have Council's interest for additional discussion & action
 - Term limit elimination
 - Allowing ETJ residents to serve in leadership
 - Discussion led to whether ETJ should serve at all given growing city population
 - Allow membership on more than one board
- Tonight discussing implications of each approach on each individual board and seeking specific direction



Term Limit Elimination

- Advantages
 - Allows interested members the possibility of continued service
 - Maintains institutional knowledge
 - Reduces demand to find new members as frequently
- Disadvantages
 - May limit participation of citizens that become interested in serving (clique)
 - May make some reappointments contentious since term limit won't be used as reason to not appoint
- Regardless, City Council can maintain a general rule of encouraging "new blood" on boards/commissions



Term Limit Elimination

- **ZBOA:** Board does not have to meet often
- **P&Z**
- **HPC:** Term limits may result in loss of key institutional knowledge in the future as well as loss of well-qualified members from design professions. In addition, may eventually result in underrepresentation of members within historic district
- **CBOA:** Given specific knowledge requirements & trade representation, term limits could pose significant problem in future
- **Library**
- **Parks**

Term Limit Elimination

Discussion/Direction from City
Council?

Allow Service on Multiple Boards

- Advantages
 - Vacancies may be more competitive
 - More stability
 - Preservation of institutional knowledge
 - Citizens can pursue multiple interests
- Disadvantages
 - May limit opportunity for participation
- Council can maintain general rule of encouraging single-service unless vacancies are not competitive



Allow Service on Multiple Boards

- **ZBOA:** Board does not have to meet often, so it can be hard to attract applicants (particularly alternates); change would allow them to pursue other interests as well
- **P&Z:** Given that P&Z may recommend on development matters related to HPC & Parks, dual service with them may not be appropriate. Probably OK for CBOA, Library & Parks
- **HPC:** Given that HPC may recommend on development matters to P&Z, dual service may not be appropriate. Probably OK for CBOA, Library and Parks
- **CBOA:** Given specific knowledge requirements & trade representation, term limits could pose significant problem in future
- **Library:** Board is specific in scope and does not interact significantly with other boards, dual service OK
- **Parks:** Given that Parks may recommend on development matters to P&Z, dual service may not be appropriate. OK for others



Allow Service on Multiple Boards

Discussion/Direction from City Council?



Allowing ETJ Representation

- Advantages
 - Greater pool of applicants to pick from
 - Potential for more subject matter experts
 - Represent ETJ interests on ETJ-related matters
- Disadvantages
 - City is growing—lack of applicants within city less of an issue
 - Some uncomfortable with ETJ residents deciding city issues as ‘non-citizens’
- City Council can maintain ability to pick ETJ, but simply maintain a preference toward selecting Buda citizens by practice



Allowing ETJ Representation

- **ZBOA:** ETJ not allowed
- **P&Z:** regulates certain activities, such as subdivision, storm water, water quality and signage, in the ETJ. May be appropriate to keep ETJ representation
- **HPC:** Inherently a zoning activity restrained to the city limits, although enabling encourages membership from Old Black Colony Road/Antioch Colony (in ETJ). Old Black Colony Road historic district is only the road ROW, and not legally meaningful outside city limits.
- **CBOA:** Given specific knowledge requirements & trade representation, ETJ participation currently essential
- **Library:** Funded by the city, but also used significantly by ETJ residents
- **Parks:** Parks makes recommendations regarding parkland for subdivisions in the ETJ. May be appropriate to keep some ETJ representation, but not essential

Allowing ETJ Representation

Discussion/Direction from City
Council?

ETJ Members in Board Leadership

- Advantages
 - Allows board select whomever they feel is best qualified regardless of residence; defers to their judgment
 - While “1-person, 1-vote” applies, improves perception of equal status on board
- Disadvantages
 - Some uncomfortable with a non-citizen of Buda serving in leadership role and running the board
- May become non-issue as City Council if ETJ membership eliminated by ordinance change (or by general appointment practice)



ETJ Members in Board Leadership

- **ZBOA:** ETJ not allowed
- **P&Z:** nothing beyond general advantages/disadvantages
- **HPC:** nothing beyond general advantages/disadvantages
- **CBOA:** nothing beyond general advantages/disadvantages
- **Library:** nothing beyond general advantages/disadvantages
- **Parks:** nothing beyond general advantages/disadvantages



ETJ Members in Board Leadership

Discussion/Direction from City Council?