



BOARDS & COMMISSION HANDBOOK

CITY OF LUCAS

www.lucastexas.us



INTRODUCTION

Board and Commission members have an important role assisting the City Council in fulfilling its obligations to the citizens of Lucas, as well as maintaining the high quality of life enjoyed by our residents. This handbook has been developed to help residents understand what is involved in serving on a board or commission in Lucas.

As a member of one of the City's appointed boards or commission, you will focus on community needs that require your understanding and vision of the legal aspects, function, duties, limitations and procedures associated with each of the City's boards and commission.

City Government

The City of Lucas is designated by the State of Texas as a home rule city. Home rule cities may rely on their general constitutional and statutory powers to pass and enforce ordinances that are necessary to protect the health, safety, and general welfare of the citizens of Lucas.

Lucas is a Council-Manager form of government. Under this form of government, the City Council appoints the City Manager, who is responsible for carrying out the daily operations of the City.

City Council

The City Council is the governing authority and makes all policy decisions for the City through the enactment of ordinances and resolutions. The City Council establishes policy for the operation of the City; adopts an annual budget; appoints members to boards and commissions; and carries out a variety of other governmental functions. Lucas residents elect a Mayor and six Councilmembers for three-year terms.

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APPOINTMENT PROCESS

Applications

Citizens interested in serving on a board or commission can obtain applications from the City Secretary's office or online at www.lucastexas.us/boards-commissions-volunteer-application. Applications are accepted through November 1 each year.

A meet and greet reception is held on the fourth Thursday in October at 6:30 pm at City Hall for citizens interested in serving on a board as well as existing board members. Each board has assigned a Councilmember liaison to facilitate a working relationship between the board and the City Council. The reception will provide an opportunity for each City Council liaison to provide information on the board/commission they represent.

New board member applications will be submitted to the City Council for review at the first meeting in November, and the City Council will determine which prospective applicants they would like to interview. Interviews with the City Council may take place at the second meeting in November.

Appointments

Prospective applicants of the Board of Adjustment and Planning and Zoning Commission may meet with City Councilmembers during Executive Session, which is a closed meeting to the public but complies with specific state statutes as required for all board/council meetings. Prospective applicants of the Parks and Open Space Board will meet with the City Council during the open regular session of a regular meeting and will be called upon to speak at the podium with the City Council. The City Council is interested in the applicants qualifications for a specific board, their vision for the City, and why they want to serve the City of Lucas.

At the first City Council meeting in December, board member appointments will be placed on the City Council agenda. Following City Council appointments, the City Secretary will notify new board members of their appointment along with procedures for setting up email and appropriate training.

Oath of Office and Training

Each new board member will be required to take part in Open Meetings Act training (a 50-minute video on Attorney General's website), sign Statement of Officer and Oath of Office forms within 90 days of being appointed. Each new board member will also be required to setup a City of Lucas email account where the City will correspond with board members for meeting notices, Board packet distribution, and general correspondence.

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MEETING PROCEDURES

Texas Open Meetings Act

The Open Meetings Act was adopted in 1967 to make governmental decision-making accessible to the public. It requires meetings of governmental bodies to be open to the public, except for authorized closed sessions. All City of Lucas board and commission meetings are open to the public at all times, except when the board/commission convenes into Executive Session. A fine of not less than \$100 nor more than \$500 or imprisonment in the county jail for not less than one month nor more than six months, or both fine and imprisonment, can be imposed for violating provisions of the Open Meetings Act or conspiring to circumvent provisions of the Open Meetings Act by meeting in numbers less than a quorum for the purposes of secret deliberations.

Closed/Executive Session Meetings

The Texas Open Meetings Act does allow for closed or executive meetings on limited subjects. Closed meetings are allowed to discuss pending litigation, certain personnel matters, certain economic development issues, and the lease or acquisition of land. However, before a closed meeting can be held, a quorum of the governing body must convene in an open meeting and the presiding officer must publicly announce that a closed meeting will be held and identify the sections of the Open Meetings Act authorizing the closed meeting. No final action, decision, or vote can be made in a closed meeting. All final actions, decisions, and votes must be made in open regular meetings. Further, the government body is required to keep a certified agenda of the matters discussed in the closed meeting and a record of any further action taken. The presiding officer must include an announcement at the beginning and end of the closed meeting indicating the time and place, and must certify that the agenda is a true and correct record of the proceedings. In lieu of maintaining a certified agenda, a tape recording of the closed meeting may be made.

Quorum Requirements

In order for a board/commission to conduct business or take formal action, a quorum of the members must be present. A quorum consists of a majority of the total number of regular members present (i.e., should a board have five regular members, three members would constitute a quorum. If a regular member is absent, an alternate member may fill in to constitute a quorum). However, the Board of Adjustment requires 75 percent of its membership to be present, which constitutes four of the five members to be present. The quorum requirement does not change should there be a vacancy on a board/commission. In the event that a quorum is not present for the meeting, the meeting cannot be conducted and will be rescheduled.

Public Information Act

Texas Law requires that information held by a government body must fall under the rules of the Public Information Act. The Public Information Act provides a mechanism for citizens to request and obtain copies of governmental records that have not been excepted from disclosure in specific instances. A record is defined as information that is written, produced, collected, assembled, or maintained under law or ordinance in connection with the transaction of official business by a governmental body, an individual officer, and employee. This record can include written materials, notes, photographs, photocopies, recordings, computerized records, maps and drawings created or received in connection with the transaction of public business. A record also includes social media posts, text messages, and private emails pertaining to official city business. If a request for information is received by a Board or Commission member, the City Secretary should be notified for the proper procedures and to respond accordingly.

Selection of a Chairman and Vice Chairman

Each board/commission is responsible for selecting its own Chairman and Vice Chairman at the beginning of each calendar year. In the absence of the Chairman, the Vice Chairman shall preside. In the absence of both chairman and vice chairman, a quorum of those members present shall designate an acting chairperson to preside over the meeting.

Role of the Chairman and Vice Chairman

The Chairman provides leadership to the group, ensures smooth operation of the meeting, and discussions stay focused on the agenda.

Board/Commission Agenda Packets

An agenda packet is prepared by City staff and emailed to each board member the Friday before each meeting date. Agenda packets are posted on the City's website the Friday before each meeting for all citizens to view. The Open Meetings Act requires meeting notification be posted 72 hours prior to the meeting.

Public Hearings

Public hearings are open forums allowing the public an opportunity to express their opinions on a specific issue. Public hearings are conducted in the following manner:

- The Chairman opens the public hearing and announces the time the public hearing is opened.
- Members of the audience that have filled out a "request to speak" form are called to the podium by the Chairman to speak.
- The Chairman will then ask anyone remaining in the audience that would like to speak to come forward. A "request to speak" form is given to the audience member to fill out.
- Board members are encouraged to ask questions at any time of the witness and continue discussions amongst other board members after the public hearing is closed.

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BOARD AND COMMISSION OVERVIEW



Overview

The Lucas City Council depends on the input from residents serving on boards and commissions. Lucas City Councilmembers also serve as Council Liaisons to each board/commission. The role of the Council Liaison is to serve as primary communication between the City Council and the boards and commissions, and to assist in providing direction on Council directives. The City of Lucas has two types of boards, advisory and quasi-judicial.

Advisory Commissions and Boards

Advisory boards play an important role by providing the City Council with feedback and recommendations for proposed policy or development. The following is a list of Lucas advisory boards:

- Parks and Open Space Board
- Planning and Zoning Commission

Decision Making Boards

Quasi-judicial boards are governed by state law and are considered decision-making boards which have authority to enforce policy. The following board is considered a quasi-judicial board:

- Board of Adjustment

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PARKS & OPEN SPACE BOARD



Purpose and Duties

The Parks and Open Space Board serves in an advisory capacity to the City Council in all matters relating to the parks and open space of the City. The Board makes recommendations to the City Council on the implementation of beautification programs, projects to enhance the natural beauty of Lucas.

Members

This board is comprised of five regular members and two alternate members. All positions are appointed by the City Council. Members of the Parks and Open Space Board elect a Chairman and Vice Chairman from its membership annually. A prospective board member must be a resident of Lucas for a minimum of 12 consecutive months in order to be eligible to serve on the board.

Member Terms

Parks and Open Space Board members are appointed for two terms. In December of each year, the City Council considers reappointments for those members whose terms will be expiring, and members have indicated they would like to serve for another term.

Meetings and Time Commitment

Regular meetings are held on the fourth Tuesday during the months of January, March, May, July, September, and November at 7:00 p.m. at City Hall, located at 665 Country Club Road. Meetings last approximately 45 minutes to two hours depending on the number of agenda items for that evening. The Board is allowed to choose an alternate time based on member availability.

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PLANNING & ZONING COMMISSION



Purpose and Duties

The Planning and Zoning Commission serves as a recommending body and advises the City Council on matters related to the development and use of private property and implementation of the City's Comprehensive Plan and Code of Ordinances. The Planning and Zoning Commission considers requests for zoning changes, specific use permits, site plan approvals, the subdivision or platting of land, and makes recommendations to the City Council regarding these matters.

Members

The Planning and Zoning Commission is comprised of five regular members and two alternate members. All positions are appointed by the City Council. Members of the Planning and Zoning Commission shall elect a Chairman and Vice Chairman from its membership annually. A prospective board member must be a resident of Lucas for a minimum of 12 consecutive months in order to be eligible to serve on the commission.

Member Terms

Planning and Zoning Commission members are appointed for two year terms. In December of each year, the City Council considers reappointments for those members whose terms will be expiring, and members have indicated they would like to serve for another term.

Meetings and Time Commitment

Regular meetings are held on the second Thursday of each month at 7:00 p.m. at City Hall, located at 665 Country Club Road in Lucas. Meetings last approximately 45 minutes to two hours depending on the number of agenda items.

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BOARD OF ADJUSTMENT



Purpose and Duties

The Board of Adjustment is a quasi-judicial body with jurisdiction to grant variances from the City's Zoning Ordinance and special variance exceptions from the City's sign ordinance. As zoning regulations cannot be written to address every situation, the Board of Adjustment is granted the authority to allow exceptions if a hardship is determined to exist. The Board of Adjustment also will hear and decide appeals regarding determinations made by the Development Services Director in the enforcement of the Zoning Ordinance.

Members

The Board of Adjustment is comprised of five regular members and two alternate members. All positions are appointed by the City Council. The Board of Adjustment requires 75 percent of its membership to be present, which constitutes four of the five regular members to be present. Members of the Board of Adjustment shall elect a Chairman and Vice Chairman from its membership annually. A prospective board member must be a resident of Lucas for a minimum of 12 consecutive months in order to be eligible to serve on the board.

Member Terms

Board of Adjustment members shall be appointed for two year terms. In December of each year thereafter, the City Council considers reappointments for those members whose terms will be expiring, and members have indicated they would like to serve for another term.

Meetings and Time Commitment

Meetings for the Board of Adjustments are held on the fourth Wednesday of each month at 6:30 p.m. at City Hall, located at 665 Country Club Road in Lucas. Meetings last approximately 30 minutes to two hours depending on the number of agenda items for that evening.

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CODE OF ETHICS



Purpose

It is the policy of the City of Lucas that the proper operation of democratic government requires that public officials be independent, impartial and responsible only to the people of the City; that no official shall permit any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity to conflict with the proper discharge of such person's duties in the public interest; that public office not be used for personal gain; and that the City Council at all times shall be maintained as a nonpartisan body. Board and Commission members are expected to read and abide by the City of Lucas Code of Ethics, which can be found in the City of Lucas Code of Ordinances Article 1.06.

Honesty and Integrity

Board and Commission members are expected to be honest and have integrity when dealing with presented issues. The public trust in the City Council and citizen boards are reliant on the actions of those in positions of power. It is essential that members act with the truest intentions, are transparent with the public, and hold themselves to the highest standards of conduct.

Fairness and Respect

All items brought before the City Council and board/commissions as well as citizens shall be handled with fairness, impartiality and respect. Elected officials and board members have an obligation to treat all citizens fairly, such as by dividing time reasonably among potential speakers on an issue at a public hearing or meeting. The public is entitled to speak with their elected/appointed officials and have the confidence in knowing that they are respected and being treated fairly.

Effort and Attendance

Elected officials and board members have an obligation to attend meetings and to be prepared. It is expected that officials and board members will review the materials, participate in discussions and make an informed decision on the merits of the item at hand. Consistent lack of attendance may result in removal from a board or commission.

Conflict of Interest

Elected officials and board members must be aware and cognizant of any potential conflicts of interest that may arise. Elected officials and board members shall not be involved in any activity which conflicts with their responsibilities to the City and its residents. Citizens of Lucas have a right to expect independence and fairness towards all groups without favoring individuals or personal interests.



DEFINITIONS

Closed Meeting/Executive Session

A meeting closed to the public which complies with specific state statutes.

Confidential Information

Any information to which an official has access in such person's official capacity which may not be disclosed to the public except pursuant to state and/or federal law and which is not otherwise a matter of public record or public knowledge. "Confidential information" includes the following information, however transmitted:

- (1) Any information from a meeting closed to the public pursuant to the Texas Open Meetings Act or other law regardless of whether disclosure violates the Texas Open Meetings Act or Texas Public Information Act;
- (2) Any information protected by attorney client, attorney work product, or other applicable legal privilege; and
- (3) Any information deemed confidential by law.

Gift

Anything of value, regardless of form, offered or given in the absence of adequate and lawful consideration. It does not include the receipt or acceptance of campaign contributions which are regulated by federal, state, and/or local laws or ordinances.

Governing Body

The Lucas City Council

Meeting

A deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another person, during which public business or public policy over which the governmental body has supervision or control is discussed or considered or during which the governmental body takes formal action. The term does not include the gathering of a quorum of a governmental body at a social function unrelated to the public business.

Officer or Official

Any member of the City Council and any appointed member of a city board, commission or committee established by ordinance, charter, state law or otherwise, on a temporary or permanent basis, operating either under the direct or indirect authority or subject to either the direct or indirect control of the city council. Such term includes but is not limited to the members of the city planning and zoning commission, the board of adjustment and the parks and open space board.

Quasi-Judicial

A governmental body that hears sworn testimony, obtains evidence and provides for cross examination of witnesses, with the decision based solely on the evidence presented.

Quorum

The prescribed number of members of any governing body that must be present to legally transact business.

Special Privileges

A right, advantage or favor of or for a particular person, occasion or purpose not otherwise available to others.

Substantial Interest

- (1) Substantial interest in a business means:
 - (A) The ownership of ten percent (10%) or more of the voting stock or shares of a business entity;
 - (B) The ownership of ten percent (10%) or more, or fifteen thousand dollars (\$15,000.00) or more of the fair market value of a business entity; or
 - (C) Funds received from the business entity exceed ten percent (10%) of the person's gross income for the previous year, and action on the matter involving the business entity will have a special economic effect on the business entity that is distinguishable from the effect on the public. It is expressly provided herein that an investment or ownership in a publicly held company, in an amount less than fifteen thousand dollars (\$15,000.00) does not constitute a substantial interest.
- (2) Substantial interest in real property means the person has an interest in the real property that is equitable or legal ownership with a fair market value of two thousand five hundred dollars (\$2,500.00) or more; and it is reasonably foreseeable that an action on a matter involving the real property will have a special economic effect on the value of the real property distinguishable from its effect on the public. (Ownership includes any partnership, joint or corporate ownership or any equitable or beneficial interest as a beneficiary of a trust.)
- (3) An official is considered to have a substantial interest under this code of ethics if a person related to the official in the second degree of consanguinity or affinity has a substantial interest under this code of ethics.

MEET YOUR CITY COUNCIL



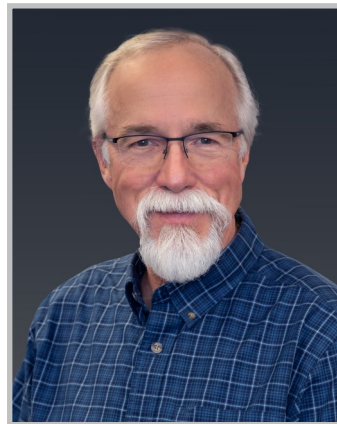
Mayor Jim Olk
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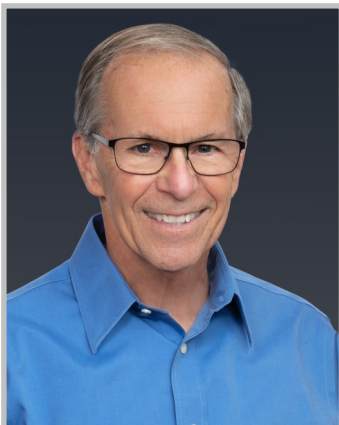
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