

Staff Liaison Guide Book

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So you've been selected to be a liaison for a City of Laredo board, commission or committee. What guidelines should you follow? How should this responsibility best be handled? What are the responsibilities of the committee members? This booklet should help you to answer some of those questions and prepare you for the task you have been given.

- I. When the appointed body is newly formed
 - A. Council votes to form an ad hoc committee
 1. What is an Ad Hoc Committee?

It is a temporary committee formed to address a particular issue. For example, the Ethics Ad Hoc Advisory Committee had the task of crafting an ordinance, the Code of Ethics. Once that task was complete, the committee ceased to exist. The same can be said for the Civil Service Ad Hoc Advisory Committee and the Vehicles for Hire Ad Hoc Advisory Committee. Those ad hoc committees crafted specific ordinances, presented their finished work to Council, and were dissolved.
 2. How long should an ad hoc committee last?

Regardless of the enabling authority, an ad hoc committee is a temporary appointed advisory committee that will exist only for a specified period, not to exceed two years, or until its defined task is completed, whichever occurs first. ¹Ad hoc advisory committees are dissolved automatically at the end of the specified period for their duration or upon completion of the specified task that they were created to accomplish, whichever occurs first. No action by Council is required to dissolve ad hoc advisory committees that meet their time or task requirements².
 - B. Council votes to create a new standing committee (not ad hoc)
 1. What is a Standing Committee?

It is a committee that is formed to exist permanently. Examples would be the Economic Development Advisory Committee, the Convention and Visitors Bureau Advisory Committee, and the Laredo Commission for Women. Standing committees can be created by motion, resolution or ordinance. However, if the committee is created by ordinance, nothing regarding it can be changed except by amending the

¹ Procedures Manual, p. 21

² Procedures Manual, p. 24

ordinance (for example, the name of the committee or its membership or quorum requirements).

C. Council votes to create a new committee that is based on a new or existing state statute and governed by such statute(s)

1. What guidelines need to be followed in such a case?

Something that should be remembered is that any state law will always trump municipal law. So if the state places a limitation on the terms of, for example, members of the Board of Adjustment, the city cannot set a different term limit (the state term limit is two years). However, in the case of the Board of Adjustment, the state law does not limit the *number of terms* that a member may serve. If the state law is silent on an issue, the city may create its own rules – which the City of Laredo did in this case by ordinance, limiting Board of Adjustment members to two terms of two years each, no more than four years total. Always bear in mind that since the City of Laredo created that limit by ordinance, it cannot be changed by a motion but only by amendment of the ordinance itself.

D. How does the newly created committee/board/commission begin to function?

1. The City Secretary's Office will have contact information for each newly appointed member. However, in the case of a *newly created* body, usually the swearing-in of the appointees will take place at the first meeting rather than swearing-in of appointees individually.

2. The first meeting should be scheduled by the department director or supervisor and also coordinated with the City Secretary's Office so that the City Secretary or one of his deputies may be present to perform the oath of office for the new members. Members should be contacted ahead of time by the staff liaison to check their availability for the designated date and time. A **quorum**³ of members must be present for a meeting to be held.

3. An agenda must be posted for the first meeting no less than **72 hours** before the meeting is to be held. This is non-negotiable as it is part of the Texas Open Meetings Act.⁴ So if your meeting is on a Thursday at noon, the very latest that the agenda can be posted is Monday at noon.

³ A quorum is defined as more than 50% of the total of members of which the body is composed – *not* the total of members who have been appointed. So in the case of a nine-member body, five members must be present. If only six members, for example, have been appointed, this does not change the five-member quorum requirement. Quorum numbers have been adjusted by ordinance or resolution in the case of some committees, however.

⁴ Technically, the Texas Open Meetings Act only applies to quasi-judicial bodies such as the Board of Adjustment, the Planning and Zoning Commission, and the Historic District/Landmark Board (to name a few). However, our Procedures Manual applies the Act across the board to all City of Laredo boards, committees and commissions.

4. The agenda for the first meeting should include the provision for election of officers, as from now on the chair will call the meetings and approve the agendas. A chair and vice-chair *must* be selected. Also recommended is to select a committee secretary who will record the minutes of the meetings (rather than the staff liaison performing this function).
 - a. How is an agenda created? Who creates it, and what must it contain?
 - i. Normally the committee chair decides what will be on the agenda except in the case of the very first meeting of the appointed body, in which case the department director or supervisor will decide. However, it is often the staff liaison who actually prepares it and then submits it to the chair for review before sending it out for posting.
 - ii. What must it contain? A governmental body shall give written notice of the date, hour, place, and subject of each meeting held by the governmental body.⁵ The notice must be sufficient to apprise the general public of the subjects to be considered during the meeting.
 - iii. Generalized terms such as “old business,” “new business,” “regular or routine business,” and “other business” are not proper terms to give notice of a meeting because they do not inform the public of its subject matter. The term “public comment,” however, provides sufficient notice of a “public comment” session, where the general public addresses the governmental body about its concerns and the governmental body does not comment or deliberate, except as authorized by section 551.042 of the Texas Government Code.
5. Tips about agenda posting:
 - a. While it’s true that the minimum for posting is 72 hours, the City Secretary’s Office needs enough advance notice to be able to complete the following steps:
 - i. Get the agenda signed by the City Secretary (or one of his deputies, if he is not available)
 - ii. Make a copy for posting (the original is filed for two years)
 - iii. Scan the agenda
 - iv. E-mail the agenda for Internet posting
 - v. Post the agenda downstairs on the bulletin board

So, when an agenda is given to the City Secretary’s Office at the last minute, that creates a scrambling to accomplish all those steps before the deadline. It also creates a similar difficulty when an agenda is already posted and then the City Secretary’s Office receives an amended agenda just before the deadline.

⁵ Section 551.041 of the Texas Open Meetings Act

- b. If you must re-post an agenda (given, of course, that you're still within that 72-hour deadline; otherwise, it's not possible) because you had to make changes after you had already sent your agenda for posting, you should put the words, "**AS AMENDED**" at the top.
 - c. When you're unsure about the order of items on an agenda or the wording, you can consult either the City Attorney's Office or the City Secretary's Office. You may also check the Texas Open Meetings Handbook here: https://www.oag.state.tx.us/AG_Publications/pdfs/openmeeting_hb.pdf
- 6. Once all members have been sworn in, they must complete Open Meetings Training as soon as possible. **You should also complete this training yourself.**
 - a. What is Open Meetings Training?
 - i. Open Meetings Training is done by means of a video offered free of charge through the Texas Attorney General's Office. You have the option of either watching a DVD or streaming the video content through the Attorney General's website. It can be accessed here: https://www.oag.state.tx.us/open/og_training.shtml
 - ii. Once an appointee (or the group) completes their open meetings training, you may print out certificates using the Attorney General's link listed above. Click on, "Print Course Completion Certificates" and enter the code that was announced at the end of the training video (be sure to write it down when you watch!). Then, send the certificate to the City Attorney's Office for filing. If the appointee wishes to have a copy, you may make them one.
 - iii. While it is not a requirement, with a newly created appointed body, it is often convenient to allow one of the first meetings to be held with the express purpose of viewing this training video so that you may ensure that as many of the members as possible have been trained. Members, however, may do the training on their own at home as long as they provide you with the certificate as proof of completion.
- 7. All newly appointed members of any city board, commission or committee will receive the following three guidebooks electronically (or links to the electronic web version) from the City Secretary's Office: The Code of Ethics, the Protocol Handbook, and the Procedures Manual.
- 8. The newly created appointed body's first task after the oath of office, election of officers and training is complete will be to craft a vision or mission statement that will reflect the purpose and goals of the appointed body. The board/committee/commission may also craft bylaws by which to function, although this is not a requirement. Also to be established will be the frequency of meetings as well as a regular date and time for them to be held.

9. Templates for the mission statement and other documents can be found starting on page 76 of the Procedures Manual.

II. When the appointed body is already in existence

- A. What if you're assigned to take over an already functioning committee?
 1. If at all possible, get as much information as you can from the outgoing committee liaison about the committee's current goals and members.
 2. Be sure to get all minutes from the outgoing liaison, as those minutes are permanent records.
 3. Check the status of your committee members' terms. Is your appointed body subject to term limits? If so, you will need to monitor the length of time that each appointee serves and advise both them and their appointing city official when that time is about to expire so that they may be either reappointed or replaced (depending on the requirements; some committees allow for multiple terms, while others have a strict limit).
 4. Check the attendance of the members. Members whose participation records reflect three unexcused absences shall forfeit their appointed positions.⁶ This is why your agenda should always contain a section for excusing or unexcusing members' absences by vote, and a record of attendance should be carefully kept.

III. Responsibilities of Committee Members

- A. Cognizant that their appointees are public servants whose performance and work affect residents and visitors, the Mayor and Council shall hold them responsible for the highest standards of accountability and accessibility, including required reporting.
- B. Appointees shall reflect the highest ethical standards.
- C. Appointees shall reflect proper decorum at all meetings and City activities, treating colleagues and constituents with respect and courtesy.

IV. Forfeiture

- A. Members automatically shall forfeit their appointed positions for the following reasons:
 1. Change in status, resulting in no longer reflecting membership qualifications;
 2. **Failure to attend three consecutive meetings without being excused by a majority vote of the commission, board or committee;** or
 3. Any other reason if removal is requested by the member's appointing official.
 4. Members who forfeit an appointed position shall not qualify for subsequent nomination to the same commission, board or committee, even after the general five-year disqualification period that follows removal from appointed office.⁷

⁶ Procedures Manual, p. 30

⁷ Procedures Manual, pp. 35,36

- B. What constitutes an unexcused absence?
1. There is no legislative authority for the City of Laredo that defines what kind of absence is “unexcused.” That is decided by majority vote of the board/committee/commission. Some appointed bodies choose to unexcuse a member if the member has not notified the staff liaison that they will be absent and has given a reason; however, this is not a requirement but rather a common practice.
- C. What do I do when a member has three unexcused absences?
1. Make sure to report it to the Council Member who appointed them, referencing the Procedures Manual to show that they have automatically forfeited their appointment and need to be replaced. Also be sure that the member is aware that they have accumulated three unexcused absences and have therefore forfeited their appointment.
- D. What if a member cannot attend and wishes to send someone else in his place?
1. Unless City Council already has a provision in place for alternates, a member may not send someone else in their place to a meeting. This practice is called “proxy voting.”⁸
- E. What if a member cannot attend and wishes to listen in by conference call and/or vote by telephone or e-mail?
1. This is not allowed per the Open Meetings Act. “Since extraordinary circumstances are needed to hold a meeting by telephone conference call, governmental bodies cannot have an open meeting by teleconference merely because attending a meeting on short notice would inconvenience members of the governmental body. If a quorum of the governmental body convenes at the meeting location, absent members will not be allowed to participate from other locations by telephone conference call. Further, it would be questionable to allow participation of a third party by teleconference in a meeting due to the strict requirements in this section. Legal counsel should be consulted if such a situation arises.”⁹
- V. Terms and Vacancies
- A. What if the term of a committee member has ended? Can they continue to serve on the committee?

⁸ According to Robert’s Rules of Order, 11th edition, pp. 428, 429: “A ‘proxy’ is a means by which a member who expects to be absent from a meeting authorizes someone else to act in his or her place at the meeting. Proxy voting is not permitted in ordinary deliberative assemblies unless federal, state, or other laws applicable to the society require it, or the bylaws of the organization authorize it, since proxy voting is incompatible with the essential characteristics of a deliberative assembly.”

⁹ *Open Meetings Made Easy* handbook, p. 13

1. With many boards, committees and commissions, appointees may serve in a “holdover” capacity defined as when the appointing Council Member is himself or herself in a holdover seat or the new Council Member has not yet appointed his or her representative.
2. However, the Charter, legislation or other enabling authority may specify a term limit. For example, if a member of the Zoning Board of Adjustment has served four years, their term automatically concludes at the end of that period. They cannot be reappointed or serve as a holdover until replaced because they may not exceed the four-year limit.
3. Always check to see if your appointed body has one of these limits. If not, the member may continue to serve until replaced or reappointed.

VI. Quorum Issues

- A. What if my board/committee/commission seldom meets because we cannot get a quorum?
 1. If you have kept a careful record of attendance by the members, that should help to eliminate this problem. However, if it is still occurring, the Mayor and Council should be kept informed. This may be done by a memo, e-mail, and/or during the submittal of biannual reports.
- B. What if we don't have a quorum? Can we hold the meeting anyway?
 1. If a quorum is not established or is lost temporarily or permanently, other members may engage in informal discussions, provided there is no intent to circumvent the Texas Open Meetings Act and **no votes or final actions are taken** during the temporary or permanent absence of a quorum.
 2. In the absence of a quorum, the Chair may call a meeting to order to receive reports, engage in informal discussion, plan alternate meetings, hear public testimony, etc., provided there is no intent to circumvent the intent of the Texas Open Meetings Act and no votes or final actions are taken during the temporary or permanent absence of a quorum.
 3. You must be *very* careful when it comes to this issue. The most important thing to remember is whether or not it appears that an attempt is being made to circumvent the Open Meetings Act. You should never plan *deliberately* to hold a meeting with less than a quorum of members present, or allow members to vote by e-mail, for instance.
 4. If a quorum is not established 20 minutes after the posted time, the Chair may call the meeting to order to create a record that a quorum failed to materialize, requiring the meeting to be postponed or canceled.¹⁰
 5. It is a very good idea for you to review the Open Meetings Act Made Easy handbook provided by the Texas Attorney General's Office on their Open

¹⁰ Procedures Manual, p. 32

Government Training website. Again, that may be accessed here:
https://www.oag.state.tx.us/open/og_training.shtml.

VII. Biannual reports

A. What are the biannual reports? What do they contain?

1. Biannual reports are an overview of what the appointed body has accomplished during the past six months. They are due (technically) by July 1st and January 1st each year; however, the City Secretary's Office usually extends the deadline by a few weeks so that the minutes from June or December may be approved.
2. They should contain the following:
 - a. Attendance record¹¹
 - b. Names of all appointees along with who appointed them, and appointment dates if applicable (if the appointed body has term limits)¹²
 - c. Appointee directory
 - d. Vision or mission statement
 - e. Goals of the appointed body during the past six months, and future goals
 - f. Minutes
 - g. A cover letter to Mayor and Council signed by your committee chair (if at all possible...if they cannot sign, then try the vice chair or even your director) containing an evaluation of the work, activities and accomplishments of the previous six months and the plans for the next year.
 - h. Whether or not establishing quorums has been problematic (this may be reflected either in your cover letter or your attendance report)

B. What if my appointed body has not met during the past six months?

In this case, we ask that you please submit a letter to that effect, signed by your director. We will include it in the complete biannual report that will be submitted to Mayor and Council. If the lack of meetings was due to quorum problems, be sure to explain it in the letter.

C. Where can I find a template for my biannual report?

1. Templates can be found starting on page 80 of the Procedures Manual. You may also request the City Secretary's Office to send you a copy of your last biannual report if, for some reason, you do not have it on file.

D. In what format should I submit my biannual report?

1. Biannual reports are scanned by the City Secretary's Office and burned onto CD's which are then distributed to Mayor and Council. Therefore, it is perfectly fine to simply e-mail a digital copy of the report or send a PDF on a CD to the City Secretary's Office. If you prefer sending a hardcopy, that is fine; however, be sure to keep an original for yourself,

¹¹ Procedures Manual, p. 88

¹² Procedures Manual, p. 80

since you are the creator of the record and are therefore responsible for its retention.