

Marcus Gallegos, Member
Jacqueline Steinbacher, Member



Amy Shadowens, Member
Rachel Cristiano, Member

Robin Amerine, Chair
CITY OF JUSTIN
PARKS AND RECREATION ADVISORY BOARD AGENDA
SEPTEMBER 10, 2024
415 NORTH COLLEGE AVE
JUSTIN, TEXAS 76247
6:00 PM

CALL TO ORDER

Convene into Session:
Invocation and Pledge of Allegiance
American Flag

Texas Flag: *"Honor the Texas Flag; I pledge allegiance to thee, Texas, one state, under God, one and indivisible"*

PUBLIC COMMENT

In order to expedite the flow of business and to provide all the citizens the opportunity to speak, the Park and Recreation Committee Chair may impose a three-minute limitation on any person addressing the board.

CONSENT

1. Consider and act on meeting minutes from July 9, 2024 and August 27, 2024.

WORKSHOP & PARK BOARD TRAINING

2. Park Board Training

FUTURE AGENDA ITEMS

ADJOURN

I, the undersigned authority, do hereby certify that the above notice of the meeting of the City Council of the City of Justin, Texas, is a true and correct copy of the said notice that I posted on the official bulletin board at Justin Municipal Complex, 415 North College Ave, Justin, Texas, a place of convenience and readily accessible to the general public at all times, and said notice posted this 3rd day of September by 5 p.m., at least 72 hours preceding the scheduled meeting time.

Josh Little

Josh Little, Public Works Director



Parks and Recreation Advisory Board Coversheet
September 10, 2024
415 NORTH COLLEGE AVE
JUSTIN, TEXAS 76247

Agenda Item: 1. (CONSENT)

Title: Consider and act on meeting minutes from July 9, 2024 and August 27, 2024.

Department: Administration

Contact:

Recommendation:

Background:

City Attorney Review: No

Attachments:

1. 7-9-24 Park Minutes
2. 8-27-24 Park Minutes

MINUTES

**State of Texas
County of Denton
City of Justin**

Justin Parks and Recreation Advisory Board – July 9, 2024

The Justin Parks and Recreation Advisory Board convened into a regular meeting the same being open to the public the 9th day of July at 6:00 p.m. at the Justin Municipal Complex, and notice of said meeting giving the time, place, date, and subject thereof having been posted as prescribed by Article 5 of the Texas Government Code, with the following members present and in attendance to wit: Public Works Admin Staff Liaison, Kira Sedivy, and Public Works Director Josh Little.

Justin Parks and Recreation Committee Members: Amerine, Steinbacher, Cristiano and Shadowens were in attendance.

CALL TO ORDER

Invocation and Pledge of Allegiance

Member Amerine called the meeting to order at 6:01 pm

PUBLIC COMMENT

To expedite the flow of business and to provide all the citizens with the opportunity to speak, the Parks and Recreation Committee Chair may impose a three-minute limitation on any person addressing the board.

No comment from the Public

STAFF UPDATE

None

CONSENT ITEMS

1. Consider and act on meeting minutes from May 14, 2024 and June 11, 2024 Parks and Recreation Advisory Board meeting and take appropriate action.

Member Cristiano motioned to approve the minutes dated May 14, 2024 and June 11, 2024 as they exist right now.

Seconded by: Member Shadowens

Aye Votes: Members Amerine, Steinbacher, Cristiano and Shadowens

Motion Carries

DISCUSSION / ACTION ITEMS

2. Consider and provide recommendations for the City Facility Use Policy.

Members reviewed and discussed the edits by the City Attorney to the City Facility Use Policy. Members recommended having an action item at the August 27th Park Board meeting to review the final draft with all the edits from board members.

FUTURE AGENDA ITEMS

- Park Development Design Manual
- Facility Use Policy

ADJOURN

Motion to adjourn at 7:48 PM

Passed and approved on the 10th of September 2024.

SEAL:

Josh Little
Public Works Director

MINUTES

**State of Texas
County of Denton
City of Justin**

Justin Parks and Recreation Advisory Board – August 27, 2024

The Justin Parks and Recreation Advisory Board convened into a regular meeting the same being open to the public the 27th day of August at 6:00 p.m. at the Justin Municipal Complex, and notice of said meeting giving the time, place, date, and subject thereof having been posted as prescribed by Article 5 of the Texas Government Code, with the following members present and in attendance to wit: Public Works Admin Staff Liaison, Kira Sedivy, and Public Works Director Josh Little.

Justin Parks and Recreation Committee Members: Amerine, Steinbacher, Gallegos, Cristiano and Shadowens were in attendance.

CALL TO ORDER

Invocation and Pledge of Allegiance

Member Amerine called the meeting to order at 6:07 pm

PUBLIC COMMENT

To expedite the flow of business and to provide all the citizens with the opportunity to speak, the Parks and Recreation Committee Chair may impose a three-minute limitation on any person addressing the board.

No comment from the Public

DISCUSSION / ACTION ITEMS

1. Discuss, consider and take action on the City Facility Use Policy.
Members reviewed the revised City Facility Use Policy. The board members made a couple of minor adjustments to the policy.

Member Shadowens motioned to approve the Facility Use Policy with the changes discussed by the Board members and provide their recommendation of approval to City Council.

Seconded by: Member Steinbacher

Aye Votes: Members Amerine, Steinbacher, Gallegos, Cristiano and Shadowens

Motion Carries

2. Consider and discuss recommending appointments to the Parks and Recreation Advisory Board places 2 and 3 and take appropriate action.

Members reviewed the applications of Mark Allen and Mark Montanari.

Member Amerine stated the board members would not be taking an action at this meeting but would be at the September 10th meeting.

FUTURE AGENDA ITEMS

- Parliamentary Procedures
- Boards and Commissions Policy Handbook

ADJOURN

Motion to adjourn at 7:07 PM

Passed and approved on the 10th of September 2024.

SEAL:

Josh Little
Public Works Director



Parks and Recreation Advisory Board Coversheet
September 10, 2024
415 NORTH COLLEGE AVE
JUSTIN, TEXAS 76247

Agenda Item: 2. (WORKSHOP & PARK BOARD TRAINING)

Title: Park Board Training

Department: Public Works

Contact: Josh Little, Public Works Director

Recommendation:

Discussion Item Only

Background:

The Parks Board has not received any formal training from city staff. This training is intended to provide an overview on conducting a meeting as well as roles for Park Board members.

City Attorney Review: N/A

Attachments:

1. Park Board Training
2. Boards and Commissions policy manual 2023



PARKS AND RECREATION
SEPTEMBER, 2024

CREATED BY: AMY PIUKANA, CITY SECRETARY



UNDERSTANDING YOUR ROLE IS CRITICAL TO YOUR SUCCESS!

- TRAINING REQUIREMENTS
- ROLES OF CHAIR/VICE CHAIR
- CHARACTER AND DECORUM
- VOTING IN A MEETING
- PURPOSE OF THE PARK BOARD
- VACANCIES



Requirements:

- The Park Board must have a quorum of members present to hold a meeting. *(Example: 8 members, must have 5 present to make quorum or 51% of members)*
- An agenda must be posted 72 hours in advance of the meeting. The Board can only speak to items specifically listed on the agenda due to Texas Open Meetings Act requirements.
- The Park Board must allow citizen comments at every meeting prior to taking a vote.
- The Park Board is a recommending body. The Board recommends items for approval but does not have final authority over policies. The City Council has final authority on all policy decisions.



Role of Chair/Vice Chair:

- Every October the Board shall select a Chair and Vice Chair.
- Should a vacancy occur of a Chair/Vice Chair, then the appointment shall be made at the next meeting.
- The Chair of the meeting is responsible for managing the meeting and ensuring efficiency and that the board is speaking about items listed solely on the agenda.
- The Chair treats members with respect but may need to establish order and decorum gently but firmly when necessary.



Character and Decorum:

- As a volunteer of the City, it's your role to Advocate for the City.
- Please do not interrupt another person speaking.
- Be respectful of all opinions.
- Be on time.
- Read your agenda packet prior to the meeting.
- Contact staff if you have questions.
- It's encouraged to not use Cell phones during public meetings as this could result in a public information act request.



Meetings:

The Parks and Recreation Board shall meet at least eleven (11) times each year. City Staff will coordinate meetings and be responsible for agendas and minutes.

Purpose:

- The Parks and Recreation Board shall serve as an advisory board for the City Council for projects related to public parks and recreation and shall assist with the strategic plan relating to parks and recreation.



Vacancies:

The current process for vacancies is:

- 1) Notify the City Secretary that a vacancy has occurred.
- 2) The City Secretary works with Communications to advertise the Board vacancy.
- 3) Applications will be accepted and provided to the board for review.
- 4) If board approves the new member, the item is added to the City Council agenda and recommended for appointment by City Council.



Questions?

2023



City of Justin
Boards, Commissions, and
Committees Policy Manual

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City of Justin Boards and Commissions Policy Manual

I. Introduction

It is the policy of the City of Justin that the proper operation of democratic government requires that members of boards and commissions be independent, impartial, and responsible to the City Council and the citizens of Justin; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these worthwhile goals, the following policy has been established for the City's appointed Board and Commission Members deemed necessary and appropriate to assure the faithful and impartial conduct of Boards and Commissions of the City of Justin.

II. Definitions

For the purposes of this policy, the following words, terms, and phrases shall have the meanings ascribed thereto:

Board: Any City Board or Commission whose members are appointed by the City Council in an advisory or official capacity.

City Employee: Any person employed by the City, including those employed on a part-time basis.

City Board or Commission Member: Members of the following Boards:

- Justin Community Library Board
- Parks and Recreation Board
- Planning and Zoning Commission
- Zoning Board of Adjustment
- Keep Justin Beautiful Committee

City Officer: A Member of the City Council, Planning and Zoning Commission, or the Zoning Board of Adjustment. Members of the other Boards are advisory members and not City Officers.

III. Board Roles and Responsibilities

All Board Members who are appointed by the City Council serve at the pleasure of the City Council and serve in an advisory capacity, except as otherwise provided by law, including city ordinance. The Staff liaison shall be required to bring all applications forward to the appropriate board for a recommendation before the applications are presented to City Council.

A. Justin Community Library Board

- i. **Composition:** Justin Community Library Board shall be composed of up to eight (8) members who reside within the City of Justin, and one of the (8) members residing within the City's Extraterritorial Jurisdiction (ETJ).
- ii. **Term:** Each member shall be appointed by the Justin City Council to serve two (2) year terms beginning on January 1st. Board members shall be designated as place numbers 1 through 8. The 8th place shall serve as an alternate and will be eligible to vote if a member of the Commission is absent. 7. The terms of those appointed to positions in odd-numbered places shall expire December 31st of odd-numbered years, and the terms of those appointed in even-numbered places shall expire December 31st of even-numbered years.

The City Council may remove a member at any time throughout their term.

- iii. **Vacancy:** In case of vacancy on the board for any reason, the City Council shall appoint a successor to serve the remainder of the unexpired term. A vacancy in a term of office shall occur when the Council finds that a member:
 - 1. Has resigned or has not maintained the qualifications required for appointment;
 - 2. Has failed to attend the required percentage of meetings; or
 - 3. Has been removed from the board by the Council;
- iv. **Organization:** Each year in January, the Justin Community Library Board shall select a Chair and Vice Chair from among its membership. In the event a Chair or Vice Chair leaves the Board, his or her position will be filled at the next regular meeting of the Board.
- v. **Meetings:** The Justin Community Library Board shall meet at least two (2) times each year. City Staff will coordinate meetings and will be responsible for creation of the agenda and minutes.
- vi. **Quorum:** A quorum shall be constituted by a standard majority (51%) of the total number currently appointed to the board.
- vii. **Purpose:** The purpose of the Justin Community Library Board shall be to serve in an advisory capacity for the City Council for strategic planning efforts related to the Justin Community Library. The Board shall also annually review policies and procedures for possible updates.

B. Keep Justin Beautiful Advisory Committee

- i. **Composition:** Keep Justin Beautiful Committee shall be composed of up to eight (8) members.
- ii. **Term:** Each member shall be appointed by the Justin City Council to serve two (2) year terms beginning on January 1st. Board members shall be designated as place numbers 1 through 8. The 8th place shall serve as an alternate and will be eligible to vote if a member of the Commission is absent. 7. The terms of those appointed to positions in odd-numbered places shall expire December 31st of odd-numbered years, and the terms of those appointed in even-numbered places shall expire December 31st of even-numbered years.

The City Council may remove a member at any time throughout their term.

- iii. **Vacancy:** In case of vacancy on the board for any reason, the City Council shall appoint a successor to serve the remainder of the unexpired term. A vacancy in a term of office shall occur when the Council finds that a member:
 - 1. Has resigned or has not maintained the qualifications required for appointment;
 - 2. Has failed to attend the required percentage of meetings; or
 - 3. Has been removed from the Committee by the Council;
- iv. **Organization:** Each year in January, the Keep Justin Committee Board shall select a Chair and Vice Chair from among its membership. In the event a Chair or Vice Chair leaves the Committee, his or her position will be filled at the next regular meeting of the Committee.
- v. **Meetings:** The Keep Justin Beautiful Committee shall meet at least three (3) times each year. City Staff will coordinate meetings and will be responsible for creation of the agenda and minutes.
- vi. **Quorum:** A quorum shall be constituted by a standard majority (51%) of the total number currently appointed to the board.
- vii. **Purpose:** The purpose of Keep Justin Beautiful shall be charitable and educational to promote the Keep Justin Beautiful program of litter prevention, beautification and community improvement, and minimization of the impact of solid waste in the City of Justin.

C. Parks and Recreation Board

- i. **Composition:** The Parks and Recreation Board shall be composed of up to eight (8) members who currently reside within the ETJ or are residents of the City of Justin.
- ii. **Term:** Each member shall be appointed by the Justin City Council to serve two (2) year terms beginning on January 1st. Board members shall be designated as place numbers 1 through 8. The 8th place shall serve as an alternate and will be eligible to vote if a member of the Commission is absent. 7. The terms of those appointed to positions in odd-numbered places shall expire December 31st of odd-numbered years, and the terms of those appointed in even-numbered places shall expire December 31st of even-numbered years.

The City Council may remove a member at any time throughout their term.

- iii. **Vacancy:** In case of vacancy on the board for any reason, the City Council shall appoint a successor to serve the remainder of the unexpired term. A vacancy in a term of office shall occur when the Council finds that a member:
 - 1. Has resigned or has not maintained the qualifications required for appointment;
 - 2. Has failed to attend the required percentage of meetings; or
 - 3. Has been removed from the board by the Council;
- iv. **Organization:** Each year in October, the Parks & Recreation Board shall select a Chair and Vice Chair from among its membership. In the event a Chair or Vice Chair leaves the Board, his or her position will be filled at the next regular meeting of the Board.
- v. **Meetings:** The Parks & Recreation Board shall meet at least eleven (11) times each year. City Staff will coordinate meetings and will be responsible for creation of the agenda and minutes.
- vi. **Quorum:** A quorum shall be constituted by a standard majority (51%) of the total number currently appointed to the board.
- vii. **Purpose:** The purpose of the Parks and Recreation Board shall be to serve in an advisory capacity for the City Council for projects designated by the City Council related to public parks and recreation in the City of Justin. The board shall also assist with strategic planning efforts related to public parks & recreation of the City.

D. Planning and Zoning Commission

- i. **Composition:** The Planning & Zoning Commission shall be composed of up to eight (8) members who are all residents of the City of Justin, and must be a registered voter.
- ii. **Term:** Each member shall be appointed by the Justin City Council to serve two (2) year terms beginning on January 1st. Commission members shall be designated as place numbers 1 through 8. The 8th place shall serve as an alternate and will be eligible to vote if a member of the Commission is absent. 7. The terms of those appointed to positions in odd-numbered places shall expire December 31st of odd-numbered years, and the terms of those appointed in even-numbered places shall expire December 31st of even-numbered years.

The City Council may remove a member at any time throughout his or her term.

- iii. **Vacancy:** In case of vacancy on the Commission for any reason, the City Council shall appoint a successor to serve the remainder of the unexpired term. A vacancy in a term of office shall occur when the Council finds that a member:
 - 1. Has resigned or has not maintained the qualifications required for appointment;
 - 2. Has failed to attend the required percentage of meetings; or
 - 3. Has been removed from the Commission by the Council;
- iv. **Organization:** Each year in December, the Planning & Zoning Commission shall select a Vice Chair from among its membership. The Chair is required to be affirmed by City Council in January each year. In the event the Chair leaves the Commission, his or her position will be selected by the Commission at the next meeting and affirmed by City Council at the next available meeting.
- v. **Quorum:** A quorum shall be constituted by a standard majority (51%) of the total number currently appointed to the Commission.
- vi. **Meetings:** The Planning & Zoning Commission shall meet at least eleven (11) times each year. City Staff will coordinate meetings and will be responsible for creation of the agenda and minutes.
- vii. **Purpose:** The purpose of the Planning & Zoning Commission shall be that which is outlined in Chapters 211 and 212 of the Texas Local Government Code regarding planning and zoning of the City and its extraterritorial jurisdiction. The Commission shall also assist with recommendations for new ordinances or revisions to existing ordinances related to planning and zoning within the City, and shall serve in an

advisory capacity for strategic planning related to long-term planning for the City.

- viii. The Commission shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provision of the ordinance.

E. Zoning Board of Adjustment

The Zoning Board of Adjustment shall consist of the members of the City Council of Justin, as authorized by Section 211.008 of the Texas Local Government Code, regarding the zoning of cities and with the powers and duties as provided in said statutes and the comprehensive zoning ordinance.

IV. City Charter and Additional Provisions

A. Personal Interest in City Contracts

No officer or employee of the City of Justin shall have a financial interest, direct or indirect, in any contract with the City, or be financially interested directly or indirectly in the sale to the City of any land, materials, supplies, or services, except on behalf of the City as an officer or employee. Any knowing and willful violation of this Section shall constitute malfeasance in office and any officer or employee guilty thereof shall be removed from his office or position. Any violation of this Section with knowledge, expressed or implied, of the person or corporation contracting with the governing body of the City shall render the contract involved void.

B. Chapter 171, Local Government Code. Conflicts of Interest

A City Official who has a substantial interest in a business entity or in real property that be subject to a special economic effect by an action of the body to which he or she belongs must file an affidavit and must abstain from further participation in the matter.

C. Section 553, Government Code. Disclosure of Interest in Property

A public servant who has a legal or equitable interest in property that is to be acquired with public funds shall file an affidavit disclosing his interest within 10 days before the date on which the property is to be acquired by purchase or condemnation. A form affidavit for this purpose is attached.

V. Commissions and Boards Standards of Conduct

A. Policy

As mentioned in this Policy and Procedure Manual, State Law is very specific in defining conflict of interest and defines prohibited conduct for City Officials. This

Section reinforces those laws and is cumulative of State Law requirements. It is important that City Officials be independent, impartial, and responsible to the Citizens of the City, and that no member of a City Board 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 their duties. Public office will not be used for personal gain. Each member shall adhere to the code of ethics as set forth by adoption of the City Council,

B. Standards of Conduct

1. Conflict of Interest

No Board Member shall actively participate in the deliberation and/or approval of City business in which he or she, or a relative of the member, has a direct or indirect financial interest that can be determined to be in conflict with the duties of his or her office. If there is a conflict of interest, the member must leave the room during debate or hearing, refrain from discussing the matter at any time with members of the body of which he/she is a member or any other body which will consider the matter and abstain from voting on the matter. A Conflict of Interest Affidavit in the form of Attachment A must be filed with the City Secretary prior to the issue being deliberated by the City Council or Board. The following are defined as substantial interests in a business entity:

- a. owning 10 percent or more of the voting stock or shares of a business entity or 10 percent or more of \$15,000 or more of the fair market value of a business entity;
- b. funds received by the person from a business entity exceed 10 percent of the person's gross income for the previous year;
- c. having a financial interest in real property which is at least \$2,500 in fair market value.

2. Code of Ethics

All Board, Commission and Committee Members shall adhere to the code of ethics as adopted and set forth by the City Council.

3. Gifts, Grants, Donations, Entertainment

A Commission or Board Member shall not accept or solicit any benefit, gift, or favor from any person that might reasonably tend to influence them in the discharge of their official duties, or grant in the discharge of their official duties any improper favor, service, or thing of value.

A Commission or Board Member shall not accept any transportation or entertainment as a guest, unless it is associated with a City Council approved municipal meeting or conference.

Nothing in this Code shall be construed to mean that the acceptance of the following types of items are unethical:

- The acceptance of gifts, grants, and donations to the City of Justin. (State Law)
- Fees or benefits received that the official is entitled to for which he/she gives legitimate consideration in a capacity other than as a public servant. (State Law)
- Gifts received due to kinship or a personal, professional, or business relationship, independent of the official status of the recipient. (State Law)
- Any item or meal with a value of less than \$50. (State Law).

4. Disclosure of Confidential Information

A Board or Commission Member shall not disclose information that could adversely affect the property, government, or affairs of the City, nor directly or indirectly use any information gained solely because of his official position or employment with the City for his own personal gain or benefit or for the personal interests of others.

5. Use of City Supplies or Facilities

City supplies, equipment or facilities will not be used for any purpose other than conduct of official business, unless otherwise provided by law, ordinance, or City Policy.

6. Conduct

No Board or Commission Member shall engage in any conduct prejudicial to the government of the City.

7. Opinion of Commission and Board Members

Individual Commission and Board Members shall avoid expressing views or opinions that could be interpreted to represent those of the City or its citizens. No Board or Commission Member shall purport to speak or express opinions on behalf of the City.

C. City Travel Policy

This policy allows reimbursement of members of Boards and Commission members for budgeted training opportunities, upon approval by the City Manager. In the event of unforeseen requirements, a Board Member may request approval from the City Manager to cover expenses for special, unbudgeted trips. Board and Commission members will submit such unbudgeted request to the City Manager for approval.

In most circumstances, travel reimbursement will not be approved if the distance is less than twenty-five (25) miles from Justin City Hall when calculated via the most direct route between Justin City Hall and the destination.

D. Board Members

1. Selection and Appointment

- a. Applicants must use the form provided as Attachment B to this manual when applying for any board or commission.
- b. Applicants may apply for more than one board or commission by indicating 1st, 2nd, 3rd, etc. preferences. Individuals currently serving on a city board are not prevented from applying for a different board. However, that volunteer would first be required to resign from the previous board.
- c. Appointees shall be qualified by City staff prior to being appointed by the City Council.
- d. Qualified applications will be provided to the City Council for further review.
- e. It is the policy of the City Council to evaluate applicants on an objective basis, utilizing the following criteria:

1. Residency – Residency requirements for advisory boards and commissions are noted in applicable sections of Justin Municipal Code, and are summarized in the Board Roles and Responsibilities section of this manual.

2. Sectional Composition – Normally, consideration should be given toward maintaining an equitable balance of community representation on all boards and commissions.

The City Council will not appoint multiple members from the same immediate family or household to a single board or commission, to avoid the reality or appearance of improper influence or favor. If multiple people from a family or household are currently serving on a board, the Council shall select which member shall remain beginning with the next term.

The City Council will not appoint a member of any Council Member's immediate family or household to a Board or Commission, to avoid the appearance of favor and to increase community representation.

3. Occupation – The Council will attempt to maintain a broad mix of occupational backgrounds on all boards and commissions.

4. Knowledge of Municipal Processes – When ranking equally qualified applicants, the Council will consider background experience and knowledge of the municipal process as appropriate to the position, in reaching its decisions.
 5. Contributive Potential – The Council will evaluate the potential contribution that each applicant may make if appointed to a board or commission. Criteria to guide the Council in its evaluation may include:
 - i. Ability to communicate
 - ii. Desire to perform public service
 - iii. Ability to express ideas, concepts, or philosophies
 - iv. Desire to participate in decision-making process.
 6. Leadership Potential – Since each appointee may be called upon to serve as a Chair, the Council will evaluate leadership abilities such as:
 - i. Past or present leadership experience (current employment, special interests, etc.)
 - ii. Past or present participation in community services
 - iii. Expressed interest in a leadership role
 7. Time Available to Serve – City Council will need to be assured that the candidate will be available to serve at the scheduled meetings.
 8. The City Council will not appoint persons to serve as members of more than one board or commission at the same time; however, persons serving on a board or commission who have requested appointment to another board or commission position may be appointed to such position if they, concurrent with the appointment, resign from the board or commission position they are holding at the time of the new appointment. If a member is currently serving on multiple boards at the adoption of this policy manual, Council shall determine on which board said member shall remain at the beginning of the next term.
- f. Board and Commission Members may propose to City Council a nomination for one of the qualified applicants to a vacancy for which the applicant has applied.

- g. A majority of the City Council Members must approve any appointment.
- h. Appointed Board and Commission Members will be notified in writing of their appointment and term dates.
- i. Applicants not selected for appointment may be kept on file for consideration of future vacancies.
- j. With the exception of the Keep Justin Beautiful Advisory Board, employees of the City of Justin are not permitted to serve on any board or commission.
- k. Members of the Board and Commissions can also serve on the Keep Justin Beautiful Committee.
- l. With the exception of the Keep Justin Beautiful Committee, all board and commission, and committee members should be residents of the City, or who own property within the corporate limits of the City of Justin unless otherwise stated under Terms.
- m. With the exception of the Zoning Board of Adjustment, each board shall consist of 8 members. The 8th place shall serve as an alternate and will be eligible to vote if a member of the Board, Commission or Committee is absent.

2. Meetings

- a. All meetings of Boards and Commissions shall be posted in accordance with the Texas Open Meetings Act.
- b. If it is determined by the chairman or acting chairman that an emergency exists requiring immediate attention, the City Manager, and Mayor shall be notified prior to posting of the emergency agenda.
- c. The proceedings of all boards and commissions shall be governed by the most current edition of *Robert's Rules of Order*.
- d. The staff liaison for each board or commission will assist with ensuring that meeting notifications and recordkeeping occurs consistent with the applicable state laws; to provide professional guidance, issue analysis and recommendations; to assist the board or commission with research, report preparation, and to perform other committee liaison duties as may be assigned by the city manager or designee.

3. Attendance Policy

To ensure that all appointed Boards and Commissions have sufficient members present to transact business, it is important that Board Members

maintain a good attendance record. The policy of the City Council is to require that Board Members maintain a record of at least 80% attendance (during any twelve-month period) at the official meetings of the Board to which they were appointed. If the attendance rate of any Board Member falls below 80%, the appropriate Staff liaison will notify the City Manager and the Mayor regarding the fact. The City Council may inquire of the Board Member regarding his/her continued ability to serve and may remove the Member at any time.

4. Relationship to Staff

Appointed Board Members should deal with the City Staff only through the Staff Member designated as the liaison for the Board to which they were appointed. Instructions and requests should be made by the Board acting as a group, through Board Chair.

Communication with the City Council could take place with the Mayor or any Council Member on an informal basis by any Commission or Board Member.

5. Conflict of Interest Provisions

Appointed Board and Commission Members should be aware of conflict-of-interest provisions of State Law and the need to avoid participating in decisions of the Board to which they belong, if they are in a situation which presents a conflict. If the Member finds that a decision of the Board of which he/she is a member will create a conflict of interest as defined by State Law, the Member should not attempt to influence the decision and should not participate in official or unofficial discussion with other Board Members, City Staff Members, or others about the item. Such Member may not participate in meetings, hearings, or vote on the item, and should be absent from the meeting room during the deliberation of the item.

6. Financial Responsibility of Board and Commission Members

Appointed Board and Commission Members shall not be in arrears on the payments of any taxes or other financial obligation due to the City.

7. New Member Orientation

Newly appointed Board and Commission Members will be given a new member orientation packet by the appropriate staff liaison within 30 days of appointment.

Newly appointed members must also agree to complete online Open Meetings training from the Texas Office of the Attorney General within 90 days of appointment.

8. Abstentions from Voting

It is the policy of the City of Justin that all Members of Boards and Commissions should vote on all items before them, except for matters where a

Member has a conflict of interest as described in this policy manual or for lack of information. Any member prohibited from voting due to a conflict of interest shall announce such conflict at the commencement of consideration of the matter, briefly stating the reason. The Member shall be excused from voting.

VI. Advertising of Openings on Boards and Commissions

At least 90 days before terms of Board and Commission Members expire, the City will advertise the upcoming openings on the City's website. The advertisement will include the need for a completed application to be submitted to the City Secretary's office at least thirty days before the expiration of the term. Although there are no limits to the number of terms any Board or Commission member can serve, a member wishing to be reappointed will need to apply just as any applicant for the opening created by the expiration of a term.

**AFFIDAVIT OF ABSTENTION
CONFLICT OF INTEREST**

THE STATE OF TEXAS §
 §
COUNTY OF UPSHUR §

I, _____, as a member of the _____, make this affidavit and hereby on oath state the following: I, and/or a person or persons related to me in the first degree by either affinity or consanguinity, have a substantial interest in a business entity that would be peculiarly affected by a vote or decision of the _____ as those terms are defined in Chapter 171 of the Local Government Code.

Date of Meeting: _____

Agenda Item Number: _____

The Business Entity is: _____

I have a substantial interest in this business entity for the following reasons: (check all which are applicable)

- _____ Ownership of 10% or more of the voting stock or shares of the business entity.
- _____ Ownership of 10% or \$15,000 or more of the fair market value of the business entity.
- _____ Funds received from the business entity exceed 10% of my gross income for the previous year.
- _____ Real property is involved and I have an equitable or legal ownership with a fair market value of at least \$2,500.
- _____ I have a vested interest in the decision made by the Ore City City Council.

Upon the filing of this affidavit with the Official Record Keeper of the City, I affirm that I will abstain from voting on any decision involving this business entity and from any further participation on this matter whatsoever.

Signed this _____ day of _____, _____.

Signature of Official

Title

BEFORE ME, the undersigned authority, this day personally appeared _____ and on oath stated that the facts hereinabove stated are true to the best of their knowledge or belief.

SWORN TO AND SUBSCRIBED BEFORE ME on this _____ day of _____, _____.

Notary Public in and for the State of Texas

City of Justin
Code of Ethics

I. DECLARATION OF POLICY

It is hereby declared to be the policy of the City of Justin that the proper operation of representative government requires that public officials and employees be independent, impartial and responsible only to the people of the City; that the governmental decisions and policy be made in the proper channels of the governmental structure; that no official, employee or member of any standing committee or board should have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity, or incur any obligation of any nature, which is in conflict with the proper discharge of duties in the public interest; that public office not be used for personal gain; and that the City Council of the City of Justin (the “City Council”) at all times shall be maintained as a nonpartisan body. The City Council, with the support of the City’s residents, desires to implement such a policy. Therefore, the City Council deems it advisable to enact a code of ethics for all officials and employees, whether elected or appointed, paid or unpaid, to serve not only as a guide for official conduct of the City’s public servants, but also as a basis for discipline for those who refuse to abide by its terms.

II. DEFINITIONS

In this article, unless the context otherwise requires:

Employee means any person employed by the City, including those individuals on a part-time basis, but shall not be extended to apply to any independent contractor.

Official means any elected or appointed member of the City Council and any person appointed by the City Council to a board, commission, or committee of the City of Justin..

III. STANDARDS OF CONDUCT

No official or employee of the City shall:

- Accept any gift or favor from any person, firm or corporation that might reasonably tend to influence the official or employee in the discharge of official duties or grant in the discharge of official duties any improper favor, service, or thing of value. This shall not include a de minimis gift or favor with a value of less than \$100.
- Use the official’s or employee’s official position to secure special privileges or exemptions for any person, including the official or employee.
- Grant any special consideration, treatment, or advantage to any citizen, individual, business organization or group beyond that which is available to every other citizen, individual, business organization or group. This shall not prohibit the granting of fringe benefits to City employees as a part of their contract of employment or as an added incentive to the securing or retaining of employees.

- Disclose information that could adversely affect the property, government, or affairs of the City, nor directly or indirectly use any information gained by reason of the official's or employee's position or employment for personal gain or benefit or for the private interest of others.
- Transact any business on behalf of the City in an official capacity with any business entity with which the official or employee is an official, agent or member, or in which the official or employee owns a substantial interest. In the event that such a circumstance should arise, then the official or employee shall make known the interest, and in the case of an official, abstain from voting on the matter, or in the case of an employee, turn the matter over to a superior for reassignment, state the reasons for doing so, and have nothing further to do with the matter involved.
- Engage in any outside activities which will conflict with, or will be incompatible with, assigned duties in the employment of the City, or reflect discredit upon the City, or in which employment in the City will give the employee an advantage over others engaged in a similar business, vocation, or activity.
- Accept other employment or engage in outside activities incompatible with the full and proper discharge of duties and responsibilities with the city, or which might impair independent judgment in the performance of public duty.
- Receive any fee or compensation for services as an official or employee of the city from any source other than the City, except as may be otherwise provided by law. This shall not prohibit performing the same or other services for a private organization that the employee or official performs for the City if there is no conflict with duties and responsibilities to City.
- Represent, directly or indirectly, or appear in behalf of private interests of others before any agency of the City or any City board, commission or committee, nor shall such official or employee represent any private interest of others in any action or proceeding involving the City, nor participate on behalf of others in any litigation to which the City might be a party, nor shall such official or employee ever accept any retainer or compensation that is contingent upon a specific action taken by the City or any of its agencies.
- Use the prestige of the official's or employee's position in behalf of any political party, but shall at all times maintain the nonpartisan policy of the City, provided that all officials and employees are encouraged to register and vote as they may choose in all local, state and national elections.
- Knowingly perform or refuse to perform any act to deliberately thwart the execution of the City ordinances, rules or regulations, or the achievement of official City programs.
- Use City supplies, equipment, or facilities for any purpose other than the conduct of official City business.
- Engage in any dishonest or criminal act or any other conduct prejudicial to the

government of the City or that reflects discredit upon the government of the City.

IV. COMPLIANCE WITH THE LAW

All officials shall comply with the laws of the nation, the State of Texas, and the Town in the performance of their public duties. These laws include but are not limited to the United States and Texas constitutions; Texas civil statutes; Texas penal laws; and the Town Ordinances and policies.

- Elected officials and appointed officials, advisory boards and commissions must adhere to the following Texas statutes: Civil Statutes - Open Meetings Act (Texas Government Code, Ann. Chapter 551) Public Information Act/Open Records Act (Texas Government Code, Ann. Chapter 552) Conflicts of Interest (Texas Local Government Code, Chapter 171) Official Misconduct (Texas Penal Code, Chapter 36, Chapter 39) Nepotism (Texas Local Government Code, Chapter 573) Whistleblower Protection (Texas Local Government Code, Chapter 554) Competitive Bidding and Procurement (Texas Local Government Code, Chapter 252)
- State Penal Laws - Bribery (Texas Penal Code, 36.02) Coercion of Public Servant or Voter (Texas Penal Code, §36.03) Improper Influence (Texas Penal Code §36.04) Tampering with a Witness (Texas Penal Code §36.05) Retaliation (Texas Penal Code §36.06) Gifts to Public Officials (Texas Penal Code §36.08) Offering Gift to Public Servant (Texas Penal Code §36.09) Abuse of Office (Texas Penal Code, Chapter 39) Official Misconduct (Texas Penal Code §36.02) Official Oppression (Texas Penal Code §39.03) Misuse of Official Information (Texas Penal Code §39.06).

V. DISCLOSURE OF INTEREST

Any official, who has either a personal or private interest in any matter pending before the official's committee or board, shall disclose such interest to the other members of the committee or board and shall refrain from discussing the same with any other member of the committee or board and shall not vote thereon.

VI. ONE-YEAR PROHIBITION OF TRANSACTIONS WITH CITY AFTER OFFICIAL'S TERMINATION OF SERVICE

All officials, whether elected or appointed, shall be disqualified, for a period of one (1) year after termination of service with the City, from entering any transactions or contracts with the City where such former official has a financial interest either directly or indirectly.

VII. COMPLAINTS; HEARING

Any person who believes that there has been a violation of a provisions of this code may file a sworn complaint with the City Secretary. The complaint shall:

- (1) identify the person or persons who allegedly committed the violation;
- (2) provide a statement of the facts on which the complaint is based;
- (3) to the extent possible, identify the rule or rules allegedly violated; and
- (4) be sworn to in the form of an affidavit and be based on personal knowledge of the affiant and be subject to the laws of perjury.

A copy of the complaint shall be forwarded to the person charged in the complaint. The person charged in the complaint shall also be provided with a copy of the ethics rules and shall be informed that a response may be filed with the City Secretary any time before a hearing on the matter is held by the city council.

The City Council shall hold a hearing at an open meeting to determine whether a violation of this code has occurred as alleged by a sworn complaint. Not less than 10 days before the hearing, the City Secretary shall give written notice of the hearing to both the person who made the complaint and the person about whom the complaint was made.

The person charged in the complaint and the complainant have the right to attend the hearing, to make a statement, to present witnesses, and the right to be accompanied by legal counsel or another advisor. The time permitted for presentation will be at the discretion of the City Council.

At the conclusion of the hearing, the City Council shall either:

- (1) dismiss the complaint; or
- (2) upon finding that there has been a violation of the ethics laws,
 - (A) impose sanctions in accordance with these regulations; or
 - (B) state why no remedial action is imposed.

VIII. REPORTS BY CITY AUDITOR

Each year, at the time of the annual audit of the financial affairs of the City, the City's auditor shall comment in a special report to the City Council on any and all financial transactions between the City and its officials and employees.

IX. VIOLATIONS; DECISIONS

The failure of any official or employee to comply with or who violates one or more of the foregoing standards of conduct shall constitute grounds for expulsion, reprimand, and removal from office or discharge, whichever is applicable. In the case of a City Councilmember, the matter shall be decided by a majority of the remainder of the Councilmembers. In the case of members of boards or commissions, the matters shall be decided by the City Council. The decision of these bodies shall be final in the absence of bias, prejudice, or fraud.

Adopted and approved on September 28, 2021, by the Council of the City of Justin during a regularly scheduled meeting.



Acceptance of the City of Justin's Code of Ethics

This Code of Ethics supersedes all former Code of Ethics for the City of Justin.

I acknowledge that I have received, reviewed, and fully understand the City of Justin's Code of Ethics dated September 28, 2021. I, hereby, agree to abide by the foregoing City of Justin's Code of Ethics. I understand by executing this agreement, that I will be held to the City of Justin's Code of Ethics dated September 28, 2021.

Printed Name of City Board, Commission, and/or Council Member

Signature of City Board, Commission, and/or Council Member

Date