



CITY OF MELISSA

BOARDS & COMMISSION **HANDBOOK**

APPOINTMENT PROCESS

Applications

Citizens interested in serving on a board or commission can obtain applications online at www.cityofmelissa.com/Application. Applications are accepted through July 30 each year.

Each board has an assigned Councilmember liaison to facilitate a working relationship between the board and the City Council.

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

Appointments

At a City Council meeting in September, 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 (if applicable) and appropriate training.

Oath of Office and Training

Each new board member is required to take part in Open Meetings Act training (a 50-minute video on Attorney General's website), and sign Oath of Office forms within 90 days of being appointed. Positions that are assigned a City of Melissa email account where the City will correspond with board members for meeting notices, Board packet distribution, and general correspondence will be required to adhere to all Melissa policies regarding email.

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 Executive (closed) Sessions. All City of Melissa 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.

Executive Session Meetings

The Texas Open Meetings Act allows 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 section(s) 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 the executive session began and ended 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 written information conveyed to or held or received by a government body concerning official business 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 official business. A record also includes social media posts, text messages, and private emails pertaining to official business. If a request for information is received by a Board or Commission member, the City Secretary should be notified immediately for the proper procedures and to respond accordingly.

Selection of Board Officers

Each board/commission will have members serving as its Chair, Vice Chair, and Secretary. With the exception of Planning and Zoning, these positions are selected by the City Council. In the absence of the Chair, the Vice Chair shall preside. In the absence of both Chair and Vice Chair, a quorum of those members present shall designate an acting chairperson to preside over the meeting.

Role of the Chair and Vice Chair

The Chair provides leadership to the group, ensures smooth operation of the meeting, and discussions stay focused on the agenda. In the absence of the Chair, the Vice Chair shall preside.

Board/Commission Agenda Packets

An agenda packet is prepared by City staff and provided to each board member before each meeting date. 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 Chair 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 Chair to speak.
- The Chair 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.

BOARDS AND COMMISSION OVERVIEW

Overview

The Melissa City Council depends on the input from residents serving on boards and commissions. Melissa 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.

Decision-Making Boards

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

- Planning and Zoning Commission
- Board of Adjustment
- Melissa Community and Economic Development Corporation
- Melissa Crime Control and Prevention District
- Melissa Fire Control, Prevention, and Emergency Medical Services District
- Tax Increment Financing District Board #1

PLANNING AND ZONING COMMISSION

Purpose and Duties

The Planning and Zoning Commission 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 seven regular members and alternate members. All positions are appointment by City Council. A prospective board member must be a resident of Melissa 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 September of each year, the City Council considers reappointments for those members whose terms will be expiring and appointments for any open position(s).

Meetings

Regular meetings are held on the second Thursday of each month at 6:30 p.m. at City Hall, located at 3411 Barker Avenue in Melissa.

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 exceptions authorized by ordinance. As zoning regulations cannot be written to address every situation, the Board of Adjustment is granted the authority to grant variances, subject to state law. 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. A prospective board member must be a resident of Melissa 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 September of each year thereafter, the City Council considers reappointments for those members whose terms will be expiring and appointments for any open position(s).

Meetings and Time Commitment

Meetings for the Board of Adjustments are held on an as-needed basis, depending on any submitted petition for a hearing. Meetings will be held at City Hall, located at 3411 Barker Avenue in Melissa.

MELISSA COMMUNITY AND ECONOMIC DEVELOPMENT CORPORATION (4B)

Purpose and Duties

The Melissa Community and Economic Development Corporation (4B) promotes economic growth and enhances the quality of life by funding infrastructure, business expansion, and community projects. Supported by a voter-approved Type B sales tax, it helps attract businesses, create jobs, and improve public amenities such as parks, streets, and public buildings. The corporation manages funds, ensures compliance with state laws, and collaborates with local governments and community stakeholders to drive development. Through public engagement and strategic investments, it strengthens the local economy while improving essential services and recreational opportunities.

Members

The 4B is comprised of seven regular members and alternate members. All positions are appointed by the City Council. In Accordance with Texas Local Government Code 505.052 (a), all permanent and alternate members must reside in the city limits of Melissa. A prospective board member must be a resident of Melissa for a minimum of 12 consecutive months in order to be eligible to serve on the commission.

Member Terms

4B members shall be appointed for two year terms. In September of each year thereafter, the City Council considers reappointments for those members whose terms will be expiring and appointments for any open position(s).

Meetings and Time Commitment

Regular meetings are held on the third Thursday of each month at 7:00 p.m. at City Hall, located at 3411 Barker Avenue in Melissa.

MELISSA CRIME CONTROL AND PREVENTION DISTRICT BOARD (CCD)

Purpose and Duties

The Melissa Crime Control and Prevention District (CCD) is a special-purpose district dedicated to enhancing crime prevention and reducing crime. It is funded by a ¼-cent sales tax and supports various crime reduction strategies. The CCD is governed by a Board of Directors, composed of City Council members, who collaborate with the City and Police Department to develop a crime control budget that improves public safety for the community.

Members

CCD Directors are currently the sitting Melissa City Council.

Member Terms

CCD Terms run concurrently with the Director's City Council Member term.

Meetings and Time Commitment

Meetings for the CCD are held on an as-needed basis, depending on any needed CCD District actions. Meetings will be held at City Hall, located at 3411 Barker Avenue in Melissa.

MELISSA FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT BOARD (FPD)

Purpose and Duties

The Melissa Fire Control, Prevention, and Emergency Medical Services (FPD) District Board oversees funding and operations to enhance fire safety, prevention, and emergency response within its jurisdiction. The FPD is governed by a Board of Directors, composed of City Council members. Funded by a voter-approved $\frac{1}{4}$ sales tax, the board manages budgets, allocates resources, and develops strategies for fire suppression, prevention, and EMS. It sets policies, ensures compliance with regulations, and collaborates with local fire departments, emergency responders, and government agencies to improve public safety.

Members

FPD Directors are currently the sitting Melissa City Council.

Member Terms

FPD Terms run concurrently with the Director's City Council Member term.

Meetings and Time Commitment

Meetings for the FPD are held on an as-needed basis, depending on any needed FPD District actions. Meetings will be held at City Hall, located at 3411 Barker Avenue in Melissa.

TAX INCREMENT FINANCING DISTRICT BOARD #1

Purpose and Duties

The Tax Increment Financing (TIF) Board oversees and manages a Tax Increment Reinvestment Zone (TIRZ) to promote economic development and infrastructure improvements in a particular area. Its duties include creating and implementing project and financing plans, monitoring progress, recommending budgets, approving agreements, etc. The board ensures that increased property tax revenues from rising property values within the zone are reinvested to fund approved improvements effectively.

Members

The Tax Increment Financing (TIF) Board is comprised of eight regular members, including the sitting Melissa City Council and Collin County Commissioner.

Member Terms

Tax Increment Financing (TIF) Board members are to coincide with the terms of the City Council Members and County Commissioner.

Meetings

Meetings for the TIF Board are held on an as-needed basis, at City Hall, located at 3411 Barker Avenue in Melissa.

OTHER LEGAL / ETHICAL REQUIREMENTS

Appointed members of City boards and commissions must comply with other legal requirements imposed by state law, the City Charter and City ordinances, in addition to those covered above. The requirements that apply most frequently are identified below, but please be aware the list below is not exhaustive.

Local Government Code Chapter 171 – Conflicts of Interest

Definition of “conflict of interest”: A local public official has a conflict of interest in a matter if any action on the matter would involve a business entity or real property in which the official has a substantial interest, and if an action on the matter will result in a special economic effect on the business that is distinguishable from the effect on the public, or in the case of a substantial interest in real property, it is reasonably foreseeable that the action will have a special economic effect on the value of the property, distinguishable from its effect on the public. A local public official is also considered to have a substantial interest if a close relative has such an interest.

General rule: If a local public official has a conflict of interest in regard to a business entity or real property, that official must file an affidavit with the city secretary stating the interest and must abstain from any participation or vote on the matter.

Exception: If a local public official has a conflict of interest and files an affidavit, the official is not required to abstain from further participation or a vote on the matter if a majority of the members of the governing body also have a conflict of interest and file an affidavit.

Penalties: Penalties for violating the conflict of interest provisions range from having the action voided to the imposition of fines and incarceration.

Local Government Code Chapter 176 – Conflicts Disclosure

Local Government Code Chapter 176 requires that “local government officers”—including councilmembers and certain other executive city officers and agents—file a “conflicts disclosure statement” with a city’s records administrator within seven days of becoming aware of any of the following situations:

- A city officer or the officer’s family member has an employment or business relationship that results in taxable income of more than \$2,500 in the preceding 12 months with a person who has contracted with or is considering contracting with the city (“vendor”).

- A city officer or the officer's family member receives and accepts one or more gifts with an aggregate value of \$100 in the preceding 12 months from a vendor.
- A city officer has a family relationship with a vendor.

The law also requires a vendor to file a "conflict of interest questionnaire" if the vendor has a business relationship with the city and has an employment or other relationship with an officer or officer's family members, has given a gift to either, or has a family relationship with a city officer. The conflicts disclosure statement and the conflict of interest questionnaire are created by the Texas Ethics Commission and are available online at www.ethics.state.tx.us. An officer who knowingly fails to file the statement commits either a class A, B, or C misdemeanor, depending on the amount of the contract.

Dual Office-Holding/Incompatibility

Definition of "dual office-holding" and general rule: The Texas Constitution generally prohibits one person from holding more than one paid public office.

Definition of "incompatibility" and general rule: Texas law prohibits one person from holding two public offices, regardless of whether one or both offices are paid, if one position might impose its policies on the other or subject it to control in some other way. There are three types of incompatibility: (1) "self-appointment" incompatibility prohibits a member of a governing body from being appointed to a position over which the governing body has appointment authority; (2) "self-employment" incompatibility prohibits a member of a governing body from being employed in a position over which the governing body has employment authority; and (3) "conflicting loyalties" incompatibility prohibits one person from holding two public offices in which the duties of one office might negatively affect the duties of the other office.

Penalties: A person who accepts a prohibited second office automatically resigns from the first office.

City Code of Conduct

The City's Code of Conduct applies to appointed members of City boards and commissions and other City officials. In general, the Code of Conduct addresses unfair advancement of private interests, acceptance and solicitation of gifts and other benefits and the disclosure thereof, use of confidential information, representation of private interests, use of public resources, political activity, interactions with City staff and the general public and other legal and ethical matters. A person who violates the Code of Conduct is subject to disciplinary action, including removal from a City board or commission. You are encouraged to review the Code of Conduct, which is available at: https://library.municode.com/tx/melissa/codes/code_of_ordinances?nodeId=CH8PEAD_ART8.1000COET.

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:

- 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;
- Any information protected by attorney client, attorney work product, or other applicable legal privilege; and
- 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 Melissa 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.

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 here- in 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 state law if the official or a person related to the official in the second degree of consanguinity or affinity has a substantial interest in a business or real property.

EXHIBITS

Public Access Form

Agreement for Use of City's E-Mail System by Board Members

Code of Conduct

Conduct of Public Testimony

Annual Review Discussion