

ORDINANCE NO. 4894

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE, AS PREVIOUSLY AMENDED, BY CREATING NEW CHAPTER 20 TITLED “BOARDS, COMMISSIONS, AND COMMITTEES” THEREBY CODIFYING THE CITY’S GENERAL REGULATIONS AND OTHER ASSOCIATED PROVISIONS REGARDING SAID TITLE; MAKING CERTAIN DELETIONS AND ADDITIONS TO CHAPTERS 2, 3, 4, 5, 6, 7, AND 15.5, INCLUDING REPEALING AND REPLACING CERTAIN ORDINANCES, BOTH UNCODIFIED AND CODIFIED, TO REVISE AND RELOCATE MOST OF THE CITY’S BOARDS, COMMISSIONS, AND COMMITTEES INTO NEW CHAPTER 20; REVISING PORTIONS OF CHAPTER 2, ARTICLE IV, DIVISION 2 “CODE OF ETHICS” ASSOCIATED WITH PROVISIONS RELATING TO BOARD, COMMISSION, AND COMMITTEE REGULAR MEMBERS AND ALTERNATES; REVISING APPENDIX D – COMPREHENSIVE FEE SCHEDULE TO INCLUDE A FEE FOR APPEALS TO THE BUILDING STANDARDS BOARD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, adding a new CHAPTER 20 BOARDS, COMMISSIONS, AND COMMITTEES to the Mesquite City Code provides for codification of most City boards, commissions, and committees (collectively referred to sometimes as “**boards**” or “**board**”) in one location and provides for general regulations regarding members and board procedures; and

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”) to protect the public health, safety, and welfare; and

WHEREAS, the City of Mesquite, Texas, (“**City**”) is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, [Section 5](#) of the Texas Constitution and [Chapter 9](#) of the Texas Local Government Code; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, [Section 51.072](#)(a); and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life and property and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government and order and security of the City and its inhabitants, pursuant to Article III, [Section 2](#) of the Mesquite City Charter; and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, [Section 54.004](#), as amended; and

WHEREAS, upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion this ordinance should be approved and adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. Recitals Incorporated. The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals here in the body of this ordinance as if copied in their entirety.

SECTION 2. BOARDS, COMMISSIONS, AND COMMITTEES ORGANIZATIONAL STRUCTURE. The City of Mesquite, Texas, Boards, Commissions, and Committees Organizational Structure chart is attached hereto and made a part hereof as **EXHIBIT A**. Said Chart is provided herein as a visual aid and may be administratively updated from time to time by the City staff as needed, without the need to seek City Council approval.

SECTION 3. MESQUITE CITY CODE TEXT AMENDMENT. CHAPTER 20 – BOARDS, COMMISSIONS, AND COMMITTEES. That new Chapter 20 titled “Boards, Commissions, and Committees” of the Mesquite City Code, as amended, is hereby created as identified in **EXHIBIT B** attached hereto and made a part hereof, and in all other respects, the remaining Chapters of the Mesquite City Code shall remain in full force and effect.

SECTION 4. MESQUITE CITY CODE TEXT AMENDMENT: CHAPTER 2 – ADMINISTRATION, ARTICLE IV – OFFICIALS AND EMPLOYEES GENERALLY, DIVISION 2 – CODE OF ETHICS. That Chapter 2, Article IV, Division 2 – Code of Ethics of the Mesquite City Code, as amended, is hereby amended by making certain deletions and additions as identified in **EXHIBIT C** attached hereto and made a part hereof, and in all other respects, the remaining Chapters of the Mesquite City Code shall remain in full force and effect.

SECTION 5. MESQUITE CITY CODE TEXT AMENDMENT. CHAPTER 3 – AIRPORTS AND AIRCRAFT, ARTICLE IV – AIRPORT ZONING. That Chapter 3, Article IV – Airport Zoning of the Mesquite City Code, as amended, is hereby amended by making certain deletions and additions as identified in **EXHIBIT D** attached hereto and made a part hereof, and in all other respects, the remaining Chapters of the Mesquite City Code shall remain in full force and effect.

SECTION 6. MESQUITE CITY CODE TEXT AMENDMENT. CHAPTER 4 – ANIMALS, ARTICLE II – ANIMAL SERVICES ADVISORY COMMITTEE. That Chapter 4, Article II – Animal Services Advisory Committee of the Mesquite City Code, as amended, is hereby amended by making certain deletions and additions as identified in **EXHIBIT E** attached hereto and made a part hereof, and in all other respects, the remaining Chapters of the Mesquite City Code shall remain in full force and effect.

SECTION 7. MESQUITE CITY CODE TEXT AMENDMENT.

CHAPTER 5 – BUILDINGS AND CONSTRUCTION. That Chapter 5 – Buildings and Construction of the Mesquite City Code, as amended, is hereby amended by making certain deletions and additions as identified in **EXHIBIT F** attached hereto and made a part hereof, and in all other respects, the remaining Chapters of the Mesquite City Code shall remain in full force and effect.

SECTION 8. MESQUITE CITY CODE TEXT AMENDMENT.

CHAPTER 6 – FIRE PREVENTION AND PROTECTION, ARTICLE II – FIRE CODE. That Chapter 6 – Fire Code of the Mesquite City Code, as amended, is hereby amended by making certain deletions and additions as identified in **EXHIBIT G** attached hereto and made a part hereof, and in all other respects, the remaining Chapters of the Mesquite City Code shall remain in full force and effect.

SECTION 9. MESQUITE CITY CODE TEXT AMENDMENT.

CHAPTER 7 – HOUSING, ARTICLE I – PROPERTY MAINTENANCE CODE. That Chapter 7, Article I – Property Maintenance Code of the Mesquite City Code, as amended, is hereby amended by making certain deletions and additions as identified in **EXHIBIT H** attached hereto and made a part hereof, and in all other respects, the remaining Chapters of the Mesquite City Code shall remain in full force and effect.

SECTION 10. MESQUITE CITY CODE TEXT AMENDMENT.

CHAPTER 15.5 – TREES AND VEGETATION, SEC. 15.5-1 TREE BOARD. That Chapter 15.5, Sec. 15.5-1 – Tree Board of the Mesquite City Code, as amended, is hereby amended by making certain deletions and additions as identified in **EXHIBIT I** attached hereto and made a part hereof, and in all other respects, the remaining Chapters of the Mesquite City Code shall remain in full force and effect.

SECTION 11. MESQUITE CITY CODE TEXT AMENDMENT.

APPENDIX D – COMPREHENSIVE FEE SCHEDULE, ARTICLE XII – PLANNING AND DEVELOPMENT SERVICES. That Appendix D – Comprehensive Fee Schedule of the Mesquite City Code, as amended, is hereby amended by making certain deletions and additions as identified in **EXHIBIT J** attached hereto and made a part hereof, and in all other respects, the remaining Chapters of the Mesquite City Code shall remain in full force and effect.

SECTION 12. Uncodified Ordinances Repealed. The following ordinances are hereby repealed in their entirety.

- | | |
|------------------------|------------------------------------------------------------|
| (1) Ordinance No. 4250 | (Re: Housing Board) |
| (2) Ordinance No. 4470 | (Re: Housing Board) |
| (3) Ordinance No. 4737 | (Re: Downtown Development Advisory Board) |
| (4) Ordinance No. 1394 | (Re: Library Advisory Board) |
| (5) Ordinance No. 3542 | (Re: Parks and Recreation Advisory Board) |
| (6) Ordinance No. 4101 | (Re: Mesquite Veteran’s Affairs & Memorial Advisory Board) |

- (7) Ordinance No. 4225 (Re: Mesquite Veteran’s Affairs & Memorial Advisory Board)
- (8) Ordinance No. 4326 (Re: Mesquite Veteran’s Affairs & Memorial Advisory Board)

SECTION 13. Board Abolished. The MESQUITE VETERANS’ AFFAIRS AND MEMORIAL ADVISORY BOARD is hereby eliminated and for all purposes abolished.

SECTION 14. Purpose of Transitional Provisions. The purpose of the transitional provisions in this ordinance are as follows:

- (1) The *current* regular members and alternates of the City’s *advisory* and *quasi-judicial* boards, commissions, and committees are hereby acknowledged as valued members of the City’s organization.
- (2) Provisions contained in this ordinance are necessary to transition into a new organizational structure and to ensure all persons (*existing* and *future* regular members and alternates) of the City’s *advisory* and *quasi-judicial* boards, commissions, and committees are treated equally and as is permitted by law.
- (3) The City Council encourages each *current* regular member and alternate, of the City’s boards, commissions, and committees, to cooperate and assist the Office of the City Secretary in transitioning smoothly into a new organizational structure and application process.
- (4) The new process and procedures will further the City’s movement towards a more standardized method for appointing regular members and alternates.

SECTION 15. Authorization of Transitional Provisions for Certain Advisory Boards.

15.01. Applicability. The following specifically identified *advisory* board(s), commission(s), and committee(s) are subject to the transitional provisions of this section:

- (1) ANIMAL SERVICES ADVISORY COMMITTEE
- (2) DOWNTOWN DEVELOPMENT ADVISORY BOARD
- (3) LIBRARY ADVISORY BOARD
- (4) PARKS AND RECREATION ADVISORY BOARD
- (5) TREE ADVISORY BOARD

15.02. New expiration date for transitional purposes. The *existing terms* for the *current* regular members and alternates for the above-mentioned *advisory* boards, commissions, and committees are hereby extended or shortened, whichever the case may be, and therefore shall all expire on **DECEMBER 31, 2021**.

15.03. New application. All persons (*current* and *future* regular members and alternates) interested in being *reappointed* or *appointed* to an above-mentioned *advisory* board, commission, or committee with a term starting **JANUARY 1, 2022**, or anytime thereafter, shall be subject to the new application process and procedures.

15.04. Updated eligibility requirements. All persons (*current* or *future* regular members or alternates) shall meet the eligibility requirements before being *reappointed* or *appointed* to serve on an above-mentioned City *advisory* board, commission, or committee. The eligibility requirements are outlined in new Chapter 20, Article II, Sec. 20-201 “Eligibility requirements.”

15.05. New position numbers and new expiration dates for new terms. Unless otherwise provided, any person *reappointed* or *appointed* to an above-mentioned City *advisory* board, commission, or committee shall be assigned a position number with a coordinating expiration date in accordance with new Chapter 20 of the Mesquite City Code. Terms for persons assigned to odd numbered positions will expire in odd-numbered years. Terms for persons assigned to even numbered positions will expire in even-numbered years.

15.06. Priority for appointments. Upon meeting the requirements of the application and eligibility criteria, any person currently serving as a regular member or alternate, of an above-mentioned City *advisory* board, commission, or committee, will be given priority for consideration by the City Council for *reappointment* for a new term starting **JANUARY 1, 2022**.

15.07. Terms are zeroed out – no calculation of past terms prior to January 15, 2022. Unless otherwise provided under State law, partial and full terms served by any person appointed to an above-mentioned *advisory* board, committee, or commission, as identified in subsection 15.01 above, are zeroed out. Partial and full terms shall not be counted as having been a “term served” any time prior to JANUARY 15, 2022.

15.08. Authority to adjust time-period of new terms. The City Secretary or his/her designee is hereby authorized to make one-time adjustments to the *advisory* board, commission, and committee regular members’ and alternates’ new terms starting on **JANUARY 1, 2022**, as necessary, to align persons with position numbers and coordinating expiration dates as identified in new Chapter 20 of the Mesquite City Code.

SECTION 16. Authorization of Transitional Provisions for Certain Quasi-Judicial Boards.

16.01. Applicability. The following specifically identified *quasi-judicial* board(s), commission(s), and committee(s) are subject to the transitional provisions of this section:

- (1) HOUSING BOARD
- (2) BUILDING STANDARDS BOARD

16.02. Authority to assign position numbers and adjust time-period of existing terms. The City Secretary or his/her designee is hereby authorized to make one-time adjustments to the above-mentioned *quasi-judicial* board, commission, and committee regular members’ and alternates’ terms as necessary, to assign position numbers and coordinating expiration dates as identified in new Chapter 20 of the Mesquite City Code. Terms for persons assigned to odd

numbered positions will expire in odd-numbered years. Terms for persons assigned to even numbered positions will expire in even-numbered years.

16.03. Terms are zeroed out – no calculation of past terms prior to January 15, 2022. Unless otherwise provided under State law, partial and full terms served by any person appointed to an above-mentioned *quasi-judicial* board, committee, or commission, as identified in subsection 16.01 are zeroed out. Partial and full terms shall not be counted as having been a “term served” any time prior to JANUARY 15, 2022.

16.04. New application and updated eligibility requirements. All persons (*current* and future regular members and alternates) interested in being *reappointed* or *appointed* to an above-mentioned *quasi-judicial* board, commission, or committee shall be subject to the new application process and eligibility requirements upon seeking reappointment for a new term. The eligibility requirements are outlined in new Chapter 20, Article II, Sec. 20-201 “Eligibility requirements.”

SECTION 17. Authorization of Transitional Provisions for the Civil Service Commission, and the Personnel Board & Trial Board.

17.01. Applicability. The following specifically identified *quasi-judicial* board(s) and commission(s) are subject to the transitional provisions of this section:

- (1) CIVIL SERVICE COMMISSION (For Firefighters and Police Officers)
- (2) PERSONNEL BOARD & TRIAL BOARD (For General Government Employees)

17.02. Authority to assign position numbers. The City Secretary or his/her designee is hereby authorized to assign persons to official position numbers aligning with expiration dates in accordance with Texas Local Government Code, Title 5, Subtitle A, Chapter 143 Municipal Civil Service for Firefighters and Police Officers, [§ 143.006](#) (Implementation: Commission).

17.03. New expiration date for transitional purposes. The *existing terms* of the *current* regular members (or the terms associated with a vacant position) on the CIVIL SERVICE COMMISSION and the PERSONNEL BOARD & TRIAL BOARD are set to expire on November 7th in each of the following years: 2021, 2022, and 2023. The existing terms for the three positions are hereby extended and shall now expire on **DECEMBER 31st** for each position as follows:

Position No. 1.	Term expires December 31, 2021.
Position No. 2.	Term expires December 31, 2022.
Position No. 3.	Term expires December 31, 2023.

17.04. New application and updated eligibility requirements. All persons (*current* and *future* regular members) of the above-mentioned commission and boards interested in being *reappointed* or *appointed* shall be subject to the new application process, and eligibility requirements not in conflict and in accordance with State law, upon seeking reappointment for a new term. The eligibility requirements are outlined in new Chapter 20, Article II, Sec. 20-201 “Eligibility requirements.”

SECTION 18. Authorization of Transitional Provisions for Certain Quasi-Judicial Boards and Commissions governed by the City Code, Mesquite Zoning Ordinance, and State law.

18.01. Applicability. The following specifically identified *quasi-judicial* board(s) and commission(s), governed by the Mesquite City Code, Mesquite Zoning Ordinance, and State law, are subject to the transitional provisions of this section:

- (1) AIRPORT BOARD OF ADJUSTMENT
- (2) AIRPORT ZONING COMMISSION
- (3) BOARD OF ADJUSTMENT
- (4) LANDMARK COMMISSION
- (5) PLANNING & ZONING COMMISSION

18.02. Mesquite Zoning Ordinance. The *current* regular members and alternates of the Board of Adjustment, Landmark Commission, and Planning & Zoning Commission are currently governed by [Section 5-402](#) General Regulations of Boards and Commissions of the Mesquite Zoning Ordinance, and State law where applicable.

18.03. Proposed revisions to the Mesquite Zoning Ordinance to be drafted. Upon adoption of this ordinance, the City Council requests that the City Manager direct City staff to draft proposed amendments to the Mesquite Zoning Ordinance to align the general regulations for the Board of Adjustment, Landmark Commission, and Planning & Zoning Commission with the provisions of this new ordinance to the extent allowable by State or other law.

18.04. New application and updated eligibility requirements upon adoption of revised Mesquite Zoning Ordinance provisions. Upon the Planning & Zoning Commission's review and recommendation, and the City Council's adoption of the proposed revisions to the Mesquite Zoning Ordinance, all persons (*current* and *future* regular members and alternates) interested in being *reappointed* or *appointed* shall be subject to the new application process, and eligibility requirements not in conflict and in accordance with State law, upon seeking appointment or reappointment for a new term.

SECTION 19. Authorization of Transitional Provisions for Capital Improvements Advisory Committee.

19.01. Applicability. The CAPITAL IMPROVEMENTS ADVISORY COMMITTEE is subject to the transitional provisions of this section and Section 17 where applicable. The above-mentioned *advisory* committee has the same membership as the Planning and Zoning Commission, plus up to two additional members in accordance with Texas Local Government Code [Section 395.058](#).

19.02. Transitional provisions. The transitional provisions of the CAPITAL IMPROVEMENTS ADVISORY COMMITTEE are those in Section 17 where applicable and not in conflict with State or other law.

SECTION 20. **Severability Clause.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

SECTION 21. **Savings Clause.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Mesquite City Code, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 22. **Penalty Clause. Criminal.** Any violation of the provisions or terms of this ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine not to exceed TWO THOUSAND (\$2,000.00) dollars for each offense, as provided in Mesquite City Code, Chapter 1, [Section 1-6](#), as amended. **Civil.** The City may also file any other civil actions for enforcement of this ordinance as authorized by law. **Maximum penalties.** If the maximum penalties provided for by this ordinance for an offense or civil action is greater than the maximum penalty provided for the same offense or civil action under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense or civil action shall be the maximum penalty provided by the laws of the State of Texas.

SECTION 23. **Publication.** This ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 24. **Effective Date.** This ordinance after its passage and publication shall take effect on, and be in force from and after, five (5) days after publication thereof, in accordance with Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the **7th day of SEPTEMBER, 2021.**

Bruce Archer
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary

David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. 4894

City of Mesquite, Texas
Boards, Commissions, and Committees Organizational Structure

CITY OF MESQUITE, TEXAS BOARDS, COMMISSIONS, & COMMITTEES Organizational Structure

STANDING & AD HOC COMMITTEES of the City Council

- **STANDING COMMITTEES**
MEMBERSHIP:
Less than a quorum
of the City Council.

Created by the City Council.

Mayor appoints:
Members of the CC
(Less than a quorum)

and

Chair.
- **SPECIAL AD HOC
COMMITTEES**
MEMBERSHIP:
Less than a quorum
of the City Council.

Created by Mayor.

Mayor appoints:
Members of the CC
(Less than a quorum)

and

Chair.
- **CITIZEN ADVISORY
COMMITTEES &
TASK FORCES**
MEMBERSHIP:
Non-members of the CC,
and *may* include
Less than a quorum
of the City Council.

Created by the City Council.

All members of the City
Council (i.e. Individual CC
members and the Mayor) may
each appoint at least one (1)
member.

Mayor appoints Chair.

NON-PROFIT CORPORATIONS

- Historic Mesquite, Inc.
(Non-members of the CC)
 - Keep Mesquite Beautiful,
Inc.
(Non-members of the CC)
 - Mesquite Quality of Life
Corporation
(Non-members of the CC)
 - Mesquite Health Facilities
Development Corporation
(Members of the City Council)
 - Mesquite Housing Finance
Corporation
(Members of the City Council)
 - Mesquite Industrial
Development Corporation
(Members of the City Council)
- Subject to CODE OF ETHICS
Some corporations may be
subject to TOMA.
- Also governed by
State law,
Articles of Incorporation,
and the Bylaws
filed with the Texas
Secretary of State.

REINVESTMENT ZONE TIF & TIRZ BOARDS

- 01. Rodeo City TIF
(Members of the City Council)
 - 02. Towne Centre TIRZ
(Members of the City Council)
 - 07. Skyline TIF
(Members of the City Council)
 - 08. Gus Thomasson TIF
(Members of the City Council)
 - 09. Town East/Skyline
TIRZ
Members of CC &
Non-members of the CC
 - 10. Polo Ridge TIRZ
(Members of the City Council)
 - 11. Heartland Town
Center TIRZ
(Members of the City Council)
 - 12. I-20 Business Park
TIRZ
(Members of the City Council)
 - 13. Spradley Farms TIRZ
Members of CC &
Non-members of the CC
 - 14. Alcott Logistics
Station TIRZ
(Members of the City Council)
 - 15. Solterra TIRZ
(Members of the City Council)
- Subject to CODE OF ETHICS
Subject to TOMA
- Also governed by State
law and the uncodified
City ordinance(s) creating
the TIF or TIRZ Board(s).

QUASI-JUDICIAL Boards, Commissions, & Committees

- Airport Board of Adjustment*
 - Airport Zoning Commission**
 - Board of Adjustment*
 - Building Standards Board
 - Civil Service System: Civil
Service Commission***
(for Fire & Police Sworn Employees)
 - Civil Service System: Personnel
Board & Trial Board***
(for General Govt Employees)
 - Housing Board
 - Landmark Commission
 - Planning & Zoning
Commission **
- Subject to CODE OF ETHICS
Subject to TOMA
Also governed by State law.
- NOTE:**
*** Same Membership
** Same Membership
* Same Membership

ADVISORY Boards, Commissions, & Committees

- Animal Services Advisory
Committee
 - Capital Improvements
Advisory Committee **
(**P&Z +2 additional members)
 - Downtown Development
Advisory Board
 - Library Advisory Board
 - Parks & Recreation Advisory
Board *
 - Tree Advisory Board *
- Subject to CODE OF ETHICS
- NOTE:**
** Same Membership
* Same Membership

REGIONAL BOARDS, COMMISSIONS, & COMMITTEES
North Texas Municipal Water District

EXHIBIT B

To Ordinance No. 4894

Mesquite City Code
CHAPTER 20 – BOARDS, COMMISSIONS, AND COMMITTEES

MESQUITE CITY CODE

* * *

Chapter 20 – BOARDS, COMMISSIONS, AND COMMITTEES

General Table of Contents

ARTICLE I. -	IN GENERAL.....	8
ARTICLE II. -	ELIGIBILITY AND APPOINTMENT PROCESS.....	14
ARTICLE III. -	GENERAL REGULATIONS	21
DIVISION 1. -	REGULATIONS APPLICABLE TO ALL BOARDS, COMMISSIONS, AND COMMITTEES.	21
DIVISION 2. -	REGULATIONS APPLICABLE ONLY TO QUASI-JUDICIAL BODIES	31
DIVISION 3. -	MEETINGS.....	34
DIVISION 4. -	ATTENDANCE REQUIREMENTS.....	39
ARTICLE IV. -	QUASI-JUDICIAL BOARDS, COMMISSIONS, AND COMMITTEES	43
DIVISION 1. -	AIRPORT BOARD OF ADJUSTMENT	43
DIVISION 2. -	AIRPORT ZONING COMMISSION.....	46
DIVISION 3. -	BOARD OF ADJUSTMENT	48
DIVISION 4. -	BUILDING STANDARDS BOARD	52
DIVISION 5. -	CIVIL SERVICE SYSTEM (Fire & Police): CIVIL SERVICE COMMISSION	56
DIVISION 6. -	CIVIL SERVICE SYSTEM (General Government Employees): PERSONNEL BOARD and TRIAL BOARD 60	
DIVISION 7. -	HOUSING BOARD	64
DIVISION 8. -	LANDMARK COMMISSION.....	67
DIVISION 9. -	PLANNING & ZONING COMMISSION	72
ARTICLE V. -	ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES.....	76
DIVISION 1. -	ANIMAL SERVICES ADVISORY COMMITTEE	76
DIVISION 2. -	CAPITAL IMPROVEMENTS ADVISORY COMMITTEE	79
DIVISION 3. -	DOWNTOWN DEVELOPMENT ADVISORY BOARD	83
DIVISION 4. -	LIBRARY ADVISORY BOARD.....	86
DIVISION 5. -	PARKS & RECREATION ADVISORY BOARD.....	89
DIVISION 6. -	TREE ADVISORY BOARD	92

Contents

ARTICLE I. -	IN GENERAL.....	8
Sec. 20-1. -	Purpose.....	8
Sec. 20-2. -	Applicability.....	8
Sec. 20-3. -	Listing of City Boards, Commissions, and Committees.....	9
Sec. 20-4. -	Abbreviations and Acronyms.....	10
Sec. 20-5. -	Definitions.....	11
ARTICLE II. -	ELIGIBILITY AND APPOINTMENT PROCESS.....	14
Sec. 20-201. -	Eligibility requirements.....	14
Sec. 20-202. -	Verification of eligibility requirements.....	16
Sec. 20-203. -	Notification – Applicants not meeting the eligibility requirements.....	16
Sec. 20-204. -	Ineligible applicant requesting City Council consideration for appointment.....	17
Sec. 20-205. -	Annual and intermittent board appointment agenda items.....	17
Sec. 20-206. -	City Council action for appointments and confirmations.....	18
ARTICLE III. -	GENERAL REGULATIONS.....	21
DIVISION 1. -	REGULATIONS APPLICABLE TO ALL BOARDS, COMMISSIONS, AND COMMITTEES.....	21
Sec. 20-301. -	Applicability.....	21
Sec. 20-302. -	Independent body.....	21
Sec. 20-303. -	Term duration and expiration.....	21
Sec. 20-304. -	Calculation of terms and term limits.....	22
Sec. 20-305. -	Reappointment.....	23
Sec. 20-306. -	Officers of the City.....	23
Sec. 20-307. -	Local public officials.....	23
Sec. 20-308. -	One City board, commission, or committee; and holding other public office.....	24
Sec. 20-309. -	Code of ethics.....	24
Sec. 20-310. -	Conflicts of interest.....	24
Sec. 20-311. -	Prohibition of representation and subsequent representation of others before the City.....	24
Sec. 20-312. -	Use of position.....	25
Sec. 20-313. -	Impartiality.....	25
Sec. 20-314. -	Salary.....	25
Sec. 20-315. -	Open Meetings Act.....	25
Sec. 20-316. -	Public Information Act.....	26
Sec. 20-317. -	Board support staff.....	26
Sec. 20-318. -	Board secretary / Commission secretary.....	26
Sec. 20-319. -	Board liaison.....	26
Sec. 20-320. -	Informational members.....	27
Sec. 20-321. -	Legal Advisor.....	27
Sec. 20-322. -	Orientation.....	27
Sec. 20-323. -	Records management.....	27
Sec. 20-324. -	Rules of procedure.....	27

EXHIBIT B TO ORDINANCE No. 4894
Mesquite City Code. Chapter 20 – Boards, Commissions, and Committees
City Council Meeting Date: September 7, 2021

Sec. 20-325. - Training – Advisory and quasi-judicial boards.....	28
Sec. 20-326. - Officers of the board, commission, or committee.....	28
Sec. 20-327. - Failure to maintain eligibility status.	29
Sec. 20-328. - Automatic forfeiture of position.....	29
Sec. 20-329. - Resignation from position.....	30
DIVISION 2. - REGULATIONS APPLICABLE ONLY TO QUASI-JUDICIAL BODIES	31
Sec. 20-401. - Applicability.....	31
Sec. 20-402. - Statement of Officer – Anti-Bribery Statement.	31
Sec. 20-403. - Oath of Office.	31
Sec. 20-404. - Governmental body.	31
Sec. 20-405. - Ex Parte communications prohibited.....	31
Sec. 20-406. - Certificate of course completion for required training – Quasi-judicial boards.....	32
Sec. 20-407. - Removal – For cause removal from quasi-judicial position.....	32
DIVISION 3. - MEETINGS.....	34
Sec. 20-501. - Meetings required to be open to the public and notice required.	34
Sec. 20-502. - Remote and virtual public meetings.	35
Sec. 20-503. - Types of meetings and calling a meeting.	36
Sec. 20-504. - Quorum.....	37
Sec. 20-505. - Voting required; and Duty to abstain in a conflict of interest.....	37
Sec. 20-506. - Alternates – Requirements to be seated.....	37
Sec. 20-507. - Public testimony and comment period required.	38
Sec. 20-508. - Minutes.	38
DIVISION 4. - ATTENDANCE REQUIREMENTS.....	39
Sec. 20-801. - In general.....	39
Sec. 20-802. - Record of attendance.	39
Sec. 20-803. - Attendance requirements – Regular members.	39
Sec. 20-804. - Attendance requirements – Alternates.....	40
Sec. 20-805. - Absence – Classification as excused or unexcused.	40
Sec. 20-806. - Failure to meet attendance requirements.	42
ARTICLE IV. - QUASI-JUDICIAL BOARDS, COMMISSIONS, AND COMMITTEES.....	43
DIVISION 1. - AIRPORT BOARD OF ADJUSTMENT	43
Sec. 20-2101. - Establishment of the Airport Board of Adjustment.	43
Sec. 20-2102. - In general.....	43
Sec. 20-2103. - Members.....	43
Sec. 20-2104. - Officers.	43
Sec. 20-2105. - Duties.	43
Sec. 20-2106. - Powers.....	44
Sec. 20-2107. - Responsibilities and matters of the Airport Board of Adjustment.....	44
Sec. 20-2108. - Quorum.....	44
Sec. 20-2109. - Voting.	45

EXHIBIT B TO ORDINANCE No. 4894
Mesquite City Code. Chapter 20 – Boards, Commissions, and Committees
City Council Meeting Date: September 7, 2021

Sec. 20-2110. - Rules of procedure. 45

DIVISION 2. - AIRPORT ZONING COMMISSION..... 46

Sec. 20-2201. - Establishment of the Airport Zoning Commission. 46

Sec. 20-2202. - In general..... 46

Sec. 20-2203. - Members..... 46

Sec. 20-2204. - Officers. 46

Sec. 20-2205. - Duties. 46

Sec. 20-2206. - Powers..... 47

Sec. 20-2207. - Responsibilities and matters of the Airport Zoning Commission..... 47

Sec. 20-2208. - Quorum..... 47

Sec. 20-2209. - Rules of procedure. 47

DIVISION 3. - BOARD OF ADJUSTMENT 48

Sec. 20-2301. - Establishment of the Board of Adjustment. 48

Sec. 20-2302. - In general..... 48

Sec. 20-2303. - Members..... 48

Sec. 20-2304. - Organization. 48

Sec. 20-2305. - Officers. 49

Sec. 20-2306. - Duties. 49

Sec. 20-2307. - Powers..... 49

Sec. 20-2308. - Responsibilities and matters of the Board of Adjustment. 50

Sec. 20-2309. - Quorum..... 51

Sec. 20-2310. - Voting. 51

Sec. 20-2311. - Rules of procedure. 51

DIVISION 4. - BUILDING STANDARDS BOARD 52

Sec. 20-2401. - Establishment of the Building Standards Board..... 52

Sec. 20-2402. - In general..... 52

Sec. 20-2403. - Members..... 52

Sec. 20-2404. - Organization. 52

Sec. 20-2405. - Officers. 54

Sec. 20-2406. - Duties. 54

Sec. 20-2407. - Powers..... 54

Sec. 20-2408. - Responsibilities and matters of the Building Standards Board. 55

Sec. 20-2409. - Quorum..... 55

Sec. 20-2410. - Rules of procedure. 55

DIVISION 5. - CIVIL SERVICE SYSTEM (Fire & Police): CIVIL SERVICE COMMISSION 56

Sec. 20-2501. - Establishment of Civil Service Commission. 56

Sec. 20-2502. - In general..... 56

Sec. 20-2503. - Members..... 56

Sec. 20-2504. - Organization. 56

Sec. 20-2505. - Officers. 57

EXHIBIT B TO ORDINANCE No. 4894
Mesquite City Code. Chapter 20 – Boards, Commissions, and Committees
City Council Meeting Date: September 7, 2021

Sec. 20-2506. - Duties. 57

Sec. 20-2507. - Powers and responsibilities of the Civil Service Commission. 58

Sec. 20-2508. - Quorum. 58

Sec. 20-2509. - Rules of procedure. 59

DIVISION 6. - CIVIL SERVICE SYSTEM (General Government Employees): PERSONNEL BOARD and TRIAL BOARD 60

Sec. 20-2601. - Establishment of the Personnel Board and Trial Board. 60

Sec. 20-2602. - In general. 60

Sec. 20-2603. - Members. 60

Sec. 20-2604. - Organization. 60

Sec. 20-2605. - Officers. 61

Sec. 20-2606. - Duties. 61

Sec. 20-2607. - Powers. 62

Sec. 20-2608. - Responsibilities and matters of the Personnel Board and Trial Board. 62

Sec. 20-2609. - Quorum. 63

Sec. 20-2610. - Rules of procedure. 63

DIVISION 7. - HOUSING BOARD 64

Sec. 20-2701. - Establishment of the Housing Board. 64

Sec. 20-2702. - In general. 64

Sec. 20-2703. - Authorized programs. 64

Sec. 20-2704. - Members. 64

Sec. 20-2705. - Organization. 64

Sec. 20-2706. - Officers. 65

Sec. 20-2707. - Duties. 65

Sec. 20-2708. - Powers and responsibilities of the Housing Board. 66

Sec. 20-2709. - Quorum. 66

Sec. 20-2710. - Miscellaneous provisions. 66

Sec. 20-2711. - Rules of procedure. 66

DIVISION 8. - LANDMARK COMMISSION 67

Sec. 20-2801. - Establishment of the Landmark Commission. 67

Sec. 20-2802. - In General. 67

Sec. 20-2803. - Members. 67

Sec. 20-2804. - Organization. 67

Sec. 20-2805. - Officers. 69

Sec. 20-2806. - Duties. 69

Sec. 20-2807. - Powers and responsibilities of the Landmark Commission. 69

Sec. 20-2808. - Quorum. 71

Sec. 20-2809. - Number of Annual Meetings Required. 71

Sec. 20-2810. - Rules of procedure. 71

DIVISION 9. - PLANNING & ZONING COMMISSION 72

EXHIBIT B TO ORDINANCE No. 4894
Mesquite City Code. Chapter 20 – Boards, Commissions, and Committees
City Council Meeting Date: September 7, 2021

Sec. 20-2901. - Establishment of the Planning & Zoning Commission.	72
Sec. 20-2902. - In General.....	72
Sec. 20-2903. - Members.....	72
Sec. 20-2904. - Organization.	72
Sec. 20-2905. - Officers.	73
Sec. 20-2906. - Duties.	74
Sec. 20-2907. - Powers and responsibilities of the Planning & Zoning Commission.	74
Sec. 20-2908. - Quorum.....	74
Sec. 20-2909. - Rules of procedure.	75
ARTICLE V. - ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES.....	76
DIVISION 1. - ANIMAL SERVICES ADVISORY COMMITTEE	76
Sec. 20-5101. - Establishment of the Animal Services Advisory Committee.	76
Sec. 20-5102. - In general.....	76
Sec. 20-5103. - Members.....	76
Sec. 20-5104. - Organization.	76
Sec. 20-5105. - Officers.	77
Sec. 20-5106. - Duties.	78
Sec. 20-5107. - Responsibilities and matters of the Animal Services Advisory Committee.....	78
Sec. 20-5108. - Quorum.....	78
Sec. 20-5109. - Number of annual meetings required.....	78
Sec. 20-5110. - Rules of procedure.	78
DIVISION 2. - CAPITAL IMPROVEMENTS ADVISORY COMMITTEE	79
Sec. 20-5201. - Establishment of the Capital Improvements Advisory Committee.	79
Sec. 20-5202. - In general.....	79
Sec. 20-5203. - Members.....	79
Sec. 20-5204. - Organization.	79
Sec. 20-5205. - Officers.	81
Sec. 20-5206. - Duties.	81
Sec. 20-5207. - Responsibilities and matters of the Capital Improvements Advisory Committee.....	81
Sec. 20-5208. - Quorum.....	82
Sec. 20-5209. - Rules of procedure.	82
DIVISION 3. - DOWNTOWN DEVELOPMENT ADVISORY BOARD	83
Sec. 20-5301. - Establishment of the Downtown Development Advisory Board.	83
Sec. 20-5302. - In general.....	83
Sec. 20-5303. - Members.....	83
Sec. 20-5304. - Organization.	83
Sec. 20-5305. - Officers.	84
Sec. 20-5306. - Duties.	85
Sec. 20-5307. - Responsibilities and matters of the Downtown Development Advisory Board.	85
Sec. 20-5308. - Quorum.....	85

EXHIBIT B TO ORDINANCE No. 4894
Mesquite City Code. Chapter 20 – Boards, Commissions, and Committees
City Council Meeting Date: September 7, 2021

Sec. 20-5309. - Rules of procedure. 85

DIVISION 4. - LIBRARY ADVISORY BOARD..... 86

Sec. 20-5401. - Establishment of the Library Board. 86

Sec. 20-5402. - In general..... 86

Sec. 20-5403. - Members..... 86

Sec. 20-5404. - Organization. 86

Sec. 20-5405. - Officers. 87

Sec. 20-5406. - Duties. 87

Sec. 20-5407. - Responsibilities and matters of the Library Advisory Board..... 87

Sec. 20-5408. - Quorum..... 88

Sec. 20-5409. - Rules of procedure. 88

DIVISION 5. - PARKS & RECREATION ADVISORY BOARD..... 89

Sec. 20-5501. - Establishment of the Parks & Recreation Advisory Board. 89

Sec. 20-5502. - In general..... 89

Sec. 20-5503. - Members..... 89

Sec. 20-5504. - Organization. 89

Sec. 20-5505. - Officers. 90

Sec. 20-5506. - Duties. 90

Sec. 20-5507. - Responsibilities and matters of the Parks & Recreation Advisory Board. 90

Sec. 20-5508. - Quorum..... 91

Sec. 20-5509. - Rules of procedure. 91

DIVISION 6. - TREE ADVISORY BOARD 92

Sec. 20-5601. - Establishment of Tree Advisory Board..... 92

Sec. 20-5602. - In general..... 92

Sec. 20-5603. - Members..... 92

Sec. 20-5604. - Officers. 92

Sec. 20-5605. - Duties. 92

Sec. 20-5606. - Responsibilities and matters of the Tree Advisory Board. 92

Sec. 20-5607. - Quorum..... 93

Sec. 20-5608. - Rules of procedure. 93

MESQUITE CITY CODE

* * *

Chapters 17-19 – Reserved.

Chapter 20 – BOARDS, COMMISSIONS, AND COMMITTEES

ARTICLE I. - IN GENERAL

Sec. 20-1. - Purpose.

This chapter has been established for the purpose of promoting the general welfare, health, and safety of the City.

Sec. 20-2. - Applicability.

- (a) *Applicable.* Unless otherwise provided, this chapter applies to all the City boards, commissions, and committees intended to be permanent in nature and as identified in Sec. 20-3 (Listing of City Boards, Commissions, and Committees), or otherwise as identified in this chapter.
- (b) *Not applicable.*
 - (1) *Standing, special ad hoc, and citizen advisory committees of the City Council.* The provisions of this chapter shall not apply to standing committees and special ad hoc committees of the members of the City Council, or any ad hoc citizen advisory committees and citizen advisory task forces, or other ad hoc committees established by the City Council from time to time to make recommendations with respect to a particular subject, project, or issue and which are intended to be temporary in nature.
 - (2) *Nonprofit corporations.* Nonprofit corporations associated with the City are each governed by the uncodified adopting ordinances and amendments thereto, the business entity's articles of incorporation, bylaws, and federal, State, and other local law as may be applicable. Therefore, the provisions of this chapter shall not apply to any nonprofit corporation associated with the City of Mesquite, including, but not limited to the following:
 - a. Historic Mesquite, Inc.
 - b. Keep Mesquite Beautiful, Inc.
 - c. Mesquite Quality of Life Corporation
 - d. Mesquite Health Facilities Development Corporation
 - e. Mesquite Housing Finance Corporation
 - f. Mesquite Industrial Development Corporation
 - (3) *Reinvestment zones.* Tax Increment Financing (TIF) or Tax Increment Reinvestment Zone (TIRZ) boards, commissions, and committees are governed by adopting ordinances and amendments thereto and other State or local law as may be applicable. Therefore, the provisions of this chapter shall not apply to any TIF or TIRZ board, commission, or committee associated with the City of Mesquite.
 - (4) *Regional boards, commissions, and committees.* The provisions of this chapter shall not apply to regional boards, commissions, and committees; by way of example, and including but not limited to the North Texas Municipal Water District Board.

Sec. 20-3. - Listing of City Boards, Commissions, and Committees.

(a) *Quasi-judicial boards.* The following City boards, commissions, and committees are subject to the Mesquite City Charter, State and federal law where applicable, this CITY CODE, and/or the Mesquite Zoning Ordinance, and are considered QUASI-JUDICIAL BOARDS having decision-making authority:

- (1) Airport Board of Adjustment
- (2) Airport Zoning Commission
- (3) Board of Adjustment
- (4) Building Standards Board
- (5) Civil Service System: Civil Service Commission (For Fire & Police Sworn Employees)
- (6) Civil Service System: Personnel Board and Trial Board (For General Government Employees)
- (7) Housing Board
- (8) Landmark Commission
- (9) Planning & Zoning Commission

(b) *Advisory boards.* The following City boards, commissions, and committees are subject to the Mesquite City Charter, State and federal law where applicable, this CITY CODE, and/or the Mesquite Zoning Ordinance, and are considered ADVISORY BOARDS, that make recommendations and generally have no decision-making authority:

- (1) Animal Services Advisory Committee
- (2) Capital Improvements Advisory Committee
- (3) Downtown Development Advisory Board
- (4) Library Advisory Board
- (5) Parks & Recreation Advisory Board
- (6) Tree Advisory Board

Cross reference(s) –

Article IV – Quasi-Judicial Boards, Commissions, and Committees

Article V – Advisory Boards, Commissions, and Committees

Mesquite Zoning Ordinance reference – Part 5, Section 5-400 – Administrators and Review Bodies

State law reference(s) –

[Airport] Board of Adjustment, V.T.C.A. Local Government Code, §241.032.

Airport Zoning Commission, V.T.C.A. Local Government Code, §241.016.

Board of Adjustment, V.T.C.A. Local Government Code, Title 7, Subtitle A, Chapter 211, Subchapter A, § 211.008.

[Building Standards Board] Dangerous Structures, V.T.C.A. Local Government Code, Title 7, Subtitle A, Chapter 214, Subchapter A, § 214.001 et seq.

Implementation: [Civil Service] Commission, V.T.C.A. Local Government Code, Title 5, Chapter 143, Subchapter A, § 143.006.

[Landmark Commission], V.T.C.A. Local Government Code § 211.001 and § 211.003.

[Planning &] Zoning Commission, V.T.C.A. Local Government Code, § 211.007.

[Animal Services] Advisory Committee, V.T.C.A. Health and Safety Code, Title 10, Chapter 823, § 823.005.

[Capital Improvements] Advisory Committee, V.T.C.A. Local Government Code, Title 12, Subtitle C, Chapter 395, Subchapter C, § 395.058.

Federal law reference(s) – 24 C.F.R. Section 982.555

Section 8 Tenant-Based Assistance: Housing Choice Voucher Program, Code of Federal Regulations, Title 24, Subtitle B, Chapter IX, Part 982.

Sec. 20-4. - Abbreviations and Acronyms.

The following abbreviations and acronyms may be used within this chapter or other City resource materials:

- (1) Airport–BOA: Airport Board of Adjustment
- (2) BOA: Board of Adjustment
- (3) BSB: Building Standards Board
- (4) CHRI: Criminal History Record Information
- (5) CIAC: Capital Improvements Advisory Committee
- (6) DL: Driver's License
- (7) ETJ: Extraterritorial Jurisdiction
- (8) ID: Identification
- (9) MLC: Mesquite Landmark Commission
- (10)PIA: Public Information Act
- (11)P&Z: Planning & Zoning Commission
- (12)TIF: Tax Increment Financing
- (13)TIRZ: Tax Increment Reinvestment Zone
- (14)TOMA: Texas Open Meetings Act
- (15)TSLAC: Texas State Library & Archives Commission
- (16)U.S.: United States

Sec. 20-5. - Definitions.

The following words, terms, and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Note: The words "board," "commission," and "committee," as used in this chapter, may collectively be referred to as a "**board**," or either "**boards**," or "**board(s)**."

ADVISORY BOARD means any advisory body of persons, such as a board, commission, or committee whose members are usually appointed by the City Council. **ADVISORY BOARDS** make recommendations and generally have no decision-making authority.

ALTERNATE means a person, usually appointed by a vote of the City Council, to serve as an **ALTERNATE** to a particular board, commission, or committee. An **ALTERNATE** may be asked to be seated, by the Chairperson of the board, as an **ATTENDING MEMBER** in the temporary absence of a **REGULAR MEMBER**, or during a **REGULAR MEMBER** position vacancy not having yet been filled by the City Council, or when a **REGULAR MEMBER** has a **CONFLICT OF INTEREST**. When seated as an **ATTENDING MEMBER**, the person enjoys the full rights of participating on the board and has voting rights while in attendance at the meeting.

ALTERNATE IN ATTENDANCE means an **ALTERNATE**, seated as an **ALTERNATE**, in attendance at any meeting of the City board, commission, or committee. An **ALTERNATE IN ATTENDANCE** (while attending a meeting and seated as an **ALTERNATE**) does not have voting rights. An **ALTERNATE IN ATTENDANCE** may be considered "in attendance" at a public meeting by either being physically present in-person or by remote participation when authorized under this Chapter or other law, rules, or orders.

ATTENDING MEMBER means a **REGULAR MEMBER** in attendance at a meeting, or **ALTERNATE** (in attendance at a meeting) when the **ALTERNATE** is seated in a **REGULAR MEMBER'S** seat due to either temporary or other vacancy, or a **CONFLICT OF INTEREST**. An **ATTENDING MEMBER** enjoys the full rights of participating on the board and has voting rights while in attendance at the public meeting. An **ATTENDING MEMBER** may be considered "in attendance" at a public meeting by either being physically present in-person or by remote participation when authorized under this Chapter or other law, rules, or orders.

BOARD LIAISON means a person, usually an employee of the City, assigned by the City Manager or his/her designee to coordinate and assist with matters of a board, commission, or committee. A **BOARD LIAISON** may also serve as **BOARD SUPPORT STAFF** and/or an **INFORMATIONAL MEMBER** of any board, commission, or committee when appointed by the City Manager or his/her designee to do so. When a **BOARD SECRETARY** or **COMMISSION SECRETARY** is required by State or other law, the **BOARD LIAISON** or his/her designee, including **BOARD SUPPORT STAFF**, may serve as the official **BOARD SECRETARY**, unless otherwise provided.

BOARD SECRETARY and/or **COMMISSION SECRETARY** means a person, usually an employee of the City, either designated in an **EX OFFICIO** capacity under State law, or as assigned by the City Manager or his/her designee when required by State or other law. The **BOARD SECRETARY** or **COMMISSION SECRETARY** performs the duties as assigned and required by law.

BOARD SUPPORT STAFF means a person, usually an employee of the City, assigned by the City Manager or his/her designee to assist the **BOARD LIAISON** in coordination and other matters of the board, commission, or committee. **BOARD SUPPORT STAFF** may also serve as a **BOARD LIAISON** or **INFORMATIONAL MEMBER** when appointed by the City Manager or his/her designee to do so. When a **BOARD SECRETARY** or **COMMISSION SECRETARY** is required by State or other law, the **BOARD LIAISON** or his/her designee, including **BOARD SUPPORT STAFF**, may serve as the official **BOARD SECRETARY**, unless otherwise provided.

CITY CODE means the Mesquite City Code, not including the Mesquite Zoning Ordinance.

CODE OF ETHICS means the City of Mesquite, **CODE OF ETHICS** as adopted by the City Council and as may be amended, in **CITY CODE**, Chapter 2, Article IV, Division 2 (Code of Ethics).

COMMISSION SECRETARY – See **BOARD SECRETARY**.

CONFLICT OF INTEREST as used in this Chapter shall include any personal financial interest, as defined in City Charter, Article IV, Sec. 34 (Personal Financial Interest), in any matter coming before the board, commission, or committee. For purposes of this chapter, CONFLICT OF INTEREST includes a substantial interest in a business entity, as defined in V.T.C.A. Local Government Code, § 171.002, for LOCAL PUBLIC OFFICIALS.

CITY OFFICIAL shall have the meaning as defined in the Mesquite City Code, Chapter 2, Article IV, Division 4 – Subsequent Representation, Sec. 2-155 (Definitions).

CRIME OF MORAL TURPITUDE shall be defined as State law and the Texas courts currently define or describe it, and as may be amended from time to time. A CRIME OF MORAL TURPITUDE is generally described as a crime involving:

- 1) grave infringement of the moral sentiment of the community,
- 2) conduct that is base, vile, or depraved, and
- 3) something inherently immoral and dishonest.

ELIGIBLE REGULAR MEMBER means a person serving as a REGULAR MEMBER on a City board, commission, or committee who is in good standing, in compliance with Sec. 20-201 (Eligibility requirements), and is eligible to serve another term in the same position they are currently serving, or is otherwise eligible to serve a term as a REGULAR MEMBER or ALTERNATE on a different board.

ELIGIBLE ALTERNATE means a person serving as an ALTERNATE on a City board, commission, or committee who is in good standing, in compliance with Sec. 20-201 (Eligibility requirements), and is eligible to serve another term in the same position they are currently serving, or is eligible to serve as a REGULAR MEMBER on that same board, or is otherwise eligible to serve a term as a REGULAR MEMBER or ALTERNATE on a different board.

EX OFFICIO means by virtue or because of an office or position. Denoting or relating to a person who holds the role as a result of another position that they hold.

EX OFFICIO MEMBER means a member who serves on a board, commission, or committee by virtue of holding an office or other specified role, and whose membership on the board will therefore pass with the office (or other specified roll) to his/her successor. An EX OFFICIO MEMBER has voting rights unless otherwise specified. An EX OFFICIO MEMBER may also be classified as a REGULAR MEMBER, unless otherwise provided.

FORMER ALTERNATE means a person who has left service as a board, commission, or committee ALTERNATE.

FORMER REGULAR MEMBER means a person who has left service as a board, commission, or committee REGULAR MEMBER.

FULL MEMBERSHIP shall be counted as all the REGULAR MEMBER positions available for appointment as established by this Chapter, regardless of whether or not a position is occupied or vacant. When calculating for QUORUM or voting purposes, any vacant REGULAR MEMBER position is counted as being included in the FULL MEMBERSHIP of the board, commission, or committee.

GOVERNMENTAL BODY means a deliberative body (e.g. board, commission, or committee) having rulemaking or quasi-judicial power as an agency of the municipality.

State Law reference – “Governmental body” defined, V.T.C.A. Government Code, § 551.001.

HYBRID MEETING shall mean a hybrid-style public, or otherwise closed when authorized, meeting format where some ATTENDING MEMBERS and/or members of the public are physically present in-person at the meeting location, while other ATTENDING MEMBERS and/or members of the public are not physically present, but are present and participating remotely by video-conference, phone-conference, or other technology. See also REMOTE MEETING.

LOCAL PUBLIC OFFICIALS shall be as defined in the Texas Local Government Code, as may be amended. REGULAR MEMBERS and ALTERNATES of QUASI-JUDICIAL BOARDS who exercise responsibilities beyond those that are advisory in nature are considered “LOCAL PUBLIC OFFICIALS” as defined by the Local Government Code.

State Law reference – Definitions relating to conflicts of interest, V.T.C.A. Local Government Code, § 171.001.

DOWNTOWN MESQUITE MAIN STREET PROGRAM BOUNDARY AREA is the geographic area of focus of the Mesquite Downtown Development / Main Street program. The City of Mesquite is recognized as a designated Texas Main Street community by the Texas Historical Commission. The DOWNTOWN MESQUITE MAIN STREET PROGRAM BOUNDARY AREA is identified as a layer within the Downtown Mesquite online interactive map located on the City’s website.

INFORMATIONAL MEMBER means a member of a City board, commission, or committee, appointed by the City Manager or his/her designee, whose rights include having the right to attend all meetings and to participate in discussions, but does not have the right to vote on any matter. An INFORMATIONAL MEMBER is usually a City Department Director, Manager, or other person as assigned by the City Manager or his/her designee. A BOARD LIAISON may also serve as an INFORMATIONAL MEMBER of any board, commission, or committee when appointed by the City Manager or his/her designee to do so.

OFFICER shall have the meaning as defined in the Mesquite City Code, Chapter 2, Article IV, Division 2 – CODE OF ETHICS, Sec. 2-121 (Definitions).

QUASI-JUDICIAL BOARD means any more-than advisory body of persons, such as a board, commission, or committee whose members are usually appointed by the City Council. Boards are considered QUASI-JUDICIAL BOARDS in this chapter when they have more than advisory responsibilities, and therefore have decision-making authority. Boards are also considered QUASI-JUDICIAL BOARDS when they have rulemaking powers, exercise quasi-judicial responsibilities that are more than advisory in nature, and they act as a GOVERNMENTAL BODY, and as an agency of the City.

State Law reference – “Governmental body” defined, V.T.C.A. Government Code, § 551.001.

QUORUM means a majority of the FULL MEMBERSHIP of a board, commission, or committee, unless defined differently by other law. REGULAR MEMBERS and ALTERNATES, together in any combination, may establish the majority required for a QUORUM to be present and voting.

Similar State Law provision – “Quorum” defined, V.T.C.A., Government Code, Open Meetings Act, § 551.001.

State law reference – Board of Adjustment, V.T.C.A. Local Government Code, § 211.008.

REGULAR MEMBER means a full voting member of a City board, commission, or committee, usually appointed by a vote of the City Council, or who is automatically appointed by way of other position (i.e., EX OFFICIO MEMBER). A REGULAR MEMBER enjoys the full rights of participating on the board — including the rights of discussing board business, making motions, debating and discussing motions, and voting on all matters of the board. An EX OFFICIO MEMBER may also be classified as a REGULAR MEMBER having voting rights, unless otherwise provided.

REMOTE MEETING shall mean a public, or otherwise closed when authorized, meeting format where ATTENDING MEMBERS and/or members of the public are not physically present, but are present and participating remotely by video-conference, phone-conference, or other technology. See also HYBRID MEETING.

Secs. 20-6 – 20-200. – Reserved.

ARTICLE II. - ELIGIBILITY AND APPOINTMENT PROCESS

Sec. 20-201. - Eligibility requirements.

- (a) *In general.* Except as otherwise provided, this section seeks to establish basic City eligibility requirements for all ADVISORY BOARDS and QUASI-JUDICIAL BOARDS as identified in Sec. 20-3 (Listing of City Boards, Commissions, and Committees).
- (b) *Certain eligibility requirements not waivable by the City Council.*
 - (1) *Eligibility criteria not waivable by the City Council.* Except as otherwise provided, eligibility requirements mandated by the Mesquite City Charter, or other local, State, or federal law, shall not be waivable by the City Council for appointment purposes.
 - (2) *Waivable eligibility criteria.* The City Council may waive any other eligibility requirement not otherwise mandated and appoint a person as herein identified in this section by a minimum of five (5) votes (i.e., supermajority), and in accordance with Sec. 20-206 (City Council action for appointments and confirmations).
- (c) *Eligibility requirements.* Except as otherwise provided, the following requirements and qualifications are required for eligibility for consideration, by the City Council, for appointment as a REGULAR MEMBER or ALTERNATE to a City ADVISORY BOARD or QUASI-JUDICIAL BOARD, commission, or committee:
 - (1) Residency.
 - a. *Quasi-judicial boards.* REGULAR MEMBERS and ALTERNATES of QUASI-JUDICIAL BOARDS shall reside inside the City limits, or as may be provided according to the specific membership requirements of any particular City board, commission, or committee.
 - 1. Civil Service Commission (for fire & police sworn employees). REGULAR MEMBERS of the Civil Service Commission shall be a resident of the City who has resided in the City for more than three (3) years prior to appointment, in accordance with Texas Local Government Code, Section 143.006, as amended.
 - 2. Personnel Board and Trial Board (for general government employees). REGULAR MEMBERS of the Personnel Board and Trial Board shall be a resident of the City, in accordance with the Mesquite City Charter, Article IX-A, Sec. 2 (Personnel board), and Sec. 8 (Trial board), as amended.
 - b. *Advisory boards.* REGULAR MEMBERS and ALTERNATES of ADVISORY BOARDS shall reside inside the City limits, or as may be provided according to the specific membership requirements of any particular City board, commission, or committee.
 - (2) Qualified voter and U.S. citizenship.
 - a. *Advisory and quasi-judicial bodies.* Unless otherwise provided, persons must be a qualified voter with a valid voter registration number.
 - b. *Civil Service Commission.* Unless otherwise provided, persons must be a qualified voter of the City with a valid voter registration number. Persons must also be a United States citizen, in accordance with Texas Local Government Code, Section 143.006, as amended.
 - (3) Age.
 - a. *Advisory and most quasi-judicial bodies.* Unless otherwise provided, persons must be over eighteen (18) years of age.

EXHIBIT B TO ORDINANCE No. 4894
Mesquite City Code. Chapter 20 – Boards, Commissions, and Committees
City Council Meeting Date: September 7, 2021

- b. *Civil Service Commission.* Persons must be over twenty-five (25) years of age, in accordance with Texas Local Government Code, Section 143.006, as amended.
 - c. *Personnel Board and Trial Board.* Persons must be over twenty-five (25) years of age, in accordance with Mesquite City Charter, Article IX-A, Sec. 2 (Personnel Board) and Sec. 8 (Trial Board).
- (4) In accordance with Sec. 20-308 (One City board, commission, or committee; and holding other public office) and the City Charter.
- a. *One membership on a City board, commission, or committee.* Unless otherwise authorized, a person shall generally have only one membership on a City QUASI-JUDICIAL BOARD, City ADVISORY BOARD, or City non-profit corporation.
 - b. *Holding other public office prohibited.* Holding other public office is prohibited pursuant to Mesquite City Charter, Art. IV, Sec. 3a (Holding other office). In addition, a person appointed to the Civil Service Commission shall not have held a public office within the preceding three (3) years, in accordance with Texas Local Government Code, Section 143.006, as amended.
- (5) Have a valid state-issued driver's license (DL) or other state-issued identification (ID).
- (6) Must not have been removed for cause, from a position on a City board, commission, or committee, in the last three (3) years.
- (7) Must not have been automatically suspended from a position on a City board, commission, or committee under this CITY CODE, or other local, State, or federal law.
- (8) Must not have been deemed to have voluntarily resigned due to absenteeism in accordance with Sec. 20-806 (Failure to meet attendance requirements), in the last three (3) years.
- (9) Must not have any pending litigation against the City or any of its officials or employees (with regard to their official capacities), or must not have any financial interest in pending litigation against the City. In both instances, only members of a class in a class action lawsuit are excepted.
- (10) Must not be an employee of the City; generally, unless otherwise specifically provided, employees of the City are not eligible to become REGULAR MEMBERS or ALTERNATES of a City board, commission, or committee. Unless otherwise provided, City employees may only be INFORMATIONAL MEMBERS, having no voting rights, on any board, commission, or committee.
- (11) Must sign a NON-DISCLOSURE OF ATTORNEY-CLIENT INFORMATION to not disclose confidential information the City board, commission, or committee is privy to, by virtue of their position on the City board, commission, or committee, to anyone other than other REGULAR MEMBERS or ALTERNATES, or other authorized persons.
- (12) Must consent and submit to a background screening including a criminal history record information (CHRI) check for initial appointments and any future reappointments.
- (13) Must be of good moral character.
- a. *Felony.* Must not have pending felony indictment(s) for any CRIME OF MORAL TURPITUDE. Must not have felony convictions for any CRIME OF MORAL TURPITUDE, for which he/she has not been pardoned.

- b. *Class A and B Misdemeanors.* Must not have pending Class A or B misdemeanor charges for any CRIME OF MORAL TURPITUDE. Must not have Class A or B criminal convictions for any CRIME OF MORAL TURPITUDE within the last 10 years.

(14) Must meet all other local, State, or federal law requirements, when applicable.

Cross reference(s) –

Listing of City Boards, Commissions, and Committees; Article I, Sec. 20-3.
One City board, commission, and committee, and holding other public office; Article III, Division 1, Sec. 20-308.
Failure to meet attendance requirements; Article III, Division 4, Sec. 20-806.

Charter reference(s) –

Holding other office; Mesquite City Charter, Art. IV, Sec. 3a.
Personnel Board; Mesquite City Charter, Article IX-A, Sec. 2.
Trial Board; Mesquite City Charter, Article IX-A Sec. 8.

State law reference(s) – Implementation: [Civil Service] Commission, V.T.C.A. Local Government Code, Title 5, Chapter 143, Subchapter A, § 143.006.

Sec. 20-202. - Verification of eligibility requirements.

- (a) *Verification of eligibility.* The City Secretary or his/her designee shall verify eligibility of any person seeking to be appointed to a board, commission, or committee prior to placement before the City Council for consideration.
- (b) *Eligible and ineligible applicants distinguished.*
 - (1) *Eligible applicants.* Persons found to be eligible by the City Secretary or his/her designee for appointment to a City board, commission, or committee, shall have their non-confidential information placed before the City Council for consideration in accordance with Sec. 20-205 (Annual and intermittent board appointment agenda items).
 - (2) *Ineligible applications are generally not placed before the City Council for consideration.* Any submitted application not meeting the eligibility requirements in Sec. 20-201 (Eligibility requirements), or as otherwise identified in this Chapter, CITY CODE, Mesquite Zoning Ordinance, or pursuant to other local, State, or federal law, shall not be placed before the City Council for consideration, except as otherwise provided in Sec. 20-204 (Ineligible applicant requesting City Council consideration for appointment).

Sec. 20-203. - Notification – Applicants not meeting the eligibility requirements.

- (a) Any person not meeting the City's eligibility requirements to serve on a City board, commission, or committee shall receive a notification from the City Secretary's Office ("RE: Notification of failure to meet the Eligibility Requirements of Mesquite City Code Chapter 20, Sec. 20-201").
- (b) The notification shall state the person is not eligible to be considered by the City Council for appointment and shall identify the specific eligibility requirement(s) at issue.
- (c) Because the City Council may not waive eligibility requirements mandated by the Mesquite City Charter, other local, State, or federal law, the City Secretary shall denote within the notification whether or not the City Council may waive the specific eligibility requirement(s) at issue.
- (d) When the eligibility requirements are waivable by the City Council, the notification shall also include the process identified in Sec. 20-204 (Ineligible applicant requesting City Council consideration for appointment).

Sec. 20-204. - Ineligible applicant requesting City Council consideration for appointment.

- (a) *In general.* Any person not meeting the City’s eligibility requirements, specifically waivable eligibility requirements, to serve on a City board, commission, or committee may make a request, in accordance with this section, to be placed before the City Council for consideration one (1) time per calendar year as an applicant failing to meet the eligibility requirements of Sec. 20-201 (Eligibility requirements), but nevertheless, requesting to be considered by the City Council for appointment to a City board, commission, or committee.
- (b) *Procedure.*
 - (1) The City Secretary or his/her designee shall send notification, pursuant to Sec. 20-203, to an applicant not meeting the eligibility requirements of this Chapter.
 - (2) The date of the City Secretary’s notification shall be considered Day Zero (0).
 - (3) A person failing to meet the waivable eligibility requirements shall have ten (10) calendar days, from the date of the notification from the City Secretary’s Office, to make a request to the City Secretary to be placed before the City Council for consideration as an applicant requesting City Council consideration for appointment in the category of “Applicant(s) failing to meet the Eligibility Requirements of Sec. 20-201.”
 - (4) A person making a timely request in accordance with this section shall have their non-confidential application information placed before the City Council for consideration in accordance with Sec. 20-205 (Annual and intermittent board appointment agenda items).
 - (5) When considered by the City Council, the appointment to a board of a person failing to meet the non-mandated eligibility criteria requires a minimum of five (5) votes (i.e., a supermajority).

Sec. 20-205. - Annual and intermittent board appointment agenda items.

- (a) *City Council agenda items for annual board appointments and other appointments during vacancies.*
 - (1) *Annual City Council board appointments.*
 - a. *Procedure.* On an annual basis, the BOARD LIAISON or his/her designee shall submit proposed agenda item(s) (i.e., for appointment by the City Council to fill upcoming expiring or otherwise expired terms of REGULAR MEMBERS’ and ALTERNATES’ positions) to the Office of the City Secretary for placement on the City Council’s meeting agenda for its consideration.
 - b. *Deadline.* The annual appointment of REGULAR MEMBERS and ALTERNATES to the boards, commissions, and committees, for terms starting January 1st, shall be made no later than the second (2nd) meeting in December of each year.
 - (2) *Intermittent City Council board appointments due to a vacancy.*
 - a. *Procedure.* When a vacancy occurs on any board, commission, or committee for a position with an unexpired term, the BOARD LIAISON or his/her designee shall submit proposed agenda item(s) (i.e., for appointment by the City Council to fill the vacant position) to the Office of the City Secretary for placement on the City Council’s Agenda for its consideration.
 - b. *Deadline.* Vacancies on a board, committee, or commission shall be filled within 60 days when possible, and as may be required by State or other law.

- (b) *Eligible applicants, including alternates, and ineligible applicants distinguished.* When an agenda item for a board, commission, or committee appointment is placed on the City Council Agenda, the City Secretary or his/her designee shall distinguish between eligible applicants, including ALTERNATES, and ineligible applicants when applicable.
- (1) *Eligible applicants.*
- a. *Eligible applicants.* The City Secretary shall place eligible applicants' non-confidential application information before the City Council for consideration and shall denote the persons are applicants requesting City Council consideration for appointment in the category of "Applicants meeting the Eligibility Requirements of Sec. 20-201," when an agenda item for a board, commission, or committee appointment is placed on the City Council Agenda.
- b. *Current board members.* The City Secretary shall make a notation when an eligible applicant is currently serving as a REGULAR MEMBER.
- (2) *Alternates.* The City Secretary shall also make a notation when an eligible applicant is currently serving as an ALTERNATE.
- (3) *Ineligible applicants.* In accordance with Sec. 20-204 (Ineligible applicant requesting City Council consideration for appointment), the City Secretary shall place ineligible applicants' non-confidential application information before the City Council for consideration, one (1) time per calendar year, and shall denote the persons are applicants requesting City Council consideration for appointment in the category of "Applicant(s) failing to meet the Eligibility Requirements of Sec. 20-201," when:
- a. the ineligible applicant makes a timely request in accordance with Sec. 20-204; and
- b. an agenda item for a board, commission, or committee appointment is placed on the City Council Agenda.

State law reference – Implementation: [Civil Service] Commission, V.T.C.A. Local Government, § 143.006.

Sec. 20-206. - City Council action for appointments and confirmations.

- (a) *In general.* The City Council shall make annual and intermittent appointments, or in some cases confirm appointments made by the City Manager, to City boards, commissions, and committees in accordance with this section.
- (b) *Consideration of eligible applicants, including alternates, and ineligible applicants.*
- (1) *Eligible applicants.*
- a. The City Council shall consider eligible applicants, including current ELIGIBLE REGULAR MEMBERS and ELIGIBLE ALTERNATES.
- b. ALTERNATES, assigned in any position, shall be the first persons considered by the City Council for appointment to fill a vacancy of a REGULAR MEMBER'S position and unexpired term; however, the City Council may consider and appoint any person eligible to serve on a board, commission, or committee in accordance with Sec. 20-201 (Eligibility requirements) and this section.

(2) *Ineligible applicants.*

- a. The City Council may also consider an ineligible applicant for appointments to City boards, commissions, and committees in accordance with Sec. 20-204 (Ineligible applicant requesting City Council consideration for appointment).
- b. Certain eligibility requirements not waivable by the City Council. Any eligibility requirement mandated in the Mesquite City Charter, or other local, State, or federal law, shall not be waivable by the City Council; however, the City Council, at its complete discretion, may waive, with a minimum of five (5) votes (i.e., supermajority), any other non-mandatory eligibility requirement identified in Sec. 20-201 (Eligibility requirements) and appoint the person to a City board, commission, or committee.

(c) *Procedure for filling a vacant position having an unexpired term.*

- (1) *Eligibility and appointment or confirmation.* All vacancies for a position with an unexpired term on any City board, commission, or committee shall be filled in the same manner as provided for the original appointments, unless otherwise provided.
- (2) *Time period.* Vacancies on a board shall be filled within 60 days when possible, and as may be required by State or other law.
- (3) *Serving for unexpired term only.* When a vacancy occurs during a term of appointment, the person selected as the replacement REGULAR MEMBER or ALTERNATE shall be appointed only for the unexpired portion of the original term for that position.

(d) *Appointments or confirmations made by City Council.* Appointments, and confirmations when applicable, to the City's boards, commissions, and committees may be made by either nomination and voting as herein described, or by unanimous consent as herein described.

(1) *Nominations and voting.*

a. Nominations.

1. The Mayor, or designee, opens the floor to receive nominations for any appointment to a vacant position, or position otherwise expected to be vacant due to an impending term set to expire; and
2. All members of the City Council may make nominations of any eligible applicant, including alternates, or otherwise seated regular members, or any ineligible applicant (if applicable); and
3. The Mayor or designee should close the nominations, and following any deliberation a vote(s) should be taken on the nominated person(s) for appointment to the position.

b. Voting.

1. A majority vote of a QUORUM, of the City Council present and voting, shall be required to appoint any eligible person to a position on a City board, commission, or committee.
2. A minimum of five (5) votes (i.e., a supermajority) of the City Council is required to appoint any person, to a City board, commission, or committee, failing to meet the waivable eligibility requirements of Sec. 20-201.

EXHIBIT B TO ORDINANCE No. 4894
Mesquite City Code. Chapter 20 – Boards, Commissions, and Committees
City Council Meeting Date: September 7, 2021

- (2) *Voting to confirm an appointment.* When the City Manager appoints board, commission, or committee REGULAR MEMBERS, in accordance with State or other law, the City Council by majority vote of a QUORUM, of the City Council present and voting, shall be required to confirm the City Manager's appointment of any eligible person to a position on a City board, commission, or committee, unless otherwise authorized.
- (3) *Unanimous consent.*
- a. *Appointments.* Appointments to the City's boards, commissions, and committees may be made by unanimous consent of all members of the City Council, then qualified and voting.
 - b. *Confirmations.* Confirmations of City Manager appointments to the City's boards, commissions, and committees, when authorized by State or other law, may be made by unanimous consent of all members of the City Council, then qualified and voting.

Cross reference – Annual and intermittent board appointment agenda items; Article II, Sec. 20-205.

State law reference – Implementation: Commission, V.T.C.A. Local Government Code, Title 5, Chapter 143, Subchapter A, § 143.006.

Secs. 20-207 – 20-300. – Reserved.

ARTICLE III. - GENERAL REGULATIONS

DIVISION 1. - REGULATIONS APPLICABLE TO ALL BOARDS, COMMISSIONS, AND COMMITTEES

Sec. 20-301. - Applicability.

- (a) *General rule.* Unless otherwise provided, these general regulations identified in this division shall be applied to all the City QUASI-JUDICIAL BOARDS and ADVISORY BOARDS as identified in Sec. 20-3 (Listing of City Boards, Commissions, and Committees), or as may be otherwise identified in this chapter.
- (b) *Quasi-judicial boards, commissions, and committees.* For additional regulations specifically applicable to only QUASI-JUDICIAL BOARDS see Division 2 (Regulations Applicable Only To Quasi-Judicial Bodies).

Sec. 20-302. - Independent body.

Pursuant to the City Charter, all appointed QUASI-JUDICIAL BOARDS and ADVISORY BOARDS shall be independent bodies within the areas committed to such board, commission, or committee.

Charter reference – Independence of City Boards and Commissions, Article IX, Sec. 8.

Sec. 20-303. - Term duration and expiration.

- (a) *Term duration.*
 - (1) *General rule.* Unless otherwise specifically provided for particular boards, a term for a REGULAR MEMBER or ALTERNATE is generally defined and assigned herein as approximately two (2) years.
 - (2) *Exception.* In accordance with Texas Local Government Code, Chapter 143, as amended, the Civil Service Commission REGULAR MEMBER terms are approximately three (3) years.
- (b) *Expiration of term.*
 - (1) *Regular members.* Unless otherwise provided, all terms of REGULAR MEMBERS shall expire on the 31st day of December as herein identified:
 - a. The terms of any odd-numbered positions (e.g., No. 1, No. 3, No. 5, No. 7, etc.) expire in odd-numbered years.
 - b. The terms of any even-numbered positions (e.g., No. 2, No. 4, No. 6, etc.) expire in even-numbered years.
 - (2) *Alternates.* Unless otherwise provided, all terms of ALTERNATES shall expire on the 31st day of December as herein identified:
 - a. The terms of any odd-numbered positions (e.g., No. 1, No. 3, etc.) expire in odd-numbered years.
 - b. The terms of any even-numbered positions (e.g., No. 2, No. 4, etc.) expire in even-numbered years.
- (c) *Date – End of service in position.*
 - (1) *Advisory boards.* REGULAR MEMBERS of ADVISORY BOARDS date of service end upon their expiration date, or their resignation date if applicable, unless otherwise approved by the City Council.

- (2) *Quasi-Judicial boards.* REGULAR MEMBERS of QUASI-JUDICIAL BOARDS unless otherwise provided, shall serve until his/her successor is appointed, confirmed if applicable, and qualified to serve.

Cross reference – Civil Service Commission; Article IV, Division 5.

State law reference – Implementation: [Civil Service] Commission, V.T.C.A. Local Government, § 143.006.

State constitution reference – Texas Constitution, Article XVI, Section 17.

Sec. 20-304. - Calculation of terms and term limits.

(a) *Applicability.*

- (1) *General rule.* This section is applicable to most boards, commissions, and committees, unless otherwise provided by this Chapter or other local, state, or federal law.
- (2) *Exception.* This section is not applicable to the Civil Service Commission. Calculation of terms and term limits for Civil Service Commission REGULAR MEMBERS shall be made in accordance with the Texas Local Government Code, Chapter 143, or successor and as amended.

(b) *Term limits.*

- (1) Term limits shall be applied to REGULAR MEMBERS and ALTERNATES serving on the same board, commission, or committee. Terms served on different boards, commissions, or committees shall not be combined for calculation of term limits.
- (2) A REGULAR MEMBER or ALTERNATE may serve no more than three (3) consecutive terms (i.e., approximately 6-years) on the same board, commission, or committee as a REGULAR MEMBER, ALTERNATE, or any combination thereof.
- (3) If a person cycles off the board, commission, or committee for more than three hundred (300) days, moving forward the person may again serve for no more than three (3) consecutive terms (i.e., approximately 6-years) on the same board as a REGULAR MEMBER, ALTERNATE, or any combination thereof, before again cycling off the board.

(c) *Calculation of a term when filling vacancies.*

(1) *Filling a vacancy.*

- a. If a person is appointed to serve as a REGULAR MEMBER or an ALTERNATE during a vacancy, only serving for the unexpired portion of the original term, an appointment of three hundred and sixty-five (365) days, or more, shall constitute a term served.
- b. The day the City Council approves the appointment to fill a vacancy is considered Day Zero (0).

(2) *Alternates appointed to fill a vacancy of a regular member.* If a person is originally appointed to serve as an ALTERNATE and then gets appointed to become a REGULAR MEMBER during a vacancy:

- a. If the ALTERNATE served three hundred and sixty-five (365) days, or more, as an ALTERNATE, that time period is calculated as one (1) term served.
- b. If the ALTERNATE served less than three hundred and sixty-five (365) days as an ALTERNATE, that time period is not calculated as a term served. However, serving three hundred and sixty-five (365) days, or more, as a REGULAR MEMBER when filling a vacancy is calculated as one (1) term served.

Cross reference – Civil Service Commission; Article IV, Division 5.

State law reference – Implementation: [Civil Service] Commission, V.T.C.A. Local Government, § 143.006.

Sec. 20-305. - Reappointment.

(a) *Applicability.*

(1) *General rule.* This section is applicable to most boards, commissions, and committees, unless otherwise provided by this Chapter or other local, state, or federal law.

(2) *Exception.* This section is not applicable to the Civil Service Commission. Reappointment for Civil Service Commission REGULAR MEMBERS shall be made in accordance with the Texas Local Government Code, Chapter 143, § 143.006.

(b) *Consecutive terms.* Unless otherwise provided, a REGULAR MEMBER or ALTERNATE may be reappointed for consecutive term(s) on the same City board, commission, or committee in accordance with Sec. 20-304 (Calculation of terms and term limits).

(c) *Nonconsecutive terms.*

(1) Unless otherwise provided, a REGULAR MEMBER or ALTERNATE may be reappointed for nonconsecutive term(s) for the same City board, commission, or committee.

(2) Unless otherwise provided, a REGULAR MEMBER or ALTERNATE having already served three (3) consecutive terms (as a REGULAR MEMBER, ALTERNATE, or any combination thereof) wishing to be reappointed for a nonconsecutive term, shall be cycled off the previous City board, commission, or committee for more than three hundred (300) days prior to any reappointment for a nonconsecutive term on the same board.

Cross reference – Civil Service Commission; Article IV, Division 5.

State law reference – Implementation: [Civil Service] Commission, V.T.C.A. Local Government, § 143.006.

Sec. 20-306. - Officers of the City.

(a) *Advisory boards.* In accordance with Chapter 2, Division 2, Sec. 2-121, the definition of “OFFICER” shall include any appointive Regular Member or ALTERNATE of an ADVISORY BOARD solely for the purpose of complying with the City’s CODE OF ETHICS.

(b) *Quasi-judicial boards.* REGULAR MEMBERS and ALTERNATES of QUASI-JUDICIAL BOARDS are considered “OFFICERS” of the City as defined by the Mesquite City Code.

Cross reference – “Officer” defined in City Code Chapter 2, Article IV, Division 2 - Code of Ethics, Sec. 2-121.

Sec. 20-307. - Local public officials.

(a) *Advisory boards.* Regular members and alternates of ADVISORY BOARDS are not considered LOCAL PUBLIC OFFICIALS.

(b) *Quasi-judicial boards.* REGULAR MEMBERS and ALTERNATES of QUASI-JUDICIAL BOARDS who exercise responsibilities beyond those that are advisory in nature are considered LOCAL PUBLIC OFFICIALS as defined by the Local Government Code.

State Law reference – Definitions relating to conflicts of interest, V.T.C.A. Local Government Code, § 171.001.

Cross reference – Article III, Division 2 Regulation applicable only to Quasi-Judicial Boards.

Sec. 20-308. - One City board, commission, or committee; and holding other public office.

- (a) *One membership on a City board, commission, or committee.* Unless otherwise authorized, REGULAR MEMBERS and ALTERNATES shall have only one membership on a City QUASI-JUDICIAL BOARD, City ADVISORY BOARD, or City non-profit corporation, unless:
- (1) dual or multiple membership is permissible according to the specific requirements of any particular City board, commission, or committee, or
 - (2) upon a majority vote of a QUORUM, of the City Council present and voting, when the City Council determines such dual or multiple membership is necessary or desirable.
- (b) *Holding other public office prohibited.*
- (1) *General rule.* Pursuant to Mesquite City Charter, Art. IV, Sec. 3a (Holding other office), if any member of a City board, commission, or committee becomes a candidate for election to any public office, and that member was appointed by the City Council to their position, he or she shall immediately upon becoming a candidate for any public office forfeit his or her position on such City board, commission, or committee.
 - (2) *Civil service commission.* A person appointed to the Civil Service Commission shall not have held a public office within the preceding three (3) years, in accordance with Texas Local Government Code, Section 143.006, as amended.

Cross reference – Eligibility requirements; Mesquite City Code, Chapter 20, Article II, Sec 20-201.

Charter reference – Holding other office; Mesquite City Charter, Art. IV, Sec. 3a.

State law reference(s) – Implementation: [Civil Service] Commission, V.T.C.A. Local Government Code, Title 5, Chapter 143, Subchapter A, § 143.006.

Sec. 20-309. - Code of ethics.

REGULAR MEMBERS and ALTERNATES of ADVISORY BOARDS and QUASI-JUDICIAL BOARDS are subject to the City's adopted CODE OF ETHICS, as amended.

Cross reference – City Code Ch. 2, Article IV., Division 2 – Code of Ethics.

Sec. 20-310. - Conflicts of interest.

REGULAR MEMBERS and ALTERNATES of ADVISORY BOARDS and QUASI-JUDICIAL BOARDS are subject to prohibitions of CONFLICTS OF INTEREST as provided in the City's CODE OF ETHICS, and State or other law as may be applicable, and as amended.

Cross reference – City Code Ch. 2, Article IV., Division 2 – Code of Ethics.

State Law reference – Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and Certain Other Local Governments, V.T.C.A. Local Government Code, § 171.001 et. seq.

Sec. 20-311. - Prohibition of representation and subsequent representation of others before the City.

- (a) *Representation of others prohibited during appointment to position.*
- (1) *In general.* REGULAR MEMBERS and ALTERNATES of ADVISORY BOARDS and QUASI-JUDICIAL BOARDS are subject to the prohibitions of representation of others during a term of appointment as provided in CITY CODE, Chapter 2, Article IV, City's CODE OF ETHICS, Sec. 2-123 (Standards of conduct), and State or other law as may be applicable, and as amended.

(2) *Prohibition.* Pursuant to the City's CODE OF ETHICS, Sec. 2-123 (Standards of conduct), REGULAR MEMBERS and ALTERNATES of ADVISORY BOARDS and QUASI-JUDICIAL BOARDS are prohibited from representing, directly or indirectly, or appearing in behalf of private interests of others, before any agency of the City or any of its agencies.

(b) *Subsequent representation of others prohibited after term of appointment ends.*

(1) *In general.* FORMER REGULAR MEMBERS and FORMER ALTERNATES of ADVISORY BOARDS and QUASI-JUDICIAL BOARDS are subject to the prohibitions of representation of others after a term of appointment ends as provided in CITY CODE, Chapter 2, Article IV, Division 4 (Subsequent Representation), and State or other law as may be applicable, and as amended.

(2) *Representation before the City; former Board or Commission Member.*

a. *Prohibition.* Pursuant to CITY CODE, Chapter 2, Article IV, Division 4, Sec. 2-156 (c) (Representation before the City; former Board or Commission Member) FORMER REGULAR MEMBERS and FORMER ALTERNATES of ADVISORY BOARDS and QUASI-JUDICIAL BOARDS shall not, for a period of five (5) years after termination of their official duties and with or without compensation, represent any person, group or entity (other than themselves, or their spouse or domestic partner, or their minor children) before the City and its agencies as identified in Sec. 2-156 (c) (Representation before the City; former Board or Commission Member).

b. *Exceptions.* In accordance with CITY CODE, Chapter 2, Article IV, Division 4, Sec. 2-156 (c) (Representation before the City; former Board or Commission Member), the Building Standards Boards, and Mesquite Landmark Commission FORMER REGULAR MEMBERS and FORMER ALTERNATES are excepted.

Cross reference(s) –

Chapter 2, Article IV, Division 2 – Code of Ethics.
Standards of conduct; Chapter 2, Article IV, Division 2, Sec. 2-123.
Chapter 2, Article IV, Division 4 – Subsequent Representation.
Restricted activities; Chapter 2, Article IV, Division 2, Sec. 2-156.

Sec. 20-312. - Use of position.

REGULAR MEMBERS and ALTERNATES of City boards, commissions, and committees shall not use or refer to their position in writing letters or taking public positions on any matter unless approved by a majority vote of a QUORUM of the board, present and voting.

Sec. 20-313. - Impartiality.

REGULAR MEMBERS and ALTERNATES of City boards, commissions, and committees shall remain impartial on all potential or otherwise official board business prior to any matter being presented to the Board.

Sec. 20-314. - Salary.

All REGULAR MEMBERS and ALTERNATES of boards, commissions, and committees shall serve without salary.

Sec. 20-315. - Open Meetings Act.

(a) *Advisory boards.* Unless otherwise provided by State law, as may be amended, ADVISORY BOARDS are not governed by the Texas Open Meetings Act (TOMA). However, ADVISORY BOARDS shall follow the requirements in Sec. 20-501 (Meetings required to be open to the public and notice required).

(b) *Quasi-judicial boards.* The City's QUASI-JUDICIAL BOARDS shall be governed by the Texas Open Meetings Act (TOMA).

Cross reference – Meetings required to be open to the public and notice required; Article III, Division 3, Sec. 20-501.

State law reference – Texas Open Meetings Act, V.T.C.A. Government Code, § 551.001 et seq.

Sec. 20-316. - Public Information Act.

- (a) *Records requests.* The ADVISORY BOARDS' and QUASI-JUDICIAL BOARDS' records are subject to the Texas Public Information Act (PIA).
- (b) *Public access option form.* REGULAR MEMBERS and ALTERNATES of City boards, commissions, and committees shall, in accordance with § 552.024 of the Government Code, or successor and as amended, choose whether to allow public access to certain information in the custody of the City. The completed Public Access Option Form shall be kept on file in the Office of the City Secretary.

State law reference –

Electing to Disclose Address and Telephone Number, Texas Public Information Act, V.T.C.A. Government Code, § 552.024.

Sec. 20-317. - Board support staff.

- (a) Boards, commissions, and committees shall each have designated City staff member(s) (hereinafter "BOARD SUPPORT STAFF"). The BOARD SUPPORT STAFF, while conducting their duties for the board, work under the direction of the BOARD LIAISON and/or the INFORMATIONAL MEMBER.
- (b) BOARD SUPPORT STAFF shall verify attendance of REGULAR MEMBERS and ALTERNATES, keep records of the proceedings, maintain minutes of the meetings, and any other duties as may be assigned by the BOARD LIAISON or INFORMATIONAL MEMBER as defined in this chapter.
- (c) When a BOARD SECRETARY or COMMISSION SECRETARY is required by State or other law, the BOARD LIAISON or his/her designee, including BOARD SUPPORT STAFF, may serve as the official BOARD SECRETARY or COMMISSION SECRETARY, unless otherwise provided.

Cross reference(s) –

Definitions; Chapter 20, Article I, Sec. 20-5.

Board Secretary and Commission Secretary; Chapter 20, Article III, Sec. 20-318.

Sec. 20-318. - Board secretary / Commission secretary.

- (a) When a BOARD SECRETARY or COMMISSION SECRETARY is required by State or other law, the BOARD LIAISON or his/her designee, including BOARD SUPPORT STAFF, may serve as the official BOARD SECRETARY, unless otherwise provided.
- (b) The following board(s) and commission(s) have designated secretaries as required by law:
 - (1) *Planning & Zoning Commission.* The Planning & Zoning Commission, pursuant to Texas Local Government Code, Chapter 212, § 212.009, or successor and as amended, requires the Planning & Zoning Commission, acting as the municipal authority for plans or plats, to have a COMMISSION SECRETARY.
 - (2) *Civil Service Commission.* The Civil Service Commission, pursuant to Texas Local Government, Chapter 143, § 143.012 (Director), or successor and as amended, shall appoint a director. The director shall serve EX OFFICIO as COMMISSION SECRETARY perform work incidental to the civil service system as required by the Commission.

Sec. 20-319. - Board liaison.

- (a) Boards, commissions, and committees shall each have designated City staff board, commission, or committee liaison(s) (hereinafter "BOARD LIAISON").
- (b) The BOARD LIAISON coordinates and assists with the matters of the board, commission, or committee. The BOARD LIAISON is usually responsible for placing matters on the meeting agenda and ensuring the notice of the meeting has been posted in accordance with this Chapter, or the Texas Open Meeting Act ("TOMA"), whichever is applicable.

- (c) When a BOARD SECRETARY or COMMISSION SECRETARY is required by State or other law, the BOARD LIAISON or his/her designee, including BOARD SUPPORT STAFF, may serve as the official BOARD SECRETARY, unless otherwise provided.

Cross reference – Definitions; Chapter 20, Article I, Sec. 20-5. – Definitions.

State law reference(s) –

Notice of Meeting Required; Texas Open Meetings Act, V.T.C.A. Government Code, § 551.041.

Time and Accessibility of Notice – General Rule; Texas Open Meetings Act, V.T.C.A. Government Code, § 551.043.

Sec. 20-320. - Informational members.

The BOARD LIAISON and City Department Director shall serve as INFORMATIONAL MEMBERS of any board, commission, or committee, as assigned by the City Manager or his/her designee, unless otherwise provided. INFORMATIONAL MEMBERS' rights include having the right to attend all meetings and to participate in discussions, but does not include having the right to vote on any matter.

Sec. 20-321. - Legal Advisor.

The city attorney, or his/her designee(s), shall be the legal advisor to the boards, commissions, and committees.

Charter reference – Office of the City Attorney, Sec. 35.

Sec. 20-322. - Orientation.

The City BOARD LIAISON and/or the City Secretary or his/her designee shall be responsible for providing REGULAR MEMBERS and ALTERNATES an orientation session to provide an overview of City government and the functions of the board, commission, or committee.

Sec. 20-323. - Records management.

Board, commission, and committee records are City records and the property of the City of Mesquite. The assigned BOARD LIAISON and/or BOARD SUPPORT STAFF shall assist with maintaining the board, commission, or committee records. The BOARD LIAISON shall seek assistance, as needed, from the appropriate City Record Liaison Officer for compliance with the City's Records Management Program (Ordinance No. 2714), and the City's Records Management Plan.

Cross reference – "Records Management Program" adopted in City Council Ordinance No. 2714, as amended, December 3, 1990.

Sec. 20-324. - Rules of procedure.

- (a) *Rules of Procedure.* The boards, commissions, and committees shall be governed by the most recent revision of Robert's Rules of Order.
- (b) *Board, Commission, or Committee specific rules of procedure.* Boards, commissions, and committees may adopt by majority vote of a QUORUM, of the board present and voting, such other rules as the board, commission, or committee considers appropriate subject to City Council approval.

[The remainder of this page is left blank intentionally]

Sec. 20-325. - Training – Advisory and quasi-judicial boards.

As a condition of membership on a board, committee, or commission, the REGULAR MEMBERS and ALTERNATES of ADVISORY BOARDS and QUASI-JUDICIAL BOARDS shall participate in such training and education as may be required by this Chapter or State law.

- (a) *Mandatory Open Meetings Act training.* REGULAR MEMBERS and ALTERNATES of ADVISORY BOARDS and QUASI-JUDICIAL BOARDS are required to complete a course of training regarding the Texas Open Meeting Act (TOMA), made available by the Office of the Texas Attorney General, in accordance with this section and/or State law.
- (b) *Mandatory Public Information Act training.* REGULAR MEMBERS and ALTERNATES of ADVISORY BOARDS and QUASI-JUDICIAL BOARDS are required to complete a course of training regarding the Texas Public Information Act (“open records training”), made available by the Office of the Texas Attorney General, in accordance with this section and/or State law.
- (c) *Staff training.* From time to time, the BOARD LIAISON and/or INFORMATIONAL MEMBER, or his/her designee, shall arrange and/or provide additional required training and educational opportunities for the REGULAR MEMBERS and ALTERNATES of the board, commission, or committee in order to maintain and improve their knowledge and competence.

State law reference(s) –

Open Meetings Training, V.T.C.A. Government Code, § 551.005.
Open Records Training, V.T.C.A. Government Code, § 552.012.

Sec. 20-326. - Officers of the board, commission, or committee.

- (a) *Election.* Each City board, committee, or commission shall elect a chairperson (“Chair”) and vice-chairperson (“Vice-Chair”) to serve as officers of the board from among its REGULAR MEMBERS by majority vote of a QUORUM of the board, present and voting.
- (b) *Terms of officers.* The terms for Chair and Vice-chair shall be for approximately one (1) year and shall expire on the 31st day of December. A REGULAR MEMBER may serve as Chair or Vice-Chair for consecutive terms.
- (c) *Chairperson.* The Chair shall have the following responsibilities and duties:
 - (1) Shall preside at the meetings.
 - (2) Shall be the spokesperson (along with his/her designees).
 - (3) Shall represent the City board, commission, or committee (along with his/her designees) in its work with city, county, state or federal departments, agencies, boards, committees, and commissions.
 - (4) Shall be the authorized signatory for the board, committee, or commission.
- (d) *Vice-chairperson.* In the absence of the Chair, or when requested by the Chair, the Vice-chair shall perform the duties of the Chair.
- (e) *Secretary.* Under this chapter, a BOARD SECRETARY or COMMISSION SECRETARY, when required by State or other law, shall not be elected from the board’s REGULAR MEMBERS, unless otherwise provided.

Sec. 20-327. - Failure to maintain eligibility status.

- (a) *General rule.* Unless otherwise excepted, any failure by REGULAR MEMBERS and ALTERNATES to maintain their eligibility status for the original appointment to their position results in an automatic forfeiture of the person's position in accordance with Sec. 20-328 (Automatic forfeiture of position). If an ineligible person was appointed in accordance with this article, the person's ineligible status shall either remain the same (as the City Council approved it) or the ineligible status shall be improved by becoming eligible.
- (b) *Exception.* When a REGULAR MEMBER or ALTERNATE serving on a QUASI-JUDICIAL BOARD, requiring "for cause" removal, ceases to be eligible as identified in subsection (a), unless otherwise provided or required by law, it shall be deemed a violation of the regulations contained in this division, and a "for cause" reason to be removed from the person's position on the City board, commission, or committee. See Sec. 20-407 (Removal – For cause removal from quasi-judicial position).

Cross reference –

Removal – For cause removal from quasi-judicial position; Article III, Division 2, Sec. 20-407.

State law reference(s) –

The City may prescribe tenure of office for officers, V.T.C.A. Local Government Code, § 26.041.

Board of Adjustment, V.T.C.A. Local Government Code, § 211.008 (b).

Removal of [Civil Service Commission] Member, V.T.C.A. Local Government Code, § 143.007.

Sec. 20-328. - Automatic forfeiture of position.

- (a) *General rule.* Unless otherwise provided by State or other law, ADVISORY BOARD and QUASI-JUDICIAL BOARD REGULAR MEMBERS and ALTERNATES serve at the pleasure of the City Council. REGULAR MEMBERS and ALTERNATES may be removed by the City Council, and are also subject to an automatic forfeiture of their position in accordance with this section.
- (b) *Automatic forfeiture of position and procedures.*
 - (1) *Automatic forfeiture.* Unless otherwise excepted, automatic forfeiture of an ADVISORY BOARD or QUASI-JUDICIAL BOARD position occurs:
 - a. when a person ceases to be an ELIGIBLE REGULAR MEMBER or ELIGIBLE ALTERNATE at any time during a term in accordance with Sec. 20-327 (Failure to maintain eligibility status); and
 - b. when a person fails to meet the attendance requirements of this chapter in accordance with Sec. 20-806 (Failure to meet attendance requirements).
 - (2) *Procedures.* Unless otherwise excepted, during a term of appointment, any REGULAR MEMBER or ALTERNATE serving on an ADVISORY BOARD or QUASI-JUDICIAL BOARD subject to and qualifying for automatic forfeiture as identified in subsection (a):
 - a. shall immediately and automatically forfeit his/her position; and
 - b. the City Secretary or his/her designee shall notify the person in writing of the automatic forfeiture of their position; and
 - c. the City Council shall fill the vacancy for the unexpired term in accordance with Sec. 20-206 (City Council action for appointments and confirmations).
- (c) *Exception.* Unless otherwise provided by State or other law, QUASI-JUDICIAL BOARD REGULAR MEMBERS and ALTERNATES serving on the Board of Adjustment, and the Civil Service Commission shall only be removed in accordance with Sec. 20-407 (Removal – For cause removal from quasi-judicial position), and the Mesquite City Charter, this CITY CODE, the Mesquite Zoning Ordinance, and State or other applicable law.

Cross reference(s) –

Failure to maintain eligibility status; Article III, Division 1, Sec. 20-327.
Failure to meet attendance requirements; Article III, Division 4, Sec. 20-806.
Removal – For cause removal from quasi-judicial position; Article III, Division 2, Sec. 20-407.

State law reference(s) –

The City may prescribe tenure of office for officers, V.T.C.A. Local Government Code, § 26.041.
Board of Adjustment, V.T.C.A. Local Government Code, § 211.008.
Removal of [Civil Service Commission] Member, V.T.C.A. Local Government Code, § 143.007.

Sec. 20-329. - Resignation from position.

- (a) *In general.* Any REGULAR MEMBER or ALTERNATE may voluntarily resign, at any time, from their position.
- (b) *Resignation and effective date.*
 - (1) *Resignation.* Any REGULAR MEMBER or ALTERNATE may voluntarily resign, at any time, from their position by providing a written notice of resignation to the BOARD LIAISON and the Office of the City Secretary.
 - (2) *Effective date.* The resignation is effective immediately upon submission, or is effective at some future date as may be indicated in the notice.
- (c) *Notice to City Council regarding resignations received by the Office of the City Secretary.* When a resignation is received by the City Secretary or his/her designee, the City Secretary shall provide notice to the City Council by identifying on the next available City Council regular meeting agenda the persons having resigned from a board, commission, or committee.
- (d) *Acknowledgement of the City's receipt of a resignation.* The City Council is not required to take any formal action other than simply acknowledging the City's receipt of a person's resignation from their position.

Secs. 20-330 – 20-400. – Reserved.

[The remainder of this page is left blank intentionally]

DIVISION 2. - REGULATIONS APPLICABLE ONLY TO QUASI-JUDICIAL BODIES

Sec. 20-401. - Applicability.

Unless otherwise provided, REGULAR MEMBERS and ALTERNATES shall adhere to the general regulations for all boards, commissions, and committees in Division I (Regulations applicable to all boards, commissions, and committees), in addition to these specific regulations for QUASI-JUDICIAL BOARDS as herein identified in this Division 2.

Cross reference(s) –

Regulations applicable to all boards, commissions, and committees; Article III, Division 1.
Regulations applicable only to quasi-judicial bodies; Article III, Division 2.

Sec. 20-402. - Statement of Officer – Anti-Bribery Statement.

A Statement of Officer form, as promulgated by the Texas Secretary of State and commonly referred to as the “Anti-Bribery Statement,” must be executed and kept on file in the Office of the City Secretary. The Statement of Officer form shall be executed prior to taking the Oath of Office.

State Constitution reference – Official oath, Art. 16, § 1.

Sec. 20-403. - Oath of Office.

As appointed OFFICERS of the City, each REGULAR MEMBER and ALTERNATE of QUASI-JUDICIAL BOARDS shall solemnly swear or affirm to faithfully execute the duties of their appointed office, and will to the best of their ability preserve, protect, and defend the Constitution and laws of the United States, of this State and the ordinances of the City. An Oath of Office form, as promulgated by the Texas Secretary of State, may be administered by a notary public, in accordance with State law, and shall be executed and kept on file in the Office of the City Secretary. The Statement of Officer form shall be executed prior to taking the Oath of Office.

Charter reference – Qualifications of city officers, Mesquite City Charter, Article IV, Sec. 8.

State Constitution reference – Official oath, Art. 16, § 1.

State Law reference – Administration of Oaths, V.T.C.A. Government Code, § 602.002.

Sec. 20-404. - Governmental body.

QUASI-JUDICIAL BOARDS are considered a “GOVERNMENTAL BODY,” as defined by the Texas Open Meetings Act, a deliberative body (e.g., board, commission, or committee) having rulemaking or quasi-judicial power acting as an agency of the municipality.

State Law reference – “Governmental body” defined, V.T.C.A. Government Code, § 551.001.

Sec. 20-405. - Ex Parte communications prohibited.

REGULAR MEMBERS and ALTERNATES of QUASI-JUDICIAL BOARDS are prohibited from holding private meetings or communicating with an applicant or member of the public, outside of a public hearing or meeting properly noticed of the entire Board, regarding a pending matter, application, or appeal.

Sec. 20-406. - Certificate of course completion for required training – Quasi-judicial boards.

In accordance with Sec. 20-325 (Training – Advisory and quasi-judicial boards), as a condition of membership on a board, committee, or commission, the REGULAR MEMBERS and ALTERNATES shall participate in such training and education as may be required by law or ordinance. A certificate of course completion shall be kept on-file with the Office of the City Secretary as follows.

- (1) *Mandatory Open Meetings Act Training.* The Certificate of Course Completion for the mandatory Open Meetings Act training for all QUASI-JUDICIAL REGULAR MEMBERS and ALTERNATES shall be kept on file in the Office of the City Secretary.
- (2) *Mandatory Public Information Act Training.* The Certificate of Course Completion for the mandatory Public Information Act training for all QUASI-JUDICIAL REGULAR MEMBERS and ALTERNATES shall be kept on file in the Office of the City Secretary.

State law reference(s) –

Open Meetings Training, V.T.C.A. Government Code, § 551.005; and Open Records Training, V.T.C.A. Government Code, § 552.012.

Sec. 20-407. - Removal – For cause removal from quasi-judicial position.

- (a) *In general.* When removal “for cause” is required by State or other law, the City Manager, an individual City Councilmember, or the Mayor may institute proceedings to dismiss REGULAR MEMBERS or ALTERNATES of certain QUASI-JUDICIAL BOARDS, prior to the expiration of his/her term, for cause, as found by a majority vote of a QUORUM, of the City Council present and voting, or as otherwise provided by law.
- (b) *Applicability.* This section is applicable to board(s) and commission(s) that require “for cause” removal in accordance with State law, including, but not limited to:
 - (1) Airport Board of Adjustment;
 - (2) Board of Adjustment; and
 - (3) Civil Service Commission.
- (c) *Procedure.* The procedure for removal from position is as follows:
 - (1) *Written charge filed with the City Secretary.* A written charge, by the City Manager, or an individual City Councilmember, or the Mayor shall be filed with the Office of the City Secretary.
 - (2) *Notification.* The City Secretary or his/her designee shall notify and forward a copy of the written charge to the REGULAR MEMBER or ALTERNATE of the QUASI-JUDICIAL BOARD and the City Manager, City Attorney, and City Council.
 - a. Upon receipt of said written charge, the REGULAR MEMBER or ALTERNATE, if he/she so chooses, may provide a written notice of resignation effective immediately.
 - b. If the REGULAR MEMBER or ALTERNATE resigns, thereby creating a vacancy, the City Council shall not hold a public hearing for removal of position, and shall instead proceed with appointing a new REGULAR MEMBER or ALTERNATE to the board, commission, or committee for the unexpired term of the vacant position.
 - (3) *Placement on City Council agenda.* The City Secretary or his/her designee shall place the item on the next available City Council agenda for a public hearing, or as otherwise provided by State law, and shall notify the above-mentioned parties of said hearing date and time.
 - (4) *Hearing.* The City Council shall hold a public hearing, or hold a closed meeting or hearing as may be provided by State law.

EXHIBIT B TO ORDINANCE No. 4894
Mesquite City Code. Chapter 20 – Boards, Commissions, and Committees
City Council Meeting Date: September 7, 2021

- (5) *Decision by City Council.* Unless otherwise provided by State or other law, after the public hearing, the City Council may, by a majority vote of a QUORUM present and voting, remove the QUASI-JUDICIAL BOARD REGULAR MEMBER or ALTERNATE if the City Council determines cause exists for the person to be removed and wishes to remove the REGULAR MEMBER or ALTERNATE.

Cross reference(s) –

City Council action for appointments and confirmations, Article II, Sec. 20-206.
Resignation from position, Article III, Division 1, Sec. 20-329.

State law reference(s) –

The City may prescribe tenure of office for officers, V.T.C.A. Local Government Code, § 26.041.
[Airport] Board of Adjustment, V.T.C.A. Local Government Code, § 241.032.
Board of Adjustment, V.T.C.A. Local Government Code, § 211.008.
Removal of [Civil Service Commission] Member, V.T.C.A. Local Government Code, § 143.007.

Secs. 20-408 – 20-500. – Reserved.

DIVISION 3. - MEETINGS.

Sec. 20-501. - Meetings required to be open to the public and notice required.

(a) *Advisory boards.*

- (1) *TOMA generally not applicable to advisory boards.* Unless otherwise provided by State law, ADVISORY BOARDS are not governed by the Texas Open Meetings Act (TOMA). However, ADVISORY BOARDS shall follow the City's requirements for ADVISORY BOARD meetings as described in subsection (a)(2).
- (2) *City's requirements for advisory board meetings.* Any City ADVISORY BOARD meeting and work session shall:
 - a. be open to the public; except any closed meeting or executive session shall be permissible in accordance with Sec. 20-503 (Types of meetings and calling a meeting); and
 - b. be held in a location accessible to the general public when said meeting is an in-person meeting; and
 - c. have a notice posted that includes the meeting agenda on the City's web-site approximately 72-hours prior to the meeting; said notice shall include:
 1. the name of the board, committee, or commission,
 2. type of meeting (e.g. Regular Meeting or Special Called Meeting, etc.),
 3. meeting location,
 - (i) *In-person meetings:* physical address of meeting location including the name of the building when the meeting is an in-person meeting, or
 - (ii) *Remote meetings or hybrid meetings:* the notice of the REMOTE MEETING or HYBRID MEETING must specify as the location of the meeting, the location where meetings of the board are usually held, but the notice shall also clearly identify the options for public participation such as physical in-person attendance, remote attendance via video-conference, phone-conference, or other technology, or a combination of both,
 4. when the meeting is a REMOTE MEETING or HYBRID MEETING, the agenda shall provide for instructions for public participation in said meeting (e.g. video-conference hyperlinks, toll-free phone-conference dial-in numbers, etc.),
 5. date of the meeting,
 6. time of the meeting,
 7. agenda of the board, commission, or committee, and
 8. certificate of posting identifying the date and time the notice, including the agenda, was posted on the City's web-site; and
 - d. have a physical notice posted at the meeting location, identifying the location of the meeting room prior to the meeting, when said meeting is an in-person meeting; and
 - e. maintain a QUORUM of its FULL MEMBERSHIP while conducting a meeting or work session.
- (3) *Notice of annual schedule of meetings.* The annual schedule or calendar of regular meetings for any ADVISORY BOARD shall be posted on the City's web-site.

- (b) *Quasi-judicial boards.*
- (1) *TOMA applicable.* The City's QUASI-JUDICIAL BOARDS shall be governed by the Texas Open Meetings Act (TOMA) and all public notices, meetings, and work sessions shall be conducted in accordance with the provisions of the TOMA.
 - (2) *Notice of annual schedule of meetings.* The annual schedule or calendar of regular meetings for any QUASI-JUDICIAL BOARD shall be posted on the City's web-site.

State law reference(s) –

Texas Open Meetings Act, V.T.C.A. Government Code, § 551.001 et seq.
Notice of Meeting Required; V.T.C.A. Government Code, Texas Open Meetings Act, § 551.041.
Time and Accessibility of Notice – General Rule; V.T.C.A. Government Code, Texas Open Meetings Act, § 551.043.
Exceptions To Requirement That Meetings Be Open; V.T.C.A. Government Code, Texas Open Meetings Act, Subchapter D, § 551.071 et seq.
Meetings using telephone, videoconference, or internet; Texas Open Meetings Act, V.T.C.A. Government Code, Chapter 551, Subchapter F, § 551.121 et seq.

Sec. 20-502. - Remote and virtual public meetings.

- (a) *Advisory boards.*
- (1) *General rule.* ADVISORY BOARDS may conduct REMOTE MEETINGS and/or virtual meetings, using video-conference, phone-conference, or other technology, as necessary, to conduct the business of the ADVISORY BOARD in accordance with this section or as may be otherwise authorized by other applicable law, rules, or orders.
 - a. *Remote meetings.* ADVISORY BOARDS may conduct public, or otherwise closed when authorized, meetings entirely remote using video-conference, phone-conference, or other technology.
 - b. *Hybrid of in-person and remote participation.* ADVISORY BOARDS may also utilize a HYBRID MEETING format where some ATTENDING MEMBERS and/or members of the public are physically present in-person at the meeting location, while other ATTENDING MEMBERS and/or members of the public are not physically present, but are present and participating remotely by video-conference, phone-conference, or other technology.
 - (2) *Instructions for public participation shall be posted in the notice of the meeting.* Notice shall be posted regarding the public, or otherwise closed when authorized, meeting in accordance with Sec. 20-501 (Meetings required to be open to the public and notice required) whereby instructions for public participation are included in the meeting notice.
 - (3) *Board shall maintain a quorum to conduct a remote or hybrid meeting.* ADVISORY BOARDS may conduct REMOTE MEETINGS or may conduct HYBRID MEETINGS, so long as a QUORUM of the board is maintained utilizing ATTENDING MEMBERS.
- (b) *Quasi-judicial boards.* QUASI-JUDICIAL BOARDS may conduct REMOTE MEETINGS and HYBRID MEETINGS using video-conference, phone-conference, or other technology, as necessary, to conduct the business of the QUASI-JUDICIAL BOARD in accordance with the Texas Open Meetings Act, or as may be otherwise authorized by other applicable law, rules, or orders.

State law reference(s) –

Meetings using telephone, videoconference, or internet; Texas Open Meetings Act, V.T.C.A. Government Code, Chapter 551, Subchapter F, § 551.121 et seq.
Other Governmental Body; Texas Open Meetings Act, V.T.C.A. Government Code, Chapter 551, § 551.125.

Sec. 20-503. - Types of meetings and calling a meeting.

- (a) *Types of meetings.*
- (1) *Regular scheduled meetings.*
- a. *Advisory boards.* An ADVISORY BOARD may hold public regular meetings.
- b. *Quasi-judicial boards.* A QUASI-JUDICIAL BOARD shall hold public meetings as often as necessary to conduct the business coming before the board, committee, or commission, and may hold regular meetings.
- (2) *Special called meetings and work sessions.*
- a. *Advisory boards.* An ADVISORY BOARD may hold public special called meetings and public work sessions.
- b. *Quasi-judicial boards.* A QUASI-JUDICIAL BOARD may hold public special called meetings and public work sessions.
- (3) *Closed meetings (or “Executive Sessions”).*
- a. *Advisory boards.* Any closed meeting (or “executive session”) of a City ADVISORY BOARD shall be permissible, and for purposes of determining permissible types of closed meetings for the City’s ADVISORY BOARDS, the Texas Open Meetings Act, Subchapter D – Exceptions To Requirement That Meetings Be Open, § 551.071 et seq., or successor and as amended, shall be herein incorporated by reference, but no other TOMA provisions shall be adopted or apply to the City’s ADVISORY BOARDS unless otherwise provided by law.
- b. *Quasi-judicial boards.* The City’s QUASI-JUDICIAL BOARDS shall be governed by the Texas Open Meetings Act (TOMA) and all closed meetings or executive sessions shall be conducted in accordance with the provisions of the TOMA.
- (b) *Calling a meeting.*
- (1) *Advisory boards.* An ADVISORY BOARD shall hold and call public meetings:
- a. as set by the BOARD LIAISON; or
- b. at the call by the ADVISORY BOARD, committee, or commission upon a majority vote of a QUORUM, of the board present and voting, at a regular meeting.
- (2) *Quasi-judicial board.* A QUASI-JUDICIAL BOARD shall hold and call public meetings:
- a. as set by the BOARD LIAISON, or at the call of the Chair;
- b. at the call by the QUASI-JUDICIAL BOARD, committee, or commission upon a majority vote of a QUORUM, of the board present and voting, at a regular meeting; or
- c. otherwise upon the written request to the Office of the City Secretary of at least three (3) REGULAR MEMBERS.

Cross reference – Meetings required to be open to the public and notice required; Article III, Division 3, Sec. 20-501.

State law reference(s) –

Texas Open Meetings Act, V.T.C.A. Government Code, § 551.001 et seq.

Exceptions To Requirement That Meetings Be Open; V.T.C.A. Government Code, Texas Open Meetings Act, Subchapter D, § 551.071 et seq.

Sec. 20-504. - Quorum.

To hold a meeting and conduct the business of the ADVISORY BOARDS and QUASI-JUDICIAL BOARDS a QUORUM shall be present in-person, or remotely as may be authorized by this Chapter or other law, rules, or orders.

Cross reference – “Quorum” defined, Article I, Sec. 20-5.

State Law reference(s) –

“Quorum” defined, V.T.C.A., Government Code, Open Meetings Act, § 551.001.
Board of Adjustment, V.T.C.A. Local Government Code, § 211.008.

Sec. 20-505. - Voting required; and Duty to abstain in a conflict of interest.

- (a) *Voting required – Attending members required to vote unless a conflict of interest exists.* No ATTENDING MEMBER of a board, commission, or committee shall be excused or shall abstain from voting on any matter before the board on which a vote is called or required, except where an ATTENDING MEMBER has a CONFLICT OF INTEREST.
- (b) *Conflict of interest – Duty to announce and abstain from participation.*
 - (1) *Abstaining from discussion and vote when a conflict of interest exists.* When an ATTENDING MEMBER of an ADVISORY BOARD or QUASI-JUDICIAL BOARD has a CONFLICT OF INTEREST as defined by this Chapter, such person shall announce such interest at the commencement of consideration of the matter, and such ATTENDING MEMBER shall not enter into discussion or debate on such matter, and shall abstain from voting thereon.
 - (2) *Affidavit required – Quasi-judicial attending members having a conflict of interest.* A QUASI-JUDICIAL BOARD ATTENDING MEMBER shall fill out an affidavit stating such CONFLICT OF INTEREST exists, in accordance with Texas Local Government Code, Chapter 171, § 171.004, as may be amended.

State Law reference – Substantial interest in business entity [or real property], V.T.C.A. Local Government Code, § 171.002.

Charter reference – Personal Financial Interest; Article IV, Sec. 34.

Cross reference(s) –

“Conflict of Interest” defined; Article I, Sec. 20-5.
Disclosure of interest; Chapter 2, Article IV, Division 2 – Code of Ethics, Sec. 2-124.

Sec. 20-506. - Alternates – Requirements to be seated.

- (a) *Absence – When a position is temporarily vacant an alternate shall be seated.* In the event of an absence of a REGULAR MEMBER from a meeting or work session, leaving the position temporarily vacant, the Chairperson, or in the Chair’s absence the Vice-chairperson, shall designate an ALTERNATE, only if one is present, who shall have full authority to sit in the place of the vacant position, and shall have a vote on every question for that particular meeting or work session.
- (b) *Conflict of Interest – When a position is temporarily vacant due to an attending member abstaining from the vote.*
 - (1) *Advisory boards.* When an ATTENDING MEMBER of an ADVISORY BOARD has a CONFLICT OF INTEREST and is required to abstain from participation and the vote, there is no duty to seat an ALTERNATE for that one agenda item.
 - (2) *Quasi-judicial boards.* When an ATTENDING MEMBER of a QUASI-JUDICIAL BOARD has a CONFLICT OF INTEREST and is required to abstain from participation and the vote, an alternate, if one is present, shall be seated as an ATTENDING MEMBER for that one agenda item.

- (c) *Alternates not seated, do not invalidate a decision, recommendation, or board action.* The failure to seat an alternate when required by this section shall not invalidate a board's recommendation, decision, or other action so long as there was a sufficient number of ATTENDING MEMBERS to maintain a QUORUM and the ATTENDING MEMBERS available to vote (minus the persons abstaining) are sufficient in number to approve or otherwise take action on any item.

Sec. 20-507. - Public testimony and comment period required.

- (a) *Items appearing on the agenda.* The ADVISORY BOARDS and QUASI-JUDICIAL BOARDS shall allow each member of the public who desires to address the body regarding an item on an agenda to address the body regarding the item at the meeting before or during the body's consideration of the item. Said public comment period shall be listed on the agenda.
- (b) *Items not appearing on the agenda.* The ADVISORY BOARDS and QUASI-JUDICIAL BOARDS shall also allow an opportunity prior to the end of the meeting for members of the public to speak on matters not listed on the agenda. Said public comment period shall be listed on the agenda. There shall be no deliberation, discussion, or action by the ATTENDING MEMBERS until such time as the item is placed on a future agenda and notice posted in accordance with law.
- (c) *Time limits.* The Chair, of an ADVISORY BOARD or a QUASI-JUDICIAL BOARD, may impose reasonable rules in setting the time period for comments, not in conflict with State law when applicable. Time limits may also be set by Board rules, if applicable.

State Law reference –

Provisions for public testimony, V.T.C.A., Government Code, Open Meetings Act, § 551.007.
Inquiry made at meeting, V.T.C.A., Government Code, Open Meetings Act, § 551.042.

Sec. 20-508. - Minutes.

- (a) The BOARD SUPPORT STAFF and/or BOARD LIAISON for each ADVISORY BOARD and QUASI-JUDICIAL BOARD shall keep records of the boards' business, other official actions, and shall draft the minutes of its proceedings.
- (b) The Minutes shall indicate a roll call of ATTENDING MEMBERS and establishment a QUORUM was present to conduct the meeting.
- (c) The minutes should also indicate the names of any ALTERNATES IN ATTENDANCE, City staff in attendance, and speakers who addressed the board.
- (d) The minutes of meetings shall indicate the vote of each ATTENDING MEMBER on each question, or the fact that an ATTENDING MEMBER is temporarily absent during the vote, abstains from the vote, or fails to vote.
- (e) The BOARD LIAISON and/or BOARD SUPPORT STAFF shall keep records of the ADVISORY BOARDS' and QUASI-JUDICIAL BOARDS' business and other official actions.

Sec. 20-509 – 20-800. – Reserved.

DIVISION 4. - ATTENDANCE REQUIREMENTS.

Sec. 20-801. - In general.

A QUORUM is required for a City board, commission, or committee to hold a meeting and conduct the business of the board. Active participation and attendance by all appointed REGULAR MEMBERS, and ALTERNATES when required, is necessary for proper functioning of City boards.

Sec. 20-802. - Record of attendance.

The BOARD LIAISONS and/or the BOARD SUPPORT STAFF forward monthly attendance reports for REGULAR MEMBERS and ALTERNATES to the Office of the City Secretary to be kept on-file.

Sec. 20-803. - Attendance requirements – Regular members.

- (a) *General rule.* Unless otherwise provided, all City board, commission, and committee REGULAR MEMBERS are required to attend all regular scheduled and other meetings of the board of which he/she is a REGULAR MEMBER.
- (b) *Required attendance chart.* REGULAR MEMBERS may calculate their required attendance for regular scheduled or other meetings as shown below in Table 20-1:

TABLE 20-1	
REQUIRED ATTENDANCE CHART	
If the ADVISORY BOARD or QUASI-JUDICIAL BOARD meets:	Required Attendance
(1) One time within a six-month period	1
(2) Two times within a six-month period	2
(3) Three times within a six-month period	2
(4) Four times within a six-month period	3
(5) Five times within a six-month period	4
(6) Six times within a six-month period	5
(7) Seven times within a six-month period	5
(8) Eight times within a six-month period	6
(9) Nine times within a six-month period	7
(10) Ten times within a six-month period	8
(11) Eleven times within a six-month period	8
(12) Twelve times within a six-month period	9
NOTE: Excused absences (up to two in any 6-month period) are <u>not</u> counted in this calculation.	

Cross reference – Absence – Classification as excused or unexcused; Article III, Division 4, Sec. 20-805.

Sec. 20-804. - Attendance requirements – Alternates.

- (a) *General rule.* Unless otherwise provided, ALTERNATES appointed to boards, commissions, and committees are generally not required to attend all meetings.
- (b) *Alternates required to attend upon written request.* The BOARD LIAISON and/or BOARD SUPPORT STAFF shall communicate in writing (electronic or paper) to ALTERNATE(S) when their attendance is required, and may communicate verbally as needed.
- (c) *Required attendance.* Attendance shall be required for an ALTERNATE as follows, and such shall be communicated to the ALTERNATES in accordance with subsection (b):
 - (1) ALTERNATES shall attend annual training sessions mandated by State law, this Chapter, or as otherwise required by the City staff BOARD LIAISON or his/her designee(s).
 - (2) ALTERNATES shall attend meetings as may be determined by the adopted board, commission, or committee rules, if applicable.
 - (3) ALTERNATES shall attend meetings when requested by the BOARD LIAISON or his/her designee(s).
 - (4) ALTERNATES shall attend at least one (1) meeting every 6-months. To fulfill this requirement, ALTERNATES may be seated either as an ALTERNATE IN ATTENDANCE or an ATTENDING MEMBER.
- (d) *Required attendance calculation.* Calculation of required attendance for ALTERNATES shall be in accordance with subsection (c) above and Sec. 20-805 (Absence – Classification as excused or unexcused).

Cross reference – Absence – Classification as excused or unexcused; Article III, Division 4, Sec. 20-805.

Sec. 20-805. - Absence – Classification as excused or unexcused.

- (a) All absences of REGULAR MEMBERS and ALTERNATES will be categorized as either unexcused or excused.
 - (1) *Unexcused absences.*
 - a. *Regular members.* Unexcused absences will be counted as an absence for calculation of required attendance in Sec. 20-803 (Attendance requirements – Regular members).
 - b. *Alternates.* Unexcused absences will be counted as an absence for calculation of required attendance in Sec. 20-804 (Attendance requirements – Alternates).
 - (2) *Excused absences.* An absence of a REGULAR MEMBER, or ALTERNATE when required to attend, may be categorized as excused in accordance with this section.
 - a. *Submission of excused absence request and deadline.* If a REGULAR MEMBER or ALTERNATE wants to request an absence be classified as excused, the person shall submit the request, on the City's form for that purpose, to the BOARD LIAISON and/or the BOARD SUPPORT STAFF either prior to the absence, or no more than thirty (30) calendar days after the absence. The date of the absence shall be considered Day Zero (0).
 - b. *Excused absence not counted in required attendance calculation.*
 - 1. *General rule.* An absence categorized as excused, will not be counted as an absence for calculation of required attendance in Sec. 20-803 (Attendance

EXHIBIT B TO ORDINANCE No. 4894
Mesquite City Code. Chapter 20 – Boards, Commissions, and Committees
City Council Meeting Date: September 7, 2021

requirements – Regular members) or in Sec. 20-804 (Attendance requirements – Alternates).

2. *No more than two excused absences per any 6-month period.* In no event will an absence be categorized as excused more than two (2) times in any 6-month period regardless of the reason(s) for the absence(s).

c. *Criteria for an absence to be categorized as excused.*

1. *General rule.* An excused absence for any City board, commission, or committee REGULAR MEMBER or ALTERNATE is permissible for the following occasional occurrence(s); but, subject to the exception below, in no event will an absence be categorized as excused more than two (2) times in any 6-month period regardless of the reason(s):

- (i) personal or family illness,
- (ii) death of a family member,
- (iii) jury duty,
- (iv) service in the armed forces,
- (v) an absence necessary for the member's business or employment,
- (vi) testifying before a court or the legislature (local, State, or federal) related to municipal matters of importance to the REGULAR MEMBERS' or ALTERNATES' board,
- (vii) attending a conference or other seminar involving municipal matters of importance to the REGULAR MEMBERS' or ALTERNATES' board, or
- (viii) as otherwise determined by majority vote of a QUORUM, of the City Council present and voting, when the City Council is evaluating a "for cause" removal of a QUASI-JUDICIAL BOARD REGULAR MEMBER or ALTERNATE.

2. *Exception.* When the absence is for either testifying before a court or the legislature (local, State, or federal), or attending a conference or other seminar (when either one involves municipal matters of importance to the person's board) the absence shall be categorized as excused regardless of the number of absences the person has accumulated.

Cross reference(s) –

Attendance requirements – Regular members; Article III, Division 4, Sec. 20-803.

Attendance requirements – Alternates; Article III, Division 4, Sec. 20-804.

Failure to meet attendance requirements; Article III, Division 4, Sec. 20-806.

[The remainder of this page is left blank intentionally]

Sec. 20-806. - Failure to meet attendance requirements.

- (a) *General rule.* Unless otherwise excepted, any failure by REGULAR MEMBERS, and ALTERNATES when required to attend, to meet the attendance requirements as herein described in this division results in an automatic forfeiture of the person’s position in accordance with Sec. 20-328 (Automatic forfeiture of position).

- (b) *Exception.* When a REGULAR MEMBER or ALTERNATE serving on a QUASI-JUDICIAL BOARD, requiring “for cause” removal, fails to meet the attendance requirements as identified in subsection (a), unless otherwise provided or required by law, it shall be deemed a violation of the regulations contained in this division, and a “for cause” reason to be removed from the person’s position on the City board, commission, or committee. See Sec. 20-407 (Removal – For cause removal from quasi-judicial position).

Cross reference –

Attendance requirements – Regular members; Article III, Division 4, Sec. 20-803.

Attendance requirements – Alternates; Article III, Division 4, Sec. 20-804.

Removal – For cause removal from quasi-judicial position; Article III, Division 2, Sec. 20-407.

State law reference(s) –

The City may prescribe tenure of office for officers, V.T.C.A. Local Government Code, § 26.041.

Board of Adjustment, V.T.C.A. Local Government Code, § 211.008 (b).

Removal of [Civil Service Commission] Member, V.T.C.A. Local Government Code, § 143.007.

Sec. 20-807 – 20-2000. – Reserved.

ARTICLE IV. - QUASI-JUDICIAL BOARDS, COMMISSIONS, AND COMMITTEES

Sec. 20-2000 – 20-2100. – Reserved.

DIVISION 1. - AIRPORT BOARD OF ADJUSTMENT

Sec. 20-2101. - Establishment of the Airport Board of Adjustment.

The City of Mesquite, Texas, Airport Board of Adjustment was created and established by the City Council, in accordance with State law. The Board may also be referred to as the "Mesquite Metro Airport Board of Adjustment" or "Airport Board of Adjustment" or "Airport-BOA."

State Law reference(s) –

Airport Zoning Act, V.T.C.A. Local Government Code, [§ 241.001](#) et seq.
[Airport] Board of Adjustment, V.T.C.A. Local Government Code, [§ 241.032](#).

(Ord. No. 2943, § 1, 12-6-93)

Sec. 20-2102. - In general.

The Airport Board of Adjustment was created by the City Council in accordance with Chapter 241 of the Texas Local Government Code, the "Airport Zoning Act." The Airport Board of Adjustment holds quasi-judicial public hearings to determine requests made by property owners, and other authorized persons, for special exceptions, variances, and appeals of administrative interpretations or decisions made by an administrative official (or the Administrative Agency) under the City Code or Mesquite Zoning Ordinance regarding Airport Zoning as authorized by state law and local ordinance.

Cross reference – Airport Zoning, Chapter 3, [Article IV](#).

State Law reference(s) –

[Airport] Board of Adjustment, V.T.C.A. Local Government Code, [§ 241.032](#).
Authority of [Airport] Board, V.T.C.A. Local Government Code, [§ 241.033](#).

Sec. 20-2103. - Members.

The REGULAR MEMBERS and ALTERNATES of the Board of Adjustment shall serve as the REGULAR MEMBERS and ALTERNATES of the Airport Board of Adjustment.

Cross reference – Board of Adjustment, Article IV, Division 3.

State Law reference – [Airport] Board of Adjustment, V.T.C.A. Local Government Code, [§ 241.032](#).

Sec. 20-2104. - Officers.

- (a) *Chair.* The Board of Adjustment Chair shall also serve as the Airport Board of Adjustment Chair.
- (b) *Vice-Chair.* The Board of Adjustment Vice-Chair shall also serve as the Airport Board of Adjustment Vice-Chair.

Cross reference – Board of Adjustment, Article IV, Division 3.

Sec. 20-2105. - Duties.

- (a) *Code of ethics.* All REGULAR MEMBERS and ALTERNATES of the Airport Board of Adjustment shall comply with the City's CODE OF ETHICS.
- (b) *Regulations for regular members and alternates.* All REGULAR MEMBERS and ALTERNATES of the Airport Board of Adjustment shall comply with Article III (General Regulations) of this chapter.
- (c) *Other law.* All REGULAR MEMBERS and ALTERNATES of the Airport Board of Adjustment shall comply with State and other law as may be applicable.

Cross reference – City Code Ch. 2, Article IV, Division 2 – Code of Ethics.

Sec. 20-2106. - Powers.

The Airport Board of Adjustment is hereby invested with authority and powers as follows:

- (1) *In General.* To exercise such duties and powers as may be now or hereafter conferred by the Charter of the City of Mesquite, Mesquite Zoning Ordinance, City Code, or applicable laws of the State of Texas.
- (2) *Administer oaths and compel attendance of witnesses.* The Chair, or in his/her absence the Vice-Chair, may administer oaths and compel the attendance of witnesses.
- (3) *Appeals of the administrative official's decisions made regarding Airport Zoning regulations.* Hear and decide appeals that allege error in any order, requirement, decision, or determination made by an administrative official in the enforcement of airport zoning regulations.
- (4) *Special Exceptions.* Hear and decide special exceptions to the terms of an airport zoning regulation when this City Code, Mesquite Zoning Ordinance, or State law requires the Board to do so.
- (5) *Variations.* Hear and decide specific variations, related to airport zoning regulations, from the terms of the City Code or Mesquite Zoning Ordinance when this City Code, Mesquite Zoning Ordinance, or State law requires the Board to do so.
- (6) *Other matters.* Hear and decide other matters under the City Code or Mesquite Zoning Ordinance as may be authorized by the City Council.

State Law reference(s) –

[Airport] Board of Adjustment, V.T.C.A. Local Government Code, [§ 241.032](#).
Authority of [Airport] Board, V.T.C.A. Local Government Code, [§ 241.033](#).
Variations, V.T.C.A. Local Government Code, [§ 241.034](#).

Sec. 20-2107. - Responsibilities and matters of the Airport Board of Adjustment.

The following are matters in which the Airport Board of Adjustment is responsible to hear and decide, including, but not limited to:

- (1) *Special exceptions.* City Code, Chapter 3, Article IV, [Division 2 – Airport Zoning Regulations](#).
- (2) *Variations.* City Code, Chapter 3, Article IV, [Division 2 – Airport Zoning Regulations](#).
- (3) *Appeals to Airport Board of Adjustment of administrative officials' decisions made regarding Airport Zoning regulations.* City Code, Chapter 3, Article IV, [Division 2 – Airport Zoning Regulations](#), [Sec. 3-150 - Appeals](#).

State Law reference(s) –

[Airport] Board of Adjustment, V.T.C.A. Local Government Code, [§ 241.032](#).
Authority of [Airport] Board, V.T.C.A. Local Government Code, [§ 241.033](#).
Variations, V.T.C.A. Local Government Code, [§ 241.034](#).

Sec. 20-2108. - Quorum.

To conduct the business of the Airport Board of Adjustment a quorum shall be present. A quorum shall be calculated as seventy-five (75) percent of the REGULAR MEMBER positions appointed; therefore, four (4) persons shall constitute a quorum.

State Law reference – [Airport] Board of Adjustment, V.T.C.A. Local Government Code, [§ 241.032](#).

Sec. 20-2109. - Voting.

The concurring vote of four (4) members of the Airport Board of Adjustment shall be required to:

- (1) reverse any order, requirement, decision, or determination of any administrative official regarding an airport zoning regulation;
- (2) decide in favor of the applicant on any matter upon which the Board is required to act under an airport zoning regulation;
- (3) to grant a special exception regarding an airport zoning regulation; or
- (4) to grant a variance regarding an airport zoning regulation.

State Law reference – [Airport] Board of Adjustment, V.T.C.A. Local Government Code, [§ 241.032](#).

Sec. 20-2110. - Rules of procedure.

- (a) *In general.* The Airport Board of Adjustment shall comply with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter, and as may be identified by law.
- (b) *Board specific rules of procedure.* The Airport Board of Adjustment specific rules of procedure, if any, shall be adopted in accordance with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter. If the City Council approves specific rules of procedure for the Airport Board of Adjustment, said rules shall be filed in the Office of the City Secretary and posted on the City's website.

Sec. 20-2111 – 20-2200. – Reserved.

DIVISION 2. - AIRPORT ZONING COMMISSION

Sec. 20-2201. - Establishment of the Airport Zoning Commission.

The City of Mesquite, Texas, Airport Zoning Commission was created and established by the City Council, in accordance with State law. The Commission may also be referred to as the "Mesquite Metro Airport Zoning Commission" or "Airport Zoning Commission."

State Law reference(s) –
Airport Zoning Act, V.T.C.A. Local Government Code, [§ 241.001](#) et seq.
Airport Zoning Commission, V.T.C.A. Local Government Code, [§ 241.016](#).

(Code 1960, § 2A-42; Res. No. 34-95, 11-20-95)

Sec. 20-2202. - In general.

The Airport Zoning Commission hears, recommends, or determines any matter relating to airport zoning and airport land use issues, changes to the City Code and Mesquite Zoning Ordinance regarding airport zoning boundaries and airport zoning regulations, and amendment to and update of the Comprehensive Plan when said plan involves airport zoning boundaries and regulations, and any other items related to the physical development of the Mesquite Metro Airport, as may be specified or required under the City Code, Mesquite Zoning Ordinance, the Charter, or the laws of the State.

State Law reference(s) –
Airport Zoning Act, V.T.C.A. Local Government Code, [§ 241.001](#) et seq.
Airport Zoning Commission, V.T.C.A. Local Government Code, [§ 241.016](#).

Sec. 20-2203. - Members.

The REGULAR MEMBERS and ALTERNATES of the Planning & Zoning Commission shall serve as the REGULAR MEMBERS and ALTERNATES of the Airport Zoning Commission.

Cross reference – Planning & Zoning Commission, Article IV, Division 9.
State Law reference – Airport Zoning Commission, V.T.C.A. Local Government Code, [§ 241.016](#).

Sec. 20-2204. - Officers.

- (a) *Chair.* The Planning & Zoning Commission Chair shall also serve as the Airport Zoning Commission Chair.
- (b) *Vice-Chair.* The Planning & Zoning Commission Vice-Chair shall also serve as the Airport Zoning Commission Vice-Chair.

Cross reference – Planning & Zoning Commission, Article IV, Division 9.

Sec. 20-2205. - Duties.

- (a) *Code of ethics.* All REGULAR MEMBERS and ALTERNATES of the Airport Zoning Commission shall comply with the City's CODE OF ETHICS.
- (b) *Regulations for regular members and alternates.* All REGULAR MEMBERS and ALTERNATES of the Airport Zoning Commission shall comply with Article III (General Regulations) of this chapter.
- (c) *Other law.* All REGULAR MEMBERS and ALTERNATES of the Airport Zoning Commission shall comply with State and other law as may be applicable.

Cross reference – City Code Ch. 2, Article IV, Division 2 – Code of Ethics.
State Law reference – Airport Zoning Commission, V.T.C.A. Local Government Code, [§ 241.016](#).

Sec. 20-2206. - Powers.

The Airport Zoning Commission is hereby invested with authority and powers as follows:

- (1) *In General.* To exercise such duties and powers as may be now or hereafter conferred by the Charter of the City of Mesquite, Mesquite Zoning Ordinance, City Code, or applicable laws of the State of Texas.
- (2) *Airport zoning boundaries.* The Airport Zoning Commission shall recommend the boundaries of the airport related zones to be established and the regulations for any airport zones.
- (3) *Airport zoning and land use regulations.* The Airport Zoning Commission shall make recommendations regarding any airport zoning regulations.
- (4) *Other matters.* Hear and decide other matters under the City Code or Mesquite Zoning Ordinance as may be authorized by the City Council.

State Law reference(s) –

Airport Hazard Area Zoning Regulations, V.T.C.A. Local Government Code, [§ 241.011](#).
Airport Compatible Land Use Zoning Regulations, V.T.C.A. Local Government Code, [§ 241.012](#).
Airport Zoning Commission, V.T.C.A. Local Government Code, [§ 241.016](#).
Procedural Limitations Applying To Adoption of Zoning Regulations, V.T.C.A. Local Government Code, [§ 241.017](#).

Sec. 20-2207. - Responsibilities and matters of the Airport Zoning Commission.

The following are matters in which the Airport Zoning Commission is responsible to hear and make recommendations on, including, but not limited to:

- (1) *Airport zoning boundaries.* The Airport Zoning Commission shall make recommendations regarding any airport zoning boundaries.
- (2) *Airport Hazard Area – Zoning Regulations.* The Airport Zoning Commission shall make recommendations to the City Council regarding Airport Hazard Area Zoning regulations.
- (3) *Airport Controlled Compatible Land Use Area – Zoning and Land Use Regulations.* The Airport Zoning Commission shall make recommendations regarding airport compatible land use zoning regulations and land use restrictions applicable to a Controlled Compatible Land Use Area relating to the airport.

State Law reference(s) –

Airport Hazard Area Zoning Regulations, V.T.C.A. Local Government Code, [§ 241.011](#).
Airport Compatible Land Use Zoning Regulations, V.T.C.A. Local Government Code, [§ 241.012](#).
Airport Zoning Commission, V.T.C.A. Local Government Code, [§ 241.016](#).
Procedural Limitations Applying To Adoption of Zoning Regulations, V.T.C.A. Local Government Code, [§ 241.017](#).

Sec. 20-2208. - Quorum.

To conduct the business of the Airport Zoning Commission a QUORUM shall be present. A QUORUM shall be calculated as a majority number of the FULL MEMBERSHIP of the Commission; therefore, four (4) persons shall constitute a QUORUM.

Cross reference – “Quorum” defined, Article I, Sec. 20-5.

Similar State Law provision – “Quorum” defined, V.T.C.A., Government Code, Open Meetings Act, § 551.001.

Sec. 20-2209. - Rules of procedure.

- (a) *In general.* The Airport Zoning Commission shall comply with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter, and as may be identified by law.
- (b) *Board specific rules of procedure.* The Airport Zoning Commission specific rules of procedure, if any, shall be adopted in accordance with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter. If the City Council approves specific rules of procedure for the Airport Zoning Commission, said rules shall be filed in the Office of the City Secretary and posted on the City’s website.

Sec. 20-2210 – 20-2300. – Reserved.

DIVISION 3. - BOARD OF ADJUSTMENT

Sec. 20-2301. - Establishment of the Board of Adjustment.

The City of Mesquite, Texas, Board of Adjustment was created and established by the City Council, in accordance with State law, on August 17, 1964. The Board may also be referred to as the "Mesquite Board of Adjustment " or "Board of Adjustment" or "BOA."

(Ord. No. 560, § XVII, 08-17-1964; Ord. No. 1135, Art. 81.00, 09-04-1973; Ord. No. 2667, § 1, 04-02-1990; Ord. No. 2884, § 1, 06-21-1993; Ord. No. 3107, § 1, 09-16-1996; Ord. No. 3847, § 1, 12-18-2006; Ord. No. 4059, § 1, 09-08-2009; Ord. No. 4136, § 1, 03-21-2011; Ord. No. 4738, § 5, (Exh. C), 11-04-2019)

Mesquite Zoning Ordinance reference – Board of Adjustment, Part 5, 5-400, Section 5-408.

State Law reference – Board of Adjustment, V.T.C.A. Local Government Code, § 211.008.

Sec. 20-2302. - In general.

The Board of Adjustment was created by the City Council in accordance with the Texas Local Government Code, Chapter 211 (Municipal Zoning Authority) or successor and as amended. The Board of Adjustment holds quasi-judicial public hearings to determine requests made by property owners, and other authorized persons, for special exceptions, variances, and appeals of administrative interpretations or decisions made under the Mesquite Zoning Ordinance by an administrative official as authorized by state law and local ordinance. The Board of Adjustment may also hear and decide other matters as may be authorized by an ordinance adopted by the City Council.

State Law reference(s) –

Board of Adjustment, V.T.C.A. Local Government Code, § 211.008.

Authority of Board, V.T.C.A. Local Government Code, § 211.009.

Appeal to Board, V.T.C.A. Local Government Code, § 211.010.

Sec. 20-2303. - Members.

Five (5) regular members and two (2) alternates shall be appointed by the City Council in accordance with this chapter.

Cross reference – City Council action for appointments and confirmations, Article II, Sec. 20-206.

Sec. 20-2304. - Organization.

- (a) *Regular Members.* REGULAR MEMBERS shall be appointed by the City Council to a specified position as designated below. Position numbers are assigned for term expiration date purposes and do not signify rank or seniority.

Board of Adjustment – Regular Members	
Position No. 1.	Appointed for a term expiring in odd-numbered years.
Position No. 2.	Appointed for a term expiring in even-numbered years.
Position No. 3.	Appointed for a term expiring in odd-numbered years.
Position No. 4.	Appointed for a term expiring in even-numbered years.
Position No. 5.	Appointed for a term expiring in odd-numbered years.

- (b) *Alternates.* ALTERNATES shall be appointed by the City Council to a specified position as designated below. Alternate numbers are assigned for term expiration date purposes and do not signify rank or seniority.

Board of Adjustment – Alternates	
Alternate No. 1.	Appointed for a term expiring in odd-numbered years.
Alternate No. 2.	Appointed for a term expiring in even-numbered years.

Cross reference(s) –

Term duration and expiration, Article III, Division 1, Sec. 20-303.
 Calculation of terms and term limits, Article III, Division 1, Sec. 20-304.
 City Council action for appointments and confirmations, Article II, Sec. 20-206.

Sec. 20-2305. - Officers.

- (a) *Chair.* The Board of Adjustment shall elect a Chair in accordance with this chapter.
- (b) *Vice-Chair.* The Board of Adjustment shall elect a Vice-Chair in accordance with this chapter.

Cross reference – Officers of the board, commission, or committee, Article III, Division 1, Sec. 20-326.

Sec. 20-2306. - Duties.

- (a) *Code of ethics.* All REGULAR MEMBERS and ALTERNATES of the Board of Adjustment shall comply with the City's CODE OF ETHICS.
- (b) *Regulations for regular members and alternates.* All REGULAR MEMBERS and ALTERNATES of the Board of Adjustment shall comply with Article III (General Regulations) of this chapter.
- (c) *Other law.* All REGULAR MEMBERS and ALTERNATES of the Board of Adjustment shall comply with State and other law as may be applicable.

Cross reference – City Code Ch. 2, Article IV, Division 2 – Code of Ethics.

State Law reference(s) –

Board of Adjustment, V.T.C.A. Local Government Code, § 211.008.
 Authority of Board, V.T.C.A. Local Government Code, § 211.009.
 Appeal to Board, V.T.C.A. Local Government Code, § 211.010.

Sec. 20-2307. - Powers.

The Board of Adjustment is hereby invested with authority and powers as follows:

- (1) *In General.* To exercise such duties and powers as may be now or hereafter conferred by the Charter of the City of Mesquite, Mesquite Zoning Ordinance, City Code, or applicable laws of the State of Texas.
- (2) *Appeals of administrative decisions made under the Zoning Ordinance.* Hear and decide appeals that allege error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Mesquite Zoning Ordinance.

- (3) *Special Exceptions.* Hear and decide special exceptions to the terms of the Mesquite Zoning Ordinance when this City Code or the Mesquite Zoning Ordinance requires the Board to do so.
- (4) *Variances.* Hear and decide variances from the terms of the Mesquite Zoning Ordinance when this City Code or the Mesquite Zoning Ordinance requires the Board to do so.
- (5) *Other matters.* Hear and decide other matters under the City Code or Mesquite Zoning Ordinance as may be authorized by the City Council.

State Law reference(s) –

Board of Adjustment, V.T.C.A. Local Government Code, § 211.008.
Authority of Board, V.T.C.A. Local Government Code, § 211.009.
Appeal to Board, V.T.C.A. Local Government Code, § 211.010.

Sec. 20-2308. - Responsibilities and matters of the Board of Adjustment.

The following are matters in which the Board of Adjustment is responsible to hear and decide, including, but not limited to:

- (1) *Special exceptions.* Appendix C, Zoning Ordinance, Part 5, 5-200, [5-206](#).
- (2) *Special exceptions for reasonable accommodations for persons with disabilities.* Appendix C, Zoning Ordinance, Part 5, 5-200, [5-205](#).
- (3) *Variances.* Appendix C, Zoning Ordinance, Part 5, 5-200, [5-207](#).
- (4) *Appeals to Board of Adjustment of administrative decisions made under the Zoning Ordinance.* Appendix C, Zoning Ordinance, Part 5, 5-200, [5-210](#).
- (5) *Boundaries of districts – questions concerning the exact location.* Appendix C, Zoning Ordinance, Part 1, 1-200, [1-203](#).
- (6) *Nonconforming situations – Performance standards.* Appendix C, Zoning Ordinance, Part 1, 1-300, [1-301](#).
- (7) *Nonconforming situations – Screening of outdoor storage.* Appendix C, Zoning Ordinance, Part 1, 1-300, [1-301](#).
- (8) *Amortization of nonconforming uses – Request to establish a compliance date.* Appendix C, Zoning Ordinance, Part 1, 1-300, [1-304](#).
- (9) *Denial of a permit – temporary uses and structures.* Appendix C, Zoning Ordinance, Part 1, 1-600, [1-601](#).
- (10) *Appeals of required parking.* Appendix C, Zoning Ordinance, Part 3, 3-400, [3-405](#).
- (11) *Appeals to Board of Adjustment of Landmark Commission Decisions regarding Certificate of Appropriateness.* Appendix C, Zoning Ordinance, Part 4, 4-400, [4-409](#).
- (12) *Appeals to Board of Adjustment of Landmark Commission Decisions regarding Certificate of Demolition, Removal, or Relocation.* Appendix C, Zoning Ordinance, Part 4, 4-400, [4-410](#).
- (13) *Appeals to Board of Adjustment of Landmark Commission Decisions regarding Deterioration by Neglect.* Appendix C, Zoning Ordinance, Part 4, 4-400, [4-413](#).
- (14) *Appeals a revocation of Certificate of Occupancy.* Appendix C, Zoning Ordinance, Part 5, 5-100, [5-101](#).
- (15) *Noise variances.* City Code, Chapter 8, Article XVII, [Division 3 – Noise Variance](#).
- (16) *Sign variances.* City Code, Chapter 13, Article I, [Sec. 13-4](#).

Sec. 20-2309. - Quorum.

To conduct the business of the Board of Adjustment a quorum shall be present. A quorum shall be calculated as seventy-five (75) percent of the regular member positions appointed; therefore, four (4) persons shall constitute a quorum.

State Law reference – Board of Adjustment, V.T.C.A. Local Government Code, § 211.008.

Sec. 20-2310. - Voting.

- (a) *Decisions made under the Zoning Ordinance.* The concurring vote of four (4) members of the Board of Adjustment shall be required to:
- (1) reverse any order, requirement, decision, or determination of any administrative official;
 - (2) decide in favor of the applicant on any matter upon which the Board is required to act under the Mesquite Zoning Ordinance;
 - (3) to grant a special exception; or
 - (4) to grant a variance.
- (b) *Decisions made under the City Code.* The vote requirement for deciding other matters under the City Code, as may be authorized by the City Council, shall be identified in the enacting ordinance.

State Law reference – Authority of Board, V.T.C.A. Local Government Code, § 211.009.

Sec. 20-2311. - Rules of procedure.

- (a) *In general.* The Board of Adjustment shall comply with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter, and as may be identified by law.
- (b) *Board specific rules of procedure.* The Board of Adjustment specific rules of procedure, if any, shall be adopted in accordance with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter. If the City Council approves specific rules of procedure for the Board of Adjustment, said rules shall be filed in the Office of the City Secretary and posted on the City's website.

Secs. 20-2312 – 20-2400. – Reserved.

DIVISION 4. - BUILDING STANDARDS BOARD

Sec. 20-2401. - Establishment of the Building Standards Board.

The City of Mesquite, Texas, Building Standards Board was created and established by the City Council on March 21, 2006.

(Ord. No. 3790, § 1, 03-21-2006; Ord. No. 4123, § 1, 12-10-2010)

Sec. 20-2402. - In general.

The Building Standards Board hears and decides appeals of administrative interpretations or decisions made by an administrative official including the Building Official and Fire Code Official, in the application, enforcement or interpretation of the Building Codes or Fire Codes as adopted by the City.

Sec. 20-2403. - Members.

Seven (7) REGULAR MEMBERS and two (2) ALTERNATES shall be appointed by the City Council in accordance with this chapter.

Cross reference – City Council action for appointments and confirmations, Article II, Sec. 20-206.

Sec. 20-2404. - Organization.

- (a) *Regular members.* REGULAR MEMBERS shall be appointed by the City Council to a specified position as designated below and shall have the following qualifications. Position numbers are assigned for term expiration date purposes and do not signify rank or seniority.

[The remainder of this page is left blank intentionally]

Building Standards Board – Regular Members	
Position No. 1.	Appointed for a term expiring in odd-numbered years.
	A State of Texas Licensed Master Electrician with at least five (5) years of experience in the electrical trade.
Position No. 2.	Appointed for a term expiring in even-numbered years.
	A State of Texas Licensed Master Plumber with at least five (5) years of experience in the plumbing trade.
Position No. 3.	Appointed for a term expiring in odd-numbered years.
	A registered homebuilder in the City of Mesquite, Texas.
Position No. 4.	Appointed for a term expiring in even-numbered years.
	A registered general contractor in the City of Mesquite, Texas.
Position No. 5.	Appointed for a term expiring in odd-numbered years.
	A State of Texas Licensed Mechanical Contractor with at least five (5) years of experience in the mechanical trade.
Position No. 6.	Appointed for a term expiring in even-numbered years.
	A person certified from the Texas Commission on Fire Protection.
Position No. 7.	Appointed for a term expiring in odd-numbered years.
	A person certified from the Texas Commission on Fire Protection.

(b) *Alternates.* ALTERNATES shall be appointed by the City Council to a specified position as designated below and shall have one (1) or more of the qualifications of the positions above. Alternate numbers are assigned for term expiration date purposes and do not signify rank or seniority.

Building Standards Board – Alternates	
Alternate No. 1.	Appointed for a term expiring in odd-numbered years.
Alternate No. 2.	Appointed for a term expiring in even-numbered years.

Cross reference(s) –
 Term duration and expiration, Article III, Division 1, Sec. 20-303.
 Calculation of terms and term limits, Article III, Division 1, Sec. 20-304.
 City Council action for appointments and confirmations, Article II, Sec. 20-206.

Sec. 20-2405. - Officers.

- (a) Chair. The Building Standards Board shall elect a Chair in accordance with this chapter.
- (b) Vice-Chair. The Building Standards Board shall elect a Vice-Chair in accordance with this chapter.

Cross reference – Officers of the board, commission, or committee, Article III, Division 1, Sec. 20-326.

Sec. 20-2406. - Duties.

- (a) *Code of ethics.* All REGULAR MEMBERS and ALTERNATES of the Building Standards Board shall comply with the City’s CODE OF ETHICS.
- (b) *Regulations for regular members and alternates.* All REGULAR MEMBERS and ALTERNATES of the Building Standards Board shall comply with Article III (General Regulations) of this chapter.
- (c) *Other law.* All REGULAR MEMBERS and ALTERNATES of the Building Standards Board shall comply with State and other law as may be applicable.

Cross reference – City Code Ch. 2, Article IV, Division 2 – Code of Ethics.

Sec. 20-2407. - Powers.

The Building Standards Board is hereby invested with authority and powers as follows:

- (1) *In General.* To exercise such duties and powers as may be now or hereafter conferred by the Charter of the City of Mesquite, Mesquite Zoning Ordinance, City Code, or applicable laws of the State of Texas.
- (2) *Appeals of administrative decisions.* Hear and decide appeals that allege error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Building Codes or Fire Codes in the CITY CODE as adopted by the City.
- (3) *Review and make recommendations regarding adoption of national model codes.* Review, obtain public comment on, and submit recommendations to the City Council on the proposed adoption of, or amendment to, any national model building code(s) and fire code(s) adopted by reference, or otherwise, into the Mesquite City Code.
- (4) *Other matters.* Hear and decide other matters under the City Code or Mesquite Zoning Ordinance as may be authorized by the City Council.

State Law reference— Building and Rehabilitation Codes, V.T.C.A. Local Government Code, Chapter 214, Subchapter G, [§ 214.211](#) et seq.

[The remainder of this page is left blank intentionally]

Sec. 20-2408. - Responsibilities and matters of the Building Standards Board.

The following are matters in which the Building Standards Board shall hear and decide, or make recommendations on:

- (1) *National model codes – Board review.* City Code, Chapter 5, Article I, Division 2, Sec. 5-6.
- (2) *Appeals of Administrative Decisions to Building Standards Board.* City Code, Chapter 5, Article XIII.
 - a. Appeals of administrative decisions.
 - b. Appeals of contractor’s revocation of registration, and appeals of denials of reinstatement of contractor’s registration.
 - c. Appeals of the building Official’s denial to use an alternate material and/or alternative construction method.

Sec. 20-2409. - Quorum.

To conduct the business of the Building Standards Board a QUORUM shall be present. A QUORUM shall be calculated as a majority number of the FULL MEMBERSHIP of the Board; therefore, four (4) persons shall constitute a QUORUM.

Cross reference – “Quorum” defined, Article I, Sec. 20-5.

Similar State Law provision – “Quorum” defined, V.T.C.A., Government Code, Open Meetings Act, § 551.001.

Sec. 20-2410. - Rules of procedure.

- (a) *In general.* The Building Standards Board shall comply with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter, and as may be identified by law.
- (b) *Board specific rules of procedure.* The Building Standards Board specific rules of procedure, if any, shall be adopted in accordance with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter. If the City Council approves specific rules of procedure for the Building Standards Board, said rules shall be filed in the Office of the City Secretary and posted on the City’s website.

Secs. 20-2411 – 20-2500. – Reserved.

DIVISION 5. - CIVIL SERVICE SYSTEM (FIRE & POLICE): CIVIL SERVICE COMMISSION

Sec. 20-2501. - Establishment of Civil Service Commission.

The City of Mesquite, Texas, Civil Service Commission, for fire fighters, police officers, and other fire and police sworn employees entitled to civil service status (collectively all referred to as “fire and police sworn employees”), was created and established in association with the local option election held on September 25, 1965, whereby the “Adoption of the Fire Fighters’ and Police Officers’ Civil Service Law” was adopted, and in accordance with Texas Local Government Code, Title 5, Subtitle A, Chapter 143 Municipal Civil Service for Firefighters and Police Officers, or successor, and as amended.

State law reference(s) – Implementation: Commission, V.T.C.A. Local Government Code, Title 5, Subtitle A, Chapter 143, Subchapter A, § 143.006.

Sec. 20-2502. - In general.

The Civil Service Commission for fire and police sworn employees was created by the City Council for the purpose of compliance with Chapter 143 of the Texas Local Government Code and specifically in accordance with its purpose identified in §143.001 to secure efficient fire and police departments composed of capable personnel who are free from political influence and who have permanent employment tenure as public servants.

State law reference – Purpose V.T.C.A. Local Government Code, Title 5, Subtitle A, Chapter 143, Subchapter A, § 143.001.

Sec. 20-2503. - Members.

- (a) Three (3) REGULAR MEMBERS shall be appointed by the City Manager, and confirmed by the City Council, in accordance with Texas Local Government Code, Chapter 143, or successor, and as amended.
- (b) Appointments and confirmations to the Commission shall be made in accordance with this chapter.

Cross reference – City Council action for appointments and confirmations, Article II, Sec. 20-206.

State law reference – Implementation: Commission, V.T.C.A. Local Government Code, Title 5, Subtitle A, Chapter 143, Subchapter A, § 143.006.

Sec. 20-2504. - Organization.

- (a) *Regular members.*
 - (1) REGULAR MEMBERS shall be appointed by the City Manager, and confirmed by the City Council, to a specified position as designated below.
 - (2) REGULAR MEMBERS serve staggered three-year terms with the term of one member expiring each year.
 - (3) Position numbers are assigned for term expiration date purposes and do not signify rank or seniority.

Civil Service Commission – Regular Members	
Position No. 1.	Appointed for a term of office expiring in the year 2021; and then every three-years thereafter.
Position No. 2.	Appointed for a term of office expiring in the year 2022; and then every three-years thereafter.
Position No. 3.	Appointed for a term of office expiring in the year 2022; and then every three-years thereafter.

(b) *Alternates.* No alternates are appointed to the Civil Service Commission.

State law reference – Implementation: Commission, V.T.C.A. Local Government Code, Title 5, Subtitle A, Chapter 143, Subchapter A, § 143.006.

Sec. 20-2505. - Officers.

- (a) *Chair.* The Civil Service Commission shall elect a Chair in accordance with this chapter.
- (b) *Vice-Chair.* The Civil Service Commission shall elect a Vice-Chair in accordance with this chapter.
- (c) *Secretary.* The director, as defined by Texas Local Government Code, Chapter 143, or successor and as amended, shall be the COMMISSION SECRETARY.

Cross reference – Officers of the board, commission, or committee, Article III, Division 1, Sec. 20-326.

State law reference(s) –

Definitions; V.T.C.A. Local Government Code, Title 5, Subtitle A, Chapter 143, Subchapter A, § 143.003.

Director [Board Secretary]; V.T.C.A. Local Government Code, Title 5, Subtitle A, Chapter 143, Subchapter A, § 143.012.

Sec. 20-2506. - Duties.

- (a) *Code of ethics.* All REGULAR MEMBERS of the Civil Service Commission shall comply with the City's CODE OF ETHICS.
- (b) *Regulations for regular members.* All REGULAR MEMBERS of the Civil Service Commission shall comply with Article III (General Regulations) of this chapter.
- (c) *Other law.* All REGULAR MEMBERS of the Civil Service Commission shall comply with State and other law as may be applicable, including, but not limited to the following:
 - (1) Each concurring Civil Service Commission member shall sign all decisions issued by the Commission.
 - (2) The Civil Service Commission shall keep records of each hearing or case that comes before the Commission.
 - (3) Each rule, opinion, directive, decision, or order issued by the Civil Service Commission must be written and constitutes a public record that the Commission shall retain on file.

Cross reference – City Code Ch. 2, Article IV, Division 2 – Code of Ethics.

State law reference(s) –

V.T.C.A. Local Government Code, Title 5, Chapter 143, Subchapter A, § 143.001 et seq.

Decisions and Records; V.T.C.A. Local Government Code, Title 5, Chapter 143, Subchapter A, § 143.011.

Sec. 20-2507. - Powers and responsibilities of the Civil Service Commission.

The Civil Service Commission, in accordance with Texas Local Government Code, Chapter 143, or successor, and as amended, shall have all powers as identified in said chapter, and such powers and responsibilities include, but are not limited to, the power and requirement to:

- (1) Adopt and publish rules in accordance with State law.
 - a. Adopt rules necessary for the proper conduct of Civil Service Commission business.
 - b. Adopt rules regarding the appointment or employment of fire and police sworn employees entitled to civil service status.
 - c. Adopt rules that prescribe cause for removal or suspension of fire and police sworn employees.
 - d. Publish each rule it adopts and publish each classification and seniority list for the fire and police departments.

- (2) Investigate and report on all matters relating to the enforcement and effect of Texas Local Government Code, Chapter 143, and any rules adopted under said chapter. During an investigation, the commission members may:
 - a. administer oaths; and
 - b. issue subpoenas to compel the attendance of witnesses; and
 - c. issue subpoenas duces tecum for the production of books, papers, documents, and accounts relating to the investigation; and
 - d. cause the deposition of witnesses residing inside or outside the state.

- (3) Hear and decide appeals of fire and police sworn employees to the Commission. During an appeal, the Commission may:
 - a. issue subpoenas to compel the attendance of witnesses; and
 - b. issue subpoenas duces tecum for the production of books, papers, documents, and accounts relating to the appeal.

State law reference(s) –

Adoption and Publication of Rules; V.T.C.A. Local Government Code, Title 5, Chapter 143, Subchapter A, § 143.008.
Cause for Removal or Suspension; V.T.C.A. Local Government Code, Title 5, Chapter 143, Subchapter D, § 143.051.
Commission Investigates and Inspections; V.T.C.A. Local Government Code, Title 5, Chapter 143, Subchapter A, § 143.009.
Commission Appeal Procedure; V.T.C.A. Local Government Code, Title 5, Chapter 143, Subchapter A, § 143.010.

Sec. 20-2508. - Quorum.

To conduct the business of the Civil Service Commission a quorum shall be present. A quorum shall be calculated as a majority number of the FULL MEMBERSHIP of the Commission; therefore, two (2) persons shall constitute a quorum.

Cross reference(s) –

“Quorum” defined, Article I, Sec. 20-5.
Quorum discussed, City of Mesquite Fire and Police Civil Service [Local] Rules and Regulations, Subchapter A, .006 (f)

Similar State Law provision – “Quorum” defined, V.T.C.A., Government Code, Open Meetings Act, § 551.001.

Sec. 20-2509. - Rules of procedure.

- (a) *In general.* The Civil Service Commission shall comply with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter, and as may be identified by law.
- (b) *Board specific rules of procedure.* The Civil Service Commission specific rules of procedure, if any, shall be adopted in accordance with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter, or as may be otherwise provided by State or other law. If the Commission and/or City Council approves specific rules of procedure for the Civil Service Commission, said rules shall be filed in the Office of the City Secretary and posted on the City's website.

Secs. 20-2510 – 20-2600. – Reserved.

DIVISION 6. - CIVIL SERVICE SYSTEM (GENERAL GOVERNMENT EMPLOYEES): PERSONNEL BOARD AND TRIAL BOARD

Sec. 20-2601. - Establishment of the Personnel Board and Trial Board.

- (a) *Personnel Board.* The City of Mesquite, Texas, Personnel Board for general government employees is created and established pursuant to Mesquite City Charter, Article IX-A – Civil Service, Sec. 2 Personnel Board.
- (b) *Trial Board.* The City of Mesquite, Texas, Trial Board for general government employees is created and established pursuant to Mesquite City Charter, Article IX-A – Civil Service, Sec. 8 Trial Board.

Sec. 20-2602. - In general.

- (a) *Personnel Board.* The Personnel Board was created by the City Council for the purpose of reviewing the Civil Service Rules for general government employees, prepared by the Director of Human Resources, and making recommendations to the City Council regarding said rules. The Personnel Board also performs other duties with reference to general government personnel administration, when it is not inconsistent with the City Charter, and as may be required by the City Council.
- (b) *Trial Board.* The Trial Board was created by the City Council for the purpose of hearing and determining charges made against any general government officer or employee of the City in the classified service. The Trial Board shall have final jurisdiction to hear and decide all appeals made to it by any discharged, suspended, or reduced officer or employee in the classified service of general government employees.

Charter reference(s) –

Personnel board; Article IX-A, Sec. 2.
Trial board; Article IX-A, Sec. 8.

Sec. 20-2603. - Members.

- (a) Three (3) REGULAR MEMBERS shall be appointed by the City Council in accordance with City Charter, Article IX-A, Sec. 2 (Personnel Board); and Article IX-A, Sec. 8 (Trial Board).
- (b) In accordance with the City Charter, the members of the Personnel Board also serve as the members of the Trial Board.
- (c) Appointments to the Boards shall be made by the City Council in accordance with this chapter.

Cross reference – City Council action for appointments and confirmations, Article II, Sec. 20-206.

Charter reference(s) –

Personnel board; Article IX-A, Sec. 2.
Trial board; Article IX-A, Sec. 8.

Sec. 20-2604. - Organization.

- (a) *Regular members.*
 - (1) REGULAR MEMBERS shall be appointed by the City Council to a specified position as designated below.
 - (2) REGULAR MEMBERS serve staggered three-year terms with the term of one member expiring each year.
 - (3) Position numbers are assigned for term expiration date purposes and do not signify rank or seniority.

Personnel Board and Trial Board – Regular Members	
Position No. 1.	Appointed for a term of office expiring in the year 2021; and then every three-years thereafter.
Position No. 2.	Appointed for a term of office expiring in the year 2022; and then every three-years thereafter.
Position No. 3.	Appointed for a term of office expiring in the year 2022; and then every three-years thereafter.

(b) *Alternates.* No alternates are appointed to the Personnel Board and Trial Board.

Charter reference(s) –
Personnel board; Article IX-A, Sec. 2.
Trial board; Article IX-A, Sec. 8.

Sec. 20-2605. - Officers.

(a) *Personnel Board.*

- (1) *Chair.* The Personnel Board shall elect a Chair in accordance with this chapter. It is permissible for the same person to be elected Chair of the Trial Board.
- (2) *Vice-Chair.* The Personnel Board shall elect a Vice-Chair in accordance with this chapter. It is permissible for the same person to be elected Vice-Chair of the Trial Board.

(b) *Trial Board.*

- (1) *Chair.* The Trial Board shall elect a Chair in accordance with this chapter. It is permissible for the same person to be elected Chair of the Personnel Board.
- (2) *Vice-Chair.* The Trial Board shall elect a Vice-Chair in accordance with this chapter. It is permissible for the same person to be elected Vice-Chair of the Personnel Board.

Cross reference(s) – Officers of the board, commission, or committee, Article III, Division 1, Sec. 20-326.

Sec. 20-2606. - Duties.

- (a) *Code of ethics.* All REGULAR MEMBERS of the Personnel Board and Trial Board shall comply with the City's CODE OF ETHICS.
- (b) *Regulations for regular members.* All REGULAR MEMBERS of the Personnel Board and Trial Board shall comply with Article III (General Regulations) of this chapter.
- (c) *Other law.* All REGULAR MEMBERS of the Personnel Board and Trial Board shall comply with State and other law as may be applicable.

Sec. 20-2607. - Powers.

- (a) *Personnel board.* The Personnel Board shall have the power and shall be required to:
- (1) Perform the services as identified in Article IX-A (Civil Service) with respect to the civil service rules for general government employees.
 - (2) Perform such other duties with reference to personnel administration of general government employees, not inconsistent with the Charter, as the City Council may require.
- (b) *Trial Board.* The Trial Board shall have final jurisdiction to hear and decide all appeals made to it by any discharged, suspended, or reduced general government officer or employee in the classified service, and the judgment or decision shall be final upon a majority vote of a QUORUM of the board, present and voting.

Charter reference(s) –

Article IX-A – Civil Service.
Personnel board; Article IX-A, Sec. 2.
Powers of personnel board; Article IX-A, Sec. 4.
Civil service rules; Article IX-A, Sec. Sec. 6.
Trial board; Article IX-A, Sec. 8.

Sec. 20-2608. - Responsibilities and matters of the Personnel Board and Trial Board.

- (a) *Personnel Board.* The following are matters in which the Personnel Board shall hear and decide, or make recommendations on.
- (1) Review and make a recommendation to the City Council regarding the Civil Service Rules for general government employees.
 - (2) Review and make a recommendation to the City Council regarding the City of Mesquite General Government Policies and Procedures Manual.
- (b) *Trial Board.* The following are matters in which the Trial Board shall hear and decide.
- (1) *Discharged officers or employees.* Appeals of discharged general government officers or employees of the classified service.
 - (2) *Suspended officers or employees.* Appeals of suspended general government officers or employees of the classified service.
 - (3) *Involuntarily demoted officers or employees.* Appeals of demoted general government officers or employees of the classified service.
 - (4) *Reduced officers or employees.* Appeals of reduced general government officers or employees of the classified service.
 - (5) *Other.* Appeals of general government officers or employees of the classified service who have received a reduction in pay or authority as a result of disciplinary action taken by the City of Mesquite for reasons other than specifically stated above.

Charter reference(s) –

Article IX-A – Civil Service.
Trial board; Article IX-A, Sec. 8.
Civil Service establishment; Classified service; Article IX-A, Sec. 5.
Civil service rules; Article IX-A, Sec. Sec. 6.

Sec. 20-2609. - Quorum.

To conduct the business of the Personnel Board and/or Trial Board a QUORUM shall be present. A QUORUM shall be calculated as a majority number of the FULL MEMBERSHIP of the Board; therefore, two (2) persons shall constitute a QUORUM.

Cross reference(s) –

“Quorum” defined, Article I, Sec. 20-5.

Quorum, City of Mesquite General Government Policies and Procedures Manual, Chapter 8, Article VIII – Trial Board.

Similar State Law provision – “Quorum” defined, V.T.C.A., Government Code, Open Meetings Act, § 551.001.

Sec. 20-2610. - Rules of procedure.

- (a) *In general.* The Personnel Board and/or Trial Board shall comply with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter, and as may be identified by law.
- (b) *Board specific rules of procedure.* The Personnel Board and/or Trial Board specific rules of procedure, if any, shall be adopted in accordance with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter, or as may be otherwise provided by State or other law. If the Board and/or City Council approves specific rules of procedure for the Personnel Board and/or Trial Board, said rules shall be filed in the Office of the City Secretary and posted on the City’s website.

Secs. 20-2611 – 20-2700. – Reserved.

[The remainder of this page is left blank intentionally]

DIVISION 7. - HOUSING BOARD

Sec. 20-2701. - Establishment of the Housing Board.

The City of Mesquite, Texas, Housing Board was created by the City Council on November 20, 1978. The Board may also be referred to as the "Mesquite Housing Board" or "Housing Board." The Housing Board is also otherwise known as the "Resident Advisory Board" pursuant to federal law.

Federal law reference – Code of Federal Regulations, Title 24, Subtitle B, Chapter IX, Part 903 – Public Housing Agency Plans.

(Ord. No. 1470, § 2, 11-20-1978; Ord. No. 4250, § 2, 01-22-2013)

Sec. 20-2702. - In general.

The Mesquite Housing Board was created for the purpose of performing certain functions in connection with the administration of the Housing Assistance Payments Program and the Housing Rehabilitation Program.

Federal law reference(s) –
 24 C.F.R. Section 982.555, Section 8 Tenant-Based Assistance: Housing Choice Voucher Program, Code of Federal Regulations, Title 24, Subtitle B, Chapter IX, Part 982.
 Code of Federal Regulations, Title 24, Subtitle B, Chapter IX, Part 903 – Public Housing Agency Plans.

Sec. 20-2703. - Authorized programs.

- (a) The City Council has authorized participation in the Housing Choice Voucher ("HCV"), of the U.S. Housing Act of 1937, as amended.
- (b) The City Council has authorized the formulation and execution of a Housing Rehabilitation Program for participation in the Housing and Community Development Block Grant program of the Housing and Community Development Act of 1974 as amended.

Sec. 20-2704. - Members.

Five (5) REGULAR MEMBERS and two (2) ALTERNATES shall be appointed by the City Council in accordance with this chapter.

Cross reference – City Council action for appointments and confirmations, Article II, Sec. 20-206.

Sec. 20-2705. - Organization.

- (a) *Regular Members.* The REGULAR MEMBERS shall be appointed by the City Council to a specified position as designated below. Position numbers are assigned for term expiration date purposes and do not signify rank or seniority.

Housing Board – Regular Members	
Position No. 1.	Appointed for a term expiring in odd-numbered years.
Position No. 2.	Appointed for a term expiring in even-numbered years.
Position No. 3.	Appointed for a term expiring in odd-numbered years.
Position No. 4.	Appointed for a term expiring in even-numbered years.
Position No. 5.	Appointed for a term expiring in odd-numbered years.

- (b) *Alternates.* ALTERNATES shall be appointed by the City Council to a specified position as designated below. Alternate numbers are assigned for term expiration date purposes and do not signify rank or seniority.

Housing Board – Alternates	
Alternate No. 1.	Appointed for a term expiring in odd-numbered years.
Alternate No. 2.	Appointed for a term expiring in even-numbered years.

Cross reference(s) –
 Term duration and expiration, Article III, Division 1, Sec. 20-303.
 Calculation of terms and term limits, Article III, Division 1, Sec. 20-304.
 City Council action for appointments and confirmations, Article II, Sec. 20-206.

Sec. 20-2706. - Officers.

- (a) *Chair.* The Housing Board shall elect a Chair in accordance with this chapter.
- (b) *Vice-Chair.* The Housing Board shall elect a Vice-Chair in accordance with this chapter.

Cross reference – Officers of the board, commission, or committee, Article III, Division 1, Sec. 20-326.

Sec. 20-2707. - Duties.

- (a) *Code of ethics.* All REGULAR MEMBERS and ALTERNATES of the Housing Board shall comply with the City’s CODE OF ETHICS.
- (b) *Regulations for regular members and alternates.* All REGULAR MEMBERS and ALTERNATES of the Housing Board shall comply with Article III (General Regulations) of this chapter.
- (c) *Other law.* All REGULAR MEMBERS and ALTERNATES of the Housing Board shall comply with State and other law as may be applicable.

Cross reference – City Code Ch. 2, Article IV, Division 2 – Code of Ethics.
Federal law reference(s) –
 24 C.F.R. Section 982.555, Section 8 Tenant-Based Assistance: Housing Choice Voucher Program, Code of Federal Regulations, Title 24, Subtitle B, Chapter IX, Part 982.
 Code of Federal Regulations, Title 24, Subtitle B, Chapter IX, Part 903 – Public Housing Agency Plans.

[The remainder of this page is left blank intentionally]

Sec. 20-2708. - Powers and responsibilities of the Housing Board.

In addition to any powers, responsibilities, or procedures outlined in 24 C.F.R. Section 982.555, or successor and as amended, the Mesquite Housing Board shall have the power and shall be required to:

- (1) Serve as the hearing officers by conducting an informal hearing and regulating the conduct of the informal hearing in accordance with the hearing procedures outlined in the City of Mesquite Housing Choice Voucher (“HCV”) Administrative Plan.
- (2) Review evidence provided by the City and the participant family and question any witnesses during the informal hearing, without regard to admissibility under the rules of evidence applicable in judicial proceedings.
- (3) Issue a written decision and an explanation for the decision to the participant family, based on a preponderance of the evidence presented at the hearing.
- (4) The functions of the Mesquite Housing Board shall relate solely to the HCV Program, or as otherwise authorized by the City Council.
- (5) The Mesquite Housing Board, also known as the Resident Advisory Board, shall review the Annual Plan and conduct a public hearing to receive public comments, as required by federal law, and said board shall have the opportunity to review and comment on any changes to the policies and programs before implementation and approval by the City Council.

Federal law reference(s) –

24 C.F.R. Section 982.555, Section 8 Tenant-Based Assistance: Housing Choice Voucher Program, Code of Federal Regulations, Title 24, Subtitle B, Chapter IX, Part 982.

Code of Federal Regulations, Title 24, Subtitle B, Chapter IX, Part 903 – Public Housing Agency Plans.

Sec. 20-2709. - Quorum.

To conduct the business of the Mesquite Housing Board a QUORUM shall be present. A QUORUM shall be calculated as a majority number of the FULL MEMBERSHIP of the Commission; therefore, three (3) persons shall constitute a QUORUM.

Cross reference – “Quorum” defined, Article I, Sec. 20-5.

Similar State Law provision – “Quorum” defined, V.T.C.A., Government Code, Open Meetings Act, § 551.001.

Sec. 20-2710. - Miscellaneous provisions.

- (a) The City is not bound by a hearing decision issued by the Mesquite Housing Board if contrary to U.S. Department of Housing and Urban Development regulations or requirements, or otherwise contrary to federal, State, or local law.
- (b) The City also shall not incur any liability for continuation of the HCV Program if federal funding has been terminated or reduced.

Sec. 20-2711. - Rules of procedure.

- (a) *In general.* The Mesquite Housing Board shall comply with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter, and as may be identified by law.
- (b) *Board specific rules of procedure.* The Mesquite Housing Board specific rules of procedure, if any, shall be adopted in accordance with Sec. 20-324 (Rules of Procedure) of Article II in this Chapter. If the City Council approves specific rules of procedure for the Mesquite Housing Board, said rules shall be filed in the Office of the City Secretary and posted on the City’s website.

Secs. 20-2712 – 20-2800. – Reserved.

DIVISION 8. - LANDMARK COMMISSION

Sec. 20-2801. - Establishment of the Landmark Commission.

The Landmark Commission was created and established, in accordance with State law, on November 11, 2019. The Landmark Commission may also be referred to as the "Mesquite Landmark Commission," "Landmark Commission," or "MLC."

(Ord. No. 4738, § 5, 11-04-2019)

Mesquite Zoning Ordinance reference – Landmark Commission, Part 5, 5-400, Section 5-406.
State Law reference— V.T.C.A. Local Government Code § 211.001 and § 211.003.

Sec. 20-2802. - In General.

The Landmark Commission was established by the City Council in accordance with Texas Local Government Code, Chapter 211 (Municipal Zoning Authority) or successor and as amended. The Landmark Commission works to protect, enhance, and promote landmarks and districts of historical, cultural, and architectural importance in the City. The Landmark Commission shall have final decision-making authority in some decisions, and in others shall make recommendations to the Planning & Zoning Commission and/or City Council and any other decision-making person or body as required by law.

Sec. 20-2803. - Members.

- (a) Seven (7) REGULAR MEMBERS and two (2) ALTERNATES shall be appointed by the City Council in accordance with this chapter.
- (b) To assist with achieving, and maintaining, Certified Local Government status, the resumes of regular members, and alternates, of the Mesquite Landmark Commission and the designated Historic Preservation Officer (HPO), indicating their qualifications, credentials, or expertise in fields related to historic preservation shall be maintained in the Office of the City Secretary.

Cross reference – City Council action for appointments and confirmations, Article II, Sec. 20-206.
Cross reference – Texas Historical Commission's Certified Local Government Handbook, as amended.
Texas Administrative Code reference – Texas Administrative Code, Title 13, Part 2, Chapter 15, §15.6.

Sec. 20-2804. - Organization.

- (a) *Regular Members.*
 - (1) REGULAR MEMBERS shall be appointed by the City Council to a specified position as designated below and shall have the following qualifications.
 - (2) All regular members and alternates shall have a demonstrated interest or competence in, or knowledge of, one or more of the following areas: history, historic preservation, local culture, education, archaeology, architecture, or the arts.
 - (3) Position numbers are assigned for term expiration date purposes and do not signify rank or seniority.

[The remainder of this page is left blank intentionally]

EXHIBIT B TO ORDINANCE No. 4894
Mesquite City Code. Chapter 20 – Boards, Commissions, and Committees
City Council Meeting Date: September 7, 2021

Landmark Commission – Regular Members	
Position No. 1.	Appointed for a term expiring in odd-numbered years.
	An owner of a Mesquite Landmark, or an owner of a commercial building or business located in a H-POD – Historic Preservation Overlay District, or an owner of a commercial building or business located within the boundaries of the DOWNTOWN MESQUITE MAIN STREET PROGRAM BOUNDARY AREA.
Position No. 2.	Appointed for a term expiring in even-numbered years.
	A practicing design professional, including but not limited to: an architect, a landscape architect, an interior designer, or an engineer.
Position No. 3.	Appointed for a term expiring in odd-numbered years.
	A historian, including but not limited to professionals such as teachers, professors, librarians and other staff, knowledgeable of one or more of the following areas: history, historic preservation, local culture, education, archaeology, architecture, or the arts.
Position No. 4.	Appointed for a term expiring in even-numbered years.
	A resident of the City demonstrating an interest or competence in, or knowledge of, one or more of the following areas: history, historic preservation, local culture, education, archaeology, architecture, or the arts.
Position No. 5.	Appointed for a term expiring in odd-numbered years.
	Any resident of the City, including within any H-POD – Historic Preservation Overlay District.
Position No. 6.	Appointed for a term expiring in even-numbered years.
	EX OFFICIO MEMBER. Any member of the Mesquite Downtown Development Advisory Board, as decided by majority vote from the board members of the Mesquite Downtown Development Advisory Board.
Position No. 7.	Appointed for a term expiring in odd-numbered years.
	EX OFFICIO MEMBER. Any member of Historic Mesquite, Inc., as decided by majority vote from the board members of Historic Mesquite, Inc.

- (b) *Alternates.* ALTERNATES shall be appointed by the City Council to a specified position as designated below and shall have one (1) or more of the qualifications of the positions above. Alternate numbers are assigned for term expiration date purposes and do not signify rank or seniority.

Landmark Commission – Alternates	
Alternate No. 1.	Appointed for a term expiring in odd-numbered years.
	Any resident of the City who qualifies for any of the following positions: Position No. 1 through No. 5.
Alternate No. 2.	Appointed for a term expiring in even-numbered years.
	Any resident of the City who qualifies for any of the following positions: Position No. 1 through No. 5.

Cross reference(s) –
 Term duration and expiration, Article III, Division 1, Sec. 20-303.
 Calculation of terms and term limits, Article III, Division 1, Sec. 20-304.
 City Council action for appointments and confirmations, Article II, Sec. 20-206.

Sec. 20-2805. - Officers.

- (a) *Chair.* The Landmark Commission shall elect a Chair in accordance with this chapter.
- (b) *Vice-Chair.* The Landmark Commission shall elect a Vice-Chair in accordance with this chapter.

Cross reference – Officers of the board, commission, or committee, Article III, Division 1, Sec. 20-326.

Sec. 20-2806. - Duties.

- (a) *Code of ethics.* All REGULAR MEMBERS and ALTERNATES of the Landmark Commission shall comply with the City's CODE OF ETHICS.
- (b) *Regulations for regular members and alternates.* All REGULAR MEMBERS and ALTERNATES of the Landmark Commission shall comply with Article III (General Regulations) of this chapter.
- (c) *Other law.* All REGULAR MEMBERS and ALTERNATES of the Landmark Commission shall comply with State and other law as may be applicable.

Cross reference – City Code Ch. 2, Article IV, Division 2 – Code of Ethics.

Sec. 20-2807. - Powers and responsibilities of the Landmark Commission.

The Landmark Commission is hereby charged with the following responsibilities and invested with authority and powers as follows:

- (1) *In General.* To exercise such duties and powers as may be now or hereafter conferred by the Charter of the City of Mesquite, Mesquite Zoning Ordinance, City Code, or applicable laws of the State of Texas.
- (2) *Review and Recommendation.* The Landmark Commission reviews and make a recommendation for the following types of applications:
 - a. To the City Council for designation, creation, and/or amendment of Mesquite Landmarks (ML) and H-PODs—Historic Preservation Overlay Districts.

- b. To the Director of the Public Works Department for permits to use any City right-of-way or for abandonment of any City right-of-way, when the request is within an H-POD, as provided in Chapter 15, Art. III of the City Code.
 - c. Any other review and recommendation responsibilities specifically assigned by this Zoning Ordinance or other regulation or law.
- (3) *Review and Decision.* The Landmark Commission shall review and decide the following types of development related applications except for those which are handled administratively by the Historic Preservation Officer as provided by the Mesquite Zoning Ordinance.
- a. Certificates of Appropriateness and Certificates of Demolition where required in accordance with the Mesquite Zoning Ordinance;
 - b. Signs within a H-POD – Historic Preservation Overlay District;
 - c. Appeals from administrative decisions of the Historic Preservation Officer;
 - d. Determination to grant or deny a request, by an applicant, to receive an Exception for Economic Non-Viability;
 - e. Moving a Mesquite Landmark from the location where it was designated; and
 - f. Any other actions specifically assigned by this Zoning Ordinance or other regulation or law.
- (4) *Other Powers.* The Landmark Commission may also:
- a. Initiate zoning map amendments, and corresponding Zoning Ordinance text amendments, to designate a Mesquite Landmark (ML) or a H-POD – Historic Preservation Overlay District.
 - b. Coordinate with the Historic Preservation Officer to facilitate the City’s designation as a Certified Local Government (CLG), and upon designation, assist in maintaining the City in good standing as a CLG.
 - c. Upon the City’s designation as a Certified Local Government, the Landmark Commission may exercise its authority, under Texas Local Government Code, Chapter 214 (Municipal Regulation of Housing and Other Structures), [Section 214.00111](#), to review a substandard building that is subject to potential corrective action by the City to determine if the building can be rehabilitated and receive a national, state, or municipal historic designation as a Mesquite Landmark.
 - d. With consent from the Director of Planning & Development Services, file appropriate documents in the real property records of Dallas County or Kaufman County.
 - e. Conduct surveys and provide information to enable the City to compile and maintain the City of Mesquite, Texas, Landmark Register of Historic Places, which provides an inventory of significant pre-historic, historic, architectural, archeological, and cultural landmarks and districts located within the City.
 - f. Confer recognition upon the owners of Mesquite Landmarks, including through the issuance of certificates, plaques, or markers.

EXHIBIT B TO ORDINANCE No. 4894
Mesquite City Code. Chapter 20 – Boards, Commissions, and Committees
City Council Meeting Date: September 7, 2021

- g. Testify before City boards and commissions on matters affecting historically, architecturally, archeologically, or culturally significant buildings, structures, objects, sites, property, land, or historic districts.
- h. Provide comments to the State Historic Preservation Officer (SHPO) regarding designation on the National Register of Historic Places within the City.
- i. Inform and educate the citizens of Mesquite concerning the pre-historical, historical, architectural, archeological, and cultural heritage of the City.
- j. Periodically review the City's zoning regulations and recommend, to the Planning & Zoning Commission and City Council, amendments the Landmark Commission deems appropriate for the continued preservation and protection of historic designations, including landmarks and districts, and other significant buildings, structures, objects, and sites.
- k. Apprise City Council of, and make recommendations pertaining to, the availability of state, federal, or other funds that can be used to promote the preservation of landmarks and historic districts within the City.
- l. Provide comments to the Historic Preservation Officer about zoning changes and other issues affecting historic resources.
- m. Coordinate plans and programs of the Landmark Commission with City departments and other City boards through the Historic Preservation Officer.

Sec. 20-2808. - Quorum.

To conduct the business of the Landmark Commission a QUORUM shall be present. A QUORUM shall be calculated as a majority number of the FULL MEMBERSHIP of the Commission; therefore, four (4) persons shall constitute a QUORUM.

Cross reference – “Quorum” defined, Article I, Sec. 20-5.

Similar State Law provision – “Quorum” defined, V.T.C.A., Government Code, Open Meetings Act, § 551.001.

Sec. 20-2809. - Number of Annual Meetings Required.

The Landmark Commission shall meet at least six (6) times in a reporting year to maintain Certified Local Government status.

Cross reference – Texas Historical Commission's Certified Local Government Handbook, as amended.

Texas Administrative Code reference – Texas Administrative Code, Title 13, Part 2, Chapter 15, §15.6.

Sec. 20-2810. - Rules of procedure.

- (a) *In general.* The Landmark Commission shall comply with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter, and as may be identified by law.
- (b) *Board specific rules of procedure.* The Landmark Commission specific rules of procedure, if any, shall be adopted in accordance with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter. If the City Council approves specific rules of procedure for the Landmark Commission, said rules shall be filed in the Office of the City Secretary and posted on the City's website.

Secs. 20-2811 – 20-2900. – Reserved.

DIVISION 9. - PLANNING & ZONING COMMISSION

Sec. 20-2901. - Establishment of the Planning & Zoning Commission.

The Planning & Zoning Commission was created and established by the City Council, in accordance with State law, on November 21, 1960. The commission may also be referred to as the "Mesquite Planning & Zoning Commission," "Planning & Zoning Commission," or "P&Z Commission."

(Ord. No. 342, § 1, 11-21-1960; Ord. No. 363, § 1, 04-18-1961; Ord. No. 478, § 1, 05-06-1963; Ord. No. 678, § 05-15-1967; Ord. No. 1135, Art. 80.00, 09-04-1973; Ord. No. 1423, § 1, 04-03-1978; Ord. No. 2667, § 1, 04-02-1990; Ord. No. 3908, § 1, 11-05-2007; Ord. No. 4738, § 5, 11-04-2019)

Mesquite Zoning Ordinance reference – Planning & Zoning Commission, Part 5, 5-400, Section 5-407.

State Law reference – Zoning Commission, V.T.C.A. Local Government Code, § 211.007.

Sec. 20-2902. - In General.

The Planning & Zoning Commission was established by the City Council in accordance with Texas Local Government Code, Chapter 211 (Municipal Zoning Authority) or successor and as amended. The Planning & Zoning Commission hears, recommends, or determines any matter relating to land use issues, including planning, zoning, or subdivision plats, changes to this Zoning Ordinance and amendment to and update of the Comprehensive Plan, and any other items related to the physical development of the City, as may be specified or required under this Zoning Ordinance, the Charter, or the laws of the State.

State Law reference – Zoning Commission, V.T.C.A. Local Government Code, § 211.007.

Sec. 20-2903. - Members.

Seven (7) regular members and two (2) alternates shall be appointed by the City Council in accordance with this chapter.

Cross reference – City Council action for appointments and confirmations, Article II, Sec. 20-206.

Sec. 20-2904. - Organization.

- (a) *Regular Members.* REGULAR MEMBERS shall be appointed by the City Council to a specified position as designated below. Position numbers are assigned for term expiration date purposes and do not signify rank or seniority.

[The remainder of this page is left blank intentionally]

Planning & Zoning Commission – Regular Members	
Position No. 1.	Appointed for a term expiring in odd-numbered years.
Position No. 2.	Appointed for a term expiring in even-numbered years.
Position No. 3.	Appointed for a term expiring in odd-numbered years.
Position No. 4.	Appointed for a term expiring in even-numbered years.
Position No. 5.	Appointed for a term expiring in odd-numbered years.
Position No. 6.	Appointed for a term expiring in even-numbered years.
Position No. 7.	Appointed for a term expiring in odd-numbered years.

(b) *Alternates.* ALTERNATES shall be appointed by the City Council to a specified position as designated below. Alternate numbers are assigned for term expiration date purposes and do not signify rank or seniority.

Planning & Zoning Commission – Alternates	
Alternate No. 1.	Appointed for a term expiring in odd-numbered years.
Alternate No. 2.	Appointed for a term expiring in even-numbered years.

Cross reference(s) –
 Term duration and expiration, Article III, Division 1, Sec. 20-303.
 Calculation of terms and term limits, Article III, Division 1, Sec. 20-304.
 City Council action for appointments and confirmations, Article II, Sec. 20-206.

Sec. 20-2905. - Officers.

- (a) *Chair.* The Planning & Zoning Commission shall elect a Chair in accordance with this chapter.
- (b) *Vice-Chair.* The Planning & Zoning Commission shall elect a Vice-Chair in accordance with this chapter.

Cross reference – Officers of the board, commission, or committee, Article III, Division 1, Sec. 20-326.

Sec. 20-2906. - Duties.

- (a) *Code of ethics.* All REGULAR MEMBERS and ALTERNATES of the Planning & Zoning Commission shall comply with the City's CODE OF ETHICS.
- (b) *Regulations for regular members and alternates.* All REGULAR MEMBERS and ALTERNATES of the Planning & Zoning Commission shall comply with Article III (General Regulations) of this chapter.
- (c) *Other law.* All REGULAR MEMBERS and ALTERNATES of the Planning & Zoning Commission shall comply with State and other law as may be applicable.

Cross reference – City Code Ch. 2, Article IV, Division 2 – Code of Ethics.

State Law reference – Zoning Commission, V.T.C.A. Local Government Code, § 211.007.

Sec. 20-2907. - Powers and responsibilities of the Planning & Zoning Commission.

The Planning & Zoning Commission is hereby charged with the following responsibilities and invested with authority and powers as follows:

- (1) *In General.* Exercise such duties and powers as may be now or hereafter conferred by the City Code, Mesquite Zoning Ordinance, the Charter of the City of Mesquite, or applicable laws of the State of Texas.
- (2) *Comprehensive Plan.* Formulate and recommend to the City Council for adoption a comprehensive plan for the orderly growth and development of the City and its environs, and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety and general welfare of the citizens of the City
- (3) *Platting.* Exercise all powers of a commission as to approval or disapproval of plans, plats, or replats, and vacation of plans, plats, or replats set out in Mesquite City Code, Appendix B titled "Subdivision" and State law.
- (4) *Zoning Changes.* Initiate for consideration at public hearings, proposals for the original zoning of annexed areas or for the change of zoning district boundaries. No fee shall be required for the filing of any such proposal in the name of the City.
- (5) *Planning Information.* Keep informed with reference to the progress of city planning in the United States and other countries and recommend improvements in the adopted plans of the City.
- (6) *Other matters.* Hear and decide other matters under the City Code or Mesquite Zoning Ordinance as may be authorized by the City Council.

State Law reference(s) –

Municipal Comprehensive Plans, V.T.C.A. Local Government Code, § 213.001.

Zoning Commission, V.T.C.A. Local Government Code, § 211.007.

Sec. 20-2908. - Quorum.

To conduct the business of the Planning & Zoning Commission a QUORUM shall be present. A QUORUM shall be calculated as a majority number of the FULL MEMBERSHIP of the Commission; therefore, four (4) persons shall constitute a QUORUM.

Cross reference – "Quorum" defined, Article I, Sec. 20-5.

Similar State Law provision – "Quorum" defined, V.T.C.A., Government Code, Open Meetings Act, § 551.001.

Sec. 20-2909. - Rules of procedure.

- (a) *In general.* The Planning & Zoning Commission shall comply with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter, and as may be identified by law.
- (b) *Board specific rules of procedure.* The Planning & Zoning Commission specific rules of procedure, if any, shall be adopted in accordance with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter. If the City Council approves specific rules of procedure for the Planning & Zoning Commission, said rules shall be filed in the Office of the City Secretary and posted on the City's website.

Secs. 20-2910 – 20-5000. – Reserved.

[The remainder of this page is left blank intentionally]

ARTICLE V. - ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES

Secs. 20-5001 – 20-5100. – Reserved.

DIVISION 1. - ANIMAL SERVICES ADVISORY COMMITTEE

Sec. 20-5101. - Establishment of the Animal Services Advisory Committee.

The City of Mesquite, Texas, Animal Services Advisory Committee was created and established by the City Council, in accordance with State law, on June 15, 1998.

(Ord. No. 3231, § 1, 06-15-1998; Ord. No. 4539, § 1, 02-05-2018; Ord. No. 4826, § 4(Exh. A), 11-16-20)

State Law reference— Advisory Committee, V.T.C.A. Health and Safety Code, Title 10, Chapter 823, § 823.005.

Sec. 20-5102. - In general.

The Animal Services Advisory Committee was created and established by the City Council, in accordance with and as required by Texas Health and Safety Code, Chapter 823 (Animal Shelters), or successor and as amended. The Animal Services Advisory Committee serves in an advisory capacity and shall make recommendations to the City Council and City staff regarding animal shelter operations and other related matters.

State Law reference— Advisory Committee, V.T.C.A. Health and Safety Code, Title 10, Chapter 823, § 823.001. et seq.

Sec. 20-5103. - Members.

Nine (9) regular members shall be appointed by the City Council in accordance with this chapter.

Cross reference – City Council action for appointments and confirmations, Article II, Sec. 20-206.

Sec. 20-5104. - Organization.

- (a) *Regular Members.* The REGULAR MEMBERS shall be appointed by the City Council to a specified position as designated below. Position numbers are assigned for term expiration date purposes and do not signify rank or seniority.

[The remainder of this page is left blank intentionally]

Animal Services Advisory Committee – Regular Members	
Position No. 1.	Appointed for a term expiring in odd-numbered years.
	A licensed veterinarian with a practice within the city limits of Mesquite.
Position No. 2.	Appointed for a term expiring in even-numbered years.
	A county or municipal official.
Position No. 3.	Appointed for a term expiring in odd-numbered years.
	An individual whose duties include the daily operation of an animal shelter.
Position No. 4.	Appointed for a term expiring in even-numbered years.
	A representative from Animal Rescue Organizations that are approved to provide rescue services for the Mesquite Animal Shelter.
Position No. 5.	Appointed for a term expiring in odd-numbered years.
	A representative from Animal Rescue Organizations that are approved to provide rescue services for the Mesquite Animal Shelter.
Position No. 6.	Appointed for a term expiring in even-numbered years.
	Any resident and qualified voter of the City of Mesquite, Texas.
Position No. 7.	Appointed for a term expiring in odd-numbered years.
	Any resident and qualified voter of the City of Mesquite, Texas.
Position No. 8.	Appointed for a term expiring in even-numbered years.
	Any resident and qualified voter of the City of Mesquite, Texas.
Position No. 9.	Appointed for a term expiring in odd-numbered years.
	Any resident and qualified voter of the City of Mesquite, Texas.

(b) Alternates. No alternates are appointed to the Animal Services Advisory Committee.

Cross reference(s) –

Term duration and expiration, Article III, Division 1, Sec. 20-303.
Calculation of terms and term limits, Article III, Division 1, Sec. 20-304.
City Council action for appointments and confirmations, Article II, Sec. 20-206.

Sec. 20-5105. - Officers.

- (a) *Chair.* The Animal Services Advisory Committee shall elect a Chair in accordance with this chapter.
- (b) *Vice-Chair.* The Animal Services Advisory Committee shall elect a Vice-Chair in accordance with this chapter.

Cross reference – Officers of the board, commission, or committee, Article III, Division 1, Sec. 20-326.

Sec. 20-5106. - Duties.

- (a) *Code of ethics.* All REGULAR MEMBERS and ALTERNATES of the Animal Services Advisory Committee shall comply with the City's CODE OF ETHICS.
- (b) *Regulations for regular members and alternates.* All REGULAR MEMBERS and ALTERNATES of the Animal Services Advisory Committee shall comply with Article III (General Regulations) of this chapter.
- (c) *Other law.* All REGULAR MEMBERS and ALTERNATES of the Animal Services Advisory Committee shall comply with State and other law as may be applicable.

Cross reference – City Code Ch. 2, Article IV, Division 2 – Code of Ethics.

State Law reference— Advisory Committee, V.T.C.A. Health and Safety Code, Title 10, Chapter 823, § 823.005.

Sec. 20-5107. - Responsibilities and matters of the Animal Services Advisory Committee.

- (a) The Mesquite Animal Services Advisory Committee serves in an advisory capacity and shall make recommendations to the City Council and City staff regarding animal shelter operations and other matters in order to comply with Texas Health and Safety Code Chapter 823 "Animal Shelters," or successor, and as amended.
- (b) The Animal Services Advisory Committee may also make recommendations to the City Council and City Staff in connection with the operation of the Animal Services Division, as well as such other animal welfare matters as may be required by the City Council or City staff.
- (c) The Animal Services Advisory Committee may also perform such other duties as may be assigned by the City Council.

Sec. 20-5108. - Quorum.

To conduct the business of the Animal Services Advisory Committee a QUORUM shall be present. A QUORUM shall be calculated as a majority number of the FULL MEMBERSHIP of the Commission; therefore, five (5) persons shall constitute a QUORUM.

Cross reference – "Quorum" defined, Article I, Sec. 20-5.

Similar State Law provision – "Quorum" defined, V.T.C.A., Government Code, Open Meetings Act, § 551.001.

Sec. 20-5109. - Number of annual meetings required.

The Animal Services Advisory Committee shall meet at least three (3) times per calendar year pursuant to Section 823.005 Texas Health and Safety Code, or successor, and as amended.

State Law reference— Advisory Committee, V.T.C.A. Health and Safety Code, Title 10, Chapter 823, § 823.005.

Sec. 20-5110. - Rules of procedure.

- (a) *In general.* The Animal Services Advisory Committee shall comply with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter, and as may be identified by law.
- (b) *Board specific rules of procedure.* The Animal Services Advisory Committee specific rules of procedure, if any, shall be adopted in accordance with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter. If the City Council approves specific rules of procedure for the Animal Services Advisory Committee, said rules shall be filed in the Office of the City Secretary and posted on the City's website.

Secs. 20-5111 – 20-5200. – Reserved.

DIVISION 2. - CAPITAL IMPROVEMENTS ADVISORY COMMITTEE

Sec. 20-5201. - Establishment of the Capital Improvements Advisory Committee.

The City of Mesquite, Texas, Capital Improvements Advisory Committee was created and established by the City Council, in accordance with State law, on April 2, 1990. The Committee may also be referred to as “Mesquite Capital Improvements Advisory Committee” or “Capital Improvements Advisory Committee” or “CIAC.”

State law reference – Advisory Committee, V.T.C.A. Local Government Code, Title 12, Chapter 395, Subchapter C, § 395.058.

(Res. No. 15-[19]90; Res. No. 03-[19]96; Res. No. 09-2003)

Sec. 20-5202. - In general.

The Capital Improvements Advisory Committee was created and established by the City Council pursuant to Section 395.058 of the Texas Local Government Code, or successor and as amended.

State law reference(s) –

Procedures for Adoption of Impact Fees, V.T.C.A. Local Government Code, Title 12, Subtitle C, Chapter 395, Subchapter C. Advisory Committee, V.T.C.A. Local Government Code, Title 12, Chapter 395, Subchapter C, § 395.058.

Sec. 20-5203. - Members.

The Capital Improvements Advisory Committee (“CIAC”) may be composed of either eight (8) or nine (9) REGULAR MEMBERS at any given time, as appointed by the City Council in accordance with this chapter, as herein identified:

- (1) The seven (7) REGULAR MEMBERS of the Planning & Zoning Commission; and
- (2) One (1) REGULAR MEMBER (i.e. the 8th CIAC REGULAR MEMBER) who is a representative of the City’s extraterritorial jurisdiction (“ETJ”) – (This is required pursuant to State law when the impact fee is to be applied in the ETJ); and
- (3) When no member of the Planning & Zoning Commission is a representative of the real estate, development, or building industry; then one (1) additional REGULAR MEMBER (i.e. a 9th CIAC REGULAR MEMBER) shall be appointed who is a representative of the real estate, development, or building industry, but who is not an employee or official of a political sub-division or governmental entity.

Cross reference – City Council action for appointments and confirmations, Article II, Sec. 20-206.

State law reference – Advisory Committee, V.T.C.A. Local Government Code, Title 12, Chapter 395, Subchapter C, § 395.058.

Sec. 20-5204. - Organization.

- (a) *Regular Members.* The REGULAR MEMBERS shall be appointed by the City Council to a specified position as designated below. Position numbers are assigned for term expiration date purposes and do not signify rank or seniority.

[The remainder of this page is left blank intentionally]

Capital Improvements Advisory Committee – Regular Members	
Position No. 1.	P&Z regular member. See Sec. 20-2904.
Position No. 2.	P&Z regular member. See Sec. 20-2904.
Position No. 3.	P&Z regular member. See Sec. 20-2904.
Position No. 4.	P&Z regular member. See Sec. 20-2904.
Position No. 5.	P&Z regular member. See Sec. 20-2904.
Position No. 6.	P&Z regular member. See Sec. 20-2904.
Position No. 7.	P&Z regular member. See Sec. 20-2904.
Position No. 8.	Appointed for a term expiring in even-numbered years.
	A person who is a representative of the City’s extraterritorial jurisdiction (“ETJ”)
* Position No. 9.	Appointed for a term expiring in odd-numbered years.
	* When no member of the Planning & Zoning Commission is a representative of the real estate, development, or building industry; one (1) additional REGULAR MEMBER (i.e. a 9 th CIAC REGULAR MEMBER) shall be appointed who is a representative of the real estate, development, or building industry, but who is not an employee or official of a political subdivision or governmental entity.

(b) *Alternates.* ALTERNATES shall be appointed by the City Council to a specified position as designated below. Alternate numbers are assigned for term expiration date purposes and do not signify rank or seniority.

Capital Improvements Advisory Committee – Alternates	
Alternate No. 1.	P&Z alternate. See Sec. 20-2904.
Alternate No. 2.	P&Z alternate. See Sec. 20-2904.

Sec. 20-5205. - Officers.

- (a) *Chair.* The Capital Improvements Advisory Committee shall elect a Chair in accordance with this chapter. It is permissible for the same person to be elected Chair of the Planning & Zoning Commission.
- (b) *Vice-Chair.* The Capital Improvements Advisory Committee shall elect a Vice-Chair in accordance with this chapter. It is permissible for the same person to be elected Vice-Chair of the Planning & Zoning Commission.

Cross reference – Officers of the board, commission, or committee, Article III, Division 1, Sec. 20-326.

Sec. 20-5206. - Duties.

- (a) *Code of ethics.* All REGULAR MEMBERS and ALTERNATES of the Capital Improvements Advisory Committee shall comply with the City's CODE OF ETHICS.
- (b) *Regulations for regular members and alternates.* All REGULAR MEMBERS and ALTERNATES of the Capital Improvements Advisory Committee shall comply with Article III (General Regulations) of this chapter.
- (c) *Other law.*
 - (1) All REGULAR MEMBERS and ALTERNATES of the Capital Improvements Advisory Committee shall comply with State and other law as may be applicable.
 - (2) The Capital Improvements Advisory Committee shall file its written comments, on any proposed amendments to the land use assumptions, capital improvements plan, and impact fee, before the fifth (5th) business day before the date of the public hearing on the amendments.

Cross reference – City Code Ch. 2, Article IV, Division 2 – Code of Ethics.

State law reference(s) –

Procedures for Adoption of Impact Fees, V.T.C.A. Local Government Code, Title 12, Subtitle C, Chapter 395, Subchapter C.
Advisory Committee Comments on Amendments, V.T.C.A. Local Government Code, Title 12, Chapter 395, Subchapter C, § 395.056.

Sec. 20-5207. - Responsibilities and matters of the Capital Improvements Advisory Committee.

The Capital Improvements Advisory Committee shall have the following responsibilities:

- (1) Advise and assist the City in adopting land use assumptions.
- (2) Review the capital improvements plan and file written comments.
- (3) Monitor and evaluate implementation of the capital improvements plan.
- (4) File semi-annual reports with respect to the progress of the capital improvements plan and report to the City any perceived inequities in implementing the plan or imposing the impact fee.
- (5) Advise the City of the need to update or revise the land use assumptions, capital improvements plan, and impact fee.
- (6) Provide other impact fee advisory services as directed by the City Council.

State law reference(s) –

Procedures for Adoption of Impact Fees, V.T.C.A. Local Government Code, Title 12, Subtitle C, Chapter 395, Subchapter C.
Advisory Committee, V.T.C.A. Local Government Code, Title 12, Chapter 395, Subchapter C, § 395.058.
Advisory Committee Comments on Amendments, V.T.C.A. Local Government Code, Title 12, Chapter 395, Subchapter C, § 395.056.

Sec. 20-5208. - Quorum.

- (a) To conduct the business of the Capital Improvements Advisory Committee a QUORUM shall be present.
- (b) A QUORUM shall be calculated as a majority number of the FULL MEMBERSHIP of the Committee.
 - (1) When eight (8) REGULAR MEMBERS are appointed, five (5) persons shall constitute a QUORUM.
 - (2) When nine (9) REGULAR MEMBERS are appointed, five (5) persons shall constitute a QUORUM.

Cross reference – “Quorum” defined, Article I, Sec. 20-5.

Similar State Law provision – “Quorum” defined, V.T.C.A., Government Code, Open Meetings Act, § 551.001.

Sec. 20-5209. - Rules of procedure.

- (a) *In general.* The Capital Improvements Advisory Committee shall comply with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter, and as may be identified by law.
- (b) *Board specific rules of procedure.* The Capital Improvements Advisory Committee specific rules of procedure, if any, shall be adopted in accordance with Sec. 20-324 (Rules of Procedure) of Article II in this Chapter. If the City Council approves specific rules of procedure for the Capital Improvements Advisory Committee, said rules shall be filed in the Office of the City Secretary and posted on the City’s website.

Secs. 20-5210 – 20-5300. – Reserved.

DIVISION 3. - DOWNTOWN DEVELOPMENT ADVISORY BOARD

Sec. 20-5301. - Establishment of the Downtown Development Advisory Board.

The City of Mesquite, Texas, Downtown Development Advisory Board was created and established by the City Council on December 17, 2018. The Downtown Development Advisory Board may also be referred to as “Mesquite Downtown Development Advisory Board.”

(Ord. No. 4637, § 1, 12-17-2018)

Sec. 20-5302. - In general.

The Downtown Development Advisory Board was created and established by the City Council to serve in an advisory capacity regarding Downtown Mesquite development initiatives, programs, and other downtown related projects.

Sec. 20-5303. - Members.

Twelve (12) REGULAR MEMBERS shall be appointed by the City Council in accordance with this chapter.

Cross reference – City Council action for appointments and confirmations, Article II, Sec. 20-206.

Sec. 20-5304. - Organization.

- (a) *Regular Members.* REGULAR MEMBERS shall be appointed by the City Council to a specified position as designated below. Position numbers are assigned for term expiration date purposes and do not signify rank or seniority.

[The remainder of this page is left blank intentionally]

Downtown Development Advisory Board – Regular Members	
Position No. 1.	Appointed for a term expiring in odd-numbered years.
Position No. 2.	Appointed for a term expiring in even-numbered years.
Position No. 3.	Appointed for a term expiring in odd-numbered years.
Position No. 4.	Appointed for a term expiring in even-numbered years.
Position No. 5.	Appointed for a term expiring in odd-numbered years.
Position No. 6.	Appointed for a term expiring in even-numbered years.
Position No. 7.	Appointed for a term expiring in odd-numbered years.
Position No. 8.	Appointed for a term expiring in even-numbered years.
Position No. 9.	Appointed for a term expiring in odd-numbered years.
Position No. 10.	Appointed for a term expiring in even-numbered years.
Position No. 11.	Appointed for a term expiring in odd-numbered years.
Position No. 12.	Appointed for a term expiring in even-numbered years.

(b) *Alternates.* No alternates are appointed to the Downtown Development Advisory Board.

Sec. 20-5305. - Officers.

- (a) *Chair.* The Downtown Development Advisory Board shall elect a Chair in accordance with this chapter.
- (b) *Vice-Chair.* The Downtown Development Advisory Board shall elect a Vice-Chair in accordance with this chapter.

Cross reference – Officers of the board, commission, or committee, Article III, Division 1, Sec. 20-326.

Sec. 20-5306. - Duties.

- (a) *Code of ethics.* All REGULAR MEMBERS and ALTERNATES of the Downtown Development Advisory Board shall comply with the City's CODE OF ETHICS.
- (b) *Regulations for regular members and alternates.* All REGULAR MEMBERS and ALTERNATES of the Downtown Development Advisory Board shall comply with Article III (General Regulations) of this chapter.
- (c) *Other law.* All REGULAR MEMBERS and ALTERNATES of the Downtown Development Advisory Board shall comply with State and other law as may be applicable.

Cross reference – City Code Ch. 2, Article IV, Division 2 – Code of Ethics.

Sec. 20-5307. - Responsibilities and matters of the Downtown Development Advisory Board.

The Downtown Development Advisory Board shall have the following responsibilities:

- (1) Serving as liaison to the City Council and making recommendations regarding downtown Mesquite development initiatives.
- (2) Making recommendations to the City Council for incentive programs.
- (3) Reviewing applications for City Council-approved incentive programs and recommending action regarding applications.
- (4) Monitoring programs and activities of the organization, promotion, economic vitality, and design committees of the board.
- (5) Serving as a forum for the exchange of information related to current or future Capital Downtown Mesquite programs.
- (6) Updating City Council of the status of Downtown Mesquite Development progress as needed.

Sec. 20-5308. - Quorum.

To conduct the business of the Downtown Development Advisory Board a QUORUM shall be present. A QUORUM shall be calculated as a majority number of the FULL MEMBERSHIP of the Board; therefore, seven (7) persons shall constitute a QUORUM.

Cross reference – “Quorum” defined, Article I, Sec. 20-5.

Similar State Law provision – “Quorum” defined, V.T.C.A., Government Code, Open Meetings Act, § 551.001.

Sec. 20-5309. - Rules of procedure.

- (a) *In general.* The Downtown Development Advisory Board shall comply with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter, and as may be identified by law.
- (b) *Board specific rules of procedure.* The Downtown Development Advisory Board specific rules of procedure, if any, shall be adopted in accordance with Sec. 20-324 (Rules of Procedure) of Article II in this Chapter. If the City Council approves specific rules of procedure for the Downtown Development Advisory Board, said rules shall be filed in the Office of the City Secretary and posted on the City's website.

Secs. 20-5310 – 20-5400. – Reserved.

DIVISION 4. - LIBRARY ADVISORY BOARD

Sec. 20-5401. - Establishment of the Library Board.

The City of Mesquite, Texas, Municipal Library Advisory Board was created and established by the City Council on November 7, 1977. The Municipal Library Advisory Board is hereinafter named the “Library Advisory Board.” The Library Advisory Board may also be referred to as the “Mesquite Library Advisory Board,” or the “Mesquite Public Library Advisory Board.”

(Ord. No. 1394, §§1-5, 11-07-1977)

Sec. 20-5402. - In general.

The Library Advisory Board was created by the City Council for the purpose of the Board to act in an advisory capacity with regard to the City’s library services and library facilities.

Sec. 20-5403. - Members.

Seven (7) regular members shall be appointed by the City Council in accordance with this chapter.

Cross reference – City Council action for appointments and confirmations, Article II, Sec. 20-206.

Sec. 20-5404. - Organization.

- (a) *Regular Members.* REGULAR MEMBERS shall be appointed by the City Council to a specified position as designated below. Position numbers are assigned for term expiration date purposes and do not signify rank or seniority.

Library Advisory Board – Regular Members	
Position No. 1.	Appointed for a term expiring in odd-numbered years.
Position No. 2.	Appointed for a term expiring in even-numbered years.
Position No. 3.	Appointed for a term expiring in odd-numbered years.
Position No. 4.	Appointed for a term expiring in even-numbered years.
Position No. 5.	Appointed for a term expiring in odd-numbered years.
Position No. 6.	Appointed for a term expiring in even-numbered years.
Position No. 7.	Appointed for a term expiring in odd-numbered years.

- (b) *Alternates.* No alternates are appointed to the Library Advisory Board.

Cross reference(s) –

Term duration and expiration, Article III, Division 1, Sec. 20-303.
 Calculation of terms and term limits, Article III, Division 1, Sec. 20-304.
 City Council action for appointments and confirmations, Article II, Sec. 20-206.

Sec. 20-5405. - Officers.

- (a) *Chair.* The Library Advisory Board shall elect a Chair in accordance with this chapter.
- (b) *Vice-Chair.* The Library Advisory Board shall elect a Vice-Chair in accordance with this chapter.

Cross reference – Officers of the board, commission, or committee, Article III, Division 1, Sec. 20-326.

Sec. 20-5406. - Duties.

- (a) *Code of ethics.* All REGULAR MEMBERS of the Library Advisory Board shall comply with the City's CODE OF ETHICS.
- (b) *Regulations for regular members and alternates.* All REGULAR MEMBERS of the Library Advisory Board shall comply with Article III (General Regulations) of this chapter.
- (c) *Other law.* All REGULAR MEMBERS of the Library Advisory Board shall comply with State and other law as may be applicable.

Cross reference – City Code Ch. 2, Article IV, Division 2 – Code of Ethics.

Sec. 20-5407. - Responsibilities and matters of the Library Advisory Board.

The Library Advisory Board shall have the following responsibilities:

- (1) As a board, receive suggestions and recommendations from residents that pertain to Library Department.
- (2) Advise and recommend on matters relating to the operation of Library Department.
- (3) Review and advise Library Department on policies and procedures.
- (4) Review and advise Library Department on programs, products, and services.
- (5) Review and advise Library Department on plans for renovated, expanded or additional library facilities.
- (6) Review results of Annual Customer Satisfaction Survey conducted by Library Department.
- (7) Review annual report prepared by Library Director and required by Texas State Library & Archives Commission ("TSLAC") for accreditation consideration.
- (8) Review and vote to recommend adoption of Library Department Five Year Plan as required for state accreditation consideration.
- (9) Library Advisory Board Chairperson shall sign the application for Accreditation In State Library System Application form as required for Texas Library System accreditation consideration.
- (10) Make periodic reports to the City Council and City Administration.

State law reference – 13 TAC §1.71–§1.85.

Sec. 20-5408. - Quorum.

To conduct the business of the Library Advisory Board a QUORUM shall be present. A QUORUM shall be calculated as a majority number of the FULL MEMBERSHIP of the Board; therefore, four (4) persons shall constitute a QUORUM.

Cross reference – “Quorum” defined, Article I, Sec. 20-5.

Similar State Law provision – “Quorum” defined, V.T.C.A., Government Code, Open Meetings Act, § 551.001.

Sec. 20-5409. - Rules of procedure.

- (a) *In general.* The Library Advisory Board shall comply with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter, and as may be identified by law.
- (b) *Board specific rules of procedure.* The Library Advisory Board specific rules of procedure, if any, shall be adopted in accordance with Sec. 20-324 (Rules of Procedure) of Article II in this Chapter. If the City Council approves specific rules of procedure for the Library Advisory Board, said rules shall be filed in the Office of the City Secretary and posted on the City’s website.

Secs. 20-5410 – 20-5500. – Reserved.

DIVISION 5. - PARKS & RECREATION ADVISORY BOARD

Sec. 20-5501. - Establishment of the Parks & Recreation Advisory Board.

The City of Mesquite, Texas, Parks & Recreation Advisory Board was created and established by the City Council on September 17, 1973. The Parks & Recreation Advisory Board may also be referred to as the “Mesquite Parks & Recreation Advisory Board.”

(Ord. No. 1143, §§ 1-3, 09-17-1973; Ord. No. 1302, §§ 1-3, 02-02-1976; Ord. No. 3542, §§ 1-2, 11-18-2002)

Sec. 20-5502. - In general.

The Parks & Recreation Advisory Board was created by the City Council for the purpose of the Board to act in an advisory capacity with regard to the City’s parks and recreation services and facilities.

Sec. 20-5503. - Members.

Seven (7) regular members and two (2) alternates shall be appointed by the City Council in accordance with this chapter.

Cross reference – City Council action for appointments and confirmations, Article II, Sec. 20-206.

Sec. 20-5504. - Organization.

- (a) *Regular Members.* REGULAR MEMBERS shall be appointed by the City Council to a specified position as designated below. Position numbers are assigned for term expiration date purposes and do not signify rank or seniority.

Parks & Recreation Advisory Board – Regular Members	
Position No. 1.	Appointed for a term expiring in odd-numbered years.
Position No. 2.	Appointed for a term expiring in even-numbered years.
Position No. 3.	Appointed for a term expiring in odd-numbered years.
Position No. 4.	Appointed for a term expiring in even-numbered years.
Position No. 5.	Appointed for a term expiring in odd-numbered years.
Position No. 6.	Appointed for a term expiring in even-numbered years.
Position No. 7.	Appointed for a term expiring in odd-numbered years.

- (b) *Alternates.* ALTERNATES shall be appointed by the City Council to a specified position as designated below. Alternate numbers are assigned for term expiration date purposes and do not signify rank or seniority.

Parks & Recreation Advisory Board – Alternates	
Alternate No. 1.	Appointed for a term expiring in odd-numbered years.
Alternate No. 2.	Appointed for a term expiring in even-numbered years.

Cross reference(s) –

Term duration and expiration, Article III, Division 1, Sec. 20-303.
 Calculation of terms and term limits, Article III, Division 1, Sec. 20-304.
 City Council action for appointments and confirmations, Article II, Sec. 20-206.

Sec. 20-5505. - Officers.

- (a) *Chair.* The Parks & Recreation Advisory Board shall elect a Chair in accordance with this chapter.
- (b) *Vice-Chair.* The Parks & Recreation Advisory Board shall elect a Vice-Chair in accordance with this chapter.

Cross reference – Officers of the board, commission, or committee, Article III, Division 1, Sec. 20-326.

Sec. 20-5506. - Duties.

- (a) *Code of ethics.* All REGULAR MEMBERS of the Parks & Recreation Advisory Board shall comply with the City’s CODE OF ETHICS.
- (b) *Regulations for regular members and alternates.* All REGULAR MEMBERS of the Parks & Recreation Advisory Board shall comply with Article III (General Regulations) of this chapter.
- (c) *Other law.* All REGULAR MEMBERS of the Parks & Recreation Advisory Board shall comply with State and other law as may be applicable.

Cross reference – City Code Ch. 2, Article IV, Division 2 – Code of Ethics.

Sec. 20-5507. - Responsibilities and matters of the Parks & Recreation Advisory Board.

The Parks & Recreation Advisory Board shall have the following responsibilities:

- (1) The Parks & Recreation Advisory Board shall act only in an advisory capacity to the City staff and through the staff to the City Council in all matters pertaining to the Parks and Recreation Department, shall acquaint itself with and make a continuous study and review of the complete parks and recreation services of the City and shall advise with the staff and City Council from time to time, as to the present and future maintenance, operation, planning, acquisition, development, enlargement and use policies of the City’s park and recreation services.
- (2) Study and encourage the development of parks and recreation areas and study and encourage the development of wholesome recreation for all residents of the City.
- (3) Advise with the director on problems of development of recreation areas, facilities, programs, and improved recreation services.
- (4) Recommend the adoption of standards on areas, facilities, program, and financial support.
- (5) The members of the Board shall study and review *The Master Planning Guide for Parks and Recreation* and become familiar with such plan and its relation to existing and proposed facilities and shall become aware of any revision or updating thereof.

- (6) Advise and recommend to the Director on the development of long-range capital improvement programs and, when in its opinion the need exists for additional park and recreational facilities, grounds or premises, it shall make appropriate recommends to the City Council. It shall also recommend the acquisition of additional parks, park and recreational equipment, and supplies.
- (7) It shall follow the rules and regulations as may be prescribed by the City Council for the conduct of its business.
- (8) It shall recommend to the City Council rules, regulations and policies governing the use of park and recreational facilities.
- (9) It shall make any other recommendations to the City Council regarding park and recreational matters it considers advisable.
- (10) It may solicit for the City gifts, revenues, bequests, or endowments of money or property as donations or grants from persons, firms or corporations, such to the approval and acceptance by the City Manager and/or City Council.
- (11) It may from time to time recommend to the City Council amendments or changes to the Organizational Structure and Operating Rules.
- (12) The board's authority shall not extend to the direction, supervision, employment or termination of employees of the Parks and Recreation Department. No supervisory power of the board is created.
- (13) It shall review the budget, and may make comments and recommendations, but shall not be authorized to add, delete, or change in any way the budget as prepared by the Parks and Recreation staff.
- (14) The board shall not have the power to obligate the City for any funds or expenditures or incur any debt on behalf of the City.
- (15) All powers and duties prescribed and delegated herein are delegated to the Board as a unit and all action hereunder shall be of the Board acting as a whole. No action of any individual member is authorized except through the Board.

Cross reference – [Accept donations of real and personal property]; Delegation of authority to City Manager and other City officials, Chapter 2, [Sec. 2-5](#).

Sec. 20-5508. - Quorum.

To conduct the business of the Parks & Recreation Advisory Board a QUORUM shall be present. A QUORUM shall be calculated as a majority number of the FULL MEMBERSHIP of the Board; therefore, four (4) persons shall constitute a QUORUM.

Cross reference – “Quorum” defined, Article I, Sec. 20-5.

Similar State Law provision – “Quorum” defined, V.T.C.A., Government Code, Open Meetings Act, § 551.001.

Sec. 20-5509. - Rules of procedure.

- (a) *In general.* The Parks & Recreation Advisory Board shall comply with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter, and as may be identified by law.
- (b) *Board specific rules of procedure.* The Parks & Recreation Advisory Board specific rules of procedure, if any, shall be adopted in accordance with Sec. 20-324 (Rules of Procedure) of Article II in this Chapter. If the City Council approves specific rules of procedure for the Parks & Recreation Advisory Board, said rules shall be filed in the Office of the City Secretary and posted on the City's website.

Secs. 20-5510 – 20-5600. – Reserved.

DIVISION 6. - TREE ADVISORY BOARD

Sec. 20-5601. - Establishment of Tree Advisory Board.

The City of Mesquite, Texas, Tree Advisory Board was created by the City Council on October 15, 1990. The Tree Advisory Board may also be referred to as the “Mesquite Tree Advisory Board.”

(Ord. No. 2704, §§ 1-9, 10-15-1990)

Sec. 20-5602. - In general.

The Tree Advisory Board was created by the City Council for the purpose of the Board to act in an advisory capacity with regard to the City’s tree planting program.

Sec. 20-5603. - Members.

The REGULAR MEMBERS and ALTERNATES of the Parks & Recreation Advisory Board shall serve as the REGULAR MEMBERS and ALTERNATES of the Tree Advisory Board.

Cross reference – Parks & Recreation Advisory Board, Article V., Division 5, Sec. 20-5503.

Sec. 20-5604. - Officers.

- (a) *Chair.* The Tree Advisory Board shall elect a Chair in accordance with this chapter. It is permissible for the same person to be elected Chair of the Parks & Recreation Advisory Board.
- (b) *Vice-Chair.* The Tree Advisory Board shall elect a Vice-Chair in accordance with this chapter. It is permissible for the same person to be elected Vice-Chair of the Parks & Recreation Advisory Board.

Cross reference – Officers of the board, commission, or committee, Article III, Division 1, Sec. 20-326.

Sec. 20-5605. - Duties.

- (a) *Code of ethics.* All REGULAR MEMBERS and ALTERNATES of the Tree Advisory Board shall comply with the City’s CODE OF ETHICS.
- (b) *Regulations for regular members and alternates.* All REGULAR MEMBERS and ALTERNATES of the Tree Advisory Board shall comply with Article III (General Regulations) of this chapter.
- (c) *Other law.* All REGULAR MEMBERS and ALTERNATES of the Tree Advisory Board shall comply with State and other law as may be applicable.

Cross reference – City Code Ch. 2, Article IV, Division 2 – Code of Ethics.

Sec. 20-5606. - Responsibilities and matters of the Tree Advisory Board.

The Tree Advisory Board shall have the following responsibilities:

- (1) Study the needs of the City of Mesquite in connection with its tree planting program.
- (2) Make recommendations to, advise, and assist the City Arborist in promotion and implementation of the City’s tree planting program.
- (3) Assist City Parks & Recreation staff in maintaining the City’s annual Tree City USA designation.
- (4) Assist City Parks & Recreation staff in annually celebrating Arbor Day.
- (5) Exercise such duties as may be now or hereafter conferred by the Charter of the City of Mesquite, Mesquite Zoning Ordinance, City Code, or applicable laws of the State of Texas.

Sec. 20-5607. - Quorum.

To conduct the business of the Tree Advisory Board a QUORUM shall be present. A QUORUM shall be calculated as a majority number of the FULL MEMBERSHIP of the Board; therefore, four (4) persons shall constitute a QUORUM.

Cross reference – “Quorum” defined, Article I, Sec. 20-5.

Similar State Law provision – “Quorum” defined, V.T.C.A., Government Code, Open Meetings Act, § 551.001.

Sec. 20-5608. - Rules of procedure.

- (a) *In general.* The Tree Advisory Board shall comply with Sec. 20-324 (Rules of Procedure) of Article III, Division 1 in this Chapter, and as may be identified by law.
- (b) *Board specific rules of procedure.* The Tree Advisory Board specific rules of procedure, if any, shall be adopted in accordance with Sec. 20-324 (Rules of Procedure) of Article II in this Chapter. If the City Council approves specific rules of procedure for the Tree Advisory Board, said rules shall be filed in the Office of the City Secretary and posted on the City’s website.

Secs. 20-5609 – 20-6000. – Reserved.

EXHIBIT C

To Ordinance No. 4894

Mesquite City Code, Chapter 2, Article IV, Division 2 – CODE OF ETHICS

MESQUITE CITY CODE

* * *

Chapter 2 – ADMINISTRATION

* * *

ARTICLE IV. - OFFICIALS AND EMPLOYEES GENERALLY

* * *

[Editor's Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough~~.]

DIVISION 2. - CODE OF ETHICS

Sec. 2-121. - Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advisory Board, Commission, or Committee regular members or alternates (hereinafter referred to collectively as "advisory board members") means members of City boards, commissions, or committees who do not exercise quasi-judicial responsibilities, and who do not have responsibilities beyond those that are advisory in nature. For purposes of this Division, advisory board members shall be included in the definition of "officers" only for the purpose of complying with this Division 2 (Code of Ethics).

Employee means any person employed by the city whether under civil service or not, including those individuals on a part-time basis, but shall not be extended to apply to any independent contractor.

Officer means:

- (1) any member of the governing body, including the Mayor and all city council members; and
- (2) any appointive regular member or alternate of a ~~commission or board~~ board, commission, or committee set up by ordinance, charter, or state law or otherwise, on a permanent basis who exercises responsibilities beyond those that are advisory in nature and are sometimes referred to as quasi-judicial; and
- (3) for purposes of this division only (the Code of Ethics), the definition of "officer" shall include any appointee or member serving on a board of directors for non-profit corporations associated with the City set up by ordinance, charter, state law or otherwise, on a permanent basis; and
- (4) for purposes of this division only (the Code of Ethics), the definition of "officer" shall include any appointive regular member or alternate of an advisory board, commission, or committee set up by ordinance, charter, state law or otherwise, on a permanent basis who does not exercise responsibilities beyond those that are advisory in nature; and
- (5) for purposes of this division only (the Code of Ethics), the definition of "officer" shall include appointees serving on reinvestment zone boards, such as Tax Increment Financing (TIF) boards and Tax Increment Reinvestment Zone (TIRZ) boards.

* * *

EXHIBIT D

To Ordinance No. 4894

Mesquite City Code, Chapter 3, Airports and Aircraft.

MESQUITE CITY CODE

* * *

Chapter 3 – AIRPORTS AND AIRCRAFT

* * *

[Editor's Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough~~.]

ARTICLE IV. - AIRPORT ZONING

DIVISION 1. – GENERALLY

Sec. 3-126. Airport Board of Adjustment.

~~The city council, pursuant to the provisions of V.T.C.A. Local Government Code, Sections 241.011 and 241.013, is hereby designated the airport zoning board, which board shall have the powers and exercise the duties authorized under the provisions of the airport zoning act, as amended (V.T.C.A. Local Government Code, Section 241.001 et seq.).~~

The Airport Board of Adjustment is established under this City Code in Chapter 20, Article IV, Division 1. Pursuant to Chapter 20, the regular members and alternates of the Board of Adjustment shall serve as the regular members and alternates of the Airport Board of Adjustment.

(Code 1960, § 2A-41)

Sec. 3-127. Airport Zoning Commission.

~~The planning and zoning commission is hereby appointed the Mesquite Metro Airport Commission, which commission shall have the powers and exercise the duties prescribed in V.T.C.A. Local Government Code, Section 241.016.~~

The Airport Zoning Commission is established under this City Code in Chapter 20, Article IV, Division 2. Pursuant to Chapter 20, the regular members and alternates of the Planning & Zoning Commission shall serve as the regular members and alternates of the Airport Zoning Commission.

(Code 1960, § 2A-42; Res. No. 34-95, 11-20-95)

Secs. 3-128—3-140. Reserved.

DIVISION 2. AIRPORT ZONING REGULATIONS

Sec. 3-141. Short title.

This division shall be known and may be cited as the "Mesquite Metro Airport Hazard Area Zoning Ordinance."

(Ord. No. 2943, § 1, 12-6-93; Res. No. 34-95, 11-20-95)

Sec. 3-142. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them, except where the context indicates a different meaning.

Airport means Mesquite Metro Airport.

Airport Board of Adjustment means a board consisting of five (5) regular members and two (2) alternates as identified in Sec. 3-126 (Airport Board of Adjustment). The regular members and alternates of the Board of Adjustment shall serve as the regular members and alternates of the Airport Board of Adjustment.

Cross reference –

Airport Board of Adjustment, Chapter 20, Article IV, Division 1.

Airport elevation means the established elevation of the highest point on the usable landing area, measured in feet from mean sea level. The elevation of Mesquite Metro Airport is four hundred forty-four (444) feet above mean sea level located on the runway centerline of the end of runway 17.

Airport hazard means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft or which obstructs or interferes with the control, tracking and/or data acquisition in the landing, taking off, or flight at an airport, or at any installation of facility relating to flight, tracking, and/or data acquisition of the flight craft; is hazardous, interferes with or obstructs such landing, taking off or flight of aircraft; or which is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.

Airport hazard area means any area of land or water upon which an airport hazard might be established if not prevented as provided in this division.

Airport reference point means the point established as the approximate geographic center of the airport landing area and so designated. The airport reference point (ARP) for Mesquite Metro Airport is Latitude 32°44'43.4"N; Longitude 96°31'49.2"W.

Airport Zoning Commission means a commission consisting of seven (7) regular members and two (2) alternates as identified in Sec. 3-127 (Airport Zoning Commission). Pursuant to Chapter 20, the regular members and alternates of the Planning & Zoning Commission shall serve as the regular members and alternates of the Airport Zoning Commission.

Cross reference –

Airport Zoning Commission, Chapter 20, Article IV, Division 2.

Approach surface means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 3-144 of this division. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, transitional, horizontal, and conical zones. These zones are set forth in section 3-143 of this division.

~~Board of adjustment a board consisting of five (5) members as set out in section 3-149 of this division.~~

Conical surface means a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet.

* * *

Sec. 3-147. Permits.

Applications for permits shall be made upon a form published for that purpose. Applications shall be submitted to the City Planner or his/her designee and shall be promptly considered and either granted or denied in accordance with the process and procedures of this City Code or the Mesquite Zoning Ordinance.

- (a) *Future uses.* Except as specifically provided in subsections (a)(1), (2) and (3) hereunder, no material change shall be made in the use of land

* * *

~~(d) — *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, in violation of the regulations prescribed in this division, may apply to the airport board of adjustment for a variance from such regulations in question. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but do substantial justice to, and be in accordance with the spirit of, this division. Additionally, no application for variance to the requirements of this division may be considered by the board of adjustment unless a copy of the application has been furnished to the City of Mesquite Airport Advisory Board for advice as to the aeronautical effects of the variance. If the City of Mesquite Airport Advisory Board does not respond to the application within fifteen (15) days after receipt, the airport board of adjustment may act on its own to grant or deny the application. The board may impose any reasonable condition on the variance that it considers necessary to accomplish the purposes of this division.~~

~~(e) — *Obstruction marking and lighting.* Any permit or variance granted may, if such action is deemed advisable by the city manager or his designated representative or the airport board of adjustment to effectuate the purpose of this division and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to allow the city manager or his designated representative to install, operate and maintain, at the expense of the city, such markings and lights as may be necessary.~~

(Ord. No. 2943, § 1, 12-6-93)

State law reference(s)—Permits, V.T.C.A. Local Government Code, § 241.020; ~~Variances, V.T.C.A. Local Government Code, § 241.034; Hazard marking and lighting, V.T.C.A. Local Government Code, § 241.035.~~

Sec. 3-148. – Hazard marking and lighting.

If an administrative official or the Airport Board of Adjustment considers it reasonable in the circumstances and advisable to accomplish the purposes of this Article, the administrative official or the board may require in a permit or a variance granted under this chapter that the owner of a structure or object of natural growth allow the political subdivision, at its own expense, to install, operate, and maintain on the structure or object of natural growth any markers and lights necessary to indicate to flyers the presence of an airport hazard.

State law reference – Hazard marking and lighting, V.T.C.A. Local Government Code, § 241.035.

Sec. 3-149 ~~Sec. 3-148.~~ Enforcement.

It shall be the duty of the city manager or his/her designee ~~designated representative~~ to administer and enforce the regulations prescribed in this division. ~~Applications for permits shall be made upon a form published for that purpose. Applications required by this division to be submitted to the city planner or his designated representative and shall be promptly considered and granted or denied. Applications for variances shall be made to the airport board of adjustment, by first filing the application for variance with the city planner or his designated representative who shall forthwith transmit the application to the airport board of adjustment for determination.~~

(Ord. No. 2943, § 1, 12-6-93)

State law reference(s)—From whom permit is obtained, V.T.C.A. Local Government Code, § 241.020; Administrative agency, V.T.C.A. Local Government Code, § 241.031.

Sec. 3-150 ~~Sec. 3-149.~~ Airport ~~b~~Board of ~~a~~Adjustment.

In accordance with Chapter 20, Article IV, Division 1, and applicable State law, the Airport Board of Adjustment is hereby invested with authority and powers as follows:

- (1) *In General.* To exercise such duties and powers as may be now or hereafter conferred by the Charter of the City of Mesquite, Mesquite Zoning Ordinance, City Code, or applicable laws of the State of Texas.
- (2) *Administer oaths and compel attendance of witnesses.* The Chair, or in his/her absence the Vice-Chair, may administer oaths and compel the attendance of witnesses.
- (3) *Appeals of the administrative official's decisions made regarding Airport Zoning regulations.* Hear and decide appeals that allege error in any order, requirement, decision, or determination made by an administrative official in the enforcement of airport zoning regulations.
- (4) *Special Exceptions.* Hear and decide special exceptions to the terms of an airport zoning regulation when this City Code, Mesquite Zoning Ordinance, or State law requires the Board to do so.
- (5) *Variances.* Hear and decide specific variances, related to airport zoning regulations, from the terms of the City Code or Mesquite Zoning Ordinance when this City Code, Mesquite Zoning Ordinance, or State law requires the Board to do so.
- (6) *Other matters.* Hear and decide other matters under the City Code or Mesquite Zoning Ordinance as may be authorized by the City Council.

~~(a) — There is hereby created an airport board of adjustment, to have and exercise the power to:~~

- ~~(1) — Hear and decide appeals from any order, requirement, decision or determination made by the city manager or the city planner or their designated representatives in the enforcement of this division; and~~
- ~~(2) — Hear and decide special exceptions to the terms of this division upon which such board of adjustment under such regulations may be required to pass; and~~
- ~~(3) — Hear and decide specific variances.~~

EXHIBIT D TO ORDINANCE NO. 4894
Mesquite City Code. Chapter 3, Article IV – Airport Zoning
City Council Meeting Date: September 7, 2021

- ~~(b) The airport board of adjustment shall consist of five (5) members, three (3) members shall be appointed by the City Council of the City of Mesquite, Texas, and two (2) members shall be appointed by the Town Council of the Town of Sunnyvale, Texas, and each shall serve for a term of two (2) years and be removable for cause by the appointing authority upon written charges, after a public hearing.~~
- ~~(c) The airport board of adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this division, provided that the by-laws of the Mesquite (Zoning) Board of Adjustment shall apply until such time that the airport board of adjustment adopts its own rules. Meetings of the airport board of adjustment shall be held at the call of the chairman and at such times as the airport board of adjustment may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the airport board of adjustment shall be public. The airport board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the city planner and shall be a public record.~~
- ~~(d) The airport board of adjustment shall make written findings of fact and conclusions of law stating the facts upon which it relied when making its legal conclusions in reversing, affirming or modifying any order, requirement, decision or determination which comes before it under the provisions of this division.~~
- ~~(e) The concurring vote of four (4) members of the airport board of adjustment shall be necessary to reverse any order, requirement, decision or determination of the city manager or his designated representative or to decide in favor of the applicant on any matter upon which it is required to pass under this division, or to effect any variation in this division as provided in the Tex. Local Gov't Code Ann. § 241.032(d)(Vernon 1988).~~

(Ord. No. 2943, § 1, 12-6-93)

~~Cross reference(s) – Administration, Ch. 2.~~

~~Cross reference – Powers, Chapter 20, Article IV, Division 1, Sec. 20-2106.~~

State law reference(s)— Board of adjustment, V.T.C.A. Local Government Code, § 241.032 et seq.; Authority of board, V.T.C.A. Local Government Code, § 241.033; Variances, V.T.C.A. Local Government Code, § 241.034; Appeal to board, V.T.C.A. Local Government Code, § 241.036.

Sec. 3-151. – Variances.

- (a) Specific variances. The following are the specific variances a person may seek and apply for from the Airport Board of Adjustment. A person who desires to:
- (1) erect or increase the height of a structure; or
 - (2) permit the growth of an object of natural growth; or
 - (3) otherwise use property in violation of an airport zoning regulation.
- (b) Process and procedures. Variances shall be applied for by an applicant and reviewed by the Airport Board of Adjustment in accordance with the process and procedures identified in Mesquite Zoning Ordinance, Part 5, 5-200, Sec. 5-207 (Variance).
- (c) Approval standards. The Airport Board of Adjustment shall allow a variance from an airport zoning regulation if:
- (1) a literal application or enforcement of the regulation would result in practical difficulty or unnecessary hardship; and
 - (2) the granting of the relief would:
 - a. result in substantial justice being done; and
 - b. not be contrary to the public interest; and
 - c. be in accordance with the spirit of the regulation and this Article.

- (d) Conditions. The Airport Board of Adjustment may impose any reasonable conditions on the variance that it considers necessary to accomplish the purposes of this article.

State law reference – Variances, V.T.C.A. Local Government Code, § 241.034.

Sec. 3-152. Special Exceptions.

- (a) In general. The Airport Board of Adjustment shall hear and decide special exceptions to the terms of an airport zoning regulation when the regulation requires the board to do so.
- (b) Process and procedures. Special exceptions shall be applied for by an applicant and reviewed by the Airport Board of Adjustment in accordance with the process and procedures identified in Mesquite Zoning Ordinance, Part 5, 5-200, Sec. 5-206 (Special Exception).

State law reference – Authority of Board, V.T.C.A. Local Government Code, § 241.033.

Sec. 3-153. ~~Sec. 3-150.~~ Appeals to Airport Board of Adjustment.

- (a) A decision of an administrative official made in its administration of any airport zoning regulation may be appealed to the Airport Board of Adjustment by:
- (1) a person who is aggrieved by the decision;
 - (2) a taxpayer who is affected by the decision; or
 - (3) the City Council, if the City Council believes the administrative decision is an improper application of the airport zoning regulation.
- (b) An appeal of an administrative decision to the Airport Board of Adjustment shall be made in accordance with the process and procedures identified in Mesquite Zoning Ordinance, Part 5, 5-200, Sec. 5-210 (Appeals of Administrative Decisions to Board of Adjustment).

- ~~(a) Any person aggrieved, or any taxpayer affected, by any decision of the city manager or his designated representative made in the administration of this division, if of the opinion that a decision of the city manager or his designated representative is an improper application of these regulations, may appeal to the airport board of adjustment.~~
- ~~(b) All appeals hereunder must be taken within a reasonable time as provided by the rules of the airport board of adjustment, by filing with the city planner or his designated representative a notice of appeal specifying the grounds thereof. The city planner or his designated representative shall forthwith transmit to the airport board of adjustment all the papers constituting the record upon which the action appealed from was taken.~~
- ~~(c) An appeal stays all proceedings in furtherance of the action appealed from, unless the city manager or his designated representative certifies to the airport board of adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate, a stay would, in the opinion of the city manager or his designated representative, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the airport board of adjustment on notice to the city manager or his designated representative and on due cause shown.~~
- ~~(d) The airport board of adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.~~
- ~~(e) The airport board of adjustment may in conformity with the provisions of this division, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances.~~

(Ord. No. 2943, § 1, 12-6-93)

State law reference(s)—Appeal to board, V.T.C.A. Local Government Code, § 241.036.

Sec. 3-154 ~~Sec. 3-151~~. - Judicial review.

* * *

Sec. 3-155 ~~Sec. 3-152~~ - Enforcement and remedies.

* * *

Sec. 3-156 ~~Sec. 3-153~~. Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this division and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail as provided by the Airport Zoning Act, Texas Local Government Code ~~Gov't. Code Ann.~~ § 241.901 and § 241.902 ~~(Vernon 1988)~~.

(Ord. No. 2943, § 1, 12-6-93)

~~State law reference(s)—Conflicting regulations, V.T.C.A. Local Government Code, § 241.901-~~

Conflict of an Airport Hazard Area Zoning Regulation with Another Regulation, V.T.C.A. Local Government Code, § 241.901.

Conflict of an Airport Compatible Land Use Zoning Regulation with Another Regulation, V.T.C.A. Local Government Code, § 241.902.

~~Secs. 3-154~~ 3-157— 3-175. Reserved.

* * *

EXHIBIT E

To Ordinance No. 4894

Mesquite City Code, Chapter 4, Article II – ANIMAL SERVICES ADVISORY COMMITTEE

MESQUITE CITY CODE

* * *

Chapter 4 – ANIMALS

* * *

[Editor's Note: Repeal and replace the text contained in Article II with the following new text.]

ARTICLE II. - ANIMAL SERVICES ADVISORY COMMITTEE

Sec. 4-21. – Establishment of Animal Services Advisory Committee. The Animal Services Advisory Committee is established, in accordance with State law, under this City Code in Chapter 20, Article V, Division 1.

Cross reference – Animal Services Advisory Committee, Chapter 20, Article V, Division 1.

State Law reference— Advisory Committee, V.T.C.A. Health and Safety Code, Title 10, Chapter 823, § 823.005.

Secs. 4-22 – 4-50. – Reserved.

* * *

EXHIBIT F

To Ordinance No. 4894

Mesquite City Code, Chapter 5, Buildings and Construction.

MESQUITE CITY CODE

* * *

Chapter 5 – BUILDINGS AND CONSTRUCTION

ARTICLE I. - IN GENERAL

* * *

[Editor's Note: Repeal and Replace Division 2 with the following new text.]

DIVISION 2. - BUILDING STANDARDS BOARD

Sec. 5-5. Establishment of Building Standards Board.

- (a) The Building Standards Board is established under this City Code in Chapter 20, Article IV, Division 4.
- (b) Building Standards Board matters include, but are not limited to:
 - (1) National model codes – Board review (Sec. 5-6).
 - (2) Appeals of Administrative Decisions to Building Standards Board (Article XIII).
 - (3) Additional duties, powers, and responsibilities assigned by the City Council in compliance with the City Charter, City Code, and laws of the State of Texas.

Sec. 5-6. National model codes – Board review.

- (a) The Building Standards Board shall review, obtain public comment on, and submit recommendations to the City Council on the proposed adoption of, or amendment to, any national model building code(s) and fire code(s) adopted by reference, or otherwise, into the Mesquite City Code.
- (b) The Building Standards Board shall hear from any person requesting a change to the building codes or fire code as adopted by the City.

State Law reference— Building and Rehabilitation Codes, V.T.C.A. Local Government Code, Chapter 214, Subchapter G, [§ 214.211](#) et seq.

Cross references –

Building Standards Board, Chapter 20, Article IV, Division 4.

Building Code, Chapter 5, [Article II-A](#).

Existing Building Code, Chapter 5, [Article II-B](#).

Plumbing Code, Chapter 5, [Article VI](#).

Mechanical Code, Chapter 5, [Article VII](#).

Electrical Code, Chapter 5, [Article VIII](#).

Swimming Pool and Spa Code, Chapter 5, [Article IX](#).

Fuel Gas Code, Chapter 5, [Article X](#).

Residential Code, Chapter 5, [Article XI](#).

Energy Conservation Code, Chapter 5, [Article XII](#).

Fire Code, Chapter 6, [Article II](#).

Property Maintenance Code, Chapter 7, [Article I](#).

Secs. 5-7 – 5-10. – Reserved.

* * *

* * *

ARTICLE II – A. – BUILDING CODE

* * *

DIVISION 2. - AMENDMENTS

Sec. 5-16. Local Amendments to the International Building Code, 2018 Edition.

* * *

[Editor’s Note: Repeal and Replace Line 11 with the following new text.]

* * *	* * *
11	<p>IBC SECTION 113 Appeals.</p> <p><i>Amend section in its entirety to read as follows:</i></p> <p>SECTION 113 APPEALS</p> <p>113.1 General. Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, Chapter 20, Article IV, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).</p>
* * *	* * *

* * *

[Editor's Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough.~~]

* * *

DIVISION 4. - REGISTRATION

* * *

Sec. 5-38. Revocation of registration.

* * *

- (d) *Reinstatement of registration.* Upon correction of the violations, the contractor's registration may be reinstated by the Building Official, or the Building Standards Board in accordance with Article XIII, and Sec. 5-1311 (b)(2) (Reviewing for potential reinstatement of a contractor's registration after revocation).
- (e) ~~*Appeal of Building Official's decision to revoke registration.* Appeal of Building Official's decision to revoke registration. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.~~ *Appeals.*
 - (1) Any person shall have the right to appeal the revocation of a contractor's registration by the Building Official; and Appeal the denial of reinstatement of a contractor's registration by the Building Official.
 - (2) The process and procedures for appealing an administrative decision to the Building Standards board are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).

Sec. 5-39. Withholding the issuance of permits.

* * *

- (b) ~~*Appeal of Building Official's decision to withhold the issuance of permits.* Appeal of Building Official's decision to withhold the issuance of permits. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.~~
 - (1) Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City administrative official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this chapter.
 - (2) The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).

* * *

ARTICLE II – B. – EXISTING BUILDING CODE

* * *

DIVISION 2. - AMENDMENTS

Sec. 5-51. Local Amendments to the International Existing Building Code, 2018 Edition.

* * *

[Editor’s Note: Repeal and Replace Line 11 with the following new text.]

	* * *	* * *
11	IEBC SECTION 112 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>SECTION 112 APPEALS</p> <p>112.1 General. Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, Chapter 20, Article IV, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).</p>
	* * *	* * *

* * *

Secs. 5-52 – 5-55 Reserved.

[Editor's Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough.~~]

ARTICLE V. - CONSTRUCTION OF FENCES

* * *

Sec. 5-147. – Appeals to the Building Standards Board.

~~Any appeal from a decision of the building official under the terms of this article shall be made to the zoning board of adjustment.~~

- (a) The Building Standards Board hears and decides appeals that allege error in an order, requirement, decision, or determination made by the Building Official or any other administrative official (sometimes herein referred to collectively as an "administrative decision"), in the application, enforcement, or interpretation of this article.
- (b) The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).

Cross reference – Appeals of Administrative decisions to Building Standards Board: Article XIII.

* * *

Sec. 5-151. – Approval of alternate materials and/or alternative construction methods.

- (a) In general. The Building Official may approve alternate materials and alternative construction methods for fences.
- (b) Approval standard. The Building Official shall review the request for purposes of determining as to whether the alternative material or alternative construction method equally meets the applicable code's standards.
- (c) Appeals.
 - (1) When the Building Official or other administrative official rejects the use of alternate materials and alternative construction methods for fences, a person may request to appeal the administrative decision to the Building Standards Board.
 - (2) The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).

Sec. 5-152. – Variances.

- (a) In general. A variance from the terms of this Article V (Construction of Fences) may be applied for and requested from the Board of Adjustment. By way of example, a request to exceed the height restrictions or height requirements in the construction of fences is considered a variance request that should be made to the Board of Adjustment.
- (b) Process and procedures. Variances shall be applied for by an applicant and reviewed by the Board of Adjustment in accordance with the process and procedures identified in Mesquite Zoning Ordinance, Part 5, 5-200, Sec. 5-207 (Variance).

Sec. 5-153 ~~Sec. 5-151.~~ – Offense and enforcement.

* * *

ARTICLE VI. - PLUMBING CODE

* * *

DIVISION 2. - AMENDMENTS

Sec. 5-206. Local Amendments to the International Plumbing Code, 2018 Edition.

* * *

[Editor's Note: Repeal and Replace Line 14 with the following new text.]

	* * *	* * *
14	IPC SECTION 109 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>SECTION 109 APPEALS</p> <p>109.1 General. Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, Chapter 20, Article IV, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).</p>
	* * *	* * *

* * *

* * *

DIVISION 4. - REGISTRATION

* * *

Sec. 5-248. Revocation of registration.

* * *

- (d) *Reinstatement of registration.* Upon correction of the violations, the contractor's registration may be reinstated by the Building Official, or the Building Standards Board in accordance with Article XIII, and Sec. 5-1311 (b)(2) (Reviewing for potential reinstatement of a contractor's registration after revocation).
- (e) ~~*Appeal of Building Official's decision to revoke registration.* Appeal of Building Official's decision to revoke registration. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.~~ *Appeals.*
- (1) Any person shall have the right to appeal the revocation of a contractor's registration by the Building Official; and Appeal the denial of reinstatement of a contractor's registration by the Building Official.
- (2) The process and procedures for appealing an administrative decision to the Building Standards board are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).

Sec. 5-249. Withholding the issuance of permits.

* * *

- (b) ~~*Appeal of Building Official's decision to withhold the issuance of permits.* Appeal of Building Official's decision to withhold the issuance of permits. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.~~
- (1) Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City administrative official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this chapter.
- (2) The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).

* * *

ARTICLE VII. - MECHANICAL CODE

* * *

DIVISION 2. - AMENDMENTS

Sec. 5-321. Local Amendments to the International Mechanical Code, 2018 Edition.

* * *

[Editor's Note: Repeal and Replace Line 14 with the following new text.]

* * *	* * *
14	<p>IMC SECTION 109 Appeals.</p> <p><i>Amend section in its entirety to read as follows:</i></p> <p>SECTION 109 APPEALS</p> <p>109.1 General. Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, Chapter 20, Article IV, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).</p>
* * *	* * *

* * *

DIVISION 4. - REGISTRATION

* * *

Sec. 5-332. Withholding the issuance of permits.

* * *

- (d) *Reinstatement of registration.* Upon correction of the violations, the contractor's registration may be reinstated by the Building Official, or the Building Standards Board in accordance with Article XIII, and Sec. 5-1311 (b)(2) (Reviewing for potential reinstatement of a contractor's registration after revocation).
- (e) ~~*Appeal of Building Official's decision to revoke registration.* Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.~~ *Appeals.*
- (1) Any person shall have the right to appeal the revocation of a contractor's registration by the Building Official; and Appeal the denial of reinstatement of a contractor's registration by the Building Official.
- (2) The process and procedures for appealing an administrative decision to the Building Standards board are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).

Sec. 5-333. Withholding the issuance of permits.

* * *

- (b) ~~*Appeal of Building Official's decision to withhold the issuance of permits.* Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.~~
- (1) Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City administrative official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this chapter.
- (2) The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).

* * *

ARTICLE VIII. - ELECTRICAL CODE

* * *

DIVISION 4. - REGISTRATION

* * *

Sec. 5-383. Revocation of registration.

* * *

- (d) *Reinstatement of registration.* Upon correction of the violations, the contractor's registration may be reinstated by the Building Official, or the Building Standards Board in accordance with Article XIII, and Sec. 5-1311 (b)(2) (Reviewing for potential reinstatement of a contractor's registration after revocation).
- (e) ~~*Appeal of Building Official's decision to revoke registration.*~~ ~~Appeal of Building Official's decision to revoke registration. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.~~ *Appeals.*
- (1) Any person shall have the right to appeal the revocation of a contractor's registration by the Building Official; and Appeal the denial of reinstatement of a contractor's registration by the Building Official.
- (2) The process and procedures for appealing an administrative decision to the Building Standards board are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).

Sec. 5-384. Withholding the issuance of permits.

* * *

- (b) ~~*Appeal of Building Official's decision to withhold the issuance of permits.*~~ ~~Appeal of Building Official's decision to withhold the issuance of permits. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.~~
- (1) Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City administrative official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this chapter.
- (2) The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).

* * *

ARTICLE IX. - SWIMMING POOL AND SPA CODE.

* * *

DIVISION 2. - AMENDMENTS.

Sec. 5-406. Local Amendments to the International Swimming Pool and Spa Code, 2018 Edition.

* * *

[Editor's Note: Repeal and Replace Line 13 with the following new text.]

	* * *	* * *
13	ISPC SECTION 108 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>SECTION 108 APPEALS</p> <p>108.1 General. Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, Chapter 20, Article IV, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).</p>
	* * *	* * *

* * *

* * *

DIVISION 4. - REGISTRATION

* * *

Sec. 5-433. Revocation of registration.

* * *

- (d) *Reinstatement of registration.* Upon correction of the violations, the contractor's registration may be reinstated by the Building Official, or the Building Standards Board in accordance with Article XIII, and Sec. 5-1311 (b)(2) (Reviewing for potential reinstatement of a contractor's registration after revocation).
- (e) ~~*Appeal of Building Official's decision to revoke registration.*~~ ~~Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.~~ *Appeals.*
 - (1) Any person shall have the right to appeal the revocation of a contractor's registration by the Building Official; and Appeal the denial of reinstatement of a contractor's registration by the Building Official.
 - (2) The process and procedures for appealing an administrative decision to the Building Standards board are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).

Sec. 5-434. Withholding the issuance of permits.

* * *

- (b) ~~*Appeal of Building Official's decision to withhold the issuance of permits.*~~ ~~Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.~~
 - (1) Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City administrative official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this chapter.
 - (2) The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).

* * *

ARTICLE X. - FUEL GAS CODE

* * *

DIVISION 2. - AMENDMENTS

Sec. 5-531. Local Amendments to the International Fuel Gas Code, 2018 Edition.

* * *

[Editor's Note: Repeal and Replace Line 14 with the following new text.]

	* * *	* * *
14	IFGC SECTION 109 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>SECTION 109 APPEALS</p> <p>109.1 General. Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, Chapter 20, Article IV, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).</p>
	* * *	* * *

* * *

* * *

DIVISION 4. - REGISTRATION

* * *

Sec. 5-543. Revocation of registration.

* * *

- (d) Reinstatement of registration. Upon correction of the violations, the contractor's registration may be reinstated by the Building Official, or the Building Standards Board in accordance with Article XIII, and Sec. 5-1311 (b)(2) (Reviewing for potential reinstatement of a contractor's registration after revocation).
- (e) ~~Appeal of Building Official's decision to revoke registration. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.~~ Appeals.
 - (1) Any person shall have the right to appeal the revocation of a contractor's registration by the Building Official; and Appeal the denial of reinstatement of a contractor's registration by the Building Official.
 - (2) The process and procedures for appealing an administrative decision to the Building Standards board are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).

Sec. 5-544. Withholding the issuance of permits.

* * *

- (b) ~~Appeal of Building Official's decision to withhold the issuance of permits. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.~~
 - (1) Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City administrative official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this chapter.
 - (2) The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).

* * *

ARTICLE XI. - RESIDENTIAL CODE

* * *

DIVISION 2. - AMENDMENTS

Sec. 5-581. Local Amendments to the International Residential Code, 2018 Edition.

* * *

[Editor's Note: Repeal and Replace Line 29 with the following new text.]

	* * *	* * *
29	IRC SECTION R112 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>SECTION R112 APPEALS</p> <p>R112.1 General. Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, Chapter 20, Article IV, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).</p>
	* * *	* * *

* * *

* * *

DIVISION 4. - REGISTRATION

* * *

Sec. 5-703. Revocation of registration.

* * *

- (d) *Reinstatement of registration.* Upon correction of the violations, the contractor's registration may be reinstated by the Building Official, or the Building Standards Board in accordance with Article XIII, and Sec. 5-1311 (b)(2) (Reviewing for potential reinstatement of a contractor's registration after revocation).
- (e) ~~*Appeal of Building Official's decision to revoke registration.*~~ ~~Appeal of Building Official's decision to revoke registration. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.~~ *Appeals.*
- (1) Any person shall have the right to appeal the revocation of a contractor's registration by the Building Official; and Appeal the denial of reinstatement of a contractor's registration by the Building Official.
- (2) The process and procedures for appealing an administrative decision to the Building Standards board are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).

Sec. 5-704. Withholding the issuance of permits.

* * *

- (b) ~~*Appeal of Building Official's decision to withhold the issuance of permits.*~~ ~~Appeal of Building Official's decision to withhold the issuance of permits. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.~~
- (1) Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City administrative official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this chapter.
- (2) The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).

* * *

ARTICLE XII. - ENERGY CONSERVATION CODE

* * *

DIVISION 2. - AMENDMENTS

Sec. 5-831. Local Amendments to the International Energy Conservation Code, 2018 Edition.

* * *

[Editor's Note: Repeal and Replace Line 07 with the following new text.]

* * *	* * *
29	<p>IECC SECTION C109 Appeals.</p> <p><i>Amend section in its entirety to read as follows:</i></p> <p>SECTION C109 APPEALS</p> <p>C109.1 General. Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, Chapter 20, Article IV, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).</p>
* * *	* * *

* * *

* * *

DIVISION 4. - REGISTRATION

* * *

Sec. 5-903. Revocation of registration.

* * *

- (d) *Reinstatement of registration.* Upon correction of the violations, the contractor's registration may be reinstated by the Building Official, or the Building Standards Board in accordance with Article XIII, and Sec. 5-1311 (b)(2) (Reviewing for potential reinstatement of a contractor's registration after revocation).

- (e) ~~*Appeal of Building Official's decision to revoke registration.*~~ ~~Appeal of Building Official's decision to revoke registration. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.~~ *Appeals.*
 - (1) Any person shall have the right to appeal the revocation of a contractor's registration by the Building Official; and Appeal the denial of reinstatement of a contractor's registration by the Building Official.

 - (2) The process and procedures for appealing an administrative decision to the Building Standards board are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).

Sec. 5-904. Withholding the issuance of permits.

* * *

- (b) ~~*Appeal of Building Official's decision to withhold the issuance of permits.*~~ ~~Appeal of Building Official's decision to withhold the issuance of permits. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.~~
 - (1) Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City administrative official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this chapter.

 - (2) The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).

* * *

[Editor's Note: ADD New Article XIII, starting with Sec. 5-1301 as follows.]

ARTICLE XIII. - APPEALS OF ADMINISTRATIVE DECISIONS TO BUILDING STANDARDS BOARD.

Sec. 5-1301. In general.

An applicant, permittee, contractor, or other interested party may appeal a decision made by a City administrative official, including the Building Official and the Fire Code Official, as herein identified in this article. The appeal provides for a review of the administrative decision by the Building Standards Board for the purpose of the Board to determine whether the administrative official correctly applied and/or interpreted the Building Codes or Fire Codes, and the accompanying regulations.

Cross references –

Chapter 5 – Buildings and Construction
Chapter 6 – Fire Prevention and Protection

Sec. 5-1302. Authority.

The Building Standards Board has authority to hear and decide the following types of appeals and related matters:

- (1) *Appeals of Administrative Decisions.* Hear and decide appeals that allege error in an order, requirement, decision, or determination made by an administrative official (sometimes herein referred to collectively as an "administrative decision") including the Building Official and Fire Code Official, in the application, enforcement or interpretation of the Building Codes or Fire Codes as adopted by the City, not including the Mesquite Zoning Ordinance.
- (2) *Contractor Registration.*
 - a. *Appeal of revocation of contractor's registration by Building Official; and Appeal of denial of reinstatement of Contractor's registration by Building Official.*
 1. Hear and decide appeals that allege error in a revocation of a contractor's registration by the Building Official.
 2. Hear and decide appeals that allege error in a denial of reinstatement of contractor's registration by the Building Official.
 - b. *Reviewing for potential reinstatement of a contractor's registration after revocation by Building Official.* Review a contractor's registration, for purposes of reinstatement, after revocation by the Building Official.
- (3) *Use of Alternate Materials and Alternative Construction Methods.*
 - a. Review the request to use alternate materials and alternative construction methods for purposes of determining as to whether the alternate material or alternative construction method equally meets the applicable code's standards.
 - b. When the Building Official or other administrative official rejects the use of alternate materials and alternative construction methods, a person may request to appeal the administrative decision to the Building Standards Board. The Board reviews for purposes of determining as to whether the alternate material or alternative construction method equally meets the applicable code's standards.

Cross references –

Certain regulations regarding building products, materials, or aesthetic methods prohibited, Chapter 5, Article I, Division 1, [Sec. 5-4](#).
Building Code, Chapter 5, [Article II-A](#); Existing Building Code, Chapter 5, [Article II-B](#);
Plumbing Code, Chapter 5, [Article VI](#); Mechanical Code, Chapter 5, [Article VII](#);
Electrical Code, Chapter 5, [Article VIII](#); Swimming Pool and Spa Code, Chapter 5, [Article IX](#);
Fuel Gas Code, Chapter 5, [Article X](#); Residential Code, Chapter 5, [Article XI](#);
Energy Conservation Code, Chapter 5, [Article XII](#); Fire Code, Chapter 6, [Article II](#).
Property Maintenance Code, Chapter 7, [Article I](#).
Building Standards Board fees, Mesquite City Code, Appendix D – Comprehensive Fee Schedule, [Section 12-120](#).

State Law references—

Governmental action affecting residential and commercial construction, V.T.C.A. Government Code, [§ 3000.001](#) et seq.
Building and Rehabilitation Codes, V.T.C.A. Local Government Code, Chapter 214, Subchapter G, [§ 214.211](#) et seq.

Sec. 5-1303. Persons authorized to make an appeal.

In accordance with this article, any of the following persons or bodies may appeal to the Board:

- (1) An applicant, permittee, contractor, or other interested party aggrieved by the administrative decision, including enforcement and interpretation, revocation, or other matters; or
- (2) Any officer, department, board, or commission of the City affected by the administrative decision, including enforcement and interpretation, revocation, or other matters.

Sec. 5-1304. Initiating an appeal and deadline.

- (a) *Notice of appeal.* The appellant must file with the Board, and the official from whom the appeal is taken, a notice of appeal specifying the grounds for the appeal.
- (b) *Fee.* Unless otherwise herein authorized, a notice of appeal must be accompanied by the required fee(s) as set in Appendix D – Comprehensive Fee Schedule, Article XII, [Section 12-120](#) (Building Standards Board fees). There are no fee requirements if a notice of appeal is filed by any officer, department, board, or commission of the City.
- (c) *Content of notice of appeal.* A notice of appeal shall be filed in writing and on forms as may be provided by the Building Official. A notice of appeal shall at minimum identify the following:
 - (1) The name, address, and telephone number of the appellant.
 - (2) The name of the original applicant (if the appellant is not the original applicant).
 - (3) The name or title of the administrative official that issued the decision.
 - (4) The decision being appealed.
 - (5) The date of decision.
 - (6) A description of the appellant's status as a person authorized to make an appeal.
 - (7) The reasons the appellant believes the decision is in error and does not comply with the requirements of this City Code.
 - (8) How the Building Official's or Fire Code Official's order, decision, revocation, or determination should be modified or reversed, in whole or in part.

- (d) *Deadline.* The appeal must be filed not later than the thirtieth (30th) day after the date the decision is made, provided that if the thirtieth (30th) day falls on a Saturday, Sunday or City holiday, the time for filing the appeal shall be extended to the end of the next business day. The date the administrative decision (or Board's decision for reconsideration) is made shall be considered Day Zero (0).

Sec. 5-1305. Acceptance and official filing of notice of appeal.

- (a) A notice of appeal is considered accepted and officially filed upon the Building Inspection Division's receipt before 5:00 p.m. on a business day during normal office hours.
- (b) Any notice of appeal received on or after 5:00 p.m. on a business day or on Saturday, Sunday, or holidays shall not be considered officially accepted and filed until the next business day following the date the information was received or entered.
- (c) A notice of appeal shall not be considered accepted and officially filed unless it is accompanied by the required fee(s) as set in the City of Mesquite Comprehensive Fee Schedule, or the fee shall be paid in accordance with any City-issued invoice if applicable. If the fee is not paid, upon the filing of the notice of appeal or in accordance with the terms of any City-issued invoice, the appeal shall not proceed for decision.

Cross reference— Building Standards Board fees, Mesquite City Code, Appendix D – Comprehensive Fee Schedule, [Section 12-120](#).

Sec. 5-1306. Action by Building Official.

The Building Official shall take the following actions upon the City's acceptance and the official filing of the notice of appeal:

- (1) Upon receipt of a notice of appeal, the administrative official from whom the appeal is taken shall be immediately notified. The administrative official shall immediately transmit to the Board all the papers constituting the record of the action that is appealed.
- (2) The Building Official and/or the Fire Code Official shall review and produce the records of the action(s), including a summary of the record, for transmission and presentation to the Board.
- (3) The Building Official shall schedule the appeal in accordance with Section 5-1307 (Scheduling of public hearing).
- (4) The Building Official shall provide notice in accordance with Section 5-1308 (Notice of public hearing for appeal).

Sec. 5-1307. Scheduling of public hearing.

- (a) A public hearing on an accepted and officially filed appeal shall be scheduled for the first available regular Building Standards Board meeting for which notice of the public hearing can be timely provided.
- (b) A public hearing at the Building Standards Board meeting shall not be scheduled within ten (10) days of an officially filed appeal. The public hearing may be scheduled on the eleventh (11th) day or thereafter. The date the appeal is considered officially filed is considered Day Zero (0).

Sec. 5-1308. Notice of public hearing for an appeal.

The Building Official shall provide notice of the public hearing regarding any appeal pursuant to this Article as follows:

- (1) *Public notice pursuant to the Open Meetings Act.* All public hearings shall be held at public meetings of the Board. The public notice for meetings shall comply with the Texas Open Meetings Act.
- (2) *Other notice.* The Building Official shall give notice of a public hearing by mailing notice to the appellant and the administrative official regarding an appeal not later than the tenth (10th) day before the date of the public hearing, unless otherwise provided. The date of the public hearing shall be considered Day Zero (0).

State Law references—

V.T.C.A., Government Code, Open Meetings Act, Notice of Meeting, § 551.041.

V.T.C.A., Government Code, Open Meetings Act, Time and Accessibility of Notice, § 551.043.

Sec. 5-1309. Action by the Building Standards Board.

- (a) *Preliminary issues prior to opening a public hearing.* Before opening a hearing, the Board shall decide preliminary issues raised by the parties or City staff, including, but not limited to, requests to postpone the public hearing. The Board shall also decide whether the appellant has standing (which include issues of timeliness, jurisdiction, or ripeness) to appeal.
- (b) *Actions.* The Board must determine the appeal based upon the hearing, properly submitted records and comments, and render a decision to:
 - (1) Affirm; or
 - (2) Modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the otherwise correct order, requirement, decision, or determination, and for that purpose the Board has the same authority as the administrative official; or
 - (3) Reverse.
- (c) *Postponement, continuance or adjournment without decision.* The Board may also, including but not limited to:
 - (1) Postpone holding the public hearing and consideration of the appeal to a later date so long as the appeal is decided not later than the sixtieth (60th) day after the date the appeal is accepted and officially filed; or
 - (2) Continue an opened public hearing and consideration of the appeal to a later date so long as the appeal is decided not later than the sixtieth (60th) day after the date the appeal is accepted and officially filed.

Sec. 5-1310. Appellant burden.

The appellant is responsible for establishing the administrative official's administrative decision is:

- (1) contrary to the applicable law or regulations, or
- (2) incorrectly interprets or applies the applicable law or regulations; or
- (3) in error because the provisions of the code, law, or rule do not fully apply; or
- (4) no longer valid because the violations have been corrected, and there are no other grounds for the registration to remain revoked; or
- (5) being applied in an overly broad manner because an equal or better form of materials or construction method is being proposed.

Sec. 5-1311. Approval Standards.

(a) *Appeal of administrative decision.* In order to grant an appeal modifying or reversing an administrative decision, in whole or in part, the Board must:

- (1) find the City staff's administrative decision is erroneous; and
- (2) provide a statement of grounds in support of the finding; and
- (3) state what the Board determines to be the correct interpretation of the matter at issue in the appeal.

(b) *Contractor registration.*

(1) *Appeal of revocation of Contractor's registration by Building Official; and Appeal of denial of reinstatement of Contractor's registration by Building Official.* In order to grant an appeal modifying or reversing an administrative decision, in whole or in part, the Board must:

- a. find the City staff's administrative decision is erroneous; and
- b. provide a statement of grounds in support of the finding; and
- c. state what the Board determines to be the correct interpretation of the matter at issue in the appeal.

(2) *Reviewing for potential reinstatement of a contractor's registration after revocation.* In order to reinstate a contractor's registration, the Board must:

- a. Make a finding that either:
 1. the City staff's administrative decision to revoke the registration was originally in error and the contractor's registration should be reinstated; or
 2. the revocation is no longer valid because
 - (i) the violations have been corrected, and
 - (ii) there are no other grounds for the registration to remain revoked, and
 - (iii) the contractor's registration should be reinstated; and
- b. provide a statement of grounds in support of the finding; and
- c. state the Board's action is to reinstate the contractor's registration.

- (c) *Review of use of alternate materials or alternative construction methods.* In order to grant an alternate material or alternative construction method, the Board must make a finding that:
 - (1) the alternate material or alternative construction method equally meets or exceeds the applicable code's standards; and
 - (2) provide a statement of grounds in support of the finding, considering the alternate/alternative's adequacy, stability, strength, sanitation, and safety for the public's health and welfare.

Sec. 5-1312. Vote required.

- (a) *Motion to affirm, in whole, the administrative decision.* The concurring vote of a simple majority of a QUORUM, of the Building Standards Board present and voting, is required to affirm in whole, an administrative decision of an administrative official.
- (b) *Motion to modify the administrative decision.* The concurring vote of two-thirds ($\frac{2}{3}$) (a "super-majority") of a QUORUM, of the Building Standards Board present and voting, is required to modify an administrative decision of an administrative official.
- (c) *Motion to reverse, in whole, the administrative decision.* The concurring vote of two-thirds ($\frac{2}{3}$) (a "super-majority") of a QUORUM, of the Building Standards Board present and voting, is required to reverse in whole, an administrative decision of an administrative official.
- (d) *All other motions.* A simple majority vote of the Building Standards Board is be required to approve any motion other than a motion to modify or a motion to reverse.

Sec. 5-1313. Decision and notice of Board decision.

- (a) *Decision.* The Building Standards Board decision shall be final with respect to the matter presented in the appeal, only open to reconsideration by the Building Standards Board based upon application from the City Attorney's Office, in accordance with the same process and procedures of this article, that the Board's findings are inconsistent with or violate the law.
- (b) *Delivery and filing of Board decision.*
 - (1) The City will promptly e-mail, and personally deliver or mail by first class certified mail return receipt requested (CMRRR), a copy of the Board's final decision and order, if applicable, to all parties to the appeal.
 - (2) The Board must also file a copy of the final decision and order, if applicable, in the City Secretary's Office.

Secs. 5-1314—5-1400. - Reserved.

EXHIBIT G

To Ordinance No. 4894

Mesquite City Code, Chapter 6, Article II – FIRE CODE

MESQUITE CITY CODE

* * *

Chapter 6 – FIRE PREVENTION AND DETECTION

* * *

ARTICLE II. - FIRE CODE

* * *

DIVISION 2. - AMENDMENTS

Sec. 6-151. Local Amendments to the International Fire Code, 2018 Edition.

* * *

[Editor’s Note: Repeal and Replace Line 08 with the following new text.]

	* * *	* * *
08	IFC SECTION 109 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>SECTION 109 APPEALS</p> <p>109.1 General. Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, and interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, Chapter 20, Article IV, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decision to Building Standards Board).</p>
	* * *	* * *

* * *

EXHIBIT H

To Ordinance No. 4894

Mesquite City Code, Chapter 7 - Housing, Article I – PROPERTY MAINTENANCE CODE

MESQUITE CITY CODE

* * *

Chapter 7 – HOUSING

ARTICLE I. - PROPERTY MAINTENANCE CODE

DIVISION 1. - GENERALLY

* * *

[Editor's Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough~~.]

Sec. 7-2. – General Terms.

The following terms shall be applicable in the International Property Maintenance Code adopted in Section 7-1:

Housing advisory and board of appeal. All references to housing advisory and board of appeal used in the International Property Maintenance Code shall mean the Building Standards Board established in ~~Section 5-25~~ Chapter 20, Article IV, Division 4 (Building Standards Board) of the City Code.

Cross references –

National model codes - Board review, Chapter 5, Article I, Division 2, Sec. 5-6.
Appeals of Administrative Decisions to Building Standards Board, Chapter 5, Article XIII.
Substandard, Dilapidated, and Dangerous Buildings and Other Structures, Chapter 5, Article XIV.

* * *

EXHIBIT I

To Ordinance No. 4894

Mesquite City Code, Chapter 15.5 – TREES AND VEGETATION

MESQUITE CITY CODE

* * *

Chapter 15.5 – TREES AND VEGETATION

[Editor's Note: Repeal and replace the Sec. 15.5–1 with the following new text.]

Sec. 15.5–1. Establishment of Tree Advisory Board.

The Tree Advisory Board is established under this City Code in Chapter 20, Article V, Division 6.

Cross reference –Tree Advisory Board, Chapter 20, Article V, Division 6.
(Ord. No. 2704, § 1, 10-15-90)

[Editor's Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough~~.]

Sec. 15.5–2. – City Arborist.

- (a) *City Arborist.* The position of ~~municipal arborist~~ City Arborist is hereby established.
- (1) The director of the city parks and recreation department shall appoint a qualified individual from his/her staff to fulfill the position of ~~municipal arborist~~ City Arborist.
- (b) Authority. The ~~municipal arborist~~ City Arborist acting with the assistance of the ~~tree board~~ Tree Advisory Board is granted the authority, control and supervision over all trees growing in, upon, or over all public property in the city. This authority includes but is not limited to the planting, removal, care, maintenance, trimming, spraying and protection of all such trees.
- (c) City departmental assistance. The ~~municipal arborist~~ City Arborist will request assistance from the city public services department and department of community development as such assistance is needed in order that the services and work described in this chapter may be accomplished, and such departments will provide assistance and services which they have equipment and personnel skilled to perform as such assistance and service are needed to effect the purposes of this chapter. Such assistance and service shall include but not be limited to the provisions of this chapter as they relate to streets, alleys, rights-of-way, drainage, easements, and all other public properties not under the direct jurisdiction of the parks and recreation department.

(Ord. No. 2704, § 2, 10-15-90)

Sec. 15.5-3. - ~~Section 15-1 as part of tree planting program~~ Tree Planting Program – Incorporation by reference.

The standards and provisions regarding the development of medians and boulevards within the city established and adopted by the city council in Chapter 15, Article I, Section 15-1 are made a part of the city tree planting program and is incorporated herein as if set out word for word, under the authority of the ~~municipal arborist~~ City Arborist.

(Ord. No. 2704, § 3, 10-15-90)

Sec. 15.5-4. - Public trees approved.

- (a) Trees planted on public property shall be called public trees and shall be approved by the ~~municipal arborist~~ City Arborist.

- (b) The following trees are approved public trees:
 - (1) Eastern Red Cedar,
 - (2) Crepe Myrtle,
 - (3) Bald Cypress,
 - (4) Pond Cypress,
 - (5) Cedar Elm,
 - (6) Ginkgo,
 - (7) Goldenrain Tree,
 - (8) Deciduous Holly,
 - (9) all Oaks (except Pin Oak),
 - (10) Flowering Peach,
 - (11) Bradford Pear,
 - (12) Eldarica Pine,
 - (13) Chinese Pistachio,
 - (14) Purpleleaf Plum,
 - (15) Redbud,
 - (16) Sweetgum, and
 - (17) other trees that are approved upon review by the ~~municipal arborist~~ City Arborist.

(Ord. No. 2704, § 4, 10-15-90)

Sec. 15.5-5. - Damage to trees prohibited.

Unless specifically authorized by the ~~municipal arborist~~ City Arborist, no person shall:

- (1) intentionally damage any tree,
- (2) cut any tree,
- (3) carve any tree,
- (4) transplant any tree, ~~or~~
- (5) remove any tree_;
- (6) attach any rope to any tree,
- (7) attach wire, nails, or advertising posters_; or other contrivance to any tree;
- (8) allow any gaseous liquid or solid substance which is harmful to such trees to come into contact with them; or
- (9) set any fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.

(Ord. No. 2704, § 5, 10-15-90)

Sec. 15.5-6. - Hindering City arborist.

No person shall hinder, prevent, delay or interfere with the ~~municipal arborist~~ City Arborist or any of his/her assistants while engaged in carrying out the execution of this chapter provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of the property rights of any owner of any property within the municipality.

(Ord. No. 2704, § 6, 10-15-90)

Sec. 15.5-7. - Protection of trees during excavation, construction.

- (a) All trees on any street or other publicly owned property near any excavation or construction of any building, structure or street work shall be guarded with a good substantial fence, frame or box of not less than four (4) feet high and eight (8) feet square or at a distance in feet from the tree equal to the diameter of the trunk in inches dbh, whichever is greater; and all building materials, dirt or other debris shall be kept outside the barrier.
- (b) No person shall excavate any ditches, tunnels, trenches or lay any drive within a radius of ten (10) feet from any public tree without first obtaining a written permit from the ~~municipal arborist~~ City Arborist.

(Ord. No. 2704, § 7, 10-15-90)

Sec. 15.5-8. - Impeding of nutrients to trees only by permission.

No person shall deposit, place, store or maintain upon any public place of the city any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air or fertilizer to the roots of any tree growing therein except by written permission of the ~~municipal arborist~~ City Arborist.

(Ord. No. 2704, § 8, 10-15-90)

Sec. 15.5-9. - Pruning to prevent obstructions.

(a) Duty of owner and/or occupier of property.

- (1) It shall be the duty of the person owning or occupying real property which borders a public street, alley, or sidewalk to prune the trees located on said property in such a manner that they will not:
 - a. obstruct or shade the streetlights,
 - b. obstruct the passage of pedestrians,
 - c. obstruct vision of traffic signs, or
 - d. obstruct the view of any street or alley intersection.
- (2) The minimum clearance of any overhanging portion thereof shall be:
 - a. ten (10) feet over sidewalks, and
 - b. fourteen (14) feet over all streets and alleys.

(b) Process and procedures.

- (1) *Notice to prune.* Should any person required herein to prune trees fail to prune trees as herein provided, the ~~municipal arborist~~ City Arborist shall notify such person in writing that they are not in compliance with this section and require that such person comply with this section within ten (10) days after receipt of the written notice.
- (2) *Notice served.* The notice required herein shall be served by personal hand delivery to the owner or occupant or by mailing by certified mail a copy of the notice to the last-known address of the owner or occupant.
- (3) *Failure to comply.* When a person to whom notice is given fails to comply with this section within the specified time, it shall be lawful for the city to prune the obstructing trees, and the exact cost thereof shall be billed to and become a personal liability of such person.

- (4) *Emergency.* In any location in the city where an overhanging tree or trees have not been pruned as required herein and are obstructing the view of a stop sign or other traffic-control device or obstructing visibility at an intersection, the city may, without notice to the person owning or occupying the property on which the tree or trees are located, prune such trees so as to eliminate the obstruction. In such case, the city shall assume the cost of the pruning.

(Ord. No. 2704, § 9, 10-15-90; Ord. No. 3818, § 1, 9-5-06)

Sec. 15.5-10. – Appeals of decisions of the City Arborist to the Board of Adjustment.

Decisions of the City's Arborist may be appealed to the Board of Adjustment in accordance with Mesquite Zoning Ordinance, Section 5-210 (Appeals of administrative decisions to Board of Adjustment).

Sec. 15.5-~~10~~11. - Severability.

Should any word, sentence, clause, paragraph or provision of this chapter be held to be invalid or unconstitutional, the remaining provisions of this chapter shall remain in full force and effect.

(Ord. No. 2704, § 10, 10-15-90)

Sec. 15.5-~~11~~12. - Penalty.

Any person, firm or corporation violation any of the provisions or terms of this chapter shall be deemed to be guilty of a class C misdemeanor and upon conviction in the municipal court shall be punished by a fine not to exceed five hundred dollars (\$500.00) for each offense.

(Ord. No. 2704, § 11, 10-15-90)

EXHIBIT J

To Ordinance No. 4894

Mesquite City Code
APPENDIX D – COMPREHENSIVE FEE SCHEDULE

Article VI – Fire
Article XII – Planning and Development Services

MESQUITE CITY CODE

* * *

APPENDIX D – COMPREHENSIVE FEE SCHEDULE

* * *

ARTICLE VI. - FIRE

* * *

[Editor's Note: ADD new Sec. 6–107 as follows.]

Sec. 6-107. – Appeals.

Appeals of administrative decisions to the Building Standards Board under City Code, Chapter 6, [Article II \(Fire Code\)](#):

Appeals of Administrative Decisions: includes Building Official and Fire Code Official\$250.00

Contractor Registration

Appeals of Revocation of Contractor Registration by Building Official\$300.00

Appeals of Denial of Reinstatement of Contractor's Registration by Building Official\$300.00

Review of Contractor's Registration for Reinstatement after Revocation by Building Official\$300.00

Use of alternate materials and alternative construction methods\$250.00

Cross reference – Appeals of Administrative Decisions to the Building Standards Board, Mesquite City Code, Chapter 5, Article XIII.

* * *

ARTICLE XII. - PLANNING AND DEVELOPMENT SERVICES

* * *

[Editor's Note: ADD new Sec. 12–120 as follows.]

Sec. 12-120. – Building Standards Board fees.

Appeals of administrative decisions to the Building Standards Board under City Code, [Chapter 5](#):

Appeals of Administrative Decisions: includes Building Official and Fire Code Official\$250.00

Contractor Registration

Appeals of Revocation of Contractor Registration by Building Official\$300.00

Appeals of Denial of Reinstatement of Contractor's Registration by Building Official\$300.00

Review of Contractor's Registration for Reinstatement after Revocation by Building Official\$300.00

Use of alternate materials and alternative construction methods\$250.00

Cross reference – Appeals of Administrative Decisions to the Building Standards Board, Mesquite City Code, Chapter 5, Article XIII.

* * *