



**Regular Meeting
Senior Citizens Advisory Board
Tuesday, March 8, 2022, 2:00 PM
Dunbar Recreation Center
801 MLK Dr.
San Marcos, Texas**

AGENDA

I. Call to Order

II. Roll Call

III. 30 Minute Citizen Comment Period (Each speaker signed up prior to the meeting being called to order will be called in the order in which they signed-up. Each speaker will be provided up to three minutes to speak.

IV. MINUTES

1. Consider approval, by motion, of the December 14, 2021 meeting minutes.

V. Presentations

2. Yearly Staff review of Bylaws and Code of Ethics

VI. Action Items

3. Select a new Chair and Vice-Chair, by majority vote, for the term beginning April 1, 2022, and ending March 31, 2023.

4. Adoption of City Council amended/approved the Standard Board and Commission Bylaws.

VII. Discussion Items

5. Review / Discuss Senior Citizen Advisory Board Mission and Goals Statement and Senior Citizen Advisory Board Ordinance for new members.

6. Discuss Local Resource Guide for Seniors on the City's Website.

7. Discuss Outstanding Senior Citizen Award 2021

VIII. Future Agenda Items

Board Members may provide requests for discussion items for a future agenda in accordance with the board's approved bylaws. No further discussion will be held related to topics proposed until they are posted on a future agenda in accordance with the Texas Open Meetings Act.

IX. Question and Answers from the Press and Public

This is an opportunity for the Press and Public to ask questions related to items on this agenda.

X. Adjournment

Posted on the _____ day of _____, 20____, at _____ am/pm

Notice of Assistance at the Public Meetings.

The City of San Marcos is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 days (48 hours) before the meeting date. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to ADArequest@sanmarcostx.gov.



Regular Meeting
Senior Citizens Advisory Board
Tuesday, December 14, 2021 2:00 PM

I. Call to Order

The meeting was called to order by Board Chair Wayne Schurter at 2:08 pm

II. Roll Call

Board Members Present:

Alan Atchison

Ron Page

Mae Watts Parrish

Diane Eure

Wayne Schurter

Board Members Absent: (at time of roll call)

David Ross

Kate Clayton (Kate was there before the meeting but went home sick)

Staff Present:

Nick Riali

- III. 30 Minute Citizen Comment Period** Each speaker signed up prior to the meeting being called to order will be called in the order in which they signed-up. Each speaker will be provided up to three minutes to speak. Persons wishing to participate (speak) during the Citizen Comment portion of the meeting must email nriali@sanmarcostx.gov prior to 12:00PM the day of the meeting. A call-in number to join by phone or link to join by a mobile device, laptop or desktop computer will be provided for participation.

No Citizens were present.

IV. MINUTES

1. Consider approval, by motion, of the September 14, 2021 regular meeting minutes

A motion was made by Mae Parrish, seconded by Diane Eure, to approve the minutes from the September 4, 2021 regular meeting. The motion carried by the following vote:

For 5 - Alan Atchison, Ron Page, Mae Watts Parrish, Diane Eure, Wayne Schurter

Against 0

V. PRESENTATIONS

2. Receive a Presentation from Board Member Mae Parrish and Ron Page on the Senior Resource Guide and discussion with Communications Director regarding the board's request to be placed on the City's website.

- Board Member Ron Page stated Mae read through most what we were proposing to do (at the last meeting). Basically what we want is a slot on the City's Website for us (The Board) to populate with information regarding businesses and organizations that will provide services or information or goods to individuals of 60 and over. He asked if that would be within the City or do we need to talk about a scope there or I guess it would be for anyone that has access to the website. Mae Parrish agreed.
 - Ron stated that the first step would be to get ahold of the Communications Director and make a presentation to her and get approval from her at least to the concept of what The Board wants to do.

- Ron also stated wanted to get what information the Communications Director could give The Board in terms of the steps the Board would have to go through to implement it as far as who else's approval would be needed or what the process would be.
- Ron suggested that once The Board does the above items, then the Board should form a subcommittee with this group to partition out some work to start getting information that we would want to include, names of organizations.
- Mae asked if we would start with the directory we had and Ron agreed.
- Ron said that they (the committee) would have to contact the existing people we have access to that we know and ask their permission to be on the website.
- Ron wants the committee to: take the existing base from the Senior Resource Guide, contact someone at each organization and correct or make and changes as needed.
- Ron suggested the next or second step would be to get on the internet and do our own research about organizations that might have services they want to provide to the 60+ population.

VI. DISCUSSION ITEMS

3. Hold discussion regarding Senior Resource Guide information on the City's website.
 - Wayne said there is a listing that comes out regularly that has all nonprofits and the list is long for San Marcos. Wayne said the list comes with the Daily Record and appears as a soft magazine. Mae suggested Impact magazine and Wayne agreed. Mae stated it was real inclusive and Wayne said it is a good place to have the information when talking to the Loren, the Communication Director.
 - Ron asked if they would like to have a list in their pocket when they go to meet with the Communication Director and Wayne and Mae agreed so she would understand the need.
 - Wayne suggested it is time to push this a little bit with the way things are and people worried about interactions and look at what we would like to have on the Website.
4. Hold discussion regarding Outstanding Senior Citizen Volunteer Award Presentation Reception.
 - Wayne said that nothing changed regarding Jeannie Lewis. She said to maybe wait until the spring to hold the Reception and it could be held outside. The Library and Activity Center are unavailable to hold the reception at this time.
5. Hold discussion on current Board Members expiring terms.
 - Staff Member Nick Riali let the Board know the Chairperson Wayne Schurter, Vice Chairperson Mae Watts Parrish and Board Member Kate Clayton had terms that were expiring on February 28, 2022. He also let them know that they were all eligible to reapply and that he emailed each an application.
 - Wayne said he sent an email to those expiring and encouraged them to reapply.
 - Wayne and Ron volunteered to see the Communications Director.
 - Diane stated that the deadline to turn in Board Applications is January 7, 2022.

VII. FUTURE AGENDA ITEMS

6. Board Members may provide requests for discussion items for a future agenda in accordance with the board's approved bylaws. *No further discussion will be held related to topics proposed until they are posted on a future agenda in accordance with the Texas Open Meetings Act.*
 - Senior Resource Guide information on the City's website
 - Select a new Chair and Vice-Chair
 - Report on discussion with communications director.

VII. QUESTION AND ANSWER SESSION WITH PRESS AND PUBLIC

- There were no questions from the press and public

VIII. ADJOURNMENT

The meeting was adjourned at 2:36 PM by Board Chair Wayne Schurter

TEMPLATE FOR STANDARD CITY BOARD/COMMISSION BYLAWS

**BYLAWS OF THE
SENIOR CITIZEN ADVISORY BOARD**

ARTICLE 1. NAME.

The name of the board is The Senior Citizen Advisory Board

ARTICLE 2. PURPOSE AND DUTIES.

(A) The board acts in an advisory capacity to the city council, the city manager and other boards and commissions on matters involving senior citizens in the San Marcos community. In this respect, the city council, the city manager and other city boards and commissions are encouraged to consult with the board, and the board will make recommendations, regarding the following:

1. The availability of city programs and services to senior citizens in the city;
2. The provision of existing and future facilities for senior citizens;
3. Possible new programs and services to enable senior citizens to reach their full potential in housing, jobs, and community life and activities; and
4. Methods by which senior citizens can take responsibility for strengthening existing programs and services, and for providing new programs and services, to aid senior citizens.

(B) The board will also:

1. Coordinate with other governmental entities, private citizens, institutions, community senior centers and agencies regarding programs and services to aid senior citizens in the city; and
2. Develop programs to recognize achievement and contribution to the San Marcos community by senior citizens.

Personnel matters are not within the purview of the Board/Commission

ARTICLE 3. MEMBERSHIP.

(A) The board is composed of seven (7) members appointed by the city council.

(B) A member serves at the pleasure of the city council.

(C) All members of the board must be residents of the city. Members will serve staggered terms of three (3) years, with four members being appointed in even – numbered years, and three members being appointed in odd - numbered years.

(D) The executive director of Community Action, Inc. of Central Texas, or the executive

director's designee, is an ex officio non-voting member of the board.

- (E) Board members serve for a term of three (3) years beginning March 1st on the year of appointment. If a member is appointed to fill a vacancy, the term begins on the date of appointment.
- (F) All vacancies shall be filled as provided for by Section 2.071 of the City Code.
- (G) An individual board member may not act in an official capacity except through the action of the board.
- (H) Attendance at board meetings shall conform to the requirements outlined in Section 2.069 - Absence from meetings of the City Code.
- (I) A member who seeks to resign from the board shall submit a written resignation to the chair of the board, the staff liaison, or the city clerk's office. If possible, the resignation should allow for a thirty-day notice so the city council can appoint a replacement.

ARTICLE 4. OFFICERS.

- (A) The officers of the board shall consist of a chair and a vice-chair.
- (B) Officers shall be elected annually by a majority vote of the board at the first regular meeting after March 1. In the event a current officer becomes ineligible to serve as an officer, the board may hold an election at the next regular meeting agenda.
- (C) The term of office shall be one year, beginning April 1st and ending March 31st.
- (D) A member may not hold more than one office at a time.

ARTICLE 5. DUTIES OF OFFICERS.

- (A) The chair shall preside at board meetings, approve each final meeting agenda, and execute approved meeting minutes.
- (B) In the absence of the chair, the vice-chair shall perform all duties of the chair.
- (C) In the absence of both the Chair and the Vice-Chair, the board should elect an interim chair for that meeting, or until the Chair or Vice-Chair arrives.
- (D) The Chair is responsible for promoting and maintaining order in meetings. The Chair should ensure adherence to the agenda for the meeting.
- (E) The Chair should control discussion to ensure that it focuses on the issue and not on any person. Personal remarks and attacks are not permitted.

ARTICLE 6. AGENDAS.

(A) The following general order of business should be used for regular meetings of the board:

1. Call to order
2. Roll call
3. Citizen Comments – 30 minutes, 3 minutes per speaker
4. Consent Agenda (includes routine items such as minutes from the previous meeting which normally do not need separate discussion)
5. Presentations and/or Public Hearings
6. Items for action or discussion/direction
7. Reports (report items should be listed individually as needed to comply with Open Meetings Act requirements)
8. Items for future agendas
9. Executive Session (in accordance with Open Meetings Act exceptions)
10. Question and Answer Session.
11. Adjournment

(B) Prior to taking office all newly appointed members shall attend an orientation. This orientation will include, but may not be limited to, a review of Bylaws, Specific Board Ordinance and Charge, Open Meetings Act, Public Information Act, Ethics, parliamentary procedure, how to run a meeting, and procedures on how to file a complaint with the city.

(C) The board may only discuss or consider an item that is stated within the assigned scope of work or charge of the board provided in Article 2.

(D) The chair or two or more members may place a discussion item on an agenda for a regular board meeting no later than 10 business days prior to the meeting. If two or more members wish to place a discussion item on a meeting agenda, they must separately contact the staff liaison by written request.

(E) After first consulting with and receiving input from the staff liaison, the chair shall approve each final meeting agenda. The chair may not remove an item placed on an agenda by prior direction of the board under subsection (C) above, or placed on an agenda as a discussion item by two members under subsection (C) above.

(F) The staff liaison will submit the meeting agenda to the City Clerk's Office for posting no later than 72 hours before the meeting. If the 72 hour deadline should fall on a weekend or holiday it is the responsibility of the staff liaison to provide the meeting agenda to the City Clerk's Office by 4:30 p.m. on the last business day before the weekend or holiday.

(G) Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 7. MEETINGS.

- (A) The board meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).
- (B) The board will conduct its meetings by the rules of common courtesy and procedure identified in Article 10.
- (C) The Chair should introduce each item as it appears on the agenda, and in the order in which it appears on the agenda. The Chair may allow items to be considered out of order with the informal consent of the board.
- (D) The following types of actions may be taken or motions can be made during a meeting:
1. **Approval** - Means the item is approved as proposed.
 2. **Conditional approval** - Means approval for the item will take effect upon the occurrence of the conditions.
 3. **Approval as amended** - Means the item is approved with changes from the original proposal.
 4. **To Table** - Means to temporarily delay the consideration of the item while another item is brought up for consideration.
 5. **Remove from Table** – Means to bring back the previously delayed item for consideration.
 6. **Postpone** - Means postponement of consideration of the item, either until a definite time, or indefinitely. Action on the item at a subsequent meeting requires the item to be placed on the agenda for that meeting
 7. **Reconsider** - Means to reopen discussion of an item that was already acted upon. Reconsideration may only occur at the same meeting, or at the next meeting after the one at which the original action occurred. A motion to reconsider may only be made by a person who voted on the prevailing side on the original action. Reconsideration of an item at a subsequent meeting requires the item to be placed on the agenda for that meeting.
 8. **Withdraw** - Made by the person who made the motion. Does not require a formal vote unless a member objects to the withdrawal.
 9. **Close debate ("calling for the question")** – Requires a motion and second and 2/3 vote. If it passes, a vote is then taken on the motion that was under discussion, without further debate. If it fails, debate resumes on the motion that was being discussed.
 10. **Amend** - Usually consists of striking out, inserting, adding, or substituting words, sentences or paragraphs to the subject of the original motion. This motion is voted upon separately from the original motion. Note: A friendly amendment, agreed to by persons who made and seconded a motion, does not require a separate vote from the original motion.
 11. **Recess** - A temporary break in a meeting may be called by the Chair. This does not require a formal vote unless a member objects to the recess.
 12. **Limited discussion or debate** - The Chair may establish a reasonable time limit for consideration of an item, or a reasonable time limit on each person addressing the board, or upon each board member who comments on an issue. This does not require a formal vote unless a member objects to the limits.

- (E) In accordance with the Open Meetings Act, discussion and action is limited to the items listed on the agenda for a meeting. Discussion of any subject not listed on the agenda must be limited to whether to place the item on the agenda for a future meeting.
- (F) Board meetings will adhere to Sec. 2.045. - Rules of decorum for city council and city board and commission meetings of the San Marcos City Code.
- (G) The board shall meet Quarterly. In October of each year, the board shall adopt a schedule of the meetings for the upcoming year, including makeup meeting dates for the holidays and cancelled meetings.
- (H) Special meetings of the board shall be called by the staff liaison upon the written request of the chair or any three members of the board. A board may not call a meeting in addition to its regular scheduled meetings as identified in its adopted meeting schedule, more often than once a quarter, unless the meeting is required to comply with a statutory deadline, or a deadline established by Council.
- (I) Executive sessions are permitted only when they have been posted in advance and conform to those requirements of the Texas Government Code Chapter 551 (Texas Open Meetings Act) which pertain to executive sessions.
- (J) A majority of the voting membership of the board members constitute a quorum.
- (K) If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting, then the meeting is deemed cancelled.
- (L) To be effective, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.
- (M) The chair has the same voting privilege as any other member. (***Unless otherwise stated within the board or commission's Ordinance.***)
- (N) The board will allow citizens to address the board during a period of time set aside for citizen communications during their regular meeting. Each speaker will be limited to three minutes.
- (O) The staff liaison shall prepare the meeting minutes. The minutes of each board meeting must include the vote of each member on each item before the board and indicate whether a member is absent or failed to vote on an item.
- (P) The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The Parks and Recreation Department shall retain all other board documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).
- (Q) The chair shall adjourn a meeting not later than 10 p.m., unless the board votes to continue

the meeting.

ARTICLE 8. RECOMMENDATIONS.

- (A) The board is encouraged to provide the city council with advisory recommendations on matters of city policy within their purpose and duties provided in Article 2 as necessary.
- (B) The staff liaison must submit a policy recommendation that has been approved by a majority of the membership in the form of a resolution to the city clerk and city manager for distribution to the city council.
- (C) The board will submit an annual report to the city clerk by February 28 of each year.

ARTICLE 9. COMMITTEES.

- (A) The Senior Citizen Advisory Board does not have any standing committees, but may have ad hoc committees as necessary.
- (B) Each committee must be established by an affirmative vote of the board. Each committee shall consist of at least three board members approved by the board. A staff member shall be assigned to each committee by the director of Parks and Recreation.
- (C) A committee may designate a chair, with the member's consent, but is not required to do so.
- (D) Quorum requirements do not apply to committees.
- (E) Committees are not required to post their meetings in accordance with the Texas Government Code Chapter 551 (Texas Open Meetings Act). A quorum of the membership is not allowed to be present.
- (F) Each committee shall update the board at least quarterly on their work.

ARTICLE 10. RULES OF COMMON COURTESY AND PROCEDURE.

- (A) During meetings, members shall preserve order and decorum, shall not interrupt or delay proceedings.
- (B) Members shall demonstrate respect and courtesy to each other, to city staff members, and to members of the public appearing before the board.
- (C) Members shall refrain from rude and derogatory remarks and shall not belittle staff members, other board members, or members of the public.
- (D) The Chair should exercise control over persons who abridge this policy or disrupt a meeting in the following ascending order of action:

1. Call the person to order, advising the person of the infraction.
2. Advise the person that the infraction must cease immediately or the person will be ordered to leave the meeting.
3. Order the person to leave the meeting. If the offending person is a member of the board the Chair shall call for a vote on the expulsion of the member from the meeting.

ARTICLE 11. GENERAL POWERS AND DUTIES

(A) Personnel Issues: Personnel matters are not within the purview of the Board/Commission and are not appropriate for posting on an agenda, discussion at a meeting, or as a subject for a board/commission recommendation. Neither the Board/Commission nor any of its members shall recommend, instruct or request the City Manager or any of the City Manager's subordinates to change the job qualifications for a current employee, appoint, or remove any person from, office or employment. The Board/Commission and its members are prohibited from giving order to subordinates of the City Manager either publicly or privately.

(B) All Boards and Commissions shall adhere only to their specific general powers and duties within their Ordinance, as provided in Article 2.

ARTICLE 12. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Finance and Audit Committee.

The bylaws were approved by the Senior Citizen Advisory Board at their meeting held on March 8, 2022.

(Signature of Executive or Staff Liaison)

(Title of Executive or Staff Liaison)

ARTICLE 5. - CODE OF ETHICS¹⁹

Footnotes:

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Editor's note— Ord. No. [2017-20](#), § 1, adopted November 21, 2017, amended article 5 in its entirety to read as herein set out. Former article 5, §§ 2.421—2.465, pertained to Code of Ethics. See Code Comparative Table for complete derivation.

Charter reference— Personal interest and code of ethics, § 12.02.

State Law reference— Code of ethics, V.T.C.A., Local Government Code, § 171.001 et seq.

DIVISION 1. - GENERALLY

Sec. 2.421. - Policy and purposes.

- (a) *General policy statement.* It is the policy of the city that all city officials and employees shall conduct themselves both inside and outside the city's service so as to give no occasion for distrust of their integrity, impartiality or devotion to the best interest of the city and the public trust which the city holds.
- (b) *Appearance of impropriety.* Public service is a public trust. All city officials and employees are stewards of the public trust. They have a responsibility to the citizens of the city to administer and enforce the City Charter and city ordinances. To ensure and enhance public confidence in city government, each city official and employee must strive not only to maintain technical compliance with the principles of ethical conduct set forth in this article and in state law, but also to avoid the appearance of impropriety at all times.
- (c) This code of ethics has five purposes:
 - (1) To encourage ethical conduct on the part of city officials and employees;
 - (2) To encourage public service with the city;
 - (3) To establish standards for ethical conduct for city officials and employees by defining and prohibiting conduct that is incompatible with the interests of the city;
 - (4) To require disclosure by city officials and employees of their economic interests that may conflict with the interests of the city; and
 - (5) To serve as a basis for disciplining those who fail to abide by its terms.
- (d) This code of ethics is not intended to be used as a political weapon or to intimidate or embarrass affected persons. The officials charged with administration of this code of ethics shall administer it in a manner that avoids any such use of this code of ethics.

(Ord. No. [2017-20](#), § 1, 11-21-17)

Sec. 2.422. - Definitions.

In this article:

Benefit means anything reasonably regarded as pecuniary gain or pecuniary advantage, including any money, real or personal property, purchase, sale, lease, contract, option, credit, loan, discount, service or other tangible or intangible thing of value. Benefit includes a pecuniary gain or pecuniary advantage to any other person in whose welfare the beneficiary has a direct and substantial interest.

Business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law, including a nonprofit organization or governmental entity.

Economic interest includes a legal or equitable interest in real property, personal property, or intangible property, or a contractual right. Service by a city official or employee as an officer, director,

advisor, or other active participant in a nonprofit educational, religious, charitable, fraternal, or civic organization does not create for that city official or employee an economic interest in the property of the organization. Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not an economic interest in the securities or other assets unless the person in question participates in the management of the fund.

Employee means any person employed by the city, whether under civil service regulations or not, including those individuals on a part-time basis, and employees of an independent contractor that serve as a staff liaison to a city board or commission.

Immediate family means the spouse, children, brothers, sisters and parents of an officer or employee.

Officer or official means the mayor or any member of the city council and any appointive member of a city board, commission or committee established by ordinance, charter or state law on a permanent basis, and members of temporary boards and commissions.

(Ord. No. [2017-20](#), § 1, 11-21-17)

Sec. 2.423. - Prohibition against involvement in actions affecting economic interests.

(a) *General rule.* It is unlawful for a city official or employee to take any official action that he or she knows is likely to:

(1) Affect an economic interest of:

- a. The official or employee;
- b. His or her immediate family member;
- c. A member of his or her household;
- d. An outside employer of the official or employee or of his or her immediate family member;
- e. A business entity in which the official or employee or his or her immediate family member holds an economic interest;
- f. A business entity for which the city official or employee serves as an officer or director or in any other policy making position;
- g. A person or business entity from whom the official or employee, or his or her immediate family member, has solicited, received and not rejected, or accepted any benefit or an offer of employment within the past twenty-four months; or
- h. A person, business entity, or association from whom the official has received a campaign contribution in an amount exceeding \$300.00. This provision does not apply to campaign contributions received prior to November 7, 2018. This provision does not apply in circumstances where four or more council members would be prohibited from voting on a matter.

(2) Confer a benefit on the official or employee, or deprive the official or employee of a benefit, where the effect of the action on the official or employee is distinguishable from the effect of the action on members of the public in general or a substantial segment of the public.

(b) *Meaning of "affect".*

(1) In subsection (a)(1) above, an action is likely to affect an official's or employee's economic interest if it meets all of the following:

- a. The action is likely to have an effect on that interest, either positive or negative, that is distinguishable from its effect on members of the public in general or a substantial segment of the public.

- b. The effect of the action on that interest is direct, and not secondary or indirect. However, the action need not be the only producing cause of the effect in order for the effect to be direct.
 - c. The effect on the interest must be more than insignificant or de minimis in nature or value.
- (2) In determining whether a person, entity or property is or was affected by a vote or decision, it will not be necessary to prove the actual existence or occurrence of an economic effect or consequence if the effect or consequence would be reasonably expected to exist or occur.
- (c) **Recusal and disclosure.** A city official or employee whose conduct would otherwise violate subsection (a), or a state conflict of interest law, if he or she took an action must abstain from participation in the action in accordance with the following:
- (1) Immediately refrain from further participation in the matter, including communications with any persons likely to consider the matter, such as any department, agency, commission or board of the city, from the time he or she discovers or reasonably should have discovered the matter triggering the recusal and until a decision regarding the matter has been made by the council, board or commission having final approval authority.
 - (2) Promptly file a form for disclosing the nature and extent of the interest triggering the recusal with the city clerk, if the person is an official, or with the person's supervisor, if the person is an employee;
 - (3) Promptly notify the person's supervisor of the nature and extent of the interest triggering the recusal, if the person is a city employee, so that the supervisor can reassign responsibility for handling the matter to another person; and
 - (4) Publicly disclose the interest triggering the recusal immediately after the agenda item has been called up for discussion or action, if the person is a member of a city board, commission, or city council, and leave the room while the board, commission, or city council is discussing or voting on the matter.

(Ord. No. [2017-20](#), § 1, 11-21-17; Ord. No. [2018-37](#), § 2, 9-18-18; Ord. No. [2018-39](#), § 1, 10-16-18)

Sec. 2.424. - Standards of conduct.

- (a) *Standards for immediate family members.* It is unlawful for an immediate family member to intentionally or knowingly:
- (1) Solicit, accept or agree to accept from another person any benefit that the member's relative, who is a city officer or employee, is prohibited from soliciting, accepting or agreeing to accept under state law;
 - (2) Misuse any official information obtained from the member's relative, who is a city officer or employee, to which the relative has access by virtue of the relative's office or employment and that has not been made public, in a manner prohibited as to the relative under state law; or
 - (3) Misuse, as defined in V.T.C.A., Penal Code § 39.01, any city property, services, personnel or any other thing of value belonging to the city that has come into the member's custody or possession by virtue of the office or employment of the member's relative who is a city officer or employee.
- (b) **Representation and appearance at meetings.** No city officer or employee shall knowingly:
- (1) Appear before the body of which the officer or employee is a member, as a representative for any private person, including the officer or employee or any immediate family member, or any group or interest;
 - (2) Represent, directly or indirectly, any private person, including the officer or employee or any immediate family member, or any group or interest in any action or proceeding against the

interests of the city or in any litigation in which the city or any department, agency, commission or board thereof is a party;

- (3) Accept other employment or engage in outside activities incompatible with the full and proper discharge of city duties or that might impair independent judgment in the performance of city duties; or
- (4) Make a false statement of material fact at a public meeting.

This subsection shall not be construed to deprive an officer or employee of the right to due process under the law, including the right to represent himself/herself in a court proceeding.

- (c) *Representation by council members.* No city council member shall knowingly represent any private person, including the city council member or any immediate family member, or any group or interest in any matter before any department, agency, commission or board of the city, except that city council members may represent their interests in their owner-occupied homesteads before a board, agency, commission or department of the city other than the city council.
- (d) *Representation in municipal court.* In any action or proceeding in the municipal court which is instituted by a city officer or employee in the course of official duties:
 - (1) No city council member shall knowingly represent any private person other than himself or herself. If a city council member elects to have a trial in municipal court, the city council, without the participation of the affected city council member, will appoint a special judge to preside over the trial.
 - (2) No city officer or employee shall knowingly represent any private person other than himself or herself, including any immediate family member, or any group or interest.
- (e) *Representation in land use and development matters.* A member of the planning and zoning commission shall not knowingly represent the member or any other person, group or interest in any matter before the zoning board of adjustments involving land use or development, and a member of the zoning board of adjustments shall not knowingly represent the member or any other person, group or interest in any matter before the planning and zoning commission involving land use or development. This subsection does not apply to members representing their interests in their owner-occupied homesteads.
- (f) *Prohibited use of city position.* A city official or employee shall not use his or her position to unfairly advance or impede private interests, or to grant or secure, or attempt to grant or secure, for any person (including himself or herself) any form of special consideration, treatment, exemption, or advantage beyond that which is lawfully available to other persons. A city official or employee who represents to a person that the official or employee may provide an advantage or impediment to the person based on the official's or employee's office or position violates this rule.

(Ord. No. [2017-20](#), § 1, 11-21-17)

Sec. 2.425. - Contracts with city; eligibility for appointment or election to office.

- (a) No member of the city council and no city employee shall have a financial interest in the sale to the city of any land, materials, supplies or service, outside of the person's position with the city. Any person having an interest shall be ineligible for election as a city council member or appointment as a city employee, and any city council member or city employee who acquires an interest shall forfeit the office or employment. Any violation of this subsection with the actual or constructive knowledge of the city council member or employee shall render the contract voidable by the city manager or the city council.
- (b) In subsection (a) of this section and in subsection 2.425(c), the term "sale to the city" includes a sale to city-sponsored entities and organizations subject to substantial control by the city in one or more of the following respects:

- (1) All or a majority of the governing body of the entity or organization is appointed by the city council;
 - (2) The city provides more than one-half of the operating funds of the entity or organization;
 - (3) The city has approval authority over purchasing decisions made by the entity or organization;
 - (4) The city has approval authority over bonds or other indebtedness issued by the entity or organization; or
 - (5) The city has approval authority over the budget of the organization.
- (c) This section does not apply to acquisition of property by the city as a result of eminent domain proceedings or the threat of eminent domain proceedings.

(Ord. No. [2017-20](#), § 1, 11-21-17)

Sec. 2.426. - Restrictions on former employees.

- (a) No former city employee shall, for a period of two years from the date of leaving city employment, knowingly:
- (1) Appear at a meeting of a board or commission staffed by members of the department of which the employee was a member, as a representative for any private person, including the employee or any immediate family member, or any group or interest.
 - (2) Represent, directly or indirectly, any private person, including the former employee or any immediate family member, or any group or interest in any action or proceeding against the interests of the city or in any litigation in which the city or any department, agency, commission or board thereof is a party.

This subsection shall not be construed to deprive a former employee of the right to due process under the law, including the right to represent himself/herself in a court proceeding.

- (b) In any action or proceeding in the municipal court which is instituted by a city officer or employee in the course of official duties, no former city employee shall, for a period of two years from the date of leaving city employment, knowingly represent any private person other than himself or herself, including any immediate family member, or any group or interest.
- (c) For a period of two years from the date of leaving employment, a former city employee shall not have any financial interest in the sale to the city of any land, materials, supplies or service. Any violation of this subsection with the actual or constructive knowledge of the former city employee shall render the contract voidable by the city manager or the city council. This subsection shall not apply to a former city employee whose employment was terminated as part of a reduction in force or to a former employee whose skills or experience are so unique that failure to contract with him or her would be a detriment to the city as determined by the city manager.

(Ord. No. [2017-20](#), § 1, 11-21-17)

Secs. 2.427—2.440. - Reserved.

DIVISION 2. - ETHICS REVIEW COMMISSION

Sec. 2.441. - Established; composition; term of members.

An ethics review commission is established, to be composed of seven members, all of whom will reside in the city. Members of the commission will be appointed for staggered three year terms, and will serve until their respective successors are appointed.

(Ord. No. [2017-20](#), § 1, 11-21-17)

Sec. 2.442. - Organization; rules and regulations.

The ethics review commission each year will elect from its membership its chairperson and will promulgate its own rules and regulations as to its forms and procedures and maintain proper records of its opinions and proceedings.

(Ord. No. [2017-20](#), § 1, 11-21-17)

Sec. 2.443. - Authority and duties.

- (a) *Generally.* The ethics review commission shall act as authorized by section 12.02 of the Charter concerning conflicts of interest, ethical conduct or interests of city officials and employees.
- (b) *Review and recommendations.* The commission will meet at least once a year to review this article and may make recommendations to the city council.
- (c) *Hearings.* The commission shall consider and conduct hearings on complaints of violations of this article and of state conflict of interest laws in accordance with section 2.444.
- (d) *Advisory opinions.* The commission shall render advisory opinions on potential conflicts of interest or violation of this article at the request of a public official or employee subject to the terms of this article. The opinion must relate to an action proposed to be taken by the person requesting the opinion.
- (e) *Opinions binding.* Any advisory opinion rendered by the commission to a person is binding on the commission in any subsequent complaint concerning the person about whom the opinion was requested and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in connection with the opinion.

(Ord. No. [2017-20](#), § 1, 11-21-17)

Sec. 2.444. - Complaints; review and hearings; sanctions for violations.

(a) *Complaint procedure.*

- (1) Any resident or employee of the city who believes a person has violated a provision of this article or a state conflict of interest law may file a written complaint with the city attorney. The complaint must:
 - a. Identify the complainant and the person who allegedly committed the violation;
 - b. Provide a sufficient statement of the facts which if true would constitute a prima facie violation of a provision of this article or a state conflict of interest law;
 - c. Specify the provision of this article or a state conflict of interest law which is alleged to have been violated;
 - d. Identify sources of evidence, if any, that the complainant recommends should be considered by the commission;
 - e. Be filed on a form prescribed by the commission available on the City of San Marcos website and from the city attorney's office; and
 - f. No complaints shall be filed within a period beginning on the 60th day prior to the first day of early voting for any city election and ending on the later of the regular election day or runoff election day.

- (2) The city attorney will acknowledge the receipt of the complaint to the complainant and provide a copy of the complaint to the commission and to the person accused within seven business days of accepting the complaint form.
- (b) *Review of complaints by commission.*
- (1) The commission shall review each complaint in executive session prior to conducting a hearing to determine whether the complaint is in proper form and alleges sufficient facts to constitute a prima facie violation of a provision of this article or a state conflict of interest law.
 - (2) If the commission determines that the complaint is defective in form or does not allege sufficient facts to constitute a prima facie violation of a provision of this article or a state conflict of interest law, the commission shall dismiss the complaint, and provide notice, including the reasons for the dismissal, to the complainant and to the person accused.
 - (3) If the commission determines that the complaint is in proper form and alleges sufficient facts to constitute a prima facie violation of a provision of this article or a state conflict of interest law, the commission shall schedule a hearing on the complaint.
- (c) *Hearings.*
- (1) The commission will adopt rules of procedure to govern hearing on complaints. The rules will allow for the presentation of evidence by the complainant and the person accused, and cross examination of witnesses.
 - (2) The chair of the commission or any person acting in that capacity, and the recording secretary of the commission, are authorized to administer oaths to persons who testify at hearings conducted by the commission.
- (d) *Ex parte communications.* It is unlawful for a person who has filed a complaint alleging a violation of this article or a state conflict of interest law by a city officer or employee, or a person against whom such a complaint has been filed, to communicate verbally or in writing about the subject matter of the complaint with a member of the ethics review commission at any time other than during a public meeting of the commission. All such communications by such persons to the commission outside of a public meeting of the commission must be directed to the city attorney. The city attorney will collect all such communications and provide them to the commission with the agenda materials for the meeting at which the complaint is considered. The city attorney will make copies of these communications available to interested persons in accordance with state law.
- (e) *Sanctions.* If the commission determines at the conclusion of a hearing that a violation has occurred, it may impose or recommend any of the following sanctions:
- (1) A letter of notification, if the violation is clearly unintentional, or when the official or employee's action was made in reliance on a written opinion of the city attorney. A letter of notification shall advise the official or employee of any steps to be taken to avoid future violations.
 - (2) A letter of admonition, if the commission finds that the violation is minor and may have been unintentional, but calls for a more substantial response than a letter of notification.
 - (3) A reprimand, if the commission finds that the violation:
 - a. Was minor and was committed knowingly, intentionally or in disregard of this article or a state conflict of interest law; or
 - b. Was serious and may have been unintentional.A copy of any reprimand directed to an official shall be sent to the city council. A copy of any reprimand directed to an employee shall be sent to the city manager and included in the employee's personnel file.
 - (4) A recommendation of suspension from office or employment, if the commission finds that the violation:

- a. Was serious and that was committed knowingly, intentionally or in disregard of this article or a state conflict of interest law; or
- b. Was minor but similar to a previous violation by the person, and was committed knowingly, intentionally or in disregard of this article or a state conflict of interest law.

A recommendation of suspension of an official appointed by the city council shall be transmitted to the city council, and the council will have final authority on whether to impose a suspension. A recommendation of suspension of an employee shall be directed to the city manager, who will have final authority on whether to impose a suspension.

- (5) A recommendation for recall or removal from office or employment, if the commission finds that the violation was serious and was committed knowingly, intentionally or in disregard of this article or a state conflict of interest law. A recommendation for recall of a city council member or removal of an official appointed by the city council will be forwarded to the city council. A recommendation for removal of an employee will be forwarded to the city manager.
- (6) In addition to a sanction under subdivisions (1) through (5) above, the commission may recommend to appropriate authorities that a person be prosecuted for a violation of this article or a state conflict of interest law.

(Ord. No. [2017-20](#), § 1, 11-21-17)

Sec. 2.445. - Special counsel.

An independent outside attorney approved by the city council, who does not otherwise represent the city, shall be retained to serve as special counsel to the ethics review commission in the following situations:

- (1) When a complaint is filed alleging that the mayor or a member of the city council, or the city manager, city attorney, city clerk or municipal court judge violated this article or a state conflict of interest law.
- (2) When an advisory opinion is requested under section 2.443(d) by the mayor or a member of the city council, or by the city manager, city attorney, city clerk or municipal court judge.

(Ord. No. [2017-20](#), § 1, 11-21-17)

Sec. 2.446. - Criminal penalty and discipline for violations.

- (a) A person who violates any provision of this article shall be punished, upon conviction thereof, by a fine not to exceed \$500.00.
- (b) The penalties prescribed in the preceding subsection do not limit the power of the city manager to discipline employees under the city manager's supervision or the power of the city council to discipline its members for violations of this article or a state conflict of interest law.

(Ord. No. [2017-20](#), § 1, 11-21-17)

Secs. 2.447—2.460. - Reserved.

DIVISION 3. - FINANCIAL DISCLOSURE

Sec. 2.461. - Definitions.

In this division:

Board member means a member of a board or commission whose membership is wholly appointed by the city council, including any temporary board or commission.

Business entity means a corporation, partnership, sole proprietorship, firm, holding company, joint stock company, receivership, trust or any other entity organized for profit.

Candidate means every person who declares for or files for any city office to be filled by election.

Compensation means any benefit received in return for labor, services, property or investment.

Family member means the spouse and any dependent children of any official or candidate.

Gift means a benefit received other than as compensation, but not including campaign contributions reported as required by state law.

Identification means, for an individual, the person's name, street address, city and state. For any entity other than an individual, the term "identification" means the name, address, city and state of the entity's principal location or place of business; the type or nature of the entity's principal location or place of business; the type or nature of the entity; the date on which it came into existence; the state of incorporation, if any; and the names of the partners or officers of the entity.

Income means a benefit received.

Source of income means any business entity, employment, investment or activity which earned or produced income, including interest, dividends, royalties or rents.

(Ord. No. [2017-20](#), § 1, 11-21-17)

Sec. 2.462. - Financial disclosure statement required.

- (a) Between March 15 and April 30 of each year, every city council member, every member of the planning and zoning commission, and the city manager, city attorney, municipal court judge, and city clerk shall file a sworn financial disclosure statement with the city clerk reflecting the financial situation of the official as of December 31 of the previous year and the official's financial activity between January 1 to December 31 of the previous year.
- (b) A newly elected city council member, and a newly appointed planning and zoning commission member, city manager, city attorney, municipal court judge, or city clerk shall file a sworn financial disclosure statement with the city clerk within 30 days from the date the position is assumed. The statement shall reflect the financial condition as of the date and financial activity for the previous 12 months.
- (c) A candidate for city council shall file a sworn statement with the city clerk not later than ten days from the date the candidate files with the city clerk an application to be placed on the official ballot. This statement shall include:
 - (1) A list of any financial interest the person has, direct or indirect, in real property located within the corporate limits or within the extraterritorial jurisdiction of the city.
 - (2) A list of any financial interest the person has, direct or indirect, in any business entity located in the city or its extraterritorial jurisdiction or any business entity doing business with the city.
 - (3) The financial interests listed by the person shall include those held at any time during the 12 months preceding the date of filing for office and shall include any interest held by the candidate or a family member of the candidate.
- (d) All board members shall file a disclosure statement with the city clerk within 30 days after their initial appointment, and thereafter between October 1 and October 31 of each year, regarding their relevant substantial interests in business entities and real property during the 12-month period preceding the date of the statement. Members of temporary boards and commissions shall file a disclosure statement with the city clerk within 30 days after their initial appointment. The statement shall be on a form provided by the city. For purposes of this section, the term "business entity" and the determination of

substantial interests in business entities and real property shall be as defined and determined under V.T.C.A., Local Government Code Ch. 171. The form shall note whether the person claims a homestead exemption on any real property owned by the person. The form to be used by members of the planning and zoning commission shall contain the information required under section 2.463.

- (e) Any person filing a statement required by this section may include additional time periods.
- (f) Financial disclosure statements shall be updated within 30 days of any significant change in the interests of an official even if the change is temporary. For this part, "significant" means a change in interest that would tend to render the annual financial disclosure statement misleading or incomplete.

(Ord. No. [2017-20](#), § 1, 11-21-17)

Sec. 2.463. - **Information required** on financial disclosure statement.

(a) **Every person required to file a financial disclosure statement under subsection 2.462(a) or (c) shall include in that statement the following information:**

- (1) The person's name, the name of each family member and all names under which the person or family members do business.
- (2) Identification of each source of income amounting to more than \$100.00 received in the reporting periods by the person or family members, stating the name, address, and nature of the source of income and stating the amount of income received; and identification of each option held, owned, acquired or sold during the reporting period, stating the nature of the option, the amount of transaction, and identification of the other parties to the transaction.
- (3) Identification of each business entity, nonprofit entity or union in which the person or family member:
 - a. Was a partner, manager, officer, member of the board of directors, proprietor or beneficiary, during the reporting period, stating the position held; or
 - b. Had an ownership interest of more than \$100.00 at the fair market value at any time during the reporting period, stating the value and a description of that ownership interest; provided that, where the ownership interest includes or consists of shares of stock, the number of shares owned shall be stated together with the number of outstanding shares; and if sold during the reporting period a statement of the net gain or loss realized from the sale.
- (4) Identification by street address, legal or lot-and-block description of all real property located within the city and its extraterritorial jurisdiction, together with its fair market value and present use, in which the person or family member has an interest as:
 - a. Fee simple owner;
 - b. Beneficial owner;
 - c. Partnership owner, naming the partners;
 - d. Joint owner with an individual or corporation, naming them;
 - e. Board member, officer or the owner of more than five per cent of a corporation that has title to the real property, naming the corporation; or
 - f. A leaseholder, naming the person or corporation from whom the property is leased and the amounts of annual rental.

The form shall note whether the person claims a homestead exemption on any real property owned by the person.

- (5) Identification of persons, business entities or guarantors to whom the person or a family member owed a debt of more than \$100.00 during the reporting period, stating the amount, but not

including debts owed to persons related within the second degree of consanguinity or affinity and excluding loans to a political campaign which were reported as required by law. If this debt was repaid during the reporting period, the date and amount of repayment shall also be stated.

- (6) Provided this information is not privileged by law, identification of persons, entities or guarantors who owed the person or a family member a debt of more than \$100.00 during the reporting period, stating the amount, including all bonds, notes and other commercial paper held or owed by the person reporting or any family member during the reporting period, but not including debts owed by persons related within the second degree of consanguinity or affinity. If this debt was repaid during the reporting period, the date and amount of repayment shall also be stated.
 - (7) Identification of the source of each gift or accumulation of gifts from one source of more than \$100.00 in value received by the person or family member, or received by another person for the use and benefit of the person or family member, within the reporting period, stating the amount; but this requirement does not include:
 - a. A gift received from a relative if given because of kinship; or
 - b. A gift received by will, by intestate succession or as distribution from an inter vivos or testamentary trust established by a spouse or ancestor.
 - (8) Provided this information is not privileged by law, if the person filing the statement is the owner of five per cent or more of any business entity, the person shall list all customers from whom the entity received at least ten per cent of its gross income during the reporting period.
 - (9) Identification of any financial interest in or any transaction during the reporting period with any holder of any franchise issued by the city, other than as a utility or franchise customer or patron, stating the nature and amount of interest and transaction, including transactions by any family member and any business entity in which the person filing the statement has an ownership interest of five per cent or more.
- (b) Except for the identification of transactions and amounts required by subsection (a)(9) of this section, any amount required to be reported under subsection (a) of this section may be reported by categories as follows:
- (1) *Category I.* At least \$100.00 but less than \$10,000.00;
 - (2) *Category II.* At least \$10,000.00 but less than \$20,000.00; or
 - (3) *Category III.* At least \$20,000.00 but less than \$50,000.00.
 - (4) *Category IV.* At least \$50,000.00 but less than \$75,000.00;
 - (5) *Category V.* At least \$75,000.00 but less than \$100,000.00; and
 - (6) *Category VI.* \$100,000.00 or more, report to nearest \$100,000.

(Ord. No. [2017-20](#), § 1, 11-21-17)

Sec. 2.464. - Retention of statements and inspection.

- (a) The city clerk shall maintain all statements required to be filed with the city clerk under section 2.462 as public records and shall retain them for a period of three years, after which the statements will be returned to the person filing them or will be destroyed.
- (b) The financial disclosure statement file maintained by the city clerk under this section shall be kept in alphabetical order for each year in which statements are filed. This file is open to public inspection during normal hours. The city clerk shall maintain a list of all persons requesting to inspect these files, identifying the files inspected.

(Ord. No. [2017-20](#), § 1, 11-21-17)

Sec. 2.465. - Forms of statements.

Financial disclosure statements shall be filed on the form promulgated by the city clerk. The city clerk will provide a form to any person requesting one and, not less than ten days before the last day set for filing a statement by any person, shall send a form to the person.

(Ord. No. [2017-20](#), § 1, 11-21-17)

DIVISION 4. - CAMPAIGN FINANCES

Sec. 2.466. - Definitions.

In this division:

Campaign contribution means and includes a contribution to a candidate for mayor or city council in any of the following forms: a monetary contribution or a non-monetary contribution (in-kind contribution).

Contributor means a natural person or a business entity other than a corporation.

Election cycle means the period of time beginning on the day after the last general election for the office of mayor or council member of a particular council place and ending on the day of the next general election for that position.

(Ord. No. [2018-37](#), § 1, 9-18-18)

Sec. 2.467. - Individual contribution limit.

A contributor may not make campaign contributions in an amount exceeding \$500.00 per election cycle to a candidate for mayor or to a candidate for council member of a particular council place. This limit does not apply to contributions by a candidate to his or her own campaign.

(Ord. No. [2018-37](#), § 1, 9-18-18)

Sec. 2.468. - Aggregate fund raising limits.

- (a) *Candidates for mayor.* A candidate for the office of mayor, including an incumbent mayor, shall not accept campaign contributions during an election cycle in an amount exceeding an aggregate limit to be determined as follows: An amount equal to \$0.75 multiplied by the number of registered voters in the city on the date of the last election for the office of mayor. The aggregate limit shall not include contributions made by a candidate to his or her own campaign.
- (b) *Candidates for city council positions.* A candidate for the position of council member of a particular council place, including an incumbent council member, shall not accept campaign contributions during an election cycle in an amount exceeding an aggregate limit to be determined as follows: An amount equal to \$0.50 multiplied by the number of registered voters in the city on the date of the last election for any council position. The aggregate limit shall not include contributions made by a candidate to his or her own campaign.

(Ord. No. [2018-37](#), § 1, 9-18-18)

Secs. 2.469—2.480. - Reserved.

SAN MARCOS SENIOR CITIZEN ADVISORY BOARD

MISSION STATEMENT

The Senior Citizen Advisory Board seeks to enhance the lives of senior citizens within the San Marcos community through coordinated, efficient and quality programs and services related to housing, jobs, activities, and community life.

The Board acts in an advisory capacity to the City Council, City Manager, and other relevant boards and commissions.

GOALS

- I. Determine the existence of current programs and services available to seniors offered through the city as well as public and private providers.
- II. Suggest modifications to existing programs as well as new programs and services to assist seniors in reaching their full potential.
- III. Analyze the use of existing facilities as well as the need for future facilities.
- IV. Coordinate efforts with other governmental entities, private citizens, institutions, centers, and agencies.
- V. Develop a process that will enable fluid senior citizen input to the Senior Citizen Advisory Board.
- VI. Develop programs to recognize the achievements and contributions by senior citizens to the San Marcos community.

ORDINANCE NO. 2015-44

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTIONS 2.131 THROUGH 2.132 OF THE SAN MARCOS CITY CODE TO CHANGE THE SENIOR CITIZENS ADVISORY BOARD TO A CITY COUNCIL APPOINTED BOARD AND TO MODIFY THE QUALIFICATIONS FOR MEMBERSHIP ON THE BOARD; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Sections 2.131 through 2.132 of the San Marcos City Code are hereby amended to read as follows (Added text is indicated by underlining. Deleted text is indicated by ~~strikethroughs~~):

Sec. 2.131. Established; appointment; terms.

(a) There is established the senior citizen advisory board. The board is composed of seven members appointed by the city council. ~~residents of the city interested in the welfare of senior citizens. All members of the board must be residents of the city. Two members may be either residents or nonresidents of the city.~~ Members will serve staggered terms of two years, with four members being appointed in even-numbered years, and three members being appointed in odd-numbered years.

(b) The executive director of Community Action, Inc. of Central Texas ~~Hays, Caldwell and Blanco Counties~~, or the executive director's designee, is an ex officio nonvoting member of the board.

(c) ~~Members of the board are appointed by the director of parks and recreation for terms of two years and until their successors are appointed and qualified. The board shall elect a chair and vice-chair from among its members at its first meeting each year after the appointment of members.~~

Sec. 2.132. Composition; qualifications and appointment of members.

(a) The senior citizen advisory board may adopt rules and regulations to govern its actions, subject to the general laws of the state and of city ordinances and resolutions.

(b) The board acts in an advisory capacity to the ~~parks and recreation director~~ city council, the city manager and other boards and commissions ~~and the city manager~~ on matters involving senior citizens in the San Marcos community. In this respect, the ~~parks and recreation director~~ city council, the city manager and other city boards and commissions ~~and the city manager~~ are encouraged to consult with the board, and the board will make recommendations, regarding the following:

- (1) The availability of city programs and services to senior citizens in the city;
- (2) The provision of existing and future facilities for senior citizens;

(3) Possible new programs and services to enable senior citizens to reach their full potential in housing, jobs, and community life and activities; and

(4) Methods by which senior citizens can take responsibility for strengthening existing programs and services, and for providing new programs and services, to aid senior citizens.

(c) The board will also:

(1) Coordinate with other governmental entities, ~~and with~~ private citizens, institutions, community senior centers and agencies regarding programs and services to aid senior citizens in the city; and

(2) Develop programs to recognize achievement and contribution to the San Marcos community by senior citizens. ~~and~~

~~(3) Collect information on instances of discrimination against senior citizens in the San Marcos community and refer the information to appropriate agencies.~~

SECTION 2. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

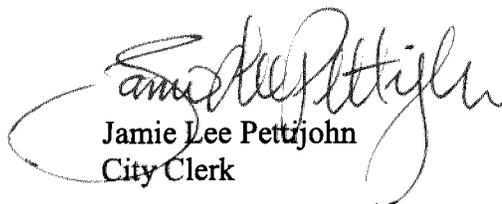
SECTION 5. This Ordinance will take effect after its adoption on second reading. The change in the composition of the senior citizen advisory board set forth in Section 1 of this ordinance shall apply to appointment of board members for terms beginning on March 1, 2016.

PASSED AND APPROVED on first reading on October 5, 2015.

PASSED, APPROVED AND ADOPTED on second reading on October 20, 2015.


Daniel Guerrero
Mayor

Attest:


Jamie Lee Pettijohn
City Clerk

Approved:


Michael J. Cosentino
City Attorney