



Harris County, Texas

1001 Preston St., Suite 934
Houston, Texas 77002

Staff Report

File #: 21-1779

Agenda Date: 4/27/2021

Agenda #: 246.

To: Harris County Commissioners Court

Through: Sophie Elsner, Director, HC Pct. 1 Policy Department

Prepared By: Mark Anderson, Policy Advisor, Pct. 1 Policy Department

Subject: County Boards and Commissions Appointments Process

Project ID (If applicable): N/A

	YES	NO	ABSTAIN
Judge Lina Hidalgo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Rodney Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Adrian Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Tom S. Ramsey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. R. Jack Cagle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Purpose and Request:

Request for Commissioners Court approval of formal policies and procedures for appointments to County boards and commissions, and establishment of a separate County office to support the Court with board appointment actions.

Background and Discussion:

The current Boards and Commissions Appointments Process, in which the Commissioners Court makes appointments to over 75 active County boards and commissions, is loosely managed as an additional duty by personnel in the Budget Management Department. Court member offices have to do additional research regarding the respective board, its purpose, history, etc. These offices also have to frequently track down updated information such as appointments thru dates whenever database information is inaccurate. Appointments processes for board and commission positions should be more open and transparent, and should allow for all County and surrounding area residents to obtain information about these bodies as well as volunteer to serve as members. Precinct One is proposing the County adopt formal policies and procedures for all board and commission actions, and establish the HC Boards and Commissions Office to facilitate administering and streamlining the appointments process as well as to increase community participation in serving on active boards and commissions.

Fiscal Impact:

N/A

Fiscal Summary			
Expenditures	FY 20-21	FY 21-22 Projected	Future Years Projected [3 additional years]
Service Impacted: HC Board Office		TBD	
Existing Budget			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
Existing Department Budget			
Please Identify Funding Sources (Special Revenue, Grant, etc.)			

General Fund*			
Total Sources			

Alternatives:

The alternative is to do nothing and for the Court to continue to make board and commission member appointments with minimal participation from residents because there is no central office to provide information about active county boards, and no online presence where potential board members may submit applications for consideration. In addition to this, failure to formalize board and commission appointments policies and procedures will lead to the Court continuing to administer appointments subject to informal agreements between members of the Court.

Alignment with Strategic Objective:

[INSTRUCTIONS: Please write out the Department Strategic Objective impacted by this item.]

Attachments:

Court Letter and Proposed Policy

Presented to Commissioners Court

April 27, 2021

Approve: E/C

Harris County



Precinct One

RODNEY ELLIS
Commissioner

AGENDA ITEM

April 27, 2021

County Judge Lina Hidalgo
Members of Commissioners Court

RE: County Boards and Commissions Appointments Process

Dear Judge Hidalgo and Commissioners Cagle, Garcia, and Ramsey:
Precinct One respectfully requests that Commissioners Court approve formal policies and procedures for appointments to County boards and commissions, and establish a separate County office to support the Court with board appointment actions.

Thank you for your consideration.

Sincerely,


Commissioner Rodney Ellis

RE: MA

Attachment

xc: Brandon Dudley

HARRIS COUNTY UNIFORM POLICIES AND PROCEDURES FOR ASSOCIATED APPOINTMENT PROCESSES AND OVERSIGHT OF COUNTY BOARDS AND COMMISSIONS

Adopted Date: April 27, 2021

1. PURPOSE AND SCOPE

From time to time Commissioners Court establishes County bodies to inform and assist the Court under statutory authorization or on particular matters of interest to the County. It is in the best interest of the County that these boards, commissions, or committees are appointed, organized, and governed within a uniform framework of consistent County policy to ensure prescribed rules and procedures are followed and that these bodies operate in compliance with applicable laws.

The purpose of this policy is to establish uniform procedures and standards for:

- a. The Court's oversight of boards and commissions to which it makes appointments,
- b. The process associated with appointing individuals to Harris County boards and commissions, and
- c. Duties and responsibilities of the Harris County Boards and Commissions Office.

These policies and procedures shall be applicable to all County boards and commissions as well as members of any board and commission appointed by Commissioners Court or an individual member of the Court. This policy does not apply to internal committees or to appointments made by Commissioners Court to bodies within County departments.

Provisions under this policy also shall not apply where there are conflicting board or commission requirements established by federal or state law, Order of the Court, or City of Houston Ordinance.

Upon adoption of these procedures, all County board and commission appointments will be administered through the Harris County Boards and Commissions Office (HCBCO) upon the Office becoming fully operational.

*For purposes of this policy, the terms "board" and "commission" may be used interchangeably.

2. BOARDS AND COMMISSIONS OFFICE

The HCBCO shall reside within the Harris County Budget Management Office and answer directly to Commissioners Court. Duties of the HCBCO include but are not limited to managing board and commission appointment operations for the County, serving as subject matter experts for boards and commissions to Commissioner Court, and promoting public involvement through encouraging residents to volunteer to serve on County boards and commissions for the benefit of all Harris County residents.

- a. Other specific duties of the HCBCO include developing educational and capacity-building opportunities for all County board and commission members to include creating a recorded training module for new members, and an annual training module for continuing education

for all members, with at least one goal being to educate members on how the County functions and how County boards fit into that context.

- b. The HCBCO is also charged with developing and maintaining a County website to provide the public with information and resources about County boards to which the Court appoints members, the role of boards and commissions in County government operations, as well as to recruit applicants for board and commission vacancies.

3. BOARD AND COMMISSION DUTIES

Harris County boards, commissions, and committees are executive level bodies made up of residents appointed by elected officials of the county, city, and state to carry out the policies of local government in the interest of the residents of Harris County. Additionally these bodies may advise the Harris County Commissioners Court on specific issues and policies that are vital to the interests and quality of life of all county residents.

4. SCOPE OF INTEREST

The scope of each County board's interest and activities shall be limited to that specified by law, resolution, or order establishing or providing for the respective County board. If not so specified, the scope shall be as indicated by the title of the County board and directive from Commissioners Court.

5. APPOINTEE ELIGIBILITY

Unless statutory authority provides otherwise, the following are required for an appointment to a County board or commission:

- a. Must not be in arrearage in County taxes;
- b. Must have a credible record of attendance and performance with respect to any previous board experience;
- c. Must meet any special qualifications required by the authority that created the board.

All board and commission applications must be received by the Harris County Boards and Commissions Office (HCBCO) on or before any advertised deadline for the submission of board applications. Applications submitted that do not meet this requirement will not be considered for expiring terms and vacancies during the appointment period, but will be kept on file by the HCBCO and may be considered for future board or commission vacancies.

6. RECRUITMENT

The application period for board and commission positions with expiring terms and known vacancies will begin thirty (30) days prior to any appointment term expiration, and applications for the position(s) will be accepted for no more than thirty (30) days thereafter. All recruitment efforts will specify the application deadline.

Community involvement for county boards and commissions may be solicited in a variety of different ways by the Office, including, but not limited to:

- Press releases
- E-newsletters
- Website advertisements
- Social media
- County and Precinct mail-outs

- Nomination by Invitation

Sixty (60) days prior to a board term expiration, the Director of Boards and Commissions will notify the Court of the projected vacancy, and notify incumbent board and commission members with expiring terms that the end of that person's term is approaching. If the member is eligible and wishes to seek another term, that person must re-apply in the same manner as all other applicants.

7. APPLICATION PROCESS

All qualified candidates must complete an application form and submit it to the HCBCO. The application form shall at a minimum solicit information about the applicant's background, including current and past occupations, as well as involvement in and knowledge of issues related to the subject of the board or commission to which the applicant is applying. In addition to the completed application, applicants are encouraged to submit a resume and letter further explaining an interest in serving on a respective board or commission, and any experiences that would render that individual a good choice for appointment to that body.

Applicants will indicate a preferred board or commission on an application, but may indicate a second choice if interested in service on more than one board or commission. Applications will be kept on file in the Harris County Boards and Commissions Office, and are considered current for twelve (12) months from the date of submission, after which the applicant will be removed from consideration until the individual reapplies by submitting a new application during a recruitment period.

8. BOARD/COMMISSION APPLICANT SELECTION PROCESS

a. Board Chairperson Consulting and Input

Upon the expiration of any board or commission appointment term, the respective board or commission chairperson or administrator is encouraged to provide feedback to the HCBCO regarding the ideal characteristics and level of experience desired for potential board members, as well as new, detailed information regarding the respective board or commission. These items should include: the current board attendance record, the body's financial information, and its latest annual report.

b. Applicant Review

The HCBCO will review eligibility requirements and identify those applicants who are ineligible for appointment before submitting applications of eligible candidates to the offices of members of Commissioners Court for review. When an application acceptance period has closed, the Director of Boards and Commissions will compile all applications and distribute to each member of Commissioners Court or a designated staff representative for review. The Director will also provide Court members with an attendance report for each board and commission for the previous twelve (12) month period.

c. Interview Process

Commissioners Court may select applicants for an interview when considering any board appointment. The number of applicants selected for interview will vary based on the number of vacancies during the application period, the number of applications received, and the qualifications of the applicants.

1. Interviews will be conducted by the HCBCO, as requested, by the Court. The Director of Boards and Commissions will schedule and confirm interviews, as required, in coordination

with the offices of Court members. Additionally, any member of the Court may schedule and conduct interviews of applicants internally. New applicants who fail to attend a scheduled interview may forfeit the opportunity to be appointed to a board during the current selection period.

2. Interviews conducted by the HCBCO, as requested by a member of Commissioners Court, may be performed telephonically, using video technology, or in person.
3. With the consent of the applicant, the Court may consider an applicant for service on an alternate board if the skills and competencies of the applicant are better suited for service on a different board or commission.

d. Appointment Process

When HCBCO-conducted interviews are completed, the Office will present recommendations by prescribed means to the requesting member(s) of Commissioners Court. The Court will then appoint a person from the pool of eligible applicants to each board or commission position as determined by applicable law, City Ordinance, or Order of the Court.

For boards and commissions where the Court has *fewer* than five (5) positions to which it appoints, the appointment(s) shall be made by a majority vote of the Court. For boards and commissions where the Court has five (5) or *more* positions to which it appoints, each member of the Court will appoint one (1) member to the board. After each member of the Court has made an appointment to the respective board, all additional positions to which the Court appoints (above 5) shall be filled by a majority vote of the Court.

This process does not apply to appointments that are governed by statutory authority that designates appointment by a particular Commissioner.

*Exceptions may be made in cases where a member of the Court has an interest in making all or multiple appointments to a given board due to the board's geographic location or limited scope. Examples of this include certain Tax Increment Reinvestment Zone boards (TIRZs), and the Old Town Spring Improvement District Board, but does not include boards and commissions primarily located in a given precinct where the business of that board significantly impacts the County as a whole, such as the Harris County Hospital District or Port of Houston Authority Boards.

1. Within seven (7) days after the Court makes an appointment to a board, the HCBCO will notify each applicant of the Court's appointment decision via email or telephone. Letters or appointment orders will be sent to each individual appointed to a board or commission stating the name of the board to which the person has been appointed. In addition to this, the term of the appointment will be provided to that person as well as the name and contact information of the staff liaison for the respective board. Other information provided may include any other orientation materials and relevant information pertaining to the respective body.
2. The HCBCO will also send a notification to each applicant that is *not* selected to serve on a board or commission during the appointment period to express the Court's appreciation for the individual's willingness to serve the residents of Harris County and to encourage that person to re-apply during the next appointment period as well as to volunteer in other areas of the community.

9. TERM OF OFFICE

All board and commission members will be appointed for a term as determined by applicable law, city ordinance, official, adopted board or commission bylaws, or in accordance with an order signed by Commissioners Court.

For most boards, residents of the county are appointed to serve at the pleasure of the Court. Members will be appointed for one term of office at a time, and the Court retains the right to replace any appointed member in accordance with applicable laws. Terms of office will be staggered when possible so that approximately one-half of the membership has previous experience at any given time.

Board members are appointed for a limited purpose and for a specified period of time. Once the assigned appointment term is completed, the appointee is excused from service, or may continue to serve notwithstanding the individual's expired term status until the Court re-appoints that individual to another term, or makes a new appointment (of another individual) to that position on the board.

10. REAPPOINTMENT

To encourage varied citizen participation on County boards, Commissioners Court shall generally seek new appointees to replace individuals who have served for eight consecutive years. Commissioners Court retains the discretion to reappoint individuals to serve on County boards regardless of the length of time served on any County board.

11. MID-TERM APPOINTMENTS

From time to time, a board or commission appointee may be unable to complete an appointed term, and may voluntarily resign, or may be removed by the Court prior to the expiration of the term. In such cases, the position, once vacant, may be filled by Commissioners Court with a mid-term appointee who will serve out the remainder of the unexpired term. In such cases, the Office may refer to the pool of applicants, for the current year on file with the HCBCO, to provide the Court with additional applicants to consider.

12. NEW MEMBERS

Newly appointed board and commission members should make every effort to become familiar with all aspects of the board or commission to which that person is appointed. To support this process, all new members will be contacted by the Director of the Boards and Commissions as well as the respective board or commission liaison and will be provided with information regarding the laws and regulations that govern the board or commission.

It is the responsibility of each board or commission member to respect and uphold County policies, practices, protocols, and procedures. It further the responsibility of each member to conduct themselves with appropriate civility, respect, and decorum at all times while remaining mindful that personal conduct reflects upon the integrity of the County and Commissioners Court.

Both newly appointed and re-appointed board and commission members must take an oath of office, when required, and complete required forms and paperwork prior to attending the first meeting. Record of the oath of office and required forms and paperwork will be kept on file with the respective board or commission and is subject to inspection by the Court through the HCBCO at any given time.

Required Forms

Every appointed board and commission appointee is required to complete the following forms and submit them to the Director of Boards and Commissions through the respective board liaison or administrator immediately upon being appointed at a minimum:

- a. Oath of Office (if required by board)
- b. Code of Ethics Statement of Acknowledgement
- c. Public Access Option Form
- d. Local Government Officer Conflicts Disclosure Statement

Training

All County board and commission appointees to boards subject to the Texas Open Meetings Act, are required to complete training courses or an orientation as approved by the State Attorney General's Office regarding the Texas Open Meetings Act, and the Public Information Act within 90 days of assuming the responsibilities of office. Other training may be required as determined by the Court through the HCBCO. Signed forms and a record of training completion will be kept on file at the Harris County Boards and Commissions Office.

13. RECOGNITION OF FORMER BOARD OR COMMISSION MEMBERS

Upon completion of service, a board or commission appointee who has served honorably may be recognized at a designated meeting of Commissioners Court.

14. MEETING ATTENDANCE

The Court both honors and respects the contributions of all board and commission members who volunteer to serve on these bodies in their commitment to public service. Any decision or action taken by a board or commission has an impact on the entire Harris County community. Because of this, board and commission members are expected to maintain regular attendance. Members who are unable to attend a regularly scheduled meeting should inform the appropriate board/commission chairperson or liaison at least forty-eight (48) hours prior to any meeting.

- a. Any member of a board or commission with an attendance record of less than 75% of regularly scheduled meetings within a 12-month period, beginning with the date of the most current active appointment, may forfeit the appointment to the respective board or commission. Upon discovery of an attendance requirement violation, the Director of Boards and Commissions will notify the Court of the disqualifying actions and, following the appointee's removal, at the discretion of the Court, initiate the process to fill the resulting vacant position as directed by the Court.
- b. All Harris County boards and commissions shall be required to maintain current attendance records, documenting the attendance of members of the respective body for all regularly scheduled meetings. These records shall be provided to any member of the Court or the HCBCO for inspection upon request.

15. ROLE OF STAFF LIAISON

At the discretion of the court, a county staff member may be assigned to support a board or commission in order to provide a body with technical data, prepare agendas, prepare minutes of the meetings, or perform other related functions as required by the Court. A staff member assigned as a liaison to a board or commission will not be allowed to vote or preside over meetings.

16. RULES OF ORDER & CODE OF ETHICS

In absence of parliamentary procedures formally adopted by a respective board or commission, the body's rules of order shall be governed by the most current edition of Robert's Rules of Order.

Appointees to county boards and commissions shall agree to abide by any applicable code of ethics as required by applicable law and the Court.

17. OPEN MEETINGS AND PUBLIC INFORMATION

All meetings of county boards and commissions will be held in compliance with the Texas Open Meetings Act as the Act applies to the respective board or commission.

All board and commission members, upon appointment, shall agree to comply with the provisions of The Texas Public Information Act.

All boards and commissions established under County authority shall be required to update the Court, or individual members of the Court, both directly or through the HCBCO as required, and comply with requests for information relevant to the respective board and/or County affairs.

18. ESTABLISHMENT OF BYLAWS

Board and commission bylaws, and any changes to adopted bylaws, shall be subject to approval by Commissioners Court.

19. PUBLIC OFFICE

If a member of any board or commission appointed by Commissioners Court shall become a candidate for nomination or election to any public office, that member shall immediately notify the Court through the HCBCO. In the event that holding both the position on the County board or commission and the position for which that member has become a candidate constitutes dual office holding under the Texas Constitution as determined by the Harris County Attorney's Office, that individual shall be deemed to have resigned the individual's place or position on the County board or commission.

20. CONFLICT OF INTEREST

Each member of any County board or commission shall disclose any possible conflict of interest which may arise in connection with matters being considered by the board or commission of which that person is a member, and shall refrain from discussion or voting on such matters.

21. REMOVAL

Members of any board or commission appointed by the Court, or an individual member of the Court, serve at the pleasure of the Court and may be removed at any time, unless removal procedures are otherwise statutorily prescribed.

22. REPORTS AND RECOMMENDATIONS

Each County board shall, no later than October 1 of each year, file with the HCBCO, an annual report of its activities and accomplishments during the previous year. A County board or commission may file a special report with the Office whenever that board deems it desirable to do so, and shall file a report when requested to do so by Commissioners Court.

Any recommendations a County board desires Commissioners Court to consider for official action shall be submitted through the HCBCO for placement on the Commissioners Court agenda.

When applicable, County departments or agencies shall retain the right to include an alternate recommendation for Commissioners Court's consideration regarding a given matter raised by a board.

23. FORMAL COMMUNICATIONS

Formal communications from any County board or commission to Commissioners Court shall be dated and signed by an officer of the respective board or commission, and shall fairly and accurately represent the position and/or sentiments of the County board as reflected in the meeting minutes of the body.

24. DISSOLUTION

Should it be determined a County board or commission does not function consistent with the procedures set forth in this policy or any subsequently adopted rules, resolutions, ordinances, or laws, Commissioners Court may, at any time, dissolve the board or commission by resolution or Order of the Court.

A County board created with a sunset clause shall dissolve automatically upon its specified sunset date unless the Court amends the clause to extend the body's sunset date prior to expiration.

The HCBCO shall advise members of the Court or their representatives sixty (60) days prior to the automatic dissolution of a board, committee, or commission to which these policies and procedures apply.

25. REVIEW OF POLICIES AND PROCEDURES

This policy in its entirety may be reviewed and amended as required by the Harris County Commissioners Court.