

RESOLUTION NO. 2026-06(R)

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS,
AMENDING RESOLUTION NO. 2022-15(R) ADOPTING RULES OF
PROCEDURES FOR THE BOARD OF REVIEW; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Wylie desires for all of its citizens to have confidence in the integrity, independence, and impartiality of those who act on their behalf in government; and

WHEREAS, these City Council adopted proposed Rules of Procedure for the Board of Review in Resolution No. 2022-15(R) to set out the guidelines by which the Board of Review will review and act on all inquiries; and

WHEREAS, the City Council finds that it is necessary to amend the Rules of Procedure as set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

SECTION 1: The City Council hereby amends Resolution No. 2022-15(R) as follows¹:

The following rules shall govern the Board of Review:

A. Creation and appointment

The Board of Review (BOR) is created by Wylie Ordinance No. 2022-01, amended by Ordinance Nos. 2022-70 and 2026-08 is governed by Section 2-58 of the Code of Ordinances, and serves at the will of the City Council. The BOR shall consist of five (5) regular members and two (2) alternates who will serve no more than one (1) term of two (2) consecutive years, with the exception of the inception to achieve staggered terms. The members will be resident citizens of the City and may not serve on any other Council appointed Board or Commission during their term. City of Wylie employees may not serve on the Board. The BOR members are required to complete Open Meetings Act training and receive a Certificate of Completion by the first ninety (90) days of their first year of appointment.

B. Powers and Duties of the Commission

In response to a complaint, the Reviewing Attorney shall issue advisory opinions and waivers on ethical issues arising under Ordinance No. 2022-01 Chapter 2, Article III, Division 2 of the Code of Ordinances (Code of Conduct). In response to a complaint referred to the BOR, the BOR shall issue findings and refer violations of Ordinance No. 2022-01 the Code of Conduct to the City Council.

C. Officers

The BOR shall select from among its members in the first meeting (and at such other times as these offices may become vacant), a Chairperson and Vice-Chairperson to serve for a period of one (1) year. In the absence of both the Chairperson and Vice-Chairperson, the Commission shall elect an Acting Chairperson.

D. Officers' Duties

The Chairperson shall preside over all meetings and perform all duties as required by law. The Vice-Chairperson shall assume all duties of the Chairperson in the absence of the Chairperson.

¹ Additions are underlined; deletions are evidence by strikethrough.

E. Quorum

A quorum shall consist of three (3) members. No matters may be handled without the presence of a quorum, and all votes shall be by a majority of members present.

F. Conflict of Interest

Should any member of the BOR feel they have a conflict of interest with an agenda item before the BOR, they should fill out a conflict of interest form prior to the meeting and openly declare the same before discussion proceeds. The member is thereby prohibited from discussing the item or voting on the question.

G. Abstention

Should any member of the BOR choose to abstain from voting on any question before the Commission, where no declared conflict of interest exists, their vote shall be recorded as ~~an negative~~affirmative vote in the official minutes of the City of Wylie.

H. Agendas

An agenda shall be prepared by the City Manager or his/her designee for each meeting of the BOR. The agenda shall be posted as in accordance with applicable rules and provisions of the state law~~required by law seventy two (72) hours prior to the meeting.~~

I. Meetings

The BOR shall meet as necessary at 6:00 pm in the Council Chambers of the Wylie Municipal Complex, unless noted otherwise. All meetings shall be open to the public, and the public is encouraged to attend. The unexcused absence of any BOR member from three (3) consecutive regularly scheduled meetings, unless excused by the BOR for good and sufficient reason as determined by the BOR, shall constitute a resignation from the Board of Review.

All meetings shall be held in full compliance with the provisions of state law, ordinances of the City, and these rules of procedure.

J. Minutes of Meetings

Minutes of all meetings shall be kept by the City Secretary, and are subject to amendment and ratification by the BOR at a regular meeting. The minutes of the BOR proceedings shall show the overall vote, or if absent or failing to vote, shall reflect that fact.

K. Complaint Form

Complaints shall be in writing and filed by sworn affidavit with the City Secretary in accordance with Section ~~2-588(Gg)(1) of Ordinance No. 2022-01~~the Code of Ordinances. ~~The form shall contain a statement that must be signed and which states that, to the best of the person's knowledge, information, and belief formed after reasonable reflection, the information in the complaint is true. The complaint shall describe the facts that constitute the violation of the code of conduct in sufficient detail so that the Reviewing Attorney, BOR, and the person who is the subject of the complaint can reasonably be expected to understand the nature of any offense that is being alleged.~~

~~L. Complaint Process~~

- ~~1. The City Secretary will not accept complaints or inquiries about actions that took place or became known to the complainant more than 6 months prior to the date of the filing of the complaint.~~
- ~~2. The City Secretary shall notify and provide a copy of the full Complaint to the City Official who is the subject of the Complaint, the City Attorney, the City Manager, and the Reviewing Attorney within three (3) days from the day the complaint was filed. The notification shall include a copy of any portion of Ordinance No. 2022-01 that is alleged to have been, or that may be violated, and the BOR's rules for dealing with complaints or inquiries.~~

~~3. Confidentiality. No City Official shall reveal information relating to the filing or processing of a Complaint, except as required for the performance of Official duties. Documents relating to a Complaint will be maintained by the City Secretary in accordance with applicable records retention laws and are confidential, to the extent permitted by law.~~

~~4. Prior to the review by the BOR, the Reviewing Attorney shall first determine:~~

~~a. If the BOR has jurisdiction over the alleged violation; and~~

~~b. If the alleged violation, if true, would or would not constitute a violation of Ordinance No. 2022-01.~~

M.L. Action of the Board

~~The BOR shall meet within forty five (45) days of receiving a referral of a complaint from the Reviewing Attorney, unless extended by the City Council. The BOR shall schedule the a hearing required by Section 2-58(g)(5) of the Code of Ordinances at a time that is reasonably convenient to both the person who submitted the complaint (“Complainant”) and the subject of the complaint (“Respondent”). The BOR may alter the timeline upon the request of the Respondent for more time to prepare.~~

~~1. The BOR may dismiss a complaint without hearing if:~~

~~a. The alleged violation is a minor or de minimis violation;~~

~~b. The complaint is, on its face, frivolous, groundless, or brought for purposes of harassment;~~

~~c. The matter has become moot because the Respondent is no longer an elected official or Administrative Board or Advisory Board member;~~

~~d. The Respondent had obtained a waiver or an advisory opinion under Paragraph G(5)a of Section 8 of Ordinance No. 2022-01 permitting the conduct.~~

~~e. The Respondent comes into voluntary compliance;~~

~~f.1. The Complainant does not appear at hearing and if, in the opinion of the board, it would be unfair to the Respondent not to have the opportunity to examine the person under the standards set forth in Section 2-58(g)(7) of the Code of Ordinances.~~

~~2. If the BOR dismisses a complaint, the reason for dismissal shall be in writing, submitted to the Complainant, and made available to the public within forty-five (45) days of considering the complaint.~~

N.M. Hearings

~~The BOR shall have hearings at meetings, which are open to the public, on complaints which have not been dismissed pursuant to Section 2-58(g)paragraph G(7) of Section 8 of the Ordinance No. 2022-01the Code of Ordinances. The Board shall allow the Respondent to designate a representative if he or she wishes to be represented by someone else, to present evidence, and to cross-examine witnesses. The BOR shall give the Complainant and the Respondent sufficient time to examine and respond to any evidence not presented to them in advance of the hearing if that evidence is not excluded.~~

Hearings will be conducted following the general guidelines listed below:

1. Introduction of agenda item by the Chairperson;

2. Report by the City Manager, City Attorney or designee;

3. Presentation by Cecomplainant;

4. Presentation by Respondent or their representative.

5. Questioning by the BOR of the Complainant; Respondent or representative, and witnesses with information relevant to the complaint;

6. BOR query of Staff;

7. BOR discussion and action pertaining to the issue of the hearing.

O.N. Evidence

Only relevant evidence and testimony will be received. All witnesses must be sworn in by the Chairperson prior to giving testimony. Information and other physical evidence should be submitted to the Chairperson

of the Board or designee at least three (3) business days prior to the meeting. The BOR may exclude evidence not submitted timely. Any BOR member having new factual information regarding agenda items shall make that information known to all BOR members at least three (3) [business](#) days prior to the meeting.

P.O. Deliberations and Findings

Deliberations on complaints are to be conducted in open session. BOR members who have not been present for the hearing shall not participate in formulating a finding.

In determining their findings, the BOR shall:

1. Base a finding of a violation upon preponderance of the evidence.
2. Take into consideration the severity of the offense; the presence or absence of any intention to conceal, deceive, or mislead; whether the violation was deliberate, negligent, or inadvertent; and whether the incident was isolated or part of a pattern.
3. Have the option to issue an advisory opinion in response to a complaint, in lieu of making findings, where deemed appropriate.

At the conclusion of a hearing in accordance with these rules promulgated under [Ordinance No. 2022-01](#) [Section 2-58 of the Code of Ordinances](#), the BOR shall forward its findings as follows:

1. If the Board finds that the Respondent has committed a violation, the Board shall refer the complaint and the BOR record to the City Council for further action.
2. If the Board finds that the Respondent has not committed a violation, the BOR shall dismiss the complaint and forward its finding to the City Council.

All findings shall be in the form of a motion. A motion to approve any matter before the Board or to recommend any action shall require a majority favorable vote of the members present. Failure of the Board to secure a majority concurring vote to approve or recommend action shall be recorded in the minutes as a failed motion.

SECTION 2: This Resolution shall take effect immediately upon its passage.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas on this 24th day of March 2026.

Matthew Porter, Mayor

ATTEST TO:

Stephanie Storm, City Secretary