

ORDINANCE NO. 2022-70

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE’S CODE OF ORDINANCES, ORDINANCE NO. 2021-17, AS AMENDED, CHAPTER 2 (ADMINISTRATION), ARTICLE III (OFFICERS), DIVISION 2 (CODE OF CONDUCT), SECTION 2-58 (BOARD OF REVIEW) TO AMEND THE TERM LIMITS, ADD A HOLDOVER PROVISION, AND EXCLUDE THE SERVICE OF BOARD MEMBERS SPOUSES OR DOMESTIC PARTNERS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, in January 2022, the City Council of the City of Wylie, Texas (“City Council”) adopted Ordinance No. 2022-01 that, among other things, established a Code of Conduct; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Wylie to amend Ordinance No. 2022-01 and Wylie’s Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 2 (Administration), Article III (Officers), Division 2 (Code of Conduct), Section 2-58 (Board of Review); and

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

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Amendment of Wylie’s Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 2, Article III, Division 2, Section 2-58, and Ordinance No. 2022-01. Chapter 2, Article III, Division 2, Section 2-58, and Ordinance No. 2022-01 are amended to read as follows:

“CHAPTER 2 (ADMINISTRATION)

...

ARTICLE III (OFFICERS),

...

DIVISION 2 (CODE OF CONDUCT)

...

Sec. 2-58. Board of Review

...

(B) Qualifications

- (1) All members must live within the City of Wylie city limits and be at least 18 years of age;**

- (2) Board of Review (BOR) members may not be:
 - a. The spouse or the domestic partner of the individual filing the Complaint (“Complainant”) or the individual who is the subject of the Complaint (“Respondent”) is the spouse or domestic partner.
 - b. Serving on any other Council appointed Board or Commission during their term on the BOR;
 - c. A City Council member or City of Wylie employee, or the spouse or domestic partner of a City Council member, Board and Commission member, or City of Wylie employee;
 - d. An elected public official; or
 - e. A candidate for elected public office at the time of their term on the BOR.

(C) Terms of appointment / Limitations

- (1) No member shall serve on the board for more than three consecutive, two-year terms or six consecutive years, whichever is less; provided, however, that should a board member's replacement not be qualified upon the expiration of any term of a board member, then that board member shall holdover on the board until a qualified replacement board member has been appointed.
- (2) Except for a board member whose tenure has been extended by the City Council as provided above, a member who has served three consecutive, two-year terms or six consecutive years, whichever is less, on the board may be reappointed to serve on the board after being off the board for at least one year, and upon reappointment, the member is eligible to serve another three consecutive terms or six consecutive years, whichever is less. Such member is eligible, however, for appointment to a different board or commission without waiting.
- (3) BOR members shall serve until any Complaints pending during their appointed term have been fully adjudicated by the BOR.
- (4) If a person selected to serve on the BOR pursuant to this subsection cannot fulfill his or her duties as a member of the BOR due to illness, travel, disqualification under the terms outlined above, or another bona fide reason, or otherwise refuses to serve on the BOR, that person shall be requested to confirm that fact with the City Secretary in writing within 15 calendar days of receipt of the service notification. In this event, the City Secretary shall repeat the process outlined herein until a substitute has been selected.

...”

SECTION 3. Repealing/Saving. Each Ordinance referenced in this Ordinance and the Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any other ordinances in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 4. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/ or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Wylie hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases are

declared unconstitutional and/ or invalid.

SECTION 5. Effective Date. This Ordinance shall become effective from and after its adoption. The term limitations and other provisions set forth in Section 2 shall apply retroactively to members serving on the board referenced herein as of the effective date of this Ordinance, including those board members whose appointments were made prior to the adoption of this Ordinance.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 13th day of December, 2022.

Matthew Porter, Mayor

**ATTESTED AND
CORRECTLY RECORDED:**

Stephanie Storm