

SEPTEMBER 9, 2019



RESIDENT RESPONSE MEMORANDUM

STAFF PREPARER: Doug Young, City Attorney
Sylvia Carrillo-Trevino, City Administrator

INFORMATION OR RESPONSE REQUESTED:

QUESTION: ARE COMMITTEE MEMBERS CONSIDERED CITY OFFICIALS?

RESPONSE: Chapter 31 of the City's Code of Ordinances is entitled "Officials and Organizations" and deals with all standing boards and commissions and committees. Chapter 31 was recently amended by the Council but nothing was done to eliminate the *implication* that committee members are "officials." Meetings of all committees are *voluntarily made subject to the Open Meetings Act*. Of course, the term "official" has no legal significance. Even if the more official term "officer" was involved, Local Government Code § 22.071 provides that the Council of a Type A city, like Sunset Valley, can designate whatever officers it chooses. The Council confers whatever authority it determines in creating officials or officers, so *the title itself has no particular significance*.

Code of Ordinances Chapter 31 also covers the Board of Adjustment (BoA) and the Zoning Commission (ZC) among the officials and organizations that are the subject of that chapter. The members of those bodies clearly *can be* considered official officials, both having statutory authority that *cannot* be abrogated by the Council. The BoA actually has quasi-judicial authority to decide variance requests without review by the Council. A decision's appeal is to District Court, not the Council.

In summary, there's good reason to call the members of committees "officials," but that (except ZC and BoA) their authority is limited to that ***conferred by the Council, and the title confers no right to make decisions free of Council supervision, review, or final action.***

ACTION REQUIRED: NONE

SUPPORTING MATERIALS PROVIDED: YES NO