

ARB MEMBER REMOVAL PROCESS

REMOVAL OF ARB MEMBERS

ARB members may be removed by a majority vote of the appraisal district board of directors for the following infractions:

1. Violating sections 6.412, 6.413, 41.66, 41.66(f), or 41.69 Texas Property Tax Code
 - Is related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to an individual who is engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district for which the appraisal review board is established; or 6.412
 - Owns property on which delinquent taxes have been owed to a taxing unit for more than 60 days after the date the individual knew or should have known of the delinquency unless: 6.412
 - (A) the delinquent taxes and any penalties and interest are being paid under an installment payment agreement under Section 33.02; or
 - (B) a suit to collect the delinquent taxes is deferred or abated under Section 33.06 or 33.065.
 - The board member continues to hold office knowing that an individual related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to the board member is engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district for which the appraisal review board is established. An offense under this subsection is a Class B misdemeanor. 6.412
 - The person is a member of the board of directors, an officer, or employee of the appraisal district, an employee of the comptroller, or a member of the governing body, officer, or employee of a taxing unit. 6.412
 - Having a conflict of interest as defined by Section 6.413
 - Communicating with another person concerning:

- the evidence, argument, facts, merits, or any other matters related to an owner's protest, except during the hearing on the protest; or
 - a property that is the subject of the protest, except during a hearing on another protest or other proceeding before the board at which the property is compared to other property or used in a sample of properties. *41.66*
- Communicating with the chief appraiser or an appraisal district employee concerning a taxpayer protest outside of the hearing. *41.66(f)*,
 - Participates in the determination of a taxpayer protest in which he is interested or in which he is related to a party by affinity within the second degree or by consanguinity within the third degree, as determined under Chapter 573, Government Code. *41.69*
2. Good cause relating to attendance at called meetings of the ARB. Attendance includes not only missing meetings but conducting personal business and thereby forcing protesting property owners to suffer unwarranted delays. Such behavior includes, but is not limited to, conducting personal business either inside or outside of the meeting room. In addition to the above-stated attendance requirements, a person who engages in conduct not related to ARB hearings while scheduled ARB hearings are being held shall be subject to removal from the ARB.

The Chair or Vice-Chair of the ARB may ask that an ARB member, whose attendance, in his/her view, has hindered the operation of the Board, request that the COLORADO COUNTY APPRAISAL DISTRICT Board of Directors remove the ARB member for violation of the attendance policy. The Chair/Vice-Chair should submit information to the COLORADO COUNTY APPRAISAL DISTRICT Board of Directors to substantiate the violations.

An ARB member who is eligible to be removed may submit to the Board of Directors evidence intended to negate the removal, but the decision whether to remove the ARB member remains solely within the discretion of the Board of Directors. An ARB member may appear at an open meeting before the Board of Directors to offer evidence or argument against the removal, but the right of the ARB member to address the Board shall not be any different than the right of the general public to address the Board (that is, the ARB member shall not be given more than five minutes to address the Board of Directors without consent of the full Board).

EVALUATING COMPLAINTS AGAINST ARB MEMBERS

EVALUATING COMPLAINTS

1. Complaints against individual ARB members received from other ARB members, the public, or employees of the appraisal district should be referred to the ARB Chair, unless the ARB Chair is the subject of the complaint. If the ARB chair is the subject of the complaint, the Vice-Chair should receive the referral.
2. If the Chair/Vice-Chair feels perceives an ethical or other reason that he/she should not conduct an investigation into the complaint, the Chair/Vice/Chair may appoint an impartial party to conduct the investigation.
3. Within 5 calendar days, the ARB Chair or the designated investigator should complete an impartial investigation by doing the following:
 - Collecting evidence.
 - Interviewing the party/parties making the accusation.
 - Interviewing the ARB member about whom the complaint is made.
4. If the complaint is substantiated and involves violating sections 6.412, 6.413, 41.66, 41.66(f), 41.69, or the attendance policy, the ARB Chair or designated investigator should deliver written findings plus any evidence to the Chair of the COLORADO COUNTY APPRAISAL DISTRICT Board of Directors.
5. The Chair will then place an item concerning potential removal of the ARB member on the agenda of the next Board of Directors meeting or call a special meeting to handle the removal, if applicable.
6. If the complaint involves personal skills, the ARB Chair/Vice Chair or investigator should coach the ARB member on how the situation could have been better handled after speaking with the offended party and understanding exactly what occurred.
7. In the event no violation of sections 6.412, 6.413, 41.66, 41.66(f), 41.69, or the attendance policy is found, the party/parties filing the complaint, as well as the affected ARB member, should be informed of the outcome of the investigation.

