

Type A and Type B Board of Directors:

59. How many board members serve on a Type A and Type B board of directors?

The board of directors of a Type A corporation consists of at least five (5) directors who are appointed by city council.¹¹⁹ Seven (7) directors serve on the Type B board.¹²⁰

60. How long a term do Type A and Type B board of directors serve?

Type A board of directors serve a term not to exceed six (6) years.¹²¹ Type B board members serve a two (2) year term.¹²²

61. Can Type A and Type B board of directors be removed for any reason?

Both Type A and Type B board of directors serve at the pleasure of city council and may be removed by city council at any time without cause.¹²³

62. Can a Type A or Type B director be reappointed to a subsequent term?

The Attorney General concluded a Type A board member could be reappointed to a subsequent term, absent any contrary provision in the certificate of formation (formerly called articles of incorporation) or bylaws, or in a city charter, ordinance or resolution of the city.¹²⁴

63. Can the board of directors appoint someone to fill a vacancy when a board member resigns in the middle of his or her term?

The Development Corporation Act provides that the board of directors “is appointed by the governing body of the authorizing municipality.”¹²⁵ Consequently, city council would fill any vacancy on the Type A or Type B board.

¹¹⁹ TEX. LOC. GOV'T CODE ANN. § 504.051(a).

¹²⁰ TEX. LOC. GOV'T CODE ANN. § 505.051(a).

¹²¹ TEX. LOC. GOV'T CODE ANN. § 504.051(c).

¹²² TEX. LOC. GOV'T CODE ANN. § 505.051(b).

¹²³ TEX. LOC. GOV'T CODE ANN. §§ 504.051(b) & 505.051(c).

¹²⁴ Op. Tex. Att’y Gen. No. JC-0349 (2001).

¹²⁵ TEX. LOC. GOV'T CODE ANN. §§ 504.051(b) & 505.051(b).