Wednesday, August 10, 2022
City Council Special Meeting

Council Chambers
3815 Sachse Road, Building B
6:30 p.m.

The City of Sachse reserves the right to reconvene, recess or realign the meeting, called Executive Session, or order of business at any time prior to adjournment.

As authorized by Section 551.071(2) of the Texas Government Code, these meetings may be convened into closed Executive Session at any time during the City Council workshop or regular meeting for the purpose of seeking confidential legal advice from the City Attorney on any workshop or regular meeting agenda item listed herein.

A. 6:30 PM SPECIAL MEETING

1. Call to Order: The City Council of the City of Sachse will hold a Special Meeting on Wednesday, August 10 at 6:30 p.m. to consider the following items of business:

2. Invocation and Pledges of Allegiance.

3. Discuss and consider the recommendation from the Charter Review Commission.

4. Adjournment.

I, the undersigned authority, do hereby certify that this notice of meeting was posted in accordance with the regulations of the Texas Open Meetings Act and was posted on the bulletin board, an accessible location at Sachse City Hall.

____
Leah K Granger, City Secretary

Posted: __________________________ Removed: __________________________

Accommodation requests for persons with disabilities should be made at least 48 hours prior to the meeting by contacting Amanda Chi, ADA Coordinator, via phone at 975.429.4770, via email at achi@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.

Agenda Item Details

Meeting	Aug 10, 2022 - City Council Special Meeting
Category	A. 6:30 PM SPECIAL MEETING
Subject	3. Discuss and consider the recommendation from the Charter Review Commission.
Access	Public
Type	Action, Discussion
Recommended Action	Discuss and consider the recommendation from the Charter Review Commission.
Goals	Provide excellent government services to Sachse citizens.

Public Content

BACKGROUND

The City Council called for and established a Charter Review Commission in March 2022. The Mayor and City Council appointed 15 residents to serve on the Commission. The Commission was supported by City staff including Amanda Chi, Assistant to the City Manager; Mike Pastor, Information Technology Manager; Leah Granger, City Secretary; Lauren Rose, Assistant City Manager; and Pete Smith, City Attorney. City staff provided updates on the web page dedicated to the Charter review process, including posting meeting agendas, minutes, and video recordings.

The Commission met on March 31, April 7, June 2, and July 7 to review the City's Charter. The meeting scheduled for May 5 was ultimately cancelled due to a lack of quorum.

OVERVIEW

Scott McMurdie, Chairperson of the Charter Review Commission, provided the summary report on behalf of the group at the July 18 Council meeting (presentation and appendix attached). The City Council will discuss the recommendations and determine if a Charter Amendment Election should be called. If the Council chooses to move forward with an election, staff will prepare an ordinance with the recommended propositions for a meeting prior to the August 22 statutory deadline for calling an election.

POLICY CONSIDERATIONS

The requirements for the Charter Review Commission are set out in section 11.07 of the City's home rule Charter:

Sec. 11.07 - CHARTER REVIEW COMMISSION

(1) The city council may appoint a Charter Review Commission of at least fourteen (14) citizens of the city who shall:

(a) Inquire into the operation of the city government under the Charter and determine whether any provisions require revision. To this end, public hearings may be held. The commission may compel the attendance of any officer or employee of the city and require submission of any city records;

(b) Propose any recommendations it deems desirable to insure* compliance with the Charter of the city government;

(c) Report its findings and present its recommendations to the city council.

(2) The city council shall receive and have published in the official newspaper of the city a comprehensive summary of the report presented by the commission, shall consider any recommendations made, and may order any amendments suggested to be submitted to the voters of the city in the manner provided by state law as now written or hereafter amended.

(3) The term of office of the commission shall be for not more than six (6) months, at the end of which time a report shall be presented to the city council and all records of proceedings of the commission shall be filed with the city secretary and become a public record.

*Please note, this is a direct quote from the current Charter document. Staff recognizes that this is the wrong use of the word and has recommended changing "insure" to "ensure" as a part of the Charter review process.

In addition, the City Council issued the following charge:

"Review the City of Sachse's home rule Charter to determine if any revisions need to be made to the document and make a recommendation to the City Council regarding the Commission's findings."

RECOMMENDATION

Discuss and consider the recommendation from the Charter Review Commission.

Presentation_Charter Review Commission.pdf (617 KB)

Presentation Appendix.pdf (6,319 KB)

City of Sachse
Charter Review Commission
Report and Recommendations

July 18, 2022

Presented by Scott McMurdie

Charter Review Commission Chairperson

The City of

SACHSE

Commission Review and Charge

- March 21, City Council approved resolution to convene the Charter Review Commission
- Purpose of the Commission as follows:
  - Review and provide recommendations to City Council for amendments to the city charter which would then be voted on by residents
- Commission Make-up
  - Each Council member nominated two residents and the mayor recommended three for a total of 15 members
- Meeting Schedule
  - Held meetings in March, April, June, and July
  - May meeting was cancelled due to lack of quorum

The City of SACHSE

Review Process and Introductory Notes

- Scott McMurdie was nominated and approved as Chairperson of the Commission with Cedric Alford as Vice Chairperson
  - Mr. Alford ultimately resigned his position on the Commission and Billy George was nominated and voted to fill the position as Vice Chairperson
- Each article and paragraph within the Charter was discussed, reviewed, and votes were held approving or rejecting each motion made
- Commission reviewed redlines provided by City Attorney to ensure consistency with what was discussed

The City of SACHSE

Review Process and Introductory Notes

- Any change to the charter, however minor, must be placed on the ballot for voter approval
- Reminder that state law does supersede any items in the Charter that contradict said laws or codes
- Any change recommended by Council must be voted on by residents

The City of SACHSE

Summary of Recommended Changes
by Subsection

- 2.02
- 3.01
- 3.02
- 3.04
- 3.06(4)
- 3.07(i)
- 3.09(1)
- 3.13
- 3.14(3)
- 3.18
- 5.02(c)
- 6.04
- 6.05
- 7.10
- 7.20
- 9.01(2)
- 11.07(1)(b)
- 11.07(2)
- 13.1-4

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2.02 — Public Improvements

- Fix grammar error and replace “foreclosures” with “foreclosure”
  - Approved Unanimously

  “The city shall have the power to collect attorney's fees for the collection of paving assessment in foreclosure~~s~~ cases as allowed under state law. It shall have the power to cause liens to be established for the purpose of securing such levies and shall have the power to compel the use of such improvements by the inhabitants of the city.”

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3.01 — City Council Composition

- Recommend to remove section 3.02 and make mention of the historical changes in 3.01
  - 3.02 delineates how initial city council members were initially slotted in the different places within council
  - All historical information but has no additional bearing on current procedures as the voting and places are fully established at this time
- Proposed changes listed on the following slide

3.01 — Proposed Language

The council shall be composed of a mayor and six (6) council members, that is a mayor and six (6) council members elected by numbered places 1, 2, 3, 4, 5 and 6 by the qualified voters of the entire city for staggered terms of three (3) years each or until their successor has been elected or appointed and qualified. ~~Each council position shall be designated as a Place, to be determined as set forth in Sec. 3.02 of this Article. The mayor and council members shall be elected at large, and shall serve for a term of three (3) years as prescribed by the Texas Election Code and until his or her successor has been elected and duly qualified. Elections for two places shall be held each year, and the election for mayor shall be held every three years~~. If the candidate with the highest number of votes in an election receives less than a majority vote, then a runoff election shall be held between the two candidates receiving the highest number of votes. Such runoff election shall be held pursuant to the provisions of the Texas Election Code and applicable ordinances. To provide for staggered terms of office the mayor and council members in places 5 and 6 are elected for a three (3) year term commencing with the regular municipal election in May 2022, council members in places 3 and 4 are elected for a three (3) year term commencing with the regular municipal election in May 2023, and council members in places 1 and 2 are elected for a three (3) year term commencing with the regular municipal election in May 2024.

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3.02 — Procedures for Determining Council Places and Initial Terms of Office

- Recommended to change title of subsection to read: term limits
- Vote by Commission for term limits in general
  - **9-5 vote to approve term limits in general**
- Variation on term limits:
  - 24-year plan—four terms on Council and 4 terms as Mayor maximum consecutive
    - **8-5 vote to oppose 24-year plan**
  - 18-year plan—three terms Council and three terms as Mayor maximum
    - **9-4 vote to approve 18-year plan**

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3.02, Continued

- Additional details regarding term limits
- Prospective vs Retroactive
  - **Making term limits retroactive was voted on with 5 for and 6 against, so the proposal is for term limits to be prospective**
- Years vs. Terms
  - **Voted unanimously to have language read in “terms” not “years”**
- Definition of term—Three years equals one term
- If more than 50% of any term is served, then the term counts toward limit

The City of SACHSE

Proposed Term Limit Language

Commencing with the May 2023 city officer election, no person shall serve as mayor for more than three (3) consecutive elected terms, and no person shall serve as councilmember for more than three (3) consecutive elected terms. No person shall serve as a councilmember and mayor (combined) for more than six (6) consecutive terms. For purposes of this Section and computing the limitations on terms:

(1) A mayor or councilmember, who vacates, for any reason, city office before the end of the term for which such person was elected, shall be considered to have completed that term.

(2) Election to fulfill an unexpired councilmember term, or unexpired mayor term if applicable, shall be computed as follows

(i) If 50 percent or more of the term is remaining, it shall be included in the computation of term limits; or

(ii) If less than 50 percent of the term is remaining, it shall not be included in the computation of term limits.

Any councilmember or mayor, who is ineligible to run for elected city office due to the limitations on terms as provided herein, shall remain ineligible to hold an elected city office for a period of two years following the expiration of the most recent term of city office for which such person was elected with the exception of a councilmember seeking the office of mayor or the mayor seeking the office of a councilmember.

All remaining language for existing subsection 3.02 to be removed. See appendix for redline recommendation.

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3.04 — Compensation

- Recommend grammar correction:

  > “Compensation of the members of the city council shall be determined by the city council by ordinance, but no increase in such compensation shall take effect until commencement of the terms of mayor and/or council members elected at the next regular election. Members of the city council shall be entitled to reimbursement for actual expenses incurred in the performance of official duties. “

- **Voted by Commission 9-5 to leave as-is except to add “until”**

*Also noted that any decision in the future to add compensation to councilmembers must be voted on by citizens of Sachse

The City of SACHSE

3.06 — Vacancies, Forfeitures and Filling of Vacancies

- Subsection (4)—Recommend to remove “uniform”

  “A vacancy or vacancies in the position of mayor or council member shall be filled by majority vote of the qualified voters at a special election called for such purpose on the next ~~uniform~~ election date as provided by state law.”

- Uniform implies that a special election may not be called
- **Approved unanimously by Commission**

3.07(i) — Powers of the City Council

- (i) Remove “ Adopt Plats” and replace with “Reserved”
- Updates the document to current status of city and maintain the section identifier otherwise lettering must be adjusted, and additional amendments approved accordingly
- **Approved unanimously by Commission**

The City of SACHSE

3.09(1) — Meetings of the City Council

- Change requirements to call special meeting
- Currently reads majority of city council and change mayor or three members of city council

  > “Special meetings of the city council shall be held at the call of the mayor or three ~~a majority~~ of the city councilmembers upon provision of public notice in accordance with state law.”

- Current language can cause council to run afoul of open meetings act laws
- **Approved unanimously by Commission**

The City of SACHSE

3.13 — Rules of Procedure

- Concerns for familiarity with Roberts Rules and possible restrictive nature of allowing citizen input which state law has been updated to include

  “~~The city council shall conduct its meetings in accordance with Robert's Rules of Order~~. The city council shall determine its own order of business.”

- **Approved 12-2 by Commission**

3.14(3)—Passage of Ordinances in General

- Transparency and easy access to city business and information
- Concern about current availability of print newspaper and future accessibility

> "Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published once in its entirety or summary form after adoption, in a newspaper or as otherwise allowed ~~as required~~ by law."

- **Approved 12-1 by Commission**

The City of SACHSE

3.18 — Bond

- Concern regarding wording that requires that a bond be issued on all officers and employees who receive or pay out any monies of the City
- As a bond is not required by law, amended language in subsection to the following:

  > “The city council ~~shall~~ may require bonds of all municipal officers and employees who receive or pay out any monies of the city. . . .”

- **Approved unanimously by Commission**

The City of SACHSE

5.02 — Filing for Office

- Requirements to file for office:

  “Shall have resided within the corporate limits of the city, or annexed territory, for at least twelve ~~six (6)~~ (12) months prior to the date of election filing deadline”

- Clarity was provided by Mr. Smith, City Attorney, as to state law not allowing length of residency to extend beyond 12 months from date of election.
- **Approved 12-2 by Commission**

The City of SACHSE

6.04 — Form of Petition

- Subsection (3) Change the number of signatures per page of a petition to 10 from 20

  “Locations for **ten (10)** ~~twenty (20)~~ signatures shall be provided on each blank petition.”

- From experience within the commission, it was noted that reviewing and validating a petition is much easier when fewer names are on each page of a petition
- It is also noted that the pages for a petition must be uniform according to state law
- **Approved unanimously by Commission**

The City of SACHSE

6.05 — Presentation of Petitions

- Recommend extending time to file petition from 30 days to 60 or 90 days

> "A petition to the city council for initiative or referendum, containing the signatures of qualified voters equal in number to fifteen (15) percent of those who voted in the last general municipal election, or two hundred (200), whichever is greater, shall be filed with the city secretary not later than **sixty (60)** ~~thirty (30)~~ days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn."

- **60 days approved by Commission by a 9-3 vote**
- **90 days approved by Commission by a 10-2 vote**

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7.04 and 7.10 — Budget and Certification Copies

- Section(s) 7.04 and 7.10 state effectively the same thing related to copies of the budget and supporting schedules to be made available to the public
- Recommended to leave section 7.04 and remove 7.10 but label 7.10 as Reserved. (Keep reserved for same reason as mentioned in 3.07)
- See Exhibit A: Memo from City Attorney regarding sections 7.04 and 7.10
- **Approved unanimously by Commission**

The City of
SACHSE

7.20 — Office of Tax Collector

- As the city does not have an "Office of Taxation" recommended wording for 7.20 as follows:

  "~~There shall be established an office of taxation to collect taxes, the head of which shall be the city tax collector.~~ The city manager shall appoint a tax assessor/collector for the city, or the city council may contract with a governmental entity or with the board of directors of an appraisal district for the other governmental entity or the appraisal district to perform duties relating to the assessment or collection of taxes. In the assessment and collection of taxes, all provisions of the constitution and general laws of the State of Texas, the ordinances of this city relating thereto, and the provisions of this charter shall be followed.

- Edit recommended to make sure charter is consistent with current city structure. See Exhibit A: Memo from City Attorney
- **Approved unanimously by Commission**

The City of SACHSE

9.01(2) — Planning and Zoning Commission Organization

- Recommend change required meeting schedule as follows:

  > "The commission shall meet **as needed** ~~at least once a month~~. The commission shall keep minutes of its proceedings which minutes shall be maintained as a public record by the city secretary. The commission shall serve without compensation."

- There are times where no business needs to come in front of the Planning and Zoning Commission
- This allows discretion for scheduling meetings
- **Approved unanimously by Commission**

The City of SACHSE

11.07(1)(b) — Charter Review Commission

- Replace “insure” with “ensure”
- In an effort to be grammatically correct, this change is recommended to read as follows:

  “Propose any recommendations it deems desirable to **ensure** ~~insure~~ compliance with the Charter of the city government;”

- **Approved unanimously by Commission**

The City of SACHSE

11.07(2) — Charter Review Commission

- State law requires that notice of a charter election and comprehensive summary of the report be published in a newspaper
- To allow for more current times and technology it was recommended to amend the language to include the requirement that the city post the summary on the city website until the election has concluded
- Language to read as follows:

11.07(2), Continued

"The city council shall **consider** ~~receive and have published in the official newspaper of the city a comprehensive summary of~~ the report presented by the commission, shall consider any recommendations made, and may order any amendments suggested to be submitted to the voters of the city in the manner provided by state law as now written or hereafter amended. **The city council shall post a comprehensive summary of the report presented by the commission on the city website which may be removed after the date the city council has adopted any amendments approved by the voters at such election. If no election is called the report may be removed from the city website within ninety (90) days after such posting."**

- **Approved unanimously by Commission**

The City of SACHSE

Article XIII (in its entirety) — Transitional Provisions

- Recommended to remove entire subsection and mark as "RESERVED"
- Noted that this article is no longer relevant or needed in the city Charter
- **Approved unanimously by Commission**

Final Recommendations and Other Provisions

- Include in the ballot a resolution to make the document gender neutral
  - i.e., remove "he or she" and replace with "they or their"
- There were a number of sections where significant discussion was held, but ultimately voted to be left alone. Recommend all minutes and memos be read to be completely familiar with all aspects of Commission review
- Council Liaison—Significant discussion held regarding responsibilities and requirements of a council liaison. While it was not voted to be included in the city charter, it is recommended by the commission that this topic be discussed and added to council duties and policies. **See appendix for suggested language regarding Liaison definition and responsibilities.

The City of SACHSE

Timeline

- City Council must vote to include items from the Charter review on the November ballot by **August 22, 2022**
- 2022 Uniform Election Date is **Tuesday, November 8, 2022**
- Any approved amendments become official as of election date
- No changes to the Charter may be made for two years after an election

The City of SACHSE

Next Steps

- The Commission submits this summary and recommended changes for Council's consideration
- Council may elect to have a further discussion item regarding these items at a later meeting date
- If Council wishes to move forward with some or all of the recommended changes, it must call and election by **August 22, 2022**

Questions

The City of
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CHARTER REVIEW COMMISSION OF THE CITY OF SACHSE
MARCH 31, 2022, MEETING MINUTES

The Charter Review Commission of the City of Sachse held a regular meeting on Thursday, March 31, 2022, at 6 p.m. at the Michael J. Felix Community Center, 3815-E Sachse Road. Members present were Chairperson Scott McMurdie; Vice-Chairperson Cedric Alford; Commission members Ed Brown, Eric Dominguez, Charles Elk, Billy George, Marcia Harris-Daniel, Matthew Holboke, Butch Kemper, Jeanie Marten, Jim Mathis, Karlos McGhee, Paul Watkins, and Kirk Wood; Assistant City Manager, Lauren Rose; City Attorney, Pete Smith; City Secretary, Leah Granger, and Assistant to the City Manager, Amanda Chi.

Members absent: Brad Ford.

Ms. Rose called the meeting to order at 6:02 p.m.

Invocation and Pledges of Allegiance to the US and Texas Flags.

Mr. Wood led the invocation and pledges.

Introduce board members.

The Commission members went around the room introducing themselves, how long they have been in Sachse and what brought them to the community.

All Board members take the Oath of Office.

Ms. Granger led the members present in the Oath of Office.

Consider and elect a Chairperson and Vice-Chairperson of the Charter Review Commission.

Mr. Dominguez noted that he had worked with Mr. McMurdie on other occasions and thought he would lead the group efficiently and well.

Mr. Dominguez made a motion to elect Scott McMurdie as Chairperson of the Charter Review Commission. Mr. Mathis seconded the motion, and it carried unanimously.

Dr. Alford said he would like to serve as the Vice-Chairperson of the group.

Dr. Alford made a motion to be the Vice-Chairperson of the Charter Review Commission. Mr. Wood seconded the motion, and it carried unanimously.

Citizen Input: The public is invited at this time to address the Charter Review Commission. Please state your name and address for the record. The time limit is 3 minutes per speaker.

Issues raised may be referred to City Staff for research and possible future action and comments will be reflected in the final report to the City Council.

There was no citizen input.

Review, discuss, and make any recommended changes to articles I-IV of the City of Sachse's home rule Charter.

Ms. Rose and Mr. Smith answered several questions about the review process. Mr. Holboke asked if all gender specific language could be included in one motion at the end so the group would not need to focus on it as they review the text for content, to which staff agreed. Ms. Marten asked for clarification regarding when the approved changes would be put to voters. Ms. Rose noted that the timeline was structured to have revision propositions on the November ballot. Mr. McMurdie reminded everyone that the Commission is a recommending body to the Council. The elected Council will have the final say what is placed on the ballot. Mr. Smith explained that as changes are suggested and approved by the majority of the commission, redlines will be brought to the next meeting for final approval.

Mr. Kemper asked if staff and Mr. Smith would bring items to the attention of the group that may be needed to comply with new laws or that may be conflicting with a process or another aspect of the Charter. He was concerned that without that direction, an important revision may be missed. Mr. Smith and Ms. Rose both assured the group that they would provide any necessary changes in relation to the law, consistency, and grammar at the time that item is discussed.

Mr. Dominguez asked if Section 11.05 should be reviewed first as it has to do with wording interpretation and gender specific language. Ms. Rose noted that since it was not posted on the agenda, we will need to keep it in the order specified. Mr. Smith responded that there will be a recap of all changes at the end of the process and reconciliations with previous sections can be discussed then.

No comments were made on the Preamble. After reading Article I and brief discussion, Mr. Wood made a motion to keep Article I of the City of Sachse's home rule Charter in its current state with no changes. Mr. George seconded the motion, and it carried unanimously.

Commissioners read Article II aloud. Dr. Alford would like consistency in the reference to citizen vs inhabitants vs residents. Mr. Smith articulated that state law prevails over conflicts with the Charter. Mr. Dominguez made a motion to accept Article II with the correction of "foreclosures" to "foreclosure" in Section 3.02 and other consistency/grammar corrections. Mr. McGhee seconded the motion, and it carried unanimously.

During discussion of Article III, the group discussed whether or not term limits would be discussed at the end of reviewing the article or in the midst. Mr. Kemper made a motion that term limits be included in the discussion of Article III. Mr. Holboke seconded the motion, and it carried unanimously.

Ms. Harris-Daniel asked for clarification about council places, specifically, being elected at large as opposed to precinct or district. Mr. Smith noted that Section 3.02 is historic in nature explaining how the original council places were handled when moving into a Home-Rule city. It could be removed and a brief reference could be added to 3.01, if the Commission chooses. Discussion continued about the idea of moving to districts. Several commissioners prefer the at-large model so every councilmember is responsible and accountable for every resident rather than a single person. Mr. McMurdie made a motion to remove Section 3.02 entirely. There was some concern about erasing the history from the document. After continued dialogue and questions, Mr. McMurdie rescinded his motion. Mr. Wood made a motion to request staff to remove section 3.02 entirely and incorporate necessary historical information in 3.01. Mr. McMurdie seconded the motion, and it carried unanimously.

In relation to compensation for council, Dr. Alford said he would prefer compensation changes to go to the residents for a vote any time it is requested to be changed. Mr. George noted that compensation in most smaller cities is generally low and may cover dry cleaning or gas money. He wants his councilmembers to look professional and does not have a problem with small compensation, such as $50 per meeting. Discussion continued. Mr. Kemper made a motion to leave Section 3.04 as is with grammatical corrections. Mr. Holboke seconded the motion, and it carried 9-5 with Dr. Alford, Mr. Elk, Ms. Harris-Daniel, Ms. Marten, and Mr. Wood voting no.

Mr. George made a motion to leave Section 3.05 as is. Mr. Watkins seconded the motion, and it carried unanimously.

After some conversation regarding filling a council vacancy, Mr. Wood made a motion to remove the word "uniform" from Section 3.06 paragraph four. Mr. Holboke seconded the motion, and it carried unanimously.

Dr. Alford expressed some concern regarding paragraph a – removing the City Manager. Since the current City Manager is also the Director of the EDC there may be an unintended consequence and detrimental to the EDC. It was established that the City Manager or designee serves as the Director of the EDC. Paragraph g is no longer necessary related to state law. Ms. Marten made a motion to remove paragraph i from Section 3.07. Mr. Mathis seconded the motion, and it carried unanimously.

The Commission discussed whether the council should deal with City officers and employees as they desire. That discussion was postponed until Section 3.17. Ms. Marten made a motion to leave Section 3.08 as is save gender specific language. Ms. Harris-Daniel seconded the motion, and it carried 13-1 with Mr. Wood voting no.

Mr. Smith suggested that "majority" be changed to "three members" of City Council. Mr. Wood made a motion to change Section 3.09 as discussed. Ms. Marten seconded the motion, and it carried unanimously.

Ms. Marten made a motion to leave Section 3.10 as is. Ms. Harris-Daniel seconded the motion, and it carried 13-0-1. Mr. McGhee was absent for the vote.

Mr. Holboke had concerned about conflict of interest. Mr. Smith explained that the section is related to state law and conflict of interest is related specifically to financial interest or legal conflict with a decision to be made. The suggestion was made to include state law references somewhere for residents to access easily. Ms. Rose agreed that laws could be referenced on the City website fairly easily. Dr. Alford made a motion to leave Section 3.11 as is. Mr. Kemper seconded the motion, and it carried unanimously.

The Commission debated whether an abstention vote of a councilmember should be a negative or positive vote. There was concern that the rule could currently be used as an obstruction method. Mr. McGhee made a motion to leave Section 3.12 as is. Mr. George seconded the motion, and it carried 13-1 with Mr. McMurdie voting no.

Mr. Wood stated that state law has been updated to include citizen discussion on any and all items. Commissioners discussed a general unfamiliarity with Robert's Rules of Order. Mr. Smith corrected the understanding, stating that state law was updated to include citizen input on items that included action. The law does not apply to work sessions that only include discussion and no action. After some discussion, Mr. Dominguez made a motion to strike the first sentence of Section 3.13. Mr. Wood seconded the motion and it carried 12-2 with Mr. Kemper and McGhee voting no.

Adjournment.

Mr. McMurdie adjourned the meeting at 9:04 p.m.

APPROVE:

Scott McMurdie, Chairperson

ATTEST:

~~Cedric Alford~~, Vice-Chairperson
William K. George

APPENDIX B

CHARTER REVIEW COMMISSION OF THE CITY OF SACHSE
APRIL 7, 2022, MEETING MINUTES

The Charter Review Commission of the City of Sachse held a regular meeting on Thursday, April 7, 2022, at 6 p.m. at the Michael J. Felix Community Center, 3815-E Sachse Road. Members present were Chairperson Scott McMurdie; Commission members Ed Brown, Eric Dominguez, Charles Elk, Brad Ford, Billy George, Marcia Harris-Daniel, Matthew Holboke, Butch Kemper, Jeanie Marten, Jim Mathis, Karlos McGhee, and Kirk Wood; Assistant City Manager, Lauren Rose; City Attorney, Pete Smith; City Secretary, Leah Granger, and Assistant to the City Manager, Amanda Chi.

Members absent: Cedric Alford and Paul Watkins.

Chairperson McMurdie called the meeting to order at 6:01 p.m.

Invocation and Pledges of Allegiance to the US and Texas Flags.

Ms. Harris-Daniel led the invocation, and Ms. Marten led the pledges.

Citizen Input.

There was no citizen input.

Mr. McMurdie asked Mr. Ford to introduce himself since he could not attend the previous meeting.

Review, discuss, and make any recommended changes to the City of Sachse's home rule Charter.

The Commission resumed where it left off at the conclusion of its last meeting by discussing section 3.14.

Mr. McMurdie opened the floor for comments on section 3.14. Mr. Wood commented that item two gives the Council too much ability to draft an ordinance from the floor and did not think this should be acceptable. Mr. McMurdie asked if the language is consistent with state law. Mr. Smith noted that the current language is more restrictive than most cities as a comparison. Mr. Wood suggested that another reading should be required before a vote when a few substantial changes have been made. There was some discussion regarding what constitutes a substantial change, and Mr. Wood proposed including an opportunity for citizens to be heard before the vote. Mr. Smith commented that State law already includes the opportunity Mr. Wood suggested in current statutes. Mr. Kemper noted that educating Council on the policies may be more appropriate and effective than changing the charter. Mr. Wood made a motion to modify the section to indicate that after an amendment of substance has been made to any ordinance that citizens be given another opportunity to speak to that amendment. Ms. Marten seconded the motion, and it failed 3-10 with Mr. Wood, Mr. George, and Ms. Marten voting in favor of it.

Mr. Dominguez asked about the newspaper of record referenced in relation to more modern technology. Mr. Wood noted that he had a similar suggestion but felt it fit better in a later section. He went on to suggest to staff that the Code of Ordinances could be easier to find on the website.

After some discussion, Mr. George asked if an online requirement was added to the charter and the website experienced technical difficulties, would that constitute a violation of the charter. Mr. Smith confirmed that unless another method of transmission was identified in the charter a technical glitch would put the City in violation of the Charter. Discussion continued and Mr. Dominguez motioned to modify Section 3.14 paragraph 3 to read "...in a newspaper or as otherwise allowed by law." Mr. Elk seconded the motion, and it carried 12-1 with Mr. McGhee opposed.

Mr. Wood made a motion to add 3.16 paragraph 4 state the City shall make the Code of Ordinances available on a freely available website baring technical difficulties. Ms. Marten seconded the motion for discussion. Mr. Ford thought the process was already transparent and questioned the reasoning for the addition. After some discussion, Mr. Wood modified his motion. The City shall make the Code of Ordinances accessible on/from the City's website. Ms. Marten seconded the motion, and it failed 6-7 with Mr. Holboke, Mr. Wood, Mr. George, Ms. Marten, Ms. Harris-Daniel, and Mr. Mathis voting in favor of it.

Mr. Wood made a motion to approve Section 3.17 as is. Mr. George seconded the motion, and it carried unanimously.

Ms. Marten made a motion to approve Section 3.18 as is. Mr. McGhee seconded the motion. Mr. George asked if the section was still necessary, and Mr. Smith replied that it is might not be needed and he would research the question. Ms. Marten withdrew her motion until the matter is studied further.

Mr. McMurdie reintroduced the conversation that was put on hold from the previous meeting regarding term limits. Ms. Marten noted that there is a petition being circulated in the community regarding term limits for councilmembers. The petition stipulates two three-year terms for councilmembers and two additional three-year terms for the mayor. After two years of sitting out, they may run again. If a vacancy is being filled for a year or less, that time would not count against the limits. Mr. Mathis asked, hypothetically, if the Commission's suggestion for term limits differs from the petition and both make it to the ballot and pass, which one takes precedence? Mr. Smith responded that each case is considered individually and cannot be answered definitively.

Mr. George indicated that from his experience it takes a new councilmember two years to get up to speed on how to run a government. He noted the length of time that projects take, particularly major construction projects, and term limits affect whether or not that councilmember bears the consequences of that work, positively or negatively. Additionally, the continuity of oversight and direction are limited. When the term limits are too short, it puts a greater dependence and burden on staff for continuity moving forward. Mr. George also mentioned influence in regional organizations takes time to build and can be difficult to maintain with term limits that may be short. Mr. Elk articulated that during his many years on Sachse, there has been a fair amount of turnover in Council. He indicated that there is a somewhat small group of people that are very interested in participation and is usually expressed by getting involved with boards and commissions. This participation seems to be healthy and becomes the training ground for future councilmembers. The barrier for entry into or to run for council is fairly low and does not cost a lot. Mr. Elk feels that the councilmembers have been good standard bearers for the community and does not see an issue with retaining the yearly elections as the opportunity to vote for new members.

Mr. Wood's perception is opposite from Mr. Elk's and believes that people are daunted by running against an incumbent because when seats open, there are always candidates ready to fill them. Ms. Marten agreed citing the national incumbency rate of 90% makes people not want to run. She also noted the regional cities that have term limits and do not appear to have trouble holding seats on regional councils. Mr. McGhee questioned the size of those cities. Mr. Ford and Ms. Harris-Daniel suggested that term limits would balance out the length of time one person could be in power. Mr. Ford also questioned if term limits would bring candidates that do not necessarily know what they are doing or if, given Sachse's voter participation, would there be enough people to run the City. Mr. George added that voter turnout often increases when there is a controversial topic so low turnout may indicate that things aren't broken.

Mr. Wood made a motion that term limits be adopted. Ms. Harris-Daniel seconded the motion, and it carried 8-5 with Mr. McMurdie, Mr. George, Mr. McGhee, Mr. Elk, and Mr. Mathis.

Mr. George made a motion to amend the Charter to establish term limits of no more than 12 years. Mr. McGhee seconded the motion. Mr. Wood asked for clarification on the wording to reduce confusion. Mr. George replied with 12 consecutive years in any given position; if a councilmember was elected mayor, he could serve for another twelve years, for a total of 24 years. Mr. Holboke agreed with Mr. George's previous comments but would prefer to see three consecutive three-year terms and an additional two three-year terms as mayor if elected. Mr. Wood would like a committee to determine the limit to which the commission did support. He then suggested 12 consecutive years in any combination of seats. Mr. Dominguez proposed three consecutive three-year terms with no more than 18 combined years between council and mayor, and after a two-year break, that person could run again. Mr. George amended his motion to require a councilmember that has termed out to take a two-year break before they may run for another councilmember place. That councilmember would not be required to sit out two years before running for mayor. Mr. Dominguez restated his plan to be the same as Mr. George's but for nine years rather than 12.

Mr. George restated his motion that councilmembers are limited to four consecutive three-year terms, 12 years total in a given place; they are permitted to run for mayor with no delay or vice-versa; a councilmember that terms out and wishes to run for a councilmember place again must wait a two-year period prior to running again. Mr. McGhee seconded the motion. After continued discussion, Mr. George amended his motion to stipulate that after a person has served four consecutive terms as a councilmember or mayor and four consecutive terms on in the other position, they must sit out for two years before running for any office. Mr. McGhee seconded the motion, and it failed 5-8 with Mr. George, Mr. Kemper, Mr. McGhee, Mr. Elk, and Mr. Mathis voting in favor of it.

Mr. Dominguez made a motion to establish term limits of a total of 18 combined, consecutive years and sit out two years before running again. For clarity, three three-year terms as a councilmember and three three-year terms as mayor for a total of 18 combined years. Once termed out in either position, that person must sit out two years before running again. Mr. Wood seconded the motion, and it carried 9-4 with Mr. George, Ms. Marten, Mr. McGhee, and Mr. Elk opposed.

Mr. McMurdie reminded the commission that they agreed gender neutrality would be made consistent throughout the document and they did not need to focus on it. Ms. Rose clarified that one proposition would be put forward to cover gender neutrality in the entire document.

After some discussion and questions, Mr. Dominguez made a motion to leave Section 4.01 as is. Ms. Marten seconded the motion, and it carried unanimously.

Mr. Wood made a motion to leave Section 4.02 as is. Mr. McGhee seconded the motion, and it carried unanimously.

Ms. Marten made a motion to leave Section 4.03 as is. Mr. George seconded the motion, and it carried unanimously.

Mr. Ford made a motion to leave Section 4.04 as is. Mr. McGhee seconded the motion, and it carried unanimously.

Ms. Marten made a motion to leave Section 4.05 as is. Mr. Ford seconded the motion, and it carried unanimously.

Ms. Marten made a motion to leave Section 4.06 as is. Mr. George seconded the motion, and it carried unanimously.

Mr. Ford made a motion to leave Section 5.01 as is. Mr. McGhee seconded the motion, and it carried 12-1 with Mr. Wood opposed.

Mr. McGhee made a motion to amend Section 5.02, item 2.c to 12 months. Ms. Harris-Daniel seconded the motion. Mr. Smith read from state election code indicating that local charters may not require candidates to reside in the city limits for more than 12 months prior to election day. He explained that if the charter were to be changed to 12 months prior to the filing deadline, this would extend beyond the election code allowance. If the commission would like to change the item to read 12 months, it would also need to change filing deadline to election day. Mr. McGhee withdrew his motion, and Mr. Wood made a motion to amend the item to read at least 12 months prior to the election date. Mr. McGhee seconded the motion, and it carried 10-3 with Mr. Holboke, Mr. Elk, and Mr. Dominguez opposed.

Ms. Marten made a motion to leave Section 5.03 as is. Mr. McGhee seconded the motion, and it carried unanimously.

Mr. Wood made a motion to leave Section 5.04 as is. Ms. Marten seconded the motion, and it carried unanimously.

Mr. Dominguez made a motion to leave Section 5.05 as is. Ms. Marten seconded the motion, and it carried unanimously.

Mr. Ford made a motion to leave Section 6.01 as is. Mr. McGhee seconded the motion. Ms. Marten requested that since so much of Article VI is governed by state law could they just focus on the specific area that may have a question. Mr. Wood noted that he thought Section 6.03 was unnecessary; Section 6.05 should be at least 90 days; Section 6.13, item 1 add "unless found guilty of an ethics violation." Mr. Dominguez also had a question in Section 6.14.

Ms. Marten made a motion to accept all sections in Article VI except 6.03, 6.05, 6.13, and 6.14. Mr. Holboke seconded the motion, and it carried unanimously.

Mr. Wood noted that the uniform election law has very specific requirements for petitions and the section in the charter may be unnecessary. Mr. Smith clarified that not all petitions fall under the uniform election code. Mr. Wood corrected his previous comment that Section 6.04 was what he intended to question.

Mr. McMurdie made a motion to accept Section 6.03 as is. Mr. McGhee seconded the motion, and it carried unanimously. Mr. Smith will research Section 6.04 and 6.05 and report at the next meeting.

Mr. Wood made a motion to amend Section 6.13 by adding "unless found guilty of an ethics violation to the first sentence of item one. Mr. Kemper asked what happens to a councilmember that is found guilty of an ethics violation. Mr. Wood responded that Council may censure them and this change would allow the citizens decide by petition that the councilmember should be recalled. Mr. Smith cautioned the commission that an unintended consequence of the change may be frequent and possibly frivolous ethics complaints. Ms. Marten seconded the motion, and it failed 6-7 with Mr. Holboke, Mr. Wood, Mr. Kemper, Ms. Marten, Ms. Harris-Daniel, and Mr. Mathis voting in favor of it.

Mr. Dominguez asked for explanation of Section 6.14. Mr. Smith clarified that a petition is brought to the City Secretary to determine if it is sufficient or insufficient. If sufficient, the Council has certain actions they must follow. If the City Secretary does not validate the petition, or she does but the Council fails to call the election, the section provides a recourse for the citizen to file suit for the court to perform the ministerial duties. Mr. Dominguez made a motion to leave Section 6.14 as is. Mr. Wood seconded the motion, and it carried unanimously.

Mr. Smith did not find a state requirement for bonds. Mr. George made a motion to change "shall" to "may" in Section 3.18. Mr. Dominguez seconded the motion, and it carried unanimously.

The commission will begin with Article VII at the next meeting.

Adjournment.

Mr. McMurdie adjourned the meeting at 8:56 p.m.

APPROVE:

Scott McMurdie, Chairperson

ATTEST:

William K. George, Commission Member

CHARTER REVIEW COMMISSION OF THE CITY OF SACHSE
JUNE 2, 2022, MEETING MINUTES

The Charter Review Commission of the City of Sachse held a regular meeting on Thursday, June 2, 2022, at 6 p.m. at the Michael J. Felix Community Center, 3815-E Sachse Road. Members present were Chairperson Scott McMurdie; Vice-Chairperson Billy George; Commissioners Ed Brown, Charles Elk, Marcia Harris-Daniel, Matthew Holboke, Butch Kemper, Jeanie Marten, Jim Mathis, Paul Watkins, and Kirk Wood; Assistant City Manager Lauren Rose; City Attorney Pete Smith; City Secretary Leah Granger, and Assistant to the City Manager Amanda Chi.

Members absent: Eric Dominguez and Karlos McGee.

Chairperson McMurdie called the meeting to order at 6:01 p.m.

Invocation and Pledges of Allegiance to the US and Texas Flags.

Mr. Elk led the pledges and Mr. McMurdie led the invocation.

Citizen Input.

There was no citizen input.

Review, discuss, and make any recommended changes to the City of Sachse's home rule Charter.

The Commission discussed the summary of amendments so far. A few commissioners were concerned that the term limits changes did not specify that the action would be retroactive. Mr. Wood also wanted the item to read "no more than six consecutive terms" rather than 18 consecutive years. Ms. Marten made a motion to make the amended section 3.02 regarding term limits retroactive. Mr. Wood seconded the motion and it failed with a 5-6 vote. Mr. Wood, Mr. Holboke, Mr. Kemper, Ms. Marten, and Ms. Harris-Daniel voted in favor of the motion. Mr. McMurdie, Mr. Elk, Mr. Watkins, Mr. Brown, Mr. Mathis, and Mr. George voted against the action.

Mr. Wood made a motion to change 18 consecutive years in the amended section 3.02 to "six consecutive terms". Mr. Watkins seconded the motion. Mr. George clarified that a full term was equal to anything more than 50% of the three-year term. The motion passed unanimously.

Mr. Ford arrived at the meeting at 6:16 p.m.

The Commissioners recognized that Mr. Alford resigned his commission and the Vice-Chair position was vacant. Mr. Watkins nominated Mr. George as the Vice-Chairperson. Mr. Ford seconded the motion, and it passed 11-1. Ms. Harris-Daniel abstained from the vote.

The Commission resumed where it left off at the conclusion of its last meeting by discussing section 6.04. Mr. McMurdie opened the floor for comments. Mr. Wood made a motion to change 6.04 (3) from twenty signatures to an equal number of signatures on each page. After discussion, Mr. Wood amended his motion to a minimum of ten signature and an even and equal number on each page. Discussion continued and Mr. Wood's motion was amended to ten signatures per page. Mr. McMurdie seconded the motion and it carried unanimously.

Mr. Wood made a motion to amend 6.05 from 30 days to 90 days. Mr. Watkins seconded the motion, and it carried 10-2 with Mr. Elk and Mr. George voting against it. After a moment of discussion, Mr. George made a motion to change 6.05 to 60 days rather than the 90 previously voted on. Mr. Holboke seconded the motion, and it carried 9-3 with Mr. Wood, Mr. Elk, and Ms. Harris-Daniel dissenting.

The remaining sections of Article VI were unchanged.

The Commission turned its attention to Article VII. Mr. Holboke would like a State of the City address from the City Manager to the City Council defining the City Manager's goals and outline for the year in either section 7.02 or 7.03. Ms. Rose clarified that the City Manager publishes a draft budget, available to the public, as a working document and suggestions for City Council to set the goals and direction for the coming fiscal year. The document is part of the posted Council agenda and is available in the City Secretary's office. The City Council then sets the goals for the City, not the City Manager, and those goals are discussed at a Council workshop. The workshop is open to the public and is the forum at which the City Manager is directed to focus the budget on the goals set by the Council. Mr. Wood commented that projects budgeted in one fiscal year may not be completed in that year depending on the size of the project. Particularly large projects require design and planning, and the public may not see progress but progress is being made behind the scenes.

Mr. Holboke made a motion to add language stating that the City Manager must present to City Council the issues facing the city that they want to accomplish in the next year. There was no second to the motion. Mr. Kemper pointed out that it is not appropriate for the City Manager to set goals for the city as that is the responsibility of the elected City Council and the Mayor. Mr. George made a motion to leave 7.02 and 7.03 as is. Mr. Ford seconded the motion for discussion. He pointed out that this may highlight a need for more communication regarding the budget to the public. After further discussion, the motion to leave sections 7.02 and 7.03 in its current state carried unanimously.

Mr. Ford made a motion to repeal and reserve 7.10 as noted in Mr. Smith's memo to the Commission (Exhibit A). Ms. Marten seconded the motion and it carried unanimously.

The Commission discussed the merits and disadvantages of requiring a change of City auditors every five years. Mr. Ford made a motion to leave section 7.18 as is. Mr. Holboke seconded the motion and it carried 11-1 with Mr. McMurdie voting against it.

Mr. George made a motion to change section 7.20 as noted in Mr. Smith's memo (Exhibit A). Mr. Mathis seconded the motion and it carried unanimously.

Ms. Marten made a motion to approve all remaining sections in their current state. Mr. Wood seconded the motion and it carried unanimously.

Ms. Marten would like to change the Charter to treat the Economic Development Corporation (EDC) and the Municipal Development District (MDD) boards in the same manner as all of the other City Boards. Mr. Kemper pointed out that even though the EDC and MDD are governed by state statutes, those board members still serve at the pleasure of the City Council and can be removed by the City Council. Ms. Marten would like the same due process followed for all boards. Mr. Smith explained that Home Rule Charters may not supersede state law. These boards are non-profit corporations and the Charter does not control their operations. The bylaws also help determine how the corporation acts and operates.

After continued discussion, Mr. Wood made a motion to amend section 8.01 (2) to include appointees of any city boards, commissions, and corporations in the section regarding removal of members. Ms. Marten seconded the motion. The motion was amended to apply the change throughout Article VIII and Ms. Marten seconded the amended motion. The vote was a tie and, therefore, failed. Mr. Wood, Mr. Holboke, Mr. Kemper, Ms. Marten, Ms. Harris-Daniel, and Mr. Watkins voted in favor of the change. Mr. George, Mr. Brown, Mr. Elk, Mr. McMurdie, Mr. Ford, and Mr. Mathis voted against the motion.

Mr. Mathis made a motion to enumerate all City boards, EDC, and MDD in the list under 8.02. Mr. Brown seconded the motion and it failed 3-8-1. Mr. Elk, Mr. Brown, and Mr. Mathis voted for the motion, and Ms. Marten abstained from the vote.

Ms. Harris-Daniel noted that there is nothing in the Charter discussing Council liaison and asked if that was possible for staff and counsel to propose language. After discussion, Mr. Smith will come back to the Commission with information and research of other cities regarding the definition and responsibilities of Council liaisons.

Mr. Wood made a motion to add a requirement for each board to make an annual recommendation on policy changes or reports informing the Council that they do not have any changes. The motion was postponed until after the information regarding the Council liaison is provided.

Ms. Marten made a motion to leave section 8.03 as is. Mr. Kemper seconded the motion and it carried unanimously.

Ms. Marten noted that the Planning and Zoning Commission does not always have items to review and would like to change the required number of meetings to "as needed." Ms. Marten made a motion to change the number of required meetings to "as needed". Mr. Ford seconded the motion and it carried unanimously.

Mr. Wood made a motion to approve all other sections of Article IX. Ms. Marten seconded the motion and it carried unanimously.

Mr. Wood made a motion to accept Article X as is. Mr. George seconded the motion and it carried unanimously.

The Commission discussed Article XI. Mr. Wood recommended section 11.07 (1) be changed from "at least 14 members" to "between seven and fourteen members." Prior to the election in 2006, ten members were required on the Charter Review Commission. Mr. McMurdie made a motion to leave 11.07 (1) as is. Mr. George seconded the motion and it carried unanimously.

Ms. Rose pointed out that 11.07 (2) uses the wrong version of ensure. Mr. Wood made a motion to change "insure" to "ensure". Mr. Watkins seconded the motion and the vote was unanimous.

Mr. McMurdie asked if publishing in a newspaper is a state requirement. Mr. Smith confirmed that state statute does require notice of a charter amendment election and comprehensive summary of the report be published in a newspaper. Ms. Marten made a motion to amend 11.07 (2) adding that the comprehensive summary be posted on the City website and may be removed after the election. Mr. Kemper seconded the motion and it carried unanimously.

Mr. Ford made a motion to leave the remaining sections of Article XI as is. Mr. Mathis seconded the motion and it passed unanimously.

Mr. McMurdie detailed the timeline for the remainder of the charter review process. Ideally, he would like to present the Commission's report at the July 18 City Council meeting in order to give them enough time to discuss the recommendation on August 1 and order the election by August 22. Ms. Rose recommended the Commission finish their review tonight to give them the maximum flexibility to craft the report.

Mr. George made a motion to leave Article XII as is. Mr. Ford seconded the motion and it carried unanimously.

Commissioners suggested that Article XIII may no longer be needed. Ms. Marten made a motion to remove and reserve Article XIII. Mr. Wood seconded the motion and it carried unanimously.

Mr. Wood would like to see the nepotism rule apply to all boards, commissions, and corporations. It was pointed out that it is currently stated as such in the code of ethics; however, he would like to see that policy raised to the level of the Charter. Mr. Wood made a motion to extend section 14.01 to all boards, commissions, and corporations. There was no second to the motion. Mr. Kemper made a motion to leave Article XIV as is. Ms. Marten seconded the motion and it carried unanimously.

The commission will review redlines and minutes at the July 7 meeting with the intention of presenting the report to the City Council on July 18 with as many members of the Commission in attendance as possible.

Adjournment.

Chairperson McMurdie adjourned the meeting at 8:49 p.m.

APPROVE:

~~Scott McMurdie, Chairperson~~
William K. George
Vice-Chairperson

ATTEST:

~~Billy George, Vice-Chairperson~~
Jeanie Marten,
Commission member

APPENDIX D

CHARTER REVIEW COMMISSION OF THE CITY OF SACHSE
JULY 7, 2022, MEETING MINUTES

The Charter Review Commission of the City of Sachse held a regular meeting on Thursday, July 7, 2022, at 6 p.m. at the Michael J. Felix Community Center, 3815-E Sachse Road. Members present were Vice-Chairperson Billy George; Commissioners Ed Brown, Marcia Harris-Daniel, Matthew Holboke, Butch Kemper, Jeanie Marten, Jim Mathis, Karlos McGee, and Paul Watkins; Assistant City Manager Lauren Rose; City Attorney Kevin Laughlin; City Secretary Leah Granger, and Assistant to the City Manager Amanda Chi.

Members absent: Scott McMurdie, Charles Elk, Eric Dominguez, and Kirk Wood.

Vice Chairperson George called the meeting to order at 6:02 p.m.

Invocation and Pledges of Allegiance to the US and Texas Flags.

Vice Chairperson George led the invocation and pledges.

Public Comment.

There were no comments.

Consider approval of the June 2, 2022, meeting minutes.

Mr. Kemper made a motion to approve the minutes as presented. Mr. Watkins seconded the motion and it carried unanimously.

Review and discuss the recommendation and summary report of the changes to the City of Sachse's home rule Charter to be presented to Council.

Ms. Rose reminded the Commission that they requested more information related to treating board members of the Economic Development Corporation (EDC) and the Municipal Development District (MDD) in the same manner as all of the other City Boards. Mr. Laughlin explained when dealing with non-profit corporations, such as the EDC and MDD, cities are limited where state law is concerned. Cities may not pass amendments, ordinances, etc. that conflict with state law. Imposing additional restrictions would be in conflict with state law. Mr. Holboke asked for clarification that the restrictions on how Council treats members may not be added to the Charter, but could they still do it. Mr. Laughlin responded that the members are not entitled to special treatment and no rules or policies may be enacted that conflict with state law, but if they decided as a group at will to act in a way that goes beyond the requirements, they may at their discretion. State law is more about the rights of the board member rather than the power of the Council.

Ms. Rose summarized what was presented to Council in regards to Council liaisons and the general consensus was to leave it undefined or very loosely defined. Mr. Kemper noted that he is not in favor of the Council liaison program but would prefer the staff liaison to provide information to the Council as needed. Mr. McGhee countered that it could be helpful to boards to get the sentiment of the Council. Ms. Marten said it needs to either be eliminated or defined and then be held to that standard. She is bothered that boards may be influenced or intimidated by Council in their decision making. Ms. Harris-Daniel explained that she always has assumed the input the board she is a member of has received is that person's opinion rather than that of the entire Council. She sees value by having the liaison and suggested that the boards can gain insight to the general attitude of Council with their input. Mr. Watkins thought it was best to leave it out of the Charter but to not remain silent on the subject. He recommended including a summary of the recommendation in the report to Council.

After continued discussion, Mr. Holboke made a motion to keep the Council liaison program, continue discussion, and to specifically not prohibit the program in the Charter. Mr. McGhee seconded the motion, and it passed 7-2 with Mr. Kemper and Mr. Watkins voting against it.

Mr. Watkins made a motion to not alter the Charter in relation to Council liaisons but include a recommendation in the summary report to Council. Ms. Marten seconded the motion and it carried unanimously.

Ms. Marten read an example of a definition and structure for Council liaisons from another city:

"Duties and Expectations of a Council Liaison

1. A Councilmember acting as a liaison to a Council advisory committee or other body (a "Committee") is not a member of the Committee. Rather, the Councilmember is a positive resource to support the Committee in the completion of its work subject to the rules stated below.
2. A Councilmember liaison is acting as a representative of the full Council and, as such, has no authority to provide any direction or guidance to the Committee other than direction or guidance that clearly represents direction or guidance of the full Council.
3. Generally put, the Councilmember liaison shall not attempt to influence the work or recommendations of the Committee. More specifically, • the Councilmember shall not take part in the Committee's deliberations or discussions unless (a) the Committee requests the Councilmember's participation in a particular discussion (in this situation, the Councilmember must expressly state that she or he is speaking for her or himself, not for the entire Council) or (b) the Councilmember determines that he or she must speak up in order to remind the Committee of Council direction, City policies, or laws including the Open Public Meetings Act and the Public Records Act; and • the Councilmember shall not take part in any votes or decision making of the Committee.
4. The Councilmember liaison shall work to ensure that the Committee is only taking actions or doing work that is within the scope of the Committee's work as determined or approved by Council. The liaison can do this by, for example, reminding the Committee as needed of the scope of work that the Council set for the Committee.
5. The Councilmember liaison shall bring to the Council any requests from the Committee, such as the following: (a) questions raised by a Committee about the Committee's scope of work; (b) requests from the Committee to change the Committee's scope of work; (c) requests for expenditures of City resources to further the Committee's work (money, staff time, or other resources); and (d) requests from the Committee to place an item on a Council meeting agenda.
6. The Councilmember liaison shall work to ensure that the Council is regularly updated on the work of the Committee. To that end, the Council shall on a periodic basis revisit

the work plan of each Committee and hear from each Committee's liaison a report on the Committee's progress on the work plan."

Mr. George liked the first part but was less inclined to agree with the prescriptive items indicating what they must do. Ms. Harris-Daniel felt like it was a lot and maybe only needed the definition. Commissioners suggested letting Council read the example to consider which parts, if any they may agree with.

Mr. Brown made a motion to send Ms. Marten's recommendation to Council in the report for them to consider. Ms. Marten seconded the motion and it passed 5-4. Ms. Marten, Mr. Kemper, Mr. Brown, Mr. Watkins, and Mr. McGhee voted for the measure, and Mr. George, Mr. Mathis, Mr. Holboke, and Ms. Harris-Daniel voted against it.

Mr. George explained the structure and procedure moving forward. Ms. Marten made a motion to approve the Charter redlines as they are presented. Mr. McGhee seconded the motion and it carried unanimously.

Mr. Kemper asked if a joint meeting between the Commission and the Council could be considered. There was general consensus on the report framework Mr. McMurdie presented for the Commission. Ms. Rose emphasized that Mr. McMurdie would be preparing the report and summary for the Council rather than City staff.

Adjournment.

Vice Chairperson George adjourned the meeting at 7:27 p.m.

APPROVE:

____
Scott McMurdie, Chairperson

ATTEST:

____
Billy George, Vice-Chairperson

APPENDIX E

Nichols, Jackson, Dillard, Hager & Smith, LLP

500 N. Akard Street
1800 Ross Tower
Dallas, Texas 75201

Peter G. Smith
Direct: 214-665-3365
Email: psmith@njdhs.com
Web: www.njdhs.com

TO: Charter Commission
FROM: Peter G. Smith, City Attorney
DATE: June 8, 2022
RE: Proposed Amendments to City Charter.

As of the date of this memorandum the following Sections have been proposed for the following amendments. Deleted text appears in double underlined bold strike through text and added text appears in bold double underline. We also updated changes to section 3.02 “eighteen consecutive years to six consecutive terms” based on the June 2, 2022 meeting of the Commission.

2.02
3.01
3.02
3.04
3.06(4)
3.07 (i)
3.09 (1)
3.13
3.14 (3)
3.16 (4)
3.18
5.02 (c)
6.04
6.05
7.04
7.10
7.20
9.01 (2)
11.07 (b)
Article XIII

Sec. 2.02 - PUBLIC IMPROVEMENTS

The city shall have the power to construct and maintain, within or without its corporate limits, streets, flood control facilities, and sanitary, water and storm drainage facilities, in, over, under or upon all public property and easements granted for that purpose and to levy assessments for the costs of such improvements. The city shall have the power to collect attorney's fees for the collection of paving assessment in foreclosure~~s~~ cases as allowed under state law. It shall have the

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power to cause liens to be established for the purpose of securing such levies and shall have the power to compel the use of such improvements by the inhabitants of the city.

Sec. 3.01 - COMPOSITION

The council shall be composed of a mayor and six (6) council members**, that is a mayor and six (6) council members elected by numbered places 1, 2, 3, 4, 5 and 6 by the qualified voters of the entire city for staggered terms of three (3) years each or until their successor has been elected or appointed and qualified**. ~~Each council position shall be designated as a Place, to be determined as set forth in Sec. 3.02 of this Article. The mayor and council members shall be elected at large, and shall serve for a term of three (3) years as prescribed by the Texas Election Code and until his or her successor has been elected and duly qualified.~~ ~~Elections for two places shall be held each year, and the election for mayor shall be held every three years.~~ If the candidate with the highest number of votes in an election receives less than a majority vote, then a runoff election shall be held between the two candidates receiving the highest number of votes. Such runoff election shall be held pursuant to the provisions of the Texas Election Code and applicable ordinances. **To provide for staggered terms of office the mayor and council members in places 5 and 6 are elected for a three (3) year term commencing with the regular municipal election in May 2022, council members in places 3 and 4 are elected for a three (3) year term commencing with the regular municipal election in May 2023, and council members in places 1 and 2 are elected for a three (3) year term commencing with the regular municipal election in May 2024.**

Sec. 3.02 - ~~PROCEDURES FOR DETERMINING COUNCIL PLACES AND INITIAL~~ TERM~~S OF OFFICE~~ LIMITS

Commencing with the May 2023 city officer election, no person shall serve as mayor for more than three (3) consecutive elected terms, and no person shall serve as councilmember for more than three (3) consecutive elected terms. No person shall serve as a councilmember and mayor (combined) for more than six (6) consecutive terms. For purposes of this Section and computing the limitations on terms:

(1) A mayor or councilmember, who vacates, for any reason, city office before the end of the term for which such person was elected, shall be considered to have completed that term.

(2) Election to fulfill an unexpired councilmember term, or unexpired mayor term if applicable, shall be computed as follows

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(i) If 50 percent or more of the term is remaining, it shall be included in the computation of term limits; or

(ii) If less than 50 percent of the term is remaining, it shall not be included in the computation of term limits.

Any councilmember or mayor, who is ineligible to run for elected city office due to the limitations on terms as provided herein, shall remain ineligible to hold an elected city office for a period of two years following the expiration of the most recent term of city office for which such person was elected with the exception of a councilmember seeking the office of mayor or the mayor seeking the office of a councilmember. ~~(1) The city councilmember receiving the highest number of votes of the qualified voters of the city who vote in the May 7, 1994 election shall be designated as occupying Place 1, and shall [hold] office for three (3) years. The city councilmember receiving the second highest number of votes of the qualified voters of the city who vote in the May 7, 1994 election shall be designated as occupying Place 2 and hold office for three (3) years. The city councilmember receiving the third highest number of votes of the qualified voters of the city who vote in the May 7, 1994 election shall be designated as occupying Place 3 and shall hold office for two (2) years.~~

~~(2) At the first regularly scheduled council meeting held in February, 1995, the city secretary shall prepare three (3) identical paper ballots. One ballot shall be marked "Place 4", the second "Place 5", and the third "Place 6". Each councilmember who was not elected at the election held on May 7, [1]994, shall draw a ballot by lot. The councilmember drawing the [b]allot marked "Place 4" shall be the councilmember for Place 4, the councilmember drawing the ballot marked "Place 5" shall be the councilmember for Place 5, and councilmember drawing the ballot marked "Place 6" shall be the councilmember for Place 6. The councilmember designated as Place 4 shall hold office until the election for councilmembers held in May, 1996. The councilmembers designated as Place 5 and Place 6 shall hold office until the election for councilmembers held in May, 1995.~~

Sec. 3.04 - COMPENSATION

Compensation of the members of the city council shall be determined by the city council by ordinance, but no increase in such compensation shall take effect **until** commencement of the terms of mayor and/or council members elected at the next regular election. Members of the city council shall be entitled to reimbursement for actual expenses incurred in the performance of official duties.

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Sec. 3.06 - VACANCIES, FORFEITURES AND FILLING OF VACANCIES

(1) The office of a city council member or the mayor shall become vacant upon his death, resignation, forfeiture of, or removal from office by any manner authorized by law.

(2) If any member of the city council is absent from four (4) of seven (7) consecutive regular meetings, without explanation acceptable to a majority of the remaining city council members, his office shall be declared vacant at the next regular meeting of the city council by resolution. In addition, any member of the city council who has been absent for six (6) consecutive regular meetings due to any reason shall have his seat declared vacant at the next regular meeting of the city council by resolution.

(3) Any member of the city council who ceases to possess the required qualifications for office or who is convicted of a felony or of a misdemeanor involving moral turpitude or is convicted of violating state law concerning conflict of interest shall forfeit his office. Every forfeiture shall be declared and enforced by a majority of the city council.

(4) A vacancy or vacancies in the position of mayor or council member shall be filled by majority vote of the qualified voters at a special election called for such purpose on the next ~~uniform~~ election date as provided by state law. If the candidate with the highest number of votes in such special election receives less than a majority vote, then a runoff election shall be held between the two candidates receiving the highest number of votes. Such special and runoff elections shall be held pursuant to the provisions of the Texas Election Code and applicable ordinances.

Sec. 3.07 - POWERS OF THE CITY COUNCIL

All powers of the City of Sachse and the determination of all matters of policy shall be vested in the city council. Except where in conflict with and otherwise expressly provided by this Charter, the city council shall have all powers authorized to be exercised by the city council by state law and the acts amendatory thereof and supplementary thereto, now or hereafter enacted. Without limitation of the foregoing and among the other powers that may be exercised by the city council, the following are hereby enumerated for greater certainty:

(a) Appoint and remove the city manager;

(b) Appoint and remove the municipal court judge(s); (Election of May 13, 2006)

(c) Appoint and remove the city attorney;

(d) Appoint and remove the city secretary; (Election of April 5, 1986)

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(e) Establish administrative departments including, but not limited to, police, fire, library, water, sewer, animal control, building inspection and fire marshal.

(f) Adopt the budget of the city;

(g) Collectively inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;

(h) Provide a planning and zoning commission and a board of adjustment and other boards as deemed necessary, and appoint the members of all such boards and commission[s]. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by city ordinance or by law;

(i) ~~Adopt plats~~ **Reserved;**

(j) Adopt and modify the official map of the city;

(k) Adopt, modify and carry out plans in cooperation with the planning and zoning commission for the replanning, improvement and redevelopment of specific areas of the city;

(l) Adopt, modify and carry out plans in cooperation with the planning and zoning commission for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or part by disaster;

(m) Regulate, license and fix the charges or fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire on the public streets and alleys of the city;

(n) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dangerous structures of buildings or dilapidated buildings or buildings calculated to increase the fire hazard, and the manner of their removal or destruction;

(o) Fix and regulate rates and charges of all utilities and public services.

Sec. 3.09 - MEETINGS OF THE CITY COUNCIL

(1) The city council shall hold at least one (1) regular meeting each month and as many additional meetings as it deems necessary to transact the business of the city. The city council shall fix by ordinance the date and time of the regular meetings.

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Special meetings of the city council shall be held at the call of the mayor or **<u>three</u>** ~~a majority~~ of the city council members upon provision of Public notice in accordance with state law.

(2) Notice of regular, special and emergency meetings of the city council shall be given as required by the Texas Open Meetings Act.

Sec. 3.13 - RULES OF PROCEDURE

~~The city council shall conduct its meetings in accordance with Robert's Rules of Order.~~ The city council shall determine its own order of business. The city council shall provide that the citizens of the city shall have a reasonable opportunity to clearly hear and be heard at public hearings with regard to specific matters under consideration. The city council shall provide for minutes to be taken and recorded for all meetings as required by law. Such minutes shall be a public record and shall be kept and maintained by the city secretary.

Sec. 3.14 - PASSAGE OF ORDINANCES IN GENERAL

(1) The city council shall legislate by ordinance only, and the enacting clause of every ordinance shall be "Be it ordained by the City Council of the City of Sachse, Texas …" Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its caption. General appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Except where an ordinance is repealed in its entirety, the amendatory or repealing ordinance shall set out in full the ordinance sections or subsections to be amended or repealed and shall indicate new language by enclosing it in quotation marks. Copies of proposed ordinances, in the form required for adoption, shall be furnished to members of the city council before the city council meeting at which such ordinance is to be considered. Copies of the proposed ordinance, in the form required for adoption, shall be available at the city offices and shall be furnished to citizens upon request to the city secretary from and after the date on which such proposed ordinance is posted as an agenda item for a city council meeting and, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the city council.

(2) A proposed ordinance which has been amended in substance after its placement on the agenda for a city council meeting may not be voted on at such city council meeting, unless the mayor announces at such city council meeting the amendments to such ordinance. All persons interested in such ordinance shall have a reasonable opportunity to be heard.

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(3) Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published once in its entirety or summary form after adoption, in a newspaper **<u>or as otherwise allowed</u>** ~~as required~~ by law.

(4) The reading aloud of a title and caption of the ordinance shall suffice as a reading provided printed copies of the ordinance in the form required for adoption are in front of all members of the city council. If a majority of the members' present request that the ordinance be read in its entirety, it must be read.

Sec. 3.16 - AUTHENTICATION, RECORDING, CODIFICATION PRINTING AND DISTRIBUTION

(1) All ordinances and resolutions adopted by the city council shall be authenticated by seal and signature of the city secretary and numbered consecutively as adopted. They shall be properly indexed and placed in a book kept open for public inspection.

(2) The city council shall maintain the codification of ordinances of the city. This codification shall be known and cited as "The Sachse City Code" and shall be in full force and effect without the necessity of such Code or any part thereof being published in any newspaper. The caption, descriptive clause and other formal parts of the ordinances of the city may be omitted without effecting the validity of such ordinances when codified. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the Code. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the city at large.

(3) The city council shall cause all ordinances and amendments to this Charter to be printed promptly following their adoption. A copy of each ordinance and amendment shall be placed in appropriate city offices for public reference.

<u>(4) The city shall cause the code of ordinances to be accessible on the city's website.</u>

Sec. 3.18 - BOND

The city council ~~shall~~ **<u>may</u>** require bonds of all municipal officers and employees who receive or pay out any monies of the city. The amount of the bonds shall be determined by the city council and the cost shall be borne by the city.

Sec. 5.02 - FILING FOR OFFICE

(1) Candidates for city offices shall file for office in accordance with the Texas Election Code.

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(2) Candidates for elective city office shall meet the following qualifications:

(a) Shall be at least twenty-one (21) years of age at the time of the election for which they are filing;

(b) Shall be a qualified voter;

(c) Shall have resided within the corporate limits of the city, or annexed territory, for at least **twelve** ~~six~~ (~~6~~) **(12)** months prior to the **date of election** ~~filing deadline~~;

(d) Shall not, after notice of any delinquency, be in arrears in payment of taxes or other liabilities due the city;

(e) No candidate may file in a single election for more than one (1) office or position as provided by this Charter;

(f) No employee, nor any member or volunteer with any board, commission, or department of the city, shall continue in such position upon election and acceptance of the elected position;

(g) No elected official of the city whose term is not expiring in that calendar year shall continue in such elective office after filing for any other elective office provided for in this Charter.

Sec. 6.04 - FORM OF PETITION

(1) All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signer of a petition must be a qualified voter of the City of Sachse and shall personally sign his own name thereto in ink or indelible pencil, and shall write after his name his place of residence within the boundaries of the city, giving name of street and number, if any, and shall also write thereon the date, including the month, day and year his signature was affixed. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or of the ordinance or resolution sought to be reconsidered, or in the case of a recall petition, the identity of the official whose recall is being sought.

(2) Each page of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed, the ordinance or resolution sought to be reconsidered, or the identity of the official whose recall is being sought.

(3) Locations for **ten (10)** ~~twenty (20)~~ signatures shall be provided on each blank petition.

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VERSION 1

Sec. 6.05 - PRESENTATION OF PETITIONS

(1) A petition to the city council for initiative or referendum, containing the signatures of qualified voters equal in number to fifteen (15) percent of those who voted in the last general municipal election, or two hundred (200), whichever is greater, shall be filed with the city secretary not later than **sixty (60)** ~~thirty (30)~~ days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.

(2) A petition to the city council for recall, containing the signatures of twenty (20) percent of the qualified voters registered to vote at the last regular city election, or three hundred (300), whichever is greater, shall be filed with the city secretary no later than **sixty (60)** ~~thirty (30)~~ days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.

VERSION 2

Sec. 6.05 - PRESENTATION OF PETITIONS

(1) A petition to the city council for initiative or referendum, containing the signatures of qualified voters equal in number to fifteen (15) percent of those who voted in the last general municipal election, or two hundred (200), whichever is greater, shall be filed with the city secretary not later than **ninety (90)** ~~thirty (30)~~ days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.

(2) A petition to the city council for recall, containing the signatures of twenty (20) percent of the qualified voters registered to vote at the last regular city election, or three hundred (300), whichever is greater, shall be filed with the city secretary no later than **ninety (90)** ~~thirty (30)~~ days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.

Sec. 7.04 - BUDGET: A PUBLIC RECORD

The final budget, all supporting schedules and the budget message shall be filed with the city secretary when submitted to the city council and shall be opened to public inspection by anyone interested. The city manager shall provide copies of the final budget, at a reasonable charge, to all interested citizens.

Sec. 7.10 - RESERVED~~CERTIFICATION: COPIES MADE AVAILABLE~~

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~~A copy of the budget, as fully adopted, shall be filed with the city secretary and such other places required by state law and as the city council may designate. The final budget shall be printed, and copies shall be made available for the use of all offices, agencies, and for the use of interested persons and civic organizations.~~

Sec. 7.20 - OFFICE OF TAX COLLECTOR

~~There shall be established an office of taxation to collect taxes, the head of which shall be the city tax collector.~~ **The city manager shall appoint a tax assessor/collector for the city, or the city council may contract with a governmental entity or with the board of directors of an appraisal district for the other governmental entity or the appraisal district to perform duties relating to the assessment or collection of taxes. In the assessment and collection of taxes, all provisions of the constitution and general laws of the State of Texas, the ordinances of this city relating thereto, and the provisions of this charter shall be followed.**

Sec. 9.01 - ORGANIZATION

(1) The city council shall create and establish a Planning and Zoning Commission which shall consist of seven (7) members, and may include alternates, who shall be appointed by the city council to staggered, overlapping two (2) year terms. The commission members shall be qualified voters in the city. Any vacancy occurring during the unexpired term of a member shall be filled by the city council. A majority of the members shall constitute a quorum. Removal of members of the planning and zoning commission shall be in accordance with the provisions of Article VIII, Section 8.01(2) of this Charter.

(2) The commission shall meet **as needed** ~~at least once a month~~. The commission shall keep minutes of its proceedings which minutes shall be maintained as a public record by the city secretary. The commission shall serve without compensation.

Sec. 11.07 - CHARTER REVIEW COMMISSION

(1) The city council may appoint a Charter Review Commission of at least fourteen (14) citizens of the city who shall:

(a) Inquire into the operation of the city government under the Charter and determine whether any provisions require revision. To this end, public hearings may be held. The commission may

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compel the attendance of any officer or employee of the city and require submission of any city records;

(b) Propose any recommendations it deems desirable to **ensure** ~~insure~~ compliance with the Charter of the city government;

(c) Report its findings and present its recommendations to the city council.

(2) The city council shall **conside**r ~~receive and have published in the official newspaper of the city a comprehensive summary of~~ the report presented by the commission, ~~shall consider~~ any recommendations made, and may order any amendments suggested to be submitted to the voters of the city in the manner provided by state law as now written or hereafter amended. **The city council shall post a comprehensive summary of the report presented by the commission on the city website which may be removed after the date the city council has adopted any amendments approved by the voters at such election. If no election is called the report may be removed from the city website within ninety (90) days after such posting.**

(3) The term of office of the commission shall be for not more than six (6) months, at the end of which time a report shall be presented to the city council and all records of proceedings of the commission shall be filed with the city secretary and become a public record.

ARTICLE XIII. - ~~TRANSITIONAL PROVISIONS~~ EFFECTIVE DATE AND EFFECTS OF ADOPTION

Sec. 13.01 - EFFECTIVE DATE

~~This Charter shall take effect immediately following adoption by the voters.~~ **The provisions of this charter and any amendments thereto shall be in effect from and after their approval by the voters and the adoption of an ordinance by the city council declaring the same adopted.**

Sec. 13.02 - ~~CONTINUATION OF ELECTIVE OFFICES~~ EFFECT ON PRESENT CITY COUNCIL

The duly elected city council serving at the time of the adoption of this charter or amendment thereto shall continue to be, serve as, and to constitute the city council of the city until the next regular election. ~~.Upon adoption of this Charter, the present members of the city council filling elective offices will continue to fill those offices for the terms for which they~~

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~~were elected. If this Charter is adopted, the city council shall, by majority vote, at its first regular meeting after the adoption of this Charter, appoint one (1) additional councilman to serve for a term to coincide with the terms of the councilmen who are elected in the odd numbered years, or until his successor is elected and qualified. Thereafter, the city council shall be elected as provided in this Charter. Persons who, on the date this Charter is adopted, are filling appointive positions with the city which are retained under this Charter, may continue to fill these positions for the term for which they were appointed, unless removed by the city council or by other means provided in this Charter.~~

Sec. 13.03 - ~~CONTINUATION OF OPERATIONS~~ SEPARABILITY

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby. ~~All city ordinances, bonds, resolutions, rules and regulations in force on the effective date of this Charter shall remain in force until altered, amended, or repealed by the city council, and all rights of the city under existing franchises and contracts are preserved in full force and effect.~~

~~Sec. 13.04 - OFFICERS AND EMPLOYEES~~

~~Except as specifically provided, nothing in this Charter shall affect or impair the rights or privileges of person who are city officers or employees at the time of its adoption~~.

APPENDIX F (i)

MEMO

FOR: Charter Review Commission 2022
FROM: City Attorney, Peter G. Smith
DATE: March 31, 2022
SUBJECT: Charter Review Articles I-V

We have reviewed Article I-V of the Sachse Charter. There are no changes required by law.

Below are suggestions to clarify wording, resolve ambiguities, and make the current language gender neutral.

Sections 3.01 and 3.02: While not necessary, the phrase "to be determined as set forth in Sec. 3.02" can be deleted from Section 3.01 and Section 3.02 can be deleted in its entirety. These are transition provisions that are no longer applicable.

Section 3.03: Grammar fix: The phrase "each city councilmembers" should be "each city councilmember…"

Section 3.04: Grammar fix: The phrase "shall take effect commencement" should read "shall take effect until commencement…"

Section 3.05(1): To eliminate gender specific language. Suggest first and second sentences be combined to read as follows: "The mayor shall be the official head of the city government and shall preside at all meetings of the city council." Suggest the third sentence be revised as follows: When authorized by the city council, the mayor sign all official documents, such as ordinances, resolutions… (remainder read as is)".

Section 3.06(1): Delete the word "his". It is not needed in the sentence anyway.

Section 3.06(2): Need to reword to delete gender specific language.

Section 3.06(3): Same as above.

Section 3.06(4): Suggest amending this section to provide for appointment to fill vacancy on the city council if 12 months or less remaining in the term of the vacant office as allowed Tex. Const. art. XI sec. 11. The Constitution was amended several years ago to allow city council to fill a vacancy by appointment depending on the time remaining in the unexpired term, otherwise council has to call a special lection to fill the vacancy.

Section 3.07(i): Consider amending Section 3.07(i) to read "Provide for the adoption of plats" or "Regulate the subdivision of land," or something similar. The City's current subdivision ordinance provides for the Planning and Zoning Commission to approve plats. This would eliminate possible conflict The Texas Local Government Code allows the plat approval to be delegated to a planning commission.

Section 3.08(1): Suggest revising to eliminate use of gender specific pronouns.

Section 3.08(2): Same as above.

Section 3.09(1): Suggest reviewing this language and revising as follows: (a) Change the word “date” to “day” in the second sentence. Use of the word “date” literally requires the council adopt an ordinance setting the actual dates of the meeting. (b) Calling special meeting, by “the majority of the city councilmembers” could violate the Open Meetings Act. Suggest the number of councilmembers who can call a special meeting be reduced to three which is a number that is less than a majority or quorum.

Section 3.10: Suggest adding the phrase “or as required by State law” be inserted after the word “Charter” in the second sentence. The intent is to capture those votes where state law requires a super-majority vote for approval.

Section 3.13: Delete the requirement to comply with Robert’s Rules of Order.

Section 4.01 (generally): Consider revising to eliminate use of gender specific pronouns.

Section 5.02(2)(c): The current language reads “Shall have resided within the corporate limits of the city, or annexed territory, for at least six (6) months prior to the filing deadline.” Presently, Election Code does not allow charter to provide for residency longer that 12 months prior to election date. Filing deadline under Election Code is 62nd day prior to election day. Since, six months prior to the filing deadline would necessarily be less than one year before election date, the current charter provision complies with the Election Code. Regardless, you may want to consider: (1) if residency deadline should be tied to election day as opposed to filing deadline; or (2) to increase residency requirement to the maximum allowed under the Election Code which would be 12 months prior to election date .

PGS: (128761)

Peter G Smith

APPENDIX F (ii)

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TO: Charter Commission
FROM: Peter G. Smith, City Attorney
DATE: May 2, 2022
RE: Article VI Initiative, Referendum and Recall

Commission members some questions about article VI Initiative, Referendum and Recall

Initiative and referendum are home rule powers reserved for local voters to provide for direct legislation. There is no constitutional or statutory authority. These powers are unique to home rule cities. Initiative is a procedure for local voters to directly propose legislation. The initiative process begins with circulation of a petition setting forth the text of the proposed ordinance. Petitioners must obtain the number of voter signatures needed to force the city council to submit the ordinance to the voters at a city election. Petition signature requirements vary from charter to charter. Some are based on a percentage of the number of qualified voters and others are expressed as a ratio of the number of votes cast at the last city election. After a petition is filed, the city secretary reviews it to determine if it complies with the requirements of the charter. The city council may either adopt the proposed ordinance; or call an election on the ordinance. If a majority vote the ordinance goes into effect.

Recall is a process for local voters to seek the removal of the mayor and council members. Under most charters, a recall election begins with the filing of a petition which names the person whose removal is sought and the grounds for removal. The petition requirements vary. City secretary reviews the petition to determine if it is signed by the requisite qualifed voters. Some charters prohibit more than one recall election per councilmember per term and/or prohibit recall during the early portion of the term.

Chapter 277 Texas Election Code which governs petitions authorized or required under a law outside of the Texas Election Code and applies to initiative, referendum, and recall. It does not specify the number of required signatures and time periods for submission.

APPENDIX F (iii)

MEMO

FOR: Charter Review Commission 2022
FROM: City Attorney, Peter G. Smith
DATE: June 2, 2022
SUBJECT: Charter Review Articles VII-IX

We have reviewed Article VII-IX of the Sachse Charter.

There are no changes required by law except as noted below.

Sections 7.04 and 7.10, though worded slightly differently, provide for virtually the same thing. We suggest repealing Section 7.10 and retaining 7.04 to eliminate potential conflicts. Texas Local Government Code section 102.008 requires budget to be available on City website, so language in 7.04 regarding the city manager making copies of the budget available for reasonable charge has no impact on citizens being able to access and review the budget for free on the internet. City Manager could still charge for cost of hard copies of full budget provided on request.

Section 7.20 Office of Tax Collector. City does not have an "Office of Taxation." Recommend amending it to read as follows:

"The city manager shall appoint a tax assessor/collector for the city, or the city council may contract with a governmental entity or with the board of directors of an appraisal district for the other governmental entity or the appraisal district to perform duties relating to the assessment or collection of taxes. In the assessment and collection of taxes, all provisions of the constitution and general laws of the State of Texas, the ordinances of this city relating thereto, and the provisions of this charter shall be followed."

PGS: (129883)

Peter G Smith

Duties and Expectations of a Council Liaison

1. A Councilmember acting as a liaison to a Council advisory committee or other body (a "Committee") is not a member of the Committee. Rather, the Councilmember is a positive resource to support the Committee in the completion of its work subject to the rules stated below.

2. A Councilmember liaison is acting as a representative of the full Council and, as such, has no authority to provide any direction or guidance to the Committee other than direction or guidance that clearly represents direction or guidance of the full Council.

3. Generally put, the Councilmember liaison shall not attempt to influence the work or recommendations of the Committee. More specifically, • the Councilmember shall not take part in the Committee's deliberations or discussions unless (a) the Committee requests the Councilmember's participation in a particular discussion (in this situation, the Councilmember must expressly state that she or he is speaking for her or himself, not for the entire Council) or (b) the Councilmember determines that he or she must speak up in order to remind the Committee of Council direction, City policies, or laws including the Open Public Meetings Act and the Public Records Act; and • the Councilmember shall not take part in any votes or decision making of the Committee.

4. The Councilmember liaison shall work to ensure that the Committee is only taking actions or doing work that is within the scope of the Committee's work as determined or approved by Council. The liaison can do this by, for example, reminding the Committee as needed of the scope of work that the Council set for the Committee.

5. The Councilmember liaison shall bring to the Council any requests from the Committee, such as the following: (a) questions raised by a Committee about the Committee's scope of work; (b) requests from the Committee to change the Committee's scope of work; (c) requests for expenditures of City resources to further the Committee's work (money, staff time, or other resources); and (d) requests from the Committee to place an item on a Council meeting agenda.

6. The Councilmember liaison shall work to ensure that the Council is regularly updated on the work of the Committee. To that end, the Council shall on a periodic basis revisit the work plan of each Committee and hear from each Committee's liaison a report on the Committee's progress on the work plan.