

**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.

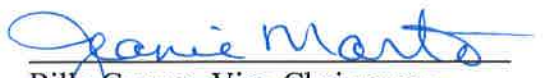
Mr. Wood would like to see the nepotism rule apply to all boards, commissions, and corporations. It was pointed out that it is currently stated as such in the code of ethics; however, he would like to see that policy raised to the level of the Charter. Mr. Wood made a motion to extend section 14.01 to 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.

ATTEST:


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

APPROVE:



Scott McMurdie, Chairperson

William K. George
Vice-Chairperson

EXHIBIT A

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