



**Thursday, May 5, 2022
Charter Review Commission 2022**

**Charter Review Commission 2022
Laurie Schwenk Senior Activity Center
3815 Sachse Road, Building A
6 p.m.**

A. Regular Meeting

1. Call to Order: The Charter Review Commission 2022 of the City of Sachse will hold a Regular Meeting on Thursday, May 5, 2022, at 6 p.m. to consider the following items of business:
2. Invocation and Pledge of Allegiance to the U.S. and Texas Flags.
3. 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.
4. Consider and approve the March 31 meeting minutes
5. Consider and approve the April 7 meeting minutes
6. Review, discuss, and make any recommended changes to the City of Sachse's home rule Charter.
7. Review the agenda for the upcoming meeting.
8. 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

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 972.429.4770, via email at achi@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.



Agenda Item Details

Meeting	May 05, 2022 - Charter Review Commission 2022
Category	A. Regular Meeting
Subject	4. Consider and approve the March 31 meeting minutes
Access	Public
Type	Action, Minutes
Recommended Action	Approve the minutes as presented.
Minutes	View Minutes for Mar 31, 2022 - Charter Review Commission 2022

Public Content

BACKGROUND

Minutes of the March 31 meeting.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

Approve the minutes as presented.

[03.31.22 Charter Review Minutes.pdf \(85 KB\)](#)

**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. Holbake 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



Agenda Item Details

Meeting	May 05, 2022 - Charter Review Commission 2022
Category	A. Regular Meeting
Subject	5. Consider and approve the April 7 meeting minutes
Access	Public
Type	Action, Minutes
Recommended Action	Approve the minutes as presented.
Minutes	View Minutes for Apr 7, 2022 - Charter Review Commission 2022

Public Content

BACKGROUND

Minutes of the April 7 meeting.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

Approve the minutes as presented.

[04.07.22 Charter Review Minutes.pdf \(92 KB\)](#)

**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 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:

, Commission Member



Agenda Item Details

Meeting	May 05, 2022 - Charter Review Commission 2022
Category	A. Regular Meeting
Subject	6. Review, discuss, and make any recommended changes to the City of Sachse's home rule Charter.
Access	Public
Type	Discussion, Information, Action
Recommended Action	Review, discuss, and make any recommended changes to the City of Sachse's home rule Charter.

Public Content

BACKGROUND

The Charter Review Commission has been appointed by the City Council and asked to review the City's home rule Charter. City staff and the City Attorney will take notes on the discussion and will compile a summary of comments. At the end of the discussion, the Commission can take a vote on the items to be recommended.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

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

[20220428-Sachse_2022 Charter Recommendations-129318.pdf \(227 KB\)](#)

[20220502-Sachse_memo_charter commission_article VI-129360.pdf \(91 KB\)](#)



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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: May 2, 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.

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)

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 foreclosures 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.

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 TERMS 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 eighteen (18) consecutive years. 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. ~~(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.

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)
- (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 plans~~ **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.

Special meetings of the city council shall be held at the call of the mayor or **three** ~~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.

(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 or as otherwise allowed ~~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.

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

Sec. 3.18 - BOND

The city council ~~shall~~ **may** 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.

(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~~;



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- (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.



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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 qualified 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.