

Charter Review Commission
City of Sachse
Minutes of Meeting
January 17, 2013
7:00 p.m., Sachse City Hall

Members

Charles Smith Chairperson
Gary Overby-Vice-Chairperson
Sheila LaTorres-2nd Vice-Chairperson
Cullen King Frank Millsap
Ed Brown Charles Elk
Mark Caldwell Keith Allen
Tom Osvold Stan Hensley
Jeff Bickerstaff Patsy Covington
Chris Lam

And all were present except:

Others in Attendance

Joe Gorfida, City Attorney
Billy George, City Manager
Terry Smith, City Secretary

The Charter Review Commission of the City of Sachse held a Meeting on Thursday, January 17, 2013 at 7:00 p.m. at Sachse City Hall, 3815-B Sachse Road, to consider the following items:

1. Call to Order-----Chairperson Charles Smith.
2. Invocation and Pledge of Allegiance to U.S. and Texas Flags.
3. Regular Agenda Items:

12-1291 Consider approval of the minutes of the January 3, 2013 meeting: Following discussion, Jeff Bickerstaff moved to approve 12-1291, minutes of the January 3 meeting, as presented. The motion was seconded by Cullen King and carried unanimously.

12-1292 Consider proposed changes to the Sachse Home Rule Charter:

Following discussion, the Commission took a vote to pursue a stipend for the City Council. There were 5 votes for and 9 against, the vote failed.

Following discussion, Cullen King moved to approve all the changes and forward the recommendation and transmittal letter to the City Council. The motion was seconded by Ed Brown and carried unanimously.

There being no further business, Chris Lam moved to adjourn at 7:30 p.m. The motion was seconded by Tom Osvold and carried unanimously.

Approved:

Secretary

Chairperson



**Charter Review Commission
City of Sachse
Report to the City Council**

Dear Honorable Mayor and Members of the City Council,

On September 10, 2012, you the Sachse City Council appointed fourteen (14) citizens to serve as Members of the Charter Review Commission in accordance with *Section 11.06 Charter Review Commission of the City Charter*. We began review of the Sachse Home Rule Charter on October 22, 2012 and held six (6) meetings to review and discuss recommended changes to the Charter. Upon careful review, we submit the attached red line version of the City Charter, which represents the current verbiage along with the proposed changes as recommended by the Charter Review Commission. In addition, we have attached the minutes of our meetings in order to assist you in seeing how the attached proposal evolved into the recommendation we are making to you.

As citizens of this community we were honored to serve in this capacity, and hope our work will assist you in presenting a city charter proposal to the citizens of Sachse.

Respectfully submitted:

Charles W. Smith, Chairman

SUMMARY OF PROPOSED CHARTER AMENDMENTS

DELETIONS APPEAR IN STRIKETHROUGH PRINT AND ADDITIONS ARE UNDERLINED

Sec. 3.01 - COMPOSITION

The council shall be composed of a mayor and six (6) council-members. 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.

Sec. 3.05 - MAYOR AND MAYOR PRO TEM

- (1) The mayor shall be the official head of the city government. He shall be the chairman and shall preside at all meetings of the city council. The mayor shall have the same voting rights and responsibilities as the other members of the city council, but shall have no power to veto. He shall, when authorized by the city council, sign all official documents, such as ordinances, resolutions, conveyances, grant agreements, ~~official plats~~, contracts and bonds, unless authorization has been delegated by the City Council to the city manager or other official. The mayor ~~He~~ shall perform such other duties consistent with this Charter as may be imposed upon the mayor ~~him~~ by the city council.

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 candidate receiving the highest number of votes and the candidate receiving the next highest number of votes. Such special and runoff elections shall be held pursuant to the provisions of the Texas Election Code and applicable ordinances.
- (5) Reserved.
- (6) Reserved.
- (7) Reserved.

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 title. 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 first reading. 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. ~~Such amended ordinance shall be placed upon the agenda of a subsequent meeting of the city council in accordance with the provisions of this Article. 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 as required by law designated as the official newspaper of the city
- (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. 5.05 - TAKING OF OFFICE

- (1) Each newly elected city council member shall be inducted into office at the first regular or specially called city council meeting following the city council meeting in which the election is canvassed and certified. ~~Such induction into office shall be the second item of business, with consideration of approval of the minutes of the previous meeting being the first item of business.~~
- (2) At such meeting the oath shall be in accordance with the City 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 registered 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 twenty (20) signatures shall be provided on each blank petition.

Sec. 6.09 - CALL OF RECALL ELECTION

If the officer whose removal is sought does not resign, then the city council shall order an election and set the date for holding such recall election. ~~The date selected for the recall election shall be not less than twenty five (25) days nor more than thirty five (35) days after the date the petition was presented to the city council.~~ The city council

shall, not less than 25 days nor more than 35 days after the petition is presented to the city council, call a recall election for a date authorized by state law. If, after the recall election date is established, the officer vacates his position, the election shall be cancelled. Any election order so issued shall fully comply with the Texas Election Code.

Sec. 6.12 - RESULTS OF ELECTION

- (1) If a majority of qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results by the city secretary and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the city council. If conflicting ordinances are approved at the same election, the one receiving the greater number of affirmative votes shall prevail.
- (2) An ordinance adopted by initiative may be repealed or amended at any time after the expiration of two (2) years by a majority vote, or after one (1) year by unanimous vote, of all city council members.
- (3) If a majority of the qualified electors voting on a referred ordinance or resolution vote against the ordinance or resolution, it shall be considered repealed upon certification of the election results by the city secretary. If a majority of the qualified electors voting on a referred ordinance or resolution vote for the ordinance or resolution, the ordinance or resolution shall be considered in effect.
- (4) An ordinance or resolution repealed by referendum may be reenacted at any time after the expiration of two (2) years by a majority vote, or after one (1) year by unanimous vote, of all city council members.
- (5) If a majority of the votes cast on the question of recall at a recall election shall be against the removal of the elected official named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as before within the limitations of Section 6.13 below. If a majority of the votes cast on the question of recall at a recall election shall be for the removal of the elected official named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office upon certification of the election results by the city secretary and the vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies.

Sec. 7.02 - SUBMISSION OF BUDGET AND BUDGET MESSAGE

The city manager, shall, not later than the 15th day during the month of August of each year, or other date prescribed by state law, prepare and submit the proposed budget, covering the next ensuing fiscal year, to the city council. In preparing this budget, each

employee, officer, board, and department shall assist the city manager by furnishing all necessary information. The city manager's budget document shall contain:

- (1) The city manager's budget message outlining the proposed financial policies for the next fiscal year with explanations of any changes from preceding years in expenditures and any major changes of policy and a complete statement regarding the financial condition of the city.
- (2) An estimate of all revenue from taxes and other sources, including the present tax structure rates and property evaluations for the ensuing year.
- (3) The proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit, and program, purpose or activity, and the method of financing such expenditures.
- (4) A description of all outstanding bonded indebtedness, showing amount, purchaser, date of issue, rate of interest, and maturity date, as well as any other indebtedness which the city has incurred and which has not been paid.
- (5) A statement proposing any capital expenditures necessary for undertaking during the next budget year and recommended provision for financing.
- (6) A list of capital projects which should be undertaken within the next five (5) succeeding years.

Sec. 7.05 - PUBLIC HEARING ON BUDGET

~~At the city council meeting when the budget is submitted, the city council shall name the date and place of a public hearing and shall have published in the official newspaper of the city the time and place, which will be not less than ten (10) days nor more than thirty (30) days after the date of the notice. The city council shall conduct public hearings on the proposed budget as required by state law, and shall conduct at least one public hearing. Notice of the public hearing(s) shall be published in a newspaper of general circulation of the county in which the city is located, unless otherwise prescribed by state law, stating the date, time and place as required by state law. At this hearing, interested citizens may express their opinions concerning items of expenditures, giving their reasons for wishing to increase or decrease any items of expense.~~

Sec. 7.10 - CERTIFICATION: COPIES MADE AVAILABLE

A copy of the budget, as fully adopted, shall be filed with the city secretary and such other places required by state law ~~or~~ and as the city council shall may designate. The final budget shall be printed, mimeographed ~~or otherwise reproduced~~ and sufficient

copies shall be made available for the use of all offices, agencies, and for the use of interested persons and civic organizations.

Sec. 7.15 - PURCHASING

- (1) The city council may, by ordinance, give the city manager authority to contract for expenditure without further approval of the city council for all budgeted items not exceeding limits set by the city council. All contracts for expenditures involving more than the set limits must be expressly approved in advance by the city council. All contracts or purchases involving more than the limits set by the city council shall be let to the lowest bidder or the bidder that provides the best value as allowed by state law, whose submittal is among those responsive to the needs of the city after there has been opportunity for competitive bidding as provided by law or ordinance, unless competitive bidding is prohibited or not required by state law. The city council, or the city manager as he is authorized to act for the city, shall have the right to reject any and all bids.
- (2) Emergency contracts as authorized by law and this Charter may be negotiated by the city council, or the city manager if given authority by the city council, without competitive bidding. Such emergency shall be declared by the city manager and approved by the city council, or may be declared by the city council.

Sec. 7.18 - INDEPENDENT AUDIT

At the close of each fiscal year, and at such other times as may be deemed necessary, the city council shall call for an independent audit to be made of all accounts of the city by a certified public accountant. No more than five (5) consecutive annual audits shall be completed by the same firm unless no other certified public accountants have submitted a proposal to provide audit services for the city, in which event the existing certified public accountant may be retained for an additional one (1) year period(s) until another certified public accountant is available and selected by the City. The certified public accountant selected shall have no personal interest, directly or indirectly, in the financial affairs of the city or any of its officers. The report of the audit, with the auditor's recommendations will be made to the city council. Upon completion of the audit, copies of the audit will be placed on file in the city secretary's office as a public record.

Section 8.01 (3)

- (3) All boards, commissions and committees of the city shall keep and maintain minutes of any proceedings held and shall submit the minutes ~~a written report of such proceedings~~ to the city council no more than two (2) weeks after approval of the minutes of each such meeting. All meetings of any board, commission or committee created, established or appointed by this Charter or the city council

shall be open to the public, unless otherwise permitted by law, and shall be subject to the laws of this state, as amended, concerning public meetings.

Section 8.01 (4)

(4) No officer of the city nor any person who holds a compensated appointive position with the city shall be appointed to any board, commission or committee created or established by this Charter other than in an advisory capacity, except as otherwise provided by state law.

Sec. 8.01 (5)

(5) Any member of a board, commission or committee who is absent from three (3) consecutive regular meetings ~~shall forfeit his~~ may be removed by the City Council from such position on the board, commission or committee and his position shall be filled by the city council within thirty (30) days of his forfeiture.

Sec. 8.02 - BOARDS AND COMMISSIONS ENUMERATED

(1) Planning and Zoning Commission. There is hereby established a planning and zoning commission, whose purpose, composition, function, duties, and tenure shall be as set out in Article IX of this Charter.

(2) Board of Adjustment. There is hereby established a board of adjustment and appeals ~~whose purpose, composition, function, duties and tenure shall be as set out in Article IX of this Charter~~ which shall consist of at least five (5) members and may include four (4) alternates, appointed by a majority of the city council for a term of two (2) years. The city council shall, by ordinance, provide standards and procedures for such board to hear and determine appeals of administrative decisions, petition for variances in the case of peculiar and unusual circumstances which would prevent the reasonable use of land and such other matters as may be required by the city council or by Chapter 211 of the Local Government Code, as amended. Each case before the board must be heard by at least seventy-five percent (75%) of the members and the concurring vote of at least seventy-five percent (75%) members of the board present shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass or to affect any variance in the zoning ordinance. Removal of members of the board of adjustment shall be by the city council for cause on a written charge after a public hearing for the unexpired term by the city council. Alternate board members will be appointed by the city council in the same manner as regular members. Vacancies and removals shall follow the same procedures as for regular members.

(3) Parks and Recreation. The city council shall appoint a parks and recreation board consisting of seven (7) members who are qualified voters of the City of

Sachse. These members shall serve for two (2) year terms. The parks and recreation board will work in an advisory capacity to the city council in the planning and developing of parks and recreation facilities and regulations governing their use. Meetings will be held monthly and shall be conducted at a time, date, and place designated by the chairman.

(4) Library Board. The city council shall appoint a library board consisting of seven (7) members who are qualified voters of the City of Sachse. Members of the library board shall hold office for two (2) year terms. Meetings of the library board will meet at least once each calendar quarter, at a time, date, and place designated by the chairman. The board will work as an advisory board to the city council relating to the establishment and use of the library, the nature of the services rendered or to be rendered by the library; the manner in which the library service may be coordinated with the services of other libraries which render services to the city and such other matters as the city council may deem beneficial to the City of Sachse.

Section 8.03

Subject to the provisions of any law of the State of Texas, an appeal may be taken to the city council from any decision of any board, commission, committee, or other body except from decisions of the planning and zoning commission and the board of adjustment. Such appeals shall be perfected by filing a sworn notice of appeal with the city secretary within thirty (30) days from the rendition of the decision of the board, commission, committee or other body. Prior to the institution of any appeal in a court of law by the aggrieved person from a decision of such board, commission, committee or other body, appeal must be first perfected to the city council.

Section 9.01 (1)

(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 within thirty (30) days from the date of vacancy for the remainder of the unexpired term. 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.

Section 9.04- The Master Comprehensive Plan: Procedure and Legal Effect

(1) The existing master comprehensive plan for the physical development of the city contains recommendations for the growth, development and beautification of the city and its extraterritorial jurisdiction. Additions to and amendments of the master comprehensive plan shall be by resolution, but before any such revision, the commission shall hold at least one (1) public hearing on the proposed action.

(2) A copy of the proposed revisions to the master comprehensive plan shall be forwarded to the city manager who shall submit the proposal to the city council, together with his recommendations, if any. The city council, after a public hearing, shall adopt or reject such proposed revision or any part thereof as submitted within sixty (60) days following its submission by the city manager. If the proposed revisions or part thereof should be rejected by the city council, the planning and zoning commission may make modifications and again forward it to the city manager for submission to the city council.

(3) Following the adoption of the master comprehensive plan by the city council, it shall serve as a guide to all future city council action concerning land use and development regulations and expenditures for capital improvements. ~~Any proposal which deviates from the master comprehensive plan shall not be authorized until and unless the locations and extent thereof shall have been submitted to and approved by the planning and zoning commission. In case of disapproval, the commission shall communicate its reasons to the city council, which shall have the power to overrule such disapproval, and upon such overruling, the city council or the appropriate office, department or agency shall have the authority to proceed. The failure of the commission to act within thirty (30) days after the date of official submission to the commission shall be deemed approval, unless a longer period be granted by the city council or submitting official.~~

~~Sec. 9.05 BOARD OF ADJUSTMENT~~

~~The city council shall create and establish a board of adjustment which shall consist of five (5) members and four (4) alternates, which shall be appointed by a majority of the city council for a term of two (2) years. The city council shall, by ordinance, provide standards and procedures for such board to hear and determine appeals of administrative decisions, petition for variances in the case of peculiar and unusual circumstances which would prevent the reasonable use of land and such other matters as may be required by the city council or by Chapter 211 of the Local Government Code, as amended. Each case before the board must be heard by at least four (4) members and the concurring vote of at least four (4) members of the board present shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass or to affect any variance in the zoning ordinance. Removal of members of the board of adjustment shall be by the city council for cause on a written charge after a public hearing for the unexpired term by the city council. Alternate board members will~~

~~be appointed by the city council in the same manner as regular members. Vacancies and removals shall follow the same procedures as for regular members.~~

Sec. 10.02

- (1) ~~The caption~~ A summary of an ordinance granting, renewing, extending or amending a public service or utility franchise, shall be read at one meeting of the city council and also be available for public review at one additional meeting and shall not take effect until thirty (30) days after the second meeting. Within fifteen (15) days following the first reading of the ordinance ~~caption summary~~, the ordinance ~~caption summary~~ shall be published once in a newspaper of general circulation in the city. The expense of such publication shall be borne by the prospective franchisee.