

**Charter Review Commission**  
**City of Sachse**  
Minutes of Meeting  
November 15, 2012  
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

**Others in Attendance**

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

**Absent**

Chris Lam

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*The Charter Review Commission of the City of Sachse held a Meeting on Thursday, November 15, 2012 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:

**12-1203 Consider approval of the minutes of the November 1, 2012 meeting:** Following discussion, Ed Brown moved to approve 12-1203, minutes of the November 1, 2012 meeting with the change to the adjournment time of 9:12 p.m. The motion was seconded by Jeff Bickerstaff and carried unanimously.

**12-1171 Consider proposed changes to the Sachse Home Rule Charter:**

Following discussion, Jeff Bickerstaff moved to approve the City Attorney submitted changes to Sections 3.01 thru 3.14. The motion was seconded by Gary Overby and carried unanimously.

**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.

Following discussion, Cullen King moved to remove the 2<sup>nd</sup> sentence in **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.~~ The motion was seconded by Charles Elk and carried with Stan Hensley voting no.

Following discussion, Ed Brown moved to remove the 2<sup>nd</sup> sentence in **Sec. 6.09 CALLING 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.~~ 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. The motion was seconded by Frank Millsap and carried unanimously.

Following discussion, Jeff Bickerstaff moved to approve the change to **Sec. 7.02, SUBMISSION OF BUDGET AND BUDGET MESSAGE** as submitted by the City Attorney: 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: .The motion was seconded by Ed Brown and carried unanimously.

Following discussion, Cullen King moved to approve the change to **Sec. 7.05, PUBLIC HEARING ON BUDGET** as submitted by the City Attorney: ~~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. The motion was seconded by Mark Caldwell and carried unanimously.

Following discussion, Gary Overby moved to modify **Sec. 7.10 CERTIFICATION: COPIES MADE AVAILABLE** as proposed by the City Attorney: A copy of the budget, as fully adopted, shall be filed with the city secretary and such other places required by state law or as the city council shall designate. The final budget shall be printed, ~~mimeographed or otherwise reproduced~~ and sufficient copies shall be made available for the use of all offices. The motion was seconded by Mark Caldwell and carried unanimously.

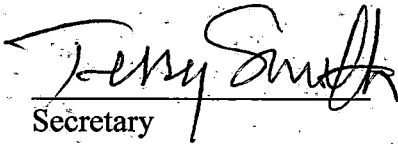
Following discussion, Stan Hensley moved to modify **Sec. 7.15 PURCHASING** as proposed by the City Attorney:

(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. The motion was seconded by Ed Brown and carried unanimously.

It was determined the City Attorney would revise Sec. 7.18 INDEPENDENT AUDIT for submittal to the Commission.

Next Meeting on December 6<sup>th</sup>, starting time will be 7:30 p.m. Sections 8-9 of the Charter will be covered. The December 20<sup>th</sup> meeting will be cancelled due to the holidays.

4. Adjourn: There being no further business Cullen King moved to adjourn the meeting. The motion was seconded by Jeff Bickerstaff and carried unanimously. The meeting adjourned at 8:30 p.m.

  
Secretary

Approved:

  
Chairperson