Charter Review Work Session

Article II. The Council

Sections 2.01 and 2.02

March 19, 2024

Expectations & Process

- A review of the current provisions in Sections 2.01 and 2.02
- Staff will provide best practices, industry recommendations, and other considerations
- Council will discuss and provide direction to the forthcoming Charter Review Committee
- Questions will be notated and answered through the committee process

Article II. The Council

- Sec. 2.01. Number, selection and term
- Sec. 2.02. Qualifications
- Sec. 2.03. Presiding officer: Mayor and mayor pro tem
- Sec. 2.04. Vacancies in council
- Sec. 2.05. Meetings of the council
- Sec. 2.06. Quorum, voting
- Sec. 2.07. Rules of procedure, minutes
- Sec. 2.08. Powers of the council
- Sec. 2.09. Ordinances
- Sec. 2.10. Council not to interfere in appointments or removals
- Sec. 2.11. Employee bonds
- Sec. 2.12. City secretary
- Sec. 2.13. Independence annual audit

Section 2.01. Number, selection and term

(a) The city council shall have seven (7) members, six (6) councilpersons and a mayor. The manner of their election is prescribed herein. Each councilperson shall be elected to and occupy a place on the council, such places being numbered one (1), two (2), three (3), four (4), five (5) and six (6). The mayor's position on the council shall be place seven (7).

(b) Four (4) members of the council whose positions shall be places one (1), two (2), three (3) and four (4), shall be residents of and elected by the qualified voters of single-member geographical districts of the city, known as districts one (1), two (2), three (3) and four (4), as such districts may from time to time be determined by the city council in accordance with Section 2.01(d), and created and described by ordinance. Two (2) members of the council and the mayor shall be elected by the qualified voters of the entire city, commonly known as at large. One (1) at large member, place five (5), shall be a resident of district one (1) or two (2), and one (1) at large member, place six (6), shall be a resident of district three (3) or four (4).

Section 2.01. Number, selection and term

(c) (1) Each member of the council including the mayor shall hold a place on the city council, and shall be elected to such place for a two-year term. No member of the council or the mayor, who has been elected to three (3) consecutive full terms in a place, shall be eligible to file for election for that same place, whether elected before or after the effective date of this provision, without having first been off the council for at least one annual council election cycle. Nothing herein shall be deemed to prohibit the council members or the mayor from being elected to other places on the council or as mayor, so long as otherwise eligible, except that no council member or the mayor shall be elected to or serve for more than twelve (12) consecutive years.

(2) A person who has become ineligible to serve pursuant to Section 2.01(c)(1) shall not be eligible to be elected to a place on the council or as mayor without having first been off the council for at least one annual council election cycle, after which such person shall regain eligibility for office, if otherwise eligible under this Charter.

Section 2.01. Number, selection and term

(d) The council shall from time to time create and describe by ordinance election districts known as districts one (1), two (2), three (3) and four (4). Such districts shall be created so that each will contain, as nearly as possible, a population equivalent to the others, according to the latest available census data.

Section 2.01. Considerations

Best Practice Recommendations:

- National Civic League Model Charter: 5 to 9 members, 4-year staggered terms, no term limits.
- Texas Municipal League's Texas General Home Rule Charter (2010):
  - Majority of Texas cities call for staggered two-year terms (recent movement to three or four)
  - More than 95% of cities have staggered terms
  - 41% of Texas cities have term limits in place

Legal Considerations:

- Adding Council districts may require outside legal counsel review for Voting Rights Act implications

Section 2.01. Surrounding City Comparison

City	Population*	# of Members	Estimated population per district	Terms	Term Limits
Denton	**142,262**	**7**	**35,566 (4 districts)**	**2 years, staggered**	**3 consecutive**
Addison	17,026	7	At-Large	2 years, staggered	3 consecutive
Arlington	393,469	9	78,694 (5 districts)	3 years	3 consecutive
Carrollton	132,284	8	At-Large	3 years, staggered	None
Frisco	202,075	7	At-Large	3 years, staggered	3 consecutive
Irving	254,962	9	42,494 (6 districts)	3 years	3 consecutive
Lewisville	125,028	7	20,838 (6 districts)	3 years	None
Prosper	31,507	7	At-Large	3 years, staggered	3 consecutive

*ACS 2022 5-Year Estimate

Section 2.01
Council Discussion and Direction

Section 2.02. Qualifications

(a) Each member of the council, in addition to having the other qualifications prescribed by law:

(1) Shall be registered to vote in the city;

(2) Shall have domiciled for at least one year next preceding his or her election within the corporate limits of Denton and, if running within a single member geographic district, or at large place five (5) requiring a domicile in district one (1) or two (2), or at large place six (6) requiring a domicile in district three (3) or four (4), as set forth in Section 2.01, for at least one year preceding his or her election in the district in which elected; further, shall continuously be domiciled within the corporate limits of Denton and, if elected within a single member geographic district, or at large place five (5) requiring a domicile in district one (1) or two (2), or at large place six (6) requiring a domicile in district three (3) or four (4), in the district in which elected throughout his or her term of office.

(3) Shall not hold any other public office of emolument;

(4) Shall have and maintain the eligibility requirements for municipal officers set forth in Section 141.001 of the Texas Election Code, Vernon's Texas Civil Statutes Annotated hereinafter referred to as "Election Code" as it may now read or hereafter be amended.

Section 2.02. Qualifications

(b) If a member of the council shall, after being elected, cease to possess any of these qualifications or eligibility requirements, or shall hold another office of emolument, or enter a plea of guilty to a felony, or be convicted of a felony he or she shall immediately forfeit his or her office.

(c) City Councilmember Stipend. Each member of the City Council shall receive compensation in the form of a monthly stipend as set forth in this section. The initial monthly stipend shall be seven hundred fifty dollars ($750.00) for each member of the City Council elected from a district or at large position, and one thousand dollars ($1,000.00) for the Mayor elected at large. These initial amounts shall become effective on ratification of this charter provision.

Section 2.02. Qualifications

City Council may, by a separate ordinance, approve an adjustment in the stipend no more frequently than once per fiscal year, but no increase in such compensation shall take effect until commencement of the terms of the Mayor and/or Council Members elected at the next regular election. Any increase in the amount of the stipend shall not exceed three (3) percent of the then-current stipend amount unless approved by a two-thirds (⅔) vote of the Council. The stipend shall be reported in the annual city budget as a separate line item.

Section 2.02. Considerations

Best Practice Recommendations:

- National Civic League Model Charter:
  - Only council qualification should be registered voter of the City
  - Council should determine salary by ordinance, allowing for more flexibility and annual adjustments
- Texas Municipal League's Texas General Home Rule Charter (2010):
  - Local Government Code, Section 141.004, authorizes councils to establish a salary for themselves by ordinance

Section 2.02. Surrounding City Comparison

City	Population*	Residency Requirement	Monthly Compensation
Denton	**142,262**	**1 year**	**$1,000/Mayor, $750/Council**
Addison	17,026	12 months	$400/Mayor, $200/Council
Arlington	393,469	Resident at time of filing	$250/Mayor, $200/Council
Carrollton	132,284	12 mo./Texas, 1 yr./city	$375/Mayor, $200/Council
Frisco	202,075	1 year	$850/Mayor, $700/Council
Irving	254,962	1 year, bona fide	$1,200/Mayor, $900/Council
Lewisville	125,028	1 yr./city, 6 mo./district	$50 per meeting attended
Prosper	31,507	12 months	“Reasonable reimbursement”

*ACS 2022 5-Year Estimate

Section 2.02. Full-Time Council Comparison

City	Population*	Annual Salary	Charter / Ordinance	Last Revision
Austin	958,202	$134,191/Mayor, $116,688/Council	Ordinance	2023
Dallas	1,300,642	$60,000/Mayor, $37,500/Council	Charter	2015
El Paso	677,181	*Annual Median Household Income*	Ordinance	2018
Ft. Worth	924,663	$29,000/Mayor, $25,000/Council	Charter	2006
San Antonio	1,445,662	$61,725/Mayor, $45,722/Council	Charter	2018

*ACS 2022 5-Year Estimate

Section 2.02
Council Discussion and Direction

Reminder: Charter Review Timeline

Work Session Date	Charter Area to Review
March 19, 2024	The Council: 2.01, 2.02
April 2, 2024	General Provisions: 14.03, 14.04, 14.13, 14.16
April 16, 2024	Initiative, Referendum and Recall: 4.12
May 21, 2024	CM Watts, 2-Minute Pitch