



City of Denton

City Hall
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Denton, Texas
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AGENDA INFORMATION SHEET

DEPARTMENT: City Manager's Office

CM/ DCM/ ACM: Bryan Langley, Deputy City Manager

DATE: July 18, 2017

SUBJECT

Receive a report, hold a discussion, and give staff direction regarding the Charter Review Committee recommendations.

BACKGROUND

At the June 27, 2017 City Council Work Session, the chair of the Charter Review Committee (CRC), Joe Mulroy, presented the Committee's final report and recommendations. The City Council formed the CRC by resolution in October 11, 2016 and charged the Committee with evaluating seven potential changes to the City's Charter. The CRC's final report is attached as **Exhibit 2**. Additionally, all of the CRC agendas, minutes, and materials provided to the committee are available on the City's [website](#) under Government and then Boards, Commissions, and Committees.

Below is a brief summary of the charges and if the CRC proposed a revision to the Charter:

#	Subject	Charge	CRC Recommendation
1	Districts	• Should the composition of the Council change to 6 single-member council districts and 1 at-large mayoral district? (Sec. 2.01)	• No revision
2	Terms	• Should the current 3 consecutive two-year term limitations be changed? (Sec. 2.01)	• No revision
3	District Residency	• Should the current one-year district residency eligibility requirement be amended? (Sec. 2.02)	• Proposed revision
4	Recall Percentage	• Should the percentage signature requirement for recall petitions be increased? (Sec. 4.13)	• Proposed revision
5	City Auditor	• Should the appointment, duties, and responsibilities of the city auditor be clarified? (Sec. 6.04)	• Proposed revision
6	Ethics	• Should the current conflict of interest and nepotism provisions be replaced with alternative ethics provisions? (Secs. 14.04 and 14.05)	• Proposed revision to Charter and recommended ordinance elements
7	Stipend	• Should a salary or stipend be established for council members?	• Proposed revision

During the presentation, Council asked a number of questions on the charges and provided some initial direction. Council indicated no concerns with the CRC's recommendations on charges #1, #2, and #3; however, there were a few follow-up questions asked regarding charges #4-#7. Please see below information addressing those questions.

Charge #4: Recall Percentage

- **What were the comparable communities used and how were they determined?**
The charters of the following communities were researched: Arlington, Carrollton, Fort Worth, Frisco, Garland, Grand Prairie, Irving, Lewisville, McKinney, Mesquite, Plano, and Richardson. Staff was asked to research communities similar in size for a few items including council composition, compensation of council members, and recall mechanisms. Please see attached research in **Exhibit 3** that was gathered by staff and presented to the CRC.
- **For days to file for a recall in the Charter language, is that in business days or calendar days?**
It is calendar days.
- **If an elected official decides to resign before being recalled, can he or she still run for office during the next election cycle?**
There is nothing in the State Election Code, the Texas Constitution, or the City Charter that would prohibit a council member who has stepped down or been recalled from running for the same position at an election to fill his/her position. No Texas case law could be found that addresses such a prohibition.

Charge #5: City Auditor

- **How are interim responsibilities handled for other appointed officials in the Charter?**
Currently, all Charter provisions pertaining to the four appointee positions (City Manager, City Auditor, City Attorney, and Municipal Judge) are silent as to “interim” responsibilities in the event that any one appointee is removed by Council. Typically, a council would appoint an “interim” from an internal or external candidate until a permanent appointee can be hired.

Charge #6: Ethics

- **How does the recommended Charter language from the CRC compare to the model city charter from the National Civic League?**
Please see attached in **Exhibit 4** the relevant model city charter language. It also contains commentary from the National Civic League describing their rationale and considerations. The CRC recommendation and model city charter both address conflict of interest; however, the model city charter includes a charter provision for an independent board of ethics to administer and enforce the conflict of interest and financial disclosure ordinances recommended. The CRC recommended that an independent board of ethics be adopted as an element of an ethics ordinance.

Charge #7: Stipend

- **How does the recommended Charter language from the CRC compare to the model city charter?**
Please see attached in **Exhibit 4** the relevant model city charter language. The model city charter does not state an amount and delays the effective date of any salary increases to after the next regular election.
- **Does the effective date in the recommended Charter language need to be revised to be effective after the next election cycle per state law?** No, the only state law that addresses the effective date for council members receipt of compensation applies only to cities with a population over 1.9 million people. For general home rule municipalities, such as Denton, the Local Government Code allows compensating council members without having to wait until a future election.

OPTIONS

Based upon Council’s discussion from the last session, staff has outlined the options discussed for charges #4 - #7 and will facilitate a discussion for Council using the presentation shown in **Exhibit 5**.

SCHEDULE

- **August 1 City Council meeting** – Review drafted ballot language
- **August 16 City Council meeting** – Consideration of an ordinance to call an election
- **August 21 – Deadline to file with the County for a November 2017 election**

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Charter Review Committee presented their final report and recommendations to the City Council in a work session on June 27, 2017. The Committee's final report details the meetings held, including 8 Committee meetings and 3 subcommittees (Stipend, Recall, and Ethics) that held a total of 10 subcommittee meetings.

STRATEGIC PLAN RELATIONSHIP

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

Related Key Focus Area: Organizational Excellence

EXHIBITS

Exhibit 1 – Agenda Information Sheet (AIS)
Exhibit 2 – Charter Review Committee Final Report
Exhibit 3 – Comparison to Other Cities
Exhibit 4 – Model City Charter Provisions
Exhibit 5 – Presentation for July 18

Respectfully submitted:
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