



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: City Manager's Office

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

DATE: August 1, 2017

SUBJECT

Receive a report, hold a discussion, and give staff direction regarding the Charter Review Committee recommendations; discussion of ballot proposition items; and discussion of additional proposed Charter amendments regarding terms for Public Utility Board members and the month when regular municipal elections are held.

BACKGROUND

Charter Review Committee Recommendations and City Council Direction

At the July 18 and July 25, 2017 City Council Work Sessions, the City Council provided direction to staff regarding the Charter Review Committee (CRC) 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](http://www.cityofdenton.com) under Government and then Boards, Commissions, and Committees.

At the July 18 work session, Council provided direction to adopt and proceed with the CRC's recommendations with proposed revisions for Charge #3 District Residency, #4 Recall Percentage, #5 City Auditor, and #7 Stipends, as shown in the CRC's final report; however, there was still Council discussion regarding how to address Charge #6 on Ethics. At the following work session on July 25, Council provided direction to modify the CRC's recommended Ethics Charter language as follows:

The City Council shall adopt an ethics ordinance. The ethics ordinance shall prohibit the use of public office for private gain and At the minimum, the ethics ordinance shall incorporate the conflict of interest standards that appear in chapter 171 of the Texas Local Government Code and all state law as presently exist or may be hereafter amended or adopted.

The Council may adopt more stringent standards than those that appear in state law, but the ethics ordinance shall at a minimum include the following components:

- (1) Definition of a prohibited improper economic interest and personal gain;
- (2) Definition of recusal and improper participation when a potential conflict of interest is present;
- (3) Avoidance of appearance of conflict of interest; and
- (4) Administration and enforcement of ethics ordinance, including the power to subpoena witnesses and documents, coupled with strong and meaningful remedies for infraction.

Discussion of Ballot Proposition Items

To call a Charter election, a detailed ordinance with the proposed Charter amendments will need to be drafted for City Council consideration along with the ballot proposition language for the voters. The ballot language must reflect the character, purpose, and chief functions of the amendment. Staff has

drafted ballot language with in-house legal counsel and with outside legal counsel, Attorney Bob Heath, who specializes in election matters. Please see attached (**Exhibit 3**) the draft ballot language for the proposed five (5) Charter amendments.

An educational package or booklet would be created and posted on the City's website to inform voters and summarize the proposed Charter amendments. Notices would be published in the newspaper according to Texas statutes.

Additional Discussion

A couple questions were also raised during the Concluding Items section of the City Council meeting on July 18. Below is some information on those items:

1. Public Utilities Board (PUB) terms: Below is the Charter language for the Public Utilities Board (Article XII, Section 12.07).

- (a) There is hereby created a public utilities board to be composed of seven (7) members, or as many members as there are councilmembers, whichever is greater, appointed by the council for four-year terms and until their respective successors have been appointed and qualified. Members of the board may be removed by the council only for cause and only after charges have been filed and published and the member has been given a reasonable opportunity to defend himself in an open public hearing before the council. Vacancies shall be filled for any unexpired term in the same manner as provided for regular appointments.
- (b) The city manager and director of utilities shall be ex officio members of the board. They shall attend all meetings of the board and shall have the right to discuss any matter that is under consideration by the board but shall have no vote.
- (c) Members of the public utilities board shall have the same qualifications as are required by membership on the city council.
- (d) At its organizational meeting, and annually thereafter as soon as the newly appointed member (or members) has qualified; the board shall select from its own membership a chairman, vice-chairman, and secretary. A majority of the regularly appointed members shall constitute a quorum. The board shall determine its own rules and order of business. The board shall meet at least once each month; all meetings shall be conducted in accordance with the Texas Open Meetings Act, chapter 551 of the Texas Government Code, as it may now read or hereafter be amended and all other applicable laws and a permanent record of proceedings shall be maintained, except as otherwise provided by law.

2. Date of Municipal Election: The Charter Review Committee discussed if the municipal elections should be moved from May to November to align with other state and federal elections. Although not a formal charge, the Charter Review Committee discussed this topic across a couple of meetings. The discussion can be seen in the attached segments of meeting minutes (**Exhibit 4**) from February 1, 2017 (pg 21-22) and February 15 (pg 16-17).

SCHEDULE

- **August 1 City Council meeting** – Review drafted ballot language
- **August 8 City Council (if necessary)**
- **August 15 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 CRC 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.

The City Council discussed and provided direction on the CRC recommendations at two work sessions on July 18 and July 25, 2017.

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 – Draft Ballot Language for Review

Exhibit 4 – CRC Meeting Minutes

Exhibit 5 – Presentation for August 1

Respectfully submitted:
Bryan Langley
Deputy City Manager

Prepared by:
Sarah Kuechler
Assistant to the City Manager