

Proposed Charter Amendments

August 1, 2017
City Council Work Session

Background

- **October 11, 2016:** Council approved a resolution forming a Charter Review Committee (CRC)
 - Created a 21 person member committee to review seven areas for possible revisions to the Charter and to provide recommendations
- **December 2016 – May 2017:** Charter Review Committee Work
 - Held 8 Committee meetings and formed 3 subcommittees (Stipend, Recall, and Ethics) that held a total of 10 subcommittee meetings
 - Created a final report with recommendations on May 17, 2017
- **June 27, 2017:** CRC Chair Joe Mulroy presented the Committee's recommendations to Council
- **July 18 and July 25, 2017:** City Council provided direction to staff to proceed with the CRC's recommendations on the charges, except for a modification on Charge #6 on Ethics Charter language

Charges for the Charter Review Committee

#	Subject	Charge	CRC Recommendation	City Council Direction
1	Districts	<ul style="list-style-type: none"> Should the composition of the Council change to 6 single-member council districts and 1 at-large mayoral district? (Sec. 2.01) 	<ul style="list-style-type: none"> No revision 	<ul style="list-style-type: none"> Agreed
2	Terms	<ul style="list-style-type: none"> Should the current 3 consecutive two-year term limitations be changed? (Sec. 2.01) 	<ul style="list-style-type: none"> No revision 	<ul style="list-style-type: none"> Agreed
3	District Residency	<ul style="list-style-type: none"> Should the current one-year district residency eligibility requirement be amended? (Sec. 2.02) 	<ul style="list-style-type: none"> Proposed revision 	<ul style="list-style-type: none"> Agreed
4	Recall Percentage	<ul style="list-style-type: none"> Should the percentage signature requirement for recall petitions be increased? (Sec. 4.13) 	<ul style="list-style-type: none"> Proposed revision 	<ul style="list-style-type: none"> Agreed
5	City Auditor	<ul style="list-style-type: none"> Should the appointment, duties, and responsibilities of the city auditor be clarified? (Sec. 6.04) 	<ul style="list-style-type: none"> Proposed revision 	<ul style="list-style-type: none"> Agreed
6	Ethics	<ul style="list-style-type: none"> Should the current conflict of interest and nepotism provisions be replaced with alternative ethics provisions? (Secs. 14.04 and 14.05) 	<ul style="list-style-type: none"> Proposed revision to Charter and recommended ordinance elements 	<ul style="list-style-type: none"> Modified proposed Charter language
7	Stipend	<ul style="list-style-type: none"> Should a salary or stipend be established for council members? 	<ul style="list-style-type: none"> Proposed revision 	<ul style="list-style-type: none"> Agreed

Charge #6 – Ethics Charter language

Modification to CRC Recommendation:

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.

Charter Election

- A detailed ordinance with proposed Charter amendments must be considered and approved by the City Council
 - Part of that ordinance includes ballot language for each proposition
- Purpose of today's presentation will be to review draft ballot language
 - Must be simple and easy to understand
 - Reflect the character, purpose, and chief functions of the amendment
 - Ballot language was drafted with in-house counsel and outside counsel that specializes in election matters
- An educational brochure and information would be put together for voters and placed on the website
- Notices would be published in the newspaper according to Texas statutes

Draft Ballot Language: District Residency

PROPOSITION A.

SHALL SECTION 2.02 OF THE CITY CHARTER BE AMENDED TO CLARIFY THAT COUNCILMEMBER RESIDENCY QUALIFICATIONS APPLY TO THE COUNCILMEMBER'S DOMICILE (PRINCIPAL RESIDENCE), WHERE THE COUNCILMEMBER MUST HAVE RESIDED FOR AT LEAST ONE YEAR PRIOR TO THE ELECTION?

YES _____

NO _____

Draft Ballot Language: Recall Percentage

PROPOSITION B.

SHALL SECTION 4.13 OF THE CITY CHARTER BE AMENDED TO INCREASE THE PERCENTAGE OF PETITIONERS REQUIRED TO TRIGGER A RECALL ELECTION FROM TWENTY-FIVE PERCENT TO THIRTY-FIVE PERCENT?

YES _____

NO _____

Draft Ballot Language: City Internal Auditor

PROPOSITION C.

SHALL SECTION 6.04 OF THE CITY CHARTER BE AMENDED TO CLARIFY THAT THE INTERNAL CITY AUDITOR SHALL BE A PERMANENT, FULL-TIME POSITION AND CLARIFY HIS RESPONSIBILITIES?

YES _____

NO _____

Draft Ballot Language: Ethics

PROPOSITION D.

SHALL SECTIONS 14.04 AND 14.05 OF THE CITY CHARTER BE REPEALED AND REPLACED WITH A PROVISION REQUIRING THE ADOPTION OF AN ETHICS ORDINANCE BY THE CITY COUNCIL IN ACCORDANCE WITH TEXAS LAW AND ADHERES TO CERTAIN MINIMUM STANDARDS?

YES _____

NO _____

Draft Ballot Language: Stipends

PROPOSITION E.

SHALL A SECTION BE ADDED TO THE CITY CHARTER PROVIDING FOR COUNCILMEMBERS TO RECEIVE AN INITIAL MONTHLY STIPEND OF SEVEN HUNDRED FIFTY DOLLARS (\$750.00) AND THE MAYOR TO RECEIVE AN INITIAL MONTHLY STIPEND OF ONE THOUSAND DOLLARS (\$1,000.00) DURING THEIR RESPECTIVE TERMS OF OFFICE AND PROVIDING FOR RESTRICTIONS ON SUBSEQUENT INCREASES TO THE STIPEND AMOUNT?

YES _____

NO _____

Next Steps

- Provide direction on draft ballot language
- Draft ordinance to call a Charter election
- Timeline
 - August 1 City Council meeting
 - Review draft ballot language
 - August 8 City Council meeting (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