



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
[www.cityofdenton.com](http://www.cityofdenton.com)

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** City Manager's Office

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

**DATE:** August 15, 2017

### **SUBJECT**

Consider adoption of an ordinance ordering an election to be held on November 7, 2017 for the purpose of submitting to the registered voters of Denton, Texas amendments to the Denton City Charter regarding residency requirements for city council members, percentage of petitioners required to trigger a recall election; clarifying the internal city auditor position and responsibilities; repealing and replacing Sections 14.04 and 14.05 of the Charter with a provision requiring the adoption of an ethics ordinance; and, providing for city council members to receive a monthly stipend; prescribing the time and manner of the conduct of the election to be in accordance with an agreement with Denton County; prescribing the form of the ballot; providing for notice; providing for publication of notice of this election; providing a severability clause; providing an open meetings clause; and providing an effective date.

### **BACKGROUND**

#### **Charter Review Committee Recommendations and City Council Direction**

The City Council formed the Charter Review Committee (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 with 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.

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. 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; but Council continued discussion on Charge #6 for Ethics to the following meeting on July 25. At the July 25 work session, the Council modified the CRC's recommended Charter language for Charge #6 on Ethics and provided direction to staff to prepare ballot language and an ordinance to call a November election.

#### **Ordinance to Call a Charter Election**

To call a Charter election, a detailed ordinance with the proposed Charter amendments and ballot language must be approved by the City Council. The ballot language must reflect the character, purpose, and chief functions of the amendment. Staff drafted the ballot language with in-house legal counsel and with outside legal counsel, Attorney Bob Heath, who specializes in election matters. Staff reviewed the draft ballot language with the City Council on August 1, 2017 and the Council requested a couple minor revisions. The revised ballot language for the proposed five (5) Charter amendments is included in the attached ordinance (**Exhibit 2**) for City Council consideration.

Upon further review, outside legal counsel has recommended a revision to the Charter language for Charge #7 for Stipends. Attorney Bob Heath has recommended consolidating two of the sentences as follows:

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) for each member of City Council elected from a district or at large position, and One Thousand Dollars (\$1,000) for the Mayor elected at large. These initial amounts shall become effective on ratification of this charter provision.

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 stipend approved by ordinance shall not exceed three (3) percent per adjustment of the current stipend amount. Any increase greater than 3 percent shall require a two-thirds (2/3) vote of approval by the Council. Any increase in the amount of the stipend shall not exceed three percent of the then-current stipend unless approved by a two-thirds vote of the council.~~ The stipend shall be reported in the annual city budget as a separate line item.

The recommended change to the Charter language for Stipends has been included and reflected in the attached ordinance (**Exhibit 2**) for City Council consideration.

### **Next Steps**

If approved by the City Council, the City Secretary's office would file the executed ordinance and appropriate paperwork with the County to have a City of Denton Charter amendment election on the November 7, 2017 ballot.

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.

### **SCHEDULE**

- **August 15, 2017 City Council meeting** – Consideration of an ordinance to call an election
- **August 21, 2017** – Deadline to file with the County for a November 2017 election
- **September 2017** – Post educational brochure and informational materials
- **November 7, 2017** – Charter Amendment 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 three work sessions on July 18, July 25, and August 1, 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 – Ordinance

Exhibit 3 – Presentation for August 15

Respectfully submitted:

Bryan Langley

Deputy City Manager

Prepared by:

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