

ORDINANCE NO. _____

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.

WHEREAS, the Denton City Charter was last amended in 2009; and

WHEREAS, the City Council finds that the proposed Charter amendments are in the public interest and do not contain more than one subject each; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. In accordance with the provisions of Tex. Loc. Gov't Code §9.004, there shall be submitted to the voters of the City of Denton, Texas, at an election to be held on November 7, 2017, the following amendments to the Home-Rule Charter of the City of Denton, Texas, which is shown by showing those portions which will be retained in normal type, the deleted text in the existing Charter being shown as strikeouts, and new or additional text shown as underlined:

AMENDMENT A

Article II, Section 2.02 (a) of the Charter shall be amended to read as follows:

Sec. 2.02(a) - 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 ~~resided~~ 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 ~~residency~~ a domicile in district one (1) or two (2), or at large place six (6) requiring ~~residency~~

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 ~~reside~~ be domiciled within the corporate limits of Denton and, if elected within a single member geographic district, or at large place five (5) requiring ~~residency~~ a domicile in district one (1) or two (2), or at large place six (6) requiring ~~residency~~ 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.

AMENDMENT B

Article IV, Section 4.13 (a) of the Charter shall be amended to read as follows:

Sec. 4.13 - Filing and certification of petitions, recall election.

- (a) All papers comprising a recall petition shall be assembled and filed with the city secretary as one instrument. Within seven (7) days after a petition is filed, the city secretary shall determine whether each paper bears the names of five (5) electors who constitute a committee of the petitioners, and the required affidavit of the circulator thereof, and whether the petition is signed by qualified voters of the constituency of the councilmember whose removal is sought equal in number to at least ~~twenty-five (25)~~ thirty-five (35) percent of the number of the votes cast for that councilmember and all of his opponents in the last preceding general municipal election in which he was a candidate. As used herein "constituency" shall mean the qualified voters eligible to vote for the councilmember whose removal is sought, either by geographical district or at large, as the case may be.

AMENDMENT C

Article VI, Section 6.04 of the Charter shall be amended to read as follows:

Sec. 6.04 - City Internal ~~a~~ Auditor.

~~The city auditor shall be appointed by the council and shall serve at the pleasure of the council, and shall perform such auditing duties as may be assigned from time to time by the council, or by the city manager at the direction of the council.~~

The City Internal Auditor shall be appointed by the City Council, shall serve at the pleasure of the City Council, and shall perform such auditing duties herein described or as may be assigned by the Council. The position of the City Internal Auditor is to be held on a continuous, fulltime

basis. On an interim basis, the City Council may engage external independent auditing resources to accomplish the Internal Audit function.

The City Internal Auditor is responsible for providing (a) an independent appraisal of City operations to ensure policies and procedures are in place and complied with, inclusive of purchasing and contracting; (b) information that is accurate and reliable; (c) that assets are properly recorded and safeguarded; (d) that risks are identified and minimized; and (e) that resources are used economically and efficiently, and that the City's objectives are being achieved.

The City Internal Auditor is responsible for directing all internal audit functions for the City of Denton to eliminate waste, fraud, and abuse.

AMENDMENT D

Article XIV, Sections 14.04 and 14.05 of the Charter shall be repealed in their entirety and the following section to be appropriately numbered shall be inserted to read as follows:

Ethics Ordinance Requirement.

The City Council shall adopt an ethics ordinance. The ethics ordinance shall prohibit the use of public office for private gain and 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.

AMENDMENT E

The following section to be appropriately numbered shall be added to the Charter and read as follows:

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) 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 amount of the stipend shall not exceed three (3) percent of the then-current stipend amount unless approved by a two-thirds (2/3) vote of the Council. The stipend shall be reported in the annual city budget as a separate line item.

SECTION 2. The form of the ballot shall be substantially as follows:

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 _____

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 (25%) TO THIRTY-FIVE PERCENT (35%)?

YES _____ NO _____

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 THE RESPONSIBILITIES?

YES _____ NO _____

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 _____

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 _____

SECTION 3. The election and early voting shall be conducted at the time and in the manner specified in an agreement between Denton County and the City regarding election process and practices, with the general election being held on November 7, 2017.

SECTION 4. The election shall be held under the provisions of the Charter of the City of Denton, the Constitution and the laws of the State of Texas, the Voting Rights Act of 1965, as amended, insofar as they may be applicable.

SECTION 5. This Ordinance shall constitute the order and may serve as notice of the election and shall be published and noticed in accordance with all applicable laws.

SECTION 6. The caption of this Ordinance shall be published in a newspaper of general circulation in the City of Denton, in compliance with the provisions of the law. Further, this Ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

SECTION 7. If any section, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance, or application thereof to any person or circumstance is held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance, the City Council of the City of Denton hereby declares that they would have enacted such remaining portions despite any such invalidity.

SECTION 8. The City Council has found and determined that the meeting at which this Ordinance is considered is open to the public and that notice thereof was given in accordance with the provisions of the Texas open meetings law, Tex. Gov't Code ch. 551, as amended, and that a quorum of the City Council was present.

SECTION 9. This Ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY

BY:  _____