

**CHARTER REVIEW COMMISSION OF THE CITY OF SACHSE
APRIL 7, 2022, MEETING MINUTES**

The Charter Review Commission of the City of Sachse held a regular meeting on Thursday, April 7, 2022, at 6 p.m. at the Michael J. Felix Community Center, 3815-E Sachse Road. Members present were Chairperson Scott McMurdie; Commission members Ed Brown, Eric Dominguez, Charles Elk, Brad Ford, Billy George, Marcia Harris-Daniel, Matthew Holboke, Butch Kemper, Jeanie Marten, Jim Mathis, Karlos McGhee, and Kirk Wood; Assistant City Manager, Lauren Rose; City Attorney, Pete Smith; City Secretary, Leah Granger, and Assistant to the City Manager, Amanda Chi.

Members absent: Cedric Alford and Paul Watkins.

Chairperson McMurdie called the meeting to order at 6:01 p.m.

Invocation and Pledges of Allegiance to the US and Texas Flags.

Ms. Harris-Daniel led the invocation, and Ms. Marten led the pledges.

Citizen Input.

There was no citizen input.

Mr. McMurdie asked Mr. Ford to introduce himself since he could not attend the previous meeting.

Review, discuss, and make any recommended changes to the City of Sachse's home rule Charter.

The Commission resumed where it left off at the conclusion of its last meeting by discussing section 3.14.

Mr. McMurdie opened the floor for comments on section 3.14. Mr. Wood commented that item two gives the Council too much ability to draft an ordinance from the floor and did not think this should be acceptable. Mr. McMurdie asked if the language is consistent with state law. Mr. Smith noted that the current language is more restrictive than most cities as a comparison. Mr. Wood suggested that another reading should be required before a vote when a few substantial changes have been made. There was some discussion regarding what constitutes a substantial change, and Mr. Wood proposed including an opportunity for citizens to be heard before the vote. Mr. Smith commented that State law already includes the opportunity Mr. Wood suggested in current statutes. Mr. Kemper noted that educating Council on the policies may be more appropriate and effective than changing the charter. Mr. Wood made a motion to modify the section to indicate that after an amendment of substance has been made to any ordinance that citizens be given another opportunity to speak to that amendment. Ms. Marten seconded the motion, and it failed 3-10 with Mr. Wood, Mr. George, and Ms. Marten voting in favor of it.

Mr. Dominguez asked about the newspaper of record referenced in relation to more modern technology. Mr. Wood noted that he had a similar suggestion but felt it fit better in a later section. He went on to suggest to staff that the Code of Ordinances could be easier to find on the website.

After some discussion, Mr. George asked if an online requirement was added to the charter and the website experienced technical difficulties, would that constitute a violation of the charter. Mr. Smith confirmed that unless another method of transmission was identified in the charter a technical glitch would put the City in violation of the Charter. Discussion continued and Mr. Dominguez motioned to modify Section 3.14 paragraph 3 to read "...in a newspaper or as otherwise allowed by law." Mr. Elk seconded the motion, and it carried 12-1 with Mr. McGhee opposed.

Mr. Wood made a motion to add 3.16 paragraph 4 state the City shall make the Code of Ordinances available on a freely available website baring technical difficulties. Ms. Marten seconded the motion for discussion. Mr. Ford thought the process was already transparent and questioned the reasoning for the addition. After some discussion, Mr. Wood modified his motion. The City shall make the Code of Ordinances accessible on/from the City's website. Ms. Marten seconded the motion, and it failed 6-7 with Mr. Holboke, Mr. Wood, Mr. George, Ms. Marten, Ms. Harris-Daniel, and Mr. Mathis voting in favor of it.

Mr. Wood made a motion to approve Section 3.17 as is. Mr. George seconded the motion, and it carried unanimously.

Ms. Marten made a motion to approve Section 3.18 as is. Mr. McGhee seconded the motion. Mr. George asked if the section was still necessary, and Mr. Smith replied that it might not be needed and he would research the question. Ms. Marten withdrew her motion until the matter is studied further.

Mr. McMurdie reintroduced the conversation that was put on hold from the previous meeting regarding term limits. Ms. Marten noted that there is a petition being circulated in the community regarding term limits for councilmembers. The petition stipulates two three-year terms for councilmembers and two additional three-year terms for the mayor. After two years of sitting out, they may run again. If a vacancy is being filled for a year or less, that time would not count against the limits. Mr. Mathis asked, hypothetically, if the Commission's suggestion for term limits differs from the petition and both make it to the ballot and pass, which one takes precedence? Mr. Smith responded that each case is considered individually and cannot be answered definitively.

Mr. George indicated that from his experience it takes a new councilmember two years to get up to speed on how to run a government. He noted the length of time that projects take, particularly major construction projects, and term limits affect whether or not that councilmember bears the consequences of that work, positively or negatively. Additionally, the continuity of oversight and direction are limited. When the term limits are too short, it puts a greater dependence and burden on staff for continuity moving forward. Mr. George also mentioned influence in regional organizations takes time to build and can be difficult to maintain with term limits that may be short. Mr. Elk articulated that during his many years on Sachse, there has been a fair amount of turnover in Council. He indicated that there is a somewhat small group of people that are very interested in participation and is usually expressed by getting involved with boards and commissions. This participation seems to be healthy and becomes the training ground for future councilmembers. The barrier for entry into or to run for council is fairly low and does not cost a lot. Mr. Elk feels that the councilmembers have been good standard bearers for the community and does not see an issue with retaining the yearly elections as the opportunity to vote for new members.

Mr. Wood's perception is opposite from Mr. Elk's and believes that people are daunted by running against an incumbent because when seats open, there are always candidates ready to fill them. Ms. Marten agreed citing the national incumbency rate of 90% makes people not want to run. She also noted the regional cities that have term limits and do not appear to have trouble holding seats on regional councils. Mr. McGhee questioned the size of those cities. Mr. Ford and Ms. Harris-Daniel suggested that term limits would balance out the length of time one person could be in power. Mr. Ford also questioned if term limits would bring candidates that do not necessarily know what they are doing or if, given Sachse's voter participation, would there be enough people to run the City. Mr. George added that voter turnout often increases when there is a controversial topic so low turnout may indicate that things aren't broken.

Mr. Wood made a motion that term limits be adopted. Ms. Harris-Daniel seconded the motion, and it carried 8-5 with Mr. McMurdie, Mr. George, Mr. McGhee, Mr. Elk, and Mr. Mathis.

Mr. George made a motion to amend the Charter to establish term limits of no more than 12 years. Mr. McGhee seconded the motion. Mr. Wood asked for clarification on the wording to reduce confusion. Mr. George replied with 12 consecutive years in any given position; if a councilmember was elected mayor, he could serve for another twelve years, for a total of 24 years. Mr. Holboke agreed with Mr. George's previous comments but would prefer to see three consecutive three-year terms and an additional two three-year terms as mayor if elected. Mr. Wood would like a committee to determine the limit to which the commission did support. He then suggested 12 consecutive years in any combination of seats. Mr. Dominguez proposed three consecutive three-year terms with no more than 18 combined years between council and mayor, and after a two-year break, that person could run again. Mr. George amended his motion to require a councilmember that has termed out to take a two-year break before they may run for another councilmember place. That councilmember would not be required to sit out two years before running for mayor. Mr. Dominguez restated his plan to be the same as Mr. George's but for nine years rather than 12.

Mr. George restated his motion that councilmembers are limited to four consecutive three-year terms, 12 years total in a given place; they are permitted to run for mayor with no delay or vice-versa; a councilmember that terms out and wishes to run for a councilmember place again must wait a two-year period prior to running again. Mr. McGhee seconded the motion. After continued discussion, Mr. George amended his motion to stipulate that after a person has served four consecutive terms as a councilmember or mayor and four consecutive terms on in the other position, they must sit out for two years before running for any office. Mr. McGhee seconded the motion, and it failed 5-8 with Mr. George, Mr. Kemper, Mr. McGhee, Mr. Elk, and Mr. Mathis voting in favor of it.

Mr. Dominguez made a motion to establish term limits of a total of 18 combined, consecutive years and sit out two years before running again. For clarity, three three-year terms as a councilmember and three three-year terms as mayor for a total of 18 combined years. Once termed out in either position, that person must sit out two years before running again. Mr. Wood seconded the motion, and it carried 9-4 with Mr. George, Ms. Marten, Mr. McGhee, and Mr. Elk opposed.

Mr. McMurdie reminded the commission that they agreed gender neutrality would be made consistent throughout the document and they did not need to focus on it. Ms. Rose clarified that one proposition would be put forward to cover gender neutrality in the entire document.

After some discussion and questions, Mr. Dominguez made a motion to leave Section 4.01 as is. Ms. Marten seconded the motion, and it carried unanimously.

Mr. Wood made a motion to leave Section 4.02 as is. Mr. McGhee seconded the motion, and it carried unanimously.

Ms. Marten made a motion to leave Section 4.03 as is. Mr. George seconded the motion, and it carried unanimously.

Mr. Ford made a motion to leave Section 4.04 as is. Mr. McGhee seconded the motion, and it carried unanimously.

Ms. Marten made a motion to leave Section 4.05 as is. Mr. Ford seconded the motion, and it carried unanimously.

Ms. Marten made a motion to leave Section 4.06 as is. Mr. George seconded the motion, and it carried unanimously.

Mr. Ford made a motion to leave Section 5.01 as is. Mr. McGhee seconded the motion, and it carried 12-1 with Mr. Wood opposed.

Mr. McGhee made a motion to amend Section 5.02, item 2.c to 12 months. Ms. Harris-Daniel seconded the motion. Mr. Smith read from state election code indicating that local charters may not require candidates to reside in the city limits for more than 12 months prior to election day. He explained that if the charter were to be changed to 12 months prior to the filing deadline, this would extend beyond the election code allowance. If the commission would like to change the item to read 12 months, it would also need to change filing deadline to election day. Mr. McGhee withdrew his motion, and Mr. Wood made a motion to amend the item to read at least 12 months prior to the election date. Mr. McGhee seconded the motion, and it carried 10-3 with Mr. Holboke, Mr. Elk, and Mr. Dominguez opposed.

Ms. Marten made a motion to leave Section 5.03 as is. Mr. McGhee seconded the motion, and it carried unanimously.

Mr. Wood made a motion to leave Section 5.04 as is. Ms. Marten seconded the motion, and it carried unanimously.

Mr. Dominguez made a motion to leave Section 5.05 as is. Ms. Marten seconded the motion, and it carried unanimously.

Mr. Ford made a motion to leave Section 6.01 as is. Mr. McGhee seconded the motion. Ms. Marten requested that since so much of Article VI is governed by state law could they just focus on the specific area that may have a question. Mr. Wood noted that he thought Section 6.03 was unnecessary; Section 6.05 should be at least 90 days; Section 6.13, item 1 add "unless found guilty of an ethics violation." Mr. Dominguez also had a question in Section 6.14.

Ms. Marten made a motion to accept all sections in Article VI except 6.03, 6.05, 6.13, and 6.14. Mr. Holboke seconded the motion, and it carried unanimously.

Mr. Wood noted that the uniform election law has very specific requirements for petitions and the section in the charter may be unnecessary. Mr. Smith clarified that not all petitions fall under the uniform election code. Mr. Wood corrected his previous comment that Section 6.04 was what he intended to question.

Mr. McMurdie made a motion to accept Section 6.03 as is. Mr. McGhee seconded the motion, and it carried unanimously. Mr. Smith will research Section 6.04 and 6.05 and report at the next meeting.

Mr. Wood made a motion to amend Section 6.13 by adding “unless found guilty of an ethics violation to the first sentence of item one. Mr. Kemper asked what happens to a councilmember that is found guilty of an ethics violation. Mr. Wood responded that Council may censure them and this change would allow the citizens decide by petition that the councilmember should be recalled. Mr. Smith cautioned the commission that an unintended consequence of the change may be frequent and possibly frivolous ethics complaints. Ms. Marten seconded the motion, and it failed 6-7 with Mr. Holboke, Mr. Wood, Mr. Kemper, Ms. Marten, Ms. Harris-Daniel, and Mr. Mathis voting in favor of it.

Mr. Dominguez asked for explanation of Section 6.14. Mr. Smith clarified that a petition is brought to the City Secretary to determine if it is sufficient or insufficient. If sufficient, the Council has certain actions they must follow. If the City Secretary does not validate the petition, or she does but the Council fails to call the election, the section provides a recourse for the citizen to file suit for the court to perform the ministerial duties. Mr. Dominguez made a motion to leave Section 6.14 as is. Mr. Wood seconded the motion, and it carried unanimously.

Mr. Smith did not find a state requirement for bonds. Mr. George made a motion to change “shall” to “may” in Section 3.18. Mr. Dominguez seconded the motion, and it carried unanimously.

The commission will begin with Article VII at the next meeting.

Adjournment.

Mr. McMurdie adjourned the meeting at 8:56 p.m.

ATTEST:



William K. George Commission Member

APPROVE:



Scott McMurdie, Chairperson