



**Tuesday, November 22, 2022
City Council Special Meeting**

**Council Chambers
3815 Sachse Road, Building B
6:00 p.m.**

The City of Sachse reserves the right to reconvene, recess or realign the meeting, called Executive Session, or order of business at any time prior to adjournment.

As authorized by Section 551.071(2) of the Texas Government Code, these meetings may be convened into closed Executive Session at any time during the City Council workshop or regular meeting for the purpose of seeking confidential legal advice from the City Attorney on any workshop or regular meeting agenda item listed herein.

A. Meeting Opening

1. Call to Order: The City Council of the City of Sachse will hold a Special Meeting on Tuesday, November 22, 2022, at 6 p.m. to consider the following items of business:
2. Consider an ordinance canvassing the returns and declaring the results of the Special Charter Amendment Election held in the City of Sachse on November 8, 2022.
3. Consider an Ordinance adopting the amendments to the Home Rule Charter approved by the voters of the City at an election on November 8, 2022.
4. Adjournment.

I, the undersigned authority, do hereby certify that this notice of meeting was posted in accordance with the regulations of the Texas Open Meetings Act and was posted on the bulletin board, an accessible location at Sachse City Hall.


Leah K Granger, City Secretary

Posted: 11/18/2022 by 5 pm _____ Removed: _____

Accommodation requests for persons with disabilities should be made at least 48 hours prior to the meeting by contacting Amanda Chi, ADA Coordinator, via phone at 975.429.4770, via email at achi@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.

A. Meeting Opening

| | |
|--------------------|--|
| Subject | 2. Consider an ordinance canvassing the returns and declaring the results of the Special Charter Amendment Election held in the City of Sachse on November 8, 2022. |
| Meeting | Nov 22, 2022 - City Council Special Meeting |
| Access | Public |
| Type | Action, Discussion |
| Preferred Date | Nov 14, 2022 |
| Absolute Date | Nov 22, 2022 |
| Fiscal Impact | No |
| Recommended Action | Approve an ordinance canvassing the returns and declaring the results of the Special Charter Amendment Election held in the City of Sachse on November 8, 2022. |

BACKGROUND

The City Council established a Charter Review Commission in March 2022 with the following charge: "Review the City of Sachse's home rule Charter to determine if any revisions need to be made to the document and make a recommendation to the City Council regarding the Commission's findings." Scott McMurdie, Charter Review Commission Chairperson, provided a summary report on behalf of the group at the July 18 Council meeting. The City Council reviewed and discussed the recommendations at the August 10 Special Council meeting. The Council directed the City Attorney to draft an ordinance calling a November election. Council approved an ordinance on August 15, 2022, ordering a Special Charter Amendment Election to be held on November 8, 2022.

OVERVIEW

In order to declare the results official, the City Council must canvass the results. The proposed ordinance will declare the results for:

- Proposition A: Shall Article II, Section 2.02 of the Home Rule Charter be amended to correct a grammatical error?
- Proposition B: Shall Article III, Section 3.01 of the Home Rule Charter be amended to provide expressly for the numbering of the City Council Member places?
- Proposition C: Shall Article III, Section 3.01 of the Home Rule Charter be amended to clarify the staggering of the dates in which the mayor and city council places are elected?
- Proposition D: Shall the transitional provisions regarding the length of terms of the mayor and council members in Article III, Section 3.02 of the Home Rule Charter be repealed and replaced with provisions establishing term limits for the mayor and members of the City Council?
- Proposition E: Shall Article III, Section 3.04 of the Home Rule Charter be amended to add the word "until" to correct a grammatical error?
- Proposition F: Shall Article III, Section 3.06 (4) of the Home Rule Charter be amended to eliminate the word "uniform" to comply with state law relating to the date of a special election to fill a vacancy in the office of mayor or city council member?
- Proposition G: Shall Article III, Section 3.07(i) of the Home Rule Charter be amended to provide the City Council may adopt plats, or delegate such authority to the Planning and Zoning Commission as provided by state law?
- Proposition H: Shall Article III, Section 3.09 (1) of the Home Rule Charter be amended to provide that the mayor or three city councilmembers may call for a special meeting of the City Council to be held to eliminate a conflict with state law?
- Proposition I: Shall Article III, Section 3.13 of the Home Rule Charter be amended to remove the requirement for the City Council to conduct its meetings in accordance with Roberts Rules of Order because such Section already provides that the City Council shall determine its own order of business?
- Proposition J: Shall Article III, Section 3.14 (3) of the Home Rule Charter be amended to provide for the publication ordinances in a newspaper or as otherwise allowed by law?
- Proposition K: Shall Article III, Section 3.16 of the Home Rule Charter be amended to add subsection (4) to require the City code of ordinances be accessible on the City's website?
- Proposition L: Shall Article III, Section 3.18 of the Home Rule Charter be amended to provide the City Council may require bonds of municipal officers and employees who receive or pay out city funds?
- Proposition M: Shall Article V, Section 5.02(c) of the Home Rule Charter be amended to provide a person must have resided within the City for at least 12 months prior to the date of election to conform with state law?

- Proposition N: Shall Article VI, Section 6.04 Subsection (3) of the Home Rule Charter be amended to reduce the number of places for signatures on a petition for initiative and referendum from 20 to 10?
- Proposition O: Shall Article VI, Section 6.05 (1) of the Home Rule Charter be amended to increase the time-period from 30 days to 60 days in which to file a petition for initiative and referendum?
- Proposition P: Shall Article VI, Section 6.05 (2) of the Home Rule Charter be amended to increase the time-period from 30 days to 60 days in which to file a petition for recall?
- Proposition Q: Shall Article VII, Section 7.10 of the Home Rule Charter be repealed and reserved for future use to eliminate redundancy with Article VII, Section 7.04?
- Proposition R: Shall Article VII, Section 7.20 of the Home Rule Charter be amended to provide that the city manager may appoint a tax assessor/collector for the City, or the City Council may contract with another governmental entity to perform the duties relating to the assessment and collection of property taxes to conform with state law?
- Proposition S: Shall Article IX, Section 9.01 (2) of the Home Rule Charter be amended to provide that the planning and zoning commission meet as needed rather than at least once of month?
- Proposition T: Shall Article XI, Section 11.07 Subsection (1) (b) of the Home Rule Charter be amended to correct a grammatical error?
- Proposition U: Shall Article XI, Section 11.07 (2) of the Home Rule Charter be amended to provide for the posting on the City's website of a comprehensive summary of the Charter Commission report presented to the City Council?
- Proposition V: Shall Article XIII of the Home Rule Charter setting forth the transitional provisions enacted upon the original adoption of the Charter be repealed?
- Proposition W: Shall the following sections of the Home Rule Charter be amended to provide for gender neutral language without any substantive change: Section 3.05(1), Section 3.06(1), (2) and (3), Section 3.08(1) and (2), Section 3.11, and Section 3.12 of Article III; Section 4.01 (1), (2), (3) and (5), and Section 4.03 of Article IV; Section 6.04(1), (2) and (3), Section 6.09, Section 6.11(1), (2), and (3), Section 6.12(5), and Section 6.13(1) of Article VI; Section 7.15(1) and Section 7.16 (1) and (2) of Article VII; Section 8.01 (5) of Article VIII; Section 9.03 and Section 9.04(2) of Article IX; and Section 14.03, Section 14.05, Section 14.06, and Section 14.08 of Article XIV?

POLICY CONSIDERATIONS

Title 6, Chapter 67, Section 67.004 of the Texas Local Government Code and the City of Sachse Home Rule Charter Article V, Section 5.04, requires the governing body to canvass and declare election results. Canvassing must be completed no earlier than three days after the election no later than fourteen days after the election in even numbered years (November 22, 2022). The City is meeting the statutory requirements.

RECOMMENDATION

Approve an ordinance canvassing the returns and declaring the results of the Special Charter Amendment Election held in the City of Sachse on November 8, 2022.

File Attachments

[Ordinance Canvassing Charter Amendment 11-8-22 Election.pdf \(160 KB\)](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, DECLARING THE RESULTS OF THE SPECIAL ELECTION OF THE CITY OF SACHSE HELD ON NOVEMBER 8, 2022, FOR PROPOSED AMENDMENTS TO THE HOME RULE CITY CHARTER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is hereby found and determined that notice of the election was duly given in the form, manner, and time required by law, and said election was in all respects legally held and conducted in accordance with applicable laws of the State of Texas and the proceedings calling and governing the holding of such election; and

WHEREAS, it is imperative to consider the returns of the election held on November 8, 2022, for the purpose of considering returns of propositions for the issuance of amendments to the Home Rule City Charter; and

WHEREAS, the returns of said election have been duly and legally made and submitted to the City Council for canvassing, and a tabulation of the returns for the polling place and for early voting, as canvassed and tabulated by this governing body as follows:

| EARLY VOTES CAST | BALLOTS BY MAIL | REGULAR VOTES CAST | PROVIS- IONAL BALLOTS | TOTAL VOTES CAST |
|---------------------------------|--------------------------------|-----------------------------------|--------------------------------------|---------------------------------|
|---------------------------------|--------------------------------|-----------------------------------|--------------------------------------|---------------------------------|

Proposition A

Shall Article II, Section 2.02 of the Home Rule Charter be amended to correct a grammatical error?

| | | | | |
|-----------|-------|-------|-------|-------|
| “FOR” | _____ | _____ | _____ | _____ |
| “AGAINST” | _____ | _____ | _____ | _____ |

Proposition B

Shall Article III, Section 3.01 of the Home Rule Charter be amended to provide expressly for the numbering of the City Council Member places?

| | | | | |
|-----------|-------|-------|-------|-------|
| “FOR” | _____ | _____ | _____ | _____ |
| “AGAINST” | _____ | _____ | _____ | _____ |

Proposition C

Shall Article III, Section 3.01 of the Home Rule Charter be amended to clarify the staggering of the dates in which the mayor and city council places are elected?

| | | | | |
|-----------|-------|-------|-------|-------|
| “FOR” | _____ | _____ | _____ | _____ |
| “AGAINST” | _____ | _____ | _____ | _____ |

Proposition D

Shall the transitional provisions regarding the length of terms of the mayor and council members in Article III, Section 3.02 of the Home Rule Charter be repealed and replaced with provisions establishing term limits for the mayor and members of the City Council?

“FOR” _____
“AGAINST” _____

Proposition E

Shall Article III, Section 3.04 of the Home Rule Charter be amended to add the word “until” to correct a grammatical error?

“FOR” _____
“AGAINST” _____

Proposition F

Shall Article III, Section 3.06 (4) of the Home Rule Charter be amended to eliminate the word “uniform” to comply with state law relating to the date of a special election to fill a vacancy in the office of mayor or city council member?

“FOR” _____
“AGAINST” _____

Proposition G

Shall Article III, Section 3.07(i) of the Home Rule Charter be amended to provide the City Council may adopt plats, or delegate such authority to the Planning and Zoning Commission as provided by state law?

“FOR” _____
“AGAINST” _____

Proposition H

Shall Article III, Section 3.09 (1) of the Home Rule Charter be amended to provide that the mayor or three city councilmembers may call for a special meeting of the City Council to be held to eliminate a conflict with state law?

“FOR” _____
“AGAINST” _____

Proposition I

Shall Article III, Section 3.13 of the Home Rule Charter be amended to remove the requirement for the City Council to conduct its meetings in accordance with Roberts Rules

of Order because such Section already provides that the City Council shall determine its own order of business?

“FOR” _____
“AGAINST” _____

Proposition J

Shall Article III, Section 3.14 (3) of the Home Rule Charter be amended to provide for the publication ordinances in a newspaper or as otherwise allowed by law?

“FOR” _____
“AGAINST” _____

Proposition K

Shall Article III, Section 3.16 of the Home Rule Charter be amended to add subsection (4) to require the City code of ordinances be accessible on the City’s website?

“FOR” _____
“AGAINST” _____

Proposition L

Shall Article III, Section 3.18 of the Home Rule Charter be amended to provide the City Council may require bonds of municipal officers and employees who receive or pay out city funds?

“FOR” _____
“AGAINST” _____

Proposition M

Shall Article V, Section 5.02(c) of the Home Rule Charter be amended to provide a person must have resided within the City for at least 12 months prior to the date of election to conform with state law?

“FOR” _____
“AGAINST” _____

Proposition N

Shall Article VI, Section 6.04 Subsection (3) of the Home Rule Charter be amended to reduce the number of places for signatures on a petition for initiative and referendum from 20 to 10?

“FOR” _____
“AGAINST” _____

Proposition O

Shall Article VI, Section 6.05 (1) of the Home Rule Charter be amended to increase the time-period from 30 days to 60 days in which to file a petition for initiative and referendum?

“FOR” _____
“AGAINST” _____

Proposition P

Shall Article VI, Section 6.05 (2) of the Home Rule Charter be amended to increase the time-period from 30 days to 60 days in which to file a petition for recall?

“FOR” _____
“AGAINST” _____

Proposition Q

Shall Article VII, Section 7.10 of the Home Rule Charter be repealed and reserved for future use to eliminate redundancy with Article VII, Section 7.04?

“FOR” _____
“AGAINST” _____

Proposition R

Shall Article VII, Section 7.20 of the Home Rule Charter be amended to provide that the city manager may appoint a tax assessor/collector for the City, or the City Council may contract with another governmental entity to perform the duties relating to the assessment and collection of property taxes to conform with state law?

“FOR” _____
“AGAINST” _____

Proposition S

Shall Article IX, Section 9.01 (2) of the Home Rule Charter be amended to provide that the planning and zoning commission meet as needed rather than at least once of month?

“FOR” _____
“AGAINST” _____

Proposition T

Shall Article XI, Section 11.07 Subsection (1) (b) of the Home Rule Charter be amended to correct a grammatical error?

“FOR” _____
“AGAINST” _____

Proposition U

Shall Article XI, Section 11.07 (2) of the Home Rule Charter be amended to provide for the posting on the City’s website of a comprehensive summary of the Charter Commission report presented to the City Council?

“FOR” _____
“AGAINST” _____

Proposition V

Shall Article XIII of the Home Rule Charter setting forth the transitional provisions enacted upon the original adoption of the Charter be repealed?

“FOR” _____
“AGAINST” _____

Proposition W

Shall the following sections of the Home Rule Charter be amended to provide for gender neutral language without any substantive change: Section 3.05(1), Section 3.06(1), (2) and (3), Section 3.08(1) and (2), Section 3.11, and Section 3.12 of Article III; Section 4.01 (1), (2), (3) and (5), and Section 4.03 of Article IV; Section 6.04(1), (2) and (3), Section 6.09, Section 6.11(1), (2), and (3), Section 6.12(5), and Section 6.13(1) of Article VI; Section 7.15(1) and Section 7.16 (1) and (2) of Article VII; Section 8.01 (5) of Article VIII; Section 9.03 and Section 9.04(2) of Article IX; and Section 14.03, Section 14.05, Section 14.06, and Section 14.08 of Article XIV?

“FOR” _____
“AGAINST” _____

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, THAT:

SECTION 1. Said election was duly called, that notice of said election was given in accordance with the law, and that said election was held in accordance with the law.

SECTION 2. It is determined that a majority of the votes received on the election are for the adoption of Propositions A - W and shall become a part of the City of Sachse Home Rule Charter.

SECTION 3. It is determined that Propositions A - W, allowing for an amendment by a majority of the qualified voters, shall become a part of the City of Sachse Home Rule Charter.

SECTION 4. It is further found and determined that, in accordance with the order of this governing body, the City Secretary posted written notice of the date, place, and subject of this meeting on the bulletin board located at the City Hall, a place convenient and readily accessible to

the general public, and said notice having been so posted and remaining posted continuously for at least 72 hours preceding the scheduled time of said meeting.

SECTION 5. This Ordinance shall become effective from and after its passage in accordance with law.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas, on the 22nd day of November 2022.

APPROVED:

Jeff Bickerstaff, Mayor

DULY ENROLLED:

Leah K Granger, City Secretary

APPROVED AS TO FORM:

Joseph J. Gorfida, Jr., City Attorney
(PGS:11-10-22:TM 132265)

A. Meeting Opening

| | |
|--------------------|---|
| Subject | 3. Consider an Ordinance adopting the amendments to the Home Rule Charter approved by the voters of the City at an election on November 8, 2022. |
| Meeting | Nov 22, 2022 - City Council Special Meeting |
| Access | Public |
| Type | Action, Discussion |
| Absolute Date | Nov 22, 2022 |
| Recommended Action | Approve the Ordinance adopting the amendments to the Home Rule Charter approved by the voters of the City at an election on November 8, 2022. |

OVERVIEW

A Special Charter Amendment Election was held on November 8, 2022. After receiving certification of votes from Dallas and Collin Counties, Sachse City Council canvassed the election on November 22, 2022. A majority of voters of the City of Sachse approved Propositions A-W to the Home Rule Charter. Adoption of the amendments by ordinance is required.

POLICY CONSIDERATIONS

State law requires an ordinance adopting the charter amendments following the election canvass. Texas Local Government Code Section 9.005 "Adoption of Charter or Amendment" (a) A proposed charter for a municipality or a proposed amendment to a municipality's charter is adopted if it is approved by a majority of the qualified voters of the municipality who vote at an election held for that purpose. (b) A charter or an amendment does not take effect until the governing body of the municipality enters an order in the records of the municipality declaring that the charter or amendment is adopted.

RECOMMENDATION

Approve the Ordinance adopting the amendments to the Home Rule Charter approved by the voters of the City at an election on November 8, 2022.

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| File Attachments Ordinance Adopting Charter Amendments_Final.pdf (182 KB) |
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, ADOPTING AMENDMENTS TO THE HOME RULE CHARTER APPROVED BY THE VOTERS OF THE CITY OF SACHSE, TEXAS, AT AN ELECTION HELD ON NOVEMBER 8, 2022; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council ordered that an election be held in the City of Sachse, Texas, on November 8, 2022, for the purpose of adopting amendments to the Home Rule Charter of the City of Sachse, Texas; and

WHEREAS, immediately after said election, the presiding judges and other election officials holding said election made their returns and results thereof to the City Council; and

WHEREAS, majority of the votes cast at said election were in favor for the adoption of Propositions A – W, amending the Home Rule Charter of the City of Sachse, Texas; and

WHEREAS, the City Council canvassed the results of the election on November 22, 2022;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, THAT:

SECTION 1. Propositions A - W amending the Home Rule Charter, approved and adopted by the voters of the City of Sachse, Texas, in an election held for the purpose on November 8, 2022, a copy of which is attached hereto as Exhibit “A” and made a part hereof for all purposes, are hereby declared to be amendments to the Home Rule Charter of the City of Sachse, Texas, to take effect immediately from or after the passage of this Ordinance.

SECTION 2. In accordance with Section 1 of this Ordinance, the Articles, Sections, Subsections, Subdivisions, Paragraphs and Subparagraphs of the Home Rule Charter of the City of Sachse, Texas, set forth in Exhibit “A,” attached hereto shall be amended to read as set forth in Exhibit “A” attached hereto.

SECTION 3. The City Secretary shall record in the Office of the City Secretary, the Charter amendments adopted by the voters of the City; and pursuant to Section 9.007, TEX. LOC. GOV’T CODE, the Mayor shall certify to the Secretary of State of the State of Texas, an authenticated copy of this Ordinance and said amendments to the Home Rule Charter under the seal of the City, showing the approval by the qualified voters of the City of Sachse, Texas.

SECTION 4. This Ordinance shall become effective from and after its passage in accordance with law.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas, on the 22nd day of November 2022.

APPROVED:

Jeff Bickerstaff, Mayor

DULY ENROLLED:

Leah K Granger, City Secretary

APPROVED AS TO FORM:

Joseph J. Gorfida, Jr., City Attorney
(PGS:11-11-22:TM 132337)

MAYOR’S CERTIFICATE OF AUTHENTICATION

Pursuant to TEX. LOC. GOV’T CODE ANN., Section 9.007, I, Jeff Bickerstaff, Mayor of the City of Sachse, Texas, hereby certify that the above and forgoing is a true and correct copy of the City of Sachse Ordinance No. _____ adopted by the City Council of the City of Sachse, Texas, on the 22nd day of November, 2022, and attached thereto as Exhibit “A” is a true and correct copy of the amendments to the City of Sachse Home Rule Charter approved by the voters of the City of Sachse, Texas, at an election held for that purpose on November 8, 2022.

This certificate of authentication executed this 22nd day of November, 2022.

Jeff Bickerstaff, Mayor

ATTEST:

Leah K Granger, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Joseph J. Gorfida, Jr., City Attorney

Seal of the City of Sachse, Texas

EXHIBIT "A"

Sec. 2.02 - PUBLIC IMPROVEMENTS

The city shall have the power to construct and maintain, within or without its corporate limits, streets, flood control facilities, and sanitary, water and storm drainage facilities, in, over, under or upon all public property and easements granted for that purpose and to levy assessments for the costs of such improvements. The city shall have the power to collect attorney's fees for the collection of paving assessment in foreclosure cases as allowed under state law. It shall have the power to cause liens to be established for the purpose of securing such levies and shall have the power to compel the use of such improvements by the inhabitants of the city.

Sec. 3.01 – COMPOSITION

The council shall be composed of a mayor and six (6) council members, that is a mayor and six (6) council members elected by numbered places 1, 2, 3, 4, 5, and 6 by the qualified voters of the entire city for staggered terms of three (3) years each or until their successor has been elected or appointed and qualified. If the candidate with the highest number of votes in an election receives less than a majority vote, then a runoff election shall be held between the two candidates receiving the highest number of votes. Such runoff election shall be held pursuant to the provisions of the Texas Election Code and applicable ordinances. To provide for staggered terms of office, the mayor and council members in places 5 and 6 are elected for a three (3) year term commencing with the regular municipal election in May 2022, council members in places 3 and 4 are elected for a three (3) year term commencing with the regular municipal election in May 2023, and council members in places 1 and 2 are elected for a three (3) year term commencing with the regular municipal election in May 2024.

Sec. 3.02 - LIMITS

Commencing with the May 2023 city officer election, no person shall serve as mayor for more than three (3) consecutive elected terms, and no person shall serve as councilmember for more than three (3) consecutive elected terms. No person shall serve as a councilmember and mayor (combined) for more than six (6) consecutive terms. For purposes of this Section and computing the limitations on terms:

- (1) A mayor or councilmember, who vacates, for any reason, city office before the end of the term for which such person was elected, shall be considered to have completed that term.
- (2) Election to fulfill an unexpired councilmember term, or unexpired mayor term if applicable, shall be computed as follows:
 - (i) If 50 percent or more of the term is remaining, it shall be included in the computation of term limits; or
 - (ii) If less than 50 percent of the term is remaining, it shall not be included in the computation of term limits.

EXHIBIT "A"

Any councilmember or mayor, who is ineligible to run for elected city office due to the limitations on terms as provided herein, shall remain ineligible to hold an elected city office for a period of two years following the expiration of the most recent term of city office for which such person was elected with the exception of a councilmember seeking the office of mayor or the mayor seeking the office of a councilmember.

Sec. 3.04 - COMPENSATION

Compensation of the members of the city council shall be determined by the city council by ordinance, but no increase in such compensation shall take effect until commencement of the terms of mayor and/or council members elected at the next regular election. Members of the city council shall be entitled to reimbursement for actual expenses incurred in the performance of official duties.

Sec. 3.05 - MAYOR AND MAYOR PRO TEM

(1) The mayor shall be the official head of the city government, shall be the chairperson and shall preside at all meetings of the city council, and shall have the same voting rights and responsibilities as the other members of the city council, but shall have no power to veto. The mayor shall, when authorized by the city council, sign all official documents, such as ordinances, resolutions, conveyances, grant agreements, contracts and bonds, unless authorization has been delegated by the city council to the city manager or other official. The mayor shall perform such other duties consistent with this Charter as may be imposed upon the mayor by the city council.

(2) The mayor pro tem shall be a city council member elected by the city council at the first regular meeting after each regular election of the city council members and/or mayor. The mayor pro tem shall temporarily act as mayor during the disability or absence of the mayor, and in this capacity shall have the rights conferred upon the mayor.

Sec. 3.06 - VACANCIES, FORFEITURES AND FILLING OF VACANCIES

(1) The office of a city council member or the mayor shall become vacant upon death, resignation, forfeiture of, or removal from office by any manner authorized by law.

(2) If any member of the city council is absent from four (4) of seven (7) consecutive regular meetings, without explanation acceptable to a majority of the remaining city council members, such member's office shall be declared vacant at the next regular meeting of the city council by resolution. In addition, any member of the city council who has been absent for six (6) consecutive regular meetings due to any reason shall have such member's seat declared vacant at the next regular meeting of the city council by resolution.

(3) Any member of the city council who ceases to possess the required qualifications for office or who is convicted of a felony or of a misdemeanor involving moral turpitude or is convicted of violating state law concerning conflict of interest shall forfeit such member's office. Every forfeiture shall be declared and enforced by a majority of the city council.

EXHIBIT "A"

(4) A vacancy or vacancies in the position of mayor or council member shall be filled by majority vote of the qualified voters at a special election called for such purpose on the next election date as provided by state law. If the candidate with the highest number of votes in such special election receives less than a majority vote, then a runoff election shall be held between the two candidates receiving the highest number of votes. Such special and runoff elections shall be held pursuant to the provisions of the Texas Election Code and applicable ordinances.

Sec. 3.07 - POWERS OF THE CITY COUNCIL

All powers of the City of Sachse and the determination of all matters of policy shall be vested in the city council. Except where in conflict with and otherwise expressly provided by this Charter, the city council shall have all powers authorized to be exercised by the city council by state law and the acts amendatory thereof and supplementary thereto, now or hereafter enacted. Without limitation of the foregoing and among the other powers that may be exercised by the city council, the following are hereby enumerated for greater certainty:

- (a) Appoint and remove the city manager;
- (b) Appoint and remove the municipal court judge(s); (Election of May 13, 2006)
- (c) Appoint and remove the city attorney;
- (d) Appoint and remove the city secretary; (Election of April 5, 1986)
- (e) Establish administrative departments including, but not limited to, police, fire, library, water, sewer, animal control, building inspection and fire marshal.
- (f) Adopt the budget of the city;
- (g) Collectively inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;
- (h) Provide a planning and zoning commission and a board of adjustment and other boards as deemed necessary, and appoint the members of all such boards and commission[s]. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by city ordinance or by law;
- (i) Reserved;
- (j) Adopt and modify the official map of the city;
- (k) Adopt, modify and carry out plans in cooperation with the planning and zoning commission for the replanning, improvement and redevelopment of specific areas of the city;

EXHIBIT "A"

- (l) Adopt, modify and carry out plans in cooperation with the planning and zoning commission for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or part by disaster;
- (m) Regulate, license and fix the charges or fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire on the public streets and alleys of the city;
- (n) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dangerous structures of buildings or dilapidated buildings or buildings calculated to increase the fire hazard, and the manner of their removal or destruction;
- (o) Fix and regulate rates and charges of all utilities and public services.

Sec. 3.08 -PROHIBITIONS

- (1) Except where authorized by law of [or] by this Charter, no mayor or city council member shall hold any other city office or city employment during their respective terms of office. No former mayor or city council member shall hold any compensated appointive office or city employment within one (1) year after the expiration of their respective terms of office.
- (2) Members of the city council shall not in any way dictate the appointment or removal of the city administrative officers or employees whom the city manager or any of the city manager's subordinates are empowered to appoint. The city council at a meeting called for that purpose may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.
- (3) Except for the purpose of inquiries and investigations as provided by this Charter, members of the city council shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager. Members of the city council shall not give orders to any such officer or employee either publicly or privately except as otherwise provided in this Charter.

Sec. 3.09 - MEETINGS OF THE CITY COUNCIL

- (1) The city council shall hold at least one (1) regular meeting each month and as many additional meetings as it deems necessary to transact the business of the city. The city council shall fix by ordinance the date and time of the regular meetings. Special meetings of the city council shall be held at the call of the mayor or three of the city council members upon provision of Public notice in accordance with state law.
- (2) Notice of regular, special and emergency meetings of the city council shall be given as required by the Texas Open Meetings Act.

EXHIBIT "A"

Sec. 3.11 - CONFLICT OF INTEREST

Should any member of the city council have a conflict of interest pursuant to state law with an agenda item then before the city council, such member shall openly declare same before discussion proceeds and is thereafter prohibited from discussing the item or voting on the question, and is not considered as present and voting for the purposes of the tally.

Sec. 3.12 - ABSTENTION

Should any member of the city council choose to abstain from voting on any question before the city council, where no conflict of interest exists, such member's vote shall be recorded as a negative vote in the official minutes of the City of Sachse.

Sec. 3.13 - RULES OF PROCEDURE

The city council shall determine its own order of business. The city council shall provide that the citizens of the city shall have a reasonable opportunity to clearly hear and be heard at public hearings with regard to specific matters under consideration. The city council shall provide for minutes to be taken and recorded for all meetings as required by law. Such minutes shall be a public record and shall be kept and maintained by the city secretary.

Sec. 3.14 - PASSAGE OF ORDINANCES IN GENERAL

(1) The city council shall legislate by ordinance only, and the enacting clause of every ordinance shall be "Be it ordained by the City Council of the City of Sachse, Texas ..." Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its caption. General appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Except where an ordinance is repealed in its entirety, the amendatory or repealing ordinance shall set out in full the ordinance sections or subsections to be amended or repealed and shall indicate new language by enclosing it in quotation marks. Copies of proposed ordinances, in the form required for adoption, shall be furnished to members of the city council before the city council meeting at which such ordinance is to be considered. Copies of the proposed ordinance, in the form required for adoption, shall be available at the city offices and shall be furnished to citizens upon request to the city secretary from and after the date on which such proposed ordinance is posted as an agenda item for a city council meeting and, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the city council.

(2) A proposed ordinance which has been amended in substance after its placement on the agenda for a city council meeting may not be voted on at such city council meeting, unless the mayor announces at such city council meeting the amendments to such ordinance. All persons interested in such ordinance shall have a reasonable opportunity to be heard.

EXHIBIT "A"

(3) Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published once in its entirety or summary form after adoption, in a newspaper or as otherwise allowed by law.

(4) The reading aloud of a title and caption of the ordinance shall suffice as a reading provided printed copies of the ordinance in the form required for adoption are in front of all members of the city council. If a majority of the members' present request that the ordinance be read in its entirety, it must be read.

Sec. 3.16 - AUTHENTICATION, RECORDING, CODIFICATION PRINTING AND DISTRIBUTION

(1) All ordinances and resolutions adopted by the city council shall be authenticated by seal and signature of the city secretary and numbered consecutively as adopted. They shall be properly indexed and placed in a book kept open for public inspection.

(2) The city council shall maintain the codification of ordinances of the city. This codification shall be known and cited as "The Sachse City Code" and shall be in full force and effect without the necessity of such Code or any part thereof being published in any newspaper. The caption, descriptive clause and other formal parts of the ordinances of the city may be omitted without effecting the validity of such ordinances when codified. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the Code. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the city at large.

(3) The city council shall cause all ordinances and amendments to this Charter to be printed promptly following their adoption. A copy of each ordinance and amendment shall be placed in appropriate city offices for public reference.

(4) The city shall cause the code of ordinances to be accessible on the city's website.

Sec. 3.18 – BOND

The city council may require bonds of all municipal officers and employees who receive or pay out any monies of the city. The amount of the bonds shall be determined by the city council and the cost shall be borne by the city.

Sec. 4.01 - CITY MANAGER

(1) The city council shall appoint, upon the affirmative vote of a majority of the full membership of the city council, a city manager who shall serve as chief administrative officer of the city. The city manager shall be responsible to the city council for administration of all the affairs of the city, with only those exceptions that are named in this Charter. The city manager shall be appointed solely upon executive and administrative qualifications. The city manager

EXHIBIT "A"

need not be a resident of the city when appointed, but shall, within a reasonable time after such appointment, reside within the city during the balance of the tenure as city manager.

(2) The city council shall fix the compensation of the city manager, which compensations may be amended, from time to time, in accordance with experience, qualifications and performance.

(3) The city manager shall be appointed for an indefinite term, and may be removed at the discretion of the city council by a majority vote of its full membership. Upon decision to remove the city manager, notice, in writing, of such decision shall be immediately furnished to the city manager and the city council may then suspend the city manager from duty.

(a) If the city manager files within five (5) days after being notified of termination and removal a written request to the city council requesting reconsideration of the termination, the city council shall, as soon as practical, meet with the city manager in executive session to review its decision to terminate.

(b) After such review, after affording the city manager an opportunity to respond to such initial decision to terminate, a new vote shall be taken with regard to termination of the city manager.

(c) The city manager shall continue to receive the city manager's current salary pending this final decision of the city council.

(d) This procedure for a review meeting with the city manager shall not alter the fact that the city manager serves at the pleasure of the city council and the city manager shall not have, nor should this procedure be construed to grant to the city manager, right to continued employment.

(4) In case of the absence, disability or suspension of the city manager, the city council may designate a qualified administrative officer of the city to perform the duties of the office.

(5) The city manager shall have the power to:

(a) Appoint, suspend and remove all city employees and appointive administrative officers provided for in this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter;

(b) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by law or this Charter;

(c) See that all state laws and city ordinances are effectively enforced;

(d) Attend all city council meetings, with the right to take part in discussion but shall not vote;

EXHIBIT "A"

- (e) Prepare and accept items for inclusion in the official agenda of all city council meetings and meetings of all boards and commissions;
- (f) Prepare and recommend to the city council the annual budget and capital program and administer the budget as adopted by the city council;
- (g) Keep the city council fully advised at least quarterly as to the financial conditions and future needs of the city and make such recommendations concerning the affairs of the city as the city manager or the city council deems desirable or necessary;
- (h) Make reports as the city manager or the city council may require concerning the operations of the city departments, offices, or agencies subject to the city manager's direction or supervision;
- (i) Perform such other duties as are specified in this Charter or may be required by the city council and are consistent with this Charter or state or federal law.

Sec. 4.03 - MUNICIPAL COURT

(2) The city council shall appoint by majority vote of its full membership such municipal judges of the municipal court as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least two (2) years in the State of Texas. In the event a duly qualified attorney is not available, the city council shall then select a qualified person to be the municipal judge. The municipal judge(s) of the municipal court(s) shall be appointed to a term of two (2) years and may be appointed to additional consecutive terms upon completion of the judge's term(s) of office. The appointment of the municipal judge(s) may be terminated at any time by a majority vote of the full membership of the city council. The municipal judge(s) shall receive compensation as may be determined by the city council.

Sec. 5.02 - FILING FOR OFFICE

- (1) Candidates for city offices shall file for office in accordance with the Texas Election Code.
- (2) Candidates for elective city office shall meet the following qualifications:
 - (a) Shall be at least twenty-one (21) years of age at the time of the election for which they are filing;
 - (b) Shall be a qualified voter;
 - (c) Shall have resided within the corporate limits of the city, or annexed territory, for at least twelve (12) months prior to the date of election;
 - (d) Shall not, after notice of any delinquency, be in arrears in payment of taxes or other liabilities due the city;

EXHIBIT "A"

- (e) No candidate may file in a single election for more than one (1) office or position as provided by this Charter;
- (f) No employee, nor any member or volunteer with any board, commission, or department of the city, shall continue in such position upon election and acceptance of the elected position;
- (g) No elected official of the city whose term is not expiring in that calendar year shall continue in such elective office after filing for any other elective office provided for in this Charter.

Sec. 6.04 - FORM OF PETITION

- (1) All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signer of a petition must be a qualified voter of the City of Sachse and shall personally sign the person's own name thereto in ink or indelible pencil, and shall write after the person's name the person's place of residence within the boundaries of the city, giving name of street and number, if any, and shall also write thereon the date, including the month, day and year when the person signed the petition. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or of the ordinance or resolution sought to be reconsidered, or in the case of a recall petition, the identity of the official whose recall is being sought.
- (2) Each page of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed, the ordinance or resolution sought to be reconsidered, or the identity of the official whose recall is being sought.
- (3) Locations for ten (10) signatures shall be provided on each blank petition.

Sec. 6.05 - PRESENTATION OF PETITIONS

- (1) A petition to the city council for initiative or referendum, containing the signatures of qualified voters equal in number to fifteen (15) percent of those who voted in the last general municipal election, or two hundred (200), whichever is greater, shall be filed with the city secretary not later than sixty (60) days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.
- (2) A petition to the city council for recall, containing the signatures of twenty (20) percent of the qualified voters registered to vote at the last regular city election, or three hundred (300), whichever is greater, shall be filed with the city secretary no later than sixty (60) days following

EXHIBIT “A”

the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.

Sec. 6.09 - CALLING OF RECALL ELECTION

If the officer whose removal is sought does not resign, then the city council shall order an election and set the date for holding such recall election. The city council shall, not less than 25 days nor more than 35 days after the petition is presented to the city council, call a recall election for a date authorized by state law. If, after the recall election date is established, the officer vacates the officer’s position, the election shall be cancelled. Any election order so issued shall fully comply with the Texas Election Code.

Sec. 6.11 -FORM OF BALLOTS

(1) Initiative. Ordinances shall be submitted by ballot title, which shall be prepared in all cases by the city attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. Immediately below the ballot title shall be printed the following two statements, one above the other, in the order indicated:

“For adoption of the Ordinance” and

“Against adoption of the Ordinance”

Immediately below or immediately adjacent to each statement shall appear a square in which the voter may cast a vote by making a mark.

(2) Repeal. Ordinances or resolutions being considered for repeal shall be submitted by ballot title, which shall be prepared in all cases by the city attorney. The ballot title may be different from the legal title of any such ordinance or resolution and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance or resolution. Immediately below the ballot title shall be printed the following two statements:

“For repeal of the Ordinance/Resolution” and

“Against repeal of the Ordinance/Resolution”

Immediately below or immediately adjacent to each statement shall appear a square in which the voter may cast a vote by making a mark.

(3) Recall. Ballots used at recall elections shall, with respect to each person whose removal is sought, submit the question:

“Shall (name of person) be removed from the office (name of office) by recall?”

EXHIBIT "A"

Immediately below each question there shall be printed the two following statements, one above the other, in the order indicated.

“For the removal of..... by recall”

“Against the removal of..... by recall”

Immediately below or immediately adjacent to each statement shall appear a square in which the voter may cast a vote by making a mark.

Sec. 6.12 - RESULTS OF ELECTION

(5) If a majority of the votes cast on the question of recall at a recall election shall be against the removal of the elected official named on the ballot, such official shall continue in office for the remainder of such official’s unexpired term, subject to recall as before within the limitations of Section 6.13 below. If a majority of the votes cast on the question of recall at a recall election shall be for the removal of the elected official named on the ballot, such official shall, regardless of any technical defects in the recall petition, be deemed removed from office upon certification of the election results by the city secretary and the vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies.

Sec. 6.13 - LIMITATIONS AND RESTRICTIONS

(1) No recall petition shall be filed against any officer of the city within six (6) months after such officer’s election, or within six (6) months of such a petition being filed and found insufficient, or within one (1) year after an election for such officer's recall. No such limitations shall apply to appointed city council members.

Sec. 7.10 - RESERVED

Sec. 7.15 - PURCHASING

(1) The city council may, by ordinance, give the city manager authority to contract for expenditure without further approval of the city council for all budgeted items not exceeding limits set by the city council. All contracts for expenditures involving more than the set limits must be expressly approved in advance by the city council. All contracts or purchases involving more than the limits set by the city council shall be let to the lowest bidder or the bidder that provides the best value as allowed by state law, whose submittal is among those responsive to the needs of the city after there has been opportunity for competitive bidding as provided by law or ordinance, unless competitive bidding is prohibited or not required by state law. The city council, or the city manager, when authorized to act for the city, shall have the right to reject any and all bids.

EXHIBIT "A"

Sec. 7.16 - ADMINISTRATION OF BUDGET

(1) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made unless the city manager or the city manager's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable.

(2) Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such debt or obligation, and such officer shall also be liable to the city for any amount so paid.

Sec. 7.20 - OFFICE OF TAX COLLECTOR

The city manager shall appoint a tax assessor/collector for the city, or the city council may contract with a governmental entity or with the board of directors of an appraisal district to perform duties relating to the assessment or collection of taxes. In the assessment and collection of taxes, all provisions of the constitution and general laws of the State of Texas, the ordinances of this city relating thereto, and the provisions of this charter shall be followed.

Sec. 8.01 - AUTHORITY, COMPOSITION AND PROCEDURES

(5) Any member of a board, commission or committee who is absent from three (3) consecutive regular meetings may be removed by the City Council from such position on the board, commission, or committee and such member's position shall be filled by the city council.

Sec. 9.01 – ORGANIZATION

(1) The city council shall create and establish a Planning and Zoning Commission which shall consist of seven (7) members, and may include alternates, who shall be appointed by the city council to staggered, overlapping two (2) year terms. The commission members shall be qualified voters in the city. Any vacancy occurring during the unexpired term of a member shall be filled by the city council. A majority of the members shall constitute a quorum. Removal of members of the planning and zoning commission shall be in accordance with the provisions of Article VIII, Section 8.01(2) of this Charter.

(2) The commission shall meet as needed. The commission shall keep minutes of its proceedings which minutes shall be maintained as a public record by the city secretary. The commission shall serve without compensation.

Sec. 9.03 - PROCEDURE

All rules and regulations adopted by the planning and zoning commission shall be forwarded to the city manager who shall submit them to the city council with the city manager's recommendations. The city council may adopt or reject any such rules or regulations. If any rules

EXHIBIT "A"

or regulations should be rejected, the planning and zoning commission may modify them and submit such modified rules and recommendations to the city council.

Sec. 9.04 - THE COMPREHENSIVE PLAN: PROCEDURE AND LEGAL EFFECT

(1) The existing comprehensive plan for the physical development of the city contains recommendations for the growth, development and beautification of the city and its extraterritorial jurisdiction. Additions to and amendments of the comprehensive plan shall be by resolution, but before any such revision, the commission shall hold at least one (1) public hearing on the proposed action.

(2) A copy of the proposed revisions to the comprehensive plan shall be forwarded to the city manager who shall submit the proposal to the city council, together with the city manager's recommendations, if any. The city council, after a public hearing, shall adopt or reject such proposed revision, or any part thereof, as submitted within sixty (60) days following its submission by the city manager. If the proposed revisions, or part thereof, should be rejected by the city council, the planning and zoning commission may make modifications and again forward it to the city manager for submission to the city council.

(3) Following the adoption of the comprehensive plan by the city council, it shall serve as a guide to all future city council action concerning land use and development regulations and expenditures for capital improvements.

Sec. 11.07 - CHARTER REVIEW COMMISSION

(1) The city council may appoint a Charter Review Commission of at least fourteen (14) citizens of the city who shall:

(a) Inquire into the operation of the city government under the Charter and determine whether any provisions require revision. To this end, public hearings may be held. The commission may compel the attendance of any officer or employee of the city and require submission of any city records;

(b) Propose any recommendations it deems desirable to ensure compliance with the Charter of the city government;

(c) Report its findings and present its recommendations to the city council.

(2) The city council shall consider the report presented by the commission, any recommendations made, and may order any amendments suggested to be submitted to the voters of the city in the manner provided by state law as now written or hereafter amended. The city council shall post a comprehensive summary of the report presented by the commission on the city website which may be removed after the date the city council has adopted any amendments approved by the voters at such election. If no election is called the report may be removed from the city website within ninety (90) days after such posting.

EXHIBIT "A"

(3) The term of office of the commission shall be for not more than six (6) months, at the end of which time a report shall be presented to the city council and all records of proceedings of the commission shall be filed with the city secretary and become a public record.

ARTICLE XIII. - RESERVED

Sec. 14.03 - WRONGFUL INFLUENCE

No person who seeks appointment or promotion with respect to any city position shall directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for, or in connection with, such person's test, appointment, or promotion.

Sec. 14.05 - EMPLOYEE'S POLITICAL ACTIVITIES

No person who holds any compensated, non-elective city position shall make, solicit, or receive any contribution for any candidate for public office in the city or take part in the management, affairs, or political campaign of such candidate. Such person may exercise the person's rights as a citizen to express an opinion and cast a vote.

Sec. 14.06 - PENALTIES

Any person who willfully engages in any of the activities prohibited in Sections 14.02, 14.03, 14.04, or 14.05 of this Article shall be ineligible for appointment or election to a position in the city for a period of five (5) years from that time. If such person is an officer or employee of the city at the time of the violation, such person shall immediately forfeit the person's office or position.

Sec. 14.08 - CONFLICT OF INTEREST

No officer of the city, whether elected or appointed, or any employee, whether full or part time, shall have a substantial financial interest, direct or indirect, in any contract or other procurement process, a substantial financial interest, direct or indirect, in the sale to or purchase from the city of any land, materials, supplies, or services, except on behalf of the city as an officer or employee. The words "substantial interest" as used herein shall be defined in Chapter 171 of the Local Government Code, as amended. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee found guilty thereof shall thereby forfeit such office or position. Any violation of this section with the knowledge, express or implied, of the person or the corporation contracting with or involved in any other procurement process with the city shall render the contract or other procurement process involved voidable by the city manager or a majority vote of the full membership of the city council.