

# City of Sachse Charter Review Commission Report and Recommendations

July 18, 2022

Presented by Scott McMurdie  
Charter Review Commission Chairperson



The City of  
SACHSE

# Commission Review and Charge

- March 21, City Council approved resolution to convene the Charter Review Commission
- Purpose of the Commission as follows:
  - Review and provide recommendations to City Council for amendments to the city charter which would then be voted on by residents
- Commission Make-up
  - Each Council member nominated two residents and the mayor recommended three for a total of 15 members
- Meeting Schedule
  - Held meetings in March, April, June, and July
  - May meeting was cancelled due to lack of quorum



# Review Process and Introductory Notes

- Scott McMurdie was nominated and approved as Chairperson of the Commission with Cedric Alford as Vice Chairperson
  - Mr. Alford ultimately resigned his position on the Commission and Billy George was nominated and voted to fill the position as Vice Chairperson
- Each article and paragraph within the Charter was discussed, reviewed, and votes were held approving or rejecting each motion made
- Commission reviewed redlines provided by City Attorney to ensure consistency with what was discussed



# Review Process and Introductory Notes

- Any change to the charter, however minor, must be placed on the ballot for voter approval
- Reminder that state law does supersede any items in the Charter that contradict said laws or codes
- Any change recommended by Council must be voted on by residents



# Summary of Recommended Changes by Subsection

- 2.02
- 3.01
- 3.02
- 3.04
- 3.06(4)
- 3.07(i)
- 3.09(1)
- 3.13
- 3.14(3)
- 3.18
- 5.02(c)
- 6.04
- 6.05
- 7.10
- 7.20
- 9.01(2)
- 11.07(1)(b)
- 11.07(2)
- 13.1-4



## 2.02 — Public Improvements

- Fix grammar error and replace “foreclosures” with “foreclosure”

- Approved Unanimously

“The city shall have the power to collect attorney's fees for the collection of paving assessment in foreclosures 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.”



# 3.01 — City Council Composition

- Recommend to remove section 3.02 and make mention of the historical changes in 3.01
  - 3.02 delineates how initial city council members were initially slotted in the different places within council
  - All historical information but has no additional bearing on current procedures as the voting and places are fully established at this time
- Proposed changes listed on the following slide



# 3.01 — Proposed Language

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. ~~Each council position shall be designated as a Place, to be determined as set forth in Sec. 3.02 of this Article. The mayor and council members shall be elected at large, and shall serve for a term of three (3) years as prescribed by the Texas Election Code and until his or her successor has been elected and duly qualified. Elections for two places shall be held each year, and the election for mayor shall be held every three years. 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.





## 3.02 — Procedures for Determining Council Places and Initial Terms of Office

- Recommended to change title of subsection to read: term limits
- Vote by Commission for term limits in general
  - **9-5 vote to approve term limits in general**
- Variation on term limits:
  - 24-year plan—four terms on Council and 4 terms as Mayor maximum consecutive
    - **8-5 vote to oppose 24-year plan**
  - 18-year plan—three terms Council and three terms as Mayor maximum
    - **9-4 vote to approve 18-year plan**



## 3.02, Continued

- Additional details regarding term limits
- Prospective vs Retroactive
  - **Making term limits retroactive was voted on with 5 for and 6 against, so the proposal is for term limits to be prospective**
- Years vs. Terms
  - **Voted unanimously to have language read in “terms” not “years”**
- Definition of term—Three years equals one term
- If more than 50% of any term is served, then the term counts toward limit



# Proposed Term Limit Language

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.

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.

**All remaining language for existing subsection 3.02 to be removed. See appendix for redline recommendation.**



The City of  
**SACHSE**

## 3.04 — Compensation

- Recommend grammar correction:

“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. “

- **Voted by Commission 9-5 to leave as-is except to add “until”**

\*Also noted that any decision in the future to add compensation to councilmembers must be voted on by citizens of Sachse



## 3.06 — Vacancies, Forfeitures and Filling of Vacancies

- Subsection (4)—Recommend to remove “uniform”

“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 **uniform** election date as provided by state law.”

- Uniform implies that a special election may not be called
- **Approved unanimously by Commission**



## 3.07(i) — Powers of the City Council

- (i) Remove “ Adopt Plats” and replace with “Reserved”
- Updates the document to current status of city and maintain the section identifier otherwise lettering must be adjusted, and additional amendments approved accordingly
- **Approved unanimously by Commission**



## 3.09(1) — Meetings of the City Council

- Change requirements to call special meeting
- Currently reads majority of city council and change mayor or three members of city council

“Special meetings of the city council shall be held at the call of the mayor or **three** ~~a majority~~ of the city councilmembers upon provision of public notice in accordance with state law.”

- Current language can cause council to run afoul of open meetings act laws
- **Approved unanimously by Commission**



## 3.13 — Rules of Procedure

- Concerns for familiarity with Roberts Rules and possible restrictive nature of allowing citizen input which state law has been updated to include
  - “~~The city council shall conduct its meetings in accordance with Robert's Rules of Order.~~ The city council shall determine its own order of business.”
- **Approved 12-2 by Commission**





## 3.14(3)—Passage of Ordinances in General

- Transparency and easy access to city business and information
- Concern about current availability of print newspaper and future accessibility

“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** ~~as required by law.~~”

- **Approved 12-1 by Commission**



## 3.18 — Bond

- Concern regarding wording that requires that a bond be issued on all officers and employees who receive or pay out any monies of the City
- As a bond is not required by law, amended language in subsection to the following:
  - “The city council ~~shall~~ **may** require bonds of all municipal officers and employees who receive or pay out any monies of the city. . . .”
- **Approved unanimously by Commission**



## 5.02 — Filing for Office

- Requirements to file for office:

“Shall have resided within the corporate limits of the city, or annexed territory, for at least **twelve** ~~six (6)~~ **(12)** months prior to the date of election filing deadline”

- Clarity was provided by Mr. Smith, City Attorney, as to state law not allowing length of residency to extend beyond 12 months from date of election.

- **Approved 12-2 by Commission**



## 6.04 — Form of Petition

- Subsection (3) Change the number of signatures per page of a petition to 10 from 20

“Locations for **ten (10)** ~~twenty (20)~~ signatures shall be provided on each blank petition.”

- From experience within the commission, it was noted that reviewing and validating a petition is much easier when fewer names are on each page of a petition
- It is also noted that the pages for a petition must be uniform according to state law
- **Approved unanimously by Commission**



## 6.05 — Presentation of Petitions

- Recommend extending time to file petition from 30 days to 60 or 90 days

“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)** ~~thirty (30)~~ days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.”

- **60 days approved by Commission by a 9-3 vote**
- **90 days approved by Commission by a 10-2 vote**



## 7.04 and 7.10 — Budget and Certification Copies

- Section(s) 7.04 and 7.10 state effectively the same thing related to copies of the budget and supporting schedules to be made available to the public
- Recommended to leave section 7.04 and remove 7.10 but label 7.10 as Reserved. (Keep reserved for same reason as mentioned in 3.07)
- See Exhibit A: Memo from City Attorney regarding sections 7.04 and 7.10
- **Approved unanimously by Commission**



## 7.20 — Office of Tax Collector

- As the city does not have an “Office of Taxation” recommended wording for 7.20 as follows:

~~“There shall be established an office of taxation to collect taxes, the head of which shall be the city 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 for the other governmental entity or the 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.~~

- Edit recommended to make sure charter is consistent with current city structure. See Exhibit A: Memo from City Attorney
- **Approved unanimously by Commission**



# 9.01(2) — Planning and Zoning Commission Organization

- Recommend change required meeting schedule as follows:

“The commission shall meet **as needed** ~~at least once a month~~. 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.”

- There are times where no business needs to come in front of the Planning and Zoning Commission
- This allows discretion for scheduling meetings
- **Approved unanimously by Commission**





# 11.07(1)(b) — Charter Review Commission

- Replace “insure” with “ensure”
- In an effort to be grammatically correct, this change is recommended to read as follows:
  - “Propose any recommendations it deems desirable to **ensure** ~~insure~~ compliance with the Charter of the city government;”
- **Approved unanimously by Commission**



## 11.07(2) — Charter Review Commission

- State law requires that notice of a charter election and comprehensive summary of the report be published in a newspaper
- To allow for more current times and technology it was recommended to amend the language to include the requirement that the city post the summary on the city website until the election has concluded
- Language to read as follows:



# 11.07(2), Continued

“The city council shall **consider** ~~receive and have published in the official newspaper of the city a comprehensive summary of the report presented by the commission, shall consider 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.”**

- **Approved unanimously by Commission**



# Article XIII (in its entirety) — Transitional Provisions

- Recommended to remove entire subsection and mark as “RESERVED”
- Noted that this article is no longer relevant or needed in the city Charter
- **Approved unanimously by Commission**



# Final Recommendations and Other Provisions

- Include in the ballot a resolution to make the document gender neutral
  - i.e., remove “he or she” and replace with “they or their”
- There were a number of sections where significant discussion was held, but ultimately voted to be left alone. Recommend all minutes and memos be read to be completely familiar with all aspects of Commission review
- Council Liaison—Significant discussion held regarding responsibilities and requirements of a council liaison. While it was not voted to be included in the city charter, it is recommended by the commission that this topic be discussed and added to council duties and policies. \*\*See appendix for suggested language regarding Liaison definition and responsibilities.



# Timeline

- City Council must vote to include items from the Charter review on the November ballot by **August 22, 2022**
- 2022 Uniform Election Date is **Tuesday, November 8, 2022**
- Any approved amendments become official as of election date
- No changes to the Charter may be made for two years after an election



# Next Steps

- The Commission submits this summary and recommended changes for Council's consideration
- Council may elect to have a further discussion item regarding these items at a later meeting date
- If Council wishes to move forward with some or all of the recommended changes, it must call and election by **August 22, 2022**



# Questions



The City of  
**SACHSE**