



**CITY COUNCIL
JOINT MEETING WITH MANOR CHARTER REVIEW COMMISSION
MINUTES
JULY 15, 2020**

The meeting was live streamed on Manor Facebook Live beginning at 6:00 p.m.
<https://www.facebook.com/cityofmanor/>

PRESENT:

Dr. Larry Wallace Jr., Mayor

COUNCIL MEMBERS:

Emily Hill, Place 1 (Absent)
Maria Amezcua, Place 2
Dr. Christopher Harvey, Place 3
Danny Scarbrough, Place 4
Deja Hill, Mayor Pro Tem, Place 5
Vacant, Place 6

COMMISSION MEMBERS:

Jennifer Wissmann, Chairperson
Adriana Gamez, Secretary
Delisa Hamilton
Maria D. Benitez (Absent)
Joshua Abraham Hay
Ruben J. Cardona
John Burrell

CITY STAFF:

Thomas Bolt, City Manager
Lluvia T. Almaraz, City Secretary
Lydia Collins, Director of Finance
Ryan Phipps, Chief of Police
Scott Dunlop, Assistant Development Services Director
Debbie Charbonneau, Community Development Manager

CHARTER REVIEW COMMISSION SPECIAL SESSION – 6:00 P.M.

With a quorum of the Commission Members present, the special session of the Manor Charter Review Commission was called to order by Chairperson Wissmann. at 6:00 p.m. on Wednesday, July 15, 2020, in the Council Chambers of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

PLEDGE OF ALLEGIANCE

Mayor Wallace Jr. led the Pledge of Allegiance.

PUBLIC COMMENTS

Due to State and County Orders limiting gatherings and temporary suspension by the Governor of sections of the Texas Open Meetings Act that may be interpreted to require face-to-face interaction between members of the public and public officials, in-person public comments were canceled.

In the alternative, an email (publiccomments@cityofmanor.org) was provided for any comments on agenda items or general comments from the public. Public Comments were open until 4:00 p.m. the day of the meeting.

There were no public comments received prior to the meeting.

REGULAR AGENDA

1. Approval of the Charter Review Commission Minutes of the July 9, 2020, Called Special Session.

MOTION: Upon a motion made by Commissioner Burrell and seconded by Commissioner Hay, to approve the July 9, 2020, Called Special Session Minutes.

Motion to approve carried 6-0

3. Discussion of proposed City Charter Amendments.

Discussion was held regarding the attached Manor Charter Commission Proposed Amendments.

ADJOURNMENT

The Special Session of the Charter Review Commission Adjourned at 8:47 p.m. on Wednesday, July 15, 2020.

Following the Manor Charter Review Commission Joint Meeting the Manor City Council regular session proceeded.

CITY COUNCIL REGULAR SESSION – 9:12 P.M.

With a quorum of the Council Members present, the regular session of the Manor City Council was called to order by Mayor Wallace Jr. at 9:15 p.m. on Wednesday, July 15, 2020, in the Council Chambers of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

PLEDGE OF ALLEGIANCE

Mayor Wallace Jr. led the Pledge of Allegiance.

PUBLIC COMMENTS

Due to State and County Orders limiting gatherings and temporary suspension by the Governor of sections of the Texas Open Meetings Act that may be interpreted to require face-to-face interaction between members of the public and public officials, in-person public comments were canceled.

In the alternative, an email (publiccomments@cityofmanor.org) was provided for any comments on agenda items or general comments from the public. Public Comments were open until 5:00 p.m. the day of the meeting.

There were no public comments received prior to the meeting.

At the request of City Manager Bolt Agenda Item No. 10 was moved before the Consent Agenda for discussion.

REGULAR AGENDA

10. Consideration, discussion, and possible action on proposed City Charter Amendments.

The City staff recommended that the City Council approve the proposed Charter Amendments.

The discussion was held regarding the attached Manor Charter Commission Proposed Amendments.

- A. Commission Action: Make annexation sections (which are Section 1.07 and 2.01) the same as state law; add requirement to post notices on City website as well

MOTION: Upon a motion made by Council Member Dr. Harvey and seconded by Mayor Pro Tem Hill, to approve Section 1.07 Annexation and Disannexation as proposed by Charter Review Commission.

Motion to approve carried 5-0

MOTION: Upon a motion made by Council Member Dr. Harvey and seconded by Council Member Amezcua to approve Section 2.01 Boundaries as proposed by Charter Review Commission.

Motion to approve carried 5-0

- B. Commission Action: Move term length to Section 3.02; increase term to 3 years (Note: Increasing the term to 3 years requires candidates to be elected by majority vote, so the last sentence is deleted)

MOTION: Upon a motion made by Mayor Pro Tem Hill and seconded by Council Member Scarbrough, to approve Section 3.01 Governing Body as proposed by Charter Review Commission.

Motion to approve carried 5-0

- C. Commission Action: Move term length to Section 3.02; increase term length to 3 years; delete last two sentences; term limit of 5 terms (total, consecutive or not); provide for runoff election date to be on a Saturday within the time period set by state law

(City Attorney Note: Moving to 3-year terms requires candidates to be elected by majority vote. If a candidate is not elected by majority vote, there is a runoff election between the two highest vote-getters. This happens when there are 3 or more candidates. Moving to 3-year terms also requires vacancies to be filled by special election held within 120 days of the vacancy.)

MOTION: Upon a motion made by Council Member Harvey and seconded by Mayor Pro Tem Hill to keep original Charter language as written and add four (4) year terms on Section 3.02 Term Limitations (a)

Motion to approve carried 5-0

MOTION: Upon a motion made by Council Member Scarbrough and seconded by Mayor Pro Tem Hill to add on Section 3.02 (b) terms to a four (4) three (3) year term on presidential election including the mayor's position.

Motion to approve carried 4-1 (Council Member Dr. Harvey voted against)

At the request of City Manager Bolt the order of the Agenda followed:

CONSENT AGENDA

1. **Consideration, discussion, and possible action to approve the City Council Minutes of the July 2, 2020, Called Special Session.**
2. **Consideration, discussion, and possible action on the acceptance of the June 2020 Departmental Reports:**
 - **Police – Ryan Phipps, Chief of Police**
 - **Development Services – Scott Dunlop, Asst. Dev. Services Director**
 - **Community Development – Debbie Charbonneau, Community Development Manager**
 - **Municipal Court – Sarah Friberg, Court Clerk**
 - **Public Works – Michael Tuley, Director of Public Works**
 - **Finance – Lydia Collins, Director of Finance**

MOTION: Upon a motion made by Council Member Dr. Harvey and seconded by Council Member Amezcua, to approve and adopt all items on the Consent Agenda.

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no discussion.

Motion to approve carried 5-0

PUBLIC HEARING

3. **Public Hearing: Conduct a public hearing on an Ordinance rezoning 24.78 acres of land more or less out of the Sumner Bacon Survey No. 62, and being located along Hill Lane, from Light Commercial (C-1) to Institutional Small (I-1).**

The City staff recommended that the City Council conduct the Public Hearing.

MOTION: Upon a motion made by Council Member Amezcua and seconded by Mayor Pro Tem Hill, to close the Public Hearing.

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no discussion.

Motion to approve carried 5-0

REGULAR AGENDA

4. **First Reading: Consideration, discussion, and possible action on an Ordinance rezoning 24.78 acres of land more or less out of the Sumner Bacon Survey No. 62, and being located along Hill Lane, from Light Commercial (C-1) to Institutional Small (I-1). Applicant: Catholic Diocese of Austin. Owner: Catholic Diocese of Austin.**

The City staff recommended that the City Council approve the first reading of an ordinance rezoning 24.78 acres of land more or less out of the Sumner Bacon Survey No. 62, and being located along Hill Lane, from Light Commercial (C-1) to Institutional Small (I-1).

MOTION: Upon a motion made by Council Member Scarbrough and seconded by Council Member Amezcua, to approve the first reading of an ordinance rezoning 24.78 acres of land more or less out of the Sumner Bacon Survey No. 62, and being located along Hill Lane, from Light Commercial (C-1) to Institutional Small (I-1).

Mayor Wallace Jr. open the floor for any questions to the motion.

Motion to approve carried 5-0

5. **Consideration, discussion, and possible action on selecting an appraiser for the EntradaGlen Public Improvement District (PID).**

The City staff recommended that the City Council approve the selection of Flato Realty Advisors, LLC as the appraiser for the EntradaGlen PID; and authorize the City Manager to enter and execute any agreements necessary for appraisal services regarding the EntradaGlen PID.

MOTION: Upon a motion made by Council Member Scarbrough and seconded by Council Member Amezcua, to approve the selection of Flato Realty Advisors, LLC as the appraiser for the EntradaGlen PID; and authorize the City Manager to enter and execute any agreements necessary for appraisal services regarding the EntradaGlen PID.

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no discussion.

Motion to approve carried 5-0

Mayor Pro Tem Hill advised she would be abstaining from discussion and consideration of the following item, as she is a resident of the Bell Farms Subdivision. The appropriate Conflict of Interest Affidavit had been filled out and filed with the City Secretary.

Mayor Pro Tem Hill removed herself from the dais.

6. Consideration, discussion, and possible action on a license agreement with Bell Farms Master Community, Inc. to install a fountain on Lot 1 Block C Bell Farms Phase 1A. Applicant: Bell Farms Master Community, Inc. Owner: City of Manor.

The City staff recommended that the City Council approve the license agreement with Bell Farms Master Community, Inc.

MOTION: Upon a motion made by Council Member Scarbrough and seconded by Council Member Amezcua, to approve the license agreement with Bell Farms Master Community, Inc.

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no discussion.

Motion to approve carried 4-0

Mayor Pro Tem Hill returned to the dais.

7. Acknowledge the resignation of Planning and Zoning Commissioner Lian Stutsman, Place No. 5 and declare a vacancy.

The City staff recommended that the City Council acknowledge the resignation of Planning and Zoning Commissioner Lian Stutsman, Place No. 5 and declare a vacancy.

MOTION: Upon a motion made by Council Member Dr. Harvey and seconded by Council Member Amezcua, to acknowledge the resignation of Planning and Zoning Commissioner Lian Stutsman, Place No. 5 and declare a vacancy.

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no discussion.

Motion to approve carried 5-0

8. Consideration, discussion, and possible action on Economic and Community Development Organizations for the City of Manor.

Mayor Wallace Jr. recommended the list of economic and community development enhancing organizations the City of Manor should be affiliated with and have representation on from City Council:

- The U.S. Conference of Mayors - \$1,992
- African American Mayors & Association - \$1,000
- Association of Hispanic Municipal Officials - \$75.00

- National League City - \$1,172 (this will change next year to \$1563 due to 2020 census population)
- Texas Association of Black City Council Members - \$65.00

The City staff's recommendation was that the City Council provide any additional organizations council would like to participate in and provide information to Council Member Amezcua to present to the Budget Committee.

There was no action taken.

9. Consideration, discussion, and possible action on planning for the purchase of land and construction of a library and a recreation center.

Council Member Dr. Harvey requested additional data information from city staff to provide to the community regarding a library and recreation center.

Mayor Wallace Jr. requested a retreat workshop to discuss the item further and other administration and economic topics.

MOTION: Upon a motion made by Council Member Dr. Harvey and seconded by Council Member Scarbrough to schedule a Workshop Administration Retreat on Saturday, July 25, 2020 at 8:00 a.m – 12:00 p.m. to discuss this item and other administration needs.

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no discussion.

Motion to approve carried 5 -0

Mayor Wallace Jr. returned to the order of the Agenda as followed:

10. Consideration, discussion, and possible action on proposed City Charter Amendments.

No Action taken on Section 5.01 – Notice and Order for Elections; Section 5.02 – General Election; Section 5.08 – Voters and Voting; Section 5.09 Election Results; 5.12 Term of Office.

- D. Commission Action: Remove “gross immorality” and “habitual drunkenness”; add “gross misconduct” Section 3.04 – City Council Judge of Its Members

MOTION: Upon a motion made by Mayor Pro Tem Hill and seconded by Council Member Amezcua, to deny Charter Review Commission Recommendation for Section 3.04 – City Council Judge of Its Members and keep original Charter language as written.

- E. Commission Action: If vacancy occurs with 12 months or less left on term, Council may fill vacancy by appointment or special election. If a third vacancy occurs when two members of Council have been appointed, the vacancy must be filled by special election. If a vacancy is filled by appointment, the appointment must first be offered to the next highest vote getter. Vacancy in the mayor's position is always filled by election. Appointments must be made within 45 days. Section 3.05 – Vacancies in Office.

MOTION: Upon a motion made by Council Member Scarbrough and seconded by Council Member Amezcua to keep original Charter language as written.

Mayor Wallace Jr. open the floor for any questions to the motion.

Discussion was held regarding proposed options.

Motion to approve failed 0-0

Mayor Wallace Jr. open the floor for a second motion.

MOTION: Upon a motion made by Mayor Pro Tem Hill and seconded by Council Member Amezcua to approve Section 3.05 – Vacancies in Office subsections a; b; and c; with the exception of removing sentence on subsection c) “If the council chooses to fill the vacancy by appointment, the council will first offer the position to the candidate who received the second highest number of votes in the election for the vacant position that immediately preceded the date the vacancy arose; provided that the candidate must meet the qualifications for office prescribed by state law and this charter” and subsection d.

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no further discussion.

Motion to approve carried 5-0

- F. Commission Action: Council compensation: Compensation for attendance at regular Council meetings, a maximum of two per month as follows—\$150/meeting for the Mayor and \$75/meeting for Councilmembers – Section 3.09 Compensation
- G. Commission Action: Announcement of candidacy or filing for office at any time during term is an automatic resignation. – Section 3.10 Automatic Resignation

- I. Commission Action: Add “public on the City’s website and in the City’s official newspaper” to Section 5.01; make the change through the Charter – where publication in newspaper is required also require posting on the City’s website – Section 5.01 Notice and Order for Elections

[City Attorney Note: I only show you the revised Section 5.01. The language “and posting on the City’s website” will also be added to the sections listed after 5.01]

- J. Commission Action: Default to state law for period of time voters must be registered. Section 5.08 Voters and Voting.
- K. Commission Action: Clarify this section. Section 6.03 Referendum
- N. Commission Action: Addition of Committees
- O. Commission Action: Address conflict in state law for timeframe for approving certain Charter amendments
- P. Commission Action: Have an interview process; no one related within 1st degree of consanguinity or affinity may be appointed; if there are not enough qualified voters of the City who apply, appoint up to two ETJ residents. Section 12.01 Ethics Commission
- Q. Commission Action: Add family members related within the first degree of consanguinity or affinity. Section 12.04 Conflict of Interest
- R. Commission Action: Conform to State Law. Section 13.06 Public Records.
- S. Commission Action: Add Finance Director as subsection (f) and public works director moves to (g). Section 13.07 Succession
- T. Commission Action: Change “shall” to “will”. Section 13.08 Charter Review
- U. Commission Action: Adopt language recommended by City staff regarding changes to Charter sections governing the Public Works Department; and establish offices of Human Resources and Planning Department.

MOTION: Upon a motion made by Council Member Harvey and seconded by Mayor Pro Tem Hill to approve Section F,G, I,J,K,N,O,P,Q,R,S,T,U as proposed by Charter Review Commission.

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no discussion.

Motion to approve carried 5-0

- H. Commission Action: Remove “may take command of the police”, “maintain order and enforce all laws”. Section 4.01 - Mayor

MOTION: Upon a motion made by Council Member Harvey and seconded by Mayor Pro Tem Hill to approve Section 4.01 Mayor as proposed by Charter Review Commission.

Mayor Wallace Jr. open the floor for any questions to the motion.

Discussion was held regarding the clarification of proposed changes.

There was no further discussion.

Motion to approve carried 5-0

- L. Commission Action: Adopt a process for Recall of Councilmembers
ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL
Section 6.11 Power of Recall; Section 6.12 Recall Elections; Section 6.13 Limitation on Recall; Section 6.14 Failure of City Council to Call an Election

MOTION: Upon a motion made by Council Member Harvey and seconded by Council Member Amezcua to deny Article VI. Initiative, Referendum and Recall Sections proposed by Charter Review Commission.

Mayor Wallace Jr. open the floor for any questions to the motion.

Discussion was held regarding the clarification of proposed changes.

Motion to approve failed 2-0

Mayor Wallace Jr. open the floor for a second motion.

MOTION: Upon a motion made by Council Member Scarbrough and seconded by Council Member Amezcua to approve Article VI. Initiative, Referendum and Recall Sections proposed by Charter Review Commission and change percentage to 50% on Section 6.11 Power of Recall.

Mayor Wallace Jr. open the floor for any questions to the motion.

Discussion was held regarding the clarification of proposed changes.

Council Member Amezcua and Mayor Pro Hill recommended on Section 6.13 Limitation on Recall to change to 2 years instead of 6 months.

Council Member Scarbrough amended his first motion to the following:

MOTION: Upon a motion made by Council Member Scarbrough and seconded by Council Member Amezcua to approve Article VI. Initiative, Referendum and Recall Sections proposed by Charter Review Commission and change percentage to 50% on Section 6.11 Power of Recall and change six (6) months to one (1) year on Section 6.13 Limitation on Recall

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no further discussion.

Motion to approve failed 2-3

(Mayor, Mayor Pro Tem Hill and Council Member Dr. Harvey voted against)

M. Commission Action: City Manager must live within 25 miles of the city limits; minimum three years must pass before a Council member can be appointed city manager

MOTION: Upon a motion made by Council Member Dr. Harvey to approve Section 7.01 - City Manager by adding upon hired City Manager would move within city limits/ETJ and adding a grandfathered clause in regards to city employees that have been working actively with the city for seven (7) years would qualify to apply; and removing within 25 miles of the city limits language. No one seconded motion. Motion failed.

Mayor Wallace Jr. open the floor for second part of proposed section - *minimum three years must pass before a Council member can be appointed city manager*

MOTION: Upon a motion made by Mayor Pro Tem Hill and seconded by Council Member Amezcua to deny the proposed changes by Charter Review Commission.

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no discussion

Motion to approve passed 4-1 (Council Member Scarbrough voted against)

ADJOURNMENT

The Regular Session of the Manor City Council Adjourned at 11:57 p.m. on Wednesday, July 15, 2020.


These minutes approved by the Manor City Council on the 5th day of July 2020.

APPROVED:



Dr. Larry Wallace Jr.
Mayor

ATTEST:



Lluvia T. Almaraz, TRMC
City Secretary



Manor Charter Commission – Proposed Amendments
Draft 7/10/20

[Note: Charter sections revised due to Charter Commission's vote is shown below. The Charter Commission's vote causing the change is provided. New language is underlined, bold, and italicized. Deleted language is shown with strike throughs.]

- A. Commission Action: Make annexation sections (which are Section 1.07 and 2.01) the same as state law; add requirement to post notices on City website as well**

Section 1.07. – Annexation and Disannexation.

The council may by ordinance unilaterally annex or disannex any land, property or territory upon its own initiative, upon a petition submitted by a majority of the voters residing within the territory being annexed or disannexed or upon petition by the owners of the property, as authorized by applicable law. The procedure for the establishment, modification or extension of the city boundaries, including the annexation or disannexation of territory, may not be inconsistent with any applicable requirements and limitations established by state law; provided that absent procedures being established by state law the action may be taken by ordinance adopted after one public hearing is held at least ten but not more than 20 days after notice of such public hearing is published in a newspaper of general circulation in the city and posted on the City's website. Upon final passage of an ordinance, fixing, establishing or modifying the boundaries of the city or annexing or disannexing any property by any method prescribed herein, the boundaries of the city shall be so extended or modified as provided in such ordinance. Upon an ordinance annexing property into the city, the territory described in the ordinance shall become a part of the city, and the said land and its residents and future residents shall be bound by the acts, ordinances, codes, resolutions and regulations of the city.

A good and sufficient legal description of the land area being considered for annexation or disannexation, together with a map or plat prepared at the initiator's expense showing the location of such land area, shall be presented to the council at a public meeting prior to final action on such annexation or disannexation. Land disannexed from the city shall not be relieved from any unpaid lawful assessments or taxes levied by the city against the property while such land or property was a part of the city.

Section 2.01. – Boundaries.

The boundaries and limits of the city shall, until changed in the manner herein provided, be the same as have heretofore been established and as exist on the date of the adoption of this charter. The boundaries and territorial limits of the city may from time to time by ordinance be fixed, decreased, modified or extended, and property may be annexed into the city or disannexed from

the city, with or without the consent of any voter or of any landowner in the affected area, unless consent is required by applicable law.

- B. Commission Action: Move term length to Section 3.02; increase term to 3 years (Note: Increasing the term to 3 years requires candidates to be elected by majority vote, so the last sentence is deleted)**

Section 3.01. - Governing Body.

The governing body of the city shall be a city council composed of six council members and a mayor, ~~each elected for a term of two years.~~ When used in this charter or any other city document "council person" or "council member" includes the mayor unless the context indicates otherwise.

The mayor shall be elected from the city at large. The council members shall be elected from the city at large, by Place. Each seat on the council, except for the position of mayor, will be numbered, as Place 1 through Place 6. The council member occupying a particular seat will be identified by the Place number assigned to that council seat. The mayor and the three council members occupying Places 1, 3, and 5 shall be elected in odd numbered years and the three council members occupying Places 2, 4, and 6, shall be elected in even numbered years. ~~The candidate who receives the largest number of votes for a particular office shall be declared elected for that office.~~

- C. Commission Action: Move term length to Section 3.02; increase term length to 3 years; delete last two sentences; term limit of 5 terms (total, consecutive or not); provide for runoff election date to be on a Saturday within the time period set by state law**

(Note: Moving to 3-year terms requires candidates to be elected by majority vote. If a candidate is not elected by majority vote, there is a runoff election between the two highest vote-getters. This happens when there are 3 or more candidates. Moving to 3-year terms also requires vacancies to be filled by special election held within 120 days of the vacancy.)

Section 3.02. – Term and Term Limitations.

(a) The mayor and council members shall be elected in the manner provided in Article V of this charter to serve for no more than five ~~three consecutive~~ terms. A partially-served term shall count as a term for the purposes of this subsection. ~~Terms served as council member shall be considered separately from those served as mayor. However, no person may serve more than six consecutive terms as mayor and council member. After completing five three consecutive terms, as applicable, a person may again run for office after one full year of not holding any appointed or elected position on the council. Non consecutive terms shall not be limited. Terms served prior to the adoption of this charter shall not be considered for the purpose of term limitations.~~

(b) Beginning with the November 2021 general election, the council shall transition to three-year terms as provided in this subsection. The candidates elected to Places 2, 4, and 6 in November 2020 shall serve two-year terms. For the November 2021 general election, the Mayor and two council places will be elected for three-year terms, and one council place will be elected for a two-year term. On or before June 1, 2021, the council members in Places 1, 3, and 5 shall draw lots to determine which place will serve the two-year term after the November 2021 general election. For the November 2022 general election, two council places will be elected to three-year terms and one council place will be elected to a one-year term. On or before June 1, 2022, the council members in Places 2, 4, and 6 shall draw lots to determine which place will serve the one-year term after the November 2022 general election. For the November 2023 general election, the council place elected to a two-year term in 2021 and the council place elected to a one-year term in 2022 will be elected for a three-year term. Thereafter, the candidates elected to the city council in the November general election will be elected to three-year terms.

Section 5.02. - General Elections.

(a). Beginning with the general election to be held in 2016 and for each successive general election, the general city election shall be held annually on the uniform election date in November. The mayor and council members are elected by majority plurality vote.

(b). The terms of office for the members of the city council elected to Places 2, 4, and 6 in May 2014 shall be extended until their respective successors qualify for office following the November 2016 election. The terms of office for the mayor and the members of the city council elected to Places 1, 3, and 5 in May 2015 shall be extended until their respective successors qualify for office following the November 2017 election.

Section 5.09. - Election Results.

The mayor and council members are elected by majority plurality vote. No measure shall be adopted except by a majority vote and a tie vote shall defeat the measure.

Section 5.11. Run-Off Election. If no candidate for an elective office receives a majority of the votes cast for that position in the regular or special election, a run-off election shall be held between the two (2) candidates who received the greatest number of votes. Such run-off election shall be held in accordance with State election laws on a Saturday within the period set by state law for holding runoff elections. The candidate receiving the highest number of votes cast for the office in the run-off election shall be declared elected.

Section 5.12.11. - Term of Office.

The mayor and each council member shall serve until his or her successor is elected or appointed and qualified to serve. The regular term of office of the mayor and the council members shall commence on the first regular council meeting following the canvass of the election at which they receive a majority plurality vote. The remaining term of a member of council elected at a special election shall commence on the first regular council meeting after

the canvass of votes for the election at which they receive a majority plurality of the votes cast for the office.

- D. **Commission Action:** Remove “gross immorality” and “habitual drunkenness”; add “gross misconduct”

Section 3.04. – City Council Judge of Its Members.

The council shall be the judge of the election and qualifications of its members, may determine the rules of its proceedings and shall have power to compel the attendance of absent members and to punish members for disorderly conduct. After due notice and opportunity to be heard, upon not less than six affirmative votes, the council shall have the power to remove any elected officer for conviction of a felony, gross misconduct, ~~gross immorality, habitual drunkenness,~~ corruption, misconduct or malfeasance in office or failing to continuously reside within the corporate limits. Members of all boards appointed by the council may be removed by majority vote of the council present and voting at any time after notice in compliance with the open meetings laws.

- E. **Commission Action:** If vacancy occurs with 12 months or less left on term, Council may fill vacancy by appointment or special election. If a third vacancy occurs when two members of Council have been appointed, the vacancy must be filled by special election. If a vacancy is filled by appointment, the appointment must first be offered to the next highest vote getter. Vacancy in the mayor’s position is always filled by election. Appointments must be made within 45 days.

Section 3.05. - Vacancies in Office.

- ~~(a)~~ The office of mayor or council member shall become vacant as provided in Section 3.10, or upon death, resignation, removal from office of the incumbent, or, for individuals elected to office, failure to take the oath of office by the first regular city council meeting following the canvass of the election at which the individual receives a plurality vote, or, for individuals appointed to office, by the first meeting following the individual's appointment. ~~Any vacancy or vacancies, whether in the office of mayor or council member, may be filled by special election called for such purpose or by the majority of the remaining council members appointing a qualified person to fill the vacancy. All appointees to vacancies shall serve for the remainder of the unexpired term of the office so filled.~~
- (b) A vacancy for an unexpired term that exceeds twelve months, that occurs when two places on council have been filled by appointment, or that occurs in the office of mayor, shall be filled by special election called for such purpose. The date for a special election to fill a vacancy shall be the first uniform election date after the vacancy occurs and for which there is sufficient time to call and give notice of the election as required by law;

provided that, if a vacancy occurs and no such election date falls within 120 days after the date of the vacancy, the council shall, without regard to the specified uniform election dates, order such election to be held on a Saturday within 120 days from the date of the vacancy. No special election will be required if the vacated office has a term of 120 days or less remaining as of the date of the first council meeting held after the date of the vacancy.

- (c) If a vacancy occurs for an unexpired term of twelve months or less for a position other than the mayor when there are less than two place on council filled by appointment, then the vacancy may be filled by either special election called for such purpose or by the majority of the remaining council members appointing a qualified person to fill the vacancy. If the council chooses to fill the vacancy by appointment, the council will first offer the position to the candidate who received the second highest number of votes in the election for the vacant position that immediately preceded the date the vacancy arose; provided that the candidate must meet the qualifications for office prescribed by state law and this charter. If the candidate does not accept the offer of appointment or is unqualified to serve, then the Council may appoint another qualified person to fill the vacancy. The vacancy must be filled within forty-five days from the date the vacancy occurs.
- (d) All appointees or persons elected to vacancies as provided in this section shall serve for the remainder of the unexpired term of the office so filled.

F. Commission Action: Council compensation: Compensation for attendance at regular Council meetings, a maximum of two per month as follows— \$150/meeting for the Mayor and \$75/meeting for Councilmembers

Section 3.09 - Compensation.

~~The mayor shall not be paid and each other council member shall not be paid.~~ The mayor shall be paid one hundred fifty dollars and each council member shall be paid seventy-five dollars for each city council meeting attended each month, up to a maximum of two per month. They The mayor and council members shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties, as budgeted and duly authorized. No staff or assistant shall be provided for any member of the council.

G. Commission Action: Announcement of candidacy or filing for office at any time during term is an automatic resignation.

Section 3.10. - Automatic Resignation.

The office of mayor or council member shall become vacant upon such member's announcement of candidacy or becoming a candidate in any general, special, or primary election, or any office of profit or trust under the laws of the State of Texas or the United States other than the office then held, at any time during the member's term, and ~~when the unexpired term of~~

~~the office then held exceeds one year and 30 days, [and]~~ such announcement or such candidacy shall constitute an automatic resignation of the office then held. The city council may not appoint a person who vacates his or her place on council under this ~~sub~~section to fill the resulting vacancy.

**H. Commission Action: Remove “may take command of the police”,
“maintain order and enforce all laws”**

Section 4.01. - Mayor.

The mayor serves as the ceremonial head of the city, and shall preside at all meetings of the council and provide the leadership necessary to good government. He or she shall work with the council to obtain legislation in the public interest and with the city manager to ensure the same is enforced, and participate in the discussion and vote on all legislative and other matters coming before the council. The mayor shall have signatory authority for all legal contracts and commitments of the city, sign all ordinances and resolutions, work and coordinate with the city manager and the council, but may not bind or obligate the city in any way without prior authorization from the council and to the extent provided by state law in time of declared emergency, may ~~take command of the police and~~ govern the city by proclamation, ~~maintain order and enforce all laws~~; provided that the mayor must immediately call for an emergency meeting of the city council to consider the appropriate actions for the city during the emergency; and perform ceremonial duties.

I. Commission Action: Add “public on the City’s website and in the City’s official newspaper” to Section 5.01; make the change through the Charter – where publication in newspaper is required also require posting on the City’s website

[Note: I only show you the revised Section 5.01. The language “and posting on the City’s website” will also be added to the sections listed after 5.01]

Section 5.01. - Notice and Order for Elections.

City elections shall be ordered and notice thereof given as provided in the Texas Election Code. The council shall establish the procedures and order elections except as provided therein. If not otherwise provided for by state law, all elections shall be ordered at least 62 days prior to the date of election and notice shall be given by publication and posting on the City’s website not more than 30 days and not less than 20 days immediately preceding the date of election. Notice of election shall be published in a newspaper published within the city, and if there be no such publication, notice shall be published in a newspaper of general circulation within the city.

Sections where posting on City website needs to be added:

Section 1.07: Annexation and Disannexation

Section 6.10: Procedure and Results of Election (Initiative and Referendum):

Section 8.05. Budget Process

Section 8.11: Bonds

Section 11.02. - Franchises.

J. Commission Action: Default to state law for period of time voters must be registered

Section 5.08. - Voters and Voting.

Every registered voter who has been a resident of the city for the period of time required by state law ~~30 days or more~~ prior to the date of the election shall be entitled to vote in city elections. Early voting and the hours the polls are open shall be as established by state law, or absent state law providing therefor, as established by ordinance.

K. Commission Action: Clarify this section

Section 6.03. - Referendum.

The people of the city shall have the power to require reconsideration by the council of any adopted ordinance regarding any issue that would be a proper subject for an initiative, ~~and if~~ If the council fails to repeal an ordinance so reconsidered, the people shall have the power to approve or reject the ordinance at an election. Such power does not extend to the budget; capital expenditures; levy of taxes; any bonds, certificates of obligation or any similar obligations; zoning; annexation; or any rates, fees and charges; provided that tax increases shall be subject to petition as provided by state law.

L. Commission Action: Adopt a process for Recall of Councilmembers

ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL

Section 6.11. Power of Recall.

The people of the city reserve the power to recall any elected city officer and may exercise the power by filing with the city secretary a petition signed by qualified voters of the city equal in number to at least twenty-five percent (25%) of the number of votes cast in the last general city election, demanding the removal of the elected officer. The petition shall be signed and verified as required for an initiative petition and a separate petition must be filed for each officer being recalled.

Section 6.12. Recall Election.

The provisions regulating examination, certification, and amendment of initiative petitions shall apply to recall petitions. If the city secretary certifies the petition as sufficient, the city council shall, at the first meeting for which timely notice may be given, order a special election to be held at the earliest time permitted by this charter and state law, to determine whether the officer shall be recalled. If a majority of votes cast at a recall election be for the recall of the officer, the office shall be vacant.

Section 6.13. Limitation on Recall.

No recall petition shall be filed against an officer within six (6) months after taking office, and no officer shall be subjected to more than two (2) recall election during the term of office.

Section 6.14. Failure of City Council to Call an Election.

If the city secretary shall certify the petition as sufficient and the city council shall fail or refuse to order such recall election, or to discharge any other duty imposed upon the council with reference to the recall, then any citizen of the city may file suit in the district courts to compel the council to order the election.

- M. **Commission Action:** City Manager must live within 25 miles of the city limits; minimum three years must pass before a Council member can be appointed city manager

Section 7.01. - City Manager.

The council appoints and removes the city manager upon the affirmative vote from five members of council. The council supervises the city manager by majority vote. The city manager shall be chosen and compensated solely on the basis of his or her experience, education, training, ability and performance, and need not be a resident of the city; provided that, during his or her tenure of office the city manager shall reside within twenty-five miles of the city limits ~~Travis County or any contiguous county~~. The city manager may be bonded at city expense as determined by the council, and the city manager may require a bond be provided at city expense by any other employee. No member of the council shall, during the term of office for which he or she is elected or for three years ~~one year~~ thereafter, be appointed city manager.

N. Commission Action: Addition of Committees

ARTICLE X. PLANNING AND DEVELOPMENT; COMMUNITY COMMITTEES

Section 10.10. Community Committees. The following community committees are hereby established. The City Council shall adopt an ordinance providing for the membership, qualifications, terms, duties, and other matters determined appropriate by the City Council regarding the committees.

- (a) Community Collaborative Committee. The community collaborative committee shall serve to promote communication between the City and the community on issues affecting the City as a whole. The community collaborative committee shall include representatives from the City's homeowners' associations, community non-profit associations, the school district, charter schools, and other members of the community as determined appropriate by the City Council.
- (b) Economic Development Committee. The economic development committee will be made up of representatives from the City, the local business community, and other persons determined appropriate by the City Council. The economic development committee shall serve as a resource for marketing the City and promoting the economic development of the City.
- (c) Public Safety Committee and Community Advisory Committee. The public safety committee shall serve to provide input on the programs and activities of the Police Department and other areas of public safety and to assist in bridging relationships between the community and local police, fire, EMS and to provide direction in matters of public safety. The committee will be made up of members of city council and city staff, and additional members of the community if determined appropriate by the City Council. The public safety committee shall recommend for appointment by the city council persons to serve on a community advisory committee. The community advisory committee shall receive input from the community on ideas, areas of concern, and complaints regarding public safety matters , and shall perform other functions established by the City Council by ordinance.
Emergency Management Committee. The emergency management committee shall serve to coordinate and integrate activities and capabilities needed to mitigate against, prepare for, respond to, and recover from emergencies, declared disasters or hazards. The committee will be made up of members of city council and city staff, and additional members of the community if determined appropriate by the City Council.

O. Commission Action: Address conflict in state law for timeframe for approving certain Charter amendments

Section 11.02. - Franchises.

The council shall have the power and authority to grant franchises for the use and occupancy of streets, avenues, alleys and any and all public property belonging to or under the control of the city. Except as specifically authorized and provided otherwise by state law, no individual, organization, entity, political subdivision, corporation, public utility or any provider of public service shall provide any service within the city requiring the use or occupancy of any street, public right-of-way or property without first being granted a franchise or permit to use such city facilities. The franchise ordinance or permit shall fully describe the terms of the agreement, and regardless of the title given, shall be subject to the terms of this Article. The terms of such agreements shall be explicit so as to protect the interests of the citizens and shall include but not be limited to the terms prescribed in this charter. No franchise ordinance or permit shall be passed except on two readings held after a public hearing for which ten days' notice is given in a newspaper of general circulation in the city, unless applicable state or federal law requires the

issuance of the franchise or permit within a specific time period, in which case the franchise ordinance or permit will be approved in accordance with the procedures established by ordinance.

- P. **COMMISSION ACTION:** Have an interview process; no one related within 1st degree of consanguinity or affinity may be appointed; if there are not enough qualified voters of the City who apply, appoint up to two ETJ residents

Section 12.01. - Ethics Commission.

The city council shall adopt, and periodically modify and amend, an ordinance providing an ethics policy and code of conduct applicable to the officers, employees, boards and commission members of the city. An ethics commission composed of a minimum of five qualified voters of the city shall be established to advise the council on the content and requirements of the ethics policies and ordinance and to hear and decide complaints filed pursuant to such policies and ordinance. The council shall applications from and interview persons interested in serving on the ethics commission. After concluding the interview process, each Each council member has the right to recommend appointment of qualified citizens to serve, subject to the approval by vote of the council. Should the council approve a seven member ethics commission, each council member shall appoint one member to the commission, subject to the approval by vote of the council. If a sufficient number of qualified voters do not apply to fill vacancies on the commission, the council may appoint up to two residents of the extraterritorial jurisdiction to serve on the ethics commission. The council may not appoint any person related to a member of the council within the first degree of consanguinity or affinity. The members of such commission are appointed, supervised and removed by the city council and shall meet upon a complaint or grievance being filed or at the request of the council or the city manager. The ethics commission has authority and power to investigate complaints; gather and hear evidence; issue and enforce subpoenas to compel the attendance of witnesses and collection and presentation of any evidence or documents; decide ethics complaints based on the information and facts submitted; issue written opinions; issue verbal or written reprimands and to admonish; and in appropriate circumstances, to recommend to the city council and/or the city manager as appropriate more severe disciplinary action, including removal, termination, civil litigation or criminal charges. The ethics commission shall be advised by independent legal counsel nominated by the city attorney and appointed by the council.

- Q. **COMMISSION ACTION:** Add family members related within the first degree of consanguinity or affinity

Section 12.04. - Conflict of Interest.

No elected or appointed officer or employee of the city shall participate in the deliberation or decision on any issue, subject or matter before the council or any board or commission, if the officer or employee, or a family member related to the officer or employee within the first degree of consanguinity or affinity, has a personal financial or property interest, direct or indirect, in the issue, subject or matter that is different from that of the public at large. An interest

arising from job duties, compensation or benefits payable by the city shall not constitute a personal financial interest.

R. COMMISSION ACTION: Conform to State Law

Section 13.06. - Public Records.

All public records of every office, department, or agency of the city, that are not subject to a privilege against disclosure that is recognized by state or federal law are open to inspection by the public all reasonable times *in accordance with state law and the policies and procedures established by the City that are consistent with state law.*; ~~provided that the following records shall not be considered public records for the purpose of this section:~~

- ~~(a) records that may be closed to the public pursuant to state law;~~
- ~~(b) records that are attorney-client privileged;~~
- ~~(c) records that regard a competitive bid or proposal that has not been finally awarded;~~
- ~~(d) records that regard the active negotiation of a contract or pending acquisition of property;~~
- ~~or~~
- ~~(e) records that include information that is protected by a right of privacy established by statute or constitution.~~

S. COMMISSION ACTION: Add Finance Director as subsection (f) and public works director moves to (g)

Section 13.07. - Succession.

If four or more positions on the city council become vacant at any time due to disaster or an event that results in the death or inability to serve of four or more members, the mayor, mayor pro-tem, majority of the surviving members of council, or if there be but one, any surviving member, may call a special election to fill the vacant positions. In such event, pending the election, if there are three surviving members of the city council they constitute a quorum. If there are not at least three surviving members the following officers of the city in the order listed shall serve with the surviving members of the council on an interim basis as necessary to result in a four member quorum:

- (a) the chair of the planning and zoning commission;
- (b) the vice chair of the planning and zoning commission;
- (c) the city manager;
- (d) the chief of police;
- (e) the city secretary; ~~and~~
- (f) the finance director; and
- ~~(f)~~ (i) the director of public works.

If such surviving officers not be sufficient in number to constitute a quorum, the remainder shall constitute a quorum until the officers elected at the special election take office.

T. COMMISSION ACTION: Change “shall” to “will”

Section 13.08. - Charter Review.

The council will ~~shall~~ review the charter every two years to determine if any amendment should be considered. The council will ~~shall~~ appoint a charter review commission, consisting of seven qualified voters of the city, at least every fifth year. The terms of each charter review commission will ~~shall~~ be six months and such commission will ~~shall~~ review, hold hearings upon and make recommendations for the amendment, if any, of this charter. Any resulting charter elections will ~~shall~~ be noticed and held in compliance with state law.

U. COMMISSION ACTION: Adopt language recommended by City staff regarding changes to Charter sections governing the Public Works Department; and establish offices of Human Resources and Planning Department

Section 7.08. - Public Works Department.

There shall be established a public works department to administer, supervise and coordinate the construction and maintenance of the streets, parks, water/wastewater and thoroughfares, the drainage system, and all public property and equipment not the responsibility of another department. The department shall have and be responsible for other duties, projects and works as provided by ordinance or assigned by the city manager. The director of public works shall administer and manage the department. The director of such department is appointed and removed by the city manager.

Section 7.11. - Human Resources.

The office of Human Resources shall be established. The city shall be an equal opportunity employer and the service of each officer and employee shall be "at will". The administration of human resources of the city shall be governed by written rules and regulations to be known as "Personnel Policies". The city manager or his or her designee shall prepare such policies and recommend their adoption to the council. Such policies shall not be inconsistent with this charter and will become effective when approved by the council by ordinance. All policies so adopted and not inconsistent with this charter shall have the force and effect of law.

Section 10.07. - Planning and Development Department.

The city council shall ~~may~~ create by ordinance such department(s) as necessary to provide technical and administrative support in the areas of planning, growth management and land development, or the city manager may assign such duties to any other department or officer of the city. The director of such department is appointed and removed by the city manager.

The department of Development Services shall be established. The director of planning shall administer and manage the department and shall have and be responsible for the duties, projects and works as provided by this charter, ordinance, or as assigned by the city manager. The director of such department is appointed and removed by the city manager.