

CITY OF CROCKETT

SUMMARY OF SUBSTANTIVE VARIANCES AND ISSUES BETWEEN CURRENT CHARTER AND CURRENT OPERATIONS

<u>Current Charter</u>	<u>Current Variance or Issue</u>
1. Sec.1.04 as to annexation and disannexation.	Generally not consistent with state law.
2. Sec. 2.02 generally states that funds of the city may not be assigned or garnished.	Under state law, this is no longer the case in certain instances.
3. Sec. 3.01 (e) restricts mayor from serving more than three consecutive two-year terms.	There is confusion about the source of this provision and it has not been complied with in the past.
4. Sec. 3.02 (a) does not specify that a candidate for election to the council must be a legal resident of the single-member district he/she represents.	This is a source of ongoing confusion and dispute.
5. Sec. 3.02 (a) (2) requires that a candidate for the council must have resided in the city for at least three years prior to election.	No longer a legally valid qualification.
6. Sec. 3.02 (a) (4) requires that a council member must be an owner of real estate in the city.	No longer a legally valid qualification.
7. Sec. 3.03 caps the Council's monthly compensation at \$75 for the mayor and \$50 for each council member.	Has been in effect since 1996 revision and should be adjusted for inflation.
8. Sec. 3.04 calls for special elections to fill vacancies on the council.	Not consistent with state law.
9. Sec. 3.11 (c) empowers the council to appoint all personnel, based upon nominations by the mayor.	Highly unusual policy in a council-manager city and contrary to provisions in Art. V that calls on the city administrator to make such nominations.

- | | |
|--|--|
| 10. Sec. 3.11 (d) referring to appointment of a Board of Equalization. | No longer germane. Now a function of the Houston County Appraisal District. |
| 11. Sec. 3.12 (b) relates to administration of a Health Department. | No such department seems to exist. |
| 12. Sec. 4.03 (a) generally speaks of special elections. | Not consistent with state law, that limits the number of such elections. |
| 13. Sec. 4.03 (b) speaks of runoff elections as required to attain a majority vote. | Not consistent with state law. |
| 14. Sec. 5.01 (c) (1), as to hiring personnel, limits the city administrator to making nominations to the council for appointment. Yet, the city administrator is fully authorized to discharge personnel without council approval, except in police and fire departments. | This is a highly debatable approach to effective personnel management. It weakens the city administrator's overall authority and confuses the concept of accountability within the city's structure. |
| 15. Sec. 5.01 (c) (6) refers to the position of city tax assessor and collector. | No longer germane. |
| 16. Sec. 6.01 provides for the position and responsibilities of a treasurer. | Language in the provision does not accurately describe current operations. |
| 17. Sec. 6.03 provides for \$1,000 limit on expenditure without formal bids. | TX Loc. Gov Code 252 adopted and not any being complied with currently. |
| 18. Sec. 6.04 through Sec. 6.08, relates to assessment and collection of ad valorem taxes. | Not germane. Now under authority of Houston County Appraisal District. |
| 19. Sec. 6.11 (g) provides for a contingent appropriation in the annual budget not to exceed 3% of the total general fund expenditure. | In the past this 3% limit has been exceeded. |
| 20. Sec. 6.14 requires that a copy of the budget, upon adoption, be provided to the county clerk and the state comptroller of public accounts. | Not in compliance. |

- | | |
|--|--|
| 21. Sec. 6.15 requires that a copy of any amendment to the budget during a fiscal year be provided to the county clerk and the state comptroller of public accounts. | Not in compliance. |
| 22. Sec. 7.01 establishes special procedures for the naming of firemen and a fire marshal. | Language in this section is badly convoluted and difficult to comprehend. |
| 23. Art. VIII establishes a health department, headed by a licensed physician. | Department does not currently exist and such functions are under the direction of the state. |
| 24. Sec. 9.01 provides that the mayor may appoint and remove the city attorney. | The power to remove is contrary to Sec. 3.11 (b) where it is claimed by the city council. |
| 25. Sec. 10.02 (a) requires a member of the Parks and Recreation Board to be a property owning tax payer. | Courts have held that this is not a legally valid qualification. |
| 26. Sec. 11.01 establishes the Planning & Zoning Commission but does not specify the number of members. | Should be included, even if it is detailed in state statutes. |
| 27. Sec. 12.01 provides that the police chief is to be appointed by the mayor, but can only be removed by the council. | This is an arguable administrative concept. |
| 28. Sec. 12.02 provides that the police chief in hiring police personnel can only nominate applicants to the council for appointment. But the police chief can subsequently fire any police employee without the consent of the council. | This is an arguable administrative concept. |
| 29. Art. XIII deals with public utilities and other franchises. | The council has little authority under state law to regulate public utilities, other than those owned and operated by the city. This section will have to be largely re-written. |

30. The charter does not include provisions for initiative, referendum, or recall—three processes whereby citizens in a home rule city may petition for certain actions by the Council.

Specific provisions required to be drafted.