



September 15, 2022 Agenda City Council

Resolution

Action Item

Agenda Description:

Discuss, consider, and possible action on a resolution creating a Charter Review Commission to consider amendments to the City Charter.

Background Information:

The Texas Constitution empowers a city to amend its charter in any manner which it may desire, so long as it does not conflict with the Constitution and state law. Tex. Const. Art. XI, §5

The Texas Constitution provides that a city charter shall not be altered, amended or repealed more often than every two years.

City council may establish a charter review commission, determine the size of such a commission, and is free to accept, reject, or modify any and all recommendations made by the commission.

During the August 18, 2022 city council meeting, it was discussed that each elected official shall appoint one person to serve on the commission. Also, it was discussed that two elected officials will serve. In addition, it was discussed that the City Manager, City Secretary, and City Attorney will serve as the supporting staff members.

If the City Council decides to move forward with any of the recommendations of the commission, the city is required to prepare the ballot in such a way that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments. Tex. LGC Sec. 9.004(e).

City Council must order a charter amendment election be held on the first authorized uniform election date prescribed by the Election Code or on the earlier of the date of the next municipal general election or presidential general election. The election date must allow sufficient time to comply with other requirements of law and must occur on or after the 30th day after the date the ordinance ordering the election is adopted. The goal is to have the amendments from the commission presented to the city council in time to call a special election (if needed) at the same time the May general election will be called and held on the same date-May 6, 2023.

The city must publish a notice of a charter amendment election in a newspaper of general circulation that is published in the city. The notice must: (1) include a substantial copy of the

proposed amendment; (2) include an estimate of the anticipated fiscal impact to the city if the proposed amendment is approved at the election; and (3) be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election.

Charter amendment(s) goes into effect when the city council enters an order in the records of the city declaring that the charter amendment(s) is adopted. As soon as practicable after the city adopts an amendment(s), the mayor or the chief executive officer of the city shall certify to the secretary of state an authenticated copy of the charter under the city's seal showing the approval of the charter or amendment by the voters of the city.

The City Secretary shall record in the City Secretary's office a charter amendment adopted by the voters of the municipality. If a charter or amendment is not recorded on microfilm, as may be permitted under another law, it shall be recorded in a book kept for that purpose. Recorded charters or amendments are public acts. LCG Section 9.008.

As of September 8, 2022, the following council members have submitted the following nominees to serve on the committee:

<u>Elected Official</u>	<u>Nominee</u>
Mayor	Sharlotta Connally
Council 1	Glen Walden
Council 2	
Council 3	Blake Hall
Council 4	
Council 5	
Council 6	Julian Torrez

Mr. Scott Hendricks has agreed to serve if council wishes to appoint him.

Financial Information:

There is no cost for the appointment of the commission. If amendments are approved, then there will be cost of publications, legal fees, and the special election. If a general election is held in May, the special election will be minimum.

City Contact and Recommendations:

City Manager, Mike Peacock
City Secretary, Alice Holloway

Attachments:

1. Resolution