
MEMORANDUM

TO: The Honorable Mayor and City Councilmembers
FROM: Cliff Keheley, City Manager
DATE: May 19, 2017
SUBJECT: CHARTER AMENDMENT REQUEST

Councilmember Miklos has requested an item be placed on a City Council Agenda to consider changes to the City Charter. I have consulted with the City Attorney and the City Secretary and have prepared the following information on Charter Elections including the process, timelines, and a history of past Charter amendments. Additionally, I have requested the City Attorney provide a list of proposed changes requested by staff due to changes in State Law or that would improve operations of the City. This memorandum will be sent separately.

Due to the deadlines put into place by the county elections departments, I am recommending that this item be placed on the June 5 agenda in order to allow staff and council time to thoroughly discuss the process.

Charter amendments must be approved by voters before they can go into effect. The election must occur on a uniform election date, either May or November. Staff has confirmed that there will be a state constitutional amendment on the ballot in November and therefore, costs for the election will be shared. The estimated cost of the election for the City would be \$50,000.

Amendment Process

Unlike the process for the initial adoption of a charter, the process for amending a charter is less formal and can be initiated by either council action or citizen petition.

- The City Council may propose a charter amendment election by a majority vote and may propose amendments.
- Alternatively, if a charter amendment is supported by a petition signed by five percent of qualified voters in the City, or 20,000 qualified voters, whichever is less, the City Council must submit the proposed amendment for a vote.
- While not required by law for charter amendments, many cities choose to create a charter review committee to recommend proposed amendments to the City Council.
- A charter can only be amended once every two years.
- Each charter amendment proposition may contain only one subject.

Charter Election Schedule

For a November election, the uniform election date is November 7, 2017. The City must contract separately with both Dallas County Elections Department (DCED) and Kaufman County Elections Department (KCED). State law requires that county election precincts and county polling locations be utilized. The following is the proposed time schedule:

- July 3, 2017 – Council approval on proposed Charter Amendments including ballot proposition language.
- July 5, 2017 – The City must confirm with DCED and KCED if the City plans to join the November 7, 2017 joint election.
- July 14, 2017 – Deadline for final ballot proposition language. Ballot language must be translated into Spanish and proofed prior to submission to DCED and KCED.
- August 1, 2017 – Ballot language in both English and Spanish must be provided to DCED and KCED.
- August 21, 2017 – Last day to call the election. The resolution calling the election must include the measures to be voted on.
- October 12 & 19, 2017 – Publish the Notice of Election. It must include the measures to be voted on and the estimated fiscal impact of the changes.
- November 7, 2017 – Election Day

Charter Amendment History

For Council information, I have attached a memorandum dated January 8, 1997, from Ellen Williams, City Secretary, providing a detailed proposal history of all seven charter amendment elections since the adoption of the charter in 1953. A total of 53 charter amendments have been submitted to the voters, 41 of which have passed. While other charter elections have been discussed, no others were initiated by petition or by the City Council after the 1987 charter election.

Proposed Amendments

The City Attorney's office has been asked to review the City Charter and make recommendations of proposed changes to the Charter should the Council consider an election. The recommendations will be delivered to Council under separate memorandum due to Attorney Client Privilege. Many of the changes are needed to reflect changes in State Law or make minor updates and corrections. Should the Council consider an election, staff is requesting these changes be considered and will continue to update you on any additional suggested amendments that are identified.

Charter Review Committee

As noted above, a citizen committee for a charter amendment is not required. If Council elects to appoint a committee, I am requesting that the following schedule be utilized in order to meet the deadlines noted.

- June 5, 2017 – City Council appoints a committee
- June 15, 2017 – Committee Meets
- June 19, 2017 – Citizen Input Hearing at City Council meeting
- June 22, 2017 – Committee Meets and approves recommendation to Council
- July 3, 2017 – Council receives recommendation and approves ballot language

I am also requesting that each Councilmember be prepared to provide three names each for the proposed committee on June 5. This would include two committee members and an alternate. All appointees would need to be available to meet on June 15 and June 22. Staff would need email and phone numbers for any proposed committee members.

Should you have any questions, please contact me.


Cliff Keheley
City Manager

CK:vw

Attachment

MEMORANDUM

TO: Carol Zolnerowich, Deputy City Manager

FROM: Ellen Williams, City Secretary

SUBJECT: History of City Charter Amendment Elections

DATE: January 8, 1997

There have been seven Charter Amendment Elections in the City since the original charter was adopted in 1953. As far as I can determine, only one of these elections was held resulting from the submittal of a petition and that was the election on April 2, 1983. A petition was submitted by the Mesquite Police Association to increase the manning level for the Police Department to 1.5 full-time commissioned police officers for every 1,000 population. The other six elections appear to be initiated by the City Council or staff.

In 1991, K.C. Jones, 1605 Culberson, indicated an interest in circulating a petition to amend the Charter to limit terms of the Mayor and Councilmembers. The proposed petition was never submitted.

Following is information regarding the seven Charter Amendment Elections indicating the dates of the elections, the proposed amendments and the election results:

March 31, 1956 - Three amendments - **all passed**

- (1) provided for increase from four to five councilmen;
- (2) provided for candidates to file applications with City Secretary; and
- (3) provided that election returns be canvassed and results declared within two days after an election or as soon as practicable.

December 3, 1960 - Five amendments -

- (1) provided for increase from five to six councilmen, for City to be divided into four districts and if necessary to alter or change boundaries by ordinance to provide equal apportionment at least 120 days before Council election, that candidates in Places 1, 2, 3 and 4 must reside in district 120 days prior to Council election and that Places 5 and 6 and Mayor can reside anywhere in City - **passed**;
- (2) provided for four year terms for Council and Mayor - **failed**;
- (3) provided for staggered terms for Council and Mayor - **passed**;
- (4) permitted ordinances, resolutions or orders to be passed at any regular, or special or called meeting called for that purpose - **failed**; and
- (5) increased the ad valorem tax rate from \$1.50 per \$100 assessed valuation to \$2.50 - **failed**.

April 5, 1966 - 12 amendments - all passed

- (1) authorized City Council to declare a vacancy if a Councilmember was absent for three regular consecutive meetings;
- (2) prohibited members of City Council or Boards or Commissions from holding other office and provided for forfeiture of office if member becomes a candidate for other public office;
- (3) provided for City Manager to designate a city administrative officer to perform in his absence;
- (4) provided that City Officers or employees have no financial interest in contract with City and excused members of Council from voting where their financial interest is involved;
- (5) authorized the City Council to levy, assess and collect taxes annually and provided for an annual ordinance levying taxes;
- (6) provided for regular municipal election to be held on first Saturday in April;
- (7) provided that runoff elections be held two weeks from date of regular election canvass;
- (8) provided for a City Judge to preside over Corporation Court and for clerks of the Corporation Court;
- (9) authorized the City Council to make investigations into city affairs, limited the authority of the City Council to interfere with appointments and duties of City Manager, and made official misconduct a violation;
- (10) recognized Mayor as head of City government for certain purposes but provided that Mayor have no veto power;
- (11) provided for Civil Service for classified City employees, a Personnel Director and Personnel Board; and
- (12) provided for a method of nominating candidates for City Council and required petitions signed by not less than 50 nor more than 75 qualified voters.

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April 3, 1976 - 10 propositions -

- (1) conformed annexation procedures to State law - **passed**;
- (2) prescribed qualifications for candidates and established filing deadline of 5:00 p.m. on last day of filing period - **passed**;
- (3) provided for review of City Council districts every three years - **passed**;
- (4) prescribed procedure for nomination of candidates - **passed**;
- (5) provided for three year terms for Mayor and Councilmembers beginning with 1977 election - **failed**;
- (6) provided for one year term for Mayor Pro Tem - **passed**;
- (7) provided for maximum salary of \$200 per month for Mayor and \$100 per month for Councilmembers - **failed**;
- (8) allowed employees other than City Manager, City Secretary and Purchasing Agent to bid at City auctions - **passed**;
- (9) provided for independence of City boards and commissions - **passed**; and
- (10) provided that members of Personnel Board serve as Trail Board when employee appeals - **passed**.

April 2, 1983 - One amendment - provided for minimum manning level of 1.5 full-time commissioned police officers for every 1000 population - **passed**.

April 6, 1985 - Nine amendments -

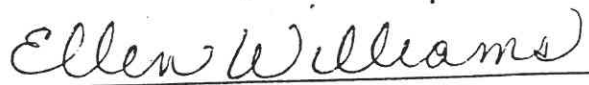
- (1) increased maximum fine for violation of City ordinance from \$200 to \$1000 - **failed**;
- (2) deleted requirement of \$10.00 filing fee for candidates - **failed**;
- (3) reduced the number of signatures required on candidate petitions from 75 to 25 - **failed**;
- (4) provided for Mayor to sign all contracts unless another party is authorized by City Council - **passed**;
- (5) provided that Finance Director serve as Treasurer and be appointed by City Manager - **passed**;
- (6) provided for increase in maximum fine within Municipal Court's jurisdiction from \$200 to \$1000 - **failed**;
- (7) provided that no member of Council may be excused from voting except where his financial interests are involved - **passed**;
- (8) provided for donations for rights-of-way, easements or other things of value without payment or other consideration from City - **passed**; and
- (9) provided for deletion of position of City Treasurer and addition of Health Officer as positions not subject to appointment or removal by City Manager - **passed**.

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April 4, 1987 - 13 amendments -

- (1) increased maximum fine for violation of ordinances from \$200 to \$1000 - **failed**;
- (2) increased maximum fine in jurisdiction of the municipal court from \$200 to \$1000 - **failed**;
- (3) deleted \$10.00 filing fee requirement for candidates - **passed**;
- (4) changed deadline for filing for Mayor or Councilmember to comply with state election laws - **passed**;
- (5) changed earliest and latest date for filing for Mayor or Councilmember to comply with state election laws - **passed**;
- (6) changed number of signatures required on petition for Mayor or Councilmember candidates to comply with state law - **failed**;
- (7) changed form of nominating petition filed by Mayor or Councilmember candidates to conform to requirements of state law - **passed**;
- (8) changed date for runoff elections to 3rd Saturday from date of canvassed votes - **passed**;
- (9) changed date of election return canvassing to first Monday following election - **passed**;
- (10) clarified that service of only employees directly appointed by City Council may be dispensed with by majority vote of City Council - **passed**;
- (11) changed designated date for preparation of budget to on or before August 15 and changed responsibility for preparation of budget from City Council to City Manager - **passed**;
- (12) deleted section of Charter that created the Board of Equalization - **passed**; and
- (13) defined qualified voter as one who possesses qualifications required for voters by state election laws - **passed**.

If you need any additional information, please let me know.



Ellen Williams
City Secretary