



**To: The Honorable Mayor and City Council of the
City of Farmers Branch, Texas**

**From: Nancy Hardie, Chair, 2013 City of Farmers Branch Charter Review
Committee**

**Re: Final Report and Recommendation of the City of Farmers Branch Charter
Review Committee**

In accordance with Section 9.20 of the City Charter of the City of Farmers Branch (“the Charter”), the City Council appointed the 2013 City of Farmers Branch Charter Review Committee (“the Committee”) and appointed the undersigned to serve as chair of the Committee. In accordance with its charge, the Committee held its initial meeting on June 27, 2013, and met again on July 2, July 18, July 22, July 25, and July 30, 2013. The Committee reviewed the entire Charter pursuant to its charge, discussed numerous possible substantive and non-substantive changes. Pursuant to those discussions and the various actions of the Committee, the Committee presents the attached Charter with amendments proposed by the Committee. In delineating the proposed amendments, new language is underlined and ~~[deleted language is overstricken and bracketed]~~.

Proposed Non-Substantive Amendments

Changes recommended in Sections 1.03, 2.10, 3.03, 3.05, 4.02, 9.14, and 10.03 can be characterized as grammatical changes or minor, non-substantive changes, none of which, by itself, would warrant a charter election.

Proposed Substantive Amendments

The following is a summary of substantive changes which the Committee recommends the City Council consider for placing on the ballot for consideration by the qualified voters of the City of Farmers Branch at a special election called for that purpose:

1. **Section 2.02(a)**: The Texas Election Code allows cities to provide for a residency requirement for City Council candidates, provided, the requirement is not longer than one year prior to the date of election. Section 2.02(a) does not clearly state that the one year residency requirement for City Council candidates dates to the date of election, thus making the section ambiguous. The proposed amendment cures this ambiguity and ensures the section is consistent with state law.
2. **Section 2.03(a)**: When read literally, Section 2.03(a) requires that the City Council approve all expense reimbursements to City Council members for all reimbursable City business related expenses. The proposed amendment removes the voting requirement but still requires that the expenses be reimbursed from budgeted funds pursuant to the reimbursement policy established by ordinance pursuant to Section 2.03(b) of the Charter.

3. **Section 2.07:** When reading this section literally, it is not clear whether the four council members voting in favor of the appointment of the City Manager may include the mayor as one of the four voting in favor. The proposed amendment cures that uncertainty.
4. **Section 2.11:** The proposed amendment adds the method by which the City Council must establish, change, etc, City offices, departments, or agencies which are not otherwise established by the Charter.
5. **Section 2.20:** This new section establishes term limits on people appointed to serve on boards and commissions established by the City Council to two consecutive terms with the term length not being specified and, therefore, term lengths are still subject to ordinance approved by the City Council. It also provides that, generally, a person may be appointed to serve on only one board or commission at a time. A person may be appointed to serve on a board on which the person has previously served provided that at least one (1) year has passed since the person's most recent term on the board ended. The section provides for a number of exceptions to its application including the ability to reappoint a person to a board if there are no other qualified applicants for the position. The section, if enacted, would apply to people serving on a board or commission as of December 1, 2013, who have already served at least two consecutive terms by that date or are serving in their second consecutive term. The section would also require that a person serving on two or more boards or commissions to which the section applies would not be required to resign, but could not be reappointed to a board or commission if doing so would allow them to continue to be serving on more than one board or commission.
6. **Section 3.02:** The proposed amendment adds a provision providing for the City Manager to have the authority to recommend to the City Council changes regarding establishment of City departments to be consistent with the amendment to Section 2.11.
7. **Section 5.01:** The proposed amendment adds language that authorizes the issuance of bonds or other evidences of indebtedness to promote or finance economic development within the City so long as such issuance is not otherwise prohibited by state law.
8. **Section 7.08:** The Texas Election Code has been amended in a manner where compliance with the specific time for canvassing an election set out in Section 7.08 of the Charter would be in violation of state law. The proposed amendment removes the specific number of days for canvassing an election and adds language making the time for canvassing an election consistent with state law.
9. **Section 9.16(a):** The proposed amendment adds stepchildren to the list of relationships to the Mayor, a City Councilmember, or City Manager who cannot be employed by the City or appointed to any paid office of the City.
10. **Section 10.01:** In light of the election of council members by single member districts, the proposed amendment adds language that clarifies that only those who are eligible to vote to elect a council member are eligible to vote for the person's recall.

11. **Section 10.02:** Similar to the proposed amendment to Section 10.01, the proposed amendment to Section 10.02 provides (a) that only signatures of those eligible to elect the councilmember who is the subject of a recall petition may sign the petition, and (b) when determining the number of signatures required for a recall petition to be valid, the number is based on the number people who were qualified voters within the district of the person who is the subject of the recall at the time of the most recent City Council election. One additional proposed amendment unrelated to the single member district election plan replaces the reference to the tax collector of Dallas County to “designated authority” of Dallas County as it relates to voter registration rolls.
12. **Section 11.05:** The proposed amendment increases the time to collect and submit a referendum petition from 30 days following the adoption of an ordinance or resolution (or publication, if applicable) to 45 days.
13. **Section 11.08:** The proposed amendment would require the City Secretary to publish on the City’s internet web site the text of a proposed (if by initiative petition) or referred (if by referendum petition) ordinance or resolution at least fifteen (15) days before the election date.

Amendments Not Proposed But Recommended for Further Council Consideration

There were numerous other amendments proposed by different members of the Committee which were not adopted as proposed amendments to recommend for City Council consideration. However, there were at least four subjects which the Committee voted to include in this report with a recommendation that the City Council take further action outside the City Charter amendment process:

1. **Single Member District Election Plan:** The Committee considered whether to propose amendments to the Charter that would incorporate the single member district plan approved as part of the final judgment in the *Fabela*. In lieu of recommending any amendments to the Charter at this time, the Committee recommends that the City Council and City Administration take such actions as reasonable and necessary to ensure the public is aware of the single member district plan for election City Council Members, which should include, but not be limited to, links to a copy of the *Fabela* final judgment and/or a summary of the judgment from the Municipal Code Corporation page which the Charter is published on line which notes that the judgment and not the at-large election provisions of the Charter are governing the mode of election within the City.
2. **Board and Commission Mentor Program:** In order to encourage applications for board and commission positions as well as create a training program relative to those who may be interested in serving on a City board or commission, the Committee recommends the City Council and City Administration establish a mentoring program for those interested in serving on a board or commission.

3. **Emeritus Board Membership:** In order to reduce the potential impact on experience lost from long term board and commission members who are no longer eligible to serve that might occur if the proposed Section 2.20 is enacted, the Committee recommends the City Council establish emeritus board positions for boards and commissions.
4. **Council Honor Code:** The Committee recommends that the City Council consider adoption of an honor creed or statement as part of the Code of Ethics or other appropriate council policy or statement which is suggested to read as follows:

“I am a City Councilmember of the City of Farmers Branch, Texas. I am entrusted by the people to govern with integrity and fairness. I tell the truth and stand for that which is right. I understand that honor and professionalism require more than merely avoiding the violation of laws and rules. I am committed to this creed for no other reason than it is right.”

On behalf of the entire Committee, I wish to express my appreciation for the opportunity to serve in this important task as it relates to the residents of the City of Farmers Branch, Texas, and the manner in which those residents have elected to govern themselves through the City Charter of the City of Farmers Branch.

Nancy Hardie, Chair, City of Farmers Branch
Charter Review Committee (2013)

APPROVED BY THE CHARTER REVIEW COMMITTEE THIS 30th DAY OF JULY, 2013, BY A VOTE OF 14 IN FAVOR, 0 OPPOSED, AND 7 ABSENT AND NOT VOTING, AND RESPECTFULLY SUBMITTED TO THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, FOR ITS CONSIDERATION AND FURTHER ACTION.

Nancy Hardie, Chair, City of Farmers Branch
Charter Review Committee (2013)

ATTEST:

Angela Kelly, City Secretary