



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

**From: Nancy Hardie, Chair, 2017-18 City of Farmers Branch Charter
Review Committee**

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

Date: December 12, 2017

I. Introduction and Overview

In accordance with Section 9.20 of the City Charter of the City of Farmers Branch (“the Charter”), the City Council appointed the 2017-18 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 October 5, 2017, the substance of which was largely to introduce the Committee members to each other, receive and review the charge to the Committee by the City Council, and review various procedural matters relating to the Committee’s proceedings. Because of the extensive section-by-section review performed by the 2013 Charter Review Committee, the Committee elected to only review topics presented by members of the City Council through the City Secretary for consideration, possible changes the City Attorney presented as possible amendments based on recent changes in the law or items not addressed in the 2013 Charter Amendment review, and a number of topics proposed by members of the Committee itself as possible amendment.

In its meetings held on October 12, October 19, October 26, November 2, and November 16, 2017, the Committee reviewed the various topics presented and developed its recommendations. In some instances, noted below, the Committee is recommending no proposed amendment be placed on the ballot. However, the Committee is recommending several substantive and non-substantive changes to the Charter be placed before the qualified voters of the City at the May 2018 election. Pursuant to those discussions and the various actions of the Committee, the Committee presents this final report inclusive of the text of proposed amendments to the City Charter. In delineating the proposed amendments, new language is double underlined and ~~[deleted language is overstricken and bracketed]~~. The text of all proposed amendments is set forth in Appendix A to this Report,

II. City Council Proposed Amendments

The Committee was presented with several topics that were represented as matters which one or more members of the Farmers Branch City Council desired the Committee to discuss while reviewing proposed amendments to the City Charter (“the Council Topics”). Given the nature of the Council Topics, including matters relating to increasing the number of members of the City Council, allowing the Mayor to vote on all matters coming before the City Council, and paying City Councilmembers a stipend for service as a Councilmember, the Committee chose to

address the Council Topics during its second meeting on October 12, 2017, and concluded consideration of the list of Council Topics on October 19th.

Because the Council Topics were presented in the form of a list of topics and not a specific set of amendments, to provide for a more orderly and logical discussion, the Committee chair, with the assistance of the City Attorney, organized the list of Council Topics and associated them with the various sections of the City Charter that would be affected by any proposed amendment. The following summarizes the discussion and action of the Committee with respect to each of the Council Topics:

A. *Increasing the number of members of the City Council (City Charter Sections 2.02, 7.01, 7.04)*

The Committee was asked to discuss and consider whether the City Charter should be amended to increase the number of members of the City Council by adding one member who would be elected at-large. In considering this Council Topic, the Committee requested the City Attorney provide a brief presentation on the current single member district configuration of the City Council, the history of how the current council configuration came into being, and the potential impact the addition of one councilmember elected at large with respect to the City's compliance with the federal court order and settlement agreement that resulted in the current single member district configuration. After extensive discussion, the consensus of the Committee was that the change to the current single member district configuration had not had sufficient time to determine its impact on the City and should not be altered. Members of the Committee also expressed concern about the potential for new litigation if the plaintiffs from the 2010 Voting Rights Act lawsuit were not involved in the discussions. Members of the Committee further noted that potential candidates for City Council can more easily run for single member district seats because of the fewer number of votes that must be obtained and the lower costs related to running a single member district versus a city-wide campaign. The Committee also expressed concern that the new residential development west of I-35E as well as redevelopment of areas on the east side of the City with high density single-family and multi-family developments will likely result in a sufficient change in the City's population demographics that any change made to the City Charter with respect to the membership of the City Council may have to be altered again following the results of the 2020 Federal Census.

Following conclusion of the discussion, the Committee voted unanimously to recommend **not** seeking an amendment to increase the number of City Council members by one additional at large City Council seat.

B. *Granting the Mayor the right to vote on all matters considered by the City Council (Charter Section 2.05)*

Discussion on this Council Topic included a discussion of the fact that if the membership of the City Council remained at six, the potential for a tie on many more matters coming before the City Council would greatly increase. Following the discussion on this Council Topic, and in light of the Committee's recommendation to not expand the membership of the City Council, the

Committee voted unanimously to recommend **not** seeking an amendment to allow the Mayor to vote on all matters considered by the City Council.

C. *Abolition of the office of Deputy Mayor Pro Tem (Charter Section 2.05)*

Discussion on this Council Topic included a discussion of the role of the Deputy Mayor Pro Tem, the fact that there is no legal requirement in state law that requires the office of Deputy Mayor Pro Tem, and issues relating to succession in office when the Mayor and Mayor Pro Tem are not, or might be available. One concern expressed was how new businesses may view the City's preparedness in the event of a disaster including its ability to continue government operations with an effective succession plan. Following the discussion, the Committee, in a 11 to 1 vote (one member being absent), voted to recommend **not** seeking an amendment to eliminate the office of Deputy Mayor Pro Tem.

D. *Authorizing payment of a stipend to members of the City Council (Charter Section 2.03)*

In discussing this Council Topic, the Committee was presented with information relating to what, if anything, other surrounding cities pay councilmembers in addition to reimbursement for city-related expenses incurred as part of the councilmembers' official duties. The Committee discussed the various pros and cons of paying councilmembers. After extensive discussion, the Committee, in an 8 to 4 vote (one member being absent), voted to **reject** the effort to amend the City Charter to allow payment of a stipend to the Mayor and Council.

E. *Requiring members of the City Council to disclose business dealings with other municipalities (Charter Section 2.02)*

In discussing this Council Topic, the Committee discussed existing state law and the City's Code of Ethics relating to conflicts of interest. Discussion also included the fact that the City Charter presently provides for the adoption of a Code of Ethics and a requirement for a councilmember to comply with that Code of Ethics, and that the City Council could amend the Code of Ethics to include such reporting. Following the discussion on this topic, the Committee, in an 11 to 1 vote (one member being absent), voted to recommend **not** seeking an amendment relating to the disclosure of a Councilmember's business dealings with another city, but did recommend the City Council consider updating the Code of Ethics ordinance with respect to such reporting.

F. *Required sunset provision for boards and commissions other than Planning and Zoning Commission and Zoning Board of Adjustment (Charter Sections 2.06 and 2.09)*

In discussing this Council Topic, the Committee discussed the present authority of the City Council to create and eliminate boards and commissions not required by City Charter or state law and discussed the pros and cons of a required sunset review. At the conclusion of the discussion, the Committee, on a vote of 11 to 1 (one member being absent), voted to recommend **not** seeking an amendment to the City Charter requiring a sunset provision for board and commissions other than the Planning and Zoning Commission and Zoning Board of Adjustment.

G. *Amending the length of the term of office for Councilmembers from three years to four years (Charter Sections 7.01 and 7.04)*

Extensive discussion was conducted with respect to the process for increasing council terms of office from three years to four years, the potential benefits of staggering terms to provide for years in which no election for a City Council seat would occur, and the potential impact on voter participation. In consideration the Council Topic, members of the Committee expressed a desire to wait on consideration of a change in the length of the terms of office until more is known about the demographic changes in the City resulting from new development. At the conclusion of the discussion, the Committee unanimously voted to recommend **not** seeking an amendment changing the terms of office for Mayor and Council.

H. *Amending Section 7.04 of the City Charter Regarding Term Limits*

The Council Topics included a request to review City Charter Section 7.04 to limit service on the City Council to three 3-year terms with a maximum of nine consecutive years served. The Committee reviewed the current term limit provisions in Section 7.04 with the City Attorney and discussed various options that could be considered. The Committee was of the consensus the current provisions on term limits had not been in place long enough to warrant another change to the provisions. Following discussion, the Committee unanimously voted to recommend **not** seeking an amendment to Charter Section 7.04 relating to term limits.

III. Amendments Based on Review by City Attorney

The Committee was presented with several potential amendments to the City Charter by the City Attorney based on changes in state law and matters either not addressed or on which no action was taken during the 2013 Charter Committee review. The Committee took the following action with respect to each identified possible amendment:

A. *Amendments to reflect change from at-large to single member district method for election of councilmembers*

The Final Report of the 2013 Charter Review Committee reflects that the 2013 Committee considered whether to recommend amendments to the City Charter to reflect the single member district process for electing City Councilmembers. Having considered the subject, the 2013 Committee elected to recommend not proposing any such amendments. With the passage of five years and all matters relating to the 2010 Voting Rights Act lawsuit being final, the City Attorney sought the direction of this Committee on whether to proceed with amending the City Charter to reflect the current method of electing City Councilmembers from single member districts. After discussion of various issues relating to such changes, the Committee voted unanimously to recommend amending the Charter language to be consistent with the current Single Member District method for election of Councilmembers. At its meeting

on October 26th, the Committee approved the text of the proposed amendments to Charter Sections 2.01, 2.02(a), 7.01, 7.03, and 7.04¹.

B. *Amendment to Section 2.04 and the process for filling vacancies on the City Council*

The City Attorney discussed the current requirement under the City Charter to call a special election to fill a vacancy on the city council within 120 days after the vacancy occurs. The Texas Constitution was amended in 2013 to allow a city council to fill by appointment a vacancy for council seats with a term greater than two years if the remaining time left in the term of the vacated office is less than one year. Following the discussion of this subject, the Committee voted unanimously to recommend an amendment to allow for the appointment of a person to fill a vacancy on the City Council with a term of less than one year remaining. At its meeting on October 26th, the Committee unanimously approved the proposed text of the amendment to Charter Section 2.04.

C. *Amendment to Section 2.12 Regarding Municipal Court Judge*

The City Attorney reported to the Committee that the language in Charter Section 2.12 regarding the appointment of the Municipal Court Judge needs to be cleaned up to reflect that the City of Farmers Branch Municipal Court is a Municipal Court of Record and the fact that the Municipal Court Judge by law serves a two-year term as opposed to one year as reflected in the Charter. The Committee unanimously approved recommending an amendment updating Charter Section 2.12 as recommended by the City Attorney. At its October 26th meeting, the Committee unanimously approved the proposed text of the amendment to Charter Section 2.12.

D. *Amendment to Section 2.16 relating to the requirement that certain acts be authorized by ordinance.*

The City Attorney noted that the language of Section 2.16 contains language relating to a requirement that certain expenditures including debt be approved by ordinance. Because in many instances expenditures not related to issuance of debt are approved by motion or resolution, the City Attorney recommended cleaning up this section by the removal of the phrase “or providing for the expenditure of funds...” After discussion by the Committee, the Committee unanimously recommended removal of the phrase “or providing for the expenditure of funds...” from Charter Section 2.16. At its October 26th meeting, the Committee unanimously approved the proposed text of the amendment to Charter Section 2.16.

E. *Amend Section 6.08 relating to appointment of a City Tax Assessor Collector*

The City Attorney noted that Section 6.08 regarding the appointment of a City Tax Assessor Collector is not a required provision of the Charter and can be removed, especially in light of the fact that the City contracts with Dallas County to collect the City’s taxes. After discussion by the Committee, the Committee unanimously voted to **not** propose an amendment with respect to Charter Section 6.08.

¹ Section 2.02(a) contains two additional amendments that are unrelated to the at-large versus single member district topic that were separately discussed and recommended.

F. *Amend Section 9.20 relating to mandatory review of the City Charter and composition of Charter Review Committee*

The City Attorney noted that the appointment of the members of the Charter Review Committee is presently based on voting precincts and not council districts. The City Secretary also noted that the current method of selection under Section 9.20 made it difficult to find eligible appointees. The Committee was asked to consider recommending an amendment to Section 9.20 to have Charter Review Committee members appointed from Council districts, place a limit on the number of members of the Committee, and make changes to the required frequency relating to the appointment of a Charter Review Committee. In its final action regarding this topic, the Committee unanimously approved the text of a proposed amendment to Charter Section 9.20 that provides for appointment of at least two members of the Committee be from each Council district, that the Mayor be authorized to nominate two appointees to the Committee, that the Committee consist of no fewer than 13 members, that the Charter be reviewed not less than every five years, and that the Mayor be authorized to vote on all appointments to the Committee.

G. *Amend the Charter by adding Section 9.21 Regarding Charter Renumbering*

Upon the recommendation of the City Attorney and after brief discussion, the Committee, voting 10 for and 1 against (2 members being absent), recommended amending the Charter by adding Section 9.21 authorizing the City Council to renumber and re-organize sections of the City Charter without requiring a charter election.

H. *Amend Section 10.02 relating to recall petitions and who may be recalled.*

Consistent with the Committee recommendation that the Charter be amended to allow for the appointment of a person to fill a vacancy on the City Council with a term of less than one year remaining, the Committee discussed and determined that a person appointed to fill such vacancy should not be subject to a recall petition. In discussing Charter Section 10.02, the City Attorney noted that the present language relating to the determination of how many signatures are required on a recall petition does not take into account elections that may be cancelled because a candidate is unopposed. The Committee, on a vote of 10 for and 1 against (2 members being absent), recommended approval of a proposed amendment to Charter Section 10.02 that clarifies that a petition applies to a person elected as a member of Council, that the petition is filed with the City Secretary, and that the number of signatures required for a valid recall petition shall be determined based on the number of qualified voters based on the prior regular municipal election, even if the election is cancelled.

I. *Amend Section 10.10 regarding when recall is not authorized.*

The City Attorney proposed amending Charter Section 10.10 to replace the phrase “City officers” with the phrase “mayor or council member” to clarify to whom a recall petition applies and when it is not authorized. Based on the prior recommendation to propose an amendment to allow council vacancies with less than one year remaining on the term of office to be filled by

appointment, the City Attorney asked if the Committee desired to consider an amendment exempting from recall a person appointed to fill a vacancy on the Council. After discussion, the Committee unanimously approved the text of a recommended amendment to Section 10.10 to address the issues recommended by the City Attorney, including exempting a person appointed to fill a vacancy on the City Council from recall.

J. *Amend the City Charter to require and provide a procedure for reviewing and amending the boundaries of the City Council Districts.*

In conjunction with the Committee recommendation to seek amendment to the City Charter to conform the language of the Charter to the court order and settlement in the 2010 Voting Rights Act case, the City Attorney recommended adoption of a new section to the City Charter that establishes a requirement to review the boundaries of the City Council Districts after each Federal decennial census and establishes a procedure for that review. After discussion on the content of the proposed section, the Committee unanimously recommended an amendment to the City Charter be proposed to add a process for the review and amendment of the City Council District boundaries.

IV. Committee Proposed Amendments

Members of the Committee were offered an opportunity to propose amendments in addition to the Council Topics and those presented by the City Attorney. The following summarizes the Committee's action on Committee member proposed amendments:

A. *Amend Section 2.02(a) to remove as a requirement for a candidate for city council the failure to be convicted for a "crime of moral turpitude".*

In discussing the amendments to Section 2.02(a) to conform the language to the City's single member district council configuration, Committee Member Dingman raised the question of the meaning of the phrase "crime of moral turpitude." After being provided an explanation of the general meaning of the phrase, and after discussion by the Committee over the course of the meetings on October 26th and November 2nd, the Committee unanimously approved the text of a proposed amendment to Section 2.02(a) removing the phrase "or crime of moral turpitude..."

B. *Amend Section 2.02(a) to prohibit former city employees from being eligible to serve on City Council for two years after employment.*

While reviewing Section 2.02(a) with respect to other subject matters, the Committee discussed placing a limitation on the eligibility of former city employees to file as candidates for City Council. Following discussion, the Committee voted unanimously to amend Section 2.02(a) to provide that former City employees are not eligible to serve on the City Council for a period of two years after the person's termination of employment with the City.

C. *Amending Section 2.06 relating to the eligibility of former City employees to be appointed to boards and commissions.*

In discussing whether to limit the eligibility of former City employees to serve as a member of the City Council, the Committee also discussed whether to consider limiting the authority of the City Council to appoint former City employees to serve on City boards and commissions or City-controlled corporations. After discussion, the Committee voted unanimously to amend Section 2.06 to provide that the City Council may not appoint a former City employee to a City board, commission, or corporation operating or under the direct authority of or subject to the direct control of the City Council until at least six months have lapsed since the termination of the person's employment with the City.

D. *Amending Section 2.19 to authorize the Mayor to vote on the removal of a Councilmember.*

The Committee reviewed Section 2.19 relating to the process for removal of the Mayor or a Councilmember from the City Council following the finding of grounds for such removal. After discussion of various amendments, including whether to change the number of votes required for removal as well as allowing the Mayor to vote on removal of Councilmembers, the Committee voted 12 in favor and 1 against to recommend approval of an amendment to Charter Section 2.19 authorizing the Mayor to vote on the removal of a Councilmember but retain the present four vote requirement.

E. *Matters Discussed with No Action Recommended*

In addition to the above matters, the Committee discussed a request by a Committee Member to (1) add a provision to the City Charter relating to sexual harassment committed by Councilmembers or to, alternatively, recommend to the City Council that such a provision be added to the City Code of Ethics and (2) amend the City Charter to establish campaign contribution regulations or, alternatively, recommend the City Council consider an ordinance establishing such regulations. With respect to the discussion on the regulation of campaign contribution limits, among other reasons, concerns were raised about the constitutionality of such a provision as well as the ability of the City to administer and enforce such regulations. With respect to item (1), after lengthy discussion, a motion to recommend to the City Council that discrimination and harassment language from the Code of Ethics handbook be incorporated into the City Code of Ethics, Code of Ordinances Section 2, Article III, failed on a vote of 6 for and 7 against. With respect to item (2) regarding campaign contribution limits, again after lengthy discussion, the Committee voted 12 for and 1 against on a motion to take no action on the item.

V. Consideration of Final Report

At its meeting on November 16, 2017, the Committee reviewed and discussed the draft of this Committee report. After making various additions and corrections to the draft report, the Committee called for a vote on the final report. The vote of the Committee is indicated below.

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.

Respectfully submitted:

Nancy Hardie, Chair, City of Farmers Branch
Charter Review Committee (2017-18)

APPROVED BY THE CHARTER REVIEW COMMITTEE THIS 16TH DAY OF NOVEMBER, 2017, BY A VOTE OF 12 IN FAVOR, 0 OPPOSED, AND 1 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 (2017-18)

ATTEST:

Amy Piukana, City Secretary

**APPENDIX TO FINAL REPORT OF THE
2017-18 CITY OF FARMERS BRANCH CHARTER REVIEW COMMITTEE**

Section 2.01 with edits:

Sec. 2.01. Number, selection, term.

The Council shall consist of six members, a mayor and five Councilmembers. The mayor shall be elected by the voters from the City at large in the manner provided in Article VII, for a term of three years or until a successor has been elected and takes office as provided in Section 2.04. The five Councilmembers shall be elected by the voters residing in a particular district, Districts 1 through 5, respectively, in the manner provided in Article VII, for a term of three years or until their successors have been elected and take office as provided in Section 2.04.

Section 2.01 final text if adopted:

Sec. 2.01. Number, selection, term.

The Council shall consist of six members, a Mayor and five Councilmembers. The mayor shall be elected by the voters from the City at large in the manner provided in Article VII, for a term of three years or until a successor has been elected and takes office as provided in Section 2.04. The five Councilmembers shall be elected by the voters residing in a particular district, Districts 1 through 5, respectively, for a term of three years or until their successors have been elected and take office as provided in Section 2.04.

Section 2.02(a) with edits:

Sec. 2.02. Qualifications; code of ethics; removal from office.

- (a) The members of the Council shall be qualified voters of the City who have been residents of the City for at least one (1) year and, except for the mayor, a resident of the Councilmember district from which the person seeks election for at least six (6) months, prior to the date of election and who shall never have been convicted of a felony offense or any offense involving moral turpitude². A person elected to office of Councilmember from a district must continuously reside in the district during the person's term of office. Members of the Council shall hold no other public office except that of a Notary Public or they may be a member of the National Guard or naval or military reserve. When any elective or appointed official of the City, including members of appointed commissions or boards, files for election for any elected office or position, including but not limited to Federal, State, County or City office, other than the position presently held by that person and where the term of said position does not expire either before or simultaneously with the commencement of the term of the office or position that is being sought, his or her existing office shall be deemed vacated as of the date of filing. A former employee of the City shall not be eligible to be

² Removal of this language not related to change to single member district method of election and will require a separate proposition.

elected or appointed to the Council until at least two (2) years has elapsed since the termination of such person's employment with the City.³

Section 2.02(a) final text if adopted:

Sec. 2.02. Qualifications; code of ethics; removal from office.

- (a) The members of the Council shall be qualified voters of the City who have been residents of the City for at least one (1) year and, except for the mayor, a resident of the Councilmember district from which the person seeks election for at least six (6) months, prior to the date of election and who shall never have been convicted of a felony offense. A person elected to office of Councilmember from a district must continuously reside in the district during the person's term of office. Members of the Council shall hold no other public office except that of a Notary Public or they may be a member of the National Guard or naval or military reserve. When any elective or appointed official of the City, including members of appointed commissions or boards, files for election for any elected office or position, including but not limited to Federal, State, County or City office, other than the position presently held by that person and where the term of said position does not expire either before or simultaneously with the commencement of the term of the office or position that is being sought, his or her existing office shall be deemed vacated as of the date of filing. A former employee of the City shall not be eligible to be elected or appointed to the Council, until at least two (2) years has elapsed since the termination of such person's employment with the City.

Section 2.04 with edits:

Sec. 2.04. Vacancies in council.

Vacancies occurring in all Council positions shall be filled by a special election to be held within one hundred twenty (120) days after the vacancy occurred or as may otherwise be required by the Texas Constitution; provided however a vacancy on the Council may be filled by appointment by the Council if the vacancy created is for an unexpired term of office of twelve (12) months or less. The Council member thus elected or appointed shall serve for the unexpired portion of the vacated position.

Section 2.04 final text if adopted:

Sec. 2.04. Vacancies in council.

Vacancies occurring in all Council positions shall be filled by a special election to be held within one hundred twenty (120) days after the vacancy occurred or as may otherwise be required by the Texas Constitution; provided however a vacancy on the Council may be filled by appointment by the Council if the vacancy created is for an unexpired term of office of twelve (12) months or less. The Council member thus elected or appointed shall serve for the unexpired portion of the vacated position.

³ The addition of this language is not related to change to single member district method of election and will require a separate proposition.

Section 2.06 with edits:

Sec. 2.06. - Powers.

Except as otherwise provided by this Charter, all powers of the City and the determination of all matters of policy shall be vested in the Council. Without limitation of the foregoing powers of the Council, the Council shall also have the power to:

- (1) Appoint and remove the City Manager and the City Judge;
- (2) Upon the recommendation of the City Manager, establish other administrative departments and distribute the work of divisions;
- (3) Adopt the budget of the City;
- (4) Authorize the issuance of bonds by a bond ordinance;
- (5) Inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs;
- (6) Appoint the members of the Planning and Zoning Commission;
- (7) Appoint the members of the Zoning Board of Adjustment;
- (8) Adopt and modify the official map of the City;
- (9) Regulate and restrict the area, height, and number of stories of buildings and other structures, the size of yards and courts, the density of populations and the location and use of buildings for trade, industry, business, residence or other purpose, and such other zoning regulations as may be authorized by law;
- (10) Adopt, modify and carry out plans proposed by the Planning and Zoning Commission for the replanning, reconstruction or redevelopment of any area or district;
- (11) Provide for an independent audit;
- (12) Appoint any and all other committees, commissions, and advisory boards it deems necessary;
- (13) Exercise all other powers authorized under State law for Home Rule Cities.

In exercising its authority pursuant to paragraphs (6), (7), and (12) of this section, the City Council may not appoint a former employee of the City to serve on any board, commission, committee, or corporation that has a board of directors appointed in whole or in part by the City Council that is operating under the direct authority of or subject to the direct control of the City

Council, until at least six (6) months has elapsed since the termination of such person's employment with the City.

Section 2.12 with edits:

Sec. 2.12. City Municipal Court Judge.

The Council shall appoint a judge ~~magistrate~~ of the Municipal Court ~~to be known as the City Judge~~ to serve a term of ~~one (1)~~ two (2) years. The ~~City Municipal Court~~ Judge may be removed by the Council at any time for incompetence, misconduct, malfeasance, and nonfeasance, or disability. The ~~City Municipal Court~~ Judge shall receive such salary compensation as may be fixed by the Council from time to time. The Council may appoint ~~such one or more~~ alternate municipal court judges who shall receive such compensation as may be fixed by the Council. ~~,city judges as it may deem necessary from time to time, prescribe their compensation, and designate the order of priority to act in place of the City Judge in the event of the City Judge's unavailability, disability, or failure to act for any reason.~~ Any person or persons so appointed to ~~act as City Municipal Court Judge or alternate City Municipal Court Judge~~ shall be an attorney at law who is duly licensed to practice law in the State of Texas and whose license is currently in good standing. ~~All costs and fines imposed by the Municipal Court shall be paid into the City Treasury for the use and benefit of the City. In the event the municipal court is converted to a court of record, all aspects of the Court, including the selection and tenure of the judge, shall be consistent with the existing statute.~~

Section 2.12 final text if adopted:

Sec. 2.12. Municipal Court Judge.

The Council shall appoint a judge of the Municipal Court to serve a term of two (2) years. The municipal court judge may be removed by the Council at any time for incompetence, misconduct, malfeasance, and nonfeasance, or disability. The municipal court judge shall receive such compensation as may be fixed by the Council from time to time. The Council may appoint one or more alternate municipal court judges who shall receive such compensation as may be fixed by the Council. Any person or persons so appointed the municipal court judge or as an alternate municipal court judge shall be an attorney duly licensed to practice law in the State of Texas and whose license is currently in good standing.

Section 2.16 with edits:

Sec. 2.16. Ordinances.

In addition to such acts of the Council as are required by statute or by this Charter to be by Ordinance, every act of the Council establishing a fine or other penalty ~~or providing for the expenditure of funds~~ or for the contracting of indebtedness, shall be by Ordinance. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Farmers Branch."

Section 2.16 final text if adopted:

Sec. 2.16. Ordinances.

In addition to such acts of the Council as are required by statute or by this Charter to be by Ordinance, every act of the Council establishing a fine or other penalty shall be by Ordinance or for the contracting of indebtedness. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Farmers Branch."

Section 2.19 with edits:

Sec. 2.19. Council to be judge of qualifications of its members: procedure for removal.

The Council shall be the judge of the election and qualifications of its members. If a member of the Council is charged with a ground for removal, as set out in Section 2.02, such charges shall be set for hearing not less than ten (10) nor more than thirty (30) days from the date on which the written charges are presented. At such hearing, the accused shall have the right to present evidence in his or her defense, but shall be disqualified from voting as to his or her innocence or guilt. At the conclusion of the evidence, a vote shall be taken, and upon the affirmative vote of four (4) Councilmembers ~~(excluding the Mayor)~~, the accused member shall be removed from office and the member's seat declared vacant. The Mayor shall be authorized to vote on the matter of removal of a Councilmember pursuant to this Section 2.19 unless the Mayor is the person whose removal is the subject of the vote. The Council shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in the exercise of such power shall be subject to review by the courts.

Section 2.19 final text if adopted:

Sec. 2.19. Council to be judge of qualifications of its members: procedure for removal.

The Council shall be the judge of the election and qualifications of its members. If a member of the Council is charged with a ground for removal, as set out in Section 2.02, such charges shall be set for hearing not less than ten (10) nor more than thirty (30) days from the date on which the written charges are presented. At such hearing, the accused shall have the right to present evidence in his or her defense, but shall be disqualified from voting as to his or her innocence or guilt. At the conclusion of the evidence, a vote shall be taken, and upon the affirmative vote of four (4) Councilmembers, the accused member shall be removed from office and the member's seat declared vacant. The Mayor shall be authorized to vote on the matter of removal of a Councilmember pursuant to this Section 2.19 unless the Mayor is the person whose removal is the subject of the vote. The Council shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in the exercise of such power shall be subject to review by the courts.

Section 7.01 with edits:

Sec. 7.01. Elections.

The regular City election shall be held annually on the uniform election date in May of each year as set by State law, at which time officers will be elected to fill those offices which become vacant that year. The City Council shall fix the hours and place for holding such election in accordance with State law. The City Council may, by resolution, order a special election, fix the time and place for holding same, and provide all means for holding such special election as set by State Law.

~~At the regular City Council election in 1989, Council places 1, 3 and 5 shall be filled by filling one place for a three-year term and two places for two-year terms. The place to be filled for the three-year term shall be selected by lot. At the regular City Council election in 1990, Council places 2 and 4 and the Mayor shall be filled by electing one position for a two-year term and two positions for three-year terms. The position to be filled for the two-year term shall be selected by lot. At the regular City Council election in 1991 and in all subsequent City Council elections, all Council places and the Mayor shall be filled for three-year terms.~~

Section 7.01 final text if adopted

Sec. 7.01. Elections.

The regular City election shall be held annually on the uniform election date in May of each year as set by State law, at which time officers will be elected to fill those offices which become vacant that year. The City Council shall fix the hours and place for holding such election in accordance with State law. The City Council may, by resolution, order a special election, fix the time and place for holding same, and provide all means for holding such special election as set by State Law.

Section 7.03 with edits:

Sec. 7.03. Nominations.

Any person, having the qualifications required by this Charter, may be nominated for the Council by petition of sufficient number of qualified voters of the City, in the case of a person seeking election to the office of mayor, or by petition of sufficient number of qualified voters of the District in which the person resides, in the case of person seeking election to the office of Councilmember Districts 1 through 5, respectively, to satisfy the requirements of State law, who shall be designated as the candidate's sponsors. Such petition must comply in all respects with the requirements of this Charter and State law. No voter shall sign more than one such petition for any one Council place, and should a voter do so, the voter's signature shall be void except as to the petition first filed. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify it and such other information as shall be required by State law. Nominating petitions shall be signed and filed not earlier than ninety days nor later than thirty (30) days before the election with the City Secretary.

Nominations shall be accepted in writing by the nominees, and shall be acknowledged by such nominee before the City Secretary or other person authorized to administer oaths under the law of the State of Texas. The petition shall be in substantially the following form:

“We, the undersigned voters of the City of Farmers Branch, hereby nominate and sponsor _____, whose residence is _____, for the office of [insert Mayor place or District No. as applicable], to be voted for at the election to be held on the _____ day of _____, 20____; and we individually certify that we are qualified to vote for a the candidate for the Council hereby nominated and that during the current election we have not signed any other nominating petition for the ~~one~~-council place for which we are now nominating the above candidate.”

Name, Street Number and Address from which last registered (if different)

_____ Date of Signing

(SPACES FOR SIGNATURES AND REQUIRED DATA)

Acceptance of Nomination

“I do hereby declare that I accept the nomination for the Council and agree to serve if elected. I am _____ years of age, a qualified voter of the City of Farmers Branch, a resident of the United States, and have been a resident of the City of Farmers Branch or an area now within the corporate limits of the City for at least one year. I am not in arrears in the payment of any taxes or other liability due the City. At the present time I reside at _____ Street in the City of Farmers Branch.”

Signature of candidate _____

Date and hour of filing _____

Received by _____

(Signature of city secretary)

STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged to me that the same was subscribed as his or her free act and deed for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ Day of _____, 20_____.

Notary Public, ~~Dallas County~~, State of Texas

Section 7.03 final text if adopted:

Sec. 7.03. Nominations.

Any person, having the qualifications required by this Charter, may be nominated for the Council by petition of sufficient number of qualified voters of the City, in the case of a person seeking election to the office of mayor, or by petition of sufficient number of qualified voters of the District in which the person resides, in the case of person seeking election to the office of Councilmember Districts 1 through 5, respectively, to satisfy the requirements of State law, who shall be designated as the candidate's sponsors. Such petition must comply in all respects with the requirements of this Charter and State law. No voter shall sign more than one such petition for any one Council place, and should a voter do so, the voter's signature shall be void except as to the petition first filed. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify it and such other information as shall be required by State law. Nominating petitions shall be signed and filed not earlier than ninety days nor later than thirty (30) days before the election with the City Secretary. Nominations shall be accepted in writing by the nominees, and shall be acknowledged by such nominee before the City Secretary or other person authorized to administer oaths under the law of the State of Texas. The petition shall be in substantially the following form:

“We, the undersigned voters of the City of Farmers Branch, hereby nominate and sponsor _____, whose residence is _____, for the office of [insert Mayor place or District No.____ as applicable], to be voted for at the election to be held on the _____ day of _____, 20____; and we individually certify that we are qualified to vote for a the candidate for the Council hereby nominated_ and that during the current election we have not signed any other nominating petition for the council place for which we are now nominating the above candidate.”

Name, Street Number and Address from which last registered (if different)

_____ Date of Signing

(SPACES FOR SIGNATURES AND REQUIRED DATA)

Acceptance of Nomination

“I do hereby declare that I accept the nomination for the Council and agree to serve if elected. I am _____ years of age, a qualified voter of the City of Farmers Branch, a resident of the United States, and have been a resident of the City of Farmers Branch or an area now within the corporate limits of the City for at least one year. I am not in arrears in the payment of any taxes or other liability due the City. At the present time I reside at _____ Street in the City of Farmers Branch.”

Signature of candidate _____

Date and hour of filing _____

Received by _____

(Signature of city secretary)

STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged to me that the same was subscribed as his or her free act and deed for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ Day of _____, 20____.

Notary Public, State of Texas

Section 7.04(b) with edits:

Sec. 7.04. Number, selection and term of city council.

The Council, consisting of a Mayor and five Councilmembers, shall be selected as follows:

* * *

- (b) The five Councilmembers shall be elected to individual ~~places~~ districts, designated ~~by number~~ as District 1, 2, 3, 4, and 5, respectively, by a majority vote of the qualified voters residing within the district who vote for the candidate seeking office from district where the voter resides., ~~from the City at large and each shall be elected by a majority vote of the qualified voters voting at the election.~~

Section 7.04(b) final text if adopted:

Sec. 7.04. Number, selection and term of city council.

The Council, consisting of a Mayor and five Councilmembers, shall be selected as follows:

* * *

- (b) The five Councilmembers shall be elected to individual districts, designated as District 1, 2, 3, 4, and 5, respectively, by a majority vote of the qualified voters residing within the district who vote for the candidate seeking office from district where the voter resides.

Section 9.20 with edits:

Sec. 9.20. Charter review.

~~Prior to the first day of July of each year ending in "3" or "8",~~ The City Council shall appoint a committee at least every five (5) years to review for the purpose of determining whether amendments to this Charter are needed and to make appropriate recommendations to the City Council. The committee shall consist of at least thirteen (13) members with at least two (2) members appointed from each City Council District, and up to at least two (2) members nominated by the Mayor. The City Council shall select the chair person for the committee. include no fewer than one (1) representative from every voting precinct in the City, unless the precinct includes fewer than 100 registered voters, in which case the precinct would be combined with one or more contiguous City precincts. The Mayor shall be entitled to vote on the appointment of members to the Committee.

Section 9.20 final text if adopted:

Sec. 9.20. Charter review.

The City Council shall appoint a committee at least every five (5) years to review this Charter and to make appropriate recommendations to the City Council. The committee shall consist of at least thirteen (13) members with at least two (2) members appointed from each City Council District, and up to at least two (2) members nominated by the Mayor. The City Council shall select the chair person for the committee.

New Section 9.21 final text if adopted:

Sec. 9.21. - Charter renumbering.

The City Council shall have the power, by ordinance, to renumber articles, sections, subsections, and subparagraphs of this Charter or any amendment thereto, as it shall deem appropriate.

Section 10.02 with edits:

Sec. 10.02. Petitions for recall.

Before an election may be called ~~regarding the question of~~ for the recall of an elected City official member of the Council, a petition addressed to the Council demanding such question ~~to be so submitted~~ shall be first ~~be~~ filed with the City Secretary or the person performing the duties of City Secretary; which petition shall be signed by qualified voters equal in number to at least fifteen percent (15%) of ~~those who were the~~ qualified voters eligible to vote for the office which is the subject of said petition on the date of the last regular municipal election for such office even if the election was canceled for such office because of an unopposed candidate.. The number of qualified voters shall be as determined from the list of qualified voters maintained by the designated authority of Dallas County. Each signer of such recall petition shall personally sign his or her name thereto in ink or indelible pencil, and shall

write after his or her name and place of residence, giving name of street and number, or place of residence, and shall also write thereon the day, the month and the year his or her signature was affixed.

Section 10.02 final text if adopted:

Sec. 10.02. Petitions for recall.

Before an election may be called for the recall of an elected member of the Council, a petition addressed to the Council demanding such question shall be first ~~be~~ filed with the City Secretary or the person performing the duties of City Secretary; which petition shall be signed by qualified voters equal in number to at least fifteen percent (15%) of the qualified voters eligible to vote for the office which is the subject of said petition on the date of the last regular municipal election for such office even if the election was canceled for such office because of an unopposed candidate.. The number of qualified voters shall be determined from the list of qualified voters maintained by the designated authority of Dallas County. Each signer of such recall petition shall personally sign his or her name thereto in ink or indelible pencil, and shall write after his or her name and place of residence, giving name of street and number, or place of residence, and shall also write thereon the day, the month and the year his or her signature was affixed.

Section 10.10 with edits:

Sec. 10.10. Recall, restrictions thereon.

No recall petition shall be filed against ~~any officer of the city~~ the mayor or council member within three (3) months after ~~his or her~~ such person's election, nor within three (3) months after an election for such ~~officer's~~ person's recall. No recall petition shall be filed against the mayor or council member during the term of the person's office if the person is appointed to fill a vacancy in such a position pursuant to this Charter.

Section 10.10 final text if adopted:

Sec. 10.10. Recall, restrictions thereon.

No recall petition shall be filed against the mayor or council member within three (3) months after such person's election, nor within three (3) months after an election for such person's recall. No recall petition shall be filed against the mayor or council member during the term of the person's office if the person is appointed to fill a vacancy in such a position pursuant to this Charter.

Proposed Text of Section Providing for Review of Council District Boundaries:

Sec. 7.10. Establishment, Review and Revision of Council District Boundaries.

- (a) The City is divided into five (5) districts, known as Districts 1, 2, 3, 4 and 5 as described in the Judgment of United States District Court in Fabela v. City of Farmers Branch, No. 3:10-CV-1425-D (N.D. Tex.) (January 31, 2013).
- (b) The Council shall appoint a redistricting commission, starting in January 2022, and every ten (10) years thereafter, to review the District boundaries in order to maintain a substantial equality of population in each District. The redistricting commission shall advise the Council, which shall within six (6) months after appointment fix the boundaries of the Districts by ordinance, if necessary. The Mayor and each member of the Council shall appoint at least one member of the redistricting commission. The Council shall designate the chair of the redistricting commission. In making such appointments, the Council shall, as nearly as may be practicable, provide fair and balanced representation of all geographical areas of the city in the redistricting process and provide a total membership that reflects the racial and ethnic makeup of the city's population. Members of the redistricting commission shall be appointed to serve a term that will end upon completion of the redistricting commission's work. Persons appointed to the redistricting commission must be qualified voters and meet the qualifications for service on a City board. A member of the Council is not eligible for appointment to the redistricting commission. A member of the redistricting commission is not eligible to be a candidate for Council in the next succeeding general election of the city, and may not be appointed or elected to the Council for a period of one year after service on the redistricting commission.
- (c) The redistricting commission shall draw the districts in compliance with the following guidelines:

 - (1) The districts shall be substantially equal in population according to the total population count as presented in the census data, except where deviation is required to comply with federal law or is allowable by law;
 - (2) In addition to the requirements of federal law, there shall be no discrimination on the basis of race, color, or membership in a language minority group, and the voting strength of racial, ethnic, and language minorities in the districts shall not be diluted to deprive minority voters of an equal opportunity to elect a candidate of their choice;
 - (3) The districts shall be geographically compact, to the extent possible, and composed of contiguous territory;
 - (4) The reconfiguration of districts shall be neutral as to incumbents or potential candidates; and

- (5) To the extent practicable, communities of interest shall be placed in a single district and attempts should be made to avoid splitting neighborhoods, where possible, without violating the other requirements or applicable laws.