

Item #1	Article I. Incorporation – Form of Government - Powers
Current Language:	Section 1.01. Incorporation The inhabitants of the Town of Addison, Texas within the corporate limits as now established or as hereafter established in the manner provided by law and by this Charter, shall continue to be a municipal body politic and incorporate in perpetuity, under the name of the "Town of Addison."
Issue:	In 2013, the Town underwent a rebranding project. As part of that process there was discussion regarding the use of town versus city. The branding study suggested “city” more accurately reflects Addison’s character and would help with economic development efforts. After Council approved the rebranding, Staff began using “city” and some residents were unhappy with the change and the issue was dropped.
12-12-19 Commission Discussion:	The Commission discussed and the consensus was to not recommend changing from Town to City.

Item #2	Article II. The Council
Current Language:	Section 2.02. Qualification The members of the City Council shall be qualified voters of the Town of Addison who have been residents of the Town for at least twelve months immediately preceding election day and who shall never have been finally convicted of a felony offense or any offense involving moral turpitude from which the person has not been pardoned or otherwise released from the resulting disabilities.
Issue:	The qualifications in the Charter do not mirror the language included in the Texas Election Code Section 141.001. The Town does not have to mirror the Election Code, but it can cause some confusion.
12-12-19 Commission Discussion:	The Commission held a lengthy discussion regarding this. Overall, the consensus was to mirror the Texas Election Code 141.001, however there were outstanding questions related to the length of residency of 6 months (Election Code) or 12 months (Charter), Age of 18 vs. 21, and whether or not any offense involving moral turpitude should be included. With regards to the age, several Commissioners felt that 18 could be appropriate depending on the potential filing requirements to be discussed in Section 8.03. – Nominations (Item # _____)
Outstanding Questions:	<ol style="list-style-type: none"> 1) Age: 18 or 21? 2) Criminal Conviction: include moral turpitude offences or not? 3) Length of residency: 6 or 12 months?

Item #3	Article II. The Council
Current Language:	Section 2.04. - Compensation. Compensation of members of the City Council shall be determined by the Council by ordinance, but no increase in such compensation shall take effect until commencement of the terms of Mayor and/or Council members elected at the next regular election. Members of the City Council shall also be entitled to reimbursement for actual expenses incurred in the performance of official duties, with the approval of the City Council at a public meeting.
Issue:	This language is currently not being followed. Staff suggests removing the last sentence requiring that such expenses be approved by the City Council at a public meeting.
12-12-19 Commission Discussion:	The Commission felt that approval at a public meeting was not necessary but felt that it was important for expenditures by or on behalf of Council Members be made public. The Commission recommended that the requirement that the reimbursement be approved at a public meeting could be removed and requested that the Council adopt a policy to create an annual report regarding expenditures by or on behalf of Council Members.

Item #4	Article II. The Council
Current Language:	<p>Section 2.08. - Powers of the City Council. All powers of the Town and the determination of all matters of policy shall be vested in the City Council. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:</p> <ol style="list-style-type: none"> a. Appoint and remove the City Manager as hereinafter provided; b. Reserved; c. Adopt the budget of the Town; d. Authorize the issuance and sale of bonds, by a Bond Ordinance; e. Collectively inquire into the conduct of any office, department or agency of the Town and make investigations as to Municipal affairs; f. Appoint the members of the Planning and Zoning Commission; g. Provide for such additional boards and commissions, not otherwise provided for in this Charter, as may be deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by Town Ordinance or by law; h. Adopt and modify the zoning plan and the building code of the Town; i. Adopt and modify the official map of the Town; j. Adopt, modify and carry out plans proposed by the Planning and Zoning Commission for the replanning, improvement and redevelopment of any area or district which may have been destroyed in whole or in part by disaster; k. Adopt, modify and carry out plans proposed by the Planning and Zoning Commission for the clearance of slum districts and rehabilitation of blighted areas; l. Regulate the speed of engines, locomotives or other power-driven equipment operating upon tracks, rail, or defined routes, either at ground level, overhead or underground within the limits of the Town, and to regulate the operation of the same so as to prohibit the blocking of intersections, streets, alleys, avenues or impeding the free flow of vehicular traffic or pedestrians; m. Regulate, license and fix the charges or fares by any person, firm or corporation owning, operating or controlling any vehicle or [of] any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the Town; n. Provide for the establishment of districts and limits, except as otherwise provided hereinafter; within the Town, where the sale of spirituous, vinous and malt liquors may be located and maintained; and to prohibit the sale of such liquors or the locations of such businesses without such defined districts or limits;

	<ul style="list-style-type: none"> o. Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for the erection of fireproof buildings within said limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings, or buildings calculated to increase the fire hazard and prescribe the manner of their removal or destruction within said limits; p. Provide for a sanitary sewer and water system, and require property owners to connect their premises with sewer system, and provide for penalties for failure to make sanitary sewer connections; q. Provide for sanitary garbage disposal, and set fees and charges therefor, and provide penalties [for failure] to pay such fees and charges. To define nuisances; and, to prohibit same; and provide penalties for violations; r. Provide for all necessary public utilities and set fees and charges therefore [therefor] and provide penalties for misuses of same; s. Exercise exclusive dominion, control and jurisdiction, (including the right to close and abandon streets and alleys), in and upon, over and under, the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the Town; and, provide for the improvement of same, as provided in V.T.C.A., Transportation Code ch. 313, as now, or hereafter amended; t. Compromise and settle any and all claims, demands, and lawsuits, of every kind and character, in favor of, or against, the Town of Addison; u. To require bonds, both special and general, or all contractors and others constructing or building for the Town, and set up standards, rules, and regulations therefor; v. To pass Ordinances defining and prohibiting misdemeanors and vagrancy; and, provide penalties for violations; w. To provide and/or arrange for any and all "Civil Defense Measures," and "Public Shelter Measures" for the Town of Addison, Texas, and for the citizens thereof, deemed necessary for the Public Welfare;
Issue:	<p>Staff suggests that this section be updated, and the powers of the City Council summarized. Additionally, some changes to the powers are necessary to comply with current state laws and constitutional provisions. There are also updated references to state statutes that need to be made.</p>
Example:	<p>Section 2.08. - Powers of the City Council.</p> <ul style="list-style-type: none"> a. <i>In General:</i> The Town shall be an incorporated Home Rule City, with full power and rights of self-government, as provided by the Constitution and laws of this State. These powers and rights shall include, but not restricted to the following:

	<ol style="list-style-type: none">1. To enact, establish, and enforce codes, licenses and ordinances for the maintenance of good government and the interest and well-being of its inhabitants;2. To cooperate with the government of the State of Texas, or any agency or any political subdivision thereof, the government of the United States or its agencies, for any lawful purpose for the advancement of the interests, safety, convenience and welfare of its inhabitants;3. To exercise the right of eminent domain, the right of extraterritorial jurisdiction and to have exclusive dominion over all public property in any manner permitted by the Constitution and laws of the State of Texas;4. To contract and be contracted with; to sue and be sued; to buy, sell, lease, mortgage, hold, manage and control such property as its interests require; and5. To establish, maintain, improve, alter, abandon, or vacate public streets, rights-of-way, sidewalks, alleys, squares, parks and other public ways, and to police the use thereof. <p>b. <i>Public Improvements.</i> The Town shall have the power to construct and maintain, within or outside its corporate limits (which include but are not limited to) streets, utilities, canals, waterways and other flood control facilities and sanitary, water and storm drainage facilities in, over, under or upon all public property or easements granted for that purpose and to levy assessments for the costs of such improvements, and shall have the power to cause liens to be established for the purpose of securing the payment of such levies and shall have the power to compel the use of such improvements by the inhabitants of the Town.</p> <p>c. <i>Miscellaneous Powers.</i> The Town shall have the power to establish and maintain ordinances and regulations governing the use of lands within the Town and to enforce by all lawful means said ordinances and regulations, within and outside it's corporate limits. The City shall have the power to authorize, regulate and inspect all construction and existing structures within or outside its limits, consistent with State statutes, and to establish and enforce ordinances and regulations concerning their use, construction and reconstruction. The Town shall have the power to license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade.</p>
--	---

12-12-19 Commission Discussion:	<p>The Commission requested that staff provide additional analysis on this section to help track how existing powers were incorporated into the proposed language and what new powers were being proposed. (Staff is working to provide this at a future meeting.)</p> <p>Additionally, the Commission requested specifically that the Council’s power to appoint and remove the City Attorney, Municipal Court of Record Judge, and City Secretary be included.</p>
--	--

Item #5	Article II. The Council
Current Language:	<p>Section 2.08. - Powers of the City Council.</p> <p>All powers of the Town and the determination of all matters of policy shall be vested in the City Council. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:</p> <p>(f) Appoint the members of the Planning & Zoning Commission;</p> <p>(g) Provide for such additional boards and commissions, not otherwise provided for in this Charter, as may be deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by Town Ordinance or by law;</p> <p>(y) Appoint Judge(s) of Municipal Court;</p>
Issue:	<p>COUNCIL INITIATED</p> <p>There is currently no requirement that board members be a citizen or registered voter of the Town. A Council Member has indicated that this may be important, especially for the Planning & Zoning Commission and Board of Zoning Adjustment.</p>
12-12-19 Commission Discussion:	<p>The Commission recommended that the Charter be amended to require members of the Planning and Zoning Commission and Board of Zoning Adjustment be residents and registered voters of Addison. Additionally, the Commission recommended the addition of a prohibition on any individual of serving on both the Planning and Zoning Commission and Board of Zoning Adjustment simultaneously.</p>

Item #6	Article II. The Council
Current Language:	<p>Section 2.10. - Meetings of the City Council.</p> <p>The City Council shall hold at least one or more regular meeting in each month at a time to be fixed by it for such regular meetings and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the Town and its citizens. Except as allowed by state law, all meetings of the City Council shall be open to the public and shall be held and notice given in accordance with applicable provisions of State law. Meetings shall be held at the Town Hall, except that the City Council may designate another place for such meetings and shall take such action as is reasonable and necessary to accommodate the public. Special meetings of the Council may be called by the Mayor or four (4) Council members giving written notice of such meetings to the City Secretary, who shall notify each member of the Council and the City Manager of the time and place of each meeting and the purpose for which it was called.</p>
Issue:	<p>Currently, if some portion of the Council desires to call a special meeting, it takes either the Mayor or a majority of the Council to agree to call the meeting. Many of the Town’s comparator cities allow fewer than a majority of Council Members to call a special meeting. The current language also does not state that the City Manager has the power to call a special meeting.</p>
12-12-19 Commission Discussion:	<p>The Commission recommended that this provision be changed so that the Mayor, City Manager or three Council Members have the ability to call a special meeting.</p>

Item #7	Article II. The Council
Current Language:	<p>Section 2.11. - Rules of procedure.</p> <p>The City Council shall determine its own rules of procedure and may compel the attendance of its members. Five (5) members of the City Council shall constitute a quorum to do business, and, except as otherwise provided for herein, any Ordinance, Resolution, or other action shall require at least four (4) affirmative votes to be adopted or passed. Minutes of the proceedings of all meetings of the City Council shall be kept, to which any citizen may have access at all reasonable times, and which shall constitute one of the archives of the Town. The vote upon the passage of all Ordinances and Resolutions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every passage, shall be recorded in a book kept for that purpose under full caption, and shall be authenticated by the signature of the presiding officer and the person performing the duties of the City Secretary.</p>
Issue:	A typical quorum of a 7-member council is four (4) members. Addison's current Charter states that five (5) members constitutes a quorum.
12-12-19 Commission Discussion:	The Commission discussed this item and recommended that the current quorum requirement of five (5) members remain.

Item #8	Article II. The Council
Current Language:	<p>Section 2.12. – Procedure for passage or ordinances.</p> <p>(a) The City Council shall legislate by ordinance, and the enacting clause of every ordinance shall be, "Be it Ordained by the City Council of the Town of Addison, Texas:". Every ordinance enacted by the Council shall be signed by the mayor, or in his absence or disability, the mayor pro tempore or by at least three (3) councilmen, and the authenticity of such signature shall be attested by the city secretary. The approval signature of the mayor shall not be necessary to make an ordinance or resolution valid.</p>
Issue:	Minor grammar/spelling corrections are needed to this section.
Example:	<p>Section 2.12. - Procedure for passage of ordinances.</p> <p>(b) The City Council shall legislate by ordinance, and the enacting clause of every ordinance shall be, "Be it Ordained by the City Council of the Town of Addison, Texas:". Every ordinance enacted by the Council shall be signed by the mayor, or in his absence or disability, the <u>M</u>ayor <u>P</u>ro <u>T</u>empore or by at least three (3) councilmen <u>C</u>ouncil <u>M</u>embers, and the authenticity of such signature shall be attested by the <u>C</u>ity <u>S</u>ecretary. The approval signature of the mayor shall not be necessary to make an ordinance or resolution valid.</p>
12-12-19 Commission Discussion:	The Commission agreed that minor grammar and spelling corrections need to be made, but request that Staff develop a consistent approach to capitalization and spelling of titles throughout the Charter. Staff will review the document for this purpose.

Item #9	Article II. The Council
Current Language:	Section 2.17. - Induction of Council into office. The first meeting of each newly elected Council, for induction into office, shall be the next regular meeting following its election. At such meeting, the first order of business shall be the canvassing of returns, declaring the results and the swearing in of such newly elected members of the Council.
Issue:	A home rule city may fix the date on which the terms of its officers begins. In the absence of a charter provision or ordinance fixing the beginning date, a newly elected officer is entitled to qualify and take office immediately upon completion of the official canvass and issuance of a certificate of election. <i>Tom v. Klepper</i> , 172 S.W. 721 (Tex.Civ.App. 1915) The canvass may not be conducted until the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election AND counted all timely received mailed domestic ballots cast from addresses within the United States, and all timely received mailed ballots cast from addresses outside the United States.
Example:	The first meeting of each newly elected <u>the City Council</u> , for induction into office, shall be the next regular meeting following <u>an</u> its election <u>of Council Members shall be the meeting called to canvass the election in accordance with the requirements of state statutes</u> . At such meeting, the first order of business shall be the meeting called to canvass canvassing of returns, declaring the results and the swearing in of such newly elected members of the Council
12-12-19 Commission Discussion:	The Commission agreed with the intent of these changes, but requested that Staff review the proposed language of this section for clarity. Staff will provide revised language at a future meeting.

Item #10	Article IV. Administrative Departments
Current Language:	<p>Section 4.06. - City Secretary.</p> <p>The City Council shall appoint an officer of the Town, who shall have the title of City Secretary. The City Secretary shall give notice of the Council meetings, shall keep minutes of its proceedings, shall authenticate by his signature and record in full in a book kept for the purposes of all Ordinances and Resolution and shall perform such other duties as shall be required by this Charter or by the City Manager. He may be removed from office by the City Council. To perform the City Secretary's duties during his temporary absence and disability, the City Manager may appoint an assistant City Secretary until he shall return or his disability shall cease.</p>
Issue:	<p>COUNCIL INITIATED</p> <p>Currently, the City Secretary is hired by the City Council. The Council has passed a resolution indicating that the City Manager is responsible for the day-to-day management of the City Secretary position, and some on Council have suggested that the position be moved completely under the purview of the City Manager.</p> <p>A State-wide survey regarding how other cities select the City Secretary shows the following:</p> <ul style="list-style-type: none"> • By City Manager – 25% • By City Manager with City Council Approval – 20% • By City Council – 33% • By City Council on recommendation of City Manager – 11% • By Mayor with City Council Approval – 6% • Other – 2%
12-12-19 Commission Discussion:	<p>The Commission discussed that there was no consistent approach to how cities address the reporting structure for the City Secretary and believed that the City Council should retain some level of control over the position. The Commission recommended that the current language not be changed.</p>

Item #11	Article IV. Administrative Departments
Current Language:	<p data-bbox="451 279 889 310">Section 4.07. - Municipal Court.</p> <p data-bbox="451 331 1388 447">The city council may, by ordinance, create and provide for municipal courts to be known as municipal courts of the Town of Addison, as it may deem necessary, and may appoint one or more judges to serve each court.</p> <p data-bbox="451 457 1008 489">The municipal court shall have jurisdiction:</p> <ol data-bbox="740 520 1388 1738" style="list-style-type: none"> <li data-bbox="740 520 1388 657">1. over all criminal cases arising under the ordinances of the town within the town limits and outside the town limits to the extent authorized by state law; <li data-bbox="740 678 1388 888">2. concurrent with the appropriate state court of all criminal cases arising under the laws of the state, where the offense is committed within the town limits of Addison and the penalty does not exceed that which is established for municipal courts by state law; <li data-bbox="740 909 1388 1087">3. over the forfeiture and collection of bonds given in proceedings therein, and to order the forfeiture of cash acceptance bonds upon failure of the defendant to appear, and to accept the same in lieu of a fine; <li data-bbox="740 1108 1388 1287">4. over cases involving a license or permit granted by the town for any calling, occupation, business or vocation, and in addition to the punishment to be imposed therefor, the court may suspend or revoke the license or permit so granted; <li data-bbox="740 1308 1388 1486">5. enforce all process of the courts in accordance with state law and town ordinance, punish witnesses for failing to obey subpoenas, and compel their attendance by process of attachment; <li data-bbox="740 1507 1388 1644">6. punish for contempt, admit to bail, forfeit bonds under such circumstances as provided by county courts, or county courts exercising criminal jurisdiction only; and <li data-bbox="740 1665 1388 1738">7. over all other matters and cases provided for by state law or town ordinance.

	<p>(b) Each of the municipal courts of the Town of Addison shall be presided over by a judge or judges, each of whom shall be designated as "municipal judge." Each judge shall be licensed to practice law in the State of Texas and a member in good standing of the State Bar of Texas. The municipal judges shall be appointed by the Council and may be removed by the Council at any time for incompetency, misconduct, malfeasance, or disability, after a public hearing before the Council. Municipal judges shall receive such salary as may be fixed by the Council.</p> <p>(c) The City Manager shall appoint a Court Clerk of said court.</p> <p>(d) The clerk of said court and his deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally do and perform any and all acts usual and necessary by the Clerk of Courts in issuing process of said Courts and conducting the business thereof.</p> <p>(e) In case of the disability or absence of the Judge of the Municipal Court, the Council shall appoint a person to act in his place as an alternate judge.</p> <p>(f) The Council may appoint alternate judges to act in the place of the Municipal Court Judge.</p>
<p>Issue:</p>	<p>Staff is suggesting that minor updates should be made to this section of the Charter. Municipal Court no longer exists as it is now known as the Municipal Court of Record. Additionally, items 3 and 6 are duplicative and item 6 can be removed.</p>
<p>12-12-19 Commission Discussion:</p>	<p>The Commission was in agreement that the name should be updated to Municipal Court of Record and that "deputies" in (d) should be changed to "deputy clerks."</p> <p>With regards to items 3 and 6, the Commission requested further clarification. Upon further consultation with the Court staff, they recommend that both 3 and 6 remain.</p>

Item #12	Article V. Municipal Finance
Current Language:	<p>Section 5.11. - Bonds, warrants and other evidences of indebtedness.</p> <p><i>1. Power to issue.</i> In keeping with the constitution of the State of Texas, and not contrary thereto, the Town of Addison shall have the right to issue all tax bonds, revenue bonds, funding and refunding bonds, time warrants and other evidences of indebtedness as now authorized or as may hereafter be authorized to be issued by cities and towns by the General Laws of the State of Texas.</p> <p><i>2. Manner of issuance.</i> Bonds and warrants of the Town of Addison shall be issued in the manner provided by the General Laws of the State of Texas applicable to cities and towns.</p>
Issue:	<p>During the evaluation of potential bond projects, the Town discussed potentially issuing bonds to purchase certain properties in order to redevelop them and advance the Town’s Economic Development goals. As part of the Town’s investigation into this, the Attorney General stated that the Town was not authorized to issue bonds for such a purpose, as it was not identified in Charter.</p>
12-12-19 Commission Discussion:	<p>The Commission deliberated this item at length. The majority of the Commission was in favor of allowing the Town to issue debt for the purposes of economic development under certain circumstances, but asked staff to develop narrow language related to property acquisition for the Commission to review at a subsequent meeting. Staff is preparing this information.</p>

Item #13	Article V. Municipal Finance
Current Language:	Section 5.19. - Power to correct errors. The Council shall have the power to cancel any uncollectible taxes upon the tax rolls.
Issue:	This section's title does not match the subject of the sentence. Staff suggests that this section be renamed to "Power to cancel taxes."
12-12-19 Commission Discussion:	The Commission agreed that this section should be renamed.

Item #14	Article V. Municipal Finance
Current Language:	Section 5.20. - Ratification. All taxes heretofore assessed are ratified and all Ordinances relating to taxes now in force shall continue until amended or repealed by Council.
Issue:	State law dictates what process required for adoption of budget and tax rates. This section is not necessary. Staff recommends its removal.
12-12-19 Commission Discussion:	The Commission recommended that this section be revised to state that the Town will follow state law, but not removed completely.

Item #15	Article V. Municipal Finance
Current Language:	<p>Section 5.31. - General powers.</p> <p>Unless otherwise provided by this Charter and by Ordinances passed hereunder, all property in the Town liable for taxation shall be assess in accordance with the general laws of the state insofar as applicable. In addition to the powers herein conferred with reference to the assessment and collection of taxes, the Town shall have an may exercise all powers and authority now conferred or which may hereafter be conferred upon cities having a population of more than five thousand (5,000) inhabitants by the general laws of the State of Texas.</p>
Issue:	This Section’s title is not descriptive and could be misleading to the intent of the section. Staff suggests changing the title to “Assessment of taxes.”
12-12-19 Commission Discussion:	The Commission request that staff relook at the proposed title for this section. Staff will respond at a future meeting.

Item #16	Article VI. Franchises and Public Utilities
Current Language:	Entire Article
Issue:	State law regarding the regulation of franchise utilities have changed extensively in recent years. Legal is reviewing this language to ensure compliance with state laws.
12-12-19 Commission Discussion:	City attorney reviewing language with an attorney specializing in franchises and public utilities. Staff will provide further information regarding this section at a future meeting.

Item #12-12-19A	Article I. Incorporation – Form of Government – Powers <u>COMMISSION INITIATED</u>
Current Language:	Section 1.03. - Form of government. The municipal government provided by this Charter shall be known as the "Council-Manager" government. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, by the statutory laws of Texas, and by this Charter, all powers of the town shall be vested in an elective Council, hereafter referred to as the "Council," which shall enact local legislation, adopt budgets, determine policies, appoint the Judge of the Municipal Court, and appoint the City Manager, who shall execute the laws and administer the government of the Town. All powers of the Town shall be exercised in the manner prescribed, or if the manner be not prescribed, then in such manner as may be prescribed by Ordinance.
Issue:	Provide consistency.
12-12-19 Commission Discussion:	Section 1.03. - Form of government. The municipal government provided by this Charter shall be known as the "Council-Manager" government. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, by the statutory laws of Texas, and by this Charter, all powers of the town shall be vested in an elective Council, hereafter referred to as the "Council," which shall enact local legislation, adopt budgets, determine policies, appoint the Judge(s) of the Municipal Court of Record , City Secretary and appoint the City Manager, who shall execute the laws and administer the government of the Town. All powers of the Town shall be exercised in the manner prescribed, or if the manner be not prescribed, then in such manner as may be prescribed by Ordinance.

Item #12-12-19B	Article II. The Council <u>COMMISSION INITIATED</u>
Current Language:	<p>Section 2.03. - Removal from office; Council to be judge of qualifications of its members.</p> <p>A member of the Council may be removed from office, in accordance with the procedures set forth in this Charter, if he:</p> <ol style="list-style-type: none"> (1) Lacks at any time during his term of office any qualifications for the office prescribed by this Charter or by law; (2) Commits any act of official misconduct including but not limited to: <ol style="list-style-type: none"> a. wilfully violating any express prohibition of this Charter, b. failing to discharge the member's official duties as set out in this Charter, or c. committing acts in the member's official capacity which the member had no authority to commit; (3) Is incompetent; (4) Is convicted of a felony offense or any offense involving moral turpitude; (5) Fails to attend four (4) consecutive regular meetings of the Council without first being excused by the Council. <p>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, a hearing shall be set not less than ten (10) days 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 defense, but he 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 a majority of the members of the Council plus one additional affirmative vote, the accused member shall be removed from office and his seat declared vacant. 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.</p>
Issue:	Provide clarification of (2)b. <i>Where are official duties set out in the Charter?</i>

Item #12-12-19C	Article II. The Council <u>COMMISSION INITIATED</u>
Current Language:	Section 2.05. - Vacancies in Council. A single vacancy in the Council shall be filled by a majority vote of the remaining members of the Council within thirty (30) days of the vacancy at a meeting subsequent to the date on which the vacancy occurs. The person selected shall not be one of the remaining members of the Council and once chosen, he shall serve until the next general town election shall be held to fill the unexpired term or regular term, as the case may be. Provided, however, that since any vacancy which occurs within forty-five (45) days prior to a general Town election does not allow time for candidates to file for such a vacated Council position, the appointment to fill such a vacancy shall be made within thirty (30) days after the election and not before the election. When two (2) or more vacancies exist, a special election shall be held to elect successors to fill the vacated unexpired terms, provided that if such vacancies occur within ninety (90) days prior to a regular Town election, then such successors shall be elected at such regular Town election. When two (2) or more vacancies occur within forty-five (45) days prior to such regular Town election and there is insufficient time for candidates to file for the vacated Council positions, a special election shall be held as soon as possible after the regular general Town election.
Issue:	<i>Why is there a special election for 2 vacancies and not 1? What was the reasoning behind this? Why does not 1 vacancy also require a special election?</i>
12-12-19 Commission Discussion:	City Attorney has explained this language is a carry-over from when Town was a General Law City. A proposal to change terms of office from 2 years to 3 or 4. This Section will be revisited after consensus is reached on Council initiated request to change terms of office.

Item #12-12-19D	Article II. The Council <u>COMMISSION INITIATED</u>
Current Language:	Section 2.06. - Mayor. The Mayor shall preside at meetings of the Council, shall be recognized as head of the Town government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties. The Mayor may participate in the discussion of and shall be entitled to vote on all matters coming before the Council. A vacancy in the office of Mayor shall be filled by the Council members in the same manner as provided in Section 2.05 except that one of the Council members may be selected as Mayor.
Issue:	<i>Should we further clarify 2.06 regarding the powers of the mayor by stating that the mayor is the "head of the Town government ONLY for ceremonial purposes," rather than the current language of "for all ceremonial purposes."?</i> The mayor was never intended to be a "super" council member, but rather one more member of a deliberative body who simply presides at meetings and ceremonially represents the town. Food for thought.
12-12-19 Commission Discussion:	The Commission decided to take no action.

Item #12-12-19E	Article V. Municipal Finances <u>COMMISSION INITIATED</u>
Current Language:	Section 5.06. - Budget, appropriation and amount to be raised by taxation. On final adoption, the budget shall be in effect for the budget year. Final adoption of the budget by the Council shall constitute the official appropriations as proposed expenditures for the current year and shall constitute the basis of the official levy of the property tax as the amount of tax to be assessed and collected for the corresponding tax year. Estimated expenditures will in no case exceed proposed revenue plus cash on hand. Unused appropriations may be transferred to any item required for the same general purpose.
Issue:	<i>Do we have sufficient checks and balances?</i>
12-12-19 Commission Discussion:	The Commission decided to take no action.