

Item #17	Article VII. Municipal Planning & Zoning
Current Language:	<p>Section 7.03. - Master plan.</p> <p>(a) The official master plan of the Town shall be used as a guide by the City Council and the City Planning and Zoning Commission for development of the Town with respect to land use, thoroughfares and streets, buffer zones, parks, and other matters affecting development.</p> <p>(b) The master plan may be amended by majority vote of the whole Council, and such amendments as are read into the master plan shall be entered therein and shall become part thereof and of the official records of the Town.</p>
Issue:	<p>The more accurate name of the Town's Master Plan is the Comprehensive Plan. The Town's current Comprehensive Plan was adopted in 2013. Staff proposes to replace references to Master Plan with Comprehensive Plan.</p>

Item #18	Article VII. Municipal Planning & Zoning
Current Language:	<p>Section 7.04. - Planning and Zoning Commission</p> <p>The City Council shall have the power and authority to appoint a City Planning Commission, in accordance with the General Laws of the State of Texas, as provided for in V.T.C.A., Local Government Code chs. 211 and 371, as now, or hereafter, amended; and the City Council and Town of Addison shall have all of the rights, privileges, powers, and authority, given, permitted and granted under the laws of the State of Texas, relative to zoning and planning in, for, and of, municipalities, and their environs. Such commission may also be designated and referred to as the "City Zoning Commission." The present City Zoning Commission of the Town of Addison may continue to serve, (or, may be specially designated by the City Council, as the City Planning Commission or City Planning and Zoning Commission, and shall, in such event, thereafter serve under such new title).</p>
Issue:	<p>In Addison Planning and Zoning is handled by one body, referred to as the Planning and Zoning Commission. Staff proposes to update this section to remove references to specific chapters of the Texas Local Government Code and, instead, say “in accordance with state law.” Furthermore, Staff proposes to eliminate second half of the language above starting with “Such commission may also...” to the end of the section and refer to the body simply as the Planning and Zoning Commission.</p>

Item #19	ARTICLE VIII. - NOMINATIONS AND ELECTIONS						
Current Language:	<p>Section 8.03. - Nominations</p> <p>Any person having the qualifications required by this Charter and State law may place his own name in nomination as candidate for Mayor or Councilman by filing with the City Secretary, or may be placed in nomination by a petition signed by at least ten (10), or not more than fifteen (15) qualified voters, who shall be designated as his sponsors. No voter shall sign more than one petition and should a voter do so, his 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, number or other description sufficient to identify it.</p> <p>Persons who desire to be candidates, or petitioners placing a name in nomination, must file with the City Secretary not earlier than ninety (90) days nor later than thirty (30) days before the election.</p> <p>Acknowledgment of nomination by each nominee will be in writing and will be accepted by the City Secretary or other persons authorized to administer oaths under the laws of the State of Texas.</p> <p>Any person who has placed his own name in nomination or has been placed in nomination by petition shall take the following oath:</p> <p>"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 Town of Addison, a resident of the State of Texas for at least one year and of the Town of Addison or an area now within the corporate limits of the Town of Addison for at least one year. I am not in arrears in the payment of any taxes or other liability due the Town. At the present time, I reside at _____ Street in the Town of Addison."</p> <table border="1" data-bbox="431 1350 1375 1606"> <tr> <td data-bbox="431 1350 480 1425"></td> <td data-bbox="480 1350 1375 1425">Signature of candidate _____</td> </tr> <tr> <td data-bbox="431 1425 480 1501"></td> <td data-bbox="480 1425 1375 1501">Date and hour of filing _____</td> </tr> <tr> <td data-bbox="431 1501 480 1606"></td> <td data-bbox="480 1501 1375 1606">Received by: _____ (Signature of City Secretary)</td> </tr> </table> <p>The petition placing a person in nomination shall be in the following form:</p> <p>"We, the undersigned voters of the Town of Addison, hereby nominate and sponsor _____, whose residence is _____, for the office of _____, to be voted for at the election to be held on the _____ day of _____, 20____, and</p>		Signature of candidate _____		Date and hour of filing _____		Received by: _____ (Signature of City Secretary)
	Signature of candidate _____						
	Date and hour of filing _____						
	Received by: _____ (Signature of City Secretary)						

	<p>we individually certify that we are qualified to vote for a candidate for Mayor or Councilman and that during the current election we have not signed any other nominating petition for that office."</p> <table border="1" data-bbox="435 302 1375 512"> <tr> <td data-bbox="435 302 459 373"></td> <td data-bbox="459 302 1375 373">Name _____ Street and number _____</td> </tr> <tr> <td data-bbox="435 373 459 445"></td> <td data-bbox="459 373 1375 445">Address from which last registered (if different) _____</td> </tr> <tr> <td data-bbox="435 445 459 512"></td> <td data-bbox="459 445 1375 512">Date of signing _____</td> </tr> </table> <p>These above statements will contain the following notarization:</p> <p>["]State of Texas</p> <p>County of Dallas</p> <p>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 free act and deed for the purposes and consideration therein expressed.</p> <p>Given under my hand and seal of office this the _____ day of _____ 20__."</p>		Name _____ Street and number _____		Address from which last registered (if different) _____		Date of signing _____
	Name _____ Street and number _____						
	Address from which last registered (if different) _____						
	Date of signing _____						
<p>Issue:</p>	<p>COUNCIL INITIATED</p> <p>The petition language here does not follow the State approved petition form. Staff recommends using the state provided form.</p> <p>Some have suggested that the Charter require a petition, a filing fee, or a petition in lieu of a filing fee. The Commission can recommend the appropriate number of signatures on the petition.</p> <p>Furthermore, the Town cannot disqualify candidate for failure to pay property taxes.</p>						

Item #20	ARTICLE VIII. - NOMINATIONS AND ELECTIONS
Current Language:	<p>Section 8.04. - Number, selection, and term of Council</p> <p>The Council shall be composed of a Mayor and six (6) council members who shall be elected and serve in the following manner subject to the adopting of this Charter:</p> <ul style="list-style-type: none"> (a) The Mayor and Councilmen in office at the time of the adoption of this Charter shall continue to serve as Mayor and Councilmen under this Charter until the expiration of their present terms of office, or until their successors have been elected or selected and duly qualified under this Charter. (b) In each odd-numbered year three (3) council members and a Mayor shall be elected and in each even-numbered year three (3) council members shall be elected. (c) The Mayor and other members of the Council shall be elected from the Town at large, for a term of two (2) years. (d) The candidate for Mayor who receives the highest number of valid votes by qualified electors voting at the election shall be declared elected. (e) The candidates for election to the places of Councilmen, equal in number to the number of vacancies to be filled, who receive the highest number of valid votes cast by qualified electors voting at the election, shall be declared elected. (f) In case of a tie vote as to any two (2) or more candidates, the Council shall order a special election within not less than thirty (30) days nor more than forty (40) days after the regular election to resolve the tie vote as between such candidates. (g) All elections shall be held in accordance with the election laws of the State of Texas and the provisions of this Charter. (h) No person shall serve as Mayor for more than three (3) successive terms of office, and no person shall serve as a council member for more than three (3) successive terms of office. For purposes of this section, the phrase "terms of office" shall not include any unexpired portion of any two-year term.
Issue:	<p>COUNCIL INITIATED</p> <p>Some have suggested that the Town consider changing the term of office from 2 years to either 3 or 4 year terms. This may require additional</p>

	changes to provisions of the Charter related to places, at-large vs districts, Council appointments, etc. See attached memo for additional explanation.
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Item #21	ARTICLE VIII. - NOMINATIONS AND ELECTIONS
Current Language:	<p>Section 8.06. - Conducting and canvassing elections.</p> <p>Returns of all municipal elections, both general and special, shall be made by the election officers to the Council at the next regular meeting after the election, at which time the Council shall canvass the votes, declare the results of such election; with notification of election to candidate elected.</p>
Issue:	<p>This section should be reworded for clarification and so as to not be in conflict with Section 2.17</p>
Example:	<p>Section 8.06. - Conducting and canvassing elections.</p> <p>Returns of all municipal elections, both general and special, shall be made <u>canvassed at the first meeting of the City Council following an election in accordance with the requirements of state law regarding the canvass of elections.</u> by the election officers to the Council <u>At such meeting, the first order of business</u> at the next regular meeting after the election, at which time the Council shall <u>be the canvassing of returns,</u> canvass the votes, declare <u>declaring</u> the results of such election; with notification of election to candidate elected <u>and administering the oath of office to such newly elected members of the Council.</u></p>

Item #22	ARTICLE IX. – INITIATIVE AND REFERENDUM
Current Language:	<p>Section 9.02. - Initiative.</p> <p>Qualified voters of the Town may initiate legislation by submitting a petition addressed to the Council which requests the submission of a proposed Ordinance or Resolution to a vote of the qualified voters of the Town. Said petition must be signed by qualified voters equal in number to at least twenty-five (25) percent of those who were qualified voters on the date of the last regular municipal election as determined from the list of qualified voters maintained by the person having the duties of the voter registrar of Dallas County, and each copy of the petition shall have attached to it a copy of the proposed legislation. Each signer of such petition shall personally sign his name and address in ink or indelible pencil and shall write after his name his place of residence, giving the name of the street and number, or place of residence, and shall also write thereon the date, the month and the year his signature was affixed.</p>
Issue:	<p>All references to qualified voters should be changed to registered voters to comply with state law. Additionally, either the signer’s date of birth or voter registration number should be required to assist the City Secretary in verifying signatures. Lastly, the Commission may consider removing indelible pencil.</p>

Item #23	ARTICLE IX. – INITIATIVE AND REFERENDUM
Current Language:	<p>Section 9.05. - Referendum</p> <p>Qualified voters of the Town of Addison may require that any Ordinance or Resolution, with the exception of Ordinances or Resolutions appropriating money, fixing salaries or levying taxes, passed by the Council be submitted to the voters of the Town of Addison for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after the final passage of said Ordinance or Resolution, or within thirty (30) days after its publication. Said petition must be signed by qualified voters equal in number to at least twenty-five (25) percent of those who were qualified voters on the date of the last regular municipal election as determined from a list of qualified voters maintained by the tax collector of Dallas County. Each signer of such petition shall personally sign his name and address in ink or indelible pencil, and shall write after his name his place of residence, giving the name of the street and number, or place of residence, and shall write thereon the date, the month and the year his signature was affixed. Said petition shall be submitted to the person performing the duties of City Secretary. Within fifteen (15) days from the filing of such petition, the person performing the duties of City Secretary shall complete the examination of the petition to determine if it complies with the requirements of this Article and State law. After completing the examination, the person performing the duties of the City Secretary shall present said petition to the Council at its next regularly scheduled meeting.</p>
Issue:	<p>Staff suggests that ‘zoning’ be added as an exception and/or that ‘in compliance with state law’ be added. Texas courts have held that initiative and referendum processes do not apply to zoning amendments.</p> <p>Additionally, the reference to tax collector of Dallas County should be deleted as it is no longer applicable and a reference to Dallas County Elections Department should be added.</p>

Item #24	ARTICLE XI. - MISCELLANEOUS PROVISIONS
Current Language:	<p>Section 11.01. - No officer or employee to accept gift, etc.</p> <p>No officer or employee of the Town of Addison shall ever accept, directly or indirectly, any gift, favor, privilege or employment from any public utility corporation, or other company, contractor or individual which currently has a grant, franchise, or contract with said Town during the term of office of such officer, or during such employment of such employee, except as authorized by law or ordinance. Any officer or employee of the Town who shall violate the provisions of this section shall be guilty of a misdemeanor and may be punished by any fine that may be prescribed by Ordinance for this offense, and forthwith be removed from office.</p>
Issue:	<p>The language above is somewhat vague as to what constitutes a gift and could be construed to include even very minor gestures such as a pen. Staff would suggest that the language be changed to reference the Texas Penal Code provisions governing the acceptance or solicitation of gifts.</p> <p>Summary of Penal Code Provisions:</p> <ul style="list-style-type: none"> • <u>Improper Gifts</u> – Sec. 36.08 <ul style="list-style-type: none"> ○ Public Official Commits an Offense if he Solicits, Accepts, or Agrees to Accept any Benefit From a Person the Public Official Knows is Interested in or Likely to Become Interested in any Matter Before the Public Official or Governmental Body ○ Exceptions <ul style="list-style-type: none"> ▪ Gift conferred on account of kinship of personal, professional, or business relationship independent of the official status of recipient ▪ Political contribution ▪ Item with a value less than \$50 excluding cash ▪ Food, lodging, transportation, or entertainment if the donor or recipient is required by law to report the items ○ Penalty

	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ For the one who accepts the gift <u>and</u> the one who offers the gift <ul style="list-style-type: none"> • Class A Misdemeanor (1 year, \$4,000 fine) • <u>Bribery</u> – Sec. 36.02 <ul style="list-style-type: none"> ○ To solicit or accept any benefit in exchange for vote or act of discretion ○ Penalty – 2nd degree felony (20 years, \$10,000 fine) • <u>Abuse of Official Capacity</u> – Sec. 39.02 <ul style="list-style-type: none"> ○ Misuse governmental property to harm or gain a benefit <ul style="list-style-type: none"> ▪ Up to 1st Degree Felony (99 years, \$10,000 fine) • <u>Official Oppression</u> – Sec. 39.03 <ul style="list-style-type: none"> ○ Intentionally mistreat or sexually harass <ul style="list-style-type: none"> ▪ Class A Misdemeanor (1 year, \$4,000 fine) • <u>Misuse of Official Information</u> – Sec. 39.06 <ul style="list-style-type: none"> ○ Uses information that has not been made public for gain or benefit ○ 3rd Degree Felony (10 years, \$10,000 fine)
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Item #25	ARTICLE XI. - MISCELLANEOUS PROVISIONS
Current Language:	<p>Section 11.11. - Fire limits.</p> <p>The City Council may establish fire limits and prescribe the kind and character of materials to be used in building[s] constructed within such limits.</p>
Issue:	<p>Fire Limits are an antiquated regulatory tool used when cities established an area where more stringent building regulations were implemented due to the higher likelihood of fire in dense areas. This tool was a result of the Chicago Fire. The concept is now unnecessary as cities have adopted building and fire codes that apply to all properties. Given that Section 11.12 of the Charter enables the Town to require permits for and regulate the construction of structures, Section 11.11 – Fire Limits is unnecessary and can be eliminated.</p>

Item #26	ARTICLE XI. - MISCELLANEOUS PROVISIONS
Current Language:	<p>Section 11.15. - Publicity of records.</p> <p>Town records and accounts which are required by Texas Public Information law to be open to the public shall be made available during normal business hours in accordance with the terms and provisions of that statute. The records may be examined and copied in the Town offices during normal business hours, at a nominal charge established by ordinance.</p>
Issue:	Records management and disclosure is governed by the Texas Public Information Act. This section is not necessary and can be deleted.

Item #27	ARTICLE XI. - MISCELLANEOUS PROVISIONS
Current Language:	<p>Section 11.18. - Gender clause.</p> <p>A word importing the masculine gender only shall extend and be applied to include females, firms, partnerships and corporations as well as males.</p>
Issue:	<p>Staff would propose a ballot item to make all references in the Charter gender neutral changing Councilman/men to Council Member/s “he” and “she” to “they” and “his” and “her” to “their.” If approved, this section can be eliminated.</p>

Item #28	ARTICLE XI. - MISCELLANEOUS PROVISIONS
Current Language:	<p>Section 11.22. - Acquisition of land for park purposes</p> <p>The Town of Addison may acquire and appropriate land inside or outside of the Town of Addison for the purpose of establishing, laying out or enlarging any parks, parkways or pleasure grounds. Land owned, held or claimed as a public park or recreation land may not be sold, leased or otherwise conveyed unless the issue of such sale, lease or conveyance is submitted to the qualified voters of the municipality at an election and is approved by a majority of the votes received at the election.</p>
Issue:	<p>Currently, the only area designated as a park by Town ordinance is Town Park off Sidney and Woodway Drive. The status of the other “parks” is not clearly defined, and Staff has been hesitant to formally designate them as a park due to the language in this section. If this language is still important, Staff would suggest that this section be clarified to specifically say what action creates a public park.</p>

Item #29	ARTICLE XI. - MISCELLANEOUS PROVISIONS
Current Language:	<p>Section 11.23. - Rearrangement and renumbering.</p> <p>The City Council shall also have the authority to change references to state law included in this charter to reflect a recodification or renumbering of such laws by the Texas legislature, (but without changing the meaning or effect of any part hereof).</p> <p>Words of any gender used herein shall be held and construed to include any other gender, and words of a singular number shall be held to include the plural and vice-versa, unless the context requires otherwise.</p>
Issue:	<p>Currently, if a minor grammatical error or misspelling is made, a Charter election is required to correct the error. Staff suggests that language be added to this section to allow the City Council to correct non-substantive errors such as non-substantive misspellings, punctuation, grammar and sentence structure errors, to and use consistent terminology, outline paragraph numbering, conform to requirements and/or provisions of State and/or federal law and/or Town ordinances, and revise reference to repealed, or obsolete provisions of State law.</p> <p>Also, the second paragraph is duplicative of Section 11.18. See comment in that section regarding a proposed amendment to make all gender references neutral.</p>

Item #30	ARTICLE XI. - MISCELLANEOUS PROVISIONS
Current Language:	<p>Section 11.24. - Town depository.</p> <p>The provisions of the General Laws of the State of Texas governing the selection and designation of a City Depository are hereby adopted as the law governing the selection and designation of a depository of and for the Town of Addison.</p>
Issue	<p>This section is unnecessary and can be deleted. Texas Local Government Code, Ch. 105, establishes the rules and process for selecting a depository bank and has specific rules for the handling of municipal funds by the depository. It is not necessary to refer to this in the Charter.</p>

Item #31	ARTICLE XI. - MISCELLANEOUS PROVISIONS
Current Language:	<p>Section 11.26. - Disaster clause</p> <p>In case of disaster when a legal quorum of elected Councilmen cannot otherwise be assembled due to multiple deaths or injuries, the surviving member or members of the elected Council, or highest surviving Town official, if no elected official remains, must within twenty-four (24) hours of such disaster, request the highest surviving officers of the local Chamber of Commerce and the Board of Trustees of the local school district, and the County Judge of Dallas County to appoint a commission to act during the emergency and call a Town election within fifteen (15) days of such disaster for election of a required quorum, if for good reasons it is known a quorum of the present Council will never again meet.</p>
Issue:	This language shown deleted below was typical of early Charters but may not appropriate now.
Example:	<p>In case of disaster when a legal quorum of the elected City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council or highest surviving City official if no elected official remains, must within twenty-four (24) hours of such disaster, request the County Judge of Dallas County to appoint a five member commission, which shall include any surviving elected City officials, to govern the City, respond to the emergency and within fifteen (15) days of such disaster call a City election to be held as soon as practicable, or as provided in the Texas Election Code, for election of a required quorum, if for good reasons it is known that a quorum of the present City Council will never again meet.</p>

Item #32	ARTICLE XI. - MISCELLANEOUS PROVISIONS
Current Language:	<p>Section 11.27. - When provisions take effect.</p> <p>For the purpose of nominating and electing members of the Council, the provisions of this Charter shall be in effect for the regular municipal election to be held in April, 1979. For all purposes this Charter shall be in effect from and after its approval by the electors of the Town and the entering of an official order upon the records of the Town by the City Council declaring the same adopted.</p>
Issue:	This Section can be eliminated because it was a transition provision when the Charter was adopted.

Item #33	ARTICLE XI. - MISCELLANEOUS PROVISIONS
Current Language:	<p>Section 11.30. - Ordinances, rules and regulations validated.</p> <p>All Ordinances, Resolutions, rules and regulations of the Town of Addison heretofore ordained, passed or enacted, that are in force at the time this Charter becomes effective, and which are not in conflict with such Charter, shall remain in full force until altered, amended or repealed by the City Council of the Town after such Charter takes effect.</p>
Issue:	<p>This Section can be eliminated because it was a transition provision when the Charter was adopted.</p>