



TOWN OF ADDISON

CHARTER REVIEW COMMISSION

PRESENTATION COMPANION DOCUMENT

JANUARY 30, 2020

RECOMMENDED REVISIONS TO THE CHARTER – GROUPED BY TOPIC

The Commission recommends that an election be called to put forward a number of proposed changes to the Charter for the community’s consideration. The changes are described below, organized into 26 recommended ballot propositions. Where applicable, a redline to the current Charter is provided that reflects the proposed changes. A brief summary of the Commission’s discussion follows each recommended proposition.

Proposition Number 1

Shall the Charter of the Town of Addison, Texas, be amended to provide clarification by changing “qualified voter” to “registered voter” because “qualified voter” is defined as a “registered voter” in the Texas Election Code?

Discussion:

The term “qualified voter” is used to describe voters for various purposes within the Town’s Charter. The Texas Election Code defines a “qualified voter” as a “registered voter”. In order to eliminate confusion and use a more familiar term, the Commission recommends that all references to “qualified voter” in the Charter be changed to “registered voter.” This would have no substantive impact on the meaning of the Charter but would make the document easier to understand.

Proposition Number 2

Shall the Charter of the Town of Addison, Texas, be amended in various sections to remove specific state law references and instead require that the City Council shall act in accordance with state law?

Discussion:

In several locations, the Charter references specific sections or chapters of state law. This can be problematic as the State may amend, reorganize, or recodify the statutes resulting in incorrect references. To address this potential issue, the Commission recommends removing specific state law references from the Charter and replacing them with a more generic reference to compliance with applicable state law.

Proposition Number 11

Shall Section 5.19 “Power to correct errors” of the Charter of the Town of Addison, Texas, be renamed to “Power to cancel taxes” to clarify what that section actually addresses?

Redline to Current Charter:

Section 5.19. - Power to ~~correct errors~~cancel taxes.

The Council shall have the power to cancel any uncollectible taxes upon the tax rolls- as allowed by law.

Discussion:

This section's title does not match the subject of the section. The Commission recommends renaming the title of section to more accurately reflect the topic discussed by this section.

Proposition Number 12

Shall Section 5.31 "General powers" of the Charter of the Town of Addison, Texas, be renamed to "General powers of taxation" to avoid confusion regarding the Town's ability to levy taxes as authorized by state law and make clear it is not intended as a general grant of powers to the City Council?

Redline to Current Charter:

Section 5.31. -- General powers of taxation.

Unless otherwise provided by this Charter and by Ordinances passed hereunder, all property in the Town liable for taxation shall be assessed 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 of Addison shall have and 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~~ not prohibited by the ~~general law~~ laws of the State of Texas.

Discussion:

This section's title is not descriptive and could be misleading to the intent of the section. The Commission recommends renaming this section to clarify that the section is limited to the power to levy taxes.

Proposition Number 21

Shall Section 11.15 "Publicity of records" of the Charter of the Town of Addison, Texas, be deleted because the availability of records to the public is already governed by the Texas Public Information Act?

Discussion:

As part of the Commission's review of the Charter, the Commission noted that several sections dealt with specific situations present at the time the Charter was originally adopted or now had State laws that supersede the local Charter provision. Section 11.15 addresses making certain records available to the public. The publicity of records is regulated by the Texas Public Information Act. Since this is addressed by state law, the Commission believes that this section is no longer necessary and recommends that it be removed from the Charter.

Proposition Number 23

Shall Section 11.24 “Town depository” of the Charter of the Town of Addison, Texas, be deleted because the selection and designation of a depository for the Town is exclusively governed by state law?

Discussion:

Chapter 105 of the Texas Local Government Code establishes the rules and procedures for selecting a depository bank and has specific rules for the handling of municipal funds by the depository. Since this is already addressed by state law, the Commission recommends that this section be removed from the Charter.

Proposition Number 25

Shall Section 11.27 “When provisions take effect” on the Charter of the Town of Addison, Texas, be deleted because it only applied to the initial Home Rule Charter election in 1979 and is now unnecessary?

Discussion:

This section was required when the Charter was originally adopted in 1979 to address when the provisions of the original Charter would take effect. This section is no longer necessary, and the Commission recommends that it be removed in order to clean up the document.

Proposition Number 26

Shall Section 11.30 “Ordinance, rules and regulations validated” of the Charter of the Town of Addison, Texas, be deleted because it only applied to the initial Home Rule Charter election in 1979 and is now unnecessary?

Discussion:

This section was required when the charter was originally adopted in 1979 to address how ordinances, resolutions and other regulations passed by the City Council prior to the adoption of the Charter should be considered. This section is no longer needed, and the Commission recommends that it be removed in order to clean up the document.

Proposition Number 15

Shall the Charter of the Town of Addison, Texas, be amended to remove outdated forms of petitions and simply require that all petitions conform with the requirements of state law?

Discussion:

Currently Section 8.03 – Nominations, Section 9.03. – Form of initiative and referendum petition, and Section 10.03. – Form of recall petition, all include specific language required for petitions

related to either candidacy for office or ballot measures related to initiatives, referendums and recalls. These petitions are regulated by the Texas Election Code. Rather than prescribing specific language that does not follow the state approved petition, the Commission recommends removing the Charter’s petition requirements and instead require that petitions conform with state law.

Proposition Number 16

*Shall the Charter of the Town of Addison, Texas, be amended to require that persons who sign a petition for candidacy for office or a ballot measure must include **either** their date of birth or voter registration number as required by the Texas Election Code?*

Discussion:

The Texas Election Code requires signers of a petition to provide either their date of birth or voter registration number in order to assist government officials in verifying that the signatures on the petition are valid. The Commission recommends amending the various sections of the Charter that address the petitions to mirror the Texas Election Code’s requirement that signers must provide either their date of birth or voter registration number. This would apply to Section 8.03 – Nominations, Section 9.01. – Initiative, Section 9.05. – Referendum, and Section 10.02. – Petitions for recall.

Proposition Number 22

Shall Section 11.23 “Rearrangement and numbering” of the Charter of the Town of Addison, Texas, be renamed to “Non-substantive changes” and amended to provide ongoing authority for the city council, by ordinance, to make non-substantive changes for clarity, change terms of gender to gender-neutral terms and remove Section 11.18 “Gender clause?”

Redline to Current Charter:

Section 11.23. – ~~Rearrangement and renumbering~~ Non-substantive changes.

The City Council shall have the power, by ordinance to:

- (a) renumber and rearrange all articles, sections, and paragraphs of the Charter, or any amendments thereto, as it shall deem appropriate; but without changing the meaning or effect or any part hereof; ~~and, upon the passage of any such Ordinance, a copy thereof, certified by the City Secretary, shall be forwarded to the Secretary of State.~~
- (b) ~~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;
- (c) make non-substantive changes as needed for clarity; and
- (d) change words of ~~any~~ gender ~~used herein~~ to gender-neutral terms.

Upon the passage of any ordinance authorized by this section, a copy thereof, certified by the City Secretary, shall be held and construed to include any other gender, and forwarded to the Secretary of State.

Words of a singular number shall be held to include the plural and vice-versa, unless the context requires otherwise.

Discussion:

The Commission recommends that this section of the Charter be amended to allow for two things. First, that the City Council be empowered to make non-substantive changes related to reorganizing and clarifying the Charter on an ongoing basis by ordinance rather than having to ask the voters permission in the future. Second, to replace gender specific terms such as "Councilmen," "his," or "him" with gender neutral terms such as "Council Member," "them" or "their." Should this proposition pass and these changes be made, Section 11.18, which addresses the interpretation of gender specific terms, can be removed as it would no longer be necessary.

Proposition Number 17

Shall Section 8.03 "Nominations" of the Charter of the Town of Addison, Texas, be amended to provide that an individual may become a candidate for Mayor or City Council by petition only and remove the option for self-nomination?

Redline to Current Charter:

Propositions 17, 18 and 19 are related. See Proposition 19 for the redline of the proposed amendments to Section 8.03

Discussion:

The Commission held lengthy discussions about the process by which a person can become a candidate for the City Council. The Commission discussed the current process by which a person can place their own name in nomination as a candidate, as well as the options for a petition requirement or a filing fee in lieu of a petition. The Commission expressed concern that a person can currently become a candidate for office with no commitment to running. As a result of these discussions, the Commission recommends that the Charter be amended to remove the option for a person to nominate themselves as a candidate and instead require a petition signed by registered voters. The Commission believes that this will eliminate non-serious candidates who have no commitment to the process but could potentially cause the Town to incur the expense of an election.. Further recommendations related to the petition requirement are made in propositions 18 and 19.

Proposition Number 18

Shall Section 8.03 "Nominations" of the Charter of the Town of Addison, Texas, be amended to increase to 25, the minimum number of signatures for a petition to

place a candidate in nomination for a City Council office in accordance with state law?

Redline to Current Charter:

Propositions 17, 18 and 19 are related. See Proposition 19 for the redline of the proposed amendments to Section 8.03

Discussion:

Currently, the Charter states that, in addition to the option for self-nomination (recommended to be removed in Proposition 17), a candidate may be nominated through a petition signed by 10-15 qualified voters. The Texas Election Code regulates petition requirements for local elections, and states that the nominating petition must be signed by the greater of 25 registered voters or the number equal to .5% of the total number of votes cast in the most recent mayoral election. As a practical matter, the requirement will be 25 signatures for the foreseeable future. The Commission recommends amending the Charter to replace the current 10 signature minimum with 25 in order to comply with state law.

Proposition Number 19

Shall Section 8.03 “Nominations” of the Charter of the Town of Addison, Texas, be amended to increase to 50, the maximum number of signatures for a petition to place a candidate in nomination for a City Council office?

Redline to Current Charter:

Section 8.03. - Nominations.

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)~~twenty-five (25), or not more than ~~fifteen (15) qualified~~fifty (50) registered 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~~signed. With each signature shall be stated the place of residence of the signer, giving the street, number or other description sufficient to identify it; ~~and the signer’s date of birth or voter registration number.~~

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.

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.

Any person whose ~~se name~~ has placed his own name in nomination or has been placed in nomination ~~by petition~~ shall take ~~the following oath:~~ an oath as prescribed by the Texas Election Code, as amended.

~~"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."~~

~~Signature of candidate~~ _____

~~Date and hour of filing~~ _____

~~Received by:~~ _____

~~(Signature of City Secretary)~~

The petition placing a person in nomination shall be in ~~the following~~ a form:

~~"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 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."~~

~~Name~~ _____ ~~Street and number~~ _____

~~Address from which last registered (if different)~~ _____

~~Date of signing~~ _____

~~These above statements will contain the following notarization:~~

~~["]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 satisfying the requirements set forth in the Texas Election Code, as his free act and deed for the purposes and consideration therein expressed.~~

~~Given under my hand and seal of office this the _____ day of _____ 20____."amended. [Also see Propositions 17 and 18]~~

Discussion:

Currently, the Charter states that, in addition to the option for self-nomination (recommended to be removed in Proposition 17), a candidate may be nominated through a petition signed by 10-15 qualified voters. As discussed in Proposition 18, the minimum number of signatures is 25 per the Texas Election Code. State law also states that a person may only sign one petition for mayoral candidate and a petition for one Council candidate, even though they can vote for up to three Council candidates in each election. To ensure that eligible signatories are available to all candidates, the Commissions recommends establishing a cap of 50 signatures per candidates.

Proposition Number 8

Shall Section 2.17 “Induction of Council into office” of the Charter of the Town of Addison, Texas, be amended to clarify that the first meeting of the City Council following an election of members of the City Council shall be the meeting to canvass the election as provided by state law and the first order of business shall be to canvass the election, declare the results and seat the newly elected members?

Redline to Current Charter:

Section 2.17. – Induction of Council into office.

The first meeting of ~~each newly elected~~ the City Council, following an election for induction into office one or more council offices, shall be the ~~next regular~~ meeting following its election to canvass the results of the election in accordance with state law. At such meeting, the first order of business shall be the canvassing of returns, declaring the results and the ~~swearing in~~ seating of such newly elected members of the Council following their oath of office.

Discussion:

The Commission recommends that this section of the Charter be amended to more clearly describe the process and timing by which the results of elections for Council Members are canvassed and when the newly elected Council Members are sworn in and take office.

Proposition Number 20

Shall Section 8.06 “Conducting and canvassing elections” of the Charter of the Town of Addison, Texas, be amended to clarify that the first meeting of the City Council following a municipal election shall be the meeting to canvass the election and declare the results as provided by state law?

Red-Line to Current Charter

Section 8.06. – Conducting and canvassing elections.

Returns of all municipal elections, ~~both general and special~~, shall be made by the election officers to the Council at the ~~next regular~~ first City Council meeting after following the election, ~~at~~ which ~~time the Council~~ shall be the meeting to

canvass the ~~votes, election and~~ declare the results ~~of such election;~~ in accordance with notification of election to candidate elected state law.

Discussion:

The Commission recommends that this section be amended to add clarity to the process and timeline for canvassing elections and so that the language follows state law and works in conjunction with the changes proposed by Proposition 8 to Section 2.17. – Induction of Council into office.

Proposition Number 9

Shall Section 5.11(1) “Bonds, warrants and other evidences of indebtedness” of the Charter of the Town of Addison, Texas, be renamed to “Bonds, warrants and other debt matters”?

Redline to Current Charter:

Section 5.11. - Bonds, warrants and other ~~evidences of indebtedness~~ debt matters.

1. *Power to issue.* 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 for any public purpose, so long as not prohibited by state law, including but not limited to, bonds or other evidences of indebtedness to promote or finance economic development within the City.~~

2. *Manner of issuance.* 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. ~~[Also see Proposition 10]~~

Discussion:

The Commission recommends renaming this section to more clearly describe its purpose.

Proposition Number 10

Shall the Charter of the Town of Addison, Texas, be amended to clarify that the Town is authorized to issue debt for economic development purposes?

Redline to Current Charter:

Section 5.11. - Bonds, warrants and other ~~evidences of indebtedness~~ debt matters.

1. *Power to issue.* 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 for any public purpose, so long as~~

not prohibited by state law, including but not limited to, bonds or other evidences of indebtedness to promote or finance economic development within the City.

2. *Manner of issuance.* 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. [Also see Proposition 9]

Discussion:

As the Town was preparing for the 2019 Bond Election, there was discussion among the Community Bond Advisory Committee regarding the issuance of bonds to purchase land for economic development purposes. The thought was that the Town may want to have funds available to purchase key pieces of property that may need to be redeveloped and that the Town could facilitate such redevelopment through strategic purchases and property accumulation. The Attorney General reviewed the Town's Charter and contended that the Town did not have the authority to issue debt for economic development. The Commission discussed this issue at length and recommends that this issue be put to the voters for consideration.

Proposition Number 3

*Shall Section 2.04 "Compensation" of the Charter of the Town of Addison, Texas, be amended to remove the requirement that the City Council approve **at a public meeting**, any reimbursements to councilmembers for actual expenses incurred in the performance of official duties? Expenditures would still be approved by the City Council during the budgeting process and records would be available in accordance with open records requirements.*

Redline to Current Charter:

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.~~

Discussion:

The Charter enables members of the City Council to receive reimbursements for expenses related to their official duties. This may include expenses such as travel or for lodging costs to attend conferences on behalf of the Town. The current Charter language requires that such reimbursements must be approved by a vote of the City Council at a public meeting. This is not a current practice of the Town, and is unnecessary because expenditures for the City Council are considered during the budget process and reimbursements must comply with applicable policies adopted by the Council. The Commission recommends removing the requirement that reimbursements must be approved by the City Council at a public meeting.

Proposition Number 4

Shall Section 2.08(f) "Powers of the City Council" of the Charter of the Town of Addison, Texas, be amended to require members of the Planning and Zoning Commission and Board of Zoning Adjustment to be residents and registered voters of the Town?

Redline to Current Charter:

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:

...

f. Appoint ~~the~~ members of the Planning and Zoning Commission and Board of Zoning Adjustment who shall be residents and registered voters of the Town. No one may serve concurrently on both boards; [Also see Proposition 5]

Discussion:

Recently, members of both the Planning and Zoning Commission and Board of Adjustment have moved outside of Addison during their term. In every case, the member has resigned, but these events raised the issue of whether a non-resident could serve on either body. The Commission recommends adding language clarifying that members of the Planning and Zoning Commission and Board of Zoning Adjustment must be registered voters of the Town. This would effectively prohibit non-residents from serving on these bodies.

Proposition Number 5

Shall Section 2.08(f) "Powers of the City Council" of the Charter of the Town of Addison, Texas, be amended to state that no one may serve concurrently on the Planning and Zoning Commission and the Board of Zoning Adjustment?

Redline to Current Charter:

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:

...

f. Appoint ~~the~~ members of the Planning and Zoning Commission and Board of Zoning Adjustment who shall be residents and registered voters of the Town. No one may serve concurrently on both boards; [Also see Proposition 4]

Discussion:

Currently, the Charter is silent regarding an individual's ability to serve concurrently on both the Planning and Zoning Commission and the Board of Zoning Adjustment. At times in the past, the same individual has served on both bodies simultaneously. The Commission recommends that the Charter be amended to state that no one may serve on both boards simultaneously.

Proposition Number 14

Shall Section 7.04 "Planning and Zoning Commission" of the charter of the Town of Addison, Texas, be amended to change references to "City Zoning Commission" and "City Planning Commission" to the "Planning and Zoning Commission?"

Redline to Current Charter:

Section 7.04 – Planning and Zoning Commission.

The City Council shall have the power and authority to appoint a ~~City~~ City Planning and Zoning 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 the Town of Addison shall have 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.~~

Discussion:

In Addison, Planning and Zoning is handled by one body, referred to as the Planning and Zoning Commission. Therefore, references to a separate Planning Commission and Zoning Commission are not necessary. The Charter Review Commission recommends removing references to the separate bodies and instead use the term "Planning and Zoning Commission."

Proposition Number 13

Shall Section 7.03 "Master plan" of the Charter of the Town of Addison, Texas, be amended to change the wording "official master plan" to the "Comprehensive Plan" since that is the name of the Town's long-range planning document and to state that the City Council may amend the Comprehensive Plan by majority vote of the City Council members present at a Council meeting?

Red-Line to Current Charter:

Section 7.03. – ~~Master~~Comprehensive plan.

- a. The official ~~master~~Comprehensive 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.
- b. The ~~master~~Comprehensive Plan may be amended by majority vote of those members of the whole Council that are present at a council meeting, 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.

Discussion:

The Town's master plan is known as the Comprehensive Plan. The Town's current Comprehensive Plan was adopted in 2013. The Commission recommends that references to the "master plan" be replaced with "Comprehensive Plan," and that the language be amended to clarify that the Comprehensive Plan can be amended by a majority of council members present at a Council meeting. Some felt that the current language could be construed to state the Comprehensive Plan could only be amended at meetings where the whole Council was present.

Proposition Number 24

Shall Section 11.26 "Disaster clause" of the Charter of the Town of Addison, Texas, be amended to remove the references to the "local Chamber of Commerce" and "Board of Trustees of the local school district" and instead direct that the Dallas County Judge appoint a commission, which shall include any surviving members of the City Council, in the event of a disaster when a quorum of the City Council cannot be assembled because of death or injury?

Redline to Current Charter:

Section 11.26. – Disaster Clause.

In case of disaster when a legal quorum of ~~the~~ the elected ~~Councilmen~~City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving ~~member or members~~persons of the ~~elected~~City Council, or highest surviving ~~Town~~City 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 five member commission ~~to act during, which shall include all surviving elected City officials, to govern the City, respond to the~~ emergency and ~~call a Town election~~ 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.

Discussion:

The current language in the Charter is typical of early charters. The Commission recommends that references to the Chamber of Commerce and School District be removed and the power to appoint an emergency commission rest with the County Judge. This would simplify the process of appointing a commission in the event of a disaster.

Proposition Number 6

Shall Section 2.10 "Meetings of the City Council" of the Charter of the Town of Addison, Texas, be amended to allow special meetings of the City Council to be called by three (3) councilmembers instead of four (4) as currently stated?

Discussion:

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 special meetings. After reviewing this issue, the Commission recommends reducing the number from four members to three members.

Proposition Number 7

Shall Section 2.10 "Meetings of the City Council" of the Charter of the Town of Addison, Texas, be amended to allow special meetings of the City Council to be called by the City Manager?

Discussion:

In addition to the issue of how many Council Members must agree to call a special meeting, many of the Town's comparator cities allow for the City Manager to call special meetings. The Commission recommends that the City Manager be given such authority should the need arise.

COUNCIL INITIATED DISCUSSION ITEMS NOT RECOMMENDED FOR CHANGES

Length of Council Terms

Section 8.04 “Number, selection, and terms of Council” currently states that the Mayor and other members of the City Council shall be elected to two-year terms. Council Members requested that the Commission discuss whether the length of term should be extended to either three- or four-year terms.

Discussion:

There are several benefits to extended term lengths. The primary benefit is that it allows more time for individuals to learn and then govern in between political cycles. It can also increase stability on Council.

During the Commission’s deliberations it was informed by the City Attorney that instituting term lengths greater than two years would require the following based on the Texas Constitution:

- A majority vote to elect each Council Member, which means:
 - The uses of “places” rather than one election for all open seats
 - The potential of runoff elections
- Special Elections to fill vacancies

Addison’s current electoral system is considered a plurality election system. Under such a system, the candidates for Council Member run to get the most votes. The top vote earners equal to the number of vacancies win seats on the City Council without regard to the issue of a majority. Extending term lengths would require that the current system be replaced with places where candidates would apply to run for a specific place. A place system could promote a more contentious political dynamic in the community as candidates would be running specifically against each other. The Commission was also concerned with the added dynamic of runoff elections, which would delay seating the full Council until later in the year, interfering with important discussions regarding strategic planning and budgeting.

After reviewing the pros and cons of extending term lengths, the Commission recommends not changing the Charter and leaving the term lengths at two years.

Reporting Structure of the City Secretary

Section 4.06. "City Secretary" currently states that the City Council shall have the authority to appoint and remove the City Secretary. The City Council has passed a resolution indicating that the City Manager is responsible for the day-to-day management of the City Secretary position. Some on Council suggested that the position be moved completely under the purview of the City Manager and requested that the Commission investigate and make a recommendation on this issue.

Discussion:

Staff provided the results of a state-wide survey regarding how other cities select the City Secretary. The results were as follows:

- By City Manager – 25%
- By City Manager with City Council Approval – 20%
- By City Council – 33%
- By City Council on recommendation of the City Manager – 11%
- By Mayor with City Council approval – 6%
- Other – 2%

Based on this data, there is no consistent approach to how cities address the reporting structure for the City Secretary. The Commission recommends that the City Council retain some level of control over the position and make no changes to the current Charter language.