

2018 Charter Review Commission



Commission Purpose



The overarching purpose is stated in Resolution 20170622-040:

- Ø Advise Council on revisions which may be necessary or desirable to align the Charter with changes to municipal ordinances; and**
- Ø Make recommendations to Council to improve and enhance transparency and the general functions of city government.**

Directives



Stated directives:

- Ø Review best practices;**
- Ø Seek citizen input;**
- Ø Consult with City boards and commissions; and**
- Ø Review the Charter in order to formulate recommendations for amendment, revision, or repeal of Charter provisions.**

Areas of Consideration



Mandatory areas to consider:

- Ø Campaign finance, including consideration of contribution and expenditure limits;**
- Ø City boards and commissions, including terms of Planning Commission members;**
- Ø Requirements for citizen-initiated petitions, including requirements for percentages and numbers of valid signatures on various types of petitions (initiative, referendum, recall), and reporting and residency requirements for citizen-initiated petitions;**
- Ø Appointment of City Attorney by the City Council; and**
- Ø Correction of clerical matters, routine harmonizing, clarification of verbiage as recommended by the City Clerk and the City Attorney.**

Additional Directives



Further stated directives:

- Ø Consider recommendations of Ethics Review Commission on all matters of campaign finance, ethics, and financial disclosure;
- Ø Consider recommendations of City boards and commissions; and
- Ø Conduct public hearings to encourage and solicit broad-based citizen input for consideration of each Proposal in Recommendation Report, prior to submission of Recommendation Report to Council.

Additional permissible actions:

- Ø May receive stakeholder input; and
- Ø May include ideas and comments on matters in Recommendation Report.

Required Product



Commission must prepare a Recommendation Report to be delivered to Council within 200 days*

- Ø Must contain recommendations, termed Proposals, for amendment, revision, or repeal of Charter provisions.**
- Ø For each Proposal, Recommendation Report shall outline:**
 - Ø Substance of any Proposal;**
 - Ø Policy reason for each Proposal;**
 - Ø Estimated fiscal budgetary impacts for each Proposal;**
 - Ø Impacts of each Proposal on existing City laws, rules, practices, and procedures; and**
 - Ø Proposed ballot language for each Proposal.**

Texas Open Meetings Act (TOMA)

Texas Public Information Act (PIA)



- Ø Texas Open Meetings Act (TOMA) requires that:**
 - Ø Meetings of governmental bodies be open to the public;**
 - Ø Agendas be posted publicly at least 72 hours prior to a meeting, and must include notice of the date, time, place, and subject of each meeting; and**
 - Ø A quorum of members be present to begin meeting.**
- Ø Texas Public Information Act (PIA) requires that:**
 - Ø Information pertaining to the body's business, including that stored on private email accounts, is subject to the PIA.**

Non-Mandatory (but directory) Miscellanea



- Ø The City Code prohibits bodies from meeting in closed/executive session unless they have received prior approval from the City Attorney. [Code § 2-1-43(C)]**
- Ø A meeting may not extend beyond 10:00 p.m., unless the body votes to continue. [Code § 2-1-44(C)]**

Electing Board Officers



- Ø Commission should elect a Chair and Vice Chair.
 - Ø All board votes are public.
 - Ø There is no ballot system for any Commission action.
- Ø The presiding officer:
 - Ø Leads commission meetings;
 - Ø Approves draft agendas; and
 - Ø Appoints members of working groups and committees with input from members.
- Ø The Vice Chair presides over a meeting in the absence of the Chair.

Staff and Executive Liaisons



- Ø The City Clerk's Office and the Law Department will provide staff support to the Commission, including:**
 - Ø Preparing the agenda;**
 - Ø Preparing the minutes;**
 - Ø Maintaining the webpage;**
 - Ø Researching questions, as directed by the Commission;**
 - and**
 - Ø Arranging for presenters, as requested by the Commission.**

Code of Conduct



- Ø Each person attending a meeting should observe proper decorum.**
- Ø A person or commissioner should not speak out of turn, use disparaging or abusive language, and must not make threats of violence against any other person during a meeting.**
- Ø Situations may arise which create conflict or require attention. If there is a concern, please discuss the situation with staff.**

Minimum Standards of Conduct



- Ø May not solicit or accept employment that could reasonably be expected to impair the member's independence in judgment or the member's performance of city duties.**
- Ø May not accept paid campaign work relating to a ballot proposition if the board exercised discretionary authority with respect to the proposition.**
- Ø May not formally appear before the Commission while acting as an advocate for himself/herself, or for any other person, group, or entity.**
- Ø May not solicit or accept a gift or favor that might reasonably tend to influence the member in discharging duties, or that member should know has been offered with intent to influence/reward official conduct.**

Agendas



- Ø Agendas are compiled by staff liaison with input from the Chair and Commissioners.
- Ø Commissioners may include an item if:
 - Ø Sponsorship is received from at least 2 members, and is provided 5 calendar days before the meeting.
 - Ø The item is requested during a meeting under “New Business-Future Agenda Items” from 2 or more members .
- Ø Chair approves the final agenda.
 - Ø The Chair does not have discretionary authority to remove an item for personal reasons. However, items may be postponed or accelerated due to time constraints.

Agendas



- Ø Agendas must be written so that any reasonable person may understand what the board intends to discuss.**
- Ø Agendas must include all issues to be considered and any action or votes anticipated.**
 - Ø Example: “Possible discussion and action of ...”**
- Ø Each board meeting agenda should provide for general citizen communication.**
- Ø A member of the public may not speak on an item posted as a briefing.**

Meeting Minutes



- Ø TOMA and City Code require written action minutes of all meetings:**
 - Ø Written minutes are not a transcript of every word of the meeting.**
 - Ø The meetings will be either televised or audio recorded.**
 - Ø The recording will be posted to the Commission's webpage.**
- Ø Commission's liaison will take the minutes of meetings by recording the events using action minutes, to include:**
 - Ø Members in attendance;**
 - Ø Subject of each deliberation; and**
 - Ø Each vote, order, decision, or other action taken.**

Attendance Requirements



- Ø A member may be removed by Council for failure to attend 3 or more consecutive meetings.**
- Ø Please remember to sign the attendance log at each meeting.**
- Ø Please notify the staff liaison if you will be absent from a meeting.**

Attendance Requirements



- Ø For the Commission to meet and conduct business, a quorum must be physically present.
 - Ø A member may not call or skype into a meeting.
- Ø Unfilled positions do not change the requirement for a quorum.
 - Ø For an 11 member board, 6 members must be present.
 - Ø If 9 members are appointed and 2 seats are vacant, 6 members must be present to meet.
- Ø If a quorum is not present within 30 minutes after the start time, no action can be taken and the meeting is cancelled.
- Ø A Cancellation Notice should be posted prior to cancelled meetings.

Questions?



*Thank you for
your service.*