



# AGENDA

## HOME RULE CHARTER COMMISSION

### WORK SESSION Meeting

6:30 PM - Wednesday, September 25, 2024

1371 WEST FM 550 - McLENDON-CHISHOLM, TEXAS 75032

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**AGENDA-Minutes**

**Charter Commission Work Session**

**Wednesday, August 28<sup>th</sup>, 2024**

**1371 West FM 550-McLendon-Chisholm, Texas 75032 6:30 PM**

**1. INTRODUCTIONS: PRAYERS AND PLEDGES**

**Meeting started at 6:30 pm.**

**Commissioners Present:**

**Roberta Dolan  
Troy Reich  
Anthony Crawford  
Jen Heldreth  
Mark Russo (Chair)  
Rich Dean  
James Adcox  
Jody Wright  
Karan McDonald  
Dennis London**

**Absent:**

**Darius Bow  
John Powers  
Lesley Schwalje  
Melody Osorio  
Bev Stibbens**

**Others Present:**

**Councilman Jerry Brewer  
Mayor Bryan McNeal**

**2. SWEARING IN REMAINING MEMBERS.**

**Mayor McNeal swore in Rich Dean, Jody Wright, Dennis London and Troy Reich. Introductions of members present. Chair Russo reminded members to complete Texas Open Meetings Act training.**

**3. APPROVAL OF MINUTES**

**Chair Russo called for motion to discuss and approve. Motion to approve by Commissioner London and seconded by Commissioner Crawford. Commissioner Dean asked about approving minutes if he**

**was not present at the meeting. Chair Russo advised he could abstain. Motion passed 9-0. Commissioner Dean abstained.**

**NOTE: This item on the original agenda was moved up ahead of the “Selection of Vice-Chair and Secretary” agenda item by Chair Russo.**

**4. SELECTION OF VICE-CHAIR AND SECRETARY.**

**Chair Russo solicited input for Vice-Chair and Secretary positions. Commissioner Dean nominated Commissioner London as Vice Chair. Seconded by Commissioner Crawford. Unanimous vote. Commissioner Heldreth nominated by Commissioner Wright and seconded by Commissioner Adcox. Unanimous vote.**

**5. DISCUSSION OF THE CHARTER PROCESS AND TIMELINE.**

**Chair Russo asked for and received input from the commissioners on their favored charters from other cities. Cities mentioned were Wolfforth, Heath, Royce City, Fate, Sunnyvale, Rockwall and Amarillo. Chair Russo explained the purpose was to find consensus to create a template. Wording for sections of McLendon-Chisholm’s charter would likely be drawn from multiple city charters. Specificity of the wording of these sections would be formally voted on possibly in November. Chair Russo asked Councilman Brewer to have copies of the City of Amarillo’s charter made available for the Commission.**

**6. DISCUSSION ON CHARTER AND ANY ACTION NEEDED.**

**Chair Russo using the Heath Charter as a guide went over sections of the Charter identifying areas that have standardized language and areas that would need further discussion by the Commission in future agendas. Those areas considered standardized could still be modified should the Commission so decide.**

**Areas that were identified as standardized included the Preamble (similar to Town of Sunnyvale), Incorporation language, Boundaries language, Annexation/De-annexation language (similar to the City of Wolfforth), General Powers of the City (City of Heath except as noted for further discussion). Additional areas identified City Secretary, City Attorney, Fiscal Administration (City of Heath except for sections 8.02, 8.04), Elections, Franchises, General and Transitional Positions (City of Heath except for Sections 14.04, 14.05, and 14.10) and Adoption of Charter.**

**Areas identified for further discussion included zoning including the codification of the comprehensive plan, form of government, city manager, municipal court, method of selection for certain positions, length of terms for elected officials, term limits, single districts versus at large council positions, council compensation, specific boards or committees in the charter including the framework and method of selection of board members. Additional areas identified were nepotism, eligibility requirements to serve in an elected position, publication requirements to include city website (City of Heath 10.02), recall/petition/initiative requirements, General Powers of a City (as identified in the City of Heath 2.02 section 9, 11, and 14 and 2.03) Miscellaneous City Powers (as identified in 2.04 of City of Royce City Charter), Annual Budget (City of Heath Section 8.04) and Amendment of the Charter.**

**Chair Russo asked Councilman Brewer to have the City Attorney respond to a question of codification of the Comprehensive Plan and its review.**

**Commissioner Heldreth asked if Shari London could come before the commission to provide information relating to the regulation of utilities under the General Powers section. Specifically, regarding water based on her knowledge of RCH Water Supply and its dealings with the City. Chair Russo advised that anyone was welcome to speak to the Commission. This request would be followed up.**

**Commissioner London discussed petitioning of liquor sales and regulation (as mentioned in the Royce City Charter) and putting in a charter a prohibition on the use of Public Improvement Districts (PID) from Developers. Chair Russo asked Commissioner London to investigate these areas further. There was discussion concerning Municipal Utility Districts and the city's limited authority.**

**7. PUBLIC COMMENTS**

**No public comments**

**NOTE: This item on the original agenda was moved up ahead of the "Discussion For Setting of Future Meeting Dates.." agenda item by Chair Russo.**

**8. DISCUSSION FOR THE SETTING OF FUTURE MEETING DATES, TIMES AND TOPICS.**

**Next meeting was scheduled to be held on September 11<sup>th</sup> however there was a possible conflict with a Board of Adjustment meeting. Councilman Brewer would check with the Board of Adjustment (B.O.A.) Chair and if feasible have the meeting after the B.O.A. that night. Otherwise, the Commission meeting would be moved up to Sept 4<sup>th</sup>. Councilman Brewer advised he will notify the commission.**

**Topics for discussion of the next meeting will be Form of Government, Annexation/Disannexations language, City Administration.**

**9. ADJOURN**

**Chair Russo adjourned the meeting at 9:08 pm.**

**AGENDA-Minutes**

**Charter Commission Work Session**

**Wednesday, September 11th, 2024**

**1371 West FM 550-McLendon-Chisholm, Texas 75032 6:30 PM**

1. Call To Order

**Meeting started at 6:30 pm.**

**Commissioners Present:**

**Mark Russo (Chair)**

**Troy Reich**

**Anthony Crawford**

**John Powers**

**James Adcox**

**Lesley Schwalje**

**Karan McDonald**

**Dennis London**

**Melody Osorio**

**Bev Stibbens**

**Roberta Dolan**

**Darius Bow**

**Absent:**

**Rich Dean**

**Jen Heldreth**

**Jody Wright**

**Others Present:**

**Councilman Jerry Brewer**

**City Attorney Michael Halla**

**NOTE: Commissioners Dolan and Bow came in later after the meeting began.**

2. INVOCATION AND PLEDGES TO U.S. AND TEXAS FLAGS

**Chair Russo gave the invocation. Commissioner Stibbens led the pledges.**

**NOTE: Chair Russo swore in Commissioner Stibbens following the pledges. Chair Russo swore in Commissioner Bow upon his arrival to the meeting.**

3. CHARTER TEMPLATE UPDATE (CHAIR RUSSO).  
**Chair Russo discussed the updated template to let the commission know the progress on it and always subject to change should the commission so desire.**
4. DISCUSSION WITH CITY ATTORNEY REGARDING VARIOUS CHARTER PROVISIONS (COMMISSION).

**Chair Russo introduced City Attorney Michael Halla.**

**Commissioner London had questions regarding the limiting/restriction of Public Improvement Districts in a charter. Mr. Halla advised that it could force developers to go to Municipal Utility Districts which are only regulated by the state. Mr. Halla advised a Charter could mandate the City of a PID policy with mandatory review and updating.**

**Mr. Halla cautioned the Commission not to have a charter that is too restrictive or limiting for the City to function.**

**Chair Russo asked if the charter should mandate updating of all policies such as the comprehensive plan. Mr. Halla advised no. He would recommend that in regard to zoning that it not be specific or limiting in the charter.**

**Commissioner Dolan asked if lot sizes can be specified in the charter. Mr. Halla advised that he believes zoning plans should not be addressed in the Charter. It handcuffs future city councils. Also Local Government Code address zoning and comprehensive plans. Mr. Halla suggested looking at Local Government Code 2.13.003 that**

**identifies two ways to amend a comprehensive plan. Incorporating language to identify the process of how the plan could be amended might be worthy of consideration.**

**Commissioner Adcox confirmed with Mr. Halla a charter cannot restrict a M.U.D. Commissioner London asked about whether the City could mandate any vote incorporating a M.U.D. also include bordering communities. No, it falls under state law. Commissioner Stibbens asked if Charter can prevent a resident of a M.U.D. that is elected to city council from voting on any M.U.D. and its debts from being assumed by the City. Mr. Halla advised no due to legislative immunity.**

**Chair Russo mentioned that a Home Rule City has more authority in the extension of the ETJ. Mr. Halla advised that the ETJ is set by the legislature.**

**Commissioner Osorio asked if the City has control of the ETJ. Mr. Halla advised it is covered by the subdivision ordinance. City does not own the roads in an ETJ development unless they asked to be annexed and if the City accepts the road conditions. It was asked how people are notified of MUDS. Mr. Halla advised it is noticed in a local paper.**

**Commissioner Powers asked for confirmation that you cannot restrict a city council from accepting a M.U.D. and its debt. Mr. Halla advised that would be a problem because you cannot restrict something a legislative body has a right to do. In the use of certificates of obligation it would be, in Mr. Halla's opinion, an illegal provision in the Charter to prevent the use by the legislative body.**

**Commissioner Schwalje asked if it can be required in the Charter that before any assumption of MUD debt that it be put to a vote by the citizens. Mr. Halla believed that is possible.**

**Chair Russo asked if a bond expenditure is not approved by a super-majority, can it then require voter approval? Mr. Halla advised no.**

**Chair Russo asked if all ordinances can be required to have a second vote. Mr. Halla advised to have specific types of ordinances that require a second vote and to avoid a blanket rule that would make the meetings difficult to get through. Examples cited budget ordinances and the zoning comprehensive plan.**

**Chair Russo asked what were common errors in a charter? Mr. Halla advised that putting too much in a charter and being too restrictive.**

## **5. DISCUSSION OF CHARTER TOPICS.**

### **5.1 FORM OF GOVERNMENT**

**Chair Russo asked for input from Mr. Halla regarding form of government and the establishment of a municipal court and whether it should be a court of record or not. Mr. Halla did not have a preference on the matter but cited examples.**

**Chair Russo asked for input from the Commission on the preferred form of government for the City. The consensus was a Manager-Council form of government. There were no other forms preferred by any of the commissioners.**

**Discussion turned to charter language on the form of government and powers of the council.**

**Chair Russo asked Mr. Halla his thoughts on the positions that are hired by council and discussed the downside of a council hiring every level of employee.**

**Chair Russo indicated a preference for the City of Rockwall's charter language. Commissioner Adcox liked the City of Heath's charter. Commissioner London liked a combination of Rockwall and Heath. Commissioner Stibbens thought City of Rockwall was too short but liked the City of Wolfforth and Town of Sunnyvale's charter**

**versions. Commissioner Crawford preferred to keep things simple. He liked Rockwall's but thought the Council language in the Heath and Royce City Charters shouldn't be duplicated. The commission reviewed the Town of Sunnyvale's language. The consensus going forward was to use the Town of Sunnyvale.**

## **5.2 ANNEXATION/DE-ANNEXATION LANGUAGE**

**Chair Russo asked for input from the Commission on the preferred charter language for annexation/de-annexation language. Commissioner Osorio also had pulled different versions and put them on one sheet for the Commission to consider. After lengthy discussion, the Commission consensus was to use language from the City of Wolfforth and adding an additional paragraph using part of the language that Commissioner Osorio offered concerning completion of the annexation procedure.**

**Commissioner Osorio suggested it would be helpful looking at Charter amendments. Chair Russo advised he would bring what the City of Rockwall was currently working on in the next meeting.**

## **5.3 CITY ADMINISTRATION/POSITIONS**

**Discussion on various positions included City Manager, City Attorney, City Secretary and Municipal Court.**

**There was consensus to have the City Manager selected by the city council. There was consensus for the first part of the City of Wolfforth's language for Municipal Court with an additional change of the city council selecting the Municipal Judge in the model charter.**

**Chair Russo paused further discussion for the next meeting to give commissioners time to review charters and the current city ordinances pertaining to the positions of City Manager, City Secretary, City Attorney and Municipal Judge.**

6. PUBLIC COMMENTS

**No public comments**

7. DISCUSSION FOR THE SETTING OF FUTURE MEETING DATES, TIMES AND TOPICS.

**Next meeting scheduled to be held on September 25<sup>th</sup>. Topics for discussion of the next meeting will be Tax Administrator, City Manager, City Secretary, City Attorney, Duties of City Council (Powers and Prohibitions) and Nepotism.**

8. ADJOURN

**Chair Russo adjourned the meeting at 9:04 pm after motions to adjourn by Commissioner Reich and Commissioner Stibbens and approval by the Commission.**