



# AGENDA

## HOME RULE CHARTER COMMISSION

### WORK SESSION Meeting

6:30 PM - Wednesday, October 9, 2024

1371 WEST FM 550 - McLENDON-CHISHOLM, TEXAS 75032

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1. CALL TO ORDER	
2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS	
3. APPROVAL OF MINUTES	
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5. DISCUSSION OF CHARTER TOPICS	
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**AGENDA-Minutes**

**Charter Commission Work Session**

**Wednesday, September 25th, 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)**

**Jody Wright**

**Anthony Crawford**

**John Powers**

**James Adcox**

**Lesley Schwalje**

**Karan McDonald**

**Dennis London**

**Jen Heldreth**

**Bev Stibbens**

**Roberta Dolan**

**Rich Dean**

**Absent:**

**Darius Bow**

**Melody Osorio**

**Troy Reich**

**Others Present:**

**Councilman Jerry Brewer**

**NOTE: Commissioner London came in at 6:42 pm.**

**Commissioner Schwalje left at 8:05 pm.**

2. INVOCATION AND PLEDGES TO U.S. AND TEXAS FLAGS  
**Chair Russo gave the invocation. Commissioner Dean led the pledges.**
3. Approval of Minutes.  
**Motion to approve August 28<sup>th</sup> minutes made by Commissioner Crawford. Seconded by Commissioner Wright. Motion carried 12-0.**

**Motion to approve September 11<sup>th</sup> minutes made by Commissioner Powers. Seconded by Commissioner Adcox. Motion carried 12-0.**

**4. CHARTER TEMPLATE UPDATE (CHAIR RUSSO).**

**Chair Russo discussed the updated template with the commission.**

**5. DISCUSSION OF CHARTER TOPICS.**

**5.1 TAX ADMINISTRATION**

**Chair Russo went over the order discussions on tax administration followed by city positions, then move to business of city council and nepotism.**

**Chair Russo advised City Secretary and City Attorney sections be reviewed and revisited during the work session to address any concerns from previous work. There was no Commission desire to review previous sections.**

**Chair Russo asked about the ordering of discussions. Commissioner Stibbens suggested the Commission start with tax administration. Chair Russo offered discussion opportunity for tax administration.**

**Commissioner Powers requested we clarify for discussion the tax rate as it has been raised by the school district to 1.14 and advised they recouped the amount listed. Chair Russo advised that the discussion was about the rules of administration only.**

**Commissioner Dean requested more information on how tax administration is currently handled in McLendon-Chisholm. Chair Russo advised that there are generally two ways this is done, one being the City has its own tax assessor in a paid position, similar to the City of Heath, the other option is contracting through the Central Appraisal District, where the**

**City Secretary would facilitate with the Central Appraisal District.**

**Commissioner Dean requested reasoning for why we would choose for either option. Commissioner Stibbens advised that it is affordable to contract with Central Appraisal District with Chair Russo agreed and stated that to staff a City Tax Assessor, the City would be required to staff a City Tax Assessor, including salary, insurance, benefits and retirement costs.**

**Commissioner Dolen brought up Trophy Club's charter to ask why they reference "according to State law" sharing that she finds it unnecessary to require a search for Texas law to reference every section of the charter. Chair Russo raised an opportunity for objections, concerns or continued conversation.**

**Commissioner Dean suggested that the Commission clarify in the charter more details regarding use of either an employee or contract with Central District in the verbiage of McLendon-Chisholm's charter.**

**Commissioner Wright suggested that the verbiage could be written allowing the City Manager to recommend to enter into an outside agreement. Chair Russo reiterated the purpose of conversation was to get a strong base for this document and when it gets to the voting point by the Commission, there will be an opportunity to reconsider verbiage, that the Commission is currently building in the document with nothing binding tonight.**

**Commissioner Stibbens stated she prefers City of Rockwall's charter on Tax Administration as it is clean and states that the Council can contract the service.**

**Commissioner Crawford echoed Commissioner Deans suggestions and prefers Rockwall's charter on Tax Administration.**

**Commissioner Adcox echoed a preference for Rockwall but wanted discussion on projections of when the City would potentially need to staff a Tax Administration.**

**Commissioner Stibbens stated that Rockwall being the largest city within our county still utilizes CAD and does not believe we will have a need in our lifetimes to hire a Tax Administrator. Chair Russo requested the Commission clarify the language designating City Tax Collector to encompass both City Tax Collector or Contractor. Commissioner Stibbens referenced it could be listed in Rockwall's charter in 7.20 where it notes that the head of the city is the tax collector. Chair Russo said the language would be fine, not being binding and is flexible.**

**Commissioner Powers asked if we could consider the language of "will" to "may" to leave this decision in the hands of the city council to establish a City Tax Collector or choose to use Central Appraisal District. Chair Russo stated that the use of the word "will" would essentially be establishing the office.**

**Commissioner London stated the will/may verbiage is currently in the Royse City charter in this section, 4.05 number 3 and that this may be the most appropriate version. Chair Russo and Commissioner Stibbens emphasized the use of "may" giving an option to hire a contractor. Commissioner Stibbens discussed that the address of McLendon-Chisholm's City Hall can be the address of the Tax Administrator.**

**Chair Russo, Commissioners Schwalje, London and Heldreth all prefer the Royse City charter regarding the Tax Administration. Chair Russo asked if there were any other changes to consider at this stage with a reminder that the Commission can always make edits after further review, no commissioners raised further concerns. Chair Russo will be using the Royse City charter, agreed to by all commissioners and will be adding this to Section 8 of the city charter. This topic was closed.**

## 5.2 CITY POSITIONS

**Chair Russo advised that the Commission now focus on City Manager with a review on City Secretary and City Attorney where discussions have previously occurred. Chair Russo stated that he spoke with the Rockwall City Manager who advised we should add language that the City Secretary be notified of lawsuits rather than the City Manager.**

**Commissioner Dean prefers Sunnyvale's City Manager charter as it currently references that the City Council is in charge.**

**Commissioner Adcox echoed Sunnyvale and reviewed the Job Descriptions provided by Commissioner Osorio that it is currently missing that they should be responsible to serve as election official and administer oaths by law.**

**Commissioner Dolen raised a question of who actually picks up voting ballots from City Council after an election. Chair Russo advised the Elections Administrator contracts with the City Secretary, the City Secretary being responsible for qualifying, vetting and establishing elections.**

**Commissioner Dolen stated that in some charters it specifically gives guidelines regarding the number of days required for pick-up of ballots. Chair Russo stated that this is part of election law which follows state law.**

**Commissioner Wright raised concerns regarding the City Manager's compensation with a desire for salary guidelines to be included and a desire to include residency requirements for the City Manager role to ensure skin in the game which was echoed by Commissioners Stibbens, Heldreth and Crawford.**

**Commissioner Powers raised concerns regarding residency requirements as they could potentially eliminate a desirable pool**

**of candidates which was echoed by Commissioners Shwalje, Adcox and McDonald.**

**There was a debate between commissioners regarding an at-will employee being required to move to the city of employment. Commissioner McDonald suggested the use of verbiage as a compromise saying residency requirements are enforceable with decision-making on caveats being the council's decision.**

**Chair Russo suggested the Commission table making a decision on this verbiage with a direct request that all commissioners sleep on their considerations and come up with verbiage to review at the next meeting. Chair Russo also asked Councilman Brewer to ask the City Attorney about a registered voter requirement as part of a residency requirement for the City Manager.**

**Commissioner Adcox recommended skeleton verbiage be used while this was being tabled from Sunnyvale's charter with Commissioner Stibbens seconding Commissioner Adcox's recommendation. All commissioners were in agreement.**

**Chair Russo reiterated that the Commission discuss additional verbiage opportunities in the Sunnyvale charter with specific mention of changing Town Manager to City Manager. Chair Russo confirmed with all commissioners that there was no further discussion or changes required.**

**Commissioner Powers asked if the City Manager is the incident commander in emergency or urgent matters. Chair Russo advised that the city commander is the Mayor with a county level incident command center and that the City Manager is able to assist the Mayor in emergency incidents. Chair Russo suggested that in a crisis if there was an out of town City Manager there could be issues in getting to the City for said emergency in a timely manner due to the I-30 bridge delays.**

**Chair Russo requested commissioners to review the City Attorney's position to determine if there was any additional language that needed to be added to the current draft from the previous meeting.**

**Commissioner Wright suggested additional verbiage be added to include requiring a City Attorney to be licensed in the State of Texas.**

**Commissioner Dean requested clarification on the City Attorney being staffed as City Attorney, Chair Russo advised that we are contracting the City Attorney currently.**

**Commissioner London raised concerns regarding verbiage being added for the City Attorney to be required to be present at termination of all legal contracts and requested discussion.**

**Commissioner Stibbens suggested that the language include the termination of contracts in the list of duties for City Attorney.**

**After Commission discussion, Chair Russo referenced that the current draft addresses this correctly.**

**Commissioner London stated that it may be better to utilize language to “form or dissolve” to incorporate being present in the termination of legal agreements in this section.**

**Chair Russo requested from Jerry Brewer that the City Attorney review this language to ensure it is within the scope of the charter document.**

**Chair Russo challenged the form or dissolve language as it would be at the direction of the City Council to dissolve a document. After commission review, Commissioner London requested the verbiage be changed to “As to form or dissolve.”**

**Chair Russo confirmed there were no further concerns in this section and there was no further Commission review.**

**5.3 DUTIES OF CITY COUNCIL  
Tabled for a future agenda .**

#### 5.4 NEPOTISM

**Chair Russo requested the Council move to Nepotism and is currently utilizing the draft version from City of Heath which was provided to Commissioners in red, 14.04 of City of Heath's charter. Chair Russo brought to attention that commissioners should consider the paid positions and for transparency there would be a need for clarity around paid or appointed positions.**

**Commissioner Adcox requested clarification on volunteer positions being included.**

**Commissioner Heldreth requested clarification on the timeline for nepotism and discussion occurred regarding the number of days to enforce the nepotism provisions in the charter.**

**The Commissioners agreed to use the Heath charter on nepotism as the skeleton guideline with added language to exempt the nepotism section for volunteerism for unappointed roles allowing seasonal events, unpaid and unappointed opportunities to be open to citizens who may want to volunteer or require volunteer hours for their organizations.**

**Chair Russo provided opportunity for further discussion regarding nepotism, commissioners declined additional discussion.**

#### 6. PUBLIC COMMENTS

**Chair Russo opened to public hearing at 8:50 pm and there were no public comments. Public comments closed at 8:50 pm.**

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

**Chair Russo advised that the next meeting will be October 9, 2024 at 6:30 pm with the meeting thereafter already scheduled for October 23, 2024 at 6:30 pm. For the meeting on October 9<sup>th</sup> the topics will be**

**review of Residency Language Requirements, City Council (duties, term limits, district or at large, number of seats), Initiative, Referendum and Recall and Charter Amendments.**

**8. ADJOURN**

**Chair Russo adjourned the meeting at 9:00 pm after motions to adjourn by Commissioner London and Commissioner Wright and approval by the Commission.**