

2020 Charter Review Ad Hoc Committee Report

Committee Members:

Toby Hammett Futrell, Chair

Philip Ramirez, Vice-Chair

Chad Magill

Oscar Martinez

Rick Milby

Aaron Munoz

Shirley Thornton

Bob White

John Wilson

Introduction

- ▶ Council Appointed 9-Member Committee in May 2020
- ▶ 11 Months of Deliberation
- ▶ Considered Over 30 Potential Charter Revisions
- ▶ Presenting 6 Potential Propositions
- ▶ Submitting 4 Recommendations, Conscious of What Belongs in the Charter and What Doesn't
- ▶ Items Under Consideration were Organized by:
 - ▶ Areas of Council Interest
 - ▶ Areas of Administrative Interest
 - ▶ Areas of Interest from Committee Members & Citizens

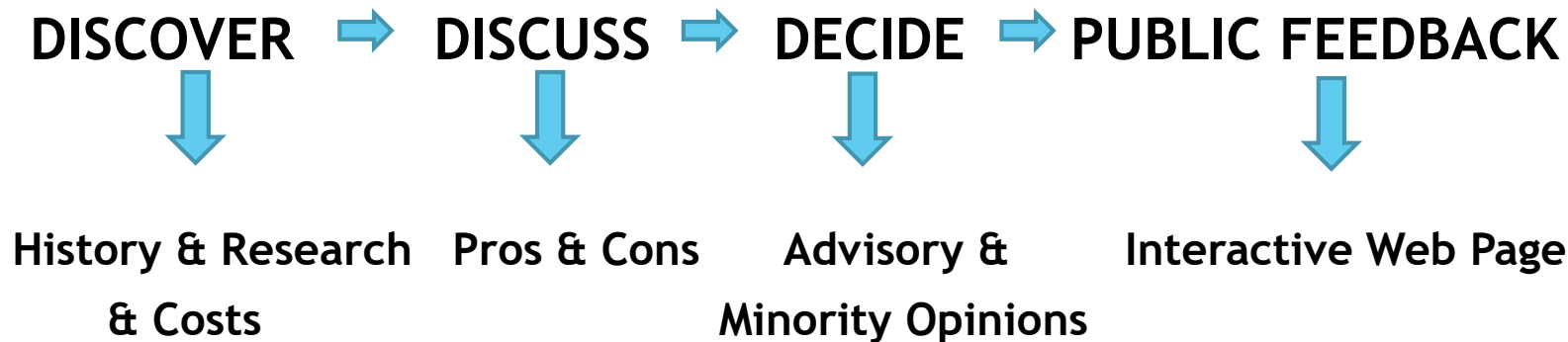
Methodology

▶ Objective:

To Judiciously Recommend Charter Revisions that Consider National Best Practices and are Value Added in Both Governing, as well as Operating Our City

▶ Guiding Values:

- ▶ Improving Operational Efficiency
- ▶ Advancing Public Accountability
- ▶ Respecting Our Council/Manager Form of Government



TIMELINE

- ▶ **May - July** Council Created Charter Committee & Gave Direction
- ▶ **July - May** Committee Worked Issues & Drafted a Preliminary Report
- ▶ **Late May** Preliminary Report Put on City Web Page for Public Comment
- ▶ **June** Polished Report
Worked on Draft Ballot Language & Actual Text Amendments
6/23/20 Council Report Presentation
- ▶ **July** Scheduled 1st Reading on 7/14/20 (Deadline 7/28/20)
Scheduled 2nd Reading on 7/21/20 (Deadline 8/11/20)

November 3, 2020

General Election, Including Charter Ballot Propositions

Let's Start with the Backdrop for the Most
Complicated & Interrelated Proposition the
Committee Undertook

Proposition #1:
Longer Staggered Council Terms Combined
with Single Member Districts

Longer Council Terms Are Considered Almost Every Two Years, But Not Brought Forward: WHY?

- ▶ 76% of Cities Nationally Have Longer than 2 Year Terms Compared to Only 33% of Texas Cities
- ▶ Texas State Constitutional Requirements for Moving Past 2 Year Terms:
 - ▶ Mandatory Elections for Vacancies
 - ▶ Resign to Run
 - ▶ Majority Vote
- ▶ Texas State Requirements Not Duplicated in Most Other States & Also Not Required of Other Local Elected Officials in Texas
- ▶ Majority Vote: Impact on Our 1983 Federal Court Order

**Discovery & Discussion Leads to Recommendation #1
On Removing Barriers to Longer Terms**

Recommendation #1: Removing Barriers to Longer Terms

- ▶ Keeping our current mixed election system with 2-year non-staggered terms
- ▶ Exploring a State Constitutional Amendment through the City's future legislative agendas & Texas Municipal League to eliminate the constitutional requirements Tied to longer terms

Fast Forward to Separate, Later Discussion of Single Member Districts

- ▶ Mitigates Impact on 1983 Federal Court Order & Reopens Discussion on Longer Terms
- ▶ Hard Fought 5-4 Committee Decision To Create **Proposition #1 to Combine Single Member Districts with 4-Year Staggered Terms**
- ▶ Recommendation #1 re: removing barriers to longer terms becomes a fall back if the Council decides against putting **Proposition #1** on the ballot or if voters reject **Proposition #1** at the ballot box

- ▶ Proposition #1: Single Member Districts with Staggered 4-Year Council Terms
- ▶ Change our current mixed election system with 2-Year Non-Staggered Terms
- ▶ Move to a new election system of 8 single member districts each elected by majority vote of their district voters and our Mayor elected at large, all with staggered 4-year terms.

Summary of Public Feedback

▶ Proposition #3: Term Limits

- ▶ Establishes lifetime City Council term limits, Removing Consecutive Service and Sitting Out Period
- ▶ No person shall serve more than 8 years as Council Member, or more than 8 years as Mayor or more than 12 years in any combination
- ▶ Any time served prior to the approval of this proposition shall count towards the lifetime term limit
- ▶ This provision shall not prohibit any Council Member or Mayor from beginning or completing any term that begins in 2020 or 2021
- ▶ No Person Shall be Eligible to Run for Election to a Term if Completion of that Term Would Cause that Person to Exceed the Lifetime Term Limit

Summary of Public Feedback, Including Public Confusion Over the Committee's Proposal

Interrelated Elements of Term Length, Staggered Terms, Term Limits & Definition of a Term

- ▶ A Struggle to Craft Interrelated Ballot Language and Actual Text Amendments for Propositions #1 & #3 as Envisioned
- ▶ Propositions #1 & #3 Do Not Stand Alone Without First Knowing the Council's & then the Voters' Answers to the Questions Framed by Both Propositions
- ▶ Options:
 - ▶ Combine Propositions #1 & #3 - An All or Nothing Proposition Which Limits Voter Options
 - Or
 - ▶ Uncouple the Term-Related Questions - Taking Them to the Voters One at a Time Sequentially

Proposition #2: Mayor and Council Compensation

- ▶ Double the Mayor's salary from \$9,000 to \$18,000
- ▶ Double the City Council Members' salary from \$6,000 to \$12,000
- ▶ Include an escalator every 2 years by that year's unadjusted U.S. All Items Consumer Price Index (CPI) for Urban Consumers
 - ▶ 37 Years Ago a Flat Council Salary was Put in the Charter Without an Escalator & Has Never Changed
 - ▶ Council is Making Less Today than the Council Who Served in 1983
 - ▶ Despite City Population growth of Over 100,000 & Increasingly Complex Challenges
 - ▶ Proposal Doesn't Fully Keep Up with the Present Value of Salaries Set Almost 4 Decades Ago
 - ▶ Escalator Doesn't Fully Keep Up with Future Inflation
 - ▶ But It's a Start

- ▶ **Proposition #4: Initiative/Referendum Signature Requirement.** Clarify that signatures are required on the statements of intent to commence either initiative or referendum proceedings.
 - ▶ Mirrors City's current practice
 - ▶ Consistent with State's requirement
- ▶ **Proposition #5: Consistent Zoning Approval.** Delete the requirement that zoning ordinances presented for Council approval require a two-third affirmative vote during the 30 days before a regular election and extending until newly elected council members take office.
 - ▶ These same items require a simple majority vote any other time of the year.

Proposition #6: Removing a Council Member from Office

- ▶ Deletes provision that allows as few as 5 registered voters to initiate a Council action to remove a council member from office.
 - ▶ Citizens have a Prescribed Recall Process in the Charter
- ▶ Requires 6 affirmative votes of other council members to remove an elected council member from office.
 - ▶ Currently, Only Requires a Simple Majority Vote of Council

Summary of Public Feedback

Recommendations

- ▶ **Previously Discussed Recommendation #1: Removing Barriers to Longer Terms**
- ▶ **Recommendation #2: Financial Transparency with Intra-Departmental Budget Transfers.** Amend City Financial Policy to require intra-departmental budget transfers within the same fund to be included in the City's Quarterly Budget Report which is presented to Council every 3 months and maintained on the City's web site for public review.
- ▶ **Recommendation #3: Financial Transparency with City Contracts.** Expand the reporting of contracts under \$50,000 for greater scrutiny through a City Financial Policy Amendment. Lower the threshold of \$50,000 to include more city contracts reported and maintained in searchable format on the City website.
- ▶ **Recommendation #4: Council Staff Support.** The provision of dedicated, paid staff resources to support council members is better handled as a policy issue through the annual budget process rather than through a charter requirement.

We'd Like to Recognize the Hard Work of the
Your Staff Who Supported this Work:

Peter Zanoni
Rebecca Huerta
Miles Risley
Lisa Aguilar
Kim Womack

With a Very Special Recognition of
Norma Duran

Questions?