

MINUTES

HOME RULE CHARTER COMMISSION (HRCC) MEETING

January 14, 2020

CALL TO ORDER – Roll Call and Determination of a Quorum

The Home Rule Charter Commission (HRCC) met on the above date. Chair Macduff called the meeting to order at 7 p.m. and noted there was a quorum.

HOME RULE CHARTER COMMISSION MEMBERS AND ALTERNATES

HRCC Members

- ✓ 1. Z Marshall
- ✓ 2. James A. “Andy” Redmond
- ✓ 3. Billy Barron (Secretary)
- ✓ 4. David Gilmore
- ✓ 5. Tom Macduff (Chair)
- ✓ 6. Randy Kercho
- ✓ 7. Homer Adams II
- ✓ 8. Todd Fecht
- ✓ 9. Scott Livesay

HRCC Alternates

- ✓ 1. Terry M. Lynch

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Homer Adams led the pledge.

TEXAS PLEDGE: David Gilmore led the pledge.

PUBLIC COMMENTS

None.

INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND APPROVAL OF MEETING MINUTES FOR NOVEMBER 12, 2019. [BARRON]

Approved unanimously.

2. CONSIDERATION AND APPROVAL OF MEETING MINUTES FOR DECEMBER 10, 2019. [BARRON]

Approved unanimously.

3. REVIEW 2020 MEETING SCHEDULE [MACDUFF]

Meetings are the 2nd Tuesday of every month. Next meeting is February 11th.

4. WORK SESSION. [MACDUFF]

Scott Levine is the legal council for the HRCC.

City Administrator Luke Olsen reviewed his current duties, which include making proposals to mayor/council, evaluating department heads, liaison on projects, city representative at public functions, technical assistance, reporting to mayor/council, manage staff day to day, and resolving citizen requests.

The commission continued reviewing and discussing the HRC Charter Provisions spreadsheet. The commission decided the following items should be in our eventual charter.

a. Duties of Mayor

- i. Appoint City Administrator/ Manager subject to confirmation by Council (may not be terminated by Mayor but can be suspended by Mayor - final termination subject to Council approval and legal)
- ii. Appoint City Attorney subject to confirmation by Council (may not be terminated by Mayor but can be suspended by Mayor - final termination subject to Council approval and legal)
- iii. Judge of Municipal Court approved by a majority vote of the city council.
- iv. The Mayor has the power to settle all claims & lawsuits w/o council approval if less than or equal to \$5000.

ROUTINE ITEMS

5. FUTURE AGENDA ITEMS

Not discussed

6. ADJOURN

Chair Macduff adjourned the meeting at 8:44 p.m.

Minutes Approved on 11th day of February, 2020.



Chairperson Tom Macduff


Commission Secretary Billy Barron

Attest:


City Secretary Patti Scott Grey

Exhibit(s):

1- HRC Spreadsheet

	Very similar among cities listed			
	Very similar among 2 or more cities (other than "powers by or form of government")			
	Was to be verified			
	NA as it relates to Parker currently			
City	Katy	Lucas	Prosper	Parker
Form of Government	Mayor/Council/Administrator	Council / Manager	Council / Manager	Mayor/Council/Administrator (Administrator is a discretion of Mayor; not required)
Powers / Duties of the Mayor	<p>As conferred upon by Council</p> <p>As provided in Charter</p> <p>Serve as Chief Exec and Administrator of the City</p> <p>Appoint individuals to all Boards created by the Charter</p> <p>Remove Board appointees w/o Council</p> <p>Have all laws & ordinances enforced</p> <p>Preside at all City Council Meetings</p> <p>Head for Ceremonial, Civil, Emergency & Military Purposes</p> <p>Appoint Heads of Depts (plus Secretary, Treasurer, Election Officials plus those listed below) subject to confirmation by Council</p>	<p>As provided in Charter</p> <p>Sign all ordinances, resolutions, capital improvements, contracts, bonds issued and such other documents authorized by Council</p>	<p>Sign all ordinances, resolutions, capital improvements, contracts, bonds issued and such other documents authorized by Council</p>	<p>Serve as Chief Exec and Administrator of the City</p> <p>Council & Mayor reviews the applicants; Council votes as to who is on Board (in practice)</p> <p>Do not know current General Law Req.</p> <p>Have all laws & ordinances enforced</p> <p>Preside at all City Council Meetings</p> <p>Head for Ceremonial, Civil, Emergency & Military Purposes</p>
				Katy
				Parker
				Mayor & or any Council Member may seek to remove Board appointees w/ majority Council Approval
				Parker
				Mayor & a 2 person subcommitte to recommend to Council Heads of Dept to be voted on by Council

<p>Remove or Suspend Heads of Depts and/or Employees w/o Council Approval (see under "Meetings of Council" ability for Council to overturn)</p> <p>Appoint City Administrator subject to confirmation by Council (may not be terminated by Mayor unless due to agreement or cause)</p> <p>Appoint City Attorney subject to confirmation by Council</p> <p>Appoint Judge of Municipal Court subject to confirmation of Council</p> <p>Administrative control over all Depts</p> <p>Can move employees(not Heads) from one Dept to another</p> <p>Prepare and submit Annual Budget</p> <p>Keeps Council fully advised of financials and needs of City</p> <p>Power to settle all claims & lawsuits w/o Council if <u>≥ \$5k</u></p> <p>Delegate duties to City Administrator as deemed necessary</p>	<p>Appoint Heads of Depts (plus Secretary, Treasurer, Election Officials plus those listed below). Current practice is to discuss w/ Council but not required</p> <p>Remove (Terminate) or Suspend Heads of Depts and/or Employees w/o Council Approval</p> <p>Appoint City Administrator w/o Council Approval</p> <p>Appoint City Attorney; in practice involve Council but not required</p> <p>Appoint by majority vote of Council</p> <p>Administrative control over all Depts</p> <p>Set up the compensation of all Staff</p> <p>Can move any employees(including Heads) from one Dept to another</p> <p>Prepare and submit Annual Budget along w/ proposed tax rate</p> <p>Keeps Council fully advised of financials and needs of City (in practice: does in conjunction w/ Finance Director)</p> <p>Power to settle all claims & lawsuits w/o Council</p> <p>Delegate duties to City Administrator as deemed necessary</p> <p>Responsible for Personnel Policies</p>	<p>Mayor may Suspend Dept Heads subject to Council & Legal approval. Staff can be removed by Dept Heads</p>	
<p>Powers / Duties of the Council</p> <p>Adopt Annual Budget</p> <p>Authorize issuance of bonds</p>	<p>Adopt Annual Budget</p> <p>Authorize issuance of bonds</p>	<p>Adopt Annual Budget</p>	<p>Authorize issuance of bonds</p>

Adopt & modify zoning and building codes	Adopt & modify zoning and building codes	Adopt & modify zoning and building codes	Adopt & modify zoning and building codes
Adopt & modify Official Map of the City Determines the compensation of the Mayor	Adopt & modify Official Map of the City May by ordinance establish reasonable compensation; such compensation to remain unchanged until next regular election Establish by ordinance standards and policies regarding reimbursement of reasonable expenses	Adopt & modify Official Map of the City Establish by ordinance standards and policies regarding reimbursement of reasonable expenses	Adopt & modify Official Map of the City Upon nomination/recommendation, appoints Municipal Judge, City Prosecutor, Municipal Court Clerk. Terms run concurrently with the Mayor.
Set compensation for all City Officials appointed by Council Create Boards and appoint people to the Boards upon recommendation of Mayor	Set compensation for all City Officials appointed by Council Appoint individuals to all Boards created by the Charter	Set compensation for all City Officials appointed by Council Appoint or remove City Manager, Municipal Judge, City Secretary & City Attorney by super majority vote (5 affirmative votes)	Set compensation for all City Officials appointed by Council Appoint or remove City Manager, Municipal Judge, (not Secretary - see City Manager) & City Attorney by majority of full Council
After considering recommendation of City Manager, create, change, merge or abolish offices, departments or agencies of the City and contract for services Authority to pass emergency ordinances and resolutions to protect health, safety and well being of City	After considering recommendation of City Manager, create, change, merge or abolish offices, departments or agencies of the City and contract for services	After considering recommendation of City Manager, create, change, merge or abolish offices, departments or agencies of the City and contract for services	After considering recommendation of City Manager, create, change, merge or abolish offices, departments or agencies of the City and contract for services

<p>Prescribe by Ordinance and regulations and rules the operation for each Dept</p>	<p>Retain Special Council as needed - inclusive of collecting delinquent taxes</p>	<p>Authority to pass emergency ordinances and resolutions to protect health, safety and well being of City, but cannot involve borrowing of money unless otherwise allowed in the Charter</p> <p>Retain Special Council as needed - inclusive of collecting delinquent taxes</p>	<p>Prescribe by Ordinance the policies for the city and its operations. (Council establishes policies; Mayor causes the policies to be carried out)</p>
<p>Regulate, license & fix charges or fares any vehicles for transportation of freight or passengers within the City</p> <p>Establish fire limits (ex: building structure limits) and condemnation of dangerous structures</p>	<p>Enact resolutions and ordinances</p> <p>Adopt a fiscal reporting policy which provides for not less than quarterly reporting</p> <p>Regulate, license & fix charges or fares any vehicles for transportation of freight or passengers within the City</p> <p>Establish fire limits (ex: building structure limits) and condemnation of dangerous structures</p>	<p>Regulate, license & fix charges or fares any vehicles for transportation of freight or passengers within the City</p> <p>Establish fire limits (ex: building structure limits) and condemnation of dangerous structures</p>	<p>Sets fee schedule, as well as building codes and zoning codes</p>
<p>Provide sanitary sewer and water systems</p> <p>Provide for garbage disposal services, fees & penalties to pay such fees</p> <p>Exercise exclusive dominion, control and jurisdiction of streets and public grounds and improvement thereof</p>	<p>Provide sanitary sewer and water systems</p>	<p>Exercise exclusive dominion, control and jurisdiction of streets and public grounds and improvement thereof</p>	<p>Provide sanitary sewer and water systems</p> <p>Provide for garbage disposal services, fees & penalties to pay such fees</p> <p>Exercise exclusive dominion, control and jurisdiction of streets and public grounds and improvement thereof</p>
<p>Compromise & settle claims and lawsuits</p>		<p>Compromise & settle claims and lawsuits</p>	
<p>Approve contracts for supplies, materials and equipment and services. (if exceeding amount authorized by State based on size & population) after proper posting & competitive bids</p>	<p>Approve contracts for supplies, materials and equipment and services. (if exceeding amount authorized by State based on size & population) after proper posting & competitive bids</p>		
<p>if Mayor vetos a measure passed by Council; at the next Meeting Council may override that veto by the affirmative vote of at least 3 Council Members present at which point Mayor cannot veto again</p>			
<p>If Officer or Employee is Suspended they may file a petition with Council; 3 Council members or more after hearing may remove the suspension with reinstatement being final</p>			

	<p>Establish run off date for elections, if needed</p> <p>Designate voting system for casting and processing votes at Elections</p> <p>Transfer any unencumbered appropriation balance from one office, dept or agency to another</p> <p>Power under provisions of State Law to levy, access and collect an annual tax on real & personal property within the City</p>		<p>Designate voting system for casting and processing votes at Elections</p> <p>Transfer any unencumbered appropriation balance from one office, dept or agency to another</p> <p>Power under provisions of State Law to levy, access and collect an annual tax on real & personal property within the City</p>
City Administrator / Manager	<p>No Mayor or Council member eligible for 24 mos following leaving their post</p> <p>If City Administrator leaves this position can be held by a qualified person for up to 90 days unless extended by Council</p> <p>Note: No stated "qualifications" denoted in Charter</p> <p>Term & Compensation set by Council by written contract</p> <p>Term not to extend beyond the end of the fiscal year of the first odd numbered calendar year after year appointed (meant to coincide w/ next Mayoral election)</p> <p>Authority (w/ Mayor approval) to appoint, transfer and remove Administrative employees except Police, Fire, Ambulance</p> <p>Assist Mayor in preparing Annual budget</p> <p>Assist Mayor in preparing & submitting report on finances and admin activities of the City</p>	<p>Select Depository for City Funds in accordance w/ State Law</p>	<p>Designate items to appear on future agenda</p> <p>Select Depository for City Funds in accordance w/ State Law and rules over prompt deposits</p> <p>In absence of City Manager Council may designate a qualified administrative officer to perform Manager duties</p>
		<p>Appoint the Municipal Court Clerk</p> <p>Appointment and supervision of all employees under the City Manager</p>	<p>May be appointed for an indefinite Term</p> <p>Appointment of all employees under the City Manager</p>

	<p>Unless otherwise stated in Charter all departments, offices and agencies shall be under the direction and supervision of the City Manager</p> <p>With consent of Council, City Manager may serve as head of one or more of City's departments, offices or agencies or appoint one person as head of two or more of them.</p>	
Appointment of finance director	<p>Suspend, remove at will employees</p> <p>Council (inclusive of Mayor) must deal "solely" with the City Manager in regards to his/her staff</p> <p>Council (inclusive of Mayor) cannot direct or request appointment or removal any person under control of City Manager</p>	<p>Suspend, remove at will employees</p> <p>Council (inclusive of Mayor) must deal "solely" with the City Manager in regards to his/her staff</p>
	<p>Council (inclusive of Mayor) shall not give orders to any subordinate of City Manager either publicly or privately; violation of this can lead to removal from office under a majority vote by Council after a public hearing</p> <p>Provide all laws and ordinances of the City are enforced</p> <p>Oversee maintenance of and public information requests for records</p> <p>Prepare and recommend an annual budget and capital improvement projects</p>	<p>Council (inclusive of Mayor) cannot direct or request appointment or removal any person under control of City Manager but can at a meeting called for that purpose</p> <p>Council (inclusive of Mayor) shall not give orders to any subordinate of City Manager either publicly or privately; violation of this can lead to removal from office under a majority vote by Council after a public hearing</p> <p>Provide all laws and ordinances of the City are enforced</p>
	<p>Administer and execute the annual budget</p> <p>Attend all Council meetings w/ right to take part in the discussion</p> <p>Provide in Council meeting at least quarterly the financial conditions and future needs of the City</p> <p>May identify in his/her absense a qualified city employee to exercise his/her duties in the event of temporary absense</p>	<p>Prepare and recommend an annual budget and capital improvement projects by the 15th of August</p> <p>Administer and execute the annual budget</p> <p>Attend all Council meetings w/ right to take part in the discussion</p> <p>Provide in Council meeting at least quarterly the financial conditions and future needs of the City</p>
		Attend all Council meetings w/ right to take part in the discussion

Prepare Personnel Rules and present to Council for approval or amendment and should include establishing town as Equal Opportunity Employer as well as pay & benefit plan for all City's employment positions, working hours, attendance policy, sick and vacation leave, hearing and adjudication of grievances, evaluation procedures and giving and receiving of gifts by City employees

Authority to contract for expenditures w/out further approval by Council for all budgeted items not exceeding limits set by Council
Present monthly a financial report to Council