



**AGENDA**  
**HOME RULE CHARTER COMMISSION MEETING**  
**JULY 14, 2020 @ 7:00 P.M.**

*Due to the July 14, Primary Runoff Election, election equipment will be in the Parker City Council Chambers and the Mayor's instructions that the Police and Fire Stations are closed. This meeting will be conducted virtually and/or telephonically. The call-in number for this meeting is (toll free) **1 877 309 2073** access code **[406-903-725]**.*

Home Rule Commission Meeting  
Tue, Jul 14, 2020 7:00 PM - 10:00 PM (CDT)

**Please join my meeting from your computer, tablet or smartphone.**

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Notice is hereby given the Home Rule Charter Commission (HRCC) for the City of Parker will meet virtually and/or telephonically on Tuesday, July 14, 2020 at 7:00 P.M.

**CALL TO ORDER – Roll Call and Determination of a Quorum**

**PLEDGE OF ALLEGIANCE**

**AMERICAN PLEDGE:** I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

**TEXAS PLEDGE:** Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

**PUBLIC COMMENTS** The City Council invites any person with business before the Council to speak to the Council. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

**INDIVIDUAL CONSIDERATION ITEMS**

1. CONSIDERATION AND APPROVAL OF MEETING MINUTES FOR MARCH 10, 2020. [BARRON]
2. SHARE AND DISCUSS COMMENTS FROM JUNE 16, 2020 CITY COUNCIL MEETING. [MACDUFF/KERCHO]

3. DISCUSS AND VOTE ON THE FUTURE OF THE HRCC. [MACDUFF/KERCHO]
  - If vote is to disband, the meeting will end and adjourn.
  - or
  - If vote is to continue, the meeting will proceed to item numbers 4, 5, 6 and 7.
4. ACCEPT RESIGNATION(S) FROM ANYONE NOT WISHING TO CONTINUE THE COMMISSION. [MACDUFF/KERCHO]
5. DISCUSS AND VOTE ON WHAT LEVEL OF VOTES NEED TO BE RECOGNIZED AS PASSAGE BY THE COMMISSION (SIMPLE MAJORITY / SUPER MAJORITY). [MACDUFF/KERCHO]
6. BASED ON RESULTS OF #4 DETERMINE IF MEMBERS WOULD WANT TO RECOMMEND, OR NOT, THAT COUNCIL APPOINT ADDITIONAL MEMBERS / ALTERNATES TO THE COMMISSION. [MACDUFF/KERCHO]
7. IDENTIFY NEXT MEETING DATE AND IF POSSIBLE NEXT SEVERAL MEETINGS, AND STYLE OF MEETING. (VIRTUALLY AND/OR TELE-PHONICALLY, ETC.). [MACDUFF/KERCHO]

## ROUTINE ITEMS

8. FUTURE AGENDA ITEMS, IF ANY
9. ADJOURN

In addition to any specifically identified Executive Sessions, Council may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open Meetings Act provides specific exceptions that require that a meeting be open. Should Council elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on or before July 10, 2020 by 5:00 p.m. at the Parker City Hall, and as a courtesy, this Agenda is also posted to the City of Parker Website at [www.parkertexas.us](http://www.parkertexas.us).

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Date Notice Removed

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Patti Scott Grey  
City Secretary

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972 442 6811.



## Council Agenda Item

Item 1  
C'Sec Use Only

Budget Account Code:	Meeting Date: July 14, 2020
Budgeted Amount:	Requestor: HRCC
Fund Balance-before expenditure:	Prepared by: HRCC Secretary Barron
Estimated Cost:	Date Prepared: March 17, 2020
Exhibits:	<a href="#"><u>Proposed Minutes</u></a>

### AGENDA SUBJECT

APPROVAL OF MEETING MINUTES FOR MARCH 10, 2020. [BARRON]

### SUMMARY

Please review the attached minutes. If you have any questions, comments, and/or corrections, please contact the City Secretary at [PGrey@parkertexas.us](mailto:PGrey@parkertexas.us) prior to the Home Rule Charter Commission meeting.

### POSSIBLE ACTION

HRCC may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
HRCC Secretary:	<i>Billy Barron</i>	Date:	07/09/2020
City Attorney:		Date:	
HRCC CHAIR	<i>Tom Macduff</i>	Date:	07/10/2020

MINUTES

**HOME RULE CHARTER COMMISSION (HRCC) MEETING**

March 10, 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 (voting member at this meeting)

**PLEDGE OF ALLEGIANCE**

AMERICAN PLEDGE: Scott Livesay led the pledge.

TEXAS PLEDGE: Randy Kercho led the pledge.

**PUBLIC COMMENTS**

Lynn Kaneps, 4803 Ridgeview Drive, noted that Parker has recalled a Mayor before (Paul Skelton {1996 – 1997}). Ms. Kaneps was originally from an East Coast town 32,000 population where 5 commissioners were voted in and the commissioner with the highest vote total became Mayor. Parker will survive with any decent form of government. Committee needs to sell the cost, responsibility and interest to make the charter pass.

## **INDIVIDUAL CONSIDERATION ITEMS**

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1. CONSIDERATION AND APPROVAL OF MEETING MINUTES FOR FEBRUARY 11, 2020. [BARRON]

Approved unanimously.

2. REVISIT, DISCUSSION AND/OR APPROPRIATE ACTION ON THE CONCEPT OF 'A PREAMBLE STATEMENT'. [MACDUFF]

No discussion or action taken.

3. PRESENTATION BY EACH FOUR-PERSON COMMITTEE; FORMED TO EVALUATE THE 'AUTHORITIES, DUTIES, POWERS, ETC.' OF COUNCIL MEMBERS, MAYOR, ADMINISTRATOR OR MANAGER UNDER EITHER A COUNCIL/MAYOR-ADMIN FORMAT OR A COUNCIL/MANAGER FORMAT. [MACDUFF]

Commissioner Livesay presented the attached Council-Manager slides (Exhibit 4). Then Commissioner Adams presented the attached Mayor-Council slides (Exhibit 2).

4. MONTHLY STRAW VOTE ON TYPE OF GOVERNMENT BEST FOR PARKER WITH OPEN DISCUSSION ON RATIONALES FOR ONE'S VOTES. [MACDUFF]

Commissioner Redmond went over his email sent to the commission (Exhibit 1).

Motion by Secretary Barron and second by Commissioner Adams to take the vote. Vote was 5 for Mayor-Council (Adams, Gilmore, Kercho, Lynch, and Redmond) to 2 for Council-Manager (Barron, Livesay). Chair Macduff indicated that Commissioner Marshall had indicated to him that he would have voted for Council-Manager if present.

Discussion followed about what was the path forward to writing a charter. Motion by Secretary Barron and second by Commissioner Livesay to have Chair Macduff make a status report to City Council and ask council for their recommendations. Commissioner Adams noted that this was a good idea so that the HRCC did not spend many months working on something that the Council was not going to support. Vote passed unanimously.

5. ANNOUNCE NEXT HRCC MEETING DATE – TUESDAY, APRIL 14, 2020, 7:00 PM [MACDUFF]

Chair Macduff did so.

## **ROUTINE ITEMS**

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6. FUTURE AGENDA ITEMS

Not discussed

7. ADJOURN

Chair Macduff adjourned the meeting at 8:45 p.m.

Minutes Approved on 14th day of July, 2020.

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Chairperson Tom Macduff

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Commission Secretary Billy Barron

Attest:

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City Secretary Patti Scott Grey

**Exhibit(s):**

1. Email from Andy Redmond dated February 14, 2020.
2. Council-Manager PowerPoint
3. Council-Manager Document
4. Mayor-Council PowerPoint
5. Mayor-Council Document

Proposed

**From:** Andy Redmond  
**To:** Patti Grey  
**Subject:** Info for Chairman MacDuff  
**Date:** Friday, February 14, 2020 11:50:17 AM

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Hello Patti :

Thanks you for forwarding..

Chairman MacDuff:

Reporting back as promised..

In the 2/11/20, City of Parker Home Rule Meeting, I raised a prior question regarding differences in a "City Manager" and a "City Administrator" when considering a Texas "General Law" or "Home Rule" city.

My question was forwarded to Mr. Scott Levine, would granted me a phone call. We chatted for a few minutes and I thought I would share my overview.

- The title manager or administrator could likely be used synonymously; caveat being: unless prescribed duties of a city employee are not allowed by Texas statute.

For example: In a general law city, with the strong mayor format, the mayor is responsible for the annual city budget; not a manager or an administrator. Further, the mayor could certainly task or delegate the administer to create or update a proposed budget, but ultimately it becomes the mayor's work product. In a Home Rule, the charter would define who prepares the budget (manager, mayor out-sourced firm etc.).

- In Texas, a "city manager" is almost always defined with a "Home Rule" form of government by its charter.
- Unrelated take-aways, but important as we've all discussed (we may all NOT be in agreement ,which is fine).

Form of government—some commissioners desire to choose the form of government first and then let a "draft" charter be drawn for further review and discussion. The idea of our sub-groups is like very good and we may ultimately end up referring the following to council.

1. Home Rule: with council manager form of government (not to say a charter could not be quite specifically tailored to Parker, if other cities boilerplate language does seem to apply or be what the council / commission would desire).
2. Home Rule: with a Strong mayor format. I.e. general law city + home rule charter allowing for additional powers—namely recall, referendum, since annexation laws have changed.

3. General law: what we have is still good for Parker, with perhaps recommendations of changes that we may/may not adopt, but where powers of a general law city would permit such change.
4. If the commission seems to be a hung jury after sub-committee overviews are discussed. Perhaps 1, 2 and 3 above could be presented to council with a request for Parker voter input (town hall meeting, advertise Home Rule meeting seeking public comment etc.).
5. Future of Parker: whether or not a charter is adopted; the city will likely continue growth towards a build out, perhaps quickly or more organically. Potential population is debated often with projections based on current zoning or possible zoning changes. Even presuming it remains the same size (population); the City's aging infrastructure costs will likely be a large issue for future city budgets. Several examples might include: (drainage, water line replacement, street repair, quasi-volunteer Fire Department (Employees + part time + volunteers) vs. fully staffed Fire Department). A charter could be a could be a guiding document that relates to a comprehensive plan . As we all have learned, State law allows changes to a charter which might be considered a "work in progress" if so adopted by voters (initial charter and/or future amendments).

In conclusion, our call left me with a better understanding of why the term "manager" or "administrator" are used, with the additional take-aways being-- pro's/con's for either Home Rule or remaining a general law city.

Regards,  
Andy Redmond

## **Council Manager Form of Government:**

- Closely mirrors existing daily operation of Parker
  - Minimizes over-management of position (ie: RAA)
- Assures the necessary experience to operate a city charter
- Manages at the pleasure of the City Council
  - May be removed with or with-out cause, easier than election/recall of Mayor
- Minimizes potential additional salary requirements
  - Mayor position does not become full time as city grows
  - Administrator compensation offsets Manager compensation
- Aligns Parker city government with 90% of Texas cities with **home rule**
  - 50% build-out of City and population of 5,000 citizens opens ability to become Home Rule Charter City
  - Growth driving additional city needs and requirements point toward **self rule**

# Advantages of Council/Manager

- City growth drives more duties and complexities in managing city operations
- Council/Manager government aligns operating the City with a trained professional city manager
  - Elected officials (mayor/council) are not necessarily trained/certified in daily operations
    - City Administrator within Council Mayor government leaves responsibilities with Mayor
- Main reason overwhelming majority of Texas cities have chosen council/manager government home rule charters
  - Mirrors the more efficient corporate structure of CEO/Board of Directors for operations
    - City Manager runs the city in accordance with the charter rules and city ordinances, as well as state laws and regulations
  - Council oversight retains the right to hire and dismiss the city manager with or without cause

## Advantages of Council/Manager (con't)

- Tasks assigned to City Manager and City Administrator are essentially the same
- City Manager has RAA (Responsibility/Accountability/Authority)
  - Demonstrated to be required for effective in performance of duties
  - Failure is often derived from not having authority to act
- Delegation of duties does not equate to RAA

## Advantages of Council/Manager (con't)

- Compensation becomes an issue as cities grow
  - More difficult to attract volunteers for office where daily operation workload increases
  - Providing a salary for Mayor/Council engages a cycle of paid/career politicians
- Council/Manager government extends the salary to a paid professional
  - City Manager is not elected, not political, not within election cycles
  - Compensation tied to abilities, experience, and certifications
  - Salary is established by the City Council (may be framed within Home Rule Charter)
- City Administrator salary is an offset to the City Manager salary
  - Both are not required

## Advantages of Council/Manager (con't)

- City Manager is employed at the pleasure of the Council and Mayor
- City Manager may be released from service by the Council/Mayor with or without cause
- Task of removing a City Manager is an easier process than removing a Mayor
  - City Manager may be removed at the next City Council meeting.
  - Mayor would require a lengthy recall process (if available) or waiting until the next election

# Powers of the City Council

- All powers of the City and determination of policy is vested in the City Council
  - Composed of the Mayor and XXX Councilmembers
- Source of powers
  - Derived by the Constitution and Laws of the State of Texas
    - May be modified or expressly provided within Home Rule Charter
- Powers may be, but not limited to:

# Powers of the City Council (modifiable)

- (1) Appoint and remove the City Manager;
- (2) Appoint and remove the Municipal Judge(s) of the Municipal Court;
- (3) Appoint and remove the City Attorney;
- (4) Appoint and remove the City Secretary;
- (5) Adopt the budget of the City;
- (6) Collectively investigate into the conduct of any office, department or agency of the City and make investigations as to municipal affairs;
- (7) Provide for a Planning and Zoning Commission, a Board of Adjustment and other boards as deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City ordinance or by law;

## Powers of the City Council (modifiable) (con't)

- (8) Adopt and modify the official map of the City;
- (9) Adopt, modify and carry out plans in conjunction with the Planning and Zoning Commission for the planning, improvement and redevelopment of specific areas of the City;
- (10) Adopt, modify and carry out plans in conjunction with the Planning and Zoning Commission for the planning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or part by disaster;
- (11) Regulate, license and fix the charges or fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire on the public streets and alleys of the City;

## Powers of the City Council (modifiable) (con't)

- (12) Provide for the establishment and designation of fire safety codes and prescribe the kind and character of buildings or structures or improvements to be erected therein;
- (13) Fix and regulate rates and charges of all utilities and public services provided by the City;
- (14) Approve plats, unless the City Council votes to vest this authority exclusively in the Planning and Zoning Commission; and
- (15) Individually ask questions of the City Manager regarding City business. Individually ask questions of the department heads regarding items on the posted agenda. Any and all other inquiries to department heads or staff shall follow the City Governance Policy.

## City Manager Defined (modifiable)

- Appointed by City Council via majority of full membership
- Serves as Chief Administrative Officer
- Responsible to City Council for administration of all affairs of the City
  - Exclusions may be within Charter
- Shall have defined requirements for hiring
  - Executive, administrative, education, and prior experience
- City Manager need not be a resident within the City
  - Requirement to reside in City after reasonable time may be defined

## City Manager Defined (modifiable) (con't)

- City Council determines compensation
  - Based on determined qualifications
  - Council may amend as necessary
  - Charter may bracket the compensation
- Appointed for an indefinite term
  - May be removed or suspended with or without cause (subject to employment contract)
- In case of absence, disability, incapacity, or suspension of City Manager, Council may designate a temporary qualified administrative officer

# City Manager Duties (modifiable)

- Appoint, suspend, discipline and/or remove all City employees and appointive administrative officers provided for in this Charter
  - Except as otherwise provided by law, this Charter, or personnel rules
- Establish administrative departments;
- Direct and supervise the administration of all departments, offices and agencies of the City
  - Except as otherwise provided by law or this Charter;
- Ensure that all state laws and city ordinances are effectively enforced
- Attend all City Council meetings with the right to take part in discussion
  - City Manager shall not vote
- Prepare, accept and designate items for inclusion in the official agenda of all City Council meetings and meetings of all boards and commissions
  - May designate or delegate to department head or city employee

## City Manager Duties (modifiable)

- Prepare/recommend to City Council the annual budget and capital program, and administer the budget as adopted by the City Council;
- Keep City Council advised and informed of the financial conditions and future needs of the City, and make recommendations concerning the affairs of the City
  - Quarterly, or as Council Members request
  - Consistent with Charter and State/Federal Law
- Make reports as required concerning the operations of the City departments
  - Under the City Manager's direction/supervision
- Perform such other duties as are specified in this Charter or may be required by the City Council
  - Consistent with this Charter and state or federal law.

# Potential Charter Controls - Summary

- Mayor and Council elected to serve 3 year terms
  - Term limits are a potential
- City Manager is the paid professional who will function as the chief operating officer of the organization .
- The Manager will take the lead over the day-to-day operations of the City to include hiring and firing, contracting, procurement and will inform and recommend actions to the Mayor and Council for approval.
- The three offices of Parker City government function as a team to manage to operations of the City in the best interest of the Citizens whom they represent.
  - The Mayor and Council will provide oversight and approval on all important matters of the City.
- Position functions for each office will outline very specific duties responsibilities, and powers leveraging each office for their strengths and talents

# Conclusion

## **Council Manager Form of Government:**

- Closely mirrors existing daily operation of Parker
  - Minimizes over-management of position (ie: RAA)
- Assures the necessary experience to operate a city charter
- Manages at the pleasure of the City Council
  - May be removed with or with-out cause, easier than election/recall of Mayor
- Minimizes potential additional salary requirements
  - Mayor position does not become full time as city grows
    - Administrator compensation offsets Manager compensation
- Aligns Parker city government with 90% of Texas cities with home rule
  - 50% build-out of City and population of 5,000 citizens opens ability to become Home Rule Charter City
    - Growth driving additional city needs and requirements point toward self rule

## Advantages of Council/Manager

With City growth comes more duties and complexities with running the city. While volunteer Mayors are elected officials, they are not necessarily trained/certified professionals with regard to the daily operation of a city. And while a City Administrator may be relied upon in the Mayor/Council government, the responsibility for the city operation remains with the mayor. This is most likely the main reason that the overwhelming majority of cities in Texas with populations greater than 5,000 have chosen the council/manager form of government. Much like the corporate arrangement of a CEO running the business and the board of directors having oversight of the CEO, the City Manager runs the city in accordance with the charter rules and the city ordinances. The Council oversight retains the right to hire and dismiss the City Manager with or without cause. The City Manager brings the background and training in city operations.

Tasks assigned to a City Manager and a City Administrator are essentially the same, with one large difference. The City Manager has the authority, including the hire/fire authority over employees. This is in line with what is referred to as the RAA (Responsibility/Accountability/Authority). It has been shown that in order to be effective in performance of a function and duties, one must also have the authority to act, not just be responsible and accountable. Often the failing in an individual's ability to execute comes from only being told they are responsible and will be held accountable, but they do not have the authority to enforce the execution. Delegation of duties is not the same as authorization.

Compensation has been raised as an issue. In a Council/Mayor form of government, it will likely become more and more difficult to attract volunteers to run for an office where the work load is increasing into a day long engagement. However, providing a salary for the Council and Mayor engages a cycle of paid politicians and/or career politicians. In the Council/Manager form of government, the salary is extended to a paid professional, who is well compensated for abilities and the running of the city. The City Manager is not elected, not political, and not tied to an election cycle or recall initiatives, which require engaging voters (voters who are often not engaged). There may be arguments for providing stipends for the council and mayor, but they may remain as volunteer elected officials who dedicate their time for the betterment of the city, but are not full time paid political figures.

The City Manager is employed at the pleasure of the Council and Mayor. While there are contractual constraints involving a City Manager, the fact remains that the City Manager may be released from service by the Council/Mayor with or without cause. This makes removing a City Manager an easier task than removing a Mayor, which would involve a lengthy recall process or require waiting until the next election period. The council could remove the City Manager at the next city council meeting.

## Powers of the City Council (modifiable)

All powers of the City and the determination of all matters of policy shall be vested in the City Council (which is composed of the Mayor and XXX (x) Councilmembers). Except where in conflict with and otherwise expressly provided by this Charter, the City Council shall have all powers authorized to be exercised by the Constitution and laws of the United States and the State of Texas. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

- (1) Appoint and remove the City Manager;

- (2) Appoint and remove the Municipal Judge(s) of the Municipal Court;
- (3) Appoint and remove the City Attorney;
- (4) Appoint and remove the City Secretary;
- (5) Adopt the budget of the City;
- (6) Collectively investigate into the conduct of any office, department or agency of the City and make investigations as to municipal affairs;
- (7) Provide for a Planning and Zoning Commission, a Board of Adjustment and other boards as deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City ordinance or by law;
- (8) Adopt and modify the official map of the City;
- (9) Adopt, modify and carry out plans in conjunction with the Planning and Zoning Commission for the planning, improvement and redevelopment of specific areas of the City;
- (10) Adopt, modify and carry out plans in conjunction with the Planning and Zoning Commission for the planning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or part by disaster;
- (11) Regulate, license and fix the charges or fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire on the public streets and alleys of the City;
- (12) Provide for the establishment and designation of fire safety codes and prescribe the kind and character of buildings or structures or improvements to be erected therein;
- (13) Fix and regulate rates and charges of all utilities and public services provided by the City;
- (14) Approve plats, unless the City Council votes to vest this authority exclusively in the Planning and Zoning Commission; and
- (15) Individually ask questions of the City Manager regarding City business.  
Individually ask questions of the department heads regarding items on the posted

agenda. Any and all other inquiries to department heads or staff shall follow the City Governance Policy.

### **City Manager Defined (modifiable)**

(1) The City Council shall appoint, upon the affirmative vote of a majority of the full membership of the City Council, a City Manager who shall serve as Chief Administrative Officer of the City. The City Manager shall be responsible to the City Council for administration of all the affairs of the City, with only those exceptions that are named in this Charter. The City Manager shall be appointed solely upon the City Manager's executive, administrative and educational qualifications, and shall have previous city manager or assistant city manager experience and/or a degree in a field related to city government. The City Manager need not be a resident of the City when appointed, but shall within a reasonable time after such appointment reside within the City during the balance of the tenure of his or her appointment.

(2) The City Council shall fix the compensation of the City Manager and the City Manager's compensation may be amended, by the City Council, from time to time, in accordance with the City Manager's experience, qualifications and performance.

(3) The City Manager shall be appointed for an indefinite term or term defined by the City Council, and may be removed or suspended, with or without cause (subject to any contractual arrangements that may exist between the City and the City Manager), at the discretion of the City Council by the affirmative vote of a majority of the full membership of the City Council. Upon a decision to remove or suspend the City Manager, written notice of such decision shall be immediately furnished to him or her.

(4) In case of the absence, disability, incapacity or suspension of the City Manager, the City Council may designate a temporary qualified administrative officer of the City to perform the duties of the office.

### **City Manager Duties (modifiable)**

(A) Appoint, suspend, discipline and/or remove all City employees and appointive administrative officers provided for in this Charter, except as otherwise provided by law, this Charter, or personnel rules adopted pursuant thereto;

(B) Establish administrative departments;

- (C) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by law or this Charter;
- (D) Ensure that all state laws and city ordinances are effectively enforced;
- (E) Attend all City Council meetings with the right to take part in discussion, but the City Manager shall not vote;
- (F) Prepare, accept and, designate, or delegate an appropriate department head or City employee to prepare, accept and designate, items for inclusion in the official agenda of all City Council meetings and meetings of all boards and commissions;
- (G) Prepare and recommend to the City Council the annual budget and capital program, and administer the budget as adopted by the City Council;
- (H) Keep the City Council fully advised and informed at least quarterly, or at the request of individual City Council Members, as to the financial conditions and future needs of the City, and make such recommendations concerning the affairs of the City, as the City Manager or the City Council deems desirable or necessary; by the City Council, and are consistent with this Charter and state or federal law.
- (I) Make reports as the City Manager or the City Council may require concerning the operations of the City departments, offices or agencies subject to the City Manager's direction or supervision; and
- (J) Perform such other duties as are specified in this Charter or may be required by the City Council, and are consistent with this Charter and state or federal law.

## **Conclusion**

### **Council Manager Form of Government:**

- Closely mirrors existing daily operation of Parker
- Assures the necessary experience to operate a city charter
- Manages at the pleasure of the City Council
  - May be removed with or with-out cause, easier than election/recall of Mayor
- Minimizes potential additional salary requirements
  - Mayor position does not become full time as city grows
  - Administrator compensation offsets Manager compensation
- Aligns Parker city government with 90% of Texas cities with home rule



# *Mayor / Council Form of Government*

EXHIBIT 4

## Passing Home Rule Charter

- Residents are satisfied with the current structure.
- Home Rule Charter offers multiple benefits (term limits, initiative, referendum, ability to place in control safeguards) so we should strive to create a Charter.
- Best opportunity to pass by a general vote is to not create a lot of change, if not needed.
- Small changes to potentially improving what we are or have (general law managed city) might increase chances of the HR Charter passing by voters.

## Mayor / Administrator / Council

- ▲ Mayor / Council format places someone at the top that lives in and is accountable to the Residents - increasing the likelihood that they have the best interests in mind for Parker.
- ▲ By electing, rather than appointing a mayor, political leadership is established. The city has a political spokesperson who has a high degree of visibility.
- ▲ An elected mayor will have a higher standing and greater voice in regional affairs of the city.
- ▲ The mayor is vested with veto power and can serve as a check on an unpopular council decision.

## Mayor / Administrator / Council (Cont)

- ▶ This is the form that is familiar to most Americans because it is patterned after our traditional national and state governments. Therefore is more likely to get passed by residents of Parker.
- ▶ There is a separation of powers between the executive and legislative branches. There are checks and balances.
- ▶ The council can refuse to confirm the mayor's appointments and the mayor can veto the council's legislation.
- ▶ Separation of powers provides healthy independence, debate and creative tension.

## Mayor / Administrator / Council (Cont)

- ▲ Separate legislative and executive branches provide the best opportunity for debate and consensus building.
- ▲ Mayor elected at large gives the reins of the City to a person whom the Residents trust turning over that power to.
- ▲ Likelihood of the Mayor being “known” to the City prior to being elected is high, meaning the person likely had been active (Council / Boards) within the City and lived in the City for a while giving him/her better knowledge of the needs, desires and issues within the City.
- ▲ Parker as of today and foreseeable future only has residential - while Parker grows in size the complexity of the job will not dramatically increase.

## Mayor / Administrator / Council (Cont)

- ▶ Parker has a large pool of well-educated and business acumen individuals that can serve as Mayor so we should not lack from a candidate pool, if change is desired.
- ▶ Mayor in this form of government is given some latitude and can get things done timely (along with the Administrator & Staff) given restrictive parameters placed on Council (i.e.: open meeting act / time commitments / # of people involved).
- ▶ A skilled administrator can be hired to minimize weaknesses in the mayor's management background or experience, but the mayor is still fully responsible. (This refers to the appointment of a CAO and the addition of professional expertise to the mayor's office).
- ▶ Administrator serves at the pleasure of the Mayor and can be more easily overridden if their actions are not deemed to be in the best interest of Parker.

## Council / Manager – CONS

- The council-manager form gives too much power to one person - the city manager
- A professional manager, often chosen from outside the city, does not know the community and is too far from the voters.
- Councils may leave too much decision making to the manager, who is not directly accountable to the public.
- Without an elected chief executive, the community lacks political leadership

## Council / Manager - CONS (CONT)

- Placing a manager at the highest spot Increases likelihood that the individual performs acts that further their career more than in the interests of Parker.
- Placing a manager at the highest spot increases the likelihood that such person will request an employment agreement with significant penalties (severance) should they need to be terminated.
- Citizens may be confused about who is in charge. Most expect the mayor to respond to their problems. The mayor has no direct control over the delivery of services and can only change policy through the city council.
- City managers may leave a city when offered higher salaries and greater responsibilities in other cities

## Strong Mayor / Weak Mayor

- ▲ Would not try to fit our Charter rigidly into one or the other (Strong or Weak Mayor), but would try to keep the acting status quo of our current system.
- ▲ Would "formalize" via the Charter some of the procedures/ parameters which have historically been followed by the Mayors of Parker.
- ▲ Would avoid creating excessive constraints on the Mayor to the point we severely handicap their ability to get things accomplished and make the job itself unattractive.
- ▲ Would "formalize" a strong checks and balances system in the Charter so that no single person has unfettered control.

## ***Mayor / Council Form of Government***

### **Passing Home Rule Charter**

- Residents are satisfied with the current structure.
- Home Rule Charter offers multiple benefits (term limits, initiative, referendum, ability to place in control safeguards) so we should strive to create a Charter.
- Best opportunity to pass by a general vote is to not create a lot of change, if not needed.
- Small changes to potentially improving what we are or have (general law managed city) might increase chances of the HR Charter passing by voters.

### **Mayor / Administrator / Council**

- Mayor / Council format places someone at the top that lives in and is accountable to the Residents - increasing the likelihood that they have the best interests in mind for Parker.
- By electing, rather than appointing a mayor, political leadership is established. The city has a political spokesperson who has a high degree of visibility.
- An elected mayor will have a higher standing and greater voice in regional affairs of the city.
- The mayor is vested with veto power and can serve as a check on an unpopular council decision.
- This is the form that is familiar to most Americans because it is patterned after our traditional national and state governments. Therefore is more likely to get passed by residents of Parker.
- There is a separation of powers between the executive and legislative branches. There are checks and balances.
- The council can refuse to confirm the mayor's appointments and the mayor can veto the council's legislation.
- Separation of powers provides healthy independence, debate and creative tension.
- Separate legislative and executive branches provide the best opportunity for debate and consensus building.
- Mayor elected at large gives the reins of the City to a person whom the Residents trust turning over that power to.
- Likelihood of the Mayor being "known" to the City prior to being elected is high, meaning the person likely had been active (Council / Boards) within the City and lived in the City for awhile giving him/her better knowledge of the needs, desires and issues within the City.
- Parker as of today and foreseeable future only has residential - while Parker grows in size the complexity of the job will not dramatically increase.
- Parker has a large pool of well educated and business acumen individuals that can serve as Mayor so we should not lack from a candidate pool, if change is desired.
- Mayor in this form of government is given some latitude and can get things done timely (along with the Administrator & Staff) given restrictive parameters placed on Council (i.e.: open meeting act / time commitments / # of people involved).
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### **Strong Mayor / Weak Mayor – Further breaking down Mayor/Council**

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- Would avoid creating excessive constraints on the Mayor to the point we severely handicap their ability to get things accomplished and make the job itself unattractive.
- Would "formalize" a strong checks and balances system in the Charter so that no single person has unfettered control.