



18-110

TITLE: Discuss Charter Amendment Process

COUNCIL GOAL: Operational Excellence

MEETING DATE: February 5, 2018

DEPARTMENT: City Council

CONTACT: Mayor George Fuller
Council member La'Shadian Shemwell

RECOMMENDED CITY COUNCIL ACTION: Discuss Charter amendment process.

ITEM SUMMARY:

- Council member Shemwell expressed an interest in discussing a Charter Amendment Election, including specific consideration of submitting a voter proposition relative to **Section. 16. Council Compensation** (below) to address council member health insurance related benefits and modified compensation for service.

Sec. 16. - Council compensation.

Each member of the City Council including the Mayor shall receive for compensation the sum of fifty dollars (\$50.00) per posted City Council meeting attended. In addition the Mayor shall receive one hundred dollars (\$100.00) per month stipend. In the event that the Mayor Pro Tem serves as Mayor for more than thirty (30) consecutive days, the stipend shall be awarded to the Mayor Pro Tem. In addition, all actual reimbursable expenses, including eligible expenses allowed by State law, incurred by all members of the City Council in the performance of their official duties shall be paid by the City.

(Ord. No. 977, § 1, 11-9-1976; Ord. No. 2001-03-033, 3-20-2001; Ord. No. 2011-12-078, § 1, 12-6-2011; Ord. No. 2014-06-039, § 1, 6-3-2014)

- A Charter Amendment is required to modify the current, fixed (per meeting) compensation for council members.
- The City Council may also consider any other Charter modifications which are consistent with state law.
- There are two options for preparing potential charter propositions:
 - Appoint a statutory Charter Review Committee to review and propose potential amendments for Council review and approval prior to bringing to the voters.
 - Form a Council Committee to review and propose potential amendments to bring to the voters.
- The last Charter Review Committee was appointed by City Council on January 17, 2001 with a charge to review specific items and bring recommendations on those items to City Council.
- Due to statutory deadlines and related prerequisites, the next two (2) uniform election dates are:
 - November 6, 2018 - the election must be called no later than Monday, August 20, 2018.
 - May 4, 2019 - the election must be called no later than Friday, February 15, 2019.

BACKGROUND INFORMATION:

- The Charter may only be amended every two (2) years. The last Charter Amendment Election was May 10, 2014.
- Over the last 14 years, the City has brought Charter Amendments before the voters on three occasions:

1. May 15, 2004

- a. City Council Pay - defeated 3,550 to 4,560

Shall Section 16 of the City Charter be amended to allow compensation of Council member based on a per meeting amount, with no yearly maximum?

- b. City Charter Clean Up - passed 7,338 to 796.

Shall the City Charter be amended throughout to correct non-substantive errors such as misspellings, punctuation and grammar, make changes as required to conform to state law and revise references to repealed, redundant or obsolete provisions of state law

or local ordinance?

2. November 8, 2011

- a. Non-substantive errors - passed 1,330 to 251

Shall the City Charter be amended throughout to correct non-substantive errors such as misspellings, punctuation, grammar and sentence structure; conform notice and publication requirements to state law; and revise references to repealed or obsolete provisions of state law?

- b. Delete provisions, practices, and policies - passed 1,286 to 291

Shall the City Charter be amended to delete provisions, practices and policies which are no longer employed by the City of McKinney?

- c. Changing from three to four year terms - passed 866 to 708

Shall Section 9 of the City Charter be amended to provide that the City Council shall have four (4) year terms beginning with the 2013 election, including a transition to four (4) year terms for current office holders and a clarification of existing term limits of two (2) consecutive terms for council members?

3. May 10, 2014

- a. Non-substantive errors - passed 1,809 to 147

Shall the City Charter be amended throughout to correct non-substantive errors such as misspellings, punctuation, grammar and sentence structure; conform notice and publication requirements to state law; and revise references to repealed or obsolete provisions of state law?

- b. Delete provisions, practices, and policies - passed 1,802 to 156

Shall the City Charter be amended to delete provisions, practices and policies which are no longer employed by the City of McKinney?

- c. City Council candidates' physical address - passed 1,917 to 45

Shall Section 10 of the City Charter be amended to provide that candidates and elected members of the City Council provide sufficient evidence of physical residence in the district sought by such candidate or the district represented by an elected member?

- d. City Council candidates be a qualified voter - passed 1,872 to 90

Shall Section 15 of the City Charter be amended to provide that candidates for an election to the City Council be a qualified voter of the City not less than one (1) year prior to filing?

- e. City Council candidates residency requirement - passed 1,880 to 79

Shall Section 15b of the City Charter be amended to provide that candidates for the City Council be residents of the City for one (1) year prior to election?

- f. Remove Council Compensation Cap - passed 1,190 to 720

Shall Section 16 of the City Charter be amended to provide for the continuation of City Council member compensation of \$50 per posted meeting without the annual cap of \$2,500 per year?

- g. Fill Council vacancies by appointment - passed 1,693 to 223

Shall Section 17 of the City Charter be amended to provide for authority to fill certain vacancies by special election or by appointment pursuant to the Texas Constitution?

- h. Deletion of conflicting Charter provisions regarding appointment and removal of employees - passed 1,705 to 202

Shall Section 30 of the City Charter be amended to provide for the deletion of conflicting Charter provisions regarding appointment and removal of employees?

- i. City Council authority regarding appointment and removal of certain executive employees/affiliated public corporations - passed 1,542 to 340

Shall Section 34 of the City Charter be amended to provide for City Council authority regarding appointment and removal of certain executive employees of the City and certain affiliated public corporations?

- j. Additional investigative power of Fire Department - passed 1,654 to 265

Shall Section 66 of the City Charter be amended to provide for

additional investigative powers to the Fire Department?

SUPPORTING MATERIALS: