

**Office of the City Manager**

City of Richland Hills, Texas

## Memorandum

**To:** Honorable Mayor Bill Agan and members of the Richland Hills City Council  
**From:** Curtis E. Hawk, City Manager  
**Date:** June 18, 2013  
**Subject:** Amendments to Richland Hills Home Rule Charter

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### **City Council Action Requested:**

Consider Propositions for Amendments to Richland Hills Home Rule Charter.

### **Background Information:**

City Council appointed the 6-member Charter Review Committee (CRC) on July 12, 2011, and charged the CRC to review the Richland Hills Home Rule City Charter and to make recommendations for potential amendments to the Charter. Over the course of an 18-month period - the first meeting of the CRC was on August 30, 2011, the last on February 6, 2013 - the CRC meet almost every week, working its way through the entire charter. In the end the CRC presented City Council with 13 proposed amendments listed on three pages. On February 12, 2013 City Council met with the CRC to receive and discuss the committee's recommended Charter amendments. At its April 2<sup>th</sup> meeting Council appointed Councilmembers Robert DeSoto and Beverly Williams to serve on an ad hoc committee of the council to review the charter recommendations of the CRC, and to bring back a recommendation to the full Council for consideration.

The ad hoc committee of the Council met with staff over a number of weeks, during which time it considered the recommendations for proposed changes submitted to Council by the CRC, and as well, other provisions of the Charter looked at by the CRC but not included in proposed amendments presented to Council. The Ad Hoc Council Committee completed its review on Thursday, March 30<sup>th</sup> and presented it to the full council during the June 4, 2013 meeting.

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At its June 4, 2013 meeting City Council reviewed the recommendations and report of the Council's Ad Hoc Charter Review Committee of the Council, including a "redlined" version of the complete Charter with potential changes reflected in the typical strike-through/ underline format, with key additions highlighted in yellow, and reached consensus on several recommendations for potential revisions to the City Charter.

Council directed the City Attorney to prepare proposed ballot propositions to potentially present to the voters in a November election, and to bring the propositions back before Council at the June 18<sup>th</sup> meeting for further consideration. Attached below are the draft propositions and a copy of the existing City Charter with only the **proposed changes recommended on June 4<sup>th</sup> by the full Council for potential presentation to the voters** reflected in the strike-through/ underlined/ highlighted in yellow format.

As a result of Council's action on June 4<sup>th</sup> to narrow down the proposed changes, the city attorney has drafted the specific ballot propositions that, if approved by the voters, would amend the Charter. The next step in the process will be for Council to approve the **propositions** to be presented to the voters to approve/deny the **amendments**. Following Council's approval of the propositions staff and the attorney will begin preparing the Q & A's and other material needed to explain the proposed amendments, and bring back to Council for review of the ordinance to call the election. Council must call the Charter election by ordinance (must be approved before August 26, 2013) for the November 5, 2013 Uniform Election Date.

**Board/Citizen Input:**

Recommendations originated from Charter Review Committee appointed by Council, and from Council's Charter Review Committee.

**Financial Impact:**

None at this time.

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**Attachments:**

- Current Charter highlighting recommendations of Council for sections to be presented to voters for amendment.
- Draft ballot propositions.

## RICHLAND HILLS CHARTER PROPOSITIONS

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### **PROPOSITION NO. 1. City Council Number, Terms, Duties, and Qualifications.**

Shall the Richland Hills Home Rule Charter be amended to provide for three (3) year terms for the mayor and council members; to provide for a transition schedule from two year terms and provide that all references to “terms” of council members throughout the charter shall mean three year terms; to provide that the mayor and all members of the council be elected by a majority vote at an election held for that purpose; by clarifying that the city manager is the chief executive officer of the city; to require vacancies in three year terms be filled by election as required by the constitution and revise procedures to fill vacancies in remaining two year terms; to clarify that qualifications for candidacy must be possessed on the date of election; to provide that other public offices may be held by council members if permitted by state law; and to provide that the city secretary shall be appointed by the city manager instead of the council by revising Sections 5.01, 5.02, 5.08, 5.09, 6.06, and deleting 6.02(4)?

### **PROPOSITION NO. 2. Term Limits.**

Shall the Richland Hills Home Rule Charter be amended by eliminating term limits for the mayor and council members by deleting Section 5.12?

### **PROPOSITION NO. 3. Municipal Court.**

Shall the Richland Hills Home Rule Charter be amended to comport with state law to provide that a municipal judge shall be appointed by the city council; to provide for procedures for removal of the judge; to delete residency requirements for the judge; and to provide that the court clerk reports to the city manager; and to provide that the city attorney shall be appointed by the council by revising Sections 6.03, 6.07 and 6.08?

### **PROPOSITION NO. 4. Contracts and Bidding.**

Shall the Richland Hills Home Rule Charter be amended by revising the procedure for authorizing contracts and providing that all purchases and contracts be let in accordance with state law by revising Section 9.03 and deleting Section 9.04?

### **PROPOSITION NO. 5. Eminent Domain.**

Shall the Richland Hills Home Rule Charter be amended to provide that the procedures for eminent domain and property acquisition shall comply with state law by deleting certain procedures in Sections 10.01(3), (4), (5), and (6)?

**PROPOSITION NO. 6. Planning and Zoning.**

Shall the Richland Hills Home Rule Charter be amended to provide that any qualified voter may serve on the planning and zoning commission; to provide that the council appoints the chairman of the planning and zoning commission; to provide for components of the master plan, and to clarify that the planning and zoning commission recommends final action to the city council by revising Sections 14.01, 14.02, 14.03, and deleting 14.04?

**PROPOSITION NO. 7. Initiative, Referendum, and Recall.**

Shall the Richland Hills Home Rule Charter be amended to provide that no petition for recall shall be filed within six (6) months after the council person's election and by allowing citizens to seek judicial relief in district court if the council fails to act on a petition for referendum or recall by revising Sections 15.10, 15.11 and 16.02?

**PROPOSITION NO. 8. Compliance with State Law and Non-Substantive Revisions.**

Shall the Richland Hills Home Rule Charter be amended to provide for compliance with state law with regard to elections by revising Section 5.03, and to make no-substantive revisions to language and organization throughout the charter?