

Commissioners:

Lewis Rice, Ward 1
Robbie Anderson, Ward 1
Brian Darby, Ward 2
Robert Crawford, Ward 2



Holly Gray-Moore, Chairperson

Commissioners:

Krystle Joyner, Ward 2
David Stone, Ward 3
John Huskisson, Ward 3
David Thompson, Ward 3

**ROANOKE HOME RULE CHARTER
REVIEW COMMISSION MINUTES
REGULAR MEETING
SEPTEMBER 2, 2021
CITY HALL COUNCIL CHAMBERS
500 S. OAK STREET
7:00 P.M.**

PRESENT: Chairperson: Holly Gray-McPherson, Commissioners: Lewis Rice, Robbie Anderson, Brian Darby, Krystle Joyner, Robert Crawford, David Stone, John Huskisson, David Thompson.

DEPT. STAFF: City Manager Scott Campbell, City Secretary April S. Hill, and City Attorney Jeff Moore.

A. CALL TO ORDER

Chairperson Holly Gray-Moore called the Home Rule Charter Review Commission to order at 7:00 p.m.

B. PUBLIC INPUT

No one wished to speak.

C. APPROVAL OF MINUTES

All items listed below are considered routine and will be enacted with one motion. There will be no separate discussion of items unless a Councilmember or citizen so requests, in which event the item will be removed and considered separately.

1. Motion made by David Thompson second by Robert Crawford to approve the minutes from the regular Home Rule Charter Review Commission meeting held on September 30, 2013.

Motion carried unanimously.

D. NEW BUSINESS

1. Discuss proposed content and any revisions to the Home Rule Charter.

Chairperson Holly Gray-Moore gave a background of the history of the Home Rule Charter. Mrs. Gray-Moore further explained that a city has to have a population over 5,000 to create a Home Rule Charter, and in 2008, the City of Roanoke



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surpassed that number, allowing for the election of a Home Rule Charter. With the election and adoption of the Home Rule Charter, Roanoke now had the ability to improve the protection of its residents with more restrictive laws against sex offenders, in addition to the ability to annex property.

Commissioner Brian Darby explained that a General Law City is restricted to state law. A Home Rule city cannot be less restrictive, but they can be more restrictive than state law.

City Attorney Jeff Moore gave an overview of the five (5) types of cities, under Texas Law. (1) Special Law City, (2) Type A General Law City, (3) Type B General Law City, (4) Type C General Law City, and (5) Home Rule Cities. A Home Rule city has more power, as long as it is not in conflict of state law.

Chairperson Gray-Moore stated the Home Rule Charter is the governing document for the city.

Mr. Moore explained state law requires the Charter not be amended more often than every 2 years. However, the Roanoke Home Rule Charter states every 6 years the Charter will need to be reviewed. Mr. Moore further explained that any amendments to the Charter require an election, which are normally held in May and November.

Chairperson Gray-Moore asked if we had amendments, would we be able to place them on the November 2021 ballot.

Mr. Moore stated that we would not; it would have to go on the May 2022 ballot, due to state law requirements when calling an election.

Commissioner David Stone asked if the requirement to publish notices in the newspaper was a state requirement.

Mr. Moore stated that it was. Mr. Moore further explained that every legislative session, the Texas Municipal League (TML) has tried to change the legislation regarding the publications, but to no avail.

Mr. Moore continued his overview of the Home Rule Charter, stating it was modeled after award winning cities, with a few modifications that pertained to the City of Roanoke.

Mr. Stone asked what the current population of Roanoke is.

City Manager Scott Campbell stated the current population is around 9,000.

Mr. Stone asked if the number of City Council members could be increased, due to the increase of population since the original adoption of the Home Rule Charter,



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Maybe adding some additional "at large" members, as opposed to Wards.

Chairperson Gray-Moore stated it could be discussed.

Mr. Stone stated that the mayor and city council compensation be changed to start with a base pay, with an escalation over time, so the Home Rule Charter would not have to be amended every time. A review of compensation could be conducted every 5 years, and determine an increase using a certain formula.

Commissioner Robert Crawford state, in most cities, the mayor votes. Mr. Crawford ask if the reason the Roanoke Mayor does not vote is due to there being six (6) City Council members.

Chairperson Gray-Moore stated that yes, during the original adoption, it was not necessary for the mayor to vote, as most votes are unanimous. However, with things changing, and our demographics changing, it would be a good idea to change that.

Mr. Stone stated that he disagrees on the mayor voting, and it way in which it is written in the Home Rule Charter is best, only casting a vote to break a tie.

Mr. Moore explained Section 3.05(4)(5) in regards to vacancies. Mr. Moore stated due to legislative changes, this merits a change. Currently there is a limited amount of time to fill the vacancy.

Chairperson Gray-Moore stated that she agreed with Mr. Moore, as this was an issue when one of our City Council members passed away, with multiple Special Elections having to be called to fill the vacancy.

Mr. Stone stated that Section 3.05 should be completely rewritten, to avoid Special Elections.

Mr. Moore stated Section 3.05 of the Home Rule Charter could not be completely rewritten, due to the Texas Constitution Article 11, Section 11, which states:

Article 11 Sec. 11. TERM OF OFFICE EXCEEDING TWO YEARS IN HOME RULE AND GENERAL LAW CITIES; VACANCIES.

- (b) A municipality so providing a term exceeding two (2) years but not exceeding four (4) years for any of its non-civil service officers must elect all of the members of its governing body by majority vote of the qualified voters in such municipality.

Mr. Moore further explained that there have been some changes in the law, which allow a vacancy to be filled by appointment for the remainder of the term. This would be allowable only if the vacant seat has less than 12 months remaining on the term. An amendment to Section 3.05 of the Home Rule Charter would be required to put this into effect.



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Mr. Stone asked if there were any other elected position in the city, other than the mayor and city council.

Mr. Moore stated there were not.

Mr. Moore continued his overview of the Home Rule Charter.

Mr. Stone asked if the city manager position should have a residency requirement.

Chairperson Gary-Moore stated that it was very important for the city manager to reside within the city. The city manager position is at the forefront and should be available in the event of a major issue, in addition to being a part of the community.

Mr. Stone asked if the city should have an "Inspector General" meaning an outside source to evaluate the performance of departments or individuals. Mr. Stone stated this would be an independent group, who investigates complaints about city government. Mr. Stone further stated the Federal government has implemented this process.

Mr. Moore stated that he has not encountered this with other cities.

City Manager Scott Campbell asked if he was meaning outside of the City Council investigating issues.

Mr. Stone said yes and asked who would investigate, if there were issues within the city government.

Chairperson Gray-Moore explained that the in that instance, an outside company would be employed.

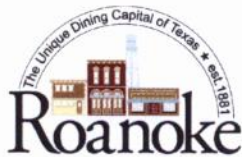
Mr. Campbell explained there have been cities who were investigated by the Texas Rangers. Therefore, if there are any type of criminal activity, the state authorities can be called in to investigate.

Mr. Stone asked who is responsible for verifying that the city is operating within the ordinances that have been passed.

Mr. Moore stated that the public has the ability to have a recall.

Mr. Stone asked who supplies the data to the public so they can make a decision whether there is malfeasance in the city government. Who is responsible for doing that?

City Manager Scott Campbell stated the best way to answer that question is the Public Information Act, which makes city information available to the public. The recall referendum cannot be acted upon without information; this is where the



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Public Information Act comes in. Allowing the public to inspect information, in the event they think there may be wrongdoing.

Mr. Moore stated it would be the responsibility of the citizen to ask for the information. Mr. Moore explained there is also a lot of information placed on the City's web site for viewing.

Mr. Campbell stated there is a process if someone thinks not all of the information or incorrect information has been given. The requestor can file a complaint with the Attorney General's office.

Mr. Moore stated the Attorney General's office has a prosecutors division, in the information can be turned over to the Texas Rangers for an investigation.

Mr. Stone asked how you maintain accountability.

Chairperson Gray-Moore stated it would be through the election process.

Mr. Stone stated that the electric does not always have access to the information.

Chairperson Gray-Moore stated they do have access to information.

Mr. Stone asked where you go to ask for the information, how do you follow the process.

Commissioner David Thompson asked if the instructions were listed on the City's web site.

City Secretary April S. Hill stated that the instructions are listed on the City's web site, in addition to a form to request information.

Mr. Thompson stated that the information is clearly stated on the City's web site and there are serious repercussions if proper procedure is not followed in accordance to the law.

Mr. Campbell stated that City Council recently approved the annual budget, which included a new position to handle the large influx of public records requests the city receives.

Mr. Stone asked if run-off elections could be eliminated.

Mr. Moore stated that run-off elections are used to determine a tie vote, or if there are three people running for office, the Texas Constitution requires a majority (50.001%) of the vote to be elected.

Chairperson Gray-Moore stated she would like to stop here with Article VIII, go



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back, and discuss some of the items that may need amending. Mrs. Gray-Moore further stated the commission could continue going over the rest of the Home Rule Charter at the next meeting.

Items discussed:

- Increasing the number of members to the City Council

Chairperson Gray-Moore stated the number of registered voters in each Ward (as of 09/02/2021), are as follows:

Ward 1 – 1516 (Denton 1465/Tarrant 51)

Ward 2 – 2162

Ward 3 – 2322

City Manager Scott Campbell stated the number of people per Ward was reviewed a few times in the past, and did not require a move of boundary lines. Mr. Campbell asked Mr. Moore in the event the boundaries needed to be adjusted, could it be amended by ordinance.

Mr. Moore stated the boundary lines could be amended by ordinance.

Mr. Stone asked if the population growth warranted some “at large” council members.

Assistant City Manager Cody Petree stated that six (6) city council members is standard with most cities, with exception of the larger cities.

Chairperson Gray-Moore asked the commission if anyone else had any thoughts or concerns that this is something to further review.

Commissioner Robert Crawford asked how close the city was to being “built out.”

Chairperson Gray-Moore stated the city is about 80% built out.

- City Council compensation

Chairperson Gray-Moore stated that she does not want to be a part of the discussion on this item, and feels Commissioner Brian Darby would not either, as they are both current members of the City Council.

Commissioner Brian Darby stated when this was discussed for the originally charter, he was against receiving compensation. Mr. Darby explained since the compensation was included in the Home Rule Charter, he donates it to various city causes. Mr. Darby stated that getting the opportunity to ride in the Christmas Parade is enough compensation for him.



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Chairperson Gray-Moore stated we would conduct a survey of surrounding cities, regarding compensation of mayor and city council.

- Mayor vote

Commissioner David Thompson asked if there would be an issue with the mayor voting, as he votes when there is a tied vote. If the mayor were allowed to vote, this would be seven (7) members voting, so there never would be a tied vote. Mr. Thompson further stated that he does not see an issue with allowing the mayor to vote.

Mr. Stone stated that allowing the mayor to vote changes the power structure, by changing the political dynamics of the city council.

Mr. Thompson stated that he does not see that being the case. Mr. Thompson then asked, what power structure might change if the mayor votes.

Commissioner Robert Crawford stated that whether the mayor does or does not vote, it is still the same vote. Meaning that he votes in the event of a tie.

Commissioner Krystle Joyner asked if other cities mayors vote.

Mr. Moore stated that the majority of cities have voting mayors.

The majority of the commission agreed that the mayor should be allowed to vote.

Mr. Moore stated that he could bring back language for an amendment for the commission to review.

- Filling Vacancies

Mr. Moore gave an overview of the current process for filling a vacant seat. Mr. Moore stated that a procedure could be put into the Home Rule Charter allowing the appointment to fill the vacancy, if the remainder of the term is less than twelve (12) months. As the Home Rule Charter reads now, a vacancy can only be filled with an election.

Mr. Stone asked if there was a way to get around the 120-day requirement to fill a vacancy for a term that has more than 12 months left on the term.

Mr. Moore stated that no, as it is state mandated.

After much discussion on how to make the appointment for a vacant term (with less than 12 months), Mr. Moore stated he would do some research and bring back some alternate language to adequately establish a process.



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- Annual Reviews

Mr. Stone if the word "annual" regarding personnel reviews in Section 4.06 (2)(e), could be removed from the Home Rule Charter.

City Manager Scott Campbell stated that the city currently has a process where personnel is reviewed annually, however, staff meet with personnel when the need arises.

Mr. Stone stated that he meant the word "annual" mandates a review be conducted annually, whether it is need or not.

Mr. Campbell stated personnel get merit raises based on their annual review.

Commissioner Robbie Anderson stated that most employees would like to know how they are doing, so annual reviews are good.

Chairperson Gray-Moore asked the commission members if they would like to go ahead and finish reviewing the Home Rule Charter, instead of waiting until the next meeting.

All commissioners agreed to continue reviewing the charter.

Mr. Moore proceeded with the overview of the Home Rule Charter, beginning with Article VIII.

Chairperson Gray-Moore stated that all of the boards and commissions were appointed by City Council. To be eligible, an applicant must be a resident for a minimum of 12 months to serve. Mrs. Gray-Moore further stated there is an attendance requirement as well.

Mr. Moore further explained the requirements and rules for boards and commissions.

Commissioner Lewis Rice asked for clarification of the "Secretary" position (Article IX, Section 9.01) on the Planning and Zoning Commission.

Assistant City Manager Cody Petree explained that a staff member has the roll of Secretary for the commission.

Chairperson Gray-Moore stated that it helps to have a staff member in that position.

Mr. Moore asked if they want it clarified as a staff position.



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Chairperson Gray-Moore stated yes.

City Manager Scott Campbell asked about the ability to have alternates for boards and commissions, would it require an amendment.

Mr. Moore stated that it could be changed by ordinance.

Mr. Moore continued reviewing the Home Rule Charter.

Chairperson Gray-Moore gave a recap of the meeting and thanked everyone for his or her input.

2. Schedule date for next meeting.

The next scheduled Home Rule Charter Review Commission meeting will be held on Wednesday, September 22, 2021.

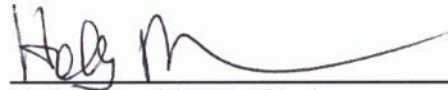
E. ADJOURNMENT

Motion made by David Thompson second by Brian Darby to adjourn the meeting at 8:43 p.m.

Motion carried unanimously.



April S. Hill, City Secretary



Holly Gray-Moore, Chairperson