

RESOLUTION NO. 28-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CREATING A CHARTER REVIEW COMMITTEE TO CONSIDER AND REPORT TO THE CITY COUNCIL REGARDING AMENDMENT OF THE CITY CHARTER AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 3, 2017, the City Council requested staff to place an item on the July 17, 2017, City Council agenda to allow discussion and consideration of the establishment of a Charter Review Committee; and

WHEREAS, it is the intent of the City Council to create an advisory committee to review, receive public input and provide a report to the City Council on changes to the City of Mesquite Charter ("Charter"); and

WHEREAS, the City Council desires to provide direction to the Charter Review Committee by adopting a charge that outlines City Council expectations regarding the scope and deadlines for charter review.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. Composition of the Committee.

- (a) The City Council hereby establishes a Charter Review Committee ("Committee") to consider and provide a report to the City Council of proposed amendments to the Charter.
- (b) The Committee is purely advisory and its report shall not be binding on the City Council.
- (c) The Committee shall be composed of seven members.
- (d) City staff in the offices of City Manager, City Attorney and City Secretary shall be available as resources to support the efforts of the Committee. Staff from other departments shall be made available upon request to the City Manager.

SECTION 2. Mission.

- (a) The City Council hereby adopts the City Council's Charge ("Charge"), attached as Exhibit "A," which identifies the issues to be reviewed by the Committee, the scope of review, the number of public hearings to be conducted and applicable deadlines. The Charge shall be provided to each appointee of the Committee to direct execution of the Committee's objectives.
- (b) The Committee shall solicit citizen input through surveys, town hall meetings and other public forums and processes as provided in Exhibit "A."

SECTION 3. Appointment.

- (a) Each member of the City Council shall appoint one member to serve on the Committee.
- (b) The City Council shall appoint two liaisons to the Committee from among its members who will serve as ex officio, non-voting members.

SECTION 4. Eligibility.

In order to be qualified to serve, all members of the Committee must, at the time of appointment and through their term of service:

- (a) Be eligible to serve as more fully set forth in the Charge; and
- (b) Commit to attend at least 90 percent of the Committee's meetings.

SECTION 5. Vacancy.

In the event a vacancy occurs on the Committee, the City Secretary shall immediately notify the City Council for consideration of a replacement.

SECTION 6. Meetings.

- (a) All meetings shall be held in accordance with the Texas Open Meetings Act.
- (b) The small committee rules of Robert's Rules of Order shall apply.
- (c) Minutes of the meetings shall be kept by the City Secretary or her designee.
- (d) Meetings shall be coordinated through and by the City Secretary, who will reserve the meeting room, issue proper notices and ensure compatibility with the City calendar.

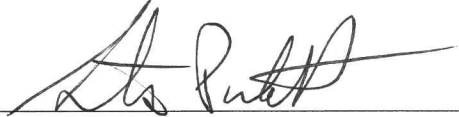
SECTION 7. Application of Other Laws.

- (a) City Charter and Code provisions applicable to the Committee.
 - (1) Section 34, "Personal Financial Interest," of Article IV, "Officers and Elections," of the City of Mesquite Charter, which prohibits a direct or indirect financial interest in a City contract, does not apply to appointees to the Committee.
 - (2) To the extent not in conflict with this Resolution, the City's Rules for Boards and Committees, codified in Division 2, "Code of Ethics," of Article IV of Chapter 2, Code of Ordinances of the City of Mesquite ("Code of Ethics"), apply to the Committee.

- (3) Section 2-123(a)(8) of the Code of Ethics, which prohibits representation of others before the City, does not apply to appointees to the Committee.

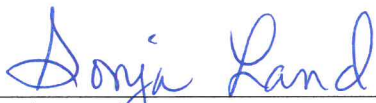
SECTION 8. That this resolution is effective immediately upon passage.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 7th day of August, 2017.




Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

Alternative Citizen Charter Review Committee Structure

The **Citizen's Charter Review Committee** ("CCRC") will consist of seven members, each appointed individually by the six Councilmembers and the Mayor. Each CCRC member will be eligible to be appointed by the councilmember if that committee member would be eligible to serve as the councilmember for that appointer, or the Mayor. The Council shall also appoint two Ex Officio members from the council to help guide the CCRC.

The **Scope of the CCRC**. The CCRC is a body formed to facilitate public awareness and discussion regarding the several charges put before the public for potential inclusion in a charter election, targeted to be held May 5, 2018. The CCRC will hold, facilitate, and participate in public discussions regarding the potential charter amendments, including the specific details of any potential charter amendment. The CCRC will then generate a report on the sense of the community based upon the tenor and tone of the public meetings. THE CCRC shall not vote or advance specific recommendations, to avoid politicizing the committee or its work, but will, in its report to the council, provide sign-up sheets, tallies at public meetings, and discussions on majority and minority views of the public regarding certain charges.

The **Citizen Survey**. The first task for the CCRC shall be to form proposed survey language to be inserted into the Citizen's survey, anticipated to be sent out to the citizens of Mesquite in late August. The survey questions will address the charges, and request certain specifics regarding those charges. When the survey results are returned to the city, its results shall be incorporated into the CCRC report.

The **CCRC Public Meetings**. The CCRC, with the assistance of city staff, shall conduct five public hearings, one in each geographic council district, and one at city hall. These meetings shall be scheduled, when possible, in at least one week intervals. The meetings shall be advertised on the city's web site, and public notice of the hearings shall otherwise be provided by law for any open meetings. The council ex-officio members shall conduct the public hearings with the assistance of the CCRC members. The CCRC members shall facilitate and participate in the public hearings. Votes and tallies regarding the charges shall be made either by hand vote or by sign in sheet.

The City Council shall charge the CCRC to facilitate public discussion, and report back the sense of the community on these below charges:

1) Term Limits

Public Hearings shall be conducted to receive input and discuss the establishment of term limits for the city council and Mayor. The discussion shall include, but not be limited to, a limitation on the number of terms a councilmember or mayor may serve, how many years or terms someone "term limited" would be ineligible to serve, what counts as a term, including partially served terms and resignations during a term, eligibility of a councilmember to serve as Mayor, including through ascension after the resignation of the Mayor, and other related matters.

2) Single Member Districts

Public Hearings shall be conducted to receive input and discuss the establishment of single member districts for the City, including but not limited to the elimination of at-large seats, the geographic isolation of the voters eligible to elect a councilmember to those only residing in that council district, the number of councilmember districts, the timing of adoption of the districts on current councilmembers, and the procedure and timing for the adoption of those district boundaries.

3) Moving City Elections from May to November

Public Hearings shall be conducted to receive input and discuss moving municipal elections from May to November. Included in this discussion will be ending the staggering of elections, and transitioning current council terms if these measures were to be enacted.

4) Additional Electoral changes

Public hearings shall include a discussion of alternative ballot procedures, including a staggered ballot, proportional representation, and related matters.

5) Additional Measures

The Committee may discuss additional charter amendments such as adherence to state law, and efficiencies with the operation of the City.

The CCRC Report. After the five public hearings are held, the CCRC shall meet to discuss and then prepare the sense of the Community Charter Review Report. No vote shall be taken, and the CCRC shall not make specific recommendations regarding individual matters. Instead, the report shall contain the committee's sense of the community, detailing whether certain matters had widespread support, and which specific elements seemed to have more support than others. For example, the report should contain a sense on term limits, and detailing the several options for term limits, and which had more community support, if any. For example, the report could contain a listing of the most popular term limit proposals, three two year terms and sit one term off, versus four two year terms and sit one term off, and

whether a councilmember shall be allowed to run for Mayor. Each member of the CCRC shall be able to insert a minority report if they differ in the characterization of the sense of the community. The goal of the report is to give the council a sense of the community, and as many viable options to then make informed decisions regarding the placement of one or more items on the May 2018 municipal ballot for consideration. The report of the CCRC shall be seen as not binding, or politicized, and no campaigning to solicit support for any measure amongst the CCRC shall occur. The report shall be due in final form to the City Manager by November 30, 2017, in preparation for its use and dissemination to the city council and the public. The report shall be a public document.