

Charter Review Committee November 26, 2013

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The Charter Review Committee of the City of Bedford, Texas, met in regular session at 5:00 pm at the Bedford Public Library, 2424 Forest Ridge Drive, Bedford, TX on the 26th day of November, 2013 with the following members present:

Roy Savage Chairperson
Jeff Corbet
Steve Farco
Bucky Geer
Steve Grubbs
Holley Hendrickson
Hank Henning
Debbie McDaniels
Dorothy McWhorter
Beth Mullens
Mary Peters
Jim Story
Hank Swanson

Constituting a quorum.

Tom Bresnahan and Matt Eiserloh were absent from the meeting.

In addition, the following city staff members were present:

Beverly Griffith City Manager
Michael Wells City Secretary
Stan Lowry City Attorney

REGULAR SESSION

The Regular Session began at 5:01 p.m.

CALL TO ORDER/GENERAL COMMENTS

Chairman Savage called the meeting to order.

APPROVAL OF THE MINUTES

- 1. Consider approval of the following Charter Review Committee minutes:
a) November 12, 2013 regular meeting**

Motioned by Commissioner Corbet, seconded by Commission Farco, to approve the minutes of the November 12, 2013 regular meeting. Motion approved unanimously by voice vote.

NEW BUSINESS

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2. Discuss, recommend and take action regarding changes to Articles of the City of Bedford Charter.

Motioned by Commissioner Corbet, seconded by Commissioner Geer, to make no changes to Article I. Motion approved unanimously by voice vote.

There was discussion on City Attorney recommended changes to Article 4.02, which mirror State requirements for budgeting. There was discussion on the section being procedural and if taken out of the Charter, being part of an ordinance, resolution or adopted procedure; and the possibility of putting all the budget related items into one proposition.

Commissioner McWhorter presented a recommendation for Section 4.02(5) for it to read, "Shall have (5) working days to provide such budgetary information as may be requested in writing by any member of the City Council." She stated the reasoning behind the change was that Council members needed to receive information in a timely manner, that Council members needed to be treated equally, and that at a previous Council budget work session, a Council member had to fill out an open records request to receive information. There was discussion on adding "readily available" information to the recommended change; having different interpretations of what "readily available" means; the change tying the Council's hands if they want to give the City Manager more time; this item being for budgetary information and what the definition of "budgetary" would include; one Council member receiving documents in one time frame and another Council member receiving documents in a different time frame; a scenario of multiple Council members making individual requests; procedural matters including the Council Rules of Order and Procedure as well as budget and fiscal policies that have to be reviewed and adopted each year and are included in the budget document; and adding "or if voted on by Council" to the change and that it would have to be voted on at a Council meeting.

Motioned by Commissioner Corbet, seconded by Commissioner Geer, to leave Section 4.02(5) as written. Motion approved by voice vote with Commissioner McWhorter and Commissioner Swanson dissenting.

Motioned by Commissioner Corbet, seconded by Commissioner Farco, to accept the changes recommended by the City Attorney for Section 4.02. The City Attorney recommendation reads as follows: "Prior to the fifteenth day of August in each year, the City Manager shall prepare, file with the city secretary, and furnish to each member of the council a carefully itemized budget outlining anticipated receipts and proposed expenditures of the city, showing as definitely as possible appropriations desired for each project and operation for the next succeeding fiscal year, comparing the same with the budget for the then current fiscal year, and stating the actual receipts and expenditures of the then current fiscal year, including the estimated expenditures for the fourth quarter of the current fiscal year. Each employee, officer, current board, commission and department shall furnish the City Manager such information as may be required by him or her for the proper preparation of each budget. The proposed budget shall also contain:

(1) A complete financial statement of the city that shows: (a) the outstanding obligations of the city; (b) the cash on hand to the credit of each fund; (c) the funds received from all sources during the preceding year; (d) the funds available from all sources during the ensuing year; (e) the estimated revenue available to cover the proposed budget; and (f) the estimated tax rate required to cover the proposed budget;

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- (2) A capital program, which shall include all proposed purchases of equipment with a minimum depreciable lifetime of five (5) years, which will be revised and extended each year to indicate capital improvements pending or in the process of construction or acquisition, and shall include the following items: (a) A summary of proposed programs; (b) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years, which list shall include a five (5) year projection for debt service, next ensuing, with appropriate supporting information as to the necessity for such improvements; (c) Cost estimates, method of financing and recommended time schedules for each such improvement; and (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
- (3) An investment strategy for the cash management of the city funds.
- (4) Any other information required by state law.
- (5) Such other budgetary information as may be requested in writing by any member of the city council.”

The motion was approved unanimously by voice vote.

There was discussion regarding adding language to Section 4.05 to read, “...or such other means of notice as allowed by state law” and to add language referring to state law in Section 4.04.

Motioned by Commissioner Grubbs, seconded by Commissioner Corbet, to accept the changes recommended by the City Attorney for Section 4.03. The City Attorney recommendation reads as follows: “The budget will have a cover page that meets the requirements of state law. At the head of the budget there shall appear a summary of the budget, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget. The City Manager shall at the same time submit a budget message explaining the need of the requested appropriations and stating what pending capital projects, if any, will likely require the issuance of bonds or warrants.”

The motion was approved unanimously by voice vote.

Motioned by Commissioner Grubbs, seconded by Commissioner Corbet, to add language referring to state law in Section 4.04. The motion was approved unanimously by voice vote.

Motioned by Commissioner Grubbs, seconded by Commissioner Farco, to accept the changes recommended by the City Attorney for Section 4.05 as well as including language referring to state law. The City Attorney recommendation reads as follows: “At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget and cause to be published in the official newspaper of the city a notice of the place and time, which shall not earlier than the thirtieth (30th) day or less than the tenth (10th) day before the date of the hearing.”

The motion was approved unanimously by voice vote.

Motioned by Commissioner Corbet, seconded by Commissioner Grubbs, to leave Section 4.06 as currently written. The motion was approved unanimously by voice vote.

Motioned by Commissioner Corbet, seconded by Commissioner Geer, to leave Sections 4.07, 4.08, 4.09 and 4.10 as currently written. The motion was approved unanimously by voice vote.

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There was discussion on changes to Article 6. Motioned by Commissioner Grubbs, seconded by Commissioner Corbet, to leave Article 6 as currently written. The motion was approved unanimously by voice vote.

There was discussion on Article 8 including that there is special legislation for the City of Bedford allowing the Council, by ordinance, to either appoint a judge or call for an election; eliminating the second paragraph of Section 8.02; removing the residency requirement; the judge being answerable to the Council, separation of powers, and judicial misconduct; and appointed judges having two to four year contracts.

Motioned by Commissioner Peters, seconded by Commissioner Geer, to strike the language "...shall be a qualified voter of the city, who has been a resident of the city for one year..." in the first paragraph of Section 8.02 and striking the term limit paragraph in Section 8.02. There was further discussion on striking the three year term sentence in paragraph one or adding "unless appointed"; and adding language that the Council has the option to appoint a judge or call an election. Mr. Lowry stated that based on discussion, the Committee wants to strike the language referring to residency and being a qualified voter in the first paragraph of Section 8.02, striking the second paragraph of Section 8.02, and recommended amending the last sentence in the first paragraph of Section 8.02 to read, "The term is for three (3) years, if elected, or, if appointed, for a term defined by the City Council. The municipal judge shall be elected or appointed as determined by the City Council." Motioned by Commissioner Corbet, seconded by Commissioner Peters, to amend Commissioner Peter's motion to reflect the City Attorney's recommendation. Motion approved by voice vote with Commissioner Grubbs dissenting.

There was discussion regarding Article 13. Motioned by Commissioner Peters, seconded by Commissioner Grubbs to not make changes to Article 13. The motion was approved unanimously by voice vote.

There was discussion on Article assignments for the next meeting.

ADJOURNMENT

Chairman Savage adjourned the meeting at 6:43 p.m.

Roy Savage, Chairman