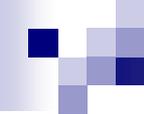
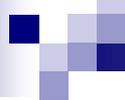


Bedford Charter Review Commission 2013 - 2014



Our Charge (Resolution No.13-61)

- To review the Charter of the City of Bedford and to report to the City Council with recommendations for the amendment of the Charter, if any, in sufficient time for the City Council to submit proposed Charter amendments to the City's qualified voters for their approval at an election in May of 2014.



Our Members

Tom Bresnahan

Jeff Corbet

Matt Eisherloh

Steve Farco

Bucky Geer

Steve Grubbs

Hank Henning

Holley Hendrickson

Debbie McDaniels

Dorothy McWhorter

Beth Mullens

Mary Peters

Roy Savage

Jim Story

Hank Swanson

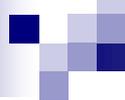
Ex-officio members: City Attorney - Stan Lowry
City Manager – Beverly Griffith

- Six meetings were held from October 2013 to January 2014
- Over 70 % attendance at all meetings



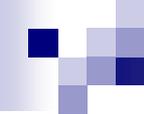
Our Process

- As we began the process, two things were emphasized:
 - The Charter is our “constitution” and therefore is the basis of how Bedford should function as a city
 - We should look for changes that could simplify, improve and/or make the Charter easier to understand
- Committee members were given a copy of the current charter and asked to review the document for any changes needed
- The City Attorney’s Office reviewed the charter for any state law changes or legal clarifications
- All meetings were open for public input



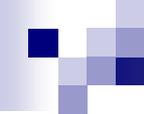
Our Process

- Each section that was recommended for change was discussed then a motion for recommendation was made and seconded
- We then had further discussion and voted
- Finally, we voted to place the recommendation on the ballot or to place on hold (for further discussion or to combine it with other recommendations into a single proposition)
- A minority report was to be submitted for any recommendation that did not pass unanimously



Our Process

- 11 of the 125 sections of the charter were recommended for changes
- Recommendations were made for the following reasons:
 - Legal clarification
 - Update charter to comply with standard city operating practices
 - Update charter to comply with current state law
 - Additions for improvement to sections



**Recommended
Propositions from the
Charter Review Commission
to be placed on the
May 2014 ballot**



Proposition #1

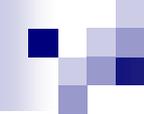
- Article II, Section 2.05 is amended by allowing for appointment or special election in order to fill a Council vacancy of less than one year.
- Article XIV, Section 14.07 is amended by stating that an appointed member of the Council is not subject to recall due to the term of less than 12 months.
- Proposition passed unanimously

Sec. 2.05. Vacancies.

In the event of a vacancy occurring in the office of any council member or mayor, a special election shall be held in accordance with state law and the Texas Constitution for the purpose of filling such vacancy. If the vacancy occurs when the unexpired term is twelve months or less, the council shall decide at a meeting, held in accordance with Section 2.13, whether to appoint a person to the vacancy or to hold a special election by a majority vote of the remaining council members. If the council approves to appoint the person to the vacated position, the council shall: (1) adopt procedures for the appointment process; (2) appoint a person to the vacancy within the time frame specified in accordance with state law and the Texas Constitution; (3) appoint a person who meets the requirements of the Charter as stated in Section 2.01 and 2.03; and (4) appoint the person to the vacated position by a majority vote of the remaining council members. If the council is not able to appoint a person to the vacancy, the council shall hold a special election in accordance with state law and the Texas Constitution.

Sec. 14.07. Limitation on recall.

No recall petition shall be filed against an elected official within six (6) months after he/she takes office, or within nine (9) months before the elected official's current term expires. No elected official shall be subjected to more than one recall election during a term of office. No appointed city council member shall be subjected to a recall election while serving the unexpired term of office.



Proposition #2

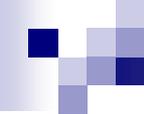
- Article II, Section 2.13 is amended by eliminating the requirement that the Council meet at least twice a month.
- Proposition passed unanimously

Sec. 2.13. Induction into office; meetings.

Council members will be inducted into office as prescribed by state law. The council shall meet regularly at such times as may be prescribed by its rules, ~~but not less frequently than twice each month,~~ the time for such regular meetings to be designated by ordinance, which ordinance shall be published at least one (1) time in the official newspaper of the city. The council may hold as many additional meetings as may be necessary for the transaction of the business of the city. All meetings of the council shall be open to the public in accordance with state law.

Proposition #3

- Article IV, Section 4.02 is amended to match the requirements of state law in regard to the information provided to City Council for budgeting; requiring a financial statement showing outstanding obligations of the city; cash on hand; funds received; funds available; estimated revenue available; estimated tax rate; a capital program including proposed purchases, proposed programs, capital improvements, costs estimates, method of financing and time schedules for such improvements; and the estimated annual cost of operating and maintain the facilities to be constructed or acquired.
- Article IV, Section 4.03 is amended to match the requirements of state law in regard to providing a cover sheet for the budget.
- Proposition passed unanimously



Sec. 4.02. Preparation and submission.

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:

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- ~~—(1) A complete and detailed statement of assets, obligations and liabilities of the city and of each of the funds administered by it.~~
 - ~~—(2) An estimate of the rate of tax required for the current calendar year.~~
 - ~~—(3) A capital program, which shall include all 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.~~

(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.

(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) An investment strategy for the cash management of the city funds.~~

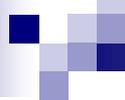
(4) Any other information required by state law.

(5) Such other budgetary information as may be requested in writing by any member of the city council.

Sec. 4.03. Form.

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.

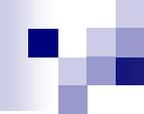


Proposition #4

- Article IV, Section 4.05 is amended to provide for the publication of the notice of the public hearing on the budget within the time frames required by state law and to allow for other means of notice as required or allowed by state law.
- Proposition passed unanimously

Sec. 4.05. Publication and notice of public hearing.

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 be less than three (3) days nor more than fourteen (14) days after date of publication.~~ not be earlier than the thirtieth (30th) day or less than the tenth (10th) day before the date of hearing; or such other means of notice as allowed or required by state law.



Proposition #5

- Article VII, Section 7.01 is amended by removing language referring to the first Saturday in May for city elections as that is no longer a uniform election date.
- Proposition passed unanimously

Sec. 7.01. Times of elections.

The regular city election shall be held every year ~~on the first Saturday in May, or~~ at such time as prescribed by law, at which time officers will be elected to fill those offices which become vacant that year. The city council shall fix the hours and place for holding such election. The city council may, by resolution, order a special election, fix the time and place for holding same and provide all means for holding such special election.

Propositions #6, 7 and 8

- Proposition #6 - Article VII, Section 7.10 and Article VIII, Section 8.02, are amended to allow for the election or appointment of the Municipal Judge.
- Proposition #7 - Article VIII, Section 8.02 is amended by removing the requirement that the judge be a resident of the city for one year and a qualified voter of the City.
- Proposition #8 - Article VIII, Section 8.02 is amended by removing the four term limit for the Municipal Judge.
- Proposition #6 passed unanimously
- Proposition #7 passed 12-1 with Commissioner McWhorter dissenting
- Proposition #8 passed unanimously



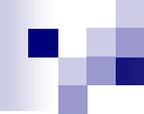
Sec. 7.10. Election of municipal judge.

The municipal judge shall be elected by a majority vote of the qualified voters voting at the election or appointed by the city council as determined by city ordinance.

Sec. 8.02. Municipal Judge—Designation.

The municipal judge shall be ~~a qualified voter of the city, who has been a resident of the city for at least one (1) year,~~ a competent practicing lawyer, and shall hold no other public office except for those allowed by the Texas Constitution or state law. If a municipal judge shall cease to possess any of these qualifications or shall be convicted of a felony, the office shall immediately become vacant. The city council may, by ordinance, provide the salary of the municipal judge in accordance with state law. The municipal judge shall be elected or appointed as determined by the city council. The term is for three (3) years if elected, or, if appointed, for a term defined by the city council.

~~The municipal judge is limited to four (4) consecutive full terms. Any municipal judge who is elected for four (4) consecutive full terms will be eligible to run for office after sitting out one (1) full term of office.~~



Minority Report – Commissioner McWhorter

- Opinion for voting in the negative is as follows:

I have not been given sufficient information that there is a shortage of attorneys in Bedford that warrants this change.

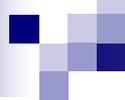


Proposition #9

- Article IX, Section 9.01 is amended by removing the language requiring the Planning and Zoning Commission meet at least one a month and adding language that the Commission will meet as necessary.
- Proposition passed unanimously

Sec. 9.01. Planning and zoning commission—Establishing; membership; organization; meetings.

There shall be established a planning and zoning commission which shall consist of a minimum of seven (7) citizens from the city. The members of said commission shall be appointed by the city council for a term of two (2) years. An odd number of members of the planning and zoning commission shall be so appointed each odd numbered year and an even number of members shall be so appointed each even numbered year. The commission shall elect a chairman from among its membership and shall ~~meet not less than once each month~~ as necessary. Vacancies and unexpired terms shall be filled by the council for the remainder of the term. A majority of the members shall constitute a quorum. Members of the commission may be removed by a majority vote of the council.



Proposition #10

- Article II, Section 2.13; Article IV, Section 4.04; and Article XI, Section 11.17 are amended to allow for alternate means of publication not limited to publication in the official newspaper.
- These recommendations passed unanimously.

Sec. 2.13. Induction into office; meetings.

Council members will be inducted into office as prescribed by state law. The council shall meet regularly at such times as may be prescribed by its rules, ~~but not less frequently than twice each month,~~ (See Proposition #2) the time for such regular meetings to be designated by ordinance, which ordinance shall be published at least one (1) time in the official newspaper of the city **or such other means of notice as allowed by state law.** The council may hold as many additional meetings as may be necessary for the transaction of the business of the city. All meetings of the council shall be open to the public in accordance with state law.

Sec. 4.04. A public record.

The budget and budget message and all supporting schedules shall be a public record in the office of the city secretary and the public library of the city open to public inspection by anyone. The budget shall be posted on the website as required by state law or such other means of notice as allowed or required by state law.

Sec. 11.17. Mandatory charter review.

The council shall hold a public hearing every fifth year after an amendment to the charter in order to determine whether a commission should be appointed to review the charter and to make recommendations to the city council for amendment of the charter. If the council determines that it would be in the best interests of the citizens to appoint a charter review commission, it shall appoint a charter review commission of fifteen (15) citizens of the City of Bedford.

(a) Duties of the commission.

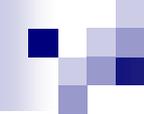
- (1) Inquire into the operation of the city government under the charter provisions and determine whether any such provisions require revision.
- (2) Propose any recommendations it may deem desirable to help ensure compliance with the provisions of the charter and state law.
- (3) Propose, if it deems desirable, amendments to this charter to improve the effective application of the charter to current conditions.

Sec. 11.17. Mandatory charter review. (continued)

(4) Report its findings and present its proposed amendments, if any, to the city council.

(b) *Action by the council.* The city council shall receive and have published, in the designated official public newspaper of the city or on the City's website or in any alternative publication, including City publications, designed to give notice to the citizens of the City of Bedford, a final report of the charter review commission. The city council shall consider any recommendation made and if any amendments be presented as a part of such report, may order such amendment or amendments to be submitted to the voters of the city in the manner provided by state law.

(c) *Term of office.* The term of office of such charter review commission shall be as established by the city council. At the completion of such term, a report shall be submitted to the council. All recordings or the proceedings of such commission shall be filed with the city secretary and shall become a public record.



Special thanks to

All of the members of the Committee

Stan Lowry

Cathy Cunningham

Beverly Griffith

Michael Wells

They have served our city well