



**CITY COUNCIL
WORKSHOP SESSION MINUTES
CHARTER REVIEW
JUNE 1, 2022**

PRESENT:

Dr. Christopher Harvey, Mayor

COUNCIL MEMBERS:

Emily Hill, Mayor Pro Tem, Place 1
Anne Weir, Place 2
Maria Amezcua, Place 3
Sonia Wallace, Place 4
Aaron Moreno, Place 5
Vacant, Place 6

CITY STAFF:

Scott Moore, City Manager
Lluvia T. Almaraz, City Secretary
Veronica Rivera, Assistant City Attorney
Ryan Phipps, Chief of Police
Scott Dunlop, Development Services Director
Tracey Vasquez, HR Manager
Lydia Collins, Director of Finance
Sarah Friberg, Court Administrator

WORKSHOP SESSION – 5:00 P.M.

With a quorum of the Council Members present, the workshop session of the Manor City Council was called to order by Mayor Harvey at 5:09 p.m. on Wednesday, June 1, 2022, in the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

PLEDGE OF ALLEGIANCE

Mayor Harvey let the Pledge of Allegiance.

PUBLIC COMMENTS

No one appeared to speak at this time.

REGULAR AGENDA

1. Discussion of Home Rule Charter and Recommendations

The discussion was held regarding the proposed amendments.

- Article III. The City Council – Section 3.05 Vacancies in Office

The City Council concur that the following would be considered for amendment.

(c) If a vacancy occurs for an unexpired term of 12 months or less for a position other than the mayor when there are less than two place [s] on council filled by appointment, then the vacancy may be filled by either special election called for such purpose or by the majority of the remaining council members appointing a qualified person to fill the vacancy. ~~Vacancies filled by appointment must be filled within 45 days from the date the vacancy occurs.~~

- Article III. The City Council – Section 3.06 Quorum and Attendance.

The City Council concur that the following would be considered for amendment.

Four members of the council shall constitute a quorum for transacting business and no action of the council shall be valid or binding unless taken in an open meeting with a quorum present. Less than a quorum may adjourn any meeting, or order and compel the attendance of absent members. It shall be the duty of each member of the council to attend each regular and special council meeting and each committee meeting to which council member is assigned, and the failure of any member to attend three consecutive, regular meetings, without good and sufficient cause, shall constitute misconduct in office. The council shall adopt a policy for determining whether an absence is without good and sufficient cause and may be excused. In the event that a council member is absent from thirty percent (30%) of all regular meetings, special meetings, and committee meetings to which the council member is assigned, the council may revoke its approval of prior excused absences and deem such absences to be without good and sufficient cause for the purposes of Sections 3.04 of the city charter. A council member may not have excused absences revoked until they have been in office at least six months.

- Article IV. The Authority and Limitations of the City Council – Section 4.01 Mayor.

The City Council concur that the following would be considered for amendment.

The mayor serves as the ceremonial head of the city, and shall preside at all meetings of the council and provide the leadership necessary to good government. He or she shall work with the council to obtain legislation in the public interest and with the city manager to ensure the same is enforced, and participate in the discussion and vote on all legislative and other matters coming before the council. The mayor shall have signatory authority for all legal contracts and commitments of the city, sign all ordinances and resolutions, work and coordinate with the city manager and the council, but may not bind or obligate the city in any way without prior authorization from the council and to the extent provided by state law in time of declared emergency, may take command of the police and govern the city by proclamation, maintain order and enforce all laws; provided that the mayor must immediately call for an emergency meeting of the city council to consider the appropriate actions for the city during the emergency; and perform ceremonial duties.

The discussion was held regarding the reasons for language to be added back to the Charter.

Chief of Police Phipps expressed his concerns regarding the proposed language.

- Article IV. The Authority and Limitations of the City Council – Section 4.02 Mayor Pro-Tem.

The City Council concur that the following would be considered for amendment.

At its first regular meeting after all the members of the council elected at a general election have taken office, or after a vacancy in the office of mayor pro-tem, the council shall elect one of its members to be mayor pro-tem for a ~~one~~ two-year term, or to fill the unexpired term resulting from the vacancy. The mayor pro-tem shall be the council member who receives a majority of the votes cast but not less than four votes. In the absence of the mayor, the mayor pro-tem shall perform the duties of the mayor and in such capacity shall be vested with all powers conferred on such office. In the event of the failure, inability or refusal of the mayor to act in respect to any matter or duty, the mayor pro-tem shall act. In the event the office of mayor becomes vacant, the mayor pro-tem shall serve as mayor until the office is filled.

- Article III. The City Council – Section 3.09 Compensation.

The City Council concur that the following would be considered for amendment.

The discussion was held regarding the clarification of removing the entire section from the charter.

~~The mayor shall not be paid and each other council member shall not be paid. They shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties, as budgeted and duly authorized. No staff or assistant shall be provided for any member of the council.~~

- Article VII. Administrative Services - Section 7.07. City Secretary

City Secretary Almaraz discussed the attached samples of other cities charters regarding the City Secretary Section.

City Secretary Almaraz discussed the attached Ordinance No. 296 and Ordinance No. 501.

The discussion was held regarding the organizational chart.

The discussion was held regarding the appointment of the City Secretary.

The discussion was held regarding the clarification of the working relationship between the City Secretary and the City Council.

The discussion was held regarding the clarification of the City Secretary's level of position.

The City Council concur that the following would be considered for amendment.

The office and department of City Secretary shall be established and maintained. The City Manager shall appoint, subject to confirmation by the City Council, an officer of the City and such assistants as deemed necessary, who shall have the title of City Secretary. The City Secretary shall keep the records of the council and shall have such other duties and responsibilities as may be assigned by this Charter, the Council and the city manager.

Mayor Harvey requested for proposed language to be emailed to all council for review.

- Article VII. Administrative Services - Section 7.10. Municipal Court

The discussion was held regarding the Court proposed amendments.

The discussion was held regarding the hiring process of the Municipal Judge.

Director of Finance Collins stated she would provide a final redline version of Charter recommendations at the next workshop.

- Article III. The City Council – Section 3.10 Automatic Resignation.

The discussion was held regarding adding additional language to state that if council did not maintain requirements of qualifications regarding residency, they would automatically be removed.

The discussion was held adding temporarily housing incase of emergencies.

The discussion was held regarding the clarification of Section 3.03. Qualifications (c).

The City Council concur that the section will stay the same.

2. Discussion of Future Topics.

Mayor Harvey suggested for the following Sections to be review and finalized on the next workshop.

- Article IV. The Authority and Limitations of the City Council – Section 4.01 Mayor.
- Article VII. Administrative Services - Section 7.07. City Secretary
- Article VII. Administrative Services - Section 7.10. Municipal Court

3. Set Workshop Schedule

Charter Review Workshop was set for July 6, 2022, at 5:00 p.m.

There was no further discussion.

ADJOURNMENT

The Workshop Session of the Manor City Council Adjourned at 7:02 p.m. on Wednesday, June 1, 2022.


These minutes approved by the Manor City Council on the 15th day of June 2022. *(Audio recording archived)*

APPROVED:



Dr. Christopher Harvey
Mayor

ATTEST:



Lluvia T. Almaraz, TRMC
City Secretary



SAMPLES OF OTHER CITIES CHARTERS – CITY SECRETARY

CENTRAL TEXAS CITIES

City of Georgetown

The Council shall appoint the City Secretary, who shall serve at the pleasure of the Council. The City Secretary shall keep the records of the Council and shall have such other duties and responsibilities as may be assigned by this Charter and the Council. The City Secretary shall appoint such assistants as may be authorized by the Council.

City of Austin

The council shall appoint the city clerk who shall serve at the pleasure of the council. The city clerk shall keep the records of the council, and shall have such other duties and responsibilities as may be assigned by this Charter and the council.

City of Leander (same as Manor)

The office and department of city secretary shall be established and maintained. The city secretary may appoint such assistant city secretaries as are authorized. The duties of the city secretary shall be as set forth in this charter and as established by ordinance. Such duties shall include, but not be limited to, the giving notice of all council meetings; keeping the minutes of the proceedings of council meetings and the archives of the city; authenticating by his or her signature, and recording in full in books kept and indexed for the purpose, all ordinances and resolutions; performing such other duties as shall be assigned to the position by state law; maintaining appropriate files of all contracts and other legal documents resulting from and/or having a bearing on actions of the council; and assisting the city manager in gathering of appropriate records, files and resources which pertain to city business or specific council meeting agenda items.

City of Bastrop

The City Manager shall appoint, subject to confirmation by the City Council, an officer of the City and such assistants as deemed necessary, who shall have the title of City Secretary. The City Secretary and assistants shall give notice of Council meetings, shall keep minutes of its proceedings, shall authenticate by signature and shall record in full in a book kept for that purpose all ordinances and resolutions, shall preserve and keep in order all books, papers, records and files of the Council, shall have custody of the seal of the City and shall affix same to such documents and obligations as legally authorized. The City Secretary and assistants shall perform such other duties as shall be required by this Charter, the Council or the City Manager.

SAMPLES OF OTHER CITIES CHARTERS – CITY SECRETARY

City of Elgin

The city manager, with the consent of council, shall appoint the city secretary and such assistant city secretaries as may be necessary and advisable. The duties of the city secretary, or an assistant city secretary, shall include, but not be limited to, the following:

- 1.He shall give notice of council meetings.
- 2.Record the minutes of all official meetings of the council; provided, however, only the captions of duly enacted ordinances and resolutions shall be recorded in the minutes;
- 3.Be the custodian of all official records of the council;
- 4.Recommend to the council rules and regulations to be adopted by ordinances to protect the safety and security of the municipal records;
5. Hold and maintain the city seal and affix to all instruments requiring such seal; and
- 6.He shall perform such other duties as the city manager shall assign and those elsewhere provided for in this Charter.

City of Pflugerville

The city manager shall appoint the city secretary and may appoint assistant city secretaries, as needed. The city secretary shall serve at the will of the city manager and shall perform the following duties:

1. Post or cause to be posted notice of city council and city board or commission meetings, as required by the Texas Open Meetings Act, Chapter 551, Government Code.
2. Keep or cause to be kept minutes of city council meetings and ensure that minutes of city board or commission meetings are kept.
3. Authenticate by personal signature and record or cause to be recorded in full, in a book indexed for this purpose, all ordinances and resolutions.
4. Serve as an agent of the officer of public records in accordance with the requirements of the Texas Open Records Act, Chapter 552, Government Code, and the records management officer under the Local Government Records Act, Subtitle C, Title 6, Local Government Code.
5. Perform all duties prescribed by this charter.
6. Perform other duties as required by the city council or assigned by the city manager.

SAMPLES OF OTHER CITIES CHARTERS – CITY SECRETARY

City of Round Rock

The City Manager shall appoint the City Clerk and such Assistant City Clerks as the City Council shall deem advisable. The duties of the City Clerk, and Assistant City Clerks, shall be as follows:

(a)to give notice of City Council meetings;(b)to keep the minutes of the proceedings of such meetings;(c)to authenticate by his or her signature and record in full a book kept and indexed for the purpose, all ordinances and resolutions; and(d)to perform such other duties as the City Council shall assign, and those elsewhere provided for in this Charter.

NORTH TEXAS CITIES

City of Lewisville

The city council shall appoint the city secretary. The city secretary shall give notice of council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his signature and record in full in a book kept and indexed for the purpose, all ordinances, and resolutions, and shall perform such other duties as the city council shall assign to him, and those elsewhere provided in this charter.

Town of Flower Mound

The Council shall appoint a Town Secretary who shall act as the Secretary to the Council and shall hold office at the pleasure of the Council.

The duties of the Town Secretary shall be as follows:

(1)Record the minutes of all official meetings of the Council; provided, however, only the captions of duly enacted ordinances and resolutions shall be recorded in the minutes;(2)Be the custodian of all municipal records and provide for the safety and security thereof; and maintain the Town seal and affix to all instruments requiring the seal.

- Compensation of Town Secretary.

The Council shall set the compensation of the Town Secretary according to the person's experience, education, and training.

SAMPLES OF OTHER CITIES CHARTERS – CITY SECRETARY

North Richland Hills

The mayor shall appoint and remove the city secretary and such assistant city secretaries as deemed advisable with approval of two-thirds (2/3) majority of the council. The city secretary, or an assistant city secretary, shall give notice of council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his signature and record in full in a book kept and indexed for the purpose, all ordinances and resolutions, and shall perform such other duties as the city manager shall assign to him, and those elsewhere provided for in this chapter [Charter].

***There is no ordinance regarding duties. The duties of the position is in the job description.

***In 2020, the City Council approved a functional title of Chief Governance Officer and my official title is City Secretary/Chief Governance Officer.

City of Grapevine

The City Manager shall appoint the City Secretary, and such assistant City Secretaries as the City Council shall deem advisable. The City Secretary, or an Assistant City Secretary, shall give notice of Council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his signature and record in full a book kept and indexed for the purpose, all ordinances and resolutions, and shall perform such other duties as the City Manager shall assign to him, and those elsewhere provided for in this charter.

***There is no ordinance regarding duties. The duties of the position is in the job description.

City of Azle

The, City Manager shall appoint the City Secretary and such assistant City Secretaries as the City Council shall deem advisable. The City Secretary or Assistant City Secretary, shall give notice of Council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by signature and record in full in a book kept and indexed for the purpose, all ordinances and resolutions, and shall perform such other duties as the City Manager shall assign and those elsewhere provided for in this charter.

City of Coppell

The city manager shall appoint an officer of the city who shall have the title of city secretary. The city secretary shall give notice of the council meetings, shall keep minutes of its proceedings, shall authenticate by signature and record in full, all ordinances and resolutions in a book kept for that purpose, and shall perform such other duties as shall be required by this Charter or by the city manager. The city secretary may be removed from office by the city manager.

ORDINANCE 296

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, PROVIDING FOR THE APPOINTMENT AND POWERS AND DUTIES OF THE CITY SECRETARY; PROVIDING FOR BOND; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Manor, Texas (herein the "City") is a type "A" general law municipality; and

WHEREAS, the City has limited staff and as such the City Secretary shall hold other offices of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Office of City Secretary Established. There is hereby established the office of the City Secretary of the City of Manor.

Section 3. Appointment. The City Council shall appoint the City Secretary by majority vote. The position of City secretary shall be an at-will position, removable with or without cause, serving at the leisure of the City Council. Any vacancy in the office of secretary shall be filled by the City Council.

Section 4. Powers and Duties of the City Secretary.

- a. The secretary of the City shall attend each meeting of the governing body of the City and shall keep, in a record provided for that purpose, accurate minutes of the governing body's proceedings.
- b. The secretary shall:
 - 1) Engross and enroll all laws, resolutions, and ordinances of the governing body;
 - 2) Keep the corporate seal;
 - 3) Take charge of, arrange, and maintain all records of the governing body;
 - 4) Countersign all commissions issued to the City officers and all licenses issued by the mayor, and keep a record of those commissions and licenses; and
 - 5) Prepare all notices required under any regulation or ordinance of the City.

- c. The secretary shall notify the Texas Judicial Council of the name of each person who is elected or appointed as mayor, municipal court judge, or clerk of the municipal court of the City. The secretary shall notify the judicial council within 30 days after the date of the person's election or appointment.
- d. The secretary shall draw all the warrants on the treasurer, countersign the warrants, and keep, in a record provided for that purpose, and accurate account of the warrants.
- e. The secretary serves as the general accountant of the City and shall keep regular accounts of the City receipts and disbursements. The secretary shall keep each cause of receipt and disbursement separately and under proper headings. The secretary shall also keep separate accounts with each person, including each officer, who has monetary transactions with the City. The secretary shall credit accounts allowed by proper authority and shall specify the particular transaction to which each entry applies. The secretary shall keep records of the accounts and other information covered by this ordinance.
- f. The secretary shall keep a register of bonds and bills issued by the municipality and all evidence of debt due and payable to the City, noting the relevant particulars and facts as they occur.
- g. The secretary shall carefully keep all contracts made by the governing body.
- h. The secretary shall perform all other duties required by state law, or by ordinance, resolution, or order of the governing body.

Section 5. Ex Officio City Treasurer. In the absence of an appointed City Treasurer, the City secretary shall serve as the ex officio City treasurer and as such shall:

- a. Execute a bond:
 - 1) The bond shall be in the favor of the City;
 - 2) Shall be in the form and amount required by the governing body of the City;
 - 3) Have security approved as sufficient by the governing body; and
 - 4) Be conditioned that the treasurer will faithfully discharge the duties of the office.
- b. The treasurer shall receive and securely keep all money belonging to the City. The treasurer shall make all payments on the order of the mayor, attested by the secretary of the City under the seal of the City. The treasurer may not pay an order unless the face of the order shows that the governing body directed issuance of the order and shows the purpose for which it is issued.
- c. The treasurer shall render to the governing body a full statement of the receipts and payments. The statement must be rendered at the governing body's first regular meeting in every quarter and at other times are required by the governing body.

d. The treasurer shall perform other acts and duties as the governing body requires.

Section 6. Ex Officio Tax Assessor and Collector. In the absence of a contract with the central appraisal district, the City Secretary shall serve as the ex officio tax assessor and collector for the City.

Section 7. Officer for Public Information. The City Secretary shall serve as the Officer for Public Information for the City, as such shall:

- a. Complete the training required by Section 552.012, Tex. Gov't Code, as amended, within the time prescribed by law; and
- b. Discharge the duties of Officer of Public Information required by state law and the governing body.

Section 8. Amendment Of Ordinances. Ordinance Numbers 90 and 90A are hereby repealed and all ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

Section 9. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 10. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*


PASSED AND APPROVED this 21st day of June, 2006.

CITY OF MANOR, TEXAS



JEFF TURNER, Mayor

ATTEST:



DELIA M. LUNA
City Secretary

ORDINANCE NO. 501

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING SECTIONS 1.06.032 AND 1.06.063 OF ARTICLE 1.06, CHAPTER 1, OF THE MANOR CODE OF ORDINANCES TO COMPLY WITH CHARTER PROVISIONS REGARDING THE APPOINTMENT OF THE CITY SECRETARY AND THE DIRECTOR OF DEVELOPMENT SERVICES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN OPEN MEETINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Manor, Texas (the "City") desires to amend the procedure for appointment of the city secretary and director of development services to be consistent with the terms of the City Charter; and

WHEREAS, the City Council has considered the proposed amendments and finds that the amendments are reasonable and necessary to comply with provisions of the City Charter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1. Findings. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Amendment of Article 1.06, Section 1.06.032. Chapter 1, General Provisions, Article 1.06, Officers, Employees and Departments, Section 1.06.032 of the Manor Code of Ordinances is hereby amended in its entirety to read as follows:

Sec. 1.06.032 Appointment

The city manager shall appoint the city secretary. The position of city secretary shall be an at-will position, removable with or without cause, serving at the leisure of the city manager. Any vacancy in the office of city secretary shall be filled by the city manager.

Section 3. Amendment of Article 1.06, Section 1.06.063. Chapter 1, General Provisions, Article 1.06, Officers, Employees and Departments, Section 1.06.063 of the Manor Code of Ordinances is hereby amended in its entirety to read as follows:

Sec. 1.06.063 Appointment of director

The city manager shall appoint the director of development services. The position of director of development services shall be an at-will position, removable with or without cause, serving at the leisure of the city manager. Any vacancy in the office of director of development services shall be filled by the city manager.

Section 4. Conflicting Ordinances. Article 1.06, Sections 1.06.032 and 1.06.062, Chapter 1, Manor Code of Ordinance, is amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

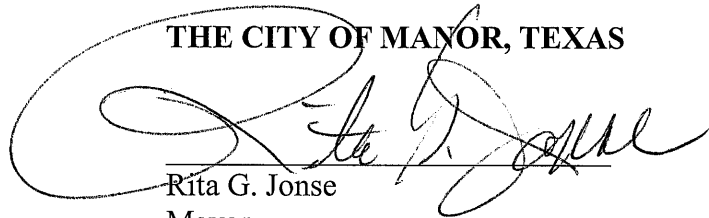
Section 5. Severability. If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 7. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.


PASSED AND APPROVED this 3rd day of January 2018.

THE CITY OF MANOR, TEXAS



Rita G. Jonse
Mayor

ATTEST:


Luvia Tijerina
City Secretary

