

ORDINANCE NO. 3777

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, ORDERING A SPECIAL ELECTION BY THE QUALIFIED VOTERS OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, ON MAY 6, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY, FOR ADOPTION OR REJECTION, PROPOSED AMENDMENTS TO THE EXISTING CHARTER OF THE CITY OF NORTH RICHLAND HILLS AND ORDAINING RELATED MATTERS.

WHEREAS, the North Richland Hills City Charter was adopted on November 3, 1964 creating a home rule charter and the City Council/City Manager form of government for the City of North Richland Hills ("City"); and

WHEREAS, Article XVIII, Section 21 of the Charter states that the Charter may be amended no more than once every two years; and

WHEREAS, the City Charter was previously amended by election in 1969, 1974, 1981, 1987, 1992, with the last amendment being in 2001; and

WHEREAS, on October 24, 2022, the City Council adopted Resolution No. 2022-045 appointing a Charter Review Task Force to review the City Charter and make recommendations for amendments; and

WHEREAS, the Charter Review Task Force presented its findings to the City Council of North Richland Hills on January 9, 2023 recommending amendments to the Charter; and

WHEREAS, the City Council finds it in the best interest of the citizens of North Richland Hills to submit proposed amendments to the existing Charter to the qualified voters of said city in a special election to be held on May 6, 2023;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS:

SECTION 1: **Incorporation of Recitals.** The City Council hereby finds the recitals above to be true and correct, and such recitals are hereby incorporated into this Ordinance as if written herein.

SECTION 2: **Special Election Called.** In compliance with the Charter of the City of North Richland Hills, Chapter 9 of the Texas Local Government Code, and the Texas Election Code (the "Code"), the City Council hereby orders that a special election be held on a uniform election day, Saturday, May 6, 2023, for the purpose of submitting to the qualified voters of the City of North Richland Hills, for adoption or rejection, the proposed amendments

to the existing Charter as set forth in **Exhibit “A,”** which is attached hereto and incorporated herein. The election shall be held between the hours of 7:00am and 7:00pm, in conjunction with the general municipal election to be held on the same day and at the same time.

The polling locations in North Richland Hills for this Special Election include:

Library (Community Room) 9015 Grand Avenue North Richland Hills, TX 76180	Former Bursey Road Senior Center 7301 Bursey Road North Richland Hills, TX 76182
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Qualified North Richland Hills voters will also be able to cast their ballots at any countywide polling location on Election Day.

SECTION 3: Propositions to be on the Ballot. The official ballot to be used in said election shall be prepared in accordance with Sections 52.072 and 52.073 of the Texas Election Code, and shall have the Propositions set forth in **Exhibit “A”** printed thereon. The ballot shall be printed in English, Spanish and Vietnamese for use in said election. Each proposed Charter amendment in **Exhibit “A”** shall contain a separate and distinct subject so that voters may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments by voting “FOR” or “AGAINST” on each said amendment.

SECTION 4: Joint Election Agreements Approved. The Mayor is authorized to enter into joint election agreements and other contracts as necessary for election services with Tarrant County conducted under the authority of Chapter 271 of the Election Code (the “Agreements”). The election shall be conducted pursuant to the election laws of the State of Texas.

SECTION 5: Early Voting.

A. Early voting by personal appearance. Early voting by personal appearance will be held jointly with other political subdivisions in Tarrant County beginning on April 24, 2023 and will continue through May 2, 2023 at the locations established by Tarrant County on the dates and times as follows or as may be amended by Tarrant County:

April 24 – April 28, 8:00 a.m. to 5:00 p.m.
April 29, 7:00 a.m. to 7:00 p.m.
April 30, 10:00 a.m. to 4:00 p.m.
May 1 – May 2, 7:00 a.m. to 7:00 p.m.

The main early voting location shall be located at:

Tarrant County Elections Center
2700 Premier Street
Fort Worth, Texas 76111

Early voting locations in North Richland Hills include:

North Richland Hills Library Community Room 9015 Grand Avenue North Richland Hills, TX 76180	Former Bursey Road Senior Center Main Room 7301 Bursey Road North Richland Hills, TX 76182
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- B. Early voting by mail. Tarrant County Chief Elections Administrator, or his designee, is hereby designated as Early Voting Clerk for the city's election. The Tarrant County Chief Elections Administrator may appoint other deputy early voting clerks as necessary. Applications for early voting by mail may be delivered to the Chief Elections Administrator beginning January 1, 2023, but not later than April 25, 2023 if delivered by mail to:

Early Voting Clerk
2700 Premier Street
Fort Worth, Texas 76111

Early voting by mail ballots shall be mailed to the Chief Elections Administrator at the same address.

Pursuant to House Bill 3107, the early voting clerk's email address, phone number and internet website are as follows:

Early Voting Clerk
electionsinfo@tarrantcounty.com
817-831-8683
<https://www.tarrantcounty.com/elections>

- C. Early voting by Ballot Board. Early voting, both by personal appearance and by mail, shall be canvassed by the Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and Alternate Presiding Election Judge, as set forth in the Agreements, shall serve as the presiding officer and alternate presiding officers, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board.

SECTION 6: Governing Law and Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas and the Code. All resident qualified voters of the City shall be eligible to vote in the election.

SECTION 7: Publication and Posting of Notice of Election. Notice of the election shall be given as required by Chapter 4 of the Election Code and Section 9.004 of the Texas Local Government Code.

SECTION 8: Necessary Actions. The Mayor is authorized to execute a joint election agreement and contract for election services with Tarrant County whereby Tarrant County will provide all material, supplies and personnel to hold the election contemplated hereby, including any runoff election which may be required, and will be responsible for coordinating, supervising and administering the joint election. This resolution shall be construed with any action of the governing bodies of other Tarrant County political subdivisions providing for the conduct of a joint election as herein contemplated. The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

SECTION 9: Effective Date of Amendments. The proposed amendments in **Exhibit “A,”** if approved by a majority of the qualified voters voting upon said amendments, shall become a part of the City Charter of the City of North Richland Hills as soon as an official action has been taken by the City Council of the City of North Richland Hills, declaring said amendments adopted.

SECTION 10: Open Meetings Compliance. It is hereby officially found and determined that the meeting at which this Ordinance was adopted and said election was called was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Texas Government Code.

SECTION 11: Statement of Fiscal Impact. Section 9.004(c)(2) of the Texas Local Government Code requires a statement of the anticipated fiscal impact to the City if the proposed amendments are approved. The City asserts that if the proposed amendments are approved an overall analysis reflects that there should be no immediate fiscal impact upon the probable economic cost to the City other than if Proposition Y is approved, there will be a cost-savings of approximately 5% of the budgeted amount for legal ads to publish city ordinances beginning in Fiscal Year 2024.

SECTION 12: Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such

unconstitutionality 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 in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 12: Effective Date. That this Ordinance, election order, call and notice shall take effect upon adoption.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this 13th day of February, 2023.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson
City Secretary/Chief Governance Officer

APPROVED AS TO FORM AND LEGALITY:

Maleshia B. McGinnis, City Attorney

EXHIBIT "A"

THE FOLLOWING PROPOSITIONS SHALL BE PLACED ON THE BALLOT, FOR ADOPTION OR REJECTION, BY THE QUALIFIED VOTERS OF THE CITY OF NORTH RICHLAND HILLS AMENDING THE EXISTING CHARTER OF SAID CITY IN SUBSTANTIALLY THE FOLLOWING FORM:

**CHARTER AMENDMENTS RELATED TO THE DUTIES
AND QUALIFICATIONS OF CITY COUNCIL:**

Place an 'X' in the square beside the statement indicating the way you wish to vote.

☐

For

PROPOSITION A

Shall Section 1 of Article V, City Officials, of the North Richland Hills Charter be amended to clarify that meeting pay for the Mayor and Council members does not include Committee meetings?

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Against

PROPOSITION B

☐

For

Shall Section 2 of Article V, Qualifications, of the North Richland Hills Charter be amended to read that the Mayor and Council members meet the requirements to be a registered and qualified voter in the City of North Richland Hills, Texas as of the filing deadline preceding the election at which he or she is a candidate?

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Against

PROPOSITION C

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For

Shall Section 2 of Article V, Qualifications, of the North Richland Hills Charter be amended to read that any member of the City Council who is convicted or pleads guilty or no contest to a misdemeanor or felony involving a crime of moral turpitude for fraud, deceit, theft or dishonesty, before or while in office, shall immediately forfeit his or her office?

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Against

PROPOSITION D

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For

Shall Section 2 of Article VI, Duties of Mayor-Mayor Pro Tem, of the North Richland Hills Charter be amended to allow for the appointment of additional members from among the City Council to serve in the absence or disability of the Mayor or the Mayor Pro Tem?

☐

Against

☐ For

PROPOSITION E

☐ Against

Shall Section 5, Appointment and Removal of City Secretary, and Section 7, Municipal Court, of Article VI, of the North Richland Hills Charter related to the appointment of City Officials be amended to (a) remove the requirement that the City Council appoint Assistant City Secretaries; (b) authorize the City Council to appoint more than one judge to the municipal court; (c) remove the requirement that the Municipal Court Judge be a resident of North Richland Hills and that the judge be elected, to conform with state law; and (d) remove the requirement that the Clerk of the Municipal Court be appointed by the City Council?

PROPOSITION F

☐ For

Shall Section 1 of Article XIV, The Planning and Zoning Commission, of the North Richland Hills Charter be amended to authorize the City Council to appoint alternate members to the Planning and Zoning Commission to serve in the absence or disability of any Commissioner?

☐ Against

☐ For

PROPOSITION G

Shall Section 1 of Article XIV, The Planning and Zoning Commission, of the North Richland Hills Charter be amended to remove the requirement that the Planning and Zoning Commissioners own real property within the City?

☐ Against

**CHARTER AMENDMENTS RELATED TO THE POWERS AND DUTIES OF
THE PLANNING AND ZONING COMMISSION:**

Place an 'X' in the square beside the statement indicating the way you wish to vote.

☐ For

PROPOSITION H

☐ Against

Shall Section 1 of Article XIV, The Planning and Zoning Commission, of the North Richland Hills Charter be amended to remove the requirement that the Planning and Zoning Commissioners be removed after a public hearing and for cause, and authorize the Planning and Zoning Commission members to be removed upon majority vote of the City Council?

PROPOSITION I

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For

Shall Section 3 of Article VI, Duties of City Council and Section 2 of Article XIV, Planning and Zoning Commission Powers and Duties, of the North Richland Hills Charter be amended to authorize the City Council to approve, or delegate the approval of, plats in accordance with state law and the City's Subdivision Ordinance?

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Against

**CHARTER AMENDMENTS RELATED TO CIVIL SERVICE EMPLOYEES
AND DUTIES AND RESPONSIBILITIES OF THE CIVIL SERVICE COMMISSION:**

Place an 'X' in the square beside the statement indicating the way you wish to vote.

PROPOSITION J

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For

Shall Section 2 of Article XVII, Definitions, of the North Richland Hills Charter be amended to remove all civilian employees and amend the definition of Civil Service Employee to read "any full-time employee who is a sworn peace officer in the Police department, below the rank of Police Captain or equivalent, or a fire fighter in the Fire department below the rank of Fire Battalion Chief or equivalent rank, or a sworn peace officer in the service of the City Marshal's Office, who has completed the required one (1) year probationary period is entitled to Civil Service coverage under this Article?"

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Against

PROPOSITION K

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For

Shall Section 3, Civil Service Commission, Section 3A, Removal of Commissioners, 4, Organization of Commission, of Article XVII of the North Richland Hills Charter related to the administration and organization of the Commission, be amended to (a) authorize the appointment of alternate members to serve in the absence or disability of any member; (b) authorize confirmation or removal of any commissioner by a majority vote of the City Council; (c) require the Commission to comply with the attendance requirements established by the City Council for all City Boards; and (d) modify the meeting time of the Commission to at least once annually?

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Against

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For

PROPOSITION L

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Against

Shall Section 5, Powers and Responsibilities, of Article XVII of the North Richland Hills Charter related to powers, duties, and responsibilities of the Commission be amended to (a) authorize the Civil Service Commission to recommend civil service rules governing the initial employment, promotional processes, and the disciplinary appeals process for Civil Service Employees to the City Council for approval; (b) hear appeals of disciplinary terminations, suspensions and demotions of Civil Service Employees; (c) provide the authority for the Civil Service Commission to report on all matters deemed by the Commission to be appropriate to determine enforcement and compliance; (d) allow any three (3) Commissioner's to request that an item be placed on the Commission's meeting agenda for discussion and action by the Commission; and (e) clarify that the Civil Service Commission shall not interfere with or provide instructions regarding the operation of any City department or provide any direction to any member of the City Staff outside of the formal responsibilities of the Commission?

PROPOSITION M

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For

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Against

Shall Section 5A, Commission Investigations; Oaths and Subpoena Power, of Article XVII of the North Richland Hills Charter be amended to replace the current language with language authorizing the Civil Service Commission to make inquiries and enforce the Civil Service provisions of the Charter and the Civil Service Rules and Regulations, administer oaths, compel and subpoena witnesses and records, and adopt rules and regulations to specify the processes and procedures for conducting its investigations or exercising its subpoena power?

PROPOSITION N

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For

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Against

Shall Section 9, Examination for Eligibility Lists, of Article XVII of the North Richland Hills Charter be amended to add "PROMOTIONS; VACANCIES" to the title and replace the current language with language that the Civil Service Commission shall recommend that the City Council adopt Rules and Regulations by ordinance governing all Civil Service positions, promotions, original appointments, transfer or demotions, including method of examination and eligibility lists; and that the City Council shall make the final determination on the adoption of such rules?

PROPOSITION O

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For

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Against

Shall Section 16, Indefinite Suspensions, of Article XVII of the North Richland Hills Charter be amended to change the time frame that the Commission shall hold an appeal hearing from a suspension from thirty (30) days to forty-five (45) days after it receives notice of appeal?

PROPOSITION P

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For

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Against

Shall Section 16, Indefinite Suspensions, of Article XVII of the North Richland Hills Charter related to reinstatement of a Civil Service Employee after suspension be amended to (a) provide that in the event the Commission reinstates a Civil Service Employee, such employee shall be reinstated within ten (10) days of the date of the Commission's order; (b) clarify that such employee shall be entitled to full compensation and restoration of any benefits lost during the actual time lost as a result of the suspension; (c) limit the Commission's authority to require prompt reinstatement by a department head for not citing specific facts; (d) eliminate the Commission's ability to hold a Department Head in contempt or reinstate any employee who has been charged with a crime (except minor traffic offense), unless such charges have reached final disposition and the employee has been found not to have engaged in criminal conduct; and (e) eliminate the requirement that the City Manager remove a Department Head for refusing to obey an order of reinstatement of the Commission allowing the City Manager discretion to determine level of discipline for the Department Head?

PROPOSITION Q

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For

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Against

Shall Section 18, Appeal to District Court, of Article XVII of the North Richland Hills Charter be amended to specify that the correct venue for filing an appeal of the Commission's decision is to the District Court in Tarrant County, Texas and remove any language related to preferential treatment of such appeal?

PROPOSITION R

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For

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Against

Shall Sections 6, 19, 20, 23, 25 and all other sections referencing such terms, of Article XVII of the North Richland Hills Charter be amended to replace the term "head of department" with "Department Head;" replace the term "employee" with "Civil Service Employee;" and replace the term "Director of Personnel" with "Director of Human Resources?"

☐ For

PROPOSITION S

☐ Against

Shall Section 10, Method of Filling Positions, Section 14, Promotions; Filling Vacancies, Section 22, Political Activities, Section 22A, Leaves of Absence, and 22B, Military Leave of Absence, and Section 5B, Responsibilities, of Article XVII of the North Richland Hills Charter be REPEALED in their entirety to be included in the Civil Service Rules and Regulations, other applicable sections of the Charter and the City's Personnel Policy Manual, respectively, and as amended?

☐ For

PROPOSITION T

☐ Against

Shall Section 23, Publishing of Civil Service Rules and Regulations, of Article XVII of the North Richland Hills Charter be amended to remove the requirement that the Civil Service Rules and Regulations be distributed to each department and replace that requirement with language that the Civil Service Rules and Regulations be made accessible for review?

☐ For

PROPOSITION U

☐ Against

Shall Section 24, Status of Present Employees, of Article XVII of the North Richland Hills Charter be amended to provide that only sworn Civil Service Employees at the time of passage of any such Charter Amendment(s) herein are entitled to Civil Service classification for the position currently occupied and eliminate any six (6) month waiting period?

☐ For

PROPOSITION V

☐ Against

Shall Section 25, Sick and Injury Leaves of Absence, of Article XVII of the North Richland Hills Charter be amended to move language regarding beneficiary settlement of accounts to the City Personnel Policy Manual?

☐ For

PROPOSITION W

☐ Against

Shall Section 25A, Vacations, of Article XVII of the North Richland Hills Charter shall be amended to add authority for the City Manager to exercise discretion to increase vacation accruals for Civil Service Employees on a temporary or permanent basis?

☐ For

PROPOSITION X

☐ Against

Shall Section 26, Employees Prohibited from Striking, of Article XVII of the North Richland Hills Charter be amended to delete the second and third paragraphs and replace the language with language that requires all disciplinary action for violations of this Article to be administered in accordance with the North Richland Hills Personnel Policy Manual and Civil Service Rules and Regulations?

☐ For

PROPOSITION Y

☐ Against

Shall Section 6, Continuity in Government, of Article XVIII of the North Richland Hills Charter be amended to authorize the summary of the caption and the penalty of adopted ordinances that assess a fine, fee or penalty to be published once in the City's official newspaper?

☐ For

PROPOSITION Z

☐ Against

Shall the North Richland Hills City Charter be amended to remove any redundancies or inconsistencies, correct any typographical errors, modify language as necessary to make it gender neutral, and remove or modify any language that conflicts with or is preempted by other state or federal legislation.