



**CITY OF NORTH RICHLAND HILLS
MEMO**

TO: Mayor Oscar Trevino
Mayor Pro Tem Tito Rodriguez
Deputy Mayor Pro Tem Kelvin Deupree
Associate Mayor Pro Tem Scott Turnage
Councilmember Rita Wright Oujesky
Councilmember Suzy Compton
Councilmember Mason Orr
Councilmember Blake Vaughn

FROM: Scott Turnage, Chair of Charter Review Task Force
Mason Orr, Vice Chair of Charter Review Task Force
Rita Wright Oujesky
Briane Goetz
Jason Steinsultz
Jason Winans
Melissa Kates
Mike Benton
Patti Hourihan
Phil Beckman
Steve Koons

SUBJECT: Charter Review Task Force Report

DATE: January 9, 2023

In October 2022, the City Council established a Charter Review Task Force with a charge of evaluating selected portions of the City Charter for possible amendment. The City Charter was first adopted in 1964 and was last amended in 2001. The Charter Review Task Force was composed of three current members of the City Council and eight (8) members of the community who were recommended by the four (4) City Councilmembers not appointed to the Task Force. Resolution No. 2022-045 establishing the Charter Review Task Force and establishing the charge for this group is attached for your review.

The Task Force met on November 16, 2022, November 30, 2022, and December 14, 2022. Scott Turnage was appointed as Chair of the Task Force, and Mason Orr was appointed as the Vice Chair. Each of the meetings included a majority of the Task Force and was open to the public. On December 14, 2022, the Task Force voted to recommend 25 amendments to the City Charter. A copy of the motions approved by the Task Force is attached for the Council and public review.

As Chair of the Charter Review Task Force, I would like to commend the 11 members of our community who took time away from their families during the holiday season in order to review the Charter and recommend amendments. Members of the Task Force were thoughtful, creative and insightful in reviewing the recommendations proposed by City staff and developing their final recommendations that are proposed to the City Council for consideration.

As a reminder, the charge to the Task Force was limited in scope to several specific sections where updating and clarification were desired in order to comply with existing federal and state laws as well as currently established best practices for municipal governments. The intent was to tweak the Charter and not to provide a wholesale rewriting of the Charter since it continues to serve the citizens of North Richland Hills.

While a copy of the Task Force's official recommended changes to the City Charter is attached, below is a narrative summary of these changes for your consideration.

Summary of Task Force Recommendations

The City of North Richland Hills Charter Review Task Force hereby submits a summary of the following amendments to be considered by the City Council for a possible City Charter Amendment Election on May, 6, 2023.

Article V, Section 1: City Officials

Chapter 551 of the Texas Government Code sets forth the requirements for all meetings of a governmental body, including Committee Meetings. This amendment clarifies that the Mayor and Councilmembers only receive the \$50.00 meeting stipend for meetings where the full City Council is called to attend. Committee or subcommittee meetings do not count for terms of stipend payment even if they are considered a "public meeting" per state law.

Article V, Section 2: Qualifications

- 1) Section 141.001 of the Texas Elections Code requires a candidate for election to be a registered voter in the territory elected from by the filing deadline, unless the home-rule charter expressly conflicts. Currently, a candidate is not required to be a registered voter in NRH to be placed on the ballot, and the candidate only has to meet the current requirements prior to the date of the election. This is inconsistent with and creates a conflict between the Charter and state law. This section would be amended to match state law.
- 2) Section 26.041 of the Local Government Code authorizes a municipality to determine the method for selecting officers and to prescribe the qualifications, duties and tenure of office for officers. City Council serves in a position of public trust and wishes to provide clarity on the process for forfeiture of office for any of its members who are finally convicted of a felony or finally convicted or

placed on deferred adjudication for a misdemeanor or felony involving a crime of moral turpitude, fraud, deceit, theft or dishonesty.

Article V, Section 7: Municipal Court

Section 30.00006 of the Government Code requires a municipality to appoint its judges by ordinance and does not make residency in the municipality a requirement for appointment. The current language in the charter conflicts with state law. This section would be amended to reflect state law.

Removing the requirement for the Clerk of the Municipal Court to be appointed by the City Council. This will bring the position in line with practices for hiring other department heads such as the Police Chief or Fire Chief, who are both appointed by the City Manager as is typical in most Texas cities.

Article VI, Section 2: Duties of Mayor-Mayor Pro Tem

This amendment provides clear authority for the City Council to establish a succession plan for the Mayor and Mayor Pro Tem. The need for this succession plan became evident in 2020 during the COVID-19 pandemic, prompting the City Council to approve an ordinance to create additional leadership positions on the City Council. This amendment incorporates language from the ordinance.

Article VI, Section 5: Appointment and Removal of City Secretary

Removing the requirement for the Assistant City Secretary to be appointed. This will bring the position in line with practices for the City Attorney and City Manager to select their own assistants. The City Council will continue to appoint the City Secretary who will be responsible for the staffing and operation of the City Secretary's Office.

Article VI, Section 3: Duties of City Council

Amend this section to provide the flexibility to allow City Council to define or delegate plat approval authority through the Subdivision Ordinance, as is allowed by state law. This is in conjunction with proposed amendments to Article XIV, Section 2.

Article XIV, Section 1: The Planning and Zoning Commission

Remove the requirement that Planning & Zoning Commission members own property in the city to be consistent with requirements for other City boards and commissions.

Provide City Council with the ability to appoint alternate P&Z commissioners, allowing those alternates to have full voting rights and to serve in the absence of any commissioner.

Make the procedure for removal of a Planning and Zoning Commissioner the same as the procedure for appointing a Planning and Zoning Commissioner to be consistent with other City boards and commissions.

Article XIV, Section 2: The Planning and Zoning Commission Powers and Duties

This would give more flexibility to City Council to determine through the Subdivision Ordinance which plats go to Council, which plats can be approved by P&Z, and which plats can be approved by staff. Chapter 212 of the Local Government Code allows municipalities to assign approval of minor plats (defined by the state) to staff. The Planning & Zoning Commission can also be the final authority on plats if the City Council wishes to delegate that responsibility. The benefit would be decreased process time and a more favorable customer service atmosphere.

ARTICLE XVII: CITY CIVIL SERVICE

Civil Service laws have existed in the State of Texas since 1947 and are intended to provide commissioned public safety employees protection from political influence/interference. The City of North Richland Hills adopted its local Civil Service system as part of the City's Charter in the late 1970's. As part of the City's Charter, a Civil Service Commission was created. This Civil Service Commission is given the authority to recommend "Civil Service Rules" for consideration and adoption by the City Council. Since that time, only a few revisions to the City's Charter have been made, the most recent being in 1992. The proposed revisions to Article XVII: City Civil Service are intended to provide much-needed updates to the Charter language which retains the original intent of the Civil Service system while also providing the flexibility necessary for recruiting and retaining Civil Service employees in an ever-changing employment environment.

Proposed Charter revisions include the following:

- (1) Only sworn police officers below the rank of Captain or equivalent rank, firefighters below the rank of Battalion Chief or equivalent rank, and sworn employees in the City Marshals' Office will be eligible for Civil Service inclusion.
- (2) Specific procedures for employment actions such as hiring, promoting or disciplining a Civil Service employee will reside in the "Civil Service Rules" and no longer exist in the City's Charter.
- (3) Proposed revisions to specific Civil Service rules/procedures will continue to be made by the Civil Service Commission to the City Council for final approval and adoption.

In summary, revisions to the City's Charter that are being proposed will continue to provide Civil Service protection to sworn Public Safety employees, which was the original intent of the civil service law, as well as allow for updates to Civil Service employment rules/procedures with the recommendation of the Civil Service Commission and approval of the City Council. By removing specific procedures from the Charter, the City will have greater flexibility for adopting changes and staying current with employment market conditions as well as Federal or State laws.

Article XVIII, Section 6: Official Newspaper

Specify that the caption of adopted ordinances that assess fines, fees or penalties shall be published at least once in the city's official newspaper. This amendment is in accordance with Chapter 52 of the Local Government Code and will allow the city to realize cost savings, as currently these items are published twice.

All Sections

The City Council is composed of a Mayor and seven (7) Council members. For consistency, to remain gender neutral, and to conform to long-standing practice, these officials should be referred to collectively in the Charter as Council members or individually as a Council member. For clarity, the Mayor and Council members are collectively referred to as the City Council.

The proposed amendments also provide the flexibility for staff to remove any redundancies or inconsistencies, correct any typographical errors, and remove or modify any language that conflicts with or is preempted by other state or federal legislation throughout the Charter.

MOTIONS APPROVED BY THE CHARTER REVIEW TASK FORCE

December 14, 2022

MOTION 1 – ARTICLE V: CITY COUNCIL, SECTION 1. CITY OFFICIALS AND SECTION 2 QUALIFICATIONS.

Sections 1 and 2 of Article V of the North Richland Hills City Charter be amended to replace the words “Councilperson,” “Councilmen” and “Councilman” with the words “Council member” or “Council members” respectively, and all other sections in which these words are referenced in the Charter; confirm that all meetings of the City Council are to be held in accordance with state law; that the Council members and Mayor 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; and 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. MOTION PASSED

MOTION 2 – ARTICLE VI: POWERS AND DUTIES OF OFFICERS. SECTION 2. DUTIES OF MAYOR -MAYOR PRO-TEM; SECTION 5. APPOINTMENT AND REMOVAL OF CITY SECRETARY; AND SECTION 7. MUNICIPAL COURT JUDGE.

Sections 2, 3, 5 and 7 of Article VI of the North Richland Hills City 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; remove the requirement for the City Council to adopt plats; remove the requirement for the City Council to appoint the Assistant City Secretary; allow City Council to appoint more than one judge; remove the requirements that a Municipal Court Judge be a resident of North Richland Hills and that the judge be elected; and remove the requirement for the Clerk of the Municipal Court to be appointed by the City Council. MOTION PASSED

MOTION 3 – ARTICLE XIV: PLANNING/BUILDING REGULATIONS – SECTION 1. PLANNING AND ZONING COMMISSION AND SECTION 2. PLANNING AND ZONING COMMISSION POWERS AND DUTIES.

Sections 1 and 2 of Article XIV of the North Richland Hills City 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; remove the requirements that Planning and Zoning Commissioners be removed after a public hearing and for cause, or own real property within the City; authorize Planning and Zoning Commissioners to be removed upon majority vote of the City Council; and authorize the Planning and Zoning Commission to be responsible for the approval of plats.

MOTION PASSED

CIVIL SERVICE MOTIONS:

MOTION 4 – ARTICLE XVII: CITY CIVIL SERVICE.

Section 2 of Article XVII of the North Richland Hills City Charter be amended to remove all full-time, non-appointed employees from the City's Civil Service and provide that Civil Service coverage only applies to any full-time, sworn, Police or Fire Department employee, below the rank of Police Captain, Fire Division/Battalion Chief, or equivalent rank, or any sworn employee in the service of the City Marshal's Office, who has completed the required one (1) year probationary period; and define the aforementioned employee as a "Civil Service Employee." MOTION PASSED

MOTION 5 – ARTICLE XVII: CITY CIVIL SERVICE.

Sections 3, 3A, and 4 of Article XVII of the North Richland Hills City Charter be amended to authorize the appointment of alternate members to serve on the Civil Service Commission in the absence or disability of any member, with all members and alternates to be appointed by the Mayor and confirmed or removed by majority vote of the City Council; add the requirement that the members and alternates be subject to any attendance requirements established by the City Council; and to change the meeting time to provide that the Commission shall meet at least annually. MOTION PASSED

MOTION 6 – ARTICLE XVII: CITY CIVIL SERVICE.

Section 5 of Article XVII of the North Richland Hills City Charter be amended to replace the current language with language to authorize the Commission to recommend Civil Service rules governing initial employment, promotions and disciplinary appeal process to the City Council for approval; provide the authority for the Commission to determine compliance with the Charter and the Civil Service Rules; authorize any three (3) Commissioners to request that an item be placed on the Commission's agenda for consideration; authorize the Commission to hear Civil Service Employee appeals of disciplinary terminations, suspensions or demotions; and provide that the Commission shall not interfere with or provide instructions regarding the operation of any City departments to any City staff outside of the responsibilities of the Commission. MOTION PASSED

MOTION 7 – ARTICLE XVII: CITY CIVIL SERVICE.

Section 5A of Article XVII of the North Richland Hills City Charter be amended to replace the current language with language to authorize the Civil Service Commission to make inquiries and enforce the Civil Service provisions of the Charter and the Civil Service Rules and Regulations; provide authority for the Commission to administer oaths, compel and subpoena witnesses and records pertaining to an investigation; require depositions; and adopt rules and regulations to specify the processes and procedures for conducting its investigations or exercising its subpoena power. MOTION PASSED

MOTION 8 – ARTICLE XVII: CITY CIVIL SERVICE.

Section 5B of Article XVII of the North Richland Hills City Charter be REPEALED IN ITS ENTIRETY BY CHARTER AMENDMENT. MOTION PASSED

MOTION 9 – ARTICLE XVII: CITY CIVIL SERVICE.

Sections 6 and 23 of Article XVII of the North Richland Hills City Charter be amended to change the Director of Personnel to the Director of Human Resources (or its named successor). MOTION PASSED

MOTION 10 – ARTICLE XVII: CITY CIVIL SERVICE.

Section 9 of Article XVII of the North Richland Hills City Charter be amended to add “PROMOTIONS; VACANCIES” to the title; replace the current language with language that the City 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. MOTION PASSED

MOTION 11 – ARTICLE XVII: CITY CIVIL SERVICE.

Section 10, of Article XVII of the North Richland Hills City Charter be REPEALED IN ITS ENTIRETY BY CHARTER AMENDMENT. MOTION PASSED

MOTION 12 – ARTICLE XVII: CITY CIVIL SERVICE.

Section 12 of Article XVII of the North Richland Hills City Charter be amended to clarify that upon initial employment, all Civil Service Employees shall serve a probationary period of twelve (12) months.

MOTION PASSED

MOTION 13 – ARTICLE XVII: CITY CIVIL SERVICE.

Section 14, of Article XVII of the North Richland Hills City Charter be REPEALED IN ITS ENTIRETY BY CHARTER AMENDMENT. MOTION PASSED

MOTION 14 – ARTICLE XVII: CITY CIVIL SERVICE.

Section 16 of Article XVII of the North Richland Hills City Charter be amended to clarify that the Department Head is responsible for initiating a suspension of a Civil Service Employee; changing the time frame that the Commission shall hold an appeal hearing from a suspension from thirty (30) days to forty (45) days after it receives notice of appeal; modifying the Commission’s authority to reinstate employees;

restricting the Commission's authority to reinstate an employee if the employee has been finally convicted of a criminal act; and removing the Commission's authority to punish and hold a Department Head in contempt for refusing to reinstate an employee. MOTION PASSED

MOTION 15 – ARTICLE XVII: CITY CIVIL SERVICE.

Section 16A of Article XVII of the North Richland Hills City Charter be amended to replace the current language with language that provides the purpose of the Civil Service laws; that the members of the Commission are directed to administer the Civil Service laws in accordance with the purpose; and provides that the Commission, when sitting as a Board of Appeals, is to conduct any such appeal hearing fairly and impartially, and render a fair and just decision, considering only the evidence presented before them in such hearing. MOTION PASSED

MOTION 16 – ARTICLE XVII: CITY CIVIL SERVICE.

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

MOTION 17 – ARTICLE XVII: CITY CIVIL SERVICE.

Sections 19, 20, 25 and other sections referencing such terms, of Article XVII of the North Richland Hills City Charter be amended to replace "head of a department" with "Department Head" and replace "employee" with the defined term of "Civil Service Employee." MOTION PASSED

MOTION 18 – ARTICLE XVII: CITY CIVIL SERVICE.

Section 22, POLITICAL ACTIVITIES, and Section 22A, LEAVES OF ABSENCE, of Article XVII of the North Richland Hills City Charter be REPEALED IN THEIR ENTIRETY BY CHARTER AMENDMENT. MOTION PASSED

MOTION 19 – ARTICLE XVII: CITY CIVIL SERVICE.

Section 23 of Article XVII of the North Richland Hills City 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 available to all City Service Employees and that the Director of Human Resources shall keep copies on hand for review upon request, instead of distribution. MOTION PASSED

MOTION 20 – ARTICLE XVII: CITY CIVIL SERVICE.

Section 24 of Article XVII of the North Richland Hills City Charter be amended to clarify that only sworn Civil Service Employees at the time of passage of any such Charter Amendment will be entitled to Civil Service classification; clarifying such sworn employees will not be required to take any competitive examination for the position they currently occupy; and removing the six (6) month requirement for being in the classified civil service. MOTION PASSED

MOTION 21 – ARTICLE XVII: CITY CIVIL SERVICE.

Section 25 of Article XVII of the North Richland Hills City Charter shall be amended to delete paragraphs four (4) through ten (10) and clarify that the remaining provisions apply to Civil Service Employees as defined and not to permanent and temporary employees in the classified service.

MOTION PASSED

MOTION 22 – ARTICLE XVII: CITY CIVIL SERVICE.

Section 25A of Article XVII of the North Richland Hills City 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. MOTION PASSED

MOTION 23 – ARTICLE XVII: CITY CIVIL SERVICE.

Section 26 of Article XVII of the North Richland Hills City 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. MOTION PASSED

MOTION 24 – ARTICLE XVIII: GENERAL PROVISIONS – SECTION 6. OFFICIAL NEWSPAPER.

Section 6 of Article XVIII of the North Richland Hills City 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. MOTION PASSED

MOTION 25 – GENERAL INCONSISTENCIES OR CONFLICTS.

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. MOTION PASSED