

RESOLUTION NO. 2023-039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, CANVASSING THE ELECTION RESULTS OF THE MAY 6, 2023 SPECIAL CHARTER AMENDMENT ELECTION; DECLARING AMENDMENTS ADOPTED; AND PROVIDING EFFECTIVE DATE.

- 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 their findings and recommendation for amendments at the January 9, 2023 City Council meeting; and
- WHEREAS,** the City Council, at its February 13, 2023 meeting, adopted Ordinance No. 3777, ordering a Special Election on May 6, 2023, for the purpose of submitting to the qualified voters a Charter Amendment Election for adoption or rejection of proposed amendments; and
- WHEREAS,** an election was duly held on May 6, 2023, to allow duly qualified voters to vote on 26 propositions; and
- WHEREAS,** the City Council finds that all procedural and substantive requirements were met for the holding of said election and that it was held pursuant to and in accordance with the laws of the State of Texas; and
- WHEREAS,** the City Council has met to canvass the votes cast in such election and accept the tabulations provided by Tarrant County Elections Administrator (Exhibit A).

PROPOSITION	TOTAL FOR	TOTAL AGAINST
A	2461	578
B	2911	162
C	2785	303
D	2539	518
E	1864	1130
F	2436	607
G	1507	1534
H	2140	855
I	2332	627
J	2389	584
K	2412	542
L	2418	484
M	2388	557
N	2362	550
O	2192	763
P	2220	650
Q	2573	355
R	2581	375
S	2343	513
T	2353	562
U	2293	582
V	2339	538
W	2005	904
X	2404	478
Y	2438	453
Z	2191	757

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

Section 1: The City Council hereby finds that the recitals set forth above are true and correct and are incorporated into this Resolution as if written herein.

Section 2: The City Council declares and orders that the following numbered propositions are hereby declared to have PASSED by a majority of the qualified voters of the City of North Richland Hills.

PROPOSITION	BALLOT LANGUAGE
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?
B	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?
C	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?
D	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?
E	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?
F	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?
H	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?
I	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?
J	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?"
K	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?
L	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?
M	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 inquires 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?
N	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?
O	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?
P	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?
Q	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?
R	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?"
S	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?
T	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?
U	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?
V	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?
W	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?
X	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?
Y	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?
Z	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?

Section 3: The City Council declares and orders that the following numbered proposition is hereby declared to have FAILED by a majority of the qualified voters of the City of North Richland Hills.

PROPOSITION	BALLOT LANGUAGE
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?

Section 4: The City Secretary/Chief Governance Officer is ordered to cause the Charter to be changed and reprinted to reflect the changes brought about by the propositions which passed in the election of May 6, 2023.

Section 5: The City Secretary/Chief Governance Officer is ordered to certify an authenticated copy of the amendments to the secretary of state as required by Chapter 9 of the Texas Local Government Code.

Section 6: This Resolution shall take effect and be in full force and effect from and after the date of its adoption, and it is so resolved; and all Resolutions of the City Council of the City in conflict herewith are hereby amended or repealed to the extent of such conflict.

PASSED AND APPROVED on this 17th day of May, 2023.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Maleshia B. McGinnis, City Attorney

Exhibit A
Resolution No. 2023-039

[document provided at meeting]