

# Overview of a City Charter, the CFW 2016 Charter Election and a Future City Charter Election

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December 7, 1941  
A date which will live in infamy

**The USS Arizona Memorial at Pearl Harbor in Honolulu, Hawaii** marks the resting place of 1,102 of the 1,177 sailors and Marines killed on USS Arizona during the Attack on Pearl Harbor on December 7, 1941

# USS Portland (CA 33)

With the destruction of most of the U.S. battleship fleet at Pearl Harbor, cruisers such as Sweet Pea carried the biggest guns the Navy possessed for nearly a year after the start of World War II.

The Portland was instrumental in the dramatic American victories at the Battle of the Coral Sea, the Battle of Midway, and the naval battle of Guadalcanal—conflicts that historians regard as turning points in the Pacific war

She was the only cruiser ever to fight twice in night battles against enemy battleships, winning both times, and her dedicated crew avoided over eighty attacks by kamikazes.

Because of her performance, she was singled out among the famous ships in the Pacific fleet to accept the Japanese surrender at Truk, an atoll in the central Pacific north-east of New Guinea.

Truk had served as the focus of Japan's central Pacific power during the first two years of World War II.



Photo # NH 62798 Japanese delegation on USS Portland to surrender Truk, 1945



# History of Home Rule Charters

- In 1912 the voters of Texas adopted the Home Rule Amendment to Article XI, Section 5 of the Texas constitution
- Applies to any city with a population over 5,000
- Allows these cities to adopt a charter provided the charter is not inconsistent with the state constitution or the statutes

# Home Rule Concept

- Full power of self-government
  - **Full authority** to do anything the legislature could have authorized the city to do
- Home rule cities look to the acts of the state and federal legislatures only for limitations on their power
- Gives cities the opportunity to reflect their own cultures, traditions and other preferences

# What is in a Home Rule City Charter

- Form of government
  - Mayor-council; council-manager; commission
- Details regarding the governing body
  - Size, qualifications, terms, term limits, method of electing officials, compensation, vacancies, powers of the mayor etc.
- Selection of administrative personnel
- Publication and passage of ordinances
- Creation of boards and commissions
- Annexation
- Municipal finances and issuance of debt
- Personnel functions
- Conflict of interest and ethical matters
- Elections, initiatives, referendums and recalls
- Franchises
- Planning and zoning

## Amending a City Charter

- Texas state law: a city charter **cannot be amended more often than every two years**
- The governing body (City Council) approves the submittal of charter amendment to the voters
- In Fort Worth, prior practice included a charter review committee to consider and formulate recommendations to the City Council and a public hearing process, but not legally required

# Fort Worth City Charter

- Special Legislature Charter in 1873
  - Mayor and 5 Commissioners
- First Fort Worth Home Rule Charter adopted in 1924 which created the City Council/City Manager form of government
- Amended thirteen times between 1924 and 2006
- Last amended in May, 2016





## Fort Worth Charter – Governing Body

- Mayor and 8 council members elected **at large** in 1925
- In **1977** the City went to 8 **single member** districts with the Mayor elected at large
- Records indicate that the Council Members served for 4 year terms until 1981 when they went to 2 year terms (records indicate there were 4 year terms in 1949)

## Major Issues Identified by the City Council in 2016

Issue	Current Charter Provisions
Mayor and Council Terms	Two-year terms
Staggered Terms	Concurrent terms
Term Limits	None
Increased Compensation for Elected Officials	\$29,999 for Mayor \$25,000 for Council members
Number of Required Council Meetings	44
Employee Contracts for Appointed Officials, ACM's, Police Chief and Fire Chief	None
Clarifying the Conflicts of Interest Provision	Direct or Indirect Interest not allowed

# 2015-2016 Charter Review Process

- **July 2015:**
  - Discussion of full Charter rewrite but decided on hybrid approach with a full scrub of the Charter slated for May, 2018
  - City Council appointed a 9 member Charter Review Task Force
- **August and September, 2015:** The Charter Review Task Force met to study issues, reach preliminary findings
- **October, 2015:** Task Force made an interim report on findings to the City Council.
- **October and November, 2015:** Task Force held multiple public hearings at various locations throughout the city to solicit community feedback on issues to be considered in the City Charter Amendment election.
- **December, 2015:** Task Force made their final recommendations to the City Council.
- **January, 2016:**
  - The City Council held public hearings at its City Council meetings in on the preliminary draft of the proposed City Charter Amendments to obtain citizen feedback on the Amendments under consideration.
  - City Council adopts an ordinance calling election on proposed Charter amendments.
- **February through April, 2016:** The City educated voters about proposed Charter amendments.
- **May 7, 2016:** Charter election.

## 27 Proposed Propositions in 2016

- City Council related Propositions:
  - Increasing term
  - Staggered terms
  - Increasing the number of council members
  - Increasing compensation
  - Filling Council member vacancies
  - Swearing in Council Members outside City Hall
  - Residence requirements for persons seeking election to the City Council
- Remainder of proposed Propositions were technical and clean up amendments

# Summary of 2016 Task Force Recommendations

ISSUE	CURRENT CHARTER PROVISIONS	TASK FORCE RECOMMENDATION
Number of Council Members	8+1	<b>10+1</b> (following 2020 census and adoption of new redistricting map)
Terms of office	Two-year terms	<b>Three-year terms</b>
Concurrent or staggered terms	Concurrent terms	Concurrent terms
Compensation	\$29,000 for Mayor \$25,000 for Council Members	<b>\$60,000 for Mayor</b> <b>\$45,000 for Council Members</b>
Technical and other amendments	Inconsistencies with state law, archaic language, unused provisions, staff recommended changes	<b>Approve all 23</b>

## Eleven Proposed Charter Amendments made the May 7, 2016 Ballot

1. Increasing the number of Council members
2. Increasing the terms of office from 2 to 3 year terms
3. Increasing the compensation of the Mayor and Council Members
4. Vacancies in the City Council
5. Swearing in of City Council members
6. Residence requirements for persons seeking election to the City Council
7. Appointment and removal of municipal judges
8. Adoption of budget in accordance with State law
9. Dual propositions - clarifying which proposition prevails
10. Alternative means to meet publication requirements
11. Compliance with state law

## What Did **NOT** Pass in May, 2016

- Increasing the Council terms from 2 to 3 years
- Increasing the Mayor's compensation from \$29,000 to \$60,000 and the Council salaries from \$25,000 to \$45,000

CITY	2021 POPULATION	TERMS	MAYOR'S ANNUAL SALARY	COUNCIL MEMBER'S ANNUAL SALARY
ARLINGTON	400,316	2 Year Term; 3 Term Limit	<b>\$3,000</b> 1980 Charter Election	<b>\$2,400</b> 1980 Charter Election
AUSTIN	973,720	4 Year Term; 2 Term Limit	<b>\$97,656</b> Fixed by the City Council	<b>\$83,258</b> Fixed by the City Council
DALLAS	1,304,379	Mayor 4 Year Term; 2 Term Limit  Council Member 2 Year Term; 4 Term Limit	<b>\$80,000</b> 2014 Charter Election	<b>\$60,000</b> 2014 Charter Election
FORT WORTH	938,055	2 Year Term; No Term Limit	<b>\$29,000</b> 2006 Charter Election	<b>\$25,000</b> 2006 Charter Election
SAN ANTONIO	1,434,625	2 Year Term; 4 Term Limit	<b>\$61,725</b> 2015 Charter Election	<b>\$45,722</b> 2015 Charter Election



# Where do We Go From Here?

**OPTION 1: Council terms and salaries plus needed technical amendments:**

- Decide **what Council** related amendments are needed: **term length, staggered terms, salary increase**
- Use 2016 suggested technical amendments not placed on the prior ballot
- No Task Force since prior propositions were previously vetted
- Outreach to the community similar to process for bond propositions

**OPTION 2: A full rewrite of the City Charter**

- Create a Charter Task Force and potentially hiring a consultant to guide them through the process
- Use 2016 suggested technical amendments not placed on the ballot as a starting point
- Review other Texas Home Rule City Charters such as Dallas, Austin and San Antonio
- Review other cities that have successfully held a complete rewrite election
- Work with American Legal Publishing, our current City Code administrator

# Next Steps

## DECIDE ON ELECTION DATE IN JANUARY, 2022

- Is **May, 2022** feasible?
  - Yes, **but only** if considering **Option 1 – no Task Force; use prior Task Force technical recommendations** (recommend preparing election calendar and all propositions before call the election in February, 2022)
- Is **November, 2022** feasible if considering **Option 2 - full rewrite of City Charter**?
  - Yes, but only if we start **now** to allow time for the process, including appointment of Task Force and receiving citizen input

## LAST DAY TO ORDER AN ELECTION FOR MAY, 2022:

- **February 18, 2022** **but** per your meeting schedule either:
  - February 8, 2022 at your night meeting or
  - A special called meeting on your Work Session on February 15, 2022

# Questions?

