

CHARTER COMMISSION MEETING
NOVEMBER 12, 2014 AT 6:00 PM
Richardson Civic Center/City Hall
Large Conference Room, Suite 202
411 W. Arapaho Road, Richardson, TX 75080

The Charter Commission will conduct a meeting on Wednesday, November 12, 2014, at 6:00 p.m. in the Large Conference Room/City Manager's Office (Suite 202) of the Civic Center, 411 W. Arapaho Road, Richardson, Texas 75080.

As authorized by Section 551.071 (2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

CALL TO ORDER

1. Consider approval of the November 5, 2014 Charter Review Commission Meeting Minutes.
2. Review Richardson City Charter, Article 9, *Boards and Commissions* and consider any recommendations for amendments thereto.
3. Review Richardson City Charter, Article 10, *Civil Service* and consider any recommendations for amendments thereto.
4. As necessary discuss planned review of Richardson Charter for next scheduled meeting.

ADJOURN

I hereby certify that this notice was posted on the Civic Center/City Hall Bulletin Board on Friday, November 7, 2014, by 5:00 p.m.

CITY OF RICHARDSON

Aimee Nemer, City Secretary

ACCOMMODATION REQUESTS FOR PERSONS WITH DISABILITIES SHOULD BE MADE AT LEAST 48 HOURS PRIOR TO THE MEETING BY CONTACTING SUSAN MATTISON, ADA COORDINATOR, VIA PHONE AT 972 744-0809, VIA EMAIL AT ADACoordinator@cor.gov, OR BY APPOINTMENT AT 1621 E. LOOKOUT DRIVE, RICHARDSON, TX 75082.

MINUTES
CHARTER REVIEW COMMISSION
NOVEMBER 5, 2014 MEETING

PUBLIC HEARING - CITY COUNCIL CHAMBERS, 6:00 PM

CALL TO ORDER

Chairman Dubey called the meeting to order at 6:04 p.m. He asked the Commissioners to introduce themselves.

Commissioners Present:

Bob Dubey, Chair
Ron Taylor, Vice Chair
Gerald Bright, Commissioner
Marta Gomez Frey, Commissioner
Helene Lee, Commissioner
Jason Lemons, Commissioner
Bill McCalpin, Commissioner
John Murphy, Commissioner
Kim Quirk, Commissioner
Nancy Wilson, Commissioner
Erica Yaeger, Commissioner

City Staff Present:

Shanna Sims-Bradish, Asst. City Manager
Pete Smith, City Attorney
Aimee Nemer, City Secretary

1. Overview of Charter Review Process.

Chairman Dubey provided an overview of the Charter review process and stated the City Council's charge to the Commission:

- (a) to review the Charter for purposes of recommending amendments as necessary to cause the Charter to conform to federal and state law where conflict or inconsistencies exist;
- (b) to review the Charter for purposes of recommending amendments as necessary to clarify and condense existing Charter sections to improve the effective application of the Charter;
- (c) to review the Charter for any other provisions of the Charter as the Charter Review Commission determines necessary.

Mr. Dubey explained that in addition to this charge, the City Council requested that a final report of the Commission be submitted to the City Council by June 1, 2015. He said that the Council will review the report and consider any recommendations to determine if a Charter Amendment Election to be held on November 3, 2015, should be ordered. He further explained that the Council requested that the Commission conduct at least one Public Hearing to receive public input.

2. Conduct a Public Hearing to receive public input on the Richardson City Charter.

Chairman Dubey stated that the Commission would conduct a Public Hearing and he explained that speakers would be given three minutes to make their comments.

Comments were submitted by the following:

Charles Pratt

Mr. Pratt stated that the Commission should take a "Hippocratic oath" approach to reviewing the Charter, meaning; "First, do no harm." He stated that the Charter does not need radical change. He expressed concerns regarding the current process of direct election of the mayor stating that the election campaign expenses for this type of election make it difficult for the common person to run

for this seat. Regarding term limits and length of terms, Mr. Pratt explained that the current term limits allow for important regional influence and the current system of electing the mayor and all councilmembers at once allows for an even playing field for re-election. He further explained that rotating (or staggered) terms would cause the mayor and council to be in constant election mode.

Jean Richards, representing the League of Women Voters of Richardson (LWV)

Ms. Richards stated that the League supports staggered terms for councilmembers, a requirement to review the Charter every ten (10) years, and election of the mayor by the city council. Ms. Richards further stated that since the recently enacted Charter provision for direct election of the mayor has not been fully tested by time, the League was supportive of a maintaining this method and allowing a future Charter review commission evaluate its effectiveness. Ms. Richards provided the Commission with her complete statement and the LWV position on the City of Richardson Charter.

Charlie Newton

Mr. Newton expressed appreciation to the Commission and the appointment of Mr. Dubey as chair. He stated he would like to see the residency requirement for city council and boards and commissions expanded to 3-5 years, would like to add proclamations related to the Bible being the word of God, Jesus is the son of God, and public prayer in all places. Mr. Newton provided a statement to the Commission with specific language related to the above proclamations.

RECESS

With no further comments submitted, Chairman Dubey closed the public hearing and called for a recess at 6:23 p.m.

REGULAR MEETING – LARGE CONFERENCE ROOM, SUITE 202
IMMEDIATELY FOLLOWING PUBLIC HEARING

RECONVENE

Chairman Dubey reconvened the meeting at 6:33 p.m.

1. Consider approval of the October 15, 2014 Charter Review Commission Meeting Minutes.

Commission Action

Commissioner Yaeger moved to approve the October 15, 2014 Minutes as presented. Commissioner Frey seconded the motion. A vote was taken and passed, 11-0.

2. Review Richardson City Charter, Article I, *Incorporation and Territory* and consider any recommendations for amendments thereto.

Commission Action

Section 1.01 – Commissioner McCalpin moved to approve this section as presented with no recommended changes. Commissioner Yaeger seconded the motion. A vote was taken and passed, 11-0.

Section 1.02 – Commissioner Lemons moved to approve this section as presented with the recommended changes. Commissioner Frey seconded the motion. A vote was taken and passed, 11-0.

Section 1.03 – The Commission discussed the use of the words “inhabitants,” “citizens,” and “residents.” Commissioner McCalpin moved to approve the section as presented with recommended changes and the

additional change of the word “citizens” to “residents” in the last sentence. Commissioner Murphy seconded the motion. A vote was taken and passed, 11-0.

The Commission discussed the inconsistency of the rules of capitalization for the word “city.” The Commission determined to address grammatical changes at the end of the review process.

3. Review Richardson City Charter, Article II, *Powers of the City of Richardson* and consider any recommendations for amendments thereto.

Commission Action

Section 2.01 – Commissioner Bright moved to approve this section as presented with no recommended changes. Commissioner McCalpin seconded the motion. A vote was taken and passed, 11-0.

Section 2.02 – Commissioner Quirk moved to approve this section as presented with no recommended changes. Commissioner Lemons seconded the motion. A vote was taken and passed, 11-0.

Section 2.03 – Commissioner McCalpin moved to approve this section as presented with no recommended changes. Commissioner Yaeger seconded the motion. A vote was taken and passed, 11-0.

4. Review Richardson City Charter, Article 20, *Prohibitions* and consider any recommendations for amendments thereto.

Commission Action

Section 20.01 – The Commission discussed the clarity of the sentence in this section. Commissioner Yaeger moved to approve as presented with recommended changes and the additional change of adding a semi-colon behind the phrase “...authorized by this Charter or state law...” and to change the word “authorized” to “provided” in the phrase “...except as authorized by state law.” Commissioner Murphy seconded the motion. A vote was taken and passed, 11-0.

Section 20.02 – Commissioner Lemons moved to approve this section as presented with the recommended changes. Commissioner McCalpin seconded the motion. A vote was taken and passed, 11-0.

Section 20.03 – Commissioner Murphy moved to approve this section as presented with the recommended changes and the additional change of deleting the word “absolutely” before the word “void.” Commissioner Quirk seconded the motion. A vote was taken and passed, 11-0.

Section 20.04 – Commissioner McCalpin suggested deleting this section since it is mandated by state law. The Commission discussed the pros and cons of deleting the section. Commissioner Lemons moved to delete “...public halls, parks, or public works...” and replace with “property, real and personal,” Commissioner Bright seconded the motion. A vote was taken and passed, 11-0.

Section 20.05 – Commissioner Quirk moved to approve the deletion of this entire section as presented and recommended. Commissioner Lee seconded the motion. A vote was taken and passed, 11-0.

5. Review Richardson City Charter, Article 21, *Effective Dates and Effects of Adoption* and consider any recommendations for amendments thereto.

Commissioner Dubey noted that the correct title for Article 21 is *General Provisions*.

Commission Action

Section 21.01 – Commissioner Wilson moved to approve this section as presented with no recommended changes. Commissioner Lemons seconded the motion. A vote was taken and passed, 11-0.

Section 21.02 – Commissioner Murphy moved to approve this section as presented with no recommended changes. Commissioner Bright seconded the motion. A vote was taken and passed, 11-0.

Section 21.03 – Commissioner Frey moved to approve this section as presented with no recommended changes. Commissioner Lemons seconded the motion. A vote was taken and passed, 11-0.

Section 21.04 – The Commission discussed the use and meaning of the phrase “pleasure grounds.” Commissioner Yaeger moved to delete “...parkways or pleasure grounds.” and replace with “open space or other recreational activities.” Commissioner Frey seconded the motion. A vote was taken and passed, 11-0.

Section 21.05 – Commissioner Frey moved to approve this section as presented with no recommended changes. Commissioner Lemons seconded the motion. A vote was taken and passed, 11-0.

Section 21.06 – Commissioner Yaeger moved to approve this section as presented with no recommended changes. Commissioner McCalpin seconded the motion. A vote was taken and passed, 11-0.

Section 21.07 – Commissioner Quirk pointed out that the word “therefor” is an archaic spelling. The Commission determined to address spelling and grammatical changes at the end of the review process. Commissioner Bright moved to approve this section as presented with no recommended changes. Commissioner Lemons seconded the motion. A vote was taken and passed, 11-0.

Section 21.08 – Commissioner Frey moved to approve this section as presented with no recommended changes. Commissioner Lee seconded the motion. A vote was taken and passed, 11-0.

6. As necessary discuss planned review of Richardson Charter for next scheduled meeting.

Commissioner Dubey distributed a revised Schedule of Review noting a change in the order discussion topics.

Commissioner Wilson inquired how public comments would be reviewed and addressed by the Commission. City Attorney Pete Smith suggested that comments be reviewed during discussion of the corresponding topic. He suggested that topics that are not in the Charter be discussed at the end of the review process.

ADJOURN

With no further business, Vice Chair Taylor moved to adjourn the meeting at 7:53 p.m., seconded by Commissioner McCalpin. The motion passed unanimously.

Bob Dubey, Chair

ATTEST:

CITY SECRETARY

**RICHARDSON CHARTER
(Articles 9 & 10)**

ARTICLE 9. - BOARDS AND COMMISSIONS

Section 9.01. - Creation.

There are hereby created and placed under the control and direction of the city council the following boards and commissions, and such other boards and commissions as may be hereafter created:

- (a) City plan commission.
- (b) Parks and recreation commission.
- (c) Library board.
- (d) Zoning board of adjustment.
- (e) Civil service board.
- (f) Civil service appeals board.

The council shall have power by ordinance to create, establish and abolish such other boards and commissions as the council shall determine are necessary and desirable. Such ordinance shall as a minimum include:

- (a) Title of the board or commission.
- (b) Purpose and duties.
- (c) Number of persons comprising membership.
- (d) Terms.
- (e) Appointment of chairperson and vice-chairperson.

No person shall be appointed to serve more than four (4) consecutive two (2) year terms. This provision does not apply to alternate members of boards and commissions.

Section 9.02. - Appointments.

The council shall appoint members to all boards and commissions, who are qualified voters of the City of Richardson, who have been residents of the State of Texas for at least one (1) year and residents of the city for at least six (6) months, and [who] hold no elected public office and are not in arrears in taxes or other liability due the city.

Section 9.03. - Removal and vacancies.

Except as otherwise provided by state law or ordinance, the ~~The~~ council may, upon the affirmative vote of the majority of the full membership of the council, remove members of any board or commission without notice. If an individual appointed to a board or commission shall cease to possess any qualification for appointment, shall file or announce as a candidate for any public office, ~~or~~ or shall be convicted of a crime of moral turpitude, such individual shall

immediately be considered removed and such appointment vacant. Vacancies in the appointive board or commission, whether by resignation, death, removal or other cause, shall be filled by council appointment for the unexpired term.

Comment [p1]: Change to conform to state law. Such board and commission members serve at the pleasure of the council and others have fixed terms.

Section 9.04. - Meetings.

All meetings shall be open to the public unless otherwise provided by law. Minutes shall be kept and attendance, subject matter and voting shall be recorded.

Section 9.05. - Quorum.

Except as otherwise provided by state law or ordinance, a ~~A~~ majority of board or commission members shall constitute a quorum.

Comment [p2]: Change to conform to state law if state law requires a different quorum.

Section 9.06. - Voting.

No member of a board or commission shall be excused from voting ~~except on matters involving the consideration of the member's own official conduct or where such member's financial interests are involved,~~ unless otherwise required by law.

Comment [p3]: Change to conform to state law and to eliminate and clarify language.

Section 9.07. - City plan commission.

(a) *Purpose.* The city plan commission shall exercise all powers granted and shall make recommendations to the city council, and exercise the powers granted thereto ~~[.]~~ on ~~all~~ matters affecting the ~~physical development of the city, and including a~~ comprehensive plan or plans ~~and implementation,~~ zoning, zoning regulations ~~and modifications~~ and changes thereto. ~~on all matters of public improvements, civic improvements, city planning, opening, widening and changing of streets, routing of public utilities, controlling and regulating traffic upon the public streets and ways of the City of Richardson, and such other matters relating to city improvements as the city plan commission and the city council may deem beneficial to the City of Richardson.~~

Comment [p4]: Change to conform to state law and to condense the existing language.

(b) *Powers.* The city plan commission shall have any and all powers granted to planning and zoning commissions by the statutes of the State of Texas, this Charter and by ordinance and resolution of the city council of the City of Richardson.

(1) *Planning.* The city plan commission shall have the power to recommend zoning and land use regulations and amendments thereto ~~pass upon all plans~~ which may be considered by the city council. ~~relating to public improvements, and it shall be the duty of the city council, as far as practicable, to submit plans governing public improvements involved under the terms of this Charter to the city plan commission to obtain its advice with reference thereto. The city council may thereafter adopt the methods which may be deemed most advisable by the city council; provided, however, that any public improvement undertaken hereunder, or otherwise, by the city council shall never be deemed invalid because the city plan commission has not been consulted or~~

~~because the city council has failed to submit its plans thereon for consideration by said city plan commission.~~

Comment [p5]: Change to conform to state law and to eliminate redundant language and to clarify.

(2) Zoning. For the purpose of promoting the public health, safety, order, convenience, prosperity and general welfare, the city council ~~of Richardson, after recommendation or report acting through the~~ **from the** city plan commission ~~and the city council, or the city plan commission acting under its direction,~~ shall have the power to divide the City of Richardson into zones or districts **of a number, shape and size the council considers appropriate** for the purpose of regulating and controlling the **erection, construction, reconstruction, alteration, repair,** size, type, height, bulk and use of buildings, **other structures or land** within such zones or districts and may exercise any other powers necessary fully to effectuate and accomplish the purpose of the powers herein conferred. The further power is conferred upon the city council to establish building lines within such zones or districts or to establish building lines in residence districts or in other portions of the city, as may be deemed advisable by the said council, and to make different regulations for different districts, as may be deemed **advisable.**

Comment [p6]: Change to conform to state law.

(c) *Membership and Terms.* The city council shall appoint seven (7) members and two (2) alternate members, each of whom shall be qualified voters of the City of Richardson, and shall have been a resident of the State of Texas for one (1) year and a resident of the City of Richardson for six (6) months **immediately prior to the date of such appointment,** to constitute the city plan **commission.**

Comment [p7]: Change to clarify the residency period.

The members of the city plan commission shall serve for two (2) years and until their respective successors shall have been appointed and qualified. The city council shall appoint four (4) members who represent Districts 1 ~~through~~ 4 of the city, ~~plus one (1) alternate member, in August of odd-numbered years,~~ and shall appoint three (3) members who represent the three (3) at-large districts, ~~plus two (2) one (1) alternate members, in August of even-numbered years.~~ An alternate member shall, at the request of the chairperson, sit for and in place of an absent regular member and shall, ~~for~~ for the duration of the absence, be as a regular **member.**

Comment [p8]: Change to shorten the language and eliminate the time periods for appointment.

(d) *Procedures.* A chairperson and vice-chairperson shall be appointed by the city council. Said commissioners shall serve without pay and shall adopt such rules and regulations as shall best govern their proceedings, deliberations and actions.

Section 9.08. - Parks and recreation.

(a) *Purpose.* The city parks and recreation commission shall act in an advisory capacity to the city council in all matters pertaining to parks and recreation, and shall exercise such other duties and further powers as are delegated by ordinance.

(b) *Membership and terms.* The commission shall consist of nine (9) members who shall be appointed for two (2) year terms, ~~with five (5) members appointed to serve beginning December 1 in odd-numbered years, and four (4) members appointed to serve beginning December 1 in even-numbered years.~~ At least one (1) member shall live in each of Districts 1 ~~through~~ 4 of the **city.**

Comment [p9]: Change to shorten the language and to eliminate the date of appointment.

(c) *Procedures.* A chairperson and vice-chairperson shall be appointed by the city council. Meetings shall be held monthly or as required. Guidelines, regulations and responsibilities shall be prescribed by ordinance.

Section 9.09. - Library board.

(a) *Purpose.* The city library board shall act in an advisory capacity to the city council in all matters pertaining to the public library, and shall exercise such other duties and have such powers as is delegated by ordinance.

(b) *Membership and terms.* The board shall consist of seven (7) members who shall be appointed for two (2) year terms, ~~with four (4) members appointed to serve beginning January 1 in even numbered years, and three (3) members appointed to serve beginning January 1 in odd numbered years.~~ At least one (1) member shall live in each of Districts 1 ~~through~~ 4 of the city.

Comment [p10]: Change to eliminate the date of appointment and to remove editors [].

(c) *Procedures.* A chairperson and vice-chairperson shall be appointed by the city council. Meetings shall be held monthly or as required. Guidelines, regulations and responsibilities shall be prescribed by ordinance.

Section 9.10. - Zoning board of adjustment.

(a) *Purpose.* The zoning board of adjustment shall, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the comprehensive zoning ordinance, or any successor thereto, in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

Comment [p11]: Change to conform to state law.

(b) *Powers.* The zoning board of adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement ~~of this section or~~ of any zoning ordinance ~~adopted pursuant thereto~~.

Comment [p12]: Change to conform to state law.

(2) To hear and decide special exceptions to the terms of the comprehensive zoning ordinance, or any successor thereto, when the comprehensive ordinance requires the ~~upon which such~~ board ~~is required to do so~~ pass under such ordinance.

Comment [p13]: Change to conform to state law.

(3) To authorize upon appeal in specific cases such variance from the terms of a zoning ~~the~~ ordinance if the variance is not ~~as will not be~~ contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship, and so that the spirit of the zoning ordinance shall be observed and substantial justice done.

Comment [p14]: Change to conform to state law

In exercising the above-mentioned powers[,] such board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may

make such order, requirement, decision or determination as ought to be made, and to the end shall have all the powers of the officer from whom the appeal is taken.

The concurring vote of **seventy-five percent (75%) of the entire** ~~four (4)~~ members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

Comment [p15]: Change to conform to state law.

Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to the District Court ~~of Dallas County~~ a petition, ~~and~~ duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality, **as allowed by state law**. Such petition shall be presented to the district court within ten (10) days after the filing of the decision in the office of the board.

Comment [p16]: Change to conform to state law and Richardson is situated in both Collin and Dallas Counties.

(c) *Membership and terms.* The board shall consist of **at least** five (5) regular members and two (2) alternate members, who shall be appointed for two (2) year terms, ~~with three (3) members plus one (1) alternate appointed to serve beginning April 1 in even numbered years, and two (2) members plus one (1) alternate appointed to serve beginning April 1 in odd numbered years.~~ At least one (1) member shall live in each of Districts 1 ~~through~~ 4 of the city. An alternate member shall at the request of the chairperson sit for and in place of an absent regular member and shall for the duration of the absence be as a regular member.

Comment [p17]: Change to eliminate date of appointment and remove editors [].

(d) *Procedures.* A chairperson and vice-chairperson shall be appointed by the city council. Meetings shall be held monthly or as required. All matters heard by the board of adjustment shall be heard by the minimum of **seventy-five percent (75%) of the** ~~four (4)~~ members.

Comment [p18]: Change to conform to state law.

The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this section. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

Except as otherwise provided by state law, an ~~An~~ appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken

certifies to the board of adjustment after the notice of appeal shall have been filed and that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. ~~In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by the District Court of Dallas County on application on notice to the officer from whom the appeal is taken and on due cause shown.~~

Comment [p19]: Change to conform to state law.

The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

Section 9.11. - Civil service board.

(a) *Purpose.* The primary purpose of the civil service board is to oversee the civil service system of the City of Richardson.

(b) *Powers.* The civil service board, subject to the approval of the city council, shall adopt, amend, and enforce a code of rules and regulations providing for appointment and employment in all positions in the classified service which shall have the force and effect of law; also rules regulating reduction of forces of employees and in what order they shall be dismissed and reinstated; shall assure ~~make investigation concerning~~ the enforcement ~~and effect~~ of the civil service sections of this Charter and of the rules adopted under the powers herein granted.

Comment [p20]: Change to clarify.

(c) *Membership and terms.* The city council shall appoint a civil service board, composed of five (5) ~~citizens~~ members who reside in the City of Richardson, for two (2) year terms and until their successors have been appointed and qualified. ~~Three (3) members shall be appointed in August of odd-numbered years, and two (2) members shall be appointed in August of even-numbered years. At least one (1) member shall live in each of Districts 1 [through] 4 of the city.~~

Comment [p21]: Change to eliminate date of appointment.

(d) *Procedures.* The city council shall appoint a chairperson and a vice-chairperson. The board may appoint such other officers ~~and subordinates~~ as it may deem necessary from time to time. In the absence of one or more of the permanent officers, temporary officers may be appointed by the board for the conduct of business. The board shall meet monthly, or as needed. ~~The civil service board shall make an annual report to the city council at the end of each fiscal year, giving a complete itemized statement of all expenditures paid or incurred by it, and containing such recommendations for improving the efficiency of the civil service as it may deem advisable. Reference is made to the following article for further discussion regarding civil service.~~

Comment [p22]: Change to require meetings as needed and to eliminate an unnecessary report.

Section 9.12. - Civil service appeals board.

(a) *Purpose.* The civil service appeals board is hereby created for the purpose of hearing and determining any charges made against any officer or employee of the city in the classified service.

(b) *Powers.* The civil service appeals board shall have final jurisdiction to hear and decide all appeals made to it by any suspended, reduced, demoted or discharged employee in the classified service, and the judgment or decision of a majority of the members of the appeals board at a hearing shall be final. Any aggrieved employee who desires to appeal to the appeals board must do so promptly and within ten (10) days from the date that the aggrieved employee received notification of the suspension, demotion, reduction or dismissal action by giving written notice to the civil service board of the appeal. The civil service board shall set a hearing date within twenty (20) days after receipt of the notice of appeal, and an appeals board shall be convened to hear the appeal. The aggrieved employee may be represented by counsel and shall have the right to an open hearing and to compel the attendance of witnesses to testify in behalf of the aggrieved employee. The appeal to the appeals board shall not suspend the execution of the order of suspension, reduction, demotion or discharge pending final decision of the appeals board. The appeals board may either sustain or reverse the action taken against the officer or employee, or may modify or amend the action as it may deem justified, appropriate and equitable in light of all the facts and circumstances of the particular case.

(c) *Membership.* The civil service appeals board shall be constituted by the civil service board or any three (3) of its members.

(d) *Minimum standard.* The civil service board shall fix a minimum standard of conduct and efficiency for each grade in the service, and whenever it shall appear from the reports of efficiency made to the said board that the conduct and efficiency of any employee has fallen below this minimum, that employee may be called before the board to show cause why such employee should not be removed, suspended or reduced in grade, as the board shall determine.

~~(e) — Payroll certified by the board. The city shall not make payment of any salary or compensation for service to any persons holding a position in the classified service unless the payroll or account of such salary or compensation shall show that the persons named therein have been appointed or employed and are performing service in accordance with the provisions of the Charter and of the rules established thereunder.~~

Comment [p23]: Relocated to appropriate section of the charter section 10.02 as new (c).

(f) *Appeals proceedings.* In any appeals proceeding conducted by the board, it shall have the power to subpoena and require the attendance of witnesses and the production thereby of books and papers pertinent to the proceeding and to administer oaths to such witnesses.

(g) *No discrimination.* No discrimination shall be exercised, threatened, or promised against or in favor of any applicant, competitor, candidate, eligible or employee because of race, color, sex, age, disabilities, religion, national origin or political opinions.

Comment [p24]: Change to conform with state and federal law.

ARTICLE 10. - CIVIL SERVICE

Section 10.01. - Organization of civil service board.

The civil service board shall be established as provided in Article 9 of this Charter.

Section 10.02. - Unclassified and classified service.

The civil service of this city is hereby divided into the unclassified and classified service, to-wit:

- (a) The unclassified service shall include:
 - (1) The city manager and persons assigned to the office of the city manager.
 - (2) The directors and heads of departments, assistant directors and assistant heads of departments, and the city secretary.
 - (3) The labor class, which shall include all ordinary, unskilled labor.
- (b) The classified service shall comprise all positions not specifically included in the unclassified service. There shall be in the classified service two (2) classes to be known as the competitive class and the noncompetitive class, to-wit:
 - (1) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of the applicants by competitive examination.
 - (2) The noncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, as may be determined by the rules of the board.

(c) Payroll certified by the board. The city shall no make payment of any salary or compensation for service to any persons holding a position in the classified service unless the payroll or account of such salary or compensation shall show that the persons named therein have been appointed or employed and are performing service in accordance with the provisions of the Charter and of the rules established thereunder.

Comment [p25]: Relocated from section 9.12 (e).

Section 10.03. - List of eligibles.

The board shall provide for examination in accordance with the regulations of the board, and maintain lists of eligibles to each class of the service of those meeting the requirements of said regulations. Positions in the classified service shall be filled from such eligible lists upon requisition of the city manager, or designee. ~~As positions are filled, the board shall certify the fact to the city manager.~~

Comment [p26]: Eliminated unnecessary certification.

Section 10.04. - Promotions in the classified.

The board shall provide for promotion to all positions in the classified service competitive class.

Section 10.05. - Probation period.

Appointment or promotion in the classified service shall not be deemed complete until a probationary period has been completed. A probationary period not to exceed six (6) months shall **apply to each employee classification in the classified service** ~~be determined by the civil service board for each employee classification.~~

Comment [p27]: Change to conform to existing rules.

Section 10.06. - Discharge of employee after probation period.

Any employee in the classified service may be removed, suspended, laid off or reduced in grade by the city manager, or the head of the department in which employed, after the probation period has expired. If demanded by such employee, it shall be the duty of the officer discharging such employee to furnish a written statement of the reasons therefor. The discharged, suspended or reduced employee shall have the right to demand a public hearing upon said charges within a reasonable time thereafter before the civil service appeals board as hereinafter defined.

Section 10.07. - Appeals board.

The civil service appeals board shall be established as provided in the preceding article of this Charter for the purpose of hearing and determining any charges made against any officer or employee of the city in the classified service.