

CHARTER COMMISSION MEETING
JANUARY 14, 2015 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, January 14, 2015, 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 December 17, 2014 Charter Review Commission Meeting Minutes.
2. Review City Attorney Opinion Memorandum regarding follow up items for Article 5.03, *Appeal* and Article 14.09, *Power of Referendum* and consider any recommendations for amendments thereto.
3. Review public comments submitted regarding Richardson City Charter, Article 5, *Recall of City Council Members* and consider any recommendations for amendments thereto.
4. Review Richardson City Charter, Article 6, *City Manager* and consider any recommendations for amendments thereto.
5. Review Richardson City Charter, Article 7, *City Attorney – Municipal Court* and consider any recommendations for amendments thereto.
6. Review Richardson City Charter, Article 8, *Administrative Departments* and consider any recommendations for amendments thereto.
7. 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, January 9, 2015 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
DECEMBER 17, 2014 MEETING

CALL TO ORDER

Chairman Dubey called the meeting to order at 6:03 p.m. with the following present:

Commissioners Present:

Bob Dubey, Chair
Ron Taylor, Vice Chair
Gerald Bright, Commissioner
Helene Lee, Commissioner
Jason Lemons, Commissioner
Bill McCalpin, 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

**Arrived after the first vote*

1. Consider approval of the November 12, 2014 Charter Review Commission Meeting Minutes.

Commission Action

Commissioner McCalpin moved to approve the Minutes as presented. Commissioner Lemons seconded the motion. A vote was taken and passed, 10-0 with Commissioner Quirk absent for this vote.

2. Review City Attorney Opinion Memorandum regarding follow up items for Articles 9 and 10 – Civil Service.

Commission Action

Sections 9.12 and 10.07 - Commissioner McCalpin moved to remove the term “officer” in Charter Sections 9.12 and 10.07 as recommended in the City Attorney memo to the Commission dated December 8, 2014. Commissioner Murphy seconded the motion. A vote was taken and passed, 11-0.

Section 10.06 - Commissioner Frey moved to change the language “duty of the officer” to “duty of the City Manager or department head, as the case may be” in Charter Section 10.06. Commissioner Wilson seconded the motion. A vote was taken and passed, 11-0.

3. Review Richardson City Charter, Article 5, *Recall of City Council Members* and consider any recommendations for amendments thereto.

Commission Action

Section 5.01 – Commissioner Yaeger moved to approve this section as presented with recommended changes. Commissioner Lemons seconded the motion. A vote was taken and passed, 11-0.

Sections 5.02, 5.03, and 5.04 – Commissioner Murphy moved to approve these sections as presented with recommended changes and the following additional changes. Commissioner Yaeger seconded the motion. A vote was taken and passed, 11-0. It was noted that the City Attorney will review section 5.03 and determine if Collin County should be referenced.

5.02 a. Delete “and/or” as listed in the paragraph three times and replace with “and a” in the first occurrence, replace with “or” in the second occurrence, and replace with “or” in the third occurrence.

5.02 a. Insert the word “the” in the last sentence of the paragraph after the word “for”.

5.02 d. Replace the word “officer” with the word “official” in the third sentence of the paragraph.

5.02 f. Delete the remaining paragraph beginning with the word “however”.

5.04 Shall read “No recall petition shall be filed against the mayor or any councilmember within six (6) months after such person’s election or within three months after an election for such person’s recall, and in no case within three months prior to the expiration of such person’s term of office.”

Recess

Chair Dubey called for a brief recess at 7:47 p.m. He reconvened the meeting at 7:53 p.m.

4. Review Richardson City Charter, Article 14, *Initiative and Referendum* and consider any recommendations for amendments thereto.

Commission Action

Section 14.01 – Commissioner Bright moved to approve this section as presented with recommended changes with the addition that the word “that” be inserted in the first sentence after the word “proposed”. Commissioner Lee seconded the motion. A vote was taken and passed, 11-0.

Section 14.01 – Commissioner Frey moved to add the following language as proposed by the City Attorney to the end of the paragraph. Commissioner Murphy seconded the motion. A vote was taken and passed, 11-0.

“All petition papers comprising an initiative petition shall be assembled and filed with the city secretary as one instrument on the same day.”

Section 14.02 – Commissioner McCalpin moved to approve this section as presented with recommended changes. Commissioner Bright seconded the motion. A vote was taken and passed, 11-0.

Section 14.03 – Commissioner Frey moved to approve this section as presented with recommended changes. Commissioner Lemons seconded the motion. A vote was taken and passed, 11-0.

Section 14.04 – Commissioner Lemons moved to approve this section as presented with recommended changes. Commissioner Frey seconded the motion. A vote was taken and passed, 11-0.

Sections 14.05 and 14.06 – Commissioner Yaeger moved to approve these sections as presented with recommended changes. Commissioner Frey seconded the motion. A vote was taken and passed, 11-0.

Section 14.07 – Commissioner Bright moved to approve this section as presented with recommended changes with the amendment to change the publication requirement from forty-five (45) days to thirty (30) days. Commissioner Lemons seconded the motion. A vote was taken and passed, 11-0.

Section 14.08 – Commissioner Lemons moved to approve this section as presented with recommended changes. Commissioner Frey seconded the motion. A vote was taken and passed, 11-0.

Section 14.09 – Commissioner Bright moved to postpone the review of this section to the next meeting to allow the City Attorney time to rewrite this section with additional clarification. Commissioner McCalpin seconded the motion. A vote was take and passed, 11-0.

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

Commission Action

Chair Dubey announced that the next meeting would be January 14, 2015 to discuss Article 6 – City Manager, Article 7 – City Attorney-Municipal Court, and Article 8 – Administrative Departments.

6. Consider the remaining Schedule of Review for the Charter Review Commission.

Commission Action

The Commission determined to schedule the March 4, 2015 meeting as a Public Hearing. There were no other changes to the remaining schedule.

ADJOURN

With no further business, Commissioner Murphy moved to adjourn the meeting at 9:01 p.m., seconded by Commissioner Lemons. The motion passed unanimously.

Bob Dubey, Chair

ATTEST:

CITY SECRETARY

MEMO

FOR: Richardson Charter Review Commission
FROM: City Attorney, Peter G. Smith
DATE: January 8, 2015
SUBJECT: Section 5.03 and 14.09

Following the Charter Review Commission meeting on December 17, 2014, the Commission postponed action on section 14.09 regarding power of referendum for consideration of a re-write of the section and to provide list of cities and time limits on submission of petition. Also we agreed to review whether Dallas County and/or Collin County should be added to Section 5.03 in regard to the county in which an action should be filed to compel a recall election.

A recall election is considered a special election under the Texas Election Code. It may be ordered by only an authority expressly designated by law. *See Countz v. Mitchell*, 38 S.W.2d 770, 773 (Tex. 1931) ("[W]here the election is a special one, to be called and the time and place fixed by some authority, it is essential to the validity thereof that it be called or ordered by the very authority designated by law and none other."). *See also* TEX. ELEC. CODE ANN. § 1.005(18). An action to compel a recall election would be an action for writ of mandamus to compel the city council to perform a ministerial function (assuming the petition meets the requirements of the Charter). We can find no authority to prohibit the requirement in Section 5.03 that an action to compel a recall election be filed in state district court of Dallas County Texas. The district courts of Dallas County, Texas have jurisdiction to entertain a writ of mandamus to compel the performance of as ministerial act. We can also find no authority that restricting such action to the district courts of Dallas County Texas disenfranchises residents of Richardson within Collin County, Texas.

Set forth below are sample city charter sections governing the Power of Referendum which contain a time period for submission of such a petition. Some city charters do not prescribe a time period for the submission of such petition. The time periods range from 20-40 days after passage of the ordinance or publication of the ordinance for the submission of a petition for referendum.

McKinney

Sec. 133. - Power of referendum.

The voters shall have the power to approve or reject at the polls any ordinance passed by the City Council or submitted by the City Council to a vote of the voters, such power being known as the referendum. However, there is excepted from such power of referendum ordinances making the annual tax levy and bond ordinances authorizing the issuance of bonds. Ordinances submitted to the City Council by initiative petition and passed by the Council without change shall be subject to referendum in the same manner as other ordinances. Within twenty (20) days after the enactment by the City Council of any ordinance which is subject to referendum, a

petition signed by registered voters of the City equal in number to at least twenty-five (25) percent of the number of votes cast at the last regular municipal election, may be filed with the City Secretary, requesting that such ordinance be either repealed or submitted to a vote of the voters.

Plano

Sec. 7.03. Referendum.

Qualified voters of the City of Plano may require that any ordinance or resolution, with the exception of ordinances or resolutions levying taxes, passed by the city council be submitted to the voters of the city for approval or disapproval by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution, or within thirty (30) days after its publication. Said petition shall be addressed, prepared, signed and verified as required for petitions initiating legislation as provided in section 7.02 of this charter and shall be submitted to the person performing the duties of city secretary. Immediately upon the filing of such petition, the person performing the duties of city secretary shall present said petition to the city council. Thereupon the city council shall immediately reconsider such ordinance or resolution and if it does not entirely repeal the same, shall submit it to popular vote as provided in section 7.02 of this charter. Pending the holding of such election such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof.

Carrollton

Sec. 9.13. - General Power of referendum.

Registered voters of the City of Carrollton may require that any ordinance or resolution, with the exception of ordinances or resolutions appropriating money, levying taxes, granting franchises or affecting zoning, passed by the council be submitted to the voters of the city for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution. Said petition must be signed by registered voters of the city equal in number to thirty percent (30%) of the number of votes cast at the last regular municipal election of the city, or five hundred (500), whichever is greater, and each copy of the petition shall have attached to it a copy of the referred ordinance or resolution. Said petition shall be signed, verified, filed, examined, certified, and amended in the manner provided for recall petitions. The petition may consist of one (1) or more copies as permitted for recall petitions. Upon presentation to it of the petition the council shall immediately reconsider such ordinance or resolution and, if it does not entirely repeal the same within a reasonable time not to exceed thirty (30) days after the receipt thereof, shall submit it to popular vote as provided in Section 9.12 of this Charter. Pending the holding of such election, such ordinance or resolution shall remain in effect.

North Richland Hills

Section 2. - Referendum.

Registered, qualified voters of the City of North Richland Hills may require that any ordinance or resolution passed by the city council be submitted to the voters of the city for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution or within thirty (30) days after its publication. Said petition shall be addressed, prepared, signed and verified by oath in the manner and form provided for recall petitions as provided in section 2, Article XV of this Charter, provided, however, the names on such petition shall also be of registered voters and shall be submitted to the person performing the duties of city secretary. Immediately upon the filing of such petition, the person performing the duties of city secretary shall present said petition to the city council. Thereupon the city council shall immediately reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to popular vote at a special election to be held within thirty (30) days thereafter at which the registered, qualified voters of the City of North Richland Hills shall vote on the question of adopting or rejecting within sixty (60) days of the filing of the petition, the question may be voted on at such election. Pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the registered

San Antonio

Sec. 35. - Power of referendum.

The electors shall have power to approve or reject at the polls any ordinance passed by the council save one appropriating money, levying taxes, or fixing public utility rates, or any ordinance submitted by the council of its own initiative to a vote of the electors; provided, however, that the foregoing limitation on ordinances subject to a referendum shall not apply to any ordinances enacted pursuant to the provisions of Article I, Section 3, Paragraph 12 of this Charter. Ordinances submitted to the council by initiative petition and passed by the council shall be subject to the referendum in the same manner as other ordinances. Within forty days after the enactment by the council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least ten per cent of the electors qualified to vote at the last preceding regular municipal election may be filed with the city clerk requesting that any such ordinance be either repealed or submitted to a vote of the electors. In addition to the ordinances excepted above, ordinances zoning or rezoning property shall not be subject to this power.

Denton

Sec. 4.02. - Power of referendum.

The electors shall have power to approve or reject at the polls any ordinance passed by the council or submitted by the council to a vote of the electors, except an ordinance appropriating money, issuing bonds or authorizing the levying of taxes, such power being known as the

referendum. Within twenty (20) days after the enactment by the council of any ordinance which is subject to a referendum, a petition signed by qualified voters of the city equal in number to at least twenty-five percent (25%) of the number of votes cast at the last preceding regular municipal election may be filed with the city secretary requesting that any such ordinance be either repealed or submitted to a vote of the electors.

San Marcus

Sec. 6.02. - Power of referendum.

The people reserve the power to approve or reject at the polls any legislation enacted by the council which is subject to the initiative process under this Charter. Prior to or within thirty days after the effective date of any ordinance which is subject to referendum, a petition by at least ten per cent of the qualified voters of the city may be filed with the city secretary requesting that any such ordinance be either repealed or submitted to the vote of the people. When such a petition has been certified as sufficient by the city secretary, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided. Notwithstanding the foregoing, no zoning district boundary ordinance shall be subject to the referendum process.

Houston

Section 3. Referendum.

If prior to the date when an ordinance or resolution shall take effect, or within thirty days after the publication of same, whichever is later, a petition signed and verified, as required in section 2(a) hereof, by the qualified voters equal in number to ten percent of the total vote cast as calculated in accordance with Article V, Section 10 of this Charter, shall be filed with the City Secretary, protesting against the enactment or enforcement of such ordinance or resolution, it shall be suspended from taking effect and no action theretofore taken under such ordinance or resolution shall be legal and valid. Immediately upon the filing of such petition the City Secretary shall do all things required by section 2(b) of this Article. Thereupon the Council shall immediately reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to popular vote at the next city general election, or the Council may, in its discretion, call a special election for that purpose; and such ordinance or resolution shall not take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof.

Frisco

Section 6.14 Referendum.

Qualified voters of the City may require that any ordinance or resolution, with the exception of ordinances or resolutions appropriating money or levying taxes, passed by the City Council be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution, or within thirty

(30) days after its publication. Said petition shall be addressed, signed, and verified as required for recall petitions in this Article and shall be submitted to the person performing the duties of City Secretary. Immediately upon the filing of such petition, the person performing the duties of City Secretary shall present said petition to the City Council. Thereupon, the City Council shall immediately reconsider such ordinance or resolution and, if the City Council does not entirely repeal the same, shall submit it to popular vote as provided in Section 6.13 of this Charter. Pending the holding of such election, each ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof. Unless otherwise provided by law, any election for a referendum under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65th) day after the petition was presented to the City Council.

Set forth below is suggested re-write of the original text of Section 14.09 as requested.

Section 14.09. - Referendum.

The qualified voters of the city may require that any ordinance enacted by the city council be submitted to the qualified voters of the city for approval or disapproval by filing a petition with the city secretary within ~~If during said~~ thirty (30) days after passage of said ordinance or within thirty (30) days after its publication, whichever is later. Said ~~a~~ petition shall be signed by qualified voters ~~electors~~ of the city equal in number to at least ten (10) percent of the total number of qualified voters on the date of the last regular municipal election. Within ten (10) days after the filing of the petition the city secretary shall examine the same and from the list of qualified voters ascertain whether the petition is signed by the requisite number of qualified voters. If by the city secretary's certificate the petition is shown to be sufficient, the petition ~~of the City of Richardson~~ shall be presented to the city council, the ordinance ~~same~~ shall thereupon be suspended from taking effect ~~going into operation~~, and it shall be the duty of the city council to reconsider such ordinance, and if the same is not entirely repealed~~;~~ the city council shall submit the ordinance ~~as is provided in this Charter~~ to the vote of the qualified voters ~~electors~~ of the city, ~~either~~ at the next uniform general election date or other date allowed by state law. ~~at a special municipal election to be called for that purpose, and~~ ~~s~~Such ordinance shall be suspended from taking effect and shall not later take ~~go into~~ effect ~~or become operative~~ unless a majority of the qualified voters ~~electors~~ voting on the same shall vote in favor thereof. ~~Said petition shall be in all respects in accordance with the provisions of the Charter, except as to the percentage of signers, and be examined and certified by the secretary, and in all respects as therein provided.~~ The power of referendum shall not apply to ordinances levying taxes, appropriating money, authorizing the issuance of bonds, zoning and any ordinance not the proper subject of referendum by the state constitution or state law.



ARTICLE 6. CITY MANAGER

Section 6.01. Appointment.

The council shall appoint a city manager, who shall be the chief administrative and executive officer of the city. The city manager may be appointed without a definite fixed time or the city council may choose to enter into a contract with the city manager for a period not to exceed two (2) years. In any event, the city manager shall be removable at the will and pleasure of the council by a vote of the majority of the entire council. The city manager shall receive such compensation as may be fixed by the council.

Section 6.02. Qualifications.

The city manager shall be chosen by the council solely on the basis of executive and administrative training, experience and ability, and without regard to political consideration. The city manager need not, when appointed, be a resident of the City of Richardson or the State of Texas, but during the tenure of office shall reside in the City of Richardson. No member of the council shall, during the time for which elected, and one (1) year thereafter, be chosen as city manager.

Comment [p1]: The highlighted portion requires the city manager be a resident from day one. Commission may want to revise. Possible change: "but shall be a resident within six (6) months after appointment."

Section 6.03. Absence or disability.

In case of the absence or disability of the city manager, the council may designate some qualified person to perform the duties of the office during such absence or disability.

Section 6.04. Removal.

If the city manager is removed by a vote of the majority of the entire council after serving three (3) months, unless otherwise set out in any contract, the city manager may demand written charges and the right to be heard thereon at a public meeting of the council prior to the date on which the city manager's final removal shall take effect, but pending such hearing the council may suspend the city manager from office. The action of the council in suspending or removing the city manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the council.

Section 6.05. Powers and duties.

The powers and duties of the city manager shall be as follows:

- (a) To make certain that all laws and ordinances are enforced.
- (b) To appoint and remove all ~~heads~~ directors of departments and all subordinate officers and employees of the city except as otherwise provided in this Charter; all appointments to be upon merit and qualifications alone, and in the classified civil service all appointments to be subject to the civil service provision of this Charter. All such

directors of departments shall be immediately responsible to the city manager and may be removed by the city manager at any time.

Comment [p2]: Moved from Section 6.06 below.

- (c) To exercise control over all departments and subdivisions thereof created by the Charter, or that may hereafter be created by the council.
- (d) To make certain that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof to call the same to the attention of the city attorney, whose duty it shall be to take such steps as may be necessary to enforce the same.
- (e) To attend all meetings of the council, with the right to take part in the discussion, but having no vote. The city manager shall be entitled to notice of all special meetings.
- (f) To recommend to the council for adoption such measures as the city manager may deem necessary or expedient.
- (g) To keep the council at all times fully advised as to the financial condition and needs of the city.
- (h) To prepare or cause to be prepared and submitted to the council the annual budget.
- (i) To make certain that the city operates within its budget.
- (j) To execute deeds and to make and execute all contracts on behalf of the city when authorized by ordinance, resolution or motion of the city council.
- (k) To perform such other duties as may be prescribed by this Charter, or by ordinance or resolution of the city council.

Deleted:

Section 6.06. Responsible to the council.

The city manager shall be responsible to the council for the proper administration of all city affairs placed in the city manager's hands, ~~and shall, to that end, appoint and employ all directors of departments and other employees not otherwise provided for in this Charter or by ordinance. Appointments made by the manager shall be on the basis of executive and administrative experience and ability and of training, qualifications and efficiency of such appointees in the work which they are to administer.~~

Deleted: the

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Comment [p3]: This section could be eliminated and remaining text added to section 6.05. The stricken portion was partially covered by section 6.05 above and portion was added to section 6.05.

Section 6.07. Bond of city manager.

The city council shall require the city manager, before entering upon the duties of the office, to execute a good and sufficient bond with a surety company doing business in the State of Texas, and approved by the city council, as surety thereon, said bond to be in such amount as the council may demand, payable to the City of Richardson, and conditioned for the faithful performance of the duties of office; premium of such bond to be paid by the city.

Deleted: All such directors of departments shall be immediately responsible to the city manager and may be removed by the manager at any time

Deleted:

Section 6.08. Investigations.

The council, the city manager or any person or committee authorized by either or both of them shall have power to inquire into the conduct of any department or office of the city, to

make investigations as to city affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence material to said inquiry. The council shall establish by ordinance penalties for contempt in refusing to obey any such subpoenas or failure to produce books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

ARTICLE 7. CITY ATTORNEY—MUNICIPAL COURT

Section 7.01. City attorney.

The city council shall appoint a competent attorney licensed and practicing law in the State of Texas who shall be the city attorney. The city attorney shall receive for services such compensation as may be fixed and approved by the city council, and shall hold office at the pleasure of the city council. The city attorney, or other duly licensed practicing attorneys in the United States selected by the city council, shall represent the city in all litigation and shall serve as the legal advisor of and attorney and counsel for the city. The city attorney may serve as the municipal court prosecutor or may provide a municipal court prosecutor and alternate municipal court prosecutor. The city council may contract with an attorney or with a firm of attorneys who may designate one (1) member of said firm to serve as city attorney.

Comment [p4]: Commission may want to add this sentence. This is consistent with the current practice and with other cities.

Comment [p5]: Added to clarify the appointment powers of the council.

Section 7.02. Municipal court.

There shall be established and maintained a court designated as a municipal court, with all the powers and duties as are now or hereafter may be prescribed by the laws of the State of Texas and the city relating to municipal courts.

Section 7.03. Municipal court judge.

The judge of the municipal court, while in office, shall be a bona fide resident of the City of Richardson, a duly licensed, practicing attorney in the State of Texas, and shall be appointed by the city council for a term of two (2) years, subject to removal by the city council by a vote of two-thirds of the total membership of the city council.

Section 7.04. Alternate municipal court judge.

The city council may appoint an alternate judge or judges of the municipal court, who need not be a resident of the City of Richardson, but must be a duly licensed, practicing attorney in the State of Texas, who shall be appointed by the city council for a term of two (2) years, subject to removal by the city council by a vote of two-thirds of the total membership of the city council.

Section 7.05. Municipal court prosecutor.

The prosecutor of the municipal court, while in office, shall be a bona fide resident of the City of Richardson, a duly licensed, practicing attorney in the State of Texas, and shall be appointed by the city council, subject to removal by the city council by a vote of two-thirds of the total membership of the city council.

Section 7.06. Alternate municipal court prosecutor.

The city council may appoint an alternate prosecutor of the municipal court, who need not be a resident of the City of Richardson, but must be a duly licensed, practicing attorney in the

State of Texas, subject to removal by the city council by a vote of two-thirds of the total membership of the city council.

Section 7.07. Compensation.

The judge, alternate judge, prosecutor and alternate prosecutor shall receive compensation as is approved by the city council.

Section 7.08. Municipal court clerks.

The city manager shall appoint the clerk of the municipal court and the deputy clerks, and said clerks shall each qualify as a notary public and shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court thereto, and generally do and perform any and all acts usually necessary by the clerk of courts in issuing process of said courts and conducting the business thereof.

Section 7.09. General laws—Act cumulative of.

The foregoing sections are hereby declared to be cumulative of any laws that may now or thereafter be passed by the Legislature regulating or increasing the jurisdiction of municipal courts in cities of the grade and size of the City of Richardson.

Comment [p6]: Not necessary to include.

ARTICLE 8. ADMINISTRATIVE DEPARTMENTS

Section 8.01. Creation and control.

The council shall have power by ordinance to establish departments and offices. The council may discontinue any department or office established by ordinance and may prescribe, combine, distribute or abolish the functions and duties of such departments and offices. No administrative department or office created by ordinance shall be established, discontinued or combined until the recommendation of the city manager thereon shall have first been heard by the council. Such departments and offices as may be hereby created shall be placed under the control of the city manager.

Section 8.02. Administrative code.

The city manager shall prepare and submit to the council for its approval and adoption an administrative code and such amendments, from time to time, as are necessary to maintain the administrative code current with regard to the organization, functional operation and such other definitions and delineations of the organization of the city as are required. The administrative code shall include and provide for departments and offices as required by this Charter and other departments and offices created by ordinance. The administrative code shall provide for a director, or other designated officer for each department, the duties and responsibilities of such director or officer and such other matters as shall be necessary for the proper control and management of each department or office of the city. Each director or officer so designated, shall be appointed by the city manager and shall serve until removed by the city manager. The administrative code shall define the organization structure and reporting responsibility of each department or office, ~~and whether~~ to the city manager, deputy or assistant city manager or other director or officer of the city as set out in said administrative code.

Comment [p7]: Remove editor's brackets.

Section 8.03. Responsibility of department directors.

The directors of departments appointed by the city manager shall be immediately responsible to the city manager for the administration of their departments, and their advice in writing may be required by the City Manager on all matters affecting their departments. **They shall prepare departmental estimates, which shall be open to public inspection, and they shall make all their reports and recommendations concerning their departments at stated intervals, or when requested by the city manager.**

Comment [p8]: Commission may want to delete last sentence. Not really needed. It would seem to be generally covered by the first sentence.