

## **REVISED**

### **PLANO CITY COUNCIL**

**WILL CONVENE INTO SPECIAL CALLED SESSION AT 7:00 P.M., NOVEMBER 1, 2004, IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, TRAINING ROOM A, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:**

*Mission Statement: The Purpose of Plano City Government is to facilitate an outstanding quality of life for residents at a reasonable cost in taxes and fees.*

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| I. | Continue Charter Review Discussion and<br>And Consideration of Items for May Election<br>Proposition | Council |
|----|--|---------|

#### **Executive Session**

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| I. | Personnel<br>Evaluation of Council Appointee (Wetherbee) | Council |
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**In accordance with the provisions of the Open Meetings Act, during Preliminary Open Meetings, agenda items will be discussed and votes may be taken where appropriate.**

***Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Avenue L, with specially marked parking spaces nearby. Access and special parking are also available on the north side of building. The Council Chamber is accessible by elevator to the lower level. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.***

## PLANO CITY COUNCIL

**WILL CONVENE INTO SPECIAL CALLED SESSION AT 5:00 P.M., NOVEMBER 1, 2004, IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, TRAINING ROOM A, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:**

*Mission Statement: The Purpose of Plano City Government is to facilitate an outstanding quality of life for residents at a reasonable cost in taxes and fees.*

- I. Continue Charter Review Discussion and Council  
And Consideration of Items for May Election  
Proposition

### **Executive Session**

- I. Personnel Council  
Evaluation of Council Appointee (Wetherbee)

**In accordance with the provisions of the Open Meetings Act, during Preliminary Open Meetings, agenda items will be discussed and votes may be taken where appropriate.**

***Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Avenue L, with specially marked parking spaces nearby. Access and special parking are also available on the north side of building. The Council Chamber is accessible by elevator to the lower level. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.***



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	<b>11/1/04</b>	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Legal		Initials	Date
Department Head	Diane Wetherbee	Executive Director		
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	10/25/04
Agenda Coordinator (include phone #):		<b>Lynne Kemper - 7109</b>		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER				
<b>CAPTION</b>				
Continue Charter Review discussion and consideration of items for May election proposition.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
<b>BALANCE</b>	0	0	0	0
FUND(S):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
PowerPoint Presentation				

*POM1-a*

## ATTORNEY/CLIENT PRIVILEGED COMMUNICATION

**DATE:** October 11, 2004  
**TO:** Honorable Mayor and Members of Council  
**FROM:** Diane C. Wetherbee, City Attorney *DW*  
**SUBJECT:** Charter Review Follow up

This memo provides an overview of the items to be discussed at your November 1, 2004 meeting. You will also be able to add any other Charter items you wish to be discussed at that meeting.

First, is a summary of the items from the last meeting that I understood you agreed to include as ballot issues. These are: revising the statute of limitations for claims against the City (section 11.06); publication of franchise caption in lieu of entire ordinance (sections 10.02 and 10-A.02); revising language of City powers to remove "be sued" provision (section 2.01); and, deleting requirement that officials and appointees be owners of taxable property (sections 3.02 and 4.07).

Other items that you identified for further discussion are:

**1. Whether to extend Council terms to three years?**

Under the Texas Constitution, offices for terms of more than two years are subject to certain requirements. First, an announcement for any office is deemed a resignation of the current office if more than a year is remaining on their term. The election must be held within 120 days of the vacancy. That outcome is more restrictive than the Charter [sec. 3.01(c)] which only limits resignation for an announcement to elective Plano offices. It also requires that any vacancy be filled by special election thereby eliminating your initial appointment for the first vacancy.

If you choose to include this provision, you should also state when it will be effective.

**2. Whether the Council should be expanded to nine members?**

If the Council chooses to include this proposition on the ballot, it should also decide when that would occur and if the additional place is an at large or district place. If it is a district place, the boundaries need to be readjusted to create balanced districts. This could result in the displacement of current Councilmembers as a result of any realignment of boundaries.

*1-b*

**3. Number of signature requirements for a petition for a recall, initiative, or referendum.**

The Council should decide the minimum number for signatures that must be met for a valid petition, giving due consideration that these processes are considered the right of a citizen; however, you may place reasonable requirements on the same.

**4. Personnel of Municipal Judge and City Attorney are accountable for all purposes to their respective appointees.**

The Charter provides that associate judges serve at the pleasure of the Municipal Judge. Assistant Attorneys are hired by the City Attorney and confirmed by Council. However, the Charter provides that the City Manager may appoint or remove any person not appointed by the Council. Section 4.01(C). This inconsistency should be resolved as well as address staff of the appointees reporting accountability.

If there are any other items or clarification needed, please let me know. Attached is the power point slide that will be used to address these items.

DW/lk  
Attachment

- c: Thomas H. Muehlenbeck, City Manager (w/attach)
- Warren Spencer, Police Legal Advisor (w/attach)
- Meichihko Proctor, Assistant City Attorney (w/o attach)

# City Council Charter Review

Follow-Up Discussion  
November 1, 2004

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## Agreed Upon Items

- Delete in § 2.01 the "right to be sued" language.
- Revise section 11.06 so the limitations issue is consistent with state law.
- Remove requirement for elected officials/candidates and appointed officials to be owners of taxable property in order to eligible for office. (Sections 3.02 and 4.07)
- Limit publication to franchise caption only. (Secs. 10.02 and 10A-2)

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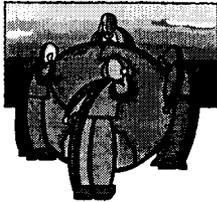
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## Items for More Discussion



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### Extend Council term to three years?

- For office holders whose term exceeds two years, vacancies must be filled by special election. (Tex. Const. Art. 11, sec. 11). Council loses ability to use appointment process in section 3.06 of Charter.
- An elected official serving a three year term with more than a year remaining automatically resigns office once he announces his candidacy for any other office. This is more restrictive than 3.01 (e) of the City Charter.
- When should this be effective?

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### Referendum, Recall & Initiative

- What is appropriate number of signatures for a petition?
- Should it be a fixed amount or a percentage of registered voters- whichever number is greater?

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### Municipal Judge/City Attorney

- Should the Charter be revised to provide that all personnel in the departments of the Municipal Judge and City Attorney are accountable to and report to that appointee for all purposes?

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## Council Members

- Should the number of council members be increased?
- Will this additional member be an at large place or district assigned place? If district assigned place, this will result in a need to realign boundaries so they are balanced.
- When would this be effective?

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