

2019 Forney Charter Commission **Recommended Amendments**

The members of the 2019 Charter Commission were:

Weldon Bowen – Chairman
Andy Parker – Vice Chairman
Mayor Pro Tem Shaun Myers
Councilmember David Johnson
Councilmember Mike Thomas
Roger Cross
Wende Hawthorne
Rodney Vike
Joe Dan McBeth
Gary Murrey
Non-Voting – Tony Carson, Jon Thatcher

Article 1. Form of Government and Boundaries

- **Section 1.04 – Annexation or Disannexation**
 - Remove the following language from subsection (1), “with or without the consent of the owners of the land in the territory or the voters who reside in the territory...”. The City no longer has the authority to initiate involuntary annexations.

Article 2. Powers of the City

- **Section 2.04 – Specific Powers and Enabling Authority**
 - Delete subsection (1) as being redundant with subsection (2) for clarity purposes. Format to remove subsection number.

Article 3. The City Council

- **Section 3.01 – Number, Selection and Term**
 - Remove last sentence, “All members of the City Council, including the Mayor, holding office at the time of passage of this Charter shall continue to hold their respective places and offices until their respective terms of office for which they were elected expire.” This sentence was necessary as transition language when the charter was first amended and is no longer necessary.
- **Section 3.02 – Council Qualifications**
 - Amend to reference City Council qualifications in Article V. Replace with the following, “In addition to any other qualification prescribed by law, the Mayor and each City Council Member shall meet the qualifications set forth in Section 5.02 of this Charter while in office. If any City Council Member fails to maintain the qualifications, or shall be absent from three consecutive regularly scheduled meetings without explanation acceptable to a

majority of the remaining City Council Members, the City Council shall at its next regular meeting declare a vacancy to exist and shall fill said vacancy as set forth in Section 3.05 of this Charter.”

- **Section 3.04 – Mayor and Mayor Pro-Tem**
 - Change terminology of describing the Mayor as “the official head” to the “chairman” of the City government.
 - Change the last phrase of paragraph 2 of the section from “with all of the powers conferred upon the Mayor” to “with all of the duties conferred upon the Mayor.”
- **Section 3.05 – Forfeitures and Vacancies**
 - Delete paragraph 2 as being repetitive with Section 3.02 regarding absences from regular public meetings.
- **Section 3.06 – Specific Enumerated Powers of the City Council**
 - Remove the language from subsection (b) “and Clerks of the Municipal Court.” This will give the authority to appoint Clerks of the Court to the City Manager or his designee.
 - Amend subsection (g) to read as the following, “Inquire into the conduct of any office, department or agency of the City and make investigation as to municipal affairs upon the action of a majority of the full City Council.” This defines the term “collectively.”
 - Remove subsection (k) regarding vehicles for hire. The state has recently passed legislation that preempts cities from regulating certain aspects of vehicles for hire such as Lyft and Uber.
- **Section 3.11 – Passage of Ordinances in General**
 - Remove the term “printed” from the 4th paragraph to allow for the provision of the ordinances to Council Members in digital or other form rather than just by hard copy.
- **Section 3.12 – Codification**
 - Remove the language “placed in libraries,” regarding the location of hard copies of the City’s Code of Ordinances since it is readily available online.

Article 4. City Administration

- **Section 4.01 – City Manager**
 - Remove the requirement that the Council approve a formal resolution to remove the City Manager from paragraph 3. It would read “...and may be removed ~~by resolution~~ at the discretion of the Council by a majority vote of its members.”
- **Section 4.03 – Municipal Court**
 - Include the requirement that the Judge shall be a competent and duly qualified and licensed attorney, practicing law in the State of Texas.
 - Include that the compensation of the Judge shall be set by the City Council.

Article 5. Nominations and Elections

- **Section 5.01 – City Elections**

- Amend subsection (4) to allow for elections to be conducted by the County Election Office rather than by judges appointed by the Council. “...by election officials appointed by the City Council or as allowed by state law.”

- **Section 5.02 – Filing for Office**

- Add subsection (g) to the qualifications to include the following language, “The office of an incumbent elected City official shall become vacant when the person holding such office files an application to have his or her name placed on an official ballot as a candidate for any elective public office other than the one such person holds, unless otherwise prohibited by law.”

Article 6. Initiative, Referendum and Recall

- **Section 6.01 – General Authority**

- Add the following language to the end subsection (3), “...subject to the procedures in this Article.”

- **Section 6.05 – Presentation of Petitions**

- Amend subsection (1) to require an increase of signatures on a petition for an initiative or referendum from 10% of those qualified voters who voted in the last general municipal election, or one hundred, whichever is greater, to 10% or 200, whichever is greater.
- Amend subsection (2) to require an increase of signatures on a petition for a recall from 20% of those qualified voters who voted in the last general municipal election, or two hundred, whichever is greater, to 20% or 400, whichever is greater.

- **Section 6.07 – Certification of Petitions and Presentations to the City Council**

- Amend subsection (1) to state that the City Secretary shall have ten business days to complete the certificate of sufficiency or insufficiency after the presentation of a petition.
- Amend subsection (3) to change “working” days to “business” days.

Article 7. Financial Procedures

- **Section 7.02 – Submission of Budget and Budget Message**

- Change the date of submission of the budget to the City Council from August 1st to the 15th to allow for the City Manager to submit a budget with the correct tax rate information from the Central Appraisal District.

- **Section 7.05 – Public Hearing on Budget**

- Include the language, “or other manner as allowed by state law” after “...published in the official newspaper of the City,”.

- **Section 7.09 – Amending the Budget**
 - Remove the term “elected” from “the full elected membership” to allow for the participation of a Council Member who may be sitting as an appointed Council Member.
- **Section 7.14 – Borrowing**
 - Remove the term “elected” from subsection (3) requiring the “...affirmative vote of at least five of the elected members of the City Council...”.

Article 8. Boards and Commissions

- **Section 8.01 – Authority, Composition and Procedures**
 - Amend subsection (5) to read as follows: “Any member of a board, commission or committee who fails to maintain the qualifications or who shall be absent from three consecutive regular meetings or from 25% of the regularly scheduled meetings during a 12-month period without explanation acceptable to a majority of the other members shall forfeit his position on the board, commission or committee.

Article 11. General and Transitional Provisions

- Change Article name to General Provisions, removing the term, “and Transitional.”
- **Section 11.05 – Prohibitions and Penalties**
 - Update the list of protected classes in subsection (1) to read as follows, “...because of race, gender, age, national origin, political or religious opinions or affiliations, disability and sexual orientation.”
- **Section 11.16 – Schedule of Transition**
 - Delete as unnecessary.
- **Section 11.17 – Officers and Employees**
 - Delete as unnecessary.
- **Section 11.18 – Pending Matters**
 - Delete as unnecessary.

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Minutes
Forney Charter Commission
Tuesday, October 29, 2019
6:30 p.m. Meeting
City Hall, 101 Main Street, Forney, Texas 75126

I. CALL TO ORDER

City Attorney Jon Thatcher called the meeting to order at 6:30 p.m. Present at this meeting was Weldon Bowen, Andy Parker, Roger Cross, Joe Dan McBeth, Council Member Mike Thomas, Council Member Shaun Myers and Council Member David Johnson. Rodney Vike arrived at 7:00 p.m. Also present was City Manager Tony Carson. Not present was Gary Murrey.

II. ACTION ITEMS

1. Discuss and consider appointing a Chairman and Vice Chairman to the Charter Commission.

The Charter Commission discussed and called for nominations of Chairman to serve during the term of the Charter Commission. Andy Parker made the motion to approve the appointment of Weldon Bowen as Chairman of the Charter Commission. Council Member Mike Thomas seconded the motion. The motion passed unanimously.

Nominations were called for to appoint a Vice Chairman of the Commission. Council Member Mike Thomas made the motion to approve the appointment of Andy Parker as Vice Chairman. Council Member David Johnson seconded the motion. The motion passed unanimously.

2. Discuss and consider any necessary action on recommendations to the City Council for the City Forney Home Rule Charter.

The Charter Commission engaged in general discussion about the Home Rule Charter for the City of Forney. There was no action taken.

III. ADJOURNMENT

There being no further business or discussion by the Charter Commission, Council Member David Johnson made the motion to adjourn the meeting. Joe Dan McBeth seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 8:30 p.m.

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Minutes
Forney Charter Commission
Tuesday, November 12, 2019
6:30 p.m. Meeting
City Hall, 101 Main Street, Forney, Texas 75126

I. CALL TO ORDER

Chairman Weldon Bowen called the meeting to order at 6:30 p.m. Present were Chairman Weldon Bowen, Vice-Chairman Andy Parker, Roger Cross, Joe Dan McBeth, Gary Murrey, Wende Hawthorne, Council Member Mike Thomas, Council Member, Shaun Myers and Council Member David Johnson. Not present was Rodney Vike.

II. ACTION ITEMS

1. Discuss and consider any necessary action on recommendations to the City Council for the City Forney Home Rule Charter.

The Charter Commission engaged in general discussion about the Home Rule Charter for the City of Forney.

Following a discussion about Council Member term length, a motion was made by Council Member Shaun Myers to recommend keeping the term length at 2 years. Joe Dan McBeth seconded the motion. The motion passed unanimously.

Following a discussion about term limits for Council Members, a motion was made by Joe Dan McBeth to recommend no addition of term limits. Wende Hawthorne seconded the motion. The motion passed unanimously.

The Commission discussed Section 3.02 and what would constitute an absence "without valid excuse." Vice Chairman Andy Parker made the motion to recommend amending the language of Section 3.02 to clarify the how an absence would be considered excused or not from City Council meetings. Council Member David Johnson seconded the motion. The motion passed unanimously.

The Commission discussed the necessity of Section 3.06(k) regarding the regulation of vehicles for hire. Joe Dan McBeth made the motion to recommend deleting this section. Council Member Mike Thomas seconded the motion. The motion carried unanimously.

III. ADJOURNMENT

There being no further business or discussion by the Charter Commission, Council Member Johnson made the motion to adjourn the meeting. Roger Cross seconded the motion. The motion passed unanimously. The meeting adjourned at 8:30 p.m.

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Minutes
Forney Charter Commission
Tuesday, November 21, 2019
6:30 p.m. Meeting
City Hall, 101 Main Street, Forney, Texas 75126

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I. CALL TO ORDER

Chairman Weldon Bowen called the meeting to order at 6:30 p.m. Present were Chairman Weldon Bowen, Roger Cross, Joe Dan McBeth, Gary Murrey, Wende Hawthorne, Rodney Vike and Council Member Shaun Myers. Not present were Vice Chairman Andy Parker, Council Member Mike Thomas and Council Member David Johnson.

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II. ACTION ITEMS

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1. Discuss and consider any necessary action on recommendations to the City Council for the City Forney Home Rule Charter.

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The Charter Commission engaged in general discussion about the Home Rule Charter for the City of Forney.

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Following a discussion about changing the regular election day for City elections, Gary Murrey made a motion to table the discussion on moving the regular elections to November until the next Charter Commission meeting to allow for additional thought and research by City staff. Joe Dan McBeth seconded the motion. The motion passed unanimously.

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Following a discussion about the number of signatures needed on a petition for recall, initiative or referendum, a motion was made by Rodney Vike to recommend increasing the number of signatures for a petition for initiative or referendum to the greater of 10% of those that voted in the last general Municipal election or 200 and for a petition for recall to the greater of 20% of those that voted in the last general Municipal election or 400. Wende Hawthorne seconded the motion. The motion passed unanimously.

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III. ADJOURNMENT

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There being no further business or discussion by the Charter Commission, Joe Dan McBeth made the motion to adjourn the meeting. Rodney Vike seconded the motion. The motion passed unanimously. The meeting adjourned at 8:45 p.m.

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Minutes
Forney Charter Commission
Tuesday, December 10, 2019
6:30 p.m. Meeting
City Hall, 101 Main Street, Forney, Texas 75126

I. CALL TO ORDER

Chairman Weldon Bowen called the meeting to order at 6:30 p.m. Present were Chairman Weldon Bowen, Vice Chairman Andy Parker, Roger Cross, Joe Dan McBeth, Wende Hawthorne, Council Member Shaun Myers, Council Member David Johnson and Council Member Mike Thomas. Not present were Gary Murrey and Rodney Vike.

II. ACTION ITEMS

1. Discuss and consider any necessary action on recommendations to the City Council for the City Forney Home Rule Charter.

The Charter Commission engaged in general discussion about the Home Rule Charter for the City of Forney.

Following a discussion about changing the regular election day for City elections the Commission gave direction to keep the elections in May of each year. The Commission discussed removing all transitional provisions of the Charter from its inception since they are no longer relevant. Following this discussion, Joe Dan McBeth made a motion to approve the report upon final drafting by the City Attorney. Vice Chairman Andy Parker seconded the motion. The motion passed unanimously.

The report will be presented to the City Council upon completion for consideration by the City Council in January 2020.

III. ADJOURNMENT

There being no further business or discussion by the Charter Commission, Council Member David Johnson made the motion to adjourn the meeting. Council Member Shaun Myers seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:30 p.m.