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# Charter Review Commission 2024/2025

City Council Workshop Presentation  
January 27, 2025



# Charter Commission Members

- The City Council appointed the following members on July 15, 2024
  - Dean Ueckert
  - Steve Southwell
  - Russ Kerbow
  - James McClinton
  - Guy Harris

# Duties of the Commission (Section 11.22)

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Inquire into the effectiveness of the city charter and determine whether any charter provisions require revision. To this end public hearings may be held.

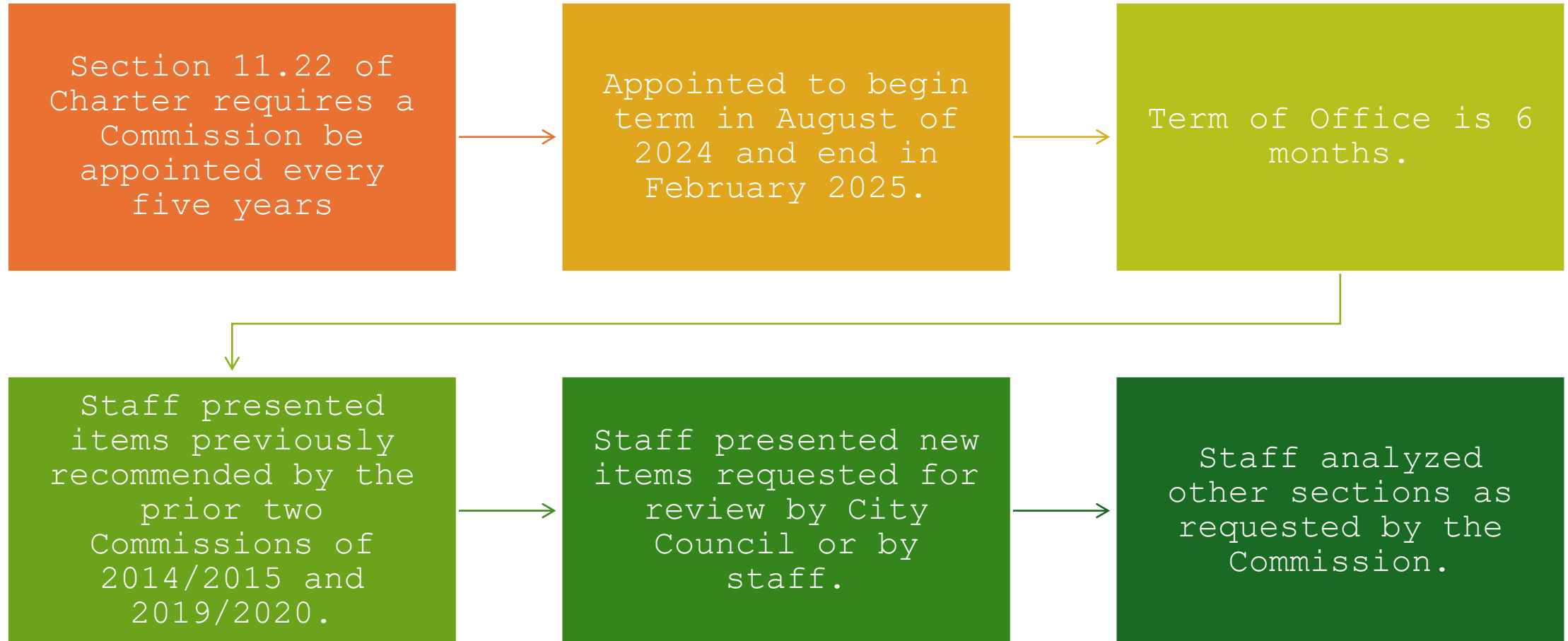


Propose, if it deems desirable, amendments to this charter to improve the effective application of said charter to current conditions.



Report its findings and present its proposed amendments, if any, to the City Council.

# Commission Process



# The City of Lewisville Home Rule Charter

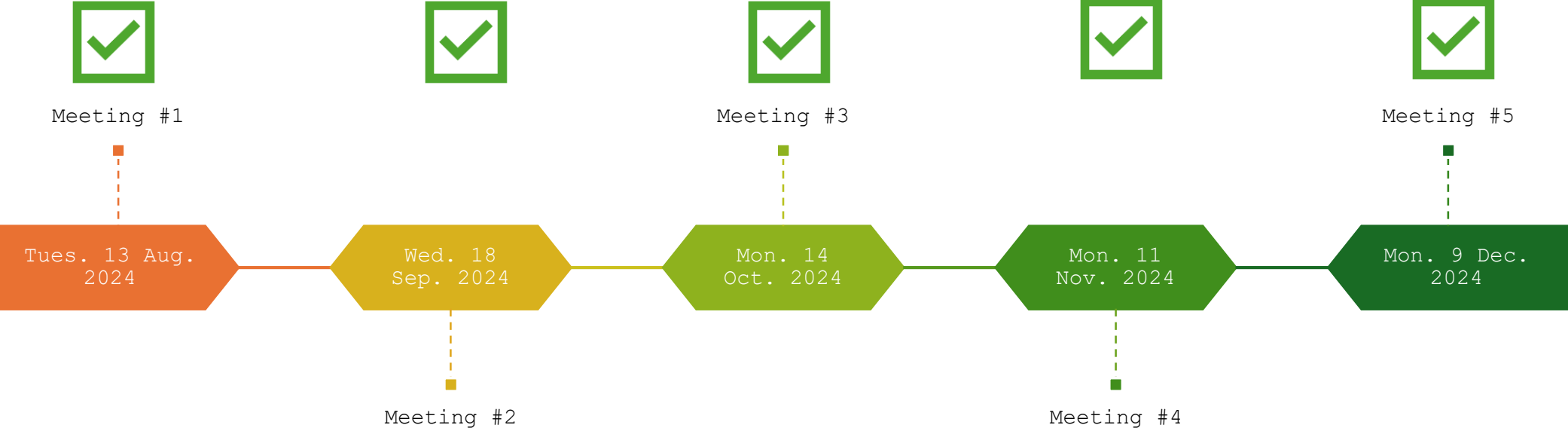
Adopted by referendum on January 29, 1963  
and addresses:

- Form of Government & Boundaries
- Powers of the City
- The City Council
- Administrative Services (roles such as City Manager)
- Elections
- Recall, Initiative, and Referendum
- Planning & Zoning
- Finance
- Franchises & Public Utilities
- General Provisions (including this Commission)








# Previous Charter Elections


- Charter Elections called four times since 2000
- 2001 – 9 propositions, all passed
- 2004 – 13 propositions, all passed
- 2017 – 2 propositions, both passed
  - Council vacancies 78%
  - Residential districts 81%
- 2021 – 4 propositions, 3 passed
  - Council size 85%
  - Budget language 74%
  - Powers of Council 65%
  - Planning Commission eligibility 46%

# Charter Review Commission Meetings



# Topics Considered by the 2025 Charter Commission

- 3.04 Council compensation
- 3.07 (s) Powers of the council - contractor bonding
- 3.10 Rules of procedure - council exercise of power 
- 3.11 (a) Procedures for passage of ordinances 
- 4.03 City secretary 
- 4.07 Other departments - role clarity between council and management 
- 5.03 Filing for office - review fees and procedures 
- 9.24 Taxes; when due and payable - remove reference to city tax assessor
- 9.25 - Tax liens; remove reference to city tax assessor 
- 11.22 Charter commission size 

 Indicates new topics not considered by recent prior commissions

Indicate topics included in recommendations to Council



# Topics Recommended for 2025 Charter Election

1

3.04 Council compensation

2

3.11 (a) Procedures for passage of ordinances

3

4.03 City secretary

4

5.03 Filing for office - petition

5

11.22 Charter commission size

6

Correction ballot language - addresses 3.10, 4.07, 9.24, and 9.25

# 1

# City Council Monthly Compensation

CITY	MAYOR	COUNCIL	NOTES	CITY POPULATION
Coppell	\$0	\$0	No compensation aside from meals or conference expense	43,190
Mesquite	\$100	\$50		146,132
Arlington	\$250	\$200		394,992
Carrollton	\$375	\$200		134,083
Flower Mound	\$300	\$200		81,270
Grapevine	\$498	\$258		52,283
McKinney	\$450	\$350	2024 proposing an increase via charter election	214,810
Allen	\$625	\$375		117,565
Richardson	\$433	\$433		118,281
Frisco	\$850	\$700		236,432
Garland	\$1,043	\$708		236,258
Denton	\$1,000	\$750		159,609
Irving	\$1,200	\$900		252,564
Grand Prairie	\$1,333	\$917		207,408
Plano	\$2,000	\$1,000		292,706
Fort Worth	\$2,417	\$2,083	Considered Part-Time Employee	989,842
Dallas	\$5,000	\$3,125	2024 proposing an increase via charter election; Full-Time Employee	1,295,447
<b>17 City Monthly Average</b>	<b>\$1,051</b>	<b>\$721</b>		<b>292,522</b>
<b>15 City Monthly Average (no Dallas/Ft Worth)</b>	<b>\$697</b>	<b>\$469</b>		<b>179,172</b>
<b>Lewisville</b>	<b>\$100</b>	<b>\$100</b>		<b>136,002</b>
<b>17 City Percentage Difference</b>	<b>-951.44%</b>	<b>-620.57%</b>		
<b>15 City Percentage Difference (No Dallas/Ft Worth)</b>	<b>-597.19%</b>	<b>-369.42%</b>		

Data Collected September 2024

# 1 3.04 Compensation

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- **Current Language:** The mayor and members of the city council of Lewisville shall each receive compensation in the sum of \$50.00 for each meeting of the city council which they attend; they shall also be entitled to reimbursement of and for necessary expenses incurred in the performance of their official duties, when approved by the council.
- **Issue:** Pay set in 2004 with no methodology for increasing pay, lags other cities.
- **Proposed Language:** The mayor of the city council of Lewisville shall receive compensation in the sum of \$400.00 per month and the members of the city council of Lewisville shall each receive compensation in the sum of \$300.00 per month ~~\$50.00 for each meeting of the city council which they attend.~~ The mayor and members of the city council of Lewisville they shall also be entitled to reimbursement of and for necessary expenses incurred in the performance of their official duties, when approved by the council.

## 2

# Current Ordinance Practice

- Example:
  - *Consideration of an Ordinance of the City Council of the City of Lewisville, Texas, Amending the Previously Adopted and Approved Budget Ordinance for the Fiscal Year October 1, 2023 to September 30, 2024; By Providing Supplemental Appropriations to Various Funds; Providing an Effective Date; and Declaring an Emergency.*
- Council declares an emergency, as construed by Charter, in order to conduct business in a timely fashion.
- Taking each item for three (3) readings adds a minimum of one (1) month of additional wait time for each ordinance or necessitate adding two special Council meetings for each ordinance.

2

## 3.11 Procedures for passage of ordinances – Comparison Cities

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88%

One (1)  
reading\*

to pass an  
ordinance

12%

Two (2)  
readings

to pass an  
ordinance

0%

Three (3)  
readings

to pass an  
ordinance

*\*Common for franchise agreements to require two readings, which our charter already requires in*

## 2

# 3.11 Procedures for passage of ordinances

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- City of Lewisville is the only one of 18 cities that prescribes three (3) readings
- Our emergency clause is unique to us and the two (2) cities who still require multiple readings
- Presumably, our three (3) reading language was created to assure proper notice
- The Lewisville Charter was created in 1963. Lewisville three (3) reading language was part of the original Charter, predating Texas statutory changes under the Texas Open Meetings Act
- "The Open Meetings Act...was adopted to help make governmental decision-making accessible to the public. It requires meetings of governmental bodies to be open to the public, except for expressly authorized closed sessions, and to be preceded by public notice of the time, place, and subject matter of the meeting." - *Texas Attorney General, Open Meetings Act Handbook 2024*
- The Texas Open Meetings Act was adopted in 1967, substantially revised in 1973, and codified as Government Code Section 551 in 1993
- Government Code Section 551 now requires
  - Written notice of all meetings of the governmental body
  - 72-hour notice requirements
  - Notice must be sufficient to apprise the general public of the subjects to be considered
- 551.045 specifies when emergency exceptions can be made to the 72-hour notice

## 2

# 3.11 (a) Procedures for passage of ordinances

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- **Current Language:** The city council shall legislate by ordinance, and the enacting clause of every ordinance shall be, "Be it Ordained by the City Council of the City of Lewisville, Texas:". The city attorney shall approve all ordinances adopted by the council, as to the legality thereof, or shall file with the city secretary his written legal objections thereto. Evidence of approval of an ordinance by the city attorney may be by notation on the ordinance itself, or by separate paper or instrument. Every ordinance enacted by the council shall be signed by the mayor, mayor pro-tem, or by two councilmen, and shall be filed with and recorded by the city secretary. Except as otherwise herein specifically provided, the descriptive caption of all ordinances shall be read in open meeting of the council on three (3) several days. All ordinances shall take effect immediately upon final passage thereof. However, the requirements for reading ordinances on three (3) several days may be dispensed with, where an ordinance relating to the immediate preservation of the public peace, health, safety, or public welfare is adopted by the favorable vote of 5/6 of the six (6) councilmen mentioned under section 3.01 above, qualified and serving, and contains a statement of the nature of the emergency.
- **Issue:** Align with state law and remove language regarding City Council's consideration of ordinances in 3.11(a). The Open Meetings Act notice provision addresses 72-hour notice, noticing locations, and emergency meetings provisions.
- **Proposed Language:** The city council shall legislate by ordinance, and the enacting clause of every ordinance shall be, "Be it Ordained by the City Council of the City of Lewisville, Texas:". The city attorney shall approve all ordinances adopted by the council, as to the legality thereof, or shall file with the city secretary his written legal objections thereto. Evidence of approval of an ordinance by the city attorney may be by notation on the ordinance itself, or by separate paper or instrument. Every ordinance enacted by the council shall be

# 3 4.03 City secretary

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- **Current Language:** The city council shall appoint the city secretary. The city secretary shall give notice of council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his signature and record in full a book kept and indexed for the purpose, all ordinances, resolutions, and shall perform such other duties as the city council shall assign to him, and those elsewhere provided in this charter.
- **Issue:** On September 9, 2024, the City Council declared that "effective immediately the City Secretary shall be under the direction and supervision of the City Manager or her designee. The City Secretary shall be responsible to the City Manager or her designee for the administration of the City Secretary Department. The City Secretary shall prepare such reports and recommendations concerning the City Secretary Department when requested by the City Manager or her designee and shall perform such other duties as may be assigned from time to time by the City Manager or her designee."
- **Proposed Language:** The city ~~council~~ manager shall appoint the city secretary. The city secretary shall give notice of council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his signature and record in full a book kept and indexed for the purpose, all ordinances, resolutions, and shall perform such other duties as the city ~~council~~ manager shall assign to him, and those elsewhere provided



# 4 5.03 Filing for office

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- **Current Language:** Any person having the qualifications set forth for councilman under section 3.02 of this charter shall have the right to file an application to have his name placed on the official ballot as a candidate for any elective office, and such application in writing, signed by such candidate and accompanied by his loyalty affidavit, as prescribed by the Texas Election Code shall entitle such applicant to a place on the official ballot. Each such person filing his application to have his name placed on the official ballot shall, in his application, specify the place for which he desires to become a candidate.
- **Issue:** Some members of the council are interested in reviewing filing fees, petition in lieu of filing fees, and ethics commission status options.
- **Proposed Language:** Any person having the qualifications set forth for mayor or councilman under section 3.02 of this charter shall have the right to file an application, in writing, to have his name placed on the official ballot as a candidate for any elective office., ~~and sSuch application in writing, signed by such candidate and shall be accompanied by his loyalty affidavit~~ a petition, signed by qualified voters of the city eligible to vote for the candidate, equal in number to the number of signatures required for a candidate petition by the Texas Election Code, as amended, ~~as prescribed by the Texas Election Code shall entitle such applicant to a place on the official ballot.~~ Each such person filing his application to have his name

# 4 5.03 Filing for office

Requirements of Texas Election Code Sec. 143.005. APPLICATION FOR HOME-RULE CITY OFFICE

- A **petition only** may be required; however, the charter provision should track state law, which requires a minimum number of signatures of either 25 or one-half of one percent of the total vote received in the territory for which the office is elected by all candidates for mayor in the most recent general election (*Tex. Elec. Code Ann. § 143.005(d)*)
- A **filing fee** may be required but the charter provision must include an alternative procedure to the fee requirement (*Tex. Elec. Code Ann. § 143.005(c)*)
- A **petition in lieu of a filing fee** may be required; however, the charter provision should track state law, which requires a minimum number of signatures of either 25 or one-half of one percent of the total vote received in the territory for which the office is elected by all candidates for mayor in the most recent general election (*Tex. Elec. Code Ann. § 143.005(d)*)

Specific citations from *Tex. Elec. Code Ann. § 143.005*:

*(c) If a city charter requires candidates to pay a filing fee, the amount of the fee and an alternative procedure to payment of the fee shall be prescribed by the charter or by ordinance under charter authorization. However, if an ordinance prescribing an alternative procedure to payment of a filing fee is adopted before the effective date of this code without charter authorization, the ordinance, as it exists on the effective date of this code, continues in effect until the adoption of a charter provision prescribing an alternative procedure or authorizing prescription of an alternative procedure by ordinance.*

*(d) For any petition required or authorized to be filed in connection with a candidate's application for a place on the ballot for an office of a home-rule city, the minimum number of signatures that must appear on the petition is the greater of:*

## 4 5.03 Filing for office

### Comparison cities:

- 5 Requires a filing fee or petition in lieu of filing fee
- 5 Requires a petition only
- 7 No filing fee or petition

The Commission preferred the petition-only option

### Petition-only practical implication:

- One half of one percent of the total votes received in the most recent Lewisville Mayoral race is  $5,205 \times .005 = 26.025$ , rounds up to 27
- The greater of 25 and Mayoral number = minimum of 27 signatures

# 4 5.03 Filing for office

- **Current Language:** Any person having the qualifications set forth for councilman under section 3.02 of this charter shall have the right to file an application to have his name placed on the official ballot as a candidate for any elective office, and such application in writing, signed by such candidate and accompanied by his loyalty affidavit, as prescribed by the Texas Election Code shall entitle such applicant to a place on the official ballot. Each such person filing his application to have his name placed on the official ballot shall, in his application, specify the place for which he desires to become a candidate.
- **Issue:** Some members of the council are interested in reviewing filing fees, petition in lieu of filing fees, and ethics commission status options.
- **Proposed Language:** Any person having the qualifications set forth for mayor or councilman under section 3.02 of this charter shall have the right to file an application, in writing, to have his name placed on the official ballot as a candidate for any elective office., ~~and sSuch application in writing, signed by such candidate and shall be accompanied by his loyalty affidavit a~~ petition, signed by qualified voters of the city eligible to vote for the candidate, equal in number to the number of signatures required for a candidate petition by the Texas Election Code, as amended, ~~as prescribed by the Texas Election Code shall entitle such applicant to a place on the official ballot.~~ Each such person filing his application to have his name

# 5 11.22 Charter Commission Size

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- **Issue:** Should any boards or commissions have their size adjusted to match or exceed the size of City Council?
- **Current Language:** The city council shall appoint at its first regular meeting in July of 2009, and every fifth year thereafter, a charter review commission of five (5) citizens of the City of Lewisville.
- **Proposed Language:** The city council shall appoint at its first regular meeting in July of 2009, and every fifth year thereafter, a charter review commission of ~~five~~ **seven (7)** ~~(5)~~ citizens of the City of Lewisville.

# 6 Correction Ballot Language

**Possible language:** *The Lewisville City Charter be amended throughout to correct non-substantive errors such as **punctuation and grammar**; **harmonize conflicting sections**; **update gendered language**; and **eliminate references to position titles that no longer exist**.*

- Addresses multiple corrections on the Commission's list, specifically including:
  - **Punctuation and grammar** - approximately 385 corrections including
    - Add needed commas including consistent use of the Oxford comma; Remove unnecessary commas and spaces; Add and remove hyphens; remove parentheses; Add "and", "the", "from", "of", "that"; Consistent capitalization.
  - **3.10 Rules of procedure** - council exercise of power; Resolve inconsistency in number of council members required to exercise power. Edit of 3.10 will clarify that, per 3.01, the exercise of any power requires "an affirmative vote of at least four (4) councilmembers with the mayor having no vote except as provided in section 3.01b of this charter."
  - **4.07 Other departments** - role clarity between council and management; Resolve inconsistency in number of councilmembers required to exercise power. Edit of 3.10 will clarify that, per 3.01, the exercise of any power requires "an affirmative vote of at least four (4) councilmembers with the mayor having no vote except as provided in section 3.01b of this charter."
  - **9.24 & 9.25** - remove references to city tax assessor
  - **Gendered language:** would remove or replace 14 uses of "he", 29 uses of "his", 8 uses of "him", and 5 uses of "councilman." Replacing language would include "mayor", "council member", "city manager", "chief of police", "city attorney", "city secretary", "clerk", "they", "their," or "them" and remove section 11.09 language

# Topics Recommended for 2025 Charter Election

1

3.04 Council compensation

2

3.11 (a) Procedures for passage of ordinances

3

4.03 City secretary

4

5.03 Filing for office - petition

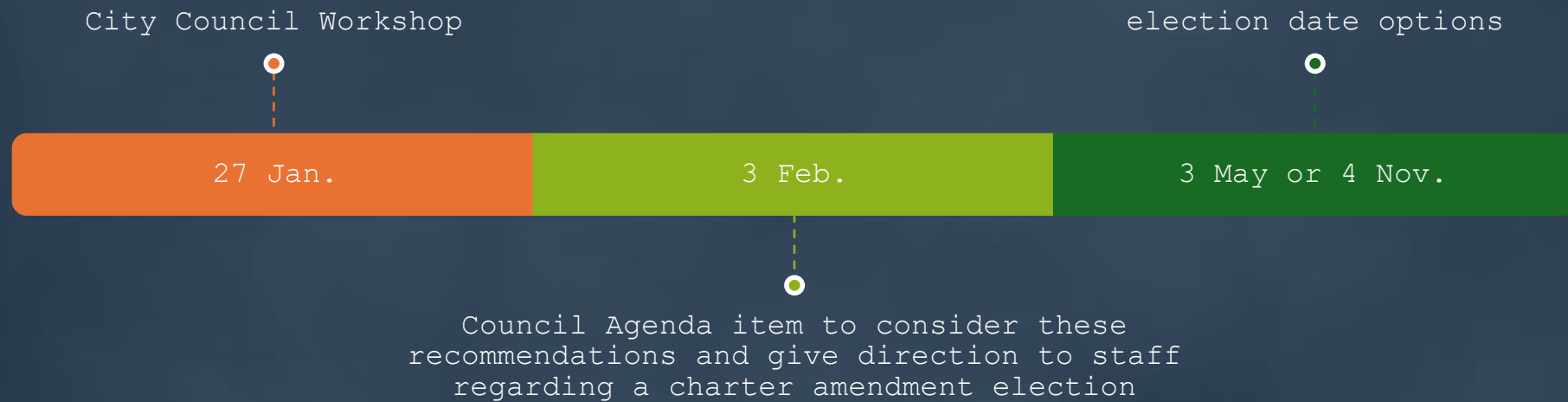
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11.22 Charter commission size

6

Correction ballot language - addresses 3.10, 4.07, 9.24, and 9.25

# Looking Forward







Questions



Appendix -  
Subtopics of  
Correction  
Ballot Language

# 3.10 rules of procedure

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- **Current Language:** The city council shall determine its own rules of procedure and may compel the attendance of its members. Five (5) qualified members of the city council, including the mayor, or mayor pro-tem or deputy mayor pro-tem, shall constitute a quorum to do business, and the affirmative vote of a majority of those present shall be necessary to adopt any ordinance, resolution or exercise any power authorized by this charter. Minutes of the proceedings of all meetings of the city council shall be kept, to which any citizen may have access at all reasonable times, and which shall constitute one of the archives of the city. The vote upon the passage of all ordinances and resolutions or other action shall be taken by the "ayes" and "nays" and entered upon the minutes, and every ordinance, resolution or other action, upon its final passage, shall be recorded in a book kept for that purpose under full caption, and shall be authenticated by the signature of the presiding officer and the person performing the duties of the city secretary.
- **Issue:** Resolve inconsistency in number of councilmembers required to exercise power. Edit of 3.10 will clarify that, per 3.01, the exercise of any power requires "an affirmative vote of at least four (4) councilmembers with the mayor having no vote except as provided in section 3.01b of this charter."
- **Proposed Language:** The city council shall determine its own rules of procedure and may compel the attendance of its members. Five (5) qualified members of the city council, including the mayor, or mayor pro-tem or deputy mayor pro-tem, shall constitute a quorum ~~to do business, and the affirmative vote of a majority of those present shall be necessary to adopt any ordinance, resolution or exercise any power authorized by this charter.~~ Minutes of the proceedings of all meetings of the city council shall be kept, to which any citizen may have access at all reasonable times, and which shall constitute one of the archives of the city. The vote upon the passage of all ordinances and resolutions or other action shall be taken by the "ayes" and "nays" and entered upon the

# 4.07 Other departments

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- **Current Language:** The city council may abolish or consolidate such offices and departments as it may deem to be to the best interest of the city, and may divide and subdivide the administration of any such departments as it may deem advisable; may create new departments, and may discontinue any offices or departments at its discretion, except those specifically established by this charter.
- **Issue:** The 2021 Charter election asked the voters "Should the charter be amended to clarify the role of the city manager by deleting a provision giving the city council authority to administer city departments." That proposition passed. 4.07 language pre-dates that action. This change would further clarify the roles of the City Council and city manager.
- **Proposed Language:** ~~The city council may abolish or consolidate such offices and departments as it may deem to be to the best interest of the city, and may divide and subdivide the administration of any such departments as it may deem advisable; may create new departments, and may discontinue any offices or~~

# 9.24 Taxes; when due and payable

- **Current Language:** All taxes due the City of Lewisville shall be payable at the office of the city assessor collector; and may be paid at any time after the tax rolls for the year have been completed and approved, which shall not be later than October 1st. Taxes shall be paid before February 1st, and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty, interest and other collection costs as provided by the Texas Tax Code, Section 33.01 et seq., as it now exists or may hereafter be amended.
- **Issue:** The City no longer has an office of the city assessor collector, and those activities are preformed by the Denton County Appraisal District and the Denton County Tax Collector. Delete reference.
- **Proposed Language:** All taxes due the City of Lewisville ~~shall be payable at the office of the city assessor collector; and~~ may be paid at any time after the tax rolls for the year have been completed and approved, which shall not be later than October 1st. Taxes shall be paid before February 1st, and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty, interest and other collection costs as provided by the Texas Tax Code, Section 33.01 et seq., as it now exists or may hereafter be amended.

# 9.25 Tax liens

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- **Current Language:** A lien is hereby created on all property, personal and real, in favor of the City of Lewisville, for all taxes, ad valorem, occupation or otherwise. Said lien shall exist from January 1st in each year, until the taxes are paid. Such lien shall be prior to all other claims; and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien but, the city assessor-collector can pursue such property, and whenever found out, may seize and sell enough thereof to satisfy such taxes. All persons or corporations owning or holding personal property or real estate in the City of Lewisville on the first day of January of each year, shall be liable for all municipal taxes levied thereon for such year. The personal property of all persons owing any taxes to the City of Lewisville is hereby made liable for all of said taxes, whether the same be due upon personal or real property, or upon both.
- **Issue:** The City no longer has an office of the city assessor collector, and those activities are preformed by the Denton County Appraisal District and the Denton County Tax Collector. Same issue as 9.24. Delete reference.
- **Proposed Language:** A lien is hereby created on all property, personal and real, in favor of the City of Lewisville, for all taxes, ad valorem, occupation or otherwise. Said lien shall exist from January 1st in each year, until the taxes are paid. Such lien shall be prior to all other claims; and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien but, the city ~~assessor-collector~~ can pursue such property, and whenever found out, may seize and sell enough thereof to satisfy such taxes. All persons or corporations owning or holding personal property or real estate in the City of Lewisville on the first day of January of each year, shall be liable for all municipal taxes levied thereon for such year. The personal property of