

Shown below are the proposed amendments to the City Charter of the City of Murphy, Texas associated with each proposition with a Proposition Summary. And changes to the Charter with deletions indicated by a strikethrough (e.g : ~~aaa~~) and additions are indicated by an underline (e.g.: aaa). Lastly, the Fiscal Impact on each proposition is also listed.

PROPOSITION AMENDMENTS FACT SHEET:

PROPOSITION A

Shall the Charter’s Preamble be amended to provide that all citizens be treated with dignity and respect.

PROPOSITION SUMMARY: This amendment adds a concluding sentence to the Charter’s Preamble to clearly state that all persons shall be treated with dignity and respect.

If approved, this amendment would result in the following changes to the Charter:

PREAMBLE

We, the citizens of Murphy, Texas, in order to establish a Home Rule municipal government, provide for the future progress of our City, obtain the full benefits of local self government and provide for the public welfare, hereby adopt this Home Rule Charter, in accordance with the statutes of the State of Texas; and do hereby declare the residents of the City of Murphy, in Collin County, Texas, living within the legally established boundaries of the said City, to be a political subdivision of the State of Texas, incorporated forever under the name and style of the “City of Murphy” with such powers, rights, privileges, authorities, duties and immunities, as are herein provided. We, the citizens of Murphy, believe all persons should be treated with dignity and respect.

Fiscal Impact to the Municipality: Not Applicable (N/A)

PROPOSITION B

Shall Charter Section 3.04 (Compensation) be amended to increase payment per City Council meeting to \$75 per councilmember and \$100 to the mayor or acting mayor.

PROPOSITION SUMMARY: This amendment increases the payment for councilmembers from \$50.00 to \$75.00 and for the mayor or acting mayor from \$75.00 to \$100.00 for each City Council meeting.

If approved, this amendment would result in the following changes to the Charter:

Section 3.04 Compensation

Compensation of the City Council shall be ~~\$7550.00~~ per council meeting for which the Councilmember is present. The compensation of the Mayor shall be ~~\$10075.00~~ per council meeting for which the Mayor is present. For council meetings which the Mayor Pro-Tem or other Councilmember acts as Mayor, that person shall receive ~~\$10075.00~~. The City Council may also be entitled to reimbursement for actual expenses incurred in the performance of official duties when provided for in the annual City Budget and in accordance with the reimbursement policies adopted by the City.

Fiscal Impact to the Municipality: Based on an average of 2 meetings per month, the compensation would increase from \$750 per month to \$1,100 per month or \$4,200 annually.

PROPOSITION C

Shall Charter Section 3.12 (Abstentions) be amended to clarify when a Councilmember abstains from a vote based on a conflict of interest, that conflict must meet the definition provided in Section 3.11 of the Charter.

PROPOSITION SUMMARY: This amendment is designed to ensure that when a conflict of interest is used to justify an abstention, that conflict meets the definition provided in the Charter.

If approved, this amendment would result in the following changes to the Charter:

Section 3.12 Abstention

Should any person on the City Council choose to abstain from voting on any agenda item before the City Council, where no conflict of interest exists, as identified in Section 3.11, the person's vote shall be deemed and recorded as a negative vote.

Fiscal Impact to the Municipality: N/A

PROPOSITION D

Shall Charter Section 4.03(5) (Municipal Court) be amended to remove the City Manager's authority to approve the appointment of the City Attorney or their designee as the City Prosecutor.

PROPOSITION SUMMARY: The Charter currently provides that the City Attorney or their designee will serve as the municipal prosecutor but subjects this appointment to City Manager approval. This amendment removes the City Manager's power to approve the assignment of the municipal prosecutor.

If approved, this amendment would result in the following changes to the Charter:

Section 4.03 Municipal Court

- (1) The City Council shall establish and cause to be maintained a Municipal Court. The Court shall have all the powers and duties as may be prescribed by state law.
- (2) The City Council shall appoint by the affirmative vote of a majority of the full membership of the City Council such Municipal Judge(s) and Alternate Municipal Judge(s) of the Municipal Court as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least two (2) years in the State of Texas. The Municipal Judge(s) of the Municipal Court(s) shall be appointed to a term of two (2) years and shall remain in office after the end of that term until the City Council considers appointment for the subsequent term. The Municipal Judge(s) may be appointed to additional consecutive terms upon completion of his/her/their term(s) of office. The appointment of the Municipal Judge(s) may be terminated, with or without cause, at any time by the affirmative vote of a majority of the full membership of the City Council. The Municipal Judge(s) shall receive compensation as may be determined by the City Council.
- (3) The Clerk and Deputy Clerks of the Municipal Court(s) shall be appointed and supervised by the City Manager, and the Clerk and Deputy Clerks shall have the power to administer oaths, certify affidavits, make certificates, affix the seal of the Court, and perform all usual and necessary clerical acts in conducting the business of the Court(s), including but not limited to, the keeping of records and accounts of the Municipal Court(s).
- (4) All special expenses and fines imposed by the Municipal Court(s) shall be paid into the City treasury for the use and benefit of the City, as may be consistent with present and future laws.
- (5) The City Prosecutor(s) of the Municipal Court(s) shall be the City Attorney or their designee, ~~subject to the approval of the City Manager.~~

Fiscal Impact to the Municipality: N/A

PROPOSITION E

Shall Charter Section 4.06(2)(E) (Personnel System) be amended to clarify which city employees are subject to annual evaluations.

PROPOSITION SUMMARY: This section of the Charter applies to regular employees of the City, not those employees appointed by the City Council. This amendment removes annual evaluations of Council appointees from the requirements that apply to regular City staff.

If approved, this amendment would result in the following changes to the Charter:

Section 4.06 Personnel System

- (1) Personnel rules shall be prepared by the City Manager and presented to the City Council, who may adopt them with or without amendment. The adopted rules shall establish the City as an Equal Opportunity Employer and shall govern the equitable administration of the personnel system of the City. Thereafter, the City Manager shall have the power to recommend additions to, modifications of, or deletions from, such rules to the City Council in the same manner used for the adoption of the original rules.
- (2) The adopted rules shall provide for the following requirements:
 - (A) A compensation plan for all City employment positions;
 - (B) A plan for working hours, attendance policy and regulation and provision for sick and vacation leave;
 - (C) Procedures for the hearing and adjudication of grievances;
 - (D) Additional practices and procedures necessary to the beneficial and equitable administration of the City's personnel system;
 - (E) A plan for annual oral and written evaluation based on a job description for all City employees by their immediate supervisor, ~~including evaluation of the City Manager, City Secretary, Municipal Judge and City Attorney by the City Council;~~ and
 - (F) A clear and concise statement that all City employees are at-will employees.

Fiscal Impact to the Municipality: N/A

PROPOSITION F

Shall Charter Section 7.02 (Submission of Budget and Budget Message) be amended to provide that the budget prepared by the City Manager is submitted to the Council in compliance with state law.

PROPOSITION SUMMARY: To continually reflect the current state law, this amendment removes the specific date in August and replaces it with the phrase "in accordance with state law" regarding when the budget is submitted to Council by the City Manager.

If approved, this amendment would result in the following changes to the Charter:

Section 7.02 Submission of Budget and Budget Message

~~On or before the tenth (10th) day of August of the fiscal year,~~ The City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying budget message, in accordance with state law. The budget shall comply with and contain such information and itemization, as may be required by state law.

Fiscal Impact to the Municipality: N/A

PROPOSITION G

Shall Charter Section 7.07 (Budget, Appropriation and Amount to be Raised by Taxation) be amended to clarify the City will base budget estimates of cash on hand using projected cash on hand.

PROPOSITION SUMMARY: This amendment clarifies the term “cash on hand” to add “projected.” The purpose is to enable a more accurate budget forecast of revenues when balancing the budget.

If approved, this amendment would result in the following changes to the Charter:

Section 7.07 Budget, Appropriation and Amount to be Raised by Taxation

On final adoption, the budget shall be in effect for that budget year. Final adoption of the budget by the City Council shall constitute the official appropriations as proposed by expenditures for that budget year and shall constitute the basis of official levy of the property tax as the amount of tax to be assessed and collected for the corresponding tax year. Estimated expenditures will in no case exceed proposed revenue plus projected cash on hand. Unused appropriations may be transferred to any item required for the same general purpose.

Fiscal Impact to the Municipality: N/A

PROPOSITION H

Shall Charter Section 7.08 (Contingent Appropriation) be deleted to eliminate the use of contingent appropriations.

PROPOSITION SUMMARY: This amendment deletes Section 7.08 regarding contingent appropriation, which is not required to be in the Charter. Current state law and good fiscal management shall control.

If approved, this amendment would result in the following changes to the Charter:

Section 7.08 ~~Contingent Appropriation~~ Reserved for Future Use

Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three percent (3%) of the total general fund expenditures, to be used in case of unforeseen items of expenditures. This contingent appropriation shall apply to current operating expenses and shall not include any reserve funds of the City. Such contingent appropriation shall be under the control of the City Manager and distributed by him only after prior approval by the City Council. The proceeds of the contingent appropriation shall be disbursed only by transfer to other departmental appropriation, the spending of which shall be charged to the departments or activities for which the appropriations are made.

Fiscal Impact to the Municipality: N/A

PROPOSITION I

Shall Charter Section 7.09 (Amending the Budget) be amended to provide that budget amendments will be physically maintained in accordance with state law.

PROPOSITION SUMMARY: To continually reflect the current state law, this amendment removes a requirement regarding attaching budget amendments to the original budget and replaces it with the phrase “maintained in accordance with state law”.

If approved, this amendment would result in the following changes to the Charter:

Section 7.09 Amending the Budget

Under conditions which may arise, and for municipal purposes, the City Council may, by the affirmative vote of a majority of the full membership of the City Council, amend or change the budget to provide for any additional expense in which the general welfare of the citizenry is involved. These amendments shall be by ordinance, and ~~shall become an attachment to the original budget~~ maintained in accordance with state law.

Fiscal Impact to the Municipality: N/A

PROPOSITION J

Shall Charter Section 7.18 (Independent Audit) be amended to require the City will issue Request for Proposals (RFP) for audit services every five years and clarify the current audit firm may compete, as allowed by state law.

PROPOSITION SUMMARY: This amendment enhances the auditor selection process by adding a requirement to issue a Request for Proposal (RFP), and it also clarifies that the current audit firm can compete for that RFP, as allowed by state law.

If approved, this amendment would result in the following changes to the Charter:

Section 7.18 Independent Audit

At the close of each fiscal year, and at such other times as may be deemed necessary, the City Council shall call for an independent audit of all accounts of the City by a certified public accountant in accordance with state law. ~~No more than five (5) consecutive annual audits shall be completed by the same accountant or accounting firm.~~ Every five (5) years the City will issue a Request for Proposals (RFP) for audit services. The current audit firm shall be allowed to respond and compete, as allowed by state law. The certified public accountant selected shall have no direct or indirect personal interest in the financial affairs of the City or any of its officers. The report of audit, with the auditor's recommendations, will be made to the City Council. Upon completion of the audit, the summary shall be published within thirty (30) days in the official newspaper of the City, shall be posted on the official City Website, and copies of the audit placed on file in the office of the City Secretary, as a public record.

Fiscal Impact to the Municipality: N/A

PROPOSITION K

Shall Charter Section 9.03(3) (Procedure) be amended to clarify when a Planning and Zoning Commissioner abstains from a vote based on a conflict of interest, that conflict must meet the definition provided in Section 9.03(2) of the Charter.

PROPOSITION SUMMARY: This amendment is designed to ensure that when a conflict of interest is used to justify an abstention, that conflict meets the definition provided in the Charter.

If approved, this amendment would result in the following changes to the Charter:

Section 9.03 Procedure

(1) All rules and regulations adopted by the Commission shall be forwarded in writing to the City Manager who shall submit them to the City Council with the City Manager's recommendations. The City Council may amend, adopt or reject any such rules or regulations. If any rules or regulations should be rejected, the Commission may modify them and submit such modified rules and recommendations to the City Council for consideration.

(2) Should any person on the Commission have a conflict of interest, pursuant to any state laws and/or City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the Commission, he or she shall openly declare same before discussion proceeds, file any required affidavit, disclose such interest to the other members of the Commission, and he or she shall thereby be prohibited from discussing and voting on the item, and such person is not

considered as present and voting for the purposes of the tally of votes. Commission Members who have a conflict of interest are considered present for purposes of constituting a quorum.

(3) Should any person on the Commission choose to abstain from voting on any question before the Commission, where no conflict of interest exists, as identified in Section 9.03(2), the person's vote shall be recorded as a negative vote.

Fiscal Impact to the Municipality: N/A

PROPOSITION L

Shall Charter Section 12.03(1) (Notice of Claim) be amended to add that a notice of claim may be filed with the Human Resources Department.

PROPOSITION SUMMARY: This amendment allows a notice of claim to be filed with the Human Resources Department in addition to the current ability to file with the City Secretary's Office.

If approved, this amendment would result in the following changes to the Charter:

Section 12.03 Notice of Claim

(1) The City shall not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages ("Claimant") shall, within one hundred eighty (180) days after the time at which it is claimed such damages were inflicted upon such person or property, file with the City Secretary or Human Resources Department a written statement, under oath, stating the nature and character of such damages or injuries, the extent of the same, the place where same happened, the circumstances under which same happened and the condition causing same, with a detailed statement of each item of damages and the amount thereof, giving a list of any witnesses known by the claimant to have seen the incident.

Fiscal Impact to the Municipality: N/A

PROPOSITION M

Shall Charter Section 12.03 (2) (Notice of Claim) be amended to increase the deadline to file a notice of breach of contract claim against the City from thirty (30) days to ninety (90) days.

PROPOSITION SUMMARY: This amendment changes the deadline to file a breach of contract claim against the City from thirty (30) to ninety (90) days.

If approved, this amendment would result in the following changes to the Charter:

Section 12.03 Notice of Claim

(2) The City shall not be held liable and shall not have waived its immunity from suit on account of any claim for breach of contract unless the person making such complaint (“Claimant”) shall, within ~~thirty (30)~~ ninety (90) days after the time at which it is claimed such breach of contract by the City occurred, file with the City Secretary a written statement, under oath, stating each breach of contract, the place where same occurred, the date of each breach, with a detailed statement of each item of damages, and a list of witnesses having knowledge of any breach.

Fiscal Impact to the Municipality: N/A

PROPOSITION N

Shall Charter Section 12.03(3) (Notice of Claim) be amended to delete the requirement for non-binding mediation prior to an individual filing a claim against the City or initiating an arbitration proceeding against the City.

PROPOSITION SUMMARY: This amendment removes the requirement that an individual must engage in non-binding mediation before bringing a lawsuit against the City or initiating an arbitration proceeding with the City.

If approved, this amendment would result in the following changes to the Charter:

Section 12.03 Notice of Claim

~~(3) — No claim against the City may be brought by a Claimant prior to Claimant having engaged in non-binding mediation pursuant to Chapter 154, TEXAS CIVIL PRACTICE AND REMEDIES CODE, before bringing suit or an arbitration proceeding. Such mediation must occur within sixty (60) days after Claimant has filed with the City Secretary a written statement as set forth in this section 12.03 above regarding Notice of Claim. Claimant is responsible for scheduling mediation at a mutually agreeable date and time.~~

Fiscal Impact to the Municipality: N/A

PROPOSITION O

Shall Charter Section 14.01(2) (Nepotism) be amended to clarify that the nepotism provision applies to individuals serving on City Boards, Committees, and Commissions.

PROPOSITION SUMMARY: This amendment clarifies that while the nepotism provision does not generally apply to unpaid positions, that exception does not apply to individuals serving on City Boards, Committees, and Commissions.

If approved, this amendment would result in the following changes to the Charter:

Section 14.01 Nepotism

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Councilmember or the City Manager shall be employed by or contracted with the City or the City's corporate affiliate. The nepotism prohibition shall not apply to the following:

- (1) Any person currently employed by the City and employed for six (6) months prior to the person related in the above degree being elected to the City Council or being appointed as City Manager, or
- (2) Any person who serves in an unpaid capacity with the City, other than Boards, Committees, or Commissions.

Fiscal Impact to the Municipality: N/A