

**AN ANALYSIS OF TEXAS' MUNICIPAL HOME RULE  
CHARTERS SINCE 1994**

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**John V. McDonald**

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**FACULTY APPROVAL**

*Patricia Shields*

*Howard R. Balanoff*

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## ABSTRACT

Many small towns have experienced tremendous growth in the latter part of the twentieth century. Cities whose populations have surpassed 5,000 residents often seek status as a home rule city in order to better deal with the challenges of growth. The structure of a home rule charter, combined with the change in legal status, allows a city much more authority and flexibility to deal with the varied issues that arise.

This project is in response to Terrell Blodgett's 1994 work for the Texas Municipal League, *Texas Home Rule Charters*. The main purpose of this project is descriptive: to describe the structure of government outlined in the twenty home rule charters adopted since the conclusion of Blodgett's work. The descriptive categories used in this research are: Form of Government; Mayor; City Council; City Manager; Departments, Offices, and Boards; Financial Administration; Initiative, Referendum, and Recall; and Charter Amendments. This research uses content analysis to examine the municipal home rule charters, as well as a case study involving the City of Kyle and their attempt to obtain home rule status.

This research indicates that the council-manger form continues to be the most popular system of government for Texas home rule cities. Cities in Texas realize the importance of structuring their government in a workable, flexible document. Continued research is still needed to fully follow-up Blodgett's study and to effectively study the role that Blodgett's book plays in the home rule process.

# CHAPTER 1

## INTRODUCTION

Changes occur everyday that have major effects on municipalities, their government, and their population. Numerous small towns have spent the majority of the twentieth century moving along at their own pace. Often these towns looked with disdain at the larger cities and the problems they faced. Many of their citizens relocated to these rural areas to escape the hectic city life.

As the major Texas cities grew larger, many of these small towns were caught up in rapid growth and development. Towns that had shown minimum increases in population since being founded, were suddenly absorbing vast numbers of new residents that worked in the bigger cities, but preferred to raise their families in more rural areas. These same people looking for that quiet, small town life brought forth new problems to these small municipalities. Many small towns in Texas were now facing the problems brought on by rapid growth and population increases, but frequently did not possess the authority to respond to the ongoing changes that now challenged them.

Municipalities with populations under 5,000 are limited in their ability to react to the changes around them. Cities of this size fall under the

General Laws of Texas and possess only powers granted specifically to municipalities by the state. Under general law, cities are still wards of the state. Small towns would need greater independence to deal with the specific problems that may arise quickly.

For a city to obtain local autonomy, it must go through the process of adopting a home rule charter. The only tenet governing cities in this quest is that municipalities must have a population in excess of 5,000. Once this level is reached, cities receive the right to form a commission to write a home rule charter. Home rule charters offer true local government. With the adoption of a charter, cities may govern themselves by rules put forth from their own citizens.

Home rule charters serve as a city's constitution and their development is truly democracy in action. The document is generated not by the municipal government, but by ordinary citizens. Charters outline the form of government, the extent of the city's bureaucracy, and the powers and rights of the city. Home rule grants local entities authority to govern themselves "in purely local affairs" (Martin and Ward, 1978:5).

## **Research Purpose**

In 1994, Terrell Blodgett examined the city charters of the 290 home rule municipalities in Texas. Prior to his monolith, only five reports had concentrated on home rule in Texas. Under the auspices of the Texas Municipal League, Blodgett initiated the first comprehensive analysis of all Texas home rule charters. Since the conclusion of Blodgett's study, twenty cities have adopted home rule charters of their own<sup>1</sup>. The City of Kyle is presently in the process of creating a home rule charter.

This project serves as a follow-up to Blodgett's original examination. The purpose of this study is to analyze the twenty-one charters adopted or in the process of being adopted since the conclusion of the initial study. The question is how do municipal governments structure their government. Present findings will be compared against Blodgett's results in an attempt to relate any trends. Continued research of these charters assists in a better understanding of municipal government and further aids future city councils and home rule charter commissions who face the task of generating a charter for their cities.

## **Chapter Descriptions**

Chapter 2 summarizes the legal basis for the creation and adoption of municipal home rule charters. Chapter 3 provides an extensive account of literature relevant to city charters and their content. Descriptive categories based on Blodgett's research are used to outline the information.

Chapter 4 presents a case study of the City of Kyle. Discussion will focus on the steps that Kyle went through from initiation of the home rule process through completion of the city's first proposed charter. This chapter will present the story behind the charter and assist in the understanding of how a charter is created.

Chapter 5 offers an overview of the methodology used to analyze and describe the contents of the home rule charters. Chapter 6 presents the results of the analysis. Chapter 7 concludes the research with a summary of the major findings and deductions.

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<sup>1</sup> See Appendix A for list of cities included in this study.

## **CHAPTER 2**

### **LEGAL SETTING**

The intention of this chapter is to illustrate the legal setting of the empirical research, and second, to describe the rationale behind a municipality's adoption of a home rule charter. The legal setting contains an analysis of the home rule section of the Texas constitution, state statutes, and case law. Nothing within a city's charter may violate Texas law.

#### **History**

It was the Texas Constitution of 1876 that first used population as a characteristic to control the administration of municipalities. Cities with populations under 10,000 were required to be chartered under the general laws of the state. The state legislature persisted in maintaining control over cities with populations in excess of 10,000. Cities of this size still had to look to the state legislature for incorporation under special laws. Establishment by special acts had been the practice since the Republic of Texas was founded in 1836 (Blodgett, 1998:7).

Cities over 10,000 were anxious for local control. Requirements placed on these cities by the state's special acts were restrictive. Larger cities often found themselves sending representatives to Austin to lobby on

their behalf. This forced the legislature to spend much of its time dealing with local issues. As Goodnow (1916:33) points out, such interference “has been productive of great evil.”

### **Constitution and Administrative Code**

The Texas Constitution was amended in 1909. Now cities with populations over 5,000 were subject to special acts as well. By 1911, over twenty-five percent of legislation brought before the Texas Legislature pertained to municipal charters. The legislature realized that a change had to be made (Blodgett, 1998:7).

The state recognized it was unable to legislate cities via special acts, or create general laws that would be relevant to cities of any size. In 1912, the legislature sent to the voters a constitutional amendment that would permit municipalities to adopt home rule. The amendment passed, and in 1913, the state legislature approved enabling legislation. Prior to the passage of the enabling act, twenty-four cities had already drafted new charters (Blodgett, 1998:7).

Little has changed since 1913, but the process has been refined. Cities preparing to adopt home rule charters today first turn to the *Texas Local Government Code*. Chapter nine is entitled “Home-Rule Municipality” (see

appendix #). This chapter of the code outlines the necessary steps to select a commission, vote on a charter, and amend the charter (West Group, 2000:12). Like much legislation handed down from politicians, chapter nine is vague in many areas, therefore it is important to have a City Attorney knowledgeable in case law regarding home rule. The main rule that cities must remember is that no portion of their charter may supersede state or federal law.

### **Case Law**

Many cities have had their charters challenged in the courts. Both the Texas Court of Appeals and the United States Supreme Court have spoken on home rule charters. As early as 1914, the U.S. Supreme Court equated a city's charter with state law. In Atlantic Coast Line Railroad v. City of Goldsboro, the Court stated that a charter must be interpreted in same manner as the rules governing the reading of statutes.

In Willman v. City of Corsicana, 213 S. W 2d 155 (1948), the Texas Court of Appeals, 2<sup>nd</sup> District ruled that a charter is a city's constitution. The document must be read in its entirety, and each word and phrase must be considered as if deliberately chosen for a purpose. In 1986, the 2<sup>nd</sup> District spoke again to this relationship in Hammond v. City of Dallas, 712

S.W.2<sup>nd</sup> 498. A city charter is the city's constitution from which it derives its powers. The grants of power in the charter "will be strictly construed."

In *City of Sweetwater v. Geron*, 390 S.W. 2d 550, the 2<sup>nd</sup> District addresses the connection between state and federal law. The court indicated that a home rule city may have all the powers and authority not denied to it by a state or federal law. Limitations by the legislature on the power granted a home rule city must be clear and compelling. The court cautioned the state legislature when exercising its ability to limit the powers of home rule cities. Any intention to limit these powers should be done with unambiguous clarity.

## **CHAPTER 3**

### **LITERATURE REVIEW**

The purpose of the literature review chapter is to evaluate relevant literature relating to the various subjects addressed within a Texas municipal home rule charter. The following categories are reviewed:

- Form of Government
- Mayor
- City Council
- City Manager
- Departments, Offices and Boards
- Financial Administration
- Initiative, Referendum and Recall
- Charter amendments.

John Keith (1951:7) asserts there are three key ingredients for an “effective home rule provision.” These are

- 1) Authority for cities to frame their own charters;
- 2) A grant of power broad enough for cities to provide the services which their citizens expect; and
- 3) Protection of municipal powers from special legislation.

A city’s charter is simply a mechanism encouraging the practice of self-government and proper use of power that must be exercised by somebody to maintain the smooth operation of local government (Munro, 1916). A home rule charter establishes a new relationship between the city

and the state, with the city granted new freedom to exercise local control under the auspices of state law (Martin and Ward, 1978). Section 5 of Article 11 of the Texas Constitution outlines the provisions for the adoption of home rule charters.

The power of local rule, which the state legislature places in the hands of each municipality with the adoption of a home rule charter, is subject to revocation by the state. Each city is an instrument of the state. Munro (1926) indicates that a higher government authority may invalidate a city's charter. The state gives authority to each city as a convenience, so that the Legislature is not forced to spend a significant amount of time contemplating local issues.

### **Form of Government**

Form of government defines the system of administration that governs individual municipalities. There are primarily three types used within the state of Texas: mayor-council, council-manager, and commission. Popular opinion of government may sway citizens to select one form over the other based on the "integrity, purpose, and effectiveness" of each one (Berman, 1997:106). Each form may be organized in various ways dependent on the vision of each city's Home Rule Charter Commission.

Blodgett (1994b,30) found two underlying reasons for why a city may choose a particular form of government. First, Blodgett found that cities pursuing home rule often look at nearby cities and examine the form in use there. Second, these cities often keep the same government type that was used under general law.

### **Mayor-Council**

In the mayor-council form of government, a popularly elected mayor and board of councilmen govern a municipality. The council can either select the mayor from among the members of the council or the office may be elected directly by the voters. The mayor serves as the chief executive of the city, while the council acts as a municipal legislature. The position of mayor may be described as either strong or weak dependent on the amount of administrative control placed in the office (McClesky, 1978). This distinction will be outlined within the Mayor section.

In this plan, the mayor and council share control, in the traditional American sense of separation of powers, with both receiving their mandates from the voters (Reed, 1926). Authority is kept in the hands of elected officials, with all administrators reporting directly to them. "Mayor-council government is based on the assumption that advice from professionals will

be of little use and that conflict must be resolved by a single elected executive who will solve that conflict through the use of the powers of the position” (Hansell, 1998:16).

Lori Palmer, a former councilwoman for the City of Dallas, worked against the adoption of mayor-council form in her city. She felt that the concentration of government powers in a single executive would reduce the power and effectiveness of the council and in the long-term serve only to harm the citizens of Dallas (Blodgett, 1994a:9).

The Council discusses and passes legislation to benefit the city, adopts the budget, and promotes and implements policy. The council may also override the Mayor’s veto. In some instances, the Mayor may concentrate more heavily on policy positions by appointing a chief administrative officer to oversee the daily business of municipal bureaucracy (ICMA,2000). This administrative position reports directly to and serves at the pleasure of the Mayor.

In Texas, there are only five cities of significant size that operate under this system: Houston, El Paso, Pasadena, Texas City, and Bay City. Blodgett’s (1998:12) research of Home Rule Cities showed that only twelve cities with populations under 20,000 have the mayor-council form. This

form is often more desirable with large cities, as evident by its wide use in the Eastern and Mid-Western United States.

### **Council-Manager**

This form of government draws on the expertise of a professional administrator to assist in the management of a city, and is actually a product of the commission form of government (Reed, 1926: 219). Council-manager varies from the mayor-council variety in that the city manager holds the administrative power with the city and is responsible to the city council as a whole. Blodgett (1994a:8) believes that the major difference between these two forms of government is

...the fact that in council-manager communities, the manager is appointed by and responsible to the entire governing body. Under the strong mayor form, any chief administrative officer who may be appointed responds solely to the mayor.

The history of the council manager plan evolves from the commission plan. Reed (1926) points out that officials proposing the addition of a professional administrator thought not of creating a new model, but in fact of merely improving weaknesses in the commission form. Though the commission plan initiated the acceptance of a professional administrator, the idea was proposed as early as 1821. Daniel Webster, working on the Boston Charter Committee, espoused the necessity of "an efficient, responsible, and

active executive officer” (Noting, 1979:112) to serve as a prototype public manager.

Reed (1926: 227) outlines two reasons for the swift acceptance of the manager plan. First, it is seen as a reactive measurement in response to past misgovernment. Second, the plan seemed designed to correct “the evils apparent in the system (commission plan).”

Under Council-Manager, all powers of the city are vested in the elective city council. The council maintains responsibility for enacting local legislation, policy decisions, adopting the budget, and appointment of the city manager. Councils in this plan are normally smaller than under the Mayor-Council form, containing on average five members. Elections are typically non-partisan.

Hansell (1998:16) notes that the basis behind council-manager government is “the assumption that councils will take the advice of the manager and seek to resolve conflict through consensus or compromise. Council-manager performs best when there is an effective working relationship between council members and the city manager. This method retains political sovereignty with elected officials while allowing the professional administrator to work independently. A skilled manager is provided the opportunity to make recommendations to council void of

politics and to administer the city in the most professional manner (Blodgett, 1994a:8).

While the council provides the manager with legislative direction, daily management of the city is left to the professional administrator. Managers prepare the budget, direct daily operations, and oversee personnel matters as outlined in the city charter. The manager serves as the chief advisor to the council (ICMA, 2000). He is required to attend all council meetings and keep the elected body informed of ongoing city business. The city manager serves at the will of the council.

DeSantis (1988:16) points out that a positive working relationship between manager and council can even strengthen a manager's position. Trust leads to greater authority and more responsibility, which allows for greater good under the council-manager system. The manager is trusted to run the local government in an efficient manner, while the council concentrates on policy. As Reno Mayor Jeff Griffen stated, "The council sets policy and goals, then backs away and allows management to function"(Good, 1999: 13).

Svara (1994:46) sums it up well:

...the extensive sharing suggests that the relationship of elected officials and administrators is best understood as complementary – a model of interaction in which administrators respect the control of elected officials, and at the

same time there is interdependency and reciprocal influence between elected officials and administrators who fill distinct but overlapping roles in policy and administration.

The mayor is not a forgotten position in this form. With the mayor now acting as the chief executive officer of the council, the talents and abilities of each individual mayor come into play. A mayor's individual leadership capabilities can strongly affect the performance of the council-manager system, both good and bad (Svara, 1999).

### **Commission**

Defined by Dr. Charles W. Eliot, an early supporter of the commission plan, this form of government has five members or commissioners, with one selected as mayor. This individual acts simply as the chairman, having no special powers over the remaining members of the commission. This commission holds all authority within the city (Munro, 1911). Each commissioner also serves as the head of one or more city departments. Each member acts as the director of his department, devising its policy, and representing their bureau before the entire board (Munro, 1911). Legislative, executive, and, to some extent, even judicial power remained solely with the commission. The simplicity of this plan made an attractive alternative to many municipalities (Munro, 1911). This form cut

through much of the bureaucracy making for a more streamlined operation of government.

Blodgett found no occurrences of the commission plan in his 1994 review of Texas municipal home rule charters. This plan peaked in the early twentieth century after its success in Galveston, Texas (McClesky, 1978). As a result of mismanagement of the city of Galveston by the Mayor and Council, and in an attempt to expedite recovery from the great hurricane of 1900, the state legislature replaced the city's mayor and council with five commissioners (Munro, 1916). It was due to this change that the city was able to recover so quickly from the excessive damage and loss of both life and property. As other American cities watched the rebirth of Galveston, many elected to change over to the commission plan. Voters' distrust in the traditional checks and balance system of government led to the extraordinary expansion of this form (Munro, 1916:2).

The plan fell out of favor almost as quickly as it rose. Two problems led to the systems collapse. First, many commissioners focused their attention exclusively on the department they represented, often preventing the commissioner from working in the best interest of the city. Second, while many commissioners knew the work of the particular department they headed up, they were poor administrators (McClesky, 1978:268). Though

the commissioner title still survives in some General Law cities, that label is all that survived.

## **Mayor**

The position of mayor within a city's government is greatly affected by the form of government outlined in the charter. Strong mayors usually fall within the realm of the mayor-council form, where the office is designed as a dominant executive position (see also Kotter and Lawrence, 1974; Ruchelman, 1969). Under the council-manager plan, as well as some configurations of the mayor-council form, the mayor is a more symbolic head of government, forced to utilize personal skills more than any dictated powers.

In the early to mid 1800's, Munro (1926:28) indicates that the method of selecting mayors was amended from mayors being appointed by legislatures to the office being selected by local vote. Adopting election by popular vote as the primary method of mayoral selection, designating the office of mayor as chair of council meetings, and allowing the mayor to appoint all committees "paved the way for the exercise of strong mayoral influence on administration."

The strong-mayor system is generally reserved for the largest cities. As a plan of reform, it is only with large cities that this plan ever prevailed against either the council-manager or commission forms (Reed, 1926:163). Strong executive leadership is often required in larger cities. Due to the expanse of these municipalities, the ability of one person to make an expeditious decision is often paramount. Mayors of the largest cities are equivalent to Governors simply because of the population that these mayors govern. Cities such as Chicago and New York City have populations greater than many states, including Wyoming and Montana. One powerful executive is capable of building coalitions by promising benefits or support and using the power of the office to gain advantage over rivals (Blodgett, 1994a:7).

There are also disadvantages associated with strong mayors. Reed (1926:228) warns that strong mayors may in fact evolve into dictators. Though elected by the citizens, the strong mayors submit only to periodic approval of the votes. Blodgett (1994a:8) offers caution concerning the strong executive as well. He points out that political leadership can hamper the council's ability to be a productive governing body.

Too often, the political leadership in strong mayor governments encourages conflict among elected officials, which, in turn, produces political gridlock and a reliance on short-term coalition building. As a

result, officials in mayor-council cities are more likely to avoid making hard choices.

Most mayors today would be categorized as weak mayors. This does not necessarily condemn them to a life of political ineffectiveness. Mayors, freed from the reliance of executive authority and power, have found more resourceful methods to get things done. It is not necessarily a powerful mayor that city leadership needs, but instead a mayor with the talents of consensus building and facilitation (Blodgett, 1994a:11).

Most mayors today realize that an effective city manager is an asset that strengthens the city government. Austin's Kirk Watson is an example of a strong municipal leader that understands that his effectiveness increases with the support of a competent and experienced city administrator. Henry Cisneros, former mayor of San Antonio, is another example (Blodgett, 1994a:7). Mayors may use their positions to stimulate open discussion about public concerns and to invite new thinking about alternative solutions (Benest, 1996:78).

Though reformers viewed the introduction of the city manager as a remedy to past misgovernment under strong mayors, there has been a reversal of this belief in the 1990's. Nalbandian argues that many now view mayors as the activists behind good government, often eliciting praise as the new bearers for reformist city government. This places a focus on

professional managers as the institution now needing reform (Nalbandian, 1999:192).

Blodgett (1994b:44) found that the mayor is generally considered a member of the city council, though not all are given the right to vote. The mayor's presence is often not counted in the formation of a quorum. Blodgett also discovered that there are significant differences in the position of mayor between the forms of government at work in Texas.

Mayors in council-manager cities have always understood their leadership must come from their powers of persuasion. Over time, mayors in mayor-council cities have seen governance, particularly in larger cities, become so complex and fragmented that they no longer have the power they once did. They must also exercise the power of persuasion to move their city forward –perceptively and unstintingly promoting cooperation that minimizes debilitating conflict.

## **City Council**

While city councils come in all shapes and sizes, the literature points to smaller councils as being the most effective. Large councils get bogged down in formal procedure, a necessary evil to handle the abundant workloads that largeness brings and to give all representatives equal access. Compact councils act more efficiently, moving through business in a quick and responsible manner (Reed, 1926:168). “A small council makes possible informal procedure and genuine deliberation. It is not a debating society, but a business directorate” (Reed:169).

Within the confines of the council-manager form, Golembiewski and Gabris (1995:245) point to the necessity of maintaining a balance between the council and manager. This is important if both are to do their jobs correctly. They mention that numerous councils prefer to keep their managers on a tight leash, while continuing to retain the ability to release the manager as necessary.

### **City Manager**

One of the most popular forms of government for cities adopting home rule charters for the first time is the council-manager form (Blodgett, 1994b).<sup>2</sup> The council-manager method frequently places all administrative duties in the hands of a professional administrator or city manager. Experience shows that a single administrative authority is best for bureaucratic efficiency (Reed: 227). As cities are faced with more complex problems and provide a greater array of services to their citizens, a need develops for persons “with superb organizational skills, a good sense of strategic management, and the ability to communicate effectively” with the various city factions (Blodgett, 1994a:9).

Desantis (1998:10) suggests that public administrators feel that they are the most competent when given tangible formal control to direct

municipal operations and in fact, receive the necessary power to conduct their jobs effectively. Attention focuses on the development of trust between a city manager and the city council. As the city manager develops a track record of bringing results to elected officials, the council may focus on the big picture and leave running the city to the professional (Good:14).

Power over policy and the city's course of direction still lies with the city council, regardless of the fact that such policy was initiated by the city manager. Council still reviews all recommendations to ensure a fit with set policy guidelines and retains their responsibility to the local electorate (Reed:227). A checks and balances system is nevertheless maintained by the council acting in an oversight capacity regarding the city manager.

To be effective in today's age, city managers must strike out beyond mere administrative ability and encompass facilitation and consensus building. Managers are no longer working solely for elected officials, but have been adopted by citizens as the instrument of change. Many citizens now focus their attention on city managers when questions develop, rather than turning to the mayor, council, or department heads (Frisby and Bowman, 1996:A-3). Public administrators are seen as the best source of objective and fair information. Citizens understand whether or not city managers truly want to open up relationships with the public, and local

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<sup>2</sup> For more information see [www.tcrn.org](http://www.tcrn.org)

administrators must follow through in their dealings with citizens (Berkich, 1998:20).

In today's political environment of diverse and conflicting interest, managers must anticipate and attend to claims for equity, representation, and individual rights if they are to succeed as partner to the elected officials and citizens they serve and as leader of the professional staff they supervise (Nalbandian: 188).

Even with change affecting the position of city manager, many aspects of the job remain the same. Managers must inform the council of the city's status and activities, as well as provide continuity and stability to the operation of the municipality. Sharing both the good and the bad news with elected officials is still important, as well as balancing short-term interests against the greater good of the community (Nalbandian:194).

Golembiewski and Gabris (1995:224) imply a new role in city management for professional administrators. They foresee city management teams working together to solve one city's problems and then moving on together to a new locale. Changing roles would focus on the manager as a "facilitative change agent," with public administration philosophy turning away from individual managers to concentrate on teams (Golembiewski and Gabris: 244).

## **Departments, Offices, Boards**

It is the organization of the bureaucracy into city departments, offices, and boards that insures the success of the internal workings of each city's government. Administration is clarified by the proper division of work among various departments maintained by extensive lines of coordination connecting the many offices together (Munro, 1916:19). There is no standard for the creation, function, or number of departments. Each city is free to form their departments as they see fit, with no need to fear any detrimental effect (Munro, 1916:23).

MacCorkle (1942:102) points out that actions of municipal officers bind the city, but only when acting in their "corporate capacity." While on duty, and representing the municipality, city officers must act within the definition of their specific position, as restricted by law. If an officer exceeds his authority though, the city is not held liable.

A major aspect that must be addressed in each city charter is who maintains appointment powers over department heads. While there is literature and experience to support council involvement in the appointment of the city secretary, city attorney, and the municipal judge, appointment of remaining department leaders is generally left to the discretion of the city manager. Charters that infringe on this ability severely hamper the

effectiveness of their city manager. Even a process requiring the administrator to submit names to the council for approval may impair a manager's ability to lead and may also blur the lines of command (DeSantis:15).

Many council members view the position of City Secretary as an appointment that is inherently linked to the council. The council often prefers to maintain appointive power over this post as the city secretary acts as recorder and typically sits at the board table (Blodgett, 1984b:86).

While larger cities are able to retain one or more city attorneys on staff, many smaller cities simply contract with an attorney to represent them in the official capacity of city attorney. MacCorkle (291) highlights the importance of municipal attorneys through their daily interaction with city administration as well as requirements placed upon them by state law and the city charter. Council members and department heads frequently look to City Attorneys for direction whether in policy matters or daily projects. City Attorneys are also the primary authors of municipal ordinances (MacCorkle:291).

For the position of municipal judge, selection can be either appointive or elected. Munro asserts that overall, the appointive process has been best at selecting and maintaining a judge free of ethical dilemma. Munro

(1926:394) stresses that only a practiced attorney may be capable of filling this role. MacCorkle (1942:291) stresses appointment of a qualified individual as most citizens' contact with the judicial system is through municipal courts, and therefore the municipal judge "is one of the most important offices in city government."

Box (1994) warns that city officials acting in the capacity of department heads do not always answer directly to a city's elected council. Though responsible for programs with significant impact on citizens and the allocation of public resources, the lack of direct supervision by the governing body may in fact lessen response to citizen needs and concerns (Box, 1997:720).

The use of committees and advisory boards is an increasingly important aspect of citizen involvement in local affairs. Appointment to committees is often left to the mayor, with or without approval of the council. It is the job of the city manager to communicate the importance of citizen involvement in government to officials, who might otherwise fear some deprivation of authority, by suggesting the formation of boards or commissions to review various policy matters (Frisby and Bowman:A-5). For example, the City of Kyle created a Sign Ordinance Review

Commission to examine the present law and to make suggestions to improve the ordinance.

In many cases, the council-manager form has reduced the number of subordinates reporting to the city administrator. MacCorkle (1942:71) points out that this is not necessarily a byproduct of the council-manager system. He sees it as a result of the concurrent growth in professional public management and heightened interest in scientific management.

### **Financial Administration**

A central element of municipal government is the city budget. This duty falls to the chief executive, either the Mayor in a mayor-council city, or the city manager under the council-manager form. In creating the annual budget, the mayor or city manager must understand the needs of both department heads and elected officials. As a key function of a city manager, preparing the budget entails consensus building and the inclusion of department supervisors, staff, and even the public (DeSantis:10). A manager must also interact with the council to learn their priorities and goals for the forthcoming fiscal year (DeSantis:12).

In his study, Blodgett (1994b:97) found that a majority of city managers prepared the budgets for their cities, due to the increased presence

of the council-manager form. Though cities continually plan for the future, Blodgett (1994b:98) found that only 114 out of the 290 charters reviewed contained a requirement for a capital improvement budget. Blodgett (1994b:105) also identified October as the month the majority of fiscal years begin, keeping them in line with the state.

### **Initiative, Referendum, and Recall**

The considerable influx of initiative, referendum, and recall into the government mainstream occurred alongside the birth of the commission form of government. These powers are often referred to as direct democracy for their function of keeping certain governmental powers in the hands of the people. Munro (1911:70) believed that these three ideas were important aspects of commission government. Munro (1911:71) suggests:

...that the addition of this machinery (initiative, referendum, and recall) to the original plans has had much to do with overcoming the objections that the commission system is undemocratic, and it is probable that it would never have received such wide adoption had it not been so altered as to place the governing body under close popular control.

Though the commission plan did not survive in its original form, initiative, referendum, and recall are still present. A main reason was the deterioration in the ability of elected officials, particularly aldermen and councilmen (Munro, 1926:241). In an era of political machines and elected

officials that favored a personal agenda over a public one, direct democracy was seen as a way to ensure public involvement in government.

**Initiative** is a method that allows a city's citizens to petition the city council to take action on a particular issue not previously addressed. Citizens are usually required to present a petition to the council signed by a percentage of voters in the last election. The council is required to either act upon the issue themselves or to present it to the voters to ratify by election (Blodgett, 1994b:111).

A **referendum** requests the city council undo a previous decision. Similar to the initiative, a petition requiring a certain number of signatures is needed. The council can either repeal the ordinance themselves once presented with a valid petition, or they can place the measure before the voters (Blodgett, 1994b:111).

The voters may request that the city council call an election to vote on the removal of an elected official by using a petition for **recall**. This demand may be directed at the mayor or any member of council. An official faced with a validated recall petition does have the option of resigning the office prior to the election (Blodgett, 1994b:111).

McBain recognizes initiative and referendum as intricate parts of democratic government that have the ability to empower popular

sovereignty. “Direct legislation affords an additional and necessary means of political self-expression” (McBain, 1916:9).

Initiative, referendum, and recall are available in Texas only at the municipal level of government as a means of immediately addressing unusual situations. These abilities are inherent home rule powers and unique to cities with home rule charters (Blodgett, 1994b:6). These three processes each have an important role in allowing Texans to directly play a role in how municipal government operates.

Blodgett’s (1994b:112) study attests to the popularity of direct democracy. Ninety-one percent of the charters he analyzed contained recall, and most of these place limitations on when a recall election can be convened. Initiative and referendum are established in 247 home rule charters. Blodgett’s research points out that there is a wide variety in the charter provisions on petition requirements, with anywhere from three percent to 51% of voter signatures needed.

### **Charter Amendments**

Framers of charters are permitted to establish ground rules for the continual review and update of each charter. Charters may not be amended more than once every two years. Cities must always remember the Texas

constitution statement that cities may “adopt or amend their charters,” does not allow cities to encroach on powers that historically pertain to the legislature (Keith, 1951:73). There are two ways to amend a home rule charter. Blodgett points out that a city council may propose amendments on its own and recommend them to the voters or,

...the governing body must submit a proposed charter amendment to the voters for their approval at an election if the submission is supported by a petition signed by a number of qualified voters equal to at least five percent of the number of qualified voters of the municipality, or 20,000 whichever number is smaller (1994b:25).

Charters may also call for the formation of an elected charter commission whose duty it is to review the home rule charter and make recommendations for change to the city council. Typically, this commission is formed every five years.

## **Conclusion**

As a complete package, a municipality’s home rule charter serves as the instruction manual for that city’s government and bureaucracy. Cities are now protected to a greater degree from the state legislature due to constitutional home rule (MacCorkle, 1942:85). However, good government is not guaranteed. A city charter is a product of a citizen’s committee, and

therefore is only as good as those who helped create the document. MacCorkle (1942:85) reveals that not all members of a Home Rule Charter Commission are embodied with the necessary knowledge and understanding of government operations and the relationship present between the municipality and its citizens. MacCorkle (1942:86) summarizes that the final document elected by the voters “may offer significant possibilities, but few guarantees.”

## **CHAPTER 4**

### **CASE STUDY**

This chapter examines the home rule process as approached by the City of Kyle. The chapter briefly reviews the history of Kyle, the initiation of the home rule process and the work of the Home Rule Charter Commission (HRCC). By examining the entire process of adopting a home-rule charter through a specific example, the researcher may gain a better perspective of the method as a whole.

The City of Kyle lies on the Interstate 35 corridor, twenty-one miles south of Austin and eight miles north of San Marcos.<sup>3</sup> The town was created on July 24, 1880 when the Kyle and Moore families donated 200 acres to the International and Great Northern Railroad Company (Strom, 1981). The initial population was approximately 500, but soon dropped to below 300. When Kyle incorporated in 1928, it was a town of 600 (Strom, 1981). Kyle was a rural town supported by local farmers and ranchers. As the decades went by, Kyle grew slowly (see Table 4.1).

<b>Table 4.1 Population of Kyle by year with percentage increase.</b>		
<b>Year</b>	<b>Population</b>	<b>% Increase</b>
1950	892	
1970	1,629	82.60%
1990	2,225	36.50%
2000	5,003	124.80%

In the 1990's, Kyle has become a suburb of Austin, home to mostly commuters. The largest local employer is the Hays Consolidated Independent School District. In the last decade of the twentieth century, land developers turned their attention to the City of Kyle. It was now Kyle's time to become an active participant in the rapid growth engulfing the IH-35 corridor between the San Antonio and Austin metropolitan areas.

The 1990 United States Census showed Kyle as having a population of 2,225. Estimates by the Census Bureau as late as 1998 revealed an increase in eight years to only 3,645. In the late 1990's, Kyle was entering a boom in housing construction. Developers had begun to focus to the south of Austin after Round Rock and Pflugerville started running out of room for new subdivisions north of Austin. Communities north of Austin now suffered the effects of their own growth in the late 1980's and early 1990's.

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<sup>1</sup> See Appendix C for maps of region.

Increases in traffic congestion and the overburdening of schools were two such consequences.

### **Initiation of Home Rule Process**

In January 2000 members of the City Council approached Stephen J. Harrison, D.P.A, City Administrator of the City of Kyle, regarding Home Rule and the feasibility of Kyle pursuing such distinction. After preliminary discussions with Barney Knight, the City Attorney, Harrison decided to begin the process of becoming a home rule city. Since the State Constitution requires that a city seeking home rule status must have a minimum of 5,001 residents, determining the current population of Kyle was the first step.

### **Population**

At present, Kyle has four major subdivisions in development and more in the planning stages. Plum Creek, the largest subdivision to date in Kyle, is comprised of over 2,212 acres. Developers broke ground in the summer of 1999, and have a fifteen year projected build out of 5,148 living units as well as commercial and industrial development.<sup>4</sup> This new growth led the Kyle City Administrator to conclude that the city's population had exceeded 5,000.

The population of Kyle was estimated using the following formula:

$$H * W = P$$

$$3.2014 * 1,563 = 5,003$$

Where:     H = average number of individuals per household  
              W = number of residential water meters within the city limits  
              P = population

### **Charter Commission**

While tackling the issue of population, it was also necessary to identify fifteen individuals to serve as Kyle's first Home Rule Charter Commission.<sup>5</sup> Dr. Harrison had made it clear that the city needed a committee that showed the true diversity of the city. The 1990 U.S. Census reported the city's population to be 71.8% Hispanic, 25.9% white, 1.8% black, and the balance other (Bureau of the Census, 1991). A commission was formed, that though still predominately Caucasian, included all facets of Kyle residents. (See Table 4.2) On March 21, the council passed an ordinance naming fifteen citizens to this new commission. Cities addressing home rule charters for the first time are permitted to appoint the committee members. Those cities that have failed in their attempts to have a charter

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<sup>4</sup> These figures come from the Plum Creek Ranch master plan filed with the City of Kyle.

approved at least once must put the names of potential commission members to a vote by the local electorate.

**Table 4.2 Composite of Kyle's Home Rule Charter Commission, N=14\***

<b>RACE</b>	<i>Caucasian</i>	<i>Hispanic</i>	<i>Black</i>
<i>Male</i>	8	2	0
<i>Female</i>	2	1	1
<b>AGE – Senior Citizens</b>			
Male	4	0	0
Female	1	0	1
<b>RESIDENCE</b>			
Original Kyle	6	1	0
New Kyle	4	2	1

### **Commission Meetings**

The Home Rule Charter Commission first met as a body on March 13, 2000 when the Kyle City Administrator conducted a workshop for the members. Dr. Harrison outlined the duties of the commission, proposed a timeline, and discussed group dynamics. On March 27, the group held their first official meeting and quickly got to work discussing the benefits of the council-manager system of government.

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<sup>5</sup> § 9.002 © of the Texas Local Government Code discusses the size requirements of the Home Rule Charter Commission. Fifteen members is the minimum amount, more members are allowed, but no more than 1 member per 3,000 inhabitants.

Three resources were available to the commission for support throughout this process. They included the City Attorney, the City Administrator and staff, and a copy of Blodgett's 1994 work *Texas Home Rule Charters*. Commissioners relied solely on this book for their personal research. Often the commission relied on the Blodgett book to make their final decisions regarding a particular item.

The commission quickly focused on the council-manager form. The city presently operates with a city administrator position created by ordinance that reports directly to the council. The council retains control over appointment of supervisory positions. The mayor would be considered weak as he may vote only in a tie and has no administrative duties. Commission members felt the present arrangement was the best place to start, but they were adamant about enhancing the position. The draft charter holds the city manager accountable for all administrative duties within the city. All department heads are to be appointed and removed by the manager. Even the position of City Secretary, which has to date been filled by the city council, is now to be appointed by the city manager.

After deciding on the form of government to be implemented through the charter, the HRCC concentrated on the council. With subdivisions

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\* Though fifteen citizens were initially named to the Home Rule Charter Commission, one appointee never attended any meetings and was removed. No one was named to fill her spot.

quickly popping up around town, the commission was interested in creating a method of selecting council members so that the old town would not be at the mercy of newcomers. Selecting a mixed system of districts and at-large council places accomplished this. The town is will be divided into three districts in which each district's representative must reside. There will also be three at large places. As the town now has only five council members, a sixth place was created. The commission felt that with the continued growth of the town, it was best to be proactive and include an additional council place.

Another change that the proposed charter would bring to Kyle's government is the call for compensating council members. Though this decision was far from unanimous, the draft charter recommends that the Mayor receive \$100 per meeting for a maximum of \$200 a month, and council members would be compensated \$50 per meeting with a maximum of \$100 a month. Commissioners supporting this measure felt that members of the council should receive a stipend for the personal time and money each uses in researching and following up municipal affairs.

Terms for the council and mayor were increased from two to three years. As Commission Chairman and former mayor Pete Krug avowed, "It takes two years just to learn the job, with a third year they could begin

accomplishing something.” The only other change that affected the mayor was with regard to voting. The mayor would now have an equal vote on all council matters. Commissioners felt that it was important for the mayor to take a stand on issues before the governing body.

The commission used its authority to add all three aspects of direct democracy into the charter. The commission was unanimous on the inclusion of initiative, referendum, and recall, though there was much discussion on the process, specifically how many signatures would be required for petitions. Initiative and referendum each require signatures from 10% of registered voters. Recall was increased to 25%. The HRCC felt a higher number was justified because of the sensitive nature of removing an elected official, but still wanted to keep the amount obtainable. Some commissioners expressed concern that recall would be used to oust an official for simple political reasons versus wrongdoings or incompetence.

Agendas were posted before every meeting and the HRCC abided by the Texas Open Meetings Act. There was also extensive coverage of the commissions meetings by the local newspaper *The Free Press*. Still, public output over the course of the meetings was low. The commission often discussed ways to raise interest in their work.

In attempt to gain public insight into their work, the HRCC called two public hearings on the draft charter. On July 18, 2000 a joint meeting of the Commission and the Kyle City Council was held. This enabled both citizens of Kyle, as well as the elected body to raise questions or concerns about the charter. The HRCC is under no obligation to amend its work. Nevertheless, by holding public meetings in an effort to present the charter to citizens, as well as collect public input, the HRCC may improve the chances of the document's passage at the charter election to be held in November. A second public hearing will be held a week later solely by the HRCC.

The turnout for the first public hearing was larger than usual council meetings. Council members and citizens used the opportunity to express concerns and ask questions. Council members articulated concerns over compensation and the requirement for a comprehensive plan. The HRCC chairman with the assistance of the city administrator and the city attorney responded to the council's apprehension. Each individual council member was free to reject the offered compensation, but the commission felt that a stipend was important. Concerns over the comprehensive plan falling on the backs of the Planning and Zoning Commission (P&Z) were assuaged by the city attorney when he explained that the majority of the work would be done

by city staff, while the P&Z would be used as an advisory and oversight committee.

The power of annexation was also a hot topic at the hearing. One individual who resided outside the city limits felt that if Kyle had the power to annex, that no one outside the city boundaries would be safe. The city administrator and city attorney explained the three year annexation plan put into effect by the state legislature, and assured him that the city had not even begun to consider specific areas for annexation.

Once the commission has finished their work, a completed charter signed by all members will be submitted to the city council. The city council has no authority to make any changes to the document. In addition, the city council must call for an election on the charter within forty-five days. Each registered voter with the city limits must be mailed a copy of the proposed charter at least thirty days prior to the election. The adoption or rejection of any home rule charter is left strictly to the local voters.

The next chapter will examine the methodology and the framework for the research.

## **CHAPTER 5**

### **CONCEPTUAL FRAMEWORK AND METHODOLOGY**

Babbie (1995, 18) informs us “methodology is the science of finding out.” The researcher is searching for clues much as an investigative detective would. Therefore, the purpose of this chapter is twofold. First, to introduce the conceptual framework which guides the research and second, examine the method used to analyze the home rule charters that served as the units of analysis; in an attempt to explain how the data was culled from the documents.

The research purpose is carried out using content analysis of the twenty home rule charters adopted since the conclusion of Blodgett’s Texas home rule charter study. These charters would be comparable to the social artifacts that Babbie (1995: 208) states content analysis focuses on. Content analysis helps identify the substance of the charters and descriptive categories are used to operationalize the groupings.

#### **Conceptual Framework**

The purpose of this paper is to describe the subject matter of twenty home rule charters. Therefore, the conceptual framework uses descriptive

categories to outline the material. Blodgett originally used fifteen categories in his study. This research project has been scaled down from Blodgett's analysis and includes eight distinct categories.

**Form of government** will assess the model of supervision each city selected to operate under. The three methods available are mayor-council, council-manager, and commission. The office of **Mayor** will be evaluated for each city, especially the powers delegated to the office. The legislative body of each city, or its **city council** will be studied for topics such as method of election, terms of office, and qualifications. The **city manager** category will look into the administrative duties and powers of the position.

The municipal bureaucracy will be covered under **city departments, offices, and boards**. The positions of city secretary, city attorney, and municipal judge will be specifically reviewed. **Financial administration** will assess various budgetary requirements outlined in the charters.

**Initiative, referendum, and recall** will deal with direct democracy.

Finally, **charter amendments** will be discussed. Table 5.1 links the literature to the conceptual framework through the descriptive categories and then connects to the methodology.

<b>Table 5.1 Conceptual Framework linked to literature and evidence</b>		
<i>Source</i>	<i>Categories</i>	<i>Method</i>
Blodgett (1994a and 1994b) Good (1999) Keith (1951) Svara (1999) Taebel (1985)	<b>Form of Government</b> Commission Council-manager Mayor-council	Content Analysis (1)
Blodgett and Crowley (1990) Blodgett (1994a and 1994b) Svara (1999)	<b>Mayor</b>	Content Analysis (2-23)
Blodgett (1994b) Box (1995) TML (2000)	<b>City Council</b>	Content Analysis (24-46)
Blodgett (1998) Golembiewski and Gabris (1995) Nalbandian (1999)	<b>City Manager</b>	Content Analysis (54-65)
James (1914) Liner and McGregor (1996)	<b>Departments, Offices, Boards</b>	Content Analysis (47-53,66)
DeSantis (1998)	<b>Financial Administration</b>	Content Analysis (67-87)
Cronin (1989) Munro (1912)	<b>Initiative, Referendum, and Recall</b>	Content Analysis (88-95)
Blodgett (1994b)	<b>Charter Amendments</b>	Content Analysis (96-97)

## **Content Analysis**

Content analysis was the method utilized by Blodgett in the original study. This was the appropriate method to follow up Blodgett's research. As Weber (1985) points out, content analysis employs a set of procedures to make legitimate inference from text. Babbie (1995: 307) affirms that this

method refers “to the coding or classification of material being observed.” Written forms of communication are appropriate for analysis through content analysis. Therefore, content analysis is the appropriate choice to explore the home rule charters. The coding sheet used in this project is based on Blodgett’s. Appendix D displays the coding sheet.

### **Strengths and Weaknesses**

One advantage of content analysis is economy, especially to the student researcher. Utilizing written documents can save both time and money (Babbie, 1995:318). Sources once defined are often simple to gather. For this study, calls placed to the city secretaries of the cities included in this project resulted in a return rate of 85%. The remaining documents were gained at minimal cost with a trip to the Office of the Secretary of State. The research has the added benefit of analyzing the documents without help of staff. A second advantage of content analysis is that it is unobtrusive or nonreactive research. Investigation of the charters is conducted with no interference in the operations of the cities whose charters are being reviewed.

A weakness of content analysis as conducted here is that it relies on one researcher to create the descriptive categories in which to gather and

describe the empirical data. This may lead to inadvertent bias. Another disadvantage is that the limitations placed on content analysis restrict this particular method to the analysis of written communication (Babbie 1995, 320). These weaknesses are kept in check to some degree, as this is a follow up work to research that has been available for six years. Additionally, the inclusion of the total population of home rule charters adopted since the original study eliminates the possibility of sampling error.

### **Population**

Per the Secretary of States Statutory Filings Department, twenty cities in Texas adopted home rule charters since the conclusion of Blodgett's 1994 study for the Texas Municipal League. Eighteen cities supplied copies of their home rule charters and the remaining two were obtained from the Secretary of State. Refer to Appendix A for a list of cities and the date the voters approved each charter.

### **Statistical Analysis**

The written information contained in each home rule charter is the unit of analysis in this study. A modified version of Blodgett's coding sheet was utilized to record the occurrence of data under each category.

Information acquired through content analysis and documented on the coding sheet was transferred to a statistical program. The results are summarized and detailed in the next chapter. Narratives, charts, and tables are used to present the findings in the form of descriptive statistics.

## **Case Study**

In an attempt to triangulate the research, a case study was performed on the City of Kyle's endeavor to become a home rule city. This study will assist in the understanding of how a home rule charter is formed. Babbie indicates that case studies are used to complete comprehensive evaluations of a specific group or society (1998:282). As a form of field research, case studies are appropriate to examine events as they happen instead of attempting to recreate proceedings at a later date.

Field research is an effective tool that may allow the research to pick up on certain nuances that would not be available after the fact (Babbie, 1998:303). This method of research may also be more cost effective, depending on the locale of the group under study. Though the qualitative aspects of this case study do not affect the statistical computations determined under the content analysis, this case study does provide insights into the process (Babbie, 1998:303).

The researcher must point out that he was an active participant in the home rule process undertaken within the City of Kyle. Though all decisions affecting the proposed charter were made solely by the Home Rule Charter Commission, the researcher did serve as staff to the commission. Participation was limited to preparing agendas, workbooks, and research, though minimal group facilitation was required as well.

## **CHAPTER 6**

### **RESULTS AND ANALYSIS**

The purpose of this chapter is to organize and summarize the collected data. The results are produced from the analysis of the twenty home rule charters examined for this project. Information was acquired through the use of the coding sheet. The data is presented by category as outlined in the methodology chapter. Comparisons are offered between the results of this study and Blodgett's research.

#### **Form of Government**

Selecting a form of government is one of the most important decisions made by a home rule charter commission. The choice narrows down to a strong elected executive, or a professional administrator. In Blodgett's study of 290 home rule charters in 1994, 87% of home rule cities possessed the council-manager form of government. The remaining thirteen percent fell under mayor-council form. The-council-manager plan is still preferred today. Of the twenty charters analyzed in this project, 90% elected government by the council-manager system. Only two cities, Keene and Horizon City authorized the mayor-council form.

**Table 6.1 Form of government (N=20)**

<i>Council Manager</i>	18
<i>Mayor-Council</i>	2
<i>Commission</i>	0

**Mayor**

The office of mayor is discussed in every charter reviewed. All twenty cities include the mayor as a member of the city council, though not all mayors have an equal vote. Forty percent of mayors have an equal vote on all matters before the council, while 55% may vote only in a tie. The City of Hidalgo is the lone city that mentions to voting duty for the mayor.

**Table 6.2 Mayor's voting power (N=20)**

<i>Regular Vote</i>	8
<i>Vote only in tie</i>	11
<i>Voting not mentioned</i>	1

**Selection of mayor**

Mayors in 19 of the 20 cities are elected directly by the voters. In the City of Robinson, the mayor is an elected council member who is elevated by the city council to the office of mayor. Robinson uses the council-manager form of government. Blodgett found that only nine percent of

council-manager cities in Texas choose their mayor in the same manner as Robinson.

### **Duties of Mayor**

Under duties of the mayor, descriptions are often broad. Authorities such as ceremonial powers, martial law, and powers during emergencies are given to the mayor. Though no mayor is specifically denied these powers they are not explicitly granted in every charter. Greater than half of the charters grant ceremonial functions and martial law to their mayor. Only 45% of charters reviewed designate powers to the mayor during times of emergency.

**Table 6.3 Mayoral duties**

	<i>Percent Yes</i>
<i>Ceremonial Duties (N=20)</i>	65%
<i>Martial Law</i>	55
<i>Emergency Powers</i>	45

### **Salary**

Charters address compensation for mayors in the three ways described in table 6.4. Sections tend to either specifically outlined pay in the charter, prohibit compensation outright, or leave the decision to the council.

**Table 6.4 Compensation for mayor (N=20)**

<i>Council sets pay</i>	7
<i>Charter states no compensation</i>	11
<i>Charter sets specific pay</i>	2

## **City Council**

All twenty charters designate the elected council as the governing body of their respective cities. Each encompasses language similar to the City of Lacy Lakeview's charter.

Pursuant to its provisions and subject only to the limitation imposed by the State Constitution, by the statutory laws of Texas, and by this Charter, all powers of the city shall be vested in an elective Council, hereinafter referred to as the "Council"...

## **Council size**

Charters are free to designate as many council places as the HRCC deems warranted. Ninety-five percent of charters maintain a city council at either five or six members. These cities have not expanded far from their pre-home rule government. General Law cities operating with boards of alderman maintain council with five members. Horizon City, a mayor-council government, has a governing body of seven members (see table 6.5.). All charters require staggered terms for the council. This allows a city council to have continuity.

**Table 6.5 Size of Council (N=20)**

<i>5 member council</i>	10
<i>6 member council</i>	9
<i>7 member council</i>	<u>1</u>
<i>Total</i>	20

### **Qualifications**

Each charter outlines requirements that those seeking elected office must possess in order to be placed on the ballot. Categories include residence, age, qualified voter, and status of tax delinquency. All twenty charters expressly state that candidates and officials reside within the city limits. The length of time one must be a resident varies with 80% requiring a minimum of one year (see table 6.6). Two ages, 18 and 21, are mentioned most as qualification, with 65% calling for 21 years old as a minimum. The remaining 35% percent state 18 or have no mention of age.<sup>7</sup> No charter allows an individual who is not a registered voter to seek office. Thirty percent of charters reviewed include a provision prohibiting those who are delinquent in their city taxes from running for council. Table 6.7 has the breakdown.

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<sup>7</sup> Those charters, which do not designate an age, are included under 18 years of age as the state Election Code states that one must be 18 or older.

**Table 6.6 Time of residency (N=20)**

	<i>Frequency</i>
<i>Six months</i>	3
<i>One year</i>	16
<i>No specific time stated</i>	1

**Table 6.7 Barred if tax delinquent (N=20)**

<i>Yes</i>	6
<i>No mention</i>	14

### **Vacancies**

It is the charters prerogative to determine how vacancies on the council will be filled. Blodgett indicates that it is typical for the first vacancy to be filled by council appointment, and the second (or two at one time) filled by special election. Table 6.8 demonstrates that this trend still exists. The charter for Lacy Lakeview allows their city council to choose either appointment or election, regardless of the number of vacancies (reported under other).

**Table 6.8 Vacancies on Council (N=20)**

One Vacancy		
<i>Appointment</i>		15
<i>Election</i>		4
<i>Other</i>		<u>1</u>
	<b><i>Total</i></b>	<b>20</b>
Two Vacancies		
<i>Appointment</i>		3
<i>Election</i>		16
<i>Other</i>		<u>1</u>
	<b><i>Total</i></b>	<b>20</b>

### Terms and Method of Election

Charters that call for two-year terms for their council may choose between election by majority or plurality. If a term is three years or longer, than majority election is required. Of the 14 cities that set council terms at two years, eight have election by majority vote. Table 6.9 displays the results.

**Table 6.9 Method of election**

	<b>2-Year Term</b>	<b>Total</b>
<i>Majority</i>	8	12
<i>Plurality</i>	6	8
	<b>N=14</b>	<b>N=20</b>

### Council Meetings

Charters are permitted to specify how often the city council is to meet to conduct city business. Cities are allowed to meet more often than

stipulated in the charter, but may not meet less. No city under this study meets more than twice per month. Eleven of the twenty cities designated at least one council meeting per month. Boerne, Forney, Gilmer, Gun Barrel City, and Lake Dallas actually meet twice a month.

**Table 6.10 Council Meetings (N=20)**

	Required	Actual
<i>Once a month</i>	7	13
<i>Twice a month</i>	11	7
<i>Not specified</i>	2	-

### City Manager

Many cities prefer a professional administrator be responsible for the day-to-day operations of their municipality. Often in mayor-council forms, a manager is brought in to work under the mayor. Of the twenty charters reviewed in this study, 19 established the position of city manager. Only Horizon City under its mayor-council system has no mention of a professional administrator within the city charter, placing all administrative duties in the hands of the mayor. It is important to note that 75% of charters direct their councils to hire the city manager with a majority of the entire council (see table 6.11).

**Table 6.11 Vote to hire city manager (N=20)**

<i>Majority</i>	4
<i>Majority of entire council</i>	15
<i>No mention</i>	<u>1</u>
<b><i>Total</i></b>	<b>20</b>

Sixteen charters include clauses that regulate when and if a former elected official may work for the city, especially as the city manager. Over 62% of charters with this condition mandate only a one-year absence from elected office. Charters from Lacy Lakeview, Robinson, and Whitehouse contain no provision in this regard. Only 55% of charters in Blodgett's study contain this provision.

**Table 6.12 Time limit before former council member may be city manager (N=20)**

<i>One year</i>	10
<i>Two year</i>	6
<i>No provision</i>	4

As one of the most important duties assigned to a city manager is keeping the city council apprised of the city's business, 85% of the charters require that the city manager attend all council meetings. Managers may be absent with prior permission. Amazingly, charters for two cities with established manager positions, Corinth and Forney, do not mention this

requirement. Horizon City, with no city manager, makes up the remaining five percent.

In an effort to keep elected officials from using their position to assert control over city employees and to allow the manager the necessary freedom to deal with personnel, all 20 charters contain clauses strictly prohibiting the city council from interfering in personnel matters or giving direct orders to city employees. As a reminder that all power of the city remains in the hands of the elected city council, city managers serve at the will of the governing body. Though contracts are becoming more standard in this area, it is important for the council to be able to remove a manager that they have lost confidence in. Nevertheless, some charters provide the manager with a hearing. Hearing are available to those individuals who have served as city manager for longer then six months. A majority of charters (80%) in this study do not provide hearings on the dismissal of a city manager (see table 6.13). This is a reversal of Blodgett's findings. His study indicated approximately 67% of charters allowed a hearing.

**Table 6.13 Dismissal of a city manager (N=20)**

<i>Hearing provided</i>	9
<i>No hearing provided</i>	11

Blodgett found over 47% of charters in his research settled on appointment by city council as their method versus 45% in this study.

**Table 6.14 Appointment of City Secretary (N=20)**

<i>Appointed by city manager</i>	6
<i>Appointed by city manager w/ council approval</i>	4
<i>Appointed by city council</i>	9
<i>Appointed by city council on recommendation of city manager</i>	1

The length of the city secretary's term showed three results. This municipal officer either serves at the pleasure of the city council (45%) or the pleasure of the city manager (40%), depending on who has appointment power. Three charters to not address the city secretary's term.

### **City Attorney**

As the legal counsel for the city council, a majority of governing bodies tends to select the city attorney themselves. Cities may hire an attorney on staff or contract for their services. Charters are silent on this matter. Eighty-five percent of charters reviewed put the selection of a city attorney in the hands of the council. Table 6.15 shows the breakdown for all methods found. No charter allowed the city manager total discretion in this area, and only two called for advice from the manager. Blodgett found the council

appointment process favored in over 74%. This research showed it preferred by 80%.

**Table 6.15 Appointment of City Attorney (N=20)**

<i>Appointed by city manager with council approval</i>	1
<i>Appointed by city council</i>	16
<i>Appointed by city council on recommendation of city manager</i>	1
<i>Mayor with approval of city council</i>	2

### **Municipal Judge**

The first level of justice that many people are involved with is at the municipal level. State law leaves the selection of municipal judges to the discretion of the cities. To preclude any appearance of impropriety, many cities bestow the appointment of this position on the city council. Both Blodgett and this research point to this conclusion, with the former showing in excess of 78% appointment by city councils, and the latter at 75% (see table 6.16).

**Table 6.16 Appointment of Municipal Judge (N=20)**

<i>Appointed by city manager w/ council approval</i>	1
<i>Appointed by city council</i>	15
<i>Appointed by mayor with approval of the city council</i>	4

A charter may define a specific term for a municipal judge or have the position serve at the pleasure of the city council. Those charters that

indicate a term favor a two-year limit, with 45% of those reviewed setting the term at two years. Crowley and Sealy have three-year terms, while Hidalgo appoints judges for four years. The remaining 40% serve at the pleasure of the council.

### **Boards and Commissions**

Charters may either specify the creation of particular boards and commissions within its pages or leave them to the discretion of the city council. The City of Joshua simply states the following:

**SECTION 7.01: BOARDS AND COMMISSIONS – GENERAL**  
The City Council shall be empowered to create and/ or disband all boards and commissions that it deems necessary and/or required by state law.

Joshua, along with Keene and Sealy, has no references to particular boards and commissions within their city charters. The remaining cities all include the call for at least one board or commission to be formed. Table 6.17 list the ones included in the 17 other charters and how many charters include each. Planning and Zoning is the most predominate, included by 80% of the charters.

**Table 6.17 Boards and Commissions (N=20 for each listed)**

	Percent Yes
<i>Planning and Zoning</i>	80%
<i>Board of Adjustments</i>	50
<i>Park and Recreation Board</i>	20
<i>Library Board</i>	5
<i>Ethics Commission</i>	5
<i>Fire Department Board of Appeals</i>	5
<i>Appeal Board for City Employees</i>	5

### **Financial Administration**

Administration of a city finances may be one of the most important aspects of municipal government. Citizens care about how their tax money is spent, and that proper care is taken with the funds. That would be one reason that 100% of the charters reviewed in this project include a provision for an annual financial review by an independent auditor. State law leave substantial authority of municipal finances to each city, and an independent review helps maintain the integrity of cities finances.

Cities are given the right to choose when they the fiscal year to begin. The state of Texas has October 1 – September 30, and many cities set their fiscal year to begin the same day. Over 67% of cities in the Blodgett study have the October 1 – September 30 fiscal year as well. Of the 20 charters in this study, 80% have designated the same dates as the state. The four remaining cities, Hidalgo, Horizon City, Joshua, and Keene, leave the

determination of the fiscal year to the council. The councils of these four cities have passed ordinances setting the fiscal year as October 1 – September 30.

### **Budget**

Setting the budget may take months. City staff may start as early as June in figuring the budget for the upcoming fiscal year. It is the responsibility of the council to review and ultimately approve the budget. Some cities see this duty as significant enough to warrant the votes of a majority of the entire council. Table 6.18 compares the results of this study to Blodgett’s findings. This study found an equal distribution between the two choices, similar to what Blodgett discovered in 1994. Though deficit spending enjoys infamy from the federal governments use, municipalities strive to stay away from this method. Thirteen charters, or 65%, require the expenditures must equal revenues.

**Table 6:18 Council vote on adoption of budget**

	<b>2000 Study</b>	<b>1994 Study</b>
<i>Simple Majority</i>	50%	54.8%
<i>Majority of entire council</i>	50%	55.2%
	N=20	N=290

Occasionally, a city council may be unable to reach a consensus on the budget and begin a new fiscal year with out passing the latest budget. Seventeen charters evaluated for this project include provisions for this dilemma. Only 56% of charters in 1994 attempted to deal with this problem. Table 5.19 demonstrates how the twenty cities in this study address this circumstance. Nineteen cities place the duty of preparing the budget and submitting it to the city council with the city manager. The mayor of Horizon City is the only exception. In Leander, the city manager organizes the budget, but then presents it to the mayor. It is Leander's mayor who then presents the budget to the council.

**Table 6.19 When budget is not adopted by end of fiscal year (N=20)**

<i>Manager/Mayor's budget effective</i>	2
<i>Continue last years budget on monthly basis</i>	15
<i>No provision</i>	3

### **Capital Budget**

Blodgett identified only 114 charters, are approximately 39% of his study, that included language requiring a capital budget or program. Most charters passed since then have had the foresight to include a capital program prerequisite within budgetary requirements. Eight-five percent of city charters in this study mandate the preparation of capital programs and

their annual evaluation. The cities of Crowley, Kennedale, and Robinson did not include reference to this section in their charters.

### **Initiative, Referendum, and Recall**

Direct democracy or initiative, referendum, and recall is one of the benefits afforded home rule cities. As discussed earlier, no other political subdivision within Texas is provided this privilege. Blodgett found that a vast majority of home rule cities in 1994 included language regarding initiative, referendum, and recall. Table 6.20 demonstrates that direct democracy is still in favor, with over 95% of charters reviewed in this study including at least one, and greater than 90% incorporating all three. The charter for the City of Corinth allows for initiative and referendum alone, while Sanger's permits only recall. No cities within this study have received petitions from citizens regarding initiative, referendum, and recall.

<b>Table 6.20 Direct Democracy</b>		
	1994 <i>No. of Cities</i>	2000 <i>No. of Cities</i>
<i>Initiative</i>	85%	95%
<i>Referendum</i>	85	95
<i>Recall</i>	91	100
	<i>N=290</i>	<i>N=20</i>

## **Charter Amendments**

Language may be included within the charter that describes how often a charter commission should be formed. State law prohibits a charter from being amended more than once every two years. The majority of charters (70%) include minimal language stating that state law should be followed. Four cities require that a charter commission be formed every five years to review the charter and make recommendations regarding amendments. Gun Barrel City requires a charter commission to be formed every two years, while Corinth states that the council may form a commission only on receipt of a petition signed by 5% of registered voters.

Only nine of the 20 charters have been in effect for over two years, and therefore eligible for amending. The cities of Lake Dallas and Gilmer have made changes to their original document. The City of Whitehouse has a charter commission reviewing their charter at present. Sealy went through the review process in September 1998, but the commission recommended that no changes were necessary.

The twenty charters reviewed in this study indicate the comprehensive work that goes in to creating a home rule charter. The final chapter presents an overall discussion of the content analysis and the findings.

## CHAPTER 7

### CONCLUSION

The purpose of this chapter is to review the research purpose and present the overall results of the analysis. Additionally, this chapter will offer recommendations for further study in the area of home rule charters. The purpose of this research is to describe the contents of municipal charters adopted since the conclusion of Blodgett's 1994 study. The research question is to determine how home rule cities structure their government. The research provided by this project may assist city governments in their continual efforts to improve their methods and organization.

#### **Research Summary**

Observations during the case study indicated one area of further study. Blodgett's 1994 book, used as a resource by the City of Kyle's charter commission, directly influenced decisions regarding the home rule charter. The commissioners often researched discussion topics using the book and quoted from the study. There were times that the commission had difficulty reaching a consensus. When this problem arose, the commission would turn to *Texas Home Rule Charters* and see what the research showed in a

As research indicated that some influence was held by Blodgett's book, and with its use by many cities pursuing home rule status, it should be investigated to see the affect his book has had on charters that have come since its publication. For this, a more comprehensive study of the charters in this study would need to be accomplished. Interviews with the elected officials, staff and home rule commissions that created the twenty charters in this research would assist in this task.

Three subjects covered in the results chapter provide material for further study. Voting power for mayors, hearing on the discharge of city managers, and appointment of department heads had no distinct majority. It would be of interest to understand these features more deeply and the thinking behind the various choices. Continued research in charters will aid cities that pursue home rule in the future, both within Texas and other states.

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particular area. Often the commission went with the majority as show in the book.

This project demonstrates what Blodgett found in 1994. The council-manager form of government is the preferred method of municipal administration in the state of Texas. Blodgett found less than nine percent of cities operating under the mayor-council form, while this analysis identified only two cities or 10%. Though some councils still prefer to keep tight reigns on their managers, administrators are seen as the proper choice for guiding the daily operations of Texas cities. City councils and citizens desire professional administration over elected executives, but administration that is still answerable to the city council and, therefore, the electorate.

Much hard work is put into creating a home rule charter. The majority of commissions take their jobs seriously and work diligently to prepare the best document possible. They know the important role that the charter commission plays, especially since the document they create will go directly to the voters. Nevertheless, there are numerous cities that rely too heavily on the work of a commission from another town. At times, the only way to differentiate between charters was to look at the cover. An individual on staff with the City of Corinth confessed that there was a city that acquired the Corinth charter and simply changed the city name

throughout the document. If this indeed happened, it was to the detriment of the second city. It is the role of the commission to create a document tailored to the needs of their city.

As a city's constitution, the home rule charter sets the framework for a municipalities government, just as the Unites States Constitution guides the federal government. The charter is in evolving document, written at a specific time for specific reasons. With the passage of time, it is important to review the charter to ensure that its provisions continue to meet the needs of the municipality.

### **Continued Research**

This study was inconclusive in many areas, and failed to reach the weight of the research it was based. There are still aspects to be explored in the study of Texas home rule charters. This project was a follow up to Blodgett's research, but it was unable to obtain the comprehensive level that he achieved in *Texas Home Rule Charters*. Time, staff, and financial resources did not meet the levels present in 1994. Though this research provides a basis of comparison, more study of these charters is needed to balance equally with Blodgett.

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## **LIST OF APPENDICES**

<b>APPENDIX A</b>	<b>CITIES INCLUDED IN RESEARCH</b>
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**APPENDIX A**  
**CITIES INCLUDED IN RESEARCH**

City	Population	Incorporated	Charter Approved	County
Boerne	5,967	1909	11/7/95	Kendall
Corinth	9,150	1960	5/1/99	Denton
Crowley	7,350	1951	5/1/99	Tarrant
Forney	4,850	1873	11/4/97	Kaufman
Gilmer	5,000	1885	1/18/97	Upshur
Gun Barrel City	6,000	1969	8/10/96	Henderson
Hidalgo	6,000	1959	5/6/95	Hidalgo
Horizon City	5,333	1988	11/4/97	El Paso
Joshua	5,200	1955	8/8/98	Johnson
Keene	5,100	1955	11/2/99	Johnson
Kennedale	5,700	1947	1/17/98	Tarrant
Lacy Lakeview	5,532	1954	1/16/99	McLennan
Lake Dallas	5,900	1965	1/17/98	Denton
Lumberton	6,640	1977	8/14/99	Hardin
Red Oak	5,107	1949	1/20/97	Ellis
Robinson	7,111	1955	5/1/99	McLennan
Sanger	5,200	1892	11/2/99	Denton
Sealy	5,890	1949	5/8/96	Austin
Whitehouse	6,200	1953	11/20/96	Smith

1 - Charter Commission formed to review, recommended no changes be made.

## APPENDIX B

### Texas Local Government Code

#### § 9.001. Adoption or Amendment of Home-Rule Charter

This chapter applies to the adoption or amendment of a municipal charter by a municipality authorized to do so by Article XI, Section 5, of the Texas Constitution.

#### § 9.002. Selection of Charter Commission

(a) The governing body of the municipality may, by an ordinance adopted by at least a two-thirds vote of its membership, order an election by the voters of the municipality on the question: "Shall a commission be chosen to frame a new charter?" The governing body shall by ordinance order the election if presented with a petition signed by at least 10 percent of the qualified voters of the municipality.

(b) The election ordinance shall provide for the election to be held on the date of the municipality's next general election scheduled after the 30th day but on or before the 90th day after the date the ordinance is adopted. However, if no general election is scheduled during that period that allows sufficient time to comply with other requirements of law, the election shall be ordered for the first authorized uniform election date prescribed by the Election Code that allows sufficient time to comply with other requirements of law and that occurs after the 30th day after the date the ordinance is adopted and published in a newspaper published in the municipality.

(c) The ballot at the election on the question prescribed by Subsection (a) shall also provide for the election from the municipality at large of a charter commission to draft a charter if a majority of the qualified voters voting on the question of choosing a charter commission approve the question. The commission must consist of at least 15 members, but if it has more than 15 members it may not have more than one member for each 3,000 inhabitants of the municipality. The ballot may not contain any party designation.

(d) The provisions of Subsections (a), (b), and (c) regarding the selection of a charter commission do not apply to the first charter election in a municipality if:

(1) (A) the governing body of the municipality selects a charter commission;

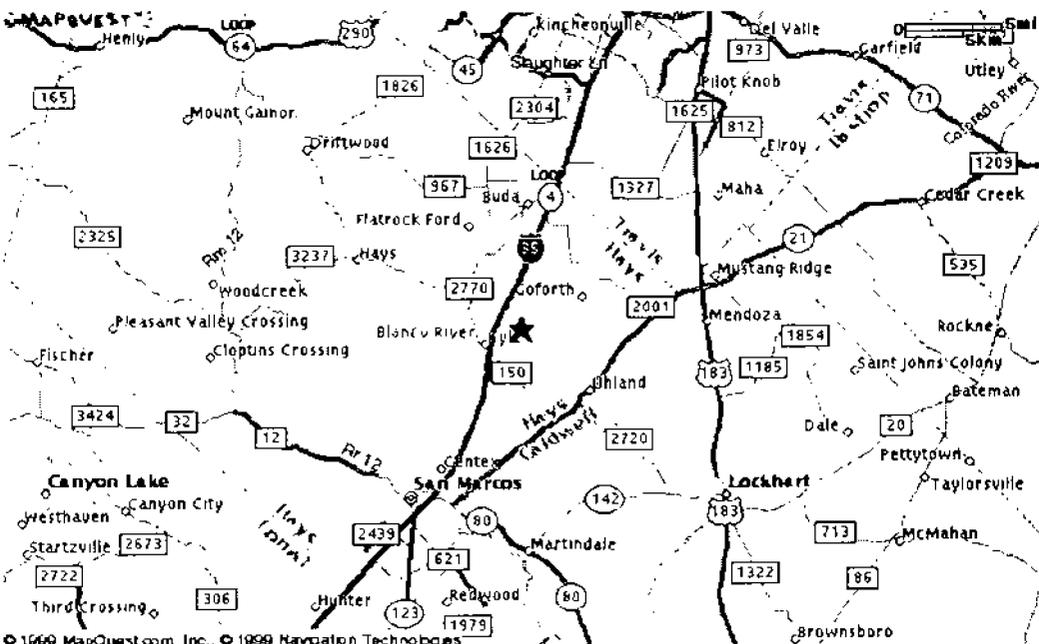
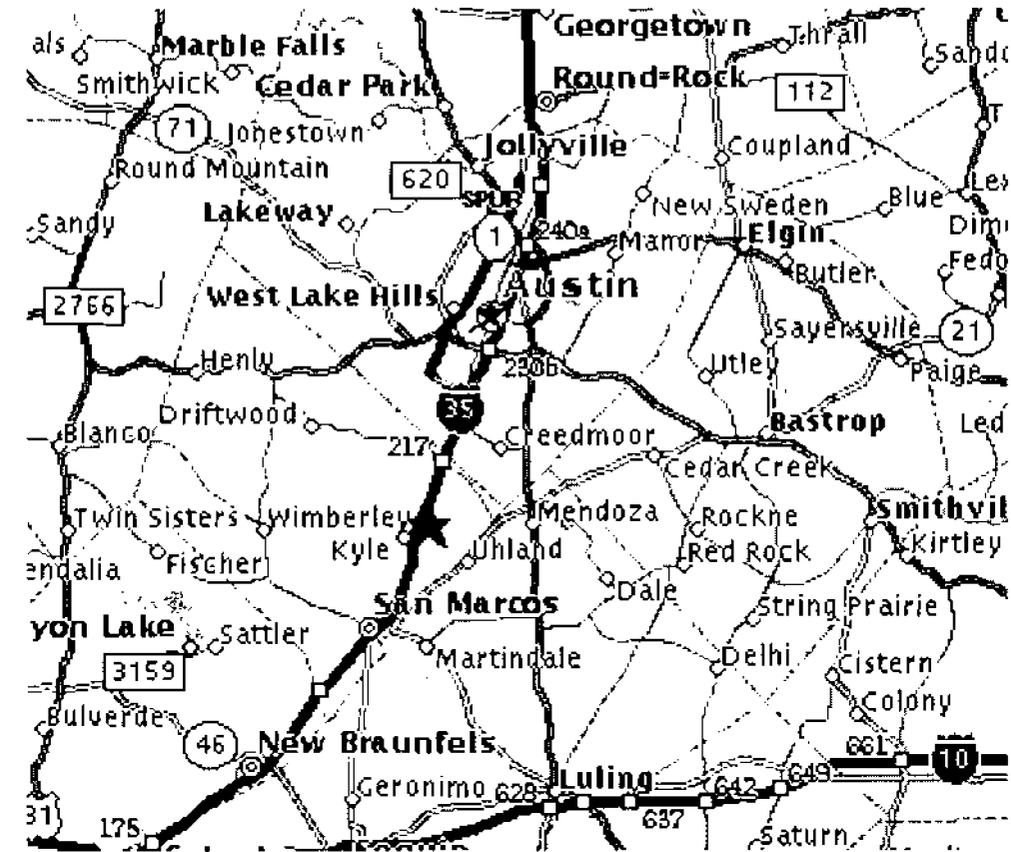
(B) a charter commission is selected at a mass meeting; or

(C) the mayor of the municipality appoints a charter commission; and

(2) the charter commission has proceeded with the formation of a charter for the municipality.

# APPENDIX C

## Regional Maps



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### **§ 9.003. Vote on Charter**

(a) The charter prepared by the charter commission shall be submitted to the qualified voters of the municipality at an election to be held on the first authorized uniform election date prescribed by the Election Code that allows sufficient time to comply with other requirements of law and that occurs on or after the 40th day after the date the charter commission completes its work. The governing body of the municipality shall provide for the submission of the charter at the election to the extent that the provisions for submission are not prescribed by general law.

(b) Before the 30th day before the date of the election, the governing body of the municipality shall order the municipal clerk or the municipal secretary to mail a copy of the proposed charter to each registered voter of the municipality.

(c) The charter commission shall prepare the charter so that to the extent practicable each subject may be voted on separately.

### **§ 9.004. Charter Amendments**

(a) The governing body of a municipality on its own motion may submit a proposed charter amendment to the municipality's qualified voters for their approval at an election. The governing body shall submit a proposed charter amendment to the voters for their approval at an election if the submission is supported by a petition signed by a number of qualified voters of the municipality equal to at least five percent of the number of qualified voters of the municipality or 20,000 whichever number is the smaller.

(b) The ordinance ordering the election shall provide for the election to be held on the first authorized uniform election date prescribed by the Election Code that allows sufficient time to comply with other requirements of law and that occurs on or after the 30th day after the date the ordinance is adopted.

(c) Notice of the election shall be published in a newspaper of general circulation published in the municipality. The notice must:

(1) include a substantial copy of the proposed amendment; and

(2) be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election.

(d) An amendment may not contain more than one subject.

(e) The ballot shall be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments.

### **§ 9.005. Adoption of Charter or Amendment**

(a) A proposed charter for a municipality or a proposed amendment to a municipality's charter is adopted if it is approved by a majority of the qualified voters of the municipality who vote at an election held for that purpose.

(b) A charter or an amendment does not take effect until the governing body of the municipality enters an order in the records of the municipality declaring that the charter or amendment is adopted.

#### **§ 9.006. Concurrent Elections**

This chapter does not prevent the voters at an election to adopt a charter or an amendment to a charter from electing at the same election persons to hold office under the charter or amendment.

#### **§ 9.007. Certification of Charter or Amendment**

(a) As soon as practicable after a municipality adopts a charter or charter amendment, the mayor or chief executive officer of the municipality shall certify to the secretary of state an authenticated copy of the charter or amendment under the municipality's seal showing the approval by the voters of the municipality.

(b) The secretary of state shall file and record the certification in his office in a book kept for that purpose.

#### **§ 9.008. Registration of Charter or Amendment; Effect**

(a) The secretary or other officer of a municipality performing functions similar to those of a secretary shall record in the secretary's or other officer's office a charter or charter amendment adopted by the voters of the municipality. If a charter or amendment is not recorded on microfilm, as may be permitted under another law, it shall be recorded in a book kept for that purpose.

(b) Recorded charters or amendments are public acts. Courts shall take judicial notice of them, and no proof is required of their provisions.



**Council Meetings**

30. Required 1. Weekly 2. Twice/mo 3. Once/mo 4. Not specific  
 31. Actual 1. Weekly 2. Twice/mo 3. Once/mo 4. Not specific  
 32. Mayor Term 1 2 3 4 (in years)  
 33. Council Term 1 2 3 4 (in years)  
 34. Term limits 1. Two- 2. Two 3. Two+ 4. Three- 5. Three 6. Three+
- Comments

**Mayor Salary**

35. NTE 1. Yes 2. No. 3. n/a  
 \$. \_\_\_\_\_ Per: 1. Meeting 2. Week 3. Month 4. Year 5. Other  
 36. NTE 1. Yes 2. No. 3. n/a  
 \$. \_\_\_\_\_ Per: 1. Month 2. Year  
 37. Set by Council 1. Yes 2. No. 3. n/a

**Council Salary**

38. NTE 1. Yes 2. No. 3. n/a  
 \$. \_\_\_\_\_ Per: 1. Meeting 2. Week 3. Month 4. Year 5. Other  
 39. NTE 1. Yes 2. No. 3. n/a  
 \$. \_\_\_\_\_ Per: 1. Month 2. Year  
 40. Set by Council 1. Yes 2. No. 3. n/a
- Comments

**City Manager**

41. City Manager established 1. Yes 2. No. 3. n/a  
 42. Fmr member of CC not eligible for: 1. 1 yr 2. 2 yrs 3. n/a  
 43. Manager participates in CC mtgs: 1. Yes 2. No. 3. n/a  
 44. Vote required to hire manager 1. Majority 2. Majority of CC 3. Other  
 45. Hearing provided to discharge mgr 1. Yes 2. No. 3. n/a  
 46. Council prohibited from interference in personnel matters: 1. Yes 2. No. 3. n/a  
 47. All department heads appointments require confirmation by council 1. Yes 2. No. 3. n/a

**City Clerk/Secretary**

48. Title 1. City Clerk 2. City Secretary  
 49. Appointed by: 1. Manager 2. Mgr w/ CC approval 3. Council  
 4. CC on reg of mgr 5. Mayor 6. Mayor on rec of mgr  
 7. Mayor with approval of CC  
 50. Term: 1 2 3 4 5. Pleasure of CC 6. Other 7. n/a

**City Attorney**

51. Appointed by: 1. Manager 2. Mgr w/ CC approval 3. Council  
 4. CC on reg of mgr 5. Mayor 6. Mayor on rec of mgr  
 7. Mayor with approval of CC

**Municipal Judge**

52. Appointed by: 1. Manager 2. Mgr w/ CC approval 3. Council  
 4. CC on reg of mgr 5. Mayor 6. Mayor on rec of mgr  
 7. Mayor with approval of CC
53. Term: 1 2 3 4 5. Pleasure of CC 6. Other 7. n/a

**Financial Administration**

54. Outside Audit required 1. Yes 2. No. 3. n/a
55. Fiscal Year begins 1 2 3 4 5 6  
 7 8 9 10 11 12 (in months)
56. FY may be changed by ordinance 1. Yes 2. No. 3. n/a
57. Borrowing auth in anticipation of revenue 1. Yes 2. No. 3. n/a
58. Limits set on sale of city property 1. Yes 2. No. 3. n/a
59. Vote required for adoption of budget 1. Simple Majority 2. Majority of CC
60. If no vote by EOFY 1. Mgr/mayor's budget effective 2. Continuation of last year  
 3. No provision 4. Other
61. Detailed budget requirements: 1. Yes 2. No. 3. n/a
62. Revenues must equal expenditures 1. Yes 2. No. 3. n/a
63. Transfer of appropriations 1. Mgr btwn depts.. 2. w/ approval of CC 3.  
 Council
64. Capital budget or program 1. Yes 2. No. 3. n/a
65. Vote required to set tax rate: 1. Yes 2. No. 3. n/a
66. Vote required to submit bond election 1. Yes 2. No. 3. n/a

**Initiative, referendum, recall**

67. Charter provides for initiative 1. Yes 2. No. 3. n/a
68. Charter provides for referendum 1. Yes 2. No. 3. n/a
69. Charter provides for recall 1. Yes 2. No. 3. n/a

**Comments**

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70. Limit on recall 1. Yes 2. No. 3. n/a
71. Not before 6 months 1. Yes 2. No. 3. n/a
72. After unsuccessful election 1. Yes 2. No. 3. n/a
73. Before election 1. Yes 2. No. 3. n/a

**Comments****Charter Amendment**

74. Charter revision commission required every  
 1. 5yrs 2. 10yrs 3. 15yrs 4. Other 5. State Law 6. Not addressed

**DEPARTMENTS ESTABLISHED IN CHARTER**

**BOARDS AND COMMISSIONS CREATED BY CHARTER**