

## Proposed Amendments to the City Charter

The Daingerfield Charter Review Commission meet on November 30, 2023 and after a thorough review of the Daingerfield Charter have the below recommendations for the May 4, 2024 election:

Words with a ~~strikethrough~~ denote removal and underlined words are additions.

Article V, Sec. 6 of the City Charter to be amended as follows:

### Sec. 6. - Adoption.

The budget shall be adopted by a the favorable record vote of at least a majority of the Council and adopted in accordance and as required under Texas law.

Article VI, Sec. 4 of the City Charter to be amended as follows:

### Sec. 4. - Qualification.

The Mayor and each councilman shall be residents of the City of Daingerfield and have the qualifications of electors therein. The Mayor, Councilmen, and officers and employees shall not be indebted to the City; shall not hold any other public elective office of emolument, and shall not be directly interested in the benefits or emoluments of any contract, job, work or service for the City, or interested in the sale to the City, of any supplies, equipment, material or articles purchased where the amount of the purchase exceeds \$100.00; nor shall either of them be the owner of one (1%) percent of the outstanding stock in any public utility or public service corporation rendering service within the City. Any member of the Council who has three [(3)] consecutive ~~unexcused~~ absences from Council meetings shall forfeit the office, the forfeiture of office shall be automatic and shall not require any action of Council. Upon such forfeiture of office, the City Council may fill the vacancy thereby created in the manner as authorized by this Charter or as otherwise allowed by Texas law. Any officer or employee of the City, who shall cease to possess any of the qualifications herein required, shall forfeit his office or position. The forfeiture of such officer's office or employee's position shall be automatic and shall not require any action of the City Council in order to be effective, however, the City Council may take appropriate action to recognize such forfeiture. The Mayor, City Councilmen, officers, and City employees may be members of the Volunteer Fire Department of the City and receive such compensation as the City Council may provide.

Article VI, Sec. 5 of the City Charter to be amended as follows:

### Sec. 5. - Elections.

The regular election for the choice of members of the Council and Mayor shall be held each year on the ~~first Saturday in April~~ uniform election date in May or at such other time as may be provided by State law. The Mayor and two [(2)] Councilmen shall be elected on the first Saturday in April in every even numbered year. The remaining three [(3)] Councilmen shall be elected at an election to be held on the first Saturday in April of every odd numbered year.

Article VI, Sec. 11 of the City Charter to be amended as follows:

**Sec. 11. - Canvassing elections.**

Returns of the elections, general and special, shall be made by the election officers to the City Council no earlier than the ~~second~~ third day or later than the ~~sixth~~ ~~[(6th)]~~ eleventh [(11th)] day following said election; at which time, the Council shall canvass and declare the results of such election.

Article VI, Sec. 15 of the City Charter to be amended as follows:

**Sec. 15. - Duties of the mayor.**

The Mayor shall be recognized as head of the City government. He shall preside at meetings of the Council but shall have no vote except in case of a tie. The Council shall elect a Mayor Pro Tem from the Council who shall act as Mayor during the absence, ~~or~~ disability, ~~of~~ or if the Mayor; refuses or fails to perform the duties of the Mayor and, if a vacancy occurs, shall become Mayor until the next regular election, at which election a Mayor shall be elected to fill the unexpired term.

Article VII, Sec. 3 of the City Charter to be amended as follows:

**Sec. 3. - Open meetings.**

~~All meetings of the City Council shall be open to the public except:~~

- ~~(a) — Consultations with its attorney when the Council seeks the attorney's advice with respect to pending or contemplated litigation, settlement offers, and matters where the duty of a public body's counsel to his client, pursuant to the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with this Act;~~
- ~~(b) — With respect to the purchase, exchange, lease, or value of real property, negotiated contracts for prospective gifts or donations to the governmental body;~~
- ~~(c) — In cases involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear complaints or charges against such officer or employee, unless such officer or employee requests a public hearing;~~
- ~~(d) — Regarding the deployment, or specific occasions for implementation, of security personnel or devices; and~~

~~(e) — At such other times and to consider such matters as may be provided by Article 6252-17, Revised Civil Statutes of Texas, either in the way of exceptions or restrictions.~~

All meetings of the City Council shall be conducted in accordance with the Texas Open Meetings Act under Chapter 551 of the Texas Government Code.

Article. IX of the City Charter to be amended as follows:

**Sec. 1. - Municipal court created.**

(a) There is hereby created in the City of Daingerfield, a court, to be known as the Municipal Court, which shall have the jurisdiction defined under ~~by Article 1195, of the 1925 Revised Civil Statutes of the State of Texas [See now Texas Government Code § 29.003], and Chapter 4 of the Code of Criminal Procedure.~~

(b) The City Council is authorized to create a municipal court of record by ordinance under the authority of Chapter 30 of the Texas Government Code.

**Sec. 2. - Judge of municipal court.**

(a) Appointment of municipal court judge. ~~Such~~ The Municipal Court shall be presided over by a judge appointed by the Council for a term of two (2) years to be known as the judge of the Municipal Court. Any City elective officer or employee may be appointed Judge with salary to be set by the Council; but in case of the absence or disqualification of the regular acting judge, the Council may appoint a substitute. If the City Council creates a municipal court of record as authorized by Chapter 30 of the Texas Government Code, the judge shall have the qualifications as required under Chapter 30 of the Texas Government Code.

(b) Removal. The municipal court judge serves at the pleasure of the City Council. The City Council may remove the judge of the Municipal Court or the judge of any municipal court of record authorized to be created by the City Council upon written notice and after a hearing before the City Council.

**~~Sec. 4. — Practice and procedure.~~**

~~Proceedings in the Municipal Court shall be commenced by complaint, which may be sworn to before the Judge, or his deputy, or any other officer authorized by law to administer oaths. Where not otherwise prescribed by the terms of this Charter or ordinance, the rules of pleadings, practice and procedure prevailing and prescribed by law for municipal and/or justice courts shall apply to the municipal court, as far as applicable.~~

**~~Sec. 5. — Court seal.~~**

~~The Court shall have a seal, having engraved thereon a star of five [(5)] points in the center, and the words "Municipal Court of Daingerfield, Texas," the impress of which shall be attached to all process, except subpoenas issued out of said court, and shall be used to authenticate the~~

~~official acts of the secretary and the judge where he is authorized or required to use the seal of office.~~

**~~Sec. 6. – Complaints and prosecutions.~~**

~~In all prosecutions in said Court, either under ordinances or the provisions of the Penal Code of the State of Texas, the complaint shall commence: "In the name and by the authority of the State of Texas," and shall conclude: "Against the peace and dignity of the State," and where the offense is covered by an ordinance the complaint may also conclude: "Contrary to the said Ordinance." Prosecutions of such court shall be conducted by the person acting in the capacity of City Attorney, or his deputy.~~

**~~Sec. 7. – Fines and costs.~~**

~~All fines imposed and collected by said court shall be paid into the City treasury for the use and benefit of the City. Court costs for the Criminal Justice Planning Fund and Texas Commissioners on Law Enforcement Officers Standards and Education, and for such other funds as may be provided by law, shall be collected in each case, except parking tickets or pedestrian offenses, in which a fine is imposed.~~

**~~Sec. 8. – Jury; witness fees; bonds; miscellaneous court proceedings.~~**

~~Proceedings in the Municipal Court in regard to the amount paid to jurors and witnesses, enforcing the attendance of witnesses upon said court, authority of the Court to punish for contempt, service of process, execution and issuance of writs, and proceedings in relation to peace bonds and bonds required by the Court, shall be governed by the provisions of the Penal Code and Code of Criminal Procedure as the same now exists, or may hereafter be amended, relating to Justice Courts and Municipal Courts.~~

**~~Sec. 9. – Appeals.~~**

~~Appeals from judgment rendered by said court shall be heard by the state court of competent jurisdiction in Morris County, Texas, and in all such appeals the trial shall be de novo; the same as if the prosecution had been originally commenced in that court. Said appeals shall be governed by the rules of practice and procedure for appeals from justice courts to the county courts, as far as the same may be applicable.~~

**~~Sec. 10. – Collection of fines in appeal cases.~~**

~~In all cases, the fines imposed on appeal, together with the costs, if any, imposed in the Municipal Court and the court to which the appeal is taken, shall be collected of the defendant and his bondsman, and such costs, if any, when collected, be [are] paid into the treasury of the City. When the defendant in such cases is committed to custody, he shall be committed to the custody of the officer acting as Chief of Police of the City, to be held by him in accordance with the ordinances of the City, providing for the custody of prisoners convicted before said court.~~

**~~Sec. 11. – Court clerk.~~**

~~The Council may by ordinance provide such court with a clerk, and if such a clerk is provided, then he shall be one of the City's appointive officers or employees; if appointed, he shall have~~

~~the same powers and authority which clerks of state courts of records have in issuing process of said court and conducting the business thereof.~~

**~~Sec. 12. -- No terms.~~**

~~Said court shall hold no terms and shall be at all times open for the transaction of business.~~

**~~Sec. 13. -- Enforcing judgments.~~**

~~To enforce the judgments of said court the Council may, by ordinance, provide such means for working them out as it may deem best, and fix the compensation for such work.~~

Art. XI, Sec. 2. of the City Charter to be amended as follows:

**Sec. 2. - Residence of city manager.**

The City Manager must reside within 13 miles ~~in~~ of the city limits of the City of Daingerfield after his appointment.

**Art. XI, Sec. 5. Powers and duties.**

The powers and duties of the City Manager shall be:

- (a) To devote all his working time and attention to the affairs of the City and be responsible to the City Council for the efficient administration of its affairs;
- (b) To see that all laws and ordinances are enforced;
- (c) With the advice and consent of the City Council to appoint all heads of the departments of the City, except the City Attorney, to approve the appointment of such subordinate employees of the City as may be recommended by the department heads, and to discharge any employee of the City except the City Attorney;
- (d) To exercise supervision and control over all departments, offices and agencies created by this Charter or that may hereafter be created by the City Council, except as otherwise provided herein;
- (e) To attend all meetings of the City Council with the right to take part in the discussions but having no vote;
- (f) To see that all terms and conditions imposed in favor of the City or its inhabitants on any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof, to call the same to the attention of the City Council;
- (g) To act as budget commissioner and as such to prepare and submit to the City Council, prior to the beginning of each fiscal year, a budget of proposed expenditures for the ensuing year, showing in it [in] as much detail as practicable, the estimated amounts

required for the efficient operation of each department of the City government and the reasons for such estimated expenditures;

- (h) To make a full written report to the City Council as soon after the close of each month's accounts as possible, showing the operation and expenditures of each department of the City government for the preceding month, and a comparison of such monthly expenditures, by departments, and to keep the council advised at all times as to the financial condition and needs of the City;
- (i) To act as purchasing agent for the City and to purchase all merchandise, materials and supplies needed by the City; to establish a suitable storehouse where such supplies can be kept, and from which same shall be issued as needed, and to adopt such rules and regulations governing requisitions and the transaction of business between himself as such purchasing agent and the heads of the departments, officers and employees of the City, as the City Council may approve; the City Manager, as purchasing agent, shall not bind the City for more than the sum provided by the City Council by ordinance;
- (j) To recommend to the City Council the salaries to be paid each appointive officer and subordinate employee of the City;
- (k) To recommend to the City Council in writing, from time to time, for adoption, such measures as he may deem necessary or expedient; ~~and~~
- (l) To do and perform such other duties as may be prescribed by this Charter or be required of him by the ordinances and resolutions of the City Council; and
- (m) To maintain a visible and accessible presence for the citizens of Daingerfield.

Art. XIV of the City Charter to be amended as follows:

#### **ARTICLE XIV. - SUBMISSION OF AMENDMENTS TO THE CHARTER AND EFFECTIVE DATE**

##### **~~Sec. 1. - Submission of the charter to electors.~~**

~~The Charter commission in preparing this Charter finds and decides that it is impracticable to segregate each subject so as to permit a vote of "Yes" or "No" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons the Charter Commission directs that the Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Daingerfield at an election to be held for that purpose on the 5th day of April, 1980. In not less than thirty [30] days prior to such election the City Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City of Daingerfield. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Daingerfield and, after the returns have been canvassed, the same shall be declared adopted.~~

Art. XIV, Sec. 1. of the City Charter to be amended as follows:

**Sec. 1. - Amendment of the City Charter.**

A Charter Review Commission composed of seven (7) members shall be appointed by the City Council every four (4) years in the fourth quarter of the year to allow for review and updating of the City Charter.

Art. XIV, Sec. 2. of the City Charter to be amended as follows:

Sec. 2. – Amendments and Certification.

- (a) An official copy of the Charter, as amended as approved by the voters in accordance with state law, shall be filed with the records of the City, and the Mayor shall, as soon as practicable, certify to the Secretary of State an authenticated copy of the Charter with the approved amendments under the seal of the City, showing the approval by the qualified voters of such amendments to the Charter.
- (b) Amendments to the Charter shall become effective when approved by the voters as provided by Texas law.

**~~Sec. 2. – Date this charter shall become effective.~~**

~~This Charter, if adopted, shall become effective and operative on April 11, 1980.~~