

Marshall Fire Department
601 S Grove
Marshall, TX 75670

903-935-4421



Members
Amy Ware, District 4 - Mayor
Risa Jordan-Anderson, District 1
Leo Morris, District 2
Dathaniel Campbell, District 3
Reba Godfrey, District 5
Amanda Abraham, District 6
Micah Fenton, District 7

SPECIAL-CALLED CITY COUNCIL MEETING

**January 13, 2025
12:00 PM**

1. Call to Order and Roll Call

2. Invocation and Pledges

3. Citizen Comments

Texas Government Code, Sec. 551.007 requires that a governmental body must allow each member of the public who desires to address the body regarding an item on the agenda the opportunity to do so before or during the body's consideration of the item. The "Citizens Comments" portion of the meeting meets the requirements of this law and is the public's opportunity to speak on any item on the agenda. Those who wish to speak are requested to fill out a public comment form and will have three (3) minutes to speak unless additional time has been requested.

4. Ordinance

- A. Consider approval of an ordinance creating the position of Assistant City Manager, providing a job summary, a job scope, the principal duties and responsibilities of the Assistant City Manager, a method of compensation, and setting an effective date.
- B. Consider approval of an ordinance updating/modifying the position of City Secretary, providing a job summary, essential functions, the principal duties and responsibilities, desired knowledge and skills, minimum requirements, and providing an effective date.

5. Discussion of Work Session Topics

- A. Discussion and direction to Staff regarding Proposed Work Plan Priorities.
- B. Review and discussion regarding City Council Policies.
- C. Presentation regarding Planning and Zoning processes and the role of the City Council.

6. Adjournment

Posted: January 8, 2025
4:15 PM
N. Smith

This meeting will be conducted in accordance with the Americans with Disabilities Act. Requests for sign interpretive services will be available with at least 72-hour notice prior to the meeting. To make arrangements for these services, please call the City Secretary's Office at 903-935-4446.



TO: City Council
DATE: January 13, 2025
ITEM #: 4.A
SUBJECT: Consider approval of an ordinance creating the position of Assistant City Manager, providing a job summary, a job scope, the principal duties and responsibilities of the Assistant City Manager, a method of compensation, and setting an effective date.

Recommendation for Action: Consider approval of ordinance.

Executive Summary: This item has been brought before Council as part of the reorganization efforts for better efficiency and increased responsiveness within the City of Marshall.

Budget Cost: N/A

Staff Contact:

Attachments: 1. Assistant City Manager Ordinance

**AN ORDINANCE OF THE CITY OF MARSHALL AMENDING CHAPTER 2
“ADMINISTRATION,” “ARTICLE I. “GENERAL” TO ADD SECTION 2-14 AND
ESTABLISH THE OFFICE OF THE ASSISTANT CITY MANAGER.**

WHEREAS, the City of Marshall, Texas charter Sec. 4.05 entitled “Administrative organization” provides in part “ There shall be such administrative departments, offices, or other administrative units of government as established by ordinance under the direction and control of the City Manager...”;

AND WHEREAS for many years there existed the position of “Assistant City Manager,” but that such office was never defined by the City Council within the Code of Ordinances for the City of Marshall, Texas, and the position fell into disuse;

AND WHEREAS the Council for the City of Marshall has determined that there exists a need for the position of Assistant City Manager to support and increase the efficiency of existing departments within the City;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF MARSHALL, TEXAS:**

Section 1. That the findings set out in the preamble of this ordinance are hereby in all things approved.

Section 2. That City of Marshall Code of Ordinances, **CHAPTER 2 “ADMINISTRATION,” “ARTICLE I. “GENERAL”** is amended to add the following section 2-14:

“Sec. 2-14. Assistant City Manager.

(a) Establishment. There is hereby created the position of Assistant City Manager, who shall serve at the pleasure of, and shall act under the direction of the City Manager. The Assistant City Manager shall be an employee “at will.”

(b) Duties. The Assistant City Manager, shall perform the duties assigned by the City Manager as well as the following specific duties: (1) To act in the place of the City Manager during the manager's temporary absence or disability; (2).....

(c) Compensation. The Assistant City Manager shall be compensated from the general fund as is the case for other City employees, and shall receive those benefits afforded to City employees generally. The City Manager shall determine the salary and benefits package for the

Assistant City Manager, and shall be responsible for the hiring and firing of the Assistant City Manager.”

Section 3. That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 4. That all other prior ordinances or portions of ordinances of the City of Marshall in conflict with the terms and provisions of this ordinance are hereby repealed to the extent of such conflict only.

Section 5. That the repeal of any ordinance or portion of any ordinance by this ordinance shall not affect the validity of any pending enforcement action or fines outstanding and due and payable on or before the effective date of this ordinance.

Section 6. That if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance is hereafter determined to be invalid or in violation of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Council of the City of Marshall that all other terms and provisions of this ordinance not affected shall remain in full force and effect.

Section 7. That this ordinance shall be effective from and after its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED ON THIS _____ DAY OF _____,
2025.

AYES: _____

NAYES: _____

ABSTAINED: _____

MAYOR OF THE CITY COUNCIL OF
THE CITY OF MARSHALL, TEXAS

ATTEST:

Nikki Smith, City Secretary



TO: City Council
DATE: January 13, 2025
ITEM #: 4.B
SUBJECT: Consider approval of an ordinance updating/modifying the position of City Secretary, providing a job summary, essential functions, the principal duties and responsibilities, desired knowledge and skills, minimum requirements, and providing an effective date.

Recommendation for Action: Consider approval of the ordinance.

Executive Summary: This item has been brought before Council as part of the reorganization efforts for better efficiency and increased responsiveness within the City of Marshall.

Budget Cost: N/A

Staff Contact:

Attachments: 1. City Secretary Ordinance

CITY OF MARSHALL, TEXAS
ORDINANCE # _____

ORDINANCE # _____ UPDATING/MODIFYING THE POSITION OF CITY SECRETARY, PROVIDING A JOB SUMMARY, ESSENTIAL FUNCTIONS, THE PRINCIPAL DUTIES AND RESPONSIBILITIES, DESIRED KNOWLEDGE AND SKILLS, MINIMUM REQUIREMENTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marshall, Texas Charter Sec. 3.10 entitled “City Secretary” provides “The Council shall appoint an officer of the City who shall have the title of City Secretary; and who shall give notice of Council meetings, shall keep minutes of its proceedings, shall authenticate by signature and record in full in a book kept for that purpose all ordinances and resolutions, shall preserve and keep in order all books, papers, records and files of the Council, shall have custody of the seal of the City and shall affix same to such documents and obligations as legally authorized, and shall perform such other duties as shall be required by this Charter or by the Council;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS:

Section 1. The City Secretary shall have the following essential functions, duties and responsibilities:

- Performs clerical and administrative work in answering phones, routing calls as appropriate, aiding the public in providing information or answering questions, and resolving problems.
- Full administrative support to the City Council, in coordination with the City Manager, related to council budget, city elections and swearing-in ceremony, mayoral proclamations, certificates of recognition, updating website page, preparing travel documents and reconciliations, managing electronic software for agendas, packets and minutes, responding to callers regarding council meeting or agenda matters, and like duties.
- Maintains open communication with all councilmembers and copies City Manager on council correspondence involving relevant matters pertaining to citizen complaints, travel requests and general inquiries involving city operations.
- Attends regular and special City Council meetings/workshops; prepares, distributes and posts agendas by deadline as required.
- Oversees and prepares accurate minutes and reports using proper legislative terminology, chronicling, indexing and storing ordinances and resolution for public record.
- Manages all aspects of the general, special and local option elections to ensure compliance with the provisions of the Texas Election Code.
- Ensure compliance with Texas State Library & Archives Commission as Records Management Officer.
- Acts as custodian of official City records, seals, and attests various documents, such as ordinances, resolutions, contracts, etc.
- Oversee public documents and coordinates and responds to public records requests for information, providing cost estimates and processing fees, if needed, reviewing and dispersing documents as required under the Texas Public Information Act

- Ensure ordinances are submitted for codification through Municipal Code Corp. for updates and verifies website is up to date.
- Maintain City Secretary, and Council budget and website pages, prepares purchase requisitions for payment of invoices.
- Oversee appointment/reappointments to various City boards, commissions and committees and expiration dates of terms.
- Provides authorization on applications for Texas Alcoholic Beverage Commission paperwork for permits within the City.
- Composes, types, and edits a variety of correspondence, reports, memorandums, and other material requiring judgment as to content, accuracy, grammar, and completeness. Prepares all correspondence in a neat, professional format.
- Provides research for the City Council, City Manager and executive members as requested.
- Maintains and enters timesheet into accounting software for processing.
- Coordinates travel plans for the City Council, in coordination with the City Manager, to include securing hotel, performing registration procedures, dispersing credit cards, and performing travel reconciliations.
- Obtain and retain TMCA certification and attend all conferences and trainings as required.
- Maintains inventories and submits orders for office supplies and materials to purchasing.
- Perform other duties as apparent or assigned.

Section 2. The City Secretary shall have sufficient education, training and/or work experience to demonstrate possession of the following knowledge, skills, and abilities which would typically be acquired through:

- High school diploma or equivalent; accounting coursework or related training preferred.
- Must have working knowledge of Word, Excel, and database applications; must be able to operate all standard office equipment such as copiers, fax, scanners, and calculators (including ten-key by touch).
- Must have excellent organizational skills, be able to prioritize work to meet strict deadlines, maintain confidentiality of sensitive information, work closely and cooperatively with others as part of a team, and maintain professional demeanor at all times.
- Must have a valid driver's license and driving record that meets city standards.

Section 3. That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 4. That all other prior ordinances or portions of ordinances or portions of ordinances of the City of Marshall in conflict with the terms and provisions of this ordinance are hereby repealed to the extent of such conflict only.

Section 5. That the repeal of any ordinance or portion of any ordinance by this ordinance shall not affect the validity of any pending enforcement action or fines outstanding and due and payable on or before the effective date of this ordinance.

Section 6. That if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance is hereafter determined to be invalid or in violation of the laws of the State of Texas or the Constitution of the United States by of court of appropriate jurisdiction, such finding of invalidity shall

affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Council of the City of Marshall that all other terms and provisions of this ordinance not affected shall remain in full force and effect.

Section 7. That this ordinance shall be effective from and after its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED ON THIS _____ DAY OF _____, 2025.

AYES: _____

NAYES: _____

ABSTAINED: _____

MAYOR OF THE CITY COUNCIL
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

Nikki Smith, City Secretary



TO: City Council
DATE: January 13, 2025
ITEM #: 5.A
SUBJECT: Discussion and direction to Staff regarding
Proposed Work Plan Priorities.

Recommendation for Action: Engage in discussion and provide direction for Staff.

Executive Summary: As in any city and Marshall is no exception, there is always more to do than resources can support whether it be the need for funding or additional employees. Since joining the Staff in October, holding my meetings with you and as I have reported in my Weekly Reports, I have spent a great deal of time learning, listening and observing. It has been a very interesting and enlightening process and continued success will be realized in the coming months in a variety of ways.

Budget Cost: N/A

Staff Contact:

Attachments: 1. Agenda Proposed Work Plan to Council 1-13-25

PROPOSED WORK PLAN PRIORITIES DISCUSSION
COUNCIL MEETING 1-13-25

To: City Council

From: Melissa Byrne Vossmer
Interim City Manager

As in any city and Marshall is no exception, there is always more to do than resources can support whether it be the need for funding or additional employees. Since joining the Staff in October, holding my meetings with you and as I have reported in my Weekly Reports, I have spent a great deal of time learning, listening and observing. It has been a very interesting and enlightening process and continued success will be realized in the coming months in a variety of ways.

There are a series of decisions that Council will need to make to begin to map out what the longer term vision – strategic initiatives - is for Marshall and just as importantly, how we can get there – it takes time and it takes a plan that maximizes all the City's resources brought to work in a coordinated manner. Working on that Plan with your new City Manager, anticipated to be late March or early April, will begin the process.

In the meantime, in the next few months we can work to continue to lay the foundation, to address key Council issues and concerns and making sure we move forward in a methodical manner that makes sense. In addition to our normal, daily activities and operations, the following begins to outline some of those actions, programs and projects we believe essential to keep the organization moving forward in a manner that meets the expectations of the City Council and defines our work in the coming months:

1. Outstanding City Workforce:
 - a. Internal Customer Service Survey / Improvements / Training
 - b. Employee Evaluations and Feedback
 - c. Dept. Director Evaluations and Feedback Completed
 - d. Recruitment and Retention Programs Explored
 - a. Best Practices
 - b. Evaluate other cities
 - e. Training & Educational Opportunities and Programs
 - f. Work to Stay Competitive on Compensation & Benefits
 - g. Emergency Mgmt. Training - All employees & Positions identified as critical
 - h. On-Boarding / Orientation Expanded
2. High Performance and Continuous Improvement:
 - a) Re-write & Update City's Purchasing Policy and Procedures for Council Approval. Implement
 - b) City Auction Completed
 - c) All Organizational Changes Completed
 - d) Finance Dept. – New Software Functional and Training Completed
 - e) Servant Leadership Introduced across City Organization
 - f) Emergency Management Plan Updated / Training Underway
 - g) Research external customer service survey tools to develop a baseline

3. Quality of Life:
 - a) Proactive Code Enforcement – Monthly Reports
 - a. Best practices
 - b. Initiate review / Update Ordinances
 - b) Coordinated Program - Dilapidated Building Removal – Monthly Reports
 - a. Best practices
 - b. Policy / SOP development
 - c) Program - Packaging and Resale of City Owned Property
 - d) Park Improvements Completed & Maintained – Monthly Reports
 - e) Program Developed - Maintenance of Vacant Lots & Monthly Report
 - f) Housing Master Plan in Partnership with Marshall EDC – Develop Scope
 - g) Animal Shelter / Animal Control Fully Staffed – Monthly Reports
 - h) Police and Fire continue to work to fill vacancies.
 - i) Comprehensive Report to Council on history of drainage fee, projects and opportunities
 - a. Drainage Study continues to move forward
4. Resilient Infrastructure & Capital Projects:
 - a) FY25 Street Program – Criteria Approved by Council, Projects Selected, Bid Developed
 - b) Initiate the preliminary planning for the FY26 Capital Improvement Program
 - c) Complete Projects funded in the FY25 Capital Improvements Project / Final Report
 - d) Water System & Water Treatment – Process Improvements - Planning
 - e) Waste Water Treatment – Process Improvements – Planning
 - f) 369 Utility Relocation Underway
 - g) Annexation Study Initiated w/ Final 369 ROW
 - h) Keep Brownfield Projects Active
 - i) Prepare Possible Scope for Amtrak Station & Museum Master Plan
5. Communication and Transparency:
 - a) New Webpage Active
 - b) Monthly Financial Reports & Quarterly Reports
 - c) FY24 Annual Report by City Manager to City Council Completed
 - d) Continue Enhancement of Council Agendas Packets and Presentations
 - a. Best practices
 - b. Examine other examples
 - e) New Budget Guidelines / Software / Process / Implemented
 - f) New Finance Software Implemented
 - g) CIP page developed for website
6. Governance & Leadership:
 - a) Staff Supports the City Council Strategic Initiatives Session by summer of 2025 w/ New City Manager. Scope and RFP completed in support of the session(s)
 - b) Council – Continuous Feedback to Council Appointees: Interim City Manager, City Secretary and Municipal Court Judge
 - a. Best Practices
 - b. Examples from other cities
 - c. Evaluation / Feedback
 - c) Servant Leadership is Introduced to City Council
 - d) Marshall Build-out Analysis in Partnership with Marshall EDC Initiated

- e) Working with Marshall EDC, Initiate Community Dialogue on Protecting Water in East Texas
- f) Council's Travel & Training Policy Updated and approved
- g) Staff provides support as directed to assist in the new City Manager process

It should be emphasized this is my take as Interim City Manager on what needs to be done and priorities in support of existing programs and direction. Council should feel free to change, delete, modify, and add those items /projects / issues that are not adequately addressed. The end result will be the Work Plan we follow in the coming months. By my estimation, you may well have your new City Manager on board by late March – early April. But - we can get a lot done in the next three months with Council's specific direction.

It should be noted that there is always more to do than there are people and resources and Marshall is no exception. Clearly defining what is important, and if the answer is everything is important, then clearly defining for Staff Council's priorities would be our request. If we don't have a clear picture of what Council's priorities are, there is a very real chance we will disappoint. As it is Council's role to lead through the development of policy and identify priorities and expectations. It is our job to work to meet those priorities and expectations.

Staff is here to serve the Marshall community through your leadership.



TO: City Council
DATE: January 13, 2025
ITEM #: 5.B
SUBJECT: Review and discussion regarding City Council Policies.

Recommendation for Action: Engage in discussion.

Executive Summary: The Work Session item has been scheduled to provide an opportunity for Council to go through the current Council policies and another documents to determine if any changes / updates are warranted. This item has a number of documents to review. It is a lot of information to go through. Council can decide on a different method to review such as appointing a Council Committee to complete the initial review, bringing back recommendations to update for Council consideration.

Budget Cost: N/A

Staff Contact:

Attachments:

1. Agenda Item - Council Policy 1-13-25
2. Governance Policy updated 1-26-23
3. 2024 Council Orientation Handbook
4. 2015 Council Travel Policy Amendment
5. CITY CHARTER

Review and discussion regarding City Council Policies / Documents

January 13, 2025

To: City Council

From: Melissa Byrne Vossmer, Interim City Manager

Re: City Council Policies / Documents

The Work Session item has been scheduled to provide an opportunity for Council to go through the current Council policies and another documents to determine if any changes / updates are warranted. This item has a number of documents to review. It is a lot of information to go through. Council can decide on a different method to review such as appointing a Council Committee to complete the initial review, bringing back recommendations to update for Council consideration.

Reviewing this information ahead of the session may well provide you with an idea of how you would like to proceed. From Staff perspective, the proposed changes to the Governance Policy, as outlined blow, would assist in the agenda development and enhance transparency. It should be noted that Staff is preparing a hard copy binder for you to utilize during the Council Work Session:

1. **Council Governance Policy** – reviewed and updated in January, 2023.

The Governance Policy is a straight forward presentation. As noted, the document was reviewed in January 2023. If there are sections Council Members are interested in reviewing or updating this may be the time to bring it to the whole Council. Conversely, the Council could use a committee structure to review and bring recommendations to the whole Council with Staff support at whatever level desired.

As this document provides direction to on the preparation and timeline of the City Council agenda it also directs certain reports as well as directs Council to meet at least once a year in strategic planning session. That session can be scheduled for shortly after the new City Manager joins the City. The timing is important as the budget process will be well underway by this time. Meeting quickly with the new City Manager will allow Staff time to be responsive to the City Council's direction in preparation of the FY26 budget.

There are some specific modifications Staff would like to propose. Pages 5 & 6: Staff has continued to look for ways to enhance the Council agenda, encourage transparency and provide more specific information about agenda items. Staff has some recommendations about the structure of the agenda for Council to consider to further define the activity of the City Council and items being considered as follows:

- a) 1). Add another category of Items titled for **Council Consideration & Action**. This groups and more thoroughly delineates those items the Council will be considering for action. These action items will include everything else but an ordinance or resolution since there are already sections for this purpose

- b) 2). Items grouped under City Manager Reports and Items for City Council Consideration could be changed to a section titled **City Managers Reports and Items for Council Discussion**. This tends to denote that no action will be taken and generally Council will discuss. From the discussion, general direction to Staff may be an outcome but no specific action will be voted upon. If there is an action, it will go under the proposed **Council Consideration & Action**.
2. **City Council Orientation Handbook** – The City Council may decide to review the entire Handbook during this session or appoint a Council Committee to conduct such a review. This Council Orientation Handbook was updated less than a year ago but there might be areas that can be improved or material added based on experience. This Handbook provides basic, necessary information for future new Council Members, it is important to make it as comprehensive and meaningful as possible. It is in good shape but Council may determine to complete a quick review.
3. **City Travel Policy** – The attached policy from what Staff could locate was last amended in 2015, the Council minutes attached from that amendment. It is time to review. Again, Council could appoint a Council Committee to review and update with support from Staff. Council could ask Staff to gather examples from other cities as a starting point and then either the whole Council or a Council Committee could do the initial work. The Council could direct Staff to gather input from Council and draft a new policy. In short, we can provide whatever level of support the Council would like if the decision was made to update.
4. **City of Marshall Charter** – The Charter is included only as a source of information for City Council. No changes can be made to this document by the City Council at this time.



Governance Policy and Rules of Procedure

Adopted June 22, 2017
Revised July 13, 2017
Revised July 27, 2017
Revised August 10, 2017
Revised June 11, 2020
Revised September 22, 2022
Revised January 26, 2023

**City of Marshall
City Council Governance Policy
& Rules of Procedure**

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Council Governance Policy & Rules of Procedure

Section I – Introduction

The Marshall City Council is the governing body for the City of Marshall, Texas in accordance with the home rule charter. Therefore, it must bear the responsibility for the integrity of the governance. The council shall determine its own rules and order of business as authorized by city charter. The council is responsible for its own development, its responsibilities, its own discipline, and its own performance. The development of this policy is designed to ensure effective and efficient governance.

This policy addresses chair (mayor) and council relations, council and staff relations, roles, agenda procedures, and meetings. By adopting these guidelines, we as members of the city council, acknowledge our responsibility to each other, to our professional staff and to the public. This policy will be reviewed and adopted on an annual basis.

Council Governance Policy & Rules of Procedure

Section II – Roles

2.1 It shall be standard practice that after every city council general election, the council shall select a chair (mayor) and acting-chair (mayor pro tem) of the council.

2.2 The chair shall preside at meetings of the council, and shall be recognized as head of city government for all ceremonial purposes and by the governor for purpose of emergency management and disaster mitigation purposes, but shall have no regular administrative duties other than as prescribed by state law and city charter.

2.3 The acting-chair shall serve in the absence of the chairperson.

2.4 The chair shall preserve order and decorum and shall require council members engaged in debate to limit discussion to the question under consideration.

2.5 The city manager shall organize senior level city staff to conduct orientation for new council members. City staff will also coordinate swearing-in ceremony with newly elected officials.

2.6 Each Councilmember shall have equal authority to ensure the policies and procedures in this document are being followed by all parties.

2.7 Except for those designated powers which may be exercised by the chair, the sole official power of each individual councilmember exists through the exercise of their singular vote. The power of the Council exists by virtue of the collective action of its voting members.

2.8 The Council will follow Robert's Rules of Order as published in the most current Robert's Rules of Order edition, except where such rules are in conflict with the City's Charter.

Council Governance Policy & Rules of Procedure

Section III – Agenda Procedures

3.1 The city manager shall prepare an agenda and supply supporting documentation for each agenda item for council distribution by the end of the day on the Friday before a regularly scheduled meeting. Agendas for both regular scheduled and special called meetings shall be posted 72 hours prior to the meeting date in accordance with Texas Open Meetings Act.

3.2 An item may be placed on the city council agenda by the Mayor, City Manager, City Attorney, or two (2) members of the Council. All agenda item requests shall be submitted to the city manager a minimum of eight (8) business days prior to the regularly scheduled meeting (the Monday before the Friday packet is delivered). Depending on the complexity of the item requested, the city manager may notify the party making the agenda item request, that more time is needed to complete appropriate research and may elect to delay the requested item to the next available regularly scheduled meeting date.

3.3 Regularly scheduled city council meetings shall follow the format listed below:

1. Call to Order and Roll Call

The chair will ensure a quorum is present, call for excusing any absences, call for invocation and pledge to the national and state flags.

2. Presentations & Proclamations

Items that are specifically posted on the agenda that have been deemed by the chair or city manager as important for the city to recognize in a public forum. All presentations must be provided to city staff by noon on the day of the council meeting.

3. Citizen Comments

Citizens may utilize this time to address the council on non-public hearing items. All comments are limited to three (3) minutes; the speaker must state their name and address for the record or provide it in writing to the city secretary. Anyone personally attacking a councilmember, staff, or any individual will be asked to stop speaking and be seated.

4. Consent Agenda

All items set out in the consent agenda shall be deemed passed upon the passage of an affirmative motion, by a vote of at least four (4) members of the

council without discussion or debate, that the consent agenda be adopted. Upon request of any member of the council, items shall be removed from the consent agenda and considered under Items Withdrawn from Consent Agenda.

5. Items Withdrawn from Consent Agenda

Items that were withdrawn by a councilmember earlier in the meeting.

6. Public Hearings

Specific items for the council's consideration that by local ordinance, charter, or state law require for public comment to be allowed before council action can be taken. Procedures for public hearings shall be as follows:

- 1. Staff provides overview of item for consideration*
- 2. If there is an applicant or expert of record they are provided 10 minutes of time to present their request.*
- 3. General public desiring to speak regarding the posted item will be provided 5 minutes to speak. Public wishing to speak in favor will go first followed by those speaking in opposition to the request. Comments will be directed to the Council and must be related to the subject matter posted in the agenda item. The Council may ask questions of those speaking in favor or in opposition at the conclusion of their comments.*
- 4. After the general public has had an opportunity to make their comments, the public hearing shall be closed and if the applicant desires they will be allowed 5 minutes to make closing arguments.*
- 5. The Council may ask questions of staff or the applicant and deliberate amongst themselves if needed prior to the vote.*

7. Ordinances

Items that are legislative enactment by the council; it must be in written form when introduced and by charter requirement it is necessary that it be read and voted on.

8. Resolutions

Items relating to ministerial, administrative or executive matters.

9. City Manager Reports and Items for City Council Consideration

Other items that do not fall into the categories listed above that require city council consideration.

10. Adjournment

Council Governance Policy & Rules of Procedure

Section IV – Meetings

4.1 Information – On all council agenda items involving major policy issues, the city manager shall provide briefing material to the council in advance of council consideration of the policy alternatives.

4.2 Regular Meetings – The council shall meet regularly at such times as prescribed by charter, but no less frequently than once each month and regular meetings will begin as prescribed by ordinance, unless postponed or canceled for valid reason(s). Only the chairperson, or acting chairperson, can cancel or change the meeting time for city-related emergencies.

4.3 Special Meetings – Special meetings may be called as needed, but may be postponed or canceled for valid reason(s). Only the chairperson, or acting chairperson, can cancel or change the meeting time for city-related emergencies.

4.4 Work Sessions – Work sessions may be called from time to time as determined by the chair or the city manager for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the city council. Work sessions are open to the public however public comment is not taken. All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a work session.

4.5 Executive Sessions – The city council may meet in executive session in compliance with the Texas Open Meetings Act. A final action, decision or vote on a matter deliberated in an executive session will be made in an open meeting for which proper notice is provided. All discussions in executive session shall remain confidential.

4.6 Public Notice – The agenda for all regular meetings, special meetings, work sessions, and the notice listing items to be considered shall be posted on the city's official bulletin board and website in accordance with the Texas Open Meetings Act.

4.7 Attendance – Councilmembers are expected to attend all meetings and stay in attendance during each meeting. Members shall not leave a meeting without advising the chair and/or the City Secretary.

4.8 Punctuality and Recess – Councilmembers shall arrive at meetings at or before the scheduled time for the meeting to begin. At the beginning of each meeting, the chair shall announce those members absent and shall announce the arrival time of any member arriving after the beginning of any meeting. The chair may call a recess at the request of other councilmembers or as the chair deems necessary.

4.9 Conflict of Interest – A councilmember prevented from voting due to a conflict of interest shall not vote on the matter, and shall otherwise comply with the state law and city charter and ordinances concerning conflicts of interest. Any questions concerning conflict of interest should be directed to the City Attorney prior to the meeting.

4.10 Conduct of Meetings – a) During city council meetings and work sessions, the chair shall preserve order and decorum and shall insist that councilmembers, neither by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the rules of the city council.

b) The chair shall preside over the meeting, all comments shall be limited to the specific item and councilmembers shall speak one at a time, not interrupting each other, comments shall be factual or stating opinion on the specific subject and shall remain professional and courteous at all times.

c) The chair shall state all questions submitted for a vote and announce the result. If the vote is not unanimous, the chair shall announce the names of the member(s) voting in favor and in opposition to the motion.

d) All persons addressing the city council, including the city manager shall be recognized by the chair and shall limit remarks to the matter under discussion.

e) All remarks and questions addressed to the city council shall be addressed to the city council as a whole and not to any individual member.

4.11 Administrative Staff – a) Members of the administrative staff and employees of the City shall observe at all council meetings the same rules and decorum applicable to members of the city council.

b) It is the city manager's responsibility to ensure that decorum is preserved at all times by city employees in meetings.

4.12 Citizens and Visitors – a) Citizens and visitors are welcome to attend all public meetings of the city council and will be admitted to the Chamber or meeting room up to the fire safety capacity of the room.

b) Everyone attending the meeting will refrain from private conversations while the city council is in session.

c) Citizens and visitors attending city council meetings and work sessions shall observe the same rules of decorum applicable to members of the city council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the city council or while attending the meeting or work session, shall be removed from the room if so directed by the chair. The person shall be barred from further audience before the city council during that session. If the chair fails to act, any member of the council may move to require enforcement of the rules, and the affirmative vote of the majority of the council shall require the chair to act.

d) No placards, banners, or signs which have the effect of disrupting a meeting will be permitted in the city council chamber or in any other room in which the council is meeting. Exhibits, displays and visual aids used in connection with presentations, however are permitted.

e) The chief of police or his or her designee shall act as sergeant-at-arms for the city council and shall furnish whatever assistance is needed to enforce the rules of the city council.

4.13 Speakers – a) A person wishing to address the city council during citizen comments section must state their name and address at the beginning of their comments or provide it to the City Secretary in writing before addressing the council.

b) Speakers must address their comments to the entire council rather than to individual council members, staff or members of the audience.

c) People addressing the council during citizen comments agenda item are limited to three minutes of speaking time. More time may be allowed if a request has been submitted to the city manager's office prior to the meeting. Applicants speaking during public hearings are limited to ten minutes of speaking time.

d) Digital media (i.e. videos, PowerPoint, images, audio) is allowed during public comment and other agenda items with presenters as long as the City Council Meeting Digital Media Policy is adhered to when presenting to the Council.

e) In accordance with Texas Open Meetings Act, the city council will not discuss or consider any item addressed during the citizen comment section. If a citizen uses the comment section for inquiry, any responses by either City Councilmembers or Staff are limited to giving a statement of factual information given in response to the citizen's inquiry, recitation of existing policy, advising the individual of the name of the appropriate staff member to speak with, advising that the request will be forwarded to the appropriate staff for consideration, or stating the issue raised will be placed on the next agenda.

4.14 Rules of Procedure – At any point there is a question regarding the rules of procedure, those questions shall be directed to the City Attorney. City Attorney will provide Councilmembers a summary of procedures.

4.15 Failure to Comply – A failure to comply with these rules does not invalidate any otherwise lawful act of the Council.

Council Governance Policy & Rules of Procedure

Section V – Electronic Tablet Usage

5.1 Members of the Council will be issued a tablet to assist them in completing the business of the City, to improve communication aid in the performance of their City duties and to reduce the amount of paper and photocopying costs.

5.2 The City will issue each Councilmember a tablet and charger along with a cover or case. Any additional tablet accessories, such as keyboards, styluses, screen protectors, cables or adapters, shall be at an individual Councilmember's own expense and shall remain the property of the Councilmember at the end of the Councilmember's term and service. Upon departure from the Council by either conclusion of term or resignation, the tablet, charger, and cover/case will be returned to the City. Upon return of the tablet to the City and following the preparation of any appropriate backup files, the tablet will be wiped clean of any and all information.

5.3 Each tablet is property of the City and should be cared for in the highest regard. Each Councilmember is responsible for the general care of the tablet that he or she has been issued. Tablets are not allowed to be utilized by anyone other than the Councilmember to whom it's been assigned. Councilmembers are not allowed to loan the tablet to anyone else. Tablets must remain free of any writing, drawing, stickers, or labels that are not the property of the City. Only a clean, soft cloth should be used to clean the screen. Tablets that malfunction or are damaged shall be reported to the City Manager.

5.4 Primary use of the tablet is intended to enhance the efficiency of the Councilmember related to city business. Councilmembers may use the tablet for the following incidental personal uses so long as such use does not interfere with the user's duties, does not conflict with the City's business, is at no cost to the City and does not violate this or any other City policy:

- a. To send and receive occasional personal e-mail and other communications;
- b. To prepare and store incidental personal data (such as personal calendars, personal address lists, and similar incidental data) in a reasonable manner;
- c. To access the internet for brief personal searches and inquires, provided that the Councilmember adheres to all other City policies.
- d. To install and use apps.

5.5 The software and applications installed by the City must remain on the tablets in usable condition and be readily accessible at all times. On a quarterly basis Councilmembers will be required to provide their tablet to staff for software upgrades and synching. Any software, email messages or files downloaded via the internet into the City systems become the property of the City and may only be used in the ways that are consistent with applicable licenses, trademarks or copyrights.

5.6 All software and data (including, and without limitation, email, calendars, downloaded files, and web browsing history) stored on the City-issued tablet are subject to disclosure under State and City public records laws or for litigation purposes, unless a privilege or exception exists that justifies withholding the information. Except in an emergency, Councilmembers shall not use email, instant messaging, text messaging, or similar forms of electronic communications at any time during a Councilmember meeting. Councilmembers should consult with the City Attorney for information regarding the Texas Open Meetings Act requirements related to electronic communications.

Council Governance Policy & Rules of Procedure

Section VI - Planning

The city council is responsible for establishing a vision for the City of Marshall and planning for its future.

6.1 On an annual basis, the city council shall hold a minimum of one strategic planning session wherein they review accomplishments of the past year, assess goals and objectives and set priorities for the upcoming year. The goals and objectives shall address short term and long term needs of the city.

6.2 Policy direction should be consistent with the strategic goals and objectives. Sufficient time and consideration should be given to policy alternatives to ensure that decisions are made consistent with the long-term vision.

Council Governance Policy & Rules of Procedure

Section VII – Council & Staff Relations

7.1 The role of the city manager and relationship of staff with council shall be consistent with Article IV of the City of Marshall City Charter.

7.2. City Councilmembers shall direct citizen concerns, comments, correspondence, and requests for basic, routine information regarding city functions and/or services to the city manager or the appropriate director. More complex requests, or those likely to require more than eight (8) hours of staff time to fulfill, should be directed to the city manager.

7.3 The city council may inquire of the city manager about the conduct of any office, department or agency of the city and make investigations as to municipal affairs in accordance with Article III of the City of Marshall City Charter.

7.4 If councilmembers receive a complaint or grievance from a city employee, the councilmember should direct the employee to follow the proper chain of command per the organizational chart and report that complaint or grievance to the city manager.

7.5 Documents provided to one city councilmember shall also be distributed to all other members of the elected body in accordance with Resolution R-12-14. The city manager shall prepare and submit to the council at the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year. The city manager shall keep the council advised of the financial condition and future needs of the city and make such recommendations that seem desirable.

7.6 In order to ensure proper presentation of agenda items by staff, questions arising from councilmembers after receiving their information packet should be, whenever possible, presented to the city manager for staff consideration prior to the council meeting. This allows staff time to address the councilmembers concerns and provide councilmembers with the additional information.



City Council Orientation Handbook

Updated April 3, 2024

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Welcome,

Congratulations on your election to the City of Marshall City Council. The City is pleased you have been chosen to serve the citizens, community, and employees of Marshall. Serving on the City Council will be both a challenging and rewarding experience.

The role as a Council member is not to be taken lightly, with this position comes a great deal of responsibility. You are responsible for regularly attending all meetings and understanding the duties of the Council. You have a responsibility to the citizens to consistently work and vote for the betterment of the community.

The role of a Council member will require time and effort; however, membership on the City Council provides you with the rewarding opportunity to be a genuine public servant. With your position, you will be an integral part of shaping the community. You will work directly with other boards, commissions, and staff.

This City Council Orientation Handbook is meant to help guide you through the process of Council membership as you take on the critical role of a City of Marshall Council member. Within this handbook, you will be introduced to your new role as a Council member, operating procedures, and Council responsibilities. Refer to this handbook and the City Charter during your term for assistance and guidance.

Welcome aboard! We hope you enjoy your new role as a Council member.

Sincerely,

A handwritten signature in black ink, appearing to read 'TS', followed by a long horizontal flourish.

Terrell Smith, City Manager

PLEASE NOTE THAT THIS HANDBOOK IS A GENERAL OVERVIEW AND IS NOT INTENDED TO BE A CUMULATIVE OR EXHAUSTIVE LIST OF THE POLICY OR PRACTICES OF THE CITY OF MARSHALL, THE DUTIES, RESPONSIBILITIES, AND OBLIGATIONS OF A COUNCIL MEMBER, AND/OR ALL LEGAL ISSUES RELATING TO COUNCIL MEMBERS. ALSO, ALL REFERENCES TO LEGAL ISSUES AND/OR LAW ARE SUBJECT TO CHANGE AS THE RELEVANT LAW AND/OR STATUTE MAY CHANGE FROM TIME TO TIME. IF YOU HAVE ANY QUESTIONS, INCLUDING LEGAL QUESTIONS, PLEASE DIRECT THEM TO ME AND I WILL ASSIST YOU.

IN ADDITION, COUNCIL MEMBERS ARE OBLIGATED TO UPHOLD THE GOVERNANCE POLICY AND THE RULE OF PROCEDURES.

City of Marshall Department Heads

City Manager

Terrell Smith
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Mobile: 903.930.8066
Email:

smith.terrell@marshalltexas.net

Finance

Dawn Jones
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Email:

jones.dawn@marshalltexas.net

*Finance, Municipal Court, Water Billing, Payroll,
Purchasing*

Police Chief

Cliff Carruth
Office: 903.935.4551
Email:

carruth.cliff@marshalltexas.net

*Criminal Investigations, Patrol, Dispatch, and Pet
Adoption Center*

Economic Development & Strategic Initiatives

Alex Agnor
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Email:

alex.agnor@marshalltexas.net

*Community Centers, Convention Center, Marshall
Main Street, Memorial City Hall, and Tourism*

Community & Neighborhood Services

Anna Lane
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Email:

alane@marshalltexas.net

*Communications, Community Development Block
Grant, Community Engagement, and Marshall Public
Library*

City Secretary

Nikki Smith
Office: 903.935.4446
Email:

smith.nikki@marshalltexas.net

City Secretary, Records Management

Parks & Recreation

Marina Garcia-Heredia
Office: 903.935.4470
Email:

garcia.marina@marshalltexas.net

*Parks & Recreation, Marshall City Arena, and Oaklawn
Golf Course*

City Attorney

Scott Rectenwald
Office: 903.938.3300
Mobile: 903.926.1789
Email:

scott@westfannin.com

Fire Chief

Reggie Cooper
Office: 903.935.4582
Email:

rcooper@marshalltexas.net

EMS, Prevention, and Suppression

Public Works

Eric Powell, PE
Office 903.935.4489
Email:

powell.eric@marshalltexas.net

*Drainage, Streets, Water Production, Wastewater
Treatment, and Distribution & Collection*

Support Services

Randy Pritchard
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Email:

pritchard.randy@marshalltexas.net

Building & Maintenance, Information Technology

Human Resources

Christol Hall
Office: 903.935.4426
Email:

hall.christol@marshalltexas.net

Human Resources, Employee Benefits

Planning & Development Services

Cynthia Deckard
Office: 903.935.4446
Email:

deckard.cynthia@marshalltexas.net

*Code Enforcement, Consumer Health, Permits &
Inspections, and Planning*

Facilities and Parks

	Marshall City Hall is located at 401 South Alamo Blvd. and houses the City Manager, Human Resources, Finance Department (Water Billing), Purchasing, City Secretary, and Community Development (Code Enforcement, Health Inspector, Planning & Zoning, and Permits & Inspections).
The Central Fire Station is located at 601 South Grove and houses the Fire Chief, administrative fire personnel, firefighters, and EMS personnel.	
	Fire Station #2 is located at 200 Indian Springs Drive and houses firefighters and EMS personnel.

Fire Station #4 is located at 101 Hughes Street and houses firefighters and EMS personnel.



The Marshall Police Department is located at 2101 East End Blvd. North and houses the Chief of Police and several Police Department divisions including: Criminal Investigations (CID), Patrol, Dispatch, and other administrative personnel.

The Marshall Pet Adoption Center is located at 2101 East Travis Street. This facility houses the Animal Control staff.



The Water Utilities Plant is located at 605 East End Blvd South and houses the Director of Public Works, Streets, Water Utilities, and other administrative staff.

The Wastewater Treatment Plant is located at 5517 Five Notch Road and is overseen by a Chief Wastewater Plant Operator and other staff.





The Business Development Center is located at 110 South Bolivar Street and houses the Support Services Department, Municipal Court, a division of the Finance Department, and Main Street and Tourism divisions of the Economic Development & Strategic Initiatives. In addition, several tenants are located on the second floor under MEDCO management.



The Marshall Convention Center is located at 2501 East End Blvd. South and houses the Director of Tourism & Cultural Arts.



The Marshall Public Library is located at 300 South Alamo Blvd. and houses the Library Director, Assistant Librarians, and other facility staff members.

Memorial City Hall Performance Center is located at 110 East Houston Street and houses the Memorial City Hall Manager.

The Memorial City Hall Performance Center Historic Renovation won the 2020 Texas Municipal League City Spirit Award.

*Photo credit:
Ron Munden*



Airport Park is a regional hub for baseball and softball activities in East Texas. This facility at 1110 Warren Drive is comprised of:

- eleven ball fields
- two bathroom/concession stand complexes
- two batting cage areas

This park encompasses 47 acres.

Bath-Miller Park is located at 303 Ray Street near the East Texas Baptist University campus. This facility is comprised of:

- two swing sets
- a slide
- a merry-go-round
- five benches

This park encompasses close to 3 acres.





Bella Wyatt Park is located at 1104 E. Rusk Street. This facility is comprised of:

- one full basketball court
- one picnic pavilion
- one jungle gym
- one bench

The park encompasses approximately 5 acres.

City Park, Marshall's premier park facility is located at 615 Valleloma Street, just north of CHRISTUS Good Shepherd Health Center. The park is comprised of:

- lighted ball field
- four half-court basketball courts
- two volleyball courts
- three covered pavilions
- one-quarter (1/4) mile walking path
- large play structure
- restroom facility



Lions Park is located in north Marshall and is comprised of:

- a lighted ball field
- a basketball goal
- four swing sets, four slides
- two picnic pavilions
- three picnic tables
- one monkey bar set
- Lions Community Center

This park encompasses seven acres.

The Oak Lawn Municipal Golf Course is a 9-hole golf course featuring a driving range and club house open to the public.



This area, encompassing 30 acres, is located at 410 Crestwood Drive.

The trail has been left in its natural state as stipulated in the property donation agreement.

The Sam Birmingham Municipal Pool is named after the City of Marshall's first African-American mayor.

The pool is managed by the Boys & Girls Club of the Big Pines.





Smith Park is located at 700 Spring Street. This facility is comprised of:

- one ball field
- one full court basketball court
- two picnic pavilions
- three picnic tables
- ten benches
- four swing sets
- three slides
- Spring Community Center

This park encompasses 4 acres.



West End Park is a result of a partnership venture with Harrison County Housing Finance Corporation. This facility is located on the west side of Marshall and is comprised of:

- 2 football/soccer fields
- 4 basketball courts
- pavilion
- softball field
- playground equipment

Texas Forms of Government

There are two forms of local government in Texas: home rule and general law.

The City of Marshall is a home rule city.

Home Rule Cities

Home rule cities are any city with over 5,000 in population in which the citizens have adopted a home rule charter. A charter is a document that establishes the city's governmental structure and provides for the distribution of powers and duties among the various branches of government. The legal position of home rule cities is the reverse of general law cities. Rather than looking to state law to determine what they may do, as general law cities must, home rule cities look to the State Constitution and State Statutes to determine what they may not do. Thus, if a proposed home rule city action has not been prohibited or pre-empted by the state, the city generally can proceed.

Every home rule city in the State of Texas operates under one of the two forms of government: Mayor-Council or Council-Manager. Among Texas' 329 home rule cities, the vast majority have the Council-Manager form.

Council-Manager Form (City of Marshall)

Under the Council-manager plan, the voters elect a City Council, which, in turn, hires a city manager to administer the city's day-to-day affairs. In a Council-manager city, as in any other, the Council serves as the legislative body. The Council sets policy. It approves the budget and sets the tax rate. It determines the size of the payroll and the extent and cost of municipal services. In short, the Council is the final authority on all the many policy decisions that determine the city government's scope and functions. Under the Council-Manager plan, the mayor (chair) and Council members have no administrative duties. These are vested in the city manager, responsible for directing the city's workforce and programs per ordinances, rules, and regulations adopted by the Council. The typical city manager in Texas is appointed for an indefinite term and is subject to dismissal by the Council at any time. They are designated, either by charter or ordinance, as the city's chief executive and administrator officer. It is the unilateral authority to hire, discipline, and fire the department heads. In Marshall, the city attorney, city secretary, and municipal judge are directly employed and supervised by the Council rather than the city manager.

Although the manager's role varies from one city to another, the manager's primary function is to implement the policies established by the Council and ensure that the city is operated economically and responsibly.

In larger Texas cities, city managers spend comparatively little time on citizen contacts, personnel issues, and other routine matters. Managers in these cities usually have a sizable staff capable of carrying out day-to-day issues, allowing the city manager to concentrate on communicating with the council, policy issues, planning activities, and work sessions with the department directors. In Marshall, the city manager operates with limited resources and a smaller staff. By necessity, the manager must be personally involved in providing police, fire, solid waste, and other services to citizens.

General Law Cities

General Law cities are small cities, most of which are less than 5,000 in population. All general law cities operate according to specific state statutes prescribing their power and duties. General Law cities are limited to doing what the state authorizes or permits them to do. If state law does not grant general law cities the express or implied power to initiate a particular action, none may be taken. Approximately seventy-five percent of all Texas cities operate under the general laws; the remainder are home-rule cities. "General Law" is a term used to describe all state laws applicable to a particular class of things. A General Law city, therefore, is one that is subject to all the state laws applicable to such towns, many of which are found in the Local Government Code. General Law city officials occasionally call the Texas Municipal League office to request a copy of their "city charters." Unlike home rule cities, general law cities do not have charters. The creation of a general law city is documented in its incorporation papers, filed at the county courthouse, which describes when the city was established and its original boundaries. There are three categories of general law cities: Type A, Type B, and Type C. General law cities operate under one of two forms of government: *aldermanic* or *council*.

Type B General Law Cities

Most new cities begin as Type B general law cities under a state law that permits incorporating any area containing 201 to 10,000 inhabitants. Later, as a city's population grows to 600 or more, it can transition to Type A. In a Type B general law city with the aldermanic form of government, the governing body is known as the "board of aldermen." It includes six members (a mayor and five aldermen), all of whom are elected at-large. At its discretion, the board of aldermen may provide by ordinance for the appointment or election of such additional officers as needed to conduct the city's business.

Type A General Law Cities

Type A general law cities are usually the larger general law cities. The governing body of a municipality operating as a Type A general law city is technically known as the aldermen board. However, many towns refer to it as the "city council." It varies in size, depending on whether the city has been divided into wards. If the city has been divided into wards,

the council consists of a mayor and two councilmembers from each ward. If the city has not been divided into wards, the governing body always consists of a mayor and five councilmembers.

Type C General Law Cities

Type C city operates with the commission form of government. The governing body is known as the "board of council members" and always consists of a mayor and two council members. No other elective officers are required; however, the board of council members must appoint a city clerk and may provide by ordinance for the election or appointment of such other officers as are necessary.

Duties of a City Council

The Marshall City Council is the governing body for the City of Marshall, Texas, under the home rule charter. Therefore, it must bear the responsibility for the integrity of the governance. The council shall determine its own rules and order of business as authorized by the city charter. The council is responsible for its development, its responsibilities, its discipline, and its performance. This policy is designed to ensure effective and efficient governance and uphold public trust.

- It shall be standard practice that after every City Council general election, the council shall elect a chair (mayor) and acting chair (mayor pro tem).
- The chair (mayor) shall preside at meetings of the council. It shall be recognized as the city government's head for all ceremonial purposes and by the governor for emergency management and disaster mitigation goals. Still, the chair (mayor) shall have no regular administrative duties other than outlined by state law and city charter.
- The acting chair (mayor pro tem) shall serve in the absence of the mayor.
- The chair (mayor) shall preserve order and decorum and shall require Council members engaged in debated to limit discussion to the question under consideration.
- The city manager and city staff will conduct orientation for new Council members. City staff will also coordinate the swearing-in ceremony with newly elected officials.
- Each council member shall have equal authority to ensure all parties follow the policies and procedures in this document.
- Except for those designated powers that the chair (mayor) may exercise, each council member's sole official authority exists through the exercise of their singular vote. The power of the council exists under the collective action of its voting members.

The Commitment of City Resources

Individual Council members may not commit city resources to undertake an investigation, request information, or obtain other special privileges in a manner not generally afforded to the public at large.

The city manager will access each request if the request should best be collectively voted on and approved by the entire council and a significant commitment of city resources. As a general guideline, any request that results in four (4) expenditure or more work hours will be considered significant. In this case, the city manager will notify the requestor and place the item on the next regular meeting's agenda, unless specifically requested not to do so.

Communication with Staff

Interference in administrative matters

Neither the council nor any of its members shall direct or request the city manager or any of his/her subordinates to appoint or remove from office or employment any person except a person whose office is filled by appointment of the council under the charter's provisions. Exception for inquiry and investigation, the council and its members shall deal with the city's administrative services solely through the city manager. The council nor any member shall give orders to any subordinate of the city manager either publicly or privately.

Council and Staff Relations

- The city manager and staff relationship with the council shall be consistent with the City of Marshall City Charter.
- Council members shall direct citizen concerns, comments, correspondence, and requests for necessary, routine information regarding city functions and services to the city manager or appropriate director. More complex requests, or those likely to require more than eight (8) hours of staff time to fulfill, should be directed to the city manager.
- The council may inquire of the city manager about the conduct of any office, department, or agency of the city and make investigations to municipal affairs in accordance with the City of Marshall City Charter.
- Suppose a Council member receives a complaint or grievance from a city employee. In that case, the council member should direct the employee to follow

the proper chain of command per the organizational chart, and the council member should report that complaint or grievance to the city manager.

- Documents provided to one council member shall also be distributed to all other members of the elected body following Resolution R-12-14. The city manager shall prepare and submit to the council at the end of the fiscal year a complete report on the city's finances and administrative activities for the preceding year. The city manager shall keep the council advised of the city's financial condition and future needs and make sure recommendations seem desirable.
- To ensure proper presentation of agenda items by staff, questions arising from Council members after receiving their agenda packet should be, whenever possible, presented to the city manager for staff consideration before the council meeting. This best practice allows staff time to address the council member's concern and provide council members with additional information.

Responsibilities of Council members

Chairperson (Mayoral) Responsibilities

The chair (mayor) occupies the highest elected office in the municipal government. As a city's political head, the chair (mayor) must provide the leadership necessary to keep the city moving in the proper direction.

- The chair (mayor) is the presiding officer at all meetings.
- The chair (mayor) will preserve order and decorum and will require council members engaged in the debate to limit discussion to the question under consideration.
- The chair (mayor) is the spokesperson for the council on all matters unless, absent, acting chair (mayor pro tem) will assume the role.
- The chair (mayor) will encourage all council members to participate in council discussion and allow each member to speak before speaking again on the same subject.
- The chair (mayor) is responsible for keeping the meetings orderly by recognizing each member for discussion, limiting speaking time, encouraging debate among members, and keeping the discussion on the agenda item being considered.
- The chair (mayor), when authorized by the council, will sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts, and bonds.
- The chair (mayor) will perform other duties consistent with the City Charter or imposed on him/her by the council.

Acting Chair (Mayor Pro Tem) Responsibilities

- The acting chair (mayor pro tem) is a council member elected by the council at the first regular council meeting following each city election or runoff election if needed. The acting chair (mayor pro tem) will act as mayor during the disability or absence of the chair (mayor) or if the office is vacated and in this capacity, and will have the rights conferred upon the chair (mayor).

Council member Responsibilities

- Council members are the city's legislators. Their primary duty is policymaking, which includes identifying residents' needs, formulating programs to meet the community's changing requirements, and measuring the effectiveness of ongoing municipal services. Every Council member is entitled to vote or abstain, in the case of a conflict of interest, on every question decided at the Council meeting, and has full parliamentary privileges in Council meetings, including the right to speak and make motions when recognized by the chair (mayor).

Absences

Council members are expected to attend all meetings and remain in attendance for the full length of each meeting. Members are required to notify the chair (mayor) and the city secretary if they must leave a meeting or work session before the adjournment.

Council members shall arrive at meetings before the scheduled time for the meeting to begin.

The chair (mayor) will conduct a roll call at the beginning of all regular legislative sessions or administrative sessions. Each council member is responsible for providing advance notice of an absence to the chair (mayor) before any meeting or session. The chair (mayor) will verbally present the council member to be considered for an excused absence by stating the absence and calling for a council's vote to approve the request. Illness is the eligible reason for the excuse of an absence after the meeting is adjourned. Should any council member be absent as unexcused from three (3) regular, successive legislative sessions or four administrative sessions, the council shall have the power to declare such office vacant and to order an election to fill the unexpired term.

Where Council Activities Occur

Majority of Council

A majority is four (4) council members. A quorum must be present for any posted meeting to begin, act, or pass city ordinances.

Regular Council Meetings

The City Council has regular City Council meetings on the second and fourth Thursday of each month at 6:00 p.m. in the City Hall Council Chambers, located at 401 S. Alamo Blvd, Marshall, Texas; unless otherwise adopted by a majority of the council.

Council Work Session Meetings

Periodically, work sessions may be called by the chair (mayor) or the city manager to conduct a detailed and thorough exploration of matters that may properly come before the council. Work sessions are open to the public, but public comment is not taken. All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a work session. A quorum is required to hold a work session.

Special Meetings

Special meetings may be called as needed at the chair's (mayor's) request or the city manager.

Executive Sessions

The council may recess to an executive session for any purpose permitted by State law. The general subject matter for consideration will be expressed in the agenda or the session's motion calling. The council will not take final action until the matter is placed on the agenda, and a vote is taken in a public meeting. Executive sessions are typically held in the second-floor conference room.

A governing body may generally hold a closed meeting for one or more of the following nine reasons:

1. Consideration of specific personnel matters – Texas Government Code (TGC) 551.074
2. Certain consultations with its attorney – TGC 551.071
3. Discussions about the value or transfer of real property – TGC 551.072
4. Discussions about security personnel, security devices, or a security audit – TGC 551.076
5. Discussions about a prospective gift or donation to a governmental body.

6. Discussions by a governing body of potential items on tests that the governing body conducts for purposes of licensing individuals to engage in an activity – TGC 551.088
7. Discussions of certain economic development matters – TGC 551.087
8. Discussions of certain competitive matters relating to a city-owned electric or gas utility for which the commission is the governing body – TGC 551.086
9. Certain information relating to emergencies and disasters – TGC 418.138 (f)

Planning

Council members are responsible for establishing a vision for the City of Marshall and planning for its future. Periodically, strategic planning sessions are held wherein accomplishment will be reviewed, goals assessed, and short-term and long-term priorities set. Sufficient time and consideration should be given to policy alternatives to ensure that decisions are consistent with the long-term vision. New policy direction shall be presented as an agenda item at a regularly scheduled meeting to allow citizen comment.

Agenda Procedures

The city manager shall prepare a meeting agenda and supply supporting documentation for each agenda item for council distribution by the end of the day on the Friday before a regularly scheduled meeting. Agendas for both regular scheduled and special called meetings shall be posted 72 hours before the meeting date per the Texas Open Meetings Act. Council members, city manager, and city attorney may request an item be placed on the City Council agenda. All agenda items shall be submitted to the city manager a minimum of eight (8) days prior to the regularly scheduled meeting (the Monday before the Friday packet is delivered). Depending on the complexity of the item requested, the city manager may notify the party, asking that more time is needed to complete appropriate research. The city manager may elect to delay the requested item to the next available regularly scheduled meeting date.

Regularly scheduled City Council meetings shall follow the format listed below:

Call to Order

The chair (mayor) will ensure a quorum is present, call for an invocation, pledges to the national and state flags, present the name of any council member who has requested an excused absence, and call for a vote to excuse an absence.

Presentations & Proclamations

Presentations are items posted on the agenda that have been deemed by the chair (mayor) or city manager as important for the city to recognize in a public forum. Council members may request a presentation or proclamation eight (8) business days before a regularly scheduled council meeting.

Citizen Comments

Citizens may utilize this time to address the legislative body as a whole on non-public hearing items. All comments are limited to three (3) minutes unless the speaker has requested an additional two (2) minutes before the call to order. The speaker must state their name for the record. He/she must state their address for the record or provide it in writing to the city secretary. Anyone personally attacking a council member, city staff member, or an individual will be asked to stop speaking and be seated by the chair (mayor).

Consent Agenda

All items set out in the consent agenda shall be deemed passed upon the passage of an affirmative motion, by a vote of at least four (4) members of the council without discussion or debate, that the consent agenda be adopted. Upon request of any council member, items shall be removed from the consent agenda and considered under Items Withdrawn from Consent Agenda.

Items Withdrawn from Consent Agenda

Items will be discussed that were withdrawn by a council member earlier in the meeting.

Public Hearings

Specific Items for the council's consideration that by local ordinance, charter, or state law requirements for public comment to be allowed before action can be taken. Procedures for public hearings shall be as follows:

- *The staff provides an overview of the item for consideration. If there is an applicant or expert of record, they are provided ten (10) minutes to present their request.*
- *The public desiring to speak regarding the posted item will be provided five (5) minutes to speak. Public wishing to speak in favor will go first, followed by those speaking in opposition to the request. Comments will be directed to the entire council and related to the agenda item's subject matter. The council may ask questions to those speaking in favor or opposition after their comments.*
- *After the public has had the opportunity to make their comments, the public hearing shall be closed. If the applicant desires, he/she will have five (5) minutes to make closing arguments.*

- *The council may ask the staff or the applicant questions and deliberate amongst themselves if needed prior to a motion, second of the motion, and vote.*

Ordinances

Items that are legislative enactment by the council; it must be in written form when introduced.

Resolutions

Items relating to ministerial, administrative, or executive matters become effective upon passage and execution by the chair (mayor)

City Manager Reports and Items for Council Consideration

Other items that do not fall into the categories listed above that require City Council consideration.

Adjournment

The chair (mayor) may call a recess at a council member's request or as the chair (mayor) deems necessary.

Briefing Procedures

Upon completing and submitting the agenda packet to the council members, each council member will meet with the city manager on the Tuesday or Wednesday immediately before a regularly scheduled meeting. This briefing aims to review the upcoming agenda items, other issues, and efforts in the City of Marshall.

Decorum

Council

- During council meetings and work sessions, the chair (mayor) shall preserve order and decorum and insist that council members, neither by conversation nor otherwise, delay or interrupt the proceedings or refuse to obey the City Council's rules.
- The chair (mayor) shall preside over the meeting. All comments shall be limited to the specific item, and council members shall speak one at a time, not interrupting each other. Comments shall be factual or stating opinion on the agenda item in the discussion. Council members shall always remain professional and courteous to one another.

- The chair (mayor) shall state all questions submitted for a vote and announce the result. If the vote is not unanimous, the chair (mayor) shall report the member(s) voting names in favor and opposition to the motion.
- All persons addressing the City Council, including the city manager, shall be recognized by the chair (mayor) and shall limit remarks to the agenda item under discussion.
- All remarks and questions addressed to the City Council shall be addressed to the commission as a whole and not to any individual member.

Administrative Staff

- Administrative staff and employees of the city shall observe at all council meetings the same rules and etiquette applicable to members of the City Council.
- It is the city manager's responsibility to ensure that decorum is always preserved by city employees in meetings.

Citizens and Visitors

- Citizens and visitors are welcome to attend all public meetings of the City Council. They will be admitted to the Chamber or meeting room up to the room's fire safety capacity.
- Citizens and visitors attending the meeting will refrain from private conversation, verbal outbursts, or applause. The chair (mayor) is responsible for advising citizens of decorum's expectations at that moment in the meeting.
- Citizens and visitors attending City Council meetings and work sessions shall observe the same decorum rules applicable to the council and city staff members. Any person making personal, impertinent, profane, or slanderous remarks or who becomes boisterous while addressing the City Council or attending the meeting or work session shall be removed from the room if so directed by the chair (mayor). The person shall be barred from further audience before the City Council during a session. If the chair (mayor) fails to act, any member of the council may move to require enforcement of the rules, and the affirmative vote of the majority of the commission shall require the chair (mayor) to act.
- No placards, banners, or signs that affect disrupting a meeting will be permitted in the City Council chamber or any other room in which the council is meeting. Exhibits, displays, and visual aids used in connection with presentations are permitted.
- The chief of police or a police designee shall act as sergeant-at-arms for the City Council and shall furnish whatever assistance is needed to enforce the City Council's rules.

Speakers

- A person wishing to address the City Council during the citizen comments section must state their name verbally for the record. The speaker must provide his/her address verbally or in writing to the city secretary before addressing the commission.
- Speakers must address their comments to the entire council rather than to an individual council member, staff, or members of the audience. The chair (mayor) will be responsible for directing the speaker to address his/her comments to the legislative body as a whole.
- Individuals addressing the council during citizen comments are limited to three (3) minutes of speaking time. A speaker may request two (2) additional minutes if he/she makes this request to the city secretary's office before the meeting.
- Following the Texas Open Meetings Act, the City Council will not discuss any item addressed during the citizen comment section.

Rules of Procedures

At any point, the city attorney will address any question regarding the rules of procedure. The city attorney will provide the council with a summary or guidelines.

Failure to Comply

A failure to comply with these rules does not invalidate any otherwise lawful act of the council.

City Council Mail Process and Telephone Calls

The city manager's office receives and processes the council's incoming mail. All mail will be unopened and distributed in corresponding boxes located in the second-floor mailroom. Council members are welcome to pick up mail at City Hall.

All calls for the chair (mayor) and council members are directed to the city manager's office. In most cases, citizen questions are operational and can be handled by city staff.

Council Tablets and E-mail

Councilmember

E-mail

Address:

_____@marshalltexas.net

All council members are supplied tablets by the city to use during council meetings and their term duration. Council members are also issued a city e-mail address to use while in the office to communicate with the public and staff. Please keep in mind that all

information on assigned tablets, assigned e-mail addresses, and within the city's network is subject to the Public Information Act.

The city will issue each council member a tablet and charter along with a cover or case. Any additional tablet accessory, including keyboards, styluses, screen protectors, cables, or adapters, shall be at an individual council member's own expense and shall remain the council member's property at the end of the term service. Upon departure from the council by either conclusion of term or resignation, the tablet, charter, and cover/case shall be returned to the city manager's office by the council member. Upon returning the tablet to the city, the appropriate files will be backed up on the network, and the tablet will be wiped clean of all information.

Each tablet is property of the city and should be cared for in the highest regard. Each council member is responsible for the general care of the tablet that he or she has been issued. Tablets are not allowed to be used by anyone other than the assigned council member. Council members are not allowed to loan the tablet to anyone else, including family members. Tablets must remain free of any writing, drawing, stickers, or labels that are not the city's property. Only a clean, soft cloth should be used to clean the screen. Tablets that malfunction or are damaged should be reported to the city manager.

The tablet's primary use is intended to enhance the council member's efficiency related to the city business. Council members may use the tablet for incidental personal services so long as such use does not interfere with the user's duties. Individual use may not conflict with the city's business, is to be at no cost to the municipality, and does not violate this or any other city policy:

- To send and receive occasional personal e-mail and other communications.
- To prepare and store incidental personal data (such as personal calendars, personal address lists, and similar data) in a reasonable manner.
- To access the internet for brief personal searches and inquiries, provided that the council member adheres to city policies.
- To install and use apps. The software and applications installed by the city must remain on the tablets, in usable condition, and be readily accessible at all times. Every quarter, council members will be required to provide their tablets to IT staff for software upgrades and synching. Any software, e-mail messages, or files downloaded via the internet into the city systems become the city's property. They may only be used in ways that are consistent with applicable licenses, trademarks, or copyrights.

All software and data (including, and without limitation, e-mail, calendars, downloaded files, and web browsing history) stored on the city-issued tablet are subject to disclosure under State and City Public Records laws or for litigation purposes, unless a privilege or

exception exists that justifies withholding that information. Except in an emergency, council members shall not use e-mail, instant messaging, text messaging, or similar forms of electronic communications at any time during a council meeting or work session. Council members should consult with the city attorney for information regarding the Texas Open Meetings Act requirements related to electronic communications.

If you have problems accessing your e-mail, please contact the City Manager's Office at (903) 935-4421 for assistance.

Compensation

Council members are not compensated.

City Budget Information

The current budget may be found at
<https://www.marshalltexas.net/ArchiveCenter/ViewFile/Item/248>

Expense Reimbursement Policy / Travel Advance

The City of Marshall will pay reasonable expenses which are incurred during authorized city business. The city has two objectives when reimbursing expenses: to provide employees with sufficient funds to execute business on behalf of the city and to safeguard city funds by paying only reasonable and necessary fees. Employees traveling on behalf of the City of Marshall are expected to utilize services and accommodations appropriate for the business.

Upon request, the City Secretary will prepare a Travel Authorization form for any travel that is more than fifty (50) miles from City Hall, requiring payment for registration, parking, materials, meals, and overnight stay. The city will pay the Internal Revenue Service (IRS) mileage reimbursement in effect at the time of travel. Parking expenses, including airport parking, will also be reimbursed with supporting documentation for the fee. While at the business destination, transportation costs, such as taxi, vehicle rentals, or Uber, are also reimbursable with proper documentation.

For extended stays over multiple days, the city will pay actual expenses for hotels, motels, or other lodgings. An itemized bill from the accommodation must be attached to the expense report. If available, a reduced government or conference rate must be used when making reservations.

The city will pay for the cost of meals during overnight travel on a per diem basis. The per diem rate will be based on the current fiscal year rate established by the U.S. General Services Administration and found at www.gsa.gov. The per diem rate will be adjusted for partial days. Meal related tips are included in the per diem meal rate. The cost of alcoholic beverages is not reimbursable.

Texas Municipal League Institute

The Texas Association of Mayors, Councilmembers and Commissioners (TAMCC) and the Texas Municipal League (TML) encourage elected officials to learn about their governance roles, responsibilities, and city government through a variety of educational opportunities. These opportunities provide elected officials a chance to enhance their policymaking and leadership skills. TAMCC and TML sponsor the Texas Municipal League Institute (TMLI) to recognize and reward elected officials who commit to continuing their professional development.

Council Appointees

The Marshall City Council appoints the City Manager, City Secretary, City Attorney, and Municipal Judges. The following is a summary of each appointment.

City Manager

The Council of the City of Marshall shall employ some suitable person as "City Manager" of the City of Marshall, who shall be the administrative head of the said city and responsible for the various departments' efficient administration. Said manager so appointed shall be a citizen of the United States of America but shall not be required to be a qualified elector under the State of Texas or the City of Marshall.

The city manager will have the following power and duties:

- The said City Manager shall have general administrative powers in the city government of every kind. Together with such additional powers the council shall grant unto him/her by ordinance.
- The city manager shall hire and supervise all persons in said city's service, except the City Secretary, the City Attorney, and the Municipal Judge. Such appointments so made by the said City Manager of city employees shall be on merit and fitness alone and subject to Texas's laws on Nepotism, and he/she shall have the power to remove any person employed by him or her at any time.
- Said City Manager shall exercise and control all city departments and all persons appointed by him/her.

- He/she shall attend all council meetings, with the right to take part in the discussion but shall have no right to vote therein.
- He/she shall recommend to the council such measures as he/she shall deem necessary and shall keep the council fully advised of the city's financial condition and needs and perform all other duties prescribed by the charter, or which may be required by ordinance.

City Attorney

The city attorney shall represent the City of Marshall in all cases pending and hereafter brought in any court in favor of or against the said city; he/she shall attend all council meetings and give advice when called up to do so. He/she shall render opinions and legal advice upon all questions concerning the said city or its government. When required, he/she shall aid in drawing and digesting all ordinances, resolutions, regulations, charters, and amendments of charters. He/she shall render such other legal services as the commission may require.

The city attorney will have the following duties:

- He/she shall have the power to administer all oaths in matters pertaining to his duties or the filing of complaints in the said city's corporation court.

City Secretary

The City Secretary shall be appointed by the council and not elected by the people. He/she shall attend all council meetings, with the right to take part in the discussion but shall have no right to vote therein.

The city secretary will have the following power and duties:

- The city secretary shall attend upon the council's meetings and keep accurate minutes of the proceedings thereof in a book or books provided for that purpose.
- He/she shall engross and enroll all laws, ordinances, rules, and regulations passed by council and adequately index the same.
- He/she shall keep the corporate seal, take charge of, preserve, and keep in order all books, records, papers, documents, and files of the city government and the council.
- He/she shall countersign, with seal attached, all commissions issued to the city officers and all license(s) issued by the council and keep a register and record thereof.
- He/she shall make out and give all notices required by the council of resolutions and ordinances.

Municipal Judge

The municipal court will be presided over by a magistrate known as the judge of the municipal court. A majority of the council will appoint him/her.

Media Relations

The city manager supervises the City of Marshall communications strategic plan in supervision over the IT Department, communications coordinator, and department designees.

Social medial pages:

- City website: www.marshalltexas.net
- City Hall Facebook: [City of Marshall TX – City Hall](#)
- City Hall Twitter: [City of Marshall, TX](#)
- Fire Department Facebook: [Marshall Fire Department](#)
- Main Street: [Marshall Main Street](#)
- Police Department Facebook: [Marshall Police](#)
- MPD Animal Control & Shelter Facebook: [Marshall Police Department’s Animal Control & Shelter](#)
- Public Library Facebook: [Marshall Public Library](#)
- Police Department Facebook: [Marshall Police](#)
- Tourism & Cultural Arts Facebook: [Visit Marshall Texas](#)
- Tourism & Cultural Arts Twitter: [VisitMarshallTX](#)
- Wonderland Facebook: [Wonderland of Lights](#)
- Wonderland Twitter: [Wonderland of Lights @Wonderland Cheer](#)

Media interviews are scheduled through the Department Directors or their designee.

Boards, Commissions and Committees

To be placed on a board, commission, or committee citizens must submit a written application to the city secretary. Each board, commission or committee have a staff liaison that is appointed by the city manager. The written application will be submitted to the staff liaison for review. The council has the final approval for all nominees to a board, commission or committee.

Most terms are two to three years, are staggered, and expire December 31st of every year.

- Community Development Advisory Committee
- Historic Landmark Preservation Board
- Keep Marshall Beautiful
- Main Street Advisory Board
- Marshall Downtown Development Corporation
- Marshall Economic Development Corporation
- Marshall Public Library Board of Trustees

- Parks Advisory Board
- Planning & Zoning Commission
- Visit Marshall Board of Directors
- Tax Increment Reinvestment Zone Number One
- Zoning Board of Adjustment

Ordinances and Resolutions

The council takes official action by two means: resolutions and ordinances. The distinction between an ordinance and a resolution is in the subject matter, not terminology. An ordinance cannot be changed into a resolution merely by calling it a resolution. A resolution generally states a position or policy of the city. An ordinance is more formal and authoritative than a resolution. An ordinance is a local law that usually regulates persons or property and usually relates to a general and permanent nature.

If the ordinance is approved, it is then signed by the chair (mayor) and attested by the city secretary. After adoption, an ordinance will not be amended or repealed except by adopting another ordinance amending or repealing the original ordinance.

Effective Date

Every ordinance becomes effective upon adoption or at any later time specified in the ordinance. Ordinances imposing any penalty, fine, or forfeiture become effective after the caption, the offense, and penalty clauses of the ordinance have been published in the official city newspaper.

Texas Open Meetings Act

State law requires that all council hearings be scheduled at a fixed time and place; a quorum of the council must be present for the transaction of business; any question before the council be decided by a majority vote of the members present and voting, except where the law requires more than a simple majority; and that the chair (mayor) always presides, if present.

Every meeting of the council must be conducted in accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. **The Act requires each elected or appointed member of a governmental body to take at least one hour of training in the Open Meetings Act. The training must be completed not later than ninety (90) days after the member takes the oath of office or assumes the office's responsibilities.**

The required training can be met in at least two ways:

1. Viewing a video that is available to borrow or online.

2. Receive training from certified entities, such as TML.

A written notice of council meetings is required by law to be posted 72 hours in advance of the council meeting, including the date, hour, location, and meeting subject.

The Act requires that all council meetings, with narrow exceptions, be open to the public. Closed meetings (executive sessions) are permitted to discuss items that legitimately fall within the law's exceptions state. Please refer to the TML Handbook for Mayors and Councilmembers for the complete list of exceptions to open meetings.

Stiff penalties are provided for violators of the Open Meetings Act. A councilmember or any other person who participates in an illegal closed meeting can be punished by a fine of \$100, \$500, confinement to the county jail for one (1) to six (6) months, or both. **The same penalty can be applied to a councilmember who conspires to circumvent the law's requirements by meeting in numbers less than a quorum.**

Texas Public Information Act

"Public Information" is defined as information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by; a governmental body; for a governmental body and the governmental body; by an individual officer or employee of a governmental body in the office's or employee's official capacity and the information pertains to official business of the governmental body.

Public information includes any electronic communication created, transmitted, received, or maintained on any device if the content relates to the municipality's official business. "Official business" is defined in the Act to mean any matter over which a government has any authority, administrative duties, or advisory duties. **The Act expressly provides that a councilmember's private computer or cell phone communications are public information if connected with an official business transaction.** The media on which the data is stored is all-inclusive, whether recorded on paper, film, or electronically.

Each elected or appointed member of the governmental body must take at least one hour of training in the Public Information Act. **The training must be completed not later than ninety (90) days after the member takes the oath of office or assumes the office's responsibilities.**

The City Secretary is the Public Information Officer for the City of Marshall. All requests made under the Public Information Act must be directed to the City Secretary of Marshall.

Conflict of Interest

The chair (mayor) and members of the council are expected to avoid involvements that put their interests at cross purposes with those of the public. In most cases, good judgment is enough to keep city officials within the bounds of propriety. There are, however, state laws governing the behavior of city officials.

A conflict of interest exists when a public official is presented with a matter of consideration. Simultaneously, the official has a personal interest that can influence the official in independent judgment exercise. The purpose of the rule regarding conflicts of interest is to prevent public officials from using their authority to benefit themselves rather than benefit the people.

The purpose of this statute is to prevent councilmembers and other local officials from using their positions for hidden personal gain. The law requires the filing of a form by any councilmember whose private financial interest, or those of relatives, would be affected by the council's action.

Please see the City Secretary to request a form of an affidavit required to be submitted to the City Secretary according to Chamber 171 of the Texas Local Government Code.

Conflict of Disclosure

Chapter 176 of the Texas Local Government Code requires that a chair (mayor), councilmembers, city managers, or administrators, and certain other city officials must file a "conflicts of disclosure statement" with the city's record administrator within seven (7) days of becoming aware of the following situations.

1. A city official or the officer's family member has an employment or business relationship that results in a taxable income of more than \$2,500 with a person who has contracted with the city or with who the city is considering doing business.
2. A city officer or the officer's family member receives and accepts one or more gifts with an aggregate value of \$250 in the preceding 12 months from a person who conducts business or is considered doing business with the officer's city.

The chapter also requires a vendor who wishes to conduct business or be considered for business with a city to file a "conflict of interest questionnaire" if the vendor has a business relationship with the city and employment or other relationship with an officer or officer's family member, or gives a gift to either.

An officer who knowingly fails to file the statement commits a Class C misdemeanor, which is punishable by a fine up to \$500.

Please see the City Secretary to request a form of an affidavit required to be submitted to the City Secretary under Chapter 176 of the Texas Local Government Code.

Criminal Misconduct

Several state penal laws prohibit acts that improperly influence public employees. Two of the more pertinent statutes concern bribery and gifts. *Bribery* occurs when someone confers a benefit upon a public employee or official in return for an official's decision or Act. The law prohibiting *gifts* is like bribery. A *bribe* or *gift* can be anything that could "reasonably" be regarded as economic gain or economic advantage. As an example, a restaurant gift card as a holiday gift from a city vendor would be a prohibited gift.

Elected City officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States, the Texas Constitution, and the City Charter to impartially the nation's laws, state, and municipally to foster respect for all government. They are bound to discharge the duties of their office faithfully regardless of personal considerations. Recognizing that the public interest must be their primary concern, they should diligently prepare for the issues to be undertaken in advance, attend each commission meeting, and participate in the people's best interest.

National Incident Management System (NIMS) Training

NIMS Requirement – The Office of Homeland Security requires the following classes to be completed by councilmembers. You can take the course online and go at your own pace, or the City of Marshall Emergency Management Coordinator can teach it if requested. You may already have completed the previous work courses; if so, provide a copy of the certificate for city records.

These courses are available online. All courses require you to have a FEMA Student ID# (SID). To obtain a SID, please visit <https://cdp.dhs.gov/femasid>.

Training ICS-100 <https://training.fema.gov/is/courseoverview.aspx?code=IS-100.c>

Training ICS-700 <https://training.fema.gov/is/courseoverview.aspx?code=IS-700.b>

MEMORANDUM

To: Marshall City Commission

From: Kenneth J. "Buzz" Snyder, Acting City Manager

Date: April 2, 2015

Subject: Discussion of and consideration of amendments to the City Commission Travel Policy

This item has been placed on the agenda at the request of Commissioner Marshall, and will be discussed at the meeting. This item also allows for the Commission to take action to make amendments to the City Commission Travel Policy, if you choose to do so. A copy of the current City Commission Travel Policy is attached, as well as the amendments being proposed by Commissioner Marshall.

City Commission Travel Policy City of Marshall, Texas

Adopted by the Marshall City Commission on June 9, 2011

1. Conference registrations will be paid at actual cost. Commissioners must specify to the City Manager's office if they desire extra ticketed events for the conference such as banquets and mobile workshops to be included in their conference registration. The City will not pay for entertainment events such as golf tournaments, sports events, theatrical productions, museum tours, etc. that are mentioned in the conference information as options available for conference attendees while they are at the conference.
2. Airfare will be paid at actual cost for the most economical means of travel, typically coach fare.
3. Lodging will be paid at actual cost. A receipt for lodging must be provided upon return from the trip. The City will not pay for room service, in-room movies, in-room video games, in-room mini-bars, bar tabs incurred at the hotel, food tabs incurred at the hotel restaurant, or similar expenses incurred at the hotel. Laundry expense for one outfit will be considered only if the clothing was soiled as the result of an unexpected incident/accident during the trip.
4. Typically, the City Manager's secretary will handle conference registrations and make airline reservations and lodging reservations for Commissioners. If a Commissioner chooses to make their own arrangements, the City will reimburse these expenses in compliance with this policy upon presentation of a receipt.
5. Taxis and other public transportation to travel to and from the airport, to and from conference sessions, and to and from meals while attending a conference that are not included in the conference package will be reimbursed at actual cost. Receipts must be presented.
6. Rental vehicles may be used when a Commissioner travels by air and subsequent ground transportation is necessary, provided that the rental vehicle is expected to be less expensive and more time-efficient than taxis or other available public transportation. Expenses for a rental vehicle will be reimbursed at the actual cost upon presentation of a receipt.
7. Use of a personal vehicle for out-of-town trips to attend conferences or meetings will be reimbursed at the rate per mile recognized by the Internal Revenue Service at the time of travel.
8. Parking will be reimbursed at the actual cost upon presentation of receipts.

9. Unless extenuating circumstances are found to exist or timing of travel is a consideration, travel to and from a destination will be paid based on the lower cost method of traveling by either plane or personal vehicle. In comparing the cost of travel by air versus travel by a personal vehicle, the City will only pay for the less expensive method to travel to and from the destination. If a Commissioner chooses to utilize the more expensive method of transportation to travel to and from a destination, the Commissioner must pay the difference between the less expensive method and the more expensive method of transportation.
10. The City will reimburse the Commissioners at the currently approved IRS Federal per diem rates applicable to the destination site. The approved IRS Federal per diem rates can be found at <http://www.gsa.gov/portal/category/21287> or the Commissioner may contact the Finance Department for the latest approved rate. On the day of travel departure, if the departure originates after 2 PM, per diem will be paid at 1/3 the rate. On the day of travel return, if the return completes before 2 PM, per diem will be paid at 1/3 the rate. If travel arrangements due to distance or timing of flights are such that travel to and/or from the destination must occur the day before and/or the day after the conference or meeting, the City will pay the per diem expense for one day before and/or one day after a conference or meeting. This per diem rate is to cover meals, all tips, and incidental expenses. If a Commissioner receives a per diem in advance and is unable to attend the event, arrives at the event late, or leaves the event early for any reason, the per diem advanced for the days not present at the conference must be paid back. *(This amendment to the Travel Policy adopted by the City Commission on July 29, 2011).*
11. The City of Marshall will not pay any travel or conference expenses for spouses, family members, or traveling companions.
12. If an upcoming expenditure will cause the amount established in the annual budget for travel by City Commissioners to be exceeded, that expenditure must be approved by the City Commission in a properly posted meeting.
13. Commissioners must complete expense accounts for all travel and/or provide receipts to the Secretary to the City Manager. A 1099 will be issued to a Commissioner for any per diem paid for which an expense account is not completed and filed with the City Secretary. *(This amendment to the Travel Policy adopted by the City Commission on July 29, 2011).*
14. If Commissioners elect to drive to and from a conference or meeting that is more than an eight hour drive from Marshall, the City will pay for overnight lodging while driving to or from the conference or meeting. *(This amendment to the Travel Policy adopted by the City Commission on January 12, 2012).*

Proposed Amendments to the City Commission Travel Policy:

- To effect equitable utilization of the travel/education budget, each Commissioner will be allocated 1/7 of the approved travel/education budget. Should one or more Commissioners declare that they will not be utilizing any funds from the travel/education budget then the amount allocated to each of the other Commissioners will be 1/number of Commissioners indicating that they will be using funds from the travel/education budget. It is the responsibility of each Commissioner to ensure that they do not exceed his/her budget allocation. No expenses will be reimbursed which exceed the individual Commissioner's allocation of the travel/education budget. Should one or more newly elected Commissioners replace Commissioners who have declared that they will not be utilizing travel/education funds, the allocations will be recalculated by 1/number of Commissioners using travel/education funds.
- Any Commissioner attending a conference, seminar, or similar event is expected to provide a written report to the City Manager. This written report will be distributed to all Commissioners so that all Commissioners may benefit from the learning experience.
- If, for any reason, the Commission feels that it is necessary to increase the budget for travel/education, the increase must be approved by the City Commission in a properly posted meeting. ***(This amendment wording replaces Item #12 in the current City Commission Travel Policy).***
- Removal of Item #14 from the current City Commission Travel Policy, which reads: *"If Commissioners elect to drive to and from a conference or meeting that is more than an eight hour drive from Marshall, the City will pay for overnight lodging while driving to or from the conference or meeting."*

CITY OF MARSHALL
PROPOSED CHARTER AMENDMENTS
CHARTER ELECTION DATE NOVEMBER 3, 2020

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ARTICLE I INCORPORATION AND FORM OF GOVERNMENT

Section 1.01 Incorporation

The inhabitants of the City of Marshall, in Harrison County, Texas within the corporate limits as now established, or hereafter established in the manner prescribed by this Charter, shall be and shall continue to be a home-rule municipal corporation, municipal body politic, and corporate in perpetuity under the name of the “City of Marshall,” hereinafter referred to as the “City.”

Section 1.02 Form of Government

The municipal government provided by this Charter shall be known as a “council-manager” government. Pursuant to its provisions and subject only to the limitations 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,” which shall enact local legislation, adopt budgets, determine policies, appoint the City Secretary, City Attorney, and Judges of the Municipal Court. The Council shall also appoint the City Manager, who shall execute the laws and administer the government of the City.

Section 1.03 Boundaries

The boundaries of the City at the time this Charter is adopted are those that have previously been legally established. These boundaries may be changed through annexation or disannexation, as described in Article II of this Charter, which boundaries are more fully set out and described by the official City Map of the City.

ARTICLE II POWERS OF THE CITY

Section 2.01 General Powers of the City

The City shall have all powers possible for a city to have under the constitution of the State of Texas and of the constitution and laws of the United States of America. It shall have perpetual succession and shall have and shall succeed to all the rights, property, real, personal and mixed, immunities powers, privileges and franchises now held, possessed and enjoyed by the City, or herein granted or that may hereafter be granted by federal or state law, or by future changes to this Charter or future charters and be subject to all its present duties and liabilities, subject to the limitations and immunities in this Charter and under the state constitution and law. The City as a home-rule municipal corporation may sue and be sued, may plead and be pleaded in all courts, may contract and be contracted with and may ordain and establish such acts and regulations and ordinances not inconsistent with the constitution and laws of this state, as shall be needful for the government, interest, welfare and good order of said City. It may lease or convey any or all property owned by said City or any of its property within or without the city limits; and it shall have power to acquire necessary property by purchase or condemnation within

or without the city limits and to lease or convey the same when no longer required. The City is and shall continue to be a home-rule city, with full power of local self-government including the right to amend this Charter, as provided by the constitution and laws of this state. The enumeration of particular powers by this Charter shall not be deemed to be exclusive. In addition to the powers enumerated or implied herein, it is intended that the City shall have and may exercise all powers under the constitution and laws of this state, as fully and completely as though they were specifically enumerated in this Charter.

Section 2.02 Construction of Powers

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers stated in this article.

Section 2.03 Annexation

- (a) **Annexation Powers.** Additional territory may be annexed to the City in any manner and by any procedure that may now be provided by applicable law or that may be hereafter provided by applicable law.
- (b) **Annexation by Ordinance.** The City Council shall have the power by Ordinance, to annex territory lying adjacent to the City, to extend and enlarge the City boundaries and exchange areas with other municipalities.
- (c) **Annexation by Petition.** The owner or owners of any land contiguous or adjacent to the City may, by petition in writing to the City Council, request the annexation into the City. City Council may grant or refuse such petition as it sees fit. If the City Council grants such petition, it may receive such territory into the City.
- (d) **Disannexation.** Any area of the City may be disannexed pursuant to any procedure allowed under applicable law and whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes, the City Council may by ordinance discontinue said territory as part of the City after notice and a public hearing.

Section 2.04 Intergovernmental Relations

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or any agency or political subdivision of any state, or the United States or any of its agencies.

ARTICLE III CITY COUNCIL AND OFFICERS

Section 3.01 General Powers and Duties

All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

Section 3.02 Number, Selection and Terms of Office

- (a) **Transition.** Until any are changed by any ordinances that Council may adopt in accordance with applicable law, the number, terms, method of selection, and boundaries of districts or other areas of representation for Council Members shall be in accordance with the City's practice in effect as of the effective date of this Charter.
- (b) **Number, Terms, Selection, and Boundaries.** Council shall have the power to ordain the number, terms, and the method of selection and boundaries of districts or other areas of representation for Council Members by ordinance adopted in accordance with applicable law. Any changes of district boundaries or redistricting shall be made when and as required by this Charter or by the state law or federal law, and in addition, at Council's discretion, as permitted by this Charter or by state or federal law.
- (c) **Redistricting After Annexation.** Whenever Council shall annex additional land into the City, the Council shall thereafter provide for the inclusion of the annexed land within one (1) or more districts, if practicable in time to permit the eligible voters of such territory to participate in the next City General Election following the addition of the territory.
- (d) **Redistricting After Disannexation.** Whenever the City Council shall disannex land from the City, the City Council shall thereafter provide for the exclusion of the disannexed land from one (1) or more districts to the extent that this is not accomplished by operation of law in the disannexation, and if the disannexation results in substantial disparity in the population of voting districts, the Council will consider the need promptly to redistrict in accordance with subsection 3.02(e) of this Charter.
- (e) **Periodic Redistricting.** Not less than once in every ten (10) years, within two (2) years following the completion of each decennial federal census, the Council shall determine the boundaries of each of the districts by ordinance adopted according to applicable law. From time to time, the Council may amend the boundaries of the districts by ordinance adopted according to applicable law when, in the Council's sole determination, such amendment is necessary so that all districts are drawn and configured to provide substantially equal and fair representation to all citizens of the City.
 - (1) The Council may but is not required to adopt resolutions from time to time that establish redistricting criteria consistent with this section. The Council

will revise the boundaries of election districts as appropriate based on the investigation and such other lawful considerations as the Council deems appropriate so that the population of each is materially balanced and apportionment does not violate state or federal legal requirements.

- (2) Each such determination and boundary revision shall be expressed in an ordinance adopted in accordance with applicable law, which shall be a final determination for purposes of this Charter.

Section 3.03 Qualifications

Each Council member shall, at the time of filing of their application for a place upon the ballot, be a resident of the City and of the district from which they seek election, and shall have resided at least one year preceding the election at which they are candidates within the corporate limits of the City, and shall additionally reside within the district from which they are elected for and during their term of office; shall be a registered voter of the State of Texas; shall not have been convicted of a felony criminal offense or an offense involving moral turpitude or official misconduct; and shall not be in violation of any provisions of this Charter.

Section 3.04 Term and Term Limits

- (a) **Terms.** Except for Council Members elected to serve an unexpired term or in emergency situations as provided in section 3.17 of this Charter, each Council member elected shall serve a term of four years.
- (b) **Transition.** To transition to four-year terms, only those Council Members whose terms begin with the May 01, 2021, general election shall serve a term of three-years and the three-year term shall expire with the May 4, 2024, general election. Four-year terms and the accruing of consecutive terms as provided for in this section shall include only the Council Member terms beginning with the May 07, 2022, general election and all other terms arising out of subsequent general elections.
- (c) **Term Limits.** Council members shall serve not more than two (2) consecutive four-year terms arising out of a general election for a district and not more than a total period of eight consecutive years as a Council member of a district, regardless of which Council member district or districts a person serves.

Section 3.05 Judge of Qualifications

The Council shall be the sole judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have the power to subpoena witnesses, administer oaths and require the production of evidence. Decisions by the Council as to election and qualifications of its members shall be considered final.

A member charged with misconduct constituting ground for forfeiture of the office shall be entitled to a public hearing on demand and notice of such hearing shall be published in the official newspaper of the City at least one week in advance of the hearing.

Section 3.06 Prohibitions

- (a) **Dual Office Holding.** Except where authorized by law, no Council member shall hold any other City office or City employment during the term for which that member was elected to the Council, and no former Council member shall hold any compensated appointive City office or employment by the City until one year after the expiration of the term for which that member was elected to the Council.
- (b) **Interference with Staff Appointment or Removal.** Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of the City Manager's subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such administrative officers and employees.
- (c) **Dealing with City Staff.** Except for the purpose of inquiries, and for investigations under Section 3.12 of this Charter, neither the Council nor its members shall deal with City administrative officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such administrative officer or employee either publicly or privately.

Section 3.07 Vacancies, Forfeiture of Office and Filling of Vacancies

- (a) **Vacancies.** The office of a Council member shall become vacant upon the member's death, resignation, removal from office or forfeiture of office.
- (b) **Forfeiture.** A Council member shall forfeit that office if the Council member:
 - (1) lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by law;
 - (2) intentionally violates any express prohibition of this Charter;
 - (3) is convicted of a felony criminal offense or an offense of moral turpitude or involving official misconduct; or
 - (4) fails to attend three consecutive regular Council meetings without being excused by the Council.
- (c) **Filling Vacancies.** In the event of a single vacancy in the City Council, if there are 365 days or more remaining on the term of the vacated City Council position, the City Council shall call a special election to fill such vacancy. If there are less than 365 days remaining in the term of the vacated City Council position, the City Council may, by majority vote of the remaining Council Members, at its discretion appoint a new Councilmember to fill such vacancy or call a special election to fill such vacancy.

Section 3.08 Compensation and Expenses

- (a) **No Compensation.** Council Members shall serve without compensation.
- (b) **Reimbursement.** Council Members may receive reimbursement for necessary expenses incurred in the performance of their duties of office, according to policies to be determined by the Council.

Section 3.09 Mayor and Mayor Pro Tem

- (a) **Mayor.** At the first regular meeting of the Council following the City's general election, the Council shall elect one of its members to serve a one-year term as Mayor of the City. The Mayor shall preside over the meetings of the Council and perform such other duties consistent with the office as may be imposed on the Mayor by this Charter and all ordinances and resolutions passed in pursuance thereof. The Mayor shall vote as any other member of the Council and shall have no veto power. The Mayor shall be recognized as the chief executive officer and as the head of the City by all courts for the purpose of serving civil process, by the Governor for the purpose of enforcing military law, and for all ceremonial purposes.
- (b) **Mayor Pro Tem.** At the first meeting of the Council following the City's general election, the Council shall elect one of its members to serve a one-year term as Mayor Pro Tern of the City. In the absence or disability of the Mayor to perform the duties of that office, the Mayor Pro Tern shall perform all such duties.

Section 3.10 City Secretary

The Council shall appoint an officer of the City who shall have the title of City Secretary and who shall give notice of Council meetings, shall keep minutes of its proceedings, shall authenticate by signature and record in full in a book kept for that purpose all ordinances and resolutions, shall preserve and keep in order all books, papers, records and files of the Council, shall have custody of the seal of the City and shall affix same to such documents and obligations as legally authorized, and shall perform such other duties as shall be required by this Charter or by the Council.

Section 3.11 City Attorney

The Council shall appoint a City Attorney and such assistant city attorneys, one of which shall serve as the City Prosecutor, as from time to time shall be deemed necessary by the Council and who shall each be competent, duly licensed and admitted to the practice of law by the State of Texas. Except to the extent otherwise provided by the Council or the City Attorney, each assistant city attorney will have the authority to exercise all powers and duties of the City Attorney. The City Attorney shall be legal advisor to and attorney for all Council Members, officers, and employees of the City acting in their respective official capacities and shall represent the City in all litigation and legal proceedings. Upon recommendation of the City

Attorney, Council may also engage outside counsel to assist the City Attorney on specific matters. The City Attorney, with approval of Council, also may engage pro bono volunteer attorneys.

Section 3.12 Investigations

The Council shall have the power to inquire into the official conduct of any department, agency, office or employee of the City. For this purpose, the Council shall have the power to administer oaths, to subpoena witnesses whether or not they are affiliated with the City and by subpoena to compel the production of books, papers and other evidence material to the inquiry from any person whether or not affiliated with the City. The Council shall provide by ordinance penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided in the ordinance. Alternatively to punishment by the Council, the City Attorney at Council's direction may request that the Municipal Court or a state district court adopt any subpoena issued by Council in accordance with this section 3.12 and enforce the same through civil or criminal contempt or other lawful measures.

Section 3.13 Meetings

The Council shall meet regularly at least once each month. The Council may hold as many additional meetings during the month as may be necessary for the transaction of the business of the City, and special meetings of the Council may be called as necessary upon written notice to the City Secretary by the Mayor, by any three of the other Council Members, by the City Manager, or by the City Attorney. All meetings, regular or special, shall be held pursuant to public notification, as required by this Charter and by state law.

Section 3.14 Rules of Procedure

- (a) **Procedures.** The Council shall determine its own rules of procedure and order of business. Four Council Members shall constitute a quorum to do business, and a majority vote of those attending any meeting at which there is a quorum present shall be sufficient to adopt any ordinance or resolution, except as otherwise provided in this Charter. The vote upon the passage of all ordinances and resolutions shall be taken by ayes and nays, and the vote of each Council member present shall be entered on the minutes of the meeting.
- (b) **Open Meetings.** All meetings of the Council, except for executive sessions authorized by state law, shall be open to the public, and minutes of all proceedings of such open meetings shall be kept, to which any citizen may have access at all reasonable times, and which shall constitute the archive of the City.

Section 3.15 Action Requiring an Ordinance

- (a) **Ordinances Required.** In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the Council shall be by ordinance which:
 - (1) adopt or amend an administrative code or establish, alter, or abolish any city department, office or agency;
 - (2) provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
 - (3) levy taxes;
 - (4) grant, renew or extend a franchise;
 - (5) regulate the rate charged for its services by a public utility;
 - (6) authorize the borrowing of money;
 - (7) regulate land use and development;
 - (8) prescribe standards for issuance of business or other licenses; and
 - (9) amend or repeal any ordinance previously adopted.
- (b) **Ordinances or Resolutions Permitted.** Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

Section 3.16 Ordinances in General

- (a) **Form.** Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall read “Be It Ordained by the City Council of the City of Marshall.” Any ordinance amending an ordinance or part of the City Code shall set out in full the ordinance, section or subsection to be amended, and shall indicate matters to be omitted by enclosing them in brackets or by strikeout type and shall indicate new matters by under scoring or by italics.
- (b) **Procedure.** An ordinance may be introduced at any regular or special meeting of the Council. Upon introduction of any ordinance, the City Secretary shall distribute a copy to each member of the Council and shall file a reasonable number of copies in the office of the City Secretary and in such other public places as the Council may designate.
- (c) **Effective Date.** Except as otherwise provided in this Charter, or by ordinance or by state law, all ordinances and resolutions passed by the Council shall take effect on the date of enactment.

- (d) **Publication.** Any ordinance imposing any penalty, fine or forfeiture shall, after the passage thereof, be published one (1) time in the official newspaper before the same shall go into effect. In lieu of publication of the full text of the ordinance, it shall be sufficient to publish the descriptive caption or title of the ordinance, stating in summary the purpose of the ordinance and the penalty for violation thereof. The ordinance shall take effect and be in force from and after the publication thereof unless otherwise provided.

Section 3.17 Emergency Ordinances

Upon the declaration of an emergency, the Council may adopt an ordinance, following a single reading, but only by affirmative vote of all Council Members present. In case of disaster when a legal quorum of the elected City Council cannot otherwise be assembled due to multiple deaths, injuries, absences from the City or other disabilities, the surviving and able member or members of the City Council, or surviving and able appointed City official if no Council member is able, must, within twenty-four (24) hours of such disaster call an election to be held on the earliest feasible date, or as provided in applicable law, for election of a required quorum of Council Members, each of whom will serve until their disabled or absent predecessor resumes the duties of office or until the expiration of the replaced member's term. If no appointed City official is available, the Harrison County Judge or any state district judge shall have the authority to call a City election. In case of enemy attack, Chapter 616 of the Texas Government Code controls succession.

ARTICLE IV ADMINISTRATIVE ORGANIZATION

Section 4.01 Appointment, Qualifications and Compensation of the City Manager

The Council shall appoint a City Manager for an indefinite term, who shall be the chief administrative officer of the City. The City Manager shall be chosen by the Council by a majority vote of its total membership and solely on the basis of executive and administrative training, experience, ability and character, and without regard to political consideration. The City Manager need not be a resident of the City at the time of appointment. The City Manager shall reside inside the City while in office unless residence outside the City is approved by the Council. The City Manager shall receive such compensation as may be fixed by the Council.

Section 4.02 Removal or Suspension of the City Manager

The City Manager shall not be appointed for a definite term but may be removed or suspended at the will of the Council by a majority vote of its total membership. The action of the Council in removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such removal on the Council.

Section 4.03 Acting City Manager

By letter filed with the City Secretary, the City Manager shall designate a qualified administrative employee of the City to exercise the powers and perform the duties of the City Manager during the manager's temporary absence or disability. The Council may revoke such designation at any time and appoint another such employee of the City until the City Manager returns.

Section 4.04 Powers and Duties of the City Manager

As the chief administrative officer of the City, the City Manager shall be responsible to the Council for the administration of all City affairs placed in the manager's charge by or under this Charter. The City Manager shall:

- (a) appoint and remove all department heads of the City, except as otherwise provided in this Charter;
- (b) direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter;
- (c) attend all Council meetings and shall have the right to take part in discussions but may not vote;
- (d) see that all laws, provisions of this Charter and acts of the Council subject to enforcement of the City Manager or by officers subject to the City Manager's direction and supervision, are faithfully executed;
- (e) prepare and submit the annual budget to the Council;
- (f) make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to the manager's direction and supervision;
- (g) keep the Council fully advised as to the financial condition and future needs of the City; and
- (h) perform such other duties as are specified in this Charter or may be required by the Council.

Section 4.05 Administrative Organization

There shall be such administrative departments, offices, or other administrative units of government as established by ordinance, all of which shall be under the control and direction of the City Manager except for any administrative units under the control of the City Attorney or City Secretary. To the extent consistent with this Charter, the Council may abolish or combine one of more of these departments and may assign or transfer duties of any departments of the City from one department to another by ordinance.

Section 4.06 Directors of Departments and Other Unit Managers

At the head of each department or other administrative unit within City government, there shall be a director or other unit manager who shall be appointed and who may be removed by the

City Manager, except as provided by state law or by this Charter. The City Manager will determine the unit manager's respective titles unless the Council otherwise determines. Such managers shall have supervision and control over their respective administrative units and may also serve as heads of subunits within their respective units. Two or more administrative units may be headed by the same individual, and the City Manager may head one or more administrative units. The Council has exclusive authority to set the compensation and benefit levels for all unit managers.

ARTICLE V MUNICIPAL COURT

Section 5.01 Municipal Court

There shall be a court known as the Municipal Court of the City of Marshall, with such jurisdiction, powers and duties as are given and prescribed by the state law, or by Council.

Section 5.02 Judges of the Municipal Court

The Municipal Court shall be presided over by one or more magistrates, appointed by the Council, each of whom shall be duly licensed by the State of Texas as an attorney at law and shall be known as a Judge of the Municipal Court, but one of whom also shall be known as the Chief Judge of the Municipal Court, with such additional powers as the Council by ordinance may adopt. Judges of the Municipal Court shall receive such salaries as shall be fixed by ordinance. In the absence of all judges, the Council shall appoint a duly qualified person to serve in an interim capacity.

Section 5.03 Clerk of the Municipal Court

There shall be a Clerk of the Municipal Court who shall be appointed and may be removed by the City Manager. The clerk shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court thereto, and otherwise perform any and all acts necessary to the operation of such court and conducting the business thereof. The City Manager may appoint Deputy Clerks of the Municipal Court, who shall have authority to act for and on behalf of the Clerk of the Municipal Court.

ARTICLE VI FINANCIAL PROCEDURES

Section 6.01 Fiscal Year

The fiscal year of the City shall begin on January first (1st) of each calendar year and shall end on December thirty-first (31st) of that calendar year. The fiscal year shall also be established as the accounting and budget year.

Section 6.02 Preparation and Submission of Proposed Budget

The City Manager, at least thirty (30) days prior to the commencement of the fiscal year, shall prepare and submit a proposed budget to the Council, which shall contain the following:

- (a) a budget message which shall outline the proposed financial policies for the year with explanations of changes from previous years in expenditures and any other major changes of policy and a complete statement regarding the financial conditions of the City;
- (b) an estimate of all revenues from taxes and other sources, including the present tax structure rates and property evaluation for the ensuing year;
- (c) a carefully itemized list of proposed expenses by office, department, agency, employee and project for the year, as compared to actual expenses of the last fiscal year and the present year to date;
- (d) a description of all outstanding bond indebtedness, showing amount, purchaser, date of issue, rate of interest and maturity date, as well as any other indebtedness which the City has incurred, and which is unpaid;
- (e) a statement proposing any capital expenditures deemed necessary for undertaking during the year and recommending provisions for financing.

Section 6.03 Budget a Public Record

The proposed budget and all supporting schedules shall be filed with the City Secretary when submitted to the Council and shall be open to public inspection as required by state law.

Section 6.04 Public Hearing on Proposed Budget

At the Council meeting at which time the proposed budget is submitted, the Council shall, in conformance with the requirements of state law, name the date, time and place of a public hearing and shall cause to be published the date, time and place thereof. At this hearing, interested citizens may express their opinions concerning items of expenditure, giving their reasons for wishing to increase or decrease any such items.

Section 6.05 Proceeding on Adoption of Budget

After public hearing, the Council shall analyze the proposed budget, making any additions or deletions considered appropriate, and shall, adopt the budget as required by state law.

Section 6.06 Budget Appropriation and Amount to be Raised by Taxation

On final adoption, the budget shall be in effect for the budget year. Final adoption of the budget by the Council shall constitute the official appropriations of proposed expenditures for the year and shall constitute the basis of the official levy of the property tax as the amount of tax

to be assessed and collected for that tax year. Estimated expenditures will in no case exceed proposed revenue plus reserves on hand.

Section 6.07 Unallocated Reserve Fund

The City Manager may recommend for action by the Council an unallocated reserve fund to be used for unexpected items of expense which were not included in the budget as original items of expenditure.

Section 6.08 Amending the Budget

Under conditions which may arise, and which could not reasonably have been foreseen in the normal process of budget preparation, the Council may, by a favorable vote, amend or change the budget to provide for any additional expenses. Such amendments shall be by ordinance and shall become an attachment to the original budget.

Section 6.09 Certification and Copies Made Available

A copy of the budget, as finally adopted, shall be filed with the City Secretary. The final budget shall be printed, or otherwise reproduced, and sufficient copies certified by the City Secretary shall be made available for the use of all offices, agencies and for the use of interested persons and civic organizations. The City may charge for certification and copying as permitted by law.

Section 6.10 Defect Shall Not Invalidate the Tax Levy

Errors or defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.

Section 6.11 Independent Audit

At the close of each fiscal year and at such times as it may otherwise be deemed necessary, the Council shall have an independent audit to be made of all accounts of the City by a certified public accounting firm. The certified public accounting firm shall have no personal interest, directly or indirectly, in the financial affairs of the City. Upon completion of the audit, the audit shall be filed as required by law. That fact shall be published forthwith in the official newspaper of the City, and copies of the audit shall be placed on file for public inspection in the office of the City Secretary. A different certified public accounting firm will be selected at least once every five (5) years.

Section 6.12 Purchasing Procedure

The City Manager shall direct that purchases of supplies, materials or equipment by the City be made in accordance with policies adopted by the Council or as provided by state law.

Section 6.13 Investment Policy

The Investment Officer designated by the City Manager may invest any city monies in accordance with policies adopted by the Council and as provided by state law, and such policies shall be reviewed by the Council at least annually.

ARTICLE VII BONDS, WARRANTS AND OTHER EVIDENCE OF INDEBTEDNESS

Section 7.01 Powers to Issue

In keeping with state law, the City shall have the power to borrow money on the credit of the City for any public purpose not now or hereafter prohibited by state law and shall have the right to issue all tax bonds, revenue bonds, funding and refunding bonds, time warrants and other evidence of indebtedness as now authorized or as may hereafter be authorized to be issued by cities in Texas, subject to the right to petition the City to call an election on the issuance of debt as allowed by state law.

Section 7.02 Manner of Issuance

Bonds, warrants and other evidence or indebtedness of the City, as described in Section 7.01, shall be issued in the manner provided by state law.

Section 7.03 Sale of Bonds

No bonds issued by the City shall be invalid because they are sold for less than par value and accrued interest. The Council shall have the right to reject any or all bids.

Section 7.04 Interest and Sinking Fund

It shall be the duty of the Council to levy an annual tax sufficient to pay the interest on and provide the necessary sinking fund required by law on all outstanding general obligation bonds of the City. The interest and sinking fund shall not be diverted to or used for any other purpose than to pay the interest and principal on all such bonds issued by the City. The sinking fund maintained for the redemption of any debt may be invested in any interest-bearing securities in accordance with policies adopted by the Council and as provided by state law.

Section 7.05 Revenue Bonds

The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending, or repairing of public utilities, recreational facilities or facilities for any other self-liquidating function not now or hereafter prohibited by state law, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable solely from the properties, or interest therein acquired, and the income therefrom, and shall never be a general obligation debt of the City. Revenue bonds issued by the

City shall be submitted for approval by a majority of registered voters, voting at an election held for such purpose, unless the resolution directing publication of notice of intention to issue said revenue bonds is approved by a two-thirds majority vote of the Council Members. The Council shall have authority to provide for the terms and force of any purchase agreement, contract, mortgage, bond or document desired or necessary for the issuance of revenue bonds and the acquisition and operation of any such property or interest.

ARTICLE VIII TAXATION

Section 8.01 Powers of Taxation

The Council shall have the power to levy, for general purposes, all types of taxes as provided and permitted by state law, including but not limited to motel/hotel occupancy taxes, occupational taxes, sales and use taxes, alcohol taxes and ad valorem taxes on real, personal and mixed property within the City, not exempt from taxation by state law.

Section 8.02 Tax Lien and Liability

A special lien is hereby created on all real, personal and mixed property located in the City in favor of the City, for all unpaid taxes. The priority of said lien shall be determined in accordance with state law.

ARTICLE IX ELECTIONS

Section 9.01 Regular Elections

The regular City election shall be held on the first Saturday of May of each year or as required by the state election code, at which time Council Members shall be elected to fill those positions which become vacant that year.

Section 9.02 Registered voters

All citizens qualified and registered to vote by state law in the City and who satisfy the requirements for registration prescribed by state law shall be registered voters of the City within the meaning of this Charter.

Section 9.03 Regulation of Elections

The Council shall make all regulations considered to be necessary or desirable which are not inconsistent with this Charter or state law, for the conduct of City elections, or for the prevention of fraud, and shall make provisions for a recount of the ballots in case of doubt or fraud. The Council shall appoint election officials who shall conduct the City elections consistent with this Charter and with regulations made by the Council and by state law. The Council shall provide for the compensation of all election officials in City elections and for all other expenses of holding such elections.

Section 9.04 Filing for Office

Any qualified person who desires to become a candidate for election to the Council shall file with the City Secretary an application to that effect and in accordance with the state election code.

Section 9.05 Official Ballot

An official ballot shall be drawn up by the City Secretary and will contain the names of all candidates for office, except those who may have been withdrawn, deceased or become ineligible. Names will be placed on the ballot without party designation and position on the ballot will be determined by drawing lots.

Section 9.06 Conducting and Canvassing Elections

The returns of each City election shall be delivered forthwith by the election judges to the City Secretary. The Council shall canvass the returns, investigate the qualifications of the candidates and declare the official results of the election in the manner and within the time periods provided by state law. Returns of each City election shall be recorded in the minutes of the Council.

Section 9.07 Election by Majority

The Council candidate receiving the majority of all votes cast for the office shall be elected. If no candidate receives a majority, the Council shall, on the first day following the official count, call for a second election to be held as provided by state law. The two (2) candidates receiving the highest number of votes shall have their names placed on the ballot to be prepared by the City Secretary, in the order of their standing in the computation of votes. In the event of a tie between two or more candidates, they shall cast lots to determine which two are to be the run-off candidates or determine their places on the ballot. In the event of a tie in the run-off election, the run-off candidates shall cast lots to determine the winner.

ARTICLE X INITIATIVE, REFERENDUM AND RECALL

Section 10.01 Power of Initiative

The people of the City reserve the power of direct legislation by initiative, and in the exercise of such power, may propose any ordinance not in conflict with this Charter or state laws except an ordinance appropriating money or authorizing the levy of taxes or an ordinance repealing an ordinance appropriating money or levying taxes. Any initiated ordinance may be submitted by a petition signed by registered voters of the City equal in number to at least twenty-five (25) per cent of the number of registered voters who resided in the City at the time of the last regular City election.

Section 10.02 Power of Referendum

The people of the City reserve the power to approve or reject at the polls any legislation enacted by the Council which is subject to the initiative process under this Charter. Within thirty (30) days after the final adoption of any ordinance which is subject to referendum, a petition, signed by registered voters of the City equal in number to at least twenty-five (25) per cent of the number of registered voters who resided in the City at the time of the last regular City election, may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified as sufficient by the City Secretary, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

Section 10.03 Form of Petition for Initiative and Referendum

All petition papers circulated for the purpose of an initiative or referendum shall be uniform in size and style, as allowed by state law. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative and referendum petitions need not all be appended to one paper, but to each separate paper there shall be attached a statement of the circulator that the circulator personally circulated the foregoing paper, that all the signatures appended thereto were made in the presence of the circulator and that the circulator believes them to be the genuine signatures of the persons whose names they purport to be. Each signer of any such petition shall sign their name in ink or indelible pencil, shall indicate after their name their place of residence by street and number, shall indicate their voter registration certificate number and shall record the date of signature.

Section 10.04 Filing, Examination and Certification of Petition

All papers comprising a petition for initiative or referendum shall be assembled and filed with the City Secretary as one instrument. Within ten (10) days after a petition is filed, the City Secretary shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition has been signed by a sufficient number of qualified electors and shall hold any petition paper entirely invalid which does not have attached thereto the statement signed by the circulator thereof. The City Secretary shall certify the result of this examination to the Council at its next regular meeting as required by state law. If the City Secretary shall certify that the petition is insufficient, the certificate shall specify the particulars in which it is defective and shall promptly notify the person filing the petition of this finding. A petition may be amended at any time within ten (10) days after a notice of insufficiency has been sent by the City Secretary, by filing a supplementary petition. In such event, the same procedures shall then be followed by the City Secretary and Council as in the case of the original petition. A finding of insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Section 10.05 Council Consideration and Submission to Voters

- (a) **Initiative Petition.** When the Council receives an authorized initiative petition, certified by the City Secretary to be sufficient, the Council shall either (a) pass the initiated ordinance without amendment within twenty (20) days after the date of the certification to the Council, or (b) submit the initiated ordinance without amendment to a vote of the registered voters of the City at a regular or special election to be held as may be provided by law.
- (b) **Referendum Petition.** When the Council receives an authorized referendum petition, certified by the City Secretary to be sufficient, the Council shall reconsider the referred ordinance. If, upon such reconsideration, such ordinance is not repealed, it shall be submitted to the voters of the City at a regular or special election to be held on such other date as may be provided by law.
- (c) **Special Elections.** Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months and no ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two (2) years from the date of such election.

Section 10.06 Ballot Form and Results of Election

- (a) **Ballot Form.** Ordinances submitted to the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by ballot, the title of which shall contain a clear, concise statement, without argument, of the substance of such ordinance. The ballot used shall have below the ballot title the following propositions, one above the other in the order indicated “FOR THE ORDINANCE” and “AGAINST THE ORDINANCE”. Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, but there shall be separate “FOR THE ORDINANCE” and “AGAINST THE ORDINANCE” propositions under each proposed ordinance.
- (b) **Results of Election.** If a majority of electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the City. A referred ordinance which is not approved by a majority of the electors voting there on shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Section 10.07 Power of Recall

The people of the City reserve the power to recall any member of the Council and may exercise such power by filing with the City Secretary a petition, signed by registered voters of the Council member's district equal in number to at least fifteen (15) percent of the number of registered voters entitled to vote for such office at the time of the last regular City election for that Council member's district, demanding the removal of the Council member. The petition shall be signed and verified in the manner required for an initiative petition, shall contain a

general statement of the grounds upon which the removal is sought and one of the signers of each petition paper shall make an affidavit that the statements made therein are true.

Section 10.08 Recall Election

- (a) **City Secretary Certification.** All papers comprising a recall petition shall be assembled and filed with the City Secretary. Within ten days (10) after the petition is filed, the City Secretary shall determine its sufficiency and, if found to be sufficient, shall certify this fact to the Council at its next regular meeting as required by state law. If a recall petition is found to be insufficient, it may be amended within ten (10) days after notice of such insufficiency by the City Secretary, by filing a supplementary petition. In that event, the same procedures shall then be followed by the City Secretary and the Council as in the case of an original petition. The finding of insufficiency of a recall petition shall not prejudice the filing of a new petition for the same purpose.
- (b) **Subject Council Member's Rights.** The Council member whose removal is sought by a recall petition may, within five (5) days after such petition has been certified and presented to the Council, request in writing that a public hearing be held to permit the Council member to present facts pertinent to the charges specified in the petition. In this event, the Council shall order such public hearing to be held not less than five (5) days nor more than fifteen (15) days after receiving such request for public hearing.
- (c) **Removal.** If the Council member whose removal is sought does not resign, the Council shall order a recall election and fix a date for such election in accordance state election law.

Section 10.09 Recall Ballot

Ballots used in recall elections shall read as follows: "SHALL (name of person or persons) BE REMOVED FROM THE CITY COUNCIL BY RECALL?" Below such question there shall be printed the following in the following order as to each person named.

"FOR THE REMOVAL OF (name of person).

"AGAINST THE REMOVAL OF (name of person)."

Section 10.10 Results of Recall Election

If a majority of the votes cast at a recall election shall be against removal of a Council member named on the ballot, that member shall continue in office. If a majority of the votes cast at such election be for the removal of the Council member named on the ballot, the Council shall immediately declare the office vacant and such vacancy shall be filled in accordance with the provisions of this Charter. A Council member thus removed shall not be a candidate to succeed himself/ herself in an election called to fill the vacancy created.

Section 10.11 Limitations on Recall

No recall petition shall be accepted for filing against any Council Member within six (6) months after the Council Member takes office nor within six (6) months after an election for the Council member's recall.

ARTICLE XI FRANCHISES AND PUBLIC UTILITIES

Section 11.01 Powers of the City Regarding Franchises and Public Utilities

- (a) **Powers.** The Council shall have the power by ordinance to grant, renew and extend all franchises of all public utilities of every character operating within the City and to amend the same. No franchise, however, shall be granted for an indeterminate term nor for a longer term than thirty (30) years, nor shall any exclusive franchise be granted
- (b) **Preemption.** Notwithstanding any other provision of this Article XI, no franchise or franchise fees will be required to the extent that state or federal law expressly preempts any provision of this Article XI, but the City is authorized to regulate and require payment from public services in the City for which it is not permitted to require franchises to the full extent not prohibited by state or federal law. To the extent that a state or federal preemption of this Article XI terminates, the provider of a public service for which a franchise is required must apply for a franchise within thirty (30) days and pay all fees and make all other payments eventually required by a City franchise calculated retroactive back to the date such preemption terminated.

Section 11.02 Inalienability of Control of Public Utilities

The right of control and use of the public streets, alleys and other public rights-of-ways of the City is hereby declared inalienable by the City, except by ordinances not in conflict with the provisions of this Charter. No act or omission by the Council or any officer of the City shall be construed to grant, renew, extend or amend, expressly or by estoppel or implication, any right, franchise, or easement affecting said public streets, alleys, and other public properties of the City except as provided in this Charter.

Section 11.03 Ordinance Granting Public Utility Franchise

Every ordinance granting, renewing, extending or amending a public utility franchise shall be read at no more than two (2) meetings of the Council unless the franchise ordinance requires reading at additional meetings. At least ten (10) days before Council considers such ordinance the caption of such ordinance shall be published in the official newspaper of the City or using such other media as authorized by law and the expense of such publication shall be borne by the franchise holder or prospective franchise-holder.

Section 11.04 Transfer of Public Utility Franchise

No public utility franchise shall be transferred except with the approval of the Council expressed by ordinance, including, without limitation, purported assignment of a franchise, subcontracting of franchised services, substantial change of control of the franchise holder, and sale or lease of substantial assets of the franchise holder used to provide, construct, expand, repair, or maintain facilities, equipment, or vehicles for providing the franchised service outside of the ordinary course of business. No franchise shall be granted, renewed, extended, or amended, except by ordinance containing a condition that the City shall have the right at any time within five (5) years of the expiration of the term thereof to purchase the property of the franchise holder at a price to be determined according to the method provided in the ordinance granting, renewing, extending, or amending the franchise, or if such ordinance does not provide such method, then by eminent domain if the City and the franchise holder do not negotiate agreed purchase terms.

Section 11.05 Regulation of Public Utility Franchisee

Every grant, renewal, extension or amendment of a public utility franchise shall be subject to the authority of the Council to:

- (a) forfeit any such franchise by ordinance at any time for failure of the holder thereof to comply with the terms of the franchise, such power to be exercised only after notice and hearing;
- (b) to the extent provided by law, impose reasonable regulations, restrictions, tariffs and rates to insure safe, reasonably-priced, efficient and continuous service to the public;
- (c) require such expansion and extension of plants and facilities as are necessary to provide adequate service to the public; and to the extent not prohibited by state or federal law, to require reasonably equivalent service to all similarly-situated areas of the City;
- (d) require every franchise holder to furnish to the City, without cost to the City, full information regarding the location, character, extent and condition of all facilities of such franchise holder in, over and under the streets, alleys and other public property of the City; and to regulate and control the location, relocation and removal of such; and to require, regulate and control the location, relocation and removal of such facilities as necessary for public projects or activities at no expense to the City.
- (e) collect from every public utility operating within the City its fair and just proportion of the expense of excavating, grading, paving, repaving, draining, repairing, maintaining, lighting, sweeping and sprinkling such portions of the alleys, bridges, culverts, viaducts and other public places and ways of the City as may be occupied or used in whole or in part by such utilities; or to compel such public utility to perform, at its own expense, its just share of such excavating, grading, paving, repaving, draining, repairing, maintaining, lighting, sweeping and sprinkling;

- (f) require every franchise holder to allow other public utilities to use its tracks, poles, wires, pipes or other facilities, including bridges and viaducts, wherever in the judgment of the Council such use shall be in the public interest, provided that in such event the Council shall fix a reasonable rental to be paid to the owner of the facility for such use, after notice to the interested parties and a hearing upon the facts;
- (g) prescribe the form of accounts kept by every franchise holder; examine and at no expense to the City, audit at any time the accounts and other records of any franchise holder; and require annual and other reports, including reports on the local operations of the franchise holder and if allowed by law, require an office in the City and designate an agent whom can be served with notice and legal process.
- (h) require and collect any compensation and rental not now or hereafter prohibited by state law;
- (i) require such franchise holders who request an increase in rates, charges or fares, to reimburse the City for reasonable expenses incurred in connection with the request including any related administrative or judicial litigation, including, without limitation, expenses of in-house counsel and other City staff and outside counsel, expert witnesses including, without limitation, rate consultants, to conduct investigations, present evidence and advise the Council on such requested increase; and
- (j) regulate the granting of franchises for the supply of modes of transportation, including the rates or fares charged, the quality of vehicles used therein, and the qualifications of drivers thereof.

Section 11.06 Rate Transparency and Non-Discrimination

- (a) **Transparency.** All public utility franchise holders' rates and charges shall be published in a form approved by the City and readily available to the public.
- (b) **Non-Discrimination.** All franchise holders' rates and services shall be nondiscriminatory as to all persons and organizations of similar classes, under similar circumstances and conditions. Franchise holders shall apply their rates in accordance with governing law and, with similar rates and charges for all customers receiving similar services, without regard to race, color, ethnic, or national origin, religion, age, sex, sexual orientation, marital, military, or economic status, or physical or mental disability or geographic location in franchise holders' franchise area.

Section 11.07 Penalties and Remedies Concerning Public Utilities

It shall be unlawful to attempt to construct, construct, advertise for current service, or operate any public utility franchise including, without limitation, any public service for water, wastewater, natural gas, electricity, telecommunications, cable television or similar utility service, or any rail, bus, taxi, ambulance or other transportation service, or any solid waste or

recycling service to the public within the City except under franchise, except that the Council may by ordinance use a non-exclusive licensing or non-exclusive permit scheme for transportation services instead of franchises. Any such activities without a franchise that occur within a public right-of-way or on public property will be, in addition to any other legal and equitable remedies actionable by the City as per se torts and, if done knowingly, punishable by a fine as allowed by state law.

ARTICLE XII GENERAL PROVISIONS

Section 12.01 Financial Interests to Comply with State Law

The Mayor, Council Members, and all City elected or appointed officials shall comply with the state laws, rules and regulations regarding personal financial interests in City contracts and other affairs.

Section 12.02 Oaths of Office

Every person elected or appointed to any office of the City shall, before entering upon the duties of that office, take and subscribe to the oath of office prescribed by state law.

Section 12.03 Prohibited Activities

- (a) **Non-Discrimination.** No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, gender, age, disability, religion, country of origin or political affiliation.
- (b) **No Gratuities.** No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with their test, appointment, promotion or proposed promotion.
- (c) **Forfeitures and Penalties.** In addition to any other disabilities, forfeitures or punishments under state law or this Charter, any person convicted of a violation of this section shall be ineligible for a period of five (5) years following such conviction to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit the office or position. The Council may establish by ordinance such further non-ex post facto penalties for such violations as it may deem appropriate.

Section 12.04 Claims Against the City

- (a) **Notice of Claims Required.** Before the City can be subject to the jurisdiction of any court for suit upon any tort, contract, equitable, statutory, constitutional or other claim, the claimant must first have provided timely notice with substantially

the specifics and in the form as required by Council through ordinance. This notice requirement is jurisdictional.

- (b) **Meritorious Administrative Claims.** Council may establish by ordinance procedures for submission by allegedly injured persons and consideration by the City Manager of claims for compensation for alleged injury, including death, by the City or its agents, and actual monetary damages for alleged breach of contract by the City. The ordinance may provide for investigation of such claims, and for payment of such claims if meritorious by the City Manager without further Council approval up to an amount set by the ordinance and by Council in any amount. Any such payment must be conditioned upon releases approved by the City Attorney in form and substance. However, no claim can be paid by the City Manager or Council in amount exceeding the amount claimed or the amount of direct damages. No other claims, including without limitation, consequential damages, punitive damages, attorney's fees, consultant fees, and other expenses are not payable. The decision of the City Manager or Council upon such claims as authorized by the subsection will be a final decision, and no request for reconsideration will be required unless otherwise provided by Council through ordinance. Exhaustion of available administrative claims procedures established in accordance with this subsection will be a jurisdictional condition precedent for any subsequent litigation against the City related to the events or transactions that could have been the bases for such claims.
- (c) **No Waiver.** Nothing in this section or elsewhere in this Charter shall be construed to waive any rights, privileges, defenses or immunities including, without limitation, governmental immunity from suit.

Section 12.05 Liens, Assignment, Execution, Garnishment, and Security Bonds

- (a) **Liens, Assignment, and Execution.** The real and personal property belonging to the City shall not be liable for and shall be exempt and immune from sale or appropriation under any writ or execution or cost bill, and no lien of any kind shall ever exist against any such property owned by the City except that the lien be created or expressly authorized by this Charter or state law.
- (b) **Garnishment.** The funds and other property equitably or legally belonging to or owed to the City in the hands of any person, firm or corporation shall not be liable to and are exempt from lien, garnishment, attachment and sequestration. The City shall not be liable to garnishment on account of any debt it may owe or funds or other property of which it may have possession, custody or control, or amount it may owe to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ or garnishment on any account whatever. The City shall not recognize any assignment of wages or funds by its employees, agents or contractors except as required by court order or expressly permitted by state law.

- (c) **Security Bonds.** The City shall be exempt from any supersedeas and other bond and security requirements in any judicial proceedings.

Section 12.06 References to State Law

Wherever in this Charter reference is made to state law, unless explicitly provided otherwise, such reference shall mean Texas state law in effect as of the date of the event or transaction at issue and shall not be limited to state law as it existed at the time of adoption of this Charter, or of any relevant portion hereof.

Section 12.07 Severability

If any section or part of a section of this Charter is held to be invalid or unconstitutional by final judgment of a court of competent jurisdiction, such invalidity shall not invalidate or impair the validity, force or effect of any other section or part of a section of this Charter.

Section 12.08 Charter Amendment

Amendments to this Charter may be framed and submitted to the voters of the City in the manner prescribed by state law. The Council shall, at intervals not to exceed five (5) years, formally consider the need for revision(s) to the Charter. This review shall be based on a written report from the City Manager, with special attention given to conflicts, if any, between the Charter and state law, and recommending such amendments to the Charter as may seem necessary for legal, administrative or other reasons.

Section 12.09 Clerical Charter Amendments by Council

The Council shall have the power, by ordinance, to renumber and rearrange all articles, sections, subsections, paragraphs and subparagraphs of this Charter or any amendments hereto, as the Council shall deem appropriate, including the power to correct typographical errors and to conform cross-references in the body of the text of this Charter, so long as no substantive change is made without complying with Section 12.08 of this Charter.

ARTICLE XIII TRANSITIONAL PROVISIONS

Section 13.01 Officers and Employees

Nothing in this Charter except as otherwise specifically provided in this Charter shall affect or impair the vested rights or privileges of persons who are City officers or employees at the time of its adoption.

Section 13.02 Effect on Existing Laws

- (a) **Non-conflicting Laws.** All City ordinances, resolutions, rules, regulations, manuals, directives, approvals, and policies, or any portion of any of them, in force at the time of adoption of this Charter and not in conflict with this Charter

are hereby ratified and shall remain in force until altered, amended or repealed by the Council except to the extent otherwise mandated by a final judgment of a court of competent jurisdiction. All rights of the City under existing franchises and contracts are preserved in full force and effect.

- (b) **Conflicting Laws.** All City ordinances, resolutions, rules, regulations, manuals, directives and policies, or any portion of any of them, in force at the time of adoption of this Charter that materially conflict with or that are materially inconsistent with this Charter are repealed as of the effective date of this Charter, except that they remain in effect to the extent necessary for the conduct of City business until replaced.



TO: City Council
DATE: January 13, 2025
ITEM #: 5.C
SUBJECT: Presentation regarding Planning and Zoning processes and the role of the City Council.

Recommendation for Action: Participate in discussion and receive information regarding Planning & Zoning processes and Council's role in that process.

Executive Summary: As Council is aware, while the P & Zoning Commission handles a number of items on behalf of the City, most of what they consider and take action on is advisory in nature and must be sent forward to the City Council for consideration and final disposition.

With the scheduling of this Work Session it seemed like an ideal opportunity to share with Council an overview of the role and responsibilities of the Staff, P & Z Commission and City Council, all working in tandem on behalf of the residents and the Marshall community.

Included in your agenda packet is a Power Point (PP) that the City's consultant, Mark Priestner, with Halff. The City, like many smaller communities, find it more advantageous to contract for professional planning services in lieu of a City staff position. This PP was presented to the P & Z Commission as a planning and zoning review for new Commission members.

Mr. Priestner has attended City Council meetings to present or support P & Z Commission actions. He will be presenting the PP and be available to answer any questions you may have.

Budget Cost:

Staff Contact:

Attachments: 1. Marshall P Z Council Presentation (002)



Current Planning Issues

City Council Training Marshall, Texas

Agenda

- Why plan? The basics of planning and zoning
- The specific roles of the Planning Commission, City Council and the Board of Adjustments
- Notifications, calculating protest and how it affects zoning recommendations
- Zoning Case Specifics – what should and should not be included in determining zoning approval
- Running a public hearing
- Questions

MEET THE TEAM



MARK PRIESTNER

Business Development /
Planning

ROLE – Project Manager - Planning Services Projects

EDUCATION - B.A., Urban & Regional Planning,
Southwest Texas State University

YEARS OF EXPERIENCE - 26 years (3 years at Halff)

Mark joined Halff in our Tyler office with more than 23 years of planning experience in the Tyler and East Texas area. During that time, Mark has provided extensive planning services for both private and public sector clients. His background provides a unique perspective of how municipal regulations affect private development and how to best craft ordinances to promote desired growth. Municipal clients include the Cities of Marshall, Kilgore, Tyler, Chandler, Bullard, Jacksonville, Palestine, White Oak, and Crockett. Projects range from zoning, site and area development plans, full comprehensive plans, and full development plans.

Planning Basics

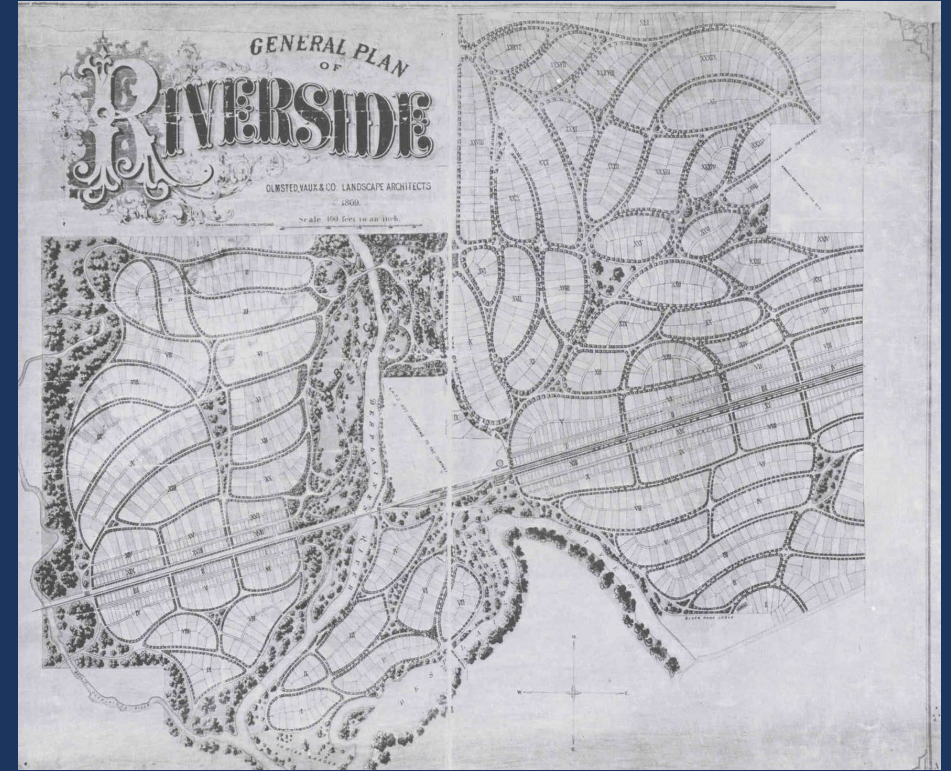
WHY PLAN?

WHY PLAN?

- Allows for orderly development
- Allows the city to plan ahead for future staffing and infrastructure needs
- Provides for compatible adjacencies

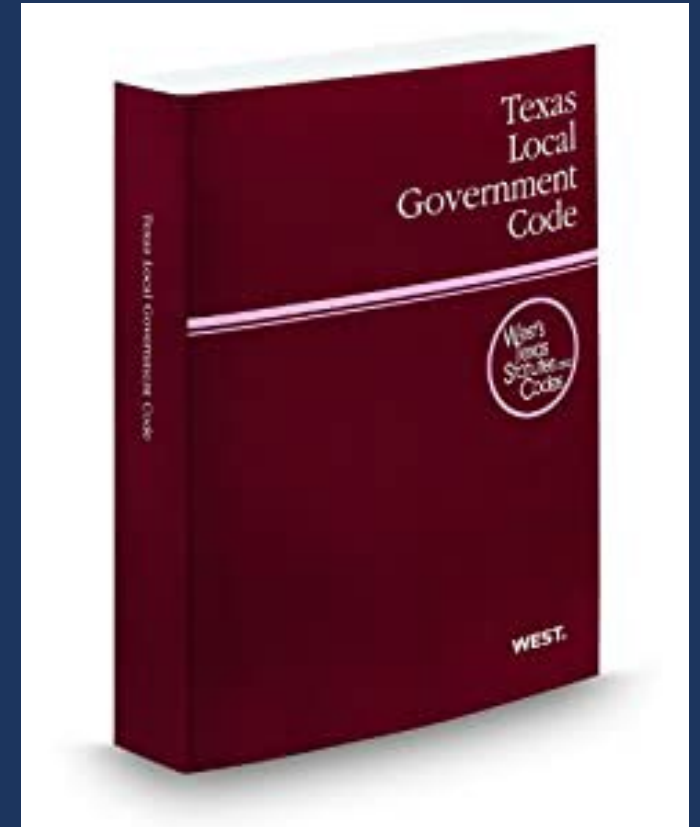
ORIGINS OF ZONING

- Separate conflicting land uses
- Ensure new development is located according to a general community plan
- Promote quality development which will not harm the health, safety, and welfare of the general public.



HOW?

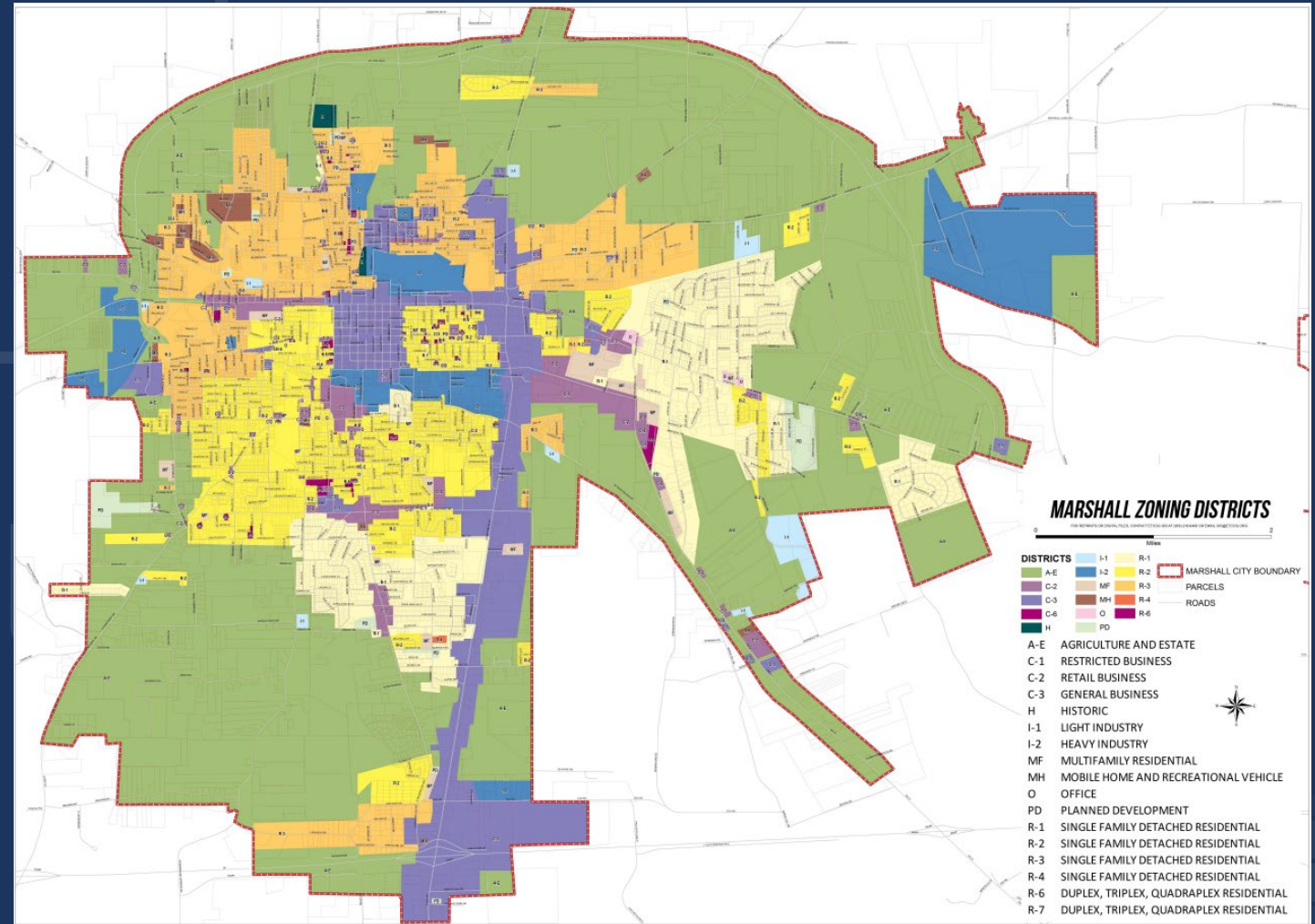
- Texas Local Government Code provides municipalities with the direct power to adopt zoning policies and procedures
 - Zoning
 - Platting
 - Comprehensive Planning
 - Annexation
 - Extraterritorial Jurisdiction (ETJ)
- Platting requirements and approval are dictated by State law and mandatory if plat complies
- Zoning procedures are established by the city, provided they don't contradict State law.



**Texas Statutes
Local Government Code**

ZONING VS LAND USE

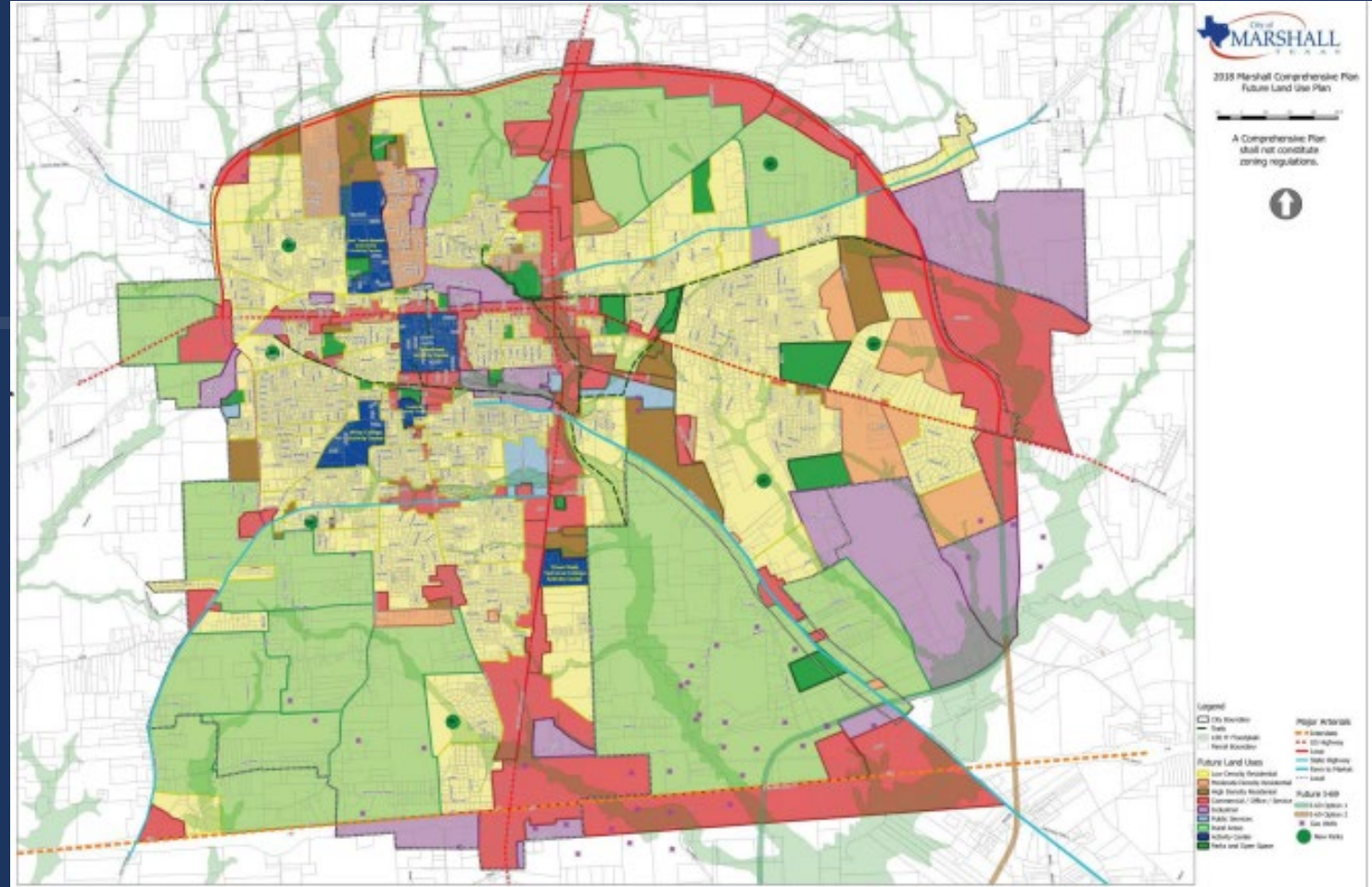
Zoning regulations govern the use of land, and the location, size and height of buildings. Zoning divides a jurisdiction into multiple districts, with each district containing a distinct set of regulations that are uniformly applied to all property within the district. Zoning ordinances consist of text specifying the regulations and a map defining the location/boundaries of the districts. Map should be updated at least annually, if not sooner.



ZONING VS LAND USE

Comprehensive Planning looks at more than just the physical design of the community, but also looks the inter-relationship of land use, infrastructure, community facilities, and other community features. It should be updated every 5-10 years to reflect changing development patterns and trends.

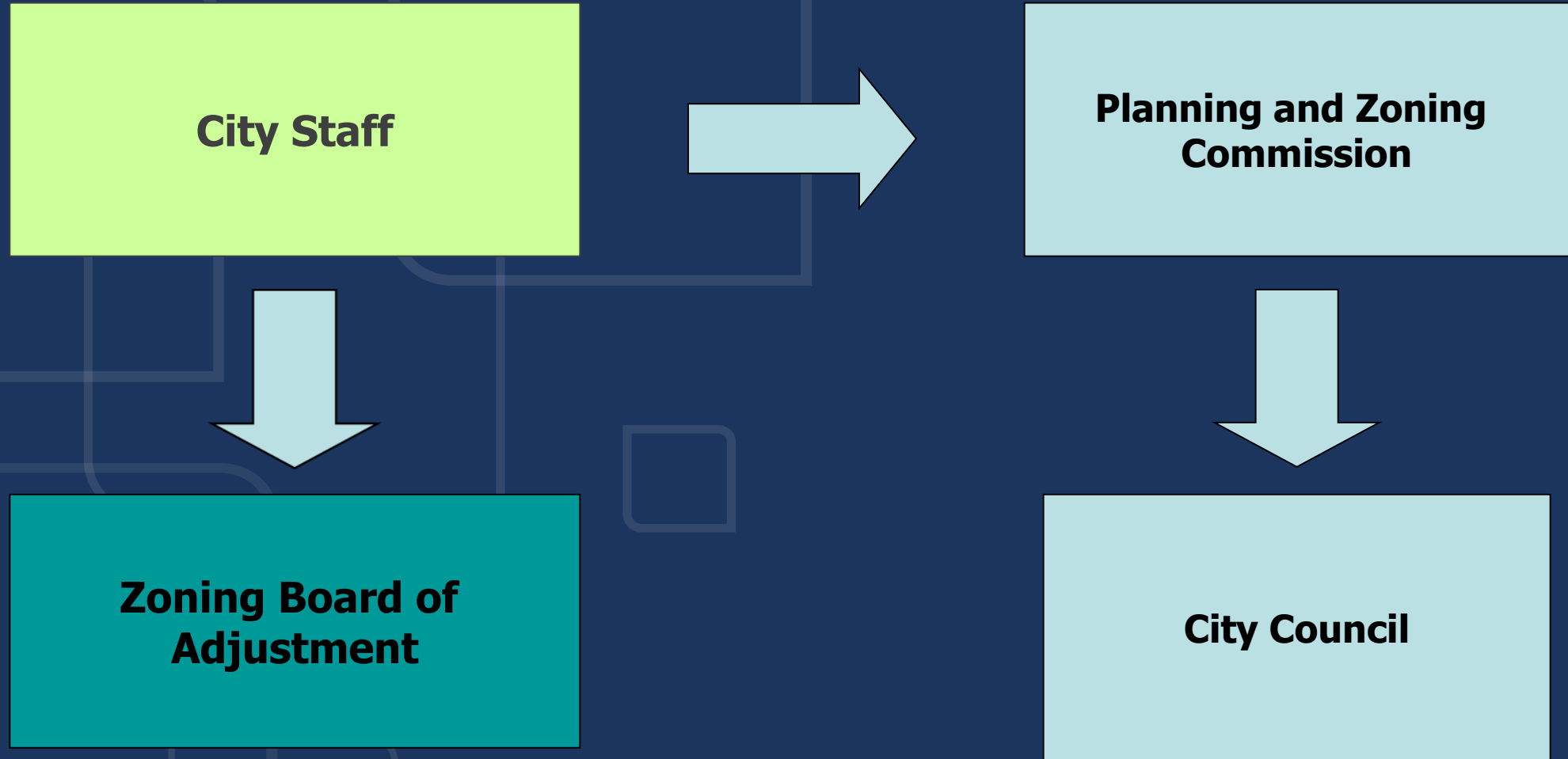
Land Use IS NOT ZONING!!!



Roles

**THE SPECIFIC ROLES OF STAFF,
PLANNING COMMISSION AND COUNCIL**

ROLES



ROLES - STAFF

- Process applications
- Research relevant information and verify existing conditions
- Verify compliance with the comprehensive land use plan, zoning ordinance, zoning map and subdivision ordinance
- Field calls and other inquiries from citizens
- Coordinate review with all other departments
- Prepare information packets and agendas for public hearings
- Present findings of fact to the Planning Commission & answer questions
- Present Planning Commission recommendations to City Council



ROLES – PLANNING COMMISSION

- Receive information/presentation from staff
 - Attend public hearings and make recommendations to Council
 - Sort through citizen concerns to determine basis of issues, facts only
 - Ensure all voices are heard – even those in the minority
- 
- JUST THE FACTS MA'AM,
JUST THE FACTS**
- Try to separate valid protest from NIMBY
 - Listen, Listen, Listen
 - Have thoughtful and respectful dialogue amongst the commission when debating issues
 - No question is a bad question. Be in the habit of asking questions of staff to clarify points of concern
 - No matter the vote, or which side you fall on, your recommendation to Council is a unified recommendation. One voice!

ROLES – CITY COUNCIL

- Receive information/presentation from staff and recommendation of *Planning Commission*
- As the elected body, the Council should weigh the amount and validity of protest vs. the merits of the zoning change
- Keep your eye on the Big Picture – Is this good for Tyler as a whole?
- Run a fair and efficient meeting. Keep an open mind and listen to all information being presented. But also do your homework before the meeting!!
- Have thoughtful and respectful dialogue amongst the council when debating issues. You will not always agree on zoning issues, but it is imperative the public sees you as fair and respectful of each other. This goes beyond the council chambers.
- No question is a bad question. Be in the habit of asking questions of staff to clarify points of concern

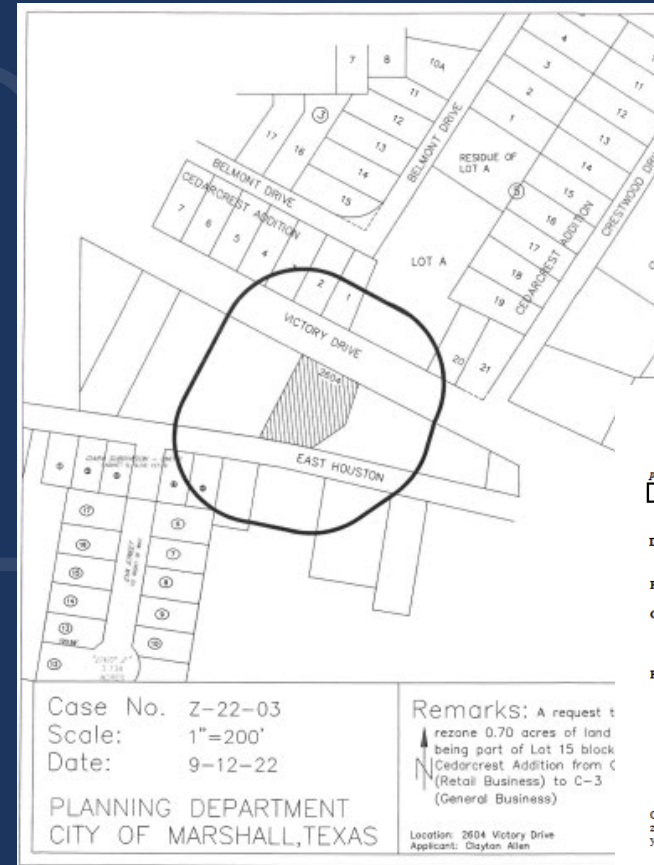


Process

NOTIFICATIONS, PROTEST AND SUPER
MAJORITY

NOTIFICATIONS

- Notification methods and timelines are prescribed in state law through the Local Government Code
- Notices mailed to property owners on the current *CITY* tax roles for the subject property (zoning applicant) and within 200' of the proposed change
- Notice is also provided in a paper of general circulation
- Most ordinances follow state law for consistency
- City has right to add other notification methods but must meet the LGC at a minimum



Please visit www.marshalltexas.net for more details concerning this application.

**Si usted necesita ayuda con la interpretación o traducción de cualquier material en este sitio o en una reunión pública de la Ciudad de Marshall por favor llame al (903) 935-4407.*

NOTICE OF PUBLIC HEARINGS

DATE MAILED: 7/22/24 CASE NUMBER: 2518 Cooper St.

PLANNING & ZONING COMMISSION HEARING DATE: 8/12/24 TIME: 6:00 P.M.

CITY COUNCIL HEARING DATE: 8/22/24 TIME: 6:00 P.M.

• LOCATION: City Hall - Jean Birmingham Council Chambers - 401 S Alamo Blvd.

PROPOSED ZONING CHANGE:

FROM: AE Agriculture & Estate Dis

TO: MF Multi-Family Residential

PROPOSED USE: App. intends to bid. attached single-family residences on part of Lots 1&4, Blk. 3 of EB Blk

One of your neighbors has requested a Zoning Change. According to tax records, you own property within 200 feet of the proposed zoning change. You are not required to attend these hearings, but if you do attend, you may speak for or against the change. This is your opportunity to let the Planning and Zoning Commission and City Council know your thoughts on the request.

APPLICANTS AND/OR AGENTS ARE EXPECTED TO ATTEND.

P&Z ACTION: The Planning and Zoning Commission makes recommendations to the City Council. The Commission forwards its recommendation to the City Council after conducting a public hearing. *If the Commission recommends this application for approval, it will automatically be scheduled for the public hearing before the City Council.* If the Commission votes to deny this application, the applicant has ten (10) calendar days to appeal to the City Council.

If a written protest is submitted against this application, signed by the owners of 20% or more of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area, as shown on City tax rolls, such amendment shall not become effective except by the favorable vote of 3-4 of the City Council. The area of streets and alleys shall be included in this calculation and unincorporated areas are excluded from this calculation.

If additional information is needed, please contact the Planning and Development Department, 401 S Alamo Blvd., Marshall, Texas, or call 903-935-4407. Please reference the above case number when requesting information.

Any individual with special needs or who may need some accommodation should contact the Planning and Development Department in advance at the number above.

REPLY FORM: You are invited to attend one or both of the public hearings to give your opinion on the request. However, your written reply is also very important and may have a bearing on the vote required by the City Council to grant the request. It is suggested that the enclosed reply form be used to express your opinion.

Please Return the Reply Form to the Planning and Development Department, P.O. Box 698 Marshall, TX 75671, on or before 9:00 A.M. 8/7/24 to ensure that your written opinion is considered by both the Commission and the City Council.

PROTEST

- Protest
 - Protest calculation specifically prescribed in state law
 - Protest by 20% or more of the land area within the area to be rezoned or the notification area triggers a super majority approval by Council (or 20% of area to be rezoned)
 - There is no qualifying requirement for protest
 - Important to qualify protest



Process

ZONING CASE SPECIFICS

ZONING SPECIFICS



- What should be discussed
 - Future land use and impacts from proposed change*
 - The umbrella of uses allowed by right – what is worst case scenario?
 - The difference between what is currently allowed by right and what is proposed for the site (parking, trip generation, height, land use intensity, etc.)
 - Spot Zoning - if inconsistent with Comprehensive Plan
 - Utilities and other infrastructure – only if necessary for development
 - Planned districts and what can and can't be included as a “condition” on the development
 - Essential nexus
 - Traffic Impacts

ZONING SPECIFICS



- What should NOT be discussed
 - Drainage and utility issues*
 - A developer's intentions for property
 - Items related to conditional or contract zoning
 - Aesthetic elements like colors, materials, construction methods, etc.
 - Valuations of adjacent properties, or the rental prices for the proposed project
 - Where the property owner lives, ANY references to race, religion, income, gender, etc., whether they will have on-site maintenance
 - Elements not specifically identified in any development related ordinances

COMPREHENSIVE PLANNING

2043 CITY OF MARSHALL, TEXAS COMPREHENSIVE PLAN



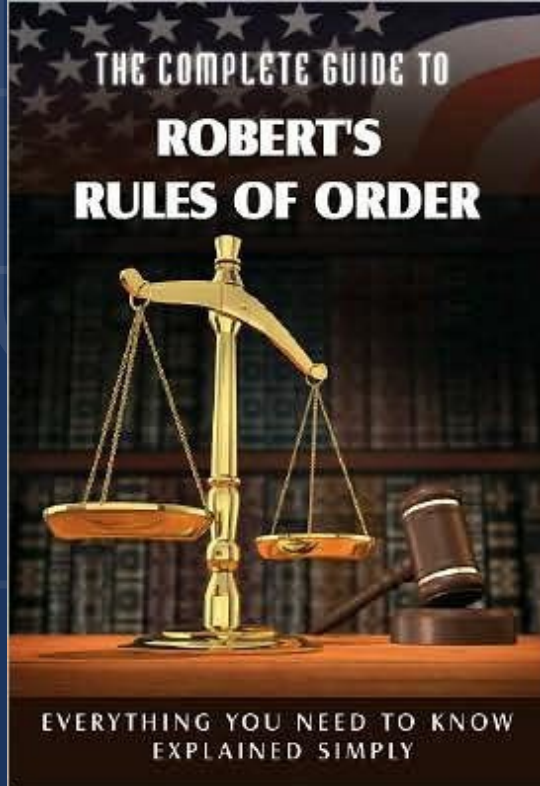
**YOUR VISION
YOUR MARSHALL**

- Comprehensive Plan
 - Provides a general guide to future development
 - First line of defense when reviewing zoning changes
 - Best opportunity to gather and implement the desires of the ENTIRE community
 - Should include elements such as Land Use, Housing, Transportation, Parks and Trails, Survey of Citizens, and Area Specific Plans followed by a Zoning Code update
 - Should be updated every 5 years to keep up with development trends and changes
 - Usually a 12-18 month process
 - NOT THE SAME AS ZONING!

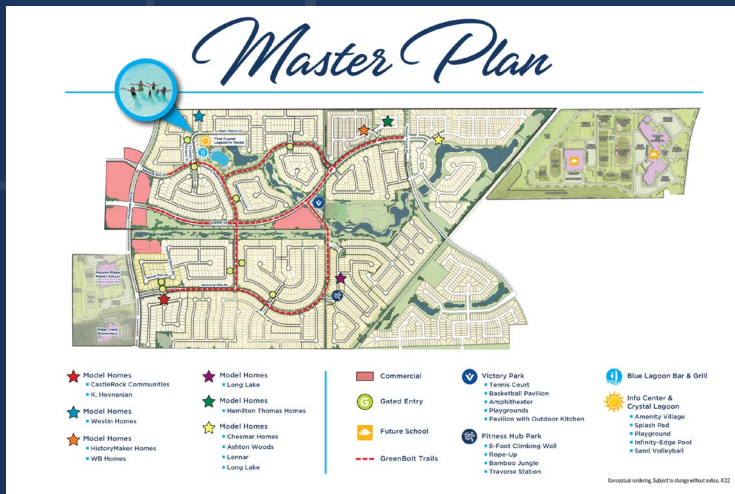
Public Hearings

RUNNING AN EFFECTIVE MEETING

PUBLIC HEARINGS



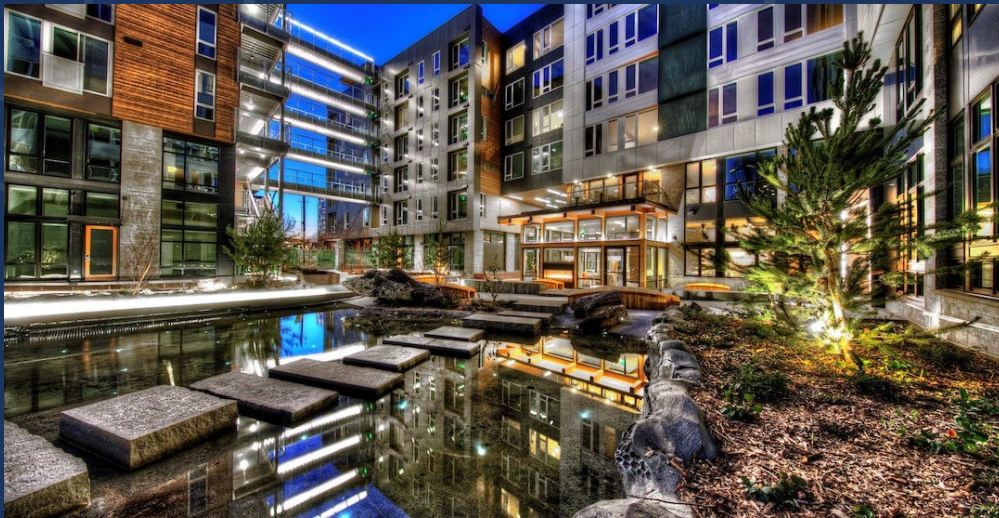
- Have a clear and concise agenda – and follow it
- If a contentious item is anticipated, enforce a strict time limit (typically 3 or 5 minutes) on speakers
- All questions should be directed through the chairman, or the mayor and no questions should be fielded from the gallery
- Don't deliberate or express voting intentions until ALL facts and information have been received through the public hearing process
- All speakers must **ONLY** speak from the podium, and only after they have provided their name and address for the record
- Do not allow speakers to directly address the crowd or the applicant or converse in a way that is disrupting to the meeting
- If a councilmember or commissioner has a conflict of interest, they need to step down from the bench prior to any discussion, preferably out of site to avoid the appearance of impropriety



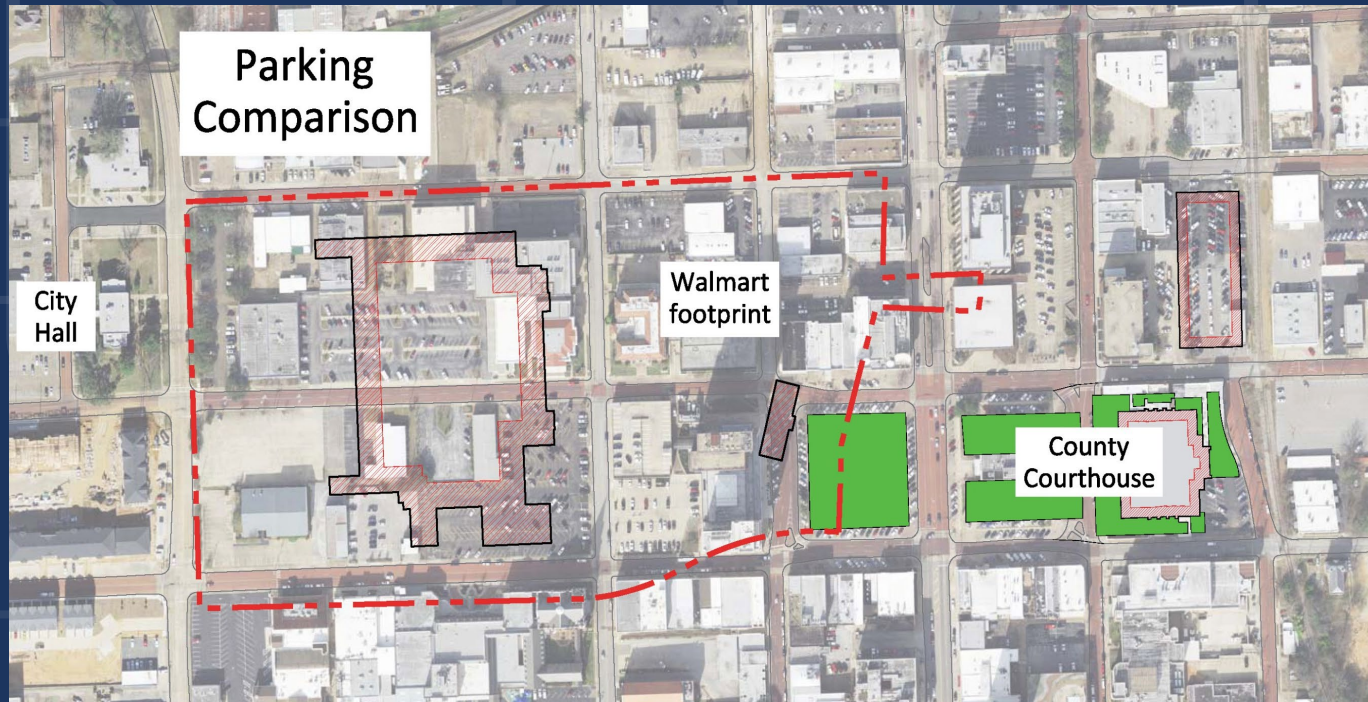
- Changing demographics
- Provide / allow varying housing types
- **Promote housing and lifestyle amenities to attract and retain young professionals**
- Don't be afraid of Multi-family!!
- National movement toward rentals and smaller lots
- Short term rentals
- Promote and encouraged mixed uses on the fringe of residential neighborhoods – walkable communities
- Urban Sprawl vs Infill Development

DEVELOPMENT TRENDS

Urban Style Multi-family examples



DEVELOPMENT TRENDS



- We still tend to overpark for most categories
- Look at creative ways to promote live, work, play opportunities downtown and in clustered centers around town
- Lack of parking perceptions are usually a function of location and not a true shortage
- Explore shared parking and PPP agreements for parking in dense urban centers rather than stand alone parking

DEVELOPMENT TRENDS



- Annexation laws have drastically limited cities' ability to grow
- Annexation is the only way to protect land uses
- Legislature has sided with individual property owners to prevent more "Austin" approaches to annexation
- Annexation laws (and ETJ regulations) are likely to continue changing – not in favor of cities
- We need to look at creative ways to extend utility infrastructure as a way to entice voluntary annexation

Q&A