

DFR

*THE VOICE OF THE PEOPLE *

The members of the DFR retained Carter Bruening as an unbiased consultant for our Group . He is a lawyer with the Nolan Greak Law Firm . Based out of Lubbock , Texas . Carter personally represents several small cities . Having knowledge of the basic Home Rule Charter . We asked Carter if he could simplify the 23 proposed changes to the current Home Rule Charter . The Proposals we will be asked to vote on in May . Also to provide a commentary and his opinion on each proposal .

This is a lot to take in by the citizen of Dumas . We pray this will assist everyone with their comprehension of the proposed changes . Our desire is not to influence the vote . But , rather help each citizen to better understand what they are voting for or against . We also pray and encourage all registered voters to take an active part in the vote in May .

May Dumas always be a city of grace .

Sincerely yours ,

Mark Jennings

1. Special Provision or Damages Suits – For
 - a. Texas Tort Claims Act requires the 180 day notice; cannot sue before 90 days from notice.
 - b. This is consistent with state law.
2. Annexation and Disannexation – For
 - a. There are a lot of statutory hoops a city has to jump through in order to alter municipal boundaries. See §43 of the Local Government Code.
 - b. A municipal charter can only be more stringent than the statutory framework.
 - c. This essentially updates the charter to state they will comply with state law.
3. Vacancies in City Commission – For
 - a. This is within the bounds of the law and seems fair.
4. Appointment of City Secretary – For
 - a. Most cities require city council approval of appointment. This is fine.
5. Appointment of Judge and Clerk -- For
 - a. Government Code §29.004, in a home rule municipality, the Judge is selected as prescribed in the charter. The charter states the municipal judge will be appointed by majority vote of the Commission.
 - b. This is within their legislative bounds.
 - c. I believe the thrust of this proposition is to be able to appoint a temporary Judge.
6. Induction of Commission into Office; Meetings of Commission – For, maybe
 - a. The intent of this proposition is to integrate the Texas Open Meetings Act. The Texas Open Meetings Act is a very large piece of legislation and makes Cities jump through a lot of hoops.
 - b. The only provision I do not like is "The Mayor may cancel any regular meeting [...] for any other reason the Mayor determines is in the best interest of the City." I think that language is very broad and gives the Mayor a lot of discretion.
 - c. The charter definitely needs to state that notices must be given in accordance with the Open Meetings Act; I think it outweighs the Mayor having discretion to cancel a meeting. Therefore, I think I vote for.
7. City Manager – For
 - a. General law municipalities have a statutory framework related to this. Statutes give home rule municipalities much more flexibility and discretion on this issue.
 - b. This gives the city manager a lot of power, but in my opinion, they are necessary powers for the city to function. None of the powers enumerated here are overly broad or contradict state law.
8. City Attorney – For

- a. I have no issue with this. I represent cities in which I do not live. Underwood in Amarillo is their firm. They are a good firm.

9. Date for Final Adoption; Failure to Adopt – For

- a. This proposition is to stay in compliance with state law. If they fail to adopt the proposed budget it defaults to the last approved budget.

10. Effective Date of Budget; Certification; Copies Made Available – For

- a. Putting budget on the City website. This proposition is just to keep up with the times.

11. Finance Administration – Duties of Finance Director and Related Matters – For

- a. This delegates a lot of authority and responsibility to the Finance Director. I do not have an issue with Section 1.
- b. Section 2. Essentially allows the Finance Director, with approval of the City Commission, to move money around as he chooses. Gives him a lot of discretion.
- c. Section 14. Borrowing in anticipation of other revenues. I have no idea what they mean by "other revenues," seems very broad.
- d. I wish each section was broken out into its own proposition to vote on. Several of the sections I have no issues with and are probably beneficial. However, I do not like certain aspects of a few sections.
- e. Overall, it seems this proposition delegates authority to the Finance Director. The authority delegated herein is very similar to the authority already afforded to the city currently. This just puts one person in charge. I am sure practically this is how it is already done, they are wanting the charter consistent with that.

12. Finance Administration – Duties of Purchasing Agent, Purchasing Procedures and Contracts for Improvements – For

- a. These provisions are within the law and rely heavily on and defer to state statutory laws. There are a lot of statutory requirements for purchasing procedures and contracts for improvements. This stays within those bounds, and the state statutes will provide protection.

13. Prohibition of Certain Expenditures – For

- a. I agree in that the old provision is unclear. I am fine repealing it.

14. Board of Equalization – For

- a. This is outdated and no longer necessary. Fine with repealing it.

15. Timing of Special and Runoff Elections – For

- a. The Texas Elections Code regulates all election dates and times. This proposition is make sure they are within the bounds of and defer to the state laws.

16. Recall of Quorum or More of the City Commission – For

- a. If a quorum or more is recalled, this states that a replacement candidate will be voted for.
- b. I am for this. If there is a recall of a quorum without this provision, the City would grind to a halt. This expedites the replacement process.

17. Recall – Removal of Some Members of the City Commission – For

- a. I like this. It provides that members of the Commission subject to a recall shall not participate in the canvass of that elections.

18. Initiative and Referendum – Frequency of Petitions – Against

- a. I am against this proposition. It essentially limits your petitioning power by putting a moratorium on it for a certain number of years after an election. I do not like this. A lot can change in 2-4 years. If you can get enough people to join in the petition, you should be allowed to have that petition.

19. Non-Binding Referendum – Against

- a. Upon research, the Texas Secretary of State and Attorney General have previously stated this may be considered a misappropriation of public funds. I am not aware of other cities that have this provision but have not done a extensive research. This is essentially allowing public policy questions to go to a vote, which is fine, I guess, but I think this is a waste of money.

20. Publicity of Records – For

- a. This is just keeping up with changes in the law. Affirms the City will comply with the Texas Public Information Act.

21. Personal Interest – For

- a. This is making the charter more restrictive and defaulting to state law. No problems with this.

22. Public Library – For

- a. Apparently, the library is run by the County, not the City. This is being repealed to match the actual situation. I am fine with this, as long as there is a library for the citizens.

23. Amending the Charter – For

- a. This proposal defaults to state law. I am for that.

Overall, it appears the reason for the amendment to this Charter is to keep up with the times. A lot of laws mentioned in the original charter have been repealed or amended. The majority of the proposals are revised to align with state law as it currently sits. A lot of the proposals default to state law.