

**CITY OF BENBROOK
INFORMATION
FOR
CITY COUNCIL CANDIDATES**

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Following is information for citizens who may consider filing for public office. It is a guide to help potential Councilmembers understand government policies, procedures, and anticipated involvement.

Please recognize that laws governing cities are constantly changing. Candidates may desire to ensure that this material is still current and applicable.

CITY COUNCIL CANDIDATE INFORMATION

Holding a position of elected office can be a very rewarding and productive experience for those interested in serving their fellow citizens. It can also be a very demanding and time consuming task. If you are considering running for a position on the Benbrook City Council, the following information may be helpful.

Benbrook operates under the "Council-Manager" form of government as a Home-rule City. Under the Council-Manager plan, voters elect a City Council, which in turn, appoints a City Manager to administer the City's day-to-day affairs.

In a Council-Manager City, the Council serves as the legislative body. Council sets policy, approves the budget and sets the tax rate. Council is the final authority on policy decisions that determine the functions of the City government. Under the Council-Manager plan, the Mayor and Councilmembers have no administrative duties. The City Manager is responsible for directing the workforce and programs of the City in accordance with ordinances, policies and procedures adopted by the Council and state and federal laws, where applicable.

From the time an applicant files for a place on City Council, certain requirements must be met to comply with law. Many of these requirements, such as dates reports are due, are provided at the time of filing.

ELECTION DAY INFORMATION

Polls are open from 7:00 AM to 7:00 PM on Election Day. After the polling place judge completes the necessary paper work, the results of that precinct are brought to the City Secretary at City Hall. The City Secretary compiles the results of voting for each candidate or measure in each polling place. These results are the unofficial canvass of votes. The proceedings are open to the public, and candidates are encouraged to be present to hear the results of the election. This information is furnished to the newspaper, radio and television stations, as well as to the Police Department Communications Officer by the City Secretary.

The official canvass of election returns must be made not earlier than the eighth day, or later than the eleventh day, after the election. In the event a runoff election is required, it will be scheduled at this meeting. The same procedures on election night and final canvass will be followed as for the regular election.

A Statement of Officer must be filed with the City Secretary before the Oath of Office may be administered. The Oath of Office to newly elected or reelected Councilmembers will be given at the next regularly scheduled Council meeting following the official canvass.

AFTER THE ELECTION

A newly elected Councilmember will be furnished information such as the City budget, Municipal Code containing ordinances of the City, Home Rule Charter, board and commission handbooks, and other information for review and study prior to being seated as a member of the Council.

If further information is needed after reviewing these documents, please contact the City Manager. Members of City Council work directly with the City Manager or City Secretary. Any information should come from those offices, unless otherwise directed by the City Manager. A member of City Council should not request or direct a department head to furnish information without first contacting the City Manager.

City staff is available to assist newly elected Councilmembers become familiar with the Council seating arrangements and use of the microphones. Meetings are conducted by the Mayor using Roberts Rule of Order, and all voting is done by roll call vote.

Regularly scheduled Council meetings are held on the first and third Thursday of each month, beginning with a worksession at 7:00 PM in the Central Conference Room at City Hall. During the Pre-Council worksession, agenda items are reviewed with staff or other concerned parties. Both worksessions and City Council meetings are open to the public.

The Council agenda is prepared by the City Manager. The Mayor or a member of City Council may request placement of an item on the agenda by submitting a written request to the City Manager or City Secretary no later than noon of the Thursday before the next regularly scheduled City Council meeting. The request should clearly state the nature of the item, the desired action by City Council and include any supporting material. Council agenda packets are prepared by staff and delivered by the Police Department to your home on the Friday evening prior to the Council.

Packets should be reviewed prior to the Council meeting. Questions regarding agenda items should be directed to the City Manager.

At the first Council meeting at which all candidates have been seated, an election of a Councilmember to serve as Mayor Pro-Tem is conducted. Each member of the Council and the Mayor may vote. Also selected at this time is the delegate from the Council to serve as the City's representative to the North Central Texas Council of Governments (COG).

Any person considering serving on City Council should be prepared to spend a large amount of time on City business. Special Council meetings and worksessions are periodically scheduled to interview and consider appointments to fill vacancies on City boards and commissions, discuss the enactment or revision of City ordinances, policies or procedures, etc. The summer and early fall months are especially busy with budget worksessions, followed by required public hearings on the budget and proposed tax rate.

Members of Council show their support of the various boards and commissions by attending occasional board meetings and being familiar with their activities. Councilmembers also work with neighborhood associations or groups on special projects, represent the City at community and regional events, and support the efforts of Benbrook Area Chamber of Commerce and other organizations to foster the City's economic development.

Following is a brief summary of important legal issues affecting Councilmembers such as open meetings and records regulations and conflict of interest statutes.

CITY COUNCIL MEETINGS

State law requires that: (1) the City Council meet at least once each month (the Benbrook Home Rule Charter specifies two meetings each month); (2) meetings be scheduled at a fixed time and place; (3) a quorum of Councilmembers must be present; (4) majority vote of those present and voting decides the question; and (5) the Mayor always presides if present.

TEXAS OPEN MEETINGS ACT

The Texas Open Meetings Act requires written notice of the date, hour, place and subject of each meeting held by the governing body. The notice of the meeting must be posted in a place readily accessible to the general public at all times for at least 72 hours before the scheduled time of the meeting. An exception to this requirement is in case of an emergency or when there is an urgent public necessity. The notice of the emergency meeting or the supplemental notice of the emergency subject added as an item to the properly posted agenda must be posted at least two hours before the meeting is scheduled to begin.

All meetings must be open to the public, except an Executive Session. Closed Executive Sessions are permitted for: (1) private consultation between a governing body and its attorney relative to pending or contemplated litigation or a settlement offer; (2) deliberation regarding the purchase, exchange, lease or value of real property; (3) deliberation regarding a prospective gift; (4) deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee; (5) the deployment or the specific occasions for implementation of security personnel or devices; and (6) deliberations regarding economic development negotiations. No final

action, vote or straw vote on a matter considered in a closed meeting can be taken except in open sessions.

TEXAS PUBLIC INFORMATION ACT

The Texas Public Information Act (PIA) requires that most City records, including those in the possession of Councilmembers, be open to public inspection. Most written material used or produced by Councilmembers is required to be made available, upon request to the new media and other members of the public unless specifically excluded from PIA requirements.

CONFLICT OF INTEREST

Every elected and appointed official of the City must be aware of the strict prohibition against conflicts of interest. Failing to comply with the law risks criminal penalties for the individual Councilmember and invalidation of the action of the governing body. Local Government Code Chapter 171 and Government Code Section 573 detail the provisions of the conflict of interest statutes. Copies of this portion of the law may be obtained from the City Secretary.

LIABILITY

General speaking, Texas Courts have held that discretionary decisions made by Councilmembers within their legislative authority and in “good faith”- that is without intent to do harm, are not personally liable under the Texas Tort Claims Act of 1983.

However, certain specific statutes are exceptions to the Tort Claims Act. You should contact an attorney for more detailed information relative to any personal liability incurred as a legislative member of the Council and have a basic understanding of the legal principles involved.

Self education is an important part of every new Councilmember’s training. The City of Benbrook is a member of the North Central Council of Governments (COG), Texas Municipal League (TML), and the National League of Cities (NLC). All of these organizations provide information that can be helpful to a newly elected official. In addition, the COG conducts a training session for newly elected Councilmembers. Texas Municipal League annually conducts the Institute of Mayors, Councilmembers and Commissioners. City staff is available to assist you in obtaining information from these organizations.