



City of Amarillo

Charter Review Citizens Committee
Recommendations of Charter Amendments to the
City Council

July 16, 2024

Baker Tilly Advisory Group, LP and Baker Tilly US, LLP, trading as Baker Tilly, are members of the global network of Baker Tilly International Ltd., the members of which are separate and independent legal entities. Baker Tilly US, LLP is a licensed CPA firm that provides assurance services to its clients. Baker Tilly Advisory Group, LP and its subsidiary entities provide tax and consulting services to their clients and are not licensed CPA firms.



What is a City Charter?

- Texas Constitution authorizes charter or “home rule” cities
- Home rule cities adopt charters which grants supremacy over “municipal affairs”
- A city charter affords greater authority, control, and flexibility over city governance and provides how a city can:
 - Address elections
 - Establish terms of office
 - Define the municipality's governance structure
- The state retains authority over statewide matters and state law provisions supersedes city charters.



Why change the Charter?

- Amarillo's Charter **adopted in 1913** and has been **updated nine times**
- Amarillo has grown with **more growth projected**
- State and federal **laws have changed**
- Texas Constitution¹ limits charter **amendments to no more than every two years** (*Failed ballot measures do not count*)
- Last Charter amendment occurred in 2020:
 - Voters passed Proposition C, which amended the number of times the City Council meets
 - Voters failed Proposition B, which would have introduced staggered, four-year terms of office

¹Texas Constitution Article 11, Section 5 (a) Limiting Charter Amendments.



May 9 items from the City Council



Increasing the number of Councilmembers



Increasing the length for City Council term of office and consider **staggered** terms



Modifying the **recall process** to make it easier for citizens to initiate



Having the **City Attorney position** appointed by the City Council



Make recommendations for Charter **amendments to be on the November 5, 2024 ballot**

Charter Review Citizens Committee Members

City Council Representatives (non-voting)

Councilmember Scherlen

Councilmember Simpson

Committee Member	Nominated By	Committee Member	Nominated By
Freda Powell , Chair	Councilmember Simpson	Gary Pitner , Vice Chair	Councilmember Simpson
Kim Benson	Councilmember Scherlen	Toby Hudson	Councilmember Scherlen
Audrey Castillo	Councilmember Craft	Sandra McCartt	Councilmember Craft
Dean Crump	Councilmember Tipps	Rodney Hill	Councilmember Tipps
Michael Haning	Mayor Stanley	Donna Ward	Mayor Stanley

- Each member of the City Council selected two Amarillo citizens.
- Meetings held for five weeks starting on May 30 and commencing on June 27.
- Roughly 13 hours committed to the meetings.



Committee workplan

Meeting Date	Topics Covered ¹
May 30, 2024	Select chair and vice chair, overview of Texas codes on charters, goals, and objectives of the Committee
June 6, 2024	Overview of Voting Rights Act, review term lengths, and election methods
June 13, 2024	Review City Council composition and election method, election calendar, recall provisions
June 20, 2024	Recall provisions, City Council geographic areas and number required to live in an area, redistricting process (every 10 years), Council appointees, Charter review process, term limits, resign to run, vacancy provisions, City Manager's duties
June 27	Confirmed consensus, reviewed redistricting criteria, amendments to Governance and Ends Policies, reviewed ballot language, prioritized recommendations
July 11	Committee report with recommendations includes details of all items reviewed and discussed as well as draft charter language

¹Topics covered during the Committee meetings may be different from meeting agendas.



Research materials for the Committee

- Baker Tilly provided a **report to the Committee** with detailed research of the four items defined by City Council on May 9 and included:
 - **State laws** on charter amendments, election cycles, methods of electing, and information on Amarillo election cycles
 - **Advantages and disadvantages** of various terms of office (years and staggered/non-staggered, expanding from five to seven members, and the position of the City Attorney)
 - **Average ratio** of constituents to elected officials
- Staff and Baker Tilly researched and prepared information from **10 comparison cities**, which was referred to often by the Committee
- During the meetings, the Committee requested **additional research** or the preparation of maps, all of which are include in the Committee's report

All materials prepared and presented to the Committee are included in the Committee's report.



Comparison cities

City	Population	Total Seats ¹	Council Districts ²	Term Length ³	Staggered Terms	Term Limits	Constituents per Elected
El Paso	683,577	9	8	4	Yes	10 years	75,953
Arlington	398,864	9	5	3	Yes	3 terms	44,318
Plano	291,296	8	4	4	Yes	2 terms	36,412
Lubbock	264,000	7	6	2/4	Yes	None	37,714
Laredo	263,640	9	8	4	Yes	2 terms	29,293
Amarillo	201,234	5	0	2	No	None	40,247
Brownsville	199,062	7	4	4	Yes	2 terms	28,437
Grand Prairie	197,590	9	6	3	Yes	Mayor 3 terms ⁴	21,954
Killeen	156,261	8	4	2	Yes	3 terms	19,533
Mesquite	150,184	7	6	2	No	4 terms	21,455
Waco	141,377	6	5	2	Yes	Mayor 3 terms ⁴	23,563

¹Total seats represent an elected mayor and councilmembers. ²The mayor is elected at-large for all cities and any remaining seats are elected at-large.

³Lubbock is the only city with different terms for its mayor (two years) and councilmembers (4 years). ⁴Grand Prairie and Waco do not have term limits for Councilmembers.



The background is a solid teal color with several overlapping, semi-transparent circles of varying shades of teal, creating a layered, abstract effect.

Committee Recommendations

Committee recommendations

1. **Proposition A** – revise the **recall** provisions
2. **Proposition B** – establish **staggered terms of four years, term limits** of two-full terms, **update vacancy** provisions, and establish a **resign to run** provisions
3. **Proposition C** – increase City Council to **seven members**, establish three Councilmember Places at-large and **three Councilmember Places** with residency requirements, establish **three geographic places**, and update elections provision to recognize six Councilmembers
4. **Proposition D** – clarifies City Manager’s duties when **hiring executive-level** employees
5. **Update Policy** – establish a **regular review of the Charter** by committee
6. **Update Policy** – add City Manager’s **consultation with hiring executive staff**
7. **No Changes** – no changes to the **City Attorney’s position**



Proposition A – Recall of an elected official

Recommendation to amend Charter Article II, Section 24

- Changes recall provisions to reduce the number of signatures required to qualify
 - From 30% of registered voters with 1/5 certifying that they voted for the official
 - To 30% of the **number of votes cast** in the last election for official
- Increases time to submit a recall petition from 30 days to **60 days**
- Limiting the filing of a recall petition **during the first six months** in office and **within six months** of the end of term
- Slight updates to some language by adding “she” and “her” where appropriate



Proposition B – Terms, vacancies, and term limits

Recommendation to amend Charter Article V, Sections 2, 3, and 5

- Changes the terms of the Mayor and Councilmembers
 - From non-staggered two years
 - To **staggered four years**
- Revises the process to fill **vacancies** in accordance with state law
- Establishes **two-full term limits** for all members and provides for two years to elapse to run again

Note: All City Council seats will be open for election in May 2025 regardless of these proposed propositions.



Proposition C – Size, qualifications, and elections

Recommendation to amend Charter Article V, Sections 1, 4, and 5

- Increase the size of the City Council
 - From a Mayor and four Councilmembers
 - To a **Mayor and six Councilmembers**
 - **All elected by a citywide majority of vote**
- Establish City Council qualifications by ordinance:
 - **Mayor and three** Councilmembers can **live anywhere** in the city
 - **Three Councilmembers** required to **live in a geographic area** of the city
 - **Three geographic areas** that comply with equal voter representation
- Establish a **citizens committee** to review **geographic areas** every 10 years for compliance with new census data
- Establish **elections in May of odd years** starting with **all current seats in May 2025**

Note: In May 2025, all City Council seats open for election regardless of proposition results.



Sample Election Cycles

May Odd Year Election Cycles

	2025 (All Seats)	2027	2029	2031	2033	2035
Mayor	At-large Serve until 2029		At-large Serve until 2033		At-large Serve until 2037	
Place One	At-large Serve until 2029		At-large Serve until 2033		At-large Serve until 2037	
Place Two	Residency Requirement, Serve until 2029		Residency Requirement, Serve until 2033		Residency Requirement, Serve until 2037	
Place Three	At-large Serve until 2029		At-large Serve until 2033		At-large Serve until 2037	
Place Four	Residency Requirement, Serve until 2027	Residency Requirement, Serve until 2031		Residency Requirement, Serve until 2035		Residency Requirement, Serve until 2039
Place Five	At-large Serve until 2027	At-large Serve until 2031		At-large Serve until 2035		At-large Serve until 2039
Place Six	Residency Requirement, Serve until 2027	Residency Requirement, Serve until 2031		Residency Requirement, Serve until 2035		Residency Requirement, Serve until 2039

Geographic Area Criteria

- Nearly equal in population per 2020 census, deviation no more than 10%
- Follow the Federal Voting Rights Act
- Easily identifiable geographic boundaries, no gerrymandering
- Compact and composed of contiguous territory
- Maintains communities of interest
- Whole voting precincts, avoid splitting census blocks
- Not fragment minority community or discriminate against protected groups

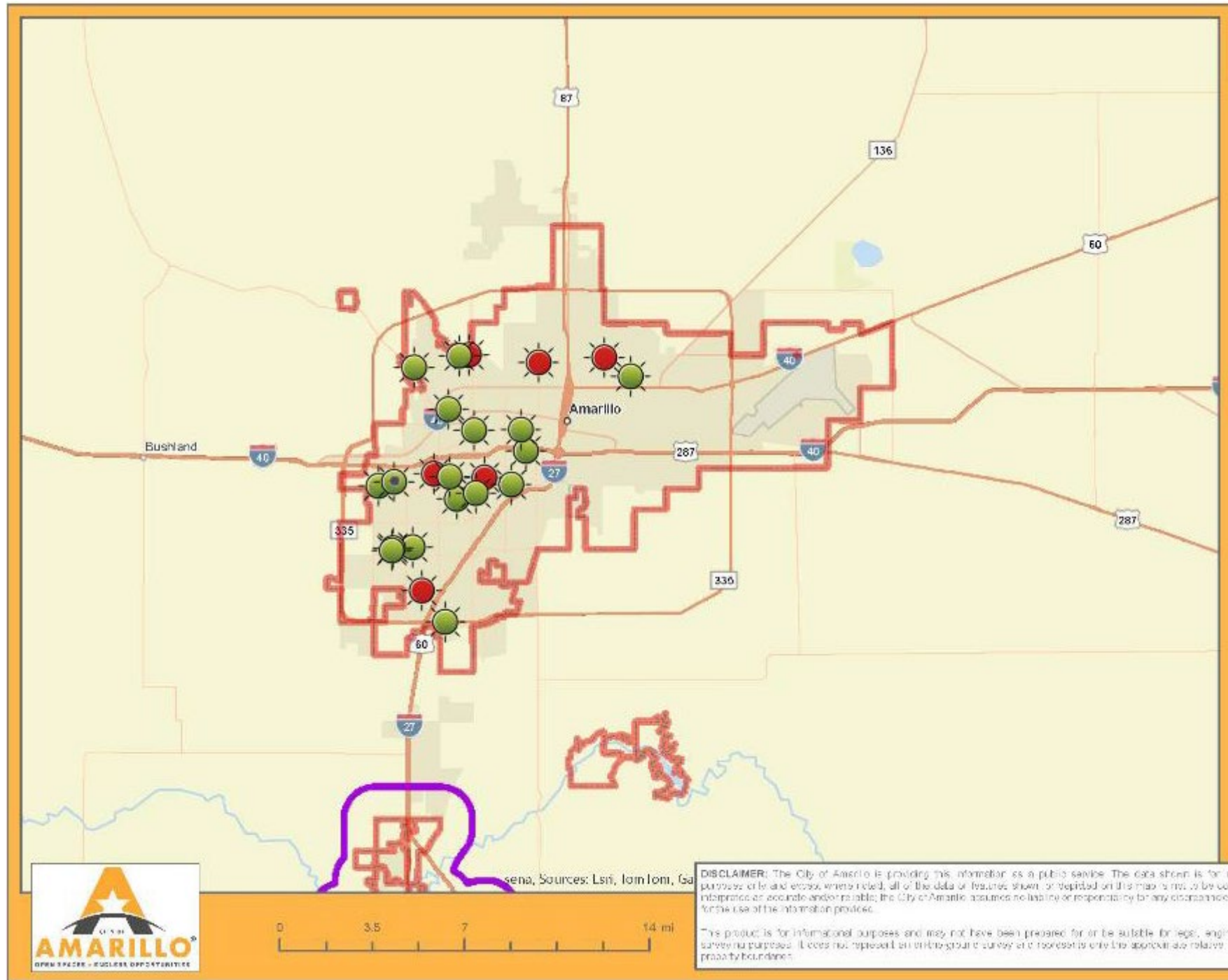
Single Member Districts

Legal principles that govern the process:

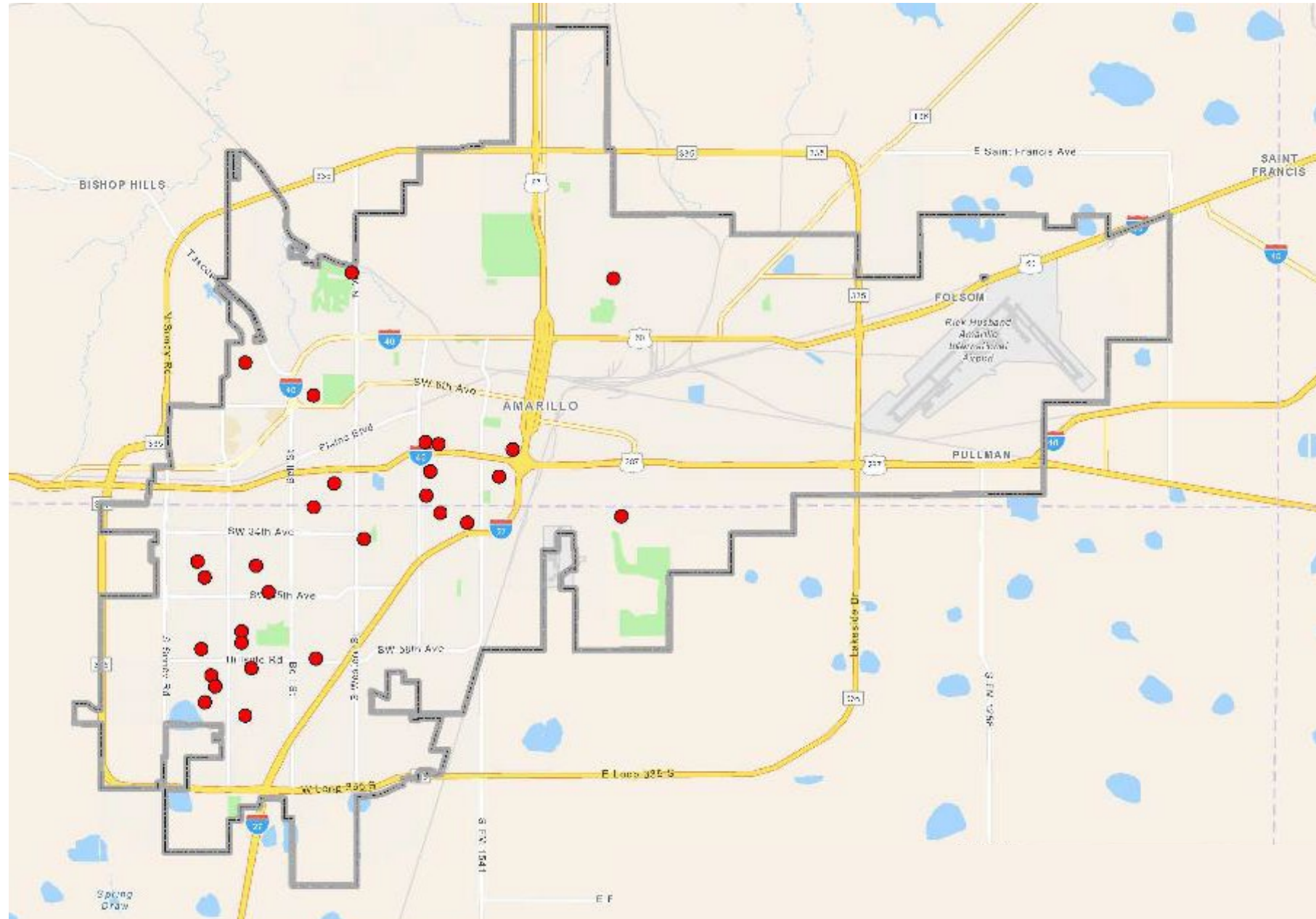
1. One person/one vote – U.S. Constitution
 - a. Members of elected body drawn from districts of substantially equal population
 - b. Applies to city councils
 - c. No more than 10% deviation of population between most populated and least populated
2. Section 2 of the U.S. Voting Rights Act
3. Shaw v. Reno line of cases
 - a. Race may be considered as one factor, but not the predominant factor
 - b. If narrowly tailored toward race, may still be constitutional to address compelling governmental interest when used no more than necessary
4. Texas election laws
5. City Charter



2023 Candidate Geographic Map



Elected Officials Residences 2001 - 2024



Amarillo Demographic – 2020 Census Profile

Demographic Profile	Northwest	Northeast	Southwest	Southeast
Voting Age Population	30,351	31,901	54,506	32,157
Total Population	39,499	45,879	70,535	44,578
Ideal Population	59,098	50,098	50,098	50,098
Deviation	-21.16%	-08.42%	40.79%	-11.02%
Hispanic	10,478 (26.5%)	24,747 (53.9%)	13,073 (18.5%)	16,967 (38.1%)
White	24,015 (60.8%)	16,982 (37.0%)	54,138 (76.8%)	27,782 (62.3%)
Black	4,579 (11.6%)	5,158 (11.2%)	2,818 (03.9%)	2,122 (04.8%)
Asian	1,511 (03.8%)	4,064 (08.9%)	1,575 (02.2%)	1,228 (02.8%)
American Indian	449 (01.1%)	651 (01.4%)	596 (0.8%)	442 (01.0%)
Pacific Islander	19 (00.0%)	14 (00.0%)	28 (00.0%)	20 (00.0%)
Other Race	3,909 (09.9%)	8,848 (19.3%)	3,414 (04.8%)	4,811 (10.8%)
Two or More Races	5,018 (12.7%)	10,161 (22.1%)	7,967 (11.3%)	8,173 (18.3%)

Districts cannot have more than a 10% deviation of population between most and least populated.

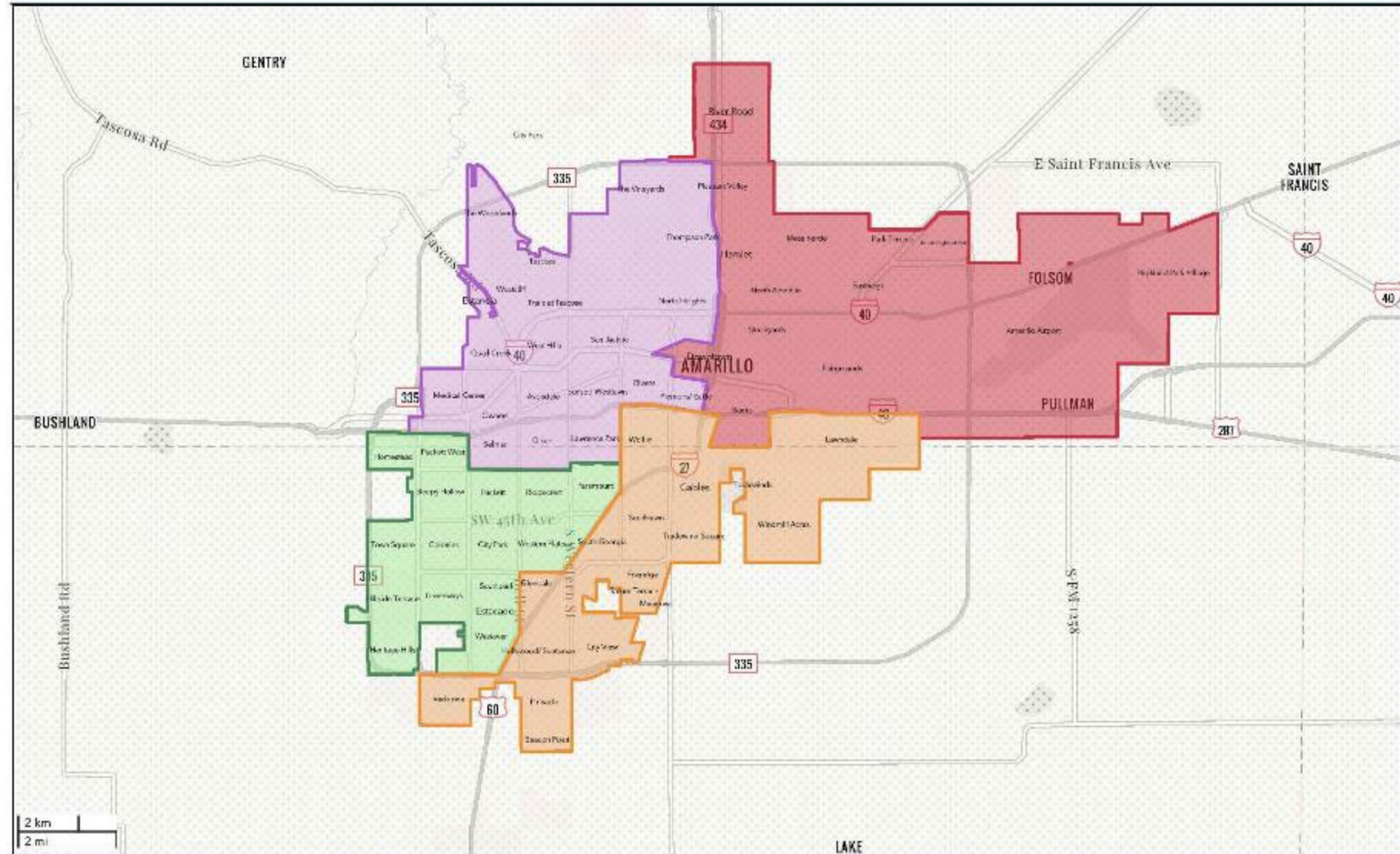




1/2/4 Voting Districts Proposal A

Proposed Map A with Four Districts

Area	Deviation
Northwest	2.02%
Northeast	-4.98%
Southwest	2.11%
Southeast	1.05%



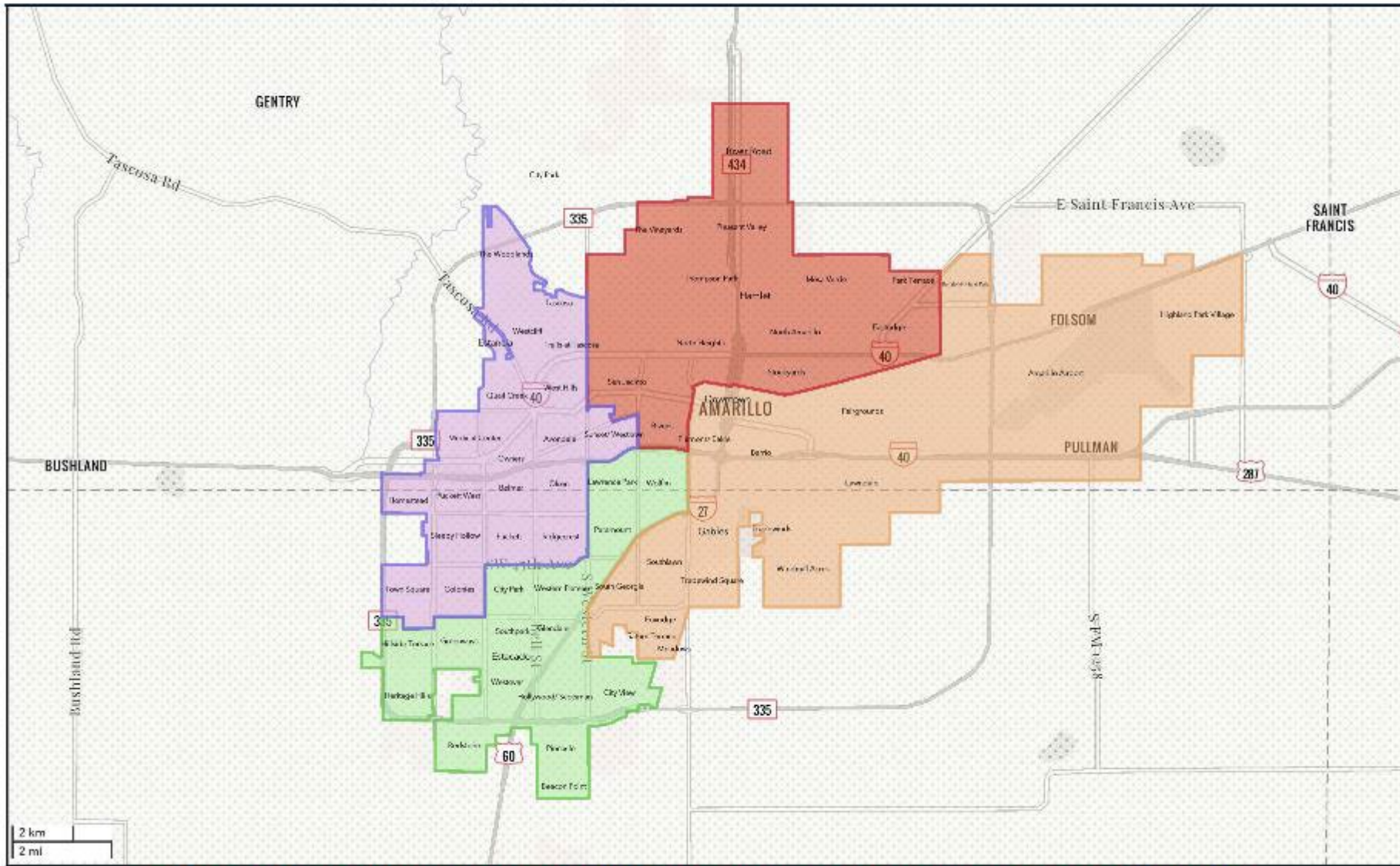
DRAFT MAP PROVIDED FOR PRELIMINARY COMMITTEE REVIEW PURPOSES ONLY. NO LEGAL ANALYSIS OR REVIEW HAS OCCURRED.



1/2/4 Voting Districts Proposal B-Alternate

Proposed Map B with Four Districts

Area	Deviation
Northwest	2.27%
Northeast	-0.93%
Southwest	-4.29%
Southeast	3.15%



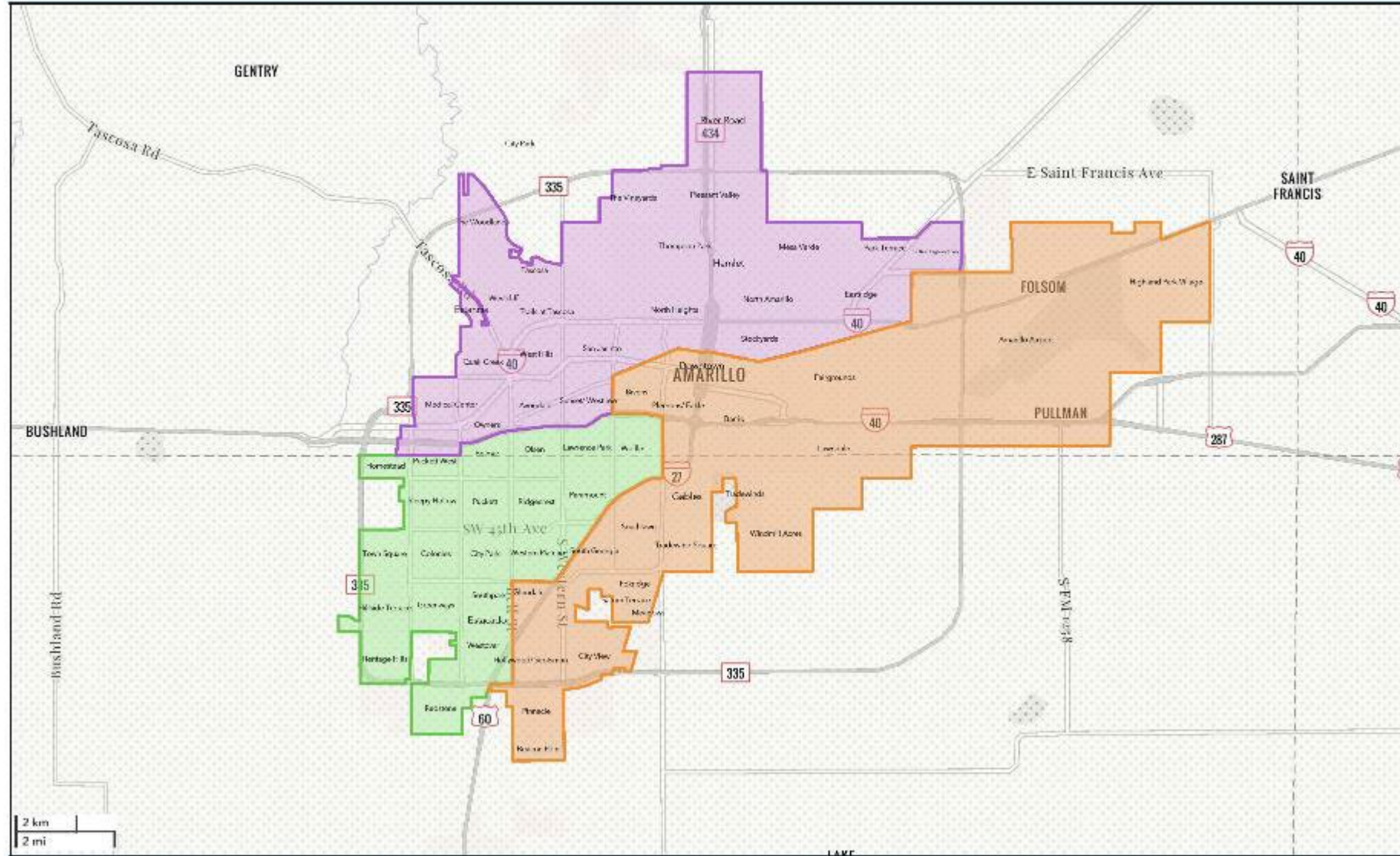
DRAFT MAP PROVIDED FOR PRELIMINARY COMMITTEE REVIEW PURPOSES ONLY. NO LEGAL ANALYSIS OR REVIEW HAS OCCURRED.



1/3/3 Voting Districts Proposal C

Proposed Map C with Three Districts

Area	Deviation
Northwest	0.05%
Southwest	2.38%
Southeast	-2.40%



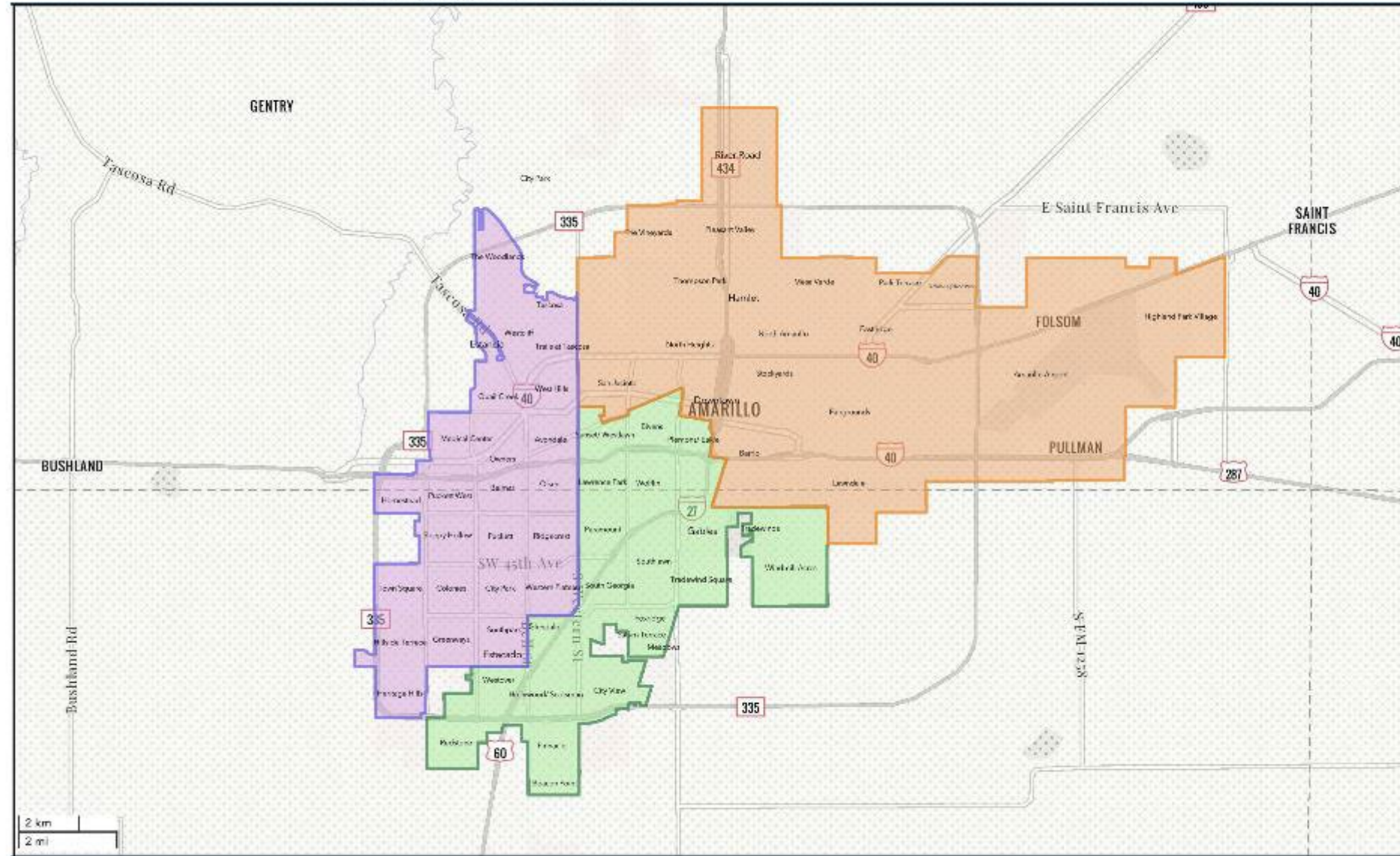
DRAFT MAP PROVIDED FOR PRELIMINARY COMMITTEE REVIEW PURPOSES ONLY. NO LEGAL ANALYSIS OR REVIEW HAS OCCURRED.



1/3/3 Voting Districts Proposal D-Alternate

Committee Recommended Geographic Areas

Area	Deviation
West	-1.14%
Northeast	2.78%
Southeast	-1.50%



DRAFT MAP PROVIDED FOR PRELIMINARY COMMITTEE REVIEW PURPOSES ONLY. NO LEGAL ANALYSIS OR REVIEW HAS OCCURRED.

June 20, 2024

Proposition D – City Manager duties

Recommendation to amend Charter Article V, Section 21

- Modify the City Manager’s appointing authority
 - From with advice and consent of the City Council
 - To **consult with City Council** prior to offer of employment to an unclassified **executive-level position** such as assistant or deputy city manager or department head

Policy recommendation – Charter review

Recommendation to amend Governance and Ends Policies, Policy 1 – Governance Process

- Create a new Section 1.8. Charter Review Committee and Process
 - Establish a **committee** every four years for the **regular review of the Charter** and make recommendations as necessary
 - Reviews should be for potential issues referred by the City Council as well as necessary updates to archaic language and changes in federal and state laws
 - Create a **14-member committee** with two citizen members each being nominated by members of the City Council
 - Councilmembers with residency requirements to select citizens within the same geographical area

Policy recommendation – Communications

Recommendation to amend Governance and Ends Policies, Policy 3 – Ends Policies

- Create a new Section 3.8b Communications: Executive Limitations
 - **Aligns with** proposed Proposition D – City Manager Duties
 - For the City Manger to **consult with City Council** prior to offer of employment to an unclassified **executive-level position** such as assistant or deputy city manager or department head

Summary of Proposed Ballot Measures

Proposed ballot measures will ensure future City Councils will

A

Be **Accountable** to the citizens of Amarillo
(Proposition A-Recall,
Proposition B-Terms and term limits)

M

Maximize accessibility by the citizens of Amarillo
(Proposition C-From five to seven members, three members with
residency requirements in geographic areas)

A

Have a clear **Administrative accountability** over the City Manager
(Proposition D-City Manager authority)

Proposed Ballot Question – Proposition A

Proposition A – Recall of an elected official.

To Amend Article II, Section 24 of the Amarillo City Charter to change recall provisions to reduce the number of signatures required to qualify the recall of a city official for the ballot from 30% of registered voters with 1/5 certifying that they voted for the official in the last election to 30% of the number of votes cast in the last election at which the official(s) were elected; increase the time limit to submit recall petitions to the City Secretary from 30 days to 60 days; and provide that no officer may be recalled within six months of assuming office or within six months of the end of the officer's term.

Proposed Ballot Question – Proposition B

Proposition B – Change the Mayor and City Council terms, procedures to fill vacancies, and term limits.

To Amend Article V, Sections 2, 3, and 5 of the Amarillo City Charter to change the terms of the Mayor and City Council from two-years to four-years, with terms staggered; to revise the process to fill any vacancies in accordance with state law; and to establish term limits such that no person shall serve more than two consecutive full terms as a member of the City Council; and allowing a person to again serve as a member of the City Council after two years has elapsed since the end of their last term of office.

Note: All City Council seats will be open for election in May 2025 regardless of these proposed propositions. 30



Proposed Ballot Question – Proposition C

Proposition C – Increase the size and change the qualifications of the City Council, establish three geographic areas with residency requirements for three Councilmember Places, and that the election of the Mayor and all Councilmembers will be held at the next regularly scheduled City election in May 2025.

To Amend Article V, Sections 1, 4, and 5 of the Amarillo City Charter to increase the size of the City Council to include the Mayor and six Councilmembers with all members being elected by citywide majority vote; establish changes to the qualifications of the Mayor and Councilmembers such that the Mayor and three Councilmembers shall be elected on an at-large basis and that three Councilmembers shall be elected subject to residency in one of three geographic places (areas) as established by Ordinance; and that an election shall be held for the Mayor and all six Councilmember Places in May 2025 with the terms established by ordinance.

Note: All City Council seats will be open for election in May 2025 regardless of these proposed propositions.



Proposed Ballot Question – Proposition D

Proposition D – Clarification of the City Manager’s appointing authority for executive employees

To Amend Article V, Section 21 of the Amarillo City Charter to require the City Manager to consult with the City Council prior to an employment offer being made to an unclassified employee in an executive position such as assistant or deputy city manager or head of any department.

Summary

- Committee proposes four propositions for the November 5, 2024 ballot:
 1. Proposition A – Recall provisions
 2. Proposition B – Council terms, vacancies, and term limits
 3. Proposition C – Council composition, qualifications, and elections
 4. Proposition D – City Manager powers and duties
- Two policy additions
 1. Regular Charter review by citizens committee
 2. City Manager consultation with City Council prior to employment offer for an executive position
- No changes to the position of the City Attorney

Note: All City Council seats will be open for election in May 2025 regardless of these proposed propositions.



Schedule

- **City Council**
 - **July 23:** First reading of ordinance
 - **August 13:** Second reading of ordinance
- **Ballot Measure(s)**
 - **August 19:** Deadline per Texas Election Code
 - **November 5:** Election



Questions?



Dennis Hawkins

SPECIAL ADVISOR

dennis.hawkins@bakertilly.com

Al Zelinka

DIRECTOR

al.zelinka@bakertilly.com

Mary Locey

CONSULTING MANAGER

mary.locey@bakertilly.com

Charter Review Citizens Committee

Freda Powell, chair

Gary Pitner, vice chair

Kim Benson

Audrey Castillo

Dean Crump

Michael Haning

Rodney Hill

Toby Hudson

Sandra McCartt

Donna Ward



Baker Tilly Advisory Group, LP and Baker Tilly US, LLP, trading as Baker Tilly, operate under an alternative practice structure and are members of the global network of Baker Tilly International Ltd., the members of which are separate and independent legal entities. Baker Tilly US, LLP is a licensed CPA firm that provides assurance services to its clients. Baker Tilly Advisory Group, LP and its subsidiary entities provide tax and consulting services to their clients and are not licensed CPA firms. The name Baker Tilly and its associated logo is used under license from Baker Tilly International limited. The information provided here is of a general nature and is not intended to address the specific circumstances of any individual or entity. In specific circumstances, the services of a professional should be sought. © 2024 Baker Tilly Advisory Group, LP

Thank you