
CHARTER REVIEW COMMISSION AGENDA

Notice is hereby given that the Rockport Charter Review Commission will hold a meeting on Wednesday, November 16, 2022, at 5:30 p.m. The meeting will be held in person at the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas. **The live stream link to view the meeting is:** <https://www.youtube.com/@rockporttxgov>.

Public participation is valued and citizens wishing to express their views on any topic or agenda item can electronically submit a citizen participation form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation> or scanning the QR code to the right, or if attending the meeting in person register before the meeting begins. Using the same form, citizens can also provide written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The comments will be read and summarized in the minutes of the meeting.



The matters to be discussed and acted upon are as follows:

Opening Agenda

1. Call meeting to order.
2. Roll call.
3. Citizens to be heard.
 At this time, oral comments limited to three (3) minutes per agenda item, with a maximum of nine (9) minutes per meeting per person, will be taken from the audience from persons who have signed the speaker's card located on the table in the back of the Training Room of the Service Center and delivered to the City Secretary before the meeting begins, on any Agenda item or subject matter, and will be summarized in the minutes of the meeting. Written comments received by Noon on the day of the meeting, on any **Agenda** item or any subject matter, will be distributed to the Commission before the meeting and will be attached to the minutes of the meeting. Persons wishing to address the Commission and who have registered using the Citizen Participation Form will have up to three minutes to speak per agenda item with a maximum of nine (9) minutes per meeting per person. The total time allotted for all citizens to be heard during the meeting shall be limited to thirty (30) minutes. In accordance with the Open Meetings Act, the Commission may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.
4. Discussion and possible action on the Charter Review Commission Meeting Minutes of November 3, 2022.
5. Discussion and possible action on section by section review of City Charter.
6. Discussion and recommendations for future Agenda items.
7. Adjournment.

Special Accommodations

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213, ext. 225 or FAX (361) 790-5966 or email citysec@cityofrockport.com for further information. Braille is not available. The City of Rockport reserves the right to convene into executive session under Government Code §§ 551.071-551.074 and 551.086.

In accordance with the requirements of Texas Government Code Section 551.127, a member of the governing body may participate in this meeting from a remote location. A quorum of the governing body as well as the presiding officer shall be physically present at the above posted location, which shall be open to the public. Those participating remotely shall be visible and audible to the public for all open portions of the meeting. A member of a governmental body who participates in a meeting remotely as provided by law, shall be counted as present at the meeting for all purposes.

Certification

I certify that the above notice of meeting was posted on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas on Tuesday, November 8, 2022, at 3:00 p.m. and on the City's website at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot* and *Corpus Christi Caller Times*.



Teresa Valdez, City Secretary

CITY CHARTER REVIEW COMMISSION AGENDA
Meeting: Wednesday, November 16, 2022

AGENDA ITEM: 4

Discussion and possible action on the Charter Review Commission Meeting Minutes of November 3, 2022.

SUBMITTED BY: City Secretary Teresa Valdez

BACKGROUND: Please see the accompanying meeting minutes.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends the Commission approve the Minutes, as presented.

CITY OF ROCKPORT

MINUTES

CHARTER REVIEW COMMISSION

5:30 p.m., Thursday, November 3, 2022

Rockport Service Center, 2751 State Highway 35 Bypass

Members of the public could view the meeting via live stream. Public participation is valued and citizens wishing to express their views on any topic or agenda item could electronically submit a Citizen Participation Form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation> or scanning the QR code provided on the Agenda, or if attending the meeting in person register before the meeting begins. Using the same form, citizens could also provide written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The comments were read and summarized in the minutes of the meeting.

On the 3rd day of November 2022, the Charter Review Commission of the City of Rockport, Aransas County, Texas, convened in a Meeting at 5:30 p.m., at the Training Room of the Rockport Service Center and notice of meeting giving time, place, date, and subject was posted as described in V.T.C.A., Government Code § 551.041.

CHARTER REVIEW COMMISSION MEMBERS PRESENT

George “Doug” Webb
Diedra Amaya – *Via ZOOM*
J. Mark Wagnon
Donna Townsend
Thomas J. Blazek

CHARTER REVIEW COMMISSION MEMBERS ABSENT

CITY COUNCIL MEMBERS PRESENT

Katy Jackson, Council Member Ward 1

CITY STAFF MEMBERS PRESENT

Teresa Valdez, City Secretary
Vanessa Shrauner, City Manager
Kimberly Henry, Assistant to City Manager
Legal Counsel Art Rodriguez, Jr., Messer Fort & McDonald, PLLC
Tommy Saucedo, Desktops Support Technician/Acting Network Administrator
Community Planner/Building & Development Services Assistant Director

Opening Agenda

1. Call meeting to order.

City Secretary Teresa Valdez called the meeting to order at 5:30 p.m.

2. Roll Call.

City Secretary Teresa Valdez conducted roll call.

3. Administer Oaths of Office.

City Secretary Teresa Valdez administered the Oaths of Office to George “Doug” Webb, J. Mark Wagnon, Donna Townsend, and Thomas J. Blazek.

Ms. Valdez stated the Oath of Office had previously been administered to Diedra Amaya.

4. Citizens to be heard.

At this time, comments limited to three (3) minutes will be taken from the audience from persons who have signed the speaker’s card located on the table in the back of the Training Room of the Service Center and delivered to the City Secretary before the meeting begins, or written comments received by 4:00 p.m. on the day of the meeting, on any Agenda item or any subject matter, will be read and summarized in the minutes of the meeting. Persons wishing to address the Council and who have registered using the Citizen Participation Form will have up to three minutes to speak. In accordance with the Open Meetings Act, the Commission may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited, disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender’s time to speak.

Kristie Rutledge, 1411 Dana Drive, addressed the Commission and commented: Reviewing the City Charter is a very big deal, and it will affect generations to come. I would like for this Commission to find out if the citizens of Rockport will be allowed to vote on each Charter amendment individually; there is a question here whether our Charter requires an Election. I’m questioning whether this Commission is fairly appointed with representation across the board. Allow individual taxpayers to have input at every Commission meeting- three (3) minutes on each Agenda item.

Jeff Hutt, 2201 Prairie Road, addressed the Commission and commented: Echo the fact that this is an important deal that we are talking about here; a City Charter is like a constitution – it is a contract between the people and the people who govern them. We give responsibilities and we give powers to the police and the City; we are giving away our rights. The Commission’s goal is not to make it easier for them to take our rights, or quiet the citizenry down. Your goal is to make the process as fair, honest and open for the people of Rockport. Would like to discuss one thing that would change the landscape of Rockport; move election to November to every two (2) years – and could raise terms to four (4) years. This would increase voter turnout and save money. There is also a provision in the Charter about a petition form; it requires 20 lines on the form and that makes it harder for old people to read and a change to that would make it easier for people to participate. An hour total is all the citizens have ever taken up in a whole month; is an hour too little for citizens to ask questions.

5. Election of Chair.

City Secretary Teresa Valdez called for nominations for a Commission Member to serve as Chair.

MOTION: Commission Member Wagnon moved to elect Commission Member Blazek to serve as Chair of the Charter Review Commission. Commission Member Townsend seconded the motion. Motion carried unanimously.

6. Election of Vice-Chair.

Chair Blazek called for nominations for a Commission Member to serve as Vice-Chair.

MOTION: Commission Member Wagnon moved to elect Commission Member Amaya as Vice-Chair of the Charter Review Commission. Commission Member Townsend seconded the motion. Motion carried unanimously.

7. Discussion and possible action regarding rules on public testimony.

City Secretary Teresa Valdez distributed to Commission Members a copy of the City Code of Ordinances Section 2-31 which addresses “Members of the public’s participation in meetings” for the City Council.

Ms. Valdez stated this is limited to the City Council and not applicable to all boards and commission so that is the reason for this Agenda item. The Charter Review Commission can set their own rules on public testimony. Ms. Valdez explained the Commission also should decide how they want to handle written comments; it could be provided to the Commission before the meeting and there is not a need to have it read into the record, or it can be handled the same way the City Council handles it – the written comments are read, up to 3 minutes, and summarized into the minutes of the meeting.

Discussion was held among Commission Members regarding rules on public testimony for the Charter Review Commission meetings.

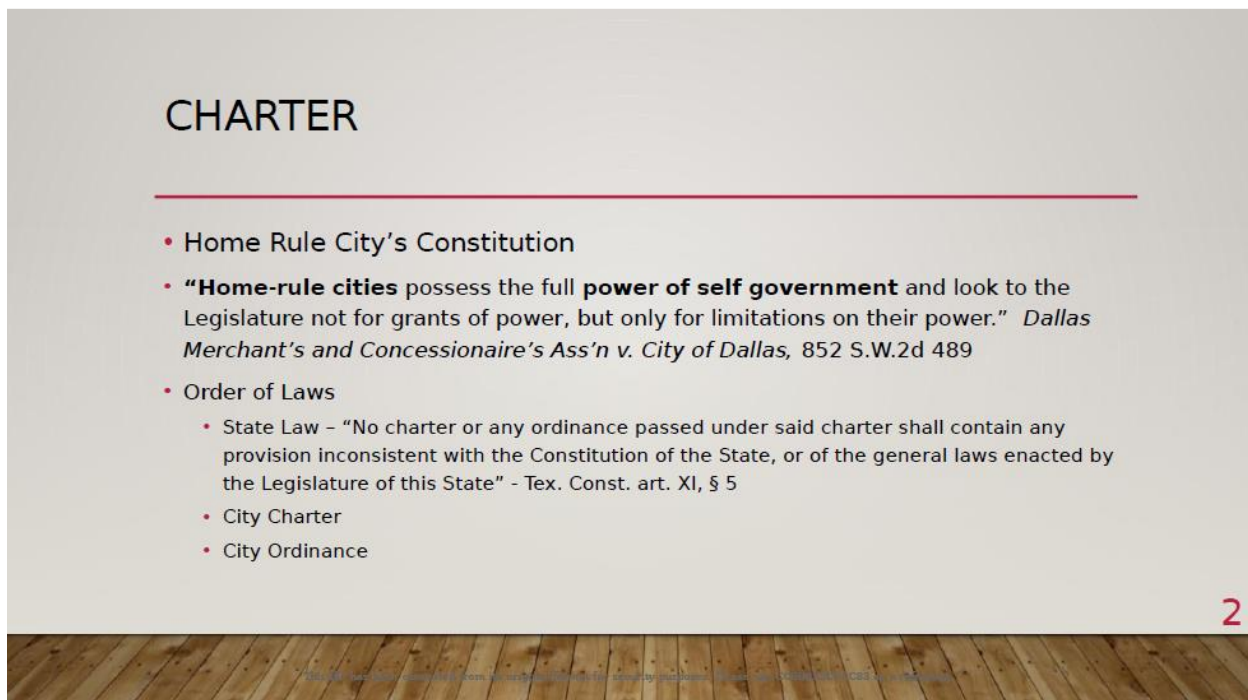
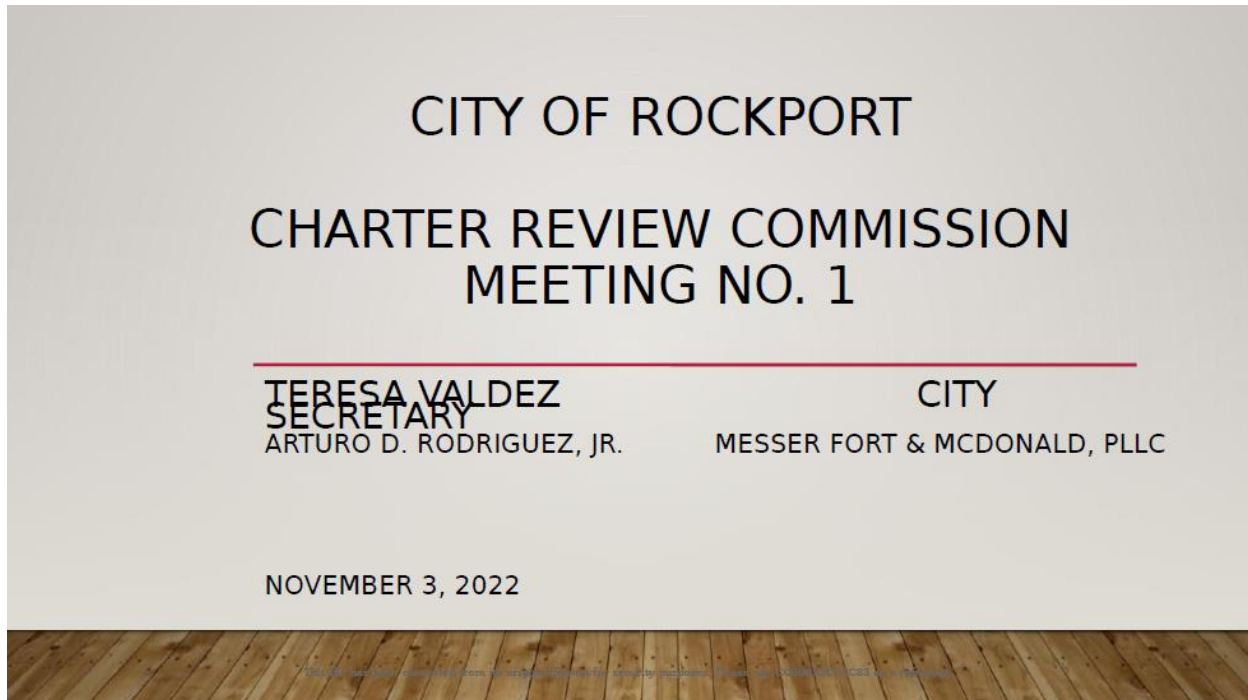
City Legal Counsel Art Rodriguez, Jr. informed the Commission there will also be a public hearing conducted.

MOTION: Commission Member Wagnon moved that the public be allowed to speak up to three (3) minutes per Agenda item, for a total of nine (9) minutes per meeting per person, with a total time allotted for all citizens to be heard during the meeting limited to thirty (30) minutes, and written comments to be submitted to the City Secretary by Noon on the day of the meeting, distributed to Commission Members before the meeting and will not be read at the meeting but will be attached to the Minutes of the meeting. Commission Member Webb seconded the motion. Motion carried unanimously.

8. Discuss and consider approval of meeting schedule and approach to Charter review.

City Legal Counsel Art Rodriguez, Jr., addressed the Commission and stated the City engaged Messer Fort & McDonald, PLLC to work with the Commission on the Charter review. Mr. Rodriguez called the Commission’s attention to a handout (below) and explained the charge of the Commission and stated the target date for the election is May 6, 2023. Mr. Rodriguez said

the Commission has two and one-half (2.5) months to review 12 sections of the Charter. Mr. Rodriguez added if that does not happen the Charter Amendment Election would be pushed to the November 2023 election. Mr. Rodriguez said the proposed meeting dates are November 8, 16, 30, and December 7, 14, 21.



3 CHARGE OF COMMISSION

- (a) Inquire into the operation of the City government under the Charter and determine whether any provisions require revision. The Commission may compel the attendance of any officer or employee of the City and require submission of any City records it deems necessary to conduct the hearings;
- (b) Propose any recommendation(s) it deems desirable to insure compliance with the Charter by the government;
- (c) Propose amendments to the Charter to improve the effective application to current conditions; and
- (d) Report its findings and present its recommendations, if any, to the City Council prior to the expiration of the Charter Review Commission.
- Advisory only. Council decides what matters are presented to voters, if any.

4 PROPOSED MEETING DATES

- November 8, 16, 30
- Dec. 7, 14, 21
- Public Hearing/Target Final Report - December 21, 2022
- Jan. 10, 2023 - Council Considers Final Report
- Jan 24, 2023 - Possible Election Called on Charter Amendments
- May 6, 2023 - Uniform Election Day

Commission Member Townsend asked what the number was for a quorum.

Mr. Rodriguez answered three (3) members were required for a quorum.

Commission Member Wagon said he is unavailable on November 16th and 30th.

Commission Member Townsend said she is unavailable on November 30th.

Brief discussion was held among Commission Members.

City Secretary Teresa Valdez stated November 8th is a Joint Meeting with the City Council and that meeting has already been posted.

MOTION: Commission Member Townsend moved to schedule the Charter Review Commission meetings for November 8th, 16th, and 30th, and December 7th, 14th, and 21st at 5:30 p.m. at the Rockport Service Center. Commission Member Webb seconded the motion. Motion carried unanimously.

9. Begin section by section review of City Charter.

Mr. Rodriguez said he has already received some comments and if comments are received from Council, staff or he has specific comments on a Section they will be highlighted as the Commission reviews the Sections. Mr. Rodriguez stated he and staff had selected three (3) Sections of the City Charter to be reviewed today because they are less controversial. Mr. Rodriguez presented the following Sections (below) to be reviewed by the Commission.

5 ARTICLE I. – FORM OF GOVERNMENT AND BOUNDARIES

SECTION 1.01 – FORM OF GOVERNMENT

- The municipal government provided in this Charter shall be known as the Council-Manager form of government. Under its provisions the City Council, consisting of the Mayor and Councilpersons elected by and responsible to the people, shall appoint a City Manager (who shall be responsible to the City Council for the administration of the government of the City). All powers of the City shall be vested in the City Council and shall be exercised in the manner prescribed by this Charter, or if the manner not be prescribed, then in such manner as may be prescribed by ordinance, the State Constitution or the statutes of this State.

6

Mr. Rodriguez stated staff is proposing no changes to Article I, Section 1.01 – Form of Government.

The Commission reviewed Section 1.01- Form of Government. It was the consensus of the Commission that no changes be proposed to Article I, Section 1.01.

7 SECTION 1.02 – BOUNDARIES OF THE CITY

- The boundaries of the City of Rockport, Texas, are those heretofore established and now existing or those boundaries as may be changed by ordinance and proceedings of the City enacted in accordance with this Charter.

Mr. Rodriguez stated Section 1.02 -Boundaries of the City is straightforward.

Commission Member Webb stated the City limits goes on for miles and yet the City did not take in a certain area.

City Manager Vanessa Shrauner stated those areas not in the City limits can come into the City through voluntary annexation, they can ask to be annexed, but the City cannot annex them against their wishes. Ms. Shrauner explained State law changed two years ago regarding this.

It was the consensus of the Commission that no changes be proposed to Article I, Section 1.02.

SECTION 1.03 – EXTENSION OF BOUNDARIES

- (1) The boundaries of the City of Rockport, Texas, may be enlarged and extended by the annexation of additional territory. The City Council, by proper ordinance in accordance with State law, has power to annex additional territory adjacent to or contiguous with the city limits with or without the consent of the residents and/or the owners of the territory annexed.
- (2) Upon completion of the annexation procedure, the annexed territory shall become a part of the City, and said land and its residents shall be entitled to all the rights and privileges provided by the City for its citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the City.

8

Mr. Rodriguez called the Commission's attention to Section 1.03 – Extension of Boundaries and stated staff has a recommended change for the Commission to consider. Mr. Rodriguez explained State Law has changed substantially with the ability to annex; involuntary annexation has essentially been removed. Mr. Rodriguez called the Commission attention to the handout (below) showing some possible changes.

Discussion was held among the Commission and Mr. Rodriguez.

Commission Member Webb stated if the language in the Charter is not removed then the City is not in compliance with State Law.

SECTION 1.03 – EXTENSION OF BOUNDARIES – POSSIBLE CHANGES

- (1) The boundaries of the City of Rockport, Texas, may be enlarged and extended by the annexation of additional territory. The City Council, by proper ordinance in accordance with State law, has power to annex additional territory **adjacent to or contiguous with the city limits with or without the consent of the residents and/or the owners of the territory annexed.**
- Possible - (1) The boundaries of the City of Rockport, Texas, may be enlarged and extended by the annexation of additional territory. The City Council, by proper ordinance in accordance with State law, has power to annex additional territory ~~adjacent to or contiguous with the city limits with or without the consent of the residents and/or the owners of the territory annexed.~~
- City of Allen - The city council shall have the power by ordinance to fix the boundary limits of the City of Allen, and to provide for the alteration and extension of said boundary limits and the annexation of additional territory lying adjacent to the city, with or without the consent of the inhabitants of the territory annexed. Upon final passage of an annexation ordinance in the original or amended form, the boundary limits of the city shall thereafter be as fixed in such ordinance and when any additional territory has been so annexed, the same shall be a part of the City of Allen and the property situated therein shall bear its pro rata part of the taxes levied by the city, and thereafter the inhabitants thereof shall be entitled to all the rights and privileges of all citizens of the city, and shall be bound by the acts, ordinances, resolutions and regulations of the city.

9

MOTION: Commission Member Wagon moved to recommend that the language “adjacent to or contiguous with the city limits with or without the consent of the residents and/or owners of the territory annexed” be removed from Section 1.03 (1). Commission Member Townsend seconded the motion. Motion carried 4:0.

FOR MOTION: Commission Member Wagon, Commission Member Townsend,
Commission Member Amaya and Commission Chair Blazek.

ABSTAIN: Commission Member Webb.

10 SECTION 1.04 – CONTRACTION OF BOUNDARIES

- (1) If, after two and one-half (2-1/2) years from the date of annexation, the newly annexed territory is not receiving the standard governmental and proprietary services of the City, as specified by State law, then a majority of the qualified voters residing within said annexed territory may petition the governing body of the City to disannex said territory.
- (2) The petition shall be started, circulated, certified and presented consistent with the procedural rules of Sub Chapter G of Chapter 43, V.T.C.A. Local Government Code, and Article VI of this Charter. If there are fewer than twenty (20) qualified voters residing within the annexed area, the Petitioners Committee may be fewer than ten (10) members so long as it consists of a majority of the qualified voters within the territory proposed for disannexation.
- (3) A petition to the City Council for disannexation shall be filed with the city secretary no later than thirty (30) days following the date of filing of the required affidavit by the Petitioners' Committee.

Mr. Rodriguez called the Commission's attention to Section 1.04 – Contraction of Boundaries.

11 SECTION 1.04 – CONTRACTION OF BOUNDARIES

~~POSSIBLE CHANGES~~

- Tracks Closely Local Government Code Sec. 43.141
- Local Government Code Sec. 43.142 - A home-rule municipality may disannex an area in the municipality according to rules as may be provided by the charter of the municipality and not inconsistent with the procedural rules prescribed by this chapter.

12 SECTION 1.04 – CONTRACTION OF BOUNDARIES

~~POSSIBLE CHANGES~~

- Belton - **Section 2.01. - Boundaries.** The boundaries and limits of the City shall, until changed in the manner herein provided, be the same as have heretofore been established and as exist on the date of the adoption of this Charter. The boundaries and territorial limits of the City may from time to time by ordinance be fixed, decreased, modified or extended, and property may be annexed into the City or disannexed from the City, with or without the consent of any voter or of any landowner in the affected area.
- Garland - **Sec. 6. Exclusion and discontinuance of territory.** The Council may, in its exclusive discretion by ordinance, exclude from the City any territory within the corporate limits of the City when and if at least sixty (60) percent of the inhabitants thereof qualified to vote for members of the Council shall present a verified petition requesting that such territory be discontinued as a part of the City and tender to the City Secretary with such petition a sum of money equivalent to that percentage of the then outstanding indebtedness of the City for bonds and warrants and a fair proportion of the then existing budget which the assessed value of all property within such territory on the tax rolls of the City next preceding the presentation of such petition bears to the total assessed value of all property on the said rolls. The Council shall never, regardless of the facts and circumstances, be required to discontinue any territory as a part of the City except at its exclusive discretion expressed by ordinance.

Commission Member Wagon asked what happens once a petition is filed. Commission Member Wagon expressed he thought this should be clarified in the Charter.

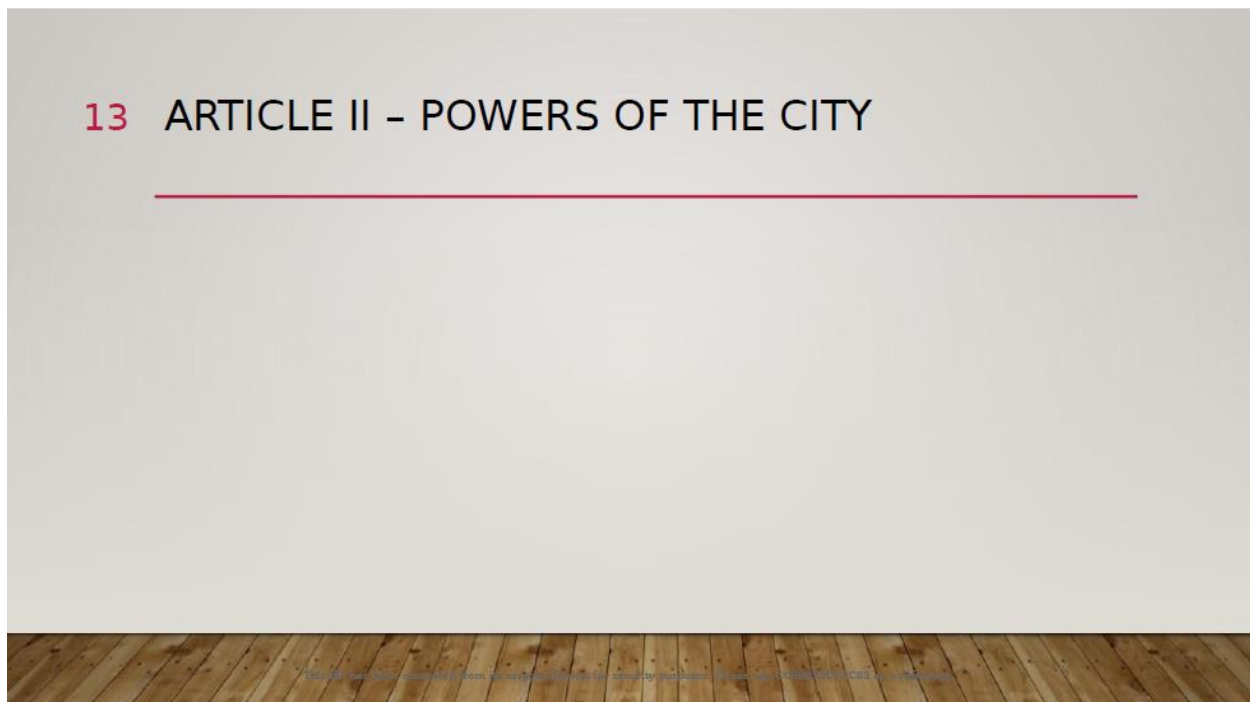
Mr. Rodriguez answered this tracks very closely Texas Local Government Code Section 43.141 and there is a more robust explanation in Section 43.142. Mr. Rodriguez stated there is an opportunity to follow Section 141 model or basically say “disannexation according to law at that time.”

Commission Member Webb said it states they can petition if not receiving City services and asked for an explanation of that petition provision.

Commission Chair Blazek recognized City Council Member Jackson in the audience.

Council Member Jackson stated that later in the Charter it deals with how the City Council is to deal with all petitions.

It was the consensus of the Commission that this Section be brought back to the next Commission meeting with recommendations by staff for further discussion and consideration.



Mr. Rodriguez stated Article II Section 2.01 – General Powers of the City is also straight forward, and staff has no recommended changes.

14 GENERAL POWERS OF THE CITY

• Sec. 2.01 General Powers of the City.

- (1) The City shall be an incorporated Home Rule City, with full power and rights of self-government, as provided by the Constitution and laws of this State. These powers and rights shall include, but not be restricted to the following:
 - (a) To enact, establish and enforce codes, licenses and ordinances for the maintenance of good government and the interest and well being of its inhabitants.
 - (b) To cooperate with the government of the State of Texas, or any agency or any political subdivision thereof, the government of the United States or its agencies, for any lawful purpose for the advancement of the interests, safety, convenience and welfare of its inhabitants.
 - (c) To exercise the right of eminent domain, the right of extraterritorial jurisdiction and to have exclusive dominion over all public property in any manner permitted by the Constitution and laws of the State of Texas.
 - (d) To contract and be contracted with; to sue and be sued; to buy, sell, lease, mortgage, hold, manage and control such property as its interests require.
 - (e) To establish, maintain, improve, alter, abandon, or vacate public streets, rights-of-way, sidewalks, alleys, squares, parks and other public ways, and to police the use thereof.

It was the consensus of the Commission that no changes be recommended for Article II, Section 2.01 – General Powers of the City.

15 SECTION 2.02 – PUBLIC IMPROVEMENTS

- The City shall have the power to construct and maintain, within or outside its corporate limits (which include but are not limited to) streets, utilities, canals, waterways and other flood control facilities and sanitary, water and storm drainage facilities in, over, under or upon all public property or easements granted for that purpose and to levy assessments for the costs of such improvements, and shall have the power to cause liens to be established for the purpose of securing the payment of such levies and shall have the power to compel the use of such improvements by the inhabitants of the City.

Mr. Rodriguez said staff has no recommended changes to Section 2.02 – Public Improvements.

It was the consensus of the Commission that no changes be recommended to Section 2.02 – Public Improvements.

Kristie Rutledge said citizens did not have the opportunity to review the items the Commission are discussing tonight. Ms. Rutledge asked that an Agenda Packet be prepared for distribution to the public.

City Manager Vanessa Shrauner stated the City Charter is part of the Agenda Packet and there is not a need to distribute the City Charter each time since it is available on the City’s website. Ms. Shrauner expressed a particular Section will not be specifically listed or distributed in order for the Commission to continue to move forward.

Mr. Rodriguez stated the Commission has a lot of work to do and tying them to any one Section may not be the best use of our time.

16 SECTION 2.03 – MISCELLANEOUS POWERS

- The City shall have the power to establish and maintain ordinances and regulations governing the use of lands within the City and to enforce by all lawful means said ordinances and regulations, within and outside its corporate limits. The City shall have the power to authorize, regulate and inspect all construction and existing structures within or outside its limits, consistent with State statutes, and to establish and enforce ordinances and regulations concerning their use, construction and reconstruction. The City shall have the power to license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade.

Mr. Rodriguez said staff had no recommended changes to Section 2.03 – Miscellaneous Powers.

Commission Member Townsend asked what it meant by “outside its corporate limits”.

Mr. Rodriguez answered there are some State statutes where a City can regulate outside its corporate limits; subdivisions is one of those.

It was the consensus of the Commission to recommend no changes to Section 2.03 -Miscellaneous Powers.

17 ARTICLE IX – BOARDS AND COMMISSIONS

- (1) The City Council shall create, establish or appoint, as may be required by the laws of the State of Texas or this Charter, or deemed desirable by the City Council, such boards, commissions and committees as it deems necessary to carry out the functions and obligations of the City. The City Council shall, by ordinance or resolution, prescribe the purpose, composition, function, duties, accountability and tenure of each board, commission and committee where such are not prescribed by law or this Charter.
- (2) Individuals who are qualified voters in the City may be appointed to serve on one (1) or more board, commission or committee. The City Council may, by ordinance or resolution, consolidate the functions of the various boards, commissions or committees provided for in this Charter. Except as otherwise provided in this Charter, members of any such board, commission or committee shall serve without compensation but may be reimbursed for actual expenses as approved by the City Council.

18 ARTICLE IX – BOARDS AND COMMISSIONS (CONT.)

- (3) All boards, commissions or committees of the City shall keep and maintain minutes of any proceedings held and shall submit a written report of such proceedings to the City Council.
- (4) No officer of the City nor any person who holds a compensated appointive position with the City shall be appointed to any board, commission or committee created or established by this Charter other than in an advisory capacity.
- (5) Any member of a board, commission or committee who is absent from three (3) consecutive regular meetings without explanation acceptable to a majority of the other members shall forfeit his position on the board, commission or committee.

Mr. Rodriguez called the Council's attention to Article IX – Boards and Commissions.

Kristie Rutledge stated applications for the Charter Review Commission were not made available to the general public. Ms. Rutledge expressed a provision should be in the Charter that all Boards and Commission should be open to the general public.

19 ARTICLE IX – BOARDS AND COMMISSIONS

- Qualified Voters v. Property Owners

Mr. Rodriguez said there was a question as to whether this Article should say “Qualified Voters” or “Property Owners”.

Discussion was held among Commission Members.

Ms. Rutledge stated it should be “qualified voters.”

It was the consensus of the Commission that no changes be recommended to Article IX – Boards and Commissions.

10. Discussion and recommendations for future Agenda items.

Mr. Rodriguez said there will be a Joint Meeting with the City Council on November 8, 2022, and if there is sufficient time, there may be some review of other Sections of the Charter. Mr. Rodriguez asked that if Commission Members have any changes or thoughts on the Charter they email them to the City Secretary or him in advance so staff can research and be prepared to respond to questions.

11. Adjournment.

At 7:04 p.m., the meeting adjourned.

APPROVED:

Tom Blazek, Chair

ATTEST:

Teresa Valdez, City Secretary



ROCKPORT CHARTER REVIEW COMMISSION

ARTICLE III - THE CITY COUNCIL

SECTION BY SECTION REVIEW

Sec. 3.01 Number, Selection and Term.

(1) The legislative and governing body of the City will consist of a Mayor and four Councilpersons and will be known as the City Council of Rockport.

(a) The Mayor will be elected at large; one Councilperson shall be elected from each of four (4) Wards; all elected officials shall serve two (2) year terms unless removed from office through the provisions of this Charter.

(b) All members of the City Council, other than the Mayor, shall be elected under the Ward System the boundaries which are defined by ordinance and which may be amended as population changes warrant.

(c) Councilpersons from Wards One (1) and Three (3) shall be elected in odd years and the Mayor and Councilpersons from Wards Two (2) and Four (4) in even years. No boundary change of any Ward shall operate to disqualify a duly elected Councilperson who shall be allowed to complete his current term of office.

(d) No person shall serve more than ten (10) consecutive years on the City Council.

- (a) The Mayor will be elected at large; one Councilperson shall be elected from each of four (4) Wards; all elected officials shall serve two (2) year terms unless removed from office through the provisions of this Charter.

Examples from other cities:

Irving - The term for each council member, which includes the mayor and the persons holding each of the eight (8) other places on the city council, elected at a regular municipal election shall be three (3) years.

League City - Effective with the biennial general election to be held in 2014, persons elected for Council Positions One (1) through Seven (7) and the Mayor shall hold their respective offices for four (4) years, and until their successors are elected and qualified unless sooner removed as provided by Charter or the laws of the State of Texas or the City Code of Ordinances.

(b) All members of the City Council, other than the Mayor, shall be elected under the Ward System the boundaries which are defined by ordinance and which may be amended as population changes warrant.

Examples from other cities:

Frisco - The "city council" shall be composed of a "mayor" and six "councilmembers" elected under the place system, with there being places 1, 2, 3, 4, 5 and 6. The mayor and each councilmember shall be elected at large, and unless sooner removed under the provisions of this Charter, shall serve for a term of three years, and until their successor has been elected and duly qualified. All of the city council holding office at the time of passage of any amendments to this Charter shall continue to hold their respective office until the respective term for which they were elected expires.

Katy - This Council shall consist of one Councilmember elected from the City At large and four Councilmembers elected from the Wards established by the City designated within the City as Ward A., and Ward B.; the Councilmembers shall be elected, two from Ward A., and two from Ward B., and one at-large. The candidate for Councilmember from a Ward shall reside in the Ward for which he seeks election.

(c) Councilpersons from Wards One (1) and Three (3) shall be elected in odd years and the Mayor and Councilpersons from Wards Two (2) and Four (4) in even years. No boundary change of any Ward shall operate to disqualify a duly elected Councilperson who shall be allowed to complete his current term of office.

Question – May change with changing terms.

- (d) No person shall serve more than ten (10) consecutive years on the City Council.

Examples from other cities:

Frisco - No person shall serve as mayor for more than three consecutive elected terms, and no person shall serve as councilmember for more than three consecutive elected terms. No person shall serve as a councilmember and mayor (combined) for more than 18 consecutive years. For purposes of this Section 3.02 and computing the limitations on terms:

(1) A mayor or councilmember, who vacates, for any reason, city office before the end of the term for which he was elected, shall be considered to have completed that term.

(2) An appointment or election to fulfill an unexpired councilmember term, or unexpired mayor term if applicable, shall be computed as follows:

(i) If 50 percent or more of the term is remaining, it shall be included in the computation of term limits; or

(ii) If less than 50 percent of the term is remaining, it shall not be included in the computation of term limits.

Any councilmember or mayor, who is ineligible to run for elected city office due to the limitations on terms as provided herein, shall remain ineligible to hold an elected city office for a period of one full term following the expiration of the most recent term of city office for which he or she was elected with the exception of a councilmember seeking the office of mayor or the mayor seeking the office of a councilmember.

Highland Park - No person shall serve as Mayor for more than three (3) successive terms and no person shall serve as a Council Member for more than three (3) successive terms. A term of office shall be for a period of two (2) years or any portion thereof.

San Antonio - No person shall be eligible to hold any elected office for more than four full terms, and shall not be placed on the ballot for election to any term if service for the full term would constitute a violation hereof. For the purpose of this section, the office of Mayor shall be considered a separate office from other Council places.

Question: Prevent resignation or removal from interrupting term limits.

Sec. 3.02 Qualification of Members.

(1) In addition to any other qualifications prescribed by law, the Mayor and each Councilperson shall meet the qualifications set forth in Article V of this Charter while in office. Council Member shall reside in the Ward they represent while in office.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 3.03 Compensation.

(1) Compensation of members of the City Council shall be determined by the Council by ordinance, but no increase in such compensation shall take effect until commencement of the terms of Mayor and/or Councilpersons elected at the next regular election. Members of the City Council shall also be entitled to reimbursement for actual expenses incurred in the performance of official duties with the approval of the City Council.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 3.04 Mayor and Mayor Pro-Tem.

(1) The Mayor shall be the official head of the City Government. He shall be the chairman and shall preside at all meetings of the City Council. The Mayor shall have the same right to vote, as do other Council Members. He shall, when authorized by the City Council, sign all official documents; such as, ordinances, resolutions, conveyances, official plats and bonds. He shall perform such other duties consistent with this Charter as may be imposed upon him by the City Council.

(2) The Mayor Pro-Tem shall be a Councilperson elected by the City Council at the first regular meeting after each election of Council Member and/or Mayor. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.

Comment from Councilperson Jackson – If Mayor only votes in event of a tie, Mayor Pro Temp would retain voting rights when acting as Mayor.

Examples from other cities:

Cameron - The mayor shall preside at meetings of the council and shall be entitled to vote upon all matters considered by the council, in case of a tie vote the mayor shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the Charter and the ordinances of the city. The mayor shall execute the laws and administer the government of the city. He shall be recognized as the head of the city government for all ceremonial purposes, by the courts for civil process and by the government for purposes of military law. In times of public danger or emergency, the mayor shall take command of the police, maintain law and order and enforce the law. If a vacancy occurs in the office of the mayor or in case of his absence or disability, the mayor pro-tem shall act as mayor until a successor is elected and has qualified.

Richardson - The mayor shall be the presiding officer. The mayor shall vote on all matters coming before the council, shall have no power of veto, shall represent the city on all ceremonial occasions and shall be known as the official head of the government.

Sec. 3.05 Vacancies, Forfeiture and Filling of Vacancies.

- (1) The office of a Council Member or the Mayor shall become vacant upon death, resignation, forfeiture of, or removal from office by any manner authorized by law.
- (2) If any member of the City Council is absent from three (3) consecutive meetings, without explanation acceptable to the remaining Council Members, his office shall be declared vacant at the next regular meeting of the Council.
- (3) If any member of the Council ceases to possess the required qualifications for office or is convicted of any felony, or a misdemeanor involving moral turpitude, this position shall be declared vacant at the next regular meeting of the Council.
- (4) In the event of a permanent vacancy in the office of the Mayor, the Mayor Pro-Tem shall become the Mayor, thereby vacating his Council position. Vacancies in the Council, other than the Mayor, shall be filled by a majority vote of the remaining members, if the remaining term is less than one (1) year. In the event that an election is held in any of the Wards and no candidate files or registers as a write-in, that vacancy shall be filled after said election by the Council. In the event the remaining term is equal to or more than one (1) year, the Council may fill the position by a majority vote of the remaining members or call for a special election to fill the vacancy, for the unexpired term only. In all cases, the successor shall possess all qualifications for the position.

Relevant Law:

(c) Any vacancy or vacancies occurring on such governing body shall not be filled by appointment but must be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur except that the municipality may provide by charter or charter amendment the procedure for filling a vacancy occurring on its governing body for an unexpired term of 12 months or less.

Tex. Const. art. XI, § 11

Examples from other cities:

Cedar Hill - Any vacancy or vacancies existing in the office of the Mayor or any Council Member from any cause whatsoever shall be filled by a majority vote at a special election called for such purpose within one hundred twenty (120) days after such vacancy or vacancies occurs.

Pflugerville - 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 Mayoral or 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 Mayoral or City Council position, the City Council may, by majority vote of the remaining Councilmembers, at its discretion, appoint a new Mayor or Councilmember to fill such vacancy or call a special election to fill such vacancy.

Sec. 3.06 Powers of the City Council.

(1) All powers of the City shall be vested in the City Council except as otherwise provided in this Charter. The City Council shall provide for the exercise of these powers and the performance of all duties and obligations imposed by law.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 3.07 Prohibitions.

- (1) Except where authorized by law, no Mayor or Councilperson shall hold any other City employment during his term as Mayor or Councilperson. No former Mayor or Councilperson shall hold any compensated appointed office or City employment within one (1) year after the expiration of his term as Mayor or Council Member, unless approved by a majority vote of the City Council.
- (2) Members of the City Council shall not in any way dictate the appointment or removal of any City Employee whom the City Manager or any of his subordinates are empowered to appoint. The City Council at a meeting called for that purpose may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such employees.
- (3) The City Manager shall consult with the City Council before the hiring of any Department Head or promotion of an employee to Department Head. Members of the City Council shall not give orders to any such officer or employee either publicly or privately except as otherwise provided in this Charter.
- (4) The City Manager shall consult with the City Council before the removal of Department Heads.

Comment from Councilperson Jackson – Waiting period in subsection (1) should be 3 years.

PROPOSED CHANGE:

- (3) The City Manager ~~shall~~ may consult with the City Council before the hiring of any Department Head or promotion of an employee to Department Head. Members of the City Council shall not give orders to any such officer or employee either publicly or privately except as otherwise provided in this Charter.

PURPOSE:

Reduce potential political input in City employment of Department Heads.

PROPOSED CHANGE:

- (4) The City Manager shall consult with the City Council before the removal of Department Heads.

PURPOSE:

Allow professional staff to make changes as needed to execute the policies of the City Council.

Sec. 3.08 Meetings of the City Council.

- (1) The City Council shall hold at least one (1) regular meeting each month and as many additional meetings as it deems necessary to transact the business of the City. The City Council shall fix by ordinance the date and time of the regular meeting(s). Special meetings of the City Council shall be held at the call of the Mayor or a majority of the Council and, wherever practicable, upon no less than twelve (12) hours notice to each member.
- (2) All meetings shall be open to the public and shall be held and notice given in accordance with Article 6252-17 V.A.T.S. as amended or superseded.

PROPOSED CHANGE:

- (1) The City Council shall hold at least one (1) regular meeting each month and as many additional meetings as it deems necessary to transact the business of the City. The City Council shall fix by ordinance the date and time of the regular meeting(s). Special meetings of the City Council shall be held at the call of the Mayor or a majority of the Council and, wherever practicable, upon no less than ~~twelve (12)~~ seventy-two (72) hours notice to each member, unless such meeting is an emergency meeting. Notice shall be considered effective when posted in compliance with the Texas Open Meetings Act and electronic communication to each Councilperson within three (3) hours of such posting.
- (2) All meetings shall be open to the public and shall be held and notice given in accordance with ~~Article 6252-17 V.A.T.S.~~ Texas Government Code Chapter 551 as amended or superseded.
- (3) Nothing herein shall prevent a meeting being called in emergency circumstances with notice provided in compliance with state law.

PURPOSE:

Provides clarity on notice and adds provision regarding emergency meeting.

Sec. 3.09 Quorum.

(1) Three (3) members of the City Council shall constitute a quorum for the purpose of transaction of business and no action of the City Council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of Council Members present.

Examples from other cities:

League City - A quorum of the City Council for the transaction of business shall consist of five (5) voting members of City Council, except where the City Council is reduced to less than five (5) on account of vacancies, in which event a quorum shall consist of all the remaining members of the City Council. However, a less number than a quorum may convene from time to time and compel the attendance of absent members.

PROPOSED CHANGE:

(1) Three (3) members of the City Council shall constitute a quorum for the purpose of transaction of business and no action of the City Council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of Council Members present. When the City Council is reduced to less than three (3) voting members on account of vacancies, a quorum shall consist of all the remaining members of the City Council.

PURPOSE:

Allow for a quorum when multiple vacancies reduces the number of Councilpersons to less than 3.

Sec. 3.10 Rules of Procedure.

(1) The City Council shall determine its own rules of order and business, and the rules shall provide that the citizens of the City shall have a reasonable opportunity to be heard at any meeting with regard to any matter under consideration. The City Council shall provide for minutes to be taken and recorded for all meetings as required by law. Such minutes shall be a public record and shall be kept and maintained by the City Secretary.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 3.11 Passage of Ordinances In General.

(1) The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be

"BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS ..."

Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. General appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Except where an ordinance is repealed in its entirety, an amendatory or repealing ordinance shall set out in full the ordinance sections or subsections to be amended or repealed and shall indicate matter to be omitted by strikeout and shall indicate new matter by underlining and bold print.

(2) Any member of the City Council may offer any ordinance in writing to be placed on the agenda at a regular City Council meeting.

Copies of proposed ordinances, in the form required for adoption, shall be furnished to members of the City Council before the first reading. Copies of the proposed ordinance, in the form required for adoption, shall be available at the City offices and shall be furnished citizens upon request to the City Secretary before the first reading and, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the City Council.

(3) A proposed ordinance, except an emergency, budget or tax ordinance, shall be read at two (2) City Council meetings with at least one week between readings.

(4) A proposed ordinance may be amended at either reading, but any ordinance amended in substance shall automatically be placed again on the first reading at a subsequent meeting. At any reading of a proposed ordinance, interested persons shall have a reasonable opportunity to be heard.

(5) Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published once in its entirety or summary form, after adoption, in a newspaper designated as the official newspaper of the City.

(6) The reading aloud of a title and caption of the ordinance shall suffice as a reading provided printed copies of the ordinance in the form required for adoption are in front of all members of the City Council and a reasonable number of additional copies are available to citizens present at the meeting. If a majority of the members present request that the ordinance be read in its entirety, it must be read.

Councilperson Jackson Comment regarding (3) – Is it necessary for 2 readings on a zoning change?

Question – Can readings be less than one week?

Examples from other cities:

Celina - The City Council shall evidence its official actions by written ordinances, resolutions, or oral motions. The style of all ordinances shall be: "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS" and the style of all resolutions shall be "BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS." Each proposed ordinance shall not be amended or repealed except by adoption of another ordinance. All ordinances and resolutions passed by the City Council shall become effective immediately from and after passage except where publication of a caption is required or where the ordinance, State law, or other provisions of this Charter provide otherwise, in which case the effective date shall be as prescribed in the ordinances.

Beaumont - Except as otherwise provided herein it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the City Council.

Eules - The city attorney shall approve all ordinances adopted by the Council as to the legality thereof. Every ordinance enacted by the Council shall be signed by the Mayor or Mayor Pro Tem and shall be filed with and recorded by the city secretary. All ordinances enacted by the Council shall be considered and the descriptive caption of such ordinance read in open meeting of the Council at two (2) regular Council meetings unless at such first regular Council meeting such ordinance shall have been approved by five (5) or more aye votes; then, in such event, the second consideration and second reading of the descriptive caption thereof shall not be necessary and such ordinance shall be considered finally adopted. All ordinances, unless otherwise provided by law or by the terms of such ordinance, shall take effect immediately on final consideration and the reading of the descriptive caption thereof as hereinabove provided. The requirement for considering ordinances and reading the descriptive caption thereof at two (2) regular Council meetings may be dispensed with where an ordinance relating to the immediate preservation of the public peace, health or safety is adopted as an emergency measure by the favorable vote of four (4) or more of the Council Members and such emergency ordinance shall take effect immediately upon its adoption and execution without a second consideration and second reading of the descriptive caption thereof.

Sec. 3.12 Emergency Ordinances.

- (1) The City Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property or the public peace. In particular, such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money except as provided in Article VII of this Charter.
- (2) An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that they shall be plainly designated in the title as an emergency ordinance and shall contain after the enacting clause a declaration stating that an emergency exists and describing it in clear and specific terms.
- (3) An emergency ordinance can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative votes of at least three (3) members of the City Council shall be required for adoption.
- (4) Emergency ordinances shall become effective upon adoption and shall be published as soon thereafter as practicable. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, shall automatically stand repealed as of the sixty-first (61st) day following the day on which it became effective, but this shall not prevent re-enactment of the ordinance.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 3.13 Authentication, Recording, Codification, Printing and Distribution.

(1) The City Secretary shall authenticate by signature and seal in properly indexed book(s) kept for that purpose all ordinances and resolutions adopted by the City Council, and it shall be kept open for public inspection. Ordinances shall be numbered consecutively in the order in which adopted.

(2) The City Council shall cause all ordinances and amendments to this Charter to be printed promptly following their adoption, and the printed ordinances and Charter amendments shall be sold to the public at a reasonable price to be fixed by the City Council. A copy of each ordinance and amendment shall be placed in appropriate city offices for public reference.

Comment from Councilperson Jackson - This needs to be brought in the 21st Century. Publishing for the public and City Employees is mainly done on the city's website and this section should reflect that. Ordinances available to the public for a cost is not necessary unless the ordinance is not in an electronic format.

PROPOSED CHANGE:

(1) The City Secretary shall authenticate by signature and seal ~~in properly indexed book(s) kept for that purpose~~ all ordinances and resolutions adopted by the City Council, and it shall be kept open for public inspection. Ordinances shall be numbered consecutively in the order in which adopted. The City Secretary may use electronic means, allowed by law, to maintain all ordinances and resolutions.

(2) The City Council shall cause all ordinances and amendments to this Charter to ~~be printed promptly following their adoption, and the printed ordinances and Charter amendments shall be sold to the public at a reasonable price to be fixed by the City Council. A copy of each ordinance and amendment shall be placed in appropriate city offices for public reference.~~ posted on the City's internet website for at least one year, unless earlier codified into its Code of Ordinances.

PURPOSE:

Provides for the flexibility of using current or anticipated technological advances.

Sec. 3.14 Investigations by the City Council.

(1) The City Council shall have the power to inquire into the official conduct of any department, agency, contractor, office, officer or employee of the City and for that purpose shall have the power to administer oaths, subpoena witnesses and compel the production of books, papers or other evidence material to the inquiry. The City Council shall provide by ordinance penalties for contempt for 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 by such ordinances.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 3.15 Bond.

(1) The City Manager shall make an annual recommendation as to the positions or persons who should be bonded and the amount for which they shall be bonded. The City Council may amend the recommendations of the City Manager. Upon approval by the City Council, the necessary bonds shall be obtained at no cost to the employee(s).

PROPOSED CHANGE:

None.

PURPOSE:

N/A



ROCKPORT CHARTER REVIEW COMMISSION

ARTICLE V - CITY ELECTIONS

SECTION BY SECTION REVIEW

Sec. 5.01 City Elections.

- (1) City elections shall be conducted in accordance with Texas Election Law following procedures prescribed therein.
- (2) The City's General Election shall be held annually on the May uniform election date. The City Council shall be responsible for specification of places for holding such election.
- (3) The City Council may, by resolution, order a special election for purposes consistent with this Charter and laws of the State of Texas. The City Council will fix the time and places for such a special election, and provide all means for holding same.
- (4) Municipal elections shall be conducted by election officials appointed or approved by the City Council. Sample ballots identical in format to those used in the specific election shall be posted in the voting place(s) for the purpose of voter orientation.
- (5) All municipal elections shall be publicized in accordance with the Texas Election Code.

QUESTIONS – Move to November?

PROPOSED CHANGE:

- (4) Municipal elections shall be conducted by election officials appointed or approved by the City Council, or as prescribed by law. Sample ballots identical in format to those used in the specific election shall be posted in the voting place(s) for the purpose of voter orientation.

PURPOSE:

Provide for compliance with State law.

Sec. 5.02 Filing for Office.

- (1) Candidates for City offices shall file for office with the City Secretary at City Hall.
- (2) Candidates for elective City office shall meet the following qualifications:
 - (a) Shall be at least eighteen (18) years of age at the time of the election for which they are filing.
 - (b) Shall be a qualified voter of the City.
 - (c) Shall have resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months prior to the Election Day.
 - (d) Shall have resided in the Ward, or newly created Ward, they are seeking to represent for a least twelve (12) months prior to the Election Day.
 - (e) No candidate may file in a single election for more than one office or position as provided by this Charter.
 - (f) No employee of the City shall continue in such position after filing for an elective office provided for in this Charter.
 - (g) A candidate filing for a Council Member position must include a petition along with their application for a place on the ballot for an office which contains signatures of qualified voters equal in number to thirty (30%) percent or fifty (50), whichever is lesser, of those who voted in the last election for that office. This requirement shall not be construed to mean the signatures of actual people who voted in the last election.
 - (h) A candidate filing for a Mayor position must include a petition along with their application for a place on the ballot for an office which contains signatures of qualified voters equal in number to thirty (30%) percent or one hundred and fifty (150), whichever is lesser, of those who voted in the last election for that office. This requirement shall not be construed to mean the signatures of actual people who voted in the last election.

Comment from Councilperson Jackson – (2)(g) Using my last election as an example for my next election. Since only just under 120 persons voted in my last election, I would be required to obtain 36 signatures. How does this cover when there was not an opponent requiring an election?

Relevant Law:

Election Code, Sec. 141.003. AGE AND RESIDENCE REQUIREMENTS FOR HOME-RULE CITY OFFICE. (a) Different age and residence requirements from those prescribed by Section 141.001 may be prescribed by a home-rule city charter, but a minimum age may not be more than 21 years and a minimum length of residence in the state or city may not be more than 12 months immediately preceding election day.

(b) A charter provision is void if it prescribes a minimum age requirement of more than 21 years or a minimum length of residence requirement of more than 12 months.

PROPOSED ADDITION:

(2)(XX) Shall not, at the time of filing or while in office, be in arrears in payment of taxes or other liabilities due the City after the expiration of thirty (30) days following the providing of notice of any delinquency.

Examples from other cities:

Rockwall - Shall not, at the time of filing or while in office, be in arrears in payment of taxes or other liabilities due the City after the expiration of thirty (30) days following the providing of notice of any delinquency.

PURPOSE:

Provide for candidates and councilpersons from being in arrears.

(g) A candidate filing for a Council Member position must include a petition along with their application for a place on the ballot for an office which contains signatures of qualified voters equal in number to thirty (30%) percent or fifty (50), whichever is lesser, of those who voted in the last election for that office. This requirement shall not be construed to mean the signatures of actual people who voted in the last election.

(h) A candidate filing for a Mayor position must include a petition along with their application for a place on the ballot for an office which contains signatures of qualified voters equal in number to thirty (30%) percent or one hundred and fifty (150), whichever is lesser, of those who voted in the last election for that office. This requirement shall not be construed to mean the signatures of actual people who voted in the last election.

PROPOSED CHANGE:

(g) A candidate filing for a Council Member position must include a petition along with their application for a place on the ballot for an office which contains signatures of qualified voters equal in number to thirty (30%) percent or fifty (50), whichever is lesser, of those who voted in the last election for that office. If the immediately preceding election for the Council Member position applied for was canceled as provided by law, a petition containing fifty (50) signatures of qualified voters shall be necessary along with the application for a place on the ballot for an office. This requirement shall not be construed to mean the signatures of actual people who voted in the last election.

(h) A candidate filing for a Mayor position must include a petition along with their application for a place on the ballot for an office which contains signatures of qualified voters equal in number to thirty (30%) percent or one hundred and fifty (150), whichever is lesser, of those who voted in the last election for that office. If the immediately preceding election for the position of Mayor was canceled as provided by law, a petition containing one hundred fifty (150) signatures of qualified voters shall be necessary along with the application for a place on the ballot for an office. This requirement shall not be construed to mean the signatures of actual people who voted in the last election.

PURPOSE:

Account for cancelled elections.

Other City Examples:

Cameron - Any qualified voter of the city who is otherwise qualified may have his name printed upon the official ballot for the particular office at any election by filing his sworn application with the city secretary at least 45 days prior to the election date and having posted the required filing fee, to be fixed by the council, provided it shall not exceed the sum of \$10.00. The filing fees shall be used to defray the cost of the election and said fees shall be prorated and any surplus shall be refunded to said candidates.

Richardson - The method of determining the names of the candidates entitled to be placed upon the official ballot for election to the city council shall be by petition, separately circulated, on behalf of each proposed candidate for the office and place on the city council for which they are a candidate. The petition must comply in all respects with the requirements of this charter and state law. Each petition circulated on behalf of each proposed candidate shall designate the office and place to be filled by such candidate. In all elections the name of each candidate shall appear on the official ballot for the office and place number designated on the petition. No candidate's name shall be placed on the official ballot unless requested by a petition as set out above.

Sec. 5.03 Official Ballots.

- (1) The name of each candidate seeking an elective office, except those who have withdrawn, died, or become ineligible, shall be printed on the official ballot in the form designated by the candidate in accordance with the current edition of the Texas Election Code. If two or more candidates have the same surname, or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.
- (2) The order on the ballot of the names of the candidates shall be determined by lot in a public drawing to be held under the supervision of the City Secretary in accordance with the current edition of the Texas Election Code.
- (3) Procedures for voting by absentee ballot shall be consistent with the current edition of the Texas Election Code.
- (4) An ordinance, bond issue, or Charter amendment to be voted on by the voters of the City shall be presented for voting by ballot title. The ballot title of a measure may be different from its legal title and shall be a clear, concise statement, approved by the City Council, describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following two statements, one above the other, in the order indicated:

"For adoption of the (ordinance) (bond issue) (amendment)"

"Against adoption of the (ordinance) (bond issue) (amendment)"

Immediately below or to the left of such statements shall appear a square in which the voter may cast his vote by making a mark.

- (5) Procedures for write-in votes shall be consistent with the current edition of the Texas Election Code.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 5.04 Official Results.

- (1) The candidate for elective office receiving a plurality of the votes cast shall be declared the winner.
- (2) The returns of every municipal election shall be handled in accordance with the Texas Election Code. These returns shall be delivered from the election judges to the City Secretary at City Hall as soon as possible after the closing of the polls.

PROPOSED CHANGE:

- (2) The returns of every municipal election shall be handled in accordance with the Texas Election Code. ~~These returns shall be delivered from the election judges to the City Secretary at City Hall as soon as possible after the closing of the polls.~~

PURPOSE:

Allow for consistency with current practice.



ROCKPORT CHARTER REVIEW COMMISSION

ARTICLE XII – GENERAL PROVISIONS

SECTION BY SECTION REVIEW

Sec. 12.01 Public Records.

(1) All records of the City shall be open to inspection except for those that are closed to the public by law. The records may be examined and copied in the City offices during normal office hours at a nominal charge.

PROPOSED CHANGE:

All records of the City shall be open to inspection except for those that are closed to the public by law. The records may be examined and copied in the City offices during normal office hours ~~at a nominal charge~~ in accordance with state law.

PURPOSE:

To reduce confusion and provide consistency.

Sec. 12.02 Official Newspaper.

(1) The City Council shall declare biannually an official newspaper of general circulation in the City to service for a two (2) year period. All ordinances, notices and other matters required by this Charter, City ordinance, of the Constitution and Laws of the State of Texas shall be published in the official newspaper.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 12.03 Nepotism.

(1) No person related within the second (2nd) degree by affinity or within the third (3rd) degree by consanguinity to the Mayor or any City Council member or the City Manager shall be employed or appointed to any positions in the City. This shall not apply to any person continuously employed prior to the election or appointment of the person related in the above degree.

Additional Facts:

2nd degree of affinity - spouse, or spouse of one of the individuals is related by consanguinity to the other individual..

3rd degree of consanguinity – Parent, child, (1st degree); brother, sister, grandparent, grandchild, (2nd degree); great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual, or niece who is a child of a brother or sister of the individual (3rd degree).

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 12.04 Oath.

- (1) All elected and appointed officers of the City shall take and sign the 'Oath of Office' based on those prescribed for State elective and appointive offices, respectively, in the Constitution of the State of Texas.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 12.05 Prohibitions and Penalties.

- (1) Equality of rights under the law shall not be denied or abridged with respect to appointment to or removal from any position because of race, sex, age, national origin, physical disabilities, political or religious opinions or affiliations.
- (2) No person who seeks appointment or promotion with respect to any City position shall, directly or indirectly, give, render or pay any money, service or other valuable thing to any person for, or in connection with, his test, appointment or promotion.
- (3) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment or attempt to commit any fraud preventing the impartial execution of the personal provisions, rules and regulations of this Charter.
- (4) No person who holds any compensated non-elective City position shall make, solicit or receive any contribution for any candidate for public office in the City, or take part in the management, affairs or political campaign of such candidate. He may exercise his rights as a citizen to express his opinion and to cast his vote.
- (5) Any person who willfully engages in any of the above-prohibited activities shall be ineligible for appointment or election to a position in the City for a period of five (5) years. If he is an officer or employee of the City at the time of the violation, he shall immediately forfeit his office or position.

PROPOSED CHANGE:

- (1) Equality of rights under the law shall not be denied or abridged with respect to appointment to or removal from any position because of race, sex, age, national origin, ~~physical disabilities~~, political or religious opinions or affiliations.

PURPOSE:

To include disabilities other than physical disabilities.

Sec. 12.06 Assignment, Execution and Garnishment.

(1) Property, real and personal, belonging to the City shall not be liable to be sold or appropriated under writ or execution of cost bill. Funds belonging to the City in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment or sequestration; nor shall the City be liable to garnishment, attachment or sequestration; nor shall the City be liable to the garnishment on account of any debt it may owe or funds or property it may have on hand owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatever.

(2) The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors unless otherwise prescribed by law.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 12.07 Security and Bond.

(1) It shall not be necessary in any action, suit or proceeding in which the City is a party for any bond, undertaking or security to be demanded or executed by or on behalf of the City in any state court. All such actions shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 12.08 Power to Settle Claims.

(1) The City Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character, in favor of, or against, the City, including suits by the City to recover delinquent taxes.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 12.09 Service of Process Against the City.

(1) All legal processes against the City shall be served upon the Mayor and City Manager.

PROPOSED CHANGE:

All legal processes against the City shall be served upon the Mayor ~~and or~~ City Manager Secretary.

PURPOSE:

Consistency with Section 17.024 of Texas Civil Practice and Remedies Code.

Sec. 12.10 Judicial Notice.

(1) This Charter shall be deemed a public act, may be read in evidence without pleading of proof, the judicial notice shall be taken thereof in all courts and places.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 12.11 Emergency Powers of the Mayor.

(1) Whenever it comes to the knowledge of the Mayor his designee that any malignant, infectious and contagious disease or epidemic is prevalent in the City or probably will become so, or in the case of public calamity arising by reason of flood, hurricane, tornado, fire or any other disaster, when it appears that action may become necessary before the Council can be convened to consider such action, he shall have the power to take all steps and use all measures necessary to avoid, suppress or mitigate such disease and prepare for and relieve distress caused by flood or resulting from hurricane, tornado, fire or any other disaster.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 12.12 Severability.

(1) If any section or part of this Charter is held invalid by a court of competent jurisdiction, such holding shall not invalidate or impair the validity, force or effect of any other section or part of this Charter.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 12.13 Gender of Wording.

(1) The masculine gender of the wording throughout this Charter shall always be interpreted to mean either sex.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 12.14 Amendment of Charter.

- (1) Amendments to this Charter may be framed and submitted to qualified voters of the City in the manner provided by Chapter 9, V.T.C.A., Local Government Code now in effect or as now written or hereafter amended.
- (2) Any petition submitted by at least five (5%) percent of the qualified voters of the City seeking submission to the voters of one or more proposed charter amendment shall be started, circulated, certified and presented consistent with the procedural rules of Article VI of this Charter.
- (3) A petition submitted as contemplated by this section shall be filed with the city secretary no later than thirty (30) days following the date of filing of the required affidavit by the Petitioners' Committee. To be considered for placement on a ballot at the next uniform election date, a petition must be certified and presented to the City Council at least forty-five (45) days before that uniform election date.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 12.15 Charter Review Commission.

- (1) The City Council, as hereafter provided, shall appoint, a Charter Review Commission of five (5) citizens of the City which shall:
 - (a) Inquire into the operation of the City government under the Charter and determine whether any provisions require revision. To this end, public hearings may be held. The Commission may compel the attendance of any officer or employee of the City and require submission of any City records it deems necessary to conduct the hearings;
 - (b) Propose any recommendation(s) it deems desirable to insure compliance with the Charter by the government;
 - (c) Propose amendments to the Charter to improve the effective application to current conditions; and
 - (d) Report its findings and present its recommendations, if any, to the City Council.
- (2) The City Council shall receive and have posted at a place convenient to the public in the City Hall any report presented by the Commission; shall consider any recommendations made, may order any amendments suggested to be submitted to the voters of the City in the manner provided by Chapter 9, V.T.C.A., Local Government Code as now written or hereafter amended.
- (3) The term of office of the Commission shall be for not more than six (6) months, at the end of which time a report shall be presented to the City Council and all records of proceedings of the Commission shall be filed with the City Secretary and become a public record.
- (4) A Commission contemplated by this section shall be appointed by the City Council no less than every five (5) years subsequent to the date of the last charter amendment election held by the City.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 12.16 Rearranging and Numbering.

(1) The City Council shall have the power, by ordinance; to renumber and rearrange all articles, sections and paragraphs of this Charter or any amendments thereto, as it is deemed appropriate. Upon the passage of any such ordinance a copy thereof, certified by the City Secretary, shall be forwarded to the Secretary of State for filing.

PROPOSED CHANGE:

None.

PURPOSE:

N/A