
CHARTER REVIEW COMMISSION AGENDA

Notice is hereby given that the Rockport Charter Review Commission will hold a meeting on Wednesday, November 30, 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 City Council and Charter Review Commission Joint Meeting Minutes of November 8, 2022, and Charter Review Commission Meeting Minutes of November 16, 2022.
5. Discussion and possible action on previous items voted for recommended changes in Articles I, II, III, V and IX of the City of Rockport Charter.
6. Discussion and possible action on section by section review of City of Rockport Charter and consider possible changes thereto. While any Article of the City Charter may be considered for review, it is anticipated that the following Articles will be considered: Articles IV, VI, VIII, and XII.
7. Discussion and recommendations for future Agenda items.

8. 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 Wednesday, November 23, 2022, at 1:45 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 30, 2022

AGENDA ITEM: 4

Discussion and possible action on the City Council and Charter Review Commission Joint Meeting Minutes of November 8, 2022, and Charter Review Commission Meeting Minutes of November 16, 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

CITY COUNCIL & CHARTER REVIEW COMMISSION

JOINT MEETING

5:30 p.m., Tuesday, November 8, 2022

Rockport Service Center, 2751 State Highway 35 Bypass

On the 8th day of November 2022, the City Council & the Charter Review Commission of the City of Rockport, Aransas County, Texas, convened in Joint Session 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. Members of the public were able to view the meeting via live stream.

CITY COUNCIL MEMBERS PRESENT

Mayor Tim Jayroe
 Council Member Katy Jackson, Ward 1
 Council Member Danielle Hale, Ward 2
 Council Member Brad Brundrett, Ward 3

CITY COUNCIL MEMBER(S) ABSENT

Mayor Pro-Tem Andrea Hattman, Ward 4

CHARTER REVIEW COMMISSION MEMBERS PRESENT

George “Doug” Webb
 Diedra Amaya
 J. Mark Wagnon
 Donna Townsend
 Thomas J. Blazek, Chair

STAFF MEMBERS PRESENT

City Manager Vanessa Shrauner
 Assistant to City Manager Kimberly Henry
 City Secretary Teresa Valdez
 Legal Counsel Art Rodriguez, Jr., Messer Fort & McDonald, PLLC
 Director of Finance Katie Griffin
 Information Technology Director Bob Argetsinger
 Public Works and Building & Development Services Director Mike Donoho

ELECTED OFFICIALS PRESENT

Opening Agenda

1. Call to Order.

The Joint Meeting of the Rockport City Council & the Charter Review Commission was called to order by Mayor Tim Jayroe at 5:30 p.m. on Tuesday, November 8, 2022, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

2. Roll call/Determine Quorum – City Council & Charter Review Commission.

Mayor Jayroe called roll of the City Council. A quorum of Council Members was present.

Chair Blazek called roll of the Charter Review Commission. A quorum of Commission Members was present.

3. 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, Council 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.

Jeff Hutt, 2201 Prairie Road, addressed the Council & Commission and commented: He noticed there was no avenue by which citizens could submit recommendations. Suggest if a change is recommended, it is followed up in a meeting afterward to allow time for input. Write in as much freedom and liberties for the people as possible. Make it where we can have petitions for ordinances and resolutions.

Kristie Rutledge, 1411 Dana Drive, addressed the Council & Commission and commented: Last week the Charter Review Commission made recommendations for Charter revisions and the citizens have no idea what will be reviewed; there is no other Board that does not have an Agenda Packet. Annexation was discussed and you could say no annexation without the consent of voters. Try to get us an Agenda Packet.

Regular Agenda

4. Receive comments from City Council.

Council Member Jackson stated she had two pages of concerns which she has shared with the City Manager and Legal Counsel. Council Member Jackson said the big concern is Article III; two-year terms for a term limit of 10 years and two years are just enough to learn the job. Council Member Jackson said another big concern was Article VI; elections in May are costly and does not give newly elected Council enough time to have been involved in the budget process. Council Member Jackson distributed and reviewed a cost analysis of election cost (below) since 2018 to Council and Commission Members. Council Member Jackson added she was undecided about term limits and she suggested the Mayor not be elected in the same year as the County Judge. Council Member Jackson stated she will comment on the other items she is concerned with as they are being discussed by the Charter Review Commission.

Elections			
<u>Budget Year</u>	<u>Votes Cast</u>	<u>Election Cost</u>	<u>Cost per Cast Vote</u>
2018-2019	365	\$ 8,690	\$23.80
2019-2020	5,430	\$16,530	\$ 3.05
2020-2021	592	\$34,711	\$58.63
2021-2022	1,996	\$27,000**	\$13.53
**Projected			
2019 - May Election Ward 3 only			
2020 - Nov (due to COVID) Election Mayor only			
2021 - May - Wards 1 and 3 only			
2022 - May Election Mayor only			
May 2022 election			
7,921 eligible voters - cost per eligible voter was \$2.08			
May 2021 Election			
3,164 eligible voters - cost per eligible voter was \$10.97			
Narrative -			
The City of Rockport, as per its Home Rule Charter, holds elections every year on the May general election date. Wards 1 & 3 on odd years and Wards 2, 4 & Mayor on even years. In recent history, the election for Mayor in 2020 was moved by consensus of the two candidates to November due to COVID concerns.			
In general, the cost of elections increases as the number of citizens increase.			
May 2019, Ward 3 and two school district races are on the same cumulative report from the Election Administrator. Overall turnout was 5.80% with 365 votes in Ward 3 at a price of \$23.80 for each vote			
November 2020, the Mayor's Race had 5,430 votes cast and only cost \$3.05 for each vote cast			
May 2021, Wards 1 and 3 were contested. Of the 3,164 eligible voters, only 592 votes were cast at \$58.63 per voter.			
May 2022, the City had a contested race for Mayor. 1,996 votes were cast by 7,921 eligible voters at a cost to the City of \$13.53.			

Council Member Hale thanked Commission Members for their willingness to serve; it is a huge commitment. Council Member Hale encouraged the Commission to give citizens every opportunity to participate, and she understands this is on a fast track. Council Member Hale stated large Agenda Packets are not always going to be available. Council Members Hale said she believed the Charter should be reflective of State Statutes as they pertain to annexation; State law precedes the City Charter, and we should follow that. Council Member Hale stated the most input she has had from the community is regarding term length; she is concerned whether people will be willing to run for office if the term is four years. Council Member Hale said she has worked with other communities and when you move an election to November, the costs are less, but the time and costs for candidates does increase and that is something for consideration; it becomes a different type of political issue and municipal government is non-partisan.

Commission Member Webb stated he believes that it should state in the Charter that the City has to provide services to all previously annexed areas before they can annex more.

Council Member Hale stated that will be something that follows State Law and not deviate from that. Council Member Hale added she liked that the City Charter is an easy read and a simple read is best.

Council Member Brundrett thanked the Commission and citizens for the input received thus far. Council Member Brundrett he agrees the Charter should follow State law regarding annexation and suggested the time period of 10 years to allow de-annexation if City services have not been provided. Council Member Brundrett said he agrees with Council Members Jackson and Hale on elections, and he is all for term limits-don't want career politicians in the City. Council Member Brundrett stated he did recognize Council Member Hale's concern about terms because there are not a lot of people beating down the door to run for City Council and he also agrees with Council Member Jackson that with two-years terms, you are just getting your feet wet, and he would agree that a longer term may be appropriate. Council Member Brundrett commented it is expensive to run an election and with a November election the cost would be shared. Council Member Brundrett asked the Commission to take a good look at the Article that deals with the City Manager, City Secretary and City Engineer to make sure we are following the Charter, and make sure Council is doing their job.

Mayor Jayroe thanked the Commission and said the Commission will work through this process and then present a document to Council and put to an election. Mayor Jayroe stated the things he has heard that people are most unhappy about are annexation and the City's authority in the extraterritorial jurisdiction (ETJ). Mayor Jayroe said there is a provision in the Charter where investigations can be conducted by the City Council and then the Council shall provide by ordinance penalties, and he has not been able to find any. Mayor Jayroe stated the section regarding the City Attorney or City Engineer should state it can be a firm. Mayor Jayroe commented he appreciates the work Council Member Jackson did regarding the cost of elections and there needs to be something done about that cost. Mayor Jayroe added he is sure the Charter Review Commission will be able to come up with answers and he appreciates their willingness to serve and he appreciates citizen comments.

Commission Member Amaya stated she was concerned about the ability of citizens to provide input to the Commission Members. Commission Member Amaya said they feel they do not have a path to communicate to the Commission.

Council Member Brundrett asked if the City could provide the Commission Members with a City email address and they could receive input that way or comments to the City Council and everything will funnel through the City Secretary.

Legal Counsel reminded everyone there will be a required public hearing at the end of the process to allow for citizen input.

Commission Member Amaya said she did not want to have to readdress things and she thought City email addresses was a good idea.

Commission Member Wagnon stated emails will not do much good unless there are Agenda Packets. Mr. Wagnon said his worry was that if it is not on the Agenda, the Commission cannot discuss it.

Council Member Brundrett asked if an Agenda Packet could be done and the entire Charter be put in it each time.

City Manager Shrauner suggested all Charter Articles that have not been reviewed be put on the Agenda.

Commission Member Wagnon said that is better than what we have; citizens will have the Charter and proposed changes.

City Manager Shrauner said proposed changes will not be in the Agenda Packet unless the Commission Members send them in advance.

Mayor Jayroe said he agreed the citizens need to know what the Commission is going to talk about.

City Manager Shrauner said staff will try to prepare an Agenda Packet with proposed changes to the Charter.

Kristie Rutledge commented she liked the direction the Commission was going.

City Manager Shrauner explained the Agenda Packet for next week's Commission meeting has been posted and it will be amended.

5. Section by section review of City Charter.

There was no section-by-section review of City Charter due to lack of time.

6. Discussion and recommendation for future agenda items.

There was no discussion of future agenda items.

7. Adjournment.

At 6:23p.m., Council Member Jackson moved to adjourn. Motion was seconded by Council Member Brundrett. Motion carried unanimously.

APPROVED:

Tim Jayroe, Mayor

APPROVED:

Tom Blazek, Chair

ATTEST:

Teresa Valdez, City Secretary

CITY OF ROCKPORT

MINUTES

CHARTER REVIEW COMMISSION

5:30 p.m., Wednesday, November 16, 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 16th 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
Donna Townsend
Thomas “Tom” J. Blazek

CHARTER REVIEW COMMISSION MEMBERS ABSENT

J. Mark Wagon

CITY COUNCIL MEMBERS PRESENT

Brad Brundrett, Council Member Ward 3

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, Desktop Support Technician/Acting Network Administrator
Carey Dietrich, Building & Development Services Assistant Director/Community Planner

Opening Agenda

1. Call meeting to order.

Chair Blazek called the meeting to order at 5:30 p.m.

2. Roll Call.

Chair Blazek conducted 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.

Kristie Rutledge, 1411 Dana Drive, addressed the Commission and commented: Thanked the City for posting the Charter Review Commission Agenda packet. Recommends the Commission review the Charter in chronological order to give the public a chance to review. Don't know what will be discussed tonight so I will have to raise my hand and the Chair will have to recognize me when I have comments on an item being discussed. Anytime you can post information, please do so.

Jeff Hutt, 2201 Prairie Road, addressed the Commission and commented: Point of Order- Can you actually vote on changes? I would like you to check if the changes have to be posted on the Agenda before you can vote on it. I wish Mr. Wagnon was here, as a lawyer, he could tell you that the way it works doesn't follow the City Charter, State Statutes and Constitution and that is not the way it is. The State Charter can't take away more freedoms from us than the State Statute allows; it does not mean that you can's give us more. You can write for Rockport a real strict annexation policy that would give the people the ability to not have to be worried about annexation. You write freedoms into this; give us as much freedoms as we can. Moving elections to November will not in any way cloud the field and change things. I asked Representative Hunter about this because they do it in Corpus and his son is on the City Council; he highly recommended moving it to November and he said it's much better for turnout. The idea of going to two years every other November saves money. Changing elections to November and changing to every two or four years will change the dynamics and bring a lot of people to the political process. Please make the changes.

Chair Blazek asked City staff if the Commission was going to review the Charter from front to back rather than jumping around.

Discussion was held among Commission Members and Legal Counsel regarding the Charter review process and providing citizens information.

City Manager Vanessa Shrauner stated all the information provided to the Commission that will be reviewed tonight has been posted on the City's website. Ms. Shrauner said the Commission and staff had talked about grouping of sections together logically and by substance.

Commission Member Webb asked if this was correct: We have the National Constitution, State rules and then the City Charter and we can't go beyond what the State says, can we?

Mr. Rodriguez answered: "Yes, we can. The State rules only limit what our abilities are. As a Home Rule City, we have the power to do anything that is only limited by State law, as opposed to a General Law City that only get their powers from the State."

Chair Blazek said there is a provision for citizens to speak under Citizens to be heard, but he was under the impression that there is no provision for citizens to speak under Agenda items.

City Manager Shrauner stated the Commission voted to allow citizens to speak under each Agenda item up to three (3) minutes for a total of nine (9) minutes.

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

MOTION: Commission Member Amaya moved to approve the Charter Review Commission Meeting Minutes of November 3, 2022. Commission Member Webb seconded the motion. Motion carried unanimously.

5. Discussion and possible action on section by section review of City Charter.

Mr. Rodriguez said the Commission has the information on Article III "The City Council", Section 3.01 "Number, Selection and Term". Mr. Rodriguez stated terms and length of terms was discussed in the joint meeting with City Council. Mr. Rodriguez asked if the Commission wanted to discuss this and examples from other cities had been provided, or something different could be considered.

Jeff Hutt addressed the Commission and suggested the Commission recommend changing to four-year terms and he knows that is a long time to be in office but four-year terms would give Council a little bit learning experience and give them a way to counter balance the people who work in the City; go for four years, every two years, where you are electing in 2020, 2022, 2024 and suggest you put the Mayor race on the off year election so you are not electing a Judge and Mayor on the same years – Mayor on the same year as the President is elected.

Discussion was held among Commission Members and Mr. Rodriguez in regard to Article III, Section 3.01.

It was the consensus of the Commission that no changes be made to Article III, Section 3.01(a).

Mr. Rodriguez called the Commission's attention to Section 3.01(b) which discusses the Ward system and Mayor at-large.

It was the consensus of the Commission that no changes be made to Article III, Section 3.01(b).

City Manager Shrauner called the Commission's attention to Section 3.01(c) which talks about Wards 1 and 3 elected in odd years and the Mayor and Wards 2 and 4 elected in even years.

Mr. Rodriguez said this does relate to some items that have been discussed about moving elections to November. Mr. Rodriguez stated that moving elections to November is not allowed under the Election Code; the Election Code only allowed the change to occur prior to 2016. Mr. Rodriguez said Section 41.0052 of the Election Code prohibits that. Mr. Rodriguez added there have been some bills introduced to extend that deadline, but as now that is the law we are dealing with.

Discussion was held among Commission Members in regard to Section 3.01(c).

Mr. Rodriguez said you could put in the Charter that it is a May election, or any other day allowed by Council; the Council would have to vote to make that change when allowed.

Commission Member Amaya stated State law could change and we don't necessarily do a Charter review when State law changes, so we need to keep in mind when State law is changing, what do we want. Commission Member Amaya said we can do things more restrictive than State law, but we can't do it more laxed; we can't contradict it, but we can make more strict.

Chair Blazek stated he understood what was being said, but his concern is that we could end up with a Charter that each thing has an asterisk that says: "if permitted by State law." Chair Blazek asked if the Commission wanted to put anticipatory things into the Charter.

Mr. Rodriguez said when 41.0052 was adopted, at that time it did allow for a certain period of time, from its adoption to the end of 2016, for a city council to have changed from May to November regardless of what the charter said. Mr. Rodriguez explained State law gave that ability to the City at that time when that was adopted. Mr. Rodriguez said that obviously Rockport and most cities did not exercise that option, but that was something that was written into the law at that time, and the unique thing about it was it didn't even require an ordinance and said you could do it by resolution.

Commission Member Townsend stated the reality is that there is nothing we can do about it now.

Mr. Rodriguez said that as Commission Member Amaya indicated, we could write in there that unless a different day is allowed per State law, the election will be in May. Mr. Rodriguez stated you could write that in anticipation of something happening, but currently this Council and this Commission has no ability to make the change to November.

Further discussion was held among Commission Members and Mr. Rodriguez.

Jeff Hutt commented that as citizens, we can put things on the ballot.

It was the consensus of the Commission there be no changes recommended to Section 3.01(c).

Mr. Rodriguez called the Commission's attention to Section 3.01(d) which is the ten (10) consecutive years limit and stated he provided some examples from other cities: The City of Frisco allows three consecutive terms for each office; Highland Park has three terms; San Antonio has four full terms – the interesting thing about San Antonio is that is a lifetime term limit, so once you serve your terms, you can't run for Council again – you can serve Council and then Mayor but once your term limited out on both, it's a lifetime limit. Mr. Rodriguez said there was a question about preventing resignation or removal from interrupting term limits and currently if you serve ten years on Council, and that is read whether that is Mayor or Council Member, it's ten years-so you could serve eight years as Council Member and two years as Mayor or eight years as Mayor and two years as Council Member. Mr. Rodriguez asked if the Commission wants to recommend a change for resignation or removal from office; for instance, Council Person X serves for 9.5 years and you want to continue serving, so you resign prior to the election, and now you have your gap in time to run again, or do you want what he believes the intent is that ten years is ten years, whether it is served or through resignation. Mr. Rodriguez said currently if someone wanted to resign at 9.5 years there would be a sufficient gap for them to run again.

Jeff Hutt said he is not for term limits; if you have an effective Council person who is willing to stay for 10-15 years, let them keep on running for office. Mr. Hutt stated it is up to the citizens to vote them out if they feel like they are not doing a good job. Mr. Hutt said the reason he is against term limits is because City staff is like a company, and he doesn't want the City employees/staff to be here for 20 years, and you have Council people who are here for less terms – I want that sort of length and knowledge of my Council person. If a group of people want their Council person or Mayor in there, they should work to get them re-elected, or if a group of people don't want that person in there, then it is up to them to un-elect them and run candidates against them. Mr. Hutt said a good example of this was this past year where Judge Mills did not get re-elected.

Discussion was held among Commission Members and Mr. Rodriguez.

MOTION: Commission Member Townsend moved to recommend deletion of Article III, Section 3.01(d) of the Charter. Commission Member Webb seconded the motion. Motion carried 3:1.

FOR MOTION: Commission Members Townsend and Webb, and Chair Blazek.

AGAINST MOTION: Commission Member Amaya.

Mr. Rodriguez called the Commission Members attention to Section 3.02 of the Charter. Mr. Rodriguez said residency is a very specialized area of law and there are special instances where they don't live in area; for example – lived in area and hurricane damaged/destroyed residence and person intends to come back to area.

Kristie Rutledge addressed the Commission and stated she wanted them to consider short-term rentals; is this considered a residence for the property owner?

Jeff Hutt said Section 5.02 of the Charter requires a candidate to have lived in the City for 12 months prior to election day.

Discussion was held among Commission Members and Mr. Rodriguez in regard to Section 3.02.

It was the consensus of the Commission Members that they recommend no changes to Section 3.02.

Mr. Rodriguez said Section 3.03 deals with Compensation for City Council.

It was the consensus of the Commission Members that they recommend no changes to Section 3.03.

Mr. Rodriguez called the Commission Member's attention to Section 3.04 and said Council Member Jackson had provided a comment. Mr. Rodriguez said Council Member Jackson suggested a change to made where the Mayor only votes in event of a tie and the Mayor Pro-Tem would retain voting rights when acting as Mayor. Mr. Rodriguez stated he had provided examples from other cities.

Council Member Brundrett stated in his brief time serving as Council Member the Mayor has always voted last; they don't particularly sway votes and they are the tie breaker.

Kristie Rutledge stated all City Council Members should vote on everything; the public wants this on record. Ms. Rutledge said this lets everyone know their position.

Discussion was held among Commission Members.

It was the consensus of the Commission Members that they recommend no changes to Section 3.04.

Mr. Rodriguez called the Commission Members attention to Section 3.05 "Vacancies, Forfeiture and Filing of Vacancies." Mr. Rodriguez stated there is relevant law in there regarding vacancies; if terms are greater than two years, it has to be filled by vote. Mr. Rodriguez said since the Commission recommended no change to term limits this is inapplicable.

Brief discussion was held among Commission Members.

It was the consensus of the Commission Members that they recommend no changes to Section 3.05.

Mr. Rodriguez said Section 3.06 is "Powers of the City Council." Mr. Rodriguez stated it is very broad.

Discussion was held among Commission Members and Mr. Rodriguez in regard to the Mayor issuing emergency proclamations and the Council's ability to override that.

Mr. Rodriguez stated there are special provisions in the law that grant the Mayor authority for seven days and it is ratified by City Council to go up to 30 days.

Council Member Brundrett said that the past emergency proclamations were extended and at some point, it was revoked by City Council.

It was the consensus of the Commission Members that they recommend no changes to Section 3.06.

Mr. Rodriguez said the next item for review is Section 3.07 “Prohibitions” and he noted Council Member Jackson’s comment that the waiting period in subsection (1) should be three (3) years. Mr. Rodriguez stated he has one recommendation for subsection (3) to change the word “shall” with “may” and also in subsection (4) change “shall” to “may”.

Discussion was held among Commission Members.

Kristie Rutledge stated that having been through this recently, this should come back to City Council, and it needs to be “shall.” Ms. Rutledge said she recommends no changes.

Jeff Hutt stated he would like to see the Council have as much authority as possible; leave it as “shall.”

It was the consensus of the Commission Members that they recommend no changes to Section 3.07.

Mr. Rodriguez called the Commission’s attention to Section 3.08 “Meetings of the City Council.” Mr. Rodriguez said there are some recommended changes. Mr. Rodriguez stated in subsection (1) the change from “twelve (12) hours” to “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.”; for subsection (2) the “V.A.T.S.” was changed to “Texas Government Code Chapter 551”; and a subsection (3) was added “Nothing herein shall prevent a meeting being called in emergency circumstances with notice provided in compliance with state law.

MOTION: Commission Member Townsend moved to recommend the changes as presented by Mr. Rodriguez to Section 3.08. Commission Member Webb seconded the motion. Motion carried unanimously.

Mr. Rodriguez stated Section 3.09 is “Quorum” and there is one proposed change: the addition of “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.”

MOTION: Commission Member Amaya moved to recommend the change as presented by Mr. Rodriguez to Section 3.09. Chair Blazek seconded the motion. Motion carried unanimously.

City Manager Shrauner said there are no proposed changes to Section 3.10 “Rules of Procedure.”

Kristie Rutledge said this is really an important section. Ms. Rutledge stated that recently the rules of procedure had changed and limited public comment to three (3) minutes for all agenda items and 30 minutes for all citizens; the rules have been re-interrupted by City staff or somebody. Ms. Rutledge expressed this is an opportunity for you to give citizens the right to address City Council; three (3) minutes for each agenda item would be appreciated and able to speak prior to each agenda item. Ms. Rutledge expressed to please protect citizens and give us three (3) minutes and make sure we have the right to speak on each agenda item.

Jeff Hutt said Section 551.007(b) of the Open Meetings Act says a governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body's consideration of the item. Mr. Hutt asked to please allow us the right to speak during the agenda item.

Discussion was held among Commission Members.

Mr. Hutt suggested the following language: "Citizens of the City shall have an opportunity to be heard at any meeting during the citizens to be heard or before an agenda item is deliberated on." Mr. Hutt said he thinks that would be the only thing that would need to be changed and let the Council decide the time limit.

City Manager Shrauner stated right now every board or commission sets their own rules of procedure. Ms. Shrauner said they comply with the Open Meetings Act which allows them to set their own rules.

MOTION: Commission Member Amaya moved to recommend the change to Section 3.10, the second line starting at "..... that the citizens of the City shall have a reasonable opportunity to be heard at any meeting during citizens to be heard and before deliberation on agenda items with regard to any matter under consideration." Commission Member Webb seconded the motion. Motion carried unanimously.

Mr. Rodriguez called the Commission Members' attention to Article 3.11 and stated Council Member Jackson had commented and asked if is necessary for two (2) readings of an Ordinance on a zoning change. Mr. Rodriguez explained zoning changes go through the Planning & Zoning Commission and there is an opportunity for public comment at that time. Mr. Rodriguez said Subsection (3) states: "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." Mr. Rodriguez said there is an additional question if readings of ordinances be less than one week apart. Mr. Rodriguez stated examples from other cities had been provided. Mr. Rodriguez commented he believed the purpose of two (2) readings was to give the public additional time to address the Council and two (2) readings is not uncommon but the specificity of one (1) week between readings is unusual.

Building and Planning Assistant Director/Community Planner Carey Dietrich addressed the Commission. Ms. Dietrich stated rezones require a public hearing and we are required to give notice to the people within 200 feet, but people who live outside of that 200 feet may not find out

about it until after the first meeting, so that gives them the opportunity to address the Council at the second reading. Ms. Dietrich expressed she hoped the Commission did not make a recommendation to change that.

Discussion was held among Commission Members and Mr. Rodriguez.

MOTION: Commission Member Webb moved to recommend a change to Section 3.11 Subsection (3) from “one week between readings” to “shall be read at two regular City Council meetings.” Commission Member Amaya seconded the motion. Motion carried unanimously.

Mr. Rodriguez asked if the Commission Members had any recommended changes to Section 3.11 Subsections (1) and (2).

Further discussion was held among Commission Members, Mr. Rodriguez and Ms. Shrauner in regard to the length of time it takes to have a rezone request by the public approved. It was stated a super majority vote at one reading of the Ordinance could be required.

Kristie Rutledge said this is another opportunity to put in protection for property owners. Ms. Rutledge stated it is a great opportunity to put in a requirement to notify property owners within 1000 feet or 500 feet; 200 feet is too small of an area for notification – hardly anyone gets notices within the 200 feet.

Jeff Hutt stated he supported two (2) readings in case a person could not be present for one of the readings. Mr. Hutt said he agreed with increasing the 200 feet because 200 feet doesn’t even go across his property.

Ms. Dietrich explained the 200 feet comes into play at every property line around a piece of property; every property within 200 feet of a property line, north, south, east or west, gets a notice. Ms. Dietrich reminded everyone that those notices cost to send out; just had a notice that went to 72 property owners, and it gets expensive. Ms. Dietrich said if you want to increase that 200’ distance that is your choice but that would have to be done in a different part of the Code, it’s not here. Ms. Dietrich stated she is fine with the 200 feet, that is a standard, and the public hearing notice is published in the newspaper.

Discussion continued among Commission Members.

MOTION: Commission Member Amaya moved to recommend that Section 3.11 Subsection (3), that the Commission just voted on, to add “shall be read at two (2) regular City Council meetings unless there is a super majority vote at the first meeting.” Motion died for lack of second.

Mr. Rodriguez said staff will bring that language back to the Commission Members for consideration at the next meeting.

Mr. Rodriguez asked if the Commission Members had any recommended changes to Section 3.11 Subsections (4), (5), and (6).

It was the consensus of the Commission Members that they recommend no changes to Subsections (4), (5) and (6).

Mr. Rodriguez asked if there were any recommended changes to Article 3.12 “Emergency Ordinances.”

It was the consensus of the Commission Members that they recommend no changes to Section 3.12 “Emergency Ordinances.”

Mr. Rodriguez called the Commission Members attention to Section 3.13 “Authentication, Recording, Codification, Printing and Distribution. Mr. Rodriguez stated Council Member Jackson had provided a comment and staff had provided proposed changes: 1) in Subsection (1) remove “in properly indexed book(s) kept for that purpose” in the first sentence and add an additional sentence “The City Secretary may use electronic means, allowed by law, to maintain all ordinances and resolutions”; and 2) in Subsection (2) remove “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” and add “posted on the City’s internet website for at least one year, unless earlier codified into its Code of Ordinances.”

Brief discussion was held among Commission Members, Mr. Rodriguez and Ms. Shrauner.

MOTION: Commission Member Townsend moved to recommend the proposed changes to Section 3.13. Commission Member Webb seconded the motion. Motion carried unanimously.

Mr. Rodriguez said there were no proposed changes to Section 3.14 and Section 3.15.

It was the consensus of the Commission Members that they recommend no changes to Section 3.14 and Section 3.15.

The Commission took a break from 7:27 p.m. until 7:33 p.m.

Mr. Rodriguez called the Commission Members attention to Section 5.01 “City Elections.” Mr. Rodriguez said there is a recommended change to Subsection (4) to make it consistent to run by law by adding “or as prescribed by law” at the end of first sentence.

MOTION: Commission Member Townsend moved to recommend no changes to Subsections (1), (2) and (3). Commission Member Webb seconded the motion.

City Secretary Teresa Valdez suggested in Subsection (2) instead of “The City’s General Election shall be held annually on the May uniform election date” use “The City’s General Election shall be held annually on the State allowed uniform election date”.

Mr. Rodriguez stated staff will bring back to the Commission proposed language for Subsection (2).

MOTION: Commission Member Amaya moved to recommend a change to Section 5.01 Subsection (4) as proposed by Mr. Rodriguez. Commission Member Townsend seconded the motion. Motion carried unanimously.

Mr. Rodriguez stated Section 5.01 Subsection (5) is not problematic.

It was the consensus of Commission Members that they recommend no changes to Subsection (5).

Mr. Rodriguez called the Commission Members attention to Section 5.02 “Filing for Office”. Mr. Rodriguez said Council Member Jackson had provided comments and there is a proposed addition based on the comment received. Mr. Rodriguez stated there is not a proposed change to Subsection (1). Mr. Rodriguez in Subsection (2)(a) there are no proposed changes, but he notated there is relevant law in the Election Code Section 141.003 “Age and Residence Requirements For Home Rule City Office” and that could be changed to twenty-one (21) years of age. Mr. Rodriguez said in Subsections (2)(b), (c), (d), (e) and (f) there are no proposed changes.

It was the consensus of Commission Members that they recommend no changes to Section 5.02 Subsections (1) and (2)(a), (b), (c), (d), (e) and (f).

Mr. Rodriguez said there was a proposed addition to Subsection (2) “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.”

Brief discussion was held among Commission Members.

MOTION: Commission Member Amaya moved to recommend the addition to Subsection (2) as proposed. Commission Member Webb seconded the motion. Motion carried unanimously.

Mr. Rodriguez stated there are a couple of proposed changes to Subsection (2)(g) and (h): for (g) add the verbiage “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”; and for (h) add the verbiage “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.” Mr. Rodriguez said examples had been provided.

Kristie Rutledge stated in her opinion the proposed changes to (g) and (h) are fine and she does ask for the Commission to consider an addition to the proposed changes, and this would help alleviate any confusion we had in a recent election. Ms. Rutledge asked for an addition of a statement that the City Secretary shall be responsible for verifying petition of candidates and the application. Ms. Rutledge stated that without getting into specifics, she thought everyone is aware that there was a petition that was not verified, and this is an opportunity to make sure that never happens again. Ms. Rutledge said add a statement that the City Secretary shall be responsible for verifying the petition and application of all candidates.

City Secretary Valdez stated Ms. Rutledge's statement that a petition was not verified was an untrue statement. Ms. Valdez declared she is required by State law to verify petitions and she takes an Oath of Office to fulfill her duties as City Secretary.

MOTION: Commission Member Townsend moved to recommend staff's proposed changes to Subsection (2)(g) and(h). Chair Blazek seconded the motion. Motion carried unanimously.

Mr. Rodriguez stated there are no proposed changes to Section 5.03 "Ballots."

It was the consensus of the Commission Members that they recommend no changes to Section 5.03 "Ballots."

Mr. Rodriguez said there is a proposed change to Section 5.04(2) "Official Records" because the current process is that the County conducts the elections and they are no longer conducted by the City Secretary.

MOTION: Commission Member Townsend moved to recommend a change to Section 5.04(2) to remove the second sentence: "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." Commission Member Amaya seconded the motion. Motion carried unanimously.

Mr. Rodriguez stated that concludes the review of Article V and the next Article for review is Article XII which is 17 pages long. Mr. Rodriguez said the plan for the next meeting is to bring back language that was talked about tonight as well as to bring a matrix of what the Commission is recommending for change so there is a running log of that. Mr. Rodriguez added that it seemed to him that grouping by subject is a good idea.

Commission Member Townsend and Commission Member Webb stated they agreed with the idea of grouping by subject.

6. Discussion and recommendations for future Agenda items.

Mr. Rodriguez said the next Articles for review will be Article VI "Initiatives, Referendum and Recall" and Article IV "City Administration", and then Article VIII "Tax Administration" and if time allows Article XII.

Council Member Brundrett said he understood that two Commission Members will not be present at the meeting on November 30, 2022, and he asked if they have the ability to vote by proxy and would ZOOM be available for them. Council Member Brundrett stated he just wanted to make sure if another person could not attend the meeting. Council Member asked if a quorum has to be present in order for voting to take place.

City Manager Shrauner said ZOOM would be available for the absent Commission Members.

Mr. Rodriguez answered a quorum has to be present in order to conduct the meeting, a quorum cannot be reached by ZOOM.

7. Adjournment.

At 7:54 p.m., Chair Blazek moved to adjourn the meeting. Commission Member Amaya seconded the motion. Motion carried unanimously.

APPROVED:

Tom Blazek, Chair

ATTEST:

Teresa Valdez, City Secretary



ROCKPORT CHARTER REVIEW COMMISSION

ARTICLE IV – CITY ADMINISTRATION

SECTION BY SECTION REVIEW

ARTICLE IV. - CITY ADMINISTRATION

Sec. 4.01 City Manager.

- (1) The City Council shall appoint a City Manager who shall serve as the chief administrative officer of the City. He shall be responsible to the City Council for administration of all the affairs of the City, with only those exceptions named in this Charter. The City Manager shall be appointed solely upon his executive and administrative qualifications. He need not be a resident of the City when appointed, but shall reside within the City during the tenure of his appointment within a reasonable period of time as determined by the City Council.
- (2) The City Council will fix the compensation of the City Manager, and his compensation may be amended from time to time in accordance with the City Manager's experience and qualifications. No employment agreement shall provide more than six (6) months' severance or termination compensation.
- (3) The City Manager shall be appointed for an indefinite term, and may be removed by resolution at the discretion of the Council by a majority vote of its members. Upon passage of a resolution stating the intention to remove the City Manager and the reasons therefore, a copy of which shall be immediately furnished him, the Council may suspend him from duty, but his salary shall continue until his removal becomes effective. Within twenty (20) days after the passage of such a resolution, the City Manager may reply in writing to it, and may request a public hearing. If so requested the Council shall fix a time and place for a public hearing on the question of removal, which shall be held not sooner than ten (10) days nor more than twenty (20) days after the receipt of such request. The final resolution removing the City Manager shall not be adopted until such public hearing, if requested, has been held. The action of the City Council in removing the City Manager shall be final. In case of the absence, disability or suspension of the City Manager, the Council may designate a qualified administrative officer of the City to perform the duties of the office. No City Council Member may serve as Acting City Manager.
- (4) The City Manager shall have power to:
 - (a) Appoint, suspend and remove all City employees provided for in this Charter, except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter.
 - (b) Direct and supervise the administration of all departments, offices and agencies of the City. He shall, when authorized by the City Council, sign contracts, except as otherwise provided by law or this Charter.
 - (c) See that all State laws and City ordinances are effectively enforced.
 - (d) Attend all City Council meetings, with the right to take part in discussion, but he shall not vote.
 - (e) Prepare and accept items for inclusion in the official agenda of all City Council meetings and meetings of boards and commissions.
 - (f) Prepare and recommend to the City Council the annual budget and capital program, and administer the budget as adopted by the City Council.
 - (g) Prepare and submit to the City Council, within one hundred twenty (120) days of the end of the City's fiscal year, an annual report on the finances and administrative activities of the City, as of the end of the fiscal year. The report of an individual audit, as required by this Charter, shall be incorporated into the annual report submitted by

the City Manager.

- (h) Keep the City Council fully advised at least quarterly as to the financial condition and future needs of the City, and make such recommendations concerning the affairs of the City as he or the City Council deems desirable or necessary.
- (i) Make reports as he or the City Council may require concerning the operations of the City departments, offices, or agencies subject to his direction or supervision.
- (j) Perform such other duties as are specified in this Charter or may be required by the City Council, and are consistent with this Charter or State or Federal Law.

Comment from Councilperson Jackson - Is six months severance standard? The City Manager will follow all rules, regulations and ordinances which City Employees follow with respect to accrual of vacation and sick time. No City Manager, as part of a severance package, should be allowed to be paid for more than 30 days of leave or 30 days of sick time.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 4.02 City Secretary.

- (1) The City Council, after consultation with the City Manager, shall appoint or remove a City Secretary.
- (2) The City Secretary shall:
 - (a) Give notice of all legal publications and official public meetings of the City Council in a manner consistent with this Charter and State laws.
 - (b) Attend all official public meetings and hearings of the City Council.
 - (c) Keep the minutes of the proceedings of all official public meetings and hearings of the City Council in a manner prescribed by the Council consistent with applicable law.
 - (d) Act as custodian of all official records of the City Council.
 - (e) Hold and maintain the seal of the City of Rockport, and affix this seal to all appropriate documents.
 - (f) Authenticate by signature and seal, and record all ordinances, resolutions and proclamations of the City.
 - (g) Keep all contracts made by the governing body.
 - (h) Keep accurate records of all franchise, occupation taxes and hotel/motel taxes due to the City.
 - (i) Act as coordinator for all boards and commissions as directed by the City Council.
 - (j) Work closely with department heads and the City Manager in day-to-day operations of the City.
 - (k) Perform such other duties as may be required and authorized by the City Council, consistent with this Charter and the laws of the State of Texas.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 4.03 Municipal Court.

- (1) The City Council shall establish and cause to be maintained a Municipal Court. The Court shall have all the powers and duties as are now, or may be prescribed by the laws of the State of Texas.
- (2) The City Council shall appoint a judge of the Municipal Court and Alternate Judge(s) who shall be competent and duly qualified. The Judges of the Municipal Court shall be appointed to a term of two (2) years and may be appointed to additional consecutive terms upon completion of their terms of office. The appointment of the Judges may be terminated, for just cause, by the City Council. The Judges shall receive compensation as may be determined by the City Council.
- (3) The City Council shall, in the absence or disability of the Appointed Judges of the Municipal Court, appoint an Acting Judge to serve during such absence or disability.
- (4) The Clerk and Deputy Clerks of the Municipal Court shall have the power to administer oaths and affidavits, make certificates, affix the seal of the Court, and perform all acts usual and necessary by the Clerks of said Courts, in conducting the business thereof, including, but not limited to, the keeping of records and accounts of the Municipal Court.
- (5) All costs, fines and penalties imposed by the Municipal Court shall be paid into the City Treasury for the use and benefit of the City, as may be consistent with present and future State laws.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 4.04 City Attorney.

- (1) The City Council, after consultation with the City Manager, shall appoint a competent, duly qualified, licensed and practicing attorney in the State of Texas who shall serve as the City Attorney.
- (2) The City Attorney shall:
 - (a) Serve as the legal advisor to the City Council and the City Manager regarding City affairs.
 - (b) Represent the City in litigation and legal proceedings as directed by the City Council and City Manager.
 - (c) Review and provide opinions as requested by the City Council or City Manager on contracts, legal instruments, and ordinances of the City and other items of City business.
- (3) The City Council shall have the right to retain Special Counsel at any time that it may deem necessary and appropriate.
- (4) The City Attorney and Special Counsel shall receive compensation as may be determined by the City Council.
- (5) The City Attorney, with approval of the City Council, may select additional attorneys to act for him and the City in its representation and/or litigation.
- (6) The City Attorney may be removed by a vote of the City Council.

PROPOSED CHANGE:

- (xx) The term "City Attorney" may refer to an individual or firm.

PURPOSE:

Comments received from City Council.

Sec. 4.05 City Engineer.

- (1) The City Council, after consultation with the City Manager, may appoint a competent, duly qualified, registered and practicing professional engineer in the State of Texas who shall serve as the City Engineer.
- (2) The term "City Engineer" may refer to an individual or firm.
- (3) The City Engineer shall serve as engineering advisor to the City Council and City Manager, and shall perform such other duties as may be required by the City Council or City Manager.
- (4) The City Council shall have the right to retain special engineering service anytime it may deem necessary and appropriate.
- (5) The City Engineer shall receive compensation as may be determined by the City Council.
- (6) The City Engineer, with the approval of the City Council, may select additional engineers to act for him and the City in serving its engineering needs.
- (7) The City Engineer may be removed by a vote of the City Council.

PROPOSED CHANGE:

~~Sec. 4.05 City Engineer.~~

- ~~(1) The City Council, after consultation with the City Manager, may appoint a competent, duly qualified, registered and practicing professional engineer in the State of Texas who shall serve as the City Engineer.~~
- ~~(2) The term "City Engineer" may refer to an individual or firm.~~
- ~~(3) The City Engineer shall serve as engineering advisor to the City Council and City Manager, and shall perform such other duties as may be required by the City Council or City Manager.~~
- ~~(4) The City Council shall have the right to retain special engineering service anytime it may deem necessary and appropriate.~~
- ~~(5) The City Engineer shall receive compensation as may be determined by the City Council.~~
- ~~(6) The City Engineer, with the approval of the City Council, may select additional engineers to act for him and the City in serving its engineering needs.~~
- ~~(7) The City Engineer may be removed by a vote of the City Council.~~

PURPOSE:

Provides flexibility on project engineering. City Council still engages engineers based on qualifications with each project.

Sec. 4.06 Administrative Departments, Offices and Agencies.

(1) The City Council may, after hearing recommendations of the City Manager, establish, abolish, re-designate or combine departments, offices or agencies in addition to those provided for by this Charter, and may prescribe the functions and duties of such departments, offices and agencies.

(2) All departments, offices and agencies shall be under the direction and supervision of the City Manager. The City Manager may, with the consent of the City Council, serve as the head of one or more city departments, offices or agencies or appoint one person as the head of two or more of them.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 4.07 Personnel System.

- (1) Personnel rules shall be prepared by the City Manager and presented to the City Council, which may adopt them by ordinance, with or without amendment. The adopted rules shall establish the City as an Equal Opportunity Employer and shall govern the equitable administration of the personnel system of the City.
- (2) The adopted rules shall provide for the following requirements:
 - (a) A pay and benefit plan for all City employment positions.
 - (b) A plan for working hours, attendance policy and regulation, and provision for sick and vacation leave.
 - (c) Procedures for the hearing and adjudication of grievances.
 - (d) Additional practices and procedures necessary to the beneficial and equitable administration of the City's personnel system.
 - (e) A plan for oral and written evaluation annually for all City employees by their immediate supervisor, including evaluation of the City Manager and the City Secretary by the City Council.
- (3) The adopted personnel policies and rules shall be reviewed not less than biennially by the City Manager; a report of said review, to include proposed changes, shall be submitted to Council for consideration.

PROPOSED CHANGE:

None.

PURPOSE:

N/A



ROCKPORT CHARTER REVIEW COMMISSION

ARTICLE VI – INITIATIVE, REFERENDUM AND RECALL

SECTION BY SECTION REVIEW

ARTICLE VI. - INITIATIVE, REFERENDUM AND RECALL

Sec. 6.01 General Authority.

- (1) *Initiative*: The qualified voters of the City shall have power to propose ordinances to the City Council and if the Council fails to adopt an ordinance so proposed without any change in substance, the voters shall adopt or reject it at a City election. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, the levy of taxes or salaries of City officers or employees nor any other matter which a court of law has held to have been withdrawn as a power of initiative.
- (2) *Referendum*: The qualified voters of the City shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, the voters shall approve or reject it at a City election. Such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes nor any other matter which a court of law has held to have been withdrawn as a power of referendum.
- (3) *Recall*: The qualified voters of the City shall have power to remove, for cause, any official serving in an elective office.
- (4) *Qualified Voter*: In the context of eligibility to sign a petition under this Chapter means a registered voter.

PROPOSED CHANGE:

- (4) *Qualified Voter*: In the context of eligibility to sign a petition under this ~~Chapter~~ Article means a registered voter in the City of Rockport.

PURPOSE:

Naming consistency and clarity on where registered voters must reside.

Sec. 6.02 Petitioners Committee.

(1) Any ten (10) qualified voters may commence proceedings contemplated by this Article by filing with the City Secretary an affidavit stating that they will constitute the Petitioners' Committee; they will be responsible for preparing, printing and circulating the petition; they will file it in proper form; they will specify the address to which all notices to the Committee are to be sent. The affidavit shall set out in full the proposed initiative ordinance or cite the ordinance sought to be reconsidered, or in the case of recall, will provide a statement of the grounds for removal.

(2) In the case of recall, the City Secretary shall immediately notify in writing the officer(s) to be removed that the affidavit has been filed and shall inform the officer(s) of its statement of grounds.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 6.03 Petition Circulation.

(1) All petition blanks used for circulation by the members of the Petitioner's Committee or their designees shall be numbered, dated and bear the signature of the City Secretary.

Comment from Councilperson Jackson - It should be clearly state here the Committee must acquire the petition blanks from the City Secretary before signatures are obtained.

PROPOSED CHANGE:

(1) All petition blanks used for circulation by the members of the Petitioner's Committee or their designees shall be obtained from the City Secretary and be numbered, dated and bear the signature of the City Secretary.

PURPOSE:

Provider clarity.

Sec. 6.04 Form of Petition.

- (1) All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signer of a petition shall personally sign his own name thereto in ink or indelible pencil. After his signature shall be printed name, place of residence within the boundaries of the City, giving name of street and number, or place of residence, and shall also write thereon the day, the month and the year his signature was affixed. All petitions must also contain all information required by Section 277.02 of the Texas Election Code. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered, or in the case of a recall petition, a statement that distinctly and specifically states the ground(s) upon which such petition for removal is predicated. If there is more than one ground, the statement shall specifically state each ground with such certainty as to give the officer(s) sought to be removed notice of such matters with which he is charged.
- (2) Each paper of a petition shall have attached to it when filed the affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed, or sought to be reconsidered, or the identity of the official whose recall is being sought.
- (3) Locations for twenty (20) signatures shall be provided on each blank petition.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 6.05 Presentation of Petitions.

(1) A petition to the City Council for initiative or referendum, containing the signatures of qualified voters equal in number to fifteen (15%) percent of those who voted in the last general municipal election, or one hundred fifty (150), whichever is greater, shall be presented to the City Secretary not later than thirty (30) days following the filing of the affidavit by the Petitioner's Committee.

(2) A petition to the City Council for recall of the Mayor containing the signatures of qualified voters equal in number to thirty (30%) percent of those who voted in the last election for that office, or three (300) hundred people, whichever is greater, shall be presented to the City Secretary not later than thirty (30) days following the filing of the affidavit by the petitioner's committee.

(3) A petition to the City Council for recall of a City Council Person containing the signatures of qualified voters equal in number to thirty (30%) percent of those who voted in that Ward in the last election for that office, or fifty (50) people, whichever is greater, shall be presented to the City Secretary no later than thirty (30) days following the filing of the affidavit by the Petitioner's Committee.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 6.06 Suspension of Effect of Ordinance for Referendum Petitions.

(1) When a referendum petition is filed with the City Secretary the ordinance sought to be reconsidered shall be suspended from taking effect unless such suspension will create an immediate breach of public health and safety. Such suspension shall terminate when:

- (a) There is a final determination of insufficiency of the petition; or
- (b) The City Council repeals the ordinance; or
- (c) Upon the certification of election results by the election officials.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 6.07 Certification of Petitions and Presentation to the City Council.

- (1) Within ten (10) days after the petition is presented, the City Secretary shall complete a certificate of sufficiency or insufficiency.
- (2) If the petition is certified sufficient, the City Secretary shall present the certificate to the City Council at the next regular City Council meeting. The City Council shall make a final determination of the sufficiency of the petition.
- (3) If a petition has been certified insufficient, the City Secretary shall notify the Committee in his certificate, by registered mail, of the particulars in which it is defective. The Committee may, within two (2) working days after receiving the copy of such certificate, file a request that it be reviewed by the City Council. The City Council shall review the certificate at its next regular meeting following such a request and approve or disapprove it. Such determination shall then be final.
- (4) If a petition is certified insufficient, it may be amended once if the petitioners committee files a notice of intention to amend it with the City Secretary within two (2) working days after having received the copy of the certificate. A supplementary petition must be filed within two (2) weeks after receiving the copy of the certificate. Such a supplementary petition shall comply with all the requirements of Sec. 6.04 of this Article.
- (5) Within five (5) days after the amended petition is filed, the City Secretary shall complete a certificate of sufficiency or insufficiency of the petition, as amended, and shall send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition. The final determination as to the sufficiency of an amended petition shall be determined in the same manner as prescribed for original petition in this Section, except no petition, once amended, may be amended again.
- (6) A final determination as to the sufficiency of a petition shall be subject to review in a court of competent jurisdiction. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 6.08 Public Hearing on Recall of Officers.

(1) An elected official whose removal is sought by recall may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit him to present facts pertinent to the charges specified in the petition. Should a request be made, the City Council shall order a public hearing be held not less than five (5) days and no more than fifteen (15) days after receiving such request for a public hearing.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 6.09 Action on Initiative and Referendum Petitions.

(1) When an initiative or referendum petition has been finally determined sufficient, the City Council shall promptly consider the proposed initiative ordinance in the manner prescribed for enacting ordinances or reconsider the referred ordinance by voting its repeal. If the City Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days, or fails to repeal a referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City not less than thirty (30) days and nor more than sixty (60) days following the failure of the City Council to act as specified herein. Any election order so issued shall comply fully with the Texas Election Code.

(2) The called election may coincide with a regular City election should such City election fall within the specified period. Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months, and no ordinance substantially the same as an initiated ordinance which has been defeated or one substantially the same as a referred ordinance which has been approved at any election may be initiated by the voters within two (2) years from the date of such election. Copies of the proposed or referred ordinance shall be made available at the polls and shall be published at least once in the official newspaper of the City not more than fifteen (15) days immediately preceding the date of the election.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 6.10 Calling of Recall Election.

(1) If the officer whose removal is sought does not resign, then the City Council shall order an election and set the date for holding such recall election. The date selected for the recall election shall be not less than twenty-five (25) days and nor more than thirty-five (35) days after the date the petition was presented to the City Council, or from the date of the public hearing, if one was held. Any election order so issued shall comply fully with the Texas Election Code.

PROPOSED CHANGE:

(1) If the officer whose removal is sought does not resign, then the City Council shall order an election and set the date for holding such recall election. The date selected for the recall election shall be in accordance with the Texas Election Code ~~not less than twenty-five (25) days and nor more than thirty-five (35) days after the date the petition was presented to the City Council, or from the date of the public hearing, if one was held.~~ Any election order so issued shall comply fully with the Texas Election Code. If after the recall election date is established, the officer vacates his or her position, the election shall be cancelled. Further, if the date for the recall election extends beyond the officer's term or the limits provided in Section 3.01(1)(d), the election shall be cancelled.

PURPOSE:

Provide compliance with the Texas Election Code and allow for cancellation of an unnecessary election.

Sec. 6.11 Withdrawal of Petitions.

(1) An initiative, referendum or recall petition may be withdrawn at anytime prior to determination of sufficiency by filing with the City Secretary a request for withdrawal signed by at least six (6) members of the Petitioner's Committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 6.12 Form of Ballots.

(1) Ordinances shall be submitted by ballot title, which shall be prepared in all cases by the City Attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. Immediately below the ballot title shall be printed the following two statements, one above the other, in the order indicated:

"For adoption of the ordinance"

and

"Against adoption of the ordinance"

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.

(2) Ballots used at recall elections shall, with respect to each person whose removal is sought, submit the question:

"Shall (name of person) be removed from the office (name of office) by recall?"

Immediately below each such question there shall be printed the two following statements, one above the other, in the order indicated.

"For the removal of ... by recall."

"Against the removal of.... by recall."

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

PROPOSED CHANGE:

(1) Ordinances shall be submitted by ballot title, which shall be prepared in all cases by the City Attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. Unless otherwise required by law, ~~Immediately~~ below the ballot title shall be printed the following two statements, one above the other, in the order indicated:

"For adoption of the ordinance"

and

"Against adoption of the ordinance"

~~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.~~

(2) Ballots used at recall elections shall, with respect to each person whose removal is sought, submit the question:

"Shall (name of person) be removed from the office (name of office) by recall?"

Immediately below each such question there shall be printed the two following statements, one above the other, in the order indicated.

"For the removal of ... by recall."

"Against the removal of.... by recall."

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

PURPOSE:

Allows flexibility in programming of electronic machines.

Sec. 6.13 Results of Election.

- (1) If a majority of qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the City Council. If conflicting ordinances are approved at the same election, the one receiving the greater number of affirmative votes shall prevail.
- (2) An ordinance adopted by initiative may be repealed or amended at anytime after the expiration of two (2) years by a majority vote of the City Council.
- (3) If a majority of the electors voting on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results. If a majority of the qualified electors voting on a referred ordinance vote for the ordinance, the ordinance shall be considered in effect.
- (4) An ordinance repealed by referendum may be reenacted at anytime after the expiration of two (2) years by a majority vote of the City Council.
- (5) If a majority of the votes cast on the question of recall at a recall election shall be against the removal of the elected official named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as before within the limitations of Sec. 6.14 below. If a majority of the votes cast on the questions of recall at a recall election shall be for the removal of the elected official named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office upon official canvas of said election and the vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 6.14 Limitations and Restrictions.

- (1) No recall petition shall be filed against any officer of the City within six (6) months after his election or appointment, or within six (6) months of such a petition being filed and found insufficient, nor within one (1) year after an election for such officer's recall.
- (2) In no instance shall an officer removed from office by recall election serve in an elective office of the City within a period of three (3) years following the date of the election at which he was removed from office.
- (3) Unless successfully withdrawn, no petition shall again be filed on a proposed or referred ordinance of substantially the same content within a period of two (2) years of the failure of the petition at a City election.

Comment from Councilwoman Jackson - A re-wording here is called for. The timeframes are confusing at best.

PROPOSED CHANGE:

- (1) No recall petition shall be filed against any officer of the City within:
 - (a) six (6) months after his election or appointment; or
 - (b) within six (6) months of such a petition being filed and found insufficient; not or
 - (c) within one (1) year after an election for such officer's recall.

PURPOSE:

Reduce potential confusion.

Sec. 6.15 Failure of City Council to Call an Election.

(1) In case all of the requirements of this Charter have been met and the City Council shall fail or refuse to receive an initiative, referendum or recall petition, or order such initiative, referendum or recall election, or discharge other duties imposed upon said City Council by the provisions of this Charter with the reference to initiative, referendum or recall, then the County Judge of Aransas County, Texas may discharge any such duties herein provided to be discharged by the City Secretary or by the City Council. In addition, any qualified voter in the City may seek judicial relief to have any of the provisions of this Charter pertaining to initiative, referendum or recall carried out by the proper official.

PROPOSED CHANGE:

In case all of the requirements of this Charter have been met and the City Council shall fail or refuse to receive an initiative, referendum or recall petition, or order such initiative, referendum ~~of or~~ recall election, or discharge other duties imposed upon said City Council by the provisions of this Charter with the reference to initiative, referendum or recall, then ~~the County Judge of Aransas County, Texas may discharge any such duties herein provided to be discharged by the City Secretary or by the City Council.~~ In addition, any qualified voter in the City may seek judicial relief to have any of the provisions of this Charter pertaining to initiative, referendum or recall carried out by the proper official.

.

PURPOSE:

Allow proper administration of claims.



ROCKPORT CHARTER REVIEW COMMISSION

ARTICLE VIII – TAX ADMINISTRATION

SECTION BY SECTION REVIEW

ARTICLE VIII. - TAX ADMINISTRATION

Sec. 8.01 Power to Tax.

- (1) The City shall have the power to levy, assess and collect taxes of every character and type for any municipal purpose not prohibited by the Constitution and laws of the State of Texas as now written or hereafter amended.
- (2) The City shall have the power to grant tax exemptions in accordance with the laws of the State of Texas.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 8.02 Tax Collections.

(1) The City Council shall determine annually the method of collection of taxes by either executing a contract for services as allowed by state law or any appointment of a City Tax Collector.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 8.03 Assessment of Property for Tax Purposes.

(1) The City shall accept the appraisal rolls from the Aransas County Appraisal District. These rolls shall be the basis for the setting of a tax rate by the City Council.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 8.04 Taxes: When Due and Payable.

(1) All taxes due in the City of Rockport on real and personal property shall be payable at a location or locations as designated by the City Council, and may be paid at anytime after the tax rolls for the year have been completed and approved. Taxes shall be paid before February 1 and all taxes not paid prior to that date shall be deemed delinquent, and shall be subject to penalty and interest as provided by V.T.C.A., Tax Code Section 33.01 as enacted or as amended. The City Council may authorize discounts for the payment of taxes prior to January 1 as allowed by state law.

(2) Failure to levy and assess taxes through omission in preparing the appraisal rolls shall not relieve the person, firm or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question, omitting penalty and interest.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 8.05 Tax Liens, Liabilities and Suits.

(1) All taxable property located in the City on the 1st day of January of each year shall stand charged from that date with a special lien in favor of the City for taxes due thereon. All persons purchasing any of said property after the 1st day of January in any year shall take same subject to the liens herein provided. In addition to the liens herein provided, on the 1st day of January of any year, the owner of property subject to taxation by the City shall be personally liable for the taxes due thereon for that year. The City shall have power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City appraisal rolls is insufficient to identify such property, the City shall have the right to plead a good description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien or for personal judgment against the owners for such taxes.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 8.06 Other Rules and Regulations.

(1) Except as otherwise provided by law or this Charter, the City Council shall have the power to provide, by ordinance, such rules, regulations and procedures not in conflict with the laws of the State of Texas, to enforce the collection by and payment to the City Tax Collector as the City Council may deem appropriate and may provide such penalties for the failure to pay such taxes as the City Council may deem necessary.

PROPOSED CHANGE:

None.

PURPOSE:

N/A



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