CHARTER REVIEW COMMISSION AGENDA

Notice is hereby given that the Rockport Charter Review Commission will hold a meeting on Wednesday, December 14, 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 Noon on the day of the meeting. The comments will be distributed to the Commission before the meeting and will be attached to the minutes of the meeting.

SCAN ME

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 approval of Charter Review Commission Meeting Minutes of December 7, 2022.

5. Discussion and possible action on previous items voted for recommended changes in Articles I, II, III, IV, V, VI, VII, VIII, IX, X, XI and XII of the City of Rockport Charter.

6. Discussion and possible action on additional amendments to the City of Rockport Charter.

7. Discussion on draft final report to City Council.

8. Discussion and recommendations for future Agenda items.

9. 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 Friday, December 9, 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, December 14, 2022

AGENDA ITEM: 4

Discussion and possible action on approval of Charter Review Commission Meeting Minutes of December 7, 2022.

SUBMITTED BY: City Secretary Teresa Valdez

BACKGROUND: Please see the accompanying meeting minutes.

FISCAL ANALYSIS: N/A

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

CITY OF ROCKPORT

MINUTES

CHARTER REVIEW COMMISSION
5:30 p.m., Wednesday, December 7, 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 7th day of December 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
J. Mark Wagnon
Donna Townsend
Thomas "Tom" J. Blazek

CHARTER REVIEW COMMISSION MEMBERS ABSENT

CITY COUNCIL MEMBERS PRESENT

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 Sauceda, Desktop Support Technician/Acting Network Administrator
Dennis Paine, Jr., Police Lieutenant Administration
Katie Griffin, Director of Finance

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 stated the Commission was doing a real good job but they were being rushed through this. Ms. Rutledge said the Charter is a giant contract with the citizens and the Commission should not be afraid to take as much time as needed.

Jeff Hutt, 2202 Prairie Road, addressed the Council and stated he did not like having these meetings on Wednesday nights because Wednesdays are church nights. Mr. Hutt asked the Commission to make the following changes: 1) Section 8.01 Power to Tax – add "Only if approved by a majority of the voters at a general election" to Subsection (2); 2) Section 6.02 Petitioners Committee – remove entire section because it exceeds the requirements of the state statutes; and 3) Section 6.01 General Authority – add "ordinances and resolutions" in Subsection (2) first sentence, and in Subsection (3) remove the words "for cause" because that is too broad.

4. Discussion and possible action on approval of Charter Review Commission Meeting Minutes of November 30, 2022.

Kristie Rutledge addressed the Commission and asked the Commission to consider the Minutes very carefully because they become the official record. Ms. Rutledge said in the Minutes under Section 3.10 the motion was to add the words "before each deliberation".

Mr. Rodriguez and City Manager Shrauner stated the Minutes reflect what was said in the motion.

MOTION: Commission Member Wagnon moved to approve the Charter Review Commission Meeting Minutes of November 30, 2022. Commission Member Amaya seconded the motion. Motion carried unanimously.

5. Discussion and possible action on previous items voted for recommended changes in Articles I, II, III, IV, V, VI, VII, IX and XII of the City of Rockport Charter.

Kristie Rutledge addressed the Commission and distributed a copy of her comments to the Charter Commission Members. Ms. Rutledge read her comments relating to Section 1.03, Section 1.04,

Section 3.08, Section 3.10, Section 3.11, Section3.13, Section 6.14, Section 6.15, Article 12.01, Section 8.01, Article VII and Article X.

Jeff Hutt addressed the Commission and stated the reason for the verbiage in Section 6.15 be removed was because we have a change of County Judge. Mr. Hutt asked the Commission to not remove this safeguard for the citizens.

Art Rodriguez, Jr., Messer Fort & McDonald, PLLC, addressed the Commission and called their attention to previous items voted for recommended changes in Articles I, II, III, IV, V, VI, VII, IX, and XII of the City of Rockport Charter.

Mr. Rodriguez and Commission Members reviewed and discussed the following items previously voted for recommended changes and previous items for reconsideration:

Article 1.

Section 1.04 – After discussion, Mr. Rodriguez stated the type of provision that the Commission is requesting will need to get approval by the City's Bond Counsel because it will affect the City's bond rating and will violate bond covenants that the City already have.

It was the consensus of the Commission that this be postponed until the next meeting to allow staff to discuss it with Bond Counsel and see if legal counsel can prepare language without it violating bond covenants.

Section 1.03 – Consensus of Commission to leave recommended changes as they had previously voted upon, since State law regulates.

MOTION: Commission Member Wagnon moved that the Commission does not review tonight the previous items voted upon by the Commission, and they review the Charter Articles they have not yet discussed. Motion was Seconded by Commission Member Townsend. Motion carried 3-2.

FOR MOTION: Commission Member Wagnon, Commission Member Townsend and Chair Blazek.
AGAINST MOTION: Commission Member Webb and Commission Member Amaya.

Commission Member Webb asked that the motion be reconsidered because he wants to revisit some of the items previously discussed and voted upon.

MOTION: Chairman Blazek moved for reconsideration of the motion. Motion was seconded by Commission Member Webb. Motion carried 3-2.

FOR MOTION: Commission Member Webb, Commission Member Amaya, and Chair Blazek.
AGAINST MOTION: Commission Member Townsend and Commission Member Wagnon.

Article III.

Section 3.08 – After discussion it was the consensus of Commission to make no corrections, additions, or deletions to the recommended changes as they had previously voted upon.

Section 3.10 – **MOTION:** Commission Member Webb moved that the word "each" be inserted as follows: "The City Council …….during citizens to be heard and before **each** deliberation on agenda items…." Commission Member Amaya seconded the motion. Motion carried 4-1.

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

AGAINST MOTION: Commission Member Wagnon.

Article IV.

Section 4.01 - After discussion it was the consensus of Commission to make no corrections, additions, or deletions to the recommended changes as they had previously voted upon.

Jeff Hutt addressed the Commission during discussion and said the six (6) months' severance or termination compensation had been removed from this section, so Council could give one (1) year or ten (10) months' severance. Mr. Hutt stated by giving the Council the ability to give greater severance you are hindering citizens.

Kristie Rutledge addressed the Commission and said Council Member Katie Jackson recommended this change and her notes said thirty (30) days and that was not presented to you last week. Ms. Rutledge stated the City had to raise taxes because it cost so much to get rid of the past City Manager and the City couldn't figure out how to pay for it. Ms. Rutledge requested the six (6) months be changed to thirty (30) days.

City Manager Shrauner corrected Ms. Rutledge's comments and stated that Council Member Jackson's comments were that no City Manager should be paid nor more than thirty (30) days of sick or private time off and it nothing to do with severance.

Mr. Rodriguez stated Ms. Jackson's comments had nothing to do with severance.

Article VI.

Section 6.15 - After discussion it was the consensus of Commission to make no corrections, additions, or deletions to the recommended changes as they had previously voted upon.

Mr. Rodriguez stated during the discussion that as he explained at the last meeting, the County Judge has no jurisdiction and County powers are granted by the State.

Kristie Rutledge addressed the Council and said the issue is that there is a section in the City Charter that allows for the City Council to ignore and not call an election. Ms. Rutledge requested an extra item be added in Section 6.14, a subsection (4) stating: "upon receipt and validation of petition City Council must call an election." Ms. Rutledge said that would give citizens the protection they need while taking out the line about the County Judge.

The Commission took a brief recess from 6:39 p.m. until 6:47 p.m.

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 VII, X, and XI.

Jeff Hutt addressed the Commission and asked that the Commission do not do anything that loosens financial transparency and if the Commission does anything they should make it more strenuous and rigorous and not less.

Kristie Rutledge addressed the Commission and echoed what Mr. Hutt said and stated she was shocked to see what was in the Agenda packet on recommendations to Article VII and Article X because they are completely gutting the protections on those. Ms. Rutledge said Council Member Jackson had made the recommendation to delete Article X. Ms. Rutledge stated: "Please do not delete our zoning and the comprehensive plan and the legal effect of the comprehensive plan." Ms. Rutledge said she was very concerned about the financial transparency issues here and she requested the Commission not accept any recommended changes to Article VII or Article X, because the Commission does not understand what they are, and the Commission has no idea since they haven't attended meetings. Ms. Rutledge added all financial documents should be online and in agenda packets.

Mr. Rodriguez, Director of Finance Katie Griffin, and Commission Members reviewed and discussed the following items:

Article VII.

Section 7.01 – **MOTION:** Commission Member Amaya moved to recommend the addition of the verbiage "and accounting" in the second sentence, and the deletion of the last sentence, and the stated purpose is "recommendation of Director of Finance because it removes redundancy." Commission Member Webb seconded the motion. Motion carried unanimously.

Section 7.02 – Consensus of Commission for no recommended changes.

Section 7.03 – **MOTION:** Commission Member Amaya moved to the add "posted on the City's website" in Subsection (1) and Subsection (2), the addition of "proposed budget" in Subsection (2), the addition of "and posted on the City website" in Subsection (3) (d), and the stated purpose is recommendation by Director of Finance to remove dated terminology and align with best practices in coordination with Government Finance Officers Association, as well as Governmental Accounting Standards Board (GASB) and Generally Accepted Accounting Principles (GAAP). Commission Member Webb seconded the motion. Motion carried unanimously.

Mr. Rodriguez stated he will bring to the next Commission meeting for approval, the additions proposed by Commission Member Amaya.

Section 7.04 – **MOTION:** Commission Member Amaya moved to approve the recommended the changes, and the stated purpose is "recommendation from the Director of Finance because some of the language in the Charter is not related to the financial processes of the City, some of it is done by ordinance and generally not written out in a charter and limits the City's ability to make changes throughout the budget process". Commission Member Townsend seconded the motion. Motion carried unanimously.

Section 7.05 – **MOTION:** Commission Member Amaya moved approve the recommended changes, and the stated purpose is "as recommended by Director of

Finance to allow the City better planning and transparency to citizens". Commission Member Townsend seconded the motion. Motion carried unanimously.

Section 7.06 - Consensus of Commission for no recommended changes.

Section 7.07 – Consensus of Commission for no recommended changes.

Section 7.08 – **MOTION:** Commission Member Townsend moved to approve the recommended changes, and the stated purpose is "as recommended by Director of Finance because that is not how tax notes are issued currently". Commission Member Wagnon seconded the motion. Motion carried 4-0.

FOR MOTION: Commission Member Townsend, Commission Member Wagnon, Commission Member Webb and Chair Blazek.

ABSTAIN: Commission Member Amaya.

Jeff Hutt addressed the Commission and commented that tax notes are only one form of debt structure. Mr. Hutt expressed taxation without representation is tyranny. Mr. Hutt asked the Commission to be very careful with this language.

Section 7.09 – **MOTION:** Commission Member Wagnon moved to approve the recommended changes. Commission Member Townsend seconded the motion. Motion carried 4-0.

FOR MOTION: Commission Member Wagnon, Commission Member Townsend, Commission Member Webb, and Chair Blazek.

ABSTAIN: Commission Member Amaya.

Section 7.10 - Consensus of Commission for no recommended changes.

Section 7.11 – **MOTION:** Commission Member Wagnon moved to approve the recommended changes. Commission Member Townsend seconded the motion. Motion carried unanimously.

Section 7.12 – **MOTION:** Commission Member Wagnon moved to approve the recommended changes. Commission Member Webb seconded the motion. Motion carried unanimously.

Section 7.13 – **MOTION:** Commission Member Amaya moved to approve the recommended changes. Commission Member Townsend seconded the motion. Motion carried unanimously.

Mr. Rodriguez called the Commission Members' attention to Article X – Planning and Zoning Commission and said Council Member Jackson had recommended deletion of the entire Article and have an Ordinance drafted to replace it.

Mr. Rodriguez and Commission Members discussed Article X.

Article X. – **MOTION:** Commission Member Wagnon moved to recommend deletion of Article X at such time when the City Council adopts an Ordinance to replace it. Commission Member Amaya seconded the motion. Motion carried 4-1.

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

AGAINST MOTION: Commission Member Webb.

Article XI.

Section 11.01 - Consensus of Commission for no recommended changes.

Section 11.02 – **MOTION:** Commission Member Townsend moved to recommend Subsection (3) be deleted, and the stated purpose is to allow City Council flexibility in exclusivity of franchises. Chair Blazek seconded the motion. Motion carried unanimously.

Section 11.03 – Consensus of Commission for no recommended changes.

Section 11.04 – Consensus of Commission for no recommended changes.

Section 11.05 – Consensus of Commission for no recommended changes.

Section 11.06 – Consensus of Commission for no recommended changes.

Section 11.07 – **MOTION:** Commission Member Amaya moved to add the word "or" as recommended, and the stated purpose is for clarity. Commission Member Townsend seconded the motion. Motion carried unanimously.

7. Discussion and recommendations for future Agenda items.

Mr. Rodriguez stated he will bring to the Commission, on December 14th, the items they had requested additional changes too. Mr. Rodriguez said he hopes to begin the initial draft of the Final Report, but it is a lot to compile. Mr. Rodriguez reminded the Commission the Public Hearing will be had on December 21, 2022, and the Commission will take a final vote on their recommendation to City Council.

Commission Member Amaya said she will be unable to attend the December 21, 2022, meeting.

8. Adjournment.

At 7:42 p.m., Commission Member Webb moved to adjourn the meeting. Commission Member Townsend seconded the motion. Motion carried unanimously.

APPROVED:

_____

Tom Blazek, Chair

ATTEST:

_____
Teresa Valdez, City Secretary

CITY CHARTER REVIEW COMMISSION AGENDA
Meeting: Wednesday, December 14, 2022

AGENDA ITEM: 5

Discussion and possible action on previous items voted for recommended changes in Articles I, II, III, IV, V, VI, VII, VIII, IX, X, XI and XII of the City of Rockport Charter.

SUBMITTED BY: Art Rodriguez, Jr., Messer Fort & McDonald, PLLC

BACKGROUND: Please see the accompanying documents.

FISCAL ANALYSIS: N/A

RECOMMENDATION: N/A

ROCKPORT CHARTER REVIEW COMMISSION

PREVIOUS ITEMS FOR RECONSIDERATION

December 14, 2022

Section 1.04 Contraction of Boundaries.

(1) If, after two and one-half (2-1/2) years from the date of annexation, the newly annexed territory is not receiving the standard governmental and proprietary services of the City, as specified by State law, then a majority of the qualified voters residing within said annexed territory may petition the governing body of the City to disannex said territory.

(2) The petition shall be started, circulated, certified and presented consistent with the procedural rules of Sub Chapter G of Chapter 43, V.T.C.A. Local Government Code, and Article VI of this Charter. If there are fewer than twenty (20) qualified voters residing within the annexed area, the Petitioners Committee may be fewer than ten (10) members so long as it consists of a majority of the qualified voters within the territory proposed for disannexation.

(3) A petition to the City Council for disannexation shall be filed with the city secretary no later than thirty (30) days following the date of filing of the required affidavit by the Petitioners' Committee.

(4) In addition to the subsections above, the petition for disannexation shall follow the requirements of petitions for an initiative as outlined in Sections 6.07, 6.09, 6.11, 6.12, 6.13, 6.14, and 6.15 of this Charter.

(5) However, prior to the submission of the issue of disannextion to an election as described in subsection (4) above, the City Council may also disannex the petitioned area by a [majority vote or vote of at least 4 councilpersons].

Purpose: Clarity.

Sec. 7.03 Budget.

(1) The City Manager shall submit an annual budget not later than thirty (30) days prior to the date the City Council sets its tax levy for the fiscal year. The budget shall consist of ~~three (3) parts as follows~~ the following:

(a) ~~Part I shall contain:~~

~~(i)~~ A ~~B~~budget message prepared by the City Manager, ~~which shall outline a~~ outlining fiscal policy for the City government with explanations of significant changes in expenditures, revenues, and fiscal conditions from pervious years.~~, describing therein the important features of the budget with reference both to proposed expenditures and anticipated income for the ensuing year; and~~

(b) ~~(ii)~~ A ~~general~~ budget summary with supporting schedules~~, which shall exhibit the aggregate figures of the budget in such manner as~~ to show a balanced relationship between the total proposed expenditures and the total anticipated income for the fiscal year ~~covered by the budget, and which shall compare these figures with the corresponding figures of the last completed fiscal year and the year in progress~~.

(~~b~~c) ~~Part II shall contain:~~

~~(i)~~ Detailed estimates of all proposed expenditures and estimates of anticipated revenues and other income, showing the corresponding expenditures for each item for the current fiscal year and the last preceding fiscal year with explanations of increases or decreases recommended as compared with appropriations for the current fiscal year.~~;~~

~~(ii) Detailed estimates of anticipated revenues and other income;~~

~~(iii) Delinquent taxes for current and preceding years, with estimated percentage collectible; and~~

(c~~iv~~) Statements of the bonded debt redemption and interest requirements~~, the debt authorized and unissued, the condition of the sinking funds, if any, and the borrowing capacity of the City~~.

~~(c) Part III shall contain a complete draft of the budget ordinance, including an appropriation ordinance and such other ordinances as may be required to finance the budget.~~

(2) The City Council shall make available in the City Secretary's office~~s a general summary of the proposed budget and a notice stating:~~ the budget, as presented to the City Council, open to public inspection by anyone interested and posted on the he City's internet website until a budget for has been finally adopted.

~~(a) The times and places where copies of the message and budget are available for inspection by the public; and~~

~~(b) The time and place, applicable to current laws, for a public hearing on the budget.~~

(3) City Council action:

(a) The City Council shall hold a public hearing on the proposed budget as submitted at the time and place so advertised ~~or another time and place with proper notification. All interested persons shall be given an opportunity to be heard, either for or against any item of the proposed budget~~. The City Council shall set the hearing time, date, and location in in accordance with state law. Any person may attend and may participate in the hearing.

(b) At a regular or special meeting, at the conclusion of the public hearing, ~~not fewer than seven (7) days after the public hearing,~~ the City Council may adopt the budget, in accordance with state law, with or without amendment. A vote to adopt the budget must be recorded, in accordance with state law. ~~In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.~~

(c) The City Council shall adopt or amend the budget by ordinance on one (1) reading. Adoption of the budget shall constitute appropriation of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

(d) The final approved budget must be filed with the City Secretary in accordance with state law and posted on the City's internet website for at least one year.

(4) If the City Council fails to adopt the budget by the twenty-seventh (27th) day of September, the amounts appropriated for the operation during the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the City Council adopts a budget for the ensuing fiscal year. The levy of property tax normally approved, as part of the budget adoption will be set such that tax receipts for the budgeted year shall equal the tax receipts of the current fiscal year.

PURPOSE:

Recommended by Finance Director and transparency.

Sec. 7.08 Borrowing.

(1) The City shall have the right and power, except as prohibited by law or this Charter, to borrow money by whatever method it may deem to be in the public interest.

(2) The City shall have the power to borrow money on the credit of the City and to issue bonds or certificates of obligation for permanent public improvements or for any other public purpose not prohibited by law and this Charter, and to issue refunding bonds to refund outstanding bonds previously issued. All such bonds or certificates of obligation shall be issued in conformity with the laws of the State of Texas and shall be used only for purposes for which they were issued. All bonds and certificates of obligation, except those certificates issued for public necessity, or refunding debts, shall not be issued without an election except where otherwise permitted by State Law. The City Council shall prescribe the procedure for calling and holding such elections, shall define the voting precincts and shall all provide for the return and canvass of the ballots cast at such elections. If, at such elections, a majority of the vote shall be in favor of creating such a debt, it shall be lawful for the City Council to issue bonds as proposed in the ordinance submitting same, but if a majority of the vote polled shall be against the creating of such debt, the City Council shall be without authority to issue the bonds. In all cases when the City Council shall order an election for the issuance of bonds of the City, it shall, at the same time, submit the questions of whether or not a tax shall be levied upon the property of the City for the purpose of paying the interest on the bonds and to create a sinking fund for their redemption.

(3) The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of any public utilities, recreational facilities or any other self liquidating municipal function not prohibited by the Constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable for the properties, or interest therein pledged, or the income therein from, or both. The holds of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which they were issued.

(4) In any budget year, the City Council may, by resolution, authorize the borrowing of money in anticipation of the collection of the ad valorem tax for the same year, whether levied or to be levied. Notes may be issued for periods not exceeding one (1) year and must be retired by the end of the budget year in which issued.

PROPOSED CHANGE:

~~(1) The City shall have the right and power, except as prohibited by law or this Charter, to borrow money by whatever method it may deem to be in the public interest.~~

~~(2) The City shall have the power to borrow money on the credit of the City and to issue bonds or certificates of obligation for permanent public improvements or for any other public purpose not prohibited by law and this Charter, and to issue refunding bonds to refund outstanding bonds previously issued. All such bonds or certificates of obligation shall be issued in conformity with the laws of the State of Texas and shall be used only for purposes for which they were issued. All~~

~~bonds and certificates of obligation, except those certificates issued for public necessity, or refunding debts, shall not be issued without an election except where otherwise permitted by State Law. The City Council shall prescribe the procedure for calling and holding such elections, shall define the voting precincts and shall all provide for the return and canvass of the ballots cast at such elections. If, at such elections, a majority of the vote shall be in favor of creating such a debt, it shall be lawful for the City Council to issue bonds as proposed in the ordinance submitting same, but if a majority of the vote polled shall be against the creating of such debt, the City Council shall be without authority to issue the bonds. In all cases when the City Council shall order an election for the issuance of bonds of the City, it shall, at the same time, submit the questions of whether or not a tax shall be levied upon the property of the City for the purpose of paying the interest on the bonds and to create a sinking fund for their redemption.~~

~~(3) The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of any public utilities, recreational facilities or any other self liquidating municipal function not prohibited by the Constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable for the properties, or interest therein pledged, or the income therein from, or both. The holds of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which they were issued.~~

~~(4) In any budget year, the City Council may, by resolution, authorize the borrowing of money in anticipation of the collection of the ad valorem tax for the same year, whether levied or to be levied. Notes may be issued for periods not exceeding one (1) year and must be retired by the end of the budget year in which issued.~~

The City shall have the right to issue and refund general obligation bonds, revenue bonds, and other evidence of indebtedness as is now permitted or as may be hereafter authorized to be issued by a home-rule municipality in the State of Texas.

The City may borrow funds on the credit of the City for a term not to exceed one year provided that such obligations are scheduled to be retired by the end of the budget year in which they were issued.

PURPOSE:

Recommended by Bond Counsel.

ROCKPORT CHARTER REVIEW COMMISSION

PREVIOUS ITEMS VOTED UPON BY COMMISSION

December 14, 2022

Section 1.03 Extension of Boundaries.

(1) The boundaries of the City of Rockport, Texas, may be enlarged and extended by the annexation of additional territory. The City Council, by proper ordinance in accordance with State law, has power to annex additional territory ~~adjacent to or contiguous with the city limits with or without the consent of the residents and/or the owners of the territory annexed~~.

(2) Upon completion of the annexation procedure, the annexed territory shall become a part of the City, and said land and its residents shall be entitled to all the rights and privileges provided by the City for its citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the City.

Purpose: Consistency with state law.

Sec. 3.01 Number, Selection and Term.

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

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

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

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

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

Purpose: To ensure voter choice and provide a greater selection of candidates.

Sec. 3.08 Meetings of the City Council.

(1) The City Council shall hold at least one (1) regular meeting each month and as many additional meetings as it deems necessary to transact the business of the City. The City Council shall fix by ordinance the date and time of the regular meeting(s). Special meetings of the City Council shall be held at the call of the Mayor or a majority of the Council and, wherever practicable, upon no less than ~~twelve (12)~~ seventy-two (72) hours notice to each member, unless such meeting is an emergency meeting. Notice shall be considered effective when posted in compliance with the Texas Open Meetings Act and electronic communication to each Councilperson within three (3) hours of such posting.

(2) All meetings shall be open to the public and shall be held and notice given in accordance with ~~Article 6252-17 V.A.T.S.~~ Texas Government Code Chapter 551 as amended or superseded.

(3) Nothing herein shall prevent a meeting being called in emergency circumstances with notice provided in compliance with state law.

Purpose: Provides clarity on notice and adds provision regarding emergency meeting.

Sec. 3.09 Quorum.

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

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

Sec. 3.10 Rules of Procedure.

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

Purpose: Increase citizen input on an agenda item.

Sec. 3.11 Passage of Ordinances In General.

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

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

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

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

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

(3) A proposed ordinance, except an emergency, budget or tax ordinance, shall be read at two (2) regular City Council meetings ~~with at least one week between readings~~. For a zoning ordinance, the proposed zoning ordinance shall be read at two (2) regular City Council meetings, unless the City Council dispenses with the need for a two (2) reading requirement and the ordinance is approved by at least four (4) members of the City Council.

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

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

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

Purpose: Provide additional time for citizen input. The supermajority requirement for potential reduction of readings to one on zoning ordinances is to provide City Council flexibility and allow to accommodate customer service.

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

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

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

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

Sec. 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.

Purpose –Provide City Council flexibility in negotiations with a City Manager.

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.

Purpose –Duties no longer consistent with City Secretary's job.

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.

(7) 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.~~

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

Sec. 5.01 City Elections.

(1) City elections shall be conducted in accordance with Texas Election Law following procedures prescribed therein.

(2) The City's General Election shall be held annually on the May uniform election date. However, if state law allows the movement of a City general election to a date other than in May, the City Council may move to such date by ordinance without the need for a charter amendment. The City Council shall be responsible for specification of places for holding such election.

(3) The City Council may, by resolution, order a special election for purposes consistent with this Charter and laws of the State of Texas. The City Council will fix the time and places for such a special election, and provide all means for holding same.

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

(5) All municipal elections shall be publicized in accordance with the Texas Election Code.

Purpose – (2) Provide City Council choice on uniform election dates in the future. (4). Compliance with State law.

Sec. 5.02 Filing for Office.

(1) Candidates for City offices shall file for office with the City Secretary at City Hall.

(2) Candidates for elective City office shall meet the following qualifications:

(a) Shall be at least eighteen (18) years of age at the time of the election for which they are filing.

(b) Shall be a qualified voter of the City.

(c) Shall have resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months prior to the Election Day.

(d) Shall have resided in the Ward, or newly created Ward, they are seeking to represent for a least twelve (12) months prior to the Election Day.

(e) No candidate may file in a single election for more than one office or position as provided by this Charter.

(f) No employee of the City shall continue in such position after filing for an elective office provided for in this Charter.

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

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

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

Purpose: Account for cancelled elections. Provide for candidates and councilpersons from being in arrears.

Sec. 5.04 Official Results.

(1) The candidate for elective office receiving a plurality of the votes cast shall be declared the winner.

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

Purpose: Allow for consistency with current practice.

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~~ Article means a registered voter in the City of Rockport.

Purpose: Naming consistency and clarity on where registered voters must reside.

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 obtained from the City Secretary and be numbered, dated and bear the signature of the City Secretary.

Purpose: Provide clarity.

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 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. 6.12 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. Unless otherwise required by law, ~~I~~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. 6.14 Limitations and Restrictions.

(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; ~~nor~~ or

(c) 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.

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 ~~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 for proper administration of claims.

Sec. 7.01 Fiscal Year.

(1) The fiscal year of the City shall begin on the first day of each October and end on the last day of September of each calendar year. The fiscal year shall constitute the budget and accounting year of the City government. ~~The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.~~

Purpose: Recommendation of Finance Director.

Sec. 7.04 Amendments After Adoption.

(1) If, during the fiscal year, the City Manager certifies that there are revenues available for appropriation in excess of those estimated in the budget, the City Council may carry the excess into the next fiscal year, or, by ordinance, may make supplemental appropriations to retire indebtedness or to fund emergency appropriations ~~as described in Sec. 7.04 (2) of this Article~~.

(2) At anytime in any fiscal year, the City Council may~~, pursuant to this Section,~~ make emergency appropriations to meet a pressing need for public expenditure for other than regular or recurring requirements affecting life, health, property, or the public peace. Such appropriations shall be by ordinance adopted by ~~the affirmative vote of at least three (3) members of~~ the City Council. ~~The total amount of all emergency appropriations made in any fiscal year shall not exceed five (5%) percent of the tax levy for that fiscal year. Such appropriations may require emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year in which the emergency appropriation was made.~~

(3) ~~If, at anytime during the fiscal year, it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the City Council without delay, indicating the amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The City Council shall then take such further action it may deem necessary to prevent or minimize any deficit.~~

~~(4) At anytime during the fiscal year, the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency. The City Council may require approval of these transfers within departments above a limit established by the City Council. Upon written request by the City Manager, the City Council may, by budget amendments, transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.~~

~~(5)~~ No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced by any amount required by law to be appropriated or by more than the amount of the unencumbered balance.

~~(6) The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section shall be made effective immediately upon adoption of the appropriate ordinance or budget amendment.~~

Purpose: Recommendation of Finance Director.

Sec. 7.05 Capital Program.

(1) The City Manager shall submit a ~~two (2)~~ five (5) year capital program in conjunction with ~~as an attachment to~~ the annual budget. The capital program shall include ~~the proposed program by the Planning & Zoning Commission and comments by the City Manager. The program, as submitted, shall include~~:

(a) A ~~clear general~~ summary of its contents;

(b) A list of all capital improvements which are proposed ~~for the two (2) fiscal years succeeding the budget year, with appropriate supporting information as to the necessity for such improvements~~;

(c) Cost estimates, method of financing and recommended time schedules ~~for each such improvement~~; and

(d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

~~(2) The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.~~

Purpose: Recommendation of City Manager.

Sec. 7.08 Borrowing.

(1) ~~The City shall have the right and power, except as prohibited by law or this Charter, to borrow money by whatever method it may deem to be in the public interest.~~

~~(2)~~ The City shall have the power to borrow money on the credit of the City and to issue bonds or certificates of obligation for permanent public improvements or for any other public purpose not prohibited by law ~~and this Charter~~, and to issue refunding bonds to refund outstanding bonds previously issued. All such bonds or certificates of obligation shall be issued in conformity with the laws of the State of Texas and shall be used only for purposes for which they were issued. All bonds and certificates of obligation, except those certificates issued for public necessity, or refunding debts, shall not be issued without an election except where otherwise permitted by State Law. The City Council shall ~~prescribe the procedure for calling and holding~~ hold such elections in accordance with state law~~, shall define the voting precincts and shall all provide for the return and canvass of the ballots cast at such elections. If, at such elections, a majority of the vote shall be in favor of creating such a debt, it shall be lawful for the City Council to issue bonds as proposed in the ordinance submitting same, but if a majority of the vote polled shall be against the creating of such debt, the City Council shall be without authority to issue the bonds. In all cases when the City Council shall order an election for the issuance of bonds of the City, it shall, at the same time, submit the questions of whether or not a tax shall be levied upon the property of the City for the purpose of paying the interest on the bonds and to create a sinking fund for their redemption~~.

(3) The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of any public utilities, recreational facilities or any other self liquidating municipal function not prohibited by the Constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable for the properties, or interest therein pledged, or the income therein from, or both. The holds of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which they were issued.

(4) ~~In any budget year, t~~The City Council may, by resolution, authorize the borrowing of money in anticipation of the collection of the ad valorem tax ~~for the same year~~, whether levied or to be levied. Notes may be issued for periods not exceeding that established by law ~~one (1) year and must be retired by the end of the budget year in which issued~~.

Purpose: Recommendation of Finance Director.

Sec. 7.09 Purchasing.

(1) The City Council may, by ordinance, confer upon the City Manager general authority to contract for expenditure without further approval of the City Council for all budgeted items not exceeding limits set by the City Council or state law. All contracts for expenditures involving more than the set limits must ~~be expressly approved in advance by the City Council~~ be approved in accordance with state law. ~~All contracts or purchases involving more than the limits set by the City Council shall be let to the lowest bidder whose submittal is among those most responsive to the needs of the City after there has been opportunity for competitive bidding as provided by law or ordinance.~~ The City Council or City Manager in such cases as he is authorized to contract for the City, shall have the right to reject any and all bids.

(2) Emergency contracts as authorized by law and this Charter may be negotiated by the City Council or City Manager if given authority by the City Council in accordance with state or federal law~~, without competitive bidding~~. Such emergency shall be declared by the City Manager and approved by the City Council or may be declared by the City Council.

Purpose: Recommendation of Finance Director.

Sec. 7.11 Depository.

(1) All monies received by any person, department or agency of the City for or in connection with the affairs of the City shall be deposited promptly in the City depository or depositories, which shall be designated by the City Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by City's Investment Policy ~~Ordinance~~ and State Law. The governing body shall designate by resolution the bank, credit union or savings association to serve as the City's depository for the municipality's funds. The governing body shall review, approve, execute and deliver any depository service contract for a term of two (2) years or as soon as practicable but not greater than a five (5) year period. ~~Procedures for withdrawal of money or the disbursement of funds from the City depositories shall be prescribed by the City's Investment Ordinance.~~ Disbursement of funds shall be in accordance with the City's policy and state law. In selecting a depository, the services, cost of services, credit worthiness, earnings potential and collateralization by the institutions shall be considered. All time and demand deposits in any depository shall be insured or collateralized at all times in accordance with state law.

Purpose: Recommendation of Finance Director.

Sec. 7.12 Financial Report.

(1) The City Manager shall submit to the City Council at its ~~first~~ second formal meeting each month the financial condition of the City by budget item, budget estimates versus accruals for the preceding month and for the fiscal year-to-date. The financial records of the City will be maintained in accordance with Governmental Accounting Standards Board (GASB) and Generally Accepted Accounting Principals (GAAP) ~~on an accrual basis to support this type of financial management~~.

Purpose: Recommendation of Finance Director.

Sec. 7.13 Independent Audit.

(1) As soon as practicable after the close of each fiscal year but no later than 120 days, an independent audit shall be made of all accounts of the City government by a certified public accountant selected by the governing body, who has no personal interest, directly or indirectly, in the financial affairs of the City government, or any of its officers. The governing body shall appoint an independent auditor whose contract shall be reviewed and reconsidered at the end of five (5) years. The annual financial statement, including the auditor's opinion on the statement shall be posted on the City's internet website for at least two years following publication ~~filed in the office of the City Secretary within 120 days after the last day of the fiscal year as a public record. A summary thereof shall be published immediately in the official newspaper of the City~~.

Purpose: Recommendation of Finance Director.

Sec. 10.01 Organization.

~~(1) There is hereby established a Planning and Zoning Commission which shall consist of seven (7) members who shall be appointed by the City Council for overlapping three (3) year terms. Each member shall be a qualified City voter. Any vacancy occurring during the unexpired term of a member shall be filled by the City Council for the remainder of the unexpired term. The Commission shall elect from its members a Chairman, Vice Chairman and Secretary to serve for one (1) year beginning in July of the year elected. The Commission shall meet at least once each month when practicable. The Council should strive to balance Commission membership to represent best each Ward and all major areas.~~

Purpose: Request of Councilperson. Commission recommends that a replacement ordinance be adopted to replace Article X.

Sec. 10.02 Duties and Powers.

~~(1) The Commission shall be responsible to act as an advisory board to the City Council. The Commission shall:~~

~~(a) Review all current and proposed ordinances and amendments pertaining to planning, zoning, platting and subdividing property and make recommendations to the City Council for action to be taken.~~

~~(b) Make, amend, extend and add to the Comprehensive Plan for the physical development of the City.~~

~~(c) Submit annually to the City Manager, not less than one hundred twenty (120) days prior to the beginning of the budget year, an annual update to any Capital Improvement Program as developed from the Comprehensive Plan regarding land use issues. The update may identify new or additional capital improvements as well as revisions of the project priorities by year.~~

~~(d) Keep public records of its findings and determinations.~~

~~(2) The Commission shall have full power to:~~

~~(a) Exercise the authority of the Zoning Commission as provided by State law, this Charter and City ordinances.~~

~~(b) Administer rules and recommendations pertaining to subdivisions and to platting in territories within the City limits and its extraterritorial jurisdiction.~~

Purpose: Request of Councilperson. Commission recommends that a replacement ordinance be adopted to replace Article X.

Sec. 10.03 The Comprehensive Plan.

~~(1) The Comprehensive Plan for the physical development of the City including its ETJ shall contain the Commission's recommendations for the growth, development and beautification of the City. The Commission may recommend approval to the City Council the Comprehensive Plan as a whole or in parts and with any amendment thereto.~~

Purpose: Request of Councilperson. Commission recommends that a replacement ordinance be adopted to replace Article X.

Sec. 10.04 Procedure.

~~(1) All rules and regulations recommended for approval by the Planning & Zoning Commission for the Comprehensive Plan shall be forwarded to the City Manager who shall submit them to the Council with his recommendations if any. The Council may adopt or reject any such rules or regulations. If any rules or regulations should be rejected, the Planning & Zoning Commission may modify them and submit such modified rules and regulations to the City Manager. The City Manager shall again forward such changes to the Council. The adoption of the Plan or of any such part or amendment shall be by ordinance, but before adoption of the Plan or any such part or amendment, the City Council and the Commission shall hold at least one (1) joint public hearing on the proposed action.~~

Purpose: Request of Councilperson. Commission recommends that a replacement ordinance be adopted to replace Article X.

Sec. 10.05 Legal Effect of the Comprehensive Plan.

~~(1) Following adoption by the Council of the Comprehensive Plan, it shall serve as a guide to all future Council action concerning land use and development regulations and expenditures for capital improvements. Any proposal, which deviates from the Comprehensive Plan, shall not be authorized until and unless the location and extent thereof shall have been submitted to and accepted by the Commission. In case of disapproval, the Commission shall communicate its reasons to the Council, which shall have the power to overrule such disapproval and upon such overruling, the Council or the appropriate office, department or agency shall have authority to proceed. The failure of the Commission to act within thirty (30) days after the date of official submission to the Commission shall be deemed accepted, unless a longer period is granted by the Council or submitting official.~~

Purpose: Request of Councilperson. Commission recommends that a replacement ordinance be adopted to replace Article X.

Sec. 11.02 Ordinance Granting Franchise.

(1) Any ordinance granting, renewing, extending or amending a public service or utility franchise must be read at two (2) separate meetings of the City Council and shall not take effect until thirty (30) days after the final reading. Within seven (7) days following the first reading of the ordinance, the text or the summary of the ordinance shall be published once in a newspaper designated as the official newspaper of the City, with the expense of such publication borne by the prospective franchisee. Copies of the proposed ordinance, in the form required for adoption, shall be available at the city offices and shall be furnished to the citizens upon request to the City Secretary before the first (1st) reading, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the City Council.

(2) No franchise shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension of any franchise.

~~(3) No franchise may be exclusive.~~

Purpose: Allows City Council flexibility in exclusivity of franchises.

Sec. 11.07 Licenses.

(1) The City shall have the power to license, levy and collect fees in order to license any lawful business, occupation or calling subject to control pursuant to the police powers of the State of Texas and/or for any other purpose not contrary to the Constitution and Laws of the State of Texas.

Purpose: Clarity.

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~~ in accordance with state law.

Purpose: To reduce confusion and provide consistency.

Sec. 12.02 Official Newspaper.

(1) The City Council shall declare ~~bi~~annually 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 or in accordance with state law.

Purpose: Provide for more competition and compliance with state law.

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~~ disability~~ies~~, 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.

Purpose: To include disabilities other than physical disabilities.

Sec. 12.09 Service of Process Against the City.

(1) 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.