
CHARTER REVIEW COMMISSION AGENDA

Notice is hereby given that the Rockport Charter Review Commission will hold a meeting on Wednesday, December 21, 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.



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

Opening Agenda

1. Call meeting to order.
2. Roll call.
3. Discussion and possible action regarding rules on public testimony.
4. 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.
5. Discussion and possible action on approval of Charter Review Commission Meeting Minutes of December 14, 2022.
6. **PUBLIC HEARING:** To consider the Charter Review Commission's draft final report regarding proposed Charter amendments to the City Council.
7. Discussion and possible action on draft final report regarding proposed Charter amendments to the City Council.
8. Discussion and possible action regarding whether there should be another Charter Review Commission Meeting.

9. Adjournment.

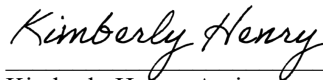
Special Accommodations

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 Thursday, December 15, 2022, at 3:30 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*.



Kimberly Henry, Assistant to City Manager

CITY CHARTER REVIEW COMMISSION AGENDA
Meeting: Wednesday, December 21, 2022

AGENDA ITEM:

PUBLIC HEARING: To consider the Charter Review Commission's draft final report regarding proposed Charter amendments to the City Council.

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 14, 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 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.

On the 14th 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

Katy Jackson, Council Member Ward 1

CITY STAFF MEMBERS PRESENT

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
Dennis Paine, Jr., Police Lieutenant Administration
Carey Dietrich, Community Planner/Building & Development Services Assistant Director

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 expressed her concern with the removal of the financial section from the Charter and her issues with the finances of the city.

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

MOTION: Commission Member Wagnon moved to approve the Charter Review Commission Meeting Minutes of December 7, 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, VIII, IX, X, XI, and XII of the City of Rockport Charter.

Kristie Rutledge expressed her concern with how the city handles petitions and requested there be more protection within the Charter to protect the citizens. She read several financial sections of the City of Portland, Texas Charter. Ms. Rutledge then commented that other than Commissioner Wagnon being an attorney and Chairman Blazek being a previous city manager, the rest of the Commission doesn't understand the ramifications of what they are doing.

Commissioner Webb provided a list of items he wanted to re-address:

Section 1.03 – **MOTION:** Commission Member Webb moved to add wording to require approval by the citizen to be annexed. With a lack of a second Commission Member Webb withdrew his motion.

Section 1.04 - **MOTION:** Commission Member Wagnon moved to approve the recommended addition of Subsections (4) and (5) along with the wording for a majority vote of the council persons, and the stated purpose is for clarity. Motion was seconded by Commission Member Townsend. Motion carried unanimously.

Mr. Rodriguez and Commission Members reviewed and discussed the following items previously discussed and not voted upon and brought back for reconsideration:

Section 7.03 – **MOTION:** Commission Member Amaya moved to approve the recommended changes, and the stated purpose is as recommended by the Director of Finance and for transparency. Commission Member Webb seconded the motion. Motion carried unanimously.

Section 7.08 – **MOTION:** Commission Member Webb moved to approve the recommended changes, and the stated purpose is as recommended by Bond Counsel. Commission Member Townsend seconded the motion. Motion carried unanimously.

Section 7.13 – **MOTION:** Commission Member Webb moved to include verbiage that “however the city council will have the authority to take action at any time.” Chair Blazek seconded the motion. Motion denied: 1:4.

FOR MOTION: Commission Member Webb.

AGAINST MOTION: Commission Members Amaya, Townsend, and Wagnon, and Chair Blazek.

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

Throughout Charter – **MOTION:** Commission Member Wagnon moved to approve the recommended changes throughout the Charter for gender neutral terms as presented by Attorney Art Rodriguez. Commission Member Webb seconded the motion. Motion carried unanimously.

Section 3.01 – **MOTION:** Commission Member Amaya moved to keep 3.01 (d) and include wording that requires a two-year gap before an individual can run for office again. Commission Member Webb seconded the motion. Motion denied: 2:3.

FOR MOTION: Commission Members Amaya and Webb.

AGAINST MOTION: Commission Members Townsend, and Wagnon, and Chair Blazek.

7. Discussion on draft final report to City Council.

Art Rodriguez, Jr., Messer Fort & McDonald, PLLC, explained he would prepare the final report for the next meeting, Wednesday, December 21, 2022 at which time the public hearing will be held.

8. Discussion and recommendation for future Agenda items.

Commissioner Wagnon requested a future agenda item to consider amending the public comment rules. Attorney Rodriguez stated he would include on the next agenda.

It was further noted that following the public hearing the commissioners can still make changes to the final report that is forwarded to Council.

9. Adjournment.

At 7:06 p.m., Commission Member Townsend moved to adjourn the meeting. Commission Member Wagnon seconded the motion. Motion carried unanimously.

APPROVED:

Thomas J. Blazek, Chair

ATTEST:

Teresa Valdez, City Secretary

CITY CHARTER REVIEW COMMISSION AGENDA
Meeting: Wednesday, December 21, 2022

AGENDA ITEM:

PUBLIC HEARING: To consider the Charter Review Commission's draft final report regarding proposed Charter amendments to the City Council.

SUBMITTED BY: City Secretary Teresa Valdez

BACKGROUND: Public Hearing to receive citizen input on proposed Charter amendments to the City Council.

FISCAL ANALYSIS: N/A

RECOMMENDATION: N/A



PUBLIC HEARING

Charter Review Commission

NOTICE is hereby given that the Charter Review Commission will hold a Public Hearing on Wednesday, December 21, 2022 at 5:30 p.m. at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider the Commission's draft final report regarding proposed Charter amendments to the City Council.

Members of the public can view the meeting remotely via live stream at the address that will be provided on the Charter Review Commission Agenda of December 21, 2022, and posted on the City's website www.cityofrockport.com.

Public participation is valued and citizens wishing to express their views during the Public Hearing can electronically submit a Citizen Participation Form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation>, or if attending the meeting in person register at the meeting 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 City Council Meeting. The comments will be read and summarized in the minutes of the meetings.

The City encourages citizens to participate and make their views known at the Public Hearings. For further information on this request, please contact the City Secretary at (361) 729-2213 extension 225.

POSTED the 6th day of December 2022 on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, and on the website www.cityofrockport.com.

PUBLISHED in *The Rockport Pilot* in the Saturday, December 10, 2022, Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS



Teresa Valdez, City Secretary

CITY CHARTER REVIEW COMMISSION AGENDA
Meeting: Wednesday, December 21, 2022

AGENDA ITEM:

Discussion and possible action on draft final report regarding proposed Charter amendments to the City Council.

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

BACKGROUND:

FISCAL ANALYSIS: N/A

RECOMMENDATION:



ROCKPORT CHARTER REVIEW COMMISSION

DRAFT FINAL REPORT

December 21, 2022

Mayor and City Council
City of Rockport, Texas

Re: Charter Review Commission Final Report

Mayor Jayroe and City Council Members:

The 2022 Charter Review Commission held a series of seven meetings which included one public hearing to consider possible amendments to the City of Rockport Charter. The Commission conducted a section-by-section review and considered provisions recommended by individual City Council members. The Charter Review Commission has concluded our work and we present this report to you with recommendations for amendments to the City Charter. The Commission worked swiftly in order to allow the City Council the opportunity to submit amendments to the voters in May 2023.

We studied the charter with the following purposes in mind:

- To keep the charter current with state law
- To update terminology, clarify language, improve syntax and punctuation
- To create added efficiency and transparency
- To maintain and allow for consistency in policy
- To encourage broader participation of the citizenry
- To ensure gender neutrality in the Charter

Attached is a list describing each proposed amendment, with a purpose statement, and a redlined copy of the charter showing each text using underlining to indicate language proposed to be added and overstrike indicating language proposed to be deleted. Minutes of our meetings are also attached.

We appreciate the opportunity to serve you and the citizens of Rockport through the Charter review process.

Respectfully submitted,

Thomas Blazek, Chair
Rockport Charter Review Commission

ROCKPORT CHARTER REVIEW COMMISSION

FINAL REPORT

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ROCKPORT CHARTER REVIEW COMMISSION

DRAFT EXECUTIVE SUMMARY

**City of Rockport Charter Review Commission
Executive Summary: City Charter Amendments – 2022**

A home-rule city derives its power not from the state legislature, but from the Texas Constitution and has all the powers of the state not inconsistent with the Constitution, the general laws of the state, and the city's charter. Thus, home-rule cities have full power of local self-government, including the authority to do anything the legislature could otherwise authorize.

The Rockport Home Rule Charter requires that every five years the city council appoint a Charter Review Commission composed of five (5) citizens of the City. The City, on October 25, 2022, created the Charter Review Commission and appointed Doug Webb, Diedra Amaya, Mark Wagnon, Donna Townsend, and Thomas Blazek as its members.

On November 3, 2022, the Charter Review Commission conducted its first meeting and elected Mr. Thomas Blazek as Chairperson of the Commission and Ms. Diedra Amaya as Vice-Chairperson. The Charter Review Commission met in November and December 2022 on seven separate occasions and conducted one public hearing. On November 7, 2022, the Charter Review Commission held a joint meeting with the City Council. All meetings of the Charter Review Commission were conducted pursuant to the Texas Open Meetings Act and allowed time for citizen input. Below are the proposed amendments to the City charter the Charter Review Commission has deemed desirable to improve the effective application of the charter to current conditions. This document is the culmination of the Charter Review Commissions work and constitutes their Final Report.

SUMMARY OF ITEMS RECOMMENDED FOR CHANGE

1. Amend Sections 3.01, 3.02, 3.04, 3.05, 3.07, 4.01, 4.04, 6.08, 6.10, 6.13, 6.14, 7.09, 7.10, and 12.11 – Provides gender neutrality throughout the Charter.

Purpose: Provides gender neutrality throughout the Charter.

2. Amend Section 1.03 – Extension of Boundaries – remove language regarding reasons for annexation.

Purpose: To follow changes in state law.

3. Amend Section 1.04 – Contraction of Boundaries – adds language that treats disannexation as an initiative petition and provides flexibility to Council to disannex.

Purpose: Clarity and flexibility for City Council.

4. Amend Section 3.01 - Number, Selection and Term – removal of year limit to serve on City Council.

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

5. Amend Section 3.08 - Meetings of the City Council – To change hours of notice of meeting; update citations to law; and provides for notice of emergency meeting.

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

6. Amend Section 3.09 – Quorum – Add language that allows for quorum when less than three voting members of the City Council remain on Council.

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

7. Amend Section 3.10 – Rules of Procedure – Allows for public input during citizens to be heard and before deliberation on an item.

Purpose: Increase citizen input on an agenda item.

8. Amend Section 3.11 – Passage of Ordinances in General – Requires ordinance captions be read at two regular City Council meetings. Also, allows that zoning ordinances may be read with one reading if approved by at least four members of City Council.

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.

9. Amend Section 3.13 – Authentication, Recording, Codification, Printing and Distribution – Allows for use of technology regarding records retention and posting on City's website.

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

10. Amend Section 4.01 – City Manager - Removes the six-month cap on paying severance to a City Manager.

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

11. Amend Section 4.02 – City Secretary – Removes record keeping for certain items from her duties.

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

12. Amend Section 4.04 – City Attorney – Allows the appointment of a person or firm as City Attorney.

Purpose: Comments received from City Council.

13. Delete Section 4.05 – City Engineer – Deletes entire provision.

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

14. Amend Section 5.01 – City Elections – Allows for movement of City election to a different uniform election date when possible.

Purpose: Provide City Council choice on uniform election dates in the future and compliance with State law.

15. Amend Section 5.02 – Filing for Office – Provides clarity in signature requirement to be placed on a ballot and prohibits candidates that are delinquent on taxes or other liabilities due the City.

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

16. Amend Section 5.04 – Official Results – Deletes archaic language.

Purpose: Allow for consistency with current practice.

17. Amend Section 6.01 – General Authority – Changes language to provide consistency and clarifies that voters should be qualified in Rockport to vote.

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

18. Amend Section 6.03 - Petition Circulation – Clarifies that petitions should be obtained from the City Secretary.

Purpose: Provide clarity.

19. Amend Section 6.10 – Calling Recall Election – Provides that election shall be held in compliance with Texas Election Code. Further, allows for cancellation of recall elections in certain instances.

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

20. Amend Section 6.12 – Form of Ballots – Provides that ballot provisions shall be identified as required by law.

Purpose: Allows flexibility in programming of electronic machines.

21. Amend Section 6.14 – Limitations and Restrictions – Nonsubstantive change for clarity

Purpose: Clarity and reduce potential confusion.

22. Amend Section 6.15 – Failure of City Council to Call an Election – Eliminates language which purportedly allowed County Judge to call a City election.

Purpose: Allow for proper administration of claims.

23. Amend Section 7.01 – Fiscal Year – Makes fiscal year consistent with budget year.

Purpose: Recommendation of Finance Director.

24. Amend Section 7.04 – Amendments After Adoption – Removes cap on emergency appropriations; removes language regarding fund transfer that are normally adopted by ordinance.

Purpose: Recommendation of Finance Director.

25. Amend Section 7.05 – Capital Program – Requires submission of a 5 year CIP.

Purpose: Recommendation of City Manager.

26. Amend Section 7.08 – Borrowing – Pares down the section to allow for borrowing in accordance with state law.

Purpose: Recommendation of Bond Counsel.

27. Amend Section 7.09 – Purchasing – Provides that purchasing shall follow state law.

Purpose: Recommendation of Finance Director.

28. Amend Section 7.11 – Depository – Provides for withdrawal of funds in compliance with City policy; provides considerations for selection of depository.

Purpose: Recommendation of Finance Director.

29. Amend Section 7.12 – Financial Report – provides for when financial information is provided to City Council and required accounting in accordance with GASB and GAAP.

Purpose: Recommendation of Finance Director.

30. Amend 7.13 – Independent Audit – Provides for posting audit on internet website.

Purpose: Recommendation of Finance Director.

31. Delete Article X in its entirety

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

32. Amend Section 11.02 – Ordinance Granting Franchise – deletes provision that no franchise may be exclusive.

Purpose: Allows City Council flexibility in exclusivity of franchises.

33. Amend Section 11.07 – Licenses – includes a coordinating conjunction.

Purpose: Clarity.

34. Amend Section 12.01 – Public Records – Allows for records to be produced in accordance with the state law.

Purpose: To reduce confusion and provide consistency.

35. Amend Section 12.02 – Official Newspaper – Requires declaration of official newspaper annually and the publication of items in the newspaper as required by state law.

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

36. Amend Section 12.05 – Prohibitions and Penalties – Includes all disabilities in the City's equal rights statement.

Purpose: To include disabilities other than physical disabilities.

37. Amend Section 12.09 – Service of Process Against the City – Allows service on the City Secretary.

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



ROCKPORT CHARTER REVIEW COMMISSION
DRAFT CHARTER AS PROPOSED

Legend:

Highlight: Indicates proposed change

Strikethrough text: Indicates proposed deletion.

Underlined text: Indicates proposed insertion.

ARTICLE I. - FORM OF GOVERNMENT AND BOUNDARIES

Sec. 1.01 Form of Government.

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

Sec. 1.02 Boundaries of the City.

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

Sec. 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.

Sec. 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 disannexation to an election as described in subsection (4) above, the City Council may also disannex the petitioned area by a majority vote.

ARTICLE II. - POWERS OF THE CITY

Sec. 2.01 General Powers of the City.

(1) The City shall be an incorporated Home Rule City, with full power and rights of self-government, as provided by the Constitution and laws of this State. These powers and rights shall include, but not be restricted to the following:

- (a) To enact, establish and enforce codes, licenses and ordinances for the maintenance of good government and the interest and well being of its inhabitants.
- (b) To cooperate with the government of the State of Texas, or any agency or any political subdivision thereof, the government of the United States or its agencies, for any lawful purpose for the advancement of the interests, safety, convenience and welfare of its inhabitants.
- (c) To exercise the right of eminent domain, the right of extraterritorial jurisdiction and to have exclusive dominion over all public property in any manner permitted by the Constitution and laws of the State of Texas.
- (d) To contract and be contracted with; to sue and be sued; to buy, sell, lease, mortgage, hold, manage and control such property as its interests require.
- (e) To establish, maintain, improve, alter, abandon, or vacate public streets, rights-of-way, sidewalks, alleys, squares, parks and other public ways, and to police the use thereof.

Sec. 2.02 Public Improvements.

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

Sec. 2.03 Miscellaneous Powers.

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

ARTICLE III - THE CITY COUNCIL

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 the Councilperson's his current term of office.

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

Sec. 3.02 Qualification of Members.

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

Sec. 3.03 Compensation.

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

Sec. 3.04 Mayor and Mayor Pro-Tem.

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

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

Sec. 3.05 Vacancies, Forfeiture and Filling of Vacancies.

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

Sec. 3.06 Powers of the City Council.

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

Sec. 3.07 Prohibitions.

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

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.

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.

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.

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.

Sec. 3.12 Emergency Ordinances.

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

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.

Sec. 3.14 Investigations by the City Council.

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

Sec. 3.15 Bond.

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

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 The City Manager 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 the City Manager's executive and administrative qualifications. He The City Manager need not be a resident of the City when appointed, but shall reside within the City during the tenure of his the City Manager's 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 the City Manager's 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 the City Manager from duty, but his the City Manager's salary shall continue until his the City Manager's 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 The City Manager 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 the City Manager 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 the City Manager or the City Council may require concerning the operations of the City departments, offices, or agencies subject to his the City Manager's 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.

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.

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.

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 the City Attorney 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.

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.

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.

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.

ARTICLE V - CITY ELECTIONS

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.

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.

Sec. 5.03 Official Ballots.

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

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

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

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

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

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.

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

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.

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.

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.

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.

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.

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.

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 the elected official 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.

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.

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 the officer's 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.

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.

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, 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.

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 the elected official shall continue in office for the remainder of his the elected official's 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 the elected official 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.

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 the officer's 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.
- (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 the officer 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.

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.

ARTICLE VII – MUNICIPAL FINANCE

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.

Sec. 7.02 Submission of Budget.

(1) On or before the first regular scheduled meeting in August of each year, the City Manager shall submit to the City Council a proposed budget for the ensuing fiscal year and budget message. The City Council shall review the proposed budget and make any appropriate changes prior to publishing the final budget.

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 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.

(bc) 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

(civ) 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 offices ~~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 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.

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.~~

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.~~

Sec. 7.06 Public Records.

(1) Copies of the budget and capital program, as adopted, shall be public records and shall be made available to the public upon request.

Sec. 7.07 Lapse of Appropriations.

(1) Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriations. Any funds not expended, disbursed or encumbered shall be deemed excess funds.

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 holders 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.

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 the City Manager 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.

Sec. 7.10 Administration of Budget.

(1) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or his the City Manager's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds there from are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegally. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he the officer shall also be liable to the City for any amount so paid. However, this prohibition shall not be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, providing that such action is made or approved by ordinance.

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.

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.

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.~~

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.

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.

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.

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.

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.

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.

ARTICLE IX. - BOARDS AND COMMISSIONS

Sec. 9.01 Authority, Composition and Procedures.

- (1) The City Council shall create, establish or appoint, as may be required by the laws of the State of Texas or this Charter, or deemed desirable by the City Council, such boards, commissions and committees as it deems necessary to carry out the functions and obligations of the City. The City Council shall, by ordinance or resolution, prescribe the purpose, composition, function, duties, accountability and tenure of each board, commission and committee where such are not prescribed by law or this Charter.
- (2) Individuals who are qualified voters in the City may be appointed to serve on one (1) or more board, commission or committee. The City Council may, by ordinance or resolution, consolidate the functions of the various boards, commissions or committees provided for in this Charter. Except as otherwise provided in this Charter, members of any such board, commission or committee shall serve without compensation but may be reimbursed for actual expenses as approved by the City Council.
- (3) All boards, commissions or committees of the City shall keep and maintain minutes of any proceedings held and shall submit a written report of such proceedings to the City Council.
- (4) No officer of the City nor any person who holds a compensated appointive position with the City shall be appointed to any board, commission or committee created or established by this Charter other than in an advisory capacity.
- (5) Any member of a board, commission or committee who is absent from three (3) consecutive regular meetings without explanation acceptable to a majority of the other members shall forfeit his position on the board, commission or committee.

ARTICLE X—PLANNING AND ZONING COMMISSION**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.

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.

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.

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.

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.

ARTICLE XI – UTILITY AND PUBLIC SERVICE FRANCHISES AND LICENSES**Sec. 11.01 Authority.**

(1) The City shall have the power to buy, own, sell, construct, lease, maintain, operate and regulate public services and utilities and to manufacture, distribute and sell the output of such services and utility operations.

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.~~

Sec. 11.03 Transfer of Franchise.

(1) No public service or utility franchise is transferable, except with the approval of the City Council. However, the franchisee may pledge franchise assets as security for a valid debt or mortgage.

Sec. 11.04 Franchise Value not to be Allowed.

(1) Franchises granted by the City are of no value in fixing rates and charges for public services or utilities within the City and in determining just compensation to be paid by the City for property which the City may acquire by condemnation or otherwise.

Sec. 11.05 Right of Regulation.

(1) In granting, amending, renewing and extending public service and utility franchises, the City reserves unto itself all the usual and customary rights, including, but limited to, the following rights:

- (a) To repeal the franchise by ordinance for failure to begin construction or operation with the time prescribed, or for failure to comply with terms of the franchise.
- (b) To require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension is considered part of the original grant and terminable at the same time and under the same conditions as the original grant.
- (c) To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency.
- (d) To require reasonable standards of service and quality of products and prevent rate discrimination.
- (e) To impose reasonable regulations and restrictions to insure the safety and welfare of the public.
- (f) To examine and audit accounts and records and to require annual reports on local operations of the public service or utility.
- (g) To require the franchisee to restore, at franchisees' expenses, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair or removal.
- (h) To require the franchisee to furnish to the City, within a reasonable time, at the franchisee's expense, a general map outlining current location, character, size, length, depth, height and terminal of all facilities over and under the property within the City and its extraterritorial jurisdiction.
- (i) To require compensation, rent or franchise fees to be paid to the City.

Sec. 11.06 Regulation of Rates.

- (1) The City Council has the power to fix and regulate the rates and charges of all utilities and public services, consistent with state statutes.
- (2) Upon receiving written request from a utility or public service requesting a change in rates, or upon a recommendation from the City that rates for services provided by or owned by the City be changed, the City Council shall call a public hearing for consideration of the change.
- (3) The City, public service or utility must show the necessity for the change by any evidence required by the City Council, including, but not limited to, the following:
 - (a) Cost of its investment for service to the City;
 - (b) Amount and character of expenses and revenues connected with rendering the service;
 - (c) Copies of any reports or returns filed with any state or federal regulatory agency within the last three (3) years; or
 - (d) Demonstration that the return on investment is within state and federal limitation.
- (4) If not satisfied with the sufficiency of evidence, the City Council may hire rate consultants, auditors and attorneys to investigate and, if necessary, litigate requests for rate changes, the expense of which shall be reimbursed to the City by the franchisee.

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.

ARTICLE XII – GENERAL PROVISIONS

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.

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 or in accordance with state law.

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.

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.

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.

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.

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.

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.

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.

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.

Sec. 12.11 Emergency Powers of the Mayor.

(1) Whenever it comes to the knowledge of the Mayor ~~or the Mayor's 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 the Mayor~~ 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.

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.

Sec. 12.13 Gender of Wording.

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

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.

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.

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.



ROCKPORT CHARTER REVIEW COMMISSION

AGENDAS

CHARTER REVIEW COMMISSION AGENDA

Notice is hereby given that the Rockport Charter Review Commission will hold a meeting on Thursday, November 3, 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/channel/UCuF3nzgKHU1OjXHv8Yyj4QQ>.

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. Administer Oaths of Office.
4. Citizens to be heard.

At this time, comments limited to three (3) minutes will be taken from the audience from persons who have signed the speaker's card located on the table in the back of the Training Room of the Service Center and delivered to the City Secretary before the meeting begins, or written comments received by 4:00 p.m. on the day of the meeting, on any **Agenda** item or any subject matter, will be read and summarized in the minutes of the meeting. Persons wishing to address the Commission and who have registered using the Citizen Participation Form will have up to three minutes to speak. In accordance with the Open Meetings Act, the Commission may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.
5. Election of Chair.
6. Election of Vice-Chair.
7. Discussion and possible action regarding rules on public testimony.
8. Discuss and consider approval of meeting schedule and approach to Charter review.
9. Begin section by section review of City Charter.
10. Discussion and recommendations for future Agenda items.
11. 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, October 28, 2022, at 9:30 a.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 COUNCIL & CHARTER REVIEW COMMISSION AGENDA

Notice is hereby given that the Rockport City Council and the Charter Review Commission will hold a joint meeting on Tuesday, November 8, 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/Determine Quorum – City Council & Charter Review Commission.
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.

Regular Agenda

4. Receive comments from City Council.
5. Section by section review of City Charter.
6. Discussion and recommendation for future agenda items.
7. Adjournment.

Special Accommodations

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

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

Certification

I certify that the above notice of meeting was posted on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas on Thursday, November 2, 2022, at 3:30 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

CHARTER REVIEW COMMISSION AGENDA

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

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



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

Opening Agenda

1. Call meeting to order.
2. Roll call.
3. Citizens to be heard.

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

Special Accommodations

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

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

Certification

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


Teresa Valdez, City Secretary

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

CHARTER REVIEW COMMISSION AGENDA

Notice is hereby given that the Rockport Charter Review Commission will hold a meeting on Wednesday, December 7, 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 approval of Charter Review Commission Meeting Minutes of November 30, 2022.
5. Discussion and possible action on previous items voted for recommended changes in Articles I, II, III, IV, V, VI, VIII, IX and XII 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 VII, X, and XI.
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 Thursday, December 1, 2022 at 11:30 a.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

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.



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

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AGENDA OF DECEMBER 21, 2022 TO BE INSERTED

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**ROCKPORT CHARTER REVIEW COMMISSION
MINUTES**

CITY OF ROCKPORT**MINUTES****CHARTER REVIEW COMMISSION****5:30 p.m., Thursday, November 3, 2022****Rockport Service Center, 2751 State Highway 35 Bypass**

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

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

CHARTER REVIEW COMMISSION MEMBERS PRESENT

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

CHARTER REVIEW COMMISSION MEMBERS ABSENT**CITY COUNCIL MEMBERS PRESENT**

Katy Jackson, Council Member Ward 1

CITY STAFF MEMBERS PRESENT

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

Opening Agenda**1. Call meeting to order.**

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

2. Roll Call.

City Secretary Teresa Valdez conducted roll call.

3. Administer Oaths of Office.

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

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

4. Citizens to be heard.

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

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

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

5. Election of Chair.

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

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

6. Election of Vice-Chair.

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

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

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

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

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

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

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

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

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

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

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

CITY OF ROCKPORT

CHARTER REVIEW COMMISSION MEETING NO. 1

TERESA VALDEZ
SECRETARY

ARTURO D. RODRIGUEZ, JR.

CITY

MESSER FORT & MCDONALD, PLLC

NOVEMBER 3, 2022

CHARTER

- Home Rule City's Constitution
- **"Home-rule cities possess the full power of self government and look to the Legislature not for grants of power, but only for limitations on their power."** *Dallas Merchant's and Concessionaire's Ass'n v. City of Dallas*, 852 S.W.2d 489
- Order of Laws
 - State Law - "No charter or any ordinance passed under said charter shall contain any provision inconsistent with the Constitution of the State, or of the general laws enacted by the Legislature of this State" - Tex. Const. art. XI, § 5
 - City Charter
 - City Ordinance

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3 CHARGE OF COMMISSION

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

4 PROPOSED MEETING DATES

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

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

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

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

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

Brief discussion was held among Commission Members.

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

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

9. Begin section by section review of City Charter.

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



SECTION 1.01 – FORM OF GOVERNMENT

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

6

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

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

7 SECTION 1.02 – BOUNDARIES OF THE CITY

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

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

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

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

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

SECTION 1.03 – EXTENSION OF BOUNDARIES

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

8

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

Discussion was held among the Commission and Mr. Rodriguez.

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

SECTION 1.03 – EXTENSION OF BOUNDARIES – POSSIBLE CHANGES

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

9

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

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

ABSTAIN: Commission Member Webb.

10 SECTION 1.04 – CONTRACTION OF BOUNDARIES

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

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

11 SECTION 1.04 – CONTRACTION OF BOUNDARIES

~~POSSIBLE CHANGES~~

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

12 SECTION 1.04 – CONTRACTION OF BOUNDARIES

~~POSSIBLE CHANGES~~

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

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

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

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

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

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

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

13 ARTICLE II – POWERS OF THE CITY

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

14 GENERAL POWERS OF THE CITY

- **Sec. 2.01 General Powers of the City.**
- (1) The City shall be an incorporated Home Rule City, with full power and rights of self-government, as provided by the Constitution and laws of this State. These powers and rights shall include, but not be restricted to the following:
 - (a) To enact, establish and enforce codes, licenses and ordinances for the maintenance of good government and the interest and well being of its inhabitants.
 - (b) To cooperate with the government of the State of Texas, or any agency or any political subdivision thereof, the government of the United States or its agencies, for any lawful purpose for the advancement of the interests, safety, convenience and welfare of its inhabitants.
 - (c) To exercise the right of eminent domain, the right of extraterritorial jurisdiction and to have exclusive dominion over all public property in any manner permitted by the Constitution and laws of the State of Texas.
 - (d) To contract and be contracted with; to sue and be sued; to buy, sell, lease, mortgage, hold, manage and control such property as its interests require.
 - (e) To establish, maintain, improve, alter, abandon, or vacate public streets, rights-of-way, sidewalks, alleys, squares, parks and other public ways, and to police the use thereof.

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

15 SECTION 2.02 – PUBLIC IMPROVEMENTS

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

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

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

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

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

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

16 SECTION 2.03 – MISCELLANEOUS POWERS

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

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

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

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

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

17 ARTICLE IX – BOARDS AND COMMISSIONS

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

18 ARTICLE IX – BOARDS AND COMMISSIONS (CONT.)

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

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

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

19 ARTICLE IX – BOARDS AND COMMISSIONS

- Qualified Voters v. Property Owners

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

Discussion was held among Commission Members.

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

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

10. Discussion and recommendations for future Agenda items.

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

11. Adjournment.

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



APPROVED:


Tom Blazek, Chair

ATTEST:


Teresa Valdez, City Secretary

DRAFT

**ROCKPORT CHARTER REVIEW COMMISSION
MINUTES OF NOVEMBER 8 AND DECEMBER 14, 2022
TO BE INSERTED**

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't 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.

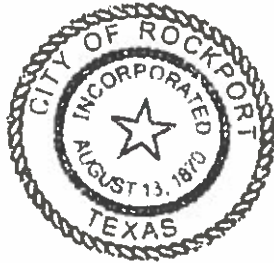
Mr. Rodriguez answered a quorum has to be present in order to conduct the meeting, a quorum cannot be reached by ZOOM.

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

CITY OF ROCKPORT**MINUTES****CHARTER REVIEW COMMISSION****5:30 p.m., Wednesday, November 30, 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 30th 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

Thomas “Tom” J. Blazek

CHARTER REVIEW COMMISSION MEMBERS ABSENT

J. Mark Wagnon

Donna Townsend

CITY COUNCIL MEMBERS PRESENT

Mayor Tim Jayroe

Council Member Katy Jackson

Council Member Brad Brundrett

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

Dennis Paine, Jr., Police Lieutenant-Administration

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 she hoped they had a happy Thanksgiving.

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.

MOTION: Commission Member Amaya moved to approve the City Council and Charter Review Commission Joint Meeting Minutes of November 8, 2022, and Charter Review Commission Meeting Minutes of November 16, 2022. Commission Member Webb seconded the motion. Motion carried unanimously.

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.

Kristie Rutledge addressed the Commission and stated she would like the Chair to recognize her as the Commission discusses each item.

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, V and IX of the City of Rockport Charter. Mr. Rodriguez said with some of the items previously voted upon a purpose had not been stated. Mr. Rodriguez stated it would be beneficial to provide the City Council a purpose for the Commission's decision to recommend a change.

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

Article I

Section 1.03 – Consensus of Commission for no additional recommended changes.

Section 1.04 – **MOTION:** Commission Member Webb moved to postpone discussion of this item until Commission Member Wagnon is present since he had requested clarification on what happens with a petition for annexation. Commission Member Amaya seconded the motion. Motion carried: 2:1

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

Kristie Rutledge addressed the Commission during discussion and commented Mr. Wagnon wanted additional language as to what happens when a petition is received. Ms. Rutledge recommended the Commission push this item until Mr. Wagnon is present.

Article III

Section 3.01 – **MOTION:** Commission Member Webb moved to state the purpose of the recommended change was “voter choice and wider selection of candidates.” Commission Member Amaya seconded the motion. Motion carried unanimously.

Section 3.08 – Consensus of Commission for no additional recommended changes.

Section 3.09 – Consensus of Commission for no additional recommended changes.

Section 3.10 – **MOTION:** Commission Member Amaya moved to include the word “before” in the recommended change to read as follows: “The City Council shall determine.....during citizens to be heard and **before** deliberation on agenda items.....” and to state the purpose of the recommended change was “increase citizen input prior to deliberation.” Commission Member Webb seconded the motion. Motion carried unanimously.

Kristie Rutledge addressed the Commission during discussion and commented the standard procedure for Council meetings was three (3) minutes for citizens to be heard and then three (3) minutes prior to each agenda item and recently that was cut out by Council and we don’t know why.

Section 3.11 – **MOTION:** Commission Member Webb moved to state the purpose of the recommended change was “provide additional time for citizen input. Commission Member Amaya seconded the motion. Motion carried unanimously.

Council Member Jackson addressed the Commission and said when the Commission discussed this at the last meeting the reason stated for the recommended change was to provide more time for people to provide input. Council Member Jackson said she had asked if it was necessary for two (2) readings on a zoning change because people could be busy working on their property and Council could say they don’t need a second reading if approved by a super majority.

Kristie Rutledge addressed the Commission and recommended the Commission not approve the new language.

MOTION: Commission Member Amaya moved to recommend the addition of the following language to Section 3.11(3): “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.” Commission Member Webb seconded the motion. Motion carried unanimously.

MOTION: Commission Member Amaya moved to state the purpose of the recommended additional language was to give City Council an option to dispense with a two (2) reading requirement for customer service. Chair Blazek seconded the motion. Motion carried 2:1.

FOR MOTION: Commission Member Amaya and Chair Blazek.

ABSTAIN: Commission Member Webb.

Article V.

Section 5.01 – **MOTION:** Commission Member Amaya moved to state the purpose of the recommended change was “to provide City Council choice on uniform election dates.” Commission Member Webb seconded the motion. Motion carried unanimously.

- 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.**

Mr. Rodriguez and Commission Members reviewed and discussed the following items:

Article IV.

Section 4.01 – **MOTION:** Chair Blazek moved to recommend deleting the second sentence in Section 4.01(2): “No employment agreement shall provide more than six months’ severance or termination compensation.” Commission Member Webb seconded the motion. Motion carried: 2:1.

FOR MOTION: Chair Blazek and Commission Member Webb.

AGAINST MOTION: Commission Member Amaya.

MOTION: Chair Blazek moved to state the purpose of the recommended charge was “to provide flexibility in negotiations with City Manager.” Commission Member Webb seconded the motion. Motion carried: 2:1.

FOR MOTION: Chair Blazek and Commission Member Webb.

AGAINST MOTION: Commission Member Amaya.

Kristie Rutledge addressed the Commission during discussion and stated the last City Manager discharged cost the City a lot of money and maybe the language regarding severance or termination compensation in subsection (2) be deleted or reduced to 30 days.

Council Member Brundrett said if the language were removed it gives Council leeway with City Manager candidates but having it there binds the Council.

Council Member Jackson stated in her opinion the severance pay sentence should be removed. Council Member Jackson said if the Council is put in a box then they cannot

negotiate with City Manager candidates and her recommendation is to remove that sentence.

Kristie Rutledge recommended the sentence be left in subsection (2).

Section 4.02 – **MOTION:** Commission Member Amaya moved to delete subsection (2)(h) and the stated purpose is “it is no longer applicable.” Commission Member Webb seconded the motion. Motion carried unanimously.

Section 4.03 - Consensus of Commission for no recommended changes.

Section 4.04 – **MOTION:** Commission Member Webb moved to recommend the addition of: “The term ‘City Attorney’ may refer to an individual or firm” and the stated purpose is “comments received from City Council.” Chair Blazek seconded the motion. Motion carried unanimously.

Section 4.05 – **MOTION:** Commission Member Webb moved to recommend deletion of Section 4.08 City Engineer and the stated purpose is “provides flexibility on project engineering. City Council still engages engineers based on qualifications with each project.” Commission Member Amaya seconded the motion. Motion carried unanimously.

Section 4.06 - Consensus of Commission for no recommended changes.

Section 4.07 - Consensus of Commission for no recommended changes.

Article VI.

Section 6.01 – **MOTION:** Commission Member Amaya moved to recommend the following change in subsection (4): “*Qualified Voter*: In the context of eligibility to sign a petition under this Article means a registered voter in the City of Rockport.” Commission Member Webb seconded the motion. Motion carried unanimously.

Section 6.02 - Consensus of Commission for no recommended changes.

Section 6.03 – **MOTION:** Commission Member Webb moved to recommend the following change in subsection (1): “All petition blanks used for circulation by the member 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” and the stated purpose is “provides clarity.” Chair Blazek seconded the motion. Motion carried unanimously.

Kristie Rutledge addressed the Commission during discussion and said there have been several petitions and she did not see any issue with the form, and she does not see a reason for the change.

Section 6.04 - Consensus of Commission for no recommended changes.

Section 6.05 - Consensus of Commission for no recommended changes.

Section 6.06 - Consensus of Commission for no recommended changes.

Section 6.07 - Consensus of Commission for no recommended changes.

Section 6.08 - Consensus of Commission for no recommended changes.

Section 6.09 - Consensus of Commission for no recommended changes.

Section 6.10 – **MOTION:** Commission Member Webb moved to recommend the following change in subsection (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. 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”, and the stated purpose is “provide compliance with the Texas Election Code and allow for cancellation of an unnecessary election.” Commission Member Amaya seconded the motion. Motion carried unanimously.

Kristie Rutledge addressed the Commission during discussion and asked the Commission to keep in mind that the Election Code can change, and she recommended no changes be made.

Section 6.11 - Consensus of Commission for no recommended changes.

Section 6.12 – **MOTION:** Commission Member Amaya moved to recommend the following change to subsection (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”;

and deletion of “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”, and the following change to subsection (2): deletion of “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”, and the stated purpose is “Allows flexibility in programming of electronic machines.” Commission Member Webb seconded the motion. Motion carried unanimously.

Section 6.13 - Consensus of Commission for no recommended changes.

Section 6.14 – **MOTION:** Commission Member Amaya moved to recommend the following change to subsection (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 and filed and found insufficient; or
- (c) Within one (1) year after an election for such officer's recall.

and the stated purpose is "Reduce potential confusion." Commission Member Webb seconded the motion. Motion carried unanimously.

Section 6.15 – **MOTION:** Commission Member Amaya moved to recommend the removal of the following verbiage subsection (1): "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", and the stated purpose is "Allow proper administration of claims." Commission Member Webb seconded the motion. Motion carried unanimously.

Kristie Rutledge addressed the Commission during discussion and stated there's a reason this language is in there and she did not recommend acceptance of the proposed changes. Ms. Rutledge said people need all the protections they can get. Ms. Rutledge added she was really surprised by the proposed change specifically since we have a new County Judge coming in and why this was brought up at this time. Ms. Rutledge expressed that the Charter gives the County Judge that authority.

Mr. Rodriguez declared Ms. Rutledge was wrong; the County Judge has no authority, and the County gets its authority from the State.

The Commission took a brief recess from 6:57 p.m. until 7:05 p.m.

Mr. Rodriguez and Commission Members reviewed and discussed the following items:

Article VIII.

Section 8.01 - Consensus of Commission for no recommended changes.

Section 8.02 - Consensus of Commission for no recommended changes.

Section 8.03 - Consensus of Commission for no recommended changes.

Section 8.04 - Consensus of Commission for no recommended changes.

Section 8.05 - Consensus of Commission for no recommended changes.

Section 8.06 - Consensus of Commission for no recommended changes.

Article XII.

Section 12.01 – **MOTION:** Commission Member Amaya moved to recommend the deletion of "at a nominal charge" and the addition of "in accordance with state law", and the stated purpose is "To reduce confusion and provide consistency." Chair Blazek seconded the motion. Motion carried 2:1.

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

Kristie Rutledge addressed the Commission and said she has submitted numerous public information requests to various entities, and she is never charged for copies except by the City and she believes the City is overcharging. Ms. Rutledge stated fees are not necessary and it's used to discourage the public from seeking information. Ms. Rutledge commented if you add to the Charter then the City Secretary is required to charge.

City Secretary Teresa Valdez informed the Commission that the Attorney General provides criteria for municipalities as it relates to public information requests.

Mr. Rodriguez stated Ms. Rutledge was wrong.

Section 12.02 – **MOTION:** Commission Member Amaya moved to recommend the change from “biannually” to “annually” for a one (1) year period, and the stated purpose is “To include in the annual budget”. Commission Member Webb seconded the motion.

Council Member Jackson stated the requirement to put anything in a newspaper has been coming before State legislators and maybe this should be removed because it is not sure how the legislature will approach this in the future.

Kristie Rutledge addressed the Commission during discussion and stated a lot of people don't use the newspaper; they use social media.

AMENDED MOTION: Commission Member Amaya moved to amend her Motion to include the language “in accordance with State law”. Commission Member Webb seconded the motion. Motion carried unanimously.

Chair Blazek then called for the vote on the Main Motion.

The Main Motion carried unanimously.

Section 12.03 - Consensus of Commission for no recommended changes.

Section 12.04 - Consensus of Commission for no recommended changes.

Section 12.05 – **MOTION:** Commission Member Webb moved to recommend the removal of the word “physical” in subsection (1), and the stated purpose is to include disabilities other than physical disabilities. Commission Member Amaya seconded the motion. Motion carried unanimously.

Council Member Jackson addressed the Commission during discussion and stated this is not a lawsuit waiting to happen.

City Manager Shrauner explained the only thing the proposed change does is it recognizes all disabilities.

Section 12.06 - Consensus of Commission for no recommended changes.

Section 12.07 - Consensus of Commission for no recommended changes.

Section 12.08 - Consensus of Commission for no recommended changes.

Section 12.09 – **MOTION:** Commission Member Amaya moved to recommend the following change in verbiage: “All legal processes against the City shall be served upon the Mayor or City Secretary”, and the stated purpose is “Consistency with Section 17.024 of Texas Civil Practice and Remedies Code.” Commission Member Webb seconded the motion. Motion carried unanimously.

Section 12.10 - Consensus of Commission for no recommended changes.

Section 12.11 - Consensus of Commission for no recommended changes.

Kristie Rutledge addressed the Council during discussion and said she would like to see a limitation of seven (7) days before it comes to Council.

Council Member Jackson stated according to Statute the City has one (1) hour in emergency situations.

Section 12.12 - Consensus of Commission for no recommended changes.

Section 12.13 - Consensus of Commission for no recommended changes.

Section 12.14 - Consensus of Commission for no recommended changes.

Kristie Rutledge during discussion and said she had talked to the City Secretary from Portland and each Charter amendment should be put on the ballot separately, and she thinks that would be good.

Mr. Rodriguez stated Chapter 9 of the Local Government Code provides for one subject basis, so that is already provided for and subsection (1) already captures that requirement.

Section 12.15 - Consensus of Commission for no recommended changes.

Section 12.16 - Consensus of Commission for no recommended changes.

Mr. Rodriguez stated that concluded all the posted Articles to be discussed tonight. Mr. Rodriguez said the Commission has completed 75% of the Charter review and there are three (3) Articles left to review: VII, X, and XI.

7. Discussion and recommendations for future Agenda items.

Mr. Rodriguez said the next Articles for review will be Articles VII, X, and XI. Mr. Rodriguez stated a public hearing is required and there are three scheduled meetings dates left and he asked when the Commission would like to schedule the public hearing.

City Manager Shrauner said the final report will be posted on the website for public comment.

It was the consensus of the Commission that at the meeting on December 14, 2022, the Commission will review all recommended changes, the Public Hearing will be held on December 21, 2022, and the Commission will vote on the final report that will be given to Council. Mr. Rodriguez added once the Council receives the final report it is up to the Council to decide.

8. Adjournment.

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



ATTEST:


Teresa Valdez, City Secretary

APPROVED:


Tom Blazek, Chair

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 Saucedo, 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 Wagon 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, Section 3.13, 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 Wagon 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 Wagon, 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 Wagon.

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 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 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:


Thomas J. Blazek, Chair

ATTEST:

Teresa Valdez, City Secretary



ROCKPORT CHARTER REVIEW COMMISSION
INFORMATION PROVIDED TO COMMISSION

CITY OF ROCKPORT

CHARTER REVIEW COMMISSION MEETING NO. I

TERESA VALDEZ

ARTURO D. RODRIGUEZ, JR.

CITY SECRETARY

MESSER FORT & MCDONALD, PLLC

NOVEMBER 3, 2022

CHARTER

- Home Rule City's Constitution
- “**Home-rule cities** possess the full **power of self government** and look to the Legislature not for grants of power, but only for limitations on their power.” *Dallas Merchant's and Concessionaire's Ass'n v. City of Dallas*, 852 S.W.2d 489
- Order of Laws
 - State Law – “No charter or any ordinance passed under said charter shall contain any provision inconsistent with the Constitution of the State, or of the general laws enacted by the Legislature of this State” - Tex. Const. art. XI, § 5
 - City Charter
 - City Ordinance

3 CHARGE OF COMMISSION

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

4 PROPOSED MEETING DATES

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

5 ARTICLE I. – FORM OF GOVERNMENT AND BOUNDARIES

SECTION 1.01 – FORM OF GOVERNMENT

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

7 SECTION 1.02 – BOUNDARIES OF THE CITY

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

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.

SECTION 1.03 – EXTENSION OF BOUNDARIES – POSSIBLE CHANGES

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

10 SECTION 1.04 – CONTRACTION OF BOUNDARIES

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

II SECTION 1.04 – CONTRACTION OF BOUNDARIES POSSIBLE CHANGES

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

12 SECTION 1.04 – CONTRACTION OF BOUNDARIES POSSIBLE CHANGES

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

I3 ARTICLE II – POWERS OF THE CITY

14 GENERAL POWERS OF THE CITY

- **Sec. 2.01 General Powers of the City.**

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

15 SECTION 2.02 – PUBLIC IMPROVEMENTS

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

16 SECTION 2.03 – MISCELLANEOUS POWERS

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

17 ARTICLE IX – BOARDS AND COMMISSIONS

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

18 ARTICLE IX – BOARDS AND COMMISSIONS (CONT.)

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

19 ARTICLE IX – BOARDS AND COMMISSIONS

- Qualified Voters v. Property Owners



Arturo D. Rodriguez, Jr., Messer Fort & McDonald, PLLC

art@txmunicipallaw.com

(512) 930-1317



ROCKPORT CHARTER REVIEW COMMISSION

ARTICLE III - THE CITY COUNCIL

SECTION BY SECTION REVIEW

Sec. 3.01 Number, Selection and Term.

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

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

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

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

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

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

Examples from other cities:

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

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

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

Examples from other cities:

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

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

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

Question – May change with changing terms.

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

Examples from other cities:

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

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

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

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

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

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

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

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

Question: Prevent resignation or removal from interrupting term limits.

Sec. 3.02 Qualification of Members.

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

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 3.03 Compensation.

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

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 3.04 Mayor and Mayor Pro-Tem.

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

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

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

Examples from other cities:

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

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

Sec. 3.05 Vacancies, Forfeiture and Filling of Vacancies.

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

Relevant Law:

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

Tex. Const. art. XI, § 11

Examples from other cities:

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

Pflugerville - In the event of a single vacancy in the City Council, if there are 365 days or more remaining on the term of the vacated Mayoral or City Council position, the City Council shall call a special election to fill such vacancy. If there are less than 365 days remaining in the term of the vacated Mayoral or City Council position, the City Council may, by majority vote of the remaining Councilmembers, at its discretion, appoint a new Mayor or Councilmember to fill such vacancy or call a special election to fill such vacancy.

Sec. 3.06 Powers of the City Council.

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

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 3.07 Prohibitions.

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

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

PROPOSED CHANGE:

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

PURPOSE:

Reduce potential political input in City employment of Department Heads.

PROPOSED CHANGE:

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

PURPOSE:

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

Sec. 3.08 Meetings of the City Council.

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

PROPOSED CHANGE:

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

PURPOSE:

Provides clarity on notice and adds provision regarding emergency meeting.

Sec. 3.09 Quorum.

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

Examples from other cities:

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

PROPOSED CHANGE:

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

PURPOSE:

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

Sec. 3.10 Rules of Procedure.

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

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 3.11 Passage of Ordinances In General.

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

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

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

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

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

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

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

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

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

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

Question – Can readings be less than one week?

Examples from other cities:

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

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

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

Sec. 3.12 Emergency Ordinances.

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

PROPOSED CHANGE:

None.

PURPOSE:

N/A

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

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

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

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

PROPOSED CHANGE:

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

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

PURPOSE:

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

Sec. 3.14 Investigations by the City Council.

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

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 3.15 Bond.

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

PROPOSED CHANGE:

None.

PURPOSE:

N/A



ROCKPORT CHARTER REVIEW COMMISSION

ARTICLE XII – 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 V - CITY ELECTIONS

SECTION BY SECTION REVIEW

Sec. 5.01 City Elections.

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

QUESTIONS – Move to November?

PROPOSED CHANGE:

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

PURPOSE:

Provide for compliance with State law.

Sec. 5.02 Filing for Office.

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

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

Relevant Law:

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

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

PROPOSED ADDITION:

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

Examples from other cities:

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

PURPOSE:

Provide for candidates and councilpersons from being in arrears.

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

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

PROPOSED CHANGE:

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

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

PURPOSE:

Account for cancelled elections.

Other City Examples:

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

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

Sec. 5.03 Official Ballots.

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

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

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

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

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

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 5.04 Official Results.

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

PROPOSED CHANGE:

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

PURPOSE:

Allow for consistency with current practice.



ROCKPORT CHARTER REVIEW COMMISSION

ARTICLE 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; ~~nor 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.

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PURPOSE:

Allow proper administration of claims.



ROCKPORT CHARTER REVIEW COMMISSION

ARTICLE VII – MUNICIPAL FINANCE

SECTION BY SECTION REVIEW

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 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.

PROPOSED CHANGE:

(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. 7.02 Submission of Budget.

(1) On or before the first regular scheduled meeting in August of each year, the City Manager shall submit to the City Council a proposed budget for the ensuing fiscal year and budget message. The City Council shall review the proposed budget and make any appropriate changes prior to publishing the final budget.

PROPOSED CHANGE:

None.

PURPOSE:

N/A.

Sec. 7.03 Budget.

(1) The budget shall consist of three (3) parts as follows:

(a) Part I shall contain:

(i) Budget message prepared by the City Manager, which shall outline a fiscal policy for the City government, describing therein the important features of the budget with reference both to proposed expenditures and anticipated income for the ensuing year; and

(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) Part II shall contain:

(i) Detailed estimates of all proposed expenditures, 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

(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 offices a general summary of the proposed budget and a notice stating:

(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 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.

(b) At a regular or special meeting not fewer than seven (7) days after the public hearing, the City Council may adopt the budget with or without amendment. 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.

(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.

PROPOSED CHANGE:

(1) The City Manager shall submit an annual budget not later than thirty (3) 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.~~

(bc) ~~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~~

(civ) 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.~~

(e) ~~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 offices ~~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.~~

(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.

(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.

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.

PROPOSED CHANGE:

- (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:

Recommended by Finance Director.

Sec. 7.05 Capital Program.

(1) The City Manager shall submit a two (2) year capital program 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.

PROPOSED CHANGE:

(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:

Recommended by Finance Director.

Sec. 7.06 Public Records.

(1) Copies of the budget and capital program, as adopted, shall be public records and shall be made available to the public upon request.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 7.07 Lapse of Appropriations.

(1) Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriations. Any funds not expended, disbursed or encumbered shall be deemed excess funds.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

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~~ 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 holders 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~~ 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:

Recommended by 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. All contracts for expenditures involving more than the set limits must be expressly approved in advance by the City Council. 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 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, 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.

PROPOSED CHANGE:

(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:

Recommended by the Finance Director.

Sec. 7.10 Administration of Budget.

(1) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds there from are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegally. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the City for any amount so paid. However, this prohibition shall not be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, providing that such action is made or approved by ordinance.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

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 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.

PROPOSED CHANGE:

(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:

Recommended by Finance Director.

Sec. 7.12 Financial Report.

(1) The City Manager shall submit to the City Council at its first 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 on an accrual basis to support this type of financial management.

PROPOSED CHANGE:

(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:

Recommended by 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 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.

PROPOSED CHANGE:

(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:

Transparency in financial documentation.



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 X – PLANNING AND ZONING COMMISSION

SECTION BY SECTION REVIEW

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.

Comment from Councilperson Jackson - I recommend we delete the entire Article and have an ordinance drafted to replace it.

PROPOSED CHANGE:

~~(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.

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.

Comment from Councilperson Jackson - I recommend we delete the entire Article and have an ordinance drafted to replace it.

PROPOSED CHANGE:

~~(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 for Councilperson.

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.

Comment from Councilperson Jackson - I recommend we delete the entire Article and have an ordinance drafted to replace it.

PROPOSED CHANGE:

~~(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 from Councilperson.

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.

Comment from Councilperson Jackson - I recommend we delete the entire Article and have an ordinance drafted to replace it.

PROPOSED CHANGE:

~~(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 from Councilperson.

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.

Comment from Councilperson Jackson - I recommend we delete the entire Article and have an ordinance drafted to replace it.

PROPOSED CHANGE:

~~(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:

Requested by Councilperson.



ROCKPORT CHARTER REVIEW COMMISSION

ARTICLE XI – UTILITY AND PUBLIC SERVICE FRANCHISES AND LICENSES

SECTION BY SECTION REVIEW

Sec. 11.01 Authority.

(1) The City shall have the power to buy, own, sell, construct, lease, maintain, operate and regulate public services and utilities and to manufacture, distribute and sell the output of such services and utility operations.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

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.

PROPOSED CHANGE:

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

PURPOSE:

Allows City Council flexibility in exclusivity of franchises.

Sec. 11.03 Transfer of Franchise.

(1) No public service or utility franchise is transferable, except with the approval of the City Council. However, the franchisee may pledge franchise assets as security for a valid debt or mortgage.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 11.04 Franchise Value not to be Allowed.

(1) Franchises granted by the City are of no value in fixing rates and charges for public services or utilities within the City and in determining just compensation to be paid by the City for property which the City may acquire by condemnation or otherwise.

PROPOSED CHANGE:

None

PURPOSE:

N/A

Sec. 11.05 Right of Regulation.

(1) In granting, amending, renewing and extending public service and utility franchises, the City reserves unto itself all the usual and customary rights, including, but limited to, the following rights:

- (a) To repeal the franchise by ordinance for failure to begin construction or operation with the time prescribed, or for failure to comply with terms of the franchise.
- (b) To require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension is considered part of the original grant and terminable at the same time and under the same conditions as the original grant.
- (c) To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency.
- (d) To require reasonable standards of service and quality of products and prevent rate discrimination.
- (e) To impose reasonable regulations and restrictions to insure the safety and welfare of the public.
- (f) To examine and audit accounts and records and to require annual reports on local operations of the public service or utility.
- (g) To require the franchisee to restore, at franchisees' expenses, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair or removal.
- (h) To require the franchisee to furnish to the City, within a reasonable time, at the franchisee's expense, a general map outlining current location, character, size, length, depth, height and terminal of all facilities over and under the property within the City and its extraterritorial jurisdiction.
- (i) To require compensation, rent or franchise fees to be paid to the City.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

Sec. 11.06 Regulation of Rates.

- (1) The City Council has the power to fix and regulate the rates and charges of all utilities and public services, consistent with state statutes.
- (2) Upon receiving written request from a utility or public service requesting a change in rates, or upon a recommendation from the City that rates for services provided by or owned by the City be changed, the City Council shall call a public hearing for consideration of the change.
- (3) The City, public service or utility must show the necessity for the change by any evidence required by the City Council, including, but not limited to, the following:
 - (a) Cost of its investment for service to the City;
 - (b) Amount and character of expenses and revenues connected with rendering the service;
 - (c) Copies of any reports or returns filed with any state or federal regulatory agency within the last three (3) years; or
 - (d) Demonstration that the return on investment is within state and federal limitation.
- (4) If not satisfied with the sufficiency of evidence, the City Council may hire rate consultants, auditors and attorneys to investigate and, if necessary, litigate requests for rate changes, the expense of which shall be reimbursed to the City by the franchisee.

PROPOSED CHANGE:

None.

PURPOSE:

N/A

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 for any other purpose not contrary to the Constitution and Laws of the State of Texas.

PROPOSED CHANGE:

(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.



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



**ROCKPORT CHARTER REVIEW COMMISSION
PREVIOUS ITEMS FOR RECONSIDERATION**

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.

Purpose: Clarity.

Section 3.11(3)

- (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.

Purpose: No stated purpose provided by the Commission.

Sec. 5.01 City Elections.

- (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.

Purpose: No stated purpose provided by the Commission.



**ROCKPORT CHARTER REVIEW COMMISSION
PREVIOUS ITEMS VOTED UPON BY COMMISSION**

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: No stated purpose provided by the Commission.

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 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: No stated purpose provided by the Commission.

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.~~

(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: No stated purpose provided by the Commission.

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. 5.01 City Elections.

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

(2) The City's General Election shall be held annually on the May uniform election date. The City Council shall be responsible for specification of places for holding such election.

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

(4) Municipal elections shall be conducted by election officials appointed or approved by the City Council, 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 – 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 at 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.



**ROCKPORT CHARTER REVIEW COMMISSION
PREVIOUS ITEMS FOR RECONSIDERATION**

December 7, 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.

Purpose: Clarity.



ROCKPORT CHARTER REVIEW COMMISSION
PREVIOUS ITEMS VOTED UPON BY COMMISSION
December 7, 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 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 at 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 not 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, 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; ~~not 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. 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 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 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 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.

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.



ROCKPORT CHARTER REVIEW COMMISSION

GENDER NEUTRAL CHANGES IN CHARTER AS PROPOSED

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 the Councilperson's current term of office.

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

Sec. 3.02 Qualification of Members.

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

Sec. 3.04 Mayor and Mayor Pro-Tem.

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

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

Sec. 3.05 Vacancies, Forfeiture and Filling of Vacancies.

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

Sec. 3.07 Prohibitions.

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

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 The City Manager 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 the City Manager's executive and administrative qualifications. He The City Manager need not be a resident of the City when appointed, but shall reside within the City during the tenure of his the City Manager's 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 the City Manager's 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 the City Manager from duty, but his the City Manager's salary shall continue until his the City Manager's 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 The City Manager 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 the City Manager 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~~ the City Manager or the City Council may require concerning the operations of the City departments, offices, or agencies subject to ~~his~~ the City Manager's 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.

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~~ the City Attorney 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.

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 the elected official 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.

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 not 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 the officer's 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.

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 the elected official shall continue in office for the remainder of his the elected official's 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 the elected official 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.

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 the officer's 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~~ the officer 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.

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~~ the City Manager 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.

Sec. 7.10 Administration of Budget.

(1) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or ~~his~~ the City Manager's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds there from are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegally. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and ~~he~~ the officer shall also be liable to the City for any amount so paid. However, this prohibition shall not be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, providing that such action is made or approved by ordinance.

Sec. 12.11 Emergency Powers of the Mayor.

(1) Whenever it comes to the knowledge of the Mayor ~~or the Mayor's~~ 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~~ the Mayor 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.



**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 disannexation 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.

~~(bc) 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~~

~~(civ)~~ 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.

~~(e) 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 offices 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 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 holders 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 at 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 not 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, ~~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; ~~not 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 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 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 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.

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.



ROCKPORT CHARTER REVIEW COMMISSION

RESOLUTION

RESOLUTION NO. 2022-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS, REGARDING THE CREATION AND APPOINTMENT OF A CHARTER REVIEW COMMISSION; PROVIDING A CHARGE FOR THE COMMISSION; APPOINTING MEMBERS TO THE COMMISSION; REQUIRING A PUBLIC HEARING; ESTABLISHING A TERM FOR THE COMMISSION; ENGAGING PROFESSIONALS FOR ASSISTANCE; ADOPTING A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Rockport originally adopted its Home Rule Charter on April 12, 1983; and

WHEREAS, amendments to the Charter were adopted on May 23, 1989, January 18, 1992, May 7, 1994, May 7, 1999, and May 2004; and

WHEREAS, the last Charter Review Commission was organized on November 5, 2008; and

WHEREAS, the City Council seeks to review its charter to determine if any updates are needed, recommended, or desired; and

WHEREAS, the City Council, pursuant to § 12.15 of the City Charter, may appoint a Charter Review Commission of five citizens of the City; and

WHEREAS, the City Council hereby seeks to appoint a Charter Review Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT:

SECTION 1. FINDINGS INCORPORATED. The City Council finds the statements made in the preamble are true and correct and incorporated them into the body of this Resolution as if fully stated herein.

SECTION 2. CHARGE OF COMMISSION. A Charter Review Commission is hereby created in order to:

- (a) Inquire into the operation of the City government under the Charter and determine whether any provisions require revision. The Commission may compel the attendance of any officer or employee of the City and require submission of any City records it deems necessary to conduct the hearings;
- (b) Propose any recommendation(s) it deems desirable to insure compliance with the Charter by the government;
- (c) Propose amendments to the Charter to improve the effective application to current conditions; and

- (d) Report its findings and present its recommendations, if any, to the City Council prior to the expiration of the Charter Review Commission.

SECTION 3. POSITIONS. The City hereby appoints the following five (5) citizens to the City's Charter Review Commission who meet all requirements for eligibility under Charter §§ 9.01 and 12.15:

1. George "Doug" Webb – Ward 1
2. Diedra Amaya – Ward 2
3. T. Mark Wagnon – Ward 3
4. Donna Townsend – Ward 4
5. Thomas J. Blazek – At Large

The City Council may remove any member at any time for any reason. The City Council may fill any vacancies on the Charter Review Commission at any time without the need for a resolution or ordinance.

SECTION 4. PUBLIC HEARINGS. In performance of its duties described above, the Charter Review Commission shall have at least one public hearing prior to submission of its final report to the City Council.

SECTION 5. TERM. The Charter Review Commission shall expire on April 25, 2023, which is six months from the appointment as required by Rockport Charter § 12.15.

SECTION 6. LEGAL SERVICES. The City hereby engages the law firm of Messer Fort and McDonald, PLLC to assist the Charter Review Commission in its efforts and as needed in the future.

SECTION 7. REPEALER. Any prior Resolution of the City Council in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

SECTION 8. SEVERABILITY. Should any part of this Resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

SECTION 9. EFFECTIVE DATE. This Resolution shall take effect immediately from and after its passage.

PASSED and APPROVED this 25th day of October 2022.

ATTEST:




Teresa Valdez, City Secretary


Tim Jayroe, Mayor