
CITY COUNCIL AGENDA

Notice is hereby given that the Rockport City Council will hold a regular meeting on Monday, June 12, 2023, at 6:30 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 at the meeting.



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

Opening Agenda

1. Call meeting to order.
2. Pledge of Allegiance.
3. Proclamation from Governor of State of Texas: Key Allegro Bridge Ribbon Cutting.
4. Presentation: Texas Municipal Human Resources Association Rising Star Award – Acting Human Resources Manager Kaycee Eddins.
5. 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 at 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.

Consent Agenda

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

6. Deliberate and act on second and final reading of an Ordinance authorizing the closing, vacating and abandonment of a portion of Sweet Bay Avenue, lying between Lot No. 32, Block No. 4, Denver Heights Subdivision, and Lot No. 17, Block No. 7, Denver Heights Subdivision, City of Rockport, Aransas County, Texas, according to the plat recorded in Volume 1, Page 9, Real Public Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a quitclaim deeds for the 0.193 acre or 8419 square feet to be closed, vacated and abandoned; and providing for an effective date.

7. Deliberate and act on second and final reading of an Ordinance amending Chapter 22 “Buildings and Building Regulations” Article IX “Permit and License Fees” of the Code of Ordinances, City of Rockport, Texas; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date.
8. Deliberate and act on second and final reading of an Ordinance of the City Council of the City of Rockport, Texas adopting an Order declaring certain Charter Amendments adopted pursuant to a Special Election held on Saturday, May 6, 2023; adopting an authenticated copy of the Home Rule Charter for certification by the Mayor; ordering the mailing of such authenticated copy of the Amended City of Rockport Home Rule Charter showing the approval by the voters to the Secretary of State for file and recording said certification; providing for severability; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and establishing an effective date.

Regular Agenda

9. Hear presentation by Texas Department of Transportation on State Highway 35 Overpass project at Corpus Christi Street.
10. Deliberate and act to award a contract to replace the segment of 2inch gas supply line that runs between the City’s Natural Gas Supplier and the City’s North Gate Regulator Station.
11. Deliberate and act on request for funding assistance for Housing Study for Aransas County from Aransas County Partnership Economic Development Corporation.
12. City Manager Report:
 - A. Projects.
13. Reports from Council.

At this time, the City Council will report/update on activities in respective Wards, and all committee assignments, which may include the following: Aransas County Alliance Local Government Corporation; Aransas Pathways Steering Committee; Building and Standards Commission; Coastal Bend Bays and Estuaries Program; Coastal Bend Council of Government; Coastal Bend Mayors Group; Park & Leisure Services Advisory Board; Planning & Zoning Commission; Rockport-Fulton Chamber of Commerce; Aransas County Storm Water Management Advisory Committee; Swimming Pool Operations Advisory Committee; Tourism Development Council; Tree & Landscape Committee; Texas Maritime Museum, Fulton Mansion, Rockport Center for the Arts, Aransas County, Aransas County Independent School District, Aransas County Navigation District, Town of Fulton, and Texas Municipal League. No formal action can be taken on these items at this time.

Executive Session

City Council will hold an executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

14. Section 551.071 Consultations with Attorney seeking the advice of attorney about pending or contemplated litigation or a settlement offer; and on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: A) Concho Street & General Land Office (GLO) drainage projects, and B) Stormwater permitting and related matters.

15. Section 551.072 Deliberations about Real Property - to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Open Session

City Council will reconvene into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

16. Adjournment.

Special Accommodations

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation 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, June 9, 2023, at 10:00 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*.

Reagan Lauterbach
 Reagan Lauterbach,
 Executive Administrative Assistant
 Acting on behalf of City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Monday, June 12, 2023

AGENDA ITEM: 3

Proclamation from Governor of State of Texas: Key Allegro Bridge Ribbon Cutting.

SUBMITTED BY: Mayor Tim Jayroe

APPROVED FOR AGENDA: VRS

BACKGROUND: Governor Greg Abbot issued a State of Texas Proclamation on May 10, 2023, on the occasion of the Ribbon Cutting Ceremony for the Key Allegro Bridge. The Proclamation was not received in time for it to be presented to the Key Allegro Homeowners Association at the Ribbon Cutting Ceremony, thus Mayor Jayroe will present the Proclamation to the Key Allegro Homeowners Association at this meeting.

Please see the accompanying proclamation.

FISCAL ANALYSIS: N/A

RECOMMENDED ACTION: Not an action item



THE STATE OF TEXAS

GOVERNOR

 *To all to whom these presents shall come,
Greetings: Know ye that this certificate is presented to the*

City of Rockport

on the occasion of its

Ribbon Cutting Ceremony

celebrating the opening of the

Key Allegro Bridge

Rockport, Texas

May 10, 2023



*In testimony whereof, I have signed my
name and caused the Seal of the State of
Texas to be affixed at the City of Austin this
the 10th day of May, 2023.*



Greg Abbott
Governor of Texas

CITY COUNCIL AGENDA
Regular Meeting: Monday, June 12, 2023

AGENDA ITEM: 4

Presentation: Texas Municipal Human Resources Association Rising Star Award – Acting Human Resources Manager Kaycee Eddins

SUBMITTED BY: Mayor Tim Jayroe

APPROVED FOR AGENDA: VRS

BACKGROUND: The Texas Municipal Human Resources Association Rising Star Award recognizes a new member who shows exceptional promise of leadership and contribution to the association and profession. Recipients should be in the first five years of their career in public sector human resources management and can include those who have moved into public service mid-career.

Ms. Eddins began to run the City of Rockport Human Resources Department two years ago when the previous Human Resources Manager left City of Rockport employment. Ms. Eddins is the only Human Resources employee filling all roles from Director, to Manager, to Generalist on a daily basis for 164 full-time and part time employees. During that time, Ms. Eddins has not only kept the department running, but has improved policies and processes, successfully run City benefits open enrollment single handedly, received her Society for Human Resource Management-Certified Professional (SHRM-CP), and even researched, implemented, and launched a new HRIS system moving the Human Resources Department and the City into the 21st century Human Resources arena.

Ms. Eddins' efforts, dedication, initiative, and hard work have been an integral part of the growth of the City of Rockport, and its staff and she is overwhelming deserving of the Rising Star Award.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Not an action item.



RAISING THE BAR *with* TEXAS MUNICIPAL HR

TMHRA ANNUAL CONFERENCE • MAY 17-19, 2023
Moody Gardens Hotel, Spa and Convention Center • Galveston

2023 Rising Star (under 25k) Award Winner



Kaycee Eddins





RAISING THE BAR *with* TEXAS MUNICIPAL HR

TMHRA ANNUAL CONFERENCE ★ MAY 17-19, 2023
Moody Gardens Hotel, Spa and Convention Center • Galveston

2023 Rising Star Nominees

(City Population under 25,000)

Kaycee Eddins, Rockport
Joanna Merrill, Fair Oaks Ranch
Sasha Ricks, Blanco
Tina Rodriguez, Webster



CITY COUNCIL AGENDA

Regular Meeting: Monday, June 12, 2023

AGENDA ITEM: 6

Deliberate and act on second and final reading of an Ordinance authorizing the closing, vacating and abandonment of a portion of Sweet Bay Avenue, lying between Lot No. 32, Block No. 4, Denver Heights Subdivision, and Lot No. 17, Block No. 7, Denver Heights Subdivision, City of Rockport, Aransas County, Texas, according to the plat recorded in Volume 1, Page 9, Real Public Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute quitclaim deeds for the 0.193 acre or 8419 square feet to be closed, vacated and abandoned; and providing for an effective date.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: VRS

BACKGROUND: Jessica Pham and James M. Elkins are requesting the permanent closure, abandonment, and vacating of a portion of Sweet Bay Avenue, lying between Lot No. 32, Block No. 4, Denver Heights Subdivision, and Lot No. 17, Block No. 7, Denver Heights Subdivision, City of Rockport, Aransas County, Texas. Ms. Pham owns Lot No. 17, Block No. 7, which abuts one side of Sweet Bay Avenue and Mr. Elkins owns Lot 32, Block No. 4, which abuts the other side of Sweet Bay Avenue. Ms. Pham and Mr. Elkins have agreed that each will receive one-half of the vacated property and have agreed to the appraisal price.

The Public Works and Building and Development Departments have evaluated the request and state that granting the request will have no negative impact on current or expected future utilities, transportation needs, or development.

Per City Ordinance No. 1092 “Public Way Closure Policy” an appraisal is required and is included in the Agenda Packet. Staff has published notification and scheduled the Public Hearing to move the process along as quickly as possible. According to the Ordinance: “Upon close of the public hearing, Council shall either grant or deny the request by petitioner. Such petition, if not acted upon at the meeting at which it appears on the agenda for public hearing, may at such time be passed, tabled or continued on the agenda to any subsequent City Council meeting.” The Appraisal had not been received as of the May 9, 2023, City Council Meeting when the required Public Hearing was conducted. City Council postponed the first reading of the Ordinance until the Appraisal had been received.

City Council approved the first reading of the Ordinance on May 23, 2023, and there have been no changes in format or content since approval.

FISCAL ANALYSIS: The Market Value, as listed in the Appraisal is \$25,000.00.

RECOMMENDATION: Staff recommends Council approve the second and final reading of the Ordinance authorizing the closing, vacating and abandonment of a portion of Sweet Bay

Avenue, lying between Lot No. 32, Block No. 4, Denver Heights Subdivision, and Lot No. 17, Block No. 7, Denver Heights Subdivision, City of Rockport, Aransas County, Texas, according to the plat recorded in Volume 1, Page 9, Real Public Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute quitclaim deeds for the 0.193 acre or 8419 square feet to be closed, vacated and abandoned; and providing for an effective date.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CLOSING, VACATING AND ABANDONMENT OF A PORTION OF SWEET BAY AVENUE, LYING BETWEEN LOT NO. 32, BLOCK NO. 4, DENVER HEIGHTS SUBDIVISION, AND LOT NO. 17, BLOCK NO. 7, DENVER HEIGHTS SUBDIVISION, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 9, REAL PUBLIC RECORDS OF ARANSAS COUNTY, TEXAS; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH VACATION AND ABANDONMENT; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEEDS FOR THE 0.193 ACRE OR 8419 SQUARE FEET TO BE CLOSED, VACATED AND ABANDONED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Rockport, Texas is a Home-Rule City incorporated and operating under the laws of the State of Texas, which has the authority under its Charter and Chapter 282 and 253 of the Local Government Code, as amended, to close, vacate and abandon municipal rights-of-way, streets or alleys, by ordinance, when such action is in the best interest of and serves the public purpose; and

WHEREAS, the City of Rockport has received a request from the abutting property owners Jessica Pham and James M. Elkins for the City to close, vacate and abandon the 0.193 acre of land being a portion of Sweet Bay Avenue, lying between Lot No. 32, Block No. 4, Denver Heights Subdivision, and Lot No. 17, Block No. 7, Denver Heights Subdivision, City of Rockport, Aransas County, Texas; and

WHEREAS, the property owners are the sole property owners abutting the 0.193 acre, such that there are no other abutting property owners to be notified of the vacation and abandonment; and

WHEREAS, the City Manager and Public Works Department have reviewed the requested vacation and abandonment of 0.193 acre of land being a portion of Sweet Bay Avenue, lying between Lot No. 32, Block No. 4, Denver Heights Subdivision, and Lot No. 17, Block No. 7, Denver Heights Subdivision, City of Rockport, Aransas County, Texas, and the sale of the 0.193 acre of land to Jessica Pham and James M. Elkins; and the City Council now finds that the utilities currently existing, or that will exist in the future, if any, in the area of the unopened street and/or public right-of-way will be sufficiently protected by being either relocated or placed into easements, and that the utility companies serving the area including and surrounding the right-of-way have determined that their utilities, if existing, will also be sufficiently protected by the same means; and

WHEREAS, the City of Rockport did cause to be published a Notice in the official newspaper of the City on Saturday, April 22, 2023, advising of a Public Hearing to be held on Tuesday, May 9, 2023, at 6:30 p.m. at the Rockport Service Center; and

WHEREAS, the City Council of the City of Rockport, Texas, finds and declares that it is in the best interest of all citizens of the City of Rockport, Texas, that the 0.193 acre of land being a portion of Sweet Bay Avenue, lying between Lot No. 32, Block No. 4, Denver Heights Subdivision, and Lot No. 17, Block No. 7, Denver Heights Subdivision, City of Rockport, Aransas County, Texas, be vacated and abandoned and sold to Jessica Pham and James M. Elkins for fair market value and deposited in the street maintenance fund, as required by state law.

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

Section 1: That the identified 0.193 acre of land being a portion of Sweet Bay Avenue, lying between Lot No. 32, Block No. 4, Denver Heights Subdivision, and Lot No. 17, Block No. 7, Denver Heights Subdivision, City of Rockport, Aransas County, Texas, on Exhibit “A,” attached hereto and made a part of this Ordinance for all purposes, be, and the same is hereby closed, abandoned and vacated insofar as the right, title or interest of the public is concerned.

Section 2: That said 0.193 acre of land being a portion of Sweet Bay Avenue, lying between Lot No. 32, Block No. 4, Denver Heights Subdivision, and Lot No. 17, Block No. 7, Denver Heights Subdivision, City of Rockport, Aransas County, Texas, is not needed for public roadway purposes and it is in the public interest of the City of Rockport to close, abandon and vacate said described portion of the street and/or public right-of-way for use as roads and roadways.

Section 3: That the 0.193 acre of land being a portion of Sweet Bay Avenue, lying between Lot No. 32, Block No. 4, Denver Heights Subdivision, and Lot No. 17, Block No. 7, Denver Heights Subdivision, City of Rockport, Aransas County, Texas, to be closed, abandoned and vacated, as shown by the survey and metes and bounds attached hereto as Exhibit “A” and made a part hereof for all purposes, be deeded by quitclaim deeds to Jessica Pham and James M. Elkins.

Section 4: That the Mayor is hereby authorized and directed to convey and transfer by quitclaims deed the 0.193 acre of land being a portion of Sweet Bay Avenue, lying between Lot No. 32, Block No. 4, Denver Heights Subdivision, and Lot No. 17, Block No. 7, Denver Heights Subdivision, City of Rockport, Aransas County, Texas, that is to be closed, abandoned and vacated for the fair market value of the street, which is the interest of the City of Rockport, Texas, in and to the said streets and/or public rights-of-ways, except for any past, present, or future utility easement belonging to the City.

Section 5: That the closing, vacation, abandonment and transfer provided for herein shall extend only to the public right and title in and to the tract of land described in this Ordinance and shall be construed only to that interest the governing body of the City of Rockport may legally and lawfully close, abandon, vacate and convey.

Section 6: That the consideration for said transfer to Jessica Pham & James M. Elkins shall be deposited in the street maintenance fund of the City of Rockport as is required by provisions of the state law as set forth in the Local Government Code, Section 253.001, as amended.

Section 7: Any previously adopted ordinances, and any subsequent amendments to them, that conflict with this Ordinance are all hereby repealed.

Section 8: If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

Section 9: This ordinance shall become effective upon adoption on second reading by the Rockport City Council.

APPROVED on first reading on the _____ day of _____ 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second and final reading on the _____ day of _____ 2023.

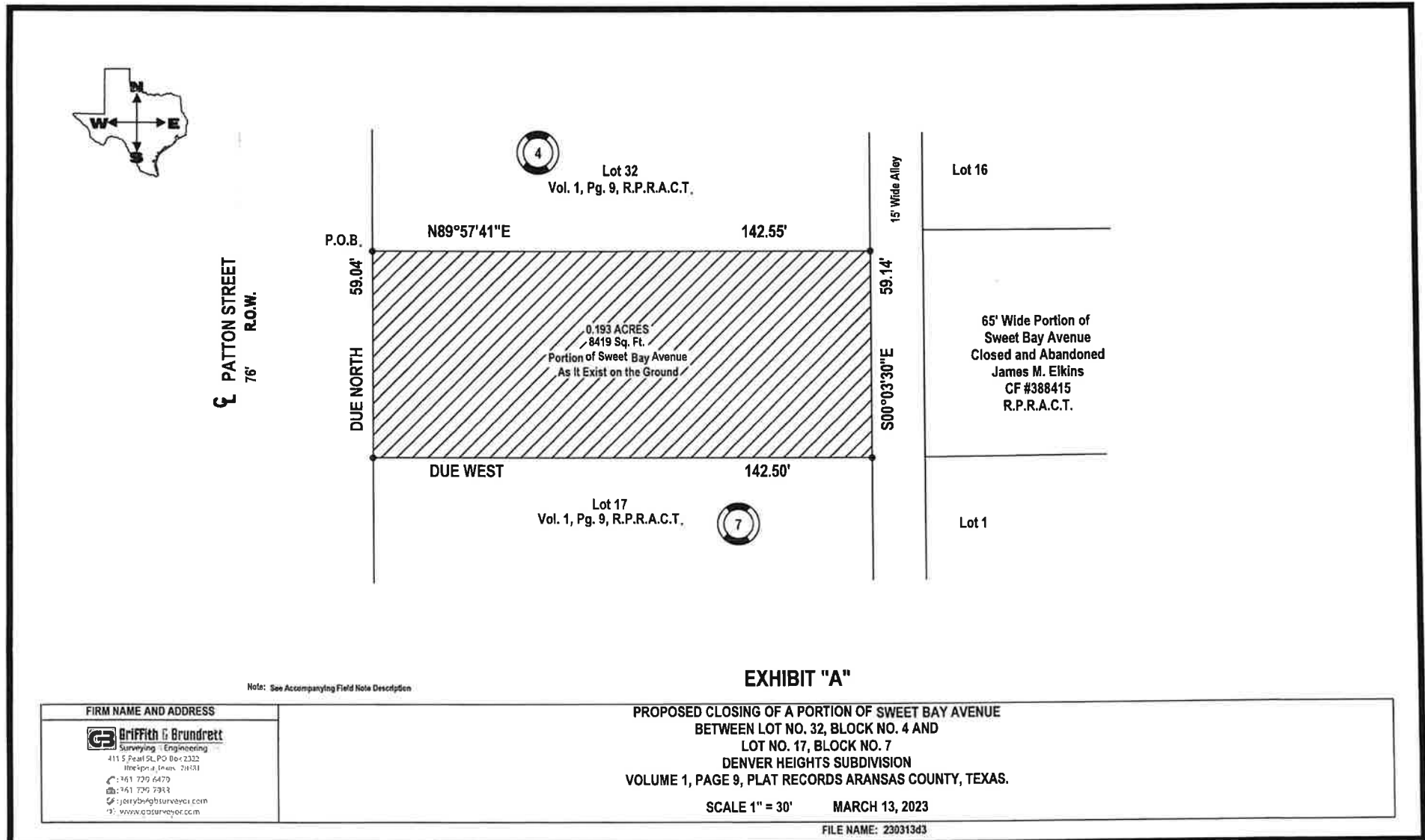
CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

EXHIBIT "A"



FIELD NOTES

MARCH 13, 2023

BEING THE DESCRIPTION OF A PROPOSED ROAD CLOSING OF A PORTION OF SWEET BAY AVENUE, LYING BETWEEN LOT NO. 32, BLOCK NO. 4, DENVER HEIGHTS SUBDIVISION, AND LOT NO. 17, BLOCK NO. 7, DENVER HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 9, REAL PUBLIC RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID PORTION OF ROADWAY BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at a point in the East R.O.W. line of Patton Street and for the common corner of Lot No. 32, Block No. 4 as platted and the North R.O.W. line of Sweet Bay Avenue, as it exist on the ground, with said point being the **NORTHWEST** corner and **PLACE OF BEGINNING** of this description;

THENCE, North 89°57'41" East along and with the common line between said Lot No. 32 and Sweet Bay Avenue, a distance of 142.44 feet to a point for the Southeast corner of said Lot No. 32 as platted and being the **NORTHEAST** corner of this description;

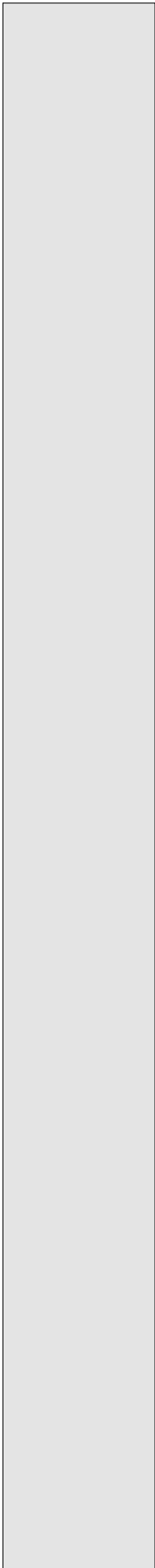
THENCE, South 00°03'30" East a distance of 59.14 feet to a point for the Northeast corner of Lot No. 17, Block No. 7 and being the **SOUTHEAST** corner of this description;

THENCE, Due West along and with the common line of Lot No. 17, Block No. 7 and the South R.O.W. line of Sweet Bay Avenue a distance of 142.50 feet to a point in the East R.O.W. line of Patton Street and the Northwest corner of Lot No. 17, Block No. 7, for the **SOUTHWEST** corner of this description:

THENCE, Due North along and with the East R.O.W. line of Patton Street a distance of 59.04 feet to the **PLACE OF BEGINNING** and containing 0.193 acres or 8419 square feet of land more or less.

SEE ACCOMPANYING EXHIBIT "A" PLAT DATED MARCH 13, 2023
FILENAME: 230313d3

230313d2fn



**APPRAISAL OF
THE PROPERTY LOCATED AT**

TBD Sweet Bay Avenue
Rockport, TX 78382

as of
May 15, 2023

for
City of Rockport
2751 State Highway 35 Bypass
Rockport, TX
78382

by
Lynch Appraisal Services
506 South Live Oak
Rockport, TX 78382

IDENTIFICATION

Owner

City of Rockport

Census Tract

007-9503

Map Reference

A-4

Property Address

TBD Sweet Bay Avenue

City

Rockport

County

Aransas

State

TX

Zip Code

78382

Legal Description

0.193 Acres, 8419 Square Feet, Portion of Sweet Bay Avenue, Denver Heights

Sale Price

\$N/A

Date of Sale

N/A

Property Rights Appraised

☒

Fee

☐

Leasehold

☐

De Minimis PUD

☐

Actual Real Estate Taxes

\$Not Assigned

(yr.)

Client

City of Rockport

Address

2751 State Highway 35 Bypass, Rockport, TX, 78382

Occupant

Vacant

Appraiser

Francis P. Lynch

Instructions to Appraiser

Market Value

Intended User:

City of Rockport

Intended Use:

Market Value

NEIGHBORHOOD

Location

☒ Urban

☐ Suburban

☐ Rural

Built Up

☐ Over 75%

☒ 25% to 75%

☐ Under 25%

Growth Rate

☐ Fully Dev.

☐ Rapid

☒ Steady

☐ Slow

Property Values

☐ Increasing

☒ Stable

☐ Declining

Demand/Supply

☐ Shortage

☒ In Balance

☐ Over Supply

Marketing Time

☐ Under 3 Mos.

☒ 4-6 Mos.

☐ Over 6 Mos.

Present Land Use

55

% 1 Family

2

% 2-4 Fam

2

% Apts.

15

% Condo

15

% Commercial

100.00

% Industrial

11

% Vacant

%

Change in Present Land Use

☒ Not Likely

☐ Likely (*)

☐ Taking Place (*)

(*) From

To

Predominant Occupancy

☒ Owner

☐ Tenant

10

% Vacant

Single Family Price Range

\$ 175

to \$ 900

Predominant Value \$ 300

Single Family Age

New

yrs. to 120

yrs.

Predominant Age 25

yrs.

Employment Stability

☐ Good

☒ Avg.

☐ Fair

☐ Poor

Convenience to Employment

☐

☒

☐

☐

Convenience to Shopping

☐

☒

☐

☐

Convenience to Schools

☐

☒

☐

☐

Adequacy of Public Transportation

☐

☒

☐

☐

Recreational Facilities

☐

☒

☐

☐

Adequacy of Utilities

☐

☒

☐

☐

Property Compatibility

☐

☒

☐

☐

Protection from Detrimental Conditions

☐

☒

☐

☐

Police and Fire Protection

☐

☒

☐

☐

General Appearance of Properties

☐

☒

☐

☐

Appeal to Market

☐

☒

☐

☐

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, noise)

The subject neighborhood is in the northern part of Rockport just west of State Highway 35 which is the main thoroughfare in the coastal bend. Convenience to schools, shopping and employment centers is average. There are no known adverse neighborhood features.

SITE

Dimensions

59.14x142.5x59.04x142.55

=

8419 sf

☐ Corner Lot

Zoning Classification

R2

Present improvements

☐ do

☐ do not conform to zoning regulations

Highest and best use:

☒ Present use

☐ Other (specify)

Public

☒

Other (Describe)

Elec.

☒

Gas

☒

Water

☐ Well

San. Sewer

☐ Septic

☐ Underground Elect. & Tel.

OFF SITE IMPROVEMENTS

Street Access:

☒ Public

☐ Private

Surface

Dirt/Grass

Maintenance:

☒ Public

☐ Private

☐ Storm Sewer

☐ Curb/Gutter

☐ Sidewalk

☐ Street Lights

Topo

Level

Size

Typical

Shape

Rectangular

View

Average

Drainage

Appears Adequate

Is the property located in a HUD Identified Special Flood Hazard Area?

☒ No

☐ Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions)

Typical access and utility easements. All easements are considered acceptable. The site size is from a survey furnished by the client and assumed accurate. Property can be accessed by Patton Street or Lady Claire Street which is not maintained by the city or county.

MARKET DATA ANALYSIS

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

For the Market Data Analysis

☒ See grid below.

☐ See narrative attachment.

ITEM	Subject Property	COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
Address	TBD Sweet Bay Avenue Rockport, TX 78382	2427 Patton St Rockport, TX 78382		1811 Young St Rockport, TX 78382		1906 Mallard Dr Rockport, TX 78382	
Proximity to Subj.		0.09 miles NW		3.06 miles S		2.71 miles SW	
Sales Price	\$		\$ 40,000		\$ 20,000		\$ 20,000
Price	\$		\$ 3.20		\$ 2.86		\$ 2.99
Data Source	Inspection	MLS#139318		MLS#138863		MLS#136048	
Date of Sale and Time Adjustment	DESCRIPTION N/A	DESCRIPTION 04/10/2023	+ (-) \$ Adjustment	DESCRIPTION 02/10/2023	+ (-) \$ Adjustment	DESCRIPTION 07/08/2022	+ (-) \$ Adjustment
Location	Average	Average		Average		Average	
Site/View	Average/Average	Average/Average		Average/Average		Average/Average	
Site Area	8419 sf	12500 sf	-12,200	7000 sf	+4,250	6680 sf	+5,200
Sales or Financing Concessions	N/A N/A	Cash None Reported		Cash None Reported		Cash None Reported	
Net Adj. (Total)		☐ Plus ☒ Minus \$	-12,200	☒ Plus ☐ Minus \$	4,250	☒ Plus ☐ Minus \$	5,200
Indicated Value of Subject		Gross 30.5% Net -30.5% \$ 27,800		Gross 21.3% Net 21.3% \$ 24,250		Gross 26.0% Net 26.0% \$ 25,200	

RECONCILIATION

Comments on Market Data:

The comparables were given site adjustments of \$3.00 per square foot. This is the approximate mean of the per square foot sale prices of the comparables. Comparable 1 is the only recent sale of vacant land in the subject neighborhood. Due to the limited data comparables 2 and 3 were included despite being some distance from the subject. They are in competing neighborhoods which would offer logical alternatives to the typical purchaser of this type of property. *** See Additional Comments ***

Comments and Conditions of Appraisal:

Appraisal is subject to the attached Certification and Contingent and Limiting Conditions. Appraiser's conclusion of value is based on the assumption that there are no hidden or unapparent conditions of the property that might impact upon buildability. *** See Additional Comments ***

Final Reconciliation:

The Sales Comparison Approach is the best indication of value for properties such as the subject as it most accurately reflects the motivations of the typical purchaser. The Cost Approach wsa omitted as the property is unimproved. The Income Approach was omitted as there are no known ground leases of similar vacant land.

I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF

May 15

, 2023

to be \$25,000

Lynch Appraisal Services

This appraisal report is subject to the scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment.

SCOPE OF WORK: The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS: The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. The appraiser has noted in this appraisal report any adverse conditions (such as the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent deficiencies or adverse conditions of the property (such as, but not limited to, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
2. I performed a complete visual inspection of the subject property.
3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
8. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
9. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale of the subject property.
10. I have knowledge and experience in appraising this type of property in this market area.
11. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
12. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
13. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
14. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
15. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
16. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
17. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event.
18. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
19. I identified the client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.
20. I am aware that any disclosure or distribution of this appraisal report by me or the client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.
21. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

SUPERVISORY APPRAISER’S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an “electronic record” containing my “electronic signature,” as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

APPRAISER

Signature 

Name Francis P. Lynch

Company Name Lynch Appraisal Services

Company Address 506 South Live Oak

Rockport, TX 78382

Telephone Number 361-729-1309

Email Address lynchapp@swbell.net

Date of Signature and Report May 15, 2023

Effective Date of Appraisal May 15, 2023

State Certification # TX-1326623-R

or State License #

or Other State #

State TX

Expiration Date of Certification or License 02/28/2025

ADDRESS OF PROPERTY APPRAISED

TBD Sweet Bay Avenue

Rockport, TX 78382

APPRAISED VALUE OF SUBJECT PROPERTY \$ 25,000

CLIENT

Name

Company Name City of Rockport

Company Address 2751 State Highway 35 Bypass

Rockport, TX 78382

Email Address

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature

Name

Company Name

Company Address

Telephone Number

Email Address

Date of Signature

State Certification #

or State License #

State

Expiration Date of Certification or License

SUBJECT PROPERTY

☐ Did not inspect subject property

☐ Did inspect exterior of subject property from street

Date of Inspection

☐ Did inspect interior and exterior of subject property

Date of Inspection

COMPARABLE SALES

☐ Did not inspect exterior of comparable sales from street

☐ Did inspect exterior of comparable sales from street

Date of Inspection

ADDITIONAL COMMENTS				
Intended User	City of Rockport			
Property Address	TBD Sweet Bay Avenue			
City	Rockport	County	Aransas	State TX Zip Code 78382
Client	City of Rockport			

SCOPE OF THE APPRAISAL

The Intended User of this appraisal report is the Client. The Intended Use is to evaluate the property that is the subject of this appraisal for asset valuation, subject to the stated Scope of Work, purpose of the appraisal, reporting requirements of this appraisal report form, and Definition of Market Value. No additional Intended Users are identified by the appraiser. This report is intended to comply with the Uniform Standards of Professional Appraisal Practice (USPAP). DATE OF APPRAISAL - DATE OF REPORT: The descriptions, analysis and conclusions of this report are applicable to the last on-site inspection of the subject property, which is May 15, 2023 which is the "Date of Appraisal". The assemblage of these descriptions, analysis and conclusions occurred on or near that same date which is considered the "Date of Report". In the preparation of this appraisal, the appraiser has viewed and photographed the subject site. The subject neighborhood was also inspected. This information was analyzed in order to document the various environmental, social, governmental and economic factors that influence value. Data regarding the sales of residential land and improved properties were collected and verified by public record.

COMMENTS ON MARKET DATA

Credence was given to each of the comparables and as they had a fairly tight range of adjusted values weight was placed on each.

COMMENTS AND CONDITIONS OF APPRAISAL

Appraiser recommends due diligence be conducted through the local building department or municipality to investigate buildability and whether the property is suitable for intended use. Appraiser makes to representations, guarantees or warranties.

ADDITIONAL COMMENTS

SALES HISTORY OF THE SUBJECT AND COMPARABLES: There have been no recorded sales or transfers of the subject within the past three years. County records indicate comparable 2 transferred in December 2022. This appears to have been between family members. The consideration, if any, could not be determined. There have been no other recorded sales or transfers of the comparables within the year prior to their sales reported in the sales grid.
COMMENT ON CURRENT LISTING OR SALE OF SUBJECT: The subject is not listed for sale in the local MLS. To our knowledge the property has not been offered for sale within the past year. To our knowledge there is no current agreement of sale or option involving the subject property.

DISCLOSURE ADDENDUM

Intended User	City of Rockport				
Property Address	TBD Sweet Bay Avenue				
City	Rockport	County	Aransas	State	TX
				Zip Code	78382
Client	City of Rockport				

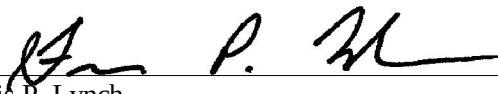
DEFINITION OF INSPECTION:

The term "Inspection", as used in this report, is not the same level of inspection that is required for a "Professional Home Inspection". The appraiser does not fully inspect the electrical system, plumbing system, mechanical systems, foundation system, floor structure, or subfloor. The appraiser is not an expert in construction materials and the purpose of the appraisal is to make an economic evaluation of the subject property. If the client needs a more detailed inspection of the property, a home inspection, by a Professional Home Inspector, is suggested.

DIGITAL SIGNATURES:

The signature(s) affixed to this report, and certification, were applied by the original appraiser(s) or supervisory appraiser and represent their acknowledgements of the facts, opinions and conclusions found in the report. Each appraiser(s) applied his or her signature electronically using a password encrypted method. Hence these signatures have more safeguards and carry the same validity as the individual's hand applied signature. If the report has a hand-applied signature, this comment does not apply.

APPRAISER:



Signature: _____

Name: Francis P. Lynch

Date Signed: May 15, 2023

State Certification #: TX-1326623-R

or State License #: _____

State: TX

Expiration Date of Certification or License: 02/28/2025

SUPERVISORY APPRAISER (ONLY IF REQUIRED):

Signature: _____

Name: _____

Date Signed: _____

State Certification #: _____

or State License #: _____

State: _____

Expiration Date of Certification or License: _____

☐ Did

☐ Did Not Inspect Property

Borrower/Client City of Rockport			
Property Address TBD Sweet Bay Avenue			
City Rockport	County Aransas	State TX	Zip Code 78382
Lender/Client City of Rockport			

APPRAISAL AND REPORT IDENTIFICATION

This Appraisal Report is one of the following types:

- ☒ **Appraisal Report** This report was prepared in accordance with the requirements of the Appraisal Report option of USPAP Standards Rule 2-2(a).
- ☐ **Restricted Appraisal Report** This report was prepared in accordance with the requirements of the Restricted Appraisal Report option of USPAP Standards Rule 2-2(b). The intended user of this report is limited to the identified client. This is a Restricted Appraisal Report and the rationale for how the appraiser arrived at the opinions and conclusions set forth in the report may not be understood properly without the additional information in the appraiser's workfile.

ADDITIONAL CERTIFICATIONS

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The report analyses, opinions, and conclusions are limited only by the reported assumptions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no (or the specified) present or prospective interest in the property that is the subject of this report and no (or specified) personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- This appraisal report was prepared in accordance with the requirements of Title XI of FIRREA and any implementing regulations.

PRIOR SERVICES

- ☒ I have **NOT** performed services, as an appraiser or in any other capacity, regarding the property that is the subject of the report within the three-year period immediately preceding acceptance of this assignment.
- ☐ I **HAVE** performed services, as an appraiser or in another capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. Those services are described in the comments below.

PROPERTY INSPECTION

- ☐ I have **NOT** made a personal inspection of the property that is the subject of this report.
- ☒ I **HAVE** made a personal inspection of the property that is the subject of this report.

APPRAISAL ASSISTANCE

Unless otherwise noted, no one provided significant real property appraisal assistance to the person signing this certification. If anyone did provide significant assistance, they are hereby identified along with a summary of the extent of the assistance provided in the report.

ADDITIONAL COMMENTS

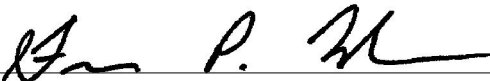
Additional USPAP related issues requiring disclosure and/or any state mandated requirements:

MARKETING TIME AND EXPOSURE TIME FOR THE SUBJECT PROPERTY

- ☒ A reasonable marketing time for the subject property is 90-180 day(s) utilizing market conditions pertinent to the appraisal assignment.
- ☒ A reasonable exposure time for the subject property is 90-180 day(s).

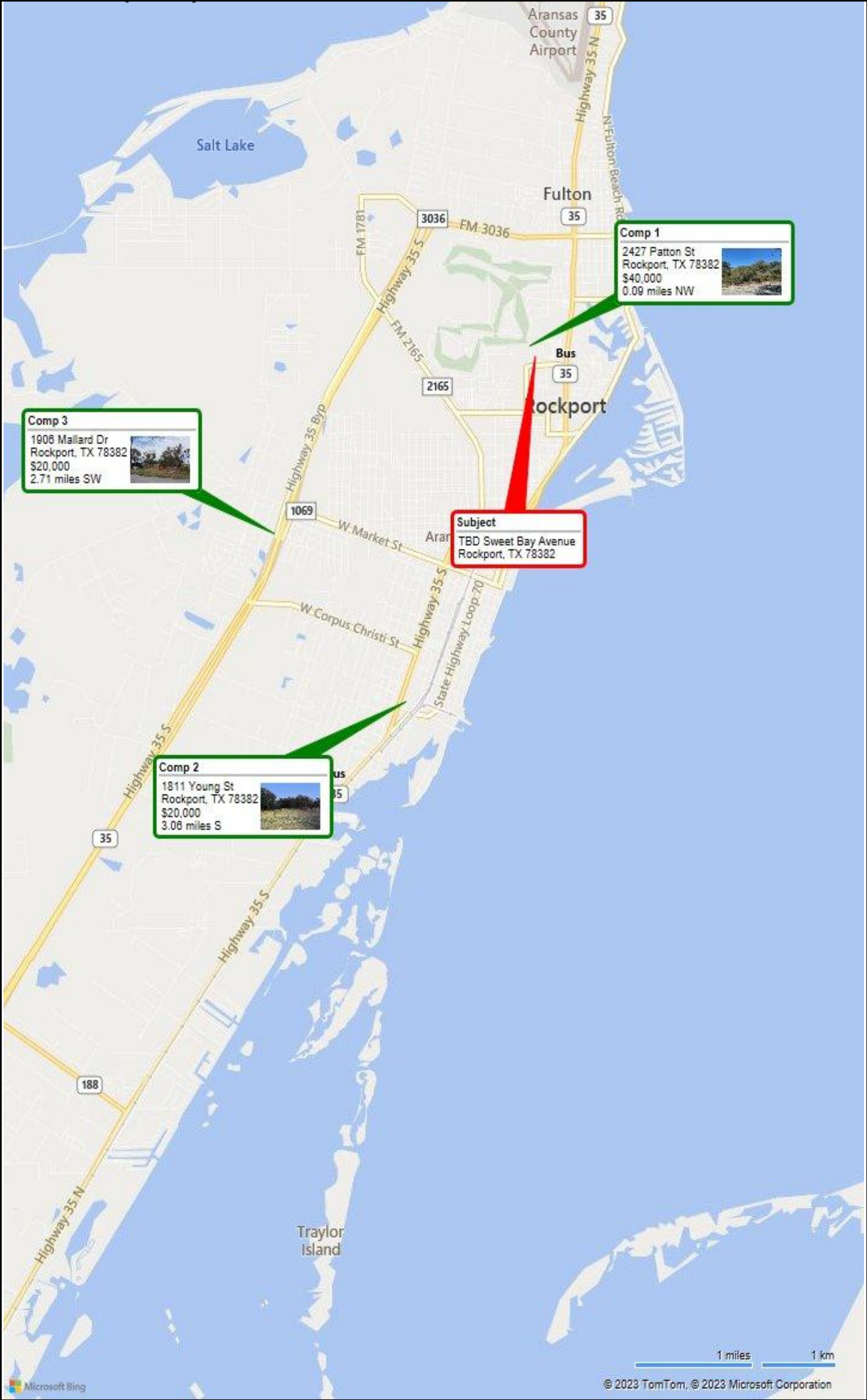
APPRAISER

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature	
Name	Francis P. Lynch
Date of Signature	May 15, 2023
State Certification #	TX-1326623-R
or State License #	
State	TX
Expiration Date of Certification or License	02/28/2025
Effective Date of Appraisal	May 15, 2023

Signature	
Name	
Date of Signature	
State Certification #	
or State License #	
State	
Expiration Date of Certification or License	
Supervisory Appraiser Inspection of Subject Property:	
☐ Did Not	☐ Exterior-only from Street
☐ Interior and Exterior	

Location Map					
Intended User	City of Rockport				
Property Address	TBD Sweet Bay Avenue				
City	Rockport	County	Aransas	State	TX
				Zip Code	78382
Client	City of Rockport				



PHOTOGRAPH ADDENDUM					
Intended User		City of Rockport			
Property Address		TBD Sweet Bay Avenue			
City	Rockport	County	Aransas	State	TX
		Zip Code	78382		
Client		City of Rockport			
 Subject Front View					

Lynch Appraisal Services

PHOTOGRAPH ADDENDUM

Intended User	City of Rockport				
Property Address	TBD Sweet Bay Avenue				
City	Rockport	County	Aransas	State	TX
Zip Code	78382				
Client	City of Rockport				



COMPARABLE #1

2427 Patton St
Rockport, TX 78382

Price	\$40,000
Price/SF	3.20
Date	04/10/2023
Site Area	12500 sf

Value Indication \$27,800



COMPARABLE #2

1811 Young St
Rockport, TX 78382

Price	\$20,000
Price/SF	2.86
Date	02/10/2023
Site Area	7000 sf

Value Indication \$24,250

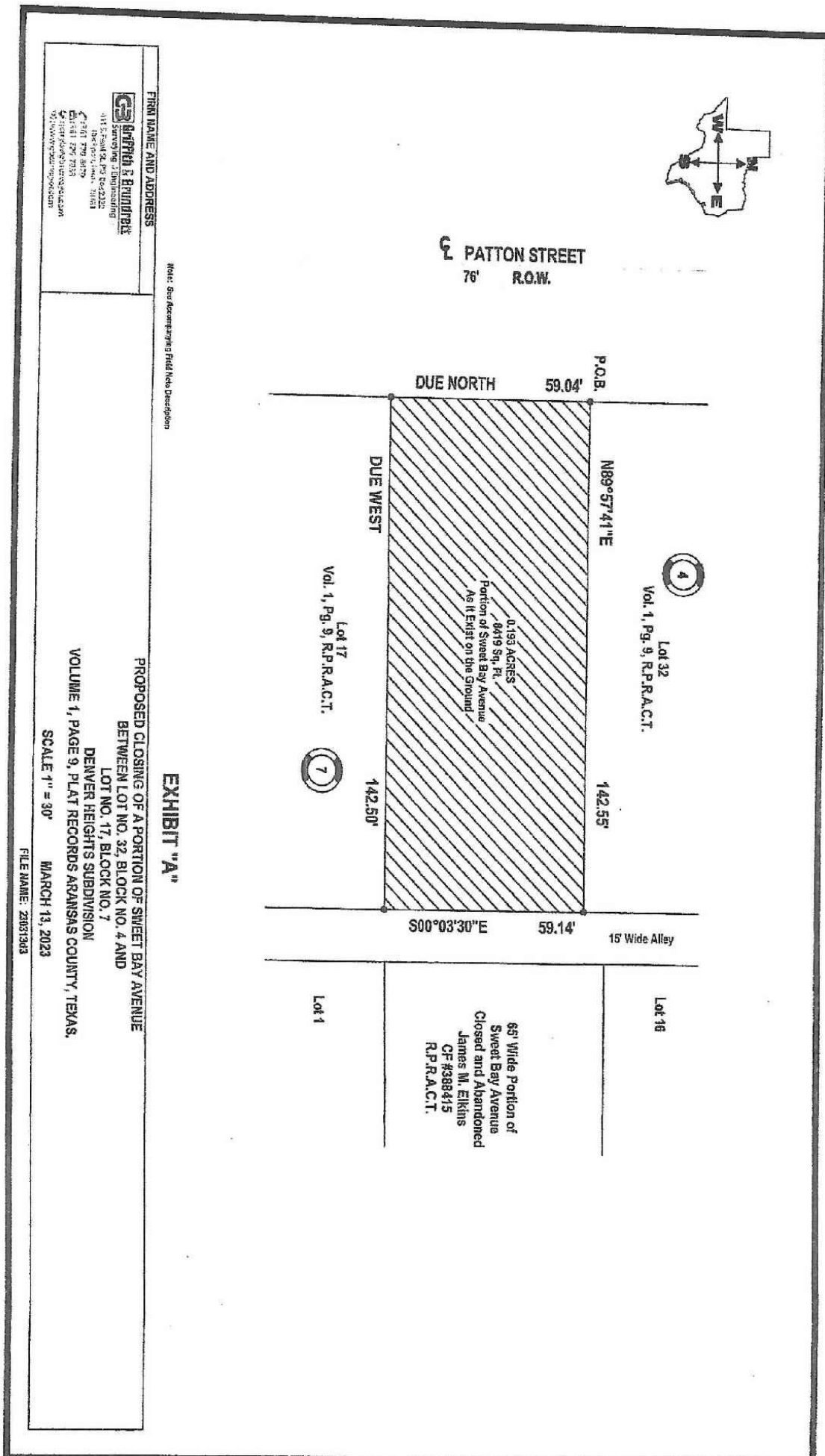


COMPARABLE #3

1906 Mallard Dr
Rockport, TX 78382

Price	\$20,000
Price/SF	2.99
Date	07/08/2022
Site Area	6680 sf

Value Indication \$25,200



FIELD NOTES**MARCH 13, 2023**

BEING THE DESCRIPTION OF A PROPOSED ROAD CLOSING OF A PORTION OF SWEET BAY AVENUE, LYING BETWEEN LOT NO. 32, BLOCK NO. 4, DENVER HEIGHTS SUBDIVISION, AND LOT NO. 17, BLOCK NO. 7, DENVER HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 9, REAL PUBLIC RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID PORTION OF ROADWAY BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at a point in the East R.O.W. line of Patton Street and for the common corner of Lot No. 32, Block No. 4 as platted and the North R.O.W. line of Sweet Bay Avenue, as it exist on the ground, with said point being the **NORTHWEST** corner and **PLACE OF BEGINNING** of this description;

THENCE, North 89°57'41" East along and with the common line between said Lot No. 32 and Sweet Bay Avenue, a distance of 142.44 feet to a point for the Southeast corner of said Lot No. 32 as platted and being the **NORTHEAST** corner of this description;

THENCE, South 00°03'30" East a distance of 59.14 feet to a point for the Northeast corner of Lot No. 17, Block No. 7 and being the **SOUTHEAST** corner of this description;

THENCE, Due West along and with the common line of Lot No. 17, Block No. 7 and the South R.O.W. line of Sweet Bay Avenue a distance of 142.50 feet to a point in the East R.O.W. line of Patton Street and the Northwest corner of Lot No. 17, Block No. 7, for the **SOUTHWEST** corner of this description;

THENCE, Due North along and with the East R.O.W. line of Patton Street a distance of 59.04 feet to the **PLACE OF BEGINNING** and containing 0.193 acres or 8419 square feet of land more or less.

SEE ACCOMPANYING EXHIBIT "A" PLAT DATED MARCH 13, 2023
FILENAME: 230313d3

230313d2fn

Intended User	City of Rockport						
Property Address	TBD Sweet Bay Avenue						
City	Rockport	County	Aransas	State	TX	Zip Code	78382
Client	City of Rockport						

FRANCIS PATRICK LYNCH
506 S LIVE OAK
ROCKPORT, TX 78382

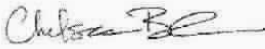


Certified Residential Real Estate Appraiser

Appraiser: **Francis Patrick Lynch**
License #: **TX 1326623 R** License Expires: **02/28/2025**

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Occupations Code, Chapter 1103, authorization is granted to use this title:
Certified Residential Real Estate Appraiser

For additional information or to file a complaint please contact TALCB at www.talcb.texas.gov.



Chelsea Buchholtz
Commissioner

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, June 13, 2023

AGENDA ITEM: 7

Deliberate and act on second and final reading of an Ordinance amending Chapter 22 “Buildings and Building Regulations” Article IX “Permit and License Fees” of the Code of Ordinances, City of Rockport, Texas; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date.

SUBMITTED BY: Carey Dietrich - Asst Director of Building & Development / Community Planner

APPROVED FOR AGENDA: VRS

BACKGROUND: After review of Chapter 22, Article IX staff became aware of discrepancies in the Code regarding permit fees and methods of procedure for licensing contractors due to legislation being passed restricting same. Also, staff became aware that engineer review fees and fees for Fire Marshall services by a third party contractor were not being reimbursed to the City as they should be.

As recommended by Council on May 23, 2023, Sec 22-311(a) was revised to include description of homestead exemption and removed Sec 22-311(a)(2).

Please see the accompanying “Exhibit A” proposed ordinance revision for more information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends approval of the second and final reading of an Ordinance amending Chapter 22 “Buildings and Building Regulations” Article IX “Permit and License Fees” of the Code of Ordinances, City of Rockport, Texas.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF ROCKPORT CODE OF ORDINANCES CHAPTER 22 “BUILDING AND BUILDING REGULATIONS” ARTICLE IX “PERMIT AND LICENSE FEES”; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, upon review of Chapter 22 Article IX staff discovered outdated regulations and alternate permit fees had not been updated in some time; and

WHEREAS, the cost of engineering reviews and third party Fire Marshal services were being covered by the City rather than the Developer or Contractor; and

WHEREAS, on Tuesday, May 23, 2023, the City Council, after consideration and recommendation by City Staff, recommended revisions to Exhibit A;

WHEREAS, on Tuesday, June 13, 2023, the City Council, after consideration and recommendation by City Staff, determined that the ordinance amendment be approved as provided herein.

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

Section 1. Chapter 22 of the Code of Ordinances of the City of Rockport, Texas is hereby amended as set forth in the attached Exhibit A, incorporated herein.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 5. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 6. Failure to comply with any provision of this Ordinance constitutes a class C misdemeanor punishable as provided by the general penalty provisions of section 1-7 of the Rockport Code of Ordinances. Removal of undocumented trees constitutes a class C misdemeanor punishable as provided by the general penalty provisions of section 1-7 of the Rockport Code of Ordinances. Each individual tree on each day the violation of this chapter exists shall constitute separate violations.

Section 7. This Ordinance shall be effective upon the date of final adoption hereof, and publication of the caption and penalties as required by law.

Section 8. This Ordinance shall become effective upon adoption by second and final reading.

APPROVED and **PASSED** on first reading the _____ day of _____, 2023.

CITY OF ROCKPORT:

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second reading the _____ day of _____ 2023.

CITY OF ROCKPORT:

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CHAP 22 – BUILDINGS and BUILDING REGULATIONS

ARTICLE IX - PERMIT AND LICENSE FEES

Sec. 22-311. Building.

(a) *Contractor and vendor registration program and fee.* Contractor and vendor registration shall be required of all contractors and vendors desiring to perform development work inside the city limits and parts of the extraterritorial jurisdiction, including but not limited to building, electrical, irrigation, mechanical, plumbing, pool, roofing, sign, landscaping, demolition, and debris removal. Registration shall be required prior to soliciting or commencing work. Registration shall be on forms furnished by the city. No registration is required for the owner of a one- or two-family dwelling who acts as their own "general contractor" for improvements to their existing primary residence as evidenced by a homestead exemption in the Aransas County Tax Appraisal records.

(1) The general contractor or vendor registration fee shall be \$100.00 annually.

~~(2) There shall be no fee assessed to registrations made during disaster declaration(s).~~

~~(3) (2)~~ All registrations expire on December 31st of the calendar year ~~following the year~~ of issue, ~~except for registrations issued in 2017, which shall expire on January 31, 2019.~~

~~(4) Each registrant shall possess on their person the contractor registration identification badge provided by the city. The badge shall include a picture of the face of the registrant; the registrant's name, the registrant's company, the type of work the registrant performs, a quick response code or address to the appropriate city webpage with more information, and a unique badge number. Other information may be included at the direction of the city manager or his designee. The design color and effective year shall be different from one calendar year to the next.~~

~~(5) (3)~~ Only Vendor registrants possessing their registration identification badge provided by the city may solicit in person to a potential customer.

~~((6) (4)~~ Reserved]

~~(7) (5)~~ All identification badges remain the property of the city and shall be surrendered upon demand of the city.

~~(8) (6)~~ Contractors must have current state licenses appropriate for the work they are performing.

~~(9) (7)~~ Contractors must carry insurance or bonding appropriate for the work they are performing.

~~(10) (8)~~ Registration may be revoked or suspended if the contractor fails to obtain the required permits or inspections ~~in a rolling twelve-month period~~, or if the contractor's required license, bond, or insurance has expired or been suspended or revoked.

~~(11) (9)~~ The city manager or his designee shall develop and maintain the appropriate ministerial processes to implement the registration program.

~~(12) (10)~~ The registration required herein shall not affect the requirement to obtain all permits required under the city ordinances.

~~(13) (11)~~ Contractors and vendors shall be guilty of a class C misdemeanor for each solicitation while not registered; for each day of each job while not registered, and/or for each employee engaged on a job while not registered. For each day a contractor or vendor is in violation of this section, it shall be a separate offense. Punishment shall be in accordance with [section 22-316](#) of the Rockport Code of Ordinances.

~~(14) (12)~~ City shall have the right to seek injunctive relief against any contractor or vendor who violates this section and to recover attorney fees, expert fees, and court costs incurred in the enforcement of the provisions herein.

(b) *Building permit fees.* Building permit fees, other than residential and new commercial construction, shall be in accordance with Table 22-311A:

TABLE 22-311A: Building Permit Fees

Total valuation	Fee
\$1,000.00 and less	\$ 25.00
\$1,001.00 to \$50,000.00	\$25.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including

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	\$50,000.00.
\$50,001.00 to \$100,000.00	\$270.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$470.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,001.00 and up	\$1,670.00 for first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.
<u>Alternate building permit fee for residential and new commercial construction</u>	<u>\$.60 per square foot</u>
<u>Certificate of occupancy without building permit</u>	<u>Certificate plus inspection.</u> <u>\$100.00</u>
<u>Third Party Inspection Fees</u>	<u>All third-party inspection fees will be reimbursed by the permit holder prior to issuance of Certificate of Occupancy</u>

- (c) ~~Mobile~~ **Manufactured** home permit fees. For compliance inspection, ~~mobile~~ **manufactured** home permit fees shall be \$50.00 per unit.
- (d) *Fence and sign permit fees.* Fence and sign permit fees shall be the same as those outlined in subsection (b) of this section.
- (e) *Swimming pool permit fees.* Swimming pool permit fees shall be the same as those outlined in subsection (b) of this section.
- (f) *Driveway and paving permit fees.* Driveway and paving permit fees shall be the same as those outlined in subsection (b) of this section.
- (g) *Moving fees.* For the moving of any building or structure, which is greater than 120 square feet in size, the fee shall be \$50.00. This is in addition to any fees prescribed in [section 22-315](#) for the relocation of buildings from outside the city.
- (h) *Demolition fees.* For the demolition of any building or structure which is greater than 120 square feet in size, the fee shall be \$50.00.
- (i) *Re-inspection fee.* The fee for first re-inspection necessary for the correction of work shall be no charge. Second time re-inspection shall be charged at \$50.00; third time re-inspection shall be charged at \$100.00; and over three re-inspections may constitute issuance of a stop-work-order or revocation of building permit or both. Re-inspections may be scheduled for the next business day but not until all required fees are paid.
- (1) Third party inspection fees: When inspections are conducted by a third party contracted by the City, all third-party inspection fees shall be paid by the permit holder prior to the issuance of a Certificate of Occupancy.**
- (j) *Plan review fees.* When a plan is required to be submitted, a plan review fee shall be paid to the building official at the time of submitting plans and specifications for review.

(1) The plan review fee shall be \$40.00 for one- and two-family dwellings. The plan review fee shall be equal to one-half of the building permit fee for multifamily and nonresidential construction. **If plans are reviewed by city engineer or a third party contracted by the City, the amount of cost will be paid by the permit holder in addition to regular plan review fee**

(2) Plans classified in the following occupancy groups in Table 22-311B may be sent to the International Code Council (ICC) for either total plan review or specific plan review by their plan review staff if the plan review cannot be accomplished by city staff.

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TABLE 22-311B: Occupancy Group

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Occupancy Group	Description
A	Assembly - occupant capacity greater than 300; over 10,000 sq. ft. or over one story.
B & M	Business/Mercantile - occupant capacity greater than 500; over 10,000 sq. ft. or over two stories.
E	Educational - for use of six or more persons for instructional purposes.
F	Factory/Industrial - over 50,000 sq. ft. or over one story.
H	Hazardous - any.
I	Institutional (both restrained and unrestrained) - occupant capacity greater than 100; over 10,000 sq. ft. or over one story.
R-4	Nursing Homes - any.
S	Storage - over 50,000 sq. ft. or over one story.
HPM	Any occupancy group involving hazardous production material facilities.
All Occupancies	Any single occupancy building over three stories or any mixed-use occupancy over two stories.

(3) The cost of such plan review shall be paid by the permit applicant. Fees shall be based upon the ICC's published plan review fees in effect at the time of plan submittal and shall include all related mailing or shipping expenses.

(k) *Floodplain development permit fees.* Development permits required by the flood damage prevention requirements in [article II, Chapter 50](#), Rockport Code of Ordinances shall be \$10.00 per acre or fraction thereof if no building permit is required for development as defined herein. However, for any development requiring a building permit, the permit fees established in [Chapter 22](#), Rockport Code of Ordinances shall apply, and no floodplain development permit fee is required. Development permits are required for any development of property located in a flood hazard zone and are in addition to other construction permits.

(l) *Special fees.* Permit fees for public schools and governmental taxing entities shall be charged 50 percent of the normal fees (including city staff plan review fees; excluding out-sourced plan review fees) for such construction. **If plans are reviewed by the City Engineer or a third party contracted by the City, the total amount of cost shall be paid by the permit holder along with 50 percent of the normal fees.**

(Ord. No. 861, art. 1, 9-11-90; Ord. No. 1107, § 1, 12-8-98; Ord. No. 1200, § 1, 12-11-2001; Ord. No. 1422, § 1, 2-26-08; Ord. No. 1518, § 1, 9-28-10; Ord. No. 1697, § 1, 9-19-17; Ord. No. 1702, § 1, 1/9/18; Ord. No. 1747, § 1, 1-22-19)

Sec. 22-312. Electrical.

~~(a) — Electrician's license renewal fees shall be in accordance with Table 22-312A:~~

TABLE 22-312A: Electrician's License Renewal Fees

Electrician License	Renewal Fee
Master electrician license renewal	\$50.00

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Late renewal, up to and including 60 days	No penalty
Late renewal, after 60 days	New application to Texas Department of License & Regulation

~~(b)~~ (a) Electrical permit fees shall be in accordance with Table 22-312B:

TABLE 22-312B: Electrical Permit Fees

Electrical permit	Fee
Construction loop	\$10.00 ea.
Services: up through 125 amp.	\$10.00 ea.
126 through 225 amp.	\$15.00 ea.
226 through 400 amp.	\$25.00 ea.
over 400 amp.	\$40.00 ea.
Outlets, fixtures, or switches	\$0.85
Panels (other than service)	\$6.00 ea.
Appliances	\$6.00 ea.
Fixed heating equipment	\$10.00 ea.
Fixed air conditioning equipment	\$10.00 ea.
Motors: One hp and smaller	\$4.00 ea.
Over 1 hp to 10 hp	\$8.00 ea.
Over 10 hp.	\$16.00 ea.
Equipment: Gas pumps, welders, projectors, elevators, X-ray machines	\$20.00 ea.
General repairs	\$20.00
Permit issuing fee	\$10.00
<u>All third-party inspection fees will be reimbursed by the permit holder prior to issuance of Certificate of Occupancy</u>	<u>Third Party Inspection Fees</u>

~~(e)~~ (b) *Alternate electrical permit fees.* Alternate fee schedule for residential construction may be calculated at ~~\$0.08~~ **\$0.10** per square foot.

~~(d)~~ (c) *Re-inspection fee.* The fee for first re-inspection necessary for the correction of work shall be no charge. Second time re-inspection shall be charged at \$50.00; third time re-inspection shall be charged at \$100.00; and over three re-inspections may constitute issuance of a stop-work-order or revocation of building permit or both. Re-inspections may be scheduled for the next business day but not until all required fees are paid.

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~~(e)~~ **(d)** *Special fees.* Permit fees for public schools and governmental taxing entities shall be charged 50 ~~40~~ percent of the normal fees (including city staff plan review fees; excluding out-sourced plan review fees) for such construction. **If plans are reviewed by the City Engineer or a third party contracted by the City, the total amount of cost shall be paid by the permit holder along with 50 percent of the normal fees.**

(Ord. No. 861, art. 2, 9-11-90; Ord. No. 1107, § 2, 12-8-98; Ord. No. 1422, § 1, 2-26-08)

Sec. 22-313. Plumbing.

(a) Plumbing permit fees shall be in accordance with Table 22-313A:

TABLE 22-313A: Plumbing Permit Fees

<i>Plumbing Permit</i>	<i>Fee</i>
Water service or water service including piping system, and water treating equipment	\$20.00 ea.
Building sewer	\$20.00 ea.
Gas service or gas service including piping system	\$20.00 ea.
Water heater including vent	\$20.00 ea.
Plumbing fixture (i.e. water closet, sink faucet, drain or trap)	\$5.00 ea.
Interceptor	\$10.00 ea.
Backflow prevention device	\$10.00 ea.
Lawn sprinkler system including backflow prevention device	\$20.00 ea.
Permit issuing fee	\$10.00 ea.
<u>Alternate plumbing permit fees for new residential construction</u>	<u>\$0.10 per square foot.</u>
<u>All third-party inspection fees will be reimbursed by the permit holder prior to issuance of Certificate of Occupancy</u>	<u>Third Party Inspection Fees</u>

(b) *Re-inspection fee.* The fee for first re-inspection necessary for the correction of work shall be no charge. Second time re-inspection shall be charged at \$50.00; third time re-inspection shall be charged at \$100.00; and over three re-inspections may constitute issuance of a stop-work-order or revocation of building permit or both. Re-inspections may be scheduled for the next business day but not until all required fees are paid.

(c) *Special fees.* Permit fees for public schools and governmental taxing entities shall be charged 50 percent of the normal fees (including city staff plan review fees; excluding out-sourced plan review fees) for such construction. **If plans are reviewed by the City Engineer or a third party contracted by the City, the total amount of cost shall be paid by the permit holder along with 50 percent of the normal fees.**

(Ord. No. 861, art. 3, 9-11-90; Ord. No. 1107, § 3, 12-8-98; Ord. No. 1422, § 1, 2-26-08)

Sec. 22-314. Mechanical.

(a) Mechanical permit fees shall be in accordance with Table 22-314A:

TABLE 22-314A: Mechanical Permit Fees

<i>Mechanical Permit</i>	<i>Fee</i>
Permit issuing fee:	\$10.00

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Fee for inspecting new heating (including boilers), ventilating, ductwork, air-conditioning and refrigeration systems:	\$25.00 for the first \$1,000.00 valuation plus \$5.00 for each additional thousand or fraction thereof.
Fee for inspecting repairs, alterations, and additions to an existing system:	Same as above.
<u>Alternate mechanical permit fees for new residential construction</u>	<u>\$0.10 per square foot.</u>
<u>All third-party inspection fees will be reimbursed by the permit holder prior to issuance of Certificate of Occupancy</u>	<u>Third Party Inspection Fees</u>

(b) *Re-inspection fee.* The fee for the first re-inspection necessary for the correction of work shall be no charge. Second time re-inspection shall be charged at \$50.00; third time re-inspection shall be charged at \$100.00; and over three re-inspections may constitute issuance of a stop-work-order or revocation of building permit or both. Re-inspections may be scheduled for the next business day but not until all required fees are paid.

(c) Self-contained units less than two tons. In all buildings, except one- and two-family dwellings, where self-contained air conditioning units of less than two tons are to be installed, the fee charged shall be that for the total cost of all units combined (see (a) above for rate).

(d) *Special fees.* Permit fees for public schools and governmental taxing entities shall be charged 50 percent of the normal fees (including city staff plan review fees; excluding out-sourced plan review fees) for such construction. If plans are reviewed by the City Engineer or a third party contracted by the City, the total amount of cost shall be paid by the permit holder along with 50 percent of the normal fees.

(Ord. No. 1180, § 13, 4-24-01; Ord. No. 1422, § 1, 2-26-08)

Sec. 22-315. Land development fees.

The following land development fees in Table 22-315A shall apply.

TABLE 22-315A:

Service	Description	Fee
Tree plan	Review proposed tree plan;	\$50.00
	plus per acre.	\$20.00
Relocation inspection	Performing inspections on structures proposed to be relocated (moved) into the city, for the first 50-mile radius;	\$100.00
	Each 30 miles thereafter;	\$50.00
	plus mileage, round trip from Rockport City Hall.	Most current state reimbursement rate
<u>Third Party Inspection / Plan Review</u>	<u>All third-party inspection / plan review fees will be reimbursed by the permit holder prior to issuance of Certificate Of Occupancy</u>	<u>Third Party Inspection / Plan Review Fees</u>
Re-zoning, special permit or P.U.D. application	Requested zoning change or special permit;	\$150.00 +*
	*plus per acre or portion thereof.	\$10.00

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<u>If Re-zoning, special permit or P.U.D. applications are reviewed by the City Engineer or a third party contracted by the City, the amount of this cost to the City shall be paid by the permit holder, in addition to regular fees</u>	P.U.D. or P.U.D. revision;	\$200.00 +* 42
	*plus per acre of portion thereof	\$10.00
<u>If Platting applications are reviewed by the City Engineer or a third party contracted by the City, the amount of this cost to the City shall be paid by the permit holder, in addition to regular fees</u>	Platting application	Concept Plan.
		\$100.00
	Plat;	\$100.00 +*
	*plus per acre or portion thereof.	\$10.00
	Administrative plat/re-plat.	\$100.00
Certificate of occupancy without building permit	Certificate plus inspection.	\$60.00
Land preparation permit	Brush, exempt tree removal.	Fees shall be the same as building permit fees in Chapter 22 .

(Ord. No. 1278, § 1, 1-27-04; Ord. No. 1299, § 1, 8-24-04; Ord. No. 1362, § 1, 10-10-06; Ord. No. 1422, § 1, 2-26-08; Ord. No. 1518, § 2, 9-28-10)

Sec. 22-316. Penalty.

- (a) Where work for which a permit is required by any code or ordinance is started or proceeded with prior to obtaining any required permit, the fees specified in this article shall be assessed a penalty of 400 percent of the usual permit fee in addition to the required permit fees, but not less than \$250.00.
- (b) The payment of such penalty fee shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.
- (c) For each day in which a person is in violation of any provision of this article shall be guilty of a misdemeanor and may be fined as provided in [section 1-7](#)(a), Rockport Code of Ordinances.

(Ord. No. 861, art. 4, 9-11-90; Ord. No. 1180, § 13, 4-24-01; Ord. No. 1422, § 1, 2-26-08)

Secs. 22-317—22-335. Reserved.

CITY COUNCIL AGENDA
Regular Meeting: Monday, June 12, 2023

AGENDA ITEM: 8

Deliberate and act on second and final reading of an Ordinance of the City Council of the City of Rockport, Texas adopting an Order declaring certain Charter Amendments adopted pursuant to a Special Election held on Saturday, May 6, 2023; adopting an authenticated copy of the Home Rule Charter for certification by the Mayor; ordering the mailing of such authenticated copy of the Amended City of Rockport Home Rule Charter showing the approval by the voters to the Secretary of State for file and recording said certification; providing for severability; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and establishing an effective date.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: VRS

BACKGROUND: Please see the accompanying Ordinance.

There have been no changes to format or content since Council approved the first reading of the Ordinance on May 23, 2023.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends Council approve the second and final reading of the Ordinance, as presented.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS ADOPTING AN ORDER DECLARING CERTAIN CHARTER AMENDMENTS ADOPTED PURSUANT TO A SPECIAL ELECTION HELD ON SATURDAY, MAY 6, 2023; ADOPTING AN AUTHENTICATED COPY OF THE HOME RULE CHARTER FOR CERTIFICATION BY THE MAYOR; ORDERING THE MAILING OF SUCH AUTHENTICATED COPY OF THE AMENDED CITY OF ROCKPORT HOME RULE CHARTER SHOWING THE APPROVAL BY THE VOTERS TO THE SECRETARY OF STATE FOR FILE AND RECORDING SAID CERTIFICATION; PROVIDING FOR SEVERABILITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Rockport, Texas is a home rule municipality by virtue of a charter election; and

WHEREAS, in accordance with the general laws and Constitution of the State of Texas, and the City's Home Rule Charter at the Tuesday, February 14, 2023, Regular Meeting the City Council adopted Ordinance No. 1894, ordering a Special Election to be held on Saturday, May 6, 2023, for the purpose of submitting to the qualified voters of the City propositions to approve or reject proposed Home Rule Charter Amendments; and

WHEREAS, in accordance with Resolution No. 2023-21, the City canvassed the votes from the May 6, 2023, Special Election and declared that the following Propositions were approved: Propositions B, C, D, E, G, H, I, K, L, N, O, P, Q, R, S, T, and U; and

WHEREAS, Texas Local Government Code § 9.004 governs the amendments to a City's home-rule charter; and

WHEREAS, Texas Local Government Code § 9.004(b) provides that the charter amendments do not take effect until the City Council enters an order in the records of the City declaring the charter amendments adopted; and

WHEREAS, the City Council of the City of Rockport, Texas hereby makes such Order.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, COUNTY OF ARANSAS, STATE OF TEXAS:

Section 1: The recitals provided for in the preamble are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2: The City of Rockport hereby declares and orders the following Charter Amendments approved by a favorable vote from the May 6, 2023, Special Election adopted and shall be codified into the City Charter. The following Charter Amendments were approved the voters of the City of Rockport, Texas at the May 6, 2023, Special Election: [deleted text is shown with ~~strikethroughs~~ and added text is underlined]:

TEXT AMENDMENT – PROPOSITION NO. B

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) 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.~~ Texas Government Code Chapter 551 as amended or superseded.

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.

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.

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. 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. 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. 12.05 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. 12.09 Service of Process Against the City.

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

TEXT AMENDMENT – PROPOSITION NO. C

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) 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 an affirmative vote of at least four members of the City Council.

TEXT AMENDMENT – PROPOSITION NO. D

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.

TEXT AMENDMENT – PROPOSITION NO. E

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)~~ four (4) 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 to two-year terms in 2023 and shall each begin serving a four-year term in 2025 and every fourth year thereafter. in odd years and ~~to two-year terms in 2023 and shall each begin serving a four-year term in 2025 and every fourth year thereafter. in odd years and~~ The Mayor and Councilpersons from Wards Two (2) and Four (4) shall be elected to a three-year term in 2024 and shall begin serving a four-year term in 2027 and every fourth year thereafter. in even years. ~~to a three-year term in 2024 and shall begin serving a four-year term in 2027 and every fourth year thereafter. 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.

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 if the remaining term is twelve (12) months or less, the Mayor Pro-Tem shall become the Mayor, thereby vacating ~~his~~ the Council person's 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 twelve (12) months or less ~~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 of a vacant position for Mayor or Council person is equal to or more than twelve (12) months ~~one (1) year~~, the Council ~~may fill the position by a majority vote of the remaining members or~~ shall call for a special

election to fill the vacancy, for the unexpired term only, in compliance with state law. In all cases, the successor shall possess all qualifications for the position.

TEXT AMENDMENT – PROPOSITION NO. G

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. 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.

TEXT AMENDMENT – PROPOSITION NO. H

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.~~ 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.

TEXT AMENDMENT – PROPOSITION NO. I

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.

TEXT AMENDMENT – PROPOSITION NO. K

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. 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.~~

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.

TEXT AMENDMENT – PROPOSITION NO. L

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.

TEXT AMENDMENT – PROPOSITION NO. N

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. 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.

TEXT AMENDMENT – PROPOSITION NO. O

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.

TEXT AMENDMENT – PROPOSITION NO. P

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.

(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.

TEXT AMENDMENT – PROPOSITION NO. Q

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 in the City of Rockport.

TEXT AMENDMENT – PROPOSITION NO. R

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. If after the recall election date is established, the officer vacates 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.

TEXT AMENDMENT – PROPOSITION NO. S

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.~~

TEXT AMENDMENT – PROPOSITION NO. T

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.

TEXT AMENDMENT – PROPOSITION NO. U

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 B~~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 previous 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 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.

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.~~

Section 3: The City Secretary prepared an authenticated copy of the Home Rule Charter for certification by the Mayor. The authenticated copy of the City of Rockport Home Rule Charter is attached hereto as Exhibit A. The authenticated copy of the City of Rockport Home Rule Charter showing the approval by the voters shall be mailed to the Secretary of State. The Secretary of State shall file and record the certification.

Section 4: Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

Section 5: It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required.

PASSED AND APPROVED by the Rockport City Council, County of Aransas, State of Texas, on the following dates:

FIRST READING: May _____, 2023

SECOND READING: June _____, 2023

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary



HOME RULE CHARTER

City of Rockport

May 2023

Home Rule Charter

Original Adoption

April 12, 1983

Amended

May 23, 1989

January 18, 1992

May 7, 1994

May 7, 1994

2004 Amendment

Election Date: May 15, 2004

Canvass Date: May 25, 2004

2023 Amendment

Election Date: May 6, 2023

Canvass Date: May 17, 2023

Filed _____, 2024

Office of Secretary of State

Aransas County Clerk

Rockport City Council

The Honorable Lowell Timothy “Tim” Jayroe

The Honorable Andrea Hattman, Mayor Pro Tempore

The Honorable Katy Jackson

The Honorable Danielle Hale

The Honorable Brad Brundrett

Charter Review Commission

Thomas “Tom” J. Blazek, Chairman

George “Doug” Webb

Diedra Amaya

J. Mark Wagnon

Donna Townsend

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Article I. FORM OF GOVERNMENT AND BOUNDARIES**Section 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.

Section 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.

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.
- (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 1.04 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) 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 an affirmative vote of at least four members of the City Council.
- (5) 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.

Article II. POWERS OF THE CITY**Section 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.

Section 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.

Section 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**Section 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 four (4) 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 to two-year terms in 2023 and shall each begin serving a four-year term in 2025 and every fourth year thereafter. The Mayor and Councilpersons from Wards Two (2) and Four (4) shall be elected to a three-year term in 2024 and shall begin serving a four-year term in 2027 and every fourth year thereafter. 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.

Section 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.

Section 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.

Section 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.

Section 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 if the remaining term is twelve (12) months or less, the Mayor Pro-Tem shall become the Mayor, thereby vacating the Council person's 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 twelve (12) months or less. In the event the remaining term of a vacant position for Mayor or Council person is equal to or more than twelve (12) months, the Council shall call for a special election to fill the vacancy, for the unexpired term only, in compliance with state law. In all cases, the successor shall possess all qualifications for the position.

Section 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.

Section 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.

Section 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 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 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.

Section 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.

Section 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.

Section 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. 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.

Section 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.

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

- (1) The City Secretary shall authenticate by signature and seal 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 posted on the City's internet website for at least one year, unless earlier codified into its Code of Ordinances.

Section 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.

Section 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**Section 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.

Section 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) Act as coordinator for all boards and commissions as directed by the City Council.
 - (i) Work closely with department heads and the City Manager in day-to-day operations of the City.

- (j) 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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**Section 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.

Section 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.

Section 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.

Section 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.

Article VI. INITIATIVE, REFERENDUM AND RECALL**Section 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 in the City of Rockport.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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. Any election order so issued shall comply fully with the Texas Election Code. If after the recall election date is established, the officer vacates 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.

Section 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.

Section 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"

- (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."

Section 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.

Section 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.

Section 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 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**Section 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.

Section 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.

Section 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 the following:
 - (a) A budget message prepared by the City Manager, outlining fiscal policy for the City government with explanations of significant changes in expenditures, revenues, and fiscal conditions from previous years.
 - (b) A budget summary with supporting schedules to show a balanced relationship between the total proposed expenditures and the total anticipated income for the fiscal year.
 - (c) 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.;
 - (d) Statements of the bonded debt redemption and interest requirements.
- (2) The City Council shall make available in the City Secretary's offices 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 has been finally adopted.
- (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. 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, 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.

- (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.

Section 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.
- (2) At anytime in any fiscal year, the City Council may 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 City Council.
- (3) 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.

Section 7.05 Capital Program.

- (1) The City Manager shall submit a five (5) year capital program in conjunction with the annual budget. The capital program shall include:
 - (a) A summary of its contents;
 - (b) A list of all capital improvements which are proposed;
 - (c) Cost estimates, method of financing and recommended time schedules; and
 - (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

Section 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.

Section 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.

Section 7.08 Borrowing.

- (1) 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.
- (2) 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.

Section 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 approved in accordance with state law. 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. Such emergency shall be declared by the City Manager and approved by the City Council or may be declared by the City Council.

Section 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 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 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.

Section 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 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. 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.

Section 7.12 Financial Report.

- (1) The City Manager shall submit to the City Council at its 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).

Section 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.

Article VIII. TAX ADMINISTRATION**Section 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.

Section 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.

Section 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.

Section 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.

Section 8.06 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.

Section 8.07 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**Section 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**Section 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.

Section 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.

Section 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.

Section 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.

Section 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**Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Article XII. GENERAL PROVISIONS**Section 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 in accordance with state law.

Section 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.

Section 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.

Section 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.

Section 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, disability, 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.

Section 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.

Section 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.

Section 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.

Section 12.09 Service of Process Against the City.

- (1) All legal processes against the City shall be served upon the Mayor or City Secretary.

Section 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.

Section 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.

Section 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.

Section 12.13 Gender of Wording.

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

Section 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.

Section 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.

Section 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.

CITY COUNCIL AGENDA
Regular Meeting: Monday, June 12, 2023

AGENDA ITEM: 9

Hear presentation by Texas Department of Transportation on State Highway 35 Overpass project at Corpus Christi Street.

SUBMITTED BY: City Manager Vanessa Shrauner

APPROVED FOR AGENDA: VRS

BACKGROUND: Robert Isassi with the Texas Department of Transportation will be present at the meeting and give a presentation on the State Highway 35 Overpass project at Corpus Christi Street.

FISCAL ANALYSIS: N/A

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

CITY COUNCIL AGENDA
Council Meeting: Monday, June 12, 2023

AGENDA ITEM: 10

Deliberate and act to award a contract to replace the segment of 2inch gas supply line that runs between the City's Natural Gas Supplier and the City's North Gate Regulator Station.

SUBMITTED BY: Director of Public Works & Building Development Michael S. Donoho, Jr

APPROVED FOR AGENDA: VRS

BACKGROUND: During a Pipeline Safety Evaluation Inspection Conducted by the Texas Railroad Commission in December of 2021 (Inspection Package Number INSPPKG-0000077493) Alleged Violation Item Number 4.0 – “The City of Rockport did not provide record of a pressure test for the segment of pipe between the City's Supplier and the City's North Gate Regulator Station”. A plan of action to correct the alleged violation was submitted to the Railroad Commission on August 26, 2022. The plan of action was approved with a deadline to correct the alleged violation by June 30, 2023.

The original price was to pressure test the line. When the contractor showed up it was determined that the line needed to be replaced and the replacement cost was more than the original bid for the pressure test. The contractor will furnish the materials labor and equipment for replacing the approximately 500 feet of two-inch supply line.

FISCAL ANALYSIS: The project will be paid for out of the Gas Department Maintenance Budget Acct # 08-6487040.

RECOMMENDED ACTION: Approve purchase order in the amount of \$81,000.00 to Mears Construction.



May 31st, 2023

CITY OF ROCKPORT, TEXAS

Attn: Roberto Ramos

Re: Rockport North Gate 2" Steel Line and Pressure testing

Dear Mr. Ramos:

Mears Group, Inc., a Quanta Services company, is pleased to submit this Proposal in response to the above referenced work located in Rockport.

Thank you for considering Mears Group, Inc., for this work. Do not hesitate to call (970) 769-6162 with any questions that you may have or if you need anything else.

Thank you,

Glenn Bray

Glenn Bray,

Operations Manager

Overview:

Mears will provide the City of Rockport with a Turnkey plan to fabricate, Install and Hydrotest a new 2" Steel line to replace their existing 2" steel line that runs from the Target interconnect over to their North Gate to comply with Texas Railroad Commission requests.

Scope of Work:

1. Mears will fabricate, install, and tie in/ bolt up new 2" .218 WT Steel piping, flanges, existing valves, and regulators to serve as a temporary bypass at the current line pressures. Mears will Hydrovac existing 2" line to verify alignment and depth along the Client provided cleared and staked ROW. Mears will excavate, fabricate, and install the New (Approx 725 FT) 2" .218 WT steel main line. Mears will use materials excavated to bed and backfill new 2" main line.
 - a. This will also include installing a new riser, Valve, and spool, on the Target interconnect and new fabrication on the Northgate. The benefit of this option is that the new riser/Spool will ensure more proper odorization of this flow than the current setup.
 - b. Hydrotest will be completed on the New 2" Steel piping and fabrication and existing Northgate piping /manifold.
2. Mears will provide a PE stamped Hydrotest plan to the City of Rockport prior to testing the line. The test will take 4 hours to exceed state and federal requirements and pressures will be monitored and documented throughout.
3. A bottle truck service (either CNG or LNG) may need to be contracted to tie downstream of the North Gate while the line is out of service for additional cost not indicated in this proposal. This is pending an in-house shut-in Test on Rockport's system to indicate the time frame allowable for the installation of the 2" steel by- pass and final bolt up.
4. Mears/Rockport will blow down the existing 2" steel line after the New 2" steel line has been installed and Hydrotesting and Bolt Up has been completed.
- 5.

TOTAL	
Bid	\$81000.20

Thank you for considering Mears to partner with you on this project. Please do not hesitate to reach out with any questions, comments or concerns and we look forward to partnering with you on this project and future projects to come.



CITY OF ROCKPORT
2751 S H 35 Bypass
Rockport, TX 78382
(361) 729-2213 ex 231

PURCHASE ORDER 116

PO Number: 22-00388 **Date:** 06/02/2023

Request #: 22-00395 **Vendor #:** 01-M0245

ISSUED TO: MEARS INSTALLATION
PO BOX 842031
DALLAS TX 75284-2031

SHIP TO: CITY OF ROCKPORT
2751 STATE HWY 35 BYPASS
ROCKPORT, TX 78382

ITEM	UNITS	DESCRIPTION	G/L ACCOUNT	PROJECT	PRICE	AMOUNT
1	0.00	LINE PRESSURE TEST	08 -6487040		0.00	81,000.20
LINE PRESSURE TESTING AT ROCKPORT NORTH GATE. MEARS WILL PROVIDE THE CITY OF ROCKPORT WITH A TURNKEY PLAN TO FABRICATE, INSTALL AND HYDROTEST A NEW 2" STEEL LINE TO REPLACE THEIR EXISTING 2" STEEL LINE THAT RUNS FROM THE TARGET INTERNCONNECT OVER TO THEIR NORTH GATE TO COMPLY WITH TEXAS RAILROAD COMMISSION REQUESTS. SCOPE OF WORK: 1. FABRICATE, INSTALL, AND TIE IN/BOLT UP NEW 2" .218 WT STEEL PIPING, FLANGES, EXISTING VALVES, AND REGULATORS TO SERVE AS TEMPORARY BYPASS. 2. PROVIDE PE STAMPED HYDROTEST PLAN TO CITY OF ROCKPORT PRIOR TO TESTING. 3. BOTTLE TRUCK SERVICE MAY NEED TO BE CONTRACTED TO TIE DOWNSTREAM OF THE NORTH GATE WHILE THE LINE IS OUT OF SERVICE. 4. MEARS/ROCKPORT WILL BLOW DOWN EXISTING 2" STEEL LINE AFTER NEW 2" STEEL HAS BEEN INSTALLED AND HYDROTESTING IS COMPLETE. TOATL: \$81,200.20						

* Taxable item

SUBTOTAL	81,000.20
TOTAL TAX	0.00
TOTAL	81,000.20

Approvals:

Department: _____ **Date:** _____

Finance: _____ **Date:** _____

City Manager: _____ **Date:** _____
(over \$50,000.00)

1. Original invoice plus one copy must be sent to:
City of Rockport, Finance Dept, 2751 S H 35 Bypass, Rockport, TX 78382
2. Purchase Order numbers must appear on all packages, packing slips and invoices. COD shipments will not be accepted.
3. The City is exempt from all federal excise and state tax - ID# 74-6002000

finance2@cityofrockport.com



CITY OF ROCKPORT
2751 S H 35 Bypass
Rockport, TX 78382
(361) 728-2213 ex 231

PURCHASE ORDER

VOIDED

PO Number: 22-00380 **Date:** 04/26/2023

Request #: 22-00387 **Vendor #:** 01-M0245

ISSUED TO: MEARS INSTALLATION
5061 WESTHEIMER ROAD
SUITE 1650
HOUSTON, TX 77056

SHIP TO: CITY OF ROCKPORT
2751 STATE HWY 35 BYPASS
ROCKPORT, TX 78382

ITEM	UNITS	DESCRIPTION	GL ACCOUNT	PROJECT	PRICE	AMOUNT
1	0.00	LINE PRESSURE TESTING	08 -6487040		0.00	65,000.00
PROPOSAL FOR WORK ON ROCKPORT NORTH GATE LINE PRESSURE TESTING. MEARS WILL PROVIDE A TURNKEY PLAN TO TEST THEIR LINE THAT RUNS FROM THE TARGET INTERCONNECT OVER TO THEIR NORTH GATE TO COMPLY WITH TEXAS RAILROAD COMMISSION REQUESTS. 1. CONFIRM EXISTING WALL THICKNESS TO CONFIRM TEST SPECIFICATIONS - \$2,300.00 2. PROCURE, INSTALL & TIE 800FT OF 4" PE PIPE TO SERVE AS TEMPORARY BYPASS WHILE EXISTING STEEL LINE IS TESTED - \$36,900.00 3. PROVIDE PE STAMPED HYDROTEST PLAN TO CITY OF ROCKPORT PRIOR TO TESTING - \$6,000.00 4. BLOW DOWN EXISTING STEEL LINE & FILL WITH NITROGEN FOR PRESSURE TESTING - \$19,800.00 TOTAL: \$65,000						

* Taxable Item

SUBTOTAL	65,000.00
TOTAL TAX	0.00
TOTAL	65,000.00

Approvals:

Department:

Date: 4-26-23

Finance:

Date:

City Manager:

(over \$50,000.00)

Date: 4/26/2023

1. Original invoice plus one copy must be sent to:
City of Rockport, Finance Dept, 2751 S H 35 Bypass, Rockport, TX 78382
2. Purchase Order numbers must appear on all packages, packing slips and invoices. COD shipments will not be accepted.
3. The City is exempt from all federal excise and state tax - ID# 74-6002000

finance2@cityofrockport.com



5051 Westheimer Rd, Suite 1650
Houston, TX 77056

PHONE 832.634.2900
WEB mears.net

February 23, 2023

City Of Rockport, Texas

Attn: Gene Camargo

Re: Rockport North Gate Line Pressure Testing

Dear Mr. Camargo:

Mears Group, Inc., a Quanta Services company, is pleased to submit this Proposal in response to the above referenced work located in Rockport. If you accept this proposal and would like to proceed with us providing the deliverables described. Simply respond as such by email and we will send over a Terms and Conditions document for your review and/or acceptance.

Thank you for considering Mears Group, Inc., for this work. Do not hesitate to call me at (989) 418-6307 with any questions that you may have or if you need anything else.

Overview:

Mears will provide the City of Rockport with a Turnkey plan to test their line that runs from the Target interconnect over to their north gate to comply with Texas Railroad Commission requests. This work will be done while ensuring that the city continues to receive the natural gas required during the outage of the line.

Scope of Work:

1. Mears will Confirm wall thickness of the existing line to confirm test specifications will be conducted safely and within proper standards. This will require 1 day for a Mears employee with a UT gauge to take readings along the pipe.
2. In order to maintain flow for the City of Rockport, Mears proposes 2 options:
 - a. Mears will procure, install, and tie in approximately 800 ft of 4" PE pipe to serve as a temporary bypass while the 2" steel line is tested. This will also include installing a new riser on the Target interconnect. The benefit to this option is that the PE pipe used as a bypass can be utilized by City of Rockport for future plastic main projects and the new riser will ensure more proper odorization of this flow than the current setup.

- b. Mears will subcontract a bottle truck service (either CNG or LNG) to tie in downstream of the North Gate while the line is out of service. The benefit to this option is that if there is any maintenance required on the Target interconnect, Target would be able to shut down their facility as well during this outage.
- 3. Mears will provide a PE stamped Hydrotest plan to the City of Rockport prior to testing the line.
- 4. Mears will blow down the 2" steel line and fill it with nitrogen for pressure testing. The test will take 4 hours to exceed state and federal requirements and pressures will be monitored and documented throughout.

Here is a cost breakdown of the proposed options:

	Cost	
1	\$ 2,300.00	
2a	\$ 36,900.00	
2b		\$ 47,900.00
3	\$ 6,000.00	
4	\$ 19,800.00	
TOTAL	\$65,000	\$ 76,000

Thank you for considering Mears to partner with you on this project. Please do not hesitate to reach out with any questions, comments or concerns and we look forward to partnering with you on this project and future projects to come.

Thank you,

Kyle Purcell

Kyle Purcell,
Engineering Manager

Glenn Bray

Glenn Bray,
Operations Manager

CITY COUNCIL AGENDA
Regular Meeting: Monday, June 12, 2023

AGENDA ITEM: 11

Deliberate and act on request for funding assistance for Housing Study for Aransas County from Aransas County Partnership Economic Development Corporation.

SUBMITTED BY: City Manager Vanessa Shrauner

APPROVED FOR AGENDA: VRS

BACKGROUND: The Aransas County Partnership has asked us for a donation of \$5,000 to assist with a housing study. The City has not been asked to financially participate in the Partnership, yet we enjoy the benefits. This housing study will allow the City to recruit the needed housing and/or make wise decisions in what should be incentivized.

FISCAL ANALYSIS: \$5,000

RECOMMENDATION: Approval of donation.