

CITY OF TEXAS CITY

SUMMARY OF SUBSTANTIVE VARIANCES AND ISSUES EXISTING BETWEEN CURRENT CHARTER AND CURRENT OPERATIONS

<u>Current Charter</u>	<u>Current Variance or Issue</u>
1. Art. I, Sec. 3 refers to annexation of adjacent territory “without the consent of the owners” of the territory.	This is a controversial and very limited power in state law and this language should be deleted, in favor of a general reference to state law.
2. Art. II, Sec. 2 (1) requires that a person must be 21 years of age to qualify for service on the commission.	Not consistent with current state law establishing voting age as 18.
3. Art. II, Sec. 5 caps salaries for mayor and commissioners at \$500 per month and \$100 per month, respectively.	Adjusted for inflation since the last amendment to the charter, these amounts would need to be increased to \$850 and \$165, respectively.
4. Art. III, Sec. 2 establishes the powers and duties of the mayor.	This section does not specify that the mayor shall be seen as the chief executive officer and there is conflicting language in the charter as to this matter.
5. Art. III, Sec. 8 requires that ordinances imposing any penalty, fine or forfeiture must upon adoption be published in the official newspaper of the city.	Not in compliance.
6. Art. IV, Sec. 3 requires that mayoral candidates must pay a \$25 filing fee to have their names placed on a ballot, but requires no such fee for commissioner candidates.	This is an unusual, if not inequitable, distinction.
7. Art. V, Sec.1 requires that a recall petition contain signatures equal to at least 50% of the number of voters in the most recent city election, but not less than 100 signatures.	This is a curiously high bar for such a petition, as compared to the petitions required for referendum and initiative proposals--20% and 10% respectively.

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| 8. Art. V, Sec. 2 requires that upon certification of a recall petition, a recall election must called within 45-60 days. | Not consistent with state law. |
| 9. Art. IX, Sec.1 does not provide for periodic review and a report to the commission as to current issues in the charter. | This review, every five years, should be added to the city attorney's responsibilities. |
| 10. Art. IX, Sec. 1 (3) includes language as to the mayor that is confusing. | This reference should be eliminated. |
| 11. Art. XI, Sec. 1 provides that the mayor may elect to serve as the director of finance. | This option would seem to no longer be applicable nor appropriate. |
| 12. Art. XI, Sec. 5 requires that annual budgets and amendments thereto must be filed with the county clerk and the state comptroller. | Not in compliance . |
| 13. Art. XI, Sec. 13 requires that the combined balance sheet of the annual audit be published in the official newspaper of the city. | Not in compliance. |
| 14. Art. XIV, Sec. 1 specifies that the mayor shall serve as one of five members of the Planning Board. | This position is now being filled by the mayor-pro tem. Consideration could be given to reducing the number of commission members on this board from two to one. |
| 15. There is no provision for zoning regulations in the charter. | A zoning board, its makeup and duties is commonly described in home rule city charters. |
| 16. Art. XVII, Sec. 9 requires the city to keep certain records on the operation of public utility franchises, including "fixtures in the streets." | Not in compliance. |
| 17. Art. XVII, Sec.11 refers to regulation of telephone services in the city. | Not consistent with state law. |

18. Art. XVIII, Sec. 9 states that the city shall not be obligated to recognize the garnishment or assignment of employee wages.

Under state law, this is no longer the case in certain instances.

19. Art. XVIII, Sec. 16 requires that all boards and commission shall meet at least once quarterly.

Not in compliance.

20. Art. XVIII, Sec. 20 refers to adoption of the original charter in 1946.

No longer germane.