

NOTICE: ANY SUBJECT APPEARING ON THIS AGENDA, REGARDLESS OF HOW THE MATTER IS STATED, MAY BE ACTED UPON BY THE BOARD OF DIRECTORS OF THE TEXAS CITY CHARTER COMMITTEE.

CITY OF TEXAS CITY
CHARTER COMMITTEE MEETING

AGENDA

MONDAY, JANUARY 14, 2019 - 5:30 P.M.
NESSLER CIVIC CENTER - ALAMO ROOM
2010 5th Avenue North
Texas City, TX 77590

PLEASE NOTE: All in attendance are required to remove hats and/or sunglasses (dark glasses) during meetings and to also silence all cell phones and electronic devices.

1. WELCOME
2. ROLL CALL
 - a. Introduction of newly appointed members to the Charter Review Committee.
3. APPROVAL OF MINUTES
 - a. Consider approval of the minutes from the Charter Review Committee Meeting on November 12, 2018, and December 10, 2018.
4. OVERVIEW
 - a. Consider a "Summary of Substantive Variances and Issues Existing Between the Current Charter and Current Operations" as developed by Consultant Don R. Edmonds.
5. OTHER MATTERS RELATED TO CITY CHARTER REVIEW
 - a. Consider approval of setting official meeting dates and time for Committee Meetings.
6. TASK/ASSIGNMENTS

Nicholas J. Finan
Executive Director of Management Services

Texas City Charter Committee

3. a.

Meeting Date: 01/14/2019

Submitted By: Rhomari Jackson-Glover, City Secretary

Department: City Secretary

ACTION REQUEST (Brief Summary)

Consider approval of the minutes from the Charter Review Committee Meeting on November 12, 2018, and December 10, 2018.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Attachments

November

December

DRAFT

TEXAS CITY CHARTER COMMITTEE

Minutes

NOVEMBER 12, 2018 - 5:30 P.M. NESSLER CIVIC CENTER DAVY CROCKETT ROOM

Meeting came to Order at 5:35pm.

- I. Welcome – *Phil Roberts and Bob Senter welcomed the committee.*
- II. Introductions of Members/Roll Call – *Nick Finan, Bob Senter, Carlos Garza, Russell Plackemeier, Phil Roberts, Lupe Cantu, Jenny Senter, Mark Ciavaglia, Aric Owens, and Dedrick Johnson were present.*
- III. Overview
 - a. City Charter – what is it?

Bob Senter discussed what a charter is. Charter amended in 1995. The Charter is an agreement with Citizens. The charter affects at a 30,000 ft. level not specific laws, etc. That lower specific level is for ordinances and policies.
 - b. Committee's Charge
 - i. Maybe nothing
 - ii. Maybe some clean up
 - iii. Maybe major

Bob Senter summarized the three items above. Our charter should at least meet State law. Don't expect city charter to mirror state law, but does staff see items with state law conflicting or more lenient, open, flexible? We will want to know this from staff. We may also want some assistant and spoke with Terrell Blodgett a known Municipal expert in the state of Texas. Carlos Garza stated that Terrell assisted with the 1995 Charter Review and was very beneficial and feels we should. Bob said that Terrell does not feel he can travel like we used to and suggested we use his associate. Lupe Cantu asked if Charter Review Committee is making a recommendation to City Commission? Bob Senter said, "Yes."

Carlos Garza stated the City went through this process in 1995, wants to make sure we request a review of City Charter to state law if we get someone like Terrell Blodgett to assist us. We should send to Terrell or his associate our charter.

Lupe Cantu asked does the Mayor have things he expects? Bob Senter and Phil Roberts- No, up to the Committee.

Dedrick Johnson asked if we can we review with Terrell Blodgett and he adjust for his bias for city manager form of government? Bob Senter said yes, he feels that we can work with him and he would not let the bias interfere.

DRAFT

IV. Selection of Vice Chair

Mark Ciavaglia nominated Carlos Garza to be Vice Chair, Lupe Cantu seconded. Unanimous vote to approve.

V. Review of Existing Charter

- a. Handbook as assistance – *These items were passed out and requested to be reviewed.*
- b. Copy of Charter – *A PDF version was passed out, but Nick Finan stated that a word document would be emailed and provided in double space format prior to next meeting. Bob requested everyone to start to review.*

VI. Next Meeting

a. Start Discussing Priorities

Everyone will start looking at priorities. Bob Senter stated going forward will be discussions on priorities- form of government, elections, etc.

Assignment of tasks for next meeting: Nick Finan- will reach out to Terrell and request if he can compare to state inquire about the associate to maybe visit with the committee. Also, prepare a survey to the Executive Staff requesting if they are aware of any conflicts or inconsistencies with State law.

Russell Plackemeier- continue to look at charter for State law conflicts or inconsistencies.

VII. Establish Meeting Dates and Times

December 10, 2018 at 5:30 p.m. will be the next meeting and every 2nd Monday each month after that.

**TEXAS CITY
CHARTER REVIEW COMMITTEE**

**Monday, December 10, 2018 - 5:30 p.m.
Nessler Center- Crockett Room**

Time called to order: 5:30 p.m.

Present: Bob Senter, Chairperson
 Thelma Bowie, Board Member
 Jose Boix, Board Member
 Carlos Garza, Board Member
 Aric Owens, Board Member
 Lupe Cantu, Board Member
 Jenny Senter, Board Member

Absent: Mark Ciavaglia, Board Member
 Dedrick Johnson, Board Member

Staff Present: Phil Robert, City Liaison
 Nicholas Finan, City Staff
 Russell F. Plackemeier, City Attorney

1. WELCOME

2. ROLL CALL

Carlos Garza arrived at 5:45 p.m.

3. APPROVAL OF MINUTES

November 12, 2018, Minutes were not approved. Must be placed on next Agenda.

4. OVERVIEW

Bob Senter, Chairperson, gave highlights of the previous meeting.

a. Summary of Charter Review to-date

b. Priorities

1. Stated by Bob Senter, to correct or get in line with the correct form of Government/ State Law.

2. Stated by Bob Senter, address form of Government/ Council & Manager vs Mayor & Commission

3. Stated by Jose Boix, that each section is gone through to correct clarity and errors.

c. Discussion of Charter Articles

5. OTHER MATTERS RELATED TO CITY CHARTER REVIEW

Phil Roberts discussed being a non-voting member. He stated that he will be a liaison for the City Commission and not wanting to influence the committee in anyway.

- a. Consider and recommend the appointment of Don Edmonds as the Consultant for the Texas City Charter Review Committee.

Don Edmonds gave background on himself, his experience and process. Mr. Edmonds stated that his fee is \$125 per hour plus fees and travel that sum to about \$16,000. Mr. Edmonds advised that the review process could be completed in less than 6 months if the Committee meets twice a month.

Jenny Senter left at 6:25 pm.

A **MOTION** was made by Board Member Carlos Garza, AND **SECONDED** by Board Member Thelma Bowie to hire Mr. Edmonds and submit recommendation to the City Commission.

Vote: 6 - 0 CARRIED

6. TASKS/ASSIGNMENTS

- a. Review Charter Review Survey for City Department Heads

Committee reviewed the survey.

No changes suggested.

7. ADJORNMENT

A **MOTION** was made by Chairperson Bob Senter, AND **SECONDED** by Board Member Carlos Garza

Vote: 6 - 0 CARRIED

Time Adjourned: 6:35 p.m.

Nicholas J. Finan
Executive Director of Emergency Management

Texas City Charter Committee

4. a.

Meeting Date: 01/14/2019

Submitted By: Rhomari Jackson-Glover, City Secretary

Department: City Secretary

ACTION REQUEST (Brief Summary)

Consider a "Summary of Substantive Variances and Issues Existing Between the Current Charter and Current Operations" as developed by Consultant Don R. Edmonds.

BACKGROUND

See attachment.

ANALYSIS

ALTERNATIVES CONSIDERED

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Attachment

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.

8. Art. V, Sec. 2 requires that upon certification of a recall petition, a recall election must be 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.