

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 REVIEW COMMITTEE.

CITY OF TEXAS CITY
CHARTER COMMITTEE REVIEW MEETING

AGENDA

MONDAY, JANUARY 28, 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
3. APPROVAL OF MINUTES
 - a. Consider approval of the minutes from the Charter Review Committee meeting of January 14, 2019.
4. OVERVIEW
 - a. Consider certain amendments proposed in Articles I, II and III of the Charter, as recommended by consultant Don R. Edmonds.
 - b. Consider other amendments proposed by Articles I, II and III of the Charter, as presented by Charter Review Board Members.
5. OTHER MATTERS RELATED TO CITY CHARTER REVIEW
6. TASK/ASSIGNMENTS
7. ADJOURN

Texas City Charter Review Committee

3. a.

Meeting Date: 01/28/2019

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 of January 14, 2019.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Attachments

Minutes

CITY OF TEXAS CITY
CHARTER REVIEW COMMITTEE MEETING

MINUTES

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

Time called to order: 5:30 P.M.

Present: Bob Senter, Chairperson
Thelma Bowie, Board Member
Jose Boix, Board Member
Aric Owens, Board Member
Lupe Cantu, Board Member
Jenny Senter, Board Member
Mark Ciavaglia, Board Member
Tracy Tarpey, Board Member
Frank Mistretta, Board Member
Brian Clark, Board Member
Denise Obrian, Board Member

Absent: Carlos Garza, Board Member
Dedrick Johnson, Board Member

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

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.

A **MOTION** was made by Board Member Mark Ciavaglia
AND **SECONDED** by Board Member Thelma Bowie

Vote: 11 - 0 CARRIED

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.

Don Edmonds summarized how the committee will approach the review process. His review shows only two articles that varied to state law, was unclear or varied in how the city performed. This is very low. Also, the committee is open to considering other items other than what he found that needs some amendatory change. Politically or for other reasons, committee members wish to consider other changes.

Bob Senter reinforced anyone can suggest other items throughout the process.

Mark Ciavaglia suggested that the committee look at other Gulf Coast Cities of similar size for numbers 3 & 7 (Salary & Recall). Discussion that only 4 cities with strong Mayor in Texas, so comparisons would not be apple to apple

Jose Boix questioned what was meant by "not in compliance." It was answered that it means with Charter.

Jose Boix questioned if its necessary to take these issues before voters even if it's just to meet State Law standards. The answer is yes.

Bob Senter made comments and references to each section and discussed variances, etc. with Don Edmonds assistance.

5. OTHER MATTERS RELATED TO CITY CHARTER REVIEW

- a. Consider approval of setting official meeting dates and time for Committee Meetings.

Bob Senter discussed the calendar as handed out indicating the second and fourth Monday of each month through March. There were no objections.

Dates were accepted.

6. TASK/ASSIGNMENTS

Nick and Russell were requested to get salaries for Mayors and Councilmembers in the Houston area.

7. ADJOURN

A **MOTION** was made by Board Member Jenny Senter

AND **SECONDED** by Board Member Thelma Bowie

Vote: 11 - 0 CARRIED

Texas City Charter Review Committee

4. a.

Meeting Date: 01/28/2019

Submitted By: Rhomari Jackson-Glover, City Secretary

Department: City Secretary

ACTION REQUEST (Brief Summary)

Consider certain amendments proposed in Articles I, II and III of the Charter, as recommended by consultant Don R. Edmonds.

BACKGROUND

(See Attached)

ANALYSIS

ALTERNATIVES CONSIDERED

Attachments

Attachment

CITY OF TEXAS CITY
PROPOSED AMENDMENTS TO THE CITY CHARTER

ARTICLES I, II and III

(Note: Current charter language proposed to be deleted is [bracketed and underlined.]
All amendatory language is *italicized and in bold face.*)

ARTICLE I. INCORPORATION, POWERS AND TERRITORY

SECTION 1. CORPORATE NAME AND STATUS

No amendatory action proposed.

SECTION 2. ENUMERATED POWERS NOT EXCLUSIVE

No amendatory action proposed.

SECTION 3. BOUNDARIES OF THE CITY

The boundaries of the city shall be the same as have been heretofore established and now exist and those boundaries established and changed hereafter in all annexation and disannexation proceedings of the city, -filed in the office of the city secretary.

The city commission may by ordinance annex territory adjacent to the city, [with or without the consent of the owners or inhabitants of the annexed territory, and] subject to the procedural rules prescribed by the laws of the state of Texas.

The city commission, after a public hearing and a majority vote of the commission, may by ordinance pursuant to state law and this Charter disannex any property lying within and adjacent to the boundary limits of the city, and lying adjacent to the city limits.

ARTICLE II. GOVERNING BODY

SECTION 1. THE CITY COMMISSION; TERM OF OFFICE

No amendatory action proposed.

SECTION 2. QUALIFICATIONS FOR COMMISSION

The mayor and each commissioner shall, in addition to the other qualifications prescribed by law:

- (1) Be at least [21] **18** years of age and a qualified resident voter in the city;
- (2) If a candidate for a district commissioner position, be a resident of the district from which election is sought for at least twelve (12) months prior to the date of the election and continue to reside in said district during term of office;
- (3) If a candidate for mayor or an at-large commissioner position, be a resident of the city for

at least twelve (12) months prior to the date of the election and continue to reside in the city during term of office.

A member of the commission ceasing to possess any of the qualifications specified in this section or convicted of a felony while in office, shall immediately forfeit his/her office.

If a member of the commission is absent for three (3) consecutive, regular meetings without an explanation acceptable to a majority of the commission, the office of that commissioner shall be declared vacant at the next regular meeting.

SECTION 3. ELECTION OF COMMISSION.

No amendatory action proposed.

SECTION 4. VACANCIES.

No amendatory action proposed.

SECTION 5. SALARIES OF MAYOR AND COMMISSIONERS.

The salary of the mayor shall be fixed by the commission not to exceed [five hundred] *eight hundred, fifty* dollars per month. The salary of each commissioner shall be fixed by the commission not to exceed [one hundred] *one hundred, sixty-five* dollars per month.

ARTICLE III. PROCEDURES OF THE COMMISSION; LEGISLATION

SECTION 1. MEETINGS OF THE COMMISSION

No amendatory action proposed.

SECTION 2. MAYOR AND MAYOR PRO TEM.

At the first regular meeting after every election, held for the purpose of electing new city commissioners, the members of the city commission shall elect one of their members to serve as mayor pro tem, and he/she shall perform all the duties of the mayor in his/her absence or disability. The mayor shall preside at meetings of the commission and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him/her by this Charter and the ordinances of the city. *He/she shall serve as the chief executive officer of the city.* He/she shall be recognized as the head of the city government for all ceremonial purposes, by the courts for serving civil processes, and by the governor for purposes of military law.

In the time of public danger or emergency, the mayor shall take command of the police, maintain order and enforce the law. If a vacancy occurs in the office of mayor, or in the case of his absence or disability, the mayor pro tem shall act as mayor until a successor is elected or appointed and has qualified.

SECTION 3. CITY SECRETARY.

No amendatory action proposed.

SECTION 4. COMMISSION RULES.

No amendatory action proposed.

SECTION 5. QUORUM.

No amendatory action proposed.

SECTION 6. INTRODUCTION AND PASSAGE OF ORDINANCES AND RESOLUTIONS.

No amendatory action proposed.

SECTION 7. WHEN ORDINANCES SHALL TAKE EFFECT.

No amendatory action proposed.

SECTION 8. AUTHENTICATION AND PUBLICATION OF ORDINANCES AND RESOLUTIONS.

Upon its final passage, each ordinance or resolution shall be authenticated by the signatures of the mayor and of the city secretary and shall be systematically recorded in a manner approved by the commission. Any ordinance may also be authenticated by the signatures of the city secretary and three members of the commission. [Every] *The caption of every* ordinance imposing any penalty, fine, or forfeiture shall, after passage thereof, be published in one issue of the official paper; and proof of such publication shall be made by the printer or publisher of such paper, making affidavit before some officer authorized by law to administer oaths, and filed with the person performing the duties of city secretary and said affidavit shall be prima facie evidence of such publication and promulgation of such ordinance in courts of the state; and such ordinance so published shall take effect, and be in force, from and after ten days after publication thereof, unless otherwise expressly provided. Ordinances not required to be published shall take effect, and be in force, from and after the passage, unless otherwise provided.

The commission shall, as soon as practicable after the commencement of each fiscal or municipal year, enter into a contract with a public newspaper of the city as the official paper thereof, and to continue as such until another is selected, and shall cause to be published therein all ordinances, notices, and other matters required by this Charter or by the ordinances of the city to be published.

Texas City Charter Review Committee

4. b.

Meeting Date: 01/28/2019

Submitted By: Rhomari Jackson-Glover, City Secretary

Department: City Secretary

ACTION REQUEST (Brief Summary)

Consider other amendments proposed by Articles I, II and III of the Charter, as presented by Charter Review Board Members.

BACKGROUND

See attached.

ANALYSIS

ALTERNATIVES CONSIDERED

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Salaries

Term Lengths

	Baytown	Nassau Bay	Spring Valley Village	Deer Park	La Porte	Alvin	Freeport	Webster	League City	Conroe	Missouri City	City of Houston *	Bay City
Mayor	\$12,000	\$900	\$900	\$3,300	\$4,800	\$5,400	\$3,000	\$7,200	\$12,000	\$33,300	\$12,000	\$237,000	\$89,200
Council	\$6,000	\$600	\$600	\$2,100	\$2,400	\$3,600	\$1,800	\$4,800	\$7,200	\$14,250	\$6,000	\$63,200	\$3,600
MPT										\$15,450			

* City of Houston notes that: the Mayor makes 150% of the total salary of a state district judge of Harris County, Texas. The City Controller makes 100% of the total salary of a state district judge of Harris County, Texas. The City Council makes 40% of the total salary of a state district judge. (\$158,000.00)

Term Lengths

- . Shorter terms like two years- for new members- does not give much of a learning curve
- . Two year terms have nearly ¼ of term dedicated to running for office
- . Shorter terms allow citizens to vote someone out during a re-election sooner if not satisfied
- . Shorter terms cost candidates more
- . Shorter term council members may think of issues on short term & their impact
- . Longer term harder to replace if dissatisfied with council member
- . Longer term council members may not be as focused on next election vs. the issues
- . Longer term members get settled in and have more time after learning curve
- . Longer terms provide stability

Typical lengths: 2, 3 & 4 years

Staggered vs. Non-staggered Terms

- . No complete turn over possible
- . Allows for stability, allows for partial change so no sweeping change at one time
- . Makes citizens more aware of elections
- . Allows other issues like bonds, Commissioners replacement, etc. to coincide with a city election
- . Candidates are less "lost" in a pack of office seekers
- . Can't replace all commissioners at one time if unhappy with Commission as a whole
- . Provide for instability every other year as portions could change each year and have to train new members
- . Election every year cost more than every two years
- . Give year off where commissioners can act without worry of election impact coming up for some members
- . Issues aren't driven by elections during off years
- . Everyone at one time, especially if Mayor race, creates more voter turnout