

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, FEBRUARY 11, 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 on January 14, 2019.
4. OVERVIEW
 - a. Consider and take action on the matter of lengthening the terms of office for the Mayor and City Commissioners from two years to three or four years.
 - b. Consider and take action on the matter of staggering the terms of the Mayor and City Commissioners.
 - c. Consider and take action on certain amendments proposed in Arts. IV, V, and IX of the charter, as recommended by consultant Don R. Edmonds. (See attachments.)
 - d. Consider and take action on other amendments or matters of interest in Arts. IV, V, and IX on the part of members of the Committee.
5. OTHER MATTERS RELATED TO CITY CHARTER REVIEW
6. TASK/ASSIGNMENTS
7. ADJOURN

Nicholas J. Finan
Executive Director of Management Services

Texas City Charter Review Committee

3. a.

Meeting Date: 02/11/2019

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 January 14, 2019.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Attachments

Minutes

**CITY OF TEXAS CITY
CHARTER COMMITTEE REVIEW MEETING**

MINUTES

**MONDAY, JANUARY 28, 2019 - 5:30 P.M.
NESSLER CIVI CENTER- ALAMO ROOM
2010 5th Avenue North
Texas City, TX 77590**

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

Present: Board Member Thelma Bowie
Board Member Aric Owens
Board Member Lupe Cantu
Board Member Jenny Senter
Board Member Tracy Tarpey
Board Member Frank Mistretta
Board Member Brian Clark
Board Member Denise Obrien
Board Member Carlos Garza

Absent: Chairperson Bob Senter
Board Member Jose Boix
Board Member Mark Ciavaglia
Board Member Dedrick Johnson

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

1. WELCOME

Carlos Garza chaired the meeting.

2. ROLL CALL

3. APPROVAL OF MINUTES

- a.** Consider approval of the minutes from the Charter Review Committee meeting of January 14, 2019.

A **MOTION** was made by Board Member Thelma Bowie
AND **SECONDED** by Board Member Lupe Cantu to approve the January 14, 2019, minutes.

Vote: 9 - 0 CARRIED

4. OVERVIEW

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

Don Edmonds covered each item below. He stated each change, even though voted on by the Committee, it is not set in stone. We can circle back again and, of course, City Commission can change.

SECTION 3. BOUNDARIES OF THE CITY

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.

Thelma Bowie motioned to delete the bracketed section, Jenny Senter seconded. Vote was unanimous.

SECTION 1. THE CITY COMMISSION; TERM OF OFFICE

No amendatory action proposed.

Don Edmonds stated that Bob Senter wanted to look at staggered terms and length of terms. Lupe Cantu stated that if all positions run at the same time there may be better voter turnout. Carlos Garza asked how much an election costs? Nicholas Finan answered about \$16,000.00. The discussion was tabled by Thelma Bowie, seconded by Jenny Senter. Vote was unanimous.

SECTION 2. QUALIFICATIONS FOR COMMISSION

- (1) Be at least [21] **18** years of age and a qualified resident voter in the city;

Jenny Senter started a conversation that was concerned with an 18-year-old running. Everyone spoke that 18 may be too young. No motion to change to 18, so lack of motion, stays at 21.

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.

Don Edmonds spoke only to the current rate. Denise was concerned if the proposal was too low and would need to be raised regularly. Carlos Garza stated that Pasadena CPI, Don Edmonds stated that it could be adjusted several ways. Lupe Cantu stated his concern about Council-Manager cities may not be comparable when it comes to salaries. Carlos Garza felt that they did not choose to do City Manager last time because the position is better if viewed as community service- not for pay. However, the Mayor should get paid more and the same for commissioners. Carlos Garlas feels that \$1,000.00 to \$1,500.00 CPI may take away. Carlos Garza suggested not to act on this topic and work on getting more feedback from neighbor cities.

SECTION 2. MAYOR AND MAYOR PRO TEM.

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.

Don Edmonds stated that there has not been a discussion of going to a City Manager Form of government. If there is not a feeling that that route will be taken, it is critical to say the Mayor is the Chief Executive Officer. Carlos Garza stated that it is necessary, he feels that the last

charter review had it here. Thelma Bowie said it was discussed at the previous meeting and putting it early clarifies it better.
Jenny Senter made a motion to amend from "he/she" to "Mayor," seconded by Frank Mistretta.

SECTION 8. AUTHENTICATION AND PUBLICATION OF ORDINANCES AND RESOLUTIONS.

[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.

Don Edmonds discussed not doing the posting and suggested doing the minimum "caption only."

Motioned by Thelma Bowie, seconded by Lupe Cantu, to only post caption in the official newspaper, once clarified by Russell Plackemeier.
Vote was unainomous.
Denise O'Brien left before the motion was made.

- 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

Aric Owens stated that he thinks the number of 3 consecutive meetings is arbitrary, with only 2 meetings a month that may be too short. Carlos Garza said that this was never implemented. No motion or action was taken.

6. TASK/ASSIGNMENTS

Russell Plackemeier will look into clarification on "official newspaper."

Nicholas Finan will survey other cites to find out their term lengths and if they have staggered terms.

7. ADJOURN

A **MOTION** was made by Board Member Lupe Cantu
AND **SECONDED** by Board Member Thelma Bowie to adjourn.

Vote: 9 - 0 CARRIED

Time Adjourned: 7:00 p.m.

DRAFT

Texas City Charter Review Committee

4. a.

Meeting Date: 02/11/2019

Submitted By: Rhomari Jackson-Glover, City Secretary

Department: City Secretary

ACTION REQUEST (Brief Summary)

Consider and take action on the matter of lengthening the terms of office for the Mayor and City Commissioners from two years to three or four years.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Attachments

Survey

Term Lengths & Staggering

	Manvel	Friendswood	La Porte	League City	Conroe	Seabrook	Richwood	Deer Park	Mont Belvieu	Pflugerville	Santa Fe	Webster	Baytown	Alvin
Term Length (years)	3	3	3	4	4	4	2	2	3	3	3	3	3	3
Staggered?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Year with no Election?	No	No	No	Yes	Yes	No	No	No	No	No	Yes	No	No	No

Texas City Charter Review Committee

4. c.

Meeting Date: 02/11/2019

Submitted By: Rhomari Jackson-Glover, City Secretary

Department: City Secretary

ACTION REQUEST (Brief Summary)

Consider and take action on certain amendments proposed in Arts. IV, V, and IX of the charter, as recommended by consultant Don R. Edmonds. (See attachments.)

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Attachments

Attachment

Memo

CITY OF TEXAS CITY
PROPOSED AMENDMENTS TO THE CITY CHARTER

ARTICLES IV, V and IX

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

ARTICLE IV. NOMINATIONS AND ELECTIONS

SECTION 1. MUNICIPAL ELECTIONS

No amendatory action proposed.

SECTION 2. COMMISSON RULES

No amendatory action proposed.

SECTION 3. NOMINATIONS

Any qualified voter under Article II, Section 2 of the city desiring to have his/her name placed upon the official ballot for any election may do so by filing with the city secretary a written request for that purpose, signed by himself, at least thirty days prior to the date of said election; provided however, [if such person desires to have his/her name placed upon the ballot for the office of mayor such person shall pay to the city secretary a filing fee of twenty-five dollars at the time of filing written request, and if such person desires to have his/her name placed upon the ballot for the office of commissioner such person shall pay to the city secretary a filing fee of fifteen dollars at the time of filing written request.] *all such persons shall pay to the city secretary a filing fee of twenty-five dollars at the time at filing his/her request.* [All filing fees paid to the city shall be used to defray, in whole or in part, the expense of holding the election.]

SECTION 4. BALLOTS

No amendatory action proposed.

SECTION 5. ELECTION OF COMMISSION BY PLURALITY

No amendatory action proposed.

SECTION 6. LAWS GOVERNING ELECTIONS

No amendatory action proposed.

SECTION 7. CANVASSING ELECTIONS

No amendatory action proposed.

ARTICLE V. RECALL

SECTION 1. GENERAL PROVISIONS

Any member of the commission may be removed from office by recall. Any voter of the city may make and file with the city secretary an affidavit containing the name of any member of the commission whose removal is sought and a statement of the grounds for removal. The city secretary shall thereupon deliver to the voter making such affidavit, copies of petition blanks demanding such removal, printed forms of which the city secretary shall keep on hand. Such blanks shall be issued by the secretary with the city secretary's signature and official seal thereto attached; they shall be dated and addressed to the commission and shall indicate the name of the person to whom issued, the number of blanks so issued, and the name of the member whose removal is sought. A copy of the petition shall be entered in the record book to be kept for the purpose in the office of the secretary. If the Mayor or one of the at-large commissioners' removal is sought, the recall petition to be effective must be returned and filed with the secretary within thirty days after the filing of the affidavit, and it must bear the signatures of voters of the city to the number of at least ~~[fifty]~~ *thirty* percent of the number of voters who cast their votes at the last preceding regular municipal election; provided, however, that the petition shall not be effective unless it bears the signatures of at least one hundred voters of the city. If the removal of a district commissioner is sought the recall petition to be effective must be returned and filed with the city secretary within thirty days after the filing of the affidavit and bear the signatures of voters of said district in a number equal to at least ~~[fifty]~~ *thirty* percent of the number of voters who voted in the district at the last preceding regular municipal election at which said district commissioner was elected; provided, however, the petition shall not be effective unless it bears the signatures of at least one hundred voters of the said district.

SECTION 2. RECALL ELECTION ORDERED

If a recall petition, or amended petition as defined in Article VIII, Section 3, shall be certified by the city secretary to be sufficient the city secretary shall at once submit it to the commission with the city secretary's certificate to that effect and notify the member whose removal is sought of such action. If the member of the commission whose removal is sought does not resign within five days after such notice, the commission shall thereupon fix a day for holding a recall election *as provided in state law*. [Any such election shall be held not less than forty-five nor more than sixty days after the petition has been presented to the commission, and at the same time as any other special or general election held within such period; but if no such election is to be held within such period, the commission shall call a special election to be held within the time aforesaid.]

In case of a recall election for a district commissioner, only qualified voters residing in the subject commissioner's district shall be eligible to vote in the recall election.

SECTION 3. BALLOTS IN RECALL ELECTIONS

No amendatory action proposed.

SECTION 4. RESULT OF RECALL ELECTION

No amendatory action proposed.

SECTION 5. LIMITATIONS ON RECALL PETITIONS

No amendatory action proposed.

ARTICLE XI. LEGAL DEPARTMENT

SECTION 1. CITY ATTORNEY; QUALIFICATIONS

The head of the department of law shall be the city attorney who shall be appointed by the commission. The city attorney shall be an attorney at law who shall have practiced in the State of Texas for at least three years. The city attorney shall be the chief legal adviser of and attorney for the city and all departments and offices thereof in matters relating to their official powers and duties. It shall be the city attorney's duty, to:

- (1) perform all services incident to the department of law;
- (2) attend meetings of the commission whenever requested by the commission to do so;
- (3) give advice in writing when so requested by the commission, the mayor, [and/or chief executive officer] or the director of any department;
- (4) prosecute or defend, as the case may be, all suits or cases to which the city may be a party;
- (5) prosecute all offense against the ordinances of the city and for such offenses against the laws of the state as may be required by law;
- (6) prepare all contracts, bonds, and other instruments in writing in which the city is concerned, or to endorse approval of the form and correctness thereof; and
- (7) perform such other duties of a legal nature as the commission may by ordinance require.
- (8) ***prepare a written report to the commission, first in 2025, and thereafter at intervals not exceeding five years as to the need for revision of this charter, with special attention given to conflicts, if any, between the charter and state law and recommending such amendments to the charter as may seem necessary for legal, administrative, or other reasons.***

In addition to the duties imposed upon the city attorney by this charter or required by ordinance or resolution of the commission, the city attorney shall perform any duties imposed by law upon the chief legal officer of municipalities.

The commission shall be authorized to employ special counsel to assist the city attorney in important legal matters or to represent the city in any legal matter in which the city attorney is disqualified. Any special counsel appointed by the city attorney shall be subject to the confirmation of the city commission in advance of any such appointment.

Administratively, the city attorney shall report to the chief executive officer or his/her designated representative.

DATE: February 8, 2019

TO: Texas City Charter Review Committee

FROM: Don R. Edmonds

SUBJECT: Memorandum report on the petition requirements for Initiative, Referendum, and Recall processes in the Texas City charter and a comparison to other such provisions in certain randomly selected home rule cities in the Houston-Galveston area.

Introduction

The Texas City charter has an expansive description of the processes that govern the rights of its citizens to petition the Commission to initiate an ordinance, to require a referendum on an ordinance adopted by the Commission, or to remove (recall) a member of the Commission. These rights, in the state of Texas, are unique to home rule cities and more than 90% of home rule cities have charters that provide for the exercise of "I, R & R". However the petition requirements vary considerably.

Statewide, there are essentially three approaches to petition requirements: (a) a petition must include no less than a certain number of signatures based on a specified percentage of registered voters in the city; or (b) a petition must include no less than a certain number of signatures based on a percentage of registered voters who actually voted in the last city election; or (c) or some combination of the above.

The Texas City charter devotes four Articles (V, VI, VII and VIII) to these processes, which can be summarized as follows:

Initiative – 10% of voters in last election, with no less than 100 signers

Referendum – 20% of voters in last election, with no less than 150 signers

Recall – 50% of voters in last election, with no less than 100 signers

For the purpose of comparison, there follows a summary of charter provisions for I, R & R currently in effect in a randomly selected number of gulf coast cities.

I, R & R Processes Based on Voters in Last Election

Houston Initiative – 10% of voters in last election

Referendum – 15% of voters in last election

Recall – 25% of voters in last election

La Marque Initiative – 25% of voters in last election

Referendum – 25% of voters in last election

Recall – 51% of voters in last election

Bellaire Initiative – 25% of voters in last election

Referendum – 25% of voters in last election

Recall – 51% of voters in last election, with no less than 200 signers

Tomball Initiative – 30% of the average number of voters in the last three elections,
with no less than 250 signers

Referendum – 30% of the average number of voters in the last three elections,
with no less than 250 signers

Recall – 30% of voters in the last election, with no less than 175 signers

Bay City Initiative – 10% of voters in last election, with no less than 1,000 signers

Referendum – 10% of voters in last election, with no less than 1,000 signers

Recall – 20% of voters in last election, with no less than 1,500 signers

I, R & R Processes Based on Total Number of Registered Voters

Galveston Initiative – 10% of registered voters in city

Referendum – 10% of registered voters in city

Recall – 10% of registered voters in city

Pasadena Initiative – 30% of registered voters in city

Referendum – 20% of registered voters in city

Recall – 20% of registered voters in city

Beaumont Initiative – 5% of registered voters in city

Referendum – 5% of registered voters in city

Recall – 5% of registered voters in city

Friendswood Initiative – 10% of registered voters in the city

Referendum - 10% of registered voters in the city

Recall – 10% of registered voters in the city

Combination of I, R & R Processes

Baytown Initiative – 1,000 registered voters in city

Referendum – 1,000 registered voters in city

Recall – 51% of voters in last election, with no less than 700 signers

Summary

The Texas City I, R & R provisions are unusual in several ways. First the petition requirement in each case varies considerably. And the “bar” for a recall petition is notably high. The result is that it’s two and-a-half times more difficult for its citizens to secure a petition for a referendum than it is to petition for an initiative; and it’s five times as difficult for its citizens to secure a petition for recall than it is to secure a petition for initiative.

It seems to me that the Committee should take a close look at the logic of the current provisions and consider lowering the “bar” on recall petitions.