

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

**Monday, February 11, 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: Chairperson Bob Senter
 Board Member Thelma Bowie
 Board Member Lupe Cantu
 Board Member Tracy Tarpey
 Board Member Frank Mistretta
 Board Member Denise O'Brien
 Board Member Carlos Garza
 Board Member Jose Boix
 Board Member Mark Ciavaglia
 Board Member Dedrick Johnson

Absent: Board Member Aric Owens
 Board Member Jenny Senter
 Board Member Brian Clark

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

Attendees: Henry Gomez

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.

 A **MOTION** was made by Board Member Carlos Garza

 AND **SECONDED** by Board Member Denise O'Brien approval contingent upon the correct spelling of Carlos Garza's last name.

Vote: 13 - 0 CARRIED

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.

Dedrick Johnson asked if there had been any problems with a 2-year term? Dedrick Johnson and Jose Boix indicated they were in favor of keeping the 2-year term. Frank Mistretta felt that the term should be 3 years and not staggered. Carlos Garza stated that he also liked 2-year term but if it was switched to 3 years, it should not be staggered. Carlos Garza asked if State Law requires staggering if you change the term limit to 3 years? The answer is no. Thelma Bowie stated that strategic planning and to allow more time to get acclimated to the position, the limit should be 3 years. Phil Roberts stated that 2 years is costly in time and in money. Mark Ciavagli stated 3 years and not staggered. Denise O'Brien stated that 2 years is too short, she is also not opposed to 4-year limits. Denise stated that she like staggering to provide more consistency. Tracey Tarpey stated the limit should at least be 3 years with no staggering. Lupe Cantu stated the limit should be 3 years with no staggering. Those in favor of staggering mostly felt that no candidate had an advantage running at the same time as Mayor to get more voter turnout.

A **MOTION** was made by Board Member Thelma Bowie
 AND **SECONDED** by Board Member Lupe Cantu lengthen the terms from 2 years to 3 years.

Vote: 6 - 4 CARRIED

- NAY: Board Member Denise O'Brien
- Board Member Carlos Garza
- Board Member Jose Boix
- Board Member Dedrick Johnson

- b. Consider and take action on the matter of staggering the terms of the Mayor and City Commissioners.

Vote:

Denise O'Brien- Stagger	Mark Ciavaglia- No Stagger
Mark Ciavaglia- No Stagger	Thelma Bowie- No Stagger
Lupe Cantu- No Stagger	Carlos Garza- No Stagger
Dedrick Johnson- No Stagger	Jose Boix- Stagger, but okay with no stagger
Tracey Tarpey- No Stagger	Bob Senter stated no Motion necessary

Since everyone except Denise O'Brien was not in favor of staggering, and since it is currently not staggered, no one made a motion. It will remain that all commission seats will come to term at the same time and not be staggered.

- 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.

ARTICLE IV. NOMINATIONS AND ELECTIONS
SECTION 3. NOMINATIONS

[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.]

Don Edmonds stated that he felt the fee should be consistent for all candidates and that once the

money is received it really cannot be shown to go towards the election.

Carlos Garza is in favor of the change. Motioned by Carlos, seconded by Lupe Cantu. Passed Unanimously.

ARTICLE V. RECALL
SECTION 1. GENERAL PROVISIONS
least ~~[fifty]~~ *thirty*

Lupe Cantu stated recalls should not be made easy. Frank Mistretta stated 50% is not high. Mark Ciavaglia stated the level of seriousness for recalls should not be taken lightly. Carlos Garza stated that there is no need to change this section. If a few people get upset like in Hitchcock someone could easily get a petition with the lower percentage. No motion was made as everyone liked to keep this section as is.

SECTION 2. RECALL ELECTION ORDERED
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.]

No discussion. Motioned by Dedrick Johnson, seconded by Thelma Bowie to accept change. Carlos Garza asked if the City can call a special election on a uniform election date, Nicholas Finan sated he will research it. The vote passed unanimously.

ARTICLE XI. LEGAL DEPARTMENT
SECTION 1. CITY ATTORNEY; QUALIFICATIONS

(3) give advice in writing when so requested by the commission, the mayor, [and/or chief executive officer] or the director of any department;

Don Edmonds stated that with the change at the beginning of charter identifying the Mayor as the Chief Executive Officer, this is not necessary and looks like a conflict.

Motioned by Lupe Cantu, seconded by Dedrick Johnson. the vote passed unanimously.

(8) prepare a written report to the commission, first in 2025, and thereafter at intervals notexceeding 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.

Bob Senter stated that Denise was spot on in making sure we have this language for consideration. He thinks this is necessary.

Carlos Garza stated that he feels this should be the purview of Mayor and City Commission, not CityAttorney. Thelma Bowie stated she thinks this should be assigned to a special person and schedule. Dedrick Johnson stated the City Attorney should not be assigned this task but the Mayor and City Commission. Mr. Johnson also said that 5 years gets them through 2 legislative sessions. Bob Senter agreed with Thelma Bowie and that the Mayor and Commissioners will review the report but it should be assigned to a single person and City Attorney is best for this. Mark Ciavaglia is in favor of City Attorney, but suggested adding wording "to be acted upon." Bob Senter requested to bring back wording and decide at the next meeting.

Mark Ciavaglia stated that at the next meeting he'd like to discuss:

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.

- 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

Nicholas Finan and Mark Ciavaglia will look into Special Counsel.

Don Edmonds will provide new wording for Article XI. Section 1(8).

Nicholas Finan and Russell Plackemeier will confirm information regarding special elections.

7. ADJOURN

Bob Senter closed the meeting.

Time Adjourned: 7:00 p.m.

Nicholas Finan
Executive Director of Management Services