

CITY OF TEXAS CITY  
CITY COMMISSION WORKSHOP

AGENDA

APRIL 17, 2019 - 4:00 P.M.  
KENNETH T. NUNN COUNCIL ROOM - CITY HALL  
1801 9th Ave. N.  
Texas City, TX 77590

PLEASE NOTE: Public comments and matters from the floor are generally limited to 3 minutes in length. If you would like to request to speak, please do so in advance of the meeting by filling out a Request To Address Commission form. 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) ROLL CALL
- (2) TEXAS CITY CHARTER REVIEW COMMITTEE PRESENTATION. (Management Services)
- (3) ADJOURNMENT

NOTICE: The City of Texas City will furnish free transportation to handicapped individuals via a 4-door sedan for anyone wishing to attend the City Commission meetings. Call 948-3111, City Secretary's Office before noon on Monday preceding the meeting to make arrangements.

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE BULLETIN BOARDS AT CITY HALL, 1801 9TH AVENUE NORTH, TEXAS CITY, TEXAS, AT A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AND ON THE CITY'S WEBSITE ON APRIL 12, 2019, PRIOR TO 4:00 P.M., AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.

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JAMES M. HARTSHORN  
CITY SECRETARY

## **CITY COMMISSION WORKSHOP**

(2)

**Meeting Date:** 04/17/2019

**Submitted By:** Rhomari Jackson-Glover, City Secretary

**Department:** City Secretary

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### **Information**

#### **ACTION REQUEST (Brief Summary)**

Texas City Charter Review Committee Presentation. (Management Services)

#### **BACKGROUND**

The City Commission created a Charter Review Committee in September and modified it in December. The Committee has been meeting the last 3+ months and has come up with a list of recommendations to present to the City Commission for consideration for a Charter Amendment referendum. Attached is letter from the consultant, Don Edmonds, that explains each recommendation. You should have received the complete City Charter earlier to be able to review if you wanted more context or to look at what was not listed as a recommended change. Bob Senter, the Charter Review Committee Chair, will be present to go over the changes recommended as well as discuss items that were discussed, but decided not to include. Later during the Regular Meeting following the workshop, there will be a quick summary of the workshop meeting, certificates presented to the members of the Charter Review Committee, and then the City Commission will have an opportunity to decide which items it wishes to pursue in the referendum.

#### **ANALYSIS**

#### **ALTERNATIVES CONSIDERED**

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#### **Fiscal Impact**

#### **Attachments**

Final Report

Calendar of Steps

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FINAL REPORT

CITY OF  
TEXAS CITY, TEXAS

A REPORT

from the

CHARTER REVIEW COMMITTEE

to the

CITY COMMISSION

March 25, 2019

## INTRODUCTION

The voters of the City of Texas City adopted a home rule charter at an election on February 16, 1946. Prior to that time, the City operated under the general laws of the State of Texas. The original charter was subsequently amended in a number of ways at an election on November 7, 1995.

In the years since its charter was last amended, the City has grown and changed in significant ways, and various issues have arisen within the document. These issues most often fall into three categories, as follows:

1. Some of its provisions have been offset or materially affected by state and/or federal legislation or by court decisions.
2. Some of its provisions are, for one reason or another, not being observed as a result of decisions by the city commission and/or city administration.
3. Some of its provisions simply need to be clarified or modified to enhance future implementation and operations.

Recognizing these issues, the city commission adopted a resolution on September 5, 2018, to subject the charter to a comprehensive review by a citizen advisory group. The committee was generally charged with the responsibility to independently review the charter and to make recommendations to the commission as to necessary amendments to this important document.

Subsequently, a charter review committee was named--to include and be chaired by Bob Senter and to include Mayor Pro Tem Phil Roberts, serving as a liaison for the city commission.

The committee held its organizational meeting on November 12, 2018, including the following members:

Bob Senter, Chairman	Lupe Cantu
Phil Roberts, Mayor Pro Tem	Jenny Senter
Carlos Garza	Mark Ciavaglia
Aric Owens	Dedrick Johnson
Jose Boix	Thelma Bowie

At this organizational meeting, the committee elected Carlos Garza to serve as its vice chairman; generally reviewed its charge; and discussed the need for a qualified public affairs consultant to assist the committee with the project, generally agreeing that this would be desirable.

At its second meeting on December 10, 2018, the committee interviewed consultant Don R. Edmonds, of Tyler, Texas, and recommended that he be retained by the city commission to guide the work of the committee going forward. The city commission subsequently accepted this recommendation; determined at his request that the mayor pro tem would serve as a non-voting

member on the committee; and agreed to enlarge the committee otherwise to include the following additional members:

Tracy Tarpey  
Frank Mistretta  
Brian Clark  
Denise O'Brien

At its regular meeting on January 14, 2019, the committee proceeded with its detailed review of the charter, assisted by its consultant, and with ongoing staff support from Executive Director of Administrative Services Nick Finan and City Attorney Russell Plackemeier.

The committee has now completed its work. It has studied the current charter in detail; has considered a broad range of policy questions created by the various issues outlined above; and has developed the following recommendations for amending the city's home rule charter.

**CURRENT CHARTER ORGANIZATION AND NUMBERING,  
AS RELATED TO PROPOSED AMENDMENTS:**

Texas City's charter presently includes eighteen major articles, denoted by Roman numerals. Each article is then divided into sections, identified by Arabic numbers. Some sections are further divided into subsections, also denoted by Arabic numbers but in parentheses.

After its initial assessment of the charter, however, the committee found that only ten of these eighteen articles required amendatory action. This report, therefore, only addresses those articles and sections of the charter that are proposed to be amended. Every section in which an amendment(s) is recommended is recited in its entirety. Current charter language that is proposed to be deleted is shown as bracketed and underlined. Proposed amendatory language is shown as *italicized and in bold type*.

A brief explanation of the committee's reasons for proposed amendments follows each affected article and is titled "Explanatory Note."

**PROPOSED AMENDMENTS AND EXPLANATORY NOTES:**

**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.

**Explanatory Note:** Annexation without the consent of property owners is invariably controversial, is severely limited, and in some cases prohibited in state law. It is felt that this general reference is problematic and should be eliminated.

## **ARTICLE II. GOVERNING BODY**

### **SECTION 1. THE CITY COMMISSION; TERM OF OFFICE**

No amendatory action proposed.

### **SECTION 2. QUALIFICATIONS FOR COMMISSION**

No amendatory action proposed.

### **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] *one thousand, five hundred* dollars per month. The salary of each commissioner shall be fixed by the commission not to exceed [one hundred] *five hundred* dollars per month.

**Explanatory Note:** Compensation for the commission has not been increased since the original home rule charter was adopted, now 73 years ago. The adjustments proposed are, therefore, entirely justified and are still considerably less than the ever-increasing consumer price index in

the intervening period might suggest.

### **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. *The mayor 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.

**Explanatory Note:** This is standard language in charters of home rule cities with mayor-commission systems. It is also necessary for clarification of various other sections that follow in this charter.

#### **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.

**Explanatory Note:** These types of ordinances are not commonly adopted by the city, but the city does not currently comply with the existing language. The proposed language is in accordance with state law and is considerably more economical.

## **ARTICLE IV. NOMINATIONS AND ELECTIONS**

### **SECTION 1. MUNICIPAL ELECTIONS**

No amendatory action proposed.

### **SECTION 2. COMMISSION 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.]

**Explanatory Note:** The differentiation as to filing fees for mayoral candidates (\$25) and for other commission candidates (\$15) is considered to be inequitable and unnecessary. All such fees are simply treated as general fund revenues and are not, in actuality, seen as defraying election costs.

#### **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**

No amendatory action proposed.

#### **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.

**Explanatory Note:** The language proposed to be deleted has been outdated by changes in state law that restrict home rule cities from holding elections except on two uniform election dates each year, in May and November.

### **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 IX. 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 offenses 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 for the attention and appropriate action of 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.] *Upon recommendation of the city attorney, 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.* 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.

**Explanatory Notes:** (a) The “and-or” reference in subsection (3) is a confusion that suggests that the mayor and the chief executive officer could be two different persons, contrary to basic provisions in the charter. (b) To assure that the overall condition of the charter is periodically reviewed by the commission, it is considered appropriate to formally assign that responsibility to the city attorney. (c) The proposed change as to the appointment of a special counsel is for the purpose of clarification.

## ARTICLE X. MUNICIPAL COURT

### SECTION 1. CREATION AND JURISDICTION

No amendatory action proposed.

### SECTION 2. APPOINTMENT OF MUNICIPAL JUDGE

No amendatory action proposed.

### SECTION 3. DUTIES OF MUNICIPAL JUDGE

No amendatory action proposed.

### SECTION 4. ABSENCE OF MUNICIPAL JUDGE

If the municipal judge shall be temporarily incapacitated or on vacation, the city commission is authorized to appoint some qualified person who shall act in the place and stead of the municipal judge, and who shall receive the compensation therefore as fixed by the city commission at the time of the temporary municipal judge’s appointment [but not for longer than 60 days] *and for a time period consistent with the laws of the State of Texas.*

## SECTION 5. CLERK OF COURT

No amendatory action proposed

## SECTION 6. DIVISIONS OF COURT

The commission may create additional divisions of the municipal court whenever the future needs of the city may require it, and may pass all ordinances necessary to organize and administer same; and any additional municipal judge(s) shall be appointed as prescribed in this Charter for the municipal judge and shall be subject to the rules and regulations prescribed for such officers.

## SECTION 7. ADMINISTRATION

No amendatory action proposed.

**Explanatory Notes:** The proposed amendatory actions are required to simplify and clarify these sections.

# ARTICLE XI. FINANCE ADMINISTRATION

## SECTION 1. DIRECTOR OF FINANCE

There shall be a department of finance, the director of which shall be [the chief executive officer or a person] appointed by the chief executive officer and confirmed by a majority of the city commission. The director of finance shall have knowledge of municipal accounting and taxation and shall have had experience in budgeting and financial control. The department of finance shall have authority and shall be required:

(1) To prepare the budget, as outlined in sections 3, 4 and 5 of this article and to assist the chief executive officer in its execution after authorization by the commission as required by section 6.

(2) To maintain accounting control over the finances of the city government, for which purpose it is empowered to operate a set of general accounts embracing all the financial transactions of the city, and such subsidiary accounts and cost records as may be required by ordinance or by the chief executive officer for purposes of administrative direction and financial control; to prescribe the forms of receipts, vouchers, bills, or claims to be filed by all departments and agencies of the city government; to examine and approve all contracts, orders, and other documents by which the city incurs financial obligations, having ascertained before approval that the moneys have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable; to audit and approve all bills, invoices, payrolls, and other evidences of claims, demands or charges against the city government and to determine the regularity, legality, and correctness of such claims, demands, or charges; to make monthly reports on all receipts and expenditures of the city government, to make monthly reports on funds, appropriations, allotments, encumbrances, and authorized payments, to the chief executive officer, the commission, and the head of the department or

agency directly concerned; to inspect and audit any accounts or records of financial transactions which may be maintained in any department or agency of the city government apart from or subsidiary to the general accounts; and to perform such other duties pertaining to the financial records of the city government as the commission may require by ordinance.

**Explanatory Note:** The language deleted is thought to be outdated. With the growth in size and complexity of the city since adopting the original charter, it is entirely impractical to provide that the mayor might opt to serve as the director of finance.

## **SECTION 2. FISCAL YEAR**

No amendatory action proposed.

## **SECTION 3. CITY BUDGET**

No amendatory action proposed.

## **SECTION 4. FILING OF BUDGET**

No amendatory action proposed.

## **SECTION 5. BUDGET HEARING**

The city commission shall each year provide for a public hearing on such budget, which hearing shall take place on some date to be fixed by the city commission not less than fifteen days subsequent to the time such budget is filed as provided in this section, and prior to the time the city commission makes its tax levy. Public notice of the hour, date and place of such hearing shall be given by the city commission by publication in the official newspaper for at least two issues immediately preceding the date of said hearing, and any taxpayer of the city shall have the right to be present and participate in such hearing. At the conclusion of such hearing, the budget as prepared by the finance department shall be acted upon by the city commission. The city commission shall have the authority to make such changes in the budget as in their judgment the law warrants and the best interest of the taxpayers of the city demand. When the budget has been finally approved by the city commission, the budget as so approved shall be filed with the city secretary and taxes levied only in accordance therewith, and no expenditure of the funds of the city shall thereafter be made except in strict compliance with such adopted budget, except that in case of grave public necessity, emergency expenditures to meet unusual and unforeseen conditions, which could not, by reasonably diligent thought and attention, have been included in the original budget, may from time to time be authorized by the city commission, as amendments to the original budget. In all cases where such amendment to the original budget is made, a copy of the order or resolution of the city commission amending such budget shall be filed with the city secretary and attached to the budget originally adopted. Immediately after the adoption of said budget, and all amendments thereto, the chief executive officer shall file or cause to be filed, a true copy of said approval budget, and all amendments thereto, in the office of the county clerk of Galveston County, Texas, and with the state comptroller at Austin, Texas. In the preparation of the budget, the chief executive officer shall have the authority to require the heads of all

departments to furnish such information as may be necessary for the chief executive officer to have in order that the budget covering the expenditures of the city may be properly prepared.

**Explanatory Note:** The deleted language is outdated, not required by state law, and is not being currently complied with by the city.

#### **SECTION 6. TRANSFER OF APPROPRIATIONS**

No amendatory action proposed.

#### **SECTION 7. MONEY TO BE DRAWN FROM TREASURY IN ACCORDANCE WITH APPROPRIATION**

No amendatory action proposed.

#### **SECTION 8. CONTRACTS AND PURCHASES**

No amendatory action proposed.

#### **SECTION 9. CUSTODY OF CITY MONEYS**

No amendatory action proposed.

#### **SECTION 10. ISSURANCE OF BONDS**

No amendatory action proposed.

#### **SECTION 11. LOANS IN ANTICIPATION OF BOND SALES**

No amendatory action proposed.

#### **SECTION 12. TEMPORARY BORROWING**

No amendatory action proposed.

#### **SECTION 13. ANNUAL AUDIT**

As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the city government and corporations established by the city. The certified public accountants, appointed by the commission, shall have no personal interest, directly or indirectly, in the financial affairs of the city or any of its officers. The scope of the audit shall require a limited review of city-owned property and the results shall be reported with each annual audited financial report. Upon completion of the annual audit, the combined balance sheet thereof shall be published in the official newspaper of the city within thirty (30) days of commission acceptance of such audit. Copies of all audits shall be placed on file with the city's public library, the director of finance and the city secretary.

**Explanatory Note:** The deleted language is outdated, not required by state law, and is not being currently complied with by the city.

## **ARTICLE XIV. CITY PLANNING BOARD *AND* *CITY ZONING COMMISSION***

### **SECTION 1. CITY PLANNING BOARD ESTABLISHMENT, MEMBERSHIP, DUTIES, AND TERMS**

The commission may at any time after the adoption of this charter establish and maintain a city planning board of five members to serve without compensation and to have such powers and duties as the commission may prescribe relative to city planning in accordance with state law. The commission by duly enacted ordinance may increase the specified number of board members. [One of the members of the planning board shall be the mayor, another shall be a member of the commission designated by the commission upon recommendation of the mayor.] *Two of the members of the planning board shall also be members of the city commission, who shall be appointed by the commission upon the recommendation of the mayor.* Each member appointed shall be appointed for a term of four years. Any vacancy in and during the unexpired term of an appointed member shall be filled by the commission upon recommendation of the mayor. The chief executive officer shall provide the planning board with the necessary clerical help, office equipment, and supplies.

**Explanatory Note:** The current charter language mandates, with the word “shall,” that the mayor is to serve personally as one of two members of the commission on this board. The proposed language eliminates that mandate, although it does not preclude the mayor from appointing himself, with the concurrence of the commission.

### ***SECTION 2. CITY ZONING COMMISSION ESTABLISHMENT, MEMBERSHIP, DUTIES, AND TERMS***

*The commission may at any time after the adoption of this Charter establish and maintain a city zoning commission of five members to serve without compensation and to have such powers and duties as the commission may prescribe relative to city zoning in accordance with state law. The commission by duly enacted ordinance may increase the specified number of board members. Members of the board shall be appointed by the commission, upon the recommendation of the mayor. Each member appointed shall be appointed for a term of two years. Any vacancy in and during the unexpired term of an appointed member shall be filled by the commission upon recommendation of the mayor. The chief executive officer shall provide the zoning commission with the necessary help, office equipment, and supplies.*

**Explanatory Note:** Many home rule charters provide for a combined planning and zoning commission, while others have separate bodies for these functions, but almost all of them provide in their charters for zoning one way or another. This is not currently the case in Texas City. In view of the importance of zoning regulation and its connection with planning

processes, it is proposed to amend the charter in this way.

## **ARTICLE XVII. PUBLIC UTILITIES AND FRANCHISES**

### **SECTION 1. POWERS OF THE CITY**

No amendatory action proposed.

### **SECTION 2. FRANCHISES; POWERS OF THE COMMISSION**

No amendatory action proposed.

### **SECTION 3. TERM OF FRANCHISE**

No amendatory action proposed.

### **SECTION 4. RIGHT OF REGULATION**

No amendatory action proposed.

### **SECTION 5. CONSENT OF PROPERTY OWNERS**

No amendatory action proposed.

### **SECTION 6. REVOCABLE PERMITS**

No amendatory action proposed.

### **SECTION 7. EXTENSIONS**

No amendatory action proposed.

### **SECTION 8. OTHER CONDITIONS**

No amendatory action proposed.

### **SECTION 9. FRANCHISE RECORDS**

Within six months after this charter takes effect every public utility and every owner of a public utility franchise shall file with the city, as may be prescribed by ordinance, certified copies of all the franchises owned or claimed, or under which such utility is operated. The city shall compile and maintain a public record of public utility franchises [and of all public utility fixtures in the streets of] *operating within* the city.

**Explanatory Note:** The deleted language is an overstatement. For a variety of reasons, such detailed information is not currently available to the city.

## **SECTION 10. ACCOUNTS OF MUNICIPALLY OWNED UTILITIES**

No amendatory action proposed.

## **SECTION 11. PUBLIC UTILITIES**

The commission shall have the power and shall be authorized to regulate, by ordinance, the rates and compensation to be charged by all persons, companies, or corporations, using the streets, alleys or public grounds of the City of Texas City, and engaged in furnishing water, gas, telephone, light, power, electricity or sewerage service to the public, and also to prescribe rules and regulations under which such commodities shall be furnished, and service rendered, and to fix penalties to enforce such charges, rules and regulations. The governing body shall not prescribe any rate or compensation which will yield more than a fair return upon the fair value of the property used and useful in rendering such services to the public, but which return in no event shall ever exceed 8% per annum.

**Explanatory Note:** State law has eliminated the ability of home rule cities to regulate telephone services.

## **SECTION 12. STREET RENTAL**

No amendatory action proposed.

# **ARTICLE XVIII. MISCELLANEOUS PROVISIONS**

## **SECTION 1. PUBLICITY OF RECORDS**

No amendatory action proposed.

## **SECTION 2. PERSONAL INTEREST**

No amendatory action proposed.

## **SECTION 3. COMPENSATION AND TENURE OF OFFICERS AND EMPLOYEES**

No amendatory action proposed.

## **SECTION 4. OFFICIAL BONDS**

No amendatory action proposed.

## **SECTION 5. OATH OF OFFICE**

No amendatory action proposed.

## **SECTION 6. SPECIAL PROVISION FOR GARBAGE DISPOSAL**

No amendatory action proposed.

## **SECTION 7. LIMITATION OF LIABILITY FOR DAMAGES**

No amendatory action proposed.

## **SECTION 8. POWER OF CONDEMNATION AND SPECIAL ASSESSMENT**

No amendatory action proposed.

## **SECTION 9. PROVISION RELATING TO ASSIGNMENT, EXECUTION AND GARNISHMENT**

The property, real and personal, belonging to the city shall not be liable to be sold or appropriated under any writ of execution of cost bill; *and no lien of any kind shall ever exist against any such property owned by the city except that the lien be created or authorized by this charter or state law.* The funds belonging to the city in the hands of any person, firm or corporation, shall not be liable to garnishment; nor shall the city be liable to garnishment on account of any debt it may owe for funds or property it may have on hand or owing to any person. Neither the city nor any of its officers or agents shall be required to answer any writ of garnishment on any account whatever. The city shall not be obligated to recognize any assignment of wages or funds by its employees, agents, or contractors, *except as required by state or federal law.*

**Explanatory Note:** At one time, home rule cities were wholly exempt from these legal processes. That is no longer the case. The proposed additional language is necessary as a result of certain changes in state and federal law and certain court decisions.

## **SECTION 10. POWER OF THE CITY TO ENFORCE ORDINANCES**

No amendatory action proposed.

## **SECTION 11. MEANING OF WORDS AND DESIGNATIONS**

No amendatory action proposed.

## **SECTION 12. SAVING CLAUSE**

No amendatory action proposed.

### **SECTION 13. ORDINANCES**

No amendatory action proposed.

### **SECTION 14. POWER TO OWN AND CONSTRUCT**

No amendatory action proposed.

### **SECTION 15. AMENDING THE CHARTER**

No amendatory action proposed.

### **SECTION 16. MEETINGS OF BOARDS, COMMITTEES AND COMMISSIONS**

All [permanent] boards [, committees] and commissions established in this charter [or by the city commission] shall meet at least once quarterly and submit the minutes of their meetings to the city commission. All meetings shall be held in accordance with Article III, Section 1 of this charter. The need for other boards, committees and commissions appointed by the city commission will be reviewed annually by the chief executive officer, and appropriate recommendation for their continuance made to the city commission.

**Explanatory Note:** The current language is considered to be awkward and difficult to interpret. The proposed deletions are intended to clarify the provision.

### **SECTION 17. CONFLICTS OF INTEREST**

No amendatory action proposed.

### **SECTION 18. RULES OF PROCEDURE**

No amendatory action proposed.

### **SECTION 19. AUTHORITY TO REARRANGE AND RENUMBER**

No amendatory action proposed.

### **SECTION 20. SUBMISSION OF ORIGINAL CHARTER TO ELECTORS**

[This Charter shall be submitted to the qualified voters of the City of Texas City at an election to be held for that purpose on the 16th day of February, 1946, and if a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Texas City, and after the returns have been canvassed, the same shall be declared adopted and the city commission shall file an official copy of the Charter with the records of the city. The commission shall furnish the mayor a copy of said Charter, which copy of the Charter as adopted, authenticated, and certified by his signature and the seal of the city, shall be forwarded by the mayor to the secretary of state of the State of Texas and shall show the

approval of such Charter by a majority vote of the qualified voters voting at such election. In not less than thirty days prior to such election the city commission shall cause the city secretary to mail a copy of this Charter to each qualified voter of the City of Texas City.]

**Explanatory Note:** This provision is no longer germane to the current charter.

## **CONCLUSIONS AND RECOMMENDATIONS**

The review committee feels the proposed amendments herein will benefit the City of Texas City in its many policy-making and administrative processes in the future. It is, therefore, recommended that the city commission, following its review of this report, place these proposed amendments on the ballot for voter consideration at a special election to be called on November 5, 2019.

It is further recommended that preceding this election, a public information effort be undertaken to fully acquaint the electorate with the reasons for and the benefits of the various amendments proposed. The committee stands ready to assist with this effort upon the commission's request and as appropriate.

The review committee wishes to express its sincere appreciation for the exemplary support and assistance of Executive Director of Administrative Services Nick Finan and City Attorney Russell Plackemeier, as well as a number of others on the city's staff, all of whom contributed importantly to the committee's efforts.

It has been an interesting challenge and a distinct honor to serve our community in this way. We look forward to favorable action on this report and its recommendations by the commission and, in turn, by Texas City citizens.

Respectfully submitted,

**Bob Senter**  
**Chairman**

**Carlos Garza**  
**Vice Chairman**

**Phil Roberts**  
**Mayor Pro Tem**  
**Ex officio Member**

**Dedrick Johnson**  
**Member**

**Mark Ciavaglia**  
**Member**

**Thelma Bowie**  
**Member**

**Brian Clark**  
**Member**

**Jose Boix**  
**Member**

**Aric Owens**  
**Member**

**Lupe Cantu**  
**Member**

**Denise O'Brien**  
**Member**

**Jenny Senter**  
**Member**

**Tracy Tarpey**  
**Member**

**Frank Mistretta**  
**Member**

**DATE:** March 22, 2019  
**TO:** Charter Review Committee (CRC)  
**FROM:** Don R. Edmonds  
**SUBJECT:** Steps involved in bringing the CRC's final report to the electorate.

The purpose of this memorandum is to summarize, for your information, the various steps and processes that will ensue beginning with the submission of the CRC's final report to the city commission. The calendar for these events is necessarily approximate, but this will give you an idea of how this matter will proceed.

<u>Action</u>	<u>Timing</u>
1. Approval of CRC of its final report.	March 25, 2019
2. Submission of report to city commission	April 17, 2019
3. Study and consideration by commission to determine which (if not all) of the proposed amendments will be submitted to the voters.	April 17, 2019 to May 15, 2019
4. Adoption of a resolution by the commission ordering a special election on the proposed amendments on November 5, 2019.	May, June, or July 2019 (or as determined by County)
5. Development of election ballot by city secretary and city attorney.	July to August 7, 2019
6. Translation to Spanish of CRC final report and ballot.	July to August 7, 2019
7. Enter into agreement with County to run City Special Election	August 21, 2019
8. Public information effort to gain support for the proposed amendments, to include public hearings, news stories, mailings, civic club presentations, etc.	August, September, October 2019
9. Conduct of election by Galveston County election office.	November 5, 2019 (early voting roughly two weeks prior)

10. Canvass by commission of election results.

November 20, 2019  
(or as required by County  
and State)

11. Printing and codification of amended  
charter.

To be determined

We will discuss these matters with you in greater detail at our upcoming meeting.