

City of Freeport

CHARTER REVIEW COMMISSION
FREEPORT POLICE DEPARTMENT
MUNICIPAL COURT ROOM
430 NORTH BRAZOSPORT
FREEPORT, TEXAS
AGENDA

Notice is hereby given that the Charter Review Commission of the City of Freeport will meet in a regular meeting on Wednesday, December 9, 2015, at 6:15 p.m. at the Freeport Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the following agenda items:

Charter Review Members: Nino Herrera
Daniela Ramirez
Reuben Cuellar
Beatriz Gonzalez
Angela Fisher

1. Call to Order.
2. Consideration of approving the minutes of December 2, 2015.
3. Consideration of reviewing and making a recommendation with respect to Section 3.01 Number, Selection and Term.
4. Consideration of reviewing and making a recommendation with respect to Section 3.06 Vacancies.
5. Consideration of reviewing and making a recommendation with respect to Section 5.05 Election by Plurality.
6. Consideration of approving and signing the Charter Review Final Report, recommending Charter changes for a charter amendment election for May 7, 2016.
7. Adjourn

NOTE: ITEMS NOT NECESSARY DISCUSSED IN THE ORDER THEY APPEAR ON THE AGENDA. THE COUNCIL, AT ITS DISCRETION MAY TAKE ACTION ON ANY OR ALL OF THE ITEMS AS LISTED.

This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code). In compliance with the American with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council

Meetings. Requests should be received 48 hours before the meeting. Please contact the City Secretary at 979-233-3526.

I, Delia Muñoz, City Secretary, for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 W. 2nd Street, Freeport, Texas December 4, 2015 at or before 7:30 p.m.

Delia Munoz, City Secretary
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Charter Review Commission met on Wednesday, December 2, 2015 at 6:25 p.m., at the Freeport Police Department, City Council Chambers, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

Charter Review Members: Nino Herrera – Chairperson (absent)
Daniela Ramirez – Secretary
Reuben Cuellar- Vice Chairperson
Beatriz Gonzalez
Angela Fisher

Present: Pat Julian Taylor

Visitors: Ed Garcia
Sam Reyna
Nicole Mireles
Ruben Renabato
Ty Morrow
Melanie Oldham

Call to Order.

Vice Chairperson Reuben Cuellar called the meeting to order at 6:25 p.m.

Consideration of approving the minutes of November 18, 2015.

On a motion by Angela Fisher, seconded by Beatriz Gonzalez, with all present voting “Aye”, the minutes of November 18, 2015 were unanimously approved.

Consideration of approving and signing the Charter Review Final Report, recommending Charter changes for a charter amendment election for May 7, 2016.

This item reagendaed to December 9, 2015.

Adjourn

On a motion by Beatriz Gonzalez, seconded by Angela Fisher, with all present voting “Aye”, Chairperson Reuben Cuellar adjourned the meeting at 6:36 p.m.

**Rueben Cuellar – Vice Chairperson
Charter Review Commission**

**Daniela Ramirez, Secretary
Charter Review Commission**

ARTICLE 3. THE GOVERNING BODY

SECTION 3.01. NUMBER, SELECTION, AND TERM.

(a) The legislative and governing body of the City of Freeport, Texas, shall be known as "The City Council of the City of Freeport, Texas" and shall be composed of a Mayor and four (4) council members. The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City Government for all ceremonial purposes and by the Governor for purposes of Military Law but shall have no regular administrative duties. The Mayor must vote on all matters under consideration by the City Council, except as provided in Section 3.10 of this Charter. The Mayor shall not have the power of veto.

(b) The Mayor shall be elected from the City of Freeport at large for a two (2) year term at an election to be held in each of the hereinafter designated single member districts or wards on the first Saturday of May in each odd numbered year beginning in 1993.

(c) The City of Freeport shall be divided into four (4) single member council districts or wards designated as Wards A, B, C, and D. The resident voters of each single member district or ward shall be entitled to elect one council member from the district or ward wherein they reside. Any qualified candidate desiring to run for election to a position on the City Council from the district or ward wherein such candidate resides shall announce his or her candidacy for such position and file for election to such position in the manner required by this Charter and the Texas Election Code.

(d) The members of the City Council shall serve a two year term each, with an election being held for council members from Wards A and C in May of each even numbered year and from Wards B and D in May of each odd numbered year.

(e) All members of the City Council shall be subject to removal from office under the terms and conditions of the recall provisions of this Charter. (Amendment adopted by electorate 5-2-92; Amendment adopted by electorate 5-4-02; Amendment adopted by electorate 5-24-04)

SECTION 3.02. QUALIFICATIONS.

The Mayor and each member of the City Council shall be a registered voter and a resident citizen of the City of Freeport for at least twelve (12) consecutive months and, in the case of members of City Council other than the Mayor, a resident of the Ward sought to be represented for at least six (6) consecutive months, immediately preceding his or her application to have his or her name placed on the official ballot and the filing of proof of his or her qualifications as required by law. Provided, however, such residence within any territory annexed to the City of Freeport immediately preceding such annexation shall be counted as residence within the City. If any such officer shall fail to maintain the foregoing residence qualifications during his or her term of office or shall be absent from three (3) consecutive regularly scheduled meetings without a valid excuse, or fail to attend at least eighty (80%) of regularly scheduled meetings during any fiscal year, without a valid excuse, the City Council must at its next regularly scheduled meeting declare a vacancy to exist and shall fill such vacancy as set forth in Section 3.06 of this Charter.

(Amendment adopted by electorate 5-2-92; Amendment adopted by electorate 5-7-94; Amendment adopted by electorate 5-4-02; Amendment adopted by electorate 5-8-10; Amendment adopted by electorate 5-12-12)

SECTION 3.03. COUNCIL TO BE JUDGE OF ELECTION AND QUALIFICATION.

The City Council shall be the judge of the election and qualification of its own members and other elected officials of the City.

SECTION 3.04. COMPENSATION.

The Mayor shall receive a monthly compensation of \$200.00, and the other members of the City Council shall receive a monthly compensation of \$100.00 each. The Mayor and each of the other members of the City Council shall also receive an additional \$25.00, payable monthly, for each posted meeting of the City Council attended by them. Any expenses incident to holding office incurred by any member of the City Council shall also be reimbursed upon presentment of receipt or other proof of payment.

(Res. No. 916, Prop. 2, 4-9-73; Res. No. 1129, Prop. 1, 4-7-79; Amendment adopted by electorate 5-10-08)

SECTION 3.05. MAYOR PRO TEM.

At the meeting of the City Council at which the returns of the annual election are canvassed each year, the members of the City Council shall select, on a rotating basis among the Wards, a member of the City Council who has been on City Council for at least two (2) years to serve as Mayor Pro Tem until the meeting of the City Council at which the returns of the annual election for the next succeeding year have been canvassed. The Mayor Pro Tem shall perform all of the duties of the Mayor in the absence or disability of the Mayor, and shall assume the office of Mayor for the remainder of the unexpired term in the event the office of the Mayor becomes vacant. If both the Mayor and the Mayor Pro Tem are absent from any meeting of the City Council, the members present shall elect from among themselves a Temporary Mayor Pro Tem to preside at such meeting.

(Amendment adopted by electorate 5-7-94; Amendment adopted by electorate 5-2-98; Amendment adopted by electorate 5-10-14)

SECTION 3.06. VACANCIES.

When a vacancy occurs in the City Council, the remaining members thereof, must, within ten (10)

days, appoint a qualified person to fill the unexpired term of such vacancy; provided, however, the City Council shall not appoint more than one council member in any twelve-month period, and in the event of the occurrence of a vacancy in the City Council within a twelve-month period in which a vacancy in the City Council has been filled by the said City Council, or in the event that more than one vacancy shall occur at the same time; then in such event a special election shall be held within forty (40) days from the date the last vacancy occurred, for the purpose of electing the successor or successors. In the event that the Mayor and Mayor Pro Tem should resign at the same time, the remaining members of the City Council, or any of them, shall have the right and power to issue legal notice of such election to be so held, and to elect and appoint election officials. Should all positions on the City Council become vacant at one time, then in such event, the County Judge of Brazoria County, Texas, is hereby empowered and directed to issue notice of such special election for and on behalf of said City, and to appoint qualified persons as election officials.

SECTION 3.07. POWERS OF THE CITY COUNCIL.

The determination of all matters of policy and the exercise of all powers of local self-government shall be vested in the City Council. By way of illustration, but not limitation, the following enumerated powers are among these powers that may be exercised by the City Council:

(a) Power to remove from office in City Government, any officer or member of any board or commission but shall not have the authority to remove any employee from the employment of the City Government, except the City Manager;

(b) Power to establish, consolidate, or abolish administrative department, but shall not distribute the work of divisions;

(c) Adopt the budget of the City;

will be elected to fill those offices which become vacant that year. The City Council shall fix the hours and voting places for holding such election. The City Council may, by resolution duly enacted, order a special election, fix the time and place of holding the same and provide all means of holding such election. Notice of such election shall be given in the manner and time prescribed by law. (Res. No. 916, Prop. 5, 4-9-73; Amended 5-88)

SECTION 5.02. REGULATION OF ELECTIONS.

The City Council shall make all regulations which it considers needful or desirable, not inconsistent with this Charter or the laws of the State of Texas, for the conduct of municipal elections, for the prevention of fraud in such elections and for the recount of ballots in case of doubt or fraud. Municipal elections shall be conducted by the appointed election authorities who shall also have power to make regulations not inconsistent with this Charter or with any regulations made by the Council or the laws of the State of Texas.

SECTION 5.03. FILING FOR OFFICE.

Any person having the qualifications prescribed in Section 3.02 of this Charter who desires to become a candidate for any elective office shall file with the City Secretary within the time limits therein specified a written application containing the matters required by the Texas Election Code.
(Amendment adopted by electorate 5-7-94)

SECTION 5.04. THE OFFICIAL BALLOT.

The names of all candidates for office, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots without party designations in the order determined in a drawing of lots conducted by the City Council. All

official ballots shall be printed at least twenty (20) days prior to the date of any general or special election, and absentee voting shall be governed by the general election laws of the State of Texas.

SECTION 5.05. ELECTION BY PLURALITY.

Election to office shall be by plurality with the candidate receiving the greatest number of votes (if otherwise qualified) being deemed elected to office. In the event of a tie, lots shall be cast to determine a winner in accordance with the Texas Election Code.
(Amendment adopted by electorate 5-4-92)

SECTION 5.06. LAWS GOVERNING CITY ELECTIONS.

In the event of a conflict, the laws of the State of Texas and of the United States governing general and municipal elections shall prevail over the provisions of this charter.
(Amendment adopted by electorate 5-10-08)

SECTION 5.07. CONDUCTING AND CANVASSING ELECTIONS.

The election judges and other necessary election officials for conducting all such elections shall be appointed by the City Council. The election judges shall conduct the elections, determine, record and report the results as provided by the general election laws of Texas. Within five (5) days after an election, the City Council shall meet, open the return, canvass and officially declare the result of the election as to candidates and questions, and issue certificates of election to candidates elected as hereinbefore provided.

SECTION 5.08. OATH OF OFFICE.

(a) The mayor and other members of the city council and all appointed officers of the city, before

CITY OF FREEPORT
CHARTER REVIEW COMMISSION

FINAL REPORT

To the Honorable Mayor and City Council:

The Charter Review Commission for the June to December, 2015, term, having reviewed the Home Rule Charter of the City of Freeport, Texas (the City), and having consulted with the City Manager, the City Attorney and others who are to be consulted, and having conducted several meetings attended by members of the general public, notice of each of which was given in accordance with the Texas Open Meetings Act. At each of such meetings an opportunity to speak was given to members of the public who were present. We recommend that the following proposed changes, each of which is indicated by underlining, be submitted to citizens of the City at the next annual election to be held on the First Saturday in May, 2016:

1) Amend the first and third sentences of Section 3.02 Qualifications to read respectively as follows:

¶The Mayor and each member of the City Council shall be a registered voter and a resident of the City of Freeport for at least twenty-four (24) consecutive months and, in the case of members of the City Council other than the Mayor, a resident of the Ward sought to be represented for at least six (6) consecutive months , immediately preceding his or her application to have his or her name placed on the official ballot and the filing of proof of his or her qualifications as required by law..

¶If any such officer shall fail to maintain the foregoing residence qualifications during his or her term of office or shall be absent from three (3) consecutive regularly scheduled meetings without a valid excuse, in writing filed with the City Secretary or sent to the City Secretary by e-mail or text message before the missed meeting, or fail to attend at least eighty (80%) of regularly scheduled meetings during any fiscal year, without a valid excuse, the City Council must at its next regularly scheduled meeting declare a vacancy to exist and shall fill such vacancy as set forth in Section 3.06 of this Charter."

2) Amend Section 4.08 Fire Department to read as follows

Section 4.08. FIRE AND E.M.S. DEPARTMENT

For the protection of property and lives within the city, there is hereby established and there shall be maintained by the city a department to be known as the Freeport Fire and E.M.S. (Emergency Medical Service).

3) Amend Section 9.06 Notice of Public Hearing on Budget to read as follows:

¶At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in both English and Spanish and in a newspaper of general circulation within the City of Freeport, a notice thereof setting forth the time and place of such hearing at least fifteen (15) days before the date thereof; and such notice shall also be maintained on the City's website until after the date of such hearing.

4) Amend Section 10.07 Consent of Property Owners

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but such abutting and adjacent property shall thereafter be restored to its previous condition and nothing in this Charter or in any franchise granted hereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his or her property as now or hereafter provided by law..

5) Amend Section 11.011 Selection of Newspapers for Publication, Subsection (a), to read as follows:

«(a) Every ordinance or resolution adopted by the City Council, which is required or permitted to be published in a newspaper, shall designate in the body thereof, one or more newspapers of general circulation within the City of Freeport in which such ordinance or resolution, or the descriptive caption thereof, shall be published; and it shall appear on the City's website for at least ten (10) days or for the length of time between each publication, if it is required to be published more than once, whichever is longer..

Respectfully Submitted this _____ day of December, 2015.

Nino Herrera, Chairperson

Ruben Cuellar, Vice Chairperson

Daniela Ramirez, Secretary

Beatriz Gonzalez, Member

Angela Fisher, Member