

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 16, 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:

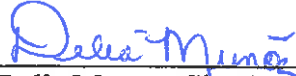
Charter Review Members: Nino Herrera
Daniela Ramirez
Reuben Cuellar
Beatriz Gonzalez
Angela Fisher

1. Call to Order.
2. Consideration of approving the minutes of December 9, 2015.
3. Consideration of approving and signing the Charter Review Final Report, recommending Charter changes for a Charter Review amendment election for May 7, 2016.
4. 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 11, 2015 at or before 5:00 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 9, 2015 at 6:32 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
Daniela Ramirez
Reuben Cuellar
Beatriz Gonzalez
Angela Fisher

Present: Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Nat Hickey, Property Manager

Visitors: Larry Fansher Margaret McMahan
Melanie Oldham Edward T. Garcia
Steve Massolte Ty Morrow
Raul Ramirez Ruth Renobato
Ruben Renobato Sam Reyna

Call to Order

Nino Herrera called the meeting to order at 6:32 p.m.

Consideration of approving the minutes of December 2, 2015.

On a motion by Reuben Cuellar, seconded by Angela Fisher, with all present voting "Aye", the minutes of December 2, 2015 were unanimously approved.

Consideration of reviewing and making a recommendation with respect to Section 3.01 Number, Selection and Term.

Edward T. Garcia asked the Charter Review to review once again Section 3.01, to set term limitations council officials can serve.

Margaret McMahan and Ruben Renobato, concur with Edward T. Garcia to set term limitations on the number of terms council officials serve.

On a motion by Reuben Cuellar, to amend 3.01 setting term limitation, motion died due to lack of second,

Consideration of reviewing and making a recommendation with respect to Section 3.06 Vacancies.

No action taken.

Consideration of reviewing and making a recommendation with respect to Section 5.05 Election by Plurality.

Edward T. Garcia stated that he had served 4 terms on city council, and it was in the City's best interest if Section 5.05 would be amended to Majority instead of Plurality.

Margaret McMahan agreed with Mr. Garcia.

Nat Hickey stated that he was not or against plurality, but wanted to make sure we met the requirements of the Department of Justice.

On a motion by Reuben Cuellar, seconded by Beatriz Gonzalez, with all present voting "Aye", to amend Section 5.05 to majority instead of plurality.

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

Reagendaed.

Adjourn

On a motion by Rueben Cuellar, seconded by Angela Fisher, with all present "Aye", Chairperson Nino Herrera adjourned the meeting at 6:58 p.m.

Nino Herrera, Chairperson
Charter Review Commission

Daniela Ramirez, Secretary
Charter Review Commission

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, 2015:

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 5.05 to substitute ~~majority~~ for ~~plurality~~, to provide for a runoff election and to read as follows:

Section 5.05 ELECTION BY MAJORITY

Election to office shall be by majority with the candidate receiving a majority of the number of votes (if otherwise qualified) being deemed elected to office. If no candidate gains a majority of the votes, the city council shall cause to be held a runoff election between the two (2) candidates with the most votes on to be held on the same calendar year and on a day permitted by the Texas Election Code. In the event of a tie at any election, lots shall be cast to determine a winner in accordance with the Texas Election Code.

4) 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.

5) 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.

6) 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

Beatriz Gonzalez, Member

Reuben Cuellar, Vice Chairperson

Angela Fisher, Member

Daniela Ramirez, Secretary