

ORDINANCE NO. 2024-2718

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON THE ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF FREEPORT; DESIGNATING MAY 4, 2024, AS THE DATE OF THE ELECTION; DESIGNATING THE HOURS, ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR THE ELECTION TO BE CONDUCTED BY BRAZORIA COUNTY; PROVIDING FOR NOTICE AND HOLDING OF THE ELECTION; PROVIDING FOR EARLY VOTING; AND RELATED MATTERS.

WHEREAS, the Charter Review Commission has studied and reviewed the City Charter of the City of Freeport and made recommendations for the amendment of the City Charter; and

WHEREAS, the City Council desires to submit to the voters Charter amendments recommended by the Charter Review Commission and the City Council; and

WHEREAS, the City Council desires to contract with Brazoria County to hold and conduct the special election for the City, and such may be held as a joint election pursuant to the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, which is incorporated herein by reference;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, THAT:

Section 1. Special Election; Charter Amendments. A special election is ordered to be held on Saturday, May 4, 2024, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of submitting to the qualified voters of the City propositions on whether the Charter of the City of Freeport, Texas should be amended. The special election shall be held and conducted by Brazoria County, pursuant to a Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, as authorized by State law, and such election may be held as a joint election. Early voting, both by personal appearance and by mail, will be conducted by the Brazoria County Election Officer, who is designated and appointed as the Early Voting Clerk, in accordance with the Tex. Elec. Code. Early voting shall begin on April 22, 2024, and end on April 30, 2024, such early voting to be conducted by the County Clerk of Brazoria County, Texas, between the hours of 8:00 a.m. and 5:00 p.m. at the following locations, from Monday, April 22, 2024, through Saturday, April 27, 2024, and between the hours of 8:00 a.m. through 5:00 p.m. on Monday, April 29, 2024, through Tuesday, April 30, 2024, at such locations, to-wit:

Angleton (Main) :

East Annex, 1524 E Mulberry

Alvin: Alvin Library, 105 S Gordon

Brazoria: Brazoria Library, 620 S Brooks

Freeport: Freeport Library, 410 Brazosport Blvd

Lake Jackson: Doris Williams Civic Center, 333 HWY 332 East

Manvel: Manvel Annex, 7313 Corporate Dr

Pearland East: Tom Reid Library, 3522 Liberty Dr

Pearland West: West Pearland Community Center,
2150 Countryplace Pkwy

Shadow Creek: West Pearland Library, 11801 Shadow Creek Pkwy

Sweeny: Sweeny Community Center, 205 W Ashley Wilson Rd

West Columbia: Precinct 4 Building # 2, 121 N 10th St

The proposed amendments shall take effect upon their adoption and the entering of an order by the City Council declaring the amendments adopted. The proposed amendments affect only the Articles and sections listed in redlined form below, which are submitted for amendment to read as follows:

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 three (3) year term at an election to be held on the general uniform election date beginning in 2021, unless such date is changed by State law.

(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 three (3) year term each, with an election being held for council members from Wards A and C on the general uniform election date beginning in 2020 and from Wards B and D on the general uniform election date beginning in 2021, unless such date is changed by State law.

(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)

(f) All references within this Charter to the general uniform election date is henceforth held to be synonymous with the May Uniform Election Date as prescribed by current State law and as may be revised by acts of the State Legislature in the future.

(Ord. No. 2020-2617, § 3(3.01), 11-17-2020)

SECTION 3.06. VACANCIES.

When a vacancy occurs in the City Council for a Council position that has an unexpired term of twelve (12) months or less, the remaining members thereof, shall appoint a qualified person to fill the unexpired term of such vacancy; provided, however, if the vacancy occurs with more than twelve (12) months remaining on the unexpired term of such position, 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 one hundred and twenty (120) 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;
- (d) Authorize the issuance of bonds by a bond ordinance in accordance with the general laws of the State of Texas;
- (e) Inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs;
- (f) Provide for such additional boards and commissions, not otherwise provided for in this Charter, as may be deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City ordinance or by law;
- (g) Adopt and modify the zoning plan and the building code of the City;

- (h) Adopt and modify the official maps of the City;
- (i) Adopt, modify and carry out plans proposed by the Planning Commission;
- (j) Adopt, modify and carry out plans proposed by the Planning Commission for the replanning, improvement and redevelopment of any area or district which may have been destroyed in whole or in part by disaster;
- (k) Grant franchises, regulate, license and fix the charges or fares made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire, or the transportation of freight for hire, on the public streets and alleys of the City;
- (l) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for the erection of fireproof buildings within said limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings, or buildings calculated to increase the fire hazard and prescribe the manner of their removal or destruction within said limits;
- (m) Fix the salaries and compensation of the employees of the City and of all officers of the City other than that of the Mayor and other members of the City Council;
- (n) Provide for a sanitary sewer and water system and require property owners to connect their premises with sewer system, and provide for penalties for failure to make sanitary sewer connections;
- (o) Provide for sanitary garbage disposal, and set fees and charges therefor, and provide penalties for failure to pay such fees and charges;
- (p) Exercise exclusive dominion, control and jurisdiction, including the right to close and abandon streets and alleys in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the City and provide for the improvement of same as provided by Chapter 311 of the Transportation Code, as now or hereafter amended;
- (q) Exercise those powers related to harbor and port facilities provided by Chapter 54 of the Transportation Code, as now or hereafter amended;
- (r) Provide for and establish hospitalization insurance for employees;
- (s) Participate in National or State Social Security programs;

(t) Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City of Freeport;

(u) And such other and further powers as have been or may from time-to-time hereafter be delegated to Home Rule cities by the Legislature of the State of Texas, including the powers incident to the exercise thereof.

(Res. No. 1129, Props 2, 3, 4-7-79; Amendment adopted by electorate 5-12-12) (Ord. No. 2020-2617, § 3(3.07), 11-17-2020)

SECTION 3.08. CITY COUNCIL NOT TO INTERFERE IN APPOINTMENT.

Neither the City Council nor any of its members shall direct the appointment of any person to office by the City Manager or by any of the City Manager’s subordinates. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative services solely through the City Manager and neither the City Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

SECTION 3.09. MEETINGS OF THE CITY COUNCIL.

The City Council shall have two (2) regular meetings per month, the date, place and beginning time of which shall be established by ordinance. The City Secretary, under the direction of the Mayor or City Manager, shall be responsible for complying with the notice provisions of the Open Meetings Act for all regular meetings. A regular meeting may be cancelled or the location thereof changed by the Mayor. Provided, however, no regular meeting may be held outside the corporate limits of the City. An emergency meeting or special meeting may be called by the Mayor or any two (2) of the other members of the City Council. An emergency meeting is one held in case of an emergency or urgent public necessity where only two (2) hours’ notice thereof is required by the Open Meetings Act. A special meeting is any meeting other than a regular meeting or an emergency meeting. The City Secretary, under the direction of the person or persons calling a special or emergency meeting, shall be responsible for complying with the notice provisions of the Open Meetings Act. The date, place and beginning time of a special or emergency meeting shall be determined by the person or persons calling such meeting and shall be the time specified in such notice. A special or emergency meeting may be held outside the corporate limits of the City. (Amendment adopted by electorate 5-7-94)

SECTION 3.10. RULES OF PROCEDURE.

The City Council shall determine its own rules of procedure and may compel the attendance of its members. A majority of the qualified members of the City Council shall constitute a quorum for the transaction of business, and the affirmative vote of a majority of those present shall be necessary to adopt any ordinance or resolution. Minutes of the proceedings of all meetings, regular or special, shall be kept, to which any citizen may have access at all reasonable times and which

shall constitute one of the archives of the City; provided, however, in lieu of reading the minutes of each Council meeting for approval, the City Secretary may, with the consent of the City Council, furnish each member of the City Council with exact copies of the minutes of previous meetings at least three days prior to the meeting at which such minutes are to be subject to approval. Such minutes shall then be subject to approval, rejection, deletion or addition by the members of the City Council without the necessity of reading the full text of the minutes of the meetings at such meeting at which such minutes are subject to approval. No member of the City Council present at a meeting shall be excused from voting, and each member of the City Council present at the meeting must announce the member's vote on question, ordinance, or resolution placed before the City Council; provided, however, a council member shall be excused from voting whenever the subject matter under consideration involves the member's own official conduct, or where his personal financial interests are involved, and on these particular matters, he shall not vote but shall give his reasons for not voting, which said reasons shall be spread upon the minutes of the City Council. The vote upon the passage of all ordinances, resolutions and motions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded and permanently maintained, and shall be authenticated by the signature of the presiding officer and the person performing the duties of City Secretary. If at any meeting of the City Council less than a quorum is present, a majority of the members of the City Council who are present may postpone the convening of such meeting for a period of time not to exceed one (1) hour in order to obtain a quorum.

(Amendment adopted by electorate 5-2-98) (Ord. No. 2020-2617, § 3(3.10), 11-17-2020)

SECTION 3.11. PROCEDURE FOR PASSING OF ORDINANCES.

Every ordinance shall be introduced in written or printed form and upon passage, shall take effect at the time indicated therein; provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten (10) days from the date of its passage; subject to the provisions of Article 7 of this Charter. The City Secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty of any such ordinance to be published in the official newspaper of the City of Freeport at least twice within ten days after the passage of said ordinance. The City Secretary shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the Charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided, that the provisions of this section shall not apply to the correction, amendment, revision and codification of the ordinances of the City for publication in book or pamphlet form. Except as otherwise provided by Article 7 of this Charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the City Council. Every ordinance shall be authenticated by the signature of the Mayor and City Secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by the Council. It shall only be necessary to record the caption or title of ordinances in the minutes or journal of council meetings. The City Council shall have power to cause the ordinances of the City to be

corrected, amended, revised, codified and printed in code form as often as the Council deems advisable, and such printed code, when adopted by the Council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

SECTION 3.14. AUDIT AND EXAMINATION OF CITY BOOKS AND ACCOUNTS.

City Council shall, select a Certified Public Accountant for the purpose of performing a complete annual audit of all books, records and accounting systems being used by the City, in accordance with State law. All audit reports shall be filed with the City Council, shall be available for public inspection, and shall be a part of the archives of this City. Such accountant, so selected, shall not maintain or keep any originals of the City's accounts or records.

(Res. No. 803, § 3, 4-7-69)

SECTION 3.15. PUBLICATION OF FINANCIAL STATEMENT.

Within forty-five (45) days after the close of each quarter of the fiscal year, the City Manager shall cause a financial statement for such quarter to be prepared and made available for inspection by the public in the office of the City Secretary and maintain such report on the City's website for the next succeeding quarter of the fiscal year.

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

ARTICLE 4. ADMINISTRATIVE SERVICES

SECTION 4.01. CITY MANAGER.

(a) Appointment and Qualifications: The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. The City Manager shall be chosen by the City Council solely on the basis of his or her executive and administrative training, experience and ability, and need not, when appointed, be a resident of the City of Freeport. No member of the City Council shall, during the time for which he or she is elected and for one year thereafter, be appointed City Manager.

(b) Term and Salary: The City Manager shall not be appointed for a definite term but may be removed at the will and pleasure of the City Council by a vote of the majority of the entire Council. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal in the City Council. If the City Manager should be suspended, or if the office of City Manager is vacant by reason of the death, resignation or removal of the City Manager, the City Council shall appoint some qualified person to perform the duties of such office as Acting City Manager until such suspension is lifted or a permanent City Manager is appointed and qualifies.

The City Manager and any Acting City Manager shall receive such compensation as may be fixed by the City Council.

(c) Duties of the City Manager:

- (1) Appoint, and when necessary for the welfare of the City, remove any employee of the City, except as otherwise provided by this Charter;
- (2) Prepare the budget annually and submit it to the City Council, and be responsible for its administration after adoption;
- (3) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;
- (4) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem desirable;
- (5) Perform such duties as may be prescribed by this Charter or may be required by the City Council, not inconsistent with this Charter.

(d) Absence or disability of the City Manager. If the City Manager is unable to perform the duties of such office as a result of absence or disability, or if such office becomes vacant and the City Council has not yet appointed an Acting City Manager, the Mayor may designate in writing, to be filed with the City Secretary, a qualified employee of the City to perform the duties of the City Manager during such absence or disability or, in the case of such office becoming vacant, until an Acting City Manager has been appointed by the City Council. Provided, however, any such designation shall expire on the day following the next regular meeting of the City Council unless confirmed by the City Council at such meeting.

(e) Within six (6) months of his or her appointment, the City Manager shall establish and thereafter maintain a place of residence within the City for the duration of his or her employment by the City in such capacity. Provided, however, this requirement shall not apply to the person serving as the City Manager on the date it becomes a part of the Home Rule Charter.
(Amendment adopted by electorate 5-4-02; Amendment adopted by electorate 5-10-14)

SECTION 4.02. DEPARTMENT OF POLICE.

There shall be established and maintained a Department of Police to preserve order within the City and to secure the residents of said City from violence and the property therein from injury or loss.

(a) Chief of Police. The Chief of Police shall be the chief administrative officer of the Police Department. The Chief of Police shall, with the approval of the City Manager, appoint and remove the employees of such department and shall perform such other duties as may be required of the

Chief of Police by the City Council. The Chief of Police shall be appointed by the City Manager, with the approval of the City Council, for an indefinite term. Within six (6) months of his or her appointment, the Chief of Police shall establish and thereafter maintain a place of residence within 30 miles from the City for the duration of his or her employment by the City in such capacity. The Chief of Police shall be responsible to the City Manager for the administration of the Police Department and the carrying out of the directives of the City Council. The Chief of Police may be removed from office by the City Manager with the approval of the City Council.

(b) Special Police. No persons except as otherwise provided by general law or this Charter or the ordinances passed pursuant thereto shall act as special police or special detective.

(Amendment adopted by electorate 5-7-94)

(c) The Chief of Police shall appoint one of the members of the Police Department to act as warrant officer. The warrant officer shall execute warrants and other process issued by the Judge or Clerk of the Municipal Court, attend and act as bailiff at all sessions of the Municipal Court, act as security officer for all Municipal Court personnel and perform such other and further duties as may be requested of the Chief of Police by the Municipal Court Judge or assigned by the Chief of Police, with priority being given by the warrant officer to discharging the duties of warrant officer as specified herein.

(Amendment adopted by electorate 5-12-12)

SECTION 4.03. CITY SECRETARY.

The City Manager shall appoint a competent person as City Secretary and such assistants as the City Council shall deem advisable. The City Secretary, or an Assistant City Secretary, shall give notice of Council meetings, shall keep the minutes of the proceedings of such meetings, and shall authenticate by signature and record in full in a book kept and indexed for the purpose, all ordinances and resolutions, and shall perform such other duties the City Manager shall assign, and those elsewhere provided for in this Charter and the laws of the State of Texas.

SECTION 4.04. DIRECTOR OF FINANCE.

The City Manager shall appoint a competent person as Director of Finance and such assistants as the City Council shall deem advisable. The Director of Finance shall perform the duties delegated by the City Manager and those which may be imposed upon municipal treasurers or finance directors by the laws of the State of Texas.

(Res. No. 1065, Prop. 2, 4-4-77; Amendment adopted by electorate 5-10-08)

SECTION 4.05. MUNICIPAL COURT.

(a) There shall be established and maintained a court designated as a “Municipal Court” for the trial of misdemeanor offenses, with all such powers and duties as are now or hereafter prescribed by the laws of the State of Texas relative to such court.

(b) The Judge of said Court shall be a qualified voter of Brazoria County, Texas appointed by the City Council, shall hold such office at the pleasure of the City Council, and shall receive such salary as may be fixed by the City Council.

(Amendment adopted by electorate 5-8-10)

(c) The City Manager shall appoint and when necessary for the welfare of the City, remove the Municipal Court Clerk and any Deputy Municipal Court Clerks but the number of deputies and the salary of the clerk and all deputies shall be fixed by the City Council.

(d) The Clerk of said Court and any such deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said Court thereto, and generally do and perform any and all acts usual and necessary by the Clerk of Courts in issuing process of said Courts and conducting the business thereof.

(e) At the request of the Judge of said Court, the City Council may appoint one or more Associate Judges for said Court to sit concurrently with the Judge of said Court. An Associate Judge of said Court shall have the same qualifications as the Judge of said Court, shall serve at the pleasure of the City Council, shall receive such salary as may be fixed by the City Council and, when acting in such capacity, shall have all the powers and duties of the Judge of said Court.

(Res. No. 916, Props. 3, 4, 4-9-73) (Amendment adopted by electorate 5-7-94; Amendment adopted by electorate 5-8-10; Amendment adopted by electorate 5-12-12)

SECTION 4.06. CITY ATTORNEY.

The City Council shall appoint a duly licensed attorney practicing law, who shall be the City Attorney. The City Attorney shall receive for services such compensation as may be fixed by the City Council and shall hold office at the pleasure of the City Council. The City Attorney, or such other attorneys selected with the approval of the City Council, shall represent the City in all litigation. The City Attorney shall be the legal advisor of, and attorney and counsel for, the City and all officers and departments thereof.

(Amendment adopted by electorate 5-8-10) (Ord. No. 2020-2617, § 3(4.06), 11-17-2020)

SECTION 4.07. HEALTH OFFICER.

(a) Appointment and Qualification. The City Council may appoint a City Health Officer who shall be a licensed physician qualified to practice medicine in the State of Texas and a resident of the City of Freeport. In the event no available licensed physician qualified to practice medicine in the State of Texas is a resident of the City of Freeport, the Council may appoint as City Health Officer a nonresident physician qualified to practice medicine in the State of Texas. When the

office of City Health Officer is vacant, the County Health Officer of Brazoria County, Texas, may perform any of the duties of such office required by law to be performed by a licensed physician qualified to practice medicine in the State of Texas.

(b) Duties of the Health Officer. The City Health Officer shall advise the City Council on a program of Public Health; shall cooperate with nearby cities on problems of health; shall cooperate with the Commissioners Court of Brazoria County and its agencies, and with the State Health Department and other departments of State Government in matters pertaining to health. (Election of 4-3-82; Amendment adopted by electorate 5-6-00; Amendment adopted by electorate 5-12-12)

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”). The Fire Chief shall be the chief administrative officer of the department of Fire and E.M.S. The Fire Chief shall, with the approval of the City Manager, appoint and remove the employees of such department and shall perform such other duties as may be required of the Fire Chief by the City Council. Within six (6) months of appointment, the Fire Chief shall establish and thereafter maintain a place of residence within 30 miles from the City for the duration employment by the City in such capacity. (Amendment adopted by electorate 5-16-16)

ARTICLE 5. NOMINATIONS AND ELECTIONS

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 the State 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 they enter upon the duties of their offices, shall take and subscribe to the following oath or affirmation to be filed and kept in the office of the City Secretary:

“I, (name), do solemnly swear (or affirm) that I will faithfully execute the duties of the office of (title) of the City of Freeport, State of Texas, and will to the best of my ability preserve,

protect and defend the Constitution and Laws of the United States and the State of Texas and the Charter and Ordinances of the City of Freeport, so help me God.”

(b) The Mayor and other members of the City Council and all appointed officers of the City, before taking the oath or affirmation contained in subsection(a) above, shall subscribe and file with the Secretary of State of Texas the following statement:

“I, (name), do solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed or promised to contribute any money or thing of value, or promised any public office or employment (for the giving or withholding of a vote at the election at which I was elected; as a reward to secure my appointment or confirmation thereof), so help me God.”

(Amendment adopted by electorate 5-7-94)

SECTION 5.10. LIMITATION ON CONSECUTIVE TERMS OF OFFICE.

No person shall be eligible to become a candidate for election to the same office for more than two (2) consecutive terms. Provided, however, the previous terms to which any person holding an elective office on the date this provision becomes effective shall not be counted.

(Amendment adopted by electorate 5-16-16) (Ord. No. 2020-2617, § 3(5.10), 11-17-2020)

ARTICLE 6. RECALL OF OFFICERS

SECTION 6.02. PETITIONS FOR RECALL.

The question of the recall of the Mayor shall be submitted to the qualified voters of the entire City but the question of the recall of the members of the City Council shall only be submitted to the qualified voters of the single member district or ward from which such member was elected. Recall shall be initiated by the filing of a petition with the person performing the duties of the City Secretary. In the case of the Mayor, such petition shall be signed by a number of the qualified voters of the City equal to at least fifty-one percent (51%) of the number of votes cast at the last regular municipal election of the City but in no event less than two hundred (200) petitioners. In the case of the other members of the City Council, such petition shall be signed by a number of the qualified voters residing in the single member district or ward from which such member was elected to equal to at least fifty-one percent (51%) of the number of votes cast at the last regular municipal election held in such single member district or ward but in no event less than one hundred (100) petitioners.

(Amendment adopted by electorate 5-4-92; Amendment adopted by electorate 5-7-94; Amendment adopted by electorate 5-10-08)

SECTION 6.03. FORM OF RECALL PETITION.

(a) The recall petition mentioned above must be addressed to the City Council of the City of Freeport, must distinctly and specifically point out the ground, or grounds, upon which such petition for removal is predicated, and, if there be more than one ground, such as for incompetency, misconduct or malfeasance in office, shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of the matters and things with which the officer is charged. The signature shall be verified by oath in the following form:

STATE OF TEXAS COUNTY OF BRAZORIA

I, being first duly sworn, on oath depose and say that I am one of the signers of the above petition; and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

Sworn and subscribed to before me this ____ day of ____, Notary Public in and for Brazoria County, Texas

(b) Should it be proved to the satisfaction of the City Council that the affidavit above stated is false, then in such event, it shall be the duty of the City Secretary to cause criminal charges to be filed against the affiant therein.

SECTION 6.04. VARIOUS PAPERS CONSTITUTING PETITION.

The petition may consist of one or more copies, or subscription list, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. Verifications provided for in the next preceding section of this Article may be made by one or more petitioners, and the several parts of copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than one hundred and eighty (180) days prior to the filing of such petition or petitions with the person performing the duties of City Secretary. All papers comprising a recall petition shall be filed with the person performing the duties of City Secretary on the same day, and the said Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to the officer's Freeport address.

SECTION 6.06. PUBLIC HEARING TO BE HELD.

The officer whose removal is sought may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit the officer to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

SECTION 6.07. ELECTION TO BE CALLED.

If the officer whose removal is sought does not resign, then it shall become the duty of the City Council to order an election and fix a date for holding such recall election, the date of which election shall be not less than twenty-five (25) nor more than thirty-five (35) days from the date such petition was presented to the City Council, or from the date of the public hearing if one was held.

SECTION 6.09. RESULT OF RECALL ELECTION.

If a majority of the votes cast at a recall election shall be “NO”, that is, against the recall of the person named on the ballot, the officer shall continue in office for the remainder of the officer’s unexpired term, subject to recall as before. If a majority of the votes cast at such an election be “YES”, that is, for the recall of the person named on the ballot, the officer shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy be filled as vacancies in the City Council are filled, as provided in Section 3.06 of this Charter.

SECTION 6.10. RECALL, RESTRICTIONS THEREON.

No recall petition shall be filed against any officer of the City of Freeport within three (3) months after a City election, nor within three (3) months after an election for such officer’s recall.

ARTICLE 7. LEGISLATION BY THE PEOPLE, INITIATIVE AND REFERENDUM.

SECTION 7.02. INITIATIVE.

The qualified voters of the City of Freeport may initiate legislation by submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. The petition must be signed by two hundred (200) qualified voters of the City or by a number of qualified voters equal in number to thirty percent (30%) of the number of votes cast at the last regular municipal election of the City, whichever is greater. The petition shall be signed in the same manner as recall petitions are signed, as provided in Section 6.02 of this Charter, and shall be verified by oath in the manner and form provided for recall petitions in Section 6.03 of this Charter. The petition may consist of one or more copies as permitted for recall petitions in Section 6.04 of this Charter but each copy of the petition shall have attached to it a copy of the proposed ordinance or resolution. The petition shall be filed with the person performing the duties of City Secretary. Within five (5) days after the filing of the petition, the person performing the duties of City Secretary shall present the petition and the proposed ordinance or resolution to the City Council. Upon presentation to City Council of the petition and the proposed ordinance or resolution, it shall become the duty of the City Council, within ten (10) days after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election, to be held on the next uniform election date specified in the Texas

Election Code at which the qualified voters of the City of Freeport shall vote on the question of adopting or rejecting the proposed legislation. Provided, however, if there are less than forty-five (45) days remaining before such date, then such special election shall be called for the next succeeding uniform election date occurring after the expiration of forty-five (45) days. (Amendment adopted by electorate 5-7-94; Amendment adopted by electorate 5-6-96)

SECTION 7.03. REFERENDUM.

Qualified voters of the City of Freeport may require that any ordinance or resolution, with the exception of ordinances or resolutions levying taxes, passed by the City Council be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution, or within thirty (30) days after its publication. Said petition shall be addressed, prepared, signed and verified as required for petitions initiating legislation as provided in Section 7.02 of this Charter and shall be submitted to the person performing the duties of City Secretary. Upon the filing of such petition, the person performing the duties of City Secretary shall present said petition to the City Council at its next meeting. Thereupon the City Council shall reconsider such ordinance or resolution, and if City Council does not entirely repeal the same, City Council shall submit it to popular vote as provided in Section 7.02 of this Charter. Pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters thereon at such election shall vote in favor thereof.

ARTICLE 8. MUNICIPAL PLANNING AND ZONING.

SECTION 8.01. PLATTING OF PROPERTY.

(a) Hereafter, every owner of any tract of land situated within the corporate limits of the City of Freeport, who may divide the same in two (2) or more parts for the purpose of laying out any subdivision or any addition to the City, shall comply with the provisions of Chapter 212 of the Local Government Code, as now hereafter amended, and incorporated herein for all purposes.

(b) The provisions of Section 8.01(a) above shall apply similarly to the owner of any tract of land situated within the actual City limits of the City of Freeport, Texas, or within any extraterritorial jurisdiction of said City, as such extraterritorial jurisdiction exists or may be extended under the laws of the State of Texas.

(Ord. No. 916, Prop. 6, 4-9-73; Amendment adopted by electorate 5-7-94)

SECTION 8.02. DEVELOPMENT OF PROPERTY.

The expenditure of public funds shall be authorized for the development of privately-owned land or subdivisions for economic development, only with a legally valid Chapter 380 Agreement

approved by City Council and signed by the Mayor, following a public hearing on the matter. Such expenditures may be for projects situated within or beyond the corporate limits of the City. (Amendment adopted by electorate 5-10-08) (Ord. No. 2020-2617, § 3(8.02), 11-17-2020)

SECTION 8.03. PLANNING COMMISSION.

The City Council shall appoint a City Planning Commission consisting of five (5) members who shall be residents in the City of Freeport while serving and for not less than six (6) months prior to being appointed, and who shall serve without compensation.

(a) Term of Office: The terms of office of all persons serving on the Planning Commission shall be established by ordinance adopted by the City Council.

(b) Rules of Procedure: The Commission shall elect, annually, one of its members chairman, and shall establish its own rules of procedure which shall include the following: A quorum shall consist of a majority of the members of the Commission and an affirmative vote of a majority of those present shall be necessary to pass upon pending questions, the chairman being entitled to vote upon any question. No member of the Planning Commission present at a meeting shall be excused from voting, and each member of the Planning Commission present at the meeting must announce a vote on questions, ordinances, or resolutions; provided however, a Commission Member shall be excused from voting whenever the subject matter under consideration involves the Member's personal financial interests, and on this particular matter the Member shall not vote but shall give the reasons for not voting. All meetings shall be open to the public and a record of all proceedings shall be kept, which record shall be filed with the person performing the duties of City Secretary and shall be a public record. The annual election of the chairperson shall take place in June of each year or whenever all vacant positions have been filled, whichever is later.

(c) Vacancies: Membership on the Planning Commission shall be accompanied by active participation in the activities of the Commission, and any member who is absent from three (3) consecutive regular meetings of the Commission, shall automatically be dismissed from membership. The Commission shall at once notify the City Council that a vacancy in the Planning Commission exists. Vacancies occurring in the Commission, for whatever reason, shall be filled within thirty (30) days by appointment by the City Council for the remainder of the unexpired term.

(d) Powers and Duties: The Commission shall have the power and shall be required to:

(1) Make recommendations for the amendment, extension and additions to the master plan for the physical development of the City;

(2) Approve or disapprove plats of proposed subdivisions submitted in accordance with Section 8.01 of this Charter. In considering such plats, the Planning Commission shall require that the proposed subdivision shall meet, so far as is practicable, all the standards

of layout and street and sidewalk construction on comparable property within the corporate limits of the City of Freeport, and shall further require that restrictions be placed on the use of the property which are consistent with the restrictions on comparable property within the City of Freeport. Upon approving such plats, and before they are released for recording, the Planning Commission shall submit all copies of the approved plats to the City Council for its approval or disapproval;

(3) Draft, and recommend to the City Council for adoption, an official map of the City and recommend or disapprove proposed changes in such map;

(4) Make, and recommend to the City Council for adoption, a zoning plan and recommend or disapprove proposed changes in such plan;

(5) Make, and recommend to the City Council for adoption, plans for the clearance and rebuilding of substandard structures and blighted areas which may develop within the City;

(6) Compile and recommend to the City Council for adoption, a building code, which code shall include the minimum standards of construction for building, the minimum standards for plumbing and the minimum standards for wiring;

(7) Advise and recommend to the City Council traffic regulations for the City;

(8) Meet not less than once each month; meetings to be held at the Municipal Courtroom of the Municipal Court and Police Department Building, unless otherwise indicated in the posted notice for such meeting;

(9) Perform such other duties and be vested with such other powers as the City Council shall from time to time prescribe.

(e) Liaison with City Council: The City Manager or a designated representative shall attend the meetings of the Planning Commission and shall serve as liaison between the Planning Commission and the City Council.

(Res. No. 1129, Props. 7, 8, 4-7-79; Amendment adopted by electorate 5-7-94; Amendment adopted by electorate 5-13-06; Amendment adopted by electorate 5-8-10; Amendment adopted by electorate 5-12-12)

ARTICLE 9. MUNICIPAL FINANCE.

SECTION 9.02. PREPARATION AND SUBMISSION OF BUDGET.

The City Manager, between sixty (60) and ninety (90) days prior to the beginning of each fiscal year, shall submit to the Council a proposed budget, which budget shall provide a complete financial plan for the fiscal year, and shall contain the following:

- (a) A budget message, explanatory of the budget, which message shall contain an outline of the proposed financial policies of the City for the fiscal year, shall set forth the reasons for salient changes from the previous fiscal year in expenditure and revenue items, and shall explain any major changes in financial policy;
- (b) A consolidated statement of anticipated receipts and proposed expenditures for all funds;
- (c) An analysis of property valuations;
- (d) An analysis of tax rate;
- (e) Tax levies and tax collections by years for at least five (5) years;
- (f) General fund resources in detail;
- (g) Special fund resources in detail;
- (h) Summary of proposed expenditures by function, department, and activity;
- (i) Detailed estimates of expenditures shown separately for each activity to support summary No.(h) above;
- (j) A revenue and expense statement for all types of bonds;
- (k) A description of all bond issues outstanding, showing rate of interest, date of issue, maturity date, amount authorized, amount issued, and amount outstanding;
- (l) A schedule of requirements for the principal and interest of each issue of bonds;
- (m) The appropriation ordinance; and
- (n) The tax-levying ordinance.

SECTION 9.10. DATE FOR FINAL ADOPTION.

The budget shall be finally adopted not later than fifteen (15) days prior to the beginning of the fiscal year and should the City Council fail to so adopt a budget, the then existing budget together with its tax levying ordinance and its appropriation ordinance shall be deemed adopted for the

ensuing fiscal year. If delayed by a situation beyond control of the City, it shall be acted on as soon as practicable.

(Amended 4-86)

SECTION 9.11. EFFECTIVE DATE OF BUDGET; CERTIFICATIONS; COPIES MADE AVAILABLE.

Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be filed with the person performing the duties of City Secretary, the County Clerk of Brazoria County and the State Controller of Public Accounts at Austin. The final budget shall be printed, mimeo-graphed or otherwise reproduced and copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations.

SECTION 9.17. DEPARTMENT OF TAXATION.

Unless the City Council has required the County to assess and collect City taxes pursuant to Section 6.22 of the Tax Code, as now or hereafter amended, the City Manager shall appoint a qualified person to be City tax assessor-collector. Such person shall give a surety bond for the faithful performance of the duties of such office, including by way of illustration and not limitation, compliance with the controlling provisions of the State law bearing upon the functions of such office, in a sum which shall be fixed by the City Council at not less than ten thousand dollars. If the City Council has required the County to assess and collect City taxes, the applicable duties of the City tax assessor-collector contained in this article shall be performed by the County tax assessor-collector or, if not, then by the City Manager.

(Amendment adopted by electorate 5-7-94)

SECTION 9.24. TAXES; WHEN DUE AND PAYABLE.

All taxes due the City of Freeport may be paid at any time after the tax roll for the year has been approved, which shall not be later than October first (1st); and such taxes shall be payable at the office of the Brazoria County Assessor-Collector of Taxes at Angleton, Texas, if the City Council has required the County to assess and collect City taxes pursuant to Section 6.22 of the Tax Code, as now or hereafter amended; otherwise, such taxes shall be due and payable at the office of the City Tax Assessor-Collector.

(Amendment adopted by electorate 5-7-94)

SECTION 9.25. TAX LIENS.

The tax levied by the City is hereby declared to be a lien, charge or encumbrance upon the property as of January first (1st) upon which the tax is due, which lien, charge or encumbrance the City is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge or encumbrance on the property is such as to give the state courts jurisdiction to enforce and

foreclose said lien on the property on which the tax is due, not only as against any resident of this State or person whose residence is unknown, but also against nonresidents. All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed in any court having jurisdiction. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien.

ARTICLE 10. FRANCHISE AND PUBLIC UTILITIES.

SECTION 10.04. RIGHT OF REGULATION.

All grants, removals, extensions, or amendments of public utility franchise, whether it be so provided in the ordinance or not, shall be subject to the right of the City Council of the City of Freeport:

- (a) To repeal the same by ordinance, after thirty (30) days' advance notice (during which time the grantee shall have the opportunity to correct any default), and hearing, upon the failure of grantee to comply with the ordinances, franchise and Charter of the City of Freeport; and from which decision of the City Council, the grantee shall have the right of appeal to the Courts of this State;
- (b) To require proper and adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency;
- (c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (d) To examine and audit at any time during regular business hours the accounts and other records of any such utility which are relevant to the City's right of regulation, and to require annual and other reports, including reports on operation within the City of Freeport;
- (e) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public; and
- (f) To require such compensation and rental as may be permitted by the laws of the State of Texas.

SECTION 10.08. EXTENSIONS.

All extensions of public utilities within the City limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in the original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as

provided in Section 10.04 of this Charter. In case of an extension of a public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

ARTICLE 11. GENERAL PROVISIONS.

SECTION 11.011. SELECTION OF NEWSPAPERS FOR PUBLICATIONS.

(a) Every ordinance or resolution adopted by the City Council, which is required 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 also 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.

(b) Each officer of the City, who is required to publish any printed notice or other printed matter in any newspaper, shall select one or more newspapers in which such printed notice or other printed matter shall be published.

(c) No newspaper may be designated or selected that does not meet all of the applicable requirements of State law for newspaper publication. Provided, however, the designation or selection of a newspaper as provided above shall be prima facie evidence that such newspaper met all of such requirements at the time of such publication.

(d) When a newspaper is designated or selected as provided above, it shall be deemed to be an "official newspaper" of the City, as that term is used in any provision of this Charter, the ordinances of the City or any statute or regulation requiring publication.

(Adopted by electorate 5-24-04; Amendment adopted by electorate 5-16-16)
(Ord. No. 2020-2617, § 3(11.011), 11-17-2020)

SECTION 11.02. PERSONAL INTEREST.

No officer or employee of the City shall participate in the deliberation, vote, or other decision on any matter involving a business entity or real property in which the officer or employee has a substantial interest as provided by Chapter 171 of the Texas Local Government Code. For purposes of this section, an officer or employee has a substantial interest in a business entity if:

- (1) the officer or employee owns 10 percent (10%) or more of the voting stock or shares of the business entity or owns either 10 percent (10%) or more or \$15,000 or more of the fair market value of the business entity; or

- (2) funds received by the officer or employee from the business entity exceed 10 percent (10%) of the person's gross income for the previous year.

An officer or employee has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more. An officer or employee is prohibited from participating in the deliberation, vote, or other decision involving such real property if it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the real property, distinguishable from its effect on the public. An officer or employee is considered to have a substantial interest under this section if a person related to the officer or employee in the first degree by consanguinity or affinity, as determined under Chapter 573, Texas Government Code, has a substantial interest under this section.

SECTION 11.07. SPECIAL PROVISIONS COVERING DAMAGE SUITS.

Before the City shall be liable to damage claim or suit for personal injury, or damage to property, the person who is injured, or whose property is damaged, or someone that person's behalf, shall give the City Manager or the person performing the duties of City Secretary, notice in writing within six (6) months after the occurrence of the alleged injury, or damage, stating specifically in such notice when, where and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses upon whose testimony such person is relying to establish the injury or damage. No action at law for damages shall be brought against the City for personal injury or damage to property prior to the expiration of 180 days after the notice hereinbefore described has been filed with the City Manager or the person performing the duties of City Secretary, not later than two (2) years after the occurrence of the injury or damage to the property. In case of injuries resulting in death, before the City shall be liable in damages therefor the person or persons claiming such damages shall within six (6) months after the death of the injured person give notice as above required in case of personal injury. Provided, however, that nothing therein contained shall be construed to mean that the City of Freeport waives any rights, privileges, defenses or immunities in tort actions which are provided under the common law, and Constitution and general laws of the State of Texas.

(Amended 5-88)

SECTION 11.08. SEPARABILITY CLAUSE.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

[deleted in its entirety]SECTION 11.10. APPLICABILITY OF GENERAL LAWS.

The Constitution of the State of Texas, the statutes of said State applicable to Home-Ruled Municipal Corporation, as now or hereafter enacted, this Charter and ordinances enacted pursuant hereto shall, in the order mentioned, be applicable to the City of Freeport, but the City shall also have the power to exercise any and all powers conferred by the laws of the State of Texas upon any other kind of city, town or village, not contrary to the provisions of said home-rule statutes, Charter and ordinances, but the exercise of any such powers by the City of Freeport shall be optional with it, and it shall not be required to conform to the law governing any other cities, towns or villages unless and until by ordinance it adopts same.

SECTION 11.11. AMENDING THE CHARTER.

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by Chapter 9 of the Local Government Code, as now or hereafter amended.
(Amendment adopted by electorate 5-7-94; Amendment adopted by electorate 5-4-02)

SECTION 11.12. CHARTER REVIEW COMMISSION.

The City Council shall appoint at its first regular meeting in June in each odd numbered year, a Charter Review Commission of five citizens of the City of Freeport.

- (a) Duties of the Commission: It shall be the duty of such Charter Review Commission to:
 - (1) Inquire into the operation of the City Government under the Charter provisions and determine whether any such provisions require revision. To this end, public hearings may be held; and the Commission shall have the power to compel the attendance of any officer or employee of the City and to require the submission of any of the City records which it may deem necessary to the conduct of such hearing;
 - (2) Propose any recommendations it may deem desirable to ensure compliance with the provisions of the Charter by the several departments of the City Government;
 - (3) Propose, if it deems desirable, amendments to this Charter to improve the effective application of said Charter to current conditions;
 - (4) Report its finding and present its proposed amendments, if any, to the City Council.

- (b) Action by the City Council: The City Council shall receive and have published in the official newspaper of the City any report presented by the Charter Review Commission, shall consider any recommendations made, and if any amendment or amendments be presented as a part of such report, may order such amendment or amendments to be submitted to the voters of the City in the manner provided by Chapter 9 of the Local Government Code, as now or hereafter amended.
(Amendment adopted by electorate 5-2-98)

(c) Term of Office: The term of office of such Charter Review Commission shall be six months, and, if during such term no report is presented to the City Council, then all records of the proceedings of such Commission shall be filed with the person performing the duties of City Secretary and shall become a public record.

(Election of 4-3-82)

[deleted in its entirety]SECTION 11.13. GENDER NEUTRAL PROVISION.

Whenever in this Charter the pronouns he, him or his standing alone are used, such pronouns shall be construed to mean he or she, him or her and his or hers.

(Amendment adopted by electorate 5-15-18)

Section 2. Charter Amendment Notice and Propositions. Notice of the election shall be given and the election shall be held in compliance with Chapter. 9, Tex. Loc. Gov't. Code, and Section 4 of this Ordinance. The ballots for the special election shall comply with the Texas Election Code and be in the form provided by the City to Brazoria County for use on the voting devices and ballots used by the City; provided that the official ballot shall be prepared in such a manner as will permit the voters to vote "For" or "Against" the propositions submitted, with the propositions to be expressed on the official ballot in a form substantially as follows:

Proposition No. 1

Correction of Spelling, Grammar and Punctuation

Shall the Charter be amended to authorize City Council to correct spelling, grammar and punctuation errors in the Charter?

FOR _____ AGAINST _____

Proposition No. 2

Filling of Vacancies

Shall the Charter be amended to provide that the filling of a vacancies on City Council be consistent with Article 11, Section 11 of the Texas Constitution?

FOR _____ AGAINST _____

Proposition No. 3

Update State Law References

Shall the Charter be amended to authorize City Council to update all references to in the City's Charter to current State law?

FOR _____ AGAINST _____

Proposition No. 4

City Secretary References

Shall the Charter be amended to authorize City Council to update all references to City Clerk to now read City Secretary?

FOR _____ AGAINST _____

Proposition No. 5

Gender Neutrality

Shall the Charter be amended to authorize City Council to make all references to persons or positions gender neutral?

FOR _____ AGAINST _____

Proposition No. 6

Annual Audit

Shall Section 3.14 of the Charter be amended to accurately reflect the City's annual audit requirements under State law?

FOR _____ AGAINST _____

Proposition No. 7

Publication of Financial Statement

Shall Section 3.15 of the Charter be amended to require the City Manager to publish the quarterly financial statement within forty-five (45) days of the close of each quarter?

FOR _____ AGAINST _____

Proposition No. 8

Chief of Police

Shall the Charter be amended to require the Chief of Police to establish a place of residency within 30 miles from the City?

FOR _____ AGAINST _____

Proposition No. 9

Health Officer

Shall the Charter be amended to update the qualifications and duties of the Health Officer to reflect current City practice and the role of a Municipal Health Officer?

FOR _____ AGAINST _____

Proposition No. 10

Fire Chief

Shall the Charter be amended to require the Fire Chief to act as the chief administrative officer of the department of Fire and EMS and to establish a place of residency within 30 miles from the City?

FOR _____ AGAINST _____

Proposition No. 11

Filing of Petition

Shall the Charter be amended to allow one hundred and eighty (180) days to submit signatures for a petition, which is consistent with State and Federal law?

FOR _____ AGAINST _____

Proposition No. 12

Substandard Structures

Shall the Charter be amended to remove the use of the word “slum districts” and replace with “substandard structures”?

FOR _____ AGAINST _____

Proposition No. 13

Personal Interest

Shall the Charter be amended to update personal interest prohibitions to be consistent with Chapter 171 of the Texas Local Government Code?

FOR _____ AGAINST _____

Proposition No. 14

Claims against the City

Shall the Charter be amended to update claims for damages against the City to be consistent with current State law?

FOR _____ AGAINST _____

Proposition No. 15

Interim Government

Shall the Charter be amended by removing this obsolete section concerning Interim Municipal Government?

FOR _____ AGAINST _____

Proposition No. 16

Amending the Charter

Shall the Charter be amended to update the procedure for amending the Charter to be consistent with current State and Federal law?

FOR _____ AGAINST _____

Proposition No. 17

Initial Adoption of City Charter

Shall the Charter be amended by removing this obsolete section concerning the initial submission of the Charter to voters for original approval?

FOR _____ AGAINST _____

Section 3. Election Procedures. The Brazoria County Election Officer and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the Joint Election Agreement and Contract for Election Services, with the City and the law governing the holding of city charter elections by home rule cities of the State of Texas; and the official ballots, together with such other election materials as are required by the Texas Election Code, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

Section 4. Notice of Election.

(a) The Mayor of the City is hereby authorized and directed to issue a notice of said election, including a substantial copy of above and foregoing proposition, and to cause the same to be posted in accordance with Section 4.003(a)(2) of the Election Code for at least twenty-one (21) days prior to the date named above for the holding of said election on the bulletin board used for posting notices of meetings of the City Council.

(b) The City Secretary of the City is hereby authorized and directed to cause a copy of such notice, including a substantial copy of above and foregoing proposition, to be published in a newspaper in accordance with Section 4.003(a)(1) of the Election Code, such publication to be at least ten (10) days before but not more than thirty (30) days before the date named above for the holding of said special election.

Section 5. Election Precincts and Polling Places. The election precincts for the election shall be the election precincts established by Brazoria County, provided that each shall contain and include geographic area that is within the City. The polling place for each such election precinct shall be the polling place established by Brazoria County for such election precincts in Brazoria County and voting by residents of the City. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns for precincts in Brazoria County will be provided by

precinct and the Brazoria County Election Officer shall tabulate and provide the election returns for the election.

Section 6. Joint Election. The City agrees to conduct a joint election with other political subdivisions within Brazoria County, provided that such political subdivision holds an election on May 4, 2024, in all or part of the same territory as the City (the "Political Subdivisions"). The joint election shall be conducted in accordance with State law, this Ordinance, and the Joint Election Agreement and Contract for Election Services with Brazoria County.

Section 7. Effective Date. This ordinance shall be effective immediately upon its passage and approval.

READ, PASSED AND APPROVED this 22 day of January, 2024.




Brooks Bass, Mayor,
City of Freeport, Texas


ATTEST:



Clarisa Molina, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:





David W. Olson, Interim City Attorney,
City of Freeport, Texas