



NOTICE OF A SPECIAL SESSION MEETING
(In compliance with Sec. 551.041, Et. Seq., Tex. Gov't. Code)

NOTICE is hereby given that a quorum of the members of the Jersey Village City Council will meet with the 2024 Charter Review Commission on October 15, 2024, at 6:00 p.m. at the Civic Center, 16327 Lakeview Drive, Jersey Village, Texas, for the purpose of discussing with the Commission how well the City is operating under the existing Charter and offering recommendations for amendments to the existing Charter. A quorum of the City Council will be physically present at the meeting; however, some Council Members may participate in the meeting via videoconference.

CERTIFICATION

I, the undersigned authority, do hereby certify in accordance with the Texas Open Meeting Act, this Revised Agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located at City Hall, 16327 Lakeview, Jersey Village, TX 77040, a place convenient and readily accessible to the general public at all times, and said Revised Notice was posted on the following date and time: October 2, 2024 at 4:00 p.m. and remained so posted until said meeting was convened.

Lorri Coody, TRCM
City Secretary

In compliance with the Americans with Disabilities Act, the City of Jersey Village will provide for reasonable accommodations for persons attending public meetings. Request for accommodation must be made to the City Secretary by calling 713 466-2102 forty-eight (48) hours prior to the meetings. Agendas are posted on the Internet Website at www.jerseyvillagetx.com.

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."



SPECIAL SESSION CITY COUNCIL MEETING PACKET FOR THE MEETING ON OCTOBER 15, 2024

**CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS
AGENDA REQUEST**

AGENDA DATE: October 15, 2024

AGENDA ITEM: Meeting with 2024 Charter Review Commission

AGENDA SUBJECT: Meet with the 2024 Charter Review Commission on October 15, 2024, at 6:00 p.m. at the Civic Center, 16327 Lakeview Drive, Jersey Village, Texas, for the purpose of discussing with the Commission how well the City is operating under the existing Charter and offering recommendations for amendments to the existing Charter.

Dept./Prepared By: Lorri Coody, City Secretary **Date Submitted:** September 13, 2024

EXHIBITS: City Charter
Charter Minutes – September 4, 2024

BUDGETARY IMPACT:	Required Expenditure:	\$
	Amount Budgeted:	\$
	Appropriation Required:	\$

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

Section 9.14 of our City Charter requires that a Charter Review Commission “inquire into the operation of the city government under the provisions of the Charter. To this end, public hearings may be held and the commission shall have the power to request the attendance of any officer or employee of the city and require the submission of any of the city records deemed necessary to conduct such hearing.”

In connection with this responsibility, the 2024 Commission has requested to meet with City Council in order to review input on how well the City is operating under the existing Charter and to receive any recommendations for amendments to the existing Charter that the Council may offer. The October 15, 2024, meeting has been set aside for this purpose.

By way of background information pertaining to the Commission’s activities thus far, the Commission’s September 4, 2024, meeting minutes are attached.

RECOMMENDED ACTION:

None

SPECIAL SESSION CITY COUNCIL MEETING PACKET FOR THE MEETING ON OCTOBER 15, 2024

PREAMBLE

We, the people of the City of Jersey Village, Texas establish this Charter as the basic law of our city to provide for continuous and effective government, with latitude for our elected officers, and with safeguards to ensure the rights and general welfare of the people.

Footnotes:

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Editor's note— Printed herein is the home rule Charter, as adopted by the electors on August 9, 1986, and by Ord. No. 86-7, as adopted by the council on August 18, 1986. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

ARTICLE I. - INCORPORATION, FORM OF GOVERNMENT AND POWERS

Sec. 1.01. - Incorporation.

The inhabitants of the City of Jersey Village, Harris County, Texas, residing within its corporate boundaries as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Jersey Village" ("city") with such powers, privileges, rights, duties and immunities as are herein provided.

Sec. 1.02. - Form of government.

The municipal government provided by this Charter shall be known as "Council-Manager" form of government. Pursuant to the provisions of, and subject only to the limitations imposed by, the Constitution and laws of the State of Texas and by this Charter, all powers of the city shall be vested in and exercised by an elective city council ("council") which shall enact ordinances, adopt budgets, determine policies, appoint the city manager, and execute other powers and duties as prescribed in this Charter.

Sec. 1.03. - General powers.

Except as expressly limited by this Charter, the city shall have the powers granted to "Home Rule" cities by the Constitution and laws of the State of Texas, together with all of the implied powers necessary to carry into execution such granted powers, and in addition, all powers not denied to "Home Rule" cities by the Constitution or laws of the State of Texas. By way of enumeration and not limitation, the city may use a corporate seal; may sue and be sued; may contract and be contracted with; may cooperate with the government of the State of Texas or any agency or political subdivision thereof, or with the federal government or any agency thereof, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety or convenience of the city and its inhabitants; may acquire property within or without its corporate boundaries for any municipal purpose in fee simple or in any lesser interest or estate by purchase, gift, devise, lease or condemnation and, subject to the

provisions of this Charter and the Constitution and laws of the State of Texas, may sell, lease, mortgage, hold, manage, improve or control such property as may now or hereafter be owned by it; may pass ordinances and enact such regulations as may be expedient for the maintenance of the good government, order or peace of the city or the welfare, health, morals, comfort, safety or convenience of its inhabitants. The powers hereby conferred upon the city shall include, but are not restricted to, the powers enumerated in Chapter 147, Page 307, Acts of the Thirty-third Legislature of the State of Texas, Regular Session, 1913, the same being compiled as Vernon's Ann. Civ. St. art. 1165 et seq., as heretofore or hereafter amended, all of which are hereby adopted. In addition to the powers enumerated herein, and subject only to the limitations imposed by the Constitution and laws of the State of Texas and by this Charter, the city shall have, without the necessity of express enumeration in this Charter, each and every power which by virtue of the Constitution of the State of Texas, including but not limited to Article XI, Section 5 thereof, the people of the city are empowered by election to grant or to confer upon the city by expressly and specifically granting and enumerating the same herein. All such powers, whether express or implied, shall be exercised and enforced in the manner prescribed in this Charter or, when not prescribed herein, in such manner as shall be provided by ordinance of the council. Notwithstanding the foregoing provisions of this section, the enumeration of specific powers in this Charter shall not limit any powers otherwise conferred upon the city by this Charter, except insofar as a specific and contrary intention to limit the powers of the city may be expressed in this Charter.

Editor's note— For current provisions pertaining to the statutory citations in the above section, see V.T.C.A., Local Government Code ch. 9, and other statutes referred to in V.T.C.A., Master Disposition Table.

Sec. 1.04. - Regulation of streets and public property.

The city shall have exclusive dominion, control and jurisdiction in, upon, over and under the public streets, sidewalks, alleys, public squares and public ways within the corporate boundaries of the city and in, upon, over and under all public property of the city. With respect to each and every public street, sidewalk, alley, highway, public square, public park or other public way within the corporate boundaries of the city, the city shall have the power to establish, maintain, improve, alter, abandon or vacate the same; to regulate, establish or change the grade thereof; to control or regulate the use thereof; and to abate or remove in a summary manner any encroachment thereon.

Sec. 1.05. - Street development and improvement.

The city shall have the power to develop or improve, or cause to be developed or improved, any or all public streets, sidewalks, alleys, highways and other public ways within the corporate boundaries of the city by laying out, opening, narrowing, widening, straightening, extending, lighting or establishing building lines along the same; by purchasing, condemning or taking property therefor; by filling, grading, raising, lowering, paving, repaving or repairing the same in a permanent manner; and by constructing, reconstructing, altering, repairing or realigning curbs, gutters, drains, sidewalks, culverts and other appurtenances and incidentals in connection with such development or improvement herein authorized, or any combination or part thereof. The cost of such development or improvement may be paid partly or entirely by assessments levied as a lien against the properties abutting thereon and against the owners thereof, and such assessments may be levied in any amount and under any procedure not prohibited by the laws of the State of Texas; provided, however, that no assessment shall be made against such land or owners thereof in excess of the enhancement in value of such property occasioned by such improvement.

If improvements are ordered constructed in any part of such area used or occupied by the tracks or facilities or [of] any railway or public utility, the council shall have the power to assess the whole cost of improvements in such area and the added costs of improvements in areas adjacent thereto made necessary by such use or occupancy against such railway or public utility, and shall have power by ordinance to provide for the enforcement of such assessment.

As an alternate and cumulative method of developing, improving or paving any or all public streets, sidewalks, alleys, highways and other public ways within its corporate boundaries, the city shall have the power and authority to proceed in accordance with Chapter 108, page 489, Acts of the Fortieth Legislature of the State of Texas, First Called Session, 1927, the same being compiled as Vernon's Ann. Civ. St. art. 1105, as heretofore or hereafter amended.

Editor's note— For current statutory provisions pertaining to street improvements, see V.T.C.A., Transportation Code ch. 311 et seq.

Sec. 1.06. - Corporate boundaries and annexation.

The council shall have the power by ordinance to fix the corporate boundaries of the city and to provide for the alteration and extension of said corporate boundaries, the annexation of additional territory lying adjacent to the city, and the detachment or disannexation of territory, with or without the consent of the owners and inhabitants of the territory annexed, detached or disannexed, in any manner not inconsistent with the procedural rules prescribed by the laws of the State of Texas, including but not limited to Chapter 160, page 447, Article 1, Acts of the Fifty-eighth Legislature of the State of Texas, Regular Session, 1963, the same being the Municipal Annexation Act, compiled as Vernon's Ann. Civ. St. art. 970a, as heretofore or hereafter amended. Upon the final passage of any ordinance annexing territory, the corporate boundaries of the city shall thereafter include the territory annexed. When any additional territory has been annexed, the same shall be a part of the city; the property situated therein shall thereafter be subject to taxes levied by the city; and the inhabitants thereof shall be entitled to all of the rights and privileges of all citizens, and shall be bound by this Charter and the ordinances, resolutions, rules and regulations of the city. Upon the final passage of any ordinance detaching or disannexing territory from the city, the incorporated area of the city shall be reduced by the territory detached or disannexed.

Editor's note— For current statutory provisions pertaining to municipal annexations, see V.T.C.A., Local Government Code ch. 43.

Sec. 1.07. - Eminent domain.

The city shall have the full right, power and authority of eminent domain where necessary or desirable to execute any power conferred upon it by this Charter or by the Constitution or laws of the State of Texas, and may condemn either private or public property whether within or without the corporate boundaries of the city for such purposes, upon payment of fair compensation for the property taken. Such power may be exercised in any manner authorized by the Constitution or laws of the State of Texas, or as may be prescribed by ordinance. The power of eminent

domain hereby conferred shall include the right of the city to take the fee in the lands thus condemned. The city shall have and possess the power of eminent domain for any municipal or public purpose, even though not specifically enumerated in this Charter.

Sec. 1.09. - Reserved.

Editor's note— Ord. No. 2021-21, Exh. A, adopted May 10, 2021, repealed § 1.09, which pertained to the limitations on the power of council and derived from Ord. No. 2016-13, §§ 7 and 9(Exh. A), adopted May 16, 2016.

ARTICLE II. - THE COUNCIL

Sec. 2.01. - Number, selection and term of office.

The council shall be composed of a mayor and five (5) other councilmembers, each of whom, unless sooner removed under the provisions of this Charter or the laws of the State of Texas, shall serve for a term of two (2) years or until a successor has been elected and installed. The members of the council, other than the mayor, shall be elected to and occupy a place on the council, such places being numbered One, Two, Three, Four and Five, respectively. Places One, Four and Five on the council shall be filled by majority vote each even-numbered year, and places Two and Three on the council shall be filled by majority vote each odd-numbered year. The office of mayor shall be filled by majority vote each odd-numbered year.

No person shall serve more than three (3) consecutive two-year terms as mayor, nor more than four (4) consecutive two-year terms as councilmember or a combination of mayor/councilmember. Any portion of a term served shall count as one (1) term in calculating the total number of consecutive terms served. No person who has served four (4) consecutive terms as councilmember or mayor/councilmember shall hold office as mayor within the one-year period following the said four (4) terms of service.

(Ord. No. 93-6, § 1, 5-17-93; Ord. No. 2021-21, Exh. A, 5-10-21)

Sec. 2.02. - Qualifications and limitations.

Each member of the council shall be qualified to vote in city elections; shall be a resident of and have resided in the city for a continuous period of not less than one year preceding the date of election, or of appointment under Section 2.03 of this Charter; and shall not be in arrears in the payment of taxes to the city. No member of the council shall hold any other office or employment under the city government while a member of the council, nor shall any member of council hold any paid employment under the city government within two years thereafter. The council shall be the sole judge of the qualifications and election of its members.

Sec. 2.03. - Vacancies.

Vacancies on the council arising from any cause shall be filled by a vote of the council. The person appointed to fill any such vacancy shall possess all qualifications required for the office. There shall not be more than one (1) appointee on [the] council at any given time. If two (2) or more vacancies, or one (1) or more vacancies together with

one (1) appointee exist at the same time, a special election shall be called to fill said vacancies and replace said appointee. However, if such vacancies occur within one hundred twenty (120) days of a regular election, such vacancies shall be filled by appointment by vote of the council. A council position filled by appointment shall be filled by election at the next city general election for the remaining year of the unexpired term or for the next full term, as the case may be. A member of the council shall be disqualified for office if the person fails to meet the qualifications of office or if the person is absent from three (3) consecutive or five (5) nonconsecutive regular council meetings per two-year term. Upon determination by vote of the council that a member of the council is disqualified for office, the office shall be vacant. No action taken by the council prior to such vote shall be invalid because of such disqualification.

(Ord. No. 93-6, § 1, 5-17-93; Ord. No. 2021-21, Exh. A, 5-10-21)

Sec. 2.04. - Compensation.

The mayor and other councilmembers shall be entitled to such compensation as may be established or changed from time to time by the council; provided, however, that no implementation or increase in compensation shall take effect until approved by a majority of the voters in the next regular city election. The mayor and other councilmembers shall be entitled, with approval by council, to reimbursement for reasonable expenses incurred in the performance of their official duties.

Sec. 2.05. - Mayor and mayor pro tem.

The mayor shall preside at all meetings of the council and shall be recognized as head of the city government for all ceremonial purposes, for the purpose of receiving service of civil process, for emergency purposes, and for military purposes; but the mayor shall have no regular administrative duties. The mayor shall perform other such duties and possess and exercise such other duty and authority as may be prescribed and conferred by the council. The mayor shall be entitled to vote only in case of a tie vote by the council. The mayor shall have no veto power.

At its first meeting following the general municipal election each year, the council shall elect one of its members as mayor pro tem, who shall hold such office during the pleasure of the council. The mayor pro tem shall act as mayor during the absence or disability of the mayor and shall have power to perform every act the mayor could perform; provided, however, that the mayor pro tem shall be entitled to vote upon all matters considered by the council. If the mayor and the mayor pro tem are absent from a meeting, the council shall elect an attending member to preside over such meeting.

Sec. 2.06. - Powers of the council.

All powers and authority which are expressly or impliedly conferred on or possessed by the city shall be vested in and exercised by the council; provided, however, that the council shall have no power to exercise those powers which are expressly conferred upon other city officers by this Charter.

Sec. 2.07. - Investigations.

The council shall have the power to investigate the official conduct of any department, agency, office, officer or employee of the city, and for such purpose shall have the power to administer oaths, subpoena witnesses, and compel the production of books, papers and other evidence material to the investigation. The council shall, by ordinance, provide penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish such contempt in the manner provided by such ordinance.

Sec. 2.08. - Interference in administrative or personnel matters.

Neither the council nor any of its members shall instruct or request the city manager or any of the city manager's subordinates to appoint to or remove from office or employment any person. Except for the purposes of investigation under Section 2.07 of this Charter or obtaining information, the council and its members shall deal with the administrative service of the city solely through the city manager and shall not give orders to any of the city manager's subordinates, either publicly or privately.

Sec. 2.09. - Meetings of the council.

There shall be at least one regular meeting of the council each month. All meetings shall be public, except where permitted by law to be closed in whole or part to the public, and shall be held at the city hall or other public place in the city. Special meetings may be called at any time by the city secretary upon request of the mayor, the city manager or three members of the council.

Sec. 2.10. - Rules of procedure.

The council may determine its own rules and order of business. A majority of the members of the council, excluding the mayor, shall constitute a quorum for all meetings for the transaction of all business. All actions of the council shall be by majority vote. The council may adopt such rules and prescribe such penalties as it may deem proper to enforce the attendance of its members at all regular and special meetings of the council or its committees. Minutes of all meetings of the council shall be taken and recorded, and such minutes shall constitute a public record.

Sec. 2.11. - Procedure to enact ordinances.

The council shall legislate by ordinance. The enacting clause of every ordinance shall be, "Be it ordained by the city council of the City of Jersey Village." Every ordinance enacted by the council shall be signed by the mayor, the mayor pro tem or by two members of the council and shall be filed with and recorded by the city secretary. Every ordinance shall take effect immediately upon its passage, unless otherwise provided by law or by the terms of such ordinance.

Sec. 2.12. - Publication of ordinances and other required public notices.

Except as otherwise required by law or this Charter, the city secretary shall give notice of the enactment of every ordinance imposing any penalty, fine or forfeiture for any violation of any of its provisions, and of every other ordinance required by law or this Charter to be published, by causing said ordinance, or its caption and penalty, to

be published (i) at least one time within ten (10) days after passage thereof in the official newspaper of the city or (ii) by posting on the municipal bulletin board for City Council agendas at City Hall and on the city's internet website continuously for twenty (20) days after passage. Except as otherwise provided by law or this Charter, any requirement of the city council, or any board, department or official of the city, to provide notice with respect to any real or personal property, act, event, hearing, or other occurrence, by advertisement or notice, publication of such advertisement or notice on the municipal bulletin board and on the city's internet website, continuously for at least seventy two (72) hours or for such other longer time frame for advertisement or prescribed by law, if any, shall be sufficient public notice. The affidavit of publication by the publisher of such newspaper, taken before any officer authorized to administer oaths and filed with the city secretary, shall be conclusive proof of the legal publication and promulgation of such ordinance in all courts.

(Ord. No. 2021-21, Exh. A, 5-10-21)

Sec. 2.13. - Code of ordinances.

The council shall have the power to cause all general ordinances of the city to be compiled and printed in code form. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the code. The council shall cause all general ordinances to be codified, recodified or reprinted whenever in its discretion such is deemed desirable, or when such codification, recodification or reprinting is required by law. When adopted by the council, the printed code of general ordinances contemplated by this section shall be in full force and effect without the necessity of such code or any part thereof being published in any manner. The caption, descriptive clause or other formal parts of the ordinances of the city may be omitted without affecting the validity of such ordinances when they are published as a code.

Sec. 2.14. - Official bonds for city employees.

Such city officers and employees as the council may require shall, before entering upon the duties of their offices or employment of the city, enter into good and sufficient fidelity bonds acceptable to the council and in sums to be determined by the council, payable to the city and conditioned upon the faithful discharge of the duties of such persons and upon the faithful accounting of all monies, credits and things of value coming into the hands of such persons. Such bonds shall be signed as surety by companies authorized to do business under the laws of the State of Texas, and the premiums on such bonds shall be paid by the city.

Sec. 2.15. - Audit and examination of city books and accounts.

The council shall cause an annual audit to be made of the books and accounts of the city. At the close of each fiscal year, a complete audit shall be made by a certified public accountant, who shall be selected by the council. Such audit shall include a recapitulation of all audits made during the course of the fiscal year. All audit reports shall be filed with the council, shall be available for public inspection, and shall be made a part of the official records of the city. Such accountant shall not maintain or keep any of the city's accounts or records nor be an officer or employee of the city.

ARTICLE III. - ELECTIONS

Sec. 3.01. - Regular elections.

The regular election of members of the council to the positions to be filled on the council shall be held on the first election date authorized by state law on or after the first day of April of each year at a place or places designated by the council by ordinance. At every such election such voter shall not vote for more than one (1) candidate for each council position to be filled. Such election shall be ordered by the mayor, and in the event of the mayor's failure to order the same, the council shall make such order. In the event of the failure of the mayor and the council to so act, such election may be called by the city secretary; and in the event of the city secretary's failure to act, by the County Judge of Harris County, Texas; and in the event of the County Judge's failure to act, by the Governor of the State of Texas. The city secretary shall give such notice of the election as may be prescribed by law.

(Ord No. 93-6, § 1, 5-17-93; Ord. No. 2021-21, Exh. A, 5-10-21)

State Law reference— Uniform election dates, V.T.C.A., Election Code § 41.001.

Sec. 3.02. - Special elections.

The council may by ordinance or resolution call such special elections as are authorized by the Constitution and laws of the State of Texas or by this Charter; fix the date, time and place of holding same; and provide all means for holding such special elections; provided, however, that every special election shall be called and held as nearly as practicable according to the provisions governing regular elections.

Sec. 3.03. - Filing for office.

Any person qualified to serve under the provisions of Article II hereof may be a candidate for election to a position on the council. A person who desires to be a candidate for an elective position on the city council shall file an application with the city secretary within the time prescribed by law. Such application shall clearly designate the desired position on the council and shall contain a sworn statement by the person that the person is fully qualified under the Constitution and laws of the State of Texas and the provisions of this Charter to hold the office sought. The names of all candidates who have filed for office shall be printed on the official ballot by position without party designations, in an order as provided by law.

(Ord. No. 2021-21, Exh. A, 5-10-21)

Sec. 3.04. - Elections by majority and runoff elections.

At every election to fill one or more positions on the council, election to each position shall be by a majority of all the votes cast at such election for such position. In the event no candidate receives a majority of all the votes cast at such election for any such position, immediately upon declaring the official results of the election, the mayor or the council shall order a runoff election for every position to which no person was elected. The city secretary shall give notice of such runoff election as may be prescribed by law. The two candidates who received the highest number of

votes for any position to which no person was elected in the election shall be voted on in the runoff election, appearing on the runoff ballot in the same order as they appeared on the ballot in the preceding election. The candidate who receives the majority of all the votes cast at such runoff election for such position shall be elected.

(Ord. No. 05-14, § 1, 5-16-05)

Sec. 3.05. - Notification and installation of elected officers.

The city secretary shall notify all persons elected to office of their election. All persons duly elected shall take office at the first meeting of the council following the runoff election, if one is required. If no runoff election is required, all of said officers shall take office at the first meeting of the council following the general election.

(Ord. No. 05-14, § 1, 5-16-05)

ARTICLE IV. - INITIATIVE, REFERENDUM AND RECALL

Sec. 4.01. - Power of initiative.

The people of the city reserve the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance (except annexation ordinances, zoning ordinances, ordinances appropriating money or levying taxes, ordinances repealing zoning ordinances, or ordinances repealing ordinances appropriating money or levying taxes) not in conflict with this Charter or the Constitution or laws of the State of Texas. Any initiated ordinance may be submitted to the council by a petition signed by at least fifteen (15) percent of the qualified voters of the city.

Sec. 4.02. - Power of referendum.

The people of the city reserve the power to approve or reject at the polls any legislation enacted by the council which is subject to the initiative process under this Charter, except that ordinances authorizing the issuance of either tax or revenue bonds, whether original or refunding bonds, shall not be subject to such referendum. Prior to or within sixty (60) days after the effective date of any ordinance which is subject to referendum, a petition signed by at least fifteen (15) percent of the qualified voters of the city may be filed with the city secretary requesting that any such ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified in writing as sufficient by the city secretary, the ordinance specified in the petition shall not go into effect, or further action thereon shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

Sec. 4.03. - Form of petitions.

An initiative petition and a referendum petition shall meet the requirements for petitions of the Texas Election Code.

(Ord. No. 05-14, § 1, 5-16-05)

Sec. 4.04. - Filing, examination and certification of petitions.

Within thirty (30) days after an initiative or referendum petition is filed, the city secretary shall examine the petition and certify as to its sufficiency. The city secretary shall declare void any petition which does not have an affidavit attached thereto as required in Section 4.03 of this Article. In examining the petition, the city secretary shall write the letters "D.V." (declared void) in red ink opposite the names of signatories found not qualified. If the city secretary certifies the petition as insufficient, the city secretary shall notify the petitioner in writing. Such insufficient petition may be amended within forty-five (45) days from the date of original filing by submitting a supplementary petition upon additional papers signed and filed as provided for in the original petition. Within thirty (30) days after such amendment is filed, the city secretary shall examine the amended petition and certify as to its sufficiency. If the amended petition is then found to be insufficient, no further proceedings shall be had with regard to it. The city secretary shall report the status of any petition to the council at each regular council meeting.

Sec. 4.05. - Council consideration and submission to voters.

When the council receives an authorized initiative petition certified in writing by the city secretary to be sufficient, the council shall (a) pass the initiated ordinance without amendment within thirty (30) days after the date of presentation of written certification to the council; or (b) submit said initiated ordinance without amendment to a vote of the qualified voters of the city at a regular or special election to be held on the first election day permitted by law which is not less than thirty (30) days after the date of presentation of written certification to the council; or (c) submit to a vote of the qualified voters of the city said initiated ordinance, without amendment, and an alternative ordinance on the same subject proposed by the council. Should both such ordinances be approved by a majority of the votes cast at such election, the ordinance receiving the higher number of votes shall become effective as an ordinance of the city; the other ordinance shall be deemed rejected and shall not become effective.

When the council receives an authorized referendum petition certified in writing by the city secretary to be sufficient, the council shall reconsider the referred ordinance. If upon reconsideration such ordinance is not repealed within thirty (30) days, it shall be submitted to the qualified voters of the city at a regular or special election to be held on the first election day permitted by law which is not less than thirty (30) days after the date of presentation of written certification to the council.

Special elections on initiated or referred ordinances shall not be held more frequently than once each six months. No ordinance on the same subject as an initiated ordinance which has been defeated or on the same subject as a referred ordinance which has been approved at any election may be initiated or referred by the voters within two years from the date of such election.

Sec. 4.06. - Results of election.

Any number of ordinances may be voted on at the same election in accordance with the provisions of this article. If a majority of the votes cast is in favor of an initiated ordinance, it shall thereupon be effective as an ordinance of the city. An ordinance thus adopted may be repealed or amended at any time after the expiration of one year by

vote of the council. A referred ordinance which is rejected by a majority of the votes cast in a referendum election shall be deemed thereupon repealed. An ordinance thus rejected may be reenacted at any time after the expiration of one year by vote of the council.

Sec. 4.07. - Power of recall.

The people of the city reserve the power to recall any elected officer of the city and may exercise such power by filing with the city secretary a petition, signed by at least thirty (30) percent of the qualified voters of the city, demanding the removal of such elected officer. The petition shall be signed and verified in the manner required for an initiative petition.

Sec. 4.08. - Recall election.

The provisions of this article regulating examination, certification and amendment of initiative petitions shall apply to recall petitions. If the petition is certified in writing by the city secretary to be sufficient, the council shall order and hold an election within forty-five (45) days to determine whether such officer shall be recalled.

Sec. 4.09. - Results of recall election.

If the majority of the votes cast at a recall election are for the recall of the officer named on the ballot, the office shall be vacant and shall be filled as specified in Article II of this Charter. An officer thus removed shall not be eligible to hold elective or appointive office in the city for a period of two years from the date of such recall election.

(Ord. No. 2021-21, Exh. A, 5-10-21)

Sec. 4.10. - Limitation on recall.

No recall petition shall be filed against an officer within six months after the person takes office, and no officer shall be subjected to more than one recall election during any one term of office.

(Ord. No. 2021-21, Exh. A, 5-10-21)

ARTICLE V. - ADMINISTRATIVE ORGANIZATION

Sec. 5.01. - City manager.

The council shall appoint a city manager, who shall be the chief administrative and executive officer of the city. The city manager shall be chosen by the council on the basis of the person's executive and administrative training, experience and ability.

The city manager shall be appointed for an indefinite term, and may be removed at the will of the council. The decision of the council as to such appointment or removal shall be final. The city manager shall receive such compensation as may be fixed by the council. No member of the council shall, during the term for which the member is elected and for two years thereafter, be chosen as city manager.

By letter filed with the city secretary, the city manager may designate, subject to council approval, a qualified city administrative officer to be acting city manager during the city manager's temporary absences or disabilities. The council may revoke such designation at any time and appoint another person acting city manager to serve during such times; and if the city manager fails to make such designation, the council may appoint an acting city manager to serve during such times. The council may remove an acting city manager at any time.

(Ord. No. 2021-21, Exh. A, 5-10-21)

Sec. 5.02. - Powers and duties of city manager.

The city manager shall be responsible to the council for the efficient and economical administration of the city government. Except as otherwise provided by this Charter, the city manager shall have the authority to hire and terminate all employees of the city. The city manager may authorize the head of any department to appoint and remove subordinates in that department. Except for the purposes of investigation under Section 2.07 of this Charter or of obtaining information, the council and its members shall deal with employees through the city manager.

The city manager shall:

- (1) Prepare and submit annually to council a proposed budget and administer the budget after its adoption;
- (2) Advise the council of the financial condition and future financial needs of the city;
- (3) Recommend to the council the salaries to be paid to each appointed officer and employee of the city;
- (4) Recommend to the council in writing actions or policies the city manager considers desirable;
- (5) Attend all meetings of the council, with the right to take part in discussion but with no vote;
- (6) Administer the enforcement of all city ordinances; and
- (7) Perform all other duties directed by the council and not inconsistent with this Charter.

(Ord. No. 05-14, § 1, 5-16-05)

Sec. 5.03. - Administrative departments.

There shall be such administrative departments as are established by this Charter and as may be established by ordinance, all of which shall be under the control and direction of the city manager. The council may abolish or combine one or more departments, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

Sec. 5.04. - Directors of departments.

At the head of each department there shall be a director. Such directors shall have supervision and control over their respective departments and may serve as chiefs of divisions within their respective departments. Two or more departments may be headed by the same individual, and the city manager may head one or more departments.

Sec. 5.05. - City secretary.

The council shall appoint a city secretary. The city secretary shall be entitled to compensation for services as established by the council and shall serve at the pleasure of the council. With approval of the council, the city secretary shall appoint assistant city secretaries in number as approved by the council. The city secretary or an assistant city secretary shall give notice of council meetings; shall keep the minutes of proceedings of council meetings; shall authenticate by signature and record in full, in a book kept and indexed for that purpose, all ordinances and resolutions; shall hold and maintain the city seal, and affix the seal to all instruments requiring it; and shall perform other duties required by the council, city manager, this Charter or the laws of the State of Texas.

(Ord. No. 05-14, § 1, 5-16-05)

Sec. 5.06. - City attorney.

The council shall appoint an attorney, licensed to practice law in the State of Texas, to be the city attorney. The city attorney shall be entitled to compensation for services as established by the council and shall serve at the pleasure of the council. The city attorney, or other attorneys selected by the city attorney with approval of the council, shall represent the city in all litigation and other legal matters. The city attorney shall be the legal advisor to the city and counsel for the city and all its officers and departments in the conduct of city business. The council may retain special counsel at any time it deems the same appropriate or necessary.

(Ord. No. 05-14, § 1, 5-16-05)

Sec. 5.07. - Municipal court.

There is established and shall be maintained a court or courts, designated the "Municipal Court of the City of Jersey Village," for the trial of misdemeanor offenses with all powers and duties granted by the laws of the State of Texas.

The judge(s) of each court shall be appointed by the council for a term of office of two years beginning on January 1 of even-numbered years. Any such judge may be removed from office by the council for incompetency, misconduct or malfeasance. Each such judge shall be an attorney licensed to practice law in the State of Texas and shall be entitled to compensation as established by the council.

There shall be a municipal court clerk appointed by the council for a term of two years to run concurrently with the term of the judge. Such clerk and any deputy clerks appointed by the clerk, with approval of the council, shall have the power to administer oaths, make certificates, affix the seal of the court, and perform all acts usual and necessary in issuing process and conducting business of the court.

(Ord. No. 05-14, § 1, 5-16-05)

ARTICLE VI. - FINANCE

Sec. 6.01. - Fiscal year.

The fiscal year of the city shall be as established by ordinance of the council. In the event the council does not thus establish the fiscal year, the fiscal year of the city shall begin on the first day of each October and end on the last day of September of the following year. All funds collected by the city during any fiscal year, including both current and delinquent revenues, shall belong to such fiscal year and, except for funds derived to pay interest and create a sinking fund on the bonded indebtedness of the city, may be applied to the payments of expenses incurred during such fiscal year, except as provided in this Charter. Any revenues uncollected at the end of any fiscal year, and any unencumbered funds actually on hand, shall become resources of the next succeeding fiscal year.

Sec. 6.02. - Annual budget.

The annual budget must specify appropriations for capital expenditures and for expenditures directed by council for services and for the operation of the city. It must comply with fund requirements of bond covenants. City department directors and officers shall submit budget requests for the next fiscal year to and as directed by the city manager for review and consolidation. The city manager shall submit a proposed annual budget to the council at least forty-five (45) days prior to the end of each fiscal year.

Before taxes are levied, but after a public hearing or hearings, [the] council shall adopt an annual budget. [The] council may amend the proposed budget, but shall not delete or decrease appropriations required for debt service, and shall not authorize expenditures in excess of the total of estimated income plus funds available from earlier years.

If the council fails to adopt an annual budget before the start of the fiscal year to which it applies, appropriations of the last budget adopted shall be considered as adopted for the current fiscal year on a month to month, pro rata basis until the annual budget is adopted.

State Law reference— Municipal budget, V.T.C.A., Local Government Code ch. 102.

Sec. 6.03. - Appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. Except as provided in this article, no funds of the city shall be expended, nor shall any obligation for the expenditure of money be incurred, except pursuant to the annual appropriation ordinance provided for in this article. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the fund from which appropriated and become available for reappropriation for the next fiscal year. The council may transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another, at any time. The city manager shall have authority, without council approval, to transfer appropriation balances from one expenditure account to another within a single office, department or agency of the city.

Sec. 6.04. - Contingent appropriation.

Provision shall be made in the annual budget for a contingent appropriation in an amount not more than ten (10) percent of the total budget. Such contingent appropriation shall be under the control of the city manager and distributed by the city manager, after approval by the council. Expenditures from this appropriation shall be made only in the event of established emergencies, and a detailed account of such expenditures shall be recorded and reported.

Sec. 6.05. - Borrowing in anticipation of property taxes.

In any fiscal year, in anticipation of the collection of the ad valorem property tax for such year, whether levied or to be levied in such year, the council may by ordinance or resolution authorize the borrowing of money, not to exceed in any fiscal year an amount equal to ten (10) percent of the budget for such fiscal year. Such borrowing shall be by the issuance of negotiable notes of the city, each of which shall be designated "tax anticipation note for the year ___ " (stating the tax year). Such notes shall mature and be payable not later than the end of the fiscal year in which issued, and may be secured by the pledge of the ad valorem property taxes for such year.

Sec. 6.06. - General obligation bonds.

The city shall have the power to borrow money on the credit of the city and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by the Constitution and laws of the State of Texas, and to issue refunding bonds to refund outstanding bonds of the city previously issued. All such bonds shall be issued in conformity with the laws of the State of Texas.

(Ord. No. 05-14, § 1, 5-16-05)

Sec. 6.07. - Revenue bonds.

The city shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the Constitution or laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable solely from the properties, or interest therein, pledged, or the income therefrom, or both, and shall never be a debt of the city. All such bonds shall be issued in conformity with the laws of the State of Texas.

(Ord. No. 05-14, § 1, 5-16-05)

Sec. 6.08. - Sale of bonds.

No bonds (other than refunding bonds issued to refund and in exchange for previously issued outstanding bonds) issued by the city shall be sold for less than ninety-five (95) percent of par value and accrued interest. All bonds of the city having been issued and sold in accordance with the terms of this section, and having been delivered to the purchasers thereof, shall thereafter be incontestable, and all bonds issued to refund and in exchange for outstanding bonds previously issued shall, after said exchange, be incontestable.

(Ord. No. 05-14, § 1, 5-16-05)

ARTICLE VII. - TAXATION

Sec. 7.01. - Powers of taxation.

The city, for any municipal purpose, shall have the power to levy, assess and collect taxes of every type and character not prohibited by the Constitution or laws of the State of Texas.

Sec. 7.02. - Arrears of taxes offset to debt against city.

The city shall be entitled to counterclaim and offset against any debt, claim, demand or account owed by the city to any person, firm or corporation who or which is in arrears to the city for taxes, in the amount of taxes in arrears. No assignment or transfer of such debt, claim, demand or account after the said taxes are due shall affect the right of the city to so offset the said taxes against the same.

ARTICLE VIII. - FRANCHISES AND PUBLIC UTILITIES

Sec. 8.01. - Inalienability of control of public property.

The right of control and use of the public streets, highways, sidewalks, alleys, parks, public squares and public places of the city is hereby declared to be inalienable by the city, except by ordinances not in conflict with the provisions of this Charter. No act or omission by the council or any officer, employee or agent of the city shall be construed to grant, renew, extend or amend, expressly or by estoppel or implication, any right, franchise, or easement affecting said public streets, highways, sidewalks, alleys, parks, public squares, public places or other real property, except as provided in this Charter.

Sec. 8.02. - Power to grant franchise.

The council shall have the power by ordinance to grant, renew or extend franchises of all public utilities of every character operating within the city and, with the consent of the franchise holder, to amend the same. However, no franchise shall be granted for an indeterminate term, and no franchise shall be granted for a term of more than fifty (50) years.

State Law reference— Public Utility Regulatory Act of 1995, Vernon's Ann. Civ. St. art. 1446c-O.

Sec. 8.03. - Ordinance granting franchise.

Every ordinance granting, renewing, extending or amending a public utility franchise shall be read at three regular meetings of the council prior to approval. Within ten (10) days following the first reading of the ordinance, the full text thereof shall be published in the official newspaper of the city, and the cost of such publication shall be paid by the prospective franchise holder.

Sec. 8.04. - Transfer of franchise.

No public utility franchise shall be transferred or assigned by the holder thereof except with the approval of the council expressed by ordinance.

ARTICLE IX. - MISCELLANEOUS PROVISIONS

Sec. 9.01. - Official oath.

Before entering upon the duties of their respective offices, all officers of the city shall take and subscribe the official oath prescribed in the Constitution of the State of Texas.

(Ord. No. 05-14, § 1, 5-16-05)

Sec. 9.02. - Public records.

All public records of every office, department, agency or other entity of the city shall be open to inspection by any citizen at all reasonable times; provided that any records not required by law to be available for public inspection shall not be considered public records for the purpose of this section.

(Ord. No. 05-14, § 1, 5-16-05)

Sec. 9.03. - Official newspaper.

The council shall have power to contract with, and by ordinance or resolution designate, a public newspaper of general circulation in the city as the official newspaper thereof and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices and other matters required to be published by this Charter, by the ordinances of the city, or by the Constitution or laws of the State of Texas.

(Ord. No. 05-14, § 1, 5-16-05)

Sec. 9.04. - Tort liability.

Before the city shall be liable for damages for the death or personal injuries of any person or for damages to or destruction of property of any kind, which does not constitute a taking or damaging of property under Article I, Section 17, Constitution of the State of Texas, the person injured, if living, or the person's legal representatives, if deceased, or the parent or guardian of a minor child, or the owner, the owner's agent or attorney of the property damaged or destroyed, shall give the city manager notice in writing of such death, injury, damage or destruction, duly verified by affidavit, within six months after same has been sustained, stating specifically in such written notice when, where and how the death, injury, damage or destruction occurred, and the apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number at the date the claim is presented, the actual residence of such claimant for six months immediately preceding the occurrence of such death, injury, damage or destruction, and the names and addresses of all witnesses upon whom it is relied to establish the claim for damages. The failure to so notify the city manager within the time and manner specified

herein shall exonerate, excuse and exempt the city from any liability whatsoever. No act of any officer, employee or agent of the city shall waive compliance, or preclude the city from requiring compliance, with the provisions of this section as to notice.

(Ord. No. 05-14, § 1, 5-16-05; Ord. No. 2021-21, Exh. A, 5-10-21)

State Law reference— Notice of claim, V.T.C.A., Civil Practice and Remedies Code § 101.101.

Sec. 9.05. - Assignment, execution and garnishment.

The property, real and personal, belonging to the city shall not be liable for sale or appropriation under any writ of execution. The funds belonging to the city, in the hands of any person, firm or corporation, shall not be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the city nor any of its officers, employees or agents shall be required to answer any such right of garnishment on any account whatever. The city shall not be obligated to recognize any assignment of wages or funds by any of its officers, employees, agents or contractors.

(Ord. No. 05-14, § 1, 5-16-05)

Sec. 9.06. - Security or bond not required.

It shall not be necessary in any action, lawsuit or proceeding, in which the city shall be a party, for any bond, undertaking or security to be executed on behalf of the city; but all actions, lawsuits, and proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given. The city shall have all remedies by appeal, as provided by law, to all courts of this state without bond or security of any kind. For all the purposes of such actions, lawsuits, proceedings and appeals, the city shall be liable in the same manner, and to the same extent, as if the bond, undertaking or security in ordinary cases had been given and executed.

(Ord. No. 05-14, § 1, 5-16-05)

Sec. 9.07. - Personal interest in city business.

No member of the council or employee of the city shall personally engage in any business with the city nor shall have any financial interest, direct or indirect, in any commercial entity doing business with the city. The provisions of this section relating to financial interest in such commercial entity shall not apply when the ownership share of such councilmember or city employee is less than one percent of such entity. Any willful violation of this section shall constitute malfeasance in office, and any such councilmember or city employee guilty thereof shall thereby forfeit the person's position or employment. Any violation of this section with the express or implied knowledge of the person or entity doing business with the city shall render the contract voidable by the council.

(Ord. No. 05-14, § 1, 5-16-05; Ord. No. 2021-21, Exh. A, 5-10-21)

Sec. 9.08. - Health, life and accident insurance for city employees.

The council shall have the power, exercisable in its discretion, and subject to such limitations and regulations as it shall deem proper, to create, operate, amend and contract for an insurance plan or plans covering health, life and accident insurance, or any of them, for any or all city employees and their dependents, and to pay the premiums, or a portion thereof, therefor.

(Ord. No. 05-14, § 1, 5-16-05)

Sec. 9.09. - Boards, agencies and commissions.

The council shall have the authority to establish by ordinance such boards, agencies and commissions as it may deem necessary or desirable for the conduct of the city's business and the management of its affairs. The membership, authority, duties, functions and responsibilities of such boards, agencies and commissions shall be such as are specified by ordinance. The authority, duties, functions and responsibilities thus granted to and conferred on such boards, agencies and commissions shall not be incompatible with the provisions of this Charter and shall in no manner conflict with, usurp or transfer any privilege, authority, duty, function or responsibility specifically granted herein or by the laws of the State of Texas to another office, board, agency or commission of the city.

(Ord. No. 05-14, § 1, 5-16-05)

Sec. 9.10. - Judicial notice.

This Charter shall be deemed a public act; shall have the force and effect of a general law; may be read in evidence without pleading or proof; and judicial notice shall be taken hereof in all courts and places without further proof.

(Ord. No. 05-14, § 1, 5-16-05)

Sec. 9.11. - Severability clause.

If any section or part of a section of this Charter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not invalidate or impair the validity, force or effect of any other section or part of a section of this Charter.

(Ord. No. 05-14, § 1, 5-16-05)

Sec. 9.12. - Effect of headings and numeration.

All headings and numeration in this Charter for its respective articles, sections and subsections are provided for the sole purpose of convenient reference, and shall have no substantive legal effect.

(Ord. No. 05-14, § 1, 5-16-05)

Sec. 9.13. - Charter amendment.

This Charter may be amended in accordance with the Constitution and laws of the State of Texas.

(Ord. No. 05-14, § 1, 5-16-05)

Sec. 9.14. - Charter review commission.

The council shall appoint a Charter review commission ("commission") no later than July 1996 and at least every four (4) years thereafter. The commission shall consist of seven (7) members and three (3) alternate members, all to be citizens of the City of Jersey Village.

(a) *Duties of the commission:*

- (1) Inquire into the operation of the city government under the provisions of the Charter. To this end, public hearings may be held and the commission shall have the power to request the attendance of any officer or employee of the city and require the submission of any of the city records deemed necessary to conduct such hearing.
- (2) Propose any recommendations deemed desirable to ensure compliance with the provisions of the Charter by the several departments of the city government.
- (3) Propose, if desirable, amendments to the Charter to improve the effective application of the Charter to current conditions.
- (4) Report its finding(s) and proposed amendments, if any, to the council.

(b) *Action by the council:* The council shall receive and publish any report presented by the commission.

(c) *Term of office:* The term of office of such commission shall be six (6) months or longer if extended by the council and, at the completion of such term, a report of the proceedings of the commission shall be filed with the city secretary and shall become public record.

(Ord. No. 93-6, § 1, 5-17-93; Ord. No. 05-14, § 1, 5-16-05)

CHARTER COMPARATIVE TABLE

This table shows the disposition of legislation affecting the Home Rule Charter of the City of Jersey Village, Texas.

Ordinance Number	Adoption Date	Referendum Date	Section	Disposition
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86-7	8-18-86	8- 9-86	1		<u>§§ 1.01—1.07, 2.01—2.15, 3.01—3.09, 4.01—4.10, 5.01—5.08, 6.01—6.10, 7.01—7.02, 8.01—8.04, 9.01—9.16</u>
93-6	5-17-93	5- 1-93	1		<u>§§ 2.01, 2.03, 3.01, 5.05.2, 5.05.5, 9.17</u>
05-14	5-16-05	5- 7-05	1		<u>§§ 3.04—3.09, 4.03, 5.02—5.08, 6.06—6.10, 9.01—9.17</u>
2016-13	5-16-16	5- 7-16	7, 9 (Exh. A) Added		<u>§ 1.09</u>
2021-21	5-10-2021	5- 1-2021	Exh. A	Rpld	1.08, <u>1.09</u>
			Exh. A		<u>2.01</u>
					<u>2.03</u>
					<u>2.12</u>
					<u>3.01</u>
					<u>3.03</u>
					<u>4.09, 4.10</u>
					<u>5.01</u>
					<u>9.04</u>
					<u>9.07</u>

SPECIAL SESSION CITY COUNCIL MEETING PACKET FOR THE MEETING ON OCTOBER 15, 2024

MINUTES OF THE MEETING FOR THE 2024 CHARTER REVIEW COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON SEPTEMBER 4, 2024, AT 6:00 P.M.

The meeting was called to order by Lorri Coody, City Secretary at 6:00 p.m. The following Commissioners were present for the first meeting:

Rick Faircloth		Denise Reaneau	
Simon Hughes		Ashley Hart	
Erik Robertson		Sean Anger	
Beatriz Menendez		William Walker	A1
Brian McCauley	A2	Sharon Barclay	A3

City Staff attending the meeting were City Secretary, Lorri Coody and City Attorney, Justin Pruitt.

B. Citizens' Comments - Any person who desires to address the 2024 Charter Review Commission regarding an item on the agenda will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and Charter Review Commissioners are not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the Commission.

There were no Citizens' Comments.

C. Discussion with the City Attorney on the process involved in amending the City Charter.

City Attorney Justin Pruitt gave an overview of the process. Each meeting is subject to the Texas Open Meetings Act. He explained this process.

City Attorney Pruitt explained that according to our City Charter, City Council must appoint a Charter Review Commission at least every four (4) years.

A Charter for Texas cities is their Constitution. He explained that there are two types of Texas Cities. General Law and Home Rule Cities. Home Rule Cities are governed by a City Charter. He explained the difference between the two types of cities.

Our Charter is fairly general and similar to what most other cities in Texas follow. However, some cities have very specific, issue driven provisions. He gave an example of this type of Charter.

The Texas Constitution only allows Charter amendments every two (2) years. He explained that the Commission is created to review the Charter and make recommendations, if any, for amendments.

February 15, 2025, is the last day that any amendments can be placed on the ballot for the May 2025 Election. There were questions about the end process. It was explained that in conducting your review, you will make a report of your findings and recommended amendments to City Council. Upon receiving the recommendation for any amendments, Council has no obligation to move forward with the amendments.

The duties of the Charter Review Commission are spelled out in Section 9.14 of the Charter and include the following:

- 1) Inquire into the operation of the city government under the provisions of the Charter. To this end, public hearings may be held and the commission shall have the power to request the attendance of any officer or employee of the city and require the submission of any of the city records deemed necessary to conduct such hearing.
- 2) Propose any recommendations deemed desirable to ensure compliance with the provisions of the Charter by the several departments of the city government.
- 3) Propose, if desirable, amendments to the Charter to improve the effective application of the Charter to current conditions.
- 4) Report its finding(s) and proposed amendments, if any, to the council.

City Attorney Pruitt explained how amendments will appear on the Ballot. There were questions about agenda postings and how residents know about the meetings. City Attorney Pruitt explained that our agendas will be posted 72 hours prior to the meeting date to put residents on notice.

Following the explanation, the Commission discussed the review process and the public comment process.

There were questions about what types of changes can be made to which City Attorney Pruitt responded accordingly.

With no further discussion or questions, City Secretary, Lorri Coody called the next item on the agenda as follows:

D. Discussion with possible action concerning organizational matters, including but not limited to, Election of Officers, establishment of meeting times and places, and committee procedures.

Election of Officers

Commissioner Sharon Barclay nominated Commissioner Rick Faircloth to serve as Chairman of the Commission. With no other nominations, the vote follows:

Ayes: Commissioners Faircloth, Reaneau, Hughes, Hart, Robertson, Anger, and Menendez

Nays: None

The nomination passed.

Having been elected to serve as Chairman, Commissioner Faircloth called for nominations for the position of Vice Chairman.

Commissioner Simon Hughes nominated Commissioner Ashley Hart to serve as Vice Chair. With no other nominations, the vote follows:

Ayes: Commissioners Faircloth, Reaneau, Hughes, Hart, Robertson, Anger, and Menendez

Nays: None

The nomination passed.

Chairman Faircloth then called for discussion on the next organizational item as follows:

Meeting Schedule with Associated Items

After discussion, the following dates, times, and general meeting topics were agreed upon by the Commission:

Description of Activity	Meet Date	Time
Input from the public and Input from Staff concerning amendments to the Charter	September 25, 2024	6:00 PM
Input from City Council and begin work on Recommendation	October 9, 2024	7:00 PM
Prepare Recommendation	October 23, 2024	6:00 PM
Recommendation to City Council concerning Amendments to the Charter	November 19, 2024	6:00 PM

E. Review and consider possible amendments to the City’s current City Charter.

The Commission began a review of the Charter. City Attorney Pruitt explained that one bill was passed during the last legislative session that has come to be called the “Death Star Bill.” This Bill (HB 2127) seemed to address any Home Rule Charter stating that any area of law that the legislature has occupied would superseded any Home Rule Charter provision. The Bill has been challenged and has not yet been ruled upon. The Commission discussed how this Bill may or may not affect our City.

There was discussion about Section 1.05 and how the City pays for the construction and maintenance of City Streets. City Attorney Pruitt stated that there is a specific section in the Charter that addresses it (Section 6). He explained how bonds work and how certificates of obligation work. This section addresses the ability of Council to address funding for city services such as streets and improvements.

City Attorney Pruitt also explained the annual budget and the setting of a tax rate to support an approved budget (Section 6.02 Annual Budget). He also explained how Impact Fees work and how they support infrastructure for new development.

City Attorney Pruitt explained Section 1.07 – Eminent domain and the process for same.

Article II – The Council was reviewed and discussed. There was questions about should there be an area that is not addressed by the Charter, how would the issue be handled. City Attorney Pruitt explained that we would look to State Law for General Law Cities, Case Law, or other areas of law such as the State Constitution and Administrative Laws. The Commission discussed the wording that the Mayor Pro tem serves during the pleasure of City Council. All agreed that this wording seemed odd.

Elections were discussed and when they are held.

Article IV – Initiative, Referendum and Recall was reviewed and discussed. The petition from 2021 was discussed. The Commission wanted background information from that process and asked City Secretary, Lorri Coody to gather this information.

Article V – Administrative Organization was discussed. The role of the Assistant City Manager was discussed and whether the Charter needs to be amended to include this position. It was discussed that in the past the departments were delineated. Most members felt that it is best to not be too strict in this area; however, they would like the City Manager to address this area when he attends a future meeting.

Municipal Court was discussed as it relates to the appointment and removal of Judges. There were questions about the revenue that the Court collects and if it is enough to support the Court. The removal process was discussed.

The Commission took a short recess at 8:25 p.m. and reconvened at 8:30 p.m. with all members present.

The ability of City Council to enter into contracts was discussed. It is outlined in Section 1.03.

Article VII – Taxation was reviewed and discussed.

Article VIII – Franchise and Public Utilities was reviewed and discussed. City Attorney Pruitt explained the franchise process and gave examples of how these agreements are managed.

Article IX – Miscellaneous Provisions were reviewed and discussed. Tort Liability was discussed. City Attorney Pruitt explained the process. The six (6) month time frame was discussed. Some felt that we need to have this re-worded.

The Open Meetings Act will be followed for postings. City Attorney Pruitt explained what this means.

F. Adjourn

There being no further business on the Agenda, the meeting was adjourned at 8:49 p.m.

Lorri Coody, City Secretary

