

NOTICE OF PUBLIC MEETING  
THE FREEPORT CITY COUNCIL  
MONDAY, FEBRUARY 6<sup>TH</sup>, 2012, 6:00 P.M.  
FREEPORT MUNICIPAL COURT ROOM  
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.  
FREEPORT, TEXAS

AGENDA  
FORMAL SESSION

1. Call to Order.
2. Invocation
3. Pledge of Allegiance.
4. Consideration of approving the January 17th, 2011 Council Minutes.
5. Attending citizens and their business.
6. Consideration of receiving, discussing and approving the 6<sup>th</sup> propose amendment from the Charter Review Commission 2011-2012.
7. Consideration of approving Ordinance No. 2012-2299 calling the Annual General Election for the City of Freeport for the second Saturday in May 2012, being May 12<sup>th</sup>, 2012 at which the voters of said City residing in Wards A and C shall be permitted to vote for or against the candidates for positions A and C on the City Council of the City of Freeport.
8. Consideration of approving Ordinance No. 2012-2300 calling the Charter Review Amendment Election on the question of adopting all approved amendments to the Home Rule Charter of said City.
9. Consideration of authorizing the Mayor to sign a Joint Election Agreement and contract for Election Services.
10. Consideration of approving the final Fair Housing Activity Statement (FHA<sup>ST</sup>) for the Disaster Relief Program.
11. Consideration of authorizing the City Manager to sale 2 tracts of land in Abstract: A0033 S F Austin Tract 4 Acres 0.764 and A0033 S F Austin Tract 4 (und 1/3) Acres 0.220 Freeport and advertise for bids.
12. Consideration of rescheduling February 20th, 2012 Council Meeting to the February 21st due to President Day holiday.

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Tuesday, January 17<sup>th</sup>, 2012 at 6:05 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard for the purpose of considering the following agenda items:

City Council: Norma M. Garcia  
Michelle Kent  
Fred Bolton  
Nicolosa Mireles  
Sandra Barbree

Staff: Jeff Pynes, City Manager  
Gilbert Arispe, Asst. City Manager  
Wallace Shaw, City Attorney  
Delia Munoz, City Secretary  
Nat Hickey, Property Manager  
Kola Olayiwola, Building Official

Visitors: Jim Pirrung Dorothy Pirrung  
Edward Garcia Jerry Meeks  
Shannon Daughtry Shannon Averetts  
Roy Averetts

Call to Order.

Mayor Norma Garcia called the meeting to order at 6:05 p.m.

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma Garcia led the Pledge of Allegiance.

Consideration of approving the December 5th, 2011 Council Minutes.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting “aye”, Council unanimously approved the December 5<sup>th</sup>, 2011 Council Minutes.

Attending citizens and their business.

There were no comments

Consideration of receiving, discussing and approving a final report from the Charter Review Commission 2011-2012.

Mr. Pynes read out and reviewed the final report of the Charter Review Commission.

To the Honorable Mayor and City Council:

The Charter Review Commission for the June to December, 2011, term, having reviewed the Home Rule Charter of the City and having consulted with the City Manager, the City Attorney and others who are to be consulted, recommends the following changes be submitted to the citizens.

**First, consider amending the first sentence of Section 3.02 Qualifications to read:**

“The Mayor and each member of the City Council shall be a registered voter and a resident citizen of the City of Freeport for at least twelve (12) consecutive months and, in the case of members of City Council other than the Mayor, a resident of the Ward sought to be represented for at least six (6) consecutive months, immediately preceding his or her application to have his or her name placed on the official ballot and the filing of proof of his or her qualifications as required by law.”

Mr. Ed Garcia opposed the change from 6 months to 12 consecutive months.

On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved the first proposal to the Charter Review.

**Second, consider amending Item (m) of Section 3.07, Powers of the City Council, to read as follows:**

“(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.”

Note: The above rewording of Item (m) of Section 3.07 clarifies that the Compensation of officers mentioned in that item is the compensation of officers like the municipal court judge, etc. who are appointed.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved the second proposal to the Charter Review.

**Third, consider repealing Items (f) and (g) of Section 4.05, Municipal Court, and adding Item (c) to Section 4.02, Department of Police, to read as follows:**

"(c) The Chief of Police shall appoint one of the members of the Police Department to act a 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 him 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."

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved the third proposal to the Charter Review.

**Fourth, consider amending the first sentence of Section 4.07, Department of Health, to read as follows:**

"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."

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved the fourth proposal to the Charter Review.

**Fifth, considering amending Item (d) of Section 8.03, Planning Commission, to read as follows:**

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

On a motion by Councilwoman Barbree, seconded by Councilman Bolton , with all present voting "aye", Council unanimously approved the fifth proposal to the Charter Review.

**Sixth, amend the first sentence of Section 9.14, Contingent Appropriation, to read:**

"Provisions shall be made in the annual budget and in the appropriation ordinance for an appropriation of a reserve in an amount of not more than five per centum (5%) of the total budget, not to exceed eight million dollars, to be used by the City Manager, with the consent of the City Council, in case of unforeseen contingencies."

Ed Garcia asked why there was a need to raise the per centum from 3% to 5% of the total budget. Mr. Pynes answered that it was for unforeseen contingencies.

This item was reagenda.

Consideration of approving Ordinance No. 2012-2298, adopting the 2009 editions of the International Building Code, International Residential Code, International Mechanical Code, International Existing Building Code, International Property Maintenance Code, International Plumbing Code, International Fuel Gas Code, and International Energy Conservation Code and the 2008 Edition of the International Electrical Code, also known as the National Electrical Code.

Kola Olayiwola Building Official stated that the City has been mandated to adopt new codes in order to maintain a good standing on the “Building Code Effectiveness Grading Schedule Classification”.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting “aye”, Council unanimously approved Ordinance No. 2012-2298 adopting the 2009 editions of the International Building Code, International Residential Code, International Mechanical Code, International Existing Building Code, International Property Maintenance Code, International Plumbing Code, International Fuel Gas Code, and International Energy Conservation Code and the 2008 Edition of the International Electrical Code, also known as the National Electrical Code.

Consideration of approving Resolution No. 2012-2274 appointing qualified person(s) to the Senior Citizens Commission of the City.

On a motion by Councilwoman Mireles, seconded by Councilman Bolton, with all present voting “aye”, Council approved Resolution No. 2012-2274 appointing Sammy Troxell Moore and Ona Johnson to the Senior Citizens Commission of the City.

Consideration of authorizing the City Manager to sign a WEBQA Service Agreement to purchasing software for Code Enforcement & Building Department.

On a motion by Councilwoman Mireles, seconded by Councilwoman Barbree, with all present voting “aye”, Council approved the City Manager to sign a WEBQA Service Agreement to purchase software for Code Enforcement & Building Department.

Consideration of selling the city’s interest on Block 133, East ½ of Lot 9, Lot 10, Freeport Townsite, known as 1204 W. 5<sup>th</sup> Street, Id No. 4200-1357-000.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting “aye”, Council approved to reagendaed this item.

Consideration of approving a request from Chairperson Shannon Averett, to host the Veteran Day Parade in the City of Freeport on November 11th, 2012.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting “aye”, Council approved a request from Chairperson Shannon Averett to host the Veteran Day Parade in the City of Freeport on November 11th, 2012.

Mayor Norma Garcia closed the formal session and opened the Executive Session at 6:45 p.m.

Executive Session:

Section 551.071, Government Code

Consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matters in which his duty to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Government Code, to wit:

- Consultation with City Attorney

Mayor Norma Garcia closed the Executive Session and opened the Formal Session at 7:27 p.m.

Adjourn

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting “ay”, the meeting adjourned at 7:27 p.m.

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Mayor Norma M. Garcia  
City of Freeport

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City Secretary – Delia Munoz  
City of Freeport

Sixth, amend the first sentence of Section 9.14, Contingent Appropriation, to read:

"Provisions shall be made in the annual budget and in the appropriation ordinance for an appropriation of a reserve and or contingency allocation in the amount of not more than 5% of the total annual budget; however, the 5% may only be allocated annually under the condition the "undesignated" reserve/contingency funds in general revenue does not exceed eight million dollars. All reserve/contingency funds may only be used with the specific consent of the Mayor for unforeseen contingencies by the City Manager."

Respectfully submitted,

\_\_\_\_\_  
Sandra W. Wicke, Chairman

\_\_\_\_\_  
Jason Thompson, Member

\_\_\_\_\_  
Mingo Marquez, Jr., Vice Chairman

\_\_\_\_\_  
Dorothy Pirrung, Member

\_\_\_\_\_  
Lila Lloyd, Secretary

ORDINANCE NO. 2012-2299

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CALLING THE ANNUAL GENERAL ELECTION FOR THE CITY OF FREEPORT FOR THE SECOND SATURDAY IN MAY, 2012, BEING MAY 12, 2012, AT WHICH THE VOTERS OF SAID CITY RESIDING IN WARDS A AND C SHALL BE PERMITTED TO VOTE FOR OR AGAINST THE CANDIDATES FOR POSITIONS A AND C ON THE CITY COUNCIL OF THE CITY OF FREEPORT; PROVIDING POLLING PLACES FOR SAID ELECTION; ESTABLISHING THE QUALIFICATIONS FOR CANDIDATES FOR THE OFFICES TO BE VOTED UPON; PROVIDING FOR APPLICATIONS FOR CANDIDATES AND SPECIFYING A FILING DEAD LINE AND THE DATE WHEN FILING MAY BEGIN; PROVIDING FOR THE QUALIFICATION OF ELECTORS; APPOINTING THE OFFICERS OF SAID ELECTION AND DESIGNATING THE NUMBER OF CLERKS TO ASSIST IN CONDUCTING SAID ELECTION AND THE COMPENSATION TO BE PAID THE ELECTION JUDGE AND CLERKS; PROVIDING FOR EARLY VOTING; PROVIDING FOR RATIFICATION AND CONFIRMATION BY THE MAYOR OF SAID CITY OF THE ACTION TAKEN BY THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, pursuant to Section 3.01 of the Home Rule Charter of the City of Freeport, Texas ("the City"), MICHELLE KENT and NICOLASA (NICOLE) MIRELES were elected on the second Saturday in May, 2010, to Council Position A and Council Position C on the City Council of the City, respectively, for a two (2) year term each.

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

SECTION ONE--Election for Wards B and D Called.

Pursuant to said Section 3.01, the Mayor and City Council hereby order and ordain, respectively, that the election required to be held in the City for Council Positions A and C, now held by MICHELLE KENT and NICOLASA (NICOLE) MIRELES, respectively, be hold on the second Saturday in May of 2012, being May 12, 2012, between the hours of 7:00 o'clock a.m. and 7:00 o' k p.m., each election being for a term of two (2) years.



SECTION TWO--Municipal Polling Places

As provided in 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, for the purpose of the election called by this ordinance, there shall be two (2) municipal polling places, one located outside the City of Freeport at the Oyster Creek City Hall, located at 3210 FM 523 in the Village of Oyster Creek, Texas, where voters residing in Brazoria County Election Precinct 8 but also residing within the City shall vote on election day and one within the City of Freeport located at the Brazosport High School, John Magee Performance Center, 1800 West Second Street, Freeport, Brazoria County, Texas, where all other voters shall vote on election day.

SECTION THREE--Candidates, Applications and Filing Fees.

(a) Everyone who has attained the age of eighteen (18) years, who has resided within the incorporated limits of the City for a period of six (6) months immediately preceding the last day on which a candidate's application for a place on the ballot could be delivered to the City Secretary, as hereinafter provided, shall be eligible to become a candidate for the office of Mayor of the City by filing a sworn application, as hereinafter provided.

(b) Everyone who has attained the age of eighteen (18) years, who has resided within the incorporated limits of the City for a period of six (6) months immediately preceding the last day on which a candidate's application for a place on the ballot could be delivered to the City Secretary, as hereinafter provided, and who:

(1) resides in Ward A, as defined in said Ordinance No. 2002-2001, on the day such application is filed, shall be eligible to become a candidate for the office of Council Position A by filing a sworn application, as hereinafter provided; and,

(2) resides in Ward C, as defined in said Ordinance No. 2002-2001, on the day such application is filed, shall be eligible to become a candidate for the office of Council Position C by filing a sworn application, as hereinafter provided.

(c) Each candidates application shall be in writing, contain the matters set out in Section 141.031, Texas Election Code and be filed with the City Secretary of the City.

(d) An application may not be filed earlier than the ninety-eighth (98th) day before the day hereinabove specified for said election and must be filed not later than 5:00 o'clock p.m. of the sixty-eighth (68th) day preceding the day hereinabove specified for said election, being February 6, 2012, and March 5, 2011, respectively.

SECTION FOUR--Electors.

Every person eligible to vote under the provisions of Chapter 11 of Title 2 of the Texas Election Code who is a resident of the City and who is duly registered to vote in the county election precinct where and on the day on which he or she votes, shall be entitled to vote for or against the candidates for Council Position A if such voter resides in Ward A, as defined in said Ordinance No. 2002-2001, and for or against the candidates for Council Position C if such voter resides in Ward C, as defined in said Ordinance No. 2002-2001.

SECTION FIVE--Officers of Election and Compensation Thereof.

The Presiding Judge, Alternate Presiding Judge and clerks needed on the day of election for the election called by this ordinance, for the early ballot board and the central counting station shall be appointed, have the duties and be compensated as provided in 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.

SECTION SIX--Early Voting.

Early voting shall begin on April 30, 2012, and end on May 8, 2012, such early voting to be conducted by the County Clerk of Brazoria County, Texas, at the following locations between the hours of 8:00 a.m. and 5:00 p.m., Monday April 30, 2012 through Friday, May 4, 2012, and between the hours of 7:00 a.m. through 7:00 p.m. on Saturday, May 5, Monday, May 7, and Tuesday, May 8, 2012, to-wit:

ANGLETON MAIN LOCATION

Brazoria County Courthouse  
East Annex, 1524 E. Mulberry,  
Room 144, Angleton, TX

ALVIN BRANCH LOCATION

Ryan Center, 2925 South Bypass 35  
Alvin, TX

BRAZORIA BRANCH LOCATION

Precinct 4 County Barn  
1001 Market St., Brazoria, TX

CLUTE/LAKE JACKSON LOCATION

Brazosport College, 500 College  
Drive, Lake Jackson, TX

FREEPORT BRANCH LOCATION

Freeport Library, 410 Brazosport  
Boulevard, Freeport, TX

MANVEL BRANCH LOCATION

Brazoria County Courthouse North  
Annex, 7313 Corporate Drive,  
Manvel, TX

EAST PEARLAND BRANCH LOCATION

Justice of the Peace, Pct. 3,  
Place 2, Courtroom, 2436 South  
Grand Blvd., Pearland, TX

WEST PEARLAND BRANCH LOCATION

Westside Event Center, 2150  
Countryplace Pkwy, Pearland, TX

SWEENY BRANCH LOCATION

Sweeny Community Center, 205  
W. Ashley Wilson Rd., Sweeny, TX

WEST COLUMBIA BRANCH LOCATION

West Columbia City Council  
Chambers, 512 E. Brazos,  
West Columbia, TX

SECTION SEVEN--Method of Voting and Conducting Election.

Both early voting and all voting on the day named above for the holding of said charter amendment election shall be in the manner specified in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, mentioned above.

SECTION EIGHT--Notice of Election.

(a) The Mayor of the City is hereby authorized and directed to issue a notice of said special 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 NINE--Ratification and Confirmation by Mayor.

By signing this ordinance, the undersigned Mayor of the City hereby ratifies and confirms as his action all matters hereinabove recited which by law come within his jurisdiction.

SECTION TEN--Effective Date.

This ordinance shall be effective immediately upon its passage and approval.

READ, PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Norma Moreno Garcia, Mayor,  
City of Freeport, Texas

ATTEST:

\_\_\_\_\_  
Delia Muñoz, City Secretary,  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
Wallace Shaw, City Attorney,  
City of Freeport, Texas

NOTICE OF ELECTION FOR COUNCIL POSITIONS A AND C

TO: ALL PERSONS ENTITLED TO VOTE UNDER THE PROVISIONS OF CHAPTER 11 OF TITLE 2 OF THE TEXAS ELECTION CODE WHO ARE RESIDENTS OF WARDS A AND C OF THE CITY OF FREEPORT, TEXAS, AND ARE DULY REGISTERED TO VOTE IN THE PRECINCT WHERE AND ON THE DAY ON WHICH THEY VOTE, GREETINGS:

I.

You will take notice that an annual general election will be held in Wards A and C of the City of Freeport, Texas, on the second Saturday in May, 2012, being May 12, 2012, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of electing for a two year term each, persons to the following named offices of the City of Freeport, Texas, to-wit:

Council Position A, now held by MICHELLE KENT; and,  
Council Position C, now held by NICOLASA (NICOLE) MIRELES.

II.

As provided in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, there shall be two (2) municipal polling places for said election, one located outside the City of Freeport at the Oyster Creek City Hall, located at 3210 FM 523 in the Village of Oyster Creek, Texas, where voters residing in Brazoria County Election Precinct 8 but also residing within the City shall vote on election day and one within the City of Freeport located at the Brazosport High School, John Magee Performance Center, 1800 West Second Street, Freeport, Texas, where all other voters residing with the City shall vote on election day.

III.

Early voting shall begin on April 30, 2012, and end on May 8, 2012, such early voting to be conducted by the County Clerk of Brazoria County, Texas, at the following locations between the hours of 8:00 a.m. and 5:00 p.m., Monday April 30, 2012 through Friday, May 4, 2012, and between the hours of 7:00 a.m. through 7:00 p.m. on Saturday, May 5, Monday, May 7, and Tuesday, May 8, 2012, to-wit:

ANGLETON MAIN LOCATION

Brazoria County Courthouse  
East Annex, 1524 E. Mulberry,  
Room 144, Angleton, TX

ALVIN BRANCH LOCATION

Ryan Center, 2925 South Bypass 35  
Alvin, TX

BRAZORIA BRANCH LOCATION

Precinct 4 County Barn  
1001 Market St., Brazoria, TX

CLUTE/LAKE JACKSON LOCATION

Brazosport College, 500 College  
Drive, Lake Jackson, TX

FREEPORT BRANCH LOCATION

Freeport Library, 410 Brazosport  
Boulevard,, Freeport, TX

MANVEL BRANCH LOCATION

Brazoria County Courthouse North  
Annex, 7313 Corporate Drive,  
Manvel, TX

EAST PEARLAND BRANCH LOCATION

Justice of the Peace, Pct. 3,  
Place 2, Courtroom, 2436 South  
Grand Blvd., Pearland, TX

WEST PEARLAND BRANCH LOCATION

Westside Event Center, 2150  
Countryplace Pkwy, Pearland, TX

SWEENY BRANCH LOCATION

Sweeny Community Center, 205  
W. Ashley Wilson Rd., Sweeny, TX

WEST COLUMBIA BRANCH LOCATION

West Columbia City Council  
Chambers, 512 E. Brazos,  
West Columbia, TX

WITNESS MY OFFICIAL SIGNATURE HEREUNTO AFFIXED this \_\_\_\_ day of  
\_\_\_\_\_, 2012

\_\_\_\_\_  
Norma Moreno Garcia, Mayor,  
City of Freeport, Texas

ATTEST:

\_\_\_\_\_  
Delia Muñoz, City Secretary,  
City of Freeport, Texas

MAYOR'S RETURN

I certify that on the \_\_\_\_ day of \_\_\_\_\_, 2012, I posted a true and correct copy of the foregoing "Notice of Election", on the bulletin board located at the Freeport City Hall used for posting notices of meetings of the City Council, such day being more than twenty-one (21) days prior to said election.

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Norma Moreno Garcia, Mayor,  
City of Freeport, Texas

CITY SECRETARY'S RETURN

I hereby certify that I caused a copy the above and foregoing "Notice of Election" to be published in the Brazosport Facts, heretofore designated as the official newspaper of the City of Freeport, Texas, it being a newspaper published in the adjoining City of Clute, in Brazoria County, Texas, which meets all of the criteria set forth in Section 2051.044 of the Government Code. I requested that, such publication be one (1) time, not less than ten (10) days nor more than thirty (30) days before the date hereinabove fixed for the holding of said election.

WITNESS my official signature and the seal of said City hereunto affixed this \_\_\_\_ day of \_\_\_\_\_, 2012.

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Delia Muñoz, City Secretary  
City of Freeport, Texas

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CALLING A CHARTER AMENDMENT ELECTION ON THE QUESTION OF ADOPTING SIX (6) AMENDMENTS TO THE HOME RULE CHARTER OF SAID CITY; PROVIDING FOR ONE (1) MUNICIPAL POLLING PLACE AND DESIGNATING THE LOCATION THEREOF; PROVIDING FOR THE QUALIFICATION OF ELECTORS; APPOINTING THE OFFICERS OF SAID ELECTION AND DESIGNATING THE NUMBER OF CLERKS TO ASSIST IN CONDUCTING SAID ELECTION AND THE COMPENSATION TO BE PAID THE ELECTION JUDGE AND CLERKS; PROVIDING FOR EARLY VOTING; PROVIDING FOR RATIFICATION AND CONFIRMATION BY THE MAYOR OF SAID CITY OF THE ACTION TAKEN BY THIS ORDINANCE; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, Section 11.13 of the Home Rule Charter of the City of Freeport, Texas, provides that the City Council shall appoint a Charter Review Commission at its first regular meeting in June of each odd numbered year; and,

WHEREAS, heretofore in June of 2011 a Charter Review Commission was appointed for the said City; and,

WHEREAS, said Section 11.13 of said Charter provides that it shall be the duty of the Charter Review Commission, among other things, to propose, if it deems desirable and advisable, amendments to said Charter to improve the effective application of said Charter to current conditions, and to report its findings and present its proposed amendments, if any, to the City Council; and,

WHEREAS, the Charter Review Commission appointed in June of 2011 heretofore reported its findings and presented to the City Council in writing six (6) proposed amendments to the Home Rule Charter of the City; and,

WHEREAS, after reviewing and discussing such report, the City Council has decided to submit all six (6) of the amendments recommended in such report, the substance of which are set forth below; and,



WHEREAS, said Sections 11.12 and 11.13 of said Charter provides that if any amendment or amendments are presented as a part of the report of the Charter Review Commission, the City Council may order such amendment or amendments to be submitted to the voters of said City in the manner provided in Chapter 9 of the Local Government Code, as now or hereafter amended; and,

WHEREAS, Article 9.004 of said Code, requires the submission of such amendment or amendments at an election to be held on the first authorized uniform election date prescribed by the Election Code that allows sufficient time to comply with the other requirements of law and that occurs on or after the 30th day after the date of the adoption of the ordinance ordering such election; and,

WHEREAS, under the applicable provisions of the Election Code, the next such uniform election date will be the second Saturday in May, 2012, being the May 12, 2012; and,

WHEREAS, the City Council of the City of Freeport has determined to submit the hereinafter mentioned amendments to the voters of the City and to do so on the second Saturday in May, 2012, which is the May 12, 2012, and which is also the date for the annual municipal election for the year 2012; and,

WHEREAS, pursuant to Section 3.01 of the Home Rule Charter of the City of Freeport, Texas, and Ordinance No. 1718 of the City of Freeport, Texas, read, passed and adopted on the 2nd day of March, 1992, the City of Freeport, Texas, has been divided in four (4) single member election districts or wards known as Wards A, B, C and D; and,

WHEREAS, said Section 9.004 provides that notice of the election for the submission of any amendments shall be given by publication thereof, in some newspaper of general circulation published in the City, on the same day in each of two (2) successive weeks, with the date of the first publication occurring before the 14th day before the date of said election, and that the form or such notice shall include a substantial copy of the proposed amendment or amendments; and,

WHEREAS, said Section 9.004 further provides that an amendment may not contain more than one subject and that the ballot shall be prepared so that a voter may approve or disapprove one or more amendments without having to approve or disapprove all of them.

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

SECTION ONE--Charter Amendment Election Called.

Pursuant to Section 11.12 of the Home Rule Charter of the City of Freeport, Texas, and Section 9.004, Chapter 9, Local Government Code of Texas, the Mayor and City Council of the City of Freeport, Texas, hereby order and ordain, respectively, that a Charter Amendment Election shall be held in and throughout the City of Freeport, Texas, on the second Saturday in May, 2012, being May 12, 2012, between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m., for the purpose of submitting to the qualified voters of the City the amendments to the Home Rule Charter of the City hereinafter set forth, the substance of which was heretofore proposed by the Charter Review Commission of the City appointed in June of 2011.

SECTION TWO--Form of Ballot

The ballot used at said election shall conform with the requirements of the Texas Election Code and Section 9.004, Chapter 9, Local Government Code of Texas, shall contain the following proposed amendments and prepared such manner that each amendment shall contain only one (1) subject and each voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments, to-wit:

AMENDMENT NUMBER ONE

Should the first sentence of Section 3.02. Qualifications be amended to read as follows:

"The Mayor and each member of the City Council shall be a registered voter and a resident citizen of the City of Freeport for at least twelve (12) consecutive months and, in the case of members of City Council other than the Mayor, a resident of the Ward sought to be represented for at least six (6) consecutive months, immediately preceding his or her application to have his or her name placed on the official ballot and the filing of proof of his or her qualifications as required by law."

AMENDMENT NUMBER TWO

Should Item (m) of Section 3.07. Powers of City Council be amended to read as follows:

"(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."

AMENDMENT NUMBER THREE

Should Subsection (f) and (g) of Section 4.05. City Marshal be repealed and Item (c) be added to Section 4.02. Department of Police to read as follows:

"(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 him 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 NUMBER FOUR

Should the first sentence of Section 4.07. Department of Health be amended to read as follows:

"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."

AMENDMENT NUMBER FIVE

Should Item (d) of Section 8.03. Planning Commission Membership be amended to read as follows:

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

AMENDMENT NUMBER SIX

Should the first sentence of Section 9.14 re: Contingent Appropriation be amended to read as follows:

"Provision shall be made in the annual budget and in the appropriation ordinance for an appropriation of a reserve and or contingency allocation in the amount of not more than 5% of the total annual budget; however, the 5% may only be allocated annually under the condition the "undesignated" reserve / contingency funds in general revenue does not exceed eight million dollars. All reserve / contingency funds may only be used with the specific consent of the Mayor for unforeseen contingencies by the City Manager."

SECTION THREE--Municipal Polling Places

As provided in 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, for the purpose of the election called by this ordinance, there shall be two (2) municipal polling places, one located outside the City of Freeport at the Oyster Creek City Hall, located at 3210 FM 523 in the Village of Oyster Creek, Texas, where voters residing in Brazoria County Election Precinct 8 but also residing within the City shall vote on election day and one within the City of Freeport located at Brazosport High School, John Magee Performance Center, 1800 West Second Street, Freeport, Texas, where all other voters shall vote on election day.

SECTION FOUR--Electors.

Every person eligible to vote under the provisions of Chapter 11 of Title 2 of the Texas Election Code who is a resident of the City of Freeport, Texas, and who is duly registered to vote in the county election precinct where and on the day on which he or she votes in the charter amendment election called by this Ordinance, shall be entitled to vote for or against each of the proposed amendments set forth above in Section Two of this Ordinance.

SECTION FIVE--Officers of Election and Compensation Thereof.

The Presiding Judge, Alternate Presiding Judge and Clerks needed on the day of election for the election called by this ordinance, for the early ballot board and the central counting station shall be appointed, have the duties and be compensated as provided in 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.

SECTION SIX--Early Voting.

Early voting shall begin on April 30, 2012, and end on May 8, 2012, such early voting to be conducted by the County Clerk of Brazoria County, Texas, at the following locations between the hours of 8:00 a.m. and 5:00 p.m., Monday April 30, 2012 through Friday, May 4, 2012, and between the hours of 7:00 a.m. through 7:00 p.m. on Saturday, May 5, Monday, May 7, and Tuesday, May 8, 2012, to-wit:

ANGLETON MAIN LOCATION

Brazoria County Courthouse  
East Annex, 1524 E. Mulberry,  
Room 144, Angleton, TX

ALVIN BRANCH LOCATION

Ryan Center, 2925 South Bypass 35  
Alvin, TX

BRAZORIA BRANCH LOCATION

Precinct 4 County Barn  
1001 Market St., Brazoria, TX

<u>CLUTE/LAKE JACKSON LOCATION</u>	Brazosport College, 500 College Drive, Lake Jackson, TX
<u>FREEPORT BRANCH LOCATION</u>	Freeport Library, 410 Brazosport Boulevard,, Freeport, TX
<u>MANVEL BRANCH LOCATION</u>	Brazoria County Courthouse North Annex, 7313 Corporate Drive, Manvel, TX
<u>EAST PEARLAND BRANCH LOCATION</u>	Justice of the Peace, Pct. 3, Place 2, Courtroom, 2436 South Grand Blvd., Pearland, TX
<u>WEST PEARLAND BRANCH LOCATION</u>	Westside Event Center, 2150 Countryplace Pkwy, Pearland, TX
<u>SWEENY BRANCH LOCATION</u>	Sweeny Community Center, 205 W. Ashley Wilson Rd., Sweeny, TX
<u>WEST COLUMBIA BRANCH LOCATION</u>	West Columbia City Council Chambers, 512 E. Brazos, West Columbia, TX

SECTION EIGHT--Method of Voting and Conducting Election.

Both early voting and all voting on the day named above for the holding of said charter amendment election shall be in the manner specified in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, mentioned above.

SECTION NINE--Notice of Election.

(a) The Mayor of the City is hereby authorized and directed to issue a notice of said election, to cause the same to be posted for at least twenty-one (21) days prior to the date named above for the holding of said charter election on the bulletin board used for posting notices of meetings of the City Council.

(b) As required by Section 9.004 (c) of the Local Government Code the City Secretary shall cause a copy of the above notice, including a substantial copy of above and foregoing proposed amendments, to be published on the same day in each of two (2) successive weeks, with the first publication occurring before the fourteenth (14th) day before the date hereinabove fixed for the holding of said election.

SECTION TEN--Ratification and Confirmation by Mayor.

By signing this ordinance, the Mayor of the City of Freeport, Texas, hereby ratifies and confirms as his action all above recited matters which by law come within his jurisdiction.

SECTION ELEVEN--Effective Date.

This ordinance shall be effective immediately upon its passage and approval.

READ, PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Norma Moreno Garcia, Mayor,  
City of Freeport, Texas

ATTEST:

\_\_\_\_\_  
Delia Muñoz, City Secretary,  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
Wallace Shaw, City Attorney,  
City of Freeport, Texas

C\Freeport.Ord\2012 Charter Election-Ord

NOTICE OF CHARTER AMENDMENT ELECTION

TO: ALL PERSONS ENTITLED TO VOTE UNDER THE PROVISIONS OF CHAPTER 11 OF TITLE 2 OF THE TEXAS ELECTION CODE WHO ARE RESIDENTS OF THE CITY OF FREEPORT, TEXAS, AND ARE DULY REGISTERED TO VOTE IN THE PRECINCT WHERE AND ON THE DAY ON WHICH THEY VOTE, GREETINGS:

You will take notice that a charter amendment election will be held in and throughout the City of Freeport, Texas, on the second Saturday in May, 2012, being May 12, 2012, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of submitting to the voters of the City six (6) amendments to the Home Rule Charter of said City proposed by the Charter Review Commission thereof, being substantially as proposed by said Commission, viz:

AMENDMENT NUMBER ONE

Should the first sentence of Section 3.02. Qualifications be amended to read as follows:

The Mayor and each member of the City Council shall be a registered voter and a resident citizen of the City of Freeport for at least twelve (12) consecutive months and, in the case of members of City Council other than the Mayor, a resident of the Ward sought to be represented for at least six (6) consecutive months, immediately preceding his or her application to have his or her name placed on the official ballot and the filing of proof of his or her qualifications as required by law.

AMENDMENT NUMBER TWO

Should Item (m) of Section 3.07. Powers of City Council be amended to read as follows:

(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.

AMENDMENT NUMBER THREE

Should Subsection (f) and (g) of Section 4.05. City Marshal be repealed and Item (c) be added to Section 4.02. Department of Police to read as follows:

(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 him 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 NUMBER FOUR

Should the first sentence of Section 4.07. Department of Health be amended to read as follows:

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.

AMENDMENT NUMBER FIVE

Should Item (d) of Section 8.03. Planning Commission Membership be amended to read as follows:

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

AMENDMENT NUMBER SIX

Should the first sentence of Section 9.14 re: Contingent Appropriation be amended to read as follows:

"Provision shall be made in the annual budget and in the appropriation ordinance for an appropriation of a reserve and or contingency allocation in the amount of not more than 5% of the total annual budget; however, the 5% may only be allocated annually under the condition the "undesigned" reserve / contingency funds in general revenue does not exceed eight million dollars. All reserve / contingency funds may only be used with the specific consent of the Mayor for unforeseen contingencies by the City Manager."

As provided in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, there shall be two (2) municipal polling places for said election, one located outside the City of Freeport at the Oyster Creek City Hall, located at 3210 FM 523 in the Village of Oyster Creek, Texas, where voters residing in Brazoria County Election Precinct 8 but also residing within the City shall vote on election day and one within the City of Freeport located at Brazosport High School, John Magee Performance Center, 1800 W. 2nd. St., Freeport, Brazoria County, Texas, where all other voters residing with the City shall vote on election day.

Early voting shall begin on April 30, 2012, and end on May 8, 2012, such early voting to be conducted by the County Clerk of Brazoria County, Texas, at the following locations between the hours of 8:00 a.m. and 5:00 p.m., Monday April 30, 2012 through Friday, May 4, 2012, and between the hours of 7:00 a.m. through 7:00 p.m. on Saturday, May 5, Monday, May 7, and Tuesday, May 8, 2012, to-wit:

ANGLETON MAIN LOCATION

Brazoria County Courthouse  
East Annex, 1524 E. Mulberry,  
Room 144, Angleton, TX

ALVIN BRANCH LOCATION

Ryan Center, 2925 South Bypass 35  
Alvin, TX

BRAZORIA BRANCH LOCATION

Precinct 4 County Barn  
1001 Market St., Brazoria, TX

CLUTE/LAKE JACKSON LOCATION

Brazosport College, 500 College  
Drive, Lake Jackson, TX

FREEPORT BRANCH LOCATION

Freeport Library, 410 Brazosport  
Boulevard,, Freeport, TX

MANVEL BRANCH LOCATION

Brazoria County Courthouse North  
Annex, 7313 Corporate Drive,  
Manvel, TX

EAST PEARLAND BRANCH LOCATION

Justice of the Peace, Pct. 3,  
Place 2, Courtroom, 2436 South  
Grand Blvd., Pearland, TX

WEST PEARLAND BRANCH LOCATION

Westside Event Center, 2150  
Countryplace Pkwy, Pearland, TX

SWEENEY BRANCH LOCATION

Sweeny Community Center, 205  
W. Ashley Wilson Rd., Sweeny, TX

WEST COLUMBIA BRANCH LOCATION

West Columbia City Council  
Chambers, 512 E. Brazos,  
West Columbia, TX

WITNESS MY OFFICIAL SIGNATURE HEREUNTO AFFIXED this \_\_\_\_ day of

\_\_\_\_\_, 2012.

\_\_\_\_\_  
Norma Moreno Garcia, Mayor,  
City of Freeport, Texas

ATTEST:

\_\_\_\_\_  
Delia Muñoz, City Secretary  
City of Freeport, Texas

MAYOR'S RETURN

I certify that on the \_\_\_\_ day of \_\_\_\_\_, 2012 I posted a true and correct copy of the foregoing "Notice of Charter Amendment Election", on the bulletin board located at the Freeport City Hall used for posting notices of meetings of the City Council, such day being more than twenty-one (21) days prior to said election.

\_\_\_\_\_  
Norma Moreno Garcia, Mayor  
City of Freeport, Texas

CITY SECRETARY'S RETURN

I hereby certify that I caused a copy the above and foregoing "Notice of Charter Amendment Election" to be published in the Brazosport Facts, heretofore designated as the official newspaper of the City of Freeport, Texas, it being a newspaper published in the adjoining City of Clute, in Brazoria County, Texas, which meets all of the criteria set forth in Section 2051.044 of the Government Code, and has general circulation in the City of Freeport. I requested that such publication in such newspaper be on the same day in each of two (2) successive weeks, with the first publication occurring before the fourteenth (14th) day before the date hereinabove fixed for the holding of said charter election. I did not cause a copy the above and foregoing "Notice of Charter Amendment Election" to be published in the Freeport Sentinel, a newspaper previously published in the City of Freeport, Texas, having general circulation therein, but which newspaper does not appear to meet all of the criteria set forth in Section 2051.044 of the Government Code whereas Section 9.004(c) of the Local Government Code requires that a notice of a charter amendment election be published in a newspaper of general circulation published in the municipality calling such election, because it has ceased publication.

WITNESS my official signature and the seal of said City hereunto affixed this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Delia Muñoz, City Secretary  
City of Freeport, Texas

## JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES

THIS CONTRACT by and between CITY OF FREEPORT, acting by and through the governing body of hereinafter referred to as "Political Subdivision", and Joyce Hudman, County Clerk of Brazoria County, Texas, hereinafter referred to as "County Clerk", and by authority of section 31.092(a), Texas Election Code, for the conduct and supervision of the Political Subdivisions election to be held on May 12, 2012 .

### RECITALS

Political Subdivision is holding a Municipal Election (at the expense of Political Subdivision) on May 12, 2012 .

The County owns an electronic voting system, the Hart InterCivic eSlate Voting System (Version 6.1), which has been duly approved by the Secretary of State pursuant to Texas Election Code Chapter 122 as amended, and is compliant with the accessibility requirements set forth by Texas Election Code Section 61.012. Political Subdivision desires to use the County's electronic voting system and to compensate the County for such use and to share in certain other expenses connected with joint elections in accordance with the applicable provisions of Chapters 31 and 271 of the Texas Election Code, as amended.

NOW THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, IT IS AGREED as follows:

### I. ADMINISTRATION

The parties agree to hold a "Joint Election" in accordance with Chapter 271 of the Texas Election Code and this agreement. The County Clerk of Brazoria County shall coordinate, supervise, and handle all aspects of administering the Joint Election as provided in this agreement. Political Subdivision agrees to pay Brazoria County for equipment, supplies, services, and administrative costs as provided in this agreement. The County Clerk shall serve as the administrator for the Joint Election; however, the Political Subdivision shall remain responsible for the decisions and actions of its officers necessary for the lawful conduct of its election. The County Clerk shall provide advisory services in connection with decisions to be made and actions to be taken by the officers of the Political Subdivision.

It is understood that other political subdivisions may wish to participate in the use of the County's electronic voting system and polling places, and it is agreed that Brazoria County and the County Clerk may enter into other joint election agreements and contracts for election services for those purposes on terms and conditions generally similar to those set forth in this contract. Political Subdivision agrees that Brazoria County may enter into joint election agreements with other political subdivisions that may have territory located partially or wholly within the boundaries of Political Subdivision, and in such case all parties sharing common territory shall share a joint ballot





on the county's electronic voting system at the applicable polling places. In such cases, costs shall be divided among the participants.

At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap.

## II. LEGAL DOCUMENTS

Political Subdivision shall be responsible for the preparation, adoption, and publication of all required election orders, resolutions, notices, and any other pertinent documents required by the Texas Election Code and/or Political Subdivision's governing body, charter, or ordinances. With reference to publications, the "County Clerk" will publish the "Notice of Tabulation Testing", but the "Political Subdivision" will publish the "Notice of Election."

Preparation of the necessary materials for notices and the official ballot shall be the responsibility of each participating authority, including translation to languages other than English. Each participating authority shall provide a copy of their respective election orders and notices to the County Clerk Elections Office. The County Clerk's Election Office, with the assistance of the Civil District Attorney's Office, shall prepare a submission to the United States Department of Justice for preclearance of the joint election procedures and polling places, pursuant to the Voting Rights Act of 1965, as amended. This submission to the Department of Justice shall be made on behalf of all political subdivisions participating in joint elections on May 12, 2012. Each Political Subdivision shall provide necessary documentation for preclearance.

## III. VOTING LOCATIONS

The County Clerk's Election Office shall select and arrange for the use of and payment for all election day voting locations. Voting locations will be, whenever possible, the usual voting location for each election precinct in elections conducted by the county. The proposed voting locations are listed in Attachment A of this agreement. In the event a voting location is not available, the Elections Department will arrange for use of an alternate location with the approval of the Political Subdivision. The Elections Department shall notify the Political Subdivision of any changes from the locations listed in Attachment A.

If polling places for the May 12, 2012 joint election are different from the polling place(s) used by Political Subdivision in its most recent election, Political Subdivision agrees to post a notice no later than May 11, 2012 at the entrance to any previous polling places in the jurisdiction stating that the polling location has changed and stating the political subdivision's polling place names and addresses in effect for the May 12, 2012 election. Any changes in voting location from those that were used in the May 14, 2011 elections will be posted by the County Clerk's Election Office.

#### IV. ELECTION JUDGES, CLERKS, AND OTHER ELECTION PERSONNEL

Brazoria County shall be responsible for the appointment of the presiding judge and alternate judge for each polling location in accordance with Chapter 32 of the Texas Election Code. The County Clerk shall make emergency appointments of election officials if necessary. Upon request by the County Clerk, Political Subdivision agrees to assist in recruiting polling place officials who are bilingual (fluent in both English and Spanish).

The Elections Department shall notify all election judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to insure that all election judges appointed for the Joint Election are eligible to serve.

The County Clerk shall arrange for the training and compensation of all election judges and clerks. The Elections Department shall arrange for the date, time, and place for presiding election judges to pick up their election supplies. Each presiding election judge will be sent a letter from the Elections Department notifying him of his appointment, the time and location of training and distribution of election supplies, and the number of election clerks that the presiding judge may appoint.

Each election judge will receive compensation at an hourly rate of \$12.00. Each election clerk will receive compensation at an hourly rate of \$10.00. The election judge will receive an additional sum of \$25.00 for picking up the election supplies prior to election day and for returning the supplies and equipment to the central counting station after the polls close. All judges and clerks will receive \$30.00 for attending training.

It is agreed by all parties that at all times and for all purposes hereunder, all election judges, clerks, and all other personnel involved in this election are independent contractors and are not employees or agents of the County or Political Subdivision. No statement contained in this Agreement shall be construed so as to find any judge, clerk, or any other election personnel an employee or agent of the County or Political Subdivision, and no election personnel shall be entitled to the rights, privileges, or benefits of County or Political Subdivision employees except as otherwise stated herein, nor shall any election personnel hold himself out as an employee or agent of the County or Political Subdivision, unless considered a county employee as determined by the Brazoria County Human Resources Department.

#### V. PREPARATION OF SUPPLIES AND VOTING EQUIPMENT

The Elections Department shall arrange for all election supplies and voting equipment including, but not limited to official ballots, sample ballots, voter registration lists, and all forms, signs and other materials used by the election judges at the voting locations. At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap. The Elections Department shall provide the necessary voter registration information, instructions, and other information needed to enable the election judges in the voting locations that have more than one ballot style to conduct a proper election. If special maps are needed for a particular Political



Subdivision, the Election Department will order the maps and pass that charge on to that particular Political Subdivision.

Political Subdivision shall furnish the County Clerk a list of candidates and/or propositions showing the order and the exact manner in which the candidate names and/or proposition(s) are to appear on the official ballot (including titles and text in each language in which the authority's ballot is to be printed). This list shall be delivered to the Elections Department as soon as possible after ballot positions have been determined by each of the participating authorities. Each participating authority shall be responsible for proofreading and approving the ballot insofar as it pertains to that authority's candidates and/or propositions.

## VI. EARLY VOTING

The participating authorities agree to conduct joint early voting and to appoint the County Clerk as the Early Voting Clerk in accordance with Sections 31.097 and 271.006 of the Texas Election Code. Political Subdivision agrees to appoint the County Clerk's permanent county employees as deputy early voting clerks. The participating authorities further agree that each Early Voting Location will have an "Officer in Charge" that will receive compensation at an hourly rate of \$10.00. The clerks at each location will receive compensation at an hourly rate of \$10.00. Early Voting by personal appearance will be held at the locations, dates, and times listed in Attachment "B" of this document. Any qualified voter of the Joint Election may vote early by personal appearance at any one of the joint early voting locations.

As Early Voting Clerk, the County Clerk shall receive applications for early voting ballots to be voted by mail in accordance with Chapters 31 and 86 of the Texas Election Code. Any requests for early voting ballots to be voted by mail received by the Political Subdivision shall be forwarded immediately by fax or courier to the Elections Department for processing.

The Elections Department shall, upon request, provide the Political Subdivision a copy of the early voting report on a daily basis and a cumulative final early voting report following the election.

## VII. EARLY VOTING BALLOT BOARD

Brazoria County shall appoint an Early Voting Ballot Board (EVBB) to process early voting results from the Joint Election. The Presiding Judge, with the assistance of the Elections Department, shall appoint two or more additional members to constitute the EVBB. The Elections Department shall determine the number of EVBB members required to efficiently process the early voting ballots.

## VIII. CENTRAL COUNTING STATION AND ELECTION RETURNS

The County Clerk shall be responsible for establishing and operating the central counting station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this agreement.

The participating authorities hereby, in accordance with Section 127.002, 127.003, and 127.005 of the Texas Election Code, appoint the following central counting station officials:

Counting Station Manager:	Janice Evans
Alternate Counting Station Manager:	Brandy Pena
Tabulation Supervisor:	Susan Cloudt
Alternate Tabulation Supervisor:	Brandy Pena
Presiding Judge:	Bonnie Farrer
Alternate Presiding Judge:	Dottie Cornett

The Elections Department will prepare the unofficial canvass reports after all precincts have been counted, and will deliver a copy of the unofficial canvass to the Political Subdivision as soon as possible after all returns have been tabulated. All participating authorities shall be responsible for the official canvass of their respective elections.

The Elections Department shall be responsible for conducting the post-election manual recount required by Section 127.201 of the Texas Election Code unless a waiver is granted by the Secretary of State. Notification and copies of the recount, if waiver is denied, will be provided to each participating authority and the Secretary of State's Office.

The Elections Department shall submit all Political Subdivision's precinct by precinct returns to the Texas Secretary of State's Office electronically.

The Elections Department shall post all election night results to our website on election night. [http://www. Brazoriacountyvotes.com](http://www.Brazoriacountyvotes.com).

#### IX. ELECTION EXPENSES AND ALLOCATION OF COSTS

The participating authorities agree to share the costs of administering the Joint Election. Allocation of costs, unless specifically stated otherwise, is mutually agreed to be shared according to a formula which is based on the cost per polling place. Costs for polling places shared by County, Political Subdivision, and other political subdivisions shall be divided equally among the participants utilizing that polling place.

It is agreed that the normal rental rate charged for the County's voting equipment used on election day shall be divided equally among the participants utilizing each polling location.

Costs for Early Voting by Personal Appearance will be divided by all Political Subdivisions as follows: Total cost of all 10 locations will be divided by all Political Subdivisions holding elections on May 12, 2012. Cost will be based on registered voters.

#### X. WITHDRAWAL FROM CONTRACT DUE TO CANCELLATION OF ELECTION

Political Subdivision may withdraw from this agreement and the Joint Election should it cancel its election in accordance with Sections 2.051 - 2.053 of the Texas Election Code, or should it be later ruled that the election is not needed. Political Subdivision is fully liable for any expenses incurred by Brazoria County on behalf of Political Subdivision. Any monies deposited with the county by the withdrawing authority shall be refunded, minus the aforementioned expenses.

## XI. RECORDS OF THE ELECTION

The County Clerk is hereby appointed general custodian of the voted ballots and all records of the Joint Election as authorized by Section 271.010 of the Texas Election Code.

Access to the election records shall be available to each participating authority as well as to the public in accordance with applicable provisions of the Texas Election Code and the Texas Public Information Act. The election records shall be stored at the offices of the County Clerk or at an alternate facility used for storage of county records. The Elections Department shall ensure that the records are maintained in an orderly manner so that the records are clearly identifiable and retrievable.

Records of the election shall be retained and disposed of in accordance with the provisions of Section 66.058 of the Texas Election Code. If records of the election are involved in any pending election contest, investigation, litigation, or open records request, the County Clerk shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of each participating authority to bring to the attention of the County Clerk any notice of pending election contest, investigation, litigation or open records request which may be filed with the participating authority.

## XII. RECOUNTS

A recount may be obtained as provided by Title 13 of the Texas Election Code. Political Subdivision agrees that any recount shall take place at the offices of the County Clerk, and that the County Clerk shall serve as Recount Supervisor and the Political Subdivision's official or employee who performs the duties of a secretary under the Texas Election Code shall serve as Recount Coordinator.

The Elections Department agrees to provide advisory services to the District as necessary to conduct a proper recount and cost of the recount depends on the size of the election and number of precincts to be recounted.

## XIII. MISCELLANEOUS PROVISIONS

1. It is understood that to the extent space is available, that other districts and political subdivisions may wish to participate in the use of the County's election equipment and voting places, and it is agreed that the County Clerk may contract with such other districts or political subdivisions for such purposes and that in such event there may be an adjustment of the pro-rata share to be paid to the County by the participating authorities.

2. The County clerk shall file copies of this document with the Brazoria County Treasurer and the Brazoria County Auditor in accordance with Section 31.099 of the Texas Election Code.

3. In the event that legal action is filed contesting Political Subdivision's election under Title 14 of the Texas Election Code, Political Subdivision shall choose and provide, at its own expense, legal counsel for the County, the County Clerk, and additional election personnel as necessary.

4. Nothing in this contract prevents any party from taking appropriate legal action against any other party and/or other election personnel for a breach of this contract or a violation of the Texas Election Code.

5. The parties agree that under the Constitution and laws of the State of Texas, neither Brazoria County nor Political Subdivision can enter into an agreement whereby either party agrees to indemnify or hold harmless another party; therefore, all references of any kind, if any, to indemnifying or holding or saving harmless for any reason are hereby deleted.

6. This agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Brazoria County, Texas.

7. In the event of one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

8. All parties shall comply with all applicable laws, ordinances, and codes of the State of Texas, all local governments, and any other entities with local jurisdiction.

9. The waiver by any party of a breach of any provision of this agreement shall not operate as or be construed as a waiver of any subsequent breach.

10. Any amendments of this agreement shall be of no effect unless in writing and signed by all parties hereto.

#### XIV. COST ESTIMATES AND DEPOSIT OF FUNDS

It is estimated that Political Subdivision's obligation under the terms of this agreement shall be DETERMINED AFTER THE ELECTION. Political Subdivision agrees to pay to Brazoria County a deposit of \$500.00. This deposit shall be paid to Brazoria County within 10 days after the final candidate filing deadline. The final candidate filing deadline is March 5, 2012. Therefore, deposit is due by March 16, 2012. The exact amount of the Political Subdivision's obligation under the terms of this agreement shall be calculated after the May 12, 2012 election and if the amount of the Political Subdivision's obligation exceeds the amount deposited, the Political Subdivision shall pay to Brazoria County the balance due within thirty (30) days after receipt of the final invoice from the County Clerk's Election Department. However, if the amount of the Political Subdivision's obligation is less than the amount deposited, Brazoria County shall refund to the Political Subdivision the excess amount paid within thirty (30) days after final costs are calculated.

IN TESTIMONY HEREOF, this agreement, its multiple originals all of equal force, has been executed on behalf of the parties hereto as follows, to-wit:

(1) It has on the \_\_\_\_\_ day of \_\_\_\_\_, 2012 been executed on behalf of Brazoria County by the County Judge or the County Clerk pursuant to the Texas Election Code so authorizing;

(2) It has on the \_\_\_\_\_ day of \_\_\_\_\_, 2012 been executed on behalf of the Political Subdivision by its Presiding Officer or authorized representative, pursuant to an action of the Political Subdivision so authorizing;

BRAZORIA COUNTY

By \_\_\_\_\_  
Joyce Hudman, County Clerk

ATTEST:

POLITICAL SUBDIVISION

\_\_\_\_\_ By \_\_\_\_\_  
Presiding Officer or Authorized Representative  
CITY OF FREEPORT

## Fair Housing Activity Statement – Texas

Recognizing that each jurisdiction is unique, this Fair Housing Activity Statement - Texas is intended to be used in conjunction with the Analysis of Impediments, Phase I as a form to help the applying jurisdictions perform assessments of their impediments to fair housing choice, plan actions to address identified impediments, and communicate their plans to the State of Texas and HUD.

BEFORE beginning to fill out this form, each jurisdiction should:

- (1) Participate in the regional FFAST Form training.
- (2) Review the 2010 Texas Interim AI in detail;
- (3) Gather relevant information (see instructions in Appendix A);
- (4) Convene a FFAST Working Group to assess the data collected in #2 and fill out the FFAST form (see instructions in Appendix A.)

<b><u>Impediment #1</u></b>	Protected classes may experience disparities in home mortgage lending and high cost loans.
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**No local action is required at this time.**

<b><u>Impediment #2</u></b>	There is inadequate information available to the real estate community, governments and the public about fair housing requirements and enforcement procedures.
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**No local action is required at this time.**

<b><u>Impediment #3</u></b>	The public is not sufficiently aware of their Fair Housing rights and how to obtain the assistance necessary to protect those rights.
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1. Consistent with the Fair Housing Act, the State of Texas, and funded sub-recipients should continue to promote and conduct events to celebrate April as Fair Housing Month, and direct sub-recipients to do the same. These events can demonstrate support for fair housing and build awareness.

We will commit to undertake Fair Housing Month activities. (Check all that apply.)

Passage of a resolution by our governing body.

Activities in schools.

Placing posters in public buildings.

Governing body will hold a special hearing to solicit input from the community.

Other. Please specify.

When will you undertake these activities?  2011  2012  2013

Not Applicable. (Explain)

2. Consistent with the Fair Housing Act, the State of Texas and funded sub-recipients have historically conducted fair housing activities at various times of the year and should continue to fund, depending on sufficient appropriations, or collaborate with public and private agencies, organizations and groups to plan and conduct fair housing activities.

- We will conduct/sponsor/fund in fair housing activities at various times of the year other than "April as Fair Housing Month". Attach a description of these activities and identify the organizations and agencies you have worked with.

When will you do this?  2011  2012  2013

**City shall place ads, update posters, distribute Fair Housing literature at city hall, library, and distribute at festivals/events. Organizations shall be identified as part of the reporting of efforts to implement the FFAST.**

- Not Applicable. (Explain)

<b>Impediment #4</b>	"Not in my Backyard" (NIMBY) may be an impediment to fair housing in Texas communities.
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1. NIMBY opposition needs to be anticipated and planning and outreach should occur on the front end of projects. To mitigate defensive and reactive responses, planning should include strategies for education, outreach and marketing that provide accurate information and promote the positive aspects and benefits of affordable housing to build support among community residents.<sup>[1]</sup>

2. The Department of Housing and Urban Development (HUD) provides extensive information about Fair Housing and examples at [www.hud.gov](http://www.hud.gov). Generally communities should consider:

- ♦ Working with local officials, editorial boards, religious and civic organizations and other community leaders to initiate education programs.
- ♦ Seeking opportunities to present information to community organizations by requesting to be placed on their meeting agendas.
- ♦ Including a visit to the Group Home residence as part of an education program.
- ♦ Answering all questions.
- ♦ Talking with local neighborhood leaders, including elected representatives, and setting up a neighborhood meeting.
- ♦ Setting up a liaison committee consisting of advocates, group residents, and neighborhood residents to discuss issues.
- ♦ Identifying areas that meet AFFH targets where the community supports development, has worked with community groups and potentially uses funds to assist the development of multi-family affordable housing.

- We have developed an anti-NIMBYism action plan. [Attach a copy or description]

- We will develop an anti-NIMBYism action plan. **City Council will complete this task.**

When will you do this?  2011  2012  2013

- Not Applicable. (Explain)

[1] "In the face of NIMBY attitudes grantees can adopt a stance that in essence goes along with them or strongly counters such sentiments with positive actions to overcome them and allay fears and concerns with facts." HUD's Fair Housing Guide: Volume 2, pg 7-106.

<b>Impediment #5</b>	Certain governmental policies and practices may not meet current HUD policy concerning affirmatively furthering fair housing. Jurisdictions should act to ensure that their policies and procedures affirmatively further fair housing, address mal-distribution of resources, and that they do not unnecessarily impact housing choice.
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1. As part of certifying that a community is affirmatively furthering fair housing, jurisdictions that have long-term infrastructure plans should review them to determine if the plan promotes racial concentrations or otherwise inadvertently results in disparate treatment of members of protected classes. While not intended to direct a community to hire a consultant, it is anticipated that a community will review its long-term infrastructure plans as part of this recommended action. In reviewing the project list (Appendix F of the Phase 1 AI), there are many projects that are listed as being of community-wide benefit. The records do not indicate the actual location of projects or provide adequate discussion of how the projects benefit the entire community.

- We have a long-term infrastructure plan and will review the plan to determine if it promotes racial concentrations or otherwise inadvertently results in disparate treatment of members of protected classes as it relates to the availability of housing.

When will you do this?  2011  2012

Not Applicable. (Explain)

- We have already collected information on the locations of protected populations and have adequate information for insuring that new projects with "citywide benefits" will not perpetuate illegal differences in treatment.

**Our FFAST work group has reviewed a map (attached to this worksheet) of our demographic profile which identified concentrations (65% or more) of protected classes and areas with high (51% or more) low- to moderate-income populations. Our 2010 census data indicates that approximately 73.52% of our population are members of "non-Caucasian" minority races and ethnicity (see table on last page of FFAST form) with these groups fairly distributed throughout our community. We will incorporate a review of this profile into all municipal planning projects to ensure projects with citywide benefits do not perpetuate illegal differences in treatment.**

- We will use the information in AI to ensure that proposed projects do not perpetuate illegal differences in treatment.

When will you do this?  2011  2012

Not Applicable. (Explain)



2. As it has been determined under federal law that Fair Housing applies to all federal housing and community development funds, to reduce "siloeing" the fair housing component into only housing-related programs, fair housing should be considered in all activities for all local community planning staff.

- We have determined that consideration of Fair Housing implications has already been incorporated into all aspects of planning in this jurisdiction.
- We will review and ensure that Fair Housing implications are addressed in all aspects of planning in this jurisdiction in a manner consistent with the guidelines provided by the state at the FFAST form training and maintain documentation of that review.

When will you do this?  2011  2012  2013

Not Applicable. (Explain)

3. It would be beneficial for local elected officials to require senior staff of any subrecipient such as a city or county—including managers and attorneys—to receive available Fair Housing training within the first 12 months of their employment or engagement.

- We have a policy in place providing for all senior staff – including managers and attorneys – to receive Fair Housing training within their first 12 months on the job, and for long-term senior staff to receive regular updated training. [Attach copy of policy]
- We do not have such a policy and will develop and implement one.

When will you do this?  2011  2012  2013

Not Applicable. (Explain)

4. As part of what is usually a common initial training by the associations that provide education opportunities for newly-appointed board members or newly-elected council or commissioners court members of cities and counties, the state should request that training include specific information on the Fair Housing Act—with a discussion of affirmatively furthering fair housing obligations.

**No local action is required at this time.**

5. Local communities should consider limiting the concentration of infrastructure improvements like wastewater treatment, solid waste disposal, or similar necessary but not desirable infrastructure projects in residential areas where there are concentrations of protected classes.

- We have an official policy that limits the concentration of certain infrastructure improvements. [Attach a copy.]
- We have official policies and procedures that take the location of protected classes into account when deciding where to locate undesirable infrastructure improvements. [Attach a copy.]

- We do NOT have limits on the concentration of undesirable infrastructure improvements or policies and procedures that take the residential location of members of protected classes into account, but will develop formal limits or official policies and procedures.

When will you do this? 2011 2012 2013

Not Applicable. (Explain)

- 6. Communities electing to provide publicly financed housing incentives should be requested to call for recipients to engage in affirmative marketing.

We have a policy requiring Affirmative Marketing Plans from developers seeking tax abatements or other supports for new housing.

We do not have such a policy and will develop and implement one.

When will you do this?  2011  2012

Not Applicable. (Explain)

**Currently, there are no incentives being offered. We will consider a policy if and when we offer incentives.**

- 7. If a jurisdiction is a non-entitlement community, when working in LMI areas to replace roads or other infrastructure, the jurisdiction should consider making application for additional sources of funding to provide assistance to repair substandard housing associated with the project (i.e., TDHCA or HUD.)

We formally consider accessing supplementary funds when infrastructure proposals are developed. [Attach policies.]

We have not consistently done this in the past and we will develop a process to formally consider making housing funding applications when funds for infrastructure projects are sought.

When will you do this?  2011  2012  2013

**City is part of the Brazoria County Urban Entitlement CDBG Program and will work this with the County that manages the HOME Program.**

Not Applicable. (Explain)

- 8. Most infrastructure projects take into account items like curb cuts, sidewalks, hearing and visually impaired indicators at intersections. When approving non-federally funded projects, similar special needs construction should be required for infrastructure improvements. Projects should also address other legacy discrimination issues, such as accessibility in public areas like courthouses, community centers and other high traffic areas.

We currently require that applications for non-federally-funded infrastructure projects are ADA compliant and address other legacy discrimination issues.

We do not have such a requirement. We will develop one.

When will you do this?  2011  2012  2013

Not Applicable. (Explain)

9. Each jurisdiction applying for Community Development Block Grant funds or other federal housing and community development funds should submit a Fair Housing Activities Statement – Texas (FHAAT) with their application, reviewing their infrastructure needs and housing needs and how the proposed activity promotes fair housing or results in more equitable treatment of protected classes. Projects with community-wide benefits should be accompanied by explicit commitments on the part of the local jurisdictions to undertake additional activities to affirmatively further fair housing along with a monitoring and reporting process.

We submit a FHAAT form.

When will you begin to do this?  2011  2012

Not Applicable. (Explain)

10. As part of the non-housing disaster recovery program, jurisdictions should consider low-income areas and areas populated principally by members of protected classes to determine the potential for flooding and consider making infrastructure expenditures to help protect the impacted communities—including colonias.

We have reviewed LMI areas and areas populated principally by members of protected classes, and prioritized infrastructure expenditures to help protect the impacted communities—including colonias.

**Our FHAAT work group has reviewed a map of previous DRS project locations and a map of our demographic profile which identified areas with concentrations (65% or more) of protected classes and areas with high (51% or more) low- to moderate-income populations. Both maps are attached to this worksheet. Our DRS project locations are in locations that have benefitted members of protected classes and LMI populations. We will continue to prioritize improvements to help protect impacted communities.**

We have not done this in the past but will conduct such a review and consider these infrastructure projects in the future.

When will you do this?  2011  2012

Not Applicable. (Explain)

11. If applicable, all policies should be reviewed regarding denying applicants' access to disaster recovery CDBG funds if their residence is located in the flood plain. If the policy does not allow participation by restricting building in flood plains, then the policy should be assessed to see if alternative housing programs could be implemented for

the residents. Local jurisdictions should analyze the results and see if protected classes are more frequently harmed by flood plain restrictions. This action does not apply to the GLO CDBG Disaster Relief Fund that limits property purchase "unless TXCDBG receives satisfactory evidence that the property to be purchased was not constructed or purchased by the current owner after the property site location was officially mapped and included in a designated flood plain."

- We have completed this review and analysis and will take action on our findings.
- We have not completed this review and analysis. We will do so and take appropriate actions based on our findings for Round 2 programs.

When will you do this?  2011  2012

Not Applicable. (Explain)

12. When an entire community is in a flood plain, the community should establish clear standards that allow for proper elevation or relocation, and that also allows for visitability/special needs considerations consistent with state<sup>[2]</sup> and federal law.

- We have established clear standards that allow for proper elevation of homes or for relocation, and also allow for visitability/special needs considerations consistent with state and federal law. [Attach documentation.]

[2] Texas Government Code Section 2306.514

- We have not developed these standards but will do so for Round 2 programs.

When will you do this?  2011  2012

Not Applicable (Explain)

**Only a portion of the city is in the flood plain. The City will coordinate with the HGAC which is administering DRS Housing so no residents are adversely impacted.**

13. Local jurisdictions that accommodated the relocation of disaster survivors resulting in concentrations of protected class survivors in specific areas should establish Moving to Opportunity Programs and include renters in their Moving to Opportunity Programs as defined under Round 2.

- This action step applies to our jurisdiction. We will establish a Moving to Opportunity Program for disaster survivors as part of our Round 2 housing recovery program.

When will you do this?  2011  2012

Not Applicable (Explain)

**The City is not a location for the relocation of disaster survivors.**

14. Consistent with the process established in the conciliation agreement, local jurisdictions and state agencies should work together to determine a demographic and economic profile of victims of the natural disaster and establish goals for assisting these populations in no less that the proportions they were impacted by the disaster. These goals should be performance goals and disaster recovery funds should be extended incrementally in a manner to ensure that these populations are equitably assisted with benefits.

We will cooperate with state agencies to carry out this action step.

When will you do this?  2011  2012

Not Applicable. (Explain)

15. All infrastructure programs funded with disaster recovery funds should be designed so that any publicly accessible infrastructure projects and associated facilities are fully accessible to persons with disabilities.

We have established clear policies and procedures to ensure that all infrastructure programs funded with disaster recovery funds will be designed so that any publicly accessible infrastructure projects and associated facilities are fully accessible to persons with disabilities. [Attach documentation.]

We have not developed these standards and policies; we will do so for Round 2 infrastructure projects. The person or entity responsible for developing these standards will be the City Council.

When will you do this?  2011  2012  2013

Not Applicable. (Explain)

16. Consistent with the Conciliation Agreement, family and elderly public housing units damaged or destroyed by the disaster should be reconstructed or repaired in a manner that affirmatively furthers fair housing utilizing disaster recovery funds within 24 months of approval of the initial application for disaster recovery assistance for the local jurisdiction.

We affirm that family and elderly public housing units damaged or destroyed by the disaster will be reconstructed or repaired in a manner that affirmatively furthers fair housing utilizing disaster recovery funds within 24 months of submission of the initial application for disaster recovery assistance by the local jurisdiction.

Not Applicable (Explain)

**The City does not have any public housing units.**

<b>Impediment #6</b>	Governmental entities at all levels do not appear to have been proactive in the enforcement of both the Fair Housing Act and the obligation to affirmatively further fair housing. The State and sub recipients should implement a robust and effective structure for identifying and pursuing suspected violations.
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1. Given the potential for increase in Fair Housing enforcement action by federal and state agencies and private organizations, an ongoing fair housing testing program for areas that receive federal housing and community development funds could be beneficial to protect state agencies and sub-recipients from potential repayment. Fair housing enforcement is a valid use of CDBG funding and can be used to establish testing programs by agencies trained in HUD testing procedures. The state, or local jurisdictions combining together, should consider conducting tests in areas that include the following: steering in sales and rental; the denial of and different terms and conditions based on race, national origin, familial status, and disability in sales and rental; predatory and disparate terms and conditions in lending and insurance; and foreclosure modification schemes targeting minority neighborhoods. The state should also consider education to applicable entities on self-testing and self-correction.

We currently have a testing program for Fair Housing violations. For more information.

We do not have a testing program for Fair Housing violations and plan to establish one.

When will you do this?  2011  2012  2013

Not Applicable. (Explain)

**Testing is a sophisticated activity more appropriately handled by a regional or statewide authority. The City will cooperate with any such efforts.**

2. TDHCA should, as a pilot program, allocate funds to independent third parties or a combined jurisdiction team identified in point 1 of this section to provide similar testing to determine if additional enforcement is necessary.

**No local action is required at this time.**

3. Impacted agencies that provide certification that they are affirmatively furthering fair housing as required by federal law, should consider publishing a public document on enforcement that provides the public and communities with a clear description (and chart) of the state and Federal Fair Housing Act.

On documents concerning housing and community development programs that are provided to the public, we will list fair housing enforcement contacts and procedures consistent with the State suggested language when it is provided in 2011.

When will you do this?  2011  2012

Not Applicable. (Explain)

City of Freeport, Texas

4. Each community should place on its website (if one is available) the contact, at the local, state, and federal levels, for reporting a Fair Housing complaint, if citizens believe they were victims of housing discrimination.

We have published the contact information – at the local, state and federal levels – for reporting a Fair Housing complaint. [Attach a copy or URL.]

We have not done so but will do so.

When will you do this?  2011  2012

Not Applicable (Explain)

5. Each local jurisdiction should publish on its website a clear statement, approved jointly by TDHCA, expressing the jurisdiction's obligation to affirmatively further fair housing and providing a method for reporting suspected noncompliance to the state and to HUD. The jurisdiction's contact person should be able to refer to clear local Fair Housing procedures for the complaint process, keep logs and records of all inquiries, allegations, complaints and referrals. These reports should be sent to the appropriate funding agency. Where these reports show that a jurisdiction has administered programs inconsistently with the AI and had the effect of discouraging applications from members of protected classes who are deemed eligible under the plan for assistance, affirmative marketing plans should be developed and submitted to the appropriate agency.

We have published a policy statement expressing our jurisdiction's obligation to Affirmatively Further Fair Housing. [Attach a copy or URL.]

We will publish a policy statement consistent with the language the State provides in 2011.

When will you do this?  2011  2012

Not Applicable. (Explain)

We have developed clear procedures for the Fair Housing complaint process. [Attach a copy]

We will develop clear procedures for the Fair Housing complaint process once more guidance is given by the State in 2011.

When will you do this?  2011  2012

We keep complete logs and records of all Fair Housing inquiries, allegations, complaints and referrals and have a policy statement about these legal records.

We will begin keeping required logs and records.

When will you do this?  2011  2012

Not Applicable. (Explain)

- We have remedial procedures for developers, landlords, home sellers and others whose actions may be inconsistent with Fair Housing laws and regulations.
- We do not have remedial procedures but will develop them. The agency or person who will be responsible for developing these procedures is **City Council**.

When will you do this?  2011  2012

**For remedial procedures, we will consider a Fair Housing Ordinance when the State provides a model ordinance.**

- Not Applicable. (Explain)

<b><u>Impediment #7</u></b>	Many local jurisdictions have zoning codes, land use controls, and administrative practices that may impede fair housing choice and fail to affirmatively further fair housing.
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1. The law anticipates that ordinances creating disparate impact should also be reviewed for change. If a disparate impact is determined to exist by the local jurisdiction, it could repeal or amend the restriction, use public funds to offset the cost through homebuyer assistance programs, or waive fees or other offsets to make the home more affordable.

- We recently conducted or updated a Fair Housing Review of our ordinances and codes.
- We have not done so but will conduct a review.
- We have a policy statement/guidance for those responsible for developing codes/ordinances that reminds them to consider and document the Fair Housing/AFFH implications of any new rule.
- We do not have such a policy/guidance but will develop one when suggested guidelines are provided by the State in 2011.

When will you do this?  2011  2012

- Not Applicable. (Explain)

2. To help limit concentrations that could be considered impediments to affirmatively furthering fair housing, jurisdictions that have long term planning documents for housing growth or redevelopment, or revitalization plans, should consider allowing or encouraging mixed income affordable housing in the plan and provide incentives for development of this type of housing in areas that are not concentrated.

- We recently conducted a Fair Housing Review and took/are taking appropriate action concerning our planning documents. [Attach a list of plans reviewed, a summary of findings, and actions you will take to remove impediments]
- We have not done so but will conduct a Fair Housing Review after the State provides suggested guidelines in 2011.



When will you do this?  2011  2012

- Not Applicable. (Explain)
- We have identified residential areas that show concentrations or underrepresentation of protected groups, and we encourage mixed-income affordable housing and other strategies to widen housing choice throughout our jurisdiction.
- We have not done so but will include this in our FFAST plan once guidelines are provided by the State in 2011.

When will you do this?  2011  2012  2013

- Not Applicable. (Explain)
- 3. Local jurisdictions seeking CDBG Disaster Recovery funds from the state should consider offering expedited permitting and review processes for affordable housing projects within high opportunity target zones.
  - We currently offer incentives to developers to locate affordable housing projects in high opportunity neighborhoods and prevent overconcentration.
  - We have not done so but will.

When will you do this?  2011  2012  2013

- Not Applicable (Explain)

**The City is not undertaking any DRS housing activities but will cooperate with HGAC, which is administering these activities, and will expedite permitting and review processes as necessary.**

<b>Impediment #8</b>	Inadequate planning for re-housing after an emergency situation creates a situation where persons who are uninsured or under-insured, low income, or special needs can be displaced for long periods of time.
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1. Some legislators, the Sunset Commission, and communities acknowledge that while temporary disaster housing is a federal program, Texas should continue to provide guidance to local governments on additional planning that needs to be done as part of the emergency preparedness planning to most efficiently work with FEMA.

**No local action is required at this time.**

2. As much of what FEMA has previously offered is travel trailers or manufactured housing, local governments should review their zoning requirements or other land use provisions that restrict temporary housing or housing on an existing lot during the building process and look at potential waivers that do not risk or negatively impact health, safety, and welfare during a period after disasters so that low income persons can move back to their existing communities with temporary housing while waiting for redevelopment.

- We have reviewed our zoning requirements and other land use provisions and have provided waivers or other accommodations for post-disaster housing.
- We have not done so but will review our zoning and look at potential waivers.

When will you do this?  2011  2012  2013

Not Applicable. (Explain)

**Impediment #9**      There are impediments in public and private actions and private attitudes to housing choice for persons with disabilities.

1. To meet federal Fair Housing requirements for zoning and neighborhood uses, jurisdictions should look to determine if there are direct or indirect limitations in codes that would prevent facilities or personal residences from providing assistance or communities of choice or service-enriched environments that directly impact special needs persons.
2. Local jurisdictions should work to ensure that zoning or code requirements do not unnecessarily impose stricter commercial building requirements, such as emergency access or protection services, on group homes, thereby dramatically increasing housing costs for persons with special needs.

We have reviewed our codes and ordinances and have addressed/are addressing any impediments relating to special needs persons, including (1) rules that might prevent facilities or personal residences from providing assistance or communities of choice or service-enriched environments that directly impact special needs persons, and (2) rules that might unfairly increase the costs to special needs persons.

We have not done so but will conduct a review and address any impediments identified once guidelines are provided by the State in 2011.

When will you do this?  2011  2012

Not Applicable. (Explain)

3. Local jurisdictions should consider coordinating with the legislatively created Housing and Health Services Coordination Council for best practices on working with supportive services.

We agree to coordinate with the legislatively created Housing and Health Services Coordination Council for best practices on working with supportive services.

When will you do this?  2011  2012  2013

Not Applicable. (Explain)

**Impediment #10** There are barriers to mobility and free housing choice for Housing Choice Voucher holders including: inadequate tenant counseling services and mobility assistance, failure of PHAs to apply for the FMR pilot demonstration funds, and government policies, procedures, and regulations that tend to decrease participation by private housing providers and to restrict available housing to "racially or low-income populated neighborhoods" with little access to economic, educational, or other opportunity.

**No local action beyond compliance with Round 2 Housing Guidelines is currently required but communities are encouraged to work with local public housing authorities to understand and overcome these impediments.**

**Impediment #11** Loss of housing stock in Hurricanes Dolly and Ike compounded the shortage of affordable housing in disaster recovery areas. This shortage is particularly acute in safe, low-poverty neighborhoods with access to standard public services, job opportunities and good schools.

**No local action is required at this time. TDHCA will develop a statewide strategic plan including guidance for local jurisdictions on the following Action Steps in 2011.**

1. To help offset the costs of developments that feature reduced rents without government support, local jurisdictions should consider establishing density bonuses to allow for higher levels of units per site for multifamily developments and single-family developments that propose increased affordability.
2. TDHCA and HUD have developed programs that preserve affordable housing. Continuing in this vein, the state and local jurisdictions should work to preserve existing affordable housing development and discourage them from converting to market rate housing. Requirements should be included in all publicly funded developments providing tenants with early and clear notification of the intention of management to convert to market rate housing and providing first right of refusal to nonprofit and public entities and organizations to purchase units to maintain affordability.
3. The state and local jurisdictions should consider using CDBG funds to buy down the cost of land in high-cost and high-opportunity development areas to increase affordable housing options in these areas.

**Impediment #12** Lack of financial resources for both individuals and housing providers limits Fair Housing choice. Using an effective program under Section 3 of the Housing and Urban Development Act of 1968 may help members of protected classes gain economic opportunities necessary to allow them to exercise fair housing choice.

1. The state is maximizing its resources in Round 2 of the Ike/Dolly funding to affirmatively further fair housing in single family and multi-family developments. As called for in the Conciliation Agreement, the state is looking to provide more integrated housing options for persons in racially concentrated or poverty

concentrated neighborhood groups. In single-family programs, the state should require subrecipients to offer the opportunity to relocate out of floodplain areas, concentrations of racial minorities, or concentrations of poverty—through the Homeowner Opportunity Program. Any relocation should be into an area that does not result in simply relocating the high-concentration from one area to another.

**Local jurisdictions will be responsible for complying with Section 3 as part of their contract with the state.**

2. Jurisdictions receiving federal funds from HUD, directly or indirectly, should ensure they have a compliant Section 3 program to meet HUD requirements regarding notification to LMI eligible persons of potential job creation at the impacted neighborhood level with federal funds.

We have in place a Section 3 program that meets the requirements of federal law and regulations regarding potential job creation at the impacted neighborhood level and the use of federal funds to hire local LMI eligible persons. We confirm that appropriate staff persons in this jurisdiction have already received training on Section 3, regarding job creation for local LMI persons including members of protected classes. [Attach Section 3 plan and list of staff names and training dates]

We have not done so but will develop a Section 3 program that meets the requirements of federal law and regulations and that ensure appropriate staff receive training.

When will you do this?  2011  2012

**Impediment #13**

Location and lack of housing accessibility and visitability standards within political jurisdictions limits fair housing choices for persons with disabilities.

1. Local jurisdictions should consider establishing incentives for affordable housing applicants to create an increased set-aside of housing units for persons with disabilities or persons who are elderly without violating the existing TDHCA integrated housing rule.
2. TDHCA and local jurisdictions should consider adding proximity to medical facilities as a scoring incentive for competitive programs using federal funds for proximity to medical facilities.
3. TDHCA should require that all federally funded housing construction be built to accessibility standards found in Texas Government Code §2306.514.

We have formally considered: 1) establishing incentives for affordable housing developers to create an increased set-aside of housing units for persons with disabilities or persons who are elderly without violating the existing TDHCA Integrated Housing Rule; 2) providing point incentives for units in proximity to medical facilities for competitive programs using federal funds; and 3) requiring new housing built with federal funds to be built with structures that allow for accessible features, regardless of whether the original occupant needs the features, as called for by state law. [Attach documentation of the review and resulting actions.]

We have not undertaken the above review, but plan to do so.

When will you do this?  2011  2012  2013

Not Applicable (Explain).

**Actions No. 1 and No. 2 are not applicable as the city does not offer incentives. For Action No. 3, city codes require these standards for multi-family units and for single-family units, the city supports State and Federal requirements.**

<b>Impediment #14</b>	Many colonias residents live in developments that have insufficient infrastructure and protections against flooding and are impacted by flooding beyond events like Hurricanes Dolly and Ike.
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1. The state, COGs, and local jurisdictions should examine the infrastructure needs in colonias, in particular the use of CDBG disaster recovery funds to provide drainage improvements to correct flooding problems in the wake of Hurricane Dolly, and the historical provision of public infrastructure and housing assistance to meet those needs in border and non-border colonias.

We have identified the unserved infrastructure needs of colonias within our jurisdiction and whether these infrastructure improvements are eligible for disaster recovery funding and, if so, whether those projects will be funded.

We have not undertaken the above review, but plan to do so.

When will you do this?  2011  2012

Not Applicable (Explain)

**There are no colonias in our jurisdiction.**

<b>Impediment #15</b>	Minority neighborhoods in disaster areas are primarily served by non-regulated insurance companies that do not adhere to underwriting guidelines and may be discriminated against in the provision of insurance. Texas has passed aggressive statues to prevent insurance "redlining." National research indicates that protected classes face unwarranted disparities in the cost of insurance, the amount of coverage, and cancellation of policies without notice to the homeowner.
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**No local action is required at this time.**

<b>Impediment #16</b>	Many jurisdictions do not have adequate Analysis of Impediments to Fair Housing or Fair Housing Plans, and do not keep sufficient records of their activities.
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1. Recipients of CDBG funds from HUD for housing should maintain records as required by the Fair Housing Act, HUD regulations, and the Conciliation Agreement in order to document that they are carrying out their commitments and affirmatively furthering fair housing.

We currently maintain all required records to document our AFFH actions and compliance with Fair Housing laws, HUD and State regulations, and the Conciliation Agreement. [Attach details of the records now kept and identify the person or entity responsible for keeping these records.]

We have not done so but will do so in compliance with GLO guidance.

When will you do this?  2011  2012  2013

Not Applicable. (Explain)

2. As required under the Conciliation Agreement, the State will conduct a new Statewide AI after HUD approval of the Phase 1 AI. Entitlement communities should conduct new AIs or update current AIs to ensure that they address all recommended data and issues and specifically address issues related to all protected classes under the Fair Housing Act. Race and national origin, as well as the other protected classes, must be identified independent of low and moderate-income categories in order to understand the impact of actions, practices, regulations, ordinances, and other factors on them.

We recently completed a formal Analysis of Impediments, are currently updating an existing AI, or are conducting our first AI. [Attach most recent AI or draft.]

We are using the FFAST form process to analyze our impediments to fair housing and plan how to address them.

When will you do this?  2011  2012

**Alternative or additional Local Action Steps developed by this jurisdiction:** To address unique impediments to fair housing within each community, local jurisdictions are encouraged to develop alternative action steps to be adopted in lieu of or in addition to those set out in the State of Texas Interim Analysis of Impediments to fair housing. If your jurisdiction elects to propose alternative or additional action steps, please describe them below.

We plan to take additional Action Steps, described in an Attachment.

We will not take additional FH Action Steps at this time.

When will you do this?  2011  2012  2013

Not Applicable. (Explain)

**The City will work with Brazoria County to address impediments identified in the County AI.**

**2010 US Census Table, DP-1, Profile of General Population**

<b>HISPANIC OR LATINO AND RACE</b>	<b>FREEPORT</b>	
Total population	12,049	100.0
Hispanic or Latino	7,223	59.9
White alone	4,639	38.5
Black or African American alone	114	0.9
American Indian and Alaska Native alone	66	0.5
Asian alone	4	0.0
Native Hawaiian and Other Pacific Islander alone	0	0.0
Some Other Race alone	2,054	17.0
Two or More Races	346	2.9
Not Hispanic or Latino	4,826	40.1
White alone	3,190	26.5
Black or African American alone	1,353	11.2
American Indian and Alaska Native alone	29	0.2
Asian alone	56	0.5
Native Hawaiian and Other Pacific Islander alone	1	0.0
Some Other Race alone	11	0.1
Two or More Races	186	1.5

All Others excluding White alone = 8,859 persons or 73.52% of total population.







Brazoria CAD

*Dickson / Flooten  
2nd st*

Property Search Results > 151748 CITY OF FREEPORT

FILE

Property

Account

Property ID: 151748      Legal Description: A0033 S F AUSTIN, TRACT 4 (UND 1/3), ACRES 0.220, FREEPORT

Geographic ID: 0033-0001-000      Agent Code:  
Type: Real

Location

Address: W 2ND ST      Mapsco:  
FREEPORT, TX 77541

Neighborhood: SBR ABST STRATA 1      Map ID:  
Neighborhood CD: SBR1

Owner

Name: CITY OF FREEPORT      Owner ID: 21410  
Mailing Address: 200 W 2ND ST      % Ownership: 100.0000000000%  
FREEPORT, TX 77541-5773

Exemptions: EX

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
<hr/>			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
<hr/>			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
<hr/>			
(=) Assessed Value:	=	N/A	

Taxing Jurisdiction

Owner: CITY OF FREEPORT  
% Ownership: 100.0000000000%  
Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
		N/A	N/A	N/A	N/A
CFP	CITY OF FREEPORT	N/A	N/A	N/A	N/A
DR2	VELASCO DRAINAGE	N/A	N/A	N/A	N/A
GBC	BRAZORIA COUNTY	N/A	N/A	N/A	N/A
JBR	BRAZOSPORT COLLEGE	N/A	N/A	N/A	N/A
NAV	BRAZ RIVER NAV DIST	N/A	N/A	N/A	N/A
RDB	ROAD & BRIDGE	N/A	N/A	N/A	N/A
SBR	BRAZOSPORT ISD	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			

Taxes w/Current Exemptions: N/A

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