

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Charter Review Commission met on Thursday, October 3, 2019, at the Freeport City Hall, 1<sup>st</sup> floor Code Department Office, 200 West 2<sup>nd</sup> Street, Freeport Texas for the purpose of considering the following agenda items:

Charter Review Members: Sandra Barbree  
Amy Carrales  
Donna Hayes  
Ana Silbas  
Rita Cundieff Absent

Staff: Tim Kelty, City Manager  
Betty Wells, City Secretary  
Stephanie Russel

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Call to Order.

Sandra Barbree opened the meeting at 6:10 p.m.

Administer Oath of Office

City Secretary Betty Wells administered the oath of office to Donna Hayes.

Consideration of selecting a Secretary.

On a motion by Sandra Barbree, seconded by Amy Carrales, with all present voting “Aye.” Betty Wells was appointed Secretary for the Charter Review Board.

Consideration and possible action on the approval of Charter Review meeting minutes from August 26, 2019.

Donna Hayes asked if the Charter Review could discuss **Section 3.01 (b) (d) Number. Selection and Term** from the August 26, 2019 meeting she asked if the Charter Review Board were discussing the number of terms that City Council and Mayor would serve. She asked if any recommendations were made to this section. Mr. Kelty explained that on the last meeting the Board will bring all suggestions and decide what will go to Council as recommendations of changes to the Charter. Possible recommendation, two three year terms.

On a motion by Ana Silbas, seconded by Amy Carrales, with all present voting “Aye”, the Charter Review Commission unanimously approved the Charter Review Commission meeting minutes from August 26, 2019.

Discuss the review of Charter.

City Manager Tim Kelty, Assistant City Manager Stephanie Russell, and the Charter Review Members discussed Sections 5-9 of the Charter.

**5.01 Elections:** Sandra Barbree said that regular City Elections should be held annually on the first of May. Mr. Kelty she said he is going to check on this, to see if it will be in November. Sandra Barbree asked about the odd years. Mr. Kelty asked is there a Federal Election every year. Mr. Kelty said that he will work with Chris Duncan to get this figured out. Stephanie Russell said that if we go with three years terms we will always be off somewhere. Donna Hayes said that with the three year it will still save the City money. Stephanie said that we will have staggered terms; all of Council does not come on and go off at the same time. This section will be recommended for change.

**5.02 Regulation of Elections:** Sandra Barbree said that this section kind of repeats what was said in Section 3.01. Its either made by the Council or by the Laws of State of Texas. Mr. Kelty said typically we follow the State Law.

**5.03 Filing for Office** No recommendations.

**5.04 The Official Ballot:** Mr. Kelty said the concern in this section is all official ballots shall be printed at least twenty days prior to the date. He said that all ballots are done by electronics. This section was discussed and may have recommendations.

**5.05 Election by Majority:** Sandra Barbree said that she does not see where this section says fifty one percent. Mr. Kelty said this section was changed in 2016. The way that he understands this section you have to have the majority to win.

**5.06 Laws Governing City Elections:** No recommendations.

**5.07 Conducting and Canvassing Elections:** No discussions.

**5.08 Oath of Office:** No discussions.

**5.09 Cancellations of Elections:** No discussions

**5.10 Limitations on Consecutive Terms of Office:** Mr. Kelty said that this should be recommended for change to two years. Sandra Barbara said that consecutive is another issue in this section.

**6.01 Scope of Recall:** Tim Kelty discussed this section, but there is no recommendation for change.

**6.02 Petitions for Recall:** Sandra Barbree said that this section is saying that the public can petition for removal of the Mayor. Stephanie Russell said that there are three grounds for removal.

In the petition you would have to state which of the three is grounds would be used in the petition for removal.

**6.03 Form of Recall Petition:** Stephanie Russell asked in this section if the State has a standard Petition that can be used. She was asking if it is necessary to have something this specific as the copy of Petition in the Charter. Sandra Barbree said that it is in the Charter it cannot be removed. Mr. Tim Kelty said that it could go for election.

**6.04 Various Papers Constituting Petition:** No recommendation.

**6.05 Presentation of Petition to City Council:** No recommendation.

**6.06 Public Hearing to be Held:** No recommendation.

**6.07 Election to be called:** Stephanie Russell said this section is standard. Mr. Kelty asked what happens if the City fails to recall an election in less than twenty-five days, and not more that thirty-five days. Will this cause an invalid election. Mr. Kelty said that this seems to be a short turn around.

**6.08 Ballots in Recall Election:** No recommendation.

**6.09 Result of Recall Election:** No recommendation.

**6.10 Recall, Restrictions Thereon:** Sandra Barbree said that you cannot recall an officer before three months of their election.

**6.11 Failure of City Council to Call an Election:** No recommendation.

**7.01 General Power:** No recommendation.

**7.02 Initiative:** Tim Kelty said this does not require an election, just requires a petition with 200 qualified voters or 30% of votes cast, whichever is greater. If the petition is signed by everyone that is qualified then Council is required to adopt the ordinance. Mr. Kelty asked what happens if the ordinance is unlawful. It would be a violation of State of Law. Sandra Barbree said you cannot just pass a law because you had people sign a petition. You cannot supersede Federal Law.

**7.03 Referendum:** No recommendation.

**7.04 Voluntary Submission of Legislation by the City Council:** No recommendation.

**7.05 Form of Ballots:** No recommendation.

**7.06 Publication of Proposed and Referred Ordinances:** No recommendation.

**7.07 Adoption of Ordinances:** No recommendation.

**7.08 Inconsistent Ordinances:** No recommendation.

**7.09 Ordinances Passed by Popular Vote, Repeal or Amendment:** Sandra Barbree said that if this is put out to the people and they win it, then you cannot repeal or amend this ordinance. Donna Hayes said until the next Charter Review, and then it will have to be put up for vote again. Mr. Kelty said, does it become a part of the Charter or an ordinance. Sandra Barbree said and ordinance.

**7.10 Further Regulations by City Council:** No recommendation.

**7.11 Franchise Ordinances:** No recommendation.

**8.01 Platting and Property:** Tim Kelty said that he will speak with City Attorney Chris Duncan to make sure that all the sections and references are still accurate in this section, because there has been some changes in State Law. Donna Hayes asked if State Law changes will we have to make the changes to the Charter.

**8.02 Development of Property:** Mr. Kelty said that he is not sure how this works with the EDC. He will get with EDC Director Holman on this section.

**8.03 (8)(c) 7 Planning Commission:** Mr. Kelty said that this should reference specifically within the city limits or the ETJ. Mr. Kelty said that he does not like the meeting once a month. Donna Hayes said that needs to be changed. Mr. Kelty said that he would like to change the 30days on the Vacancies.

**8.04 Zoning Board of Adjustment:** No recommendation.

**9.01 Fiscal Year:** No recommendation.

**9.02 Preparation and Submission of Budget:** Stephanie Russell stated that this section is good. Except for (m) and (n) propose getting these deleted this is proposed budget.

**9.03 Anticipated Revenues Compared with Other Years in Budget:** No recommendation.

**9.04 Proposed Expenditures Compared with Other Years.** No recommendation.

**9.05 Budget a Public Record:** No recommendation.

**9.06 Notice of Public Hearing on Budget** Stephanie Russell suggested change to State Statue requirements in accordance with law.

**9.07Public Hearing on Budget:** No recommendation.

**9.08 Proceedings on Budget after Public Hearing:** No recommendation.

**9.09 Vote Required for Adoption:** No recommendation.

**9.10 Date for Final Adoption:** Stephanie Russell recommends that it should say before the fiscal year, or by State Law requirements.

**9.11 Effective Date of Budget; Certifications; Copies made Available:** Stephanie Russell said that we file with the County and she recommends that we remove the State Comptroller. We do not file with them.

**9.12 Budget Establishes Appropriations:** No recommendation.

**9.13 Budget Establishes Amount to be raised by Property Tax:** No recommendation.

**9.14 Contingent Appropriation:** Tim Kelty said this is a very confusing section the way it is written. This section needs to be revised.

**9.15 Estimated Expenditures Shall Not Exceed Estimated Resources:** No recommendation.

**9.16 Other Necessary Appropriations:** No recommendation.

**9.17 Department of Taxation:** No recommendation.

**9.18 Power to Tax:** No recommendation.

**9.19 Property Subject to Tax, Method of Assessment:** No recommendation.

**9.24 Taxes When Due and Payable:** No recommendation.

**9.25 Tax Liens:** No recommendation.

### Adjourn

On a motion by Donna Hayes, seconded by Amy Carrales, with all present voting “Aye”, the meeting adjourned at 7:49 p.m.

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Chairperson Sandra Barbree

Charter Review Committee

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Secretary Betty Wells

Charter Review Committee