

CITY OF FREEPORT

Charter Review Commission Recommendations

DRAFT

January 22, 2024

Proposed Changes to the Existing City of Freeport Home Rule Charter: The following changes are proposed for Council consideration to be placed on the Ballot for the May 2023 General Election. In keeping with prior years' recommendation reports where the text in BLACK is the current language, the underlined GREEN text is the proposed language for inclusion in the Charter, the text in RED is the proposed ballot language and the text in BLUE is the rationale behind the change.

Proposed Change #1: Correction to Spelling, Grammar, and Punctuation Errors in the Charter, see Section 3.02 below as an example.

Proposed Charter Language to correct such errors:

SECTION 3.02. QUALIFICATIONS.

The Mayor and each member of the City Council ... without a valid written excuse filed with the Mayor or Mayor Pro Tem ... and shall fill such vacancy as set forth in Section 3.06 of this Charter.

Proposed Ballot Language:

Proposition #1: Shall the Charter be amended to authorize City Council to correct spelling, grammar, and punctuation errors in the Charter?

Rationale for Change:

There are spelling, grammar, and punctuation errors within the Charter, and this proposition would authorize City Council to adopt a revised Charter correcting such errors.

Proposed Change #2: Section 3.06

Current Charter Language:

SECTION 3.06. VACANCIES.

When a vacancy occurs in the City Council, the remaining members thereof, must, within ten (10) days, appoint a qualified person to fill the unexpired term of such vacancy; provided, however, the City Council shall not appoint more than one council member in any twelve-month period, and in the event of the occurrence of a vacancy in the City Council within a twelve-month period in which a vacancy in the City Council has been filled by the said City Council, or in the event that more than one vacancy shall occur at the same time; then in such event a special election shall be held within forty (40) days from the date the last vacancy occurred, for the purpose of electing the successor or successors. In the event that the Mayor and Mayor Pro Tem should resign at the same time, the remaining members of the City Council, or any of them, shall have the right and power to issue legal notice of such election to be so

held, and to elect and appoint election officials. Should all positions on the City Council become vacant at one time, then in such event, the County Judge of Brazoria County, Texas, is hereby empowered and directed to issue notice of such special election for an on behalf of said City, and to appoint qualified persons as election officials.

Proposed Charter Language:

SECTION 3.06. VACANCIES.

When a vacancy occurs in the City Council for a Council position that has an unexpired term of twelve (12) months or less, the remaining members thereof, shall appoint a qualified person to fill the unexpired term of such vacancy; provided, however, if the vacancy occurs with more than twelve (12) remaining on the unexpired term of such position, or in the event that more than one vacancy shall occur at the same time, then in such event a special election shall be held within one hundred and twenty (120) days from the date the last vacancy occurred, for the purpose of electing the successor or successors. In the event that the Mayor and Mayor Pro Tem should resign at the same time, the remaining members of the City Council, or any of them, shall have the right and power to issue legal notice of such election to be so held, and to elect and appoint election officials. Should all positions on the City Council become vacant at one time, then in such event, the County Judge of Brazoria County, Texas, is hereby empowered and directed to issue notice of such special election for an on behalf of said City, and to appoint qualified persons as election officials.

Proposed Ballot Language:

Proposition #2: Shall the Charter be amended to provide that the filling of a vacancies on City Council be consistent with Article 11, Section 11 of the Texas Constitution?

Rationale for Change:

The Charter needs to be consistent with the Texas Constitution when filling vacancies on City Council.

Proposed Change #3: Updating references to State law in the Charter, see Section 3.07(p) and (q) as an example.

Current Charter Language:

SECTION 3.07. POWERS OF THE CITY COUNCIL

(p) Exercise exclusive dominion, control and jurisdiction, including the right to close and abandon streets and alleys in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the City and provide for the improvement of same as provided in Article 1105b, Chapter 9, Title 28, of the Revised Civil Statutes of the State of Texas of 1925, as now or hereafter amended;

(q) Exercise those powers enumerated in Acts of the 43rd Legislature of the State of Texas, 1933, p. 774, Chapter 231, commonly known as Article 1187a, Revised Civil Statutes of Texas, 1925, as the same exist

or may be hereafter amended;

Proposed Charter Language:

SECTION 3.07. POWERS OF THE CITY COUNCIL

(p) Exercise exclusive dominion, control and jurisdiction, including the right to close and abandon streets and alleys in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the City and provide for the improvement of same as provided by Chapter 311 of the Transportation Code, as now or hereafter amended;

(q) Exercise those powers related to harbor and port facilities provided by Chapter 54 of the Transportation Code, as now or hereafter amended;

Proposed Ballot Language:

Proposition #3: Shall the Charter be amended to authorize City Council to update all references to in the City's Charter to current State law?

Rationale for Change:

The Charter currently has references to outdated and uncodified State law that needs to be updated to current State law.

Proposed Change #4 and #5: Update references in the Charter to the City Secretary position and make references to persons or positions gender neutral, see Section 3.11 as an example.

Current Charter Language:

SECTION 3.11. PROCEDURE FOR PASSING OF ORDINANCES.

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

the caption or title of ordinances in the minutes or journal of council meetings. The City Council shall have power to cause the ordinances of the City to be corrected, amended, revised, codified and printed in code form as often as the Council deems advisable, and such printed code, when adopted by the Council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

Proposed Charter Language:

SECTION 3.11. PROCEDURE FOR PASSING OF ORDINANCES.

Every ordinance shall be introduced in written or printed form and upon passage, shall take effect at the time indicated therein; provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten days from the date of its passage; subject to the provisions of Article 7 of this Charter. The City Secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty of any such ordinance to be published in the official newspaper of the City of Freeport at least twice within ten days after the passage of said ordinance. The City Secretary shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the Charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided, that the provisions of this section shall not apply to the correction, amendment, revision and codification of the ordinances of the City for publication in book or pamphlet form. Except as otherwise provided by Article 7 of this Charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the City Council. Every ordinance shall be authenticated by the signature of the mayor and City Secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by the Council. It shall only be necessary to record the caption or title of ordinances in the minutes or journal of council meetings. The City Council shall have power to cause the ordinances of the City to be corrected, amended, revised, codified and printed in code form as often as the Council deems advisable, and such printed code, when adopted by the Council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

Proposed Ballot Language:

Proposition #4: Shall the Charter be amended to authorize City Council to update all references to City Clerk to now read City Secretary?

Proposition #5: Shall the Charter be amended to authorize City Council to make all references to persons or positions gender neutral?

Rationale for Change:

The Charter should reflect current references to the City Secretary position and be gender neutral throughout.

Proposed Change #6: SECTION 3.14. AUDIT AND EXAMINATION OF CITY BOOKS AND ACCOUNTS.

Current Charter Language:

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

City Council shall, as soon as feasible, after the close of the fiscal year, select a Certified Public Accountant for the purpose of performing a complete audit of all books, records and accounting systems being used by the City. It shall be the duty of such Certified Public Accountant to perform two (2) spot, partial audits during the fiscal year, all work to commence on an unannounced basis by such accountant. His report shall include a recapitulation of all audits made during the year and all audit reports shall be filed with the City Council, shall be available for public inspection, and shall be a part of the archives of this City. Such accountant, so selected, shall not maintain or keep any of the City's accounts or records.

Proposed Charter Language:

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

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

Proposed Ballot Language:

Proposition #6: Shall Section 3.14 of the Charter be amended to accurately reflect the City's annual audit requirements under State law?

Rationale for Change:

The current Charter language in Section 3.14 requires two unannounced audits of the City's records. This is not a practical requirement and is inconsistent with the audit requirements provided for in Chapter 103 of the Texas Local Government Code.

Proposed Change #7: Section 3.15. PUBLICATION OF FINANCIAL STATEMENT.

Current Charter Language:

SECTION 3.15. PUBLICATION OF FINANCIAL STATEMENT.

As soon as possible after the close of each quarter of the fiscal year, the City Manager shall cause a financial statement for such quarter to be prepared and made available for inspection by the public in the office of the City Secretary and maintain such report on the City's website for the next succeeding quarter of the fiscal year.

Proposed Charter Language:

SECTION 3.15. PUBLICATION OF FINANCIAL STATEMENT.

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

Proposed Ballot Language:

Proposition #7: Shall Section 3.15 of the Charter be amended to require the City Manager to publish the quarterly financial statement within forty-five (45) days of the close of each quarter?

Rationale for Change:

The phrase "[a]s soon as possible" is being redefined as "[w]ithin forty-five (45) days to put a definitive deadline of the filing of the quarterly financial statement.

Proposed Change #8: SUBSECTION (a) Chief of Police, under SECTION 4.02. DEPARTMENT OF POLICE

Current Charter Language:

SECTION 4.02. DEPARTMENT OF POLICE.

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

(a) Chief of Police. The chief of police shall be the chief administrative officer of the department of police. He shall, with the approval of the City Manager, appoint and remove the employees of such department and shall perform such other duties as may be required of him by the city council. The chief of police shall be appointed by the city manager, with the approval of the city council, for an indefinite term. The chief of police shall be responsible to the city manager for the administration of the police department and the carrying out of the directives of the city council. The chief of police may be removed from office by the city manager with the approval of the city council.

Proposed Charter Language:

SECTION 4.02. DEPARTMENT OF POLICE.

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

(a) Chief of Police. The chief of police shall be the chief administrative officer of the department of police. He shall, with the approval of the City Manager, appoint and remove the employees of such department and shall perform such other duties as may be required of him by the city council. The chief of police shall be appointed by the city manager, with the approval of the city council, for an indefinite term. Within six (6) months of his or her appointment, the Chief of Police shall establish and thereafter maintain a place of residence within 30 miles from the city for the duration of his or her employment by the city in such capacity. The chief of police shall be responsible to the city manager for the

administration of the police department and the carrying out of the directives of the city council. The chief of police may be removed from office by the city manager with the approval of the city council.

Proposed Ballot Language:

Proposition #8: Shall the Charter be amended to require the Chief of Police to establish a place of residency within 30 miles from the City?

Rationale for Change:

The Charter Review Commission felt that it was important for the Chief of the Police Department to resident close to the City in order to improve visibility and response time.

Proposed Change #9: SECTION 4.07. DEPARTMENT OF HEALTH AND SANITATION.

Current Charter Language:

SECTION 4.08. DEPARTMENT OF HEALTH AND SANITATION.

(a) Appointment and Qualification. The City Council may appoint a City Health Officer who shall be a licensed physician qualified to practice medicine in the State of Texas and a resident of the City of Freeport. In the event no available licensed physician qualified to practice medicine in the State of Texas is a resident of the City of Freeport, the Council may appoint as City Health Officer a nonresident physician qualified to practice medicine in the State of Texas. When the office of City Health Officer is vacant, the County Health Officer of Brazoria County, Texas, may perform any of the duties of such office required by law to be performed by a licensed physician qualified to practice medicine in the State of Texas. The City Health Officer shall be the Director of the Department of Health and Sanitation, unless the office of City Health Officer is vacant, in which event the City Manager shall appoint an employee of the City to be the Supervisor of such Department.

(b) Administration. The City Manager shall be responsible to the City Health Officer for the general administration of the Department of Health and Sanitation and the supervision of the employees thereof.

(c) Duties of the Health Officer. The City Health Officer shall advise with the City Council on a program of Public Health; shall cooperate in the preparation of a Sanitary Code; shall cooperate with nearby cities on problems of health and sanitation; shall cooperate with the Commissioners Court of Brazoria County and its agencies, and with the State Health Department and other departments of State Government in matters pertaining to health and sanitation.

Proposed Charter Language:

SECTION 4.08. HEALTH OFFICER.

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

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

(b) Duties of the Health Officer. The City Health Officer shall advise with the City Council on a program of Public Health; shall cooperate with nearby cities on problems of health; shall cooperate with the Commissioners Court of Brazoria County and its agencies, and with the State Health Department and other departments of State Government in matters pertaining to health.

Proposed Ballot Language:

Proposition #9: Shall the Charter be amended to update the qualifications and duties of the Health Officer to reflect current City practice and the role of a Municipal Health Officer?

Rationale for Change:

The City does not have a Department of Health, and the duties and responsibilities of a Health Officer have changed since this Charter provision was drafted. The proposed changes reflect current duties and responsibilities of the City's Health Officer.

Proposed Change #10: SECTION 4.08. FIRE AND E.M.S. DEPARTMENT.

Current Charter Language:

SECTION 4.08. FIRE AND E.M.S. DEPARTMENT.

For the protection of property and lives within the city, there is hereby established and there shall be maintained by the city a department to be known as the Freeport Fire and E.M.S. ("Emergency Medical Service").

Proposed Charter Language:

SECTION 4.08. FIRE AND E.M.S. DEPARTMENT.

For the protection of property and lives within the city, there is hereby established and there shall be maintained by the city a department to be known as the Freeport Fire and E.M.S. ("Emergency Medical Service"). The Fire Chief shall be the chief administrative officer of the department of Fire and EMS. The Fire Chief shall, with the approval of the City Manager, appoint and remove the employees of such department and shall perform such other duties as may be required by the City Council. Within six (6) months of his or her appointment, the Fire Chief shall establish and thereafter maintain a place of residence within 30 miles from the city for the duration of his or her employment by the City in such capacity.

Proposed Ballot Language:

Proposition #10: Shall the Charter be amended to require the Fire Chief to act as the chief administrative officer of the department of Fire and EMS and to establish a place of residency within 30 miles from the City?

Rationale for Change:

The added language about the Fire Chief being the chief administrative officer of the Fire and EMS department reflects current job duties and job description. The Charter Review Commission also felt that it was important for the Fire Chief to resident close to the City in order to improve visibility and response time.

Proposed Change #11: SECTION 6.04. VARIOUS PAPERS CONSTITUTING PETITION.

Current Charter Language:

SECTION 6.04. VARIOUS PAPERS CONSTITUTING PETITION.

The petition may consist of one or more copies, or subscription list, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. Verifications provided for in the next preceding section of this Article may be made by one or more petitioners, and the several parts of copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five (45) days prior to the filing of such petition or petitions with the person performing the duties of City Secretary. All papers comprising a recall petition shall be filed with the person performing the duties of City Secretary on the same day, and the said Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to his Freeport address.

Proposed Charter Language:

SECTION 6.04. VARIOUS PAPERS CONSTITUTING PETITION.

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

Proposed Ballot Language:

Proposition #11: Shall the Charter be amended to allow one hundred and eighty (180) days to submit signatures for a petition, which is consistent with State and Federal law?

Rationale for Change:

The Charter should be updated to be consistent with State and Federal law concerning the time allowed for signatures on a petition.

Proposed Change #12: SUBSECTION (d)(5) OF SECTION 8.03. PLANNING COMMISSION.

Current Charter Language:

SECTION 8.03. PLANNING COMMISSION.

- (d) Powers and Duties: The Commission shall have the power and shall be required to:
 - (5) Make, and recommend to the City Council for adoption, plans for the clearance and rebuilding of slum districts and blighted areas which may develop within the City;

Proposed Charter Language:

SECTION 8.03. PLANNING COMMISSION.

- (d) Powers and Duties: The Commission shall have the power and shall be required to:
 - (5) Make, and recommend to the City Council for adoption, plans for the clearance and rebuilding of substandard structures and blighted areas which may develop within the City;

Proposed Ballot Language:

Proposition #12: Shall the Charter be amended to remove the use of the word “slum districts” and replace with “substandard structures”?

Rationale for Change:

The use of the phrase “slum districts” is outdated and inappropriate. The Charter Review Commission recommends replacing that word with substandard structures, which the identification of same is part of the current duties of the Planning Commission.

Proposed Change #13: SECTION 11.02. PERSONAL INTEREST.

Current Charter Language:

SECTION 11.02. PERSONAL INTEREST.

No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, nor shall be financially interested directly, or indirectly, in the sale to the City of any land, or rights or interest in any land, materials, supplies or service. The above provision shall not apply where the interest is represented by ownership of stock in a corporation involved, provided such stock

ownership amounts to less than one percent (1%) of the corporation stock. Any violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the City shall render the contract voidable by the City Manager or the City Council.

Proposed Charter Language:

SECTION 11.02. PERSONAL INTEREST.

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

- (1) the officer or employee owns 10 percent (10%) or more of the voting stock or shares of the business entity or owns either 10 percent (10%) or more or \$15,000 or more of the fair market value of the business entity; or
- (2) funds received by the officer or employee from the business entity exceed 10 percent (10%) of the person's gross income for the previous year.

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

Proposed Ballot Language:

Proposition #13: Shall the Charter be amended to update personal interest prohibitions to be consistent with Chapter 171 of the Texas Local Government Code?

Rationale for Change:

The Charter should be consistent with the conflicts of interest provisions of Chapter 171 of the Texas Local Government Code.

Proposed Change #14: SECTION 11.07. SPECIAL PRIVISIONS COVERING DAMAGE SUITS.

Current Charter Language:

SECTION 11. 07. SPECIAL PROVISIONS COVERING DAMAGE SUITS.

Before the City shall be liable to damage claim or suit for personal injury, or damage to property, the person who is injured, or whose property is damaged, or someone in his behalf, shall give the City Manager or the person performing the duties of City Secretary, notice in writing within thirty(30) days after the occurrence of the alleged injury, or damage, stating specifically in such notice when, where and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses upon whose testimony such person is relying to establish the injury or damage. No action at law for damages shall be brought against the City for personal injury or damage to property prior to the expiration of 180 days after the notice hereinbefore described has been filed with the City Manager or the person performing the duties of City Secretary, not later than two (2) years after the occurrence of the injury or damage to the property. In case of injuries resulting in death, before the City shall be liable in damages therefor the person or persons claiming such damages shall within thirty (30) days after the death of the injured person give notice as above required in case of personal injury. Provided, however, that nothing therein contained shall be construed to mean that the City of Freeport waives any rights, privileges, defenses or immunities in tort actions which are provided under the common law, and Constitution and general laws of the State of Texas.

Proposed Charter Language:

SECTION 11. 07. SPECIAL PROVISIONS COVERING DAMAGE SUITS.

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

Proposed Ballot Language:

Proposition #14: Shall the Charter be amended to update claims for damages against the City to be consistent with current State law?

Rationale for Change:

The recommended change for this section is to bring it into compliance with Texas Torts Claim Act.

Proposed Change #15: SECTION 11.10. INTERIM MUNICIPAL GOVERNMENT.

Current Charter Language:

SECTION 11.10. INTERIM MUNICIPAL GOVERNMENT.

The members of the governing body holding office when this Charter is adopted shall continue in office under the terms of Article 3 of this Charter.

Proposed Charter Language:

[delete section in its entirety]

Proposed Ballot Language:

Proposition #15: Shall the Charter be amended by removing this obsolete section concerning Interim Municipal Government?

Rationale for Change:

This section is obsolete and no longer needed.

Proposed Change #16: SECTION 11.12. AMENDING THE CHARTER.

Current Charter Language:

SECTION 11.12. AMENDING THE CHARTER.

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by Chapter 9 of the Local Government Code, as now or hereafter amended. In the event the United States Department of Justice should fail or refuse to pre-clear any proposed amendment to this charter which submitted to the voters at a charter amendment election and which is required by law to be pre-cleared by said department; and if at such election the majority of voters vote in favor of such proposed amendment, such proposed amendment shall nevertheless have no force and effect unless and until it has either been pre-cleared by said department or the validity of such proposed amendment has been established by the final judgment of a court of competent jurisdiction.

Proposed Charter Language:

SECTION 11.12. AMENDING THE CHARTER.

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by Chapter 9 of the Local Government Code, as now or hereafter amended.

Proposed Ballot Language:

Proposition #16: Shall the Charter be amended to update the procedure for amending the Charter to be consistent with current State and Federal law?

Rationale for Change:

The City is no longer required to receive preclearance from the United State Department of Justice for proposed amendments to the Charter. This change updates this section to reflect current State and Federal law.

Proposed Change #17: SECTION 11.14. SUBMISSION OF CHARTER TO VOTERS.

Current Charter Language:

SECTION 11.14. SUBMISSION OF CHARTER TO VOTERS.

The Charter Commission in preparing this Charter finds and decides that it is impracticable to segregate each subject so as to permit a vote of “yes” or “no” on the same, for the reason that the Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that the said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Freeport at an election to be held for that purpose on the 18th day of June, 1960. Not less than thirty (30) days prior to such election, the City Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City of Freeport as appears from the latest tax collector’s roll. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Freeport, and after the returns have been canvassed, the same shall be declared adopted and the City Secretary shall file an official copy of the Charter with the records of the City. The City Secretary shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by his signature and the seal of the City, shall be forwarded by the Mayor to the Texas Secretary of State and shall show the approval of such Charter by majority vote of the qualified voters voting at such election.

Proposed Charter Language:

[delete section in its entirety]

Proposed Ballot Language:

Proposition #17: Shall the Charter be amended by removing this obsolete section concerning the initial submission of the Charter to voters for original approval?

Rationale for Change:

This section is obsolete and no longer needed.