



Charter Review Commission Meeting
Tuesday, December 18, 2018
6:00 PM

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (979) 265-2082 or FAX (979) 265-7345 for further information.

AGENDA

BE IT KNOWN that the **CHARTER REVIEW COMMISSION** of the City of Richwood will meet in **Charter Review Commission Meeting** on **Tuesday, December 18, 2018** at **6:00 PM** at 1800 N. Brazosport Blvd., Richwood, TX 77531 at the Richwood City Hall in the Council Chambers with the following agenda:

- I. CALL TO ORDER
- II. ROLL CALL OF MEMBERS
- III. PUBLIC COMMENTS
All public comments will be subject to the following rules: all speakers will be permitted to speak no longer than 3 minutes; all speakers will only be permitted to speak once; speakers cannot defer their 3 minutes to another speaker; the first five individuals who sign up for the public comment section will be permitted to speak
- IV. APPROVAL OF MINUTES 3
- V. DISCUSSION AND ACTION ITEMS
 - A. Article 10 - Franchise and Public Utilities 10
 - B. Article 11 - General Provisions 13
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- VIII. FUTURE AGENDA ITEMS
- IX. ADJOURNMENT

I, Giani B. Cantu, do hereby certify that I did, on 12/14/18 at _____ p.m., post this notice of meeting on the bulletin board at 1800 N. Brazosport Blvd., Richwood, TX, in compliance with the Texas Open Meetings Law.

Giani Cantu, City Secretary
City of Richwood

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (979) 265-2082 or FAX (979) 265-7345 for further information.

Minutes of Charter Review Commission Meeting

The Charter Review Commission

City of Richwood

A Charter Review Commission Meeting of the Charter Review Commission of City of Richwood was held Tuesday, November 13, 2018, beginning at 6:00 PM in the Richwood City Hall, 1800 N Brazosport Blvd. Richwood, Texas.

CALL TO ORDER

The meeting was called to order at 6:06 p.m.

ROLL CALL OF MEMBERS

Clint Kocurek – Chair - Absent

Warren Allen – Vice Chair

Patti Guthrie

Frank Blanks

Lauren LaCount

Others present: Michael Coon, City Manager; Mark Guthrie, Mayor

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF MINUTES

On motion by Lauren LaCount second by Frank Blanks, with all present members voting “aye”, the minutes of the October 25, 2018 meeting were approved.

DISCUSSION AND ACTION ITEMS

Postponed items of Articles 1-3

All notes and action to be revisited in a meeting #4. Date TBD. Items to address from October 25, 2018 meeting:

- Grammatical and Punctuation changes may / may not be made by codification editor
- Section 3.01 - Shall the commission cite term limits for council members

Review of Article 4 – Administrative Services

All sections not expressly mentioned in these minutes carried no changes or discussion of alteration.

Section 4.01 – City Manager | Subsection (c) | line (1)

The commission has postponed discussion for a future meeting the sentence

He/She shall have the authority with the approval of the City Council to appoint and remove all department heads.

The discussion was held around the contention that the City Manager should have the authority to remove a department head prior to, or wholly without, review by City Council. It was noted an appeals process would be necessary to put in place for wrongful termination or prior to filing any permanent employment records with other organization or agency. The discussion was postponed for later meeting.

Section 4.05 – Municipal Court | Subsection (b)

The second word of this line changes from ‘shall’ to ‘may’. The new sentence reads:

*There **may** be a court administrator appointed by the City Manager...*

On motion by Lauren LaCount, seconded by Warren Allen, with all present members voting “aye”, the recommendation to change the singular role of court administrator from mandated to optional was approved.

Section 4.08 – Fire Department

The commission discussed if the wording needed to change regarding the Fire Protection mandate; citing that the department could become or have a paid role within the next two years – and the establishment and maintenance of said department may be better served with some additional language providing options for growth.

Further discussion postponed for later meeting.

Review of Article 5 – Nominations and Elections

All sections not expressly mentioned in these minutes carried no changes or discussion of alteration.

There were no discussions or alterations proposed to any of the sections of Article 5.

Review of Article 6 – Recall of Officers

All sections not expressly mentioned in these minutes carried no changes or discussion of alteration.

Section 6.02 – Petitions for recall

There was discussion in this section surrounding the percentage of voters required to present petition of recall to City Council. Provided the highest voting turn out for prior Mayoral election was just over 100, requiring 20% of registered voters (more than 500) would be illogical. It was suggested that the percentage be raised to 50%, of the last Mayoral vote count. The discussion was postponed for the last meeting, where additional research or consideration would be made.

REPORTS

No reports were provided at this meeting.

SET NEXT MEETING DATE

The next meeting was set for Thursday, November 29, 2018 at 6:00 PM.

FUTURE AGENDA ITEMS

Review:

- The tabled items from Articles 1-6.
- Article 7 – Legislation by the People, Initiative, and Referendum
- Article 8 – Municipal Planning and Zoning
- Article 9 – Municipal Finance

ADJOURNMENT

There being no further business, the meeting adjourned at 7:47 p.m.

These minutes were read and approved on the 18th of December, 2018.

Chair/Vice Chair

City Secretary

Minutes of Charter Review Commission Meeting

The Charter Review Commission City of Richwood

A Charter Review Commission Meeting of the Charter Review Commission of City of Richwood was held Thursday, November 29, 2018, beginning at 6:00 PM in the Richwood City Hall, 1800 N Brazosport Blvd. Richwood, Texas.

CALL TO ORDER

The meeting was called to order at 6:05 p.m.

ROLL CALL OF MEMBERS

Clint Kocurek – Chair – Arrived Late 0732

Warren Allen – Vice Chair

Patti Guthrie

Frank Blanks

Lauren LaCount – Arrived late 0615

Others present: Michael Coon, City Manager; Mark Guthrie, Mayor - Arrived at 6:45 p.m.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF MINUTES

Minutes for the meeting held on November 13, 2018 were not presented. The review of the minutes will be postponed to the following meeting.

DISCUSSION AND ACTION ITEMS

Postponed review of Articles 1-3

All notes and action to be revisited in a meeting #4. Date TBD. Items to address from October 25, 2018 meeting:

- Grammatical and Punctuation changes may / may not be made by codification editor
- Section 3.01 - Shall the commission cite term limits for City Council members

Postponed review of Articles 4-6

All notes and action to be revisited in a meeting #4. Date TBD. Items to address from November 13, 2018 meeting:

- Section 4.01 – City Manager authority to remove department heads
- Section 4.08 – Fire Department wording for growth
- Section 6.02 – Petition for recall percentage of what number

Review of Article 7 – Legislation by the People, Initiative, and Referendum

All sections not expressly mentioned in these minutes carried no changes or discussion of alteration.

Section 7.06 Publication of proposed and referred ordinances

The commission inquired to the mandate of publishing in newspaper vs option to publish in multiple sources with higher viewership or more relevant medium. If this requirement changed, or is a viable alteration to the charter, consideration to be made in all locations throughout the charter regarding newspaper medium.

Discussion **postponed** for determination at the later meeting because we needed research and input.

Review of Article 8 – Municipal Planning and Zoning

All sections not expressly mentioned in these minutes carried no changes or discussion of alteration.

Section 8.02 – Development of property

The commission reviewed, but determined **no alterations proposed**. The discussion was concerning if the restrictions of expenditures were restricting to the city for growth encouragement.

Review of Article 6 – Recall of Officers

All sections not expressly mentioned in these minutes carried no changes or discussion of alteration.

Section 9.01 – Municipal Finance

The word ‘year’ to be changed to the word ‘day’. The new sentence shall read:

*The fiscal year of the City of Richwood shall begin the first day of October and shall end on the last **day** of September...*

On motion by Warren Allen, seconded by Frank Blanks, with all present members voting “aye”, the recommendation to change the word was **approved**.

Section 9.02 – Preparation and submission of a budget

The numbering of the section was in error) Section 9.01 – Preparation to change to

Section 9.02 - Preparation

On motion by Warren Allen, seconded by Frank Blanks, with all present members voting “aye”, the recommendation to change the number of the section was **approved**.

Section 9.03 – Anticipated revenues compared with other years in budget

The discussion was held regarding the City Secretary being the back up for the Director of Finance when a City Manager exists. It was determined that the City Manager would delegate the duties to the Director of Finance, but would be the responsible party for the activity.

Therefore; the wording of this section will change, and in all other locations in the document where the exact language occurs:

‘Director of Finance, or the City Secretary if no Director of Finance has been installed’ shall change to

‘City Manager or the City Manager’s designee’; which after correction – this section shall read:

*In preparing the budget, the City Manager or the City Manager’s designee,
shall place in parallel columns...*

On motion by Lauren LaCount, seconded by Frank Blanks, with all present members voting “aye”, the recommendation to appropriate assign responsibility to the City Manager or their designee has been **approved**.

The commission also indicated this change to happen throughout the document where it occurs.

- Section 9.02
- Section 9.04

Section 9.14 – Contingent appropriation

The commission determined in discussion with the City Manager and the Mayor that the current maximum level of contingency allowed by the Charter would be insufficient to recover from a catastrophic failure of basic city utility components. The commission agreed that the Director of Finance, through the City Manager, with review by the Council, should set the final value for contingency to be held in the treasury; however, the maximum would be moved from three percent (3%) to ten percent (10%) of the annual city revenues. The section shall now read

*Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than **ten** per centum of the budget, to be used in case of unforeseen items of expenditure.*

On motion by Lauren LaCount, seconded by Frank Blanks, with all present members voting “aye”, the recommendation to change maximum contingency from three to ten percent has been **approved**.

REPORTS

No reports were provided at this meeting.

SET NEXT MEETING DATE

The next meeting was set for Tuesday, December 18, 2018 at 6:00 PM.

FUTURE AGENDA ITEMS

Review:

- Article 10 – Franchise and Public Utilities
- Article 11 – General Provisions
- Postponed items from the charter

ADJOURNMENT

There being no further business, the meeting adjourned at 7:56 p.m.

These minutes were read and approved on the 18th of December, 2018.

Chair/Vice Chair

City Secretary

ARTICLE 10. - FRANCHISE AND PUBLIC UTILITIES

Section 10.01. - Powers of the City.

In addition to the City's power to buy, own, construct, lease, maintain, operate and regulate public utilities and to manufacture, distribute and sell the output of such utility operations, the City shall have further powers as may now or hereafter be granted under the Constitution and laws of the State of Texas.

(Ord. of 5-11-13)

Section 10.02. - Franchise; power of City Council.

The City Council shall have power by ordinance to grant, amend, renew and extend, all franchises of all public utilities of every character operating with the City of Richwood. No franchise shall be for an indeterminate period, and no franchise shall be granted for a term of more than 30 years from the date of grant, renewal or extension.

All ordinances granting, renewing, extending or amending a public utility franchise shall be read at two separate regular meetings of the City Council; and shall not be finally passed until 30 days after the first reading; and no such ordinance shall take effect until 30 days after its final reading; and pending such time, the full text of such ordinance shall be published once each week for four (4) consecutive weeks in the official newspaper of the City, and the expense of such publication shall be borne by the prospective franchise holder.

(Ord. of 5-11-13)

Section 10.03. - Grant not to be exclusive.

No grant or franchise to construct, maintain, or operate a public utility and no renewal or extension of any such grant shall be inclusive.

(Ord. of 5-11-13)

Section 10.04. - Transfer of franchise.

No public utility franchise shall be transferable except with the approval of the City Council expressed by ordinance. The term "transferable," as used herein, shall not be construed in such a manner as to prevent the franchise holder from pledging said franchise as security for a valid debt or mortgage.

(Ord. of 5-11-13)

Section 10.05. - Franchise value not to be allowed.

No value shall be assigned to any franchise granted by the City in fixing reasonable rates and charges for utility service within the City and in determining the just compensation to be paid by the City for public utility property which it may acquire by condemnation or otherwise.

(Ord. of 5-11-13)

Section 10.06. - Right of regulation.

Every grant, renewal, extension or amendment of a public utility franchise, whether so provided in the ordinance or not, shall be subject to the right of the City Council, as permitted by law and including but not limited to:

- (a) Forfeit any such franchise by ordinance at any time for the failure of holder thereof to comply with the terms of the franchise, such power to be exercised only after notice and hearing, and a reasonable opportunity to correct the default;
- (b) Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (c) Impose reasonable regulations to insure safe, efficient and continuous service to the public;
- (d) Examine and audit at any time during regular business hours the accounts and records of any such utility which are relevant to the City's right of regulation, and to require annual and other reports including reports of operation within the City;
- (e) Require such compensation and rental as may be permitted by the laws of the State of Texas.

(Ord. of 5-11-13)

Section 10.07. - Regulation of rates.

The City Council shall have full power, after notice and hearing, to regulate by ordinance, the rates of every public utility operating in the City, provided that no such ordinance shall be passed as an emergency measure. The City shall have power to employ at the expense of the grantee, expert assistance and advice in determining a reasonable rate and equitable profit to the grantee.

(Ord. of 5-11-13)

Section 10.08. - Municipally owned utilities.

Accounts shall be kept for each public utility owned and operated by the City, in such manner as to show the true and complete financial results of such City ownership and operation including all assets and all liabilities, appropriately subdivided by classes, depreciation reserve, other reserves and surplus, also revenues, operating expenses including depreciation, interest payments, rental and other disposition of annual income. The accounts shall show actual capital cost to the City of each utility owned, also the cost of all extensions, additions, and improvements and the source of funds expended for such capital purposes. The accounts shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any City department. The City Council shall cause an annual report to be made by a certified public accountant and shall publish such report showing the financial results of such City ownership and operation, giving the information specified in this section and such other data the City Council may require.

(Ord. of 5-11-13)

Section 10.09. - Sales of municipal services.

The City Council shall have the power and authority to:

- (a) In or outside the limits of the City, sell and distribute water, sell and provide sewer service, provide for garbage and trash collection and disposition and to provide for similar services;
- (b) Prescribe the kind of materials used within or beyond the limits of the City for such municipal services, inspect the same and require such materials to be kept in good order and condition at all times, make such rules and regulations as shall be necessary and proper, and prescribe penalties for noncompliance with the same.

(Ord. of 5-11-13)

ARTICLE 11. - GENERAL PROVISIONS

Section 11.01. - Public records.

All public records of every office, department or agency of the City shall be open to inspection by any citizen at all reasonable times, provided that police records and vital statistics records, and any other records closed to the public by law, shall not be considered public records for the purpose of this section.

(Ord. of 5-11-13)

Section 11.02. - Nepotism.

No person related within the second degree by affinity, or within the third degree by consanguinity to any elected officer of the City, or to the City Manager, shall be appointed to any office, position or clerkship or other service of the City. Provided that nothing herein contained shall prevent the appointment, voting for, or confirmation of an employee related within the prohibited degree who shall have been continuously employed in any such office, position, clerkship, employment or duty for six months prior to the election of office of any City official or appointment of the City Manager.

(Ord. of 5-11-13)

Section 11.03. - Notice of claim.

Before the City shall be liable to damage claims on suit for personal injury, or damage to property the person who is claiming damages or who is injured or whose property is damaged, or someone in his/her behalf, shall give the City Manager or the person performing the duties of City Secretary, notice in writing within 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. No action at law for damages shall be brought against the City for personal injury or damage to property prior to the expiration of 60 days after the notice herein before described has been filed with the City Manager or the person performing the duties of City Secretary, nor later than two years after the occurrence of the injury or damage to property. In cases of injuries resulting in death, before the City shall be liable for damages therefor the person or persons claiming such damages shall within 30 days after the death of the injured person give notice as before required in case of personal injury. Provided, however, that nothing herein contained shall be construed to mean that the City waives any rights, privileges, defenses or immunities in tort actions which are provided under the common law, the Constitution and general laws of the State of Texas.

(Ord. of 5-11-13)

Section 11.04. - Provision relating to assignment, execution and garnishment.

The property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ of execution or other legal attachment. The funds belonging to the City in the hands of any person, firm, or corporation, shall not be liable to garnishment, attachment or sequestration, nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ or garnishment or any account whatsoever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors unless required or compelled by law.

(Ord. of 5-11-13)

Section 11.05. - City not required to give security or execute bond.

It shall not be necessary in any action, suit or proceedings in which the City is a party, for any bond or other security to be demanded or executed by or on behalf of said City in any of the state courts, but in all such actions, suits, appeals or proceedings same shall be conducted in the manner as if such bond or other security had been given as required by law.

(Ord. of 5-11-13)

Section 11.06. - Personal interest in City contract.

No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or shall be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or services, unless either:

- (a) The officer or employee does so as an officer or employee of the City; or
- (b) The person is an elected City official, and the official files with the City Secretary an affidavit stating the nature of such interest as required by law; and
- (c) The City Council approves the contract without the participation of the official involved.

Any willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall be subject to removal from his/her office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contacting with the City shall render the contract involved voidable by the City Manager or City Council.

(Ord. of 5-11-13)

Section 11.07. - Effect of Charter on existing law.

All codes, ordinances, resolutions, rules, policies and regulations in force in the City as of the effective date of this Charter and not in conflict with this Charter shall remain in force until altered, amended or repealed by the City Council. All taxes, assessments, liens, encumbrances and demands, of or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under the law in force at the time of the beginning of such proceedings or under the law after the adoption of this Charter.

(Ord. of 5-11-13)

Section 11.08. - Interim municipal government.

Upon adoption of this Charter, the persons then filling elective offices will continue to fill those offices for the terms to which they were elected. Thereafter, the City Council shall be elected as provided in article 3 of this Charter. Persons, who on the date this Charter is adopted, are filling appointive positions with the City may continue to fill those positions for the term for which they were appointed unless removed by the City Council or by other means provided for in this Charter.

(Ord. of 5-11-13)

Section 11.09. - Applicability of general laws.

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

(Ord. of 5-11-13)

Section 11.10. - Amending the Charter.

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by the applicable statute of the State of Texas.

(Ord. of 5-11-13)

Section 11.11. - Separability clause.

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

(Ord. of 5-11-13)

Section 11.12. - Charter Review Commission.

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

(a) *Duties of the Commission.* It shall be the duty of such Charter Review Commission to:

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

(b) *Action by the City Council.* The City Council shall receive and have published in a newspaper of general circulation in the City any report presented by the Charter Review Commission, shall consider any recommendations made, and if any amendments or amendment be presented as a part of such report may order such amendment or amendments to be submitted to the voters of the City in the manner provided by the applicable statute of the State of Texas.

(c) *Term of office.* The term of office of such Charter Review Commission shall be six months and, if during such term no report is presented to the City Council, then all records of the

proceedings of such Commission shall be filed with the person performing the duties of City Secretary and shall become a public record.

(Ord. of 5-11-13)

Section 11.13. - 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. If the Charter should be adopted in its entirety, the Charter Commission shall direct that the Charter be voted on as a whole and that it shall be submitted to the qualified voters of the City at an election to be held for that purpose on the 11th day of May, 2013. Not less than 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 as it appears from the latest City tax collector's roll. If a majority of the qualified voters in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City, 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/her signature and the seal of the City, shall be forwarded by the Mayor to the Secretary of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at such election.

(Ord. of 5-11-13)

	Population	Op. Budget (Expenses)	Miles from Nearest Metropolitan Area	Nearest Metro Area	Type City	Form of Government	Districts or At Large	Terms	Term Limits	Residency Qualifications	Vacancies	Required Meetings Per Month	Non - Attendance / Forfeiture of office
Joshua	6,345	\$5,147,960	50.9 MI	Dallas/Fort Worth	Home Rule	Council - Manager	At Large	3 yrs	4 consecutive terms or 12 years (whichever is less)	1 year	Can only appoint if vacancy affects quorum	1	3 consecutive
Rockdale	5,595	\$5,100,000	58.8 MI	Austin	Home Rule	Council - Manager	East Ward and Left Ward	3 yrs	None	1 year	Can appoint once a year only if remaining term is less than 1 year	1	3 consecutive
Krum	5,581	\$2,938,135	48.4 MI	Dallas/Fort Worth	General Law	Mayor-Council	At Large	2 yrs	none	1 year	Can appoint once a year (Sec 24.026 LGC)	1	can only be removed by petition for election
Jacksboro	4,511	\$3,028,649	60.5 MI	Dallas/Fort Worth	General Law	Mayor-Council	At Large	2 yrs	None	1 year	Can appoint once a year (Sec 24.026 LGC)	1	can only be removed by petition for election
Brazoria	3,071	\$4,092,061	54.8 MI	Houston	General Law	Council - Manager	At Large	2 yrs	none	1 year	Can appoint once a year (Sec 24.026 LGC)	1	can only be removed by petition for election
West Columbia	3,933	\$4,341,000	54.5 MI	Houston	General Law	Council - Manager	At Large	2 yrs	none	1 year state all, 6 months city - alderman, 1 year city - mayor	Can appoint once a year (Sec 24.026 LGC)	1	can only be removed by petition for election
Richwood	6,000	\$5,039,889	52.9 MI	Houston	Home Rule	Council - Manager	At Large	2 yrs	none	6 months	can appoint once a year	1	3 consecutive
Bellville	4,274	\$5,557,549	64.4 MI	Houston	General Law	Mayor-Council	At Large	2 yrs	none	1 year	Can appoint once a year (Sec 24.026 LGC)	1	can only be removed by petition for election
Columbus	3,625	\$5,285,613	73.1 MI	Houston	General Law	Council - Manager	At Large	2 yrs	none	1 year	Can appoint once a year (Sec 24.026 LGC)	1 - (but hold 2 meetings per month)	can only be removed by petition for election
Willis	6,370	\$5,845,140	48.0 MI	Houston	General Law	Council - Manager	At Large	2 yrs	none	1 year	Can appoint once a year (Sec 24.026 LGC)	1	can only be removed by petition for election

Charter Review Comparison

Home Rule Cities only

POWERS OF CITY COUNCIL

Joshua, TX

SECTION 3.04: GENERAL DUTIES AND POWERS

Except as otherwise provided by law or by this Charter, all powers of the City shall be vested in the City Council. The City Council shall exercise these powers to ensure the performance of all duties and obligations imposed on the City by law and by this Charter. Specifically, the City Council is provided with, but not limited to, the following powers:

- A. To enact municipal legislation.
- B. To appoint and remove all persons appointed by the City Council.
- C. To set the compensation of all appointed City officers.
- D. To establish operating policy.
- E. To establish the boundaries of the City.
- F. To establish salary structures for each job classification.

Rockdale, TX

ARTICLE IV. THE AUTHORITY AND LIMITATIONS OF THE CITY COUNCIL

Section 4.01 Mayor

The mayor shall serve as the ceremonial head of the city, preside at all meetings of the council and provide the leadership necessary to good government. He or she shall work with the council to obtain legislation in the public interest and with the city manager to ensure that the same is enforced, and participate in the discussion on all legislative and other matters coming before the council. The mayor shall be entitled to vote only in case of a tie. The mayor shall have signatory authority for all legal contracts and commitments of the city; sign all ordinances and resolutions; recommend appointees for the boards and commissions; work and coordinate with the city manager and the council; and, to the extent provided by state law in time of declared emergency, may take command of the police and govern the city by proclamation, maintain order and enforce all laws.

Section 4.02 Mayor Pro Tem

At its first regular meeting after each general election or a vacancy in the office of Mayor Pro Tem, the council shall elect one of its members to be mayor pro tem for a one (1) year term, or to fill the unexpired term resulting from the vacancy. The mayor pro tem shall be the councilmember who receives a majority of the votes cast. In the absence of the mayor, the mayor pro tem shall perform the duties of the mayor and in such capacity shall be vested with all powers conferred on such office. In the event of the failure, inability, or refusal of the mayor to act in respect to any matter or duty, the mayor pro tem shall act. In the event the office of mayor becomes vacant, the mayor pro tem shall serve as mayor until an election is held to elect a mayor to serve the unexpired term.

Section 4.03 The City Council

The city council shall be the legislative and governing body of the city and shall have control of all the city finances, property, functions, services, affairs and programs subject only to the terms and provisions of this charter. The council shall have the power to ordain, alter, amend or repeal and enforce ordinances, resolutions, rules, orders, and regulations, for any public purpose, that are not in conflict with this charter, or federal or state law. The council shall have the power and authority to provide for any public purpose, including but not limited to recreation, the regulation and control of public property, municipal finances, the preservation of the public peace and good order, the security and protection of the public health, safety and welfare, the promotion of trade, commerce and economic development, the beautification and quality of life within the city, and any other governmental or proprietary service or program. The city, by and through its city council, shall have full and complete power of local self government to the fullest extent not in conflict with this charter and state law, including all such authorities and privileges that are now or hereafter provided to cities by state law and such power and authority both express and implied as necessary to accomplish and enforce any such duty, program or public purpose.

The council shall have all the powers necessary and incident to the proper discharge of the duties imposed upon it and is hereby vested with all powers necessary to carry out the terms and provisions of this charter; except where such powers are, by this charter, specifically reserved or conferred on some other officer.

The following powers and duties of the council are not exclusive but are enumerated for greater clarity:

- (a) Appoint, supervise and remove the city manager by majority vote of the entire council;
- (b) Ensure enforcement of the provisions of this charter and the ordinances of the city;

- (c) Adopt and amend the budget of the city;
- (d) Call bond elections, and authorize the issuance and sale of bonds, certificates of obligations, certificates of participation, warrants, notes and other evidences of indebtedness or obligation of the city pursuant to this charter and state law;
- (e) Provide for and control of all city finances;
- (f) Fix the term of office or employment, salaries and compensation of the city employees, except as otherwise proclaimed by this Charter;
- (g) Adopt and modify the official map of the city;
- (h) Provide for boards and commissions as deemed necessary by the council, and as required by this charter, and appoint and remove all such boards and commissions upon the recommendation of the mayor;
- (i) Adopt, modify and carry out the plans proposed by the planning commission and other boards and commissions;
- (j) Adopt, modify and cause the enforcement of building codes, fire codes, and health codes, public safety codes, and all other codes and regulations deemed reasonably necessary;
- (k) Provide for all public utilities and serve as the primary regulatory agency for the rates thereof whether city-owned or furnished by private utility companies;
- (l) Provide for a sanitary sewer and water system and require property owners to connect their premises with sewer systems, where available, and provide for penalties for failure to make sanitary sewer connections;
- (m) Provide for sanitary garbage disposal and other municipal service and set charges therefor and provide penalties for failure to pay such fees and charges;
- (n) Provide for an electrical system and set fees and charges therefor, and provide penalties for misuse of same;
- (o) Pass ordinances and resolutions as necessary in its judgment for any public purpose not inconsistent with this charter;
- (p) Exercise police powers for the safety of all citizens, and to protect their health, life and property, prevent and summarily abate and remove all nuisances, preserve and to enforce good government, order and security of the city;
- (q) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein and provide for the erection of fireproof buildings within said limits and provide for the condemnation of dangerous structures or buildings or dilapidated buildings, or buildings calculated to increase the fire hazard, and prescribe the manner of their removal or destruction within said limits;
- (r) Control and regulate the use and occupancy of the public streets, rights-of-way and all property of the city;
- (s) Regulate, license and fix the charges or fares made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on public streets and alleys of the city;
- (t) Make investigations into municipal affairs and subpoena persons, documents and records, and compel the attendance of witnesses and the production of records for such purpose;
- (u) Inquire into the conduct of any office, department, or agency of the city and make investigations as to municipal affairs;
- (v) Require a fidelity bond to be provided at city expense for any officer or employee position;
- (w) For good cause, order a recall election to be held for or with respect to any member of the city council;
- (x) Appoint and remove the city attorney, the municipal judge, and the associate municipal judge;
- (y) Confirm or reject the appointment of the officers required by this charter to be confirmed by the council;
- (z) Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the city of Rockdale;
- (aa) To govern the affairs of the city in conformance with this charter and the state and federal constitutions and laws, and to determine by majority vote the best and most appropriate method and manner of efficiently performing the functions and providing the services of the city, consistent with the council-manager form of government; and, except as provided in this charter with respect to certain departments that must be maintained in effect, the council may after hearing the city manager create, change, merge, or abolish offices, departments or agencies of the city, and may contract for services by interlocal agreement or otherwise as it deems advisable to improve the services or the efficiency of government; and

(bb) Call and hold special elections useful to the accomplishment of the public purposes of the city, to the fullest extent not inconsistent with state law.

Richwood, TX

Section 3.07. - Powers of the City Council.

1. Establish, consolidate, or abolish administrative departments;
2. Adopt the budget of the City;
3. Authorize the issuance of bonds by a bond ordinance;
4. Inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs;
5. Remove from any office or position of employment in the City government, any officer or employee or member of any board or commission, unless that person is a department head, reports to a department head or is employed in one of the departments under the direction of the City Manager. The power of removal shall be a concurrent power with other individuals as authorized by this Charter and other written and duly authorized City policies;
6. Provide for such additional boards and commissions, not otherwise provided for in this Charter, as may be deemed necessary, and to appoint, or remove the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City ordinance or by law;
7. Adopt and modify the zoning plan and the building codes of the City;
8. Adopt and modify the official map of the City;
9. Regulate, license and fix the charges and fares made by any person, firm or corporation owning, operating, or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the City;
10. Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein and provide for the erection of fireproof buildings within said limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings, or buildings calculated to increase the fire hazard and prescribe the manner of their removal and destruction within said limits;
11. Fix the salaries and compensation of the City officers and employees;
12. Provide for a sanitary sewer and water system and require property owners to connect their premises with sewer system and provide for penalties for failure to make sanitary sewer connections;
13. Provide for sanitary garbage disposal, and set fees and charges thereof, and provide penalties for failure to pay such fees and charges;
14. Exercise exclusive dominion, control and jurisdiction 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 Texas law, as now or hereafter amended;
15. Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City of Richwood;
16. And such other and further powers as have been or may from time to time hereafter be delegated to home rule cities by the legislature of the State of Texas, including the powers incident to the exercise thereof;
17. All powers of this Charter are vested in the City Council. The council shall conduct all business in public meetings. No member of the council shall have any power to act or make appointments without the specific authorization of the council in a meeting.

(Ord. of 5-11-13)

Statute – Local Government Code

May only adopt and enact ordinances or resolutions as allowed in by state and federal statutes.

POWERS OF THE CITY MANAGER

Joshua, TX

SECTION 5.01: CITY MANAGER

A. Powers and Duties. The City Manager shall be the chief administrative and executive officer of the City and shall be responsible to the City Council. Responsibilities of the City Manager shall include the following:

1. Except as otherwise provided in this Charter, appoint, suspend, layoff, demote or remove any directors or heads of administrative departments and the Municipal Court Clerk; or any other administrative officers, or employees of the City.
2. Supervise and control directly or indirectly all administrative departments, agencies, officers and employees, except those exempted by this Charter. Set up job classifications and job descriptions within each department with salaries and wages commensurate with the employee's ability and qualifications.
3. Attend all City Council meetings acting in a consulting capacity to take part in the discussion but have no vote.
4. Prepare and submit an annual budget and be responsible for its administration after it is adopted.
5. Submit to the City Council a report at the end of the fiscal year on the finances and administrative activities of the City for the preceding year.
6. Keep the City Council advised of the financial condition and the future needs of the City and make such recommendations to the City Council on matters of policy and other matters as may seem desirable.
7. Combine, abolish or create administrative departments and notify the City Council of such action at the next regular Council meeting.
8. Have such other powers and perform such other duties as prescribed by this Charter and the City Council, in accordance with State Law.
9. See that all State Laws and City ordinances are effectively enforced.

B. Appointment and Qualifications. The City Council shall appoint a City Manager for an indefinite term by affirmative vote of at least four (4) members of the Council. The City Council shall by majority vote determine the City Manager's compensation. The City Manager shall be chosen solely upon the basis of executive and administrative training, experience, character and abilities, without regard to political considerations. Neither the Mayor nor any Councilmember may be appointed City Manager while holding office or for a period of two (2) years after their term has ended.

C. Removal of the City Manager. The City Council, acting in its sound discretion, may suspend or remove the City Manager at any time by an affirmative vote of at least four (4) members of the Council. City Manager serves at the will of the Council.

D. Absence of the City Manager. The City Manager may designate by letter filed with the City Secretary, a qualified administrative officer of the City to perform his or her duties during a temporary absence or disability of ten (10) days or less. In case of absence or disability of the City Manager of more than ten (10) days, the Council may designate some qualified person to perform the duties of the office during such absence or disability.

Rockdale, TX

Section 7.01 City Manager

The council shall appoint the city manager to be the chief executive and administrative officer of the city, and shall supervise the city manager by a majority vote. The city manager shall be chosen and compensated solely on the basis of his or her experience, education, training, ability and performance. The city manager may be bonded at city expense as determined by the council, and may require a bond be provided at city expense by any other employee. No member of the council shall, during the term of office for which he or she is elected or for two (2) years thereafter, be appointed city manager. The city manager need not reside in the city when appointed.

The city manager shall not be appointed for a definite term but may be removed at the will and pleasure of the council by an affirmative vote of a majority of the entire council. The action of the council in the suspending or removing of the city manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the council.

As part of his or her duties, the city manager shall be required to:

- (a) Enforce all state laws and city ordinances.
- (b) Appoint, suspend or remove any officer or employee of the city, except those officers appointed by the council and as otherwise specifically provided in this charter.
- (c) Attend all council meetings except when excused by council, and shall have the right to take part in the discussions.
- (d) Prepare and submit the proposed annual budget, and be responsible for the administration of the adopted budget.

- (e) Keep the council advised of the financial condition and needs of the city and make such recommendations as seem desirable.
- (f) Prepare and submit to the council at the end of each fiscal year a complete report on the finances and administrative activities of the city for such preceding fiscal year.
- (g) Make such other reports as the council may require concerning the operations of the city.
- (h) Meet, discuss and confer with and advise the mayor and or any member of the city council regarding the business of the city.
- (i) Perform such other duties as may be prescribed in this charter or required by the council.

Section 7.02 Acting Manager

The city manager may designate an officer or employee to act as city manager during the manager's absence or illness. The council may designate a qualified person to perform the duties of the office of city manager during his or her absence or disability, or when the position is vacant, and may set the compensation paid to such person during such time.

Statute – Local Government Code

Sec. 25.029. POWERS AND DUTIES OF CITY MANAGER; BOND. (a) The city manager shall administer the municipal business and the governing body of the municipality shall ensure that the administration is efficient.

(b) The governing body by ordinance may delegate to the city manager any additional powers or duties the governing body considers proper for the efficient administration of municipal affairs.

(c) The city manager must execute a bond. The bond must be conditioned that the manager will faithfully perform the duties of manager and must be in an amount prescribed by ordinance.

FIRE DEPARTMENTS

Rockdale, TX

Section 7.07 Fire Department

The council may establish a city fire department consisting of a fire chief, a fire marshal, and a volunteer fire department. Authority is hereby granted to maintain a volunteer fire department.

The fire chief shall be responsible for the management and administration of the fire department, including all contracts, functions, equipment and property. The fire chief shall annually evaluate the department and all its employees. The fire chief shall be elected annually by the volunteer fire department, subject to the approval of the city manager. The fire chief may appoint and remove the employees of said department and shall perform such duties as may be required of him by the council. The fire chief shall be responsible to the city manager and may be removed from office by the city manager with the approval of the council.

The fire marshal shall be responsible for the enforcement of ordinances pertaining to general protection from fire of the residents of the city. The fire marshal shall be appointed by and responsible to the city manager.

Statute – Local Government Code

Sec. 342.004. FIRE DEPARTMENT. (a) The governing body of the municipality may organize a fire department consisting of fire companies and the chief and any assistant engineers. The governing body shall prescribe the powers and duties of the fire department and its officers.

(b) Each company may elect its own members and officers. A company may adopt a constitution and bylaws that are not inconsistent with the statutes and the municipal ordinances.

(c) The fire department engineers shall be chosen as determined by the department, subject to the approval of the governing body, which shall pass ordinances that it considers necessary for the welfare of the

department. The mayor shall commission each elected officer approved by the governing body.

(d) The governing body may obtain fire engines and other fire-protection equipment, control the use of the equipment, and provide fire stations to preserve the equipment. The fire department shall maintain the fire engines and other fire-protection equipment.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

RECALL PETITIONS

Joshua, TX

SECTION 10.05: PRESENTATION OF PETITIONS

A. A petition to the City Council for initiative or referendum, containing the signatures of qualified voters equal in number to fifteen (15) percent of registered voters within the City of Joshua as of the date of the last general election for State officers, shall be filed with the City Secretary no later than thirty (30) days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.

B. A petition to the City Council for recall, containing the signatures of qualified voters equal in number to fifteen (15) percent of registered voters within the City of Joshua as of the date of the last general election for State officers, shall be filed with the City Secretary no later than thirty (30) days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.

Rockdale, TX

Section 6.05 Signatures

Initiative and referendum petitions must be signed by registered voters residing within the city in number equal to twenty percent (20%) of the number of votes cast at the last general election of the city, or 175 registered voters, whichever number is greater. The signatures to the initiative or referendum petition need not all be appended to one paper, but each signer shall sign his or her name in ink or indelible pencil and shall add or cause to be added his or her place of residence by street and number, county of residence, printed name, voter registration number, precinct number and date of signature.

Statute – Local Government Code

SUBCHAPTER C. REMOVAL OF MEMBER OF GOVERNING BODY OF CERTAIN GENERAL-LAW MUNICIPALITIES FOLLOWING ELECTION

Sec. 21.102. PETITION. (a) Before circulating a petition, a notice of intent to circulate a petition must be filed with the municipal clerk. A notice of intent to circulate a petition may not be filed before the 180th day after the date the officer whose removal is sought:

- (1) was elected; or
- (2) was subject to an unsuccessful recall election.

(b) After notice is filed under Subsection (a), a petition may be circulated. Each page of the petition must legibly and conspicuously:

- (1) be titled "Recall Petition";
- (2) state that the petition seeks to initiate a recall election to remove a member of the governing body;
- (3) state the full name and title of the member whose removal is sought; and
- (4) state the reasons for seeking removal.

(c) For a signature to be valid, it must:

- (1) comply with the requirements of Section [277.002](#), Election Code; and
- (2) be the signature of a registered voter in the territory that elected the member whose removal is sought.

(d) At least one signer of the petition must swear before a notary public or other person authorized to administer oaths that each signature on the petition was made by the person whose signature it purports to be, and that oath must be memorialized on the petition.

(e) A petition is valid if:

(1) the petition complies with the requirements of Subsections (a), (b), (c), and (d) of this section and Chapter [277](#), Election Code;

(2) the total number of valid signatures on the petition equals at least 50 percent of the total number of votes cast in the most recent election of the member whose removal is sought that was not a runoff election; and

(3) the petition is filed with the municipal clerk not later than the 30th day after the date of the filing of notice under Subsection (a).

Added by Acts 2013, 83rd Leg., R.S., Ch. 701 (H.B. [3015](#)), Sec. 1, eff. June 14, 2013.

Charter Review Board - Odd Years		
Members: 5	Council Liaison:	
Clint Kocurek		
Patti Guthrie		
Frank Blanks		
Warren Allen		
Lauren LaCount		
The city council shall appoint, at its regular city meeting in October of each even numbered year, a Charter review commission of five (5) citizens of the City of Richwood		

DATE		CHARTER REVIEW COMMISSION MEETING SCHEDULE	TIME
LOCATIONS:	Commission meetings will be held in the executive conference room at City Hall unless otherwise indicated on the agenda.		
	The final report will be presented during a regularly scheduled Council meeting in January 2018.		
October – November Cycle			
October 18 th	Introduction Appoint Officers of board Article 1 Form of Government and Boundaries Article 2 Powers of the City Article 3 The City Council		TBD
October 25 th	Article 4. - Administrative Services Article 5. - Nominations and Elections Article 6. - Recall of Officers		TBD
November 1 st	Article 7. - Legislation by the People, Initiative and Referendum Article 8. - Municipal Planning and Zoning		TBD
November 15 th	Article 9. - Municipal Finance Article 10. - Franchise and Public Utilities Article 11. - General Provisions		TBD
December – January Cycle			
December 6 th	Draft report and recommendations		TBD
December 13 th	Finalize report and recommendations		TBD
January 14 th	Presentation of recommendations to City Council		6:00 PM

*Times have yet to be determined. Dates are subject to change dependent on availability of members. Order of items to be considered may also be subject to change.

Charter Review Commission.

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

- (a) *Duties of the Commission.* It shall be the duty of such Charter Review Commission to:
1. Inquire into the operations of the City government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held and the Commission shall have the power to compel the attendance of any officer or employee of the City and to require the submission of any of the City records which it may deem necessary to the conduct of such hearing;
 2. Propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the several departments of the City government;
 3. Propose, if it deems desirable, amendments to this Charter to improve the effective application of said Charter to current conditions;
 4. Report its finding and present its proposed amendments if any, to the City Council.
- (b) *Action by the City Council.* The City Council shall receive and have published in a newspaper of general circulation in the City any report presented by the Charter Review Commission, shall consider any recommendations made, and if any amendments or amendment be presented as a part of such report may order such amendment or amendments to be submitted to the voters of the City in the manner provided by the applicable statute of the State of Texas.
- (c) *Term of office.* The term of office of such Charter Review Commission shall be six months and, if during such term no report is presented to the City Council, then all records of the proceedings of such Commission shall be filed with the person performing the duties of City Secretary and shall become a public record.