



November 19, 2013

The Honorable Mayor and City Council
City of Nassau Bay, Texas

We, the members of the Charter Review Commission, appointed by Council under Resolution No. R2013-1983, dated July 8, 2013, conducted an extensive review of the City Charter. We have not found any changes that would necessitate an election to amend the charter if that were the only reason for such election.

However, we do recommend that, at such time as an election is otherwise required, propositions (see attached Suggested Propositions) be included in the election to make amendments to the Charter and to correct certain non-substantive errors.

Respectfully submitted,

Ron Swofford, Chair

Cindy Harreld, Secretary

Harry Dollar, Member

Don Matter, Member

Dick H. Gregg, III, Member

Louis Nguyen, Alternate Member

Suggested Propositions:

- 1. Shall Section 3.06. of the City Charter entitled “Vacancies, forfeiture, filling of vacancies”, be amended to provide that the office of councilman, mayor or mayor pro-tem shall become vacant should he become incapacitated?**

Current Wording

(A) *Vacancies:* Vacancies: The office of a councilman, mayor or mayor pro-tem shall become vacant upon his death, acceptance of his resignation by council, removal from office in any manner by law, or forfeiture of his office

Suggested changes:

(A) *Vacancies:* The office of a councilman, mayor or mayor pro-tem shall become vacant upon his death, should he become incapacitated, acceptance of his resignation by council, removal from office in any manner by law, or forfeiture of his office.

Reasoning

The City Manager and Commission recommend that reference to a person being incapacitated be included.

- 2. Shall Section 4.02 entitled “Municipal Court”, be amended to provide that the city manager rather than the council shall appoint a clerk of the municipal court, and such deputy clerks as he may deem necessary?**

Current Wording

E) *Clerk of the court:* The Council shall appoint a clerk of the municipal court and such deputy clerks as the Council may deem necessary. The clerks shall be bonded at city expense, and

Suggested changes:(E) *Clerk of the court:* The city manager shall appoint a clerk of the municipal court and such deputy clerks as the city manager may deem necessary. The clerks shall be bonded at city expense, and

Reasoning:

The clerk of the court should be managed the same as any other city employee.

- 3. Shall Section 4.08. entitled "Personnel system" be amended that any city employee may make a written request to the council for a review concerning a grievance provided that he has completed all steps of the grievance procedure outlined in the Personnel Policy and Drug Control Policy?**

Current Wording

(C) Any city employee may request discussion with the mayor or a member of city council concerning a grievance[,] provided he has completed all steps of the grievance procedure outlined in the Personnel Policy and Drug Control Policy. Participation of an employee in such a discussion shall not reflect unfavorably on the employee's standing, performance, loyalty or desirability to the public service and shall be without fear of reprisal or recrimination.

Suggested changes:

(C) Any city employee may submit a written request to the city council concerning a grievance provided he has completed all steps of the grievance procedure outlined in the Personnel Policy and Drug Control Policy. Participation of an employee in such a procedure shall not reflect unfavorably on the employee's standing, performance, loyalty or desirability to the public service and shall be without fear of reprisal or recrimination.

Reasoning:

This change makes conforms with the current Personnel Policies.

- 4. Shall Section 7.05 of the City Charter entitled "Capital program be amended to delete the provision that the capital program shall include the program proposed by the planning commission?"**

Current Wording:

The city manager shall submit a five (5) year capital program as an attachment to the annual budget. The capital program shall include the proposed program by the planning commission and comments by the city manager. The program as submitted shall include:

(1) A clear

Suggested changes:

The city manager shall submit a five (5) year capital program as an attachment to the annual budget. The capital program shall include the proposed program and comments by the city manager. The program as submitted shall include:

(1) A clear....

Reasoning:

The planning commission is not involved in the planning of the Capital Program

5. **Shall Section 10.03 of the City Charter entitled ‘Comprehensive master plan’ be amended to delete the provision that the plan be forwarded to the city manager one hundred (120) days prior to the beginning of the following budget year?**

Current Wording

The planning commission shall formulate a comprehensive master plan for the development of the city, containing the commission’s recommendations for growth, development, and beautification of the city. This plan shall be updated at least every five (5) years and shall contain the planning considerations for the period of ten (10) years. This plan shall be forwarded, at least one hundred and twenty (120) days prior to the beginning of the following budget year, to the city manager who shall submit it to the council with his recommendations thereon. The Council shall ...

Suggested changes

The planning commission shall formulate a comprehensive master plan for the development of the city, containing the commission's recommendations for growth, development, and beautification of the city. This plan shall be updated at least every five (5) years and shall contain the planning considerations for the period of ten (10) years. This plan shall be forwarded, to the city manager who shall submit it to the council with his recommendations thereon. The Council shall ...

Reasoning

The comprehensive master plan is not related to the annual budget process.

- 6. Shall the City Charter be amended throughout to correct non-substantive errors such as misspellings, punctuation, grammar and sentence structure, revise references to repealed or obsolete provisions of state law and conform notice and publication requirements of state law?**

Suggested changes

Section 3.05 Mayor and mayor pro-tem

2nd paragraph

Current Wording

The mayor pro-tem shall be a councilman elected by the council at the first regular council meeting following each regular city election. The mayor pro-tem shall act as mayor during the disability or

Suggested Change

The mayor pro-tem shall be a councilman elected by the council at the first regular council meeting following the canvassing of the each regular city election. The mayor pro-tem shall act as mayor during the disability or

Reasoning

Conform with changes to the Election Code

Sec. 3.09. Meetings of council

(Third paragraph)

Current Wording

Special meetings of the council shall be held on the call of the mayor or of three (3) or more council members and, whenever practicable, upon no less than twelve (12) hours notice to each member.

Suggested Change

Special meetings of the council shall be held from time to time, if needed. They shall, like regular meetings, be posted in accordance with State law with all council members given due notice.

Reasoning

Special meetings are required to meet the same posting requirements as regular meetings. The wording regarding who calls the meeting is redundant since the meeting will not take place unless a quorum is present.

Sec. 3.10 Rules of procedure.

(Second paragraph, last sentence)

Current Wording

The city secretary shall prepare the agenda, which shall be posted at least three (3) days prior to the stated time of the meeting.

Suggested Change

The city secretary shall prepare the agenda, which shall be posted in accordance with State law.

Reasoning

Three days is ambiguous – in accordance with State law will cover any future changes to the posting provisions.

Sec. 5.01. City elections

Current Wording

(C) Publicizing city elections: It is the responsibility of the council to inform the voters as to the time, place, date, purpose and filing period for the potential candidates, for the upcoming city election, as prescribed in the statutes of the State of Texas. The provisions for absentee balloting shall be publicized at this time. Sample ballots shall also be posted outside the city offices and shall be published in the official city newspaper as prescribed in the statutes of the State of Texas.

Suggested Change

(C) Publicizing city elections: It is the responsibility of the council to inform the voters as to the time, place, date, purpose and filing period for the potential candidates, for the upcoming city election, as prescribed in the statutes of the State of Texas. The provisions for early and mail balloting shall also be publicized at this time. Sample ballots shall also be posted outside the city offices and shall be published in the official city newspaper as prescribed in the statutes of the State of Texas.

Reasoning

The application for a place on the ballot currently comes from the Secretary of State's office and is updated from time to time, depending on changes to the Election Code. It does not, however, reference a city's charter.

Also include changes to the following Sections:

5.02 & 5.02B

5.05

7.03D

7.03 E 3

7.03 F Check with City Attorney as to whether this needs to change