

**CITY OF FREEPORT**  
**Charter Review Commission Recommendations**  
**DRAFT**  
**December 9, 2019**

**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 2020 General Election. In keeping with prior years' recommendation reports where the text in BLACK is the current language, the 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.

**IMPORTANT AND TIMELY:**

**Proposed Change #1: Section 3.01(b)(d) and Section 5.10**

**Current Charter Language:**

**SECTION. 3.01(b)(d) – NUMBER, SELECTION, AND TERM.**

(b) The Mayor shall be elected from the City of Freeport at large for a two (2) year term at an election to be held in each of the hereinafter designated single member districts or wards on the first Saturday of May in each odd numbered year beginning in 1993.

(d) The members of the City Council shall serve a two year term each, with an election being held for council members from Wards A and C in May of each even numbered year and from Wards B and D in May of each odd numbered year.

**SECTION 5.10. LIMITATION ON CONSECUTIVE TERMS OF OFFICE.**

No person shall be eligible to become a candidate for election to the same office for more than three (3) consecutive terms. Provided, however, the previous terms to which any person holding an elective office on the date this provision becomes effective shall not be counted.

**Proposed Charter Language:**

**SECTION. 3.01(b)(d) – NUMBER, SELECTION, AND TERM.**

**(b) The Mayor shall be elected from the City of Freeport at large for a three (3) year term at an election to be held on the May uniform election date beginning in 2021, unless such date is changed by state law.**

**(d) The members of the City Council shall serve a three year term each, with an election being held for council members from Wards A and C on the general election date beginning in 2020 and from Wards B and D on the general election date beginning in 2021, unless such date is changed by state law.**

## SECTION 5.10. LIMITATION ON CONSECUTIVE TERMS OF OFFICE.

No person shall be eligible to become a candidate for election to the same office for more than three (3) consecutive terms

### Proposed Ballot Language:

Shall the Charter be amended to establish the term of office for Mayor and each council member to be elected for a term three years, with a limit of two consecutive terms?

### Rationale for Change:

This purpose of this change is to establish 3 year terms, to reduce the expense and interruption of having an election every year.

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## Proposed Change #2: Section 3.01(f)

### Proposed Charter Language:

(f) All references within this Charter to specific Election Dates are henceforth held to be synonymous with the May Uniform Election Dates as proscribed by current State Law and as may be revised by acts of the State Legislature in the future.

### Proposed Ballot Language:

Shall the Charter be amended to include Election Dates as standardized by State Law?

### Rationale for Change:

The Charter makes references to specific dates for Municipal Elections which may be in contravention with State Law. This section prevents conflict with state law by stating that any reference to Election Dates would be held to be the same as the General Election dates as written into current and future State Law.

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## Proposed Change #3: Section 3.04 Compensation

### Current Charter Language:

### SECTION 3.04. COMPENSATION.

The Mayor shall receive a monthly compensation of \$200.00, and the other members of the City Council shall receive a monthly compensation of \$100.00 each. The Mayor and each of the other members of the City Council shall also receive an additional \$25.00, payable monthly, for each posted meeting of the City Council attended by them. Any expenses incident to holding office incurred by any member of the City Council shall also be reimbursed upon presentment of receipt or other proof of payment.

### Proposed Charter Language:

**The Mayor shall receive a monthly compensation of \$400.00, and the other members of the City Council shall receive a monthly compensation of \$200.00 each. The Mayor and each of the other members of the City Council shall also receive an additional \$50.00, payable monthly, for each posted meeting of the City Council attended by them. Any expenses incident to holding office incurred by any member of the City Council shall also be reimbursed upon presentment of receipt or other proof of**

payment.

**Proposed Ballot Language:**

Shall Section 3.04 of the Charter be amended to state that the Mayor shall receive a monthly compensation of \$400.00, and the other members of the City Council shall receive a monthly compensation of \$200.00 each. The Mayor and each of the other members of the City Council shall also receive an additional \$50.00, payable monthly, for each posted meeting of the City Council attended by them.

**Rationale for Change:**

The amount of compensation has not been increased for many years.

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**Proposed Change #4: Section 3.07**

**Current Charter Language:**

**SECTION 3.07. POWERS OF THE CITY COUNCIL**

The determination of all matters of policy and the exercise of all powers of local self-government shall be vested in the City Council. By way of illustration, but not limitation, the following enumerated powers are among these powers that may be exercised by the City Council:

- (i) Adopt, modify and carry out plans proposed by the Planning Commission for the clearance of slum districts and rehabilitation of blighted areas;
- (j) Adopt, modify and carry out plans proposed by the Planning Commission for the replanning, improvement and redevelopment of any area or district which may have been destroyed in whole or in part by disaster;

**Proposed Charter Language:**

The determination of all matters of policy and the exercise of all powers of local self-government shall be vested in the City Council. By way of illustration, but not limitation, the following enumerated powers are among these powers that may be exercised by the City Council:

- (i) Adopt, modify and carry out plans proposed by the Planning Commission;

**Proposed Ballot Language:**

Shall section 3.07 of the Charter be amended allowing the City Council to adopt, modify and carry out all plans proposed by the Planning Commission.

**Rationale for Change:**

The current Charter language only allows adoption of Planning Commission recommendations in cases of slum area, blight, or destruction due to disaster. The proper role of the Planning Commission is to undertake all matters of planning for the city.

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**Proposed Change #5: Section 4.06**

**Current Charter Language:**

**SECTION 4.06. CITY ATTORNEY.**

The City Council shall appoint a duly licensed attorney practicing law and a qualified voter in Brazoria County, Texas, who shall be the City Attorney. He shall receive for his services such compensation as may be fixed by the City Council, and shall hold his office at the pleasure of the City Council. The City Attorney, or such other attorneys selected by him with the approval of the City Council, shall represent the City in all litigation. He shall be the legal advisor of, and attorney and counsel for, the City and all officers and departments thereof.

**Proposed Charter Language:**

**SECTION 4.06. CITY ATTORNEY.**

The City Council shall appoint a duly licensed attorney practicing law, who shall be the City Attorney. He shall receive for his services such compensation as may be fixed by the City Council, and shall hold his office at the pleasure of the City Council. The City Attorney, or such other attorneys selected by him with the approval of the City Council, shall represent the City in all litigation. He shall be the legal advisor of, and attorney and counsel for, the City and all officers and departments thereof.

**Proposed Ballot Language:**

**Shall section 4.06 of the Charter be amended to eliminate the requirement that the City Attorney must be a qualified voter in Brazoria County, Texas?**

**Rationale for Change:**

**This change eliminates the requirement that the City Attorney is a resident of Brazoria County. This allows for application by a larger pool of attorneys to serve as City Attorney.**

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**Proposed Change #6: SECTION 11.011 SELECTION OF NEWSPAPER FOR PUBLICATION**

**Current Charter Language:**

**SECTION 11.011 SELECTION OF NEWSPAPER FOR PUBLICATION**

(a) Every ordinance or resolution adopted by the City Council, which is required or permitted to be published in a newspaper, shall designate, in the body thereof, one or more newspapers of general circulation within the City of Freeport in which such ordinance or resolution, or the descriptive caption thereof, shall be published; and it shall also appear on the City's website for at least ten (10) days or for the length of time between each publication, if it is required to be published more than once, whichever is longer.

(b) Each officer of the City, who is required or permitted to publish any printed notice or other printed matter in any newspaper, shall select one or more newspapers in which such printed notice or other printed matter shall be published.

**Proposed Charter Language:**

(a) Every ordinance or resolution adopted by the City Council, which is required ~~or permitted~~ to be published in a newspaper, shall designate, in the body thereof, one or more newspapers of general circulation within the City of Freeport in which such ordinance or resolution, or the descriptive caption thereof, shall be published; and it shall also appear on the City's website for at least ten (10) days or for the length of time between each publication, if it is required to be published more than once, whichever is longer.

(b) Each officer of the City, who is required ~~or permitted~~ to publish any printed notice or other printed matter in any newspaper, shall select one or more newspapers in which such printed notice or other printed matter shall be published.

**Proposed Ballot Language:**

**Shall Section 11.011 of the Charter be amended to require that every ordinance or resolution adopted by the City Council, shall be published in accordance with state law?**

**Rationale for Change:**

The current charter language requires publication in excess of the state law requirement and the language leads to confusion.

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**GOOD HOUSEKEEPING**

**Proposed Change #7: SECTION 1.02 BOUNDARIES**

**Current Charter Language:**

**SECTION 1.02. BOUNDARIES.**

The boundaries of the City of Freeport shall be the same as have heretofore been established and as they existed on the 25th day of April, 1960, which boundaries are more fully set out on an official map, and described by metes and bounds in a document titled "Boundaries of the Corporate Limits of the City of Freeport, Brazoria County, Texas," being Ordinance No. 1022, filed in the City Hall of the City of Freeport, Texas.

**Proposed Charter Language:**

**The boundaries of the City of Freeport shall be the same as have heretofore been established and as they existed on the 25th day of April, 1960, which boundaries are more fully set out on an official map, and described by metes and bounds in a document titled "Boundaries of the Corporate Limits of the City of Freeport, Brazoria County, Texas," being Ordinance No. 1022, filed in the City Hall of the City of Freeport, Texas, and as have been since and may be amended in the future, as a result of legal annexation.**

**Proposed Ballot Language:**

**Shall the Charter be amended to recognize the city boundaries as they currently stand and as may be amended in the future.**

**Rationale for Change:**

The current Charter language could be very problematic. The city's authority to act within its city limits are limited to whatever the boundaries were back in 1960. Further, annexation would not be allowed in the future without changing the Charter.

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**Proposed Change #8: SECTION 3.10**

**Current Charter Language:**

The vote upon the passage of all ordinances, resolutions and motions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose under full caption, and shall be authenticated by the signature of the presiding officer and the person performing the duties of City Secretary.

**Proposed Charter Language:**

The vote upon the passage of all ordinances, resolutions and motions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book and permanently maintained for that purpose under full caption, and shall be authenticated by the signature of the presiding officer and the person performing the duties of City Secretary.

**Proposed Ballot Language:**

Shall the Charter be amended allowing for recordation of adopted ordinances and resolutions to be permanently maintained by electronic means.

**Rationale for Change:**

The current charter requires all passed ordinances and resolutions to be maintained "in a book". This change allows such records to be scanned and maintained by electronic means.