

ORDINANCE NO. 2020-2608

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CALLING A CHARTER AMENDMENT ELECTION FOR THE FIRST TUESDAY IN NOVEMBER, 2020, BEING NOVEMBER 03, 2020, ON THE QUESTION OF ADOPTING EIGHT (8) AMENDMENTS TO ITS HOME RULE CHARTER; PROVIDING FOR ONE (1) MUNICIPAL POLLING PLACE AND DESIGNATING THE LOCATION THEREOF; PROVIDING FOR THE QUALIFICATION OF ELECTORS; APPOINTING THE OFFICERS OF SAID ELECTION AND DESIGNATING THE NUMBER OF CLERKS TO ASSIST IN CONDUCTING SAID ELECTION AND THE COMPENSATION TO BE PAID THE ELECTION JUDGE AND CLERKS; PROVIDING FOR EARLY VOTING; PROVIDING FOR RATIFICATION AND CONFIRMATION BY THE MAYOR OF SAID CITY OF THE ACTION TAKEN BY THIS ORDINANCE; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, Section 11.13 of the Home Rule Charter of the City of Freeport, Texas, ("the City") provides that the City Council shall appoint at its first regular meeting in June of each odd-numbered year a Charter Review Commission; and,

WHEREAS, on June 3, 2019, Resolution No. 2019-2585 of the City Council of the City was passed and a Charter Review Commission was appointed for the City; and,

WHEREAS, Section 11.13 of said Charter provides that it shall be the duty of the Charter Review Commission, among other things, to propose, if it deems desirable, amendments to said Charter to improve the effective application of said Charter to current conditions, and to report its findings and present its proposed amendments, if any, to the City Council in writing; and,

WHEREAS, on December 16, 2019, the Charter Review Commission of the City appointed by Resolution No. 2019-2585, reported its findings and presented in writing eight (8) proposed amendments to said charter, and the City Council accepted seven (7) of the proposed amendments to said charter, the substance of each of which is hereinafter set forth; and,

WHEREAS, Section 11.14 of said Charter provides that if any amendment is presented as a part of the report of the Charter Review Commission, the City Council may order such amendment or amendments to be submitted to the voters of the City in the manner provided in said Charter and/or the Texas Local Government Code, as now or hereafter amended; and,

WHEREAS, after due consideration and deliberation, the City Council proposed and accepted an additional proposed amendment to said charter, the substance of which is hereinafter set forth; and

WHEREAS, Section 9.004 of Chapter 9 of said Code, requires that the ordinance providing for the submission of such amendment shall require the submission thereof at an election to be held on the next uniform election date that occurs on or after the 30th day after the date of adoption of said ordinance; and,

WHEREAS, under the applicable provisions of the Texas Election Code, the next uniform election date that occurs on or after the 30th day after the date of adoption of this ordinance was the first Saturday in May, 2020, being May 2, 2020; and,

WHEREAS, on March 18, 2020 Governor Abbott, the sitting Governor of the State of Texas issued a Proclamation suspending provisions of the Texas Elections Code to allow political subdivisions to postpone their 2020 local elections from May 2, 2020, until November 3, 2020; and

WHEREAS, on March 20, 2020 the City Council of the City of Freeport, passed Ordinance 2020-2597 and postponed the May 2, 2020 local general election and charter election until November 3, 2020; and

WHEREAS, subsequent to the passage of Ordinance 2020-2597 the dates for early voting set by the state and the polling locations for early voting and election day voting set by the county in its joint election contract have been changed, and such changes are adopted in this Ordinance.

WHEREAS, the City Council of the City has determined to submit the hereinafter mentioned amendments to the voters of the City and is required by said Section 9.004 to do so at the regular municipal election which, as required by the Texas Election Code, will be held on the first Tuesday in November, 2020, being November 3, 2020; and,

WHEREAS, said Section 9.004 provides that notice of an election for the submission of any amendment to a Home Rule Charter shall be given by publication

thereof, in some newspaper of general circulation published in the City, on the same day in each of two (2) successive weeks, with the date of the first publication occurring before the 14th day before the date of said election, and that the form or such notice shall include a substantial copy of the proposed amendments; and,

WHEREAS, said Section 9.004 provides that an amendment may not contain more than one subject and that the ballot shall be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments; and,

WHEREAS, the City Council of the City has determined to submit to a vote of the people seven (7) of the amendments proposed by the Charter Review Commission in its report and an additional eighth (8th) amendment proposes by the City Council, hereinafter set forth, such report having been presented to and considered and approved by the City Council on December 16, 2019 and such additional proposed amendment being considered and approved on the date of this ordinance; and,

WHEREAS, the Charter Review Commission has proposed and the City Council has approved the following amended wording to the Home Rule Charter:

PROPOSED AMENDMENT NUMBER ONE

Should Section 3.01(b)(d) - NUMBER, SELECTION, AND TERM and SECTION 5.10. LIMITATION ON CONSECUTIVE TERMS OF OFFICE of the Home Rule Charter of the City be amended to read as follows:

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.

Should Section 5.10. LIMITATION ON CONSECUTIVE TERMS OF OFFICE of the Home Rule Charter of the City be amended to read as follows:

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 AMENDMENT NUMBER TWO

Should Section 3.01(f) - NUMBER, SELECTION, AND TERM of the Home Rule Charter of the City be amended to read as follows:

SECTION. 3.01(f) - NUMBER, SELECTION, AND TERM

(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 AMENDMENT NUMBER THREE

Should Section 3.07. POWERS OF THE CITY COUNCIL of the Home Rule Charter of the City be amended to read as follows:

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;

PROPOSED AMENDMENT NUMBER FOUR

Should Section 4.06. CITY ATTORNEY of the Home Rule Charter of the City be amended to read as follows:

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 AMENDMENT NUMBER FIVE

Should Section 11.011 SELECTION OF NEWSPAPER FOR PUBLICATION of the Home Rule Charter of the City be amended to read as follows:

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 AMENDMENT NUMBER SIX

Should Section 1.02 BOUNDARIES of the Home Rule Charter of the City be amended to read as follows:

SECTION 1.02 BOUNDARIES

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 may be amended in the future as a result of legal annexation.

PROPOSED AMENDMENT NUMBER SEVEN

Should Section 3.10 RULES OF PROCEDURE of the Home Rule Charter of the City be amended to read as follows?

SECTION 3.10 RULES OF PROCEDURE

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.

WHEREAS, the City Council has considered and approved the following amended wording to the Home Rule Charter:

PROPOSED AMENDMENT NUMBER EIGHT

Should Section 8.02 DEVELOPMENT OF PROPERTY of the Home Rule Charter of the City be amended to read as follows?

SECTION 8.02 DEVELOPMENT OF PROPERTY

Proposed Charter Language:

The expenditure of public funds shall be authorized for the development of privately-owned land or subdivisions for economic development, only with a legally valid 380 agreement approved by City Council and signed by the mayor, following a public hearing on the matter. Such expenditures may be for projects situated within or beyond the corporate limits of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE--Charter Amendment Election Called

Pursuant to Section 11.14 of the Home Rule Charter of the City and Section 9.004, Chapter 9, Local Government Code of Texas, the Mayor and City Council of the City hereby order and ordain, respectively, that a Charter

Amendment Election shall be held in and throughout the City on the first Tuesday in November, 2020, being November 3, 2020, between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m., in conjunction with the regular municipal election to be held on such day and at such time, for the purpose of submitting to the qualified voters of the City amendments to the Home Rule Charter of the City, hereinafter set forth, the substance of which was heretofore proposed by the Charter Review Commission of the City.

SECTION TWO--Form of Ballot

The ballot used at said election shall conform with the requirements of the Texas Election Code, Section 9.004, Chapter 9, Local Government Code of Texas, and Section 52.072(b) of the Texas Election Code, shall contain the following proposed ballot summaries, to-wit:

PROPOSED AMENDMENT NUMBER ONE

Shall sections 3.01 and 5.10 of the Charter be amended to establish the terms of office for Mayor and each council member to be elected for a term three years, with a limit of two consecutive terms?

PROPOSED AMENDMENT NUMBER TWO

Shall section 3.01 of the Charter be amended to include Election Dates as standardized by State Law?

PROPOSED AMENDMENT NUMBER THREE

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.

PROPOSED AMENDMENT NUMBER FOUR

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?

PROPOSED AMENDMENT NUMBER FIVE

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?

PROPOSED AMENDMENT NUMBER SIX

Shall Section 1.02 of the Charter be amended to recognize the city boundaries as they currently stand and as may be amended in the future.

PROPOSED AMENDMENT NUMBER SEVEN

Shall Section 3.10 of the Charter be amended allowing for recordation of adopted ordinances and resolutions to be permanently maintained by electronic means.

PROPOSED AMENDMENT NUMBER EIGHT

Shall section 8.02 of the Charter be amended to allow for the expenditure of public funding in support of economic development projects only with a legally valid 380 agreement and following a public hearing by City Council?

SECTION THREE--Municipal Polling Places

As provided in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, which is incorporated herein by reference, for the purpose of the election called by this ordinance, there shall be one (1) municipal polling place, within the City of Freeport located at the Freeport Library, 410 Brazosport Blvd., Freeport, Brazoria County, Texas. On that day, voting will also be permitted at the following Polling Places:

East Annex (Old Walmart)	1524 E Mulberry, Angleton
Pct 4 Building #2	121 N. 10 th St., West Columbia
Alvin Senior Center	309 W. Sealy, Alvin
Brazoria Library	620 S Brooks, Brazoria
Liverpool City Hall	8901 CR 171, Liverpool
Freeport Library	410 Brazosport Blvd., Freeport
Oyster Creek City Hall	3210 FM 523, Oyster Creek
Damon Elementary School	1211 Mulcahy, Damon
Meridiana Info Center	4003 Meridiana Pkwy, Iowa Colony
Drainage District #4 Building	4813 W Broadway, Pearland
Delores Fenwick Nature Center	5750 Magnolia Pkwy, Pearland
Sweeny Community Center	205 W Ashley Wilson Rd, Sweeny
Danbury Community Center	6115 5 th St, Danbury
First Church of Pearland	1850 Broadway, Pearland
Clute Event Center	100 Parkview Dr. Clute
Jones Creek Comm House	7207 Stephen F. Austin Rd. Jones Creek
Sandy Point Bible Church	119 CR 42, Sandy Point

Lake Jackson Civic Center	333 Hwy 332 East, Lake Jackson
Richwood City Hall	1800 N Brazosport Blvd, Richwood
Westside Event Center	2150 Countryplace Pkwy, Pearland
Brookside Village Comm Center	6243 Brookside Rd, Brookside Village
Pearland Church of Christ Annex	2217 N. Grand Blv., Pearland
Westside Event Center	2510 Countryplace Pkwy, Pearland
Mims Community Center	4283 FM 521, Brazoria
Pearland Recreation Center	4141 Bailey Rd., Pearland
Surfside Beach City Hall	1304 Monument Dr., Surfside Beach
Alvin Library	105 S Gordon, Alvin
North Annex,	7313 Corporate Dr., Manvel
The Church on Masters Road	6911 Masters Rd., Manvel
Silverlake Recreation Center	2715 Southwyck Pkwy, Pearland
Tom Reid Library	3522 Liberty Dr, Pearland
Pearland Westside Library	2803 Business Center Dr #101, Pearland
Shadycrest Baptist Church	3017 Yost Blvd., Pearland
West Annex	451 N. Velasco, Angleton
New Harvest Christian Fellowship	12216 Broadway, Pearland
Precinct 4 North Annex	3633 CR 58, Manvel

SECTION FOUR--Electors.

Every person eligible to vote under the provisions of Chapter 11 of Title 2 of the Texas Election Code who is a resident of the City of Freeport, Texas, and who is duly registered to vote in the county election precinct where and on the day on which he or she votes in the charter amendment election called by this Ordinance, shall be entitled to vote for or against each of the proposed amendments set forth above in Section Two of this Ordinance.

SECTION FIVE--Officers of Election and Compensation Thereof.

The Presiding Judge, Alternate Presiding Judge and Clerks needed on the day of election for the election called by this ordinance, for the early ballot

board and the central counting station shall be appointed, have the duties and be compensated as provided in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, adopted herein by reference.

SECTION SIX--Early Voting.

Early voting shall begin on October 13, 2020, and end on October 30, 2020, such early voting to be conducted by the County Clerk of Brazoria County, Texas, between the hours of 9:00 a.m. and 6:00 p.m. at the following locations, from Tuesday, October 13, 2020, through Saturday, October 17, 2020, and between the hours of 12:00 p.m. through 5:00 p.m. on Sunday, October 18, 2020 and between the hours of 8:00 a.m. through 7:00 p.m. from Monday, October 19, 2020 through Saturday, October 24, 2020, and between the hours of 12:00 p.m. through 5:00 p.m. on Sunday, October 25, 2020, and between the hours of 7:00 a.m. through 7:00 p.m. from Monday, October 26, 2020 through Friday, October 30, 2020, and at such locations, to-wit:

<u>Angleton Main Location:</u>	East Annex (Old Walmart Building) 1524 E. Mulberry, Angleton
<u>Alvin Branch Location:</u>	Alvin Library 105 S. Gordon, Alvin
<u>Brazoria Branch Location:</u>	Brazoria Library 620 S. Brooks, Brazoria
<u>Freeport Branch Location:</u>	Freeport Library 410 Brazosport Blvd., Freeport
<u>Lake Jackson Branch Location:</u>	Lake Jackson Civic Center 333 Hwy 332 East, Lake Jackson
<u>Manvel Branch Location:</u>	North Annex 7313 Corporate Dr., Manvel
<u>Pearland East Branch Location:</u>	Tom Reid Library 3522 Liberty Dr., Pearland
<u>Pearland West Branch Location:</u>	Westside Event Center 2150 Countryplace Pkwy., Pearland

Shadow Creek Branch Location: Pearland Westside Library
2803 Business Ctr #101, Pearland

West Columbia Branch Location: Precinct 4 Building 2
121 N. 10th St., West Columbia

SECTION SEVEN--Method of Voting and Conducting Election.

Both early voting and all voting on the day named above for the holding of said charter amendment election shall be in the manner specified in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, mentioned above.

SECTION EIGHT--Notice of Election.

(a) The Mayor of the City is hereby authorized and directed to issue a notice of said election, to cause the same to be posted for at least twenty-one (21) days prior to the date named above for the holding of said charter election on the bulletin board used for posting notices of meetings of the City Council.

(b) As required by Section 9.004 (c) of the Local Government Code the City Secretary shall cause a copy of the above notice, including a substantial copy of above and foregoing proposed amendments, to be published on the same day in each of two (2) successive weeks, with the first publication occurring before the fourteenth (14th) day before the date hereinabove fixed for the holding of said election.

SECTION NINE--Ratification and Confirmation by Mayor.

By signing this ordinance, the Mayor of the City of Freeport, Texas, hereby ratifies and confirms as his action all above recited matters which by law come within his jurisdiction.

SECTION TEN--Effective Date.

This ordinance shall be effective immediately upon its passage and approval.

READ, PASSED AND APPROVED this 13 day of August, 2020.



Brooks Bass, Mayor,
City of Freeport, Texas

ATTEST:



Betty Wells, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:



Christopher Duncan, City Attorney,
City of Freeport, Texas