

City of Lake Jackson 2017 Charter Review Report

Charter Review Board Members:

Pinkey Hartline Jr., Chairman
 Josie LaChance, Vice Chairman
 Michael Cloeter, Secretary
 Darrell Bourgeois
 Larry Parrett
 Matt Broaddus, City Council Liaison

To the Honorable Mayor and City Council,

In compliance with Section 11.14 of the Charter of the City of Lake Jackson, we, the members of the 2017 Charter Review Commission, submit the following report:

General Comments

The Charter Review Commission began meeting on July 11, 2017 to review in detail the City's Charter. The Commission wishes to express sincere thanks to the Honorable Joe Rinehart, Mayor; William P. Yenne, City Manager; Sherri Russell, City Attorney; Alice Rodgers, City Secretary; and Locke Sanders, Planning Commission Chair for attending meetings and providing valuable information and insight to questions had by the commission.

After a thorough review, the Commission feels that the current Charter is a well written document, which when used in conjunction with the City Ordinances, the statutes of the State of Texas and the State Constitution, establishes an effective framework for the operation of our municipal government.

Recommendations

As a result of a careful review of the City Charter and input offered by personnel interviewed, the Charter Review Commission believes that the changes recommended below will, if adopted, add to the value of the City Charter.

ARTICLE 3 – THE CITY COUNCIL

Regarding Article 3, Sections 3.01 (f)(1),(2),&(3): Currently, where specified three two-year terms, the commission supports a move to four two-year terms. Specifically the section is recommended to be changed as shown below. Here and in the remainder of the report, red strikethrough font denotes removed verbiage and blue font denotes added verbiage.

- (f) (1) A person who has served ~~three (3)~~ four (4) terms as a councilmember shall not be eligible to serve in such office thereafter for a period of 18 months, at which time that person's eligibility to serve another ~~three (3)~~ four (4) terms for that office shall be restored. A person who is elected as a councilmember at any city election or who is appointed or elected to serve an unfinished term of office shall be not deemed to have served one (1) term for term limit calculations.

- (2) A person who has served one (1), two (2), ~~or three (3)~~, or four (4) terms as a councilmember shall be eligible to serve another ~~three (3)~~ four (4) terms as mayor.
- (3) A person who has served ~~three (3) of four (4)~~ terms as mayor shall not be eligible to serve as a councilmember or as mayor thereafter for a period of 18 months, at which time that person's eligibility to serve another ~~three (3)~~ four (4) terms in those offices shall be restored. A person who is elected as mayor at any city election or who is appointed or elected to serve an unfinished mayoral term of office shall not be deemed to have served one (1) term for term limit calculations.

Rationale: It was felt that four two-year terms would enable additional development of city council members and mayor before their term limit was reached.

ARTICLE 4. - ADMINISTRATIVE SERVICES

Article 4 Section 4.06(e) mandates that the Health & Sanitation Board meets “at least once each July”. We recommend that the words “at least once each July” be replaced with “at least once per year”.

Rationale: The original purpose of this board is to address pandemics that could affect the city. The timing of the board’s meeting should be set at the convenience of the board members. July is generally filled with vacations. Additionally, if the time period for appointments is extended to 60 days as recommended above, this would encroach on July.

ARTICLE 5. - NOMINATIONS AND ELECTIONS

Regarding Article 5, Section 5.03, in order to make the section consistent with state law, we recommend the removal of a portion of section 5.03 as indicated in the red strikethrough font below to read as follows:

Sec. 5.03. - Filing for office.

Any person having the qualifications set forth for councilman under section 3.02 of this Charter shall have the right to file an application in writing, signed by such candidate and accompanied by his loyalty affidavit as prescribed by V.T.C.A., Election Code § 141.031, and filed in accordance with V.T.C.A., Election Code § 143.007, with the office of the city secretary ~~not later than 5:00 p.m. on the sixty-second (62nd) day before the election day, shall entitle such applicant to a place on the official ballot. An application may not be filed earlier than the thirtieth (30th) day before the date of the filing deadline.~~

Rationale: The 62 days stated before election day to file for city council office has been changed to 78 days by state law. It is recommended that this be made more general in the charter to make the time period consistent with state law in order to remove the need to change the city charter each time the state changes this time period.

Regarding Article 5, Section 5.04, in order to make the section consistent with state law, we recommend the modification to Section 5.04 as indicated below to read as follows:

Sec. 5.04. - The official ballot.

The names of all candidates for office, except such as may have withdrawn, died or become ineligible, shall be ~~printed~~ **included** on the official ballots without party designations in the order determined in a drawing of lots as determined by the Texas Election Code. ~~All official ballots shall be printed at least twenty (20) days prior to the date of any general or special election, and absentee voting shall be governed by the general election laws of the State of Texas.~~

Rationale: Ballots are no longer printed, so the references to printing of official ballots is not valid. It is recommended that Section 5.04 be made more general in the charter, as shown above, to remove the need to change the city charter each time election laws change.

Regarding Article 5, Section 5.05, in order to remove confusion and make the section consistent with state law, we recommend the modification to Section 5.05 as indicated below to read as follows:

Sec. 5.05. - Election by majority.

At any regular or special municipal election, where no candidate receives a majority of the votes cast for that particular office, a runoff election shall be required **between the two candidates receiving the highest and second highest number of votes.** ~~In the event no candidate receives a majority of the votes cast for that particular office, the Council shall cause to be held a runoff election between the two (2) candidates having received the most votes.~~

~~However, a runoff election required to be held as a result of an election held on the Texas Uniform Election Date in May, shall be held on the earliest practicable date permitted by the Texas Election Code after the final canvass of the main election is completed.~~

Rationale: The runoff verbiage is confusing as to whether the city council narrows the field to two candidates before or after the runoff election. The condition for a runoff election is stated twice, so the second instance was removed. As per City Attorney Sherri Russell, the second paragraph of Section 5.05 is unnecessary since the county dictates the timing of the runoff election.

Similar Changes Amongst Sections 1.03(b), 3.09, 3.15, 7.06, 8.03(d)(8), 9.06, 10.02, and 11.14(b)

There are eight instances in the city charter where publication in the newspaper of the city is required. To each, the commission feels that city website should be added. Here is the example for Section 7.06:

Sec. 7.06. - Publication of proposed and referred ordinances.

The person performing the duties of city secretary shall publish at least once in the official newspaper of the city **and the city website** the proposed or referred ordinance or resolution within fifteen (15) days before the date of the election, and shall give such other notices and do such other things relative to such election as are required in general municipal elections or by the ordinance or resolution calling said election.

Rationale: Ensure the charter reflects best current practice.

Similar Changes Amongst Sections 4.06(a), 4.08(a), 4.09(a), 4.10(a), 8.03(a), 8.04, and 11.14

These sections each refer to one month or 30 day period after the regular city election for board appointments to occur, except for Section 11.14 which refers to 45 days. The board supports extending this time period to 60 days for all these sections.

Rationale: Gives consideration to the possibility of a runoff election after the regular election that could extend well into the time period specified currently, giving the city council little or no time to make these appointments.

Impact of Changes to State Law from 2017 Legislative Session

City Attorney Sherri Russell has stated to the commission that there were no changes to state law in the 2017 Texas Legislative Session and special sessions that impact the city charter as it exists today and with respect to changes recommended in this report.

Conclusion

We the members of the 2017 Charter Review Commission wish to thank the City Council for allowing us to be of service to our city and respectively recommend consideration and acceptance of this report.

Submitted this 4th day of December, 2017.

Pinkey Hartline Jr., Chairman
Josie LaChance, Vice Chairman
Michael Cloeter, Secretary
Darrell Bourgeois
Larry Parrett