

**CITY OF INGLESIDE
REGULAR CHARTER REVIEW COMMISSION MEETING
MINUTES
SEPTEMBER 05, 2024
6:30 PM**

Opening Agenda

1. Call Meeting to Order.

The Regular Charter Review Commission Meeting of the City of Ingleside was called to order by Co-Chair Tom Bell at 6:30 p.m. on September 05, 2024, at City Hall 2671 San Angelo Ave., Ingleside, TX and live video streaming.

2. Roll Call.

With Charter Review Commission Board Members present a quorum was established.

Board Members Present: Co-Chair Tom Bell, Ricardo Trevino, Jr., Robert Vana, and Cindy Wilson.

Absent: Chair Courtney Shane

3. Pledge of Allegiance.

Co-Chair Bell led the Pledge of Allegiance to the U.S. flag.

4. Citizen Comments and Reports.

No Citizen Comments and Reports.

Regular Agenda

5. Deliberate and take appropriate action on the acceptance of the Regular Charter Review Commission Minutes of August 29, 2024.

Commission Member Wilson identified a couple of recommendations for amendments as follows:

1. To amend the word “carried” to “carries” for all motions for the set of minutes.
2. To correct the word “sha0ll” to “shall” for the following section:
Section 4.04. City Attorney.
 - A. Appointment and Qualifications: The City Council, in consultation with the City Manager, sha0ll appoint a competent, duly qualified, licensed and practicing attorney in the State of Texas who shall serve as the City Attorney.

Motion: Commission Member Wilson made a motion to approve the acceptance of the Regular Charter Review Commission Minutes of August 29, 2024 with the recommended amendments. Board Secretary Trevino seconded the motion. Motion carries with all present voting in favor.

6. Deliberate and take appropriate action on the review of the following Articles in the City of Ingleside Home Rule Charter.

1. ARTICLE I. Form of Government and Boundaries
2. ARTICLE II. Powers of the City
3. ARTICLE III. City Council
4. ARTICLE IV. Administrative Services
5. **ARTICLE V. Elections
6. ARTICLE VI. Initiative, Referendum and Recall
7. ARTICLE VII. Municipal Finance
8. ARTICLE VIII. Tax Administration
9. ARTICLE IX. Public Utilities and Franchises
10. ARTICLE X. Planning and Zoning
11. ARTICLE XI. General Provisions
12. ARTICLE XII. Transitional Provisions

The Board deliberated on ARTICLE V. Elections and ARTICLE VI. Initiative, Referendum and Recall.

ARTICLE V. Elections

Section 5.01. City Elections.

- A. *Regular Elections:* The regular City elections will be held annually during the month of May or if there is no uniform election date in the month of May then on the uniform election date nearest to the first Saturday in May in accordance with Texas State Election Law. The City Council shall fix the location for holding such an election.
- B. *Special Elections:* The City Council may, ~~by resolution,~~ order a special election for ordinances, bond issues, Charter amendments, filling vacancies in an existing elected office, or any other reason the City Council deems necessary. The City Council will fix the location for holding this type of election and the date shall be at the next uniform election date as is in accordance with Texas State Election Law.
- C. *Publicizing City Elections:* it is the responsibility of the City Council to inform the voters as to the time, location, date, purpose and filing period for the potential candidates, for the upcoming City election, in accordance with Texas State Election Law. The provisions for absentee balloting shall also be publicized at this time. Sample ballots shall be posted outside the City offices and shall be published in the official city newspaper not ~~laterless~~ than ten days prior to the election.
- D. *Conduct and Regulations of City Elections:* All City elections shall be governed by the Constitution of the State of Texas, general laws of the state, this Charter, and ordinances of the City, in the order named. Municipal elections shall be conducted by the election officials appointed and approved by the City Council. Sampled

ballots identical to the voting format for the specific election shall be posted ~~at~~ in the voting place for the benefit of the voters.

- E. *Voter Qualification:* All duly qualified electors under the laws of the State of Texas, who are residents of the City, shall be qualified to vote in any City election.
- F. *Voter Eligibility List:* A certified list of voter registrants within the City can be requested at the County Voters Registrars/Election Administrative Office.

Section 5.02. Filing for office.

- A. *Eligibility to File for Office:* Each candidate for an elective position in the City of Ingleside shall meet the following requirements:
 - 1. The candidate shall be a qualified voter of the City of Ingleside and a resident of Ingleside for a period of at least one year prior to the date of election, and shall retain residency during entire term of office.
 - 2. At the time of filing for office, the candidate shall not be in arrears in the payment of any taxes or other liabilities due the City.
 - 3. No candidate may file for more than one office or position per election.
 - ~~4. No city employee shall be a candidate for any office while an employee of the City.~~
 - 5. A council person may run for another position on the council only if the council person resigns in writing from the position which is presently held. Said resignation must be filed with the ~~O~~office of the ~~Ce~~ity ~~S~~ecretary no less than 30 days before the deadline date for City Council candidates to file for office. Such a resignation cannot be withdrawn and cannot be made to be conditional on any event. Said council person shall continue to serve in the position from which ~~he or she~~ having resigned until the earlier to occur of the following: when ~~his or her~~ the successor takes office; or, if said council person is elected to a new position, on the day said council person assumes the newly held position to which ~~he or she~~ was most recently elected.
 - 6. A council person may run for another elected position of public office (such as school board, county office, state office, or federal office (any elected positions)) only if the council person resigns in writing from the council position which is presently held. Said resignation must be filed with the ~~O~~office of the ~~Ce~~ity ~~S~~ecretary no less than 30 days before the deadline date for candidates to file for the other public office. Such a resignation cannot be withdrawn and cannot be made to be conditional on any event. Said council person shall continue to serve in the position from which ~~he or she~~ having resigned until the earlier to occur of the following: when ~~his or her~~ the successor takes office; or, if said council person is elected to a new position, on the day said council person assumes the newly held position to which ~~he or she~~ was most recently elected.
- B. *Procedure for Filing for Office:* Any qualified person (see Section 5.02A) who desires to become a candidate for election shall file an application with the City Secretary not earlier than sixty days, nor later than the thirty-first day prior to the election date or within such other time as may be allowed by Texas Election Code. Such an application shall clearly designate the office to which the candidate seeks election, and shall contain a sworn statement by the candidate ~~that he or she is under~~

~~oath to be~~ fully qualified under the provisions of this Charter to hold the office sought.

Section 5.03. Official ballots.

- A. *Candidates' Names on Ballots:* The names of all candidates who have filed for office shall be printed on the official ballots without party designation. The order on the ballot of the names of the candidates for each office shall be determined by lot in a drawing to be held under the supervision of the City Secretary.
- B. *Absentee Balloting:* Absentee Voting shall be governed by the Election Code of the State of Texas.
- C. *Write-in Votes:* There must be space for each office on the ballot for the voter to write in a name for a potential candidate and procedures for write-in votes shall be governed by the current edition of the Texas Election Code. There can be no write-in votes in any runoff election.
- D. *Ballots for Ordinances, Bond Issues, and Charter Amendments:* An ordinance, bond issue or Charter amendment, to be voted on by registered voters of the City, shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement, approved by majority of the whole City Council, describing the substance of the measure without argument or prejudice. The wording and order of the ballot shall be in accordance with Texas Election Law.
- E. *Election Procedures:* Election procedures shall be consistent with the current edition of Texas Election Laws.

Section 5.04. Determination of election results.

- A. *Canvassing:* The returns of every municipal election shall be delivered from the election judges to the ~~City Secretary in accordance with State Law~~ ~~Mayor at City Hall not later than twelve hours~~ after the closing of the polls. ~~One (1) extra copy shall be delivered to the City Secretary at this time.~~ The City Council shall canvass the returns in sufficient time but not later than the time provided for in the current edition of the Texas ~~Election L~~aws, to declare the official results of the election at the next City Council meeting after the closing of the polls. The returns of every municipal election shall be recorded in the minutes of the City Council, by totals for each candidate or for and against each issue submitted.
- B. The candidates receiving the greatest number of votes cast for Mayor and for each place shall be declared elected.

Section 5.05. Taking office.

The City Secretary shall promptly notify all persons elected to office. A candidate who is elected in a regular or special City election shall, after taking the ~~O~~eath of ~~O~~effice as prescribed in Article II, take office, and enter upon ~~the~~his/her duties at the next City Council meeting after the date of the election.

ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL

Section 6.01. General authority.

- A. *Initiative:* The qualified voters of the City shall have power to propose ordinances to the City Council, and if the City Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees. Such initiative power may be used to enact a new ordinance, or to repeal or to amend section of an existing ordinance.
- B. *Referendum:* The qualified voters of the City shall have power to require reconsideration by the City Council of any adopted ordinance and, if the City Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided that such power shall not extend to the budget or capital program or any emergency ordinance relating to appropriation of money or levy of taxes.
- C. *Recall:* The qualified voters shall have the power to recall any elected official of the City on grounds of incompetency, noncompliance with this Charter, misconduct or malfeasance in office. Such power shall be exercised by filing with the City Secretary a petition, signed by currently qualified voters of the City equal in number to at least twenty-five percent of the total number of qualified voters voting at the last regular City election, demanding removal of such elected official. The recall petition must specifically state each ground or grounds upon which such petition for removal is predicated as to give the officer sought to be removed notice of the matters and things with which ~~he/she is being~~ charged.

The provisions regulating initiation, certification, amendment, withdrawal of initiative and referendum petitions and submission to voters shall apply to recall petitions.

Section 6.02. Commencement of proceedings; petitioner's committee; affidavit.

Any five qualified voters may commence initiative or referendum proceedings by filing with the City Secretary an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and residence addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Section 6.03. Petitions.

- A. *Number of Signatures:* Initiatives and referendum petitions must be signed by qualified voters of the City equal in number to at least twenty-five percent of the total number of qualified voters voting at the last regular City election.
- B. *Form and Content:* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink ~~or indelible pencil~~ and shall be followed by the residential address and voter registration number of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text to the ordinance proposed or sought to be reconsidered.
- C. *Affidavit of Circulator:* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulation thereof stating ~~that he/she who~~ personally

circulated the paper, the number of signatures thereon, that all the signatures ~~were~~ affixed ~~in his/her presence-were personally witnessed, that he/she~~ believed them to be genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

- D. *Time for Filing Petitions:* Referendum petitions must be filed within thirty days after adoption by the City Council of the ordinance sought to be reconsidered. Initiative petitions must be filed within thirty days after issuance of the appropriate petition blanks to the petitioners' committee; additional time as specified in Section 6.04 shall be allowed for amending petitions.

Section 6.04. Determination of sufficiency.

- A. *Certificate of City Secretary:* Within ten (10) business days after the petition is filed, the person performing the duties of City Secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall immediately upon completion of certification send a copy of the certificate to each member of the petitioners' committee by certified mail.
- B. *Sufficient Petition, Final Determination:* If the petition is certified sufficient, the person performing the duties of City Secretary shall present the certificate to the City Council by the next regular City Council meeting and the certificate shall be a final determination as the sufficiency of the petition.
- C. *Insufficient Petition, Final Determination:* If a petition is certified insufficient, and the petitioners' committee does not elect to amend or request City Council review under subsection (D) and (E) of this section within the time required, the City Secretary shall present a certificate to the City Council by the next regular City Council meeting which shall be a final determination of the insufficiency of the petition.
- D. *Insufficient Petition, Appeal:* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it as in Section 6.04E, the committee may, within two (2) working days after receiving the copy of such certificate, file a request that it be reviewed by the City Council. The City Council shall review the certificate at its next regular meeting following the filing of such request and approve or disapprove it, and the City Council's determination shall then be a final determination.
- E. *Insufficient Petition, Amend:* A petition certified insufficient for lack of required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Secretary within two (2) working days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of Section 6.03B and 6.03C and shall be filed within ten (10) business days after the petitioner's committee files its notice of intention to amend.

Within five (5) ~~business~~ days after ~~{an}~~ amended petition is filed, the person performing the duties of City Secretary shall complete a certificate as to the sufficiency of the petition as amended and shall within twenty-four (24) hours send a copy of such certificate to each member of the petitioners' committee by certified mail as in the case of an original petition. The final determination as to the sufficiency of an amended petition shall be determined in

the same manner as prescribed for original petitions in Sections 6.04B, 6.04C and 6.04D, except that no petition, once amended, may be amended again.

- F. *Court Review, New Petition:* A final determination as to the sufficiency of a petition shall be subject to review in a court of competent jurisdiction and higher. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Section 6.05. Referendum petitions: suspension of effect of ordinance.

When a referendum petition is filed with the City Secretary, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

1. There is a final determination of insufficiency of the petition, or
2. The petitioners' committee withdraws the petition, or
3. The City Council repeals the ordinance, or
4. Upon the certification of the election results by the election officials.

Section 6.06. Action on petitions.

- A. *Action by City Council:* When an initiative or referendum petition has been finally determined sufficient, the City Council shall promptly consider the proposed initiative ordinance in the manner prescribed for enacting ordinances or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty days or fails to repeal the referred ordinance within thirty days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City.
- B. *Submission to Voters:* The vote of the City on a proposed or referred ordinance shall be held ~~at the next uniform election by State Law. not less than thirty days and not more than one hundred and twenty days from the date of the final City Council vote thereon. If no regular City election is to be held within the period prescribed in this subsection, the City Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the City Council may in its discretion provide for a special election at an earlier date within the prescribed period.~~ Copies of the proposed or referred ordinance shall be made available at the polls and shall be published in its entirety or by caption at least once in the official newspaper of the City ~~not later than ten~~ ~~within fifteen~~ days before the date of the election.
- C. *Withdrawal of Petitions:* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the City by filing with the City Secretary a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 6.07. Results of election.

- A. *Initiative*: If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the City Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- B. *Referendum*: If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

Section 6.08. Limitation of recall.

If a majority of the votes cast at a recall election shall be against removal of the elected official named on the ballot, ~~he/she~~ the elected official shall continue in office. If the majority of the votes cast at the election be for the removal of the elected official named on the ballot, the City Council shall immediately declare ~~his/her~~ the elected official's office vacant and such vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies as prescribed in Section 3.06D.

Section 6.09. Limitation on recall.

No recall petition shall be filed against an elected official within six months after ~~he/she~~ takes taking office, and no elected official shall be subjected to more than one recall election during a term of office.

Section 6.10. Public hearing.

The elected official whose removal is sought may, within five days after such recall petition has been presented to the City Council, request that a public hearing be held to permit ~~him/her~~ the elected official to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five days nor more than fifteen days after receiving such request for a public hearing.

Section 6.11. Failure of city council to call an election.

In case all of the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge other duties imposed upon said City Council by the provisions of this Charter with reference to such recall, then the County Judge of San Patricio County, Texas shall discharge any such duties herein provided to be discharged by the City Secretary or by the City Council. In addition, any qualified voter in the City may seek judicial relief in the District Court of San Patricio County, Texas, to have any of the provisions of this Charter pertaining to recall carried out by the proper official.

The Board deliberated on ARTICLE III. City Council.

Section 3.06. Vacancies; forfeiture; filling of vacancies.

- A. Vacancies: The office of a Councilmember, shall become vacant upon his/her death, acceptance of his/her resignation by City Council and assumption of office by a successor, removal from office in any manner authorized by law, or forfeiture of his/her office.
- B. Forfeiture of Office: A Councilmember or the Mayor shall forfeit his/her office if he/she:
 - 1. Fails to possess the qualifications for the office prescribed by this Charter or by law;
 - 2. Violates any express prohibition of this Charter;
 - 3. Fails to attend six regular City Council meetings in an election span, twelve (12) months;
 - 4. Is convicted of a crime involving moral turpitude.
- C. Filling of Vacancies: A vacancy in the City Council shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than sixty days after the occurrence of the vacancy. Until the person elected to serve the remainder of the unexpired term takes office, the City Council by a majority vote of all the remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the City Council fails to make such an appointment within thirty days following the occurrence of the vacancy, a special election shall be called to fill the vacancy until the expiration of the regular term, to be held on the earliest available uniform date under the Texas Election Code next following the thirtieth day after the occurrence of the vacancy.
- D. Notwithstanding the requirement in Section 3.10 concerning a quorum of the City Council, if, at any time, the membership of the City Council is reduced to less than four, the remaining members may by majority action appoint additional qualified persons to raise the membership to four. These appointees shall serve until the positions can be filled at the next regular election.

Motion: Commission Member Wilson made a motion to Amend ARTICLE V. Elections and ARTICLE VI. Initiative, Referendum and Recall, and ARTICLE III. City Council and as discussed, allow the City Secretary to strikeout or amend any pronouns, and allow the City Attorney to confirm compliance with State Law. Commission Member Vana seconded the motion. Motion carries with all present voting in favor.

Motion: Co-Chair Bell made a motion to close agenda Item 6 and reconvene the Charter Review process at the next scheduled meeting starting with ARTICLE VII. Municipal Finance. Commission Member Wilson seconded the motion. Motion carries with all present voting in favor.

Closing Agenda

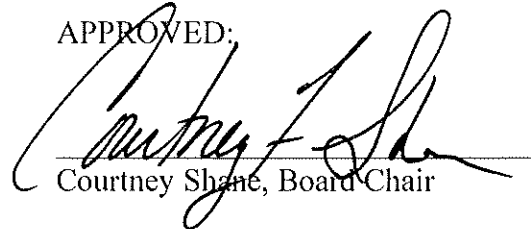
7. Items to consider for placement on future agendas.

No items recommended for placement on future agendas.

8. Adjourn.

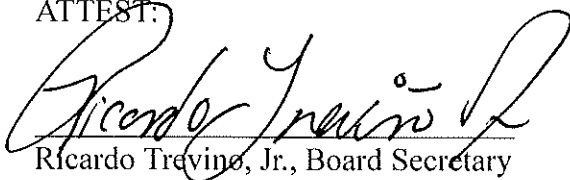
Co-Chair Bell adjourned the Regular Charter Review Commission Meeting at 7:54 p.m.

APPROVED:



Courtney Shane, Board Chair

ATTEST:



Ricardo Trevino, Jr., Board Secretary