

**CITY OF INGLESIDE
REGULAR CHARTER REVIEW COMMISSION MEETING
MINUTES
SEPTEMBER 19, 2024**

OPENING AGENDA

1. CALL MEETING TO ORDER.

The Regular Charter Review Commission Meeting of the City of Ingleside was called to order by Chair Courtney Shane at 6:33 p.m. on September 19, 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, Robert Vana, Chair Courtney Shane, and Cindy Wilson.

Absent: Secretary Ricardo Trevino, Jr.

3. PLEDGE OF ALLEGIANCE.

Chair Shane led the Pledge of Allegiance to the U.S. flag.

4. CITIZEN COMMENTS AND REPORTS.

No Citizen Comments and Reports.

City Secretary Beaven reiterated a previous citizen comment from S. Paul Baen regarding Article VII of the Charter that he would like to see two public hearings added into the Charter for the appropriation of fund balances.

REGULAR AGENDA

5. DELIBERATE AND TAKE APPROPRIATE ACTION ON THE ACCEPTANCE OF THE REGULAR CHARTER REVIEW COMMISSION MINUTES OF SEPTEMBER 12, 2024.

Motion: Commission Member Vana made a motion to approve the acceptance of the Regular Charter Review Minutes of September 12, 2024. Commission Member Wilson seconded the motion. Motion carried with all present voting in favor.

Discussion with the City Attorney, Charter Review Commission Members, and City Secretary Beaven on previous meetings discussions and follow-up responses. Amendment recommendations in red as follows:

1. Section 7.05. Capital Program.

The estimated **initial** annual cost of operating and maintaining the facilities to be constructed or acquired.

2. Section 7.06. Public records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available, **for review at the Office of the City Secretary**, to the public upon request, **posted on the City website and where required by law.**

Motion: Commission Member Wilson moved to amend the acceptance of the Regular Charter Review Minutes of September 12, 2024, to reflect the amendment recommendations, as discussed, for Section 7.05 and Section 7.06. Chair Shane seconded the motion. Motion carried 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**

**** Last meeting completed the review of ARTICLE VII. Municipal Finance from Sections 7.01 Fiscal Year through Section 7.07 Lapse of appropriations. This meeting will resume review with ARTICLE VII. Municipal Finance Section 7.08 Borrowing.**

ARTICLE VII. MUNICIPAL FINANCE

Section 7.08. Borrowing.

- A. *The Right to Borrow:* The City shall have the right and power, except as prohibited by law, to borrow money by whatever method it may deem to be in the public interest.
- B. *General Obligation Bonds:* The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by law, and to issue refunding bonds to refund outstanding bonds previously issued.
- C. *Revenue Bonds:* The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending, or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by law, and to issue revenue bonds to evidence the obligation created. Such bonds shall be a charge upon and

payable from any or all City properties or interest pledged, or the income from the City properties, or both. The holders of the revenue bonds shall never have the right to demand payment out of monies raised or to be raised by taxation.

- D. Borrowing in Anticipation of Property Tax: In any budget year, the City Council may, by resolution, authorize the borrowing of money in anticipation of the collection of the property tax for the same year, whether levied or to be levied. Notes may be issued for periods not exceeding one year and must be retired by the end of the budget year in which issued.

**Legal to review Item D since Finance indicates it is never a one year.*

Section 7.09. Purchasing and contracting.

- A. Contracts and purchases are referred to herein as a "contract". A contract is made by the council if it is approved in advance by the council, regardless of which city official signs it.
- B. The City shall comply with Chapter 252 Texas Local Government Code, and such other state laws as may govern city contracting and, except in emergency situations which shall be promptly reported to the Council, such contracts must be made by the Council.

~~(1) All requests for emergency or routine services not requiring a bid shall be awarded on a round robin basis to all local vendors.~~

~~(2) Vendor list should be reviewed annually by city staff for workmanship and pricing.~~

~~(3) Any vendor removed from the bid list shall have a right to appeal removal to the city council at a regular city council meeting within ninety days.~~

**Legal to review Item B to make sure Round Robin is not in conflict with state law.*

- C. *As to a contract which is not governed by state law:*

- (1) The Council must make the contract, unless it authorizes the city manager to make it.
- (2) The Council must adopt rules governing council-made and city manager-made contracts.
- (3) Council rules must be in compliance with this charter.
- (4) Such contracts must be in compliance with this charter and Council rules.
- (5) Council rules must provide procedural relaxation in the event of emergencies similar to the manner in which state law addresses emergencies in situations where contracting is governed by state law.
- (6) Such contracts must be with the vendor who offers the best value to the city, as determined in the reasonable, good faith judgment of the contracting authority, whether Council or city manager.
- (7) Council rules must establish a monetary limit which city manager-made contracts may not, except in emergencies, exceed.
- (8) All contracts shall be awarded via sealed bids. all bids shall be opened by department head, director of finance, and city secretary if contract is estimated to be under \$25,000.00. bids shall be opened by city manager, director of finance, and city secretary if contract is estimated to be \$25,000.00 or more.

Section 7.10. Administration of budget.

- A. **Payments and Obligations Prohibited:** No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or his/her designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation that sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligations, and he/she shall also be liable to the City for any amount so paid. However, this prohibition shall not be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, certificates of obligations, or grants from other governmental bodies, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance. All disbursements above a limit set by City Council shall require two authorized signatures. The City Council shall designate those authorized to sign the disbursements.
- B. **Financial Reports:** The City Manager shall submit to the City Council each month a report covering the financial condition of the City.
- C. **Annual Audit:** An annual audit shall be performed by a competent certified public accounting firm as provided in Article 3.

Section 7.11. Depository.

- A. All monies received by any person, department or agency of the City for or in connection with affairs of the City shall be deposited promptly in the City depository or depositories, which shall be designated by the City Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All checks, vouchers or warrants for the withdrawal of money from the City depositories shall be signed and countersigned by persons designated by the City Council.
- B. The City shall officially designate a depository by contract which contract shall be no longer than three years with a maximum of two one-year extensions as authorized by Council.

ARTICLE VIII. TAX ADMINISTRATION

Sec. 8.01. Power to tax property.

The City Council shall have the power, and is hereby authorized annually, after the budget is adopted, to levy and collect taxes up to the maximum authorized by the Constitution of Texas based on the assessed value of all real and personal property in the City, not exempt by the Constitution and laws of Texas from taxation.

Sec. 8.02. Automatic levy.

If for any cause the City Council shall fail or neglect to pass a tax ordinance for any year, levying taxes for that year, the tax ordinance last passed shall be considered in force and effect as the tax ordinance for the year for which the City Council so failed to pass a tax ordinance, and the failure to pass such ordinance in any year shall not invalidate the collection of the tax for that year.

**Legal to review Section 8.02 to make sure it follows with state law.*

Sec. 8.03. Due date and penalties.

The City Council may also prescribe the date when taxes shall become due and prescribe penalties for nonpayment before they become delinquent.

**Legal to review Section 8.03... Finance request to have the following added: provided by state law or in the absence of state law as provided by the City Council.*

Sec. 8.04. Other taxes.

The City Council may also levy, assess and collect any other types of taxes as provided by State law, provided that no such tax shall be greater than is authorized by such statute.

Sec. 8.05. Taxes, when due and payable.

Taxes shall be due and payable at the time and place provided by State law or in the absence of State law as provided by the City Council.

Section 8.06. Tax liens and liabilities.

All taxable property located in the City on the first day of January of each year shall stand charged from said date with a special lien in favor of the City for the taxes due thereon. The liens provided therein shall be superior to all other liens except liens for Federal, State and County taxes, regardless of when such other liens were created. All persons purchasing any of said property after the first day of January in any year shall take same subject to the liens herein provided. In addition to the liens herein provided, on the first day of January of any year, the owner of property subject to taxation by the City shall be personally liable for the taxes due thereon for such year. The City shall have power to sue for and recover personal judgment for taxes without foreclosure or to foreclose its lien or liens or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the assessment rolls is insufficient to identify such property, the City shall have the right to plead a good description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien or for personal judgment against the owners for such taxes.

Section 8.07. Arrears of taxes offset to debt against city.

The City shall be entitled to counterclaim and offset against any debt, claim, demand or account owed by the City to any person, firm or corporation who is in arrears to the City for taxes, in the amount of taxes so in arrears, and no assignment or transfer of such debt, claim, demand or account after the said taxes are due, shall affect the right of the City to so offset the said taxes against the same.

Section 8.08. Tax remission discount and compromise, correction of error.

Except as herein provided, neither the City Council nor any other official of the City shall extend the time for payment of taxes nor remit, discount or compromise any tax legally due the City, nor waive the penalty and interest that may be due thereon to any persons, firms or corporations owing

taxes to the City for such year or years; provided, however, that this provision shall not prevent the compromise of any tax suit, or the correction of any errors in assessment, or preparation of tax rolls, or preparation of a tax statement. Such compromise or correction of errors shall first have the approval of the City Council by majority vote of all Councilmembers.

Section 8.09. Other rules and regulations.

Except as otherwise provided by law or this Charter, the City Council shall have the power to provide by ordinance such rules, regulations and mode of procedure to enforce the collection and payment of City taxes as it may deem expedient, and may provide such penalties for the failure to pay such taxes as it may deem expedient.

Section 8.10. Right to contract with ~~other governmental entities~~ regard to collection of taxes.

The City Council shall be empowered to contract, by ordinance or resolution, with any other governmental entity, person or private entity with regard to the collection of taxes.

ARTICLE IX. PUBLIC UTILITIES AND FRANCHISES

Section 9.01. Powers of the city.

In addition to the City's power granted elsewhere in this Charter, the City shall have power to buy, own, sell, construct, lease, maintain, and operate public service within or outside the City limits.

Section 9.02. Power to grant franchise.

The City Council shall have the power by ordinance to grant, renew and extend all franchises of a public service operating within the City and, with consent of the franchisee, to amend the same. No franchise shall be granted for a term of more than thirty years from the date of the grant, renewal or extension.

**Legal to review Section 9.02 regarding a language issue to the last sentence.*

Motion: Commission Member Vana made a motion to Amend ARTICLE VII. Municipal Finance, ARTICLE VIII. Tax Administration, and Article IX Public Utilities and Franchises through Section 9.02, as discussed, and allow the City Secretary to strike out or amend any pronouns and allow the City Attorney to confirm compliance with State Law. Commission Member Wilson seconded the motion. Motion carries with all present voting in favor.

Motion: Chair Shane made a motion to close agenda Item 6 and reconvene the Charter Review process at the next scheduled meeting starting with Article IX. Public Utilities and Franchises Section 9.03. Commission Member Vana seconded the motion. Motion carries with all present voting in favor.

CLOSING AGENDA

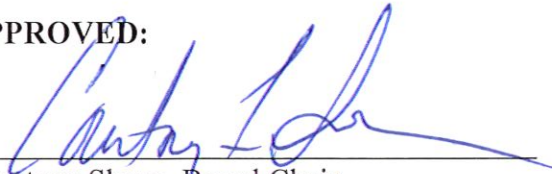
7. ITEMS TO CONSIDER FOR PLACEMENT ON FUTURE AGENDAS.

No items presented for future agendas.

8. ADJOURN.

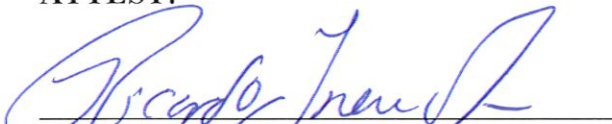
Chair Shane adjourned the Regular Charter Review Commission Meeting at 8:02 p.m.

APPROVED:



Courtney Shane, Board Chair

ATTEST:



Ricardo Trevino, Jr., Board Secretary