

**CITY OF INGLESIDE
REGULAR CHARTER REVIEW COMMISSION MEETING
MINUTES
OCTOBER 7, 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 1:00 p.m. on October 07, 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, Secretary Ricardo Trevino, Jr., Robert Vana, Chair Courtney Shane, and Cindy Wilson

3. Pledge of Allegiance.

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

4. Citizen Comments and Reports.

S. Paul Baen, 2177 Glenwood, addressed the Commission and stated that City Secretary Beaven had streamlined the process for Minutes on the website consolidated by calendar year making searching easier.

Regular Agenda

5. Deliberate and take appropriate action on the acceptance of the Regular Charter Review Commission Minutes of September 26, 2024.

Motion: Secretary Trevino, Jr. made a motion to approve the acceptance of the Regular Charter Review Minutes of September 26, 2024. Commission Member Vana seconded the motion. Motion carried with all 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 IX Public Utilities and Franchises Section 9.03. Ordinance granting franchises through ARTICLE X. Planning and Zoning Section 10.06. This meeting will resume review with ARTICLE XI. General Provisions Section 11.01 Publicity of records.

ARTICLE XI. GENERAL PROVISIONS

Section 11.01. Publicity of records.

All public records of every office, department or agency of the City shall be open to inspection by any citizen at all reasonable times, provided that records closed to the public or disclosure of which is not required by law shall not be considered public records for the purpose of this section. During normal office hours any citizen of the City or any duly authorized representative of the press or other news media shall have the right to examine any such public records belonging to the City and shall have the right to make copies thereof under such reasonable rules and regulations as may be prescribed by the City Council or by this Charter subject to and in accordance with Texas **Public Information Open-Records** Act.

Section 11.02. Personal financial interest.

Conflicts of interest of City Council persons and other officers who are local public officials, as defined by Section 171.001(1), Texas Local Government Code, shall be governed by Chapter 171, Texas Local Government Code. No other officer or employee of the City who has a substantial interest in any business entity or property, as defined by Section 171.002, Texas Local Government Code, shall make or enter into any contract with the City regarding that business entity or property.

Section 11.03. Official newspaper.

The City Council shall by resolution designate a public newspaper of general circulation in the City as the official **newspaper organ** thereof, and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices and other matter required by this Charter, by the ordinances of the City, or by the Constitution and/or laws of the State of Texas.

Section 11.04. Nepotism.

Persons related within the second degree by affinity, or within the third degree by consanguinity to any elected officer of the City, or to the City Manager, shall be appointed to monetarily compensated offices, positions, or clerkships or other services of the City, only in accordance with Texas Government Code.

Section 11.05. Oath of office.

Every officer of the City, whether elected or appointed, before entering upon the duties of office, in accordance with Texas State Constitution, Article 16, Section 1, shall take and subscribe to the appropriate oath or affirmation to be filed and kept in the office of the City Secretary.

Section 11.06. Prohibitions.

- A. No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, sex, national origin, political or religious opinions or affiliations. The City shall adopt and maintain an affirmative action statement at all times.
- B. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of the Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
- C. No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with ~~their his/her~~ test, appointment, proposed appointment, promotion or proposed promotion.
- D. No person who holds any compensated appointive City position shall make, solicit or receive any contribution for any candidate for public office in the City or take any part in the management, affairs or political campaign of such candidate, but ~~he/she~~ may exercise ~~their his/her~~ rights as a citizen to express ~~their his/her~~ opinions and to cast a ~~his~~ vote.
- E. Penalties: Any person who violates any of the provisions of Section A, B or D of this Article shall be guilty of a misdemeanor and upon conviction thereof shall pay such penalty as may be provided for by City Ordinance or the Statutes of the State of Texas. State law defines a violation of Section C as a crime and prescribes the criminal penalty for violation. Any person convicted under this section shall be ineligible for a period of five (5) years thereafter to hold any City office or position

and, if an officer or employee of the City, shall immediately forfeit ~~the his~~ office or position.

Section 11.07. Assignment, execution and garnishment.

The property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ or execution or cost bill. The funds belonging to the City, in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment or sequestration; nor shall the City be liable in garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on any account ~~whatever whatsoever~~. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

Section 11.08. Security and bond.

It shall not be necessary in any action, suit or proceeding in which the City is a party, for any bond, including supersedeas bond, undertaking, or security to be demanded or executed by or on behalf of said City in any of the State Courts, but in all such actions, suits, appeals or proceedings ~~of [the]~~ same shall be conducted in the same manner as if such bond, undertaking or security has been given as required by law.

Section 11.09. Damage suits.

- A. Before the City shall be liable for any claim for damages for the death or personal injuries of any person or for damages to property, the complainant or ~~the his/her~~ authorized representative shall notify the City Secretary. The notification shall be in writing, duly verified, and shall state specifically how, when and where the death, injury, or damage occurred; the amount of loss claimed; and the identity of any witnesses upon whom it is relied to establish the claim. The notification shall be filed within forty-five (45) days of the date of injury or damage or in the case of death, within forty-five (45) days of the date of death. No action at law shall be brought against the City until at least sixty (60) days have elapsed since the date of notification.
- B. The City Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City, including suits by the City to recover delinquent taxes.

Section 11.10. Severability clause.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 11.11. Amending the Charter.

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by State law. However, the City Council may, by ordinance, make nonsubstantive amendments to the City Charter to correct typographical errors, grammatical errors, references to laws which have been changed ~~or which have been changed~~ or which references are, for any reason, incorrect, and to neutralize all gender references; provided, that no such amendment shall change the meaning or substance of the Charter.

Section 11.12. Charter review commission.

The City Council shall appoint at its first regular meeting in July of every fourth (4th) year after approval of this Charter, a Charter Review Commission of five (5) citizens of the City.

A. Duties of the Commission:

1. Inquire into the operation of the City Government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the Commission shall have the power to compel the attendance of any officer or employee of the City and require the submission of any of the City records which it may deem necessary to the conduct of such hearing.
2. Propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by ~~the~~ several departments of the City government.
3. Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions.
4. Report its finding and present its proposed amendments, if any, to the City Council.

B. Action by the City Council: The City Council shall receive and have published in the designated official public newspaper of the City any report presented by the Charter Review Commission; shall consider any recommendation made, and if any amendments be presented as part of such report, may order such amendment or amendments to be submitted to the voters of the City in the manner provided by State law.

C. Term of Office: The term of office of such Charter Review Commission shall be six (6) months, and at the completion of such term a report shall be presented to the City Council, and all records of the proceedings of such commission shall be filed with the City Secretary and shall become a public record.

ARTICLE XII. TRANSITIONAL PROVISIONS

Section 12.01. Schedule.

- A. This Charter shall take effect on the first day following adoption by the voters of the City of Ingleside and shall be fully operative within one year after such adoption.
- B. It is contemplated that this Charter will be presented to the voters on the ballot of the special election scheduled for Tuesday, November 6, 1979; it is further contemplated that the same ballot will provide for the election, at large, of one candidate to the City Council office created by adoption of this Charter.
- C. The term of the member of the City Council created by adoption of this Charter shall expire at the regular election next following.
- D. The limitations prescribed in Article III, Section 3.01C of this Charter shall apply to all persons elected to office in 1979 and thereafter.
- E. All Boards, Commissions and Committees in existence on the effective date of this Charter, and not in conflict with the provisions thereof, may continue in existence. Any Board, Commission or Committee in existence on the effective date of this Charter which is in conflict with the provisions thereof is abolished, with such abolition to take effect on the 120th day after the effective date of the Charter.

Section 12.02. Appointive officers and employees.

- A. Nothing in this Charter, except as may be specifically provided otherwise, shall affect or impair the rights or privileges of persons who are appointive officers or employees of the City at the same time of its adoption.
- B. An employee holding a City position at the time this Charter becomes fully operative, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in that same position but in all other respects shall be subject to the personnel system provided for in Article IV.

Section 12.03. Effect of the Charter on existing law.

- A. All codes, ordinances, resolutions, rules and regulations in force in the City on the effective date of this Charter, and not in conflict with the provisions thereof, shall remain in force until altered, amended or repealed by the City Council. Emergency ordinances enacted before the adoption of this Charter shall not be affected by the provisions of Article III, Section 3.12, of this Charter. Any code, ordinance, resolution, rule or regulation which conflicts with the provisions of this Charter is repealed to the extent that it is inconsistent or will interfere with the effective operation of this Charter or ordinances enacted pursuant thereto.

- B. All taxes, assessments, liens, encumbrances and demands, of or against the City, fixed or established before the effective date of this Charter, or for the fixing or establishing of which proceedings had begun prior to such date, shall be valid when properly fixed or established under the law in force at the time of the beginning of such proceedings or under the law after adoption of this Charter.

Section 12.04. Pending matters.

All rights, claims, actions, orders, contracts, franchises and legal or administrative proceedings in existence or pending on the effective date of this Charter shall continue until consummation. All new or renewal rights, claims, actions, orders, contracts, franchises and legal or administrative proceedings initiated after the effective date of this Charter shall conform to the requirements and provisions thereof.

Section 12.05. **Initial** Submission of the Charter to the voters.

The Charter Commission in preparing this Charter concludes that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that the said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Ingleside at the **sSpecial City e**Election to be held on November 6, 1979. Not less than thirty **(30)** days prior to that election, the City Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City of Ingleside as appears from the latest certified list of registered voters. If a majority of the qualified voters voting in that election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Ingleside, and after the returns have been canvassed, the same shall be declared adopted and the City Secretary shall file an official copy of the Charter with the records of the City. The Secretary shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by **his/her the Mayor's** signature and Seal of the City, shall be forwarded by the Mayor to the Secretary of State of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at that election.

Section 12.06. Public act.

This act shall be deemed a public act and judicial notice shall be taken thereof in all courts.

Discussion was held between the City Manager, S. Paul Baen, Attorney, and Staff about revisions on ARTICLE 4.01 City Manager, E. Duties of the City Manager number six (6) to make the distinction between the annual audit and the annual audit report with recommended changes as follows:

ARTICLE 4.01 City Manager, E. Duties of the City Manager

6. Prepare and submit to the City Council, within 90 days of the end of the fiscal year, an Annual Report on the finances and administrative activities of the City, and an Annual Audit Report within 180 days of the end of the fiscal year, as of the end of each fiscal year.

Commission Member Cindy Wilson left the meeting at 1:48 p.m.

Further discussion was held about ARTICLE IV. Administrative Services Section 4.06 Boards, Commissions, and Committees and keeping it to only citizens of Ingleside to serve on these boards.

Motion: Secretary Trevino Jr. made a motion to amend Article XI, Article XII, and Article 4.01 E. number six (6) 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 Vana seconded the motion. Motion carried 4:1.

Closing Agenda

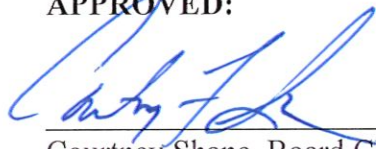
7. Items to consider for placement on future agendas.

Co-Chair Bell requested another meeting to review the all-inclusive previous meeting changes.

8. Adjourn.

Chair Shane adjourned the Regular Charter Review Commission Meeting at 2:30 p.m.

APPROVED:



Courtney Shane, Board Chair

ATTEST:



Ricardo Trevino, Jr., Board Secretary