



**AGENDA
CITY OF WINDCREST, TEXAS**

CHARTER REVIEW COMMISSION

July 23, 2015

6:30 P.M.

NOTICE IS HEREBY GIVEN THAT A CHARTER REVIEW COMMISSION MEETING WILL BE HELD AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 23rd DAY OF JULY 2015 STARTING AT 6:30 P.M. DURING THE MEETING THE FOLLOWING SUBJECTS WILL BE CONSIDERED AND THE COMMISSION/COMMITTEE MAY TAKE ACTION ON ANY OF THE LISTED SUBJECTS.

THE CHARTER REVIEW COMMISSION/COMMITTEE RESERVES THE OPTION TO RECESS THE MEETING DURING THE EVENING OF JULY 23, 2015 AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, JULY 24, 2015 AT 9:00 A.M. AT THE WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS.

IT IS ANTICIPATED THAT MEMBERS OF OTHER CITY COUNCIL, BOARDS, COMMISSIONS AND COMMITTEES MAY ATTEND THE MEETING IN NUMBERS THAT MAY CONSTITUTE A QUORUM OF SUCH OTHER CITY COUNCIL, BOARDS, COMMISSIONS AND COMMITTEES, SO THAT NOTICE IS HEREBY GIVEN THAT THE MEETING IS ALSO A MEETING OF THE OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES WHOSE MEMBERS ARE IN ATTENDANCE. THE MEMBERS OF THE OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES MAY PARTICIPATE IN DISCUSSIONS WHICH OCCUR AT THE MEETING, BUT NO ACTION WILL BE TAKEN BY THE OTHER BOARDS, COMMISSIONS AND COMMITTEES WHOSE MEMBERS ARE IN ATTENDANCE.

Ordinance No. 618 (09/20/10), Repealing Ordinance No. 593

At all City Council, City Commission or City Board meetings, the agenda shall include a "citizens to be heard" item. It is suggested that Citizens wishing to speak during this item sign in on the sign up roster prior to the meeting. During "citizens to be heard" comments, each individual may speak on an agenda item or any other matter affecting the city. In addition to the "citizens to be heard" portion of meetings, a person may make comments on agenda items prior to the vote on the agenda item. A member of the public will have a total of six (6) minutes to be heard during a City Council, City Commission or City Board Meeting. This does not include any responses from the body. The six (6) minutes time limit authorized herein may not be transferred to another speaker in whole or in part. The presiding Officer or his/her designee will assign a Time Keeper to each meeting. The Time Keeper will maintain strict compliance of the six (6) minute rule, stopping speakers who exceed the allotted time. As authorized by Section 551.042 of the Texas Government

Code, the Presiding Officer may direct a City Official to make: a statement of specific factual information in response to an inquiry made by a member of the public or of the City Council, or; a recitation of existing policy in response to an inquiry made by a member of the public or the City Council. Any deliberation or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting. Any question posed by a Citizen, Council Member, Board Member or Commission Member for which an answer is not available at a meeting shall be answered by a member of the staff or Presiding Officer at the next regular meeting of the Body, if an answer is reasonably available and prudent. If the information is sensitive, staff will seek advice from the City Attorney.

REQUEST ALL PAGERS AND CELL PHONES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL. CITIZENS ARE ASKED TO REFRAIN FROM TALKING DURING COUNCIL PROCEEDINGS.

Meeting Chair: please remind each participant in your meeting that they must speak into a microphone; the recording is the Official Minutes of your meeting and all who speak must be recorded. All guest speakers and citizens to be heard must speak from podium. Please interrupt speakers during meeting if you recognize that they are not speaking into microphone and have them do so.

I. Call to Order, Pledge of Allegiance, Invocation and Announcement

II. Citizens to be Heard on Subsequent and Non-Subsequent Agenda Items

1. A member of the public will have three (3) minutes to discuss non-subsequent agenda items.
2. A member of the public will have six (6) minutes to discuss subsequent agenda items.
3. Charter Review Commission may discuss and respond to current and past agendas on subsequent and non-subsequent agenda items by citizens to be heard.

III. Discuss and Act

1. The Charter Review Commission will review, discuss and may take action to recommend amendments to the Windcrest City Charter.
2. The Charter Review Commission will review, discuss and may take action on the commission's timeline.

IV. General Announcements & Future Agenda Items Requested

Per Ordinance No. 618, repealing Ordinance No. 593; Section 9: Every agenda shall include an item entry granting a member the opportunity to propose an item for consideration of future agendas for Regular or Special Meetings. Any member may request the inclusion of such items at any meeting.

V. Adjournment

The Charter Review Commission reserves the right to retire into executive session whenever it is considered necessary and legally justified under the

Texas Government Code, Subchapter D, Sections 551.071 et. seq. including, but not limited to, consultation with attorney, real property, prospective gifts, personnel matters, exclusion of witness, security devices, and economic development matters.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Charter Review Commission of the City of Windcrest is a true and correct copy of said Notice and was posted on the bulletin board at City Hall of said City in a convenient place to the public and said Notice was posted more than seventy-two hours prior to the meeting on July 23, 2015.

By:  , City Secretary

In compliance with the Americans With Disabilities Act, the City of Windcrest Council Chambers are wheelchair accessible, and accessible parking spaces are available. The City of Windcrest will provide for reasonable accommodations for persons attending Charter Review Commission meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact Kelly Rodriguez, City Secretary, at 210-655-0022 ext. 2150 or Fax 210-655-8776.

I certify that the attached notice and agenda of items to be considered by the Charter Review Commission was removed by me from the City Hall bulletin board on the ____ July, 2015.

_____ Title: _____

PROPOSED CHANGES TO WINDCREST CITY CHARTER

As of July 15, 2015

ARTICLE III – CITY COUNCIL

Section 3.05 City Council to Judge Qualifications of Members

~~The City Council shall be the judge of the qualifications of its members under Section 3.04, and the grounds for forfeiture of their office under Section 3.08. In order to exercise these powers, the City Council shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published one (1) time in the designated official newspaper of the City at least one (1) week in advance of the hearing.~~

Section 3.065 Terms of Office

The Mayor's term of office shall be for a period of two (2) years. The five (5) City Council members shall have a term of two (2) years each. The Mayor and two (2) City Council members shall be elected one-odd numbered years, and three (3) City Council members elected the next even numbered years. (Non-substantive – clarification language, does not change intent)

Section 3.076 Compensation

Members of the City Council may receive compensation as set by City ordinance, except that City Council members shall be entitled to reimbursement of all necessary and reasonable expenses incurred in the performance of their official City Council duties, upon approval of such expenses by the City Council. (Non-substantive – clarification language, does not change intent).

Section 3.07 City Council to Judge Qualifications of Members

The City Council shall be the judge of the qualifications of its members under Section 3.04, and the grounds for forfeiture of their office under Section 3.08. In order to exercise these powers, the City Council shall have power to subpoena witnesses, administer oaths, and require the production of evidence. **When a** ~~A member is~~ charged with conduct constituting grounds for forfeiture of office, ~~shall be entitled to a public hearing~~ **shall be held on demand**, and notice of such hearing shall be published one (1) time in the designated official newspaper of the City at least ~~one (1) week~~ **five (5) working days** in advance of the hearing. **(Substantive – requires public hearing and eliminates option).**

Section 3.08 Removal of Elective Officers; Grounds for Removal

A. Causes. The Mayor or any City Council member shall be subject to removal from office for any one (1) or more of the following causes:

- (1) Incompetence, misfeasance or malfeasance in office;
- (2) Conviction of a crime involving moral turpitude;
- (3) Failure at any time to possess any of the qualifications of office as provided by this Charter or by State Law;

- (4) Willful violation of any express prohibition of this Charter or State or local Ethics rule violation; (Substantive)
- (5) Abandonment of office or neglect to perform the duties thereof;
- (6) Failure for any other cause to perform the duties of office as required by this Charter or by law; or
- (7) Any of the grounds listed under Texas Local Government Code Section 21.022 and Section 21.025.

B. Initiation. Removal proceedings shall be initiated when a sworn written complaint charging a member of the council with an act or omission that is a cause for removal is presented to the Mayor or, if the complaint is against the Mayor, to the Mayor ~~p~~Pro ~~t~~Tempore. The ~~Mayor or Mayor Pro Tempore~~person receiving the complaint shall file it with the City Secretary within three (3) working days. ~~The City Secretary who~~ shall provide a copy to the member complained against and all other council members within three (3) working days of receipt. The Mayor or the Mayor ~~p~~Pro ~~t~~Tempore shall set a time and date for a hearing in accordance with Section 3.07 to be conducted on the complaint within 60 days of the day the Mayor or Mayor Pro Tempore received presentation of the sworn complaint. (Non-substantive – clarification language, does not change intent)

C. Hearing and decision. The remaining members of the City Council shall conduct a public-hearing to hear and review evidence regarding the sworn complaint. The member complained against shall have a right to representation at the hearing and to question and cross-examine all witnesses, but may not vote on the question of removal. Based on the evidence presented at the hearing, the City Council shall make a decision in public on whether the member should be removed from office and shall issue an order setting out its decision. If it determines by at least an eighty percent (80%) a unanimous affirmative vote of those present that removal is warranted, it shall declare a vacancy to be filled no sooner than the next regular meeting and in accordance with section 3.09. The decision of the city council shall be final and binding so long as it is made in good faith. (Substantive – requires public hearing and eliminates option).

Section 3.10 Meetings/Quorum

Regular meetings of the City Council shall be held at such times as may be prescribed from time to time by resolution of the City Council. Special meetings shall be called by the City Secretary upon the written request of the Mayor, the City Manager, or two (2) members of the City Council. Notice of any regular or special meetings of the City Council shall state the subject(s) to be considered at the meeting and shall be posted to the public in accordance with the laws of the State of Texas. A quorum shall consist of three (3) City Council members. The City Council may sanction its members for misconduct, and may compel the attendance of absent members. Items may be placed on the agenda by the request of the Mayor, the City Manager, or a City Council Member. Posted agendas ~~will~~shall provide for “Citizens to be Heard” allowing citizens the opportunity to address the City Council on topics not on the agenda for no more than three minutes. Citizens shall also have an opportunity to address the council during consideration of

the posted agenda items for no more than six minutes. These opportunities for citizens to speak ~~will~~shall be included in the agendas of all Council Meetings, Special Council Meetings and Workshops. This rule applies to all boards and city commissions. (Non-substantive - clarification language, does not change intent)

Section 3.14 Code of Ordinances

The City Council shall have the power to cause the ordinances of the City to be printed and posted on the internet, in code form, and shall have the same arranged and digested, as often as the City Council may deem advisable, provided that failure to print the ordinance shall not affect its validity. (Non-substantive - updating actual practice)

ARTICLE IV – CITY ADMINISTRATION AND ELECTIONS

Section 4.01 City Elections

The general City election shall be held annually on the ~~second Saturday in May~~ first Tuesday after the first Monday in November, or the date nearest thereto as may be required by State Law. Each qualified voter shall be entitled to vote. Candidates for each seat, including the Mayor, shall be elected at large. (Non-substantive- compliance with state law and practice)

ARTICLE V – DEPARTMENTS, OFFICES AND AGENCIES

5.02.3 Specific Powers and Duties

The City Manager shall be required to:

- (f) Keep the City Council advised of the financial condition and needs of the City and make such recommendations as ~~seem desirable~~appropriate. (Non-substantive - clarification)

Section 5.04 Police Department

The Police Department shall be established and maintained and the head of such department shall be the Police Chief. The Police Chief shall be appointed by the City Council and shall report to the City Manager. The Chief of Police may be removed from office by the City Council. The Police Chief shall meet the standards of the State Laws of Texas and be responsible for the administration of the police department and shall evaluate and supervise the department and all its employees. All such evaluations and actions shall be subject to review and modification by the City Manager.

5.04.1 Reports

The chief of police shall submit a detailed monthly report of all crimes reported within the city limits, including the street name and block number, to the city council and shall be posted on the city's website. (Substantive- Adding Police Department Section)

Section 5.05 Fire Department

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The Fire Department shall be established and maintained and the head of such department shall be the Fire Chief. The Fire Chief shall be appointed by the City Council and shall report to the City Manager. The Fire Chief may be removed from office by the City Council. The Fire Chief shall meet the standards of the State of Texas and be responsible for the administration of the fire department and shall evaluate and supervise the department and all its employees. All such evaluations and actions shall be subject to review and modification by the City Manager.

The Fire Chief will participate with the City Manager in the annual evaluation of the relationship and any contract between the volunteer fire department and the city. The working relationship between the volunteer fire department and the city shall be coordinated by the city's fire chief and/or the city manager with approval of the city council. (Substantive – Adding Fire Department Section)

Section 5.06 City Secretary (all 5.04 sections renumbered) (Non-substantive)

Section 5.07 Municipal Court of Record (all 5.05 sections renumbered) (Non-substantive)

Section 5.08 Public Works

The Public Works Department shall be established and maintained and the head of such department shall be the Public Works Director. The Public Works Director shall be appointed by the City Council and shall report to the City Manager. The Public Works Director may be removed from office by the City Council. The Public Works Director shall administer, supervise and coordinate the construction and maintenance of the streets and thoroughfares, the drainage system, and all public property and equipment not the responsibility of another department. The department shall have and be responsible for other duties, projects and works as provided by ordinance or assigned by the City Manager. (Substantive – Adding Public Works Department)

ARTICLE VI - FINANCE

Section 6.13 Independent Audit

At the close of each fiscal year the City Council shall cause an independent audit to be made of all accounts of the City by a certified public accountant experienced in auditing cities. The audit shall include an audit of all non-profit organizations receiving fifty percent (50%) or more of their income from the City. The audit shall be subject to the following:

- (c) The City Council shall not select the same auditor for more than ~~three-five~~ (35) consecutive years and the auditor selected shall not be, or have been within the immediate preceding three (3) years, a business associate of the certified public accountant or firm that performed the audit prior to such selection. **(Substantive)**

Section 6.16 ~~Tax Assessor-Collector~~ RESERVED

~~The Municipal Finance Officer shall have the responsibility and duty for assessing and collecting taxes and the City Manager may appoint an officer in such department to perform such duties; provided that the City may contract for such services at the discretion of the City Council. (Non-substantive)~~

Section 6.17 Property Taxes

All ad valorem property taxes shall be due and payable on or before the last day of January ~~December~~ each year at the office of the Municipal Finance Officer or such other place as authorized by the City Council. Such taxes may be paid at any time after the tax rolls for the tax year have been approved and shall become delinquent and be subject to penalties and interest if not paid on or before the last day of January ~~December~~ following the levy. The failure to levy or assess taxes does not relieve any owner or property from the tax liability on any taxable property. The tax ceiling for the City of Windcrest shall never exceed fifty (50) % of the ceiling set by the State Constitution. (Non-substantive)

ARTICLE VII - RECALL, INITIATIVE AND REFERENDUM AND NON-BINDING ELECTIONS

Section 7.4.2 ~~Two-Year Recall Limitation and Consecutive Term Exception~~

Elected officials shall not be subject to recall during the first six (6) months of that official's first term of office. The final six (6) months of an elected official's term of office shall be exempt from recall. (Non-substantive)

ARTICLE X - GENERAL

10.3.5 ~~Conflicts Of Board, Commission and Committee Appointments~~

No member of the City Council or employee of the city may be appointed to serve on boards or commissions. ~~A member of council may be appointed to committees,~~ study groups, or other entities created by the City to provide advisory services to the City. A city employee may serve as a resource to any board, commission, committee, study group or other entity created by the City but may not be a voting member. (Substantive)

10.4.2 City Elections

The Mayor and Council Members shall be elected for a term of two years according to the election cycle currently established (i.e. In November of even numbered years ~~May 2008~~ the Council Members for Places 1, 2, and 3 shall be elected. ~~In May 2009~~ In November of odd numbered years the Office of Mayor and Council Members for Places 4 and 5 shall be elected). (Non-substantive).

~~ARTICLE XII—SUBMISSION OF THE CHARTER TO ELECTORS~~

~~Section 12.01 Official Presentation of the Charter~~

~~The Charter Commission, in preparing this Charter, determines that it is not feasible to separate Charter subjects to permit “Yes” or “No” votes by individual subject. The Charter is constructed as an entity of function; therefore, it is necessary to adopt it in its entirety. For this reason, the~~

~~Charter Commission directs that the Charter be voted upon as a whole. The Charter, in both English and Spanish, shall be submitted to the qualified voters of the City of Windercrest at an election to be held for the purpose of Charter Acceptance/Rejection.~~

~~In not less than thirty (30) days prior to such an election, the City Council of the City of Windercrest shall require the City Secretary to mail a copy of this Charter in both English and Spanish, with a cover letter, defining the voting parameters (the document is voted on as a whole document) to each qualified voter of the City of Windercrest.~~

~~The City Secretary shall submit the draft Charter to the Department of Justice no later than sixty (60) days prior to election.~~

Section 12.02 Official Implementation of the Charter

~~If a majority of the votes cast are in favor of the adoption of this Charter, it shall immediately become the governing law of the City of Windercrest, Texas until amended or repealed. The Mayor shall certify an authenticated Charter copy with the City of Windercrest seal, showing the approval by qualified voters, to the Secretary of State. The City Secretary shall file an official copy of the Charter with the City.~~

~~If a majority of the votes cast are against this Charter, it is rejected and the City remains a General Law City. **(Non-substantive- eliminates obsolete language)**~~