

City of Richwood — TEXAS —

CHARTER REVIEW COMMISSION AGENDA

Thursday, October 20, 2022 at 6:00 PM

Richwood City Hall, 1800 N. Brazosport Blvd., Richwood, TX 75531

BE IT KNOWN that the City of Richwood Charter Review Commission will hold a Regular Board meeting on Thursday, October 20, 2022, at 6:00 PM in the City Hall Council Chambers located at 1800 Brazosport Blvd. N., Richwood, Texas 77531 with the following agenda:

- I. CALL TO ORDER
- II. SWEAR IN NEW MEMBERS AND ORGANIZE THE BOARD
- III. ROLL CALL OF MEMBERS
- IV. PUBLIC COMMENTS
- V. DISCUSSION AND ACTION ITEMS
 - A. Discuss goals of the commission and set tentative schedule for Charter Review Commission meeting dates.
 - B. Discussion and possible action regarding proposed amendments to Article 1 - Form of Government and Boundaries of the Richwood City Charter
 - C. Discussion and possible action regarding proposed amendments to Article 2 - Powers of the City of the Richwood City Charter
 - D. Discussion and possible action regarding proposed amendments to Article 3 - The City Council of the Richwood City Charter
- VI. REPORTS
- VII. SET NEXT MEETING DATE
- VIII. FUTURE AGENDA ITEMS
- IX. ADJOURNMENT

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (979) 265-2082 or FAX (979) 265-7345 for further information.

I, Kirsten Garcia, do hereby certify that I did, on October 13, 2022 at 3:00 PM post this notice of meeting on the bulletin board at 1800 N. Brazosport Blvd., Richwood, TX, in compliance with the Texas Open Meetings Law.

Kirsten Garcia, City Secretary
City of Richwood

Charter Review Board - Odd Years		
Members:		
Leslie Klug		
Kimberly Mayer		
Mark Guthrie		
Lauren LaCount		
Amanda Reynolds		
The city council shall appoint, at its regular city meeting in October of each even numbered year, a Charter review commission of five (5) citizens of the City of Richwood		

DATE	CHARTER REVIEW COMMISSION MEETING SCHEDULE	TIME
LOCATIONS:	Commission meetings will be held in the executive conference room at City Hall unless otherwise indicated on the agenda. The final report will be presented during a regularly scheduled Council meeting in January 2023.	
October – November Cycle		
October 20th	Introduction Appoint Officers of board Article 1 Form of Government and Boundaries Article 2 Powers of the City Article 3 The City Council	6:00 PM
November 3rd	Article 4. - Administrative Services Article 5. - Nominations and Elections Article 6. - Recall of Officers	6:00 PM
November 17th	Article 7. - Legislation by the People, Initiative and Referendum Article 8. - Municipal Planning and Zoning	6:00 PM
December – January Cycle		
December 1st	Article 9. - Municipal Finance Article 10. - Franchise and Public Utilities Article 11. - General Provisions	6:00 PM
December 15 th	Draft report and recommendations	6:00 PM
January 5th	Finalize report and recommendations	6:00 PM
January 9 th	Presentation of recommendations to City Council	6:00 PM

*Dates are subject to change dependent on availability of members. Order of items to be considered may also be subject to change.

Charter Review Commission.

The City Council shall appoint at its first regular meeting in October of each even numbered year, a Charter Review Commission of five citizens of the City.

- (a) *Duties of the Commission.* It shall be the duty of such Charter Review Commission to:
1. Inquire into the operations 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 to 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 ensure 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 said 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 a newspaper of general circulation in the City any report presented by the Charter Review Commission, shall consider any recommendations made, and if any amendments or amendment be presented as a part of such report may order such amendment or amendments to be submitted to the voters of the City in the manner provided by the applicable statute of the State of Texas.
- (c) *Term of office.* The term of office of such Charter Review Commission shall be six months and, if during such term no report is presented to the City Council, then all records of the proceedings of such Commission shall be filed with the person performing the duties of City Secretary and shall become a public record.

ARTICLE I. FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01. Form of government.

The municipal form of government provided by this Charter shall be known as the "council-city manager form of government". Pursuant to its provisions and subject only to the limitations imposed by the state Constitution, the statutes of the state and by this Charter, all powers of the City shall be vested in an elected council, hereinafter referred to as the "City Council" or "the City Council of the City of Richwood," which enact local legislation, adopt budgets, determine policies, and appoint the City Manager, who in turn shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner not prescribed, then in such manner as may be prescribed by ordinance, the state Constitution or the statutes of this state.

(Ord. of 5-11-13)

Section 1.02. Boundaries.

Boundaries for the City of Richwood are compiled in the field notes of the original incorporation lines dated November 9, 1957 in the Order of Incorporation, and shall include all property annexed since then.

(Ord. of 5-11-13)

Section 1.03. Annexation for all purposes.

The City Council shall have the power by ordinance to fix the boundary lines of the City of Richwood and to provide for the alteration and extension of said boundary limits; and the annexation of additional territory lying adjacent to the City, with or without the consent of the territory and inhabitants, subject to procedural rules as may be prescribed by law. Upon the passage of any ordinance annexing property to the City, the boundary limits of the City shall thereafter be fixed in such ordinance; and when any additional territory has been so annexed, same shall be a part of the City of Richwood, and the property situated therein shall be entitled to all the rights and privileges of all the citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the City.

(Ord. of 5-11-13)

Section 1.04. Contradiction of boundaries.

Whenever there exists within the corporate limits of the City any territory not suitable or necessary for City purposes, the City Council may, upon a petition signed by a majority of the qualified voters residing in such territory, if the same be inhabited, or without any such petition if the same be uninhabited, by ordinance duly passed, discontinue said territory as a part of the City. Said petition and ordinance shall accurately specify the metes and bounds of the territory sought to be eliminated from the City and shall contain a plat designating such territory so that the same can be definitely ascertained. When said ordinance has been duly passed the same shall be entered upon the minutes and records of said City. From and after the entry of such ordinance said territory shall cease to be a part of said City, but said territory shall still be liable for its pro rata share of any debts incurred while said territory was a part of the City to pay the indebtedness incurred while said territory was a part of the City. The City shall continue to levy, assess and collect taxes on the territory to pay the indebtedness incurred while said territory was a part of the City.

(Ord. of 5-11-13)

ARTICLE 2. POWERS OF THE CITY

Section 2.01. General.

The City of Richwood may use a corporate seal, may sue and be sued, may contract and be contracted with, may implead and be impleaded in all courts in all matters whatsoever, may cooperate with the government of the State of Texas or any agency thereof, the Federal Government or any agency thereof, or any political subdivision of the State of Texas, and shall have all the powers granted to cities by the Constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The City may own or acquire property within or without its boundaries for any municipal purpose in fee simple or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage, control and police any property now owned by it or which it may hereafter acquire, and shall have the right to lease or let its property whether inside or outside the City limits, subject to the limitation hereinafter set out, and may construct, own, lease, operate, and regulate public utilities, may assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation, may borrow money on the faith and credit of the City by issuance and sale of bonds, certificates of obligation, warrants or notes of the City, may appropriate the money of the City for all lawful purposes, may regulate and control the use, for whatever purpose, of the streets and other public places, may make and enforce all police, health, sanitation and other regulations, and may pass such ordinances as may be expedient for the protection and maintenance of good government, peace and welfare of the City, for the performance of the functions thereof, for the order and security of its residents, and may provide suitable penalties for the violations of any ordinance enacted by the City of Richwood, and, except as prohibited by the Constitution and laws of this State or restricted by this Charter, the City may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

(Ord. of 5-11-13)

Section 2.02. General powers adopted.

The enumeration of the particular powers in this Charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the City shall have and may exercise all power of local self-government and all other powers which, under the Constitution and laws of the State of Texas, it would be competent for this Charter specifically to enumerate. The City of Richwood shall have and may exercise all the powers enumerated in the Local Government Code.

(Ord. of 5-11-13)

Section 2.03. Eminent domain.

The City shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the Constitution and laws of the State of Texas. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution and laws of this state. The power of eminent domain hereby conferred shall include the right of the City to take fee title to condemned land and such power and authority shall also include the right to condemn public property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.

(Ord. of 5-11-13)

ARTICLE 3. THE CITY COUNCIL

Section 3.01. Number, selection and term.

The legislative and governing body of the City shall consist of a Mayor and five council members and shall be known as the "City Council of the City of Richwood."

- (1) The Mayor shall be elected from the City at large. The election of members of the City Council shall be by position from the City at large, designating council positions as position one through position five, inclusive, authorizing qualified voters to vote on a candidate for each council position and providing for interim determination of council positions by lot.
- (2) The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The Mayor shall be entitled to vote only in the event it becomes necessary to break a tie vote.
- (3) In each odd numbered year two council members and a Mayor shall be elected, and in each even numbered year three council members shall be elected.
- (4) The Mayor and each council member shall hold office for a period of two years and until his/her successor is elected and qualified. No person shall serve as Mayor or council member for more than three (3) consecutive terms in any position. One must be removed from City Council for a period of one (1) year to reapply. All elections shall be held in the manner provided in article 5 of this Charter.
- (5) All members of the City Council shall be subject to removal from office under the terms and conditions of the recall provisions of this Charter.

(Ord. of 5-11-13; Ord. No. 19-452 , § 4, 5-13-19; Ord. No. 21-477 , § 3(Exh. A), 5-10-21)

Section 3.02. Qualifications.

Each member of the City Council shall be a resident citizen of the City of Richwood, shall be a qualified voter of the State of Texas, shall be at least twenty-one (21) years of age, shall have been such resident citizen of the City of Richwood for a period of not less than one (1) year immediately preceding his/her election, and shall not be indebted to the City of Richwood, provided, however, that any person with the above qualifications except as to residence, who shall have been a resident for a period of not less than one (1) year immediately preceding his/her election, of any of the territory not formerly within the corporate limits of said City, but which is annexed under the provisions of section 1.03 of this Charter, shall be eligible for said office. If the Mayor or any council member fails to maintain the foregoing qualifications or shall be absent from three regularly scheduled meetings in a one (1) year period without valid excuse, the City Council may, at its next regular meeting, declare a vacancy as set forth in section 3.06 of this Charter. For this section, "absent" shall be defined as not being present during a regularly scheduled meeting in which a vote was taken on an agenda item.

(Ord. of 5-11-13; Ord. No. 19-452 , § 4, 5-13-19)

Section 3.03. Council to be judge of election qualification.

The City Council shall be the judge of the election and qualification of its own members and other elected officials of the City and of the ground for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on written demand to the Mayor, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing.

(Ord. of 5-11-13)

Section 3.04. Compensation.

The City Council shall fix the compensation, if any, to be received by its members for attendance at its meetings with any changes in compensation subject to voter approval by a simple majority at the next regular election.

(Ord. of 5-11-13)

Section 3.05. Mayor pro-tem.

The City Council, at its first meeting after each annual City election, or as soon as thereafter practicable, shall elect one of its members Mayor pro-tem, and he/she shall perform all the duties of the mayor in the absence or disability of the Mayor. In the event that the office of the Mayor pro-tem becomes vacant for any reason, the City Council shall elect a new Mayor pro-tem to fill the unexpired term.

(Ord. of 5-11-13)

Section 3.06. Vacancies.

When a vacancy occurs in the City Council, the remaining members of the council, shall, within thirty (30) days (except within sixty (60) days of a regular City election or during a run-off election period), appoint a qualified person to fill the unexpired term. However, the City Council shall not appoint more than two council members in any twelve (12) month period, and in case a vacancy has been filled by the City Council within the twelve (12) month period prior to the subsequent vacancy, or if more than two (2) vacancies occur at the same time or before a prior vacancy has been filled, the City Council shall call a special election within thirty (30) days from the date the last vacancy occurred, to be held within fifty (50) days thereafter, for the purpose of electing the successor or successors to the office or offices vacated.

(Ord. of 5-11-13; Ord. No. 19-452 , § 4, 5-13-19)

Section 3.07. Powers of the City Council.

1. Establish, consolidate, or abolish departments;
2. Adopt the budget of the City;
3. Authorize the issuance of bonds by a bond ordinance;
4. Inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs;

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5. Remove from any office or position of employment in the City government, any officer or employee or member of any board or commission, unless that person is a department head, reports to a department head or is employed in one of the departments under the direction of the City Manager. The power of removal shall be a concurrent power with other individuals as authorized by this Charter and other written and duly authorized City policies;
6. Provide for such additional boards and commissions, not otherwise provided for in this Charter, as may be deemed necessary, and to appoint, or remove the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City ordinance or by law;
7. Adopt and modify the zoning plan and the building codes of the City;
8. Adopt and modify the official map of the City;
9. Regulate, license and fix the charges and fares made by any person, firm or corporation owning, operating, or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the City;
10. Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein and provide for the erection of fireproof buildings within said limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings, or buildings calculated to increase the fire hazard and prescribe the manner of their removal and destruction within said limits;
11. Fix the salaries and compensation of the City officers and employees;
12. Provide for a sanitary sewer and water system and require property owners to connect their premises with sewer system and provide for penalties for failure to make sanitary sewer connections;
13. Provide for sanitary garbage disposal, and set fees and charges thereof, and provide penalties for failure to pay such fees and charges;
14. Exercise exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the City and provide for the improvement of same as provided by Texas law, as now or hereafter amended;
15. Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City of Richwood;
16. And such other and further powers as have been or may from time to time hereafter be delegated to home rule cities by the legislature of the State of Texas, including the powers incident to the exercise thereof;
17. All powers of this Charter are vested in the City Council. The council shall conduct all business in public meetings. No member of the council shall have any power to act or make appointments without the specific authorization of the council in a meeting.

(Ord. of 5-11-13; Ord. No. 19-452 , § 4, 5-13-19)

Section 3.08. Meetings of the City Council.

The City Council shall hold at least one regular meeting each month, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the City and its citizens. All meetings of the City Council shall be public and shall be held at the City hall, except that the City Council may designate another place for such meetings after publishing due notice thereof in one issue of a newspaper in general circulation in the City of Richwood. The Mayor or any member of council may call special meetings of the

City Council at any time, but said special meetings shall require a quorum of the total City Council in order to proceed.

(Ord. of 5-11-13)

Section 3.09. Rules of procedure.

The City Council shall determine its own rules of procedure and may compel the attendance of its members. A majority of the qualified members of the City Council shall constitute a quorum for the transaction of business. Approval of a measure shall require the affirmative vote of a majority of the members who are present and qualified to vote on the measure, but not less than three votes, unless otherwise authorized by this Charter. Minutes of the proceedings of all meetings of the City Council shall be kept, to which any citizen may have access to at all reasonable times and which shall constitute one of the archives of the City. The vote upon the passage of all ordinances and resolutions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer and the person performing the duties of the City Secretary.

(Ord. of 5-11-13; Ord. No. 19-452 , § 4, 5-13-19)

Section 3.10. Procedure for passing of ordinances.

Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect at the time indicated therein, provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten days from the date of its passage, subject to the provisions of article 7 of this Charter. The City Secretary shall give notice of the passage of every ordinance imposing a penalty, fine, or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty, of any such ordinance to be published in the official newspaper of the City of Richwood at least once within ten days after the passage of said ordinance. He/she shall note on every ordinance the caption of which is hereby required to be published and on the record thereof, the fact that same has been published as required by the Charter and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance, provided that the provisions of this section shall not apply to the correction, amendment, revisions and codification of the ordinances of the City for publication in book, pamphlet or electronic form. Except as otherwise provided by article 7 of this Charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the City Council. Every ordinance shall be authenticated by the signature of the Mayor and City Secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by the City Council. It shall only be necessary to record the caption or title of ordinances in the minutes or journal of City Council meetings. The City Council shall have the power to cause ordinances of the City to be corrected, amended, revised, codified and printed in code form as often as the City Council deems advisable, and such printed code, when adopted by the City Council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

(Ord. of 5-11-13)

Section 3.11. Official bonds for City employees.

The City Manager and the designated City Treasurer and such other officers and employees as the City Council may require, shall, before entering the duties of their office, enter into a good and sufficient fidelity bond in a sum to be determined by the City Council payable to the City of Richwood and conditioned upon the faithful discharge of the duties of such persons and upon the faithful accounting of all monies, credits, and things of value

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coming into the hands of such persons, and such bonds shall be signed as surety by some company authorized to do business under the laws of the State of Texas, and the premium of such bonds shall be paid by the City of Richwood, and such bonds must be acceptable to the City Council.

(Ord. of 5-11-13; Ord. No. 19-452 , § 4, 5-13-19)

Section 3.12. Investigation by the City Council.

The City Council shall have the power to inquire into the conduct of any office, department, agency, officer, or employee of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed \$500.00.

(Ord. of 5-11-13)

Section 3.13. Audit and examination of City books and accounts.

The City Council shall cause an annual audit to be made of the books, accounts, records and accounting systems of each and every department of the City. At the close of each fiscal year, a complete audit shall be made by a certified public accountant, who shall be selected by the City Council, and such audit shall include a recapitulation of all audits made during the course of the fiscal year, and all audit reports shall be filed with the City Council, shall be available for public inspection and shall be made a part of the archives of the City. Such accountant, so selected, shall not maintain or keep any of the City's accounts or records.

(Ord. of 5-11-13)