

**City of Alvin
Charter Review Commission Report
December 17, 2020**

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I. Introduction

The Alvin City Charter requires a review of the City Charter at least every four years but no more often than every two years. The previous Charter Review Commission met in 2016 and the City Council appointed the current Charter Review Commission on June 18, 2020. The Commission was tasked to review the Charter for:

- adequate legal updates consistent with state and federal law
- the promotion of good government practice
- the creation of better efficiency or effectiveness
- clarification of charter terms
- recommendations to Council about the Commission's conclusions about these issues

The Charter Review Commission consists of seven members which are appointed by the City Council. At the first regularly scheduled Commission meeting, a Chair, Vice-Chair, and Secretary were elected. Charter Review Commissioners are: Chair, Lindsey Vaughn; Vice-Chair, Beth Nelson; Secretary, Nicole Kelinske; members Richard Garivey, Cary Perrin, Donna Starkey, and Heather Van Dine.

The staff representative to the Commission was Suzanne Hanneman, City Attorney, who provided significant support for every meeting and the entire process. The attendance by Junru Roland, City Manager, at one meeting was very much appreciated by the Commission. The City Secretary's office assisted with preparing the agendas and the minutes of each meeting.

All meetings were posted and were open to the general public, in accordance with the Texas Open Meetings Act. The Commission conducted its initial meeting on July 29, 2020, and the Commission's last meeting was held December 8, 2020. A total of 11 meetings were held over the past six (6) months. The Commission reviewed the City Charter multiple times, taking into consideration suggestions that were proposed from the public, City staff, the City Attorney, and the Commission itself.

After discussion, the Commission used the following rationale for consideration of changes to the City Charter:

- Is the current City Charter correct?
- Is the current City Charter misleading or vague?
- How does the City Charter and/or item relate to state or federal law?
- Does the item belong in the City Charter or does it unduly restrict the council?
- What are the benefits/drawbacks of the item?

II. Public Input

The Commission requested input from the public via a press release in the local newspaper. No responses were received from the public for consideration by the Commission.

III. Recommendations from City staff and Legal counsel

The Commission requested input from city staff and legal counsel. The City Attorney delivered numerous recommendations from city staff, and the City Attorney. The Commission discussed over 50 items of interest. In addition, several typographical and/or grammatical errors that would not require a vote were identified and given to the City Attorney for correction.

IV. Recommendations from the Commission

The Charter Review Commission recommends the following changes to the Alvin City Charter

1. Commission Recommendation: Update “chief financial officer” to “Director of Administrative Services.”

Change all instances of “chief financial officer” to “Director of Administrative Services” and/or “Director.”

Rationale: To update all instances of “Chief Financial Officer” to “Director of Administrative Services, or Director” in accordance with the title change made in the Fiscal Year 2021 budget.

2. Commission Recommendation: Correct various typographical/ grammar/ spelling errors or word changes in the City Charter.

- a. Article V, Administrative Services, Section 8 – Health ~~officer~~ Authority
- b. Article VII, Municipal Finance, Section 18 – Depository and withdrawals
~~depository(ies)~~ depository or depositories
- c. Article XI, General Provisions, Section 15. – ~~Separability~~ Severability clause
- d. Capitalize all proper nouns, including City Council or Council, Mayor, City Manager, City Secretary, City Attorney, Commission, Board, and other titles or words where appropriate.

Rationale: To correct various typographical/grammatical/spelling errors that do

not change the meaning or intent, and to change incorrect words to the correct words – separability to severability.

3. Commission Recommendation: Capitalization changes.

Capitalize all proper nouns, including City Council or Council, Mayor, City Manager, City Secretary, City Attorney, Commission, Board, and other titles or words where appropriate.

Rationale: To capitalize titles or words that should be capitalized.

4. Commission Recommendation, Revise Article I. – Incorporation, Form of Government, and General Powers, Section 5 – Annexation and disannexation.

The Council may by ordinance unilaterally annex or disannex any land, property or territory upon its own initiative, or upon a petition submitted by a majority of the voters residing within the territory being annexed or disannexed, upon petition by the owners of the property, or upon a petition signed by a majority of the property owners in a platted subdivision. The Council may disannex or release extraterritorial jurisdiction when in the best interest of the city. The procedure for the establishment, modification or extension of the city boundaries, and the annexation or disannexation of territory, may not be inconsistent with any applicable requirements ~~and~~ or limitations established by state law; upon final passage of an ordinance, fixing, establishing or modifying the boundaries of the city, or annexing or disannexing any property by any method prescribed herein, the boundaries of the city shall be so extended or modified as provided in such ordinance. Upon an ordinance annexing property into the city, the territory described in the ordinance shall become a part of the city, and the said land and its residents and future residents shall be bound by the acts, ordinances, codes, resolutions and regulations of the City.

Rationale: The word “or” is the proper conjunction following the direction of “may not.”

5. Commission Recommendation, Revise Article II. – The Council, Section 2 – Qualifications.

(a) For Candidacy.

On the day prior to the date of the scheduled election to be held for such office, the Mayor and Councilmembers shall: (i) be at least eighteen years of age; (ii) be citizens of the United States; (iii) be qualified voters of the city; (iv) have been residents of the State of Texas for at least twelve (12) consecutive months; (v) have been residents of the

city and the district for which they seek election, or an area having been annexed into the city and/or the district, for at least ~~six~~ twelve (12) consecutive months; (vi) not be delinquent on any indebtedness to the city; and (vii) meet all other qualifications for eligibility set forth in the Texas Election Code. No city employee shall be eligible to file for election as a member of the Council; and no candidate for mayor or Council shall hold any other elective public office, or any paid appointive office of the city.

(b) For Office Holders.

If the Mayor or any councilmember becomes delinquent in any indebtedness to the City, the city chief financial officer shall inform the City Secretary who shall then inform the delinquent mayor or councilmember, within seventy-two hours of receiving such notice. If the indebtedness is not paid by the close of regular business hours on the date of the second regular Council meeting after notice is given by the City Secretary, the Council shall cause the matter to be placed on the agenda and shall declare the office then held by the delinquent mayor or councilmember to be vacant. Further, the Mayor or councilmember must resign before filing for any other public office, other than the position then held as mayor or councilmember, unless the election for such other office is scheduled to be held after the expiration of his/her term of office.

Rationale: This will clarify which provisions are for candidates and which are for office holders. This also increases the residency requirement for candidates, from six (6) to twelve (12) consecutive months

6. Commission Recommendation, Revise Article III. – Elections, Section 2 – Filing for office.

Candidates filing for office shall make application for a place on the ballot within the times prescribed by the Texas Election Code. In the absence of a filing deadline established by state law, an application for a place on the ballot must be filed not later than 5 p.m. of the 62nd day before election day. An application may not be filed earlier than the 30th day before the date of the filing deadline. ~~applications for a place on the ballot shall be filed not later than close of regular business hours of the 62nd day before election day and not earlier than the 30th day before the date of the filing deadline.~~ All applications shall designate the office sought. It shall be the duty of the City Secretary to place the name of all qualified candidates, making timely application, on the official ballot.

Rationale: This makes the application timeline clearer by rephrasing the language to track the statute, without changing the timeline.

7. Commission Recommendation, Revise Article IV. – Initiative, Referendum and Recall, Section 6 – Commencement of proceedings.

(a) A qualified voter may commence an initiative or referendum proceeding by filing with the City Secretary the complete form of a petition proposed to be circulated, including signature pages, together with a copy of the full text of the initiative ordinance, or the ordinance to be reconsidered. The ordinance set forth with the petition shall be complete and in the proper form, including the caption. The petition may consist of one (1) or more copies, but each copy must include signature pages and the full text of the initiative ordinance, or the ordinance to be reconsidered.

(b) The City Secretary shall place the time and date on the petition and documents when filed, examine the filing for sufficiency as to form and place the time and date of the certification for circulation on such petition and documents. The City Secretary shall provide a certified copy of such filing as certified for circulation to the person presenting same, the City Manager and the City Secretary, and file a copy of such certified documents and petition in the archives of the city.

(c) When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator thereof stating that they personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in their presence, that they believe them to be the 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) The circulated petition(s) must be returned and refiled with the City Secretary within ninety (90) days after the date the petition is certified for circulation. Signatures obtained prior to the date of such certification shall be invalid and a petition returned after the expiration of ninety (90) days shall not be considered.

Rationale: The addition of paragraph (c) ensures that all signatures were obtained in the proper manner. Additional grammatical changes made that do not change the meaning of the section.

8. Commission Recommendation, Revise Article IV. – Initiative, Referendum and Recall, Section 7 – Examination and sufficiency.

If the petition is certified as insufficient due to the disqualification or invalidity of signatures, the petitioner shall have fourteen (14) days following the date the number of signatures is found insufficient to file a one supplementary petition with additional signatures sufficient in number to equal the required number of signatures. Upon the

supplementary petitions being timely filed, the City Secretary shall have seven (7) days from the date ~~such~~ the supplementary petition is filed to certify the petition as sufficient or insufficient.

Rationale: This clarifies the number of supplementary petitions that can be filed (1) and makes other necessary grammatical changes that do not change the meaning of the section.

9. Commission Recommendation, Revise Article IV. – Initiative, Referendum and Recall, Section 9 – Action on petition.

(a) Within thirty (30) days after the date an initiative petition has been certified to the Council as sufficient, the Council shall request a formal legal opinion from the City Attorney on the legality of the proposed ordinance. If the City Attorney issues a written opinion that the proposed ordinance is clearly and facially invalid, the Council shall not be required to call an election on such initiative. Otherwise, within forty-five (45) days after an initiative or referendum petition has been certified to the Council as sufficient, the Council shall:

- (~~a~~) Adopt the proposed initiative ordinance without any change in substance; or
- (~~b~~) Repeal the referred ordinance; or
- (~~e~~) Call an election on the proposed or referred ordinance.

(b) The election on a proposed or referred ordinance shall be held on the next available uniform election date after the date of the Council's action and for which notice may be timely given in compliance with state law and this charter. Such election may coincide with a regular city election should such election fall within the specified time. However, special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months and no ordinance substantially the same as a defeated initiative ordinance shall be adopted by the Council or initiated within two (2) years after the date of the election. No referred ordinance repealed at an election may be readopted by the Council within two (2) years from the date of the election at which such ordinance was repealed. Copies of the proposed or referred ordinances shall be made available at each polling place.

(c) [An initiative or referendum petition may be withdrawn at any time prior to the 20th 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 individuals who signed the](#)

petition. Upon filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Rationale: This provides guidelines for the withdrawal of a petition and renumbers the section accordingly.

10. Commission Recommendation, Revise Article IV. – Initiative, Referendum and Recall, Section 11 – Power of Recall.

The people of the city reserve the power to recall any elected city officer and may exercise the power by filing with the City Secretary a petition signed by qualified voters of the city equal in number to at least twenty percent (20%) of the number of votes cast in the last general city election, or 200 registered voters, whichever number is greater, with at least twenty-five (25) percent of those signatures being from the district from which the Council member is elected if the councilmember represents a specific district, demanding the removal of the elected officer. The petition shall state the reason for the recall and shall be signed and verified as required for an initiative petition and shall include the additional requirement that the bottom of each page of the petition shall contain the original signature of the presenter of the petition. A separate petition must be filed for each officer being recalled. If the Council orders a recall election for any member, such election shall be held in the manner provided in this Article. Notwithstanding, any other provision of this Article, if the officer being recalled is elected from a single member district, only the voters residing in that district can vote in that recall election.

Rationale: This provides language requiring a percentage of signatures required for recall of any elected City official that represents a specific district, and not “at large” or the Mayor.

11. Commission Recommendation, Revise Article IV. – Initiative, Referendum and Recall, Section 12 – Recall election.

The provisions regulating examination, certification, and amendment of initiative petitions shall apply to recall petitions. If the City Secretary certifies the petition as sufficient, the City Council shall, at the first meeting for which timely notice may be given, order a special election to be held at the earliest time permitted by this charter and state law, to determine whether the officer shall be recalled. If a majority of votes cast at a recall election be for the recall of the officer, the office shall be ~~vacant~~ declared vacant and such vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies. A Council member thus removed shall not be a candidate to succeed himself or herself in an election called to fill the vacancy thereby created nor shall such elected official's name appear on a ballot for elective office of the City within a period of two (2) years following the date of the election at which such elected official was removed from office.

Rationale: To provide clarification for vacancies and the filling of such vacancies.

12. Commission Recommendation, Revise Article IV. – Initiative, Referendum and Recall, Section 13 – Limitation on recall.

No recall petition shall be filed against an officer within six (6) months after taking office; no officer shall be subjected to more than one (1) recall election during a term of office; and no officer shall be recalled at an election held less than ~~three~~ six (36) months prior to the expiration of the term of office being served by such officer.

Rationale: This increases the recall timeframe from three (3) to six (6) months before the expiration of the term.

13. Commission Recommendation, Revise Article IV. – Initiative, Referendum and Recall, Section 14 – Failure of City Council to call an election.

If the City Secretary shall certify the petition as sufficient and the City Council shall fail or refuse to order such recall election, or to discharge any other duty imposed upon the Council with reference to the recall, then any citizen ~~of the city~~ who signed the petition may file suit in the district courts to compel and order the Council ~~to order the election to carry out the provisions of the recall election.~~

Rationale: This clarifies the wording without changing the meaning.

14. Commission Recommendation, Revise Article V. – Administrative Services, Section 2 – Term and Salary of City Manager.

The City Council may employ the services of a City Manager by contractual agreement. The City Manager, nonetheless, may be removed by a vote of at least four (4) members of the Council. The action of the Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the Council. ~~In case of the absence or disability of the City Manager, the Council may designate some qualified person to perform the duties of the office during such absence or disability.~~ The City Manager shall receive such compensation as may be fixed by the Council.

Rationale: This removes the language pertaining to the designation of person to perform City Manager duties, as this is addressed in the next section.

15. Commission Recommendation, Revise Article V. – Administrative Services, Section 3 – Powers and Duties of the City Manager.

The City Manager shall be responsible to the Council for the proper administration of all the affairs of the City and to that end shall have the power and be required to:

(a) ~~The City Manager may hire~~ Hire, appoint, and terminate department heads not specifically appointed by the Council ~~only~~ with the advice and consent of City Council. All other employees will be hired, employed, assigned, and terminated by the City Manager in accordance with procedures delineated in the personnel policies manual;

(b) Prepare the budget annually and submit it to the Council, and be responsible for its administration after adoption;

(c) Prepare and submit to the Council as of the end of each month a complete report on the finances and administrative activities of the city for the previous month and the year to date;

(d) Keep the Council advised of the financial condition and future needs of the city and make such recommendations as may seem desirable;

(e) ~~The City Manager shall present~~ Present the Council with an inventory of all city-owned property and equipment, including real property, at the time he/she presents his/her annual budget message. In order to meet this requirement, he/she shall cause to be established an event-oriented inventory management system and will cause a physical inventory to be made of all property at least once every two (2) years;

(f) As a part of the annual budget message to Council the City Manager shall provide the Council with a written status report on all franchises granted by the city. The report shall address any problem areas and the annual revenues received from each franchise holder;

(g) Perform such duties as may be prescribed by this Charter or may be required of him/her by the Council not inconsistent with this Charter; and

(h) In the absence of an Assistant City Manager, the City Manager shall designate, by letter filed with the City Secretary, a qualified Administrative Officer of the City to perform the duties of City Manager in his/her absence. In the event of long-term disability, resignation, or termination of the City Manager, the Council shall appoint an acting City Manager for the duration of any such disability, or until Council appoints a

permanent City Manager. No member of the City Council shall serve as acting City Manager.

Rationale: This adds language clarifying the position, makes grammatical changes for readability, and adds paragraph (h) pertaining to the City Manager's designation of designee in his/her absence.

16. Commission Recommendation, Revise Article V. – Administrative Services, Section 5 – Chief of Police.

There is hereby created a police department of the City. The police department shall be composed of the Chief of the Police and other officers and employees as the City Council may provide. The jurisdiction of the department shall be the corporate limits of the City, in accordance with state law.

Rationale: This adds language to clarify the existence and composition of the police department.

17. Commission Recommendation, Revise Article V. – Administrative Services, Section 10 – Employee pay plans, personnel policies, etc., and Section 11 – Classified service.

Sec. 10. - Employee pay plans, classification, personnel policies, etc.

The Council shall provide a system for the classification of employees including pay plans and rules for the appointment, promotion, discipline, grievance, administrative review, and dismissal. The rules shall contain policy statements that clarify employees' rights and benefits, such as vacation, sick leave, retirement and insurance. Such classification shall not apply to board members, or other employees or persons appointed by Council under this Charter, or to the police officers covered under Chapter 143 of the Texas Local Government Code.

~~Sec. 11. – Classified service.~~

~~No officer, employee, member of a board or other person, who is to be appointed by the Council under this Charter, shall be included within the classified service of the city, but all other persons in the administrative services of the city shall be included therein unless specifically excluded by the ordinance providing for a system of classified services.~~

Rationale: These two provisions have been combined to provide better clarity and readability.

18. Commission Recommendation, Revise Article V. – Administrative Services, Section 14 – Grossly negligent and fraudulent approval of claims.

Sec. 14. – ~~Grossly negligent and fraudulent approval of claims.~~ Gross negligence and willful or wrongful acts of employees and officers.

~~Each officer and employee of the city shall be responsible for loss or damage sustained by the city as a result of the officer's and/or employee's grossly negligent or fraudulent approval of claims against the city.~~

Duly elected and appointed officers, employees and volunteers of the City shall be protected by the City from actual damages awarded against any such officer, employee or volunteer if the damages result from an act or omission committed while in the course and scope of their office, employment or service, and they arise from a cause of action for negligence. Each officer and employee of the City shall be responsible for loss or damage sustained by the City as a result of the employee or officers willful or wrongful acts or omissions or from acts or omissions constituting gross negligence.

Rationale: This section has been revised for clarification to properly reflect liability of officers and employees.

19. Commission Recommendation, Revise Article VI. – Municipal Court, Section 2 – Judge of the Municipal Court.

The ~~municipal court shall be presided over by a magistrate who shall be known as the~~ judge of the municipal court ~~–He/she~~ shall be ~~elected~~ appointed by a majority of the Council, ~~and~~ shall hold office for a term of two (2) years, and shall receive such salary as may be fixed by Council. The judge shall ~~have been~~ be a resident of Brazoria County for at least one year immediately prior to his/her appointment, possess good moral character and shall have never been convicted of a felony or any crime involving moral turpitude in this or any other state. The Council shall have authority to ~~elect~~ appoint associate judges as are deemed appropriate and necessary by the presiding judge. Associate judges shall be appointed ~~an associate judge of the municipal court~~ in the same manner and with the same qualifications set forth for the presiding judge. ~~The associate judge~~ Associate judges shall have the same duties and responsibilities as the presiding judge and shall serve in the absence of the presiding judge. ~~In the event either the presiding judge or associate judge (if one is so appointed) of the municipal court is unable to act for any reason, the mayor shall act in his/her place until the Council has appointed a replacement.~~ The judge, associate judge, or anyone acting in his/her place shall receive such compensation as may be set by the Council. The Council shall have the power to create and establish additional municipal courts, with the same or separate jurisdictions, and to

~~elect~~ appoint ~~an~~ additional magistrate judges for each court so established, in accordance with state law.

Rationale: This change simplifies the section, deletes excess language, and provides the correct terminology that Council ‘appoints’ the municipal judges.

20. Commission Recommendation, Revise Article VII. – Municipal Finance, Section 3 – Budget a public record.

Sec. 3. - Budget is a public record.

The budget and all supporting schedules shall be filed with the person performing the duties of City Secretary, submitted to the Council and shall be a public record. ~~The City Manager shall provide copies for distribution to all interested persons.~~ The City Secretary shall make the budget available to all persons.

Rationale: This clarifies the language and updates the practice of from whom and how the budget is made available.

21. Commission Recommendation, Revise Article VII. – Municipal Finance, Section 7 – Vote required for adoption, Section 8 – Date of final adoption, and Section 9 – Approved budget filed with City Secretary.

The budget shall be adopted by the favorable vote of a majority of the members of the Council prior to the beginning of the fiscal year. Should Council fail to so adopt the budget, the existing budget, together with its tax-levying and appropriations ordinances, shall remain in effect for the ensuing year, until such time as the Council passes a budget for the new fiscal year.

Upon adoption, a copy of the budget shall be filed with the City Secretary and a copy of the budget, including the cover page and record vote shall be posted on the City’s Internet website, or as otherwise provided by state law.

~~Sec. 8. – Date of final adoption.~~

~~The budget shall be finally adopted not later than fifteen (15) days prior to the beginning of the fiscal year, and should the Council fail to so adopt a budget within the specified time, the existing budget and its appropriations shall be deemed adopted on an emergency basis for up to thirty (30) days.~~

~~Sec. 9. – Approved budget filed with City Secretary.~~

~~Upon final adoption, a copy of the budget shall be filed with the City Secretary and as otherwise provided by state law.~~

Rationale: This combines the language of three separate sections into one, deletes excess language, and makes the budget process clearer.

22. Commission Recommendation, Revise Article VII. – Municipal Finance, Section 10 – Budget establishes appropriations.

From the effective date of the budget, the ~~several~~ amounts stated therein as proposed expenditures shall be and become appropriated to the ~~several~~ objects and purposes named therein. Except as provided in this article or state law, no funds of the city shall be expended nor shall any obligation for the expenditure of money be incurred, except pursuant to the annual appropriation ordinance provided by this article. At the close of each fiscal year, any unencumbered balance of any appropriation shall revert to the fund from which appropriated and become available for reappropriation for the next fiscal year. The ~~Council~~ City Manager may transfer any unencumbered appropriated balance or portion thereof from one office, department, or agency to another at any time. The ~~Council~~ City Manager shall have the authority to transfer appropriation balances from one ~~e[or]~~ expenditure account to another within a single office, department, or agency of the city. As part of each fiscal year budget, the ~~City Council~~ City Manager may ~~authorize the City Manager or his designee to~~ transfer appropriation balances from one expenditure account to another within a single office or department within a fund. The City Manager will report to the City Council all inter-departmental or interfund budget transfers ~~he/or~~ she has authorized during the fiscal year, or within 60 days after the end of the fiscal year, according to Council requirements.

Rationale: The revised language clarifies the City's actual practice.

23. Commission Recommendation, Revise Article VII. – Municipal Finance, Section 14 – Estimated expenditures shall not exceed estimated resources.

The total estimated expenditures of all fund types shall not exceed the total estimated resources of each fund (prospective ~~income~~ revenue or resources plus cash on hand). The classification of revenue and expenditure accounts shall conform as nearly as local conditions will permit to the uniform classification as promulgated by the Governmental Accounting Standards Board (or its successor agency/entity) or some other nationally accepted classification.

Rationale: This simply changes the word "income" to "revenue or resources," which is a more accurate explanation, as cities do not earn income.

24. Commission Recommendation, Revise Article VII. – Municipal Finance, Section 15 – Annual audited financial report.

At the close of each fiscal year, and at such other times as it may deem necessary, the Council shall cause an independent audit to be made of all accounts of the City by a certified public accounting firm, recommended by the City Manager or finance department with the approval of the Council. The certified public accounting firm so selected shall have no personal interest, directly or indirectly, in the financial affairs of the city or any of its officers. The certified public accounting firm shall perform the audit in accordance with accounting and auditing standards generally accepted in the United States of America and the Governmental Accounting Standards Board. Upon completion of the annual audit, and within thirty (30) days of Council acceptance of the annual audit, the combined balance sheet thereof shall be published in the official newspaper of the City of Alvin, or as otherwise provided by state law ~~within thirty (30) days of Council acceptance of the annual audit.~~ Copies of all audits shall be placed on file in the finance department offices ~~of the chief financial officer~~ and the City Secretary.

Rationale: This clarifies the language and rephrases without changing the meaning.

25. Commission Recommendation, Revise Article VII. – Municipal Finance, Section 30 – Joint tax administration agreements; tax department; assessment, collection procedures.

The City Council shall have the power to enter into contracts and agreements for joint tax administration services between the city and other governmental agencies, and to establish a tax department, and tax assessment and collection procedures in connection therewith, in accordance with law. Upon receipt of the certified approval roll, steps required by the Property Tax Code shall be taken concerning the effective tax rate. The City may appraise and assess properties only if granted that right by future legislation. ~~The City Manager~~ City shall take aggressive action to collect delinquent taxes and shall provide each councilmember with a copy of the delinquent tax roll at a regular Council meeting each July. A copy of the delinquent tax roll shall be made available for public inspection in the City Secretary's office.

Rationale: This updates to current City practice as the City contracts with Brazoria County Tax Assessor to collect City taxes, thus the City Manager does not collect taxes, or take action himself to collect delinquent taxes.

26. Commission Recommendation, Revise Article VII. – Municipal Finance, Section 30 – Joint tax administration agreements; tax department; assessment, collection procedures.

The City Council shall have the power to enter into contracts and agreements for joint tax administration services between the City and other governmental agencies, and to establish a tax department, and tax assessment and collection procedures in connection therewith, in accordance with law. Upon receipt of the certified ~~approval~~ appraisal roll, steps required by the Property Tax Code shall be taken concerning the ~~effective tax rate~~ no new revenue tax rate. The City may appraise and assess properties only if granted that right by future legislation. The City Manager shall take aggressive action to collect delinquent taxes and shall provide each councilmember with a copy of the delinquent tax roll at a regular Council meeting each July. A copy of the delinquent tax roll shall be made available for public inspection in the City Secretary's office.

Rationale: This corrects the word “approval” with the correct term “appraisal,” and updates “effective tax rate” with “no new revenue tax rate,” in accordance with the changes to the Texas Tax Code.

27. Commission Recommendation, Revise Article VII. – Municipal Finance, Section 31 – Department of Finance.

Sec. 31. - Department of Finance.

There shall be a department of finance, headed by the ~~Chief Financial Officer~~ Director of Administrative Services, who will report to the City Manager, ~~The chief Financial Officer~~, and who shall administer and supervise all financial affairs of the City and to that end shall have authority and may be required to:

- (a) Have custody of and be responsible for all monies belonging to or under the control of the City or any office, department or agency thereof and shall promptly deposit all such monies in the city depository or depositories;
- (b) Examine all contracts, orders, and other documents by which the City government incurs financial obligations, having previously ascertained that money has been appropriated and allotted and will be available when the obligation becomes due and payable;
- (c) Prescribe the forms of receipts, vouchers, bills, claims and bookkeeping procedures to be used by all offices, departments, and agencies of the City;

- (d) Audit and approve before payment all bills, invoices, payrolls, and other evidence of claims, demands or charges against the city. The ~~Chief Financial Officer~~ Director shall, when it is deemed necessary, seek the written advice of the City Attorney in order to determine the regularity, legality, and correctness of such claims, demands, or charges, prior to presentation of the same to the Council for approval;
- (e) Submit to the Council through the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city as prescribed by ordinance at Council's request but not less than quarterly;
- (f) Publish in the official newspaper of the city a financial statement of the financial condition of the city, including the status of all general and special accounts, and bonded and other indebtedness of the city in the form and as often as a majority of the councilmembers qualified and serving may require, but at least once each fiscal year. The publication required by section 15 of this article shall constitute compliance with this Charter for purposes of the annual audit. Audits other than annually shall be on a noncertified basis. Prior to publication, the financial report shall be submitted to the Council for acceptance or rejection. Such acceptance or rejection must be made at a regular meeting of the Council and the results shall be made a matter of record and shall be reflected on the report when published as above provided. One or more copies of such report shall be made available for public inspection in the offices of the City Secretary during normal office hours;
- (g) Invest all funds deemed in excess of current needs in the manner authorized by the laws of the State of Texas; current needs are hereby defined as expenditures to be made within a given ninety (90) day period;
- (h) Have custody of all investments in investor funds of the city, or in the possession of the city in a fiduciary capacity and have the safe-keeping of all bonds and notes of the city and the receipt and delivery of city bonds, warrants, and notes for transfer, registration or exchange. The ~~Chief Financial Officer~~ Director shall be responsible for the disposition of redeemed, paid and canceled bonds, warrants and notes;
- (i) Maintain a general accounting system for the city government and each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department, and agency; keep separate accounts for the items of appropriations contained in the city budget, each of which account shall show the amount of the appropriations, the amount paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending office, department,

or agency of the city to be made daily or at such intervals as the [Director](#) may deem ~~expedient~~ [necessary](#); and

(j) Pay no claim against the City unless it is evidenced by bill or voucher submitted and approved by the head of the department for which the indebtedness was incurred.

Rationale: To update the position title of Chief Financial Officer to Director of Administrative Services reflecting the change in the Fiscal Year 2021 budget. To simply and make language more concise, and to replace the word “expedient” with the more appropriate term “necessary.” [“Expedient” can mean, “convenient and practical although possibly improper or immoral.”]

28. Commission Recommendation, Revise Article VIII. – Municipal Planning, Section 3 – Vacancies.

Vacancies occurring in the Commission shall be filled within thirty (30) days by the Council for the remainder of the unexpired term. Membership shall be accompanied by active participation in the activities of the Commission ~~and any member who is absent from three (3) consecutive regular meetings shall automatically be dropped from membership without an acceptable explanation to a majority of the Commission.~~ [Any Commissioner who is absent from three \(3\) consecutive regular meetings without an acceptable explanation to a majority of the Commission, shall be deemed to have resigned their position on the Commission.](#)

Rationale: Rephrasing for readability and to be more concise.

29. Commission Recommendation, Revise Article VIII. – Municipal Planning, Section 5 – Powers and Duties.

The Commission shall have the power and be required to:

- (a) Be responsible to and act as an advisory body to the Council;
- (b) Submit findings and recommendations to the Council concerning the making, amending, extending and adding to a master plan for the physical development of the city;
- (c) Review all plans for platting or subdividing of land within the city and within adjacent areas as permitted by law and submit findings and recommendations to the Council;

(d) Approve amending plats, minor plats, or replats involving four (4) or fewer lots fronting an existing street, that do not require the creation of any new street or extension of municipal facilities.

(e) Submit annually to the City Council, not later than April first, a list of recommended capital improvements found necessary or desirable for each of the next three (3) budget years; and

(f) Perform such other duties and be vested with such other powers as the Council may prescribe in accordance with the laws of the State of Texas.

Rationale: The addition of paragraph (d) will allow the Planning Commission to review these plats, in accordance with State Law, Section 212.0065 of the Texas Local Government Code.

30. Commission Recommendation, Revise Article VIII. – Municipal Planning, Section 6 – Zoning and land use agency, and Section 7 – Adoption of Zoning Ordinance.

~~Sec. 6. – Zoning and land use agency.~~

~~Consistent with all applicable federal and state laws regulating land use, development and environmental protection, the city council shall:~~

- ~~(a) Designate an agency or agencies to carry out the planning function and such decision-making responsibilities as may be specified by ordinance; and~~
- ~~(b) Adopt a comprehensive plan that determines when and to what extent zoning ordinances and land use control ordinances are implemented consistent with such plan; and~~
- ~~(c) Adopt development regulations, to be specified in ordinances, which implement the zoning and land use controls of the plan.~~

~~Sec. 7. – Adoption of zoning ordinance.~~

~~The City of Alvin shall have the power to adopt a zoning ordinance only after (a) allowing a six month waiting period after publication of any proposed ordinance and map(s) for public hearing and debate, and (b) holding a binding referendum at a regularly scheduled election.~~

~~Any existing ordinance is hereby repealed.~~

Rationale: This language is unnecessary as the City does not have zoning nor is it required if the City approves zoning in the future. Chapter 211 of the Texas Local Government Code law provides how a city adopts zoning; thus, this language is unnecessary. These changes were also presented to the voters in 2017 but did not pass.

31. Commission Recommendation, Revise Article IX. – Parks and Recreation, Section 1 – Parks and Recreation Board created; composition; qualifications; compensation of members

Sec. 1. - Parks and Recreation Board ~~created; composition; qualifications; compensation of members.~~

~~There is hereby created~~ City Council shall appoint a Parks and Recreation Board for the city, which shall be composed of not less than seven (7) persons and not more than nine (9) persons who are resident, qualified voters of the city and who have resided within the city for a period of not less than six (6) months immediately preceding their appointment. ~~Members of the parks and recreation board shall be such persons who are known to be interested in leisure time of the people of the city.~~ The City Manager shall be an ex officio member of the Board. The members of the Parks and Recreation Board shall serve without compensation.

Rationale: To simplify and remove unnecessary language, and to reflect that Board members are appointed by Council.

32. Commission Recommendation, Revise Article IX. – Parks and Recreation, Section 4 – Duties of Board generally

Sec. 4. - Duties of Board ~~generally.~~

The Parks and Recreation Board shall be an advisory body and shall act only in an advisory capacity to the City Council. The Board shall advise and make recommendations to the City Council concerning the acquisition, development, improvement, equipment and maintenance of all parks, public playgrounds, and recreational facilities owned or controlled by the city within and without the corporate limits, by March 1st of each year. ~~It shall be the duty of the board, subject to such organizations and activities as the board may itself establish internally, to advise the City Council concerning the future development of public parks, playgrounds and recreational facilities for the city, to study and recommend the purchase of additional lands and sites for parks, playgrounds and recreational facilities, and further to advise the City Council concerning improvements in the maintenance, operation and general welfare of existing public parks, playgrounds and recreational facilities and the use of the same by the public.~~ With reference to the development of new parks and playgrounds, it shall be the duty of the board to outline the general plan of development, including landscaping, roads, trails, buildings and equipment, which plan shall be submitted to the City Manager for detailed development, after which such plan shall be submitted to the City Council for adoption or change in at the discretion of the City Council. ~~The parks and recreation board shall make~~

~~recommendations to the City Council for the improvement and betterment of public parks and recreational facilities by March first of each year.~~

Rationale: This change enhances the readability, simplifies the section, and deletes excess language.

33. Commission Recommendation, Revise Article IX. – Parks and Recreation, Section 5 – Vacancies.

Vacancies occurring on the board shall be filled within thirty (30) days by the Council for the remainder of the unexpired term. Membership shall be accompanied by active participation in the activities of the board. Any board member who is absent from three (3) consecutive regular meetings without an acceptable explanation to a majority of the Board, shall be deemed to have resigned their position on the Board.

Rationale: This clarifies the language pertaining to absences without changing the intent.

34. Commission Recommendation, Revise Article X. – Franchises and Public Utilities, Section 5 – Regulation of Rates.

To the extent not inconsistent with applicable federal or state law, the Council shall have full power, after notice and hearing, to regulate by ordinance the rates of every public utility operating in the city, provided that no such ordinance shall be passed on an emergency measure; shall have the power to employ expert advice and assistance in determining a reasonable rate and equitable profit to the public utility; and shall have the power to require within the franchise grant, or any extension or renewal thereof, or as a condition precedent to any hearing concerning rates and service of any public utility operating within the city, that the movant seeking the rate or service change pay the City's reasonable costs of legal and consulting services. ~~of the service of a rate consultant chosen by the Council.~~

Rationale: To clarify language, recommended by the City's utility rate counsel.

35. Commission Recommendation, Revise Article XI. – General Provisions, Section 16 – Charter Review Commission

The Charter Review Commission shall submit its report to the Council within six (6) months of the date of its appointment by the Council. The Council shall receive and have published in the official newspaper of the city, or in accordance with state law, any report presented by the Charter Review Commission, shall consider any recommendations made and, if any amendment or amendments be presented as a part

of such report, may order such to be submitted to the voters of the city in the manner provided by the applicable statute of the State of Texas.

Rationale: To provide language allowing for changes in publication requirements in accordance with state law.

36. Commission Recommendation, Revise Article XI. – General Provisions, Section 17 – Submission of Charter to electors.

Sec. 17. - Submission of [Original](#) Charter to electors.

The [1962](#) Charter Commission finds and declares that in the submission of this Charter to the voters it would be impracticable to segregate each subject for a separate vote thereon, for the reason that the Charter is so constructed that in order to enable it to function it is necessary that it be adopted in its entirety. The Charter Commission, therefore, directs that this Charter be voted on as a whole, and that it be submitted to the qualified voters of the City of Alvin at an election to be held for that purpose on the twenty-third day of February, 1963. If said Charter is approved by a majority of the qualified voters voting at said election, it shall become the Charter of the City of Alvin upon the entering upon the city records by the Council of an official order declaring the adoption of the Charter.

Rationale: To clarify that this section pertains to the adoption of the original Charter.

V. Other Recommendations from the Commission

Both the 2012 and 2016 Commissions recommended Council consider a total rewrite of the Charter. To that end, the 2016 Commission made numerous changes, and over 50 charter amendments were ultimately presented to the voters. As the Charter was initially written over than 50 years ago, it has had numerous piecemeal revisions, additions, and deletions over the years, which make the Charter somewhat difficult to read.

Article XI. – General Provisions, Section 13 of the Charter provides:

In order to preserve unity, the Council shall have the power, by ordinance, to renumber and rearrange all articles, sections and paragraphs of this Charter or any amendments thereto, and upon the passage of any such ordinance, a copy thereof, certified by the City Manager, shall be forwarded to the secretary of state for filing.

Members of this Commission, along with the City Attorney, have agreed to volunteer to rearrange and renumber the Charter after the May 2021 election, should Council be so inclined.

VI. Conclusion

The Charter Review Commission wishes to thank the City staff for their help in the charter review/discussions and the Alvin City Council for opportunity to serve them and the residents of Alvin. We have all had a unique experience and hope that this blend of citizenry has met the expectations of the City Council.

As you know, after submission of our report to Council, the Commission shall convene for the sole purpose of meeting with Council to discuss its report. We remain available to assist the Council to further elaborate on these issues.

Submitted by:

2020 Alvin Charter Review Commission:

Lindsey Vaughn
Lindsey Vaugh, Chair

Beth Nelson
Beth Nelson, Vice-Chair

Nicole Kelinske
Nicole Kelinske, Secretary

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