



CITY COUNCIL WORKSHOP MEETING CITY OF BAY CITY

Monday, February 10, 2025 at 4:00 PM
COUNCIL CHAMBERS | 1901 5th Street

COUNCIL MEMBERS

Mayor: Robert K. Nelson

Mayor Pro Tem: Becca Sitz

Council Members: Benjamin Flores, Jim Folse, Bradley Westmoreland, Blayne Finlay

Vision Statement

We envision Bay City as a thriving, family-centered community where our citizens can live, work, worship, and play, while welcoming visitors to experience our beautiful environment and diverse culture.

AGENDA

THE FOLLOWING ITEM WILL BE ADDRESSED AT THIS OR ANY OTHER MEETING OF THE CITY COUNCIL UPON THE REQUEST OF THE MAYOR, ANY MEMBER(S) OF COUNCIL AND/OR THE CITY ATTORNEY:

ANNOUNCEMENT BY THE MAYOR THAT COUNCIL WILL RETIRE INTO CLOSED SESSION FOR CONSULTATION WITH CITY ATTORNEY ON MATTERS IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT (TITLE 5, CHAPTER 551, SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE).

CALL TO ORDER AND CERTIFICATION OF QUORUM

PUBLIC COMMENTS

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

1. Charter ~ Discuss proposed Charter Amendment Measure "A".
2. Charter ~ Discuss proposed Charter Amendment Measure "B".
3. Charter ~ Discuss proposed Charter Amendment Measure "C".
4. Charter ~ Discuss proposed Charter Amendment Measure "D".
5. Charter ~ Discuss proposed Charter Amendment Measure "E".

ITEMS/COMMENTS FROM MAYOR, COUNCIL MEMBERS AND CITY MANAGER

ADJOURNMENT

AGENDA NOTICES:

Attendance By Other Elected or Appointed Officials: It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the

meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

CERTIFICATION OF POSTING

This is to certify that the above notice of a City Council Workshop Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on **Friday, February 7, 2025 before 4:00 p.m.** Any questions concerning the above items, please contact the Mayor and City Manager's office at (979) 245-2137.

MEASURES (CHARTER 2025)

MEASURE A. TO CHANGE COUNCIL TERMS SO THAT TWO (2) POSITIONS ARE UP FOR ELECTION EVERY YEAR.

Explanation: When the Charter was amended in 2019 to allow for three (3) year terms, the council terms occur where four (4) members are up one year, two (2) are up the next year and zero (0) are up the third year. Council will be more effective if two (2) are up each year.

Suggested change to Charter:

PROPOSITION A:

Section 4.01 shall be revised as follows:

Section 4.01. - Number, Selection, Term of Office, and Term Limits of the Council.

The Council shall be composed of five Councilmembers, who shall serve three (3) year terms. All Councilmembers to be selected at large. Councilmembers No. 1 and 2 shall be elected in the 2020 election and Councilmembers No. 3, 4, and 5 elected in the 2019 election. Councilmembers for Place No. 3 and 4 shall be elected for a two year term in the 2025 election, but shall be elected for a three year term beginning in the 2027 election and thereafter. No Councilmember shall be elected to serve for more than three consecutive three-year terms.

Fiscal Impact: Potential cost of one election every third year: \$10,000 every third year.

MEASURES (CHARTER 2025)

MEASURE B. TO CHANGE MANDATORY MEETING OF COUNCIL TO ONE (1) TIME PER MONTH.

Explanation. For the efficiency of administration and council, having only one (1) mandatory meeting per month allows the flexibility of council to meet when necessary, but no less than one time per month and be allowed to call as many other meetings as necessary to conduct efficient business.

PROPOSITION B:

Section 4.07(a) shall be revised as follows:

Section 4.07. - Meetings of Council.

(a) Regular Council Meetings. The Council shall have no less than ~~two~~~~one~~ regular meetings each month, and as many additional meetings as necessary, to transact the business of the City. The Council shall fix, by ordinance, the days and time of the regular meetings. All meetings of the Council shall be held at the City Hall of Bay City and shall be open to the public, unless State law allows or requires otherwise. (1) The City Manager or Councilmembers, individually or by motion, may place items on the agenda prior to the next agenda being posted. (2) Any interested party may request, in writing, for an item that falls within the City's legal jurisdiction to be placed on the agenda, with a Councilmember's or the City Manager's sponsorship. The agenda item shall be scheduled as soon as possible, but no later than thirty days from the date of written request.

Fiscal Impact: None.

MEASURES (CHARTER 2025)

MEASURE C. TO CHANGE PROVISIONS THAT ARE UNNECESSARY AND REPETITIVE OF STATE LAW.

Explanation: The Charter has provisions which seemingly conflict with state law and/or are repetitive and redundant of state law. To simplify the Charter, the following changes are recommended.

Suggested change to Charter:

PROPOSITION C:

Delete Section 1.04. (Repetitive of State Law).

Section 1.04. - Boundary Changes.

The City shall have the power to change its boundaries by annexing territory for full or limited purposes, or by de-annexing territory, as may be authorized by, and in the manner and form prescribed by, any general law of Texas. Annexation or de-annexation may be initiated by the City, with or without the consent of the territory's inhabitants. Annexation may also be initiated by petition of a landowner of unoccupied or sparsely occupied land, or by petition of the residents of a territory. All annexations or de-annexations shall be accomplished by ordinance acted upon after a public hearing.

Delete Sections 2.02, 2.03 and 2.04. (Repetitive of State Law).

Section 2.02. - Specific Powers.

The City may:

(a)Use a corporate seal;(b)Sue and be sued by action of its Council, may implead and be impleaded in all courts in all matters;(c)Contract and be contracted with;(d)Cooperate with the government of the State of Texas (or its political subdivisions) and the Federal Government;(e)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 later acquire whether within or without the City limits;(f)Pass and enforce ordinances, not inconsistent with this Charter and State law, upon any subject expedient for the life; general welfare; health; morals; comfort; safety; amusement; quiet; prosperity; and convenience of the City, its inhabitants, and property; and may provide suitable penalties for the violations of any ordinance;(g)Prevent, summarily abate, or remove nuisances;(h)Construct, own, lease, operate, and regulate all public utilities;(i)Assess, levy, and collect taxes for general and special purposes on all lawful subjects of taxation;(j)Borrow money on the faith and credit of the City by the issuance and sale of bonds, certificates of obligation, warrants, or notes of the City; or secured by the revenue of municipally owned utilities or other municipal enterprises;(k)Appropriate the funds of the City for all lawful purposes;(l>Create and administer a park trust fund for the purchase of land and capital

improvements for municipal parks. Any funds and interest from sale or lease of any municipal park shall be promptly placed in the park trust fund;(m)Create and establish improvement districts as authorized by Local Government Code No. 372.041;(n)Control the speed and excessive noise of railroad cars; the construction and grade of railroad tracks, turnouts and switches; and the erection of signal lights and safety devices at street crossings.

Section 2.03. - Eminent Domain.

The City shall have full authority to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter, State law, or City ordinance. The City may take the fee in the lands so condemned, or take a lesser estate or interest in land, and its authority shall include the right to condemn public property for such proposes.

Section 2.04. - City Property and Streets.

(a)The City shall have exclusive control of all its property. Property is defined as including, but not limited to, streets, highways, sidewalks, bridges, parks, recreational facilities, squares, city buildings, airports, landfills, undeveloped land, utility, and/or drainage easements. The City may layout, establish, open, alter, widen, lower, raise, extend, grade, drain, pave, repave, supervise, maintain, care for, construct, remodel, abandon, discontinue, abolish, lease, or sell its property. The foregoing list of City property is intended to illustrate the types of City property and is not intended to vest the City with title to any private property.(b)City property shall include all oil, gas, and other minerals not reserved by predecessors in title, and all included waterways not subject to prior or superior authority.(c)The City may remove or require the removal of all obstructions and encroachments affecting any City property and V.A.T.S, 1175 is expressly adopted in this Charter. Exclusive control shall also include, but not be limited to, the right to regulate, locate, relocate, remove, or prohibit the location of all utility pipes, lines, poles, wires, or other property; and to remove tree limbs, bushes, or other plant growth extended onto or over City property.(d)Assessments for Improvements. The City may provide, by ordinance, that the cost of making improvements shall be paid for by the property owners owning property in the territory specifically benefitted, but not in excess of the enhanced value by reason of the improvements; and a personal charge shall be made against the property owners, as well as a lien, by special assessment against the property.

The Council, or its appointed commission, may set and levy a special assessment and issue assignable or negotiable certificates covering the costs in deferred payments bearing a reasonable rate of interest.

Delete Section 4.07. – Meetings of Council., subsection (d). (Repetitive of State Law).

(d) Executive Sessions. The Council may recess to an executive session for any purpose permitted by State law. The general subject matter for consideration shall be expressed in the agenda or the motion calling for the session. Final action shall not be taken by Council until the matter is placed on the agenda and a vote taken in an open meeting.

Delete Section 5.02. (Repetitive of State Law).

Section 5.02. - Code of Technical Regulations.

The Council may adopt any standard code of technical regulations by ordinance.

Revise Section 6.01 – Elections., as follows: (Repetitive of and in conflict with State Law).

Section 6.01. - Elections.

~~The regular City election shall be held annually on the first Saturday in May. Run-off elections shall be held on the last Saturday in May.~~ The City Council, by ordinance, shall order all elections and set the date, polling place, hours, and any other necessary details. ~~Notice of elections shall be published in the official newspaper of the City not less than thirty days before each regular election and not less than ten days prior to any run-off election.~~

Delete Sections 6.02. (Repetitive of State Law).

Section 6.02. - Regulation of Election.

- (a) Elections shall be held in compliance with the State Election Code, this Charter, and City ordinance.
- (b) The Council shall appoint the election judges and other election officials.
- (c) Voting Precincts — City elections shall be held at the voting place designated in the ordinance calling an election. When the total number of qualified voters justifies it, Council may subdivide the City into two or more convenient, well-defined voting precincts containing approximately the same number of qualified voters in each. The qualified voters actually residing in such a voting precinct shall vote in that precinct in all City elections.

Revise Section 6.03 – How to Get Name on Ballot., as follows: (Repetitive of and in conflict with State Law).

Section 6.03. - ~~How to Get Name on Ballot~~Filing fee; Waiver.

~~Any qualified voter of the City who meets the qualifications of a mayoral candidate or a city council candidate (Section 4.02) may have his or her name printed upon the official ballot for a particular office at any election by:~~

- ~~(a) — Filing his sworn application and loyalty affidavit with the City Secretary at least forty-five days prior to the election.~~
- ~~(b) — Simultaneously with the application~~ as required by State Law, a Councilmember candidate shall file a petition signed by 150 qualified voters residing in the City and endorsing the candidate or provide a cash filing fee of \$150.00.

Delete Sections 6.04, 6.05, 6.06, 6.07. (Repetitive of State Law).

Section 6.04. - Mayor and Councilmember Ballots.

The names of all candidates for the office of Mayor or Councilmember (except such as may have withdrawn, died, or become ineligible) shall be printed on the official ballot without political party designations. The order of the names of candidates for places on the ballot shall be determined by lot.

Section 6.05. - Election of Mayor and Councilmember by Majority.

The regular, run-off, or special election of a Mayor and/or Councilmember shall be by majority vote of the qualified voters voting at such election.

Section 6.06. - Canvassing Election Returns.

Immediately after each election, the election officials shall deliver all original returns to the City Secretary for safekeeping. The Council shall canvass the returns and declare results of the election in the time period prescribed by state law.

Section 6.07. - Recount.

The Council shall canvass any recount as soon as possible after receiving the Recount Commission report and declare results of the recount.

Delete Section 7.01.-Compensation, Benefits, Employment., subsection (b). (Repetitive of State Law).

(b) Benefits. The Council shall have the power, but shall not be required, to provide for all or any group of City employees benefits including but not limited to:

- (1) A retirement plan;
- (2) Health, life, and accident insurance, or any of these.

Delete Section 7.04.-Nepotism. (Repetitive of State Law).

Section 7.04. - Nepotism.

No person related within the second degree by affinity, or within the third degree by consanguinity, to the City Manager or any elected officer of the City, shall be appointed to any office, position, clerkship, or other service of the City. This prohibition shall not apply; however, to any person who shall have been continuously employed by the City for a period of six months prior to the election of any city official so related to him or for thirty days prior to the appointment of any City officer related to him.

Delete Section 7.05. City Officers and Administrative Departments., Subsection (h). (Same provision in Subsection (b)).

(h) Reorganization. By ordinance, the Council may create, discontinue, redesignate, or combine any of the departments, appointed officers, City positions, deputies, assistant officers,

and assistant department heads. The City Manager shall have an opportunity to make written recommendations to the Council prior to any vote to change administrative organization.

Delete Section 8.04.- Municipal Court Procedure. (Repetitive of State Law)

Section 8.04. Municipal Court Procedure.

- (a) The City Attorney or an Assistant City Attorney shall serve as City Prosecutor in the Municipal Court.
- (b) A Municipal Court Clerk and any Deputy Clerks of the Court shall be authorized by the Council, appointed by the Presiding Judge with the consent of the Council, and be under the direction of the Presiding Judge.
- (c) The Municipal Court Clerk or any Deputy Clerks shall have the power to administer oaths and affidavits, make certificates, affix the seal of the Court thereto, and perform all acts in issuing processes and conducting the business of the Court.
- (d) The Council shall determine what costs, if any, shall be charged for proceedings in and processes issued by the Court. All costs and fees imposed by the Municipal Court shall be paid into the City Treasury for the use and benefit of the City.
- (e) All jurors shall be residents of the City, possess the qualifications of a juror in State District Court, and be summoned as a juror in Justice Court is summoned.

Delete Section 10.01.— Fiscal Year. (Repetitive of State Law)

Section 10.01. Fiscal Year.

~~The fiscal year of the City shall begin on the 1st day of October and end on the last day of September of the succeeding year. All funds collected by the City during any fiscal year, including both current and delinquent revenues, shall belong to that fiscal year and may be applied to the payment of expenses incurred during that fiscal year. (Excepted are funds to pay interest and create a sinking fund for the City's bonded indebtedness.)~~

~~All revenues uncollected at the end of any fiscal year, and any unencumbered funds actually on hand, shall become resources of the next succeeding fiscal year.~~

~~By ordinance, and for good cause, the Council may change the fiscal year if the City's finances are not jeopardized.~~

Delete Section 10.03. – Proposed Budget and Budget – A Public Record. (Repetitive of State Law)

All proposed and final budgets and all supporting schedules shall be a public record. They shall be filed with the City Secretary and submitted to each Councilmember. The City Manager shall provide copies for distribution to all interested persons and to the Bay City Public Library.

Delete Articles XI. – TAX and ARTICLE XII. – BORROWING, BONDS AND AUDIT. (Repetitive of State Law)

ARTICLE XI. TAX

Section 11.01. Department of Taxation.

The Council shall have the power to levy, assess, and collect taxes within the jurisdiction of the City for any municipal purpose. The tax rate shall be calculated, publicized, and adopted in accordance with Texas law.

Except as otherwise provided by law or this Charter, the Council shall have the power to establish by way of ordinance or resolution such rules, regulations, and procedures to enforce and facilitate the collection and payment of all taxes due to the City as it may deem expedient, and may provide such penalty and interest as prescribed by State of Texas law for the failure to pay such taxes.

ARTICLE XII. BORROWING, BONDS, AND AUDIT

Section 12.01. Borrowing.

The Council shall have the power, except as prohibited by law, to borrow money by whatever method it may deem to be in the public interest, including Certificate of Obligation.

Section 12.02. General Obligation Bonds.

The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds for permanent public improvements or for any other lawful public purpose, and to issue refunding bonds to refund outstanding bonds of the City previously issued.

Section 12.03. Revenue Bonds.

The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending, or repairing public utilities, recreational facilities, or any other lawful self-liquidating municipal function, and to issue revenue bonds to evidence the obligation created by them. Those bonds shall be a charge upon and payable solely from the properties, interest pledged, and/or income from both the property and/or interest. The holders of the revenue bonds shall never have the right to demand payment out of monies raised or to be raised by taxation.

Section 12.04. Sale of Bonds, Bonds Incontestable.

No bond (other than refunding bonds) issued by the City shall be sold for less than par value and accrued interest. All bonds of the City, having been issued, sold, and delivered to the purchaser, shall then be incontestable. All refund bonds issued in exchange for outstanding bonds previously issued shall be incontestable after the exchange.

Section 12.05. Use of Bond Proceeds.

The proceeds of all bonds sold by the City shall be used only for the purpose for which issued. A property tax paying resident citizen may prevent the diversion or anticipated diversion of bond proceeds to an unauthorized purpose by injunction and/or any other legal remedy.

Section 12.06. Definitions.

- (a) Bonds are defined as bonds, certificates of obligation, or any other obligation creating or evidencing the indebtedness of the City.
- (b) Refunding bonds are defined as:
 - (1) Bonds issued in exchange for and in lieu of outstanding bonds of the City; and
 - (2) Bonds sold and the proceeds used to redeem outstanding bonds; and

- (3) The issuance of bonds to redeem outstanding bonds of the City in advance of their stated maturity; and
- (4) Refunding bonds issued in any manner allowed by the general law of the State.

Section 12.07. Sinking Fund.

It shall be the duty of the Council to levy an annual tax sufficient to pay the interest on and provide the necessary sinking fund required by law on all outstanding general obligation bonds of the City. The interest and sinking fund shall be deposited in a separate account and shall not be diverted to or used for any other purpose than to pay the interest and principal on such bonds. The sinking fund maintained for the redemption of any debt may be invested in any interest bearing bonds of the United States government, the State of Texas, or any other lawful investments.

Section 12.08. Audit and Examination of City Books and Accounts.

At the close of each fiscal year, a complete audit of all City finances and utilities shall be made by a licensed Public Accountant, who shall be selected by the City Manager with the approval of Council. The audit accountant shall not regularly maintain or keep any of the City's accounts or records.

The audit shall include a recapitulation of any audits made during the fiscal year. All audit reports shall be filed with the City Secretary and available for public inspection, made a part of City archives, and a copy given to the Bay City Public Library.

The Council shall annually publish a condensed one page summary of the certified audit in the City's official newspaper.

Revise Section 13.01. – Inalienability of Public Property.: (To reflect changes in State Law)

Section 13.01. ~~Inalienability of Public Property~~Utility Franchise Defined.

~~The right of control and use of the public streets, highways, sidewalks, alleys, parks, public squares, and public places of the City is hereby declared to be inalienable by the City, except by ordinances not in conflict with this Charter. No act or omission by the Council or any officer or agent of the City shall be construed to grant, renew, extend, or amend by estoppel or indirection any right, franchise, or easement affecting public streets, highways, sidewalks, alleys, parks, public squares, public places, and other City real property. As used herein, Public Utility Franchise means any franchise for the provision of the following services to the public: electricity, natural gas, water, sewage, sanitation, telephone and transportation.~~

Delete Sections 13.02.- Power to Grant Franchise, Section 13.04.- City's Right to Purchase Franchise Assets, and Section 13.09. – Sale of Electricity, Water, Sewer Services, and Any Other Utilities. (Repetitive of State Law)

Section 13.02. Power to Grant Franchise.

The Council shall have the power, by ordinance, to grant, renew, and extend all franchises of all public utilities operating within the City (including cable television), and, with consent of the franchise holder, to amend them as provided herein or required by Federal or State law.

Section 13.04. City's Right to Purchase Franchise Assets.

No franchise shall be granted, renewed, extended, or amended, except on condition that the City shall have the right at any time within five years of the expiration of the term, to purchase the property of the franchise holder at a price to be determined according to the method agreed upon in the ordinance granting, renewing, extending, or amending the franchise.

Section 13.09. Sale of Electricity, Water, Sewer Services, and Any Other Utilities.

(a) The City may purchase, construct, or operate a utility system inside or outside the municipal boundaries, and may regulate the system in a manner that protects the interests of the City. The City may own land inside or outside its boundaries for these purposes.

(b) The City may extend the lines of its utility systems outside the municipal boundaries and may sell water, sewer, gas, or electric service to any person outside its boundaries. The City may contract with persons outside its boundaries to permit them to connect with those utility systems on terms the Council considers to be in the City's best interest. This subsection does not authorize the extension of electric lines into the corporate limits of another municipality.

(c) If the City owns and operates a utility system, the City may prescribe the kind of water or gas mains, sewer pipes, and electric appliances that may be used inside or outside the City limits. The City may inspect those facilities and appliances, require that they be kept in good condition at all times, and prescribe the necessary rules, which may include penalties, concerning them

Revise Section 16.01. – Amending the Charter. (To reflect State Law)

Amendments to this Charter ~~may shall~~ be ~~framed and~~ submitted to the voters of the City in the manner provided by State law.

Fiscal Impact: None.

MEASURE D. TO MODIFY PROVISIONS OF THE CHARTER TO REFLECT UPDATED AND ACTUAL PRACTICES OF THE CITY AND/OR TO REFLECT THE CHANGE TO THE CITY MANAGER/COUNCIL FORM OF GOVERNMENT.

Explanation: The Charter contains provisions which are outdated and not reflective of actual updated practices of the City, including changes that should have been made as a part of the change to the City Manager/Council form of government. Based on these reasons, the following changes are recommended.

PROPOSITION D.

The following changes are recommended to Section 4.08 to reflect provisions already adopted by voters in 2019 election in 3.01(b) and (c).

(b) Majority Vote. A majority vote of a quorum present may transact City business and procedural matters. However, to be effective, the following actions must be by at least four (4) affirmative votes of Councilmembers: ordinances, annexations and deannexations, legal matters, contracts in excess of the state bidding limits, removing and reinstating city officers ~~and employees, except as otherwise provided in this Charter, creating and changing city positions and departments,~~ changing the personnel policy or financial interest, and declaring any office vacant.

The following changes are to be made to Section 4.09. (Actual Practice and change to CM)

~~Section 4.09. — Councilmembers and Administrative Divisions.~~

~~(a)The following Administrative Divisions are created:(1)Parks and Recreation and Airport.(2)Finance, Safety and Insurance, Records Management, and City Hall.(3)Police, Fire, Municipal Court, and Fire Marshal.(4)Public Works, Public Utilities, Inspections, and Maintenance.(b)The City Council may create, change, abolish, or consolidate the Administrative Divisions.(c)Each Councilmember shall serve as the liaison officer, on behalf of the Council, for one Administrative Division as shown on the organizational chart adopted by Council during the budgetary process, for a one-year term. In June 1989, each Councilmember shall begin with the same Administrative Division as his place number and rotate down numerically one Administrative Division each succeeding year.(d)Each Councilmember shall have equal responsibility for every division in the City regardless of whether he is the designated liaison officer.~~

(b) The role of liaison officer includes inquiry and budget matters, but shall not interfere with the day-to-day operations of the City.

Revise Section 5.03. – Code of Ordinances, (c). (Actual practice and modernization)

(c) A code and all updates shall be ~~given to the Bay City Public Library and High School Library,~~ furnished to City officers and departments, and available in the City Manager's and City Secretary's offices for public reference, as well as updated on the City's website. ~~The Code may be purchased by the public at a reasonable price fixed by the Council.~~

Revise Section 7.01. Compensation, Benefits, Employment., Subsection (c): (Change to CM)

(c) Employment. Only the City Manager or the Council has authority to propose any employment contract for a specific period of time or terms of employment other than those provided for in the Bay City Personnel Policy. To be valid, such an employment contract will have to be in writing, signed by both the employee and the ~~Mayor~~City Manager, and approved by affirmative vote of at least four (4) Councilmembers.

The following changes are to be made to Section 7.05. – City Officers and Administrative Departments., Subsections (a), (b), (c), (d), (e), (f) and (g):

(a) City Officers. City officers are: Mayor, Councilmembers, City Secretary, City Attorney, ~~City Treasurer, and~~ Municipal Judges, ~~and Chief of Police.~~ *Note: This is to define officers as described in Sections 2.05, 4.04, 4.06, 4.08, 5.03, 7.03, 7.05, 8.01, 10.11, 17.01 and 17.08.*

~~(b) Organization. By ordinance, the Council may create, discontinue, redesignate, or combine any of the departments appointed officers, City positions, deputies, assistant officers, and assistant department heads. The City Manager shall have an opportunity to make written recommendations to the Council prior to any vote to change administrative organization. Any ordinance changing administrative organization shall require a two-thirds majority, or four of six affirmative votes, of Council. Note: The above changes are recommended to Section 7.05(b) to reflect provisions already adopted by voters in 2019 election in 3.01(b) and (c). Note: Council has the power to adopt organizational chart through budget process in revised 4.09.~~

(c) Supervision of Departments. The head of each department shall be a director or ~~officer~~ manager who shall have supervision and control over ~~his~~the director or manager's department. Two or more departments may be headed by the same individual.

~~(d) — Appointment — City officers and directors of departments shall be appointed by the City Manager with the consent of the Council (unless this Charter specifies appointment by the Council only) within or a maximum of one hundred twenty (120) days. Appointment shall be within sixty (60) days after vacancy occurs. Each appointee shall not take office until his appointment is approved by Council~~

~~Consent of the Council shall be by three affirmative votes of Councilmembers as an agenda item at a regular or special Council meeting within sixty days of nomination.~~

~~Should the Council vote to deny consent to an appointment, the City Manager shall name a new nominee for Council consideration and consent within thirty days of date the first nominee was not confirmed. The Council may reconsider a negative vote once as a regular agenda item, but only within thirty days of original vote denying consent.~~

~~If the Council does not consent to the City Manager's first or second nominee, any two Councilmembers may nominate a new nominee, but appointment shall only be upon four affirmative votes of Councilmembers. (No Councilmember may nominate more than one nominee at a time.) If no Council nominee is confirmed within thirty days of vote not confirming the City Manager's last nominee, then the nomination process shall begin again under this Section 7.05(d) with the City Manager's next nominee.~~ *Note: The above changes are recommended to Section 7.05(d) to reflect provisions already adopted by voters in 2019 election in 3.01(b) and (c).*

~~(e) — Interim — Interim City officers and directors of departments shall be appointed by the City Manager's with the consent of Council for a maximum of sixty days. A permanent City officer or department head shall be nominated and submitted to Council for approval within sixty days of a vacancy occurring in the permanent position.~~

~~(f) — Removal — Department Heads and non-elected officers of the City appointed by the City Manager may be suspended by the City Manager, with or without pay, and/or removed by the City Manager with the prior consent of the Council. Other employees of the City shall be removed by their respective department head with the consent of the City Manager.~~

~~However, all non-elected City officers and any employees may be suspended with or without pay and/or removed by four affirmative votes of the Council, with or without the recommendation of the City Manager, as an agenda item at a regular or special Council meeting.~~ *Note: The following changes are recommended to Section 7.05(f) to reflect provisions already adopted by voters in 2019 election in 3.01(b) and (c).*

~~(g) — Appeal~~

~~(1) — The suspension and/or removal shall permanently terminate the officer's or employee's appointment or employment with the City unless the Council shall provide for an appeals hearing at City Hall.~~

~~(2) — Following the hearing, a majority of the Council may remove the suspension and reinstate the officer or employee to his office or position of employment with or without all wages and benefits lost during the time of his suspension. If not reinstated, the officer's or employee's termination shall be effective as of the date of his suspension. The action of the Council shall be final on the question of termination or removal of the suspension and reinstatement.~~ *7.05(g) is contrary to the City Personnel Policy and seems contrary to duties of CM in 3.01.*

Revise Section 10.02. – Preparation and Submission of Budget. Introductory paragraph and Subsection (b): (Actual Practice)

A proposed budget shall be submitted containing a financial plan for the next fiscal year. It shall be submitted to Council 45 days by July 1st in advance of each fiscal year and shall contain the following:

(b) A consolidated statement of anticipated receipts and proposed expenditures for all funds, and departments, ~~and tax income.~~

Delete Section 10.15. – Capital Program., (b)(4) (Actual Practice)

(4) Goals, milestones and measurements in sufficient detail as to define the performance of each capital improvement.

Revise Section 14.02. – Power and Duties., subsection (a) [Planning Commission] (Actual Practice)

(a) ~~Make and/or amend a~~Recommend or propose change(s) to the Master Plan for the physical development of the City;

Fiscal Impact: None.

MEASURE E. TO ALLOW COUNCIL DISCRETION TO WAIVE RESIDENCY REQUIREMENT OF CITY MANAGER IF THEY RESIDE IN MATAGORDA COUNTY.

Explanation: The Charter requires that the City Manager reside within city limits or the ETJ of the city within one year of taking office. The city council finds this provision can have unintended consequences at a significant cost to the City. There may be an instance where the City Council may for good and sound reasons desire to waive this provision if it is in the best interest of the City.

PROPOSITION E.

Revise Section 3.01. – City Manager subsection (a) as follows:

(a) Appointment and Qualifications. The City Council shall employ a City Manager who shall be the chief administrative and executive officer of the city. The City Manager shall be employed solely based on education, experience and fitness for the position, and shall be required to reside in the City or within the ETJ, (extraterritorial jurisdiction), of the City of Bay City within twelve months from the date of hire, unless City Council waives this requirement for good cause shown, so long as they reside Matagorda County. The City Manager shall be employed for a salary and on terms to be determined by City Council. City Council may remove the City Manager with a majority vote of the council, on terms to be determined by City Council. No member of the City Council shall be employed as City Manager during the time for which they are elected nor for one (1) year thereafter.

Fiscal Impact: Possible executive search and relocation fees that could vary each year and would vary if a candidate already resided in Matagorda County. Search can cost \$30,000-\$50,000 and relocation fees \$10,000-\$20,000.