



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, February 11, 2025 at 6:00 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

INVOCATION & PLEDGE

Texas State Flag Pledge: "Honor The Texas Flag; I Pledge Allegiance To Thee, Texas, One State Under God, One And Indivisible."

Councilman Benjamin Flores

MISSION STATEMENT

The City of Bay City promotes economic growth and invests in quality-of-life initiatives through collaboration. We respond promptly and professionally to residents' concerns and strive to deliver superior municipal services.

Councilman Benjamin Flores

APPROVAL OF AGENDA

PUBLIC COMMENTS

State Law prohibits any deliberation of or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff place the item on an agenda for a subsequent meeting.

ACKNOWLEDGEMENT FROM CITY MANAGER

ITEMS / COMMENTS FROM THE MAYOR & COUNCIL MEMBERS**CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL**

1. Minutes of Council Workshop of January 28, 2025
2. Appointment of Becca Sitz as TIRZ #1 and TIRZ #2 Board Chair
3. Appointment of Jim Folse as TIRZ #3 and TIRZ #4 Board Chair.
4. Accounts Payables, Direct Payables and Utility Refunds for October, November, and December 2024.
5. A Resolution for a grant application for "Project Armor" through the Office of the Governor.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

6. **Charter ~ Discuss and take any action deemed necessary to vote whether it is necessary to review the Charter for further amendments in accordance with Bay City Charter Section 16.01.** Anne Marie Odefey, City Attorney
7. **Charter ~ Discuss, consider, and/or approve proposed Charter Amendment Measure "A".**
8. **Charter ~ Discuss, consider, and/or approve proposed Charter Amendment Measure "B".**
9. **Charter ~ Discuss, consider, and/or approve proposed Charter Amendment Measure "C".**
10. **Charter ~ Discuss, consider, and/or approve proposed Charter Amendment Measure "D".**
11. **Charter ~ Discuss, consider, and/or approve proposed Charter Amendment Measure "E".**
12. **Ordinance ~ An ordinance of the City Council of the City of Bay City, Texas, ordering a special election to be held within the city, on May 3, 2025, for the purpose of amendments to the Bay City Home Rule Charter; making provisions for conducting the election; and authorizing a contract with Matagorda County to furnish election services and equipment; providing for severability and the repeal of conflicting ordinances; and providing an effective date.**

CLOSED / EXECUTIVE SESSION**RECONVENE AND ACTION****ITEMS / COMMENTS FROM THE 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 Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on **February 7th, 2025 before 6:00 p.m.** Any questions concerning the above items, please contact the Mayor and City Manager's office at (979) 245-2137.



CITY COUNCIL WORKSHOP CITY OF BAY CITY

Tuesday, January 28, 2025 at 5:00 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.

MINUTES

CALL TO ORDER AND CERTIFICATION OF QUORUM

The meeting was called to order by Mayor Robert K. Nelson at 5:04 PM.

PRESENT:

Mayor Robert K. Nelson

Mayor Pro Tem Becca Sitz

Council Member Benjamin Flores

Council Member Jim Folse

Council Member Bradley Westmoreland

Council Member Blayne Finlay

PUBLIC COMMENTS

There were no public comments.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

1. **Presentation ~ Receive and discuss Communications Assessment.**

Samantha Denbow, Communications and Cultural Arts Director, introduced Dorothy White, Assistant Vice President Public Sector Practice Group, who presented the outcomes of the Bay City Communications Assessment. After the presentation, Councilman Brad Westmoreland asked how often updates and information is presented to the public in Spanish. City Manager, Scotty Jones stated social media posts are able to be translated, but it is only put out in English for the newspaper. Councilman Westmoreland asked if the City should have an in-house spokesperson to be sure correct and current information is provided during the time of an emergency. Ms. White recommended a good crisis communication plan and having someone from the City's organization assigned as spokesperson. Mayor Robert Nelson asked if there are times when he, as a community leader should be relaying the message. Ms. White responded there are instances that the community wants and expects the message to come from the Mayor, it's a reassurance during a time of crisis. Councilman Jim Folse mentioned his concern for the importance of getting the information out to the public in a timely manner. He then inquired as to how many subscribers the City has for the BC4U App and commented the app cost a lot of money and he wants to see the City try to push that out to the public more. The last question Mr. Folse asked was if the

newspapers were monitoring the City's social media pages for information or is the City being proactive by notifying them when there is information to share. Jessica Shephard with The Sentinel stated they are not getting notified when The Tribune is getting notified. Councilman Blayne Finaly said the City's goal is to make sure everyone is getting the information. Mayor Pro Tem, Becca Sitz asked what the approximate cost for branding for a city the size of Bay City. Ms. White replied that it could cost up to \$100,000, depending on the level of research and community input. It could take up to 12 months to get this done then up to a few years for implementation. The communication assessment cost \$25,000.

ADJOURNMENT

The meeting was adjourned at 5:56 p.m.

PASSED AND APPROVED, this 11th day of February, 2025.

ROBERT K. NELSON, MAYOR
CITY OF BAY CITY, TEXAS

JEANNA THOMPSON
CITY SECRETARY

Consider the Appointment of Bill Cornman as Chair for TIRZ #1 and TIRZ #2 to serve a 1 year term.



EXECUTIVE SUMMARY

BACKGROUND:

The creation ordinance of each TIRZ requires the Mayor to nominate or appoint, subject to City Council approval, a director to serve as Chair for a term of one year beginning on the effective date of this ordinance

The creation ordinance attached establishes the boundary, term, TIRZ board, City participation, and the preliminary project and financing plan.

RECOMMENDATION: Approve appointments as presented.

ATTACHMENTS: List of TIRZ # 1 and #2 members and proposed Chair.

Committee	Last Name	First Name	Term_Beg	Term_End	Position	Agency
TIRZ #1 Board	Isreal	Tina	13-Feb-24	13-Feb-26	Board Member	City
TIRZ #1 Board	Sitz	Becca	13-Feb-25	13-Feb-27	Board Member	City
TIRZ #1 Board	Cornman	Bill	13-Feb-24	13-Feb-27	Chair	City
TIRZ #1 Board	Folse	James	13-Feb-24	13-Feb-26	Council Member	City
TIRZ #1 Board	Cook	Bubba	01-Jan-25	01-Jan-27	Board Member	County
TIRZ #1 Board	Estlinbaum	Mike	01-Jan-25	01-Jan-27	Board Member	County
TIRZ #1 Board	Dunham	DC	13-Feb-24	13-Feb-26	Board Member	Hospital
TIRZ #1 Board	Prochnow	Bryan	13-Feb-24	13-Feb-26	Board Member	Hospital
TIRZ #1 Board	Hlavinka	Craig	13-Feb-24	13-Feb-27	Board Member	Port Authority
TIRZ #2 Board	Folse	Jim	13-Feb-24	13-Feb-26	Board Member	City
TIRZ #2 Board	Isreal	Tiny	13-Feb-23	13-Feb-26	Board Member	City
TIRZ #2 Board	Sitz	Becca	13-Feb-25	13-Feb-27	Board Member	City
TIRZ #2 Board	Conrman	Bill	13-Feb-24	13-Feb-27	Chair	City
TIRZ #2 Board	Cook	Bubba	01-Jan-25	01-Jan-27	Board Member	County
TIRZ #2 Board	Estlinbau	Mike	01-Jan-25	01-Jan-27	Board Member	County
TIRZ #2 Board	Dunham	DC	13-Feb-24	13-Feb-26	Board Member	Hospital
TIRZ #2 Board	Pronchnow	Bryan	13-Feb-24	13-Feb-26	Board Member	Hospital
TIRZ #2 Board	Hlavinka	Craig	13-Feb-24	13-Feb-27	Board Member	Port Authority

Consider the Appointment of Councilman Jim Folse as Chair for TIRZ #3 and TIRZ #4 to serve a 1 year term.



EXECUTIVE SUMMARY

BACKGROUND:

The creation ordinance of each TIRZ requires the Mayor to nominate or appoint, subject to City Council approval, a director to serve as Chair for a term of one year beginning on the effective date of this ordinance

The creation ordinance attached establishes the boundary, term, TIRZ board, City participation, and the preliminary project and financing plan.

RECOMMENDATION: Approve appointments as presented.

ATTACHMENTS: List of TIRZ # 3 and #4 members and proposed Chair.

Committee	Last Name	First Name	Term_Beg	Term_End	Position	Agency
TIRZ #3 Board	Sitz	Becca	13-Feb-25	13-Feb-27	Board Member	City
TIRZ #3 Board	Folse	Jim	13-Feb-24	13-Feb-26	Chair	City
TIRZ #3 Board	Cook	Bubba	13-Feb-24	13-Feb-26	Board Member	County
TIRZ #3 Board	Estlinbaum	Mike	13-Feb-24	13-Feb-26	Board Member	County
TIRZ #3 Board	Prochnow	Bryan	13-Feb-24	13-Feb-26	Board Member	Hospital
TIRZ #3 Board	Dunham	DC	13-Feb-24	13-Feb-27	Vice-Chair	Hospital
TIRZ #4 Board	Denbow	Samantha	10-Dec-24	10-Dec-26	Board Member	City
TIRZ #4 Board	Israel	Tina	10-Dec-24	10-Dec-26	Board Member	City
TIRZ #4 Board	Russell	Jessica	13-Feb-24	13-Feb-26	Board Member	City
TIRZ #4 Board	Folse	Jim	13-Feb-24	13-Feb-26	Chair	City
TIRZ #4 Board	Cook	Bubba	10-Dec-24	10-Dec-26	Board Member	County
TIRZ #4 Board	Estlinbaum	Mike	13-Feb-24	13-Feb-26	Board Member	County
TIRZ #4 Board	Prochnow	Bryan	13-Feb-24	13-Feb-26	Board Member	Hospital
TIRZ #4 Board	Savage	Renee	13-Feb-24	13-Feb-26	Board Member	Hospital
TIRZ #4 Board	Hlavinka	Craig	13-Feb-24	13-Feb-26	Board Member	Port

AGENDA ITEM REQUEST FOR CITY COUNCIL APPROVAL

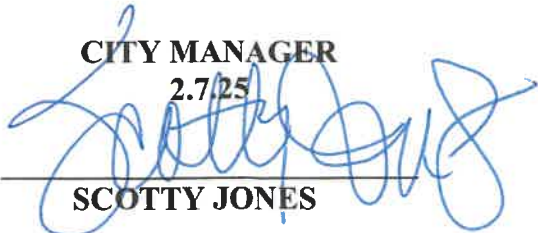
PER CHARTER SECTION 4.10 (C) - AT LEAST ONCE A QUARTER, COUNCIL SHALL VOTE TO APPROVE THE CITY EXPENDITURES MADE SINCE THE LAST QUARTER. EXPENDITURE DETAIL CAN BE FOUND ON THE CITY'S WEB. <https://cityofbaycity.mvgozenter.com>

ACCOUNTS PAYABLE	10/01/24
ACCOUNTS PAYABLE	10/11/24
ACCOUNTS PAYABLE	10/21/24
ACCOUNTS PAYABLE	11/08/24
ACCOUNTS PAYABLE	11/15/24
ACCOUNTS PAYABLE	12/06/24
ACCOUNTS PAYABLE	12/13/24
ACCOUNTS PAYABLE	12/20/24
DIRECT PAYABLES	10/10/24
DIRECT PAYABLES	10/11/24
DIRECT PAYABLES	10/24/24
DIRECT PAYABLES	11/20/24
DIRECT PAYABLES	12/02/24
DIRECT PAYABLES	12/04/24
DIRECT PAYABLES	12/11/24
UTILITY REFUNDS	10/18/24
UTILITY REFUNDS	11/08/24
UTILITY REFUNDS	11/22/24
UTILITY REFUNDS	11/26/24

RESPECTFULLY SUBMITTED

CITY MANAGER

2.7/25



SCOTTY JONES



CITY OF BAY CITY
1901 FIFTH STREET
BAY CITY, TEXAS 77414
(979) 245-2137
FAX: (979) 323-1626

AGENDA ITEM SUBMISSION FORM

Any item(s) to be considered for action by the City Council, must be included on this form, and be submitted along with any supporting documentation. Completed Agenda Item Submission forms must be submitted to the City Secretary's Office no later than 4:00 p.m. on the Monday of the week prior to the Regular Council meeting.

Requestor Name: Hadash, Chris **Date Submitted:** 02/06/25
Last, First *MM/DD/YYYY*

Requestor Type : City Staff **Meeting Date:** 02/11/25
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title Lieutenant
For City Staff Only

Agenda Location: Consent
(e.g.: Consent Agenda/ Discussion Item/ Public Hearing/ Executive Session/ Presentation)

Agenda Content:

Discuss, consider, and/or approve a resolution for a grant application for "Project Armor" through the Office of the Governor.

Executive Summary of Item:

This grant is 100% funded through the Office of the Governor and will potentially provide 10 new rifle resistant vests to be used by officers operating on the Bay City Police Department's Special Response Team.

Resolution R-2025-_____

Whereas, the City of Bay City finds it in the best interest of the citizens of Bay City, that the application for the Office of the Governor Public Safety Office, Criminal Justice Grant, "Project Armor" be submitted for the 2025-2026 fiscal year; and

Whereas, the City of Bay City recognizes the need for officers from the Bay City Police Department to be able to have access to updated, high quality life rifle resistant armor necessary for performing high risk law enforcement operations at the highest level possible; and

Whereas, the City of Bay City agrees this project will provide for increased levels of protection for officers and of service for the citizens of Bay City and will improve the community's confidence in the ability of our police officers and department; and

Whereas, the City of Bay City agrees that in the event of loss or misuse of the Office of the Governor Public Safety Office funds, the City of Bay City assures that the funds will be returned to the Office of the Governor in full; and

Whereas, the City of Bay City designates Chief Christella Rodriguez as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, adjust or terminate the grant on behalf of the applicant agency; and

Whereas, the City of Bay City designates Lt. Chris Hadash as the designated Project Director and Grant Writer of the project.

Now Therefore, Be it Resolved that The City of Bay City approves the submission of the "Project Armor" grant application under the Office of the Governor Public Safety Office.

Passed and approved on this _____ day of _____, 2025 by the Bay City Council.

Robert K. Nelson, Mayor
City of Bay City, Texas

ATTEST:

APPROVED AS TO FORM:

City Secretary

City Attorney

Grant application: _____

Name:

Rifle-Resistant Body Armor Grant Program, FY2026

Available
12/16/2024

Due Date
02/13/2025

Purpose:

The purpose of this announcement is to solicit applications from law enforcement agencies to equip peace officers with rifle-resistant body armor.

Available Funding:

State funds for these projects are authorized under the Texas General Appropriations Act, Article I, Rider 26 for Trusteed Programs within the Office of the Governor.

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law. The Public Safety Office (PSO) expects to make available \$10M for FY2026.

Eligible Organizations:

Applications may be submitted by the Texas Department of Public Safety, units of local government and educational institutions that operate law enforcement agencies employing peace officers under Article 2.12, Texas Code of Criminal Procedure; including municipalities, counties, independent school districts, universities, federally recognized Native American tribes, community colleges, and hospital districts.

All applications submitted by local law enforcement agencies/offices must be submitted by a unit of government affiliated with the agency, including an authorizing resolution from that unit of government. For example, police departments must apply under their municipal government, and community supervision and corrections departments, district attorneys, and judicial districts must apply through their affiliated county government (or one of the counties, in the case of agencies that serve more than one county).

Application Process:

Applicants must access the PSO's eGrants grant management website at <https://eGrants.gov.texas.gov> to register and apply for funding.

Key Dates:

Action	Date
Funding Announcement Release	12/16/2024
Online System Opening Date	12/16/2024
Final Date to Submit and Certify an Application	02/13/2025 at 5:00PM CST
Earliest Project Start Date	09/01/2025

Project Period:

Projects must begin on or after 09/01/2025 and may not exceed a 12 month project period.

Funding Levels

Minimum: None

Maximum: None

Match Requirement: None

Standards

Grantees must comply with standards applicable to this fund source cited in the Texas Grant Management Standards ([TxGMS](#)), [Federal Uniform Grant Guidance](#), and all statutes, requirements, and guidelines applicable to this funding.

Eligible Activities and Costs

Funds may be used for obtaining body armor compliant with the National Institute of Justice (NIJ) standard (Ballistic Resistance of Body Armor NIJ Standard-0101.06) type III (rifles) or type IV (armor piercing rifle) body armor; including bullet-resistant vests, ballistic plates, and plate carriers.

Due to the limited availability of funds, applicants are encouraged to consider the reasonable cost of their request. PSO will evaluate applications based on number of frontline peace officers and the average cost per vest.

Program-Specific Requirements

Eligible officers to equip. Grant funds may only be used to equip peace officers (as defined by Article 2.12, Texas Code of Criminal Procedure) directly employed by a law enforcement agency operated by the applicant. Funds may not be used to equip officers employed by other agencies that are not eligible to apply. PSO may prioritize the equipping of certain types of officers or applicants if the total requested funds exceed the funds appropriated by the Legislature.

Required Agency Policies. As required by Chapter 772.0075, Texas Government Code, an eligible organization may apply for grant funds only after its law enforcement agency adopts a policy addressing the:

- 1) Deployment and allocation of vests or plates to its officers; and
- 2) Usage of vests or plates by its officers.

PSO requires that the policy on usage of vests or plates include mandatory training on the proper care, fitting, inspection, use, storage, and maintenance of the armor. PSO also requires that the policy specify that body armor may not be left in patrol vehicles when an officer is not on duty to minimize the heat damage to the armor.

In crafting these policies, applicants should be aware that the inspection, storage, and replacement of body armor were identified as potential points of failure in body armor use by the Police Executive Research Forum. See [*"A Practitioner's Guide To the 2011 National Body Armor Survey of Law Enforcement Officers"*](#) for more information.

Personally Fitted Vest Requirement. All body armor vests purchased with grant funds must be personally fitted for individual officers, including vests specifically fitted to individual female law enforcement officers. "Personally fitted" does not require armor be individually manufactured based on the measurements of a specific wearer, but rather that it provide the best possible fit and coverage, through a combination of:

- 1) Correctly-sized panels and carrier, determined through appropriate measurement; and
- 2) Properly adjusted straps, harnesses, fasteners, flaps, or other adjustable features.

The American Society for Testing and Materials (ASTM) International has made available the Standard Practice for Body Armor Wearer Measurement and Fitting of Armor ([*Active Standard ASTM E3003*](#)). The [*Personal Armor Fit Assessment checklist*](#), is excerpted from ASTM E3003.

Eligibility Requirements

1. Local units of governments must comply with the Cybersecurity Training requirements described in Section 772.012 and Section 2054.5191 of the Texas Government Code. Local governments determined to not be in compliance with the cybersecurity requirements required by Section 2054.5191 of the Texas Government Code are ineligible for OOG grant funds until the second anniversary of the date the local government is determined ineligible. Government entities must annually certify their compliance with the training requirements using the [*Cybersecurity Training Certification for State and Local Governments*](#). A copy of the Training Certification must be uploaded to your eGrants application. For more information or to access available training programs, visit the Texas Department of Information Resources [*Statewide Cybersecurity Awareness Training*](#) page.

2. Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the Texas Code of Criminal Procedure, Chapter 66. This disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90% of convictions within five business days to the Criminal Justice Information System at the Department of Public Safety.

3. Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted.

4. In accordance with Texas Government Code, Section 420.034, any facility or entity that collects evidence for sexual assault or other sex offenses or investigates or prosecutes a sexual assault or other sex offense for which evidence has been collected, must participate in the statewide electronic tracking system developed and implemented by the Texas Department of Public Safety. Visit DPS's Sexual Assault Evidence Tracking Program website for more information or to set up an account to begin participating. Additionally, per Section 420.042 "A law enforcement agency that receives evidence of a sexual assault or other sex offense...shall submit that evidence to a public accredited crime laboratory for analysis no later than the 30th day after the date on which that evidence was received." A law enforcement agency in possession of a significant number of Sexual Assault Evidence Kits (SAEK) where the 30-day window has passed may be considered noncompliant.

5. Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law

enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the [CEO/Law Enforcement Certifications and Assurances Form](#) certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to OOG and is active until August 31, 2026 or the end of the grant period, whichever is later.

6. Eligible applicants must be registered in the federal System for Award Management (SAM) database and have an UEI (Unique Entity ID) number assigned to its agency (to get registered in the SAM database and request an UEI number, go to <https://sam.gov/>).

Failure to comply with program or eligibility requirements may cause funds to be withheld and/or suspension or termination of grant funds.

Prohibitions

Grant funds may not be used to support the unallowable costs listed in the **Guide to Grants** or any of the following unallowable costs:

1. Any costs ancillary to the purchase of eligible body armor, such as policy development, training costs, and staff; and
2. Any other prohibition imposed by federal, state or local law or regulation.

Selection Process

Application Screening: The Office of the Governor will screen all applications to ensure that they meet the requirements included in the funding announcement.

Peer/Merit Review: The Office of the Governor will review applications to understand the overall demand for the program and for significant variations in costs per item. After this review, the Office of the Governor will determine if all eligible applications can be funded based on funds available, if there are cost-effectiveness benefits to normalizing or setting limits on the range of costs, and if other fair-share cuts may allow for broader distribution and a higher number of projects while still remaining effective.

Final Decisions: The Office of the Governor will consider rankings along with other factors and make all final funding decisions. Other factors may include cost effectiveness, overall funds availability, or state government priorities and strategies, legislative directives, need, geographic distribution, balance of focuses and approaches, or other relevant factors.

The Office of the Governor may not fund all applications or may only award part of the amount requested. In the event that funding requests exceed available funds, the Office of the Governor may revise projects to address a more limited focus.

Contact Information

For more information, contact the eGrants help desk at eGrants@gov.texas.gov or (512) 463-1919.

Total Funds

\$10 Million

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.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD WITHIN THE CITY, ON MAY 3, 2025, FOR THE PURPOSE OF AMENDMENTS TO THE BAY CITY HOME RULE CHARTER; MAKING PROVISIONS FOR CONDUCTING THE ELECTION; AND AUTHORIZING A CONTRACT WITH MATAGORDA COUNTY TO FURNISH ELECTION SERVICES AND EQUIPMENT; PROVIDING FOR SEVERABILITY AND THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Local Government Code §9.004, the City Council of the City of Bay City, Texas, may submit proposed Charter Amendments to the municipality's qualified voters for their approval at an election and the City Council finding the proposed amendments to the existing City Charter of the City of Bay City, Texas are advisable; and

WHEREAS, Section 9.004(b) of the Texas Local Government Code requires that an ordinance be approved ordering said election to be held on the first authorized uniform election date prescribed by the Texas Election Code and establishing the procedure to be followed in said election; and

WHEREAS, Section 41.001 of the Texas Election Code establishes May 3, 2025, as a uniform election date for the purposes of conducting an election; and

WHEREAS, the City Council had considered and hereby approves for public vote, in the form of ballot propositions, the following measures; and

WHEREAS, the City Council of the City of Bay City, Texas, hereby directs City staff to publish notice of a special charter election to be held on May 3, 2025, that shall be conducted in accordance with Sections 9.001, 9.004 and 9.005 of the Texas Local Government Code and all other applicable election laws.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS:

SECTION 1.

CHARTER AMENDMENT ELECTION CALLED

The City Council does hereby order an election to submit to the voters of the City of Bay City proposed amendments to the Bay City Home Rule Charter, to be held on Saturday, May 3, 2025. Such election shall be held at the precincts and the polling places designated in Exhibit “A” or such other locations as may be designated prior to the election by the City Council, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election. At such election, the proposed amendments to the Bay City Home Rule Charter are in the form of the proposed Measures in Exhibit “B” (“Measures”) and shall be placed on the ballot in the form of the Propositions in Exhibit “C” (“Propositions”) and be submitted to the qualified voters of the City. Official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote for or against each Proposition, and with such propositions to be expressed substantially as found in Exhibit “C”, attached hereto and made a part hereof for all purposes.

SECTION 2.

NOTICE OF ELECTION

The City Secretary shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Secretary as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper in the City as required by law. Additionally, in accordance with Section 9.004(c) of the Local Government Code, notice shall be published in a newspaper of general circulation in Bay City on the same day, in each of two consecutive weeks, with the first publication occurring on or before the 14th day before election day. The notice shall contain a substantial copy of the proposed amendments. The City Secretary shall deliver notice of this election to the county clerk and voter registrar of Matagorda County as otherwise required by law.

SECTION 3.

ANTICIPATED FISCAL IMPACT

There are a total of five (5) propositions on the ballot for the May 3, 2025 special charter amendment election. It is estimated that some of the proposed amendments are anticipated to have fiscal impact to the City of Bay City. Proposition No. A is anticipated to have a fiscal impact on the City of Bay City of an increase of an estimated \$10,000 every third year. Proposition No. B is anticipated to have a fiscal impact on the City of Bay City _____. Proposition No. C is anticipated to have a fiscal impact on the City of Bay City of _____. Proposition No. D is anticipated to have a

fiscal impact on the City of Bay City of _____. Proposition No. E is anticipated to have a fiscal impact on the City of Bay City of _____.

SECTION 4.
ELECTION SERVICES CONTRACT AND PROCEDURAL MATTERS

The Mayor is hereby authorized to execute the necessary contract(s) and agreements, joint or otherwise, with the Matagorda County Elections Administrator, or any other public entity, for the purpose of having Matagorda County furnish all or any portion of the election services and equipment needed by the City Secretary to conduct the election. The contract document and election services provided therein shall conform to Chapter 31, Subchapter D, of the Texas Election Code and all other applicable statutes and laws. The election services contract with the County shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures necessary to conduct the election. Matters contained in this ordinance relating to discretionary, procedural matters may be amended by approval of the City Manager, and procedural matters not established by this ordinance will be established by resolution of City Council.

SECTION 5.
SAVINGS CLAUSE

All provisions of any ordinance, resolution or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

SECTION 6.
SEVERABILITY

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences and clauses and phrases remaining should any provision be declared unconstitutional or invalid.

SECTION 7.
REPEALER

Any other ordinance or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

SECTION 8.
PROPER NOTICE AND MEETINGS

It is hereby officially found and determined that the meetings at which this Ordinance was passed were open to the public as required and that public notice of the time, place and purpose of said meetings were given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 9.
EFFECTIVE DATE

This Ordinance shall become effective upon adoption and publication as required by law.

APPROVED AND ADOPTED this _____ day of _____, 2025.

CITY OF BAY CITY, TEXAS

Robert K. Nelson, Mayor

ATTEST:

Approved By:

Jeanna Thompson, City Secretary

Anne Marie Odefey, City Attorney

Poll:

Council Member:	Voted Aye	Voted No	Absent
Blayne Finlay	_____	_____	_____
Ben Flores	_____	_____	_____

Jim Folse	_____	_____	_____
Bradley Westmoreland	_____	_____	_____
Becca Sitz, Mayor Pro Tem	_____	_____	_____
Robert K. Nelson, Mayor	_____	_____	_____

