

City of Lake Jackson 2015 Charter Review Report

Charter Review Board Members:

Dixie Roberts, Chairperson
Rusty McGill, Secretary
Kelton Thomson
Don Williams
Darrell Bourgeois
Mayor Joe Rinehart, City Council Liaison

To the Honorable Mayor and City Council,

In compliance with Section 11.14 of the Charter of the City of Lake Jackson, we, the members of the 2015 Charter Review Commission, submit the following report:

General Comments

The Charter Review Commission began meeting bi-weekly on August 11, 2015 to review in detail the City's Charter. The Commission wishes to express sincere thanks to the City Manager, City Attorney, City Secretary, and Asst. City Secretary who provided input, guidance and historical data and administrative support during the review. In addition we would like to thank the Honorable Joe Rinehart, Mayor; William P. Yenne, City Manager; and Sherri Russell, City Attorney for attending meetings and providing valuable information and insight to questions had by the commission.

After a thorough review, the Commission feels that the current Charter is a well written document, which when used in conjunction with the City Ordinances, the statutes of the State of Texas and the State Constitution, establishes an effective framework for the operation of our municipal government.

Recommendations

As a result of a careful review of the City Charter and input offered by personnel interviewed, the Charter Review Commission believes that the City Charter is an exceptional document that continues to serve the city well. The changes recommended are minor and will, if adopted, add to the value of the City Charter.

Article 3 – The City Council

Section 3.06. –Vacancies.

~~When a vacancy occurs in the city council, the remaining members of the council shall, within ten (10) days (except within sixty (60) days of a regular city election or during a run-off election period), appoint a qualified person to fill the unexpired term. In the event of subsequent vacancies, the council will appoint a qualified replacement within ten (10) days (except within sixty (60) days of a regular city election or during a run-off election period). All subsequent vacancies must be filled at the next regular city election.~~

- a) If a vacancy in the city council occurs between 60 and 90 days before the next election filing deadline, the vacancy shall be filled at the next regular city election.
- b) If a vacancy in the city council occurs with less than 60 days before the next election filing deadline, city council shall appoint (within 10 days of the vacancy) a qualified person to fill the unexpired term.
- c) There can be no more than two appointed council members on city council at any time.

Rational: Rewrite of entire section in order to better clarify intent. This rewrite prevents more than 2 members from being appointed at any time

Article 6 – Recall of Officers

6.02. - Petitions for recall.

Before the question of recall of such officer shall be submitted to the qualified voters of the city, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of the city secretary; which said petition shall be signed by qualified voters of the city equal in number to at least thirty (30) percent of the number of votes cast at the last regular municipal election of the city, but in no event less than six hundred (600) such petitioners. Each signer of such recall petition shall personally print his or her name, sign his name thereto in ink or indelible pencil, and shall write after his name his place of residence, giving name of street and number, or place of residence, and shall also write thereon the day, the month and year his signature was affixed ~~as well as his voter's registration number.~~

Rational: Most individuals do not know their voter registration number. The voter and their signature are verified by the City Secretary upon submission of the petition.

6.03. - Form of recall petition.

Amend the notary form for petitions to reflect the current century.

_____/_____/_____, 19_____.

	Notary Brazoria County, Texas.	Public	in	and	for
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~~Editor's note—A notary public has statewide jurisdiction pursuant to V.T.C.A., Government Code § 406.003.~~

Rational: The notary form needs to be amended to reflect the current century. Although this is a small change, it must still be changed by a vote of the people.

Article 8 – Municipal Planning and Zoning

8.03. - Planning commission.

(d) *Powers and duties.* The commission shall have the power and shall be required to:

- (1) Make, amend, extend and add to the master plan for the physical development of the city.
- (2) Approve or disapprove plats of proposed subdivisions submitted in accordance with section 8.01 of this Charter. In considering such plats, the planning commission shall require that the

proposed subdivisions shall meet, so far as is practicable, all the standards of layout and street and sidewalk construction on comparable property within the corporate limits of the City of Lake Jackson, and shall further require that restrictions be placed on the use of the property which are consistent with the restrictions on comparable property within the City of Lake Jackson. ~~Upon approving such plats, and before they are released for recording, the planning commission shall submit all copies of the approved plats to the city council for inspection.~~

Rational: This is not current practice of the planning commission.

Article 11 – General Provisions

11.03. – Drilling operations.

~~The city council may, by ordinance, prohibit the drilling of oil, gas and sulphur wells, or may provide regulations for the drilling, spacing, completion and operation of oil, gas and sulphur wells.~~ The city council may, by ordinance, prohibit the drilling of water wells for commercial, industrial and agricultural purposes, and may provide regulations for the drilling and use of water wells for commercial, industrial, agricultural and domestic purposes.

Rational: Compliance with State law.

Conclusion

We the members of the 2015 Charter Review Commission wish to thank the City Council for allowing us to be of service to our city and respectively recommend consideration and acceptance of this report.

Submitted this 7th day of December, 2015.

Dixie Roberts, Chairperson
Rusty McGill, Secretary
Kelton Thomson
Don Williams
Darrell Bourgeois