



**CITY OF FORT STOCKTON CHARTER COMMISSION  
REGULAR CHARTER COMMISSION MEETING MINUTES  
WEDNESDAY, APRIL 13, 2022  
5:30 P.M.**

**MEETING LOCATION:  
COUNCIL CHAMBERS, CITY HALL  
121 WEST SECOND STREET  
FORT STOCKTON, TEXAS 79735**

**PRESENT:** Gil Rey Madrid, Joe Chris Alexander, Jerome Chavez, Keven DeHaven, JB Gallegos, Joe Hernandez, Jim Miles, Ember Renteria, LouAnn Tovar, Anthony Urias, Ethny Valenzuela, Terry Whigham

Jim Miles left at 5:34 p.m.

Terry Whigham left at 6:57 p.m.

**ABSENT:** Vanessa Cardwell, Sylvia Hernandez, Jim Ivy, Ken Ripley

**OTHERS PRESENT:** Frank Rodriguez, Marina Cantu, Sheila Lehnert, Isai Rojas

**PRESENT VIA ZOOM:** Charles Zech

**Chairman Gil Rey Madrid** called the Regular City of Fort Stockton Charter Commission Meeting to Order after declaring a quorum present, at 5:30 p.m.

**INVOCATION:**

**Commissioner Rev. Jim Miles** gave the Invocation.

**PLEDGES:**

- ALLEGIANCE TO THE UNITED STATES OF AMERICA FLAG
- ALLEGIANCE TO THE TEXAS FLAG

**Chairman Gil Rey Madrid** led the Pledge of Allegiance to the United States of America Flag & the Pledge of Allegiance to the Texas Flag.

**Commissioner Rev. Jim Miles** left the meeting at 5:34 p.m.

**FIRST ORDER OF BUSINESS:**

1. Discuss/Act upon the Regular Meeting Minutes of the Fort Stockton Charter Commission, 03/23/2022.

**Motion was made by Commissioner Ember Renteria, seconded by Commissioner JB Gallegos, and carried unanimously to Approve the Regular Meeting Minutes of the Fort Stockton Charter Commission for March 23, 2022, as presented.**

**SECOND ORDER OF BUSINESS:**

2. Discuss/Act upon the second draft of the proposed City Charter.

**Motion was made by Commissioner LouAnn Tovar and seconded by Commissioner Ember Renteria to Approve the second draft of the proposed City Charter, as presented.**

**THIRD ORDER OF BUSINESS:**

3. Discuss/Act upon Previously Proposed Charter.

**ARTICLE V**

**NOMINATIONS AND ELECTIONS**

**SECTION 5.01 CITY ELECTIONS**

The consensus of the Charter Commission agreed that SECTION 5.01 CITY ELECTIONS read as follows:

- A. All City Elections shall be conducted in accordance with the state law.
- B. The regular City Election shall be held annually on the Uniform Election date in May.

**SECTION 5.02 FILING FOR OFFICE**

**\*\*This section was previously approved by the Fort Stockton Charter Commission. \*\***

**SECTION 5.03 OFFICIAL BALLOTS**

Th consensus of the Charter Commission agreed to remove SECTION 5.03 OFFICIAL BALLOTS.

**SECTION 5.04 OFFICIAL RESULTS**

The consensus of the Charter Commission agreed that SECTION 5.04 OFFICIAL RESULTS read as follows:

- A. The candidate for elective office receiving a majority vote cast shall be declared the winner. If no candidate receives a majority of all votes cast for any one place at such election, the City Council shall upon completion of the official canvass of the ballots, issue a call for a runoff election to be held in accordance with the Texas Election Code.

**SECTION 5.05 TAKING OF OFFICE**

The consensus of the Charter Commission agreed that SECTION 5.05 TAKING OF OFFICE read as follows:

Each newly elected person to the City Council shall be inducted into office at the first regular City Council meeting following the canvass of the votes.

**SECTION 5.06 ELECTION**

The consensus of the Charter Commission agreed to remove SECTION 5.06 ELECTION.

**Motion was made by Commissioner Ember Renteria, seconded by Commissioner Anthony Urias and carried unanimously to accept ARTICLE V, as presented.**

## **ARTICLE VI**

### **RECALL, INITIATIVE AND REFERENDUM**

#### **SECTION 6.01 SCOPE OF RECALL**

The consensus of the Charter Commission agreed to accept SECTION 6.01, as presented.

#### **SECTION 6.02 PETITIONS FOR RECALL**

The consensus of the Charter Commission agreed to accept SECTION 6.02 PETITIONS FOR RECALL, as presented.

#### **SECTION 6.03 FORM OF RECALL PETITION**

The consensus of the Charter Commission agreed to accept SECTION 6.03 FORM OF RECALL PETITION, as presented.

#### **SECTION 6.04 VARIOUS PAPERS CONSTITUTING PETITION**

The consensus of the Charter Commission agreed to accept SECTION 6.04 VARIOUS PAPERS CONSTITUTING PETITION, as presented.

#### **SECTION 6.05 PRESENTATION OF PETITION TO THE CITY COUNCIL**

The consensus of the Charter Commission agreed to accept SECTION 6.05 PRESENTATION OF PETITION TO THE CITY COUNCIL, as amended to read as follows:

Withing thirty (30) business days after the date of the filing of the papers constituting the recall petition, the City Secretary shall verify the signatures on the petition and, if the petition is determined to be legally sufficient, present such petition to the City Council.

#### **SECTION 6.06 CALLING OF RECALL ELECTION**

The consensus of the Charter Commission agreed to accept SECTION 6.06 CALLING OF RECALL ELECTION, as presented.

#### **SECTION 6.07 BALLOTS IN RECALL ELECTION**

The consensus of the Charter Commission agreed to accept SECTION 6.07 BALLOTS IN RECALL ELECTION, as presented.

#### **SECTION 6.08 RESULTS OF RECALL ELECTION**

The consensus of the Charter Commission agreed to accept SECTION 6.08 RESULTS OF RECALL ELECTION, as presented.

#### **SECTION 6.09 RESTRICTIONS ON RECALL**

The consensus of the Charter Commission requested Charter Advisor Charles Zech return this section with re-wording as directed to include that a City Elected Position could not be subject to recall within the 1<sup>st</sup> or last 6 months of their term, an individual must sit-off a 3-year term if recalled from any City Elected Position, if an individual is recalled they could not be recalled on the same grounds.

### **SECTION 6.10 FAILURE OF THE CITY COUNCIL TO CALL A RECALL ELECTION**

The consensus of the Charter Commission agreed to remove SECTION 6.10 FAILURE OF THE CITY COUNCIL TO CALL A RECALL ELECTION, as presented.

**Motion was made by Commissioner LouAnn Tovar, seconded by Commissioner JB Gallegos and carried unanimously to accept SECTION 6.01-SECTION 6.10, as amended above.**

### **SECTION 6.11 GENERAL POWER OF INITIATIVE AND REFERENDUM**

The consensus of the Charter Commission agreed to accept SECTION 6.11 POWER OF INITIATIVE AND REFERENDUM, as presented.

### **SECTION 6.12 INITIATIVE**

The consensus of the Charter Commission agreed to accept SECTION 6.12 INITIATIVE, as amended to read as follows:

The registered voters of the City may initiate legislation by submitting a petition addressed to the City Council that requests the submission of a proposed legislation to a vote of the registered voters of the City. Said petition must be signed by ten percent (10%) of the voters registered to vote in the previous City's general election and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed as provided in this Article and shall be verified by oath in the manner and form provided for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted for recall petitions. Such petitions shall be filed with the City Secretary. Within thirty (30) business days after the filing of such petition, the City Secretary shall verify the signatures on the petition and if the petition is determined to be legally sufficient, present said petition and proposed legislation to the City Council. Upon presentation to the City Council, it shall become the duty of the City Council within the first regularly scheduled City Council meetings after the receipt thereof, to pass and adopt such ordinance without alteration as to meaning or effect in the option of the persons filing the petition or to call a special election to be held on a date allowed under the first uniform election date authorized by state law.

**Motion was made by Commissioner Ethny Valenzuela, seconded by Commissioner Terry Whigham and carried unanimously to accept SECTION 6.12 INITIATIVE, as amended.**

Commissioner Terry Whigham left the meeting at 6:57 p.m.

### **SECTION 6.13 REFERENDUM**

The consensus of the Charter Commission requested Charter Advisor Charles Zech reword SECTION 6.13 REFERENDUM

### **SECTION 6.14 VOLUNTARY SUBMISSION OF LEGISLATION BY THE CITY COUNCIL**

**Motion was made by Commissioner Anthony Urias, seconded by Commissioner LouAnn Tovar and carried unanimously to remove SECTION 6.14 VOLUNTARY SUBMISSION OF LEGISLATION BY THE CITY COUNCIL.**

## **SECTION 6.15 FORM OF BALLOTS**

The consensus of the Charter Commission agreed to accept SECTION 6.15 FORM OF BALLOTS, as amended to read as follows:

The ballot used when voting upon such proposed and referred ordinance, shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words: "For the Ordinance" or "Against the Ordinance."

**Motion was made by Commissioner Ethny Valenzuela, seconded by JB Gallegos and carried unanimously to accept SECTION 6.15, as amended.**

## **SECTION 6.16 PUBLICATION OF PROPOSED AND REFERRED ORDINANCES**

**Motion was made by Commissioner Kevin DeHaven, seconded by Commissioner LouAnn Tovar and carried unanimously to remove SECTION 6.16 PUBLICATION OF PROPOSED AND REFERRED ORDINANCES.**

## **SECTION 6.17 ADOPTION OF ORDINANCES**

The consensus of the Charter Commission agreed to remove SECTION 6.17 ADOPTION OF ORDINANCES, as presented.

## **SECTION 6.18 INCONSISTENT ORDINANCES**

The consensus of the Charter Commission agreed to accept SECTION 6.18 INCONSISTENT ORDINANCES, as presented.

## **SECTION 6.19 ORDINANCES PASSED BY POPULAR VOTE, REPEAL OR AMENDMENT**

The consensus of the Charter Commission requested Charter Advisor Charles Zech reword SECTION 6.19 ORDINANCES PASSED BY POPULAR VOTE, REPEAL OR AMENDMENT.

## **SECTION 6.20 FURTHER REGULATIONS BY THE CITY COUNCIL**

## **SECTION 6.21 FRANCHISE ORDINANCES**

## **SECTION 6.22 FAILURE OF THE CITY COUNCIL TO CALL AN INITIATIVE OR REFERENDUM ELECTION**

The consensus of the Charter Commission agreed to remove SECTION 6.20 -SECTION 6.22, as presented.

**Motion was made by Commissioner LouAnn Tovar, seconded by Commissioner DeHaven and carried unanimously to Accept Section 6.17 – Section 6.22, as amended.**

## **ARTICLE VII**

### **FINANCIAL PROCEDURES**

**Motion was made by Commissioner Kevin DeHaven, seconded by JB Gallegos and carried unanimously to remove ARTICLE VII FINANCIAL PROCEDURES.**

## **ARTICLE VIII**

### **BOARDS AND COMMISSIONS**

**ARTICLE IX  
PLANNING & ZONING**

**Motion was made by Commissioner LouAnn Tovar, seconded by Commissioner Joe Hernandez to remove ARTICLE VIII BOARDS AND COMMISSIONS & ARTICLE IX PLANNING AND ZONING.**

**ARTICLE X  
UTILITY AND PUBLIC SERVICE FRANCHISES**

**Motion was made by Commissioner Kevin DeHaven, seconded by Commissioner LouAnn Tovar and carried unanimously to remove ARTICLE X UTILITY AND PUBLIC SERVICE FRANCHISES.**

**ARTICLE XI  
GENERAL PROVISIONS**

**SECTION 11.01 PUBLIC RECORDS**

**SECTION 11.02 OFFICIAL NEWSPAPER AND WEBSITE**

**SECTION 11.03 OATHS**

The consensus of the Charter Commission agreed to remove SECTION 11.01 – SECTION 11.03, as presented.

**SECTION 11.04 SEVERABILITY**

The consensus of the Charter Commission agreed to accept SECTION 11.04 SEVERABILITY, as presented.

**SECTION 11.05 WORDING INTERPRETATION**

The consensus of the Charter Commission agreed to accept SECTION 11.05 WORDING INTERPRETATION, as presented.

**SECTION 11.06 AMENDMENT OF CHARTER**

**SECTION 11.07 CHARTER REVIEW COMMISSION**

**SECTION 11.08 CITY DEPOSITORY**

**SECTION 11.09 LICENSES**

The consensus of the Charter Commission agreed to remove SECTION 11.06 – SECTION 11.09, as presented.

**Motion was made by Commissioner Kevin DeHaven, seconded by JB Gallegos and carried unanimously to accept ARTICLE XI GENERAL PROVISIONS, as amended.**

**ARTICLE XII  
LEGAL PROVISIONS**

**SECTION 12.01 ASSIGNMENT, EXECUTION AND GARNISHMENT**

**SECTION 12.02 SECURITY AND BOND**

**SECTION 12.03 NOTICE OF CLAIM**

**SECTION 12.04 POWER TO SETTLE CLAIMS**

The consensus of the Charter Commission agreed to remove SECTION 12.01 – SECTION 12.04, as presented.

**SECTION 12.05 SERVICE OF PROCESS AGAINST THE CITY**

The consensus of the Charter Commission agreed to accept SECTION 12.05 SERVICE OF PROCESS AGAINST THE CITY, as presented.

**SECTION 12.06 JUDICIAL NOTICE**

The consensus of the Charter Commission agreed to remove SECTION 12.06 JUDICIAL NOTICE, as presented.

**SECTION 12.07 PENDING MATTERS**

The consensus of the Charter Commission agreed to accept SECTION 12.07 PENDING MATTERS, as presented.

**SECTION 12.08 PROPERTY NOT EXEMPT FROM SPECIAL ASSESSMENTS**

**Motion was made by Commissioner LouAnn Tovar, seconded by Commissioner Ember Renteria and carried unanimously to remove SECTION 12.08 PROPERTY NOT EXEMPT FROM SPECIAL ASSESSMENTS.**

**SECTION 12.09 CITY COUNCIL MAY REQUIRE BONDS**

The consensus of the Charter Commission agreed to accept SECTION 12.09 CITY COUNCIL MAY REQUIRE BONDS, as presented.

**SECTION 12.10 DISASTER CLAUSE**

The consensus of the Charter Commission requested that Charter Advisor Charles Zech reword SECTION 12.10 DISASTER CLAUSE.

**SECTION 12.11 NO WAIVER OF IMMUNITY**

The consensus of the Charter Commission agreed to accept SECTION 12.11 NO WAIVER OF IMMUNITY, as presented.

**Motion was made by Commissioner LouAnn Tovar, seconded by Commissioner JB Gallegos and carried unanimously to accept ARTICLE XII LEGAL PROVISIONS, as amended.**

**ARTICLE XIII**

**TRANSITIONAL PROVISIONS**

**Motion was made by Commissioner Kevin DeHaven, seconded by Commissioner Ember Renteria and carried unanimously to accept ARTICLE XIII TRANSITIONAL PROVISIONS, as presented.**

**ARTICLE XIV**

**PROHIBITIONS AND PENALTIES**

**\*\*ARTICLE XIV PROHIBITIONS AND PENALTIES was previously reviewed by the Charter Commission\*\***

**FOURTH ORDER OF BUSINESS:**

4. Adjourn

**Motion was made by Commissioner Ember Renteria, seconded by Commissioner Ethny Valenzuela and carried unanimously to adjourn the Regular City of Fort Stockton Charter Commission Meeting at 8:38 p.m.**

**APPROVE:**

  
Gil Rey Madrid, Charter Commission Chairman

**ATTEST:**

  
Marina A. Cantu, City Secretary