



**CITY OF FORT STOCKTON CHARTER COMMISSION
REGULAR CHARTER COMMISSION MEETING MINUTES
WEDNESDAY, MARCH 9, 2022
5:30 P.M.**

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

PRESENT: Joe Chris Alexander, Vanessa Cardwell, Jerome Chavez, Keven DeHaven, JB Gallegos, Joe Hernandez, Sylvia Hernandez, Gil Rey Madrid, Jim Miles, Ember Renteria, Ken Ripley, Louann Tovar, Ethny Valenzuela, Terry Whigham

ABSENT: Jim Ivy, Anthony Urias

OTHERS PRESENT: Charles Zech, Ruben Falcon, James Warnock, Frank Rodriguez, Marina Cantu, Sheila Lehnert

Mayor Alexander called the Regular City of Fort Stockton Charter Commission Meeting to Order after declaring a quorum present, at 5:30 p.m.

INVOCATION:

Mayor Alexander gave the Invocation.

PLEDGES:

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

Mayor Alexander led the Pledge of Allegiance to the United States of America Flag & the Pledge of Allegiance to the Texas Flag.

FIRST ORDER OF BUSINESS:

1. Introductions and purpose of the Charter Commission.

Charter Advisor Charles Zech of Denton Navarro Rocha Bernal & Zech, P.C. explained his firm has offices all over the state of Texas, that represent local governments. In 2008 he conducted an analysis of the Home Rule Cities within the state of Texas.

Mr. Zech has been practicing law for approximately 20 years and is very familiar with the charter adoption and/or charter amendment process.

There are 3 types of General Law Governments: General Law Type A, General Law Type B & General Law Type C.

The Legislature adopted general laws that dictate what those local governments can do.

Therefore, General Law Cities must look to the Legislature for their authority to regulate, whether it be in the local government code, tax code, election code, etc.

The City of Fort Stockton is a General Law Type A Municipality with a City Manager Form of Government, by election.

The General Laws of the State also tell you what your government looks like. i.e., how many Council Members are on City Council, what Officers the City has, and what their terms are, etc.

The Legislature adopted another form of Government known as Home Rule. If a municipality's population exceeds 5,000, they can elect to have their own form of government.

The main difference between a General Law Municipality and a Home Rule Municipality is Home Rule Municipalities do not have to look to the general laws of the State for their powers, they look to their charter.

A Home Rule City has all the power of the Texas Legislature to regulate except where the Legislature preempts them. This means the city has a broader authority to regulate itself.

Once the City appoints a Charter Commission it is their duty to create a proposed charter adopting their form of government. This charter can include Initiative (*petition to have City Council take action on a particular issue not previously addressed*), Referendum (*a procedure under which local voters can repeal unpopular, existing ordinances the council refuses to rescind by its own action*) and Recall (*process to have an elected official removed from office*), all powers that are not available to General Law Cities.

Once the Charter Commission creates the proposed Charter it will be placed on the ballot for the citizens to decide.

SECOND ORDER OF BUSINESS:

2. Discuss/Act upon Electing Chairman of the Charter Commission.

Motion was made by Commissioner Sylvia Hernandez, seconded by Commissioner J.B. Gallegos and carried unanimously to Elect Gil Rey Madrid as the Chairman of the Charter Commission.

THIRD ORDER OF BUSINESS:

3. Discuss/Act upon Electing Vice-Chairman of the Charter Commission.

Motion was made by Commissioner LouAnn Tovar, seconded by Commissioner Gil Rey Madrid and carried unanimously to Elect Vanessa Cardwell as the Vice-Chairman of the Charter Commission.

FOURTH ORDER OF BUSINESS:

4. Discuss/Act upon Meeting Dates and Times.

Motion was made by Commissioner Ken Ripley, seconded by Commissioner Rev. Jim Miles to hold regular charter commission meetings every 2nd and 4th Wednesday of the month at 5:30 p.m. in the City Hall-Council Chambers, until completion of the proposed Charter.

FIFTH ORDER OF BUSINESS:

5. Discuss/Act upon Overall Timeline to prepare Charter.

Charter Commission Advisor Charles Zech explained the goal was to have the Proposed Charter Finalized and sent to each registered voter within the City Limits of Fort Stockton to vote on in an election.

He estimated having the proposed charter completed in approximately 6 months.

SIXTH ORDER OF BUSINESS:

6. Discuss/Act upon Previously Proposed Charter.

Charter Advisor Charles Zech inquired if the Commission would prefer to vote on changes made to the proposed charter by a simple majority of the Commission Members present or the entire Commission.

Motion was made by Commissioner Ken Ripley, seconded by Commissioner Ember Renteria and carried unanimously to require a simple majority of the Commission Members present to make any changes to the proposed charter.

The following were agreed upon:

PREAMBLE

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

ARTICLE I: FORMS OF GOVERNMENT AND BOUNDARIES

The consensus of the Charter Commission agreed to accept ARTICLE I: FORMS OF GOVERNMENT AND BOUNDARIES, as presented.

ARTICLE II: POWERS OF THE CITY

The consensus of the Charter Commission agreed to accept ARTICLE II: POWERS OF THE CITY, as presented.

ARTICLE III: THE CITY COUNCIL

The consensus of the Charter Commission agreed to accept ARTICLE III: THE CITY COUNCIL (*SECTION 3.01 – 3.06*), as presented, with the exception of the following:

SECTION 3.01 COMPOSITION

Motion was made by Commissioner Ken Ripley, seconded by Commissioner Rev. Jim Miles and carried unanimously that City Council shall be composed of the Mayor and five (5) Council Members, giving the Mayor the ability to vote.

Motion was made by Commissioner Ember Renteria, seconded by Commissioner Rev. Jim Miles and carried unanimously to change the term of office for Members of City Council to three (3) years.

(SECTION 3.03 references SECTION 5.02, therefore, that section was reviewed by the Charter Commission who agreed to accept it, as presented.)

SECTION 3.04 COMPENSATION

The consensus of the Charter Commission agreed to revisit SECTION 3.04 of the charter after determining whether or not the City paying for health insurance premiums for Council Members is considered compensation.

SECTION 3.06 VACANCIES, FORFEITURE AND FILLING OF VACANCIES

Motion was made by Commissioner Ember Renteria, seconded by Commissioner Kevin DeHaven and carried unanimously to strikeout Paragraph B. of SECTION 3.06 VACANCIES, FORFEITURE AND FILLING OF VACANCIES.

The consensus of the Charter Commission agreed that the first sentence of Paragraph C should be cleaned up to read: A Member of City Council shall forfeit their office if they:

Motion was made by Commissioner Ken Ripley and seconded by Vice-Chairman Vanessa Caldwell and carried unanimously to strikeout Paragraph C.4. of SECTION 3.06 and move SECTION 14.05 (referenced in this section), as needed.

Chairman Gil Rey Madrid recessed the Regular City of Fort Stockton Charter Commission Meeting for a brief break at 7:30 p.m.

Chairman Gil Rey Madrid reconvened into the Regular City of Fort Stockton Charter Commission Meeting at 7:39 p.m.

Motion was made by Commissioner Rev. Jim Miles and seconded by Commissioner Lou Ann Tovar and carried unanimously that in the case that less than one year remaining in a term of the vacant City Council Office, by majority vote of the remaining Members of City Council, at its discretion, leave the office vacant, appoint a new City Council Member to fill such vacancy or call a Special Election to fill such vacancy.

SEVENTH ORDER OF BUSINESS:

7. Discuss Current City Form of Government, Procedures to Carry Forward and Possible Changes.

Charter Commission Advisor Charles Zech explained the requested changes would be made to the proposed charter and it would be voted on at the next Charter Commission Meeting.

EIGHTH ORDER OF BUSINESS:

8. Adjourn

Motion was made by Commissioner Lou Ann Tovar, seconded by Commissioner Sylvia Hernandez and carried unanimously to adjourn the Regular City of Fort Stockton Charter Commission Meeting at 7:42 p.m.

APPROVE:



Gil Rey Madrid, Charter Commission Chairman

ATTEST:



Marina A. Cantu, City Secretary