



COME AND TAKE IT

The City of Gonzales Charter Review Committee will be hosting a Town Hall Meeting regarding proposed amendments to the City of Gonzales Home Rule Charter.

The meeting will be held on February 5, 2015 from 6:00 until 7:30 PM at the Gonzales Municipal Building, 820 St. Joseph Street, Gonzales, Texas 78629.

The meeting facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please Contact the City Secretary's office at (830)672-2815 for further information.

Charter Review Recommendations – City of Gonzales – 2015

The following are a list of recommendations the Charter Review Commission. We will be bringing these recommendations to the City Council at their March regular meeting.

1.01 - Only problem was a typo that we'll have corrected in 1.01 that will not need voter approval.

2.01 – Will be rewriting

We believe in the 2nd half that it was not intended to prohibit any commercial activities in our town square like CATI and Friday Night Concert series.

So while it won't be a real change in practice it will be a change in wording so will have to be voted on.

2.02 – Will be updating Texas Code with proper code - No vote needed just update of code.

3.01

D – Change to have 3 year election cycles

1st Year – Mayor

2nd Year – 2 Council Members

3rd Year – 2 Council Members

E – Change to read “The mayor and each councilmember shall hold office for a period of three years and until a successor is elected and qualified. All elections shall be held in the manner provided in Article V of this charter.”

F (Add Section) - Worded to read that each position of mayor and councilmember will have a limit of 3 terms in office.*

*Note effect the next time a councilmember or mayor took office.

3.02 - Two changes here

Change annexed residence qualifications to 6 months instead of 2 years.

Second Change –

It shall be the duty of each member of the council to maintain the foregoing qualifications and to attend each regular and special council meetings. The failure of any member to maintain the foregoing qualifications or failure to attend three consecutive council meetings, whether regular, special or workshop meetings, without good and sufficient cause, the city council must at its next regular meeting declare a vacancy to exist and shall fill said vacancy as set forth in [Section 3.06](#) of this charter.

3.04 - The city council shall fix the compensation to be received by its members for attendance at its meetings. Any changes in city council compensation shall require public notice in the newspaper of record and a public hearing shall be held.

3.06 - If 3 year terms are approved for the Mayor and Councilmembers then state law will now prevail for vacancies so we will adjust this to read per State Code if 3 year terms are approved.

Charter Review Recommendations – City of Gonzales – 2015

3.07 –

- (a) Remove from office or position of employment in the city government any city officer or member of any board or commission
- (e) Inquire into the conduct of any office, department or municipal affairs.
- (l) Adopt and modify appropriate building and fire codes of the city.

Combine N, O and P into a single entry

- (n) Provide for a sanitary sewer and water system, and require property owners to connect their premises with sewer system, and provide for penalties for failure to make sanitary sewer connections.
- (o) Provide for sanitary garbage disposal, set fees and charges therefor, and provide penalties for failure to pay such fees and charges.
- (p) Provide for an electrical system, set fees and charges therefor, and provide penalties for misuses of same.

Q – Texas Code updated (no vote)

3.09 – All meetings of the city council shall be public, shall be held in accordance with state laws, and shall be held at the city hall, except that the city council may designate another place for such meetings after publishing due notice thereof **as prescribed by state law**. The mayor or any two members of the city council may call special meetings of the city council at any time.

3.10 – The city council shall determine its own rules of procedure. The affirmative vote of a majority of those present shall be necessary to adopt any ordinance or resolution. Minutes of the proceedings of all meetings of the city council shall be kept. The vote upon the passage of all ordinances and resolutions shall be taken by the “ayes” and “nays” and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall become permanent records kept for that purpose under full caption, and shall be authenticated by the signature of the presiding officer and the person performing the duties of the city secretary.

3.101 – Quorum

Three qualified members of the city council, including the mayor shall constitute a quorum to do business. In the mayors’ absence any 3 members of the council would constitute a quorum.

3.12 – The city manager, finance director, the city secretary and all employees with fiduciary responsibilities and such other city officers and employees as the city council may require, shall, before entering upon the duties of their offices, enter into a good and sufficient fidelity bond in a sum to be determined by the city council,

3.13 – The city council shall have power to inquire into the conduct of any office, department, agency, officer or employee of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed two hundred dollars (\$200.00).

Charter Review Recommendations – City of Gonzales – 2015

We wish to rewrite this so that it's clear. It was our consensus that this was unclear on several points.

3.14 - The city council shall cause an annual audit to be made of the books and accounts of each and every department of the city. At the close of each fiscal year a complete audit shall be made by a certified public accountant, who shall be selected by the city council, and such audit shall include a recapitulation of all audits made during the course of each fiscal year, and all audit reports shall be filed with the city council, shall be available for public inspection and shall be made a part of the archives of the city. Such accountant, so selected, shall not maintain or keep any of the city's accounts or records.

Add – The council shall not select the same auditor for more than five (5) consecutive years and the auditor selected shall not be, or have been within the immediate preceding three (3) years, a business associate of the certified public accountant or firm that performed the audit prior to such selection.

3.15 – Employment by city – (Added and moved from 4.01)

No member of the city council shall, during the time for which they are elected and for one year thereafter, be eligible for employment by the city.

4.01

A – add – however shall during their tenure reside within the city limits. (Granberry section 5)

Strike after “Or be eligible for employment with the city”

4.03 – record in accordance with state law and kept and indexed for such purpose

4.06 – REMOVE ENTIRE SECTION

5.01 – Change by resolution to “by ordinance or resolution”. – 3rd sentence

scratch ‘Notice ---in a daily newspaper published in the city of Gonzales’ make “in accordance with state law”.

5.05 – Move to majority instead of plurality

5.08 – Oath change “Unified” to “United” (no vote)

6.02 – 35% or 150 for mayor / 35% or 80 whichever is greater. Separate by paragraphs

Change last sentences to - Printed Name, dob or voter reg nr, and signature as per TX Election Code chapter 277 or any amendments thereto.

6.03 – remove the oath (last paragraph)

6.04 – Take out Verifications provided for in the preceding section of this article may be made by more than one or more petitioners. Start a new sentence with “Several”

6.05 – change 5 days to 10 days

6.11 – Jackie to check on law

Charter Review Recommendations – City of Gonzales – 2015

7.02 – removed “and shall be verified by oath in the manner and form provided for recall petitions in section 6.03 of this charter.”

Change 5 days to 10 days

Within 35 days

7.03 – remove “and verified”

Replace immediately to “Within 10 days”

“The city council shall within 10 days reconsider”

7.06 – as prescribed by state law. (remove newspaper)

7.11 – capitalize A in Article (no vote)

8.01

b) – within the extra territorial jurisdiction of the corporate limits (take out the 5 miles)

8.02 – change this to allow EDC expenditure (Jackie)

9.02 – Change

between sixty and ninety days prior to the beginning of each fiscal year,

not less than 45 days prior to the beginning of the fiscal year,

9.02 (Add) Capitol Program

A budget message, explanatory of the budget, which message shall contain an outline of the proposed financial policies of the city for the fiscal year, shall set forth the reasons for salient changes from the previous fiscal year in expenditure and revenue items, and shall explain any major changes in financial policy.

The City Manager must submit a five-year capital program as an attachment to the annual budget. The program as submitted must include:

a clear summary of its contents;

a list of all capital improvements which are proposed to be undertaken during the five fiscal years succeeding the budget year, with appropriate supporting information as to the necessity for such improvements;

cost estimates, method of financing, and recommended time schedules for each improvement; and

the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

Charter Review Recommendations – City of Gonzales – 2015

9.06 – change newspaper to ‘as prescribed by law’

9.09 – delete

9.10 – change to Anna 7.06

After public hearing, the City Council must analyze the budget, making any additions or deletions which they feel appropriate, and must, at least ten days before the beginning of the next fiscal year, adopt the budget by the affirmative vote of a majority of the full membership of the City Council. Should the City Council take no final action on or before such day, the current budget will continue to be in force on a month-to-month basis until a new budget is adopted.

9. 16.1 (ADD) Lapse of Appropriations

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

10.02 – newspaper changed to “as prescribed by law”

10.05 – changed to 10.03 instead of 10.05 (no vote)

11.03 – Check with state law (Jackie)

11.11 – The city council shall appoint a charter review commission of the City of Gonzales at the July city council meeting of even numbered years.

The commission will consist of 5 citizens of the City of Gonzales. Each councilmember shall appoint 1 member of the commission. The charter review commission shall be empaneled from August 1st through January 31st. The final report shall be presented no later than the February regular council meeting.



Section 1 – Forms of Government and Boundaries

Only problem was a typo that we'll
have corrected in 1.01 that will not
need voter approval.



Article 2 – Powers of the City

Section 2 - General

2.01 – Will be rewriting

We believe in the 2nd half that it was not intended to prohibit any commercial activities in our town square like CATI and Friday Night Concert series.

So while it won't be a real change in practice it will be a change in wording so will have to be voted on.



Article 2 – Powers of the City

Section 2 - General

2.02 – Will be updating Texas Code with proper code.

No vote needed just update of code.



Article III – The City Council

Section 3.01 – Number, Selection and Term

D – Change to have 3 year election cycles

1st Year – Mayor

2nd Year – 2 Council Members

3rd Year – 2 Council Members



Article III – The City Council

Section 3.01 – Number, Selection and Term

E – Change to read “The mayor and each councilmember shall hold office for a period of three years and until a successor is elected and qualified. All elections shall be held in the manner provided in Article V of this charter.”



Article III – The City Council

Section 3.01 – Number, Selection and Term

Add Section F

Worded to read that each position of mayor and councilmember will have a limit of 3 terms in office.*

*Note effect the next time a councilmember or mayor took office.



Article III – The City Council Section 3.02 Qualifications

Two changes here

Change annexed residence qualifications
to 6 months instead of 2 years.



Article III – The City Council

Section 3.02 Qualifications

Second Change –

It shall be the duty of each member of the council to maintain the foregoing qualifications and to attend each regular and special council meetings. The failure of any member to maintain the foregoing qualifications or failure to attend three consecutive council meetings, whether regular, special or workshop meetings, without good and sufficient cause, the city council must at its next regular meeting declare a vacancy to exist and shall fill said vacancy as set forth in [Section 3.06](#) of this charter.



Article III – The City Council

Section 3.04 Compensation

Change to –

The city council shall fix the compensation to be received by its members for attendance at its meetings. Any changes in city council compensation shall require public notice in the newspaper of record and a public hearing shall be held.



Article III – The City Council

Section 3.06 - Vacancies

If 3 year terms are approved for the Mayor and Councilmembers then state law will now prevail for vacancies so we will adjust this to read per State Code if 3 year terms are approved.



Article III – The City Council

Section 3.07 – Powers of the City Council

- (a) Remove from any office or position of employment in the city government any city officer or member of any board or commission.



Article III – The City Council

Section 3.07 – Powers of the City Council

(e) Inquire into the conduct of any office, department or municipal affairs.



Article III – The City Council

Section 3.07 – Powers of the City Council

- (I) Adopt and modify the fire code of the city.



Article III – The City Council

Section 3.07 – Powers of the City Council

- (n) Provide for a sanitary sewer and water system, and require property owners to connect their premises with sewer system, and provide for penalties for failure to make sanitary sewer connections.
- (o) Provide for sanitary garbage disposal, set fees and charges therefor, and provide penalties for failure to pay such fees and charges.
- (p) Provide for an electrical system, set fees and charges therefor, and provide penalties for misuses of same.

Combine N, O and P into a single entry



Article III – The City Council

Section 3.07 – Powers of the City Council

On Q – Texas Code updated (no vote)



Article III – The City Council

Section 3.09 – Meetings of the City Council

All meetings of the city council shall be public, shall be held in accordance with state laws, and shall be held at the city hall, except that the city council may designate another place for such meetings after publishing due notice thereof **as prescribed by state law**. The mayor or any two members of the city council may call special meetings of the city council at any time.



Article III – The City Council

Section 3.10 – Rules of Procedures

The city council shall determine its own rules of procedure. The affirmative vote of a majority of those present shall be necessary to adopt any ordinance or resolution. Minutes of the proceedings of all meetings of the city council shall be kept. The vote upon the passage of all ordinances and resolutions shall be taken by the “ayes” and “nays” and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall become permanent records kept for that purpose under full caption, and shall be authenticated by the signature of the presiding officer and the person performing the duties of the city secretary.



Article III – The City Council

Section 3.101 - Quorum

Three qualified members of the city council, including the mayor or mayor pro tem shall constitute a quorum to do business.



Article III – The City Council

Section 3.12 – Official Bonds for City Employees

The city manager, finance director, the city secretary and all employees with fiduciary responsibilities and such other city officers and employees as the city council may require, shall, before entering upon the duties of their offices, enter into a good and sufficient fidelity bond in a sum to be determined by the city council,



Article III – The City Council

Section 3.12 – Official Bonds for City Employees

Typo of “movies” changed to “monies” no vote necessary.



Article III – The City Council

Section 3.13 - INVESTIGATION BY THE CITY COUNCIL.

The city council shall have power to inquire into the conduct of any office, department, agency, officer or employee of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed two hundred dollars (\$200.00).

We wish to rewrite this so that it's clear. It was our consensus that this was unclear on several points.



Article III – The City Council

SECTION 3.14 AUDIT AND EXAMINATION OF CITY BOOKS AND ACCOUNTS.

The city council shall cause an annual audit to be made of the books and accounts of each and every department of the city. At the close of each fiscal year a complete audit shall be made by a certified public accountant, who shall be selected by the city council, and such audit shall include a recapitulation of all audits made during the course of each fiscal year, and all audit reports shall be filed with the city council, shall be available for public inspection and shall be made a part of the archives of the city. Such accountant, so selected, shall not maintain or keep any of the city's accounts or records.

Add – Council shall review and place auditor services out for professional services bid at least every 6 years.



Article III – The City Council

Section 3.15 – Employment by city – (Added and moved from 4.01)

No member of the city council shall, during the time for which they are elected and for one year thereafter, be eligible for employment by the city.



ARTICLE IV. ADMINISTRATIVE SERVICES

SECTION 4.01 CITY MANAGER.

A – add – however shall during their tenure reside within the city limits.

Strike after “Or be eligible for employment with the city”



ARTICLE IV. ADMINISTRATIVE SERVICES

SECTION 4.03 CITY SECRETARY.

record in accordance with state law and kept
and indexed for such purpose

ARTICLE IV. ADMINISTRATIVE SERVICES

SECTION 4.06 DEPARTMENT OF HEALTH AND SANITATION.



Remove entire section



ARTICLE V. NOMINATIONS AND ELECTIONS

SECTION 5.01 ELECTIONS.

Change by resolution to “by ordinance or resolution”. – 3rd sentence

scratch ‘Notice ---in a daily newspaper published in the city of Gonzales” make “in accordance with state law”.

CHARTER REVIEW COMMITTEE – REVIEW OF RECOMMENDATIONS

ARTICLE V. NOMINATIONS AND ELECTIONS

SECTION 5.05 ELECTION BY PLURALITY



Move to majority instead of plurality

CHARTER REVIEW COMMITTEE – REVIEW OF RECOMMENDATIONS

ARTICLE V. NOMINATIONS AND ELECTIONS

SECTION 5.08 OATH OF OFFICE.



Oath change “Unified” to “United” (no vote)



ARTICLE VI. RECALL OF OFFICERS

SECTION 6.02 PETITIONS FOR RECALL.

35% or 150 for mayor

35% or 80 whichever is greater for councilmembers

. Separate by paragraphs

Change last sentences to - Printed Name, date of birth or voter registration number, and signature as per TX Election Code chapter 277 or any amendments thereto.

CHARTER REVIEW COMMITTEE – REVIEW OF RECOMMENDATIONS

ARTICLE VI. RECALL OF OFFICERS

SECTION 6.03 FORM OF RECALL PETITION

.

remove the oath (last paragraph)





ARTICLE VI. RECALL OF OFFICERS

SECTION 6.04 VARIOUS PAPERS CONSTITUTING PETITION

Take out Verifications provided for in the preceding section of this article may be made by more than one or more petitioners. Start a new sentence with “Several”



ARTICLE VI. RECALL OF OFFICERS

SECTION 6.05 PRESENTATION OF PETITION TO CITY COUNCIL

change 5 days to 10 days



**ARTICLE VII. LEGISLATION BY THE PEOPLE,
INITIATIVE AND REFERENDUM**

SECTION 7.02 INITIATIVE

removed “and shall be verified by oath in the manner and form provided for recall petitions in section 6.03 of this charter.”

Change 5 days to 10 days

Change to be held within thirty days thereafter to within 35 days

**ARTICLE VII. LEGISLATION BY THE PEOPLE,
INITIATIVE AND REFERENDUM**

SECTION 7.03 REFERENDUM



remove “and verified”

Replace immediately to “Within 10 days”

“The city council shall within 10 days
reconsider”

CHARTER REVIEW COMMITTEE – REVIEW OF RECOMMENDATIONS

**ARTICLE VII. LEGISLATION BY THE PEOPLE,
INITIATIVE AND REFERENDUM**



SECTION 7.06 PUBLICATION OF PROPOSED AND REFERRED ORDINANCES.

as prescribed by state law. (remove newspaper)

CHARTER REVIEW COMMITTEE – REVIEW OF RECOMMENDATIONS

**ARTICLE VII. LEGISLATION BY THE PEOPLE,
INITIATIVE AND REFERENDUM**

SECTION 7.11 FRANCHISE ORDINANCES



capitalize A in Article (no vote)



**ARTICLE VIII. MUNICIPAL PLANNING
AND ZONING**

SECTION 8.01 PLATTING OF PROPERTY

b) – within the extra territorial jurisdiction of
the corporate limits (take out the 5 miles)

CHARTER REVIEW COMMITTEE – REVIEW OF RECOMMENDATIONS

**ARTICLE VIII. MUNICIPAL PLANNING
AND ZONING**

SECTION 8.02 DEVELOPMENT OF PROPERTY



change this to allow EDC expenditure (Jackie)



ARTICLE IX. MUNICIPAL FINANCE

SECTION 9.02 PREPARATION AND SUBMISSION OF BUDGET

between sixty and ninety days prior to the beginning of each fiscal year,

not less than 45 days prior to the beginning of the fiscal year,



ARTICLE IX. MUNICIPAL FINANCE

SECTION 9.02 PREPARATION AND SUBMISSION OF BUDGET

Capitol Program (add as additional paragraph)

A budget message, explanatory of the budget, which message shall contain an outline of the proposed financial policies of the city for the fiscal year, shall set forth the reasons for salient changes from the previous fiscal year in expenditure and revenue items, and shall explain any major changes in financial policy.

The City Manager must submit a five-year capital program as an attachment to the annual budget. The program as submitted must include:

a clear summary of its contents;

a list of all capital improvements which are proposed to be undertaken during the five fiscal years succeeding the budget year, with appropriate supporting information as to the necessity for such improvements;

cost estimates, method of financing, and recommended time schedules for each improvement; and

the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

CHARTER REVIEW COMMITTEE – REVIEW OF RECOMMENDATIONS

ARTICLE IX. MUNICIPAL FINANCE

SECTION 9.06 NOTICE OF PUBLIC HEARING ON BUDGET



change newspaper to ‘as prescribed by law”

CHARTER REVIEW COMMITTEE – REVIEW OF RECOMMENDATIONS

ARTICLE IX. MUNICIPAL FINANCE

SECTION 9.09 VOTE REQUIRED FOR ADOPTION



Delete this section



ARTICLE IX. MUNICIPAL FINANCE

SECTION 9.10 DATE OF FINAL ADOPTION

(Change to)

After public hearing, the City Council must analyze the budget, making any additions or deletions which they feel appropriate, and must, at least ten days before the beginning of the next fiscal year, adopt the budget by the affirmative vote of a majority of the full membership of the City Council. Should the City Council take no final action on or before such day, the current budget will continue to be in force on a month-to-month basis until a new budget is adopted.



ARTICLE IX. MUNICIPAL FINANCE

9. 16.1 (ADD) Lapse of Appropriations

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

CHARTER REVIEW COMMITTEE – REVIEW OF RECOMMENDATIONS

ARTICLE X. FRANCHISE AND PUBLIC UTILITIES

SECTION 10.02 FRANCHISE; POWER OF CITY COUNCIL



newspaper changed to “as prescribed by law”

CHARTER REVIEW COMMITTEE – REVIEW OF RECOMMENDATIONS

ARTICLE X. FRANCHISE AND PUBLIC UTILITIES

SECTION 10.05 EXTENSIONS

changed to 10.03 instead of 10.05 (no vote)





ARTICLE XI. GENERAL PROVISIONS

SECTION 11.03 NEPOTISM

We are checking on state law on this. Will make changes in accordance with our findings.



ARTICLE XI. GENERAL PROVISIONS

SECTION 11.11 CHARTER REVIEW COMMISSION

The city council shall appoint a charter review commission of the City of Gonzales at the July city council meeting of even numbered years.

The commission will consist of 5 citizens of the City of Gonzales. Each councilmember shall appoint 1 member of the commission. The charter review commission shall be empaneled from August 1st through January 31st. The final report shall be presented no later than the February regular council meeting.