

REPORT OF THE 2020 CHARTER REVIEW COMMISSION

The 2020 Charter Review Commission of the City of Kirby hereby reports its findings and presents its proposed amendments to the City Council of the City of Kirby, Texas:

A. The City Council of the City of Kirby appointed the 2020 Charter Review Commission to review the City Charter and to make recommendations as to potential revisions to the City Charter.

B. The 2020 Charter Review Commission consisted of Stephanie Faulkner (Chairperson), Susan Street (Vice Chairperson), Jody Flynn, Mary Lawler, Jean Manning, Roger Romens, and Ernest Spradling.

C. The 2020 Charter Review Commission met on various dates from March to August 2020.

D. In accordance with the provisions of Section 12.11 of the City Charter, the 2020 Charter Review Commission reviewed the entire current City Charter of the City of Kirby.

E. The 2020 Charter Review Commission recommends the following amendments to the City Charter:

1. Sections 2.06, 2.08, 5.03, 5.04, 5.10, 7.04, and 10.10 be amended such that wherever the word “he” is used, change the text to read “he or she” and wherever the word “his” is used, change the text to read “his or her.”

2. Section 2.05 be amended to provide that the Mayor shall vote on every proposition before the Council rather than that the Mayor may vote on every proposition before the Council so that the text of the second sentence of Section 2.05 would read as follows:

“The Mayor shall vote on every proposition before the Council but shall have no power to veto.”

3. Section 2.06(b)(4) be amended to provide that if the Mayor or any Council member fails to attend three consecutive regular Council meetings and fails to resign, then City Council is to vote at its next regular meeting on a declaration that the office of such person is vacated and shall be filled as set out in the Charter so that Section 2.06 (b)(4) be revised to read as follows:

“(4) Fails to attend three (3) consecutive regular Council meetings and fails to resign, then the City Council shall, at its next regular meeting, vote on whether to declare the office to be vacant with the declaration to be passed if it receives the vote of at least three-fourths

of the members of the City Council. Any such vacancy shall be filled as set forth in Subsection (c) below of this Section 2.06.”

4. Section 2.06 (c) be amended to add a provision as to the process for appointment of a person to fill a vacancy on the City Council in the event of the appointment or election of a member of the City Council as Mayor so that the following new sentences are added as the new second and third sentences in Section 2.06 (c):

“If a vacancy on the Council is created by the appointment or election of a member of the Council as Mayor, then the Council shall fill the vacancy within thirty (30) days of the occurrence of the vacancy by a majority vote of the remaining members of the Council by selection of a person qualified for the position as described in this Charter. The newly appointed or elected Mayor will not have the option to submit a nominee to fill the vacancy.”

5. Section 2.13 be amended to add a provision stating that in addition to publication of an ordinance which deals with public utilities or the setting of their rates or levies a fine or penalty, the ordinance shall be posted on the official City website so that the following new sentence is added after the fourth sentence in Section 2.13: “In addition, the ordinance shall be posted on the official City website.”
6. Section 3.04 be amended to provide that the compensation of the City Attorney be fixed by the City Council as opposed to being fixed by the City Manager so that Section 3.04 would read as follows:

“The City Council shall appoint a competent and duly licensed attorney practicing law in the State of Texas, who shall be the City Attorney. He or she shall receive for his or her services such compensation as may be fixed by the City Council and shall hold office at the pleasure of the City Council. The City Attorney, or such other attorney selected by him or her with the approval of the City Manager, shall represent the City in all litigation. He or she shall be the City Attorney and counsel for the City and all officers and departments thereof.”

7. Section 4.01(a) be amended to conform to a change in state law and provide that the regular City Election be held on the first Saturday in May or such date in May as authorized by applicable state law so that the first sentence in Section 4.01 (a) would read as follows: “Schedule: The regular City Election will be held annually on the first day in May or such date in May as authorized by applicable state law.”
8. Section 4.02(d) be amended to remove the provision that prevents a current elected officer holder from filing for election to a different office so that Section 4.02 (d) would read as follows: “(d) No candidate may file for more than one office per election.”
9. Section 4.02 be amended to delete subpart (e), which currently reads “No employee City shall continue in such position after filing for an elective office of the City,” because

Section 150.041 of the Texas Local Government Code provides that a municipality may not terminate employment of an employee solely because the employee became a candidate for public office.

10. Section 6.04 (c) should be amended to add a requirement that the proposed or referred ordinance be posted on the official City website so that Section 6.04 (c) would read as follows:

“6.04 (c) Publication of Proposed and Referred Ordinance. The person performing the duties of City Secretary shall publish at least once in the official newspaper of the City the proposed or referred ordinance within fifteen (15) days of the election, shall post the proposed or referred ordinance on the official City website within fifteen (15) days of the election, and shall give such other notices and do such other things relative to such election as are required in general municipal elections or by the ordinance calling said election.”

11. Section 7.03 (c) should be amended to add a requirement that the proposed budget be posted on the official City website so that Section 7.03 (c) would read as follows:

“(c) Public Notice and Hearing. The Council shall post at the City Hall, post on the official City website, and publish in the official newspaper of the City at least one time a general summary of the proposed budget and a notice stating:

- (1) The times and places where copies of the budget are available for inspection by the public; and
- (2) The time and place for the public hearing on the budget.”

12. Section 7.10 should be amended to remove the requirement to publish a summary of the audit in the official newspaper of the City but rather require that a summary of the audit be posted on the official City website so that Section 7.10 would read as follows:

“At the close of each fiscal year, and at such other times as it may be deemed necessary, the Council shall cause an independent audit to be made of all accounts of the City by a certified public accountant. The certified public accountant so selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. Upon completion of the audit, the summary thereof shall be posted on the official website of the City immediately and copies of the audit shall be placed on file in the City Secretary’s office as public record.”

13. Section 11.03 should be amended to provide that a board or commission member may not continue in such position after being elected or appointed to an elective office of the City rather than when such person files for an elective office of the City so that Section 11.03 would read as follows:

“No member of a Board or Commission shall continue in such position after being elected or appointed to an elective office of the City.”

14. Section 11.04 (4) should be amended to provide that the Zoning Commission should annually prepare or review the Comprehensive Plan of the City rather than the General Plan of the City so that section 11.04(4) would read as follows:

“(4) Annually prepare or review the Comprehensive Plan for the City and recommend to the Council any changes.”

15. Section 12.11 (b) should be amended to provide that the report of the Charter Review commission shall be posted on the official website of the City so that Section 12.11 (b) would read as follows:

“(b) Action by the Council. The Council shall receive and have published in the designated official public newspaper of the City and posted on the official website of the City any report presented by the Charter Review Commission; shall consider any recommendations made; and if any amendments be presented as of such report, shall order such amendment or amendments to be submitted to the voters of the City in the manner provided by the laws of the State of Texas, as now or hereafter amended.”

Revised August 7, 2020