

**MINUTES OF THE REGULAR MEETING OF THE CHARTER REVIEW
COMMITTEE OF THE CITY OF BAYTOWN**

September 21, 2020

The Charter Review Committee of the City of Baytown, Texas, met in a Regular Meeting on Monday, September 21, 2020, at 5:32 P.M. in the Baytown Conference Room of the Baytown City Hall, 2401 Market Street, Baytown, Texas with the following in attendance:

Rhonda Lopez	Vice-Chairperson (In Person)
Mike Beard	Committee Member (Teleconference)
Richard Rayon	Committee Member (In Person)
Jo Ann Fenley	Committee Member (In Person)
Pi-Yi Mayo	Committee Member (Teleconference)
Jim Coker	Committee Member (In Person)
Briceida Alcaraz	Chairperson (In Person)
Karen L. Horner	Interim City Attorney
Leticia Brysch	City Clerk

Interim City Attorney, Karen Horner convened the September 21, 2020, Charter Review Committee Meeting with a quorum present at 5:32 P.M., all members were present.

Due to the COVID 19 Disaster and the CDC's recommendation regarding social distancing measures there was limited amount of space when maintaining the required 6-foot separation from others. However, the meeting allowed for two-way communications for members of the public who were not allowed to be physically present at this meeting.

Interim City Attorney Karen Horner stated that staff was going to assist the Committee in going through the charter review process and encouraged questions and participation from the committee members.

1. ELECTION OF OFFICERS

a. Consider the election of the Chairperson and Vice-chairperson.

Interim City Attorney Karen Horner opened the floor to nominations for the position of Chairperson and Vice- Chairperson. Ms. Horner noted that the chairperson being the person who will lead the meetings and the vice-chairperson will be the person that will sit-in as the chairperson should, he/she not be present for whatever reason. She further stated that the City Clerk will serve as the committee's secretary, and will create the agendas and provide the minutes.

A motion was then made by Committee Member Jim Coker to nominate Briceida Alcaraz as the Chairperson; the motion was seconded by Committee Member Jo Ann Fenley. The vote was as follows:

Ayes: Committee Member Rhonda Lopez, Committee Member Mike Beard, Committee Member Richard Rayon, Committee Member Jo Ann Fenley, Committee Member Briceida Alcaraz and Committee Member Pi-Yi Mayo

Nays: None

Approved

A motion was made by Committee Member Richard Rayon to nominate Jim Coker as the Vice-Chairperson; however, Committee Member Jim Coker respectfully declined the nomination.

A motion was then made by Chairperson Briceida Alcaraz to nominate Rhonda Lopez as the Vice-Chairperson; the motion was seconded by Committee Member Jo Ann Fenley. The vote was as follows:

Ayes: Committee Member Rhonda Lopez, Committee Member Mike Beard, Committee Member Richard Rayon, Committee Member Jo Ann Fenley, Chairperson Briceida Alcaraz and Committee Member Pi-Yi Mayo

Nays: None

Approved

City Manager Rick Davis welcomed the new committee members and thanked them for their service on the committee and to the City of Baytown.

2. CHARTER REVIEW OVERVIEW

a. Receive an overview of Charter Review process and timeline.

Interim City Attorney Karen Horner presented the item and gave a brief overview of the Charter. She stated that the City's charter is like the City's constitution, it allows the City and its citizens to decide the form of government and the duties of their government. She further noted that the charter was elected by the citizens, so every recommended change will need to go back to the citizens for their vote. Mrs. Horner also noted that everything in the charter must be consistent with the constitution and laws of the state and federal government. If there is a conflict between what is found in the charter with state and/or federal law, the City will comply with state and/or federal law, so while at times it may seem that we are not following the charter, we are in fact following state and/or federal law instead.

The City's charter was officially adopted in 1948 and has been amended six times. In the past eight years, they have touched 64 of the 140 sections, which is an estimated 60% of the charter. The charter is divided into twelve articles that deal with a main topic, such as, incorporation, city manager, city council, departments, and some budget items. They last revision or update of the Charter was in 2018. The charter can be amended no more often than every other year. Mrs. Horner

also stated that due to federal laws, the City now holds its election in November and in November 2021; this will be the City's regular city-wide election for the purpose of electing a mayor. She further noted that the charter amendment election was timed in such a way that it would coincide with the mayoral city-wide election. Therefore, if the Committee had any recommended charter amendments, those would be presented to the City Council for them to determine whether or not to call a special election for charter amendments at the November 2021 city-wide election. Mrs. Horner stated that the items are placed on the ballot in such a way that the voters can vote on each individual subject separately.

Mrs. Horner again stated that when they met in 2018, staff only had two recommended changes that had not been done, and they were minor. At this time, however, they only have one staff recommendation, but the committee members can provide any changes they think are necessary or if they have received guidance from their council member that appointed them, then that is something they can discuss.

3. BUSINESS ITEMS

a. Consider setting the times, dates, and place for the Charter Review Committee's recurring meetings.

City Clerk Leticia Brysch stated that staff's recommendation is to meet on the Monday of the fourth week of each month. The meetings would start at 5:15 p.m., and dinner will be provided. In the past, the committee met once a month, which was more than enough considering that they had so much time prior to election, and the meetings lasted one hour and fifteen minutes so they would typically end at 6:30 p.m. The committee members agreed that meeting for an hour would help them stay on a schedule.

A motion was made by Committee Member Jo Ann Fenley, and seconded by Committee Member Rhonda Lopez, to approve the schedule submitted by staff for the Monday of the fourth week of every month, at 5:15 p.m. The vote was as follows:

Ayes: Chairperson Briceida Alcaraz, Committee Member Rhonda Lopez, Committee Member Mike Beard, Committee Member Richard Rayon, Committee Member Jo Ann Fenley, and Committee Member Pi-Yi Mayo

Nays: None

Approved

Committee Member Mike Beard, who was connected via teleconferencing, requested that each staff or committee member state their name before speaking as he is not able to view them via zoom.

b. Consider approving the Rules and Procedures for the Charter Review Committee.

Interim City Attorney Horner stated that the proposed rules and procedures are pretty basic and prescribe the general guidelines in order to manage meetings. They govern staff, committee members and members of the public during meetings. For those that served on the Charter Review

Committee last time, they are the same guidelines. She further noted that the following about proposed rules and procedures:

- A majority of the committee shall constitute a quorum, which requires a minimum of 4 members in attendance to reach quorum;
- Minutes of meetings shall be prepared and kept by the City Clerk and shall be approved every month;
- The meetings will follow Robert's Rules of Order to keep the meetings moving forward; however, with the Committee the Chair is allowed to vote;
- An affirmative vote of the majority of the committee members present is required to pass an item on behalf of the committee;
- Any committee member desiring to speak shall be recognized by the Presiding Officer prior to speaking;
- The Presiding Officer shall preserve decorum and all members of the city staff and the public shall observe the same rules of decorum;
- The chairperson runs the meetings and in his/her absence the vice chairperson runs the meeting; however, if both are absent the committee members would then elect a presiding officer to run that meeting;
- Meetings can be called by the chairperson and at other times determined by the committee;
- All meetings are subject to the Open Meetings Act (the "Act");
- For public input, the process setup is to allow the public to speak at the meeting or public hearings by signing up to speak on the registration form outside of the meeting to allow for a record of the speakers and an order for the speakers, and limits each speaker's time to 3 minutes, which can be extended by the chairperson;
- A person requesting to address the Committee may not pass his/her time to another person who has also requested to address the Committee, and therefore accumulate more than the designated 3 minutes to speak; this rule can be altered by the chairperson as needed.

A motion was then made by Committee Member Jim Coker, and seconded by Chairperson Briceida Alcaraz, to approve the Rules and Procedures for the Charter Review Committee as presented. The vote was as follows:

Ayes: Chairperson Briceida Alcaraz, Committee Member Rhonda Lopez,
Committee Member Mike Beard, Committee Member Richard Rayon,
Committee Member Jo Ann Fenley, and Committee Member Pi-Yi Mayo

Nays: None

Approved

4. TRAININGS

- a. **Receive training on the Texas Open Meetings Act and the Texas Public Information Act.**

Interim City Attorney Horner presented the item and stated that the Open Meetings Act is a part of the Sunshine Laws, and provides that meetings of governmental bodies be open to the public; and the public must be given notice of the time, place, and subject matter of meetings of governmental bodies. The Act applies when a quorum of the committee is present and discusses public business, regardless of whether there is any action or vote taken. It also applies when the committee gathers to solicit information, or receives information from any third party. However, the Committee is not subject to the Act when there are certain gatherings, such as a social function unrelated to the public business that is conducted by the Committee, a workshop, an educational conference, ceremonial event, or a candidate debate.

She noted as part of the Open Meetings Act, all the Committee meetings would have agendas that would be posted 72 hours before the meeting on our two notice boards as well as on the website, and all meetings would be open to the public. Exceptions to the notice requirement for Committee meetings include if they have to recess a posted meeting to the next business day and the recess was in good faith and not taken to circumvent the Act, or if there is an emergency where there is an urgent public necessity. It would probably not apply to the Committee as they are more of an advisory board.

Mrs. Horner summarized the specifics that have to be on a meeting agenda that is posted for public notice as well as how a committee meeting and an executive session, if needed, shall be conducted in accordance with the Open Meetings Act, and the penalties related to violation of the Open Meetings Act.

Mrs. Horner then proceeded to explain the Public Information Act and noted that prior to the meeting, most of the members signed a form indicating that the City Clerk would act as the Public Information Coordinator for the Committee. The law ensures that not only our meetings have to be open to the public, but as well as any information that is collected, assembled, or maintained by or for a governmental body, regardless of its format. Emails are also subject to the Public Information Act as well as to the records retention policy. All public information requests have to be received in writing. Mrs. Horner opened the floor up for any questions from the committee members and encouraged them to contact her or the city clerk if they have any concerns or questions.

b. Receive an overview of the City's policy regarding the conduct of city business through written communication on personal communication accounts/devices.

Interim City Attorney Horner presented the item and proceeded to give the Committee an overview of the City's new email policy. She stated that the City Clerk provided the committee members with log-in instructions to access their city email accounts. If they had any concerns or issues, they needed to contact the City Clerk for further assistance or the ITS number. Mrs. Horner also noted that the program would prompt them to change their passwords every 90 days. All documents will be automatically removed out of their accounts within ninety (90) days, so they will need to save in a different file if they wish to retain the information. Additionally, emails are only as good as they are administratively valuable to the user under the records retention schedule.

City Clerk Leticia Brysch stated that many times it is easy to handle business through texting or email through your personal accounts, which could become a problem when you conduct city business on personal accounts, as that information is public information. Therefore, in order to eliminate the concerns of what is city business on personal or public accounts, the Council decided that all city business should be conducted through a city designated email account.

5. DISCUSSIONS

a. Discuss possible Charter amendments.

City Clerk Leticia Brysch presented the item and stated that they had briefly discussed earlier that staff only had one item to recommend for change on the Charter. A Charter book was provided in each of the committee member's packet. She directed them to the back, which lists all of the amendments and elections that have taken place in regards to the Charter. She encouraged the committee members to look through the Charter and for them to reach out to the council members that appointed them to see if there are any changes that they recommend as they are their representatives. Interim City Attorney Karen Horner stated they would provide them with additional information on the one item that staff recommends to be changed for them to consider.

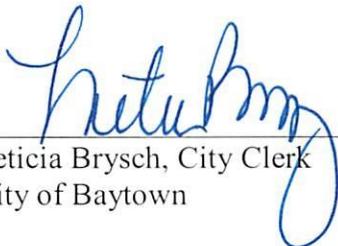
6. CLOSING BUSINESS AND NEXT MEETING

a. Consider setting any tasks and processes for future meetings.

City Clerk Leticia Brysch stated that this was a blanket item that was placed on the agenda in case the committee members had any tasks for staff to process for future meetings. Committee Member Mike Beard requested that the City Clerk email the summary reports of items that have been considered for changes from past Charter committees. Interim City Attorney Horner also cautioned committee members from emailing each other back and forth asking about official business because it can be considered a discussion amongst a quorum. She further noted to please not reply to all on an official city email and recommended that members reply only to staff with any questions, comments or concerns, and staff would then disseminate the information to all of the members.

6. ADJOURN

With there being no further business to discuss, Chairperson Alcaraz adjourned the September 21, 2020, Charter Review Committee Regular Meeting at 6:12 P.M.



Leticia Brysch, City Clerk
City of Baytown

