

CITY OF ROCKPORT

MINUTES

CHARTER REVIEW COMMISSION

5:30 p.m., Wednesday, November 16, 2022

Rockport Service Center, 2751 State Highway 35 Bypass

Members of the public could view the meeting via live stream. Public participation is valued and citizens wishing to express their views on any topic or agenda item could electronically submit a Citizen Participation Form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation> or scanning the QR code provided on the Agenda, or if attending the meeting in person register before the meeting begins. Using the same form, citizens could also provide written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The comments were read and summarized in the minutes of the meeting.

On the 16th day of November 2022, the Charter Review Commission of the City of Rockport, Aransas County, Texas, convened in a Meeting at 5:30 p.m., at the Training Room of the Rockport Service Center and notice of meeting giving time, place, date, and subject was posted as described in V.T.C.A., Government Code § 551.041.

CHARTER REVIEW COMMISSION MEMBERS PRESENT

George “Doug” Webb
Diedra Amaya
Donna Townsend
Thomas “Tom” J. Blazek

CHARTER REVIEW COMMISSION MEMBERS ABSENT

J. Mark Wagon

CITY COUNCIL MEMBERS PRESENT

Brad Brundrett, Council Member Ward 3

CITY STAFF MEMBERS PRESENT

Teresa Valdez, City Secretary
Vanessa Shrauner, City Manager
Kimberly Henry, Assistant to City Manager
Legal Counsel Art Rodriguez, Jr., Messer Fort & McDonald, PLLC
Tommy Saucedo, Desktop Support Technician/Acting Network Administrator
Carey Dietrich, Building & Development Services Assistant Director/Community Planner

Opening Agenda

1. Call meeting to order.

Chair Blazek called the meeting to order at 5:30 p.m.

2. Roll Call.

Chair Blazek conducted roll call.

3. Citizens to be heard.

At this time, oral comments limited to three (3) minutes per agenda item, with a maximum of nine (9) minutes per meeting per person, will be taken from the audience from persons who have signed the speaker's card located on the table in the back of the Training Room of the Service Center and delivered to the City Secretary before the meeting begins, on any Agenda item or subject matter, and will be summarized in the minutes of the meeting. Written comments received by Noon on the day of the meeting, on any Agenda item or any subject matter, will be distributed to the Commission before the meeting and will be attached to the minutes of the meeting. Persons wishing to address the Commission and who have registered using the Citizen Participation Form will have up to three minutes to speak per agenda item with a maximum of nine (9) minutes per meeting per person. The total time allotted for all citizens to be heard during the meeting shall be limited to thirty (30) minutes. In accordance with the Open Meetings Act, the Commission may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.

Kristie Rutledge, 1411 Dana Drive, addressed the Commission and commented: Thanked the City for posting the Charter Review Commission Agenda packet. Recommends the Commission review the Charter in chronological order to give the public a chance to review. Don't know what will be discussed tonight so I will have to raise my hand and the Chair will have to recognize me when I have comments on an item being discussed. Anytime you can post information, please do so.

Jeff Hutt, 2201 Prairie Road, addressed the Commission and commented: Point of Order- Can you actually vote on changes? I would like you to check if the changes have to be posted on the Agenda before you can vote on it. I wish Mr. Wagnon was here, as a lawyer, he could tell you that the way it works doesn't follow the City Charter, State Statutes and Constitution and that is not the way it is. The State Charter can't take away more freedoms from us than the State Statute allows; it does not mean that you can's give us more. You can write for Rockport a real strict annexation policy that would give the people the ability to not have to be worried about annexation. You write freedoms into this; give us as much freedoms as we can. Moving elections to November will not in any way cloud the field and change things. I asked Representative Hunter about this because they do it in Corpus and his son is on the City Council; he highly recommended moving it to November and he said it's much better for turnout. The idea of going to two years every other November saves money. Changing elections to November and changing to every two or four years will change the dynamics and bring a lot of people to the political process. Please make the changes.

Chair Blazek asked City staff if the Commission was going to review the Charter from front to back rather than jumping around.

Discussion was held among Commission Members and Legal Counsel regarding the Charter review process and providing citizens information.

City Manager Vanessa Shrauner stated all the information provided to the Commission that will be reviewed tonight has been posted on the City's website. Ms. Shrauner said the Commission and staff had talked about grouping of sections together logically and by substance.

Commission Member Webb asked if this was correct: We have the National Constitution, State rules and then the City Charter and we can't go beyond what the State says, can we?

Mr. Rodriguez answered: "Yes, we can. The State rules only limit what our abilities are. As a Home Rule City, we have the power to do anything that is only limited by State law, as opposed to a General Law City that only get their powers from the State."

Chair Blazek said there is a provision for citizens to speak under Citizens to be heard, but he was under the impression that there is no provision for citizens to speak under Agenda items.

City Manager Shrauner stated the Commission voted to allow citizens to speak under each Agenda item up to three (3) minutes for a total of nine (9) minutes.

4. Discussion and possible action on the Charter Review Commission Meeting Minutes of November 3, 2022.

MOTION: Commission Member Amaya moved to approve the Charter Review Commission Meeting Minutes of November 3, 2022. Commission Member Webb seconded the motion. Motion carried unanimously.

5. Discussion and possible action on section by section review of City Charter.

Mr. Rodriguez said the Commission has the information on Article III "The City Council", Section 3.01 "Number, Selection and Term". Mr. Rodriguez stated terms and length of terms was discussed in the joint meeting with City Council. Mr. Rodriguez asked if the Commission wanted to discuss this and examples from other cities had been provided, or something different could be considered.

Jeff Hutt addressed the Commission and suggested the Commission recommend changing to four-year terms and he knows that is a long time to be in office but four-year terms would give Council a little bit learning experience and give them a way to counter balance the people who work in the City; go for four years, every two years, where you are electing in 2020, 2022, 2024 and suggest you put the Mayor race on the off year election so you are not electing a Judge and Mayor on the same years – Mayor on the same year as the President is elected.

Discussion was held among Commission Members and Mr. Rodriguez in regard to Article III, Section 3.01.

It was the consensus of the Commission that no changes be made to Article III, Section 3.01(a).

Mr. Rodriguez called the Commission's attention to Section 3.01(b) which discusses the Ward system and Mayor at-large.

It was the consensus of the Commission that no changes be made to Article III, Section 3.01(b).

City Manager Shrauner called the Commission's attention to Section 3.01(c) which talks about Wards 1 and 3 elected in odd years and the Mayor and Wards 2 and 4 elected in even years.

Mr. Rodriguez said this does relate to some items that have been discussed about moving elections to November. Mr. Rodriguez stated that moving elections to November is not allowed under the Election Code; the Election Code only allowed the change to occur prior to 2016. Mr. Rodriguez said Section 41.0052 of the Election Code prohibits that. Mr. Rodriguez added there have been some bills introduced to extend that deadline, but as now that is the law we are dealing with.

Discussion was held among Commission Members in regard to Section 3.01(c).

Mr. Rodriguez said you could put in the Charter that it is a May election, or any other day allowed by Council; the Council would have to vote to make that change when allowed.

Commission Member Amaya stated State law could change and we don't necessarily do a Charter review when State law changes, so we need to keep in mind when State law is changing, what do we want. Commission Member Amaya said we can do things more restrictive than State law, but we can't do it more lax; we can't contradict it, but we can make more strict.

Chair Blazek stated he understood what was being said, but his concern is that we could end up with a Charter that each thing has an asterisk that says: "if permitted by State law." Chair Blazek asked if the Commission wanted to put anticipatory things into the Charter.

Mr. Rodriguez said when 41.0052 was adopted, at that time it did allow for a certain period of time, from its adoption to the end of 2016, for a city council to have changed from May to November regardless of what the charter said. Mr. Rodriguez explained State law gave that ability to the City at that time when that was adopted. Mr. Rodriguez said that obviously Rockport and most cities did not exercise that option, but that was something that was written into the law at that time, and the unique thing about it was it didn't even require an ordinance and said you could do it by resolution.

Commission Member Townsend stated the reality is that there is nothing we can do about it now.

Mr. Rodriguez said that as Commission Member Amaya indicated, we could write in there that unless a different day is allowed per State law, the election will be in May. Mr. Rodriguez stated you could write that in anticipation of something happening, but currently this Council and this Commission has no ability to make the change to November.

Further discussion was held among Commission Members and Mr. Rodriguez.

Jeff Hutt commented that as citizens, we can put things on the ballot.

It was the consensus of the Commission there be no changes recommended to Section 3.01(c).

Mr. Rodriguez called the Commission's attention to Section 3.01(d) which is the ten (10) consecutive years limit and stated he provided some examples from other cities: The City of Frisco allows three consecutive terms for each office; Highland Park has three terms; San Antonio has four full terms – the interesting thing about San Antonio is that is a lifetime term limit, so once you serve your terms, you can't run for Council again – you can serve Council and then Mayor but once your term limited out on both, it's a lifetime limit. Mr. Rodriguez said there was a question about preventing resignation or removal from interrupting term limits and currently if you serve ten years on Council, and that is read whether that is Mayor or Council Member, it's ten years-so you could serve eight years as Council Member and two years as Mayor or eight years as Mayor and two years as Council Member. Mr. Rodriguez asked if the Commission wants to recommend a change for resignation or removal from office; for instance, Council Person X serves for 9.5 years and you want to continue serving, so you resign prior to the election, and now you have your gap in time to run again, or do you want what he believes the intent is that ten years is ten years, whether it is served or through resignation. Mr. Rodriguez said currently if someone wanted to resign at 9.5 years there would be a sufficient gap for them to run again.

Jeff Hutt said he is not for term limits; if you have an effective Council person who is willing to stay for 10-15 years, let them keep on running for office. Mr. Hutt stated it is up to the citizens to vote them out if they feel like they are not doing a good job. Mr. Hutt said the reason he is against term limits is because City staff is like a company, and he doesn't want the City employees/staff to be here for 20 years, and you have Council people who are here for less terms – I want that sort of length and knowledge of my Council person. If a group of people want their Council person or Mayor in there, they should work to get them re-elected, or if a group of people don't want that person in there, then it is up to them to un-elect them and run candidates against them. Mr. Hutt said a good example of this was this past year where Judge Mills did not get re-elected.

Discussion was held among Commission Members and Mr. Rodriguez.

MOTION: Commission Member Townsend moved to recommend deletion of Article III, Section 3.01(d) of the Charter. Commission Member Webb seconded the motion. Motion carried 3:1.

FOR MOTION: Commission Members Townsend and Webb, and Chair Blazek.

AGAINST MOTION: Commission Member Amaya.

Mr. Rodriguez called the Commission Members attention to Section 3.02 of the Charter. Mr. Rodriguez said residency is a very specialized area of law and there are special instances where they don't live in area; for example – lived in area and hurricane damaged/destroyed residence and person intends to come back to area.

Kristie Rutledge addressed the Commission and stated she wanted them to consider short-term rentals; is this considered a residence for the property owner?

Jeff Hutt said Section 5.02 of the Charter requires a candidate to have lived in the City for 12 months prior to election day.

Discussion was held among Commission Members and Mr. Rodriguez in regard to Section 3.02.

It was the consensus of the Commission Members that they recommend no changes to Section 3.02.

Mr. Rodriguez said Section 3.03 deals with Compensation for City Council.

It was the consensus of the Commission Members that they recommend no changes to Section 3.03.

Mr. Rodriguez called the Commission Member's attention to Section 3.04 and said Council Member Jackson had provided a comment. Mr. Rodriguez said Council Member Jackson suggested a change to made where the Mayor only votes in event of a tie and the Mayor Pro-Tem would retain voting rights when acting as Mayor. Mr. Rodriguez stated he had provided examples from other cities.

Council Member Brundrett stated in his brief time serving as Council Member the Mayor has always voted last; they don't particularly sway votes and they are the tie breaker.

Kristie Rutledge stated all City Council Members should vote on everything; the public wants this on record. Ms. Rutledge said this lets everyone know their position.

Discussion was held among Commission Members.

It was the consensus of the Commission Members that they recommend no changes to Section 3.04.

Mr. Rodriguez called the Commission Members attention to Section 3.05 "Vacancies, Forfeiture and Filing of Vacancies." Mr. Rodriguez stated there is relevant law in there regarding vacancies; if terms are greater than two years, it has to be filled by vote. Mr. Rodriguez said since the Commission recommended no change to term limits this is inapplicable.

Brief discussion was held among Commission Members.

It was the consensus of the Commission Members that they recommend no changes to Section 3.05.

Mr. Rodriguez said Section 3.06 is "Powers of the City Council." Mr. Rodriguez stated it is very broad.

Discussion was held among Commission Members and Mr. Rodriguez in regard to the Mayor issuing emergency proclamations and the Council's ability to override that.

Mr. Rodriguez stated there are special provisions in the law that grant the Mayor authority for seven days and it is ratified by City Council to go up to 30 days.

Council Member Brundrett said that the past emergency proclamations were extended and at some point, it was revoked by City Council.

It was the consensus of the Commission Members that they recommend no changes to Section 3.06.

Mr. Rodriguez said the next item for review is Section 3.07 "Prohibitions" and he noted Council Member Jackson's comment that the waiting period in subsection (1) should be three (3) years. Mr. Rodriguez stated he has one recommendation for subsection (3) to change the word "shall" with "may" and also in subsection (4) change "shall" to "may".

Discussion was held among Commission Members.

Kristie Rutledge stated that having been through this recently, this should come back to City Council, and it needs to be "shall." Ms. Rutledge said she recommends no changes.

Jeff Hutt stated he would like to see the Council have as much authority as possible; leave it as "shall."

It was the consensus of the Commission Members that they recommend no changes to Section 3.07.

Mr. Rodriguez called the Commission's attention to Section 3.08 "Meetings of the City Council." Mr. Rodriguez said there are some recommended changes. Mr. Rodriguez stated in subsection (1) the change from "twelve (12) hours" to "seventy-two (72) hours' notice to each member, unless such meeting is an emergency meeting. Notice shall be considered effective when posted in compliance with the Texas Open Meetings Act and electronic communication to each Councilperson within three (3) hours of such posting."; for subsection (2) the "V.A.T.S." was changed to "Texas Government Code Chapter 551"; and a subsection (3) was added "Nothing herein shall prevent a meeting being called in emergency circumstances with notice provided in compliance with state law.

MOTION: Commission Member Townsend moved to recommend the changes as presented by Mr. Rodriguez to Section 3.08. Commission Member Webb seconded the motion. Motion carried unanimously.

Mr. Rodriguez stated Section 3.09 is "Quorum" and there is one proposed change: the addition of "When the City Council is reduced to less than three (3) voting members on account of vacancies, a quorum shall consist of all the remaining members of the City Council."

MOTION: Commission Member Amaya moved to recommend the change as presented by Mr. Rodriguez to Section 3.09. Chair Blazek seconded the motion. Motion carried unanimously.

City Manager Shrauner said there are no proposed changes to Section 3.10 "Rules of Procedure."

Kristie Rutledge said this is really an important section. Ms. Rutledge stated that recently the rules of procedure had changed and limited public comment to three (3) minutes for all agenda items and 30 minutes for all citizens; the rules have been re-interrupted by City staff or somebody. Ms. Rutledge expressed this is an opportunity for you to give citizens the right to address City Council; three (3) minutes for each agenda item would be appreciated and able to speak prior to each agenda item. Ms. Rutledge expressed to please protect citizens and give us three (3) minutes and make sure we have the right to speak on each agenda item.

Jeff Hutt said Section 551.007(b) of the Open Meetings Act says a governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body's consideration of the item. Mr. Hutt asked to please allow us the right to speak during the agenda item.

Discussion was held among Commission Members.

Mr. Hutt suggested the following language: "Citizens of the City shall have an opportunity to be heard at any meeting during the citizens to be heard or before an agenda item is deliberated on." Mr. Hutt said he thinks that would be the only thing that would need to be changed and let the Council decide the time limit.

City Manager Shrauner stated right now every board or commission sets their own rules of procedure. Ms. Shrauner said they comply with the Open Meetings Act which allows them to set their own rules.

MOTION: Commission Member Amaya moved to recommend the change to Section 3.10, the second line starting at "..... that the citizens of the City shall have a reasonable opportunity to be heard at any meeting during citizens to be heard and before deliberation on agenda items with regard to any matter under consideration." Commission Member Webb seconded the motion. Motion carried unanimously.

Mr. Rodriguez called the Commission Members' attention to Article 3.11 and stated Council Member Jackson had commented and asked if is necessary for two (2) readings of an Ordinance on a zoning change. Mr. Rodriguez explained zoning changes go through the Planning & Zoning Commission and there is an opportunity for public comment at that time. Mr. Rodriguez said Subsection (3) states: "A proposed ordinance, except an emergency, budget or tax ordinance, shall be read at two (2) City Council meetings with at least one week between readings." Mr. Rodriguez said there is an additional question if readings of ordinances be less than one week apart. Mr. Rodriguez stated examples from other cities had been provided. Mr. Rodriguez commented he believed the purpose of two (2) readings was to give the public additional time to address the Council and two (2) readings is not uncommon but the specificity of one (1) week between readings is unusual.

Building and Planning Assistant Director/Community Planner Carey Dietrich addressed the Commission. Ms. Dietrich stated rezones require a public hearing and we are required to give notice to the people within 200 feet, but people who live outside of that 200 feet may not find out

about it until after the first meeting, so that gives them the opportunity to address the Council at the second reading. Ms. Dietrich expressed she hoped the Commission did not make a recommendation to change that.

Discussion was held among Commission Members and Mr. Rodriguez.

MOTION: Commission Member Webb moved to recommend a change to Section 3.11 Subsection (3) from “one week between readings” to “shall be read at two regular City Council meetings.” Commission Member Amaya seconded the motion. Motion carried unanimously.

Mr. Rodriguez asked if the Commission Members had any recommended changes to Section 3.11 Subsections (1) and (2).

Further discussion was held among Commission Members, Mr. Rodriguez and Ms. Shrauner in regard to the length of time it takes to have a rezone request by the public approved. It was stated a super majority vote at one reading of the Ordinance could be required.

Kristie Rutledge said this is another opportunity to put in protection for property owners. Ms. Rutledge stated it is a great opportunity to put in a requirement to notify property owners within 1000 feet or 500 feet; 200 feet is too small of an area for notification – hardly anyone gets notices within the 200 feet.

Jeff Hutt stated he supported two (2) readings in case a person could not be present for one of the readings. Mr. Hutt said he agreed with increasing the 200 feet because 200 feet doesn't even go across his property.

Ms. Dietrich explained the 200 feet comes into play at every property line around a piece of property; every property within 200 feet of a property line, north, south, east or west, gets a notice. Ms. Dietrich reminded everyone that those notices cost to send out; just had a notice that went to 72 property owners, and it gets expensive. Ms. Dietrich said if you want to increase that 200' distance that is your choice but that would have to be done in a different part of the Code, it's not here. Ms. Dietrich stated she is fine with the 200 feet, that is a standard, and the public hearing notice is published in the newspaper.

Discussion continued among Commission Members.

MOTION: Commission Member Amaya moved to recommend that Section 3.11 Subsection (3), that the Commission just voted on, to add “shall be read at two (2) regular City Council meetings unless there is a super majority vote at the first meeting.” Motion died for lack of second.

Mr. Rodriguez said staff will bring that language back to the Commission Members for consideration at the next meeting.

Mr. Rodriguez asked if the Commission Members had any recommended changes to Section 3.11 Subsections (4), (5), and (6).

It was the consensus of the Commission Members that they recommend no changes to Subsections (4), (5) and (6).

Mr. Rodriguez asked if there were any recommended changes to Article 3.12 “Emergency Ordinances.”

It was the consensus of the Commission Members that they recommend no changes to Section 3.12 “Emergency Ordinances.”

Mr. Rodriguez called the Commission Members attention to Section 3.13 “Authentication, Recording, Codification, Printing and Distribution. Mr. Rodriguez stated Council Member Jackson had provided a comment and staff had provided proposed changes: 1) in Subsection (1) remove “in properly indexed book(s) kept for that purpose” in the first sentence and add an additional sentence “The City Secretary may use electronic means, allowed by law, to maintain all ordinances and resolutions”; and 2) in Subsection (2) remove “be printed promptly following their adoption, and the printed ordinances and Charter amendments shall be sold to the public at a reasonable price to be fixed by the City Council. A copy of each ordinance and amendment shall be placed in appropriate city offices for public reference” and add “posted on the City’s internet website for at least one year, unless earlier codified into its Code of Ordinances.”

Brief discussion was held among Commission Members, Mr. Rodriguez and Ms. Shrauner.

MOTION: Commission Member Townsend moved to recommend the proposed changes to Section 3.13. Commission Member Webb seconded the motion. Motion carried unanimously.

Mr. Rodriguez said there were no proposed changes to Section 3.14 and Section 3.15.

It was the consensus of the Commission Members that they recommend no changes to Section 3.14 and Section 3.15.

The Commission took a break from 7:27 p.m. until 7:33 p.m.

Mr. Rodriguez called the Commission Members attention to Section 5.01 “City Elections.” Mr. Rodriguez said there is a recommended change to Subsection (4) to make it consistent to run by law by adding “or as prescribed by law” at the end of first sentence.

MOTION: Commission Member Townsend moved to recommend no changes to Subsections (1), (2) and (3). Commission Member Webb seconded the motion.

City Secretary Teresa Valdez suggested in Subsection (2) instead of “The City’s General Election shall be held annually on the May uniform election date” use “The City’s General Election shall be held annually on the State allowed uniform election date”.

Mr. Rodriguez stated staff will bring back to the Commission proposed language for Subsection (2).

MOTION: Commission Member Amaya moved to recommend a change to Section 5.01 Subsection (4) as proposed by Mr. Rodriguez. Commission Member Townsend seconded the motion. Motion carried unanimously.

Mr. Rodriguez stated Section 5.01 Subsection (5) is not problematic.

It was the consensus of Commission Members that they recommend no changes to Subsection (5).

Mr. Rodriguez called the Commission Members attention to Section 5.02 "Filing for Office". Mr. Rodriguez said Council Member Jackson had provided comments and there is a proposed addition based on the comment received. Mr. Rodriguez stated there is not a proposed change to Subsection (1). Mr. Rodriguez in Subsection (2)(a) there are no proposed changes, but he notated there is relevant law in the Election Code Section 141.003 "Age and Residence Requirements For Home Rule City Office" and that could be changed to twenty-one (21) years of age. Mr. Rodriguez said in Subsections (2)(b), (c), (d), (e) and (f) there are no proposed changes.

It was the consensus of Commission Members that they recommend no changes to Section 5.02 Subsections (1) and (2)(a), (b), (c), (d), (e) and (f).

Mr. Rodriguez said there was a proposed addition to Subsection (2) "Shall not at the time of filing or while in office, be in arrears in payment of taxes or other liabilities due the City after the expiration of thirty (30) days following the providing of notice of any delinquency."

Brief discussion was held among Commission Members.

MOTION: Commission Member Amaya moved to recommend the addition to Subsection (2) as proposed. Commission Member Webb seconded the motion. Motion carried unanimously.

Mr. Rodriguez stated there are a couple of proposed changes to Subsection (2)(g) and (h): for (g) add the verbiage "If the immediately preceding election for the Council Member position applied for was canceled as provided by law, a petition containing fifty (50) signatures of qualified voters shall be necessary along with the application for a place on the ballot for an office"; and for (h) add the verbiage "If the immediately preceding election for the position of Mayor was canceled as provided by law, a petition containing one hundred fifty (150) signatures of qualified voters shall be necessary along with the application for a place on the ballot for an office." Mr. Rodriguez said examples had been provided.

Kristie Rutledge stated in her opinion the proposed changes to (g) and (h) are fine and she does ask for the Commission to consider an addition to the proposed changes, and this would help alleviate any confusion we had in a recent election. Ms. Rutledge asked for an addition of a statement that the City Secretary shall be responsible for verifying petition of candidates and the application. Ms. Rutledge stated that without getting into specifics, she thought everyone is aware that there was a petition that was not verified, and this is an opportunity to make sure that never happens again. Ms. Rutledge said add a statement that the City Secretary shall be responsible for verifying the petition and application of all candidates.

City Secretary Valdez stated Ms. Rutledge's statement that a petition was not verified was an untrue statement. Ms. Valdez declared she is required by State law to verify petitions and she takes an Oath of Office to fulfill her duties as City Secretary.

MOTION: Commission Member Townsend moved to recommend staff's proposed changes to Subsection (2)(g) and(h). Chair Blazek seconded the motion. Motion carried unanimously.

Mr. Rodriguez stated there are no proposed changes to Section 5.03 "Ballots."

It was the consensus of the Commission Members that they recommend no changes to Section 5.03 "Ballots."

Mr. Rodriguez said there is a proposed change to Section 5.04(2) "Official Records" because the current process is that the County conducts the elections and they are no longer conducted by the City Secretary.

MOTION: Commission Member Townsend moved to recommend a change to Section 5.04(2) to remove the second sentence: "These returns shall be delivered from the election judges to the City Secretary at City Hall as soon as possible after the closing of the polls." Commission Member Amaya seconded the motion. Motion carried unanimously.

Mr. Rodriguez stated that concludes the review of Article V and the next Article for review is Article XII which is 17 pages long. Mr. Rodriguez said the plan for the next meeting is to bring back language that was talked about tonight as well as to bring a matrix of what the Commission is recommending for change so there is a running log of that. Mr. Rodriguez added that it seemed to him that grouping by subject is a good idea.

Commission Member Townsend and Commission Member Webb stated they agreed with the idea of grouping by subject.

6. Discussion and recommendations for future Agenda items.

Mr. Rodriguez said the next Articles for review will be Article VI "Initiatives, Referendum and Recall" and Article IV "City Administration", and then Article VIII "Tax Administration" and if time allows Article XII.

Council Member Brundrett said he understood that two Commission Members will not be present at the meeting on November 30, 2022, and he asked if they have the ability to vote by proxy and would ZOOM be available for them. Council Member Brundrett stated he just wanted to make sure if another person could not attend the meeting. Council Member asked if a quorum has to be present in order for voting to take place.

City Manager Shrauner said ZOOM would be available for the absent Commission Members.

Mr. Rodriguez answered a quorum has to be present in order to conduct the meeting, a quorum cannot be reached by ZOOM.

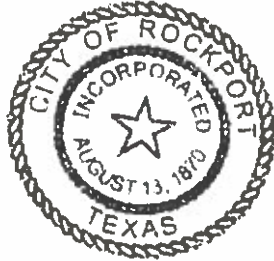
7. Adjournment.

At 7:54 p.m., Chair Blazek moved to adjourn the meeting. Commission Member Amaya seconded the motion. Motion carried unanimously.

APPROVED:



Tom Blazek, Chair



ATTEST:



Teresa Valdez, City Secretary