

**VICTORIA CITY COUNCIL
and
CHARTER REVIEW COMMITTEE
December 2, 2008**

CALL TO ORDER

A special meeting of the Victoria City Council and Charter Review Committee was called to order by Mayor Pro-Tem Lewis Neitsch at 3:30 p.m. Tuesday, December 2, 2008 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas.

MEMBERS PRESENT

Will Armstrong, Mayor - *arrived at 3:48 p.m.*
Philip Guittard
Lewis Neitsch
Paul Polasek
David Hagan – *arrived at 3:41 p.m.*
Jim Wyatt
Tom Halepaska – *arrived at 3:32 p.m.*

COUNCIL ADVISORS PRESENT

Jan Scott
Terry McGowan
Sharon Steen
Gary Middleton
Jack A. Mullins
Joseph Capers
Bill Russell – *arrived at 3:35 p.m.*

STAFF PRESENT

Charles Windwehen, City Manager
Miles Risley, City Attorney
Linda Champion, Assistant City Attorney
O. C. Garza, Public Information Officer
Scarlet Swoboda, City Secretary

Review of City Charter and Proposed Revisions

City Attorney, Miles Risley presented a copy of the Victoria Home Rule Charter advising that comments from the Charter Review Consultant, Charles Zech were highlighted in red print and his comments were highlighted in green print. There were a number of areas throughout the Charter that were superseded by State statutes, and were recommended for deletion. There were other areas that were suggested to add wording for clarification. Mr. Zech’s report had comments that he did not recommend cities repeat state law within their Charters.

There was discussion on the following:

- Article II, Section 2, Qualifications of City Council Members. It was suggested to make residency requirements in the City and the district both one-year. Consensus to leave residency in City one-year and six-months in district because of a previous lawsuit.
- Article II, Section 7, City secretary, appointment, duties. It was suggested that the City Manager should appoint the City Secretary instead of the Council, with the assistants appointed by the person supervising that office. Eleven members were in favor of City Manager appointment, with three in opposition. Those in opposition commented that the same language used in the City Attorney appointments could apply the same way. There were reasons for changing that in the past, because there was an issue whereby a City Manager did not allow subordinates to communicate with the Council.
- Article III, Section 7, Duties of city attorney. It was suggested to develop language to make the duties of the City Attorney more clear.
- Article IV, Taxes and Taxation. It was suggested to delete all but Section 4, because the Texas Tax Code supersedes much of Article IV.
- Article V, Section 9, Revenue bonds. Mr. Zech had recommended eliminating the sentence, “All revenue bonds issued by the City shall be authorized first by a majority of the qualified electors voting at an election held for such purpose.” State law supersedes the provision and


it is unenforceable. Mr. Risley did not recommend deleting the sentence because it may confuse the citizens. It was a consensus to leave the section as is.

- Article VIII, Section 4, Petition papers. No recommended change to section, however that was an area the Committee wanted to discuss in further detail at a later date. Article VIII, Section 11, Results of recall election. Should also be talked about at a later date. Mr. Zech's comments were that Article VIII had been very well drafted.
- Article X, Public Property and Public Streets. Recommended eliminating a large portion, because Home Rule cities have authority already to govern their own streets.
- Article XI, Section 2, Municipal Court Judge. Recommended elimination of some of the language. Suggested defining whether they should live within the city limits or allowed to live in the rural areas outside the city limits, and whether they should be a practicing attorney for three years. Consensus of the committee was to allow residency outside city limits, and stipulate that at the time of appointment all judges shall be competent practicing attorneys in good standing with the State Bar of Texas.
- Article XI, Section 3, Clerk of the Court and deputies. It was recommended that the City Manager should appoint the Municipal Court Clerk, with the deputies appointed by the person supervising that office.
- Article XI, Section 4, remitting fines, pardons and reprieves. Recommendation to remove from Charter. Consensus to remove.
- Article XII, Section 9, Officers and employees not to assist candidates. Recommended cleanup language to keep from violating First Amendment rights.

After the presentation, Mayor Armstrong announced that comments from the public would be heard at the regular City Council meeting which would convene at 5:00 p.m. It was determined that the next Charter Review meeting would be held January 6, 2009.

With no further business, the meeting was adjourned at 4:45 p.m.

APPROVED: 
WILL ARMSTRONG, Mayor of the City of
Victoria, Texas

ATTEST: 
SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
December 2, 2008

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:01 p.m. Tuesday, December 2, 2008 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas. The pledge of allegiance was said, and all citizens were welcomed.