

City of Big Spring
Charter Committee Meeting
Minutes 01/27/2021

Meeting called to order by John Scott, committee chair.

Committee members present in person were John Scott, Nati Saldivar, Troy Tompkins. Committee members attending virtually were A.J. Weaver and Elias Gamboa. Others in attendance were Mayor Shannon Thomason, Andrew Hagen, Todd Darden, Daniel Santee (designated representative for Charles Zech, who was absent).

Public Comment Period – there were none present requesting to make comments.

Old Business

Discussion Related to Prior Action with Regards to Recommending Amendments to the City Charter - Brief recap of items addressed during the previous Charter Cmte meeting.

New Business

Approval of the Charter Committee Minutes from the Regular Meeting of December 23, 2020 – No discussion/comment. Motion to approve by N. Saldivar; Second by E. Gamboa. Approved unanimously.

City Manager and Staff Input – T. Darden and A. Hagen referenced pending action by council regarding separation of duties for certain appointive city staff (City Secretary).

Discussion of Original Charter and Amendments – Discussion by A. Hagen, City Attorney regarding discrepancies caused by editorial insertions when Charter and/or Amendments thereto are transferred between various storage media, including the Unicode website. These errors have occurred as part of an ongoing codification process for the City Charter by various city staff. T. Tompkins suggested that the Zech firm “clean-up” these changes as part of their review. Mr. Santee replied that non-substantive items of this nature (*e.g.* headings/codifications/spelling/capitalizations) could be addressed by a single provision.

Discussion and Possible Action with Regards to Recommending Amendments to the City Charter, Articles I, II, III, IV, VI and Charter Law Generally

Article 1 – no changes suggested by any committee member

Article 2 – no changes suggested by any committee member. A.J. Weaver questioned if dis-annexation is permitted under the charter, and if so, is that consistent with state law. Mr. Santee clarified that state law grants certain rights and protections to citizens regarding annexation or disannexation that do not need to be duplicated in the charter. Mayor Thomason suggested that adding initiative & referendum to the charter would provide additional protections.

Article 3 – no changes suggested by any committee member.

Article 4 – changes as follows:

Sect. 1.A. - Mayor Thomason noted there is duplicative language regarding councilperson qualifications. Motion to strike by A. Weaver; second by N. Saldivar. Motion carried unanimously.

Sect. 3. - N. Saldivar noted calling a special council meeting requires three council votes; she would like to see a lesser number. A clarification was made by legal counsel that this applies to any called meeting and includes emergency meetings. After some discussion, a motion was offered: The mayor or any two councilpersons may call the council together for a special meeting. Motion by N. Saldivar; second by T. Tompkins. Motion passed unanimously.

Sect. 4 – some discussion was had regarding council’s ability to call a meeting to order and conduct business in the absence of a quorum, and whether a quorum would be based on a full council or a lesser number in case of a recall or resignation of a councilperson. The committee asked Mr. Santee to recommend some language for consideration to ensure that any council meeting, action, or business would require four members present. Mr. Santee agreed to provide same.

Sect. 5 - some discussion of Qualifications of Councilmembers, much of which centered around residency requirements as set forth in a lawsuit settlement some years ago, as set out in Sec. 5 (1). The sentiment of counsel was that current legal environment would support a change to the “at large” residency requirement. The following motion was made to amend Sec. 5 as follows:

“Sec 5 Qualifications of councilmen and councilwomen.

To be eligible as a candidate for or elected to an office of City Council, or to continue to hold any such office, a person must, in addition to meeting all other requirements for office holders as may, from time to time, be specified by the Constitution and general laws of the State of Texas

(1) Be a qualified, registered voter of the City of Big Spring; and

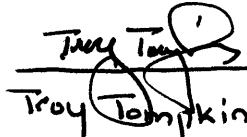
(2) For Mayor, be a resident of, and have resided continuously within, the corporate limits of the City of Big Spring for twelve [12] months immediately preceding the filing deadline of the regular election; and

(3) For council members, be a resident of, and have resided continuously within, the corporate limits of the city of Big Spring, and the district they intend to represent, for twelve [12] months immediately preceding the filing deadline of the regular election; and

If at any time, any member of City Council no longer possesses all of the qualifications specified in this Section, the office holder shall automatically forfeit their office."

Motion by T. Tompkins; second by N. Saldivar. Motion carried unanimously.

Committee Input – timing of Charter update appearing on a ballot was confirmed to be slated for Nov. 2021. No further materially relevant input was offered. Chair adjourned meeting.

 04/07/2021
Troy Tompkins, Committee Secretary