

Charter Amendment Recommendations

City of Deer Park Proposition A

Current Charter

Section 6.10 Purchase Procedure

All purchases made and contracts executed by the city shall be pursuant to a requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be binding upon the city unless and until the city manager certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation and allotment balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued . Before the city makes any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition. The council may by ordinance confer upon the city manager general authority to contract for expenditures without further approval of the council for all budgeted items not exceeding fifty thousand dollars (\$50,000 .00). All contracts for expenditures involving more than fifty thousand dollars (\$50,000 .00) must be expressly approved in advance by the council. All contracts or purchases involving more than fifty thousand dollars (\$50,000.00) shall be let to the lowest and best responsible bidder after there has been opportunity for competitive bidding as provided for by law or ordinance; provided that the council, or the city manager in such cases as he is authorized to contract for the city, shall have the right to reject any and all bids. Copies of all bids shall be delivered to each councilman immediately.

Proposed Amendment

To follow State Statue on Purchase Procedure

Section 6.10 Purchase Procedure

All purchases made and contracts executed by the city shall be pursuant to a requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be binding upon the city unless and until the city manager certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation and allotment balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued. Before the city makes any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition. The council may by ordinance confer upon the city manager general authority to contract for expenditures without further approval of the council for all budgeted items not exceeding \$50,000.00. All contracts or purchases involving more than the “state minimum dollar bidding limit” shall be let as per state statute for purchasing, contracting and competitive bidding, provided that the Council or the City Manager in such cases is authorized to contract for the City, shall have the right to reject any and all bids. Copies of the tabulation of all bids shall be delivered to each councilman .

City of Deer Park Proposition B

Current Charter

Section 5.14 Job Security; Arbitration Committee

Should an employee of the city be discharged from his employment therewith, such employee(s) shall have the right to appeal said action and to seek reinstatement in accordance with the following provisions, to wit:

Said employee shall, within fourteen (14) days after the date of discharge, file a written notice and request for reinstatement with the person performing the duties of city secretary. Such request-notice shall contain a statement requesting reinstatement to employment, the circumstances under which his discharge occurred and the reasons pertinent to, or the objections to such discharge becoming final.

- (a) Said request-notice shall be filed with the person performing the duties of city secretary within the time above allotted. It shall then become the duty of the city secretary to appraise the council, at the next meeting thereof and following the date upon which such request-notice is filed, that such request-notice was filed and whether or not same was filed in compliance with the a foregoing provision.
- (b) Provided the request-notice is found to be in compliance with the foregoing provisions, the council shall immediately order the formation of an arbitration committee for the purpose of settling the existing dispute. Such committee shall be comprised of three (3) resident qualified voters. Each of the three (3) members thereto shall serve without reward or compensation and no member of the council, or city employee, or relative thereof shall be eligible to serve upon such committee. The three (3) qualified citizens to comprise the arbitration committee shall be named and appointed in the following manner:
 - (1) Within seven (7) days of the date on which the council acts to form such requested committee, the aggrieved employee shall name one qualified member thereto.
 - (2) Within the same period of time allotted in (1) above, the council (as expressed in a majority vote thereof) shall name one qualified member thereto. Provided further that the council may appoint a subcommittee of its members for the purpose of naming the qualified person to said committee. The action of such council subcommittee shall be binding upon the council and shall constitute council appointment of the committee member thus named to service by the subcommittee.
 - (3) Within seven (7) days of the date upon which the second or latter member is appointed, as provided above, the two-(2) committee members shall name a disinterested person mutually acceptable to both. The committee thus formed shall be the arbitration committee and shall have all powers hereinafter set forth.

- (c) Should the two (2) members first appointed fail to name a third member to the committee in the time allotted, notice of such failure will be given to the council at the next meeting thereof. The council shall forthwith terminate the appointments of both members. Both the council and the aggrieved employee shall then have the right to appoint second members to the committee in the same manner and in the same time specified above for the original appointments. Provided further that the two (2) original appointees shall be ineligible for reappointment to any such arbitration committee concerned with the same aggrieved employee.

An arbitration committee acting in its official capacity shall, within thirty (30) days of the date upon which the third member is named to service, render its majority decision. During said thirty (30) days, when acting as a committee, the members thereof shall have the power to inquire into any phase of the municipal function, which, in their opinions, might aid in the determination of the facts related to the case before them. The committee shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers and other evidence material to the inquiry.

Proposed Amendment

Appeal process will be covered in the Employee Personnel Manual ~~Administrative Policies~~

~~Section 5.14 e Job Security; Arbitration Committee~~

~~Should an employee of the city be discharged from his employment therewith, such employee(s) shall have the right to appeal said action and to seek reinstatement in accordance with the following provisions, to wit:~~

~~Said employee shall, within fourteen (14) days after the date of discharge, file a written notice and request for reinstatement with the person performing the duties of city secretary. Such request notice shall contain a statement requesting reinstatement to employment, the circumstances under which his discharge occurred and the reasons pertinent to, or the objections to such discharge becoming final.~~

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- ~~(b) Provided the request notice is found to be in compliance with the foregoing provisions, the council shall immediately order the formation of an arbitration committee for the purpose of settling the existing dispute. Such committee shall be comprised of three (3) resident qualified voters. Each of the three (3) members thereto shall serve without reward or compensation and no member of the council, or city employee, or relative~~

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 - ~~(2) Within the same period of time allotted in (1) above, the council (as expressed in a majority vote thereof) shall name one qualified member thereto. Provided further that the council may appoint a subcommittee of its members for the purpose of naming the qualified person to said committee. The action of such council subcommittee shall be binding upon the council and shall constitute council appointment of the committee member thus named to service by the subcommittee.~~
 - ~~(3) Within seven (7) days of the date upon which the second or latter member is appointed, as provided above, the two (2) committee members shall name a disinterested person mutually acceptable to both. The committee thus formed shall be the arbitration committee and shall have all powers hereinafter set forth.~~
- ~~(e) Should the two (2) members first appointed fail to name a third member to the committee in the time allotted, notice of such failure will be given to the council at the next meeting thereof. The council shall forthwith terminate the appointments of both members. Both the council and the aggrieved employee shall then have the right to appoint second members to the committee in the same manner and in the same time specified above for the original appointments. Provided further that the two (2) original appointees shall be ineligible for reappointment to any such arbitration committee concerned with the same aggrieved employee.~~

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City of Deer Park Proposition C
Current Charter
Section 2.05 Powers of the City Council (C) (4)
May with just cause and not in conflict with the provisions of this Charter, remove from any office or position of employment in the city government, any officer or employee by a majority vote of the councilmembers qualified and serving.
Proposed Amendment
Amend Councils ability to remove an officer or employee other than as prescribed in this Charter for the City Manager, Municipal Judge and City Attorney.
Section 2.05 Powers of the city Council (c)(4)
May with just cause and not in conflict with the provisions of this Charter, remove the City Manager, Municipal Judge and/or City Attorney by a majority vote of the councilmembers qualified and serving.

City of Deer Park Proposition D

Current Charter

Section 5.12 (D) Director of Finance power and duties

Have custody of all public funds or moneys received by any person, department, or agency of the city for or in connection with affairs of the city and shall deposit same daily in the city depository or depositories, which shall be designated by the council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All checks, vouchers, or warrants for the withdrawal of money from the city depositories shall be signed by the mayor, the director of finance or his deputy and by the city manager. In the event the city manager is the director of finance, all checks signed by him shall be countersigned by the person performing the duties of city secretary, provided that the council, under such regulations and limitations as it may prescribe, may by ordinance authorize the use of machine imprinted facsimile signatures of said director of finance and city manager and/or city secretary on such checks, vouchers or warrants not in excess of five thousand dollars (\$5,000.00). The mayor shall sign all checks, vouchers or warrants manually, other than checks, vouchers or warrants less than one thousand dollars (\$1,000.00) or payroll checks, which may be imprinted with the mayor's facsimile signature.

Proposed Amendment

To give signatory rights or powers to the Assistant City Manager and Mayor Pro-Tem

Section 5.12 (D) Director of Finance power and duties

Have custody of all public funds or moneys received by any person, department, or agency of the city for or in connection with affairs of the city and shall deposit same daily in the city depository or depositories, which shall be designated by the council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All checks, vouchers, or warrants for the withdrawal of money from the city depositories shall be signed by the mayor, the director of finance or his ~~deputy~~ designee, and by the city manager or assistant city manager. In the event the city manager is the director of finance, all checks signed by him shall be countersigned by the assistant city manager or the person performing the duties of city secretary, provided that the council, under such regulations and limitations as it may prescribe, may by ordinance authorize the use of machine imprinted facsimile signatures of said director of finance, ~~and~~ city manager, or assistant city manager, and/or city secretary on such checks, vouchers or warrants not in excess of \$5,000.00. The mayor shall manually sign all checks, vouchers or warrants ~~manually, other than checks, vouchers or warrants less than~~ of \$1,000.00 or more. Checks, vouchers, or warrants or less than \$1,000.00 or and payroll checks, ~~which~~ In the absence of the mayor, the mayor pro-tem shall sign all checks, vouchers or warrants requiring the manual signature of the mayor.

City of Deer Park Proposition E

Current Charter

Section 5.07 Police Department (A)(1)(2)

There shall be established and maintained a department of police to preserve order within the city and to secure the residents of said city from violence and the property therein from injury or loss.

- (A) *Chief of police.* The chief of police shall be the chief administrative officer of the department of Police.
- (1) He shall be a man of at least thirty (30) years of age, with a minimum of five (5) year's prior experience in the field of law enforcement, possessed of good moral character and shall have never been convicted of a felony or any crime involving moral turpitude in this or any other state or country.
 - (2) He shall, with the approval of the city manager, appoint and remove the employees of said department and shall perform such duties as may be required of him by legislation of the council.

Proposed Amendment

Amend language related to the Police Department

Section 5.07 Police Department (A)(1)(2)

There shall be established and maintained a department of police to preserve order within the city and to secure the residents of said city from violence and the property therein from injury or loss.

- (A) *Chief of police.* The chief of police shall be the chief administrative officer of the department of Police.
- (3) He Shall be ~~a man of~~ at least thirty (30) years of age, with a minimum of five (5) year's prior experience in the field of law enforcement, possessed of good moral character and shall have never been convicted of a felony or any crime involving moral turpitude in this or any other state or country.
 - (4) He shall, with the approval of the city manager, appoint ~~and remove~~ the employees of said department and shall perform such duties as may be required of him by legislation of the council.

City of Deer Park Proposition F
Current Charter
Section 8.03 Development of property
No expenditure of public funds shall be authorized by the council for the development of privately owned property within the corporate limits of the city, except for the extension of water and sewer to such areas, and then only if it can be shown to the satisfaction of the council that the taxes from the assessed valuation of said property will, within a reasonable time after it is made, pay for said extension or extensions.
Proposed Amendment
Section 8.03 Development of property
No expenditure of public funds shall be authorized by the council for the development of privately owned property within the corporate limits of the city, except <u>for public infrastructure improvements, which may include</u> , the extension of water and sewer to such areas, and then only if it can be shown to the satisfaction of the council that the taxes from the assessed valuation of said property will, within a reasonable time after it is made, pay for said extension or extensions <u>improvements</u> .

City of Deer Park Proposition G
Current Charter
Section 2.06. Procedure to enact legislation (e)
The requirements for reading ordinances on three (3) several days may be dispensed with where an ordinance relating to the immediate preservation of the public peace, health, safety or welfare is adopted and contains a statement of the nature of the emergency
Proposed Amendment
The requirement for reading ordinances on three (3) three several days is eliminated.
Section 2.06. Procedure to enact legislation (e)