

**February 4, 2020
City Council
Special Meeting
6:00 p.m.**



Julie Masters, Mayor
Charles Suderman, Mayor Pro Tem
Sean Skipworth
Walter Wilson

AGENDA

City of Dickinson
CITY COUNCIL
SPECIAL MEETING

Wally Deats
Louis Decker
William H. King III
Chris Heard, City Administrator

February 4, 2020

NOTICE is hereby given of a **SPECIAL MEETING** of the City Council for the City of Dickinson, County of Galveston, State of Texas, to be held on **Tuesday, February 4, 2020, at 6:00 p.m.** at: 4403 Highway 3, Dickinson, Texas 77539 for the purpose of considering the following numbered items. The City Council of the City of Dickinson, Texas, reserves the right to meet in a closed session on any of the below items should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

ITEM 1.) CALL TO ORDER AND CERTIFICATION OF A QUORUM

ITEM 2.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number XXX-2020 – **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 2, 2020, TO SUBMIT PROPOSED CHARTER AMENDMENTS TO THE VOTERS FOR THEIR APPROVAL; PROVIDING AN ESTIMATE OF THE ANTICIPATED FISCAL IMPACT TO THE CITY IF THE PROPOSED AMENDMENTS ARE APPROVED; PROVIDING FOR THE PUBLICATION OF NOTICE OF THE ELECTION; AND MAKING OTHER FINDINGS AND PROVISIONS RELATING TO THE HOLDING OF SUCH ELECTION.**

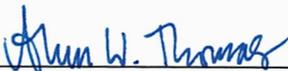
ITEM 3.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number XXX-2020 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, REPEALING RESOLUTION NUMBER 1079-2009; ADOPTING A REVISED POLICY AND APPLICATION AND AGREEMENT REGARDING USE OF MUNICIPAL MEETING ROOMS AND CITY GROUNDS AND FACILITIES; AND PROVIDING AN EFFECTIVE DATE**

ITEM 4.) PUBLIC COMMENT

ITEM 5.) ADJOURN

CERTIFICATION

This is to certify that a copy of the Notice of the Special City Council Meeting for **Tuesday, February 4, 2020**, was posted on the bulletin board at City Hall, 4403 Highway 3, Dickinson, Texas, on this the 31st day of January 2020, prior to 7:00 p.m.



Alun W. Thomas, City Secretary



In compliance with the Americans with Disabilities Act, the City of Dickinson will provide reasonable accommodations for disabled persons attending City Council Meetings. Requests should be received at least 24 hours prior to the scheduled meeting, by contacting the City Secretary's office at 281-337-6217, or by FAX at 281-337-6190.

ITEM 1

**Call to Order and
Certification of a
Quorum**

**CITY OF DICKINSON, TEXAS
CITY COUNCIL MEETING
ATTENDANCE LIST**

**MEETING DATE: February 4, 2020
Special Meeting**

<u>MAYOR/COUNCIL</u>	<u>PRESENT</u>	<u>ABSENT</u>
MAYOR JULIE MASTERS	_____	_____
POS. 1: COUNCILMEMBER CHARLES SUDERMAN	_____	_____
POS. 2: COUNCILMEMBER SEAN SKIPWORTH	_____	_____
POS. 3: COUNCILMEMBER WALTER WILSON	_____	_____
POS. 4: COUNCILMEMBER WALLY DEATS	_____	_____
POS. 5: COUNCILMEMBER LOUIS DECKER	_____	_____
POS. 6: COUNCILMEMBER WILLIAM KING	_____	_____
<u>ALSO IN ATTENDANCE:</u>		
City Attorney David W. Olson	_____	_____
City Administrator Chris Heard	_____	_____
Finance Director Kristen Woolley	_____	_____
City Secretary Alun W. Thomas	_____	_____
Interim Dir. of Community Dev. S. R. Burgess	_____	_____
Interim Public Works Director Ronald Sullivan	_____	_____
Police Chief Ron Morales	_____	_____
EMS Director Derek Hunt	_____	_____
Fire Marshal Burt Heddles	_____	_____
Court Administrator Irma Rivera	_____	_____
Library Director Julianne Lane	_____	_____
Bayou Animal Services Manager Sarah Saunders	_____	_____
Assistant to the City Administrator Kerilyn Bascle	_____	_____

ITEM 2

**Dickinson City Council
Agenda Item Data Sheet**

MEETING DATE: February 4, 2020

TOPIC:	<p>Ordinance Number XXX-2020</p> <p>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 2, 2020, TO SUBMIT PROPOSED CHARTER AMENDMENTS TO THE VOTERS FOR THEIR APPROVAL; PROVIDING AN ESTIMATE OF THE ANTICIPATED FISCAL IMPACT TO THE CITY IF THE PROPOSED AMENDMENTS ARE APPROVED; PROVIDING FOR THE PUBLICATION OF NOTICE OF THE ELECTION; AND MAKING OTHER FINDINGS AND PROVISIONS RELATING TO THE HOLDING OF SUCH ELECTION.</p>
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BACKGROUND:	<p>As discussed and directed by City Council during its January 28, 2020 Regular Meeting, this item is the first of two readings of this Ordinance to call the Special Election for possible revisions to the City Charter.</p>
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RECOMMENDATION:	None.
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ATTACHMENTS:	<ul style="list-style-type: none"> • Ordinance Number XXX-2020
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FUNDING ISSUES:	<input type="checkbox"/> Not applicable – no dollars are being spent or received. <input type="checkbox"/> Full amount already budgeted in Acct/Project# <input checked="" type="checkbox"/> Not fully budgeted.
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FINANCE VERIFICATION OF FUNDING:	
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SUBMITTING STAFF MEMBER:	CITY ADMINISTRATOR APPROVAL:
Alun W. Thomas, City Secretary	

ACTIONS TAKEN		
APPROVAL	READINGS PASSED	OTHER
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	

ORDINANCE NUMBER XXX-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 2, 2020, TO SUBMIT PROPOSED CHARTER AMENDMENTS TO THE VOTERS FOR THEIR APPROVAL; PROVIDING AN ESTIMATE OF THE ANTICIPATED FISCAL IMPACT TO THE CITY IF THE PROPOSED AMENDMENTS ARE APPROVED; PROVIDING FOR THE PUBLICATION OF NOTICE OF THE ELECTION; AND MAKING OTHER FINDINGS AND PROVISIONS RELATING TO THE HOLDING OF SUCH ELECTION.

* * * * *

WHEREAS, the City of Dickinson is a home-rule municipal corporation by virtue of a special charter election held on January 8, 1987; and

WHEREAS, the City Council of the City of Dickinson, Texas established a Charter Review Commission during the October 22, 2019 regular city council meeting for the purpose of reviewing the city charter, as amended, (the "Charter") and making recommendations for changes to the Charter; and

WHEREAS, after meeting on five occasions and systematically reviewing the Charter, the charter review commission presented its final report of recommendations to council during the January 14, 2020 regular city council meeting; and

WHEREAS, the City Council accepted the final report as presented; and

WHEREAS, the city attorney received and reviewed the final report and has not proposed any changes in the proposed amendments that the city attorney deems necessary or desirable; and

WHEREAS, the City Council has determined that the anticipated fiscal impact to the City of the proposed amendments if adopted is \$0.00 per year or negligible; provided, however, that if adopted Proposition E would increase the cost a council meeting by \$525 and would cost the City less than \$12,601 per year; and

WHEREAS, the City Council now orders a Special Election on Saturday, May 2, 2020 so that voters within the City may consider each proposed amendment to the Charter; and

WHEREAS, this special election is being ordered not later than 78 days before the election day.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS:

Section 1. The facts and matters contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. In accordance with the general laws and Constitution of the State of Texas, a special election shall be held concurrently with the city general municipal election on Saturday, May 2, 2020, at which special election there shall be submitted to the qualified voters of the City, for their action thereon, proposed amendments to the Dickenson City Charter as set forth in this ordinance.

Section 3. The ballots for the City special election will conform to the requirements of the Texas Election Code, and shall contain the following propositions that correspond to and summarize each of the proposed measures or charter text amendments set forth in section 4 of this ordinance, which the voters may vote “FOR” or “AGAINST”:

PROPOSITION A: Shall the Charter be amended to adopt the Council-Manager form of government?

PROPOSITION B: Shall the Charter be amended by to provide council the power to provide for approval of subdivision plats and to carry out plans for areas destroyed by disaster?

PROPOSITION C: Shall the Charter be amended to limit the terms of office for the Mayor and Councilmembers?

PROPOSITION D: Shall the Charter be amended to require a person to be a resident of the city for at least twelve months immediately preceding their election to the city council?

PROPOSITION E: Shall the Charter be amended to provide for compensation of the Mayor and Councilmembers not to exceed \$75 per meeting or \$1,800 per year, whichever is less?

PROPOSITION F: Shall the Charter be amended to permit the City Council to appoint a person to fill a vacant councilmember position within one year of a regular election?

PROPOSITION G: Shall the Charter be amended to permit the passage of ordinances after two readings?

PROPOSITION H: Shall the Charter be amended to require an amendment relating to the administration of the City's finances including requiring earlier submission of budget and publication of the budget as permitted by state law?

PROPOSITION I: Shall the Charter be amended to increase the amount of the City's disaster contingency fund?

PROPOSITION J: Shall the Charter be amended to provide for the contract and purchase of goods and services consistent with state procurement laws?

PROPOSITION K: Shall the Charter be amended to allow the appointment of members of council to serve on boards, commissions and committees where permitted by state law?

PROPOSITION L: Shall the Charter be amended to prohibit any city officer or employee from participating in any vote or decision in which the person has a personal interest?

PROPOSITION M: Shall the Charter be amended to require the periodic review of the Charter by a council appointed charter commission?

PROPOSITION N: Shall the Charter be amended to permit the publication of the report of the charter review commission on the City's website?

PROPOSITION O: Shall the Charter be amended to provide for gender neutral terminology and to correct other terms, spelling and capitalization without making any substantive changes?

PROPOSITION P: Shall the Charter be amended to conform to the general laws of the State of Texas?

PROPOSITION Q: Shall the Charter be amended to permit Council to renumber and rearrange the sections of the Charter by ordinance?

PROPOSITION R: Shall the Charter be amended to permit Council to rearrange and renumber provisions by ordinance?

Section 4. If one or of the following measures are approved by the voters, the Dickinson City Charter would be amended as follows: [proposed deleted text is shown with ~~strikethroughs~~ and proposed added text is underlined]:

TEXT AMENDMENT – FOR PROPOSITION “A” (Council Manager Form of Government)

1.02 - Form of government.

The municipal government provided by this charter shall be known as the ~~mayer-council-manager~~ manager form of government. Pursuant to the provisions and subject only to the limitations imposed by the constitution and the laws of the State of Texas and by this charter, all powers of the city shall be vested in ~~and exercised by~~ an elective city council, which shall enact local legislation, adopt budgets, determine policies, and appoint the city manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance or state law.

2.01 - General.

The city shall be an incorporated home rule city with full powers and rights of self-government, as provided in or not prohibited by the constitution, statutes, laws of the State of Texas, or this charter, as presently in existence or hereafter amended. By way of example, but not by way of limitation, the city shall specifically have the powers described in other sections of this charter and as described below:

- a. To adopt, enact, establish and enforce codes, licenses, and ordinances, policies, and resolutions for the maintenance of good government and the interest and well-being of its inhabitants.

.....

3.04 – Presiding officer; Mayor and mayor pro tem.

- a. The mayor shall be recognized as the official head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts, and bonds. ...
- b. The mayor shall ~~have the power to see that all state laws and city laws are effectively enforced, prepare and recommend to [the] city council the annual budget, and perform~~ such other duties as may be required by [the] city council or as specified in this charter.

3.06 - Powers of the city council.

All powers and ~~authority which are conferred on or possessed by the city~~ the determination of all matters of policy shall be vested in ~~and exercised by~~ [the] city council; provided that [the] city council shall have no power to exercise those powers which are expressly conferred on other city officers by this charter. Without limitation of the foregoing, and among the other powers that may be exercised by the council, the following are here [sic] enumerated for greater certainty:

- a. ~~Establish, consolidate, or abolish administrative departments and distribute the work of divisions~~ Appoint and remove the city manager; ...

3.07 - Prohibitions.

- a. Except where authorized by law or by this charter, no mayor or councilmember shall hold any other city office or city employment during ~~his~~ the person's term as mayor or councilmember. No former mayor or councilmember shall hold any compensated appointive office or city employment within one (1) year after the expiration of ~~his~~ the person's term as mayor or councilmember.
- b. Except for the purpose of inquiries and investigations authorized by [the] city council, the individual members of the city council~~members~~ shall deal with the administrative service solely through the city manager and neither the council nor any member of the council shall ~~not~~ give orders to any ~~city officer or employee~~ subordinates of the city manager either publicly or privately, nor interrupt the normal working schedule of such employees.
- c. Neither the council nor any of its members shall direct the appointment of any person to, or any person's removal from, office by the city manager or by any of the city manager's subordinates; provided, however, that the appointment of city secretary, municipal court clerk and chief of police shall be subject to the approval of the city council.

3.08 - Meetings of the city council.

- a. [The] city council shall hold at least one (1) regular meeting each month and as many additional meetings as it deems necessary to transact the business of the city. [The] city council shall fix by ordinance the date and time of the regular meetings. Special meetings of [the] city council shall be held at the call of the mayor, the city manager, or ~~a majority of the~~ three (3) councilmembers upon provision of public notice in accordance with state law. All meetings shall be open to the public and shall be held and notice given in accordance with state law as now or hereafter amended, except where executive sessions are authorized by state law.
- e. The agenda for the meetings of city council shall be prepared by the ~~mayor~~ city manager and posted by the city secretary in the manner required by state law. Any ~~councilmember~~ member of council may request that an item be placed on the agenda by request to the city manager or council at an open meeting; ~~however, the mayor is not obligated to comply unless such request is timely submitted in writing and signed by three (3) councilmembers. The item shall then be included on the next appropriate agenda.~~

4.01 - ~~City administrator~~ manager.

- a. The city council shall hire and appoint the city ~~administrator~~ manager who shall serve as the chief ~~administrative~~ executive officer and head of the administrative branch of city government. The city manager of the city shall serve at the pleasure of the city council. ~~He~~ The city manager need not be a resident of the city when appointed and may reside outside the city only with the approval of the city council.
- b. [The] city council shall fix the compensation of the city ~~administrator~~ manager.
- c. The city ~~administrator~~ manager shall be appointed for an indefinite term, and may be removed by the affirmative vote of four (4) ~~council~~ members of the council. The action of [the] city council in removing the city ~~administrator~~ manager shall be final. [The] city council shall appoint an acting city ~~administrator~~ manager during all vacancies of said office.

- d. ~~[The] city manager shall be responsible to the city council may delegate to and confer upon the city administrator those powers and duties as in their judgement may be proper for the proper and efficient administration of all city affairs. The city administrator shall be responsible to the mayor and city council in the performance of such duties and to that end the city manager shall have the power and shall be required to:~~
- appoint and employ and, when necessary for the good of the service, remove all officers and employees of the city except as otherwise provided by this charter and except as the city manager may authorize the head of a department to appoint and remove subordinates in such department;
 - prepare the budget annually and submit it to the council and be responsible for its administration after adoption;
 - enforce the charter and ordinances;
 - control work of all department created by the charter and ordinances;
 - attend council meetings;
 - keep the council advised as to the financial condition of city, and to prepare and report to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year;
 - execute documents as executive of city;
 - appoint assistants and delegate powers to them;
 - administer the city's pension and benefits programs;
 - conduct investigations as deemed necessary, or as directed by council; and
 - perform such other duties assigned by council not inconsistent with this charter.

4.02 - City secretary.

- a. The ~~mayor~~ city manager shall appoint, subject to the approval of [the] city council, a city secretary, who shall be appointed for an indefinite term, and may be removed by the city manager only with approval ~~action~~ of [the] city council. ~~[The] city council shall fix the compensation of the city secretary. ...~~

4.03 - Municipal court.

....

- e. The city manager shall appoint the clerk and deputy clerks of the municipal court who shall have the power to administer oaths, affidavits, make certificates, affix the seal of the municipal court, and perform all acts usual and necessary by the clerks of said court, in conducting the business thereof, including but not limited to, the keeping of records and accounts of the municipal court. ...

4.04 - City attorney.

...

- b. The city attorney shall serve as the legal advisor to the ~~mayor and~~ city council and city manager; represent the city's interests in litigation and legal proceedings as directed by the city council and city manager; review and provide opinions as requested by the ~~mayor or~~ city council or city manager on contracts, legal instruments, ordinances of the city and other items of city business. ...

4.05 - Department of police.

A department of police shall be established and maintained 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. The chief of police shall be the chief administrative officer of the department of police and shall be appointed by the ~~mayor~~ city manager with the approval of [the] city council, for an indefinite term, and may be removed by the city manager with the approval of the affirmative vote of four (4) councilmembers. The chief of police shall be responsible to the city ~~administrator~~ manager, and with the approval of the city ~~administrator~~ manager shall appoint and remove the employees of said department. ~~The chief of police may be removed from office only by action of [the] city council.~~
- ~~b. [The] city council shall fix the compensation of the chief of police.~~
- ~~eb.~~ No persons, except as otherwise provided by the laws of the State of Texas, shall act as special police within the city.

4.07 - Administrative departments and offices.

- a. [The] city manager with approval of the council may, ~~after hearing recommendations of the city administrator~~, establish, redesignate or combine departments and offices.
- b. Except as provided elsewhere in this charter, all departments, offices and agencies of the city shall be under the direction and supervision of the city ~~administrator~~ manager. ~~With the consent of [the] city council, the city administrator may serve as the head of one (1) or more city departments or offices, or appoint one (1) person as the head of two (2) or more departments.~~

4.08 - Personnel system.

Personnel rules shall be prepared by the city ~~administrator~~ manager and presented to [the] city council, which may adopt such rules by ordinance, with or without amendment. The adopted rules shall establish the city as an equal opportunity employer and shall govern the equitable administration of the personnel system of the city.

7.14 - Purchasing.

- a. The city council may, by ordinance, give the city ~~administrator~~ manager authority to contract for expenditures without further approval of [the] city council for all budgeted items not exceeding limits set by [the] city council. ... The city council, or city ~~administrator~~ manager in such cases as ~~he~~ the city manager is authorized to contract for the city, shall have the right to reject any and all bids.
- b. Emergency contracts as authorized by law and this charter may be negotiated by the city council or city ~~administrator~~ manager if given authority by [the] city council, without competitive bidding. Such emergency shall be declared by the mayor and approved by [the] city council, or may be declared by [the] city council.

7.15 - Administration of budget.

- a. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made unless the city ~~administrator~~ manager or ~~his~~ the city manager's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds

therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. ...

- d. The city ~~administrator~~ manager shall submit a monthly report to [the] city council covering the revenues and expenditures of the city in such form as requested by [the] city council.

TEXT AMENDMENT – FOR PROPOSITION “B” (Powers of Council)

2.02 - Public improvements.

The city shall have the power to construct and maintain, within or without its corporate limits, streets, flood control facilities; and sanitation, water, and storm drainage facilities; in, over, under or upon all public property or easements granted for that purpose. The city shall also have the power by ordinance to levy assessments for the cost of such improvements and to cause liens to be established, as provided by law, for the purpose of securing the payment of such levies and shall have the power to enforce and require the use of such improvements.

3.04 – Presiding officer; Mmayor and mayor pro tem.

- a. ... The mayor ~~He~~ shall be the presiding officer of the city council with the right to vote on all matters ~~but shall vote only in the case of a tie vote. He shall have the power to veto legislation of city council within three (3) days after passage thereof, but the veto may be overridden by an affirmative vote of four (4) councilmembers at a regular or special meeting occurring within thirty (30) days of the veto.~~ When authorized by [the] city council, the mayor shall sign ~~all~~ official documents, such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts, and bonds.

3.06 - Powers of the city council.

All powers and ~~authority which are conferred on or possessed by the city~~ the determination of all matters of policy shall be vested in ~~and exercised by~~ [the] city council; provided that [the] city council shall have no power to exercise those powers which are expressly conferred on other city officers by this charter. Without limitation of the foregoing, and among the other powers that may be exercised by the council, the following are here [sic] enumerated for greater certainty:

- f. ~~Adopt~~ Approve or provide for the approval of subdivision plats;
- g. Authorize the issuance of bonds by a bond ordinance; and
- r. Adopt, modify and carry out plans for the replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction or redevelopment of any area or district that may have been destroyed in whole or in part by disaster.

TEXT AMENDMENT – FOR PROPOSITION “C” (Limiting Terms of Office)

3.01 - Number, term, and election of city council.

- a. The legislative and governing body of the city shall consist of a mayor and six (6) councilmembers known as the “city council.” The mayor and all councilmembers shall be elected from the city at large, and each councilmember shall occupy a position on the city council, such positions being numbered 1 through 6 consecutively. Any candidate for the office of councilmember shall file an application for a specific position on the city council, such as “Councilmember Position No. 1.” The ballot for an election for councilmember shall show each position on city council as a separate office designated by position number.
- ~~a~~b. The mayor and each councilmember shall be elected to serve for three-year terms. The three-year terms of office of councilmembers shall be staggered, and the initial election for said offices shall be as follows:
- (1) The three council positions to be filled in the 1995 general election shall be known as council position numbers 2, 4, and 6.
 - (2) The three council positions to be filled in the 1996 general election shall be known as council position numbers 1, 3, and 5.
- c. No person may be elected to serve more than three consecutive full or regular three year terms as the mayor or a councilmember, or serve or be appointed or elected to serve more than 10 consecutive years on the city council. Any person appointed or elected as the mayor or a council member may not be appointed or elected to any office on the council within three years of the end of the person’s prior service on the city council. Provided, however, any service on the city council prior to June 1, 2013 shall not be considered as prior service.

TEXT AMENDMENT – FOR PROPOSITION “D” (Increasing Council Residency)

3.02 - Qualifications of members.

Each member of city council shall be a resident of the city, shall be at least twenty-one (21) years of age, shall be a qualified voter, shall have been a resident citizen of the city for a period of at least ~~six (6)~~ twelve (12) months immediately preceding ~~his~~ the election, ~~and shall not be indebted to the city, with the exception of indebtedness being contested in accordance with the law.~~ Failure of a member of the city council to maintain the residency requirement shall result in such office being automatically vacated.

TEXT AMENDMENT – FOR PROPOSITION “E” (Council Compensation)

3.03 - Compensation.

Each member of council shall receive a salary of Seventy-Five Dollars (\$75.00) for each regular meeting that the officer attends; provided, however, such compensation shall not exceed One Thousand Eight Hundred Dollars (\$1,800.00) in any twelve (12) month period. In addition, [M]members of [the] city council shall be entitled to reimbursement for actual expenses incurred in the performance of official duties with the approval of [the] city council at a public meeting. No other compensation shall be allowed.

TEXT AMENDMENT – FOR PROPOSITION “F” (Filling Vacancy)

3.05 - Vacancies.

- e. If a vacancy occurs on city council such vacancy shall be filled, for the remainder of the unexpired term, at a special election held for such purpose. Such election shall be called within one hundred twenty (120) days after such vacancy or vacancies occur. Except that if the remainder of the unexpired term of the vacated office is twelve (12) months or less, then the council is authorized to fill the unexpired term by appointment if the appointment is made within thirty (30) days of the vacancy.

TEXT AMENDMENT – FOR PROPOSITION “G” (Passage of Ordinances)

3.09 - Passage of ordinances in general.

- a. [The] city council shall legislate by ordinance only, and the enacting clause of every ordinance shall be “Be it ordained by the City Council of the City of Dickinson, Texas” Each proposed ordinance shall be introduced in the written or printed form required for adoption. ~~No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title. General appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. An amendatory or repealing ordinance shall set out fully the ordinance sections or subsections to be amended or repealed and shall indicate new matter by enclosing it in quotation marks except where an ordinance is repealed in its entirety. ...~~
- c. A proposed ordinance, except as related to an emergency, budget, tax, public utility rate setting, or state or federal requirement, shall be read at ~~three (3)~~ two (2) city council meetings with at least one (1) week between readings, ~~provided that the third reading can be suspended by the vote of four (4) councilmembers.~~
- d. A proposed ordinance may be amended at either reading, ~~but any ordinance amended in substance shall automatically be placed again as a first reading at a subsequent meeting.~~ At any reading of a proposed ordinance, interested persons shall have a reasonable opportunity to be heard. ...
- f. The reading aloud of the title and caption of the ordinance shall suffice as a reading, provided printed copies of the ordinance in the form required for adoption are in front of all members of [the] city council and a reasonable number of additional copies are available to citizens present at the meeting. ~~If a majority of the councilmembers present so request, then the ordinance must be read in its entirety.~~

12.03 - Official newspaper.

[The] city council shall declare annually an official newspaper of general circulation in the city. All ordinances, notices, and other matters required by this charter, city ordinance, or the constitution and laws of the State of Texas shall be published in the official newspaper or as otherwise permitted by state law.

TEXT AMENDMENT – FOR PROPOSITION “H” (Administration of City Finances)

7.02 - Submission of budget.

On or before the first day of the ~~eleventh~~ tenth month of the fiscal year, the ~~mayor~~ city manager shall submit a budget to [the] city council for the ensuing fiscal year with an accompanying message.

7.04 - Public hearing on budget.

Prior to adoption of the budget, [the] city council shall call a public hearing and have the hour, date, and place published in the official newspaper ~~and posted in three (3) different places as designated by [the] city council~~ or as otherwise provided by state law.

TEXT AMENDMENT – FOR PROPOSITION “I” (Increase City Disaster Fund)

7.07 - Disaster contingency fund.

There is established a disaster contingency fund which shall not ~~exceed~~ not be less than seven (7) percent of the total current annual budget. Excesses occurring in this fund are to be transferred to the general fund at the end of the current fiscal year. This fund shall be used only in the event of disaster as declared by the mayor. The annual budget may provide for appropriations to this fund not to exceed two (2) percent of the total current budget. This fund shall be carried forward from year to year and shall not be considered an unencumbered fund balance as referred to in 7.06. Expenditures from this fund shall be approved by the city council.

TEXT AMENDMENT – FOR PROPOSITION “J” (Purchase Goods and Services by State Law)

7.14 - Purchasing.

a. All contracts for expenditures involving more than the limits set by the city council shall be let ~~to the lowest bidder whose submittal is most responsive and most advantageous to the needs of the city.~~ in accordance with the provisions of state law. There must be an opportunity for competitive bidding as provided by law or ordinance.

TEXT AMENDMENT – FOR PROPOSITION “K” (Appointments)

8.01 - Authority, composition and procedures.

a. In addition to a planning and zoning commission, [the] city council shall create, establish or appoint, as may be required by the laws of the State of Texas or this charter, such boards, commissions, and committees as it deems necessary or desirable to carry out the function, duties, accountability and tenure of each board, commission, and committee where such are not prescribed by law or this charter.

d. Members of [the] city council shall not be appointed to any board, commission, or committee created or established by [the] city council other than in an advisory capacity, except as permitted by state law. This does not preclude subcommittees made up entirely of city council members.

TEXT AMENDMENT – FOR PROPOSITION “L” (Conflicts of Interests)

12.15 - Personal interest in city contract.

No officer or employee of the city shall ~~have a financial interest, direct or indirect, in any contract with the city, or shall be financially interested, directly or indirectly, in the sale by the city of any land, materials, supplies, or service, except on behalf of the city as~~

~~an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall be subject to removal from his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with [the] city council shall render the contract involved voidable by [the] city council.~~ participate in a vote or decision on any matter involving a business entity or real property in which the official or employee has a substantial interest as provided by state law.

TEXT AMENDMENT – FOR PROPOSITION “M” (Periodic Charter Review)

12.18 - Charter review commission.

At least every five (5) years, the city council ~~may~~ shall appoint a charter review commission of five (5) citizens of the city.

TEXT AMENDMENT – FOR PROPOSITION “N” (Notice of Charter Review Report)

12.18 - Charter review commission.

[The] city council may appoint a charter review commission of five (5) citizens of the city.

- b. [The] city council shall receive any report and have published in a newspaper of general circulation in the city or on the City’s website a summary of all proposed amendments recommended by the final report of the charter review commission. ...

TEXT AMENDMENT – FOR PROPOSITION “O” (Gender Neutrality and Nonsubstantive Changes)

1.06 - Definitions.

[The following definitions shall apply in this charter:]

City —The City of Dickinson.

City council —The mayor and councilmembers acting as a group.

Councilmembers —Persons elected to the city council other than the mayor.

~~*Officers* —City councilmembers, elected city officials, and city department heads.~~

Qualified voters —Residents of the city, properly registered to vote, in accordance with the Texas Election Code.

3.06 Powers of the City Council.

- h. Adopt and modify and carry out plans in cooperation with the planning and zoning commission for the replanning, improvement, and redevelopment of specific areas of the city;
- i. Adopt and modify and carry out plans in cooperation with the planning and zoning commission for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by disaster; ...
- m. ~~Shall have the power to~~ License and regulate any business, occupation, profession or trade when authorized by state law; ...
- o. ~~Shall~~ Conduct all business in official meetings held and called pursuant to the provisions of the charter and applicable laws of the State of Texas. Individual members

of [the] city council shall have power to act for the city only with specific authorization by [the] city council in an official meeting; ~~and ...~~

- p. ~~Shall a~~ Appoint a city tax collector or contract for the collection of city property taxes consistent with the laws of the State of Texas; ...

3.05 - Vacancies.

- a. The office of the mayor or councilmember shall become vacant upon ~~his~~ the person's death, resignation, forfeiture of, disqualification, or removal from office by any manner authorized by law.
- b. If any member of [the] city council is absent from three (3) regular meetings within a six-month period, without explanation acceptable to a majority of the remaining ~~council~~ members of council, ~~his~~ the person's office shall be declared vacant at the next regular meeting of [the] city council.
- c. Any member of [the] city council who ceases to maintain the required qualifications for office (as delineated in 3.02), or who is convicted of a felony or a misdemeanor involving moral turpitude or who is convicted of violating a state law concerning conflict of interest, shall forfeit ~~his~~ the member's office. Every forfeiture shall be declared and enforced by a majority vote of [the] city council.
- d. In the event of a vacancy in the office of the mayor, the mayor pro tem shall become the mayor, thereby vacating ~~his~~ the mayor pro tem's ~~city~~ councilmember position.

03 - Filing for office.

Any qualified citizen who desires to become a candidate for city office shall file an application with the city secretary ~~for his name~~ to appear on the ballot. Candidate qualifications are outlined in 3.02 and prohibitions in 3.07. Nothing other than the candidate's name shall appear on the ballot, except as provided by state law.

6.03 - Circulation and form of petitions.

....

- b. All pages of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signer of a petition must be a registered voter of the city and shall write after his name his address, giving name of street and number, his voter registration number, and shall also write thereon the date his signature was affixed. Petitions shall contain or have attached throughout their circulation the full text of the ordinance proposed or sought to be reconsidered, or in the case of recall petition, a statement which distinctly and specifically states the ground(s) upon which such petition for removal is predicated. If there be more than one (1) ground, the statement shall specifically state each ground with such certainty as to give the officer(s) sought to be removed notice of such matters with which ~~he~~ the officer is charged.
- c. Each page of the petition shall have attached to it, when filed, an affidavit executed by the circulator stating that ~~he~~ the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in ~~his~~ the circulator's presence, that ~~he~~ the circulator believes them to be genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full

text of the ordinance proposed, or sought to be reconsidered, or the identity of the official whose recall is being sought.

6.07 - Public hearing on recall of elected officers.

- a. An elected official whose removal is sought by recall may, within five (5) days after such recall petition has been presented to [the] city council, request that a public hearing be held to permit ~~him~~ such officer to present facts pertinent to the charges specified in the petition. Should a request be made, [the] city council shall order a public hearing be held not less than seven (7) days nor more than fifteen (15) days after receiving such request for a public hearing. ...

6.09 - Calling of recall election.

If the officer whose removal is sought does not resign, [the] city council shall order an election and set the date for holding such recall election. The date selected for the recall election shall be the earliest date permitted by Texas election laws, but not earlier than thirty (30) days after the date the petition was presented to [the] city council, or from the date of the public hearing, if one was held. If, after the recall election date is established, the officer vacates ~~his~~ the position, the election shall be cancelled.

8.01 - Authority, composition and procedures.

- a. In addition to a planning and zoning commission, [the] city council shall create, establish or appoint, as may be required by the laws of the State of Texas or this charter, such boards, commissions, and committees as it deems necessary or desirable to carry out the function, duties, accountability and tenure of each board, commission, and committee where such are not prescribed by law or this charter.

9.02 - Planning and zoning commission.

At the direction of the city council, the planning and zoning commission shall have duties and powers as follows:

- (1) To investigate, consider, and recommend to the city council, prior to approval of same, all plats of new subdivisions within the city or its extraterritorial jurisdiction and to perform all duties imposed upon city planning and zoning commissions by the statutes of the state;
- (2) Make reports and recommendations relating to the comprehensive community plan and development of the city; and
- (3) Such other duties as may be delegated from time to time to the planning and zoning commission by the city council.

12.18 Charter Review Commission.

- a. It shall be the duty of such charter review commission to: ...
- (4) Report its findings and present its proposed amendments, if any, to [the] city council. Any report of the charter review commission shall be delivered to the city attorney at least thirty (30) days prior to its presentation to [the] city council. Within such time, and no later than ten (10) days prior to its presentation to [the] city council, the city attorney shall advise the charter review commission in writing, of any changes in proposed

amendments which ~~be~~ the city attorney deems necessary or desirable. A copy of the city attorney's recommendations shall be attached to the report of the charter review commission at the time of its presentation to [the] city council.

TEXT AMENDMENT – FOR PROPOSITION “P” (Conforming to General Law)

1.05 - Disannexation.

[The] city council, after a public hearing and an affirmative vote of five (5) members of council members, may by ordinance disannex any property lying within the boundary limits of the city, and lying adjacent to the city limits, and subject to the procedural rules prescribed by state law.

3.11 - Authentication, recording, printing and distribution.

- a. All ordinances and resolutions adopted by [the] city council shall be authenticated by [the] seal and signature of the city secretary and numbered consecutively as adopted. They shall be properly indexed and placed in a book kept open for public inspection or as otherwise provided by state law.
- b. [The] city council shall cause all ordinances and amendments to this charter to be printed promptly following their adoption. A copy of each ordinance and amendment shall be placed in appropriate city offices for public reference. Printed ordinances and charter amendments shall be made available for purchase by the public at a reasonable price fixed by [the] city council.

3.13 - Bonds required.

[The] city council shall require bonds of all municipal officers and employees who receive or pay out any monies of the city as required by state law. The amount of the bonds shall be determined by the city council and the cost shall be borne by the city.

12.10 - Notice of claim.

The city shall not be held liable on account of any claim for the death of any person or injuries to any person or damages to any property unless the person making such complaint or claiming such damages shall, within ~~ninety (90) days~~ six (6) months after the time at which it is claimed such damages were inflicted upon such person or property, file with the city a written statement under oath, stating the nature and character of such damages or injuries, the extent of same, the place where same happened, the circumstances under which same happened and the conditions causing same, with a detailed statement of each item of damage and the amount thereof, and if it be for personal injuries, giving a list of any witnesses known by the affiant to have seen the accident

TEXT AMENDMENT – FOR PROPOSITION “Q” (Renumbering)

“Sec. 12.19. - Rearrangement and Renumbering The council shall have the power, by ordinance, to renumber and rearrange all articles, sections, subsections, paragraphs, and subparagraphs of this Charter or any amendments thereto, as it shall deem appropriate.”

Section 5. The City Council has determined and estimates that there would be no anticipated fiscal impact to the City of Dickinson if any one or more of the proposed amendments is approved at the election except as follows: Proposition E – Will increase the cost of each city council meeting by \$525 per meeting but not more than \$12,600 per year.

Section 6. Notice of the election shall be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day of the date of the election. The notice shall be published in substantially the following form:

“NOTICE OF SPECIAL ELECTION-CHARTER AMENDMENTS-CITY OF DICKINSON, TEXAS

A Special Election will be held on May 2, 2020, 7:00 a.m. to 7:00 p.m. to consider amendments to the home-rule city charter. It is estimated that the anticipated fiscal impact to the City would be an increase of \$75 per meeting per council member not exceeding a total increase of \$1800.00 per year for council compensation if Proposition “E” is approved. There is no anticipated fiscal impact to the City for the other proposed propositions. The full text of the proposed amendments is online at ci.dickinson.tx.us. The proposed charter amendments are:

PROPOSITION A: Shall the Charter be amended to adopt the Council-Manager form of government?

PROPOSITION B: Shall the Charter be amended to provide council with the powers to provide for approval of subdivision plats, to authorize issuance of bonds, and to carry out plans for areas destroyed by disaster?

PROPOSITION C: Shall the Charter be amended to limit the terms of office for the Mayor and Councilmembers?

PROPOSITION D: Shall the Charter be amended to require a person to be a resident of the city for at least twelve months immediately preceding their election to the city council?

PROPOSITION E: Shall the Charter be amended to provide for compensation of the Mayor and Councilmembers not to exceed \$75 per meeting or \$1,800 per year, whichever is less?

PROPOSITION F: Shall the Charter be amended to permit the City Council to appoint a person to fill a vacant councilmember position within one year of a regular election?

PROPOSITION G: Shall the Charter be amended to permit the passage of ordinances after two readings?

PROPOSITION H: Shall the Charter be amended to require an amendment relating to the administration of the City's finances including requiring earlier submission of budget and publication of the budget as permitted by state law?

PROPOSITION I: Shall the Charter be amended to increase the amount of the City's disaster contingency fund?

PROPOSITION J: Shall the Charter be amended to provide for the contract and purchase of goods and services consistent with state procurement laws?

PROPOSITION K: Shall the Charter be amended to allow the appointment of members of council to serve on boards, commissions and committees where permitted by state law?

PROPOSITION L: Shall the Charter be amended to prohibit any city officer or employee from participating in any vote or decision in which the person has a personal interest?

PROPOSITION M: Shall the Charter be amended to require the periodic review of the Charter by a council appointed charter commission?

PROPOSITION N: Shall the Charter be amended to permit the publication of the report of the charter review commission on the City's website?

PROPOSITION O: Shall the Charter be amended to provide for gender neutral terminology and to correct other terms, spelling and capitalization without making any substantive changes?

PROPOSITION P: Shall the Charter be amended to conform to the general laws of the State of Texas?

PROPOSITION Q: Shall the Charter be amended to permit Council to renumber and rearrange the sections of the Charter by ordinance?

Julie Masters, Mayor

Section 7. The present boundaries of the City, constituting one election precinct, the polls shall be open for voting on Election Day, Saturday May 2, 2020, from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place:

POLLING PLACE
City of Dickinson City Hall
4403 Highway 3
Dickinson, Texas 77539

Section 8. Early voting by personal appearance shall be conducted by Galveston County Elections Division Early Voting Clerk in accordance with the agreement with Galveston County as approved by Resolution 1807-2020 of the City Council, and, in accordance with Sections 83.032 and 83.034 of the Texas Election Code, the Early Voting Clerk may appoint one or more deputy early voting clerks. Said clerks shall not permit anyone to vote early by personal appearance on any day that is not a regular working day for the Early Voting Clerk's office, and, under no circumstances, shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. Early voting shall occur at any Galveston County polling location.

The Early Voting Clerk shall keep said office open for early voting by personal appearance from 8:00 a.m. until 5:00 p.m. Monday through Friday, on each day except Saturday and Sunday and official City holidays, commencing on Monday, April 20, 2020 and terminating on Tuesday, April 28, 2020. Extended hours for Early Voting shall be April 27 and April 28, 2020 from 7:00 a.m. to 7:00 p.m. Early voting shall be conducted in accordance with the requirements of the Texas Election Code.

The Early Voting Clerk's mailing address to which ballot applications and ballots voted by mail may be sent is:

Dwight Sullivan, Galveston County Clerk
Attention: Ballots by Mail
Galveston County Justice Center
P.O. Box 17253
Galveston, TX 77552-7253

The Early Voting Clerk, in accordance with the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

All ballots cast shall be counted by an Early Voting Ballot Board. The Early Voting Ballot Board for said election shall be appointed by the Galveston County Elections Division.

Section 9. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

Section 10. Said election shall be held in accordance with the TEXAS ELECTION CODE and the Federal Voting Rights Act of 1965, as amended.

Section 11. This Ordinance shall become effective immediately upon its passage.

PASSED AND APPROVED on first reading the ____ day of _____, 2020.

PASSED AND APPROVED on second reading the ____ day of _____, 2020.

PASSED, APPROVED, AND ADOPTED on third and final reading this the ____ day of _____, 2020.

Julie Masters, Mayor
City of Dickinson, Texas

ATTEST:

APPROVED AS TO FORM AND CONTENT:

Alun W. Thomas, City Secretary
City of Dickinson, Texas

David W. Olson, City Attorney
City of Dickinson, Texas

ITEM 3

RESOLUTION NUMBER XXX-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, REPEALING RESOLUTION NUMBER 1079-2009; ADOPTING A REVISED POLICY AND APPLICATION AND AGREEMENT REGARDING USE OF MUNICIPAL MEETING ROOMS AND CITY GROUNDS AND FACILITIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 27, 2009, by Resolution Number 1079-2009, the City of Dickinson adopted a revised policy regarding the use of municipal meeting rooms; and

WHEREAS, the policy did not include provisions for the use of outside space on the grounds of City Hall and Dickinson Public Library, the City Council is of the opinion that the policy regarding the use of municipal meeting rooms should be revised to include the use of the City Hall and Dickinson Public Library grounds for festivals and events; and

WHEREAS, the City Council is of the opinion that the policy regarding use of City Grounds and Facilities, attached hereto as Exhibit "A" should be adopted; and

WHEREAS, the City Council is of the opinion that the Application and Agreement regarding use of City Grounds and Facilities, as well as the fees associated with the use of the City Grounds and Facilities, attached hereto as Exhibit "B" should be adopted; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, THAT:

Section 1. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Resolution Number 1079-2009, duly passed and approved on October 27, 2009, is hereby repealed in its entirety.

Section 3. The City Council of the City of Dickinson hereby adopts the policy regarding use of City Grounds and Facilities attached hereto as Exhibit "A."

Section 4. The City Council of the City of Dickinson hereby adopts the Application and Agreement for use of City Grounds and Facilities attached hereto as Exhibit "B."

Section 5. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED on this the 4th day of February 2020.

Julie Masters, Mayor
City of Dickinson, Texas

ATTEST:

APPROVED AS TO FORM AND CONTENT:

Alun W. Thomas, City Secretary
City of Dickinson, Texas

David W. Olson, City Attorney
City of Dickinson, Texas

EXHIBIT “A”

TO

RESOLUTION XXX-2020

Effective Date: _____, 2020
Approved: _____ 2020

**CITY OF DICKINSON
ADMINISTRATIVE POLICIES AND PROCEDURES**

TOPIC: USE OF MUNICIPAL FACILITIES AND GROUNDS

With the exception of the Historic Railroad Depot and Museum, municipal facilities are primarily for official City of Dickinson business and Dickinson residents. The use of the Historic Railroad Depot and Museum shall be in accordance with the Rental Policies and Procedures adopted by the City Council. Due to limited space, Meeting Rooms may only be reserved by Dickinson residents or Dickinson-based non-profit organizations. Reservations are limited to the dates and times when there is no regularly scheduled City-related business for that room. Meeting Rooms may not be used for commercial or social purposes (i.e., for-profit businesses, birthday or retirement parties, etc.). The municipal facilities that are available for use are the two City Hall Conference Rooms, the City Council Chambers, and the Community Room at Dickinson Public Library (individually and collectively referred to as "Meeting Room"). City Hall and Dickinson Public Library grounds are also available for use. Use of other municipal facilities is not permitted.

The following policies and regulations apply to persons and organizations, through their duly authorized representatives, that wish to reserve a Meeting Room.

To the extent possible, all requests should be confirmed no later than ten (10) days prior to the date for the reservation along with the appropriate deposit. There is no charge for the use of the Training Room at the Police Station.

Meetings conducted by the City Council of the City of Dickinson and City of Dickinson boards, commissions, committees and City staff shall have first preference for Meeting Rooms and shall not be subject to this policy.

REGULATIONS

1. The City shall have first priority on the use of all Meeting Rooms and may cancel any reservation for any meeting room by giving notice 48 hours prior to the event if the City determines that it must use the facility for a function directly related to the operation of the City. In the event that the City cancels a room reservation, the City will make a reasonable effort to relocate the canceled meeting to another City facility.

The City may also cancel a reservation with less than 48 hours notice under such circumstances as an emergency called meeting of the governing body, public safety or other circumstances requiring immediate aid or attention.

2. Inaccurate or untruthful statements made by a licensee in the license application or violation(s) of any rules or regulations for the use of a Meeting Room may result in permanent cancellation of the person's or organization's licensing privileges.
3. Payment for all charges must be received at least one week prior to the date of Meeting Room use or on the day that the Application and Agreement for Facilities and Grounds Use is submitted to the appropriate City staff member if less than one week prior to the date of Meeting Room use. Failure to remit the same within this time frame will result in cancellation or denial of the reservation.
4. A Reservation & Damage Deposit of \$100 is required for all Meeting Room reservations. The Reservation & Damage Deposit is refundable after the Meeting Room use if the Meeting Room and facilities are cleaned in accordance with the Event Checkout and Inspection Form which will be completed at the end of each Meeting Room use. Additionally, the Reservation & Damage Deposit is refundable when the City cancels a reservation. Refunds take approximately four weeks to process and mail. All refunds will be made payable and mailed to the License Applicant at the address noted on the Meeting Room Reservation & License Application.
5. Persons and organizations are limited to reservations of no more than one per calendar month by any individual or organization, whether the reservation is made individually or in combination with another user. Reservations may not be made more than 90 days in advance of the requested date.
6. No admission or other fee may be charged by the licensee, whether directly or indirectly, in connection with the use of the room other than charges to an organization's members to cover the actual licensing expenses. The sale of any merchandise such as, but not limited to, books, tapes, CDs, etc. is prohibited.
7. The City will not alter or modify Meeting Rooms. The Meeting Room must be returned to its original setup upon completion of the event.
8. The licensee is directly responsible for supervising the activities while using the Meeting Room and will be responsible for any loss or damages to City property caused by the person, organization or its invitees.
9. No political or religious meetings shall be held in a Meeting Room.
10. The use of tobacco products or alcoholic beverages is strictly prohibited in any Meeting Room or on City property.
11. The licensee and its invitees shall comply with all other applicable laws and regulations.

12. The licensee agrees it will not engage in any unlawful discrimination in its use of a Meeting Room.

CLEAN UP POLICIES

1. A Meeting Room must be cleaned and left in the same or better condition as it was prior to the event, as determined at the sole discretion of the attending City staff person or Council member, as the case may be.
2. Licensee is required to perform a walk through after the event with the staff person on duty or Council member in attendance to identify any damage or areas in need of clean up. Any additional clean up required must be done within the time frame reserved. Additional time required for clean up by the Licensee will forfeit the Reservation & Damage Deposit on file.
3. Licensee is responsible for general clean up throughout the event, including but not limited to, spills and trash. Licensee must provide necessary materials for clean up.
4. Any items not cleaned, or any damage will result in some or all of the Reservation & Damage Deposit being forfeited and may result in additional charges against Licensee depending on the amount of damage.

HOURS

Reservations for Meeting Rooms are available during the following times:

Monday – Thursday	7:30 a.m. – 8:00 p.m.
Friday	7:30 a.m. – 5:00 p.m.
Saturday	10:00 a.m. – 5:00 p.m. (Community Room at Dickinson Public Library Only)

FEES

Council Chambers, City Hall Conference Room Number 1, and City Hall Conference Room Number 2

Meeting Room reservations that begin or conclude outside regular business hours (Monday-Thursday 7:30 a.m. to 5:30 p.m. and Friday 7:30 a.m. to 12:00 p.m. Noon) will be charged the following fees:

- **Room Use Fee: \$20 per room + \$35 per hour**
- **Reservation & Damage Deposit: \$100**

Exception to Room Use Fee: Meeting Room reservations that conclude outside regular business hours but on days on which a City Council or Council appointed board, committee, or commission meeting is scheduled will not be charged the Room Use Fee. The use of such Meeting Room must be concluded prior to the start of any scheduled City Council or Council appointed board, committee, or commission meeting. Additionally, in the event that a member of Council is in attendance at a meeting for which a reservation has been made and such Council member will accept responsibility for securing the Meeting Room and City facility upon the conclusion of the meeting, then Room Use Fee will not be charged. The Reservation & Damage Deposit Fee will be charged for all reservations and returned as provided in this policy,

Community Room at Dickinson Public Library

Meeting Room reservations that begin or conclude outside regular business hours for Dickinson Public Library (Monday/Wednesday/Friday 10:00 a.m. to 5:00 p.m.; Tuesday/Thursday 10:00 a.m. to 6:00 p.m. and Saturday 10:00 a.m. to 2:00 p.m.) will be charged the following fees:

- **Room Use Fee: \$20 room fee + \$35 per hour**
- **Reservation & Damage Deposit: \$100**

Exception to Room Use Fee: Meeting Room reservations that conclude outside regular business hours but on days on which a City Council or Council appointed board, committee, or commission meeting is scheduled will not be charged the Room Use Fee. The use of such Meeting Room must be concluded prior to the start of any scheduled City Council or Council appointed board, committee, or commission meeting. Additionally, in the event that a member of Council is in attendance at a meeting for which a reservation has been made and such Council member will accept responsibility for securing the Meeting Room and City facility upon the conclusion of the meeting, then Room Use Fee will not be charged. The Reservation & Damage Deposit Fee will be charged for all reservations and returned as provided in this policy,

Training Room at Police Station

There is no charge for Meeting Room reservations for the Training Room at the Police Station.

EXHIBIT “B”

TO

RESOLUTION XXX-2020



4403 Hwy 3, Dickinson, TX 77539
Office Hours: Mon-Thurs 7:30-5:30; Friday - 7:30-Noon
www.ci.dickinson.tx.us

Application # _____

GROUND & FACILITY USE APPLICATION

All Associations, organizations and individuals will be required to submit written requests for use of grounds and facilities at least ten (10) days prior to the beginning of anticipated facility use.

Event Name: _____

Name of Applicant: _____

Company/Organization Name (if applicable): _____

Individual/Tax-Exempt For-Profit or Commercial: _____

(attach proof of current tax-exempt/non-profit status, including IRS form 990)

Mailing Address: _____

City: _____ State: _____ Zip: _____

Email Address: _____

Cell Phone: _____ Other Phone: _____

Event Date(s): _____ Start Time: _____ End Time: _____

Event Date(s): _____ Start Time: _____ End Time: _____

Event Date(s): _____ Start Time: _____ End Time: _____

Event Day Contact Name: _____ Phone: _____

Set-Up Date: _____ Start Time: _____ End Time: _____

Breakdown Date: _____ Start Time: _____ End Time: _____

Property/Facilities Requested: _____

Type of event: _____ Fair/Festival _____ Parade _____ Carnival
_____ Wedding _____ Race/Fun Run _____ Concert
_____ Demonstration/Rally
_____ Other: _____

Estimated # attending event: _____ (include vendors, staff, volunteers and participants)

Descriptive summary of the event (attach additional sheets if necessary): _____

Is the event being sponsored, co-sponsored or supported by another organization or group? If yes, attach a list of supporting organization(s) and describe their role. _____ YES _____ NO

Will gate, admission or registration fees be charged? _____ YES _____ NO

If yes, attach a list of proposed fees and their purpose.

REQUIRED ATTACHMENTS - Use the blank space as a check list before submitting your application to the City.

_____ **Event Location Layout** - Please list the proposed event location and attach a map of the proposed logistical layout for your event.

_____ **Event Parking** - What parking arrangements have been made for your event? If you are using alternate parking lots, an approval letter from the property owner must accompany this application.

Event Set-Up Parking Area: _____

Event Participant Parking Area (vendors, staff, volunteers, media): _____

Grass Parking - If you are requesting to utilize a grass parking area, what will you do in the event of inclement weather? _____

_____ **Structures** - Please check all structural elements that apply.

_____ Tent(s) _____ Booth(s) _____ Table(s) _____ Chair(s)
_____ Stage(s) _____ Fencing _____ Light Tower(s) _____ Generator(s)
_____ RV(s) _____ Other(s), please list : _____

_____ **Utilities**

Will you need electricity? _____ YES _____ NO

Electricity for: _____

Will you need access to water? _____ YES _____ NO

Water for: _____

_____ ***Portable Toilets:** Indicate the number of portable toilets you will have at your event.

Minimum of (1) per one hundred (100) participants is required.

_____ # of Regular _____ # of ADA

When will they be delivered? _____

*For multi-day events, servicing of portable toilets is required!

_____ ***Event Clean-Up/Trash:**

Who is responsible for the event clean-up? _____

Contact Phone Number: _____

Will your event have a dumpster? _____ YES _____ NO

What size? _____ When will it be delivered? _____

Do you have a plan for recycling for the event? If so, please describe:

_____ **Food/Beverages:** Please indicate all food/beverage elements that apply:
_____ Sale of food/beverages _____ Distribution of food/beverages
A Health Permit is required for each vendor selling or distributing food/beverages.

ALCOHOL

Disclosure of whether an event will be serving alcoholic beverages must be made before a contract is validated. Failure to disclose this information prior to entering a contract may result in cancellation of the event. Glass alcoholic beverage containers are not allowed inside or on the premises of any City owned or operated rental facility. Alcoholic beverages may not be sold without prior approval of the City. Under no circumstances shall alcohol be allowed to be served to minors. Violations of this policy shall result in termination of the event and may result in criminal charges.

_____ Sale of Alcoholic beverages _____ Distribution of Alcoholic beverages
You must obtain a TABC Permit for the sale/distribution of alcoholic beverages and will need permission from the City of Dickinson prior to obtaining your permit.

_____ **First Aid Plan:** Will you have a first aid station on-site? _____ YES _____ NO
What are your plans for a minor/major emergency? _____

Does your event layout provide for emergency vehicle access? _____ YES _____ NO

_____ **Insurance Requirements:** Public liability and property damage insurance is required for all athletic user groups, amusement vendors (i.e. moonwalks), special event organizers producing events that are open to the public, and for-profit commercial vendors, otherwise known as "vendor" in the amounts set forth below. Insurance must be issued by a casualty company authorized to do business in the State of Texas, and in standard form approved by the Board of Insurance Commissioners of the State of Texas, with coverage provisions insuring the public from any loss or damage that may arise to any person or property by reason of the acts or omissions of the vendor. Vendor shall at its own expense be required to carry the following minimum insurance coverage:

- For damages arising out of bodily injury to or death of one person in any one occurrence – one hundred thousand and no/100 dollars (\$100,000.00);
- For damages arising out of bodily injury to or death of two or more persons in any one occurrence – three hundred thousand and no/100 dollars (\$300,000.00);
- For injury to or destruction of property in any one occurrence – one hundred thousand and no/100 dollars (\$100,000.00);
- Alcohol - If alcoholic beverages are sold, served, or allowed to be consumed during the event, the insurance certificate must state specifically that it also covers any losses resulting from the consumption of alcohol at the event.

Certificate Holder:

The Certificate Holder is: The City of Dickinson, 4403 Highway 3, Dickinson, TX 77539

Additional Insured Required:

The City of Dickinson shall be named as additional insured on policies listed in subparagraphs

above and shall be notified of any changes to the policy(ies).

General requirements:

- Insurance is to be placed with insurers having a Best rating of no less than A.
- The vendor shall furnish the City with certificates of insurance and original endorsements affecting coverage required by these insurance clauses.
- The insurance certificates and endorsements for each insurance policy are to be signed by a person authorized by the insurer to bind coverage on its behalf.
- Proof of insurance must be provided at least five (5) business days before the start of the event, athletic season, or first permitted date, or the permit/event will be cancelled.
- The City reserves the right to pursue other remedies permitted by law or in equity.
- In no event shall the City be liable for any damage to or destruction of any property belonging to the event organizer/vendor unless specified in writing and agreed upon by both parties.

Security:

The applicant is responsible for adequate security for the permitted event, including crowd control, emergency response access and safeguarding the applicant and park property.

The City of Dickinson requires that: Uniformed "Texas Commission Law Enforcement Officers Standards and Education" (TCLEOSE certified Peace Officers, with the exception of reserve Peace Officers, employed by Law Enforcement agencies located within Galveston County are required for any Public, Special Event, or Company Picnic at which alcohol is present, or any Public, Special, Private Event or Company Picnic with an estimated attendance of 100 or more (including vendors, staff, volunteers, etc.), or events where an admission fee is charged or has live music, bands, or a deejay. Such Peace Officers must also be present at any Event in which, in the opinion of the Director, the anticipated attendance or the planned activity may affect public health or safety. Requirements are listed below. The minimum number of Peace Officers required is two for the first 100 people in attendance; of the two, one of the required Peace Officers must be a TCLECOSE Certified Dickinson Police Department Officer. If an Event exceeds the attendance as defined below, one additional Officer for each additional 100 people in attendance is required. The Chief of Police may require additional peace officers, if in their opinion, it appears such additional officers are warranted and can do so at a minimum of up to 24 hours in advance of the Event. Security is paid when the event begins (not during set-up) until the last event attendee leaves the facility. If officers arrive and the event has already begun, payment for each officer will be due according to the hours of the permit (retroactive).

NO ALCOHOL AT THE EVENT	EVENTS WITH ALCOHOL
1-99 = No Officer	1-199 = 1 Officer
100-199 = 1 Officer	199-299 = 2 Officers
200-299 = 2 Officers	300-399 = 3 Officers
300-399 = 3 Officers	400-499 = 4 Officers

It is the Applicant's responsibility to make arrangements for Security by contacting the Dickinson Police Department, during normal business hours 281-337-4700.

Arrangements for Security under normal circumstances should be made 30 calendar days in advance.

_____ **Street/Lane Closures:** Are you requesting any street/lane closures? ___YES___ NO

Please list any street/lane closures you are requesting and attach a map:

GROUND & FACILITY USE AGREEMENT

The undersigned applies for a special event permit and agrees to the regulations listed below as established by the City of Dickinson.

1. Applicable permits must be in possession during your use of the permitted facility.
2. The layout approved for this event denotes the permitted activities and must be followed in the staging and placement of parking, concession stands, booths, inflatables and amusements, trash receptacles, portable restrooms, performance staging and other support amenities. Any deviation from the approved layout, except in the instance of minor on-site adjustments must receive permission from the City Administrator or their representative.
3. No motorized vehicles may be driven upon or parked on turf areas or sidewalks unless approved in the layout.
4. Cancellations: If applicant wishes to cancel the event, the notification must be given in writing at least 10-calendar days in advance.
5. Concession Stands, exhibit booths, tents, awnings, and/or similar support structures may not be attached to, set against, or situated so as to damage any wall, column, tree, post, light standard or any other park amenity.
7. Trash: Applicant agrees to pick up trash and litter during and after all events. Events are required to remove bags of trash from the Site the same day as the event. The Applicant may be responsible for other costs incurred by the City for the removal of trash/litter from the site.
8. Recognized Holidays & Other Unavailable Dates: Indoor facilities cannot be permitted on City holidays. City holidays are: New Year's Day, Martin Luther King, Jr. Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Eve and Christmas Day; facilities may not be available the Friday prior or Monday after the holiday in accordance with the City's Holiday schedule. City Holidays are subject to change.
9. No banners, flags, temporary signs, or similar visual effects may be attached to lights, sign posts, trees or secured by stapling, taping, nailing, or other means that may cause damage to structures or amenities. Rice, birdseed, confetti, silly string, pinatas and glitter are not allowed.
10. Permits that extend beyond regular operating hours are subject to an overtime fee.
11. No glass containers are allowed.
12. All electrical connections and hook-ups installed by the applicant must meet appropriate safety and city or county code requirements. Special event permits are issued for the use of existing electrical systems and outlets only. If the existing electrical system does not meet the event's needs, then the applicant must contract this service with a firm/individual who has a Master Electrician/Electrical Contractor License issued by the City. Such contractor will be responsible for

obtaining the necessary permit(s), as well as installation and removal of any temporary power source per article 305 of the National Electrical Code and any city or county codes that pertain. Total amperage required by the applicant may not exceed safe capacity of existing service. A copy of the electrical permit must be provided before any temporary electrical connection is made.

13. Existing faucets or hose bibs may be used for water connections, but no temporary connections or modifications to the water supply may be made without prior approval.

14. Adherence to the date and time allotments of this application/permit are mandatory, and is inclusive of set-up, strike and clean-up.

15. Please note that should the City need to utilize the facility for any reason, Applicant will be given notice at the earliest opportunity.

16. Failure to abide by any of these General Conditions will automatically revoke the Permit and cancel the Reservation. All policies and fees in this application are subject to change.

17. Permit holder is responsible for obtaining any noise/sound or additional permits are required by the City.

18. For Public, Special Events, applicants for permits must submit a "Grounds & Facility Use Agreement" Form. The completed form must be submitted to the Community Development department at a minimum of 10 calendar days in advance but not more than two years in advance. If applicable, deposit payments are due within 30 days of the day that the reservation is made. The Applicant will be required to pay 100% of the required Site Reservation User Fees, and other Fees as determined by the Permit Office as being applicable to the special event, thirty (30) calendar days prior to the event date unless the applicant is granted a full or partial refund. Gate fee applicants shall pay required fees at the conclusion of their event.

19. No "Outdoor Special Event" with attendance of 500 or more will be held within 30 calendar days of another "Outdoor Special Event" within the same location.

20. Sites and Facilities are limited. For this reason, reservations should be made as far in advance as is reasonably possible. Public, special events and company picnics can make reservations up to 24 months in advance.

21. All Application Forms must include a valid telephone number, email address if available, cell phone number and/or fax number as alternative means of contact.

22. For indoor facility rentals for either private or public/special events and company picnics, following the conclusion of the Event if the Facility, or Grounds is damaged or if the Facility, Grounds area is not thoroughly cleaned, the Permittee agrees, as a condition of the issuance of the Permit to pay such charges as are assessed by the City. If a dispute arises out of or relates to the breach of this Agreement, and if the dispute cannot be resolved through negotiation, then the City and Permittee agree to submit the dispute to mediation. In the event that the City or Permittee desire to mediate any dispute, that party shall notify the other party in writing of the dispute it desires to mediate. Within thirty (30) days after receipt of the written notice of the dispute and the

request to mediate, the parties shall attend a mediation conducted by a mutually agreeable mediator. If the parties do not achieve a resolution of the dispute by mediation, within ten (10) days after the mediator declares an impasse, either party may make a written demand for binding arbitration by an impartial and unbiased arbitrator. Mediation is a condition precedent for the filing of suit by the aggrieved party. The demand for arbitration must describe the dispute and the factual basis for the dispute in reasonable detail. The parties may agree, in writing, to appoint an impartial and unbiased arbitrator to hear the dispute. In the event that the parties are unable to agree on the appointment of an arbitrator, either party may file suit in either the county court-at-law or the district court of Galveston County to request appointment by the court of an impartial and unbiased arbitrator to hear the dispute and a referral of the case to the appointed arbitrator to conduct a binding arbitration. The arbitration shall be conducted according to the Commercial Arbitration Rules and Mediation Procedures (Including Procedures for Large, Complex Commercial Disputes) of the American Arbitration Association which are in effect on the date of the demand for arbitration is received by a party, except to the extent of a conflict with this Agreement.

23. Cleaning and Trash for Indoor Facility Rentals: Permit Holders are responsible for the cleaning of the facility and Permit Holder is allowed to contract cleaning services but must remain on premises until cleaning is complete. Permit Holder agrees to mop and sweep all rooms including banquet rooms, bathrooms, kitchens and entryways and return tables and chairs to proper locations. Trash cans, bags, mops, brooms, mop bucket and cleaning supplies are provided. Trash cans are for use for trash only. City staff will inspect the facility immediately following the event.

24. Cleaning and Trash for Outdoor Facility Rentals, the Permittee must pick up trash and litter during and after all Events. Events where in excess of 100 persons are in attendance will be required to remove bags of trash from the Site the same day of the event. In the event that trash is not removed, the permittee may be responsible for other costs incurred by the City for the removal of trash and litter from the Site.

25. The Applicant must provide for the Event, at no additional charge to the public, an adequate number of portable toilets (one per 100 attendees), including a proper ratio of such toilets that meet the Americans with Disabilities Act specifications (ADA).

26. At no time shall a reserving party sublease or assign its rental privileges to another individual, group, or organization.

27. All associations, groups or individuals shall act in a non-discriminatory manner regarding race, creed, religion and national origin.

Applicant's Signature

Date

City Representative Signature

Date



City of Dickinson

CITY OF DICKINSON
FACILITY & GROUNDS USE PERMIT

Permit # _____

This permit signifies that the person named below has agreed to comply with the provisions set forth by the Facility & Grounds Use Agreement.

This permit is non-transferrable and becomes void upon any change of ownership.

PERMIT ISSUED TO:

FACILITY/GROUNDS BEING USED:

EXPIRES: _____

Chris Heard, City Administrator

This permit should be publicly displayed as proof of City approval.

FACILITIES & GROUNDS USE FEE SCHEDULE

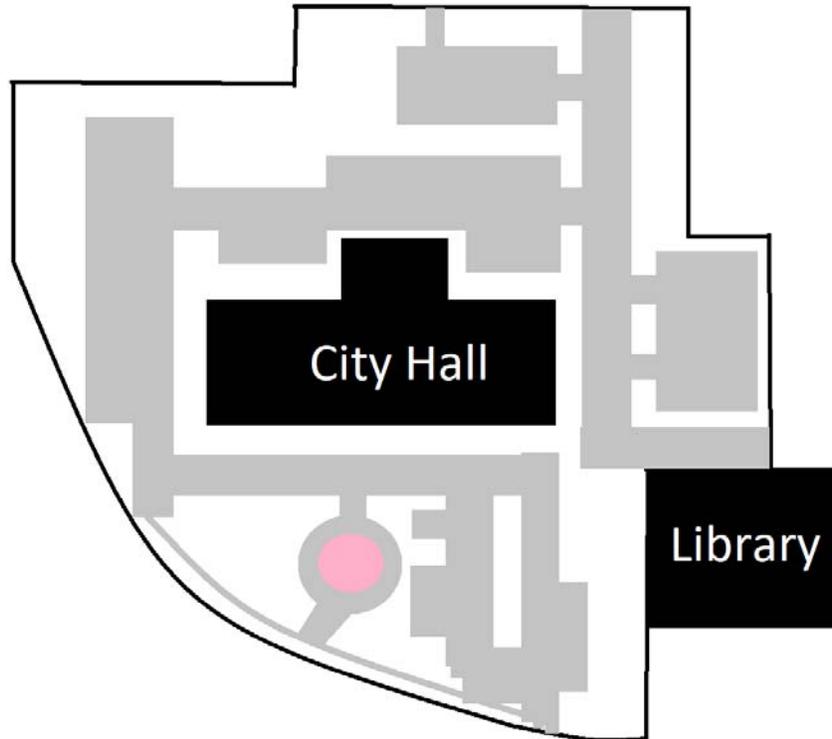
FEES APPLICABLE TO ALL MEETING ROOMS EXCEPT TRAINING ROOM AT POLICE STATION:

- Room Use Fee: \$20 per room + \$35 per hour
- Reservation & Damage Deposit: \$100

FEES APPLICABLE TO CITY HALL GROUNDS EXCEPT FOR NON-PROFIT ORGANIZATIONS:

- Facility Use Fee: \$100 facility use fee + \$35 per hour
- Reservation & Damage Deposit: \$500

If use of the City Halls Grounds is requested, please indicate below which area(s) is requested:



All fees payable in full at least one week prior to the date of Meeting Room use or on the day that a Reservation & License Application is submitted to the appropriate City staff member if less than one week prior to date of Meeting Room or Facility use. Failure to remit this pre-payment will result in cancellation of the reservation. Deposits are refundable as provided for in the Policy on Use of Municipal Facilities.

*Note: When a meeting is scheduled to begin or conclude outside regular business hours but on days on which a City Council or Council appointed board, committee, or commission meeting is scheduled, a Room Use Fee will not be charged. The use of a Municipal Facility must be concluded prior to the start of any scheduled City Council or Council appointed board, committee, or commission meeting. Additionally, in the event that a member of Council is in attendance at a meeting for which a reservation has been made and such Councilmember will accept responsibility for securing the Meeting Room and City facility upon the conclusion of the meeting, a Room Use Fee will not be charged. The Reservation & Damage Deposit will be charged for all reservations and returned as provided in the Policy on Use of Municipal Facilities.

I have read, and by my signature agree to follow, the City of Dickinson Use of Municipal Facilities Policy and have read and understand the cleaning requirements contained therein. I further understand that, even if I delegate these responsibilities to others, I still have the ultimate responsibility to return the Meeting Room to its original condition. All set up and clean-up must be included within the hours reserved with the City of Dickinson.

I will be financially responsible for any alteration, defacing, damage or unreasonable clean-up resulting from this Municipal Facilities use.

Date

Signature of Organization Representative/Citizen

Printed Name

PLEASE MAKE ALL CHECKS PAYABLE TO CITY OF DICKINSON

(indicate Application ID on check)

Return to: City of Dickinson
4403 State Highway 3,
Dickinson, TX 77539
Phone: (281) 337-6248
Fax: (281) 337-6190

CC: Dickinson Public Library Organization Representative/Citizen

FOR OFFICE USE ONLY:

Room Use or Facility Use Fee Received Amount: \$ _____ Date: _____
 Reservation & Damage Deposit Received Amount: \$ _____ Date: _____

ITEM 4

Public Comments

ITEM 5

Adjourn