

2023 CHARTER COMMISSION Report and Recommendations to City Council on Charter Amendments

The City Charter requires the City Council to appoint a Charter Commission at least every five years to review City operations and recommend to the Council whether changes in the Charter should be made. On December 19, 2023, the Council appointed Bob Barbour, Daniel Harris, David James, Tara Mascarenhas, Lesley Nicholes, and Neel Patel to serve on the 2023 Charter Commission. The Council appointed Daniel Harris to serve as Chairperson.

Commission Proceedings.

The Commission first met on January 24, 2024. The Commission held a total of 6 meetings, all of which were open to the public and for which notice was given as provided by the Open Meetings Act. The City included information on the Commission on its website under <https://www.sugarlandtx.gov/1092/Charter-Review-Commission-2024> shortly after the Commission was appointed. A number of posts were made to social media and sent to local Homeowner's Associations inviting the public to provide comments or suggestions in writing, by email, or in person on Charter issues to review. The Commission's minutes of its meetings were posted on the City's website throughout the process. The Mayor, Council members, the City Manager, and the City Attorney provided comments to the Commission about issues to consider.

The Commission's recommendations on Charter revisions are by Article with a brief explanation of each revision. Following the recommended revisions are non-Charter recommendations that the Commission has provided for Council consideration. Not included in this report are the Commissions' recommendations on stylistic and grammar revisions.

Charter Commission Recommendations.

1. Article I. General Provisions.

(a) Section 1.03(e) – General Powers.

The Charter currently provides that a franchise granted by the City shall not be valid for more than fifty (50) years. The Commission recommends that the Charter be amended to reduce maximum length of a franchise to no more than twenty-five (25) years.

(b) Section 1.03(f) – General Powers.

The Charter currently authorizes Council to regulate the rates, charges, fees, operations, and services of any person, utility, or entity providing water, wastewater, electricity, natural gas, telephone, telecommunications, cable television, taxicab, bus, solid waste, transportation, or similar service to the public within the city. The Commission recommends that "taxicab" and "bus" be deleted as they are encompassed within "transportation."

2. Article II. The Council.

(a) Section 2.01(c) – Election and Term

The Charter currently provides for staggered three-year terms. The Commission recommends adding language making it clear that every third year there will be no election. The Commission suggests that 2.01(c) be revised to read as follows:

The council shall serve staggered three-year terms. The terms shall be staggered as follows: (1) the four district council member positions shall be elected in one year; (2) the mayor and two at-large council member positions shall be elected in the next year; and (3) no election for council member positions shall be held in the third year. Council elections shall be held in May on the date specified by state law. A candidate must be elected to office by majority vote. If no candidate for office receives a majority vote, a run-off election shall be held as required by state law. The council shall be the judge of the election and qualifications of its own members.

(b) Section 2.04 – Resign to Run.

The Charter currently provides that Council members are required to resign if they become a candidate for election to any public office, other than that of City Council. The Commission recommends that the resign to run provision in the Charter be amended so that it applies to all positions and not just public offices other than Council. The Commission suggests that 2.04 be revised to read as follows:

If a member of the city council becomes a candidate for election to any public office, such candidacy shall constitute an automatic resignation of the city office then held and the vacancy thereby created will be filled in accordance with the provisions of this Charter.

3. Article III. Initiative, Referendum and Recall.

The Commission recommends no changes to this Article.

4. Article IV. Administration Offices and Departments.

(a) Section 4.06(b) – Municipal Court.

The Charter currently provides that the municipal court judge shall be appointed for a two (2) year term, and does not currently require residence within the City. The Commission recommends extending the term of judges to four (4) years and requiring that the municipal court judge reside within the City of Sugar Land. The residency requirement would not apply to associate judges.

5. Article V. Municipal Planning and Zoning.

The Commission recommends no changes to this Article.

6. Article VI. Municipal Finance.

The Commission recommends no changes to this Article.

In closing, the Commission wishes to thank the City Council for giving us this opportunity to serve on this important Commission.

Respectfully Submitted:

Daniel Harris, Chair

Bob Barbour

David James

Tara Mascarenhas

Lesley Nicholes

Neel Patel