

State of Texas

County of Brazoria

City of Freeport-Civil Service Commission

BE IT REMEMBERED, that the Freeport Civil Service Commission of the City of Freeport, Texas met on Wednesday, May 6, 2026, at 6:00P.M. at the Freeport Council Chamber located at 430 North Brazosport Blvd., Freeport Texas for the purpose of considering the following agenda items:

Civil Service Commissioners: Tyrone Morrow, Chairman
Jose Hernandez, Vice Chairman
Kerry Moore

Staff: Danielle Kelly, DPA, City Manager,
Christopher Duncan, City Attorney
Toby Cohen, IT Director

Visitors:

Call to Order:

Chairman Morrow called the meeting of the Freeport Civil Service Commission to order at 6:01P.M. on May 6, 2026.

Invocation:

Vice Chairman Hernandez led the Invocation.

Pledge:

Chairman Morrow led the Pledge of Allegiance to the United States and the Pledge of Allegiance to the State of Texas.

Discussion with any attending Public Service Employees (Fire Department, Police Department, Emergency Medical Services) regarding:

- **Entry-Level Hiring and eligibility expectations**
- **Promotional eligibility requirements expectations**
- **Seniority calculations expectations**
- **Disciplinary actions and appeals procedures expectations**
- **Hearing process and timelines expectations**

There were no Public Service Employee comments.

Citizen Comments

There were no Citizen Comments.

Approval of Meeting Minutes for April 1, 2026.

A motion was made by Chairman Morrow to approve meeting minutes for April 1, 2026, seconded by Vice Chairman Hernandez with all present and voting "Aye" 2-0. The commission unanimously approved the motion. Commissioner Moore was not present for this motion.

Discussion regarding findings from consultation with Civil Service Attorney on:

- **Available source materials for Police and Fire promotional examinations**
- **Methods to incorporate multiple phases into promotional exams, including:**
- **Assessment center process**
- **Employee coaching session review**
- **Interview with a constituent**
- **Office in-basket exercise**
- **Written examination component**

City Attorney Christopher Duncan responded to questions regarding the administration of examinations and the use of assessment centers for police department hiring and promotions. Mr. Duncan explained that state statutes establish the basic rules governing testing and evaluation for new hires and promotions, which are generally limited to examination scores and length of service. He stated that consideration of additional factors outside those statutory criteria requires the use of an assessment center process. Mr. Duncan explained that under this process, the Chief of Police develops a proposed alternative evaluation system outlining the assessment center procedures and any additional evaluation factors to be considered. He stated that the proposal must then be presented to the police officers, who are entitled to vote on whether to approve the alternative system. If approved by the officers, the Civil Service Commission may then adopt the alternative assessment process. Mr. Duncan further explained that assessment centers may include multiple evaluation components such as interviews, employee coaching, office exercises, written examinations, and other assessment methods. He noted that these alternative assessment procedures are available only for police personnel and are not authorized for fire or EMS personnel, who remain subject to the statutory testing requirements. Mr. Duncan also addressed questions regarding examinations for individuals serving in the military. He referenced Section 143.032 and the Uniformed Services Employment and Reemployment Rights Act (USERRA), explaining that the City must accommodate military personnel and work with their supervisors or commanding officers regarding examination arrangements. Mr. Duncan stated that the preferred method would be for military personnel to take examinations simultaneously with other candidates through online technology and supervised proctoring. However, he acknowledged that military obligations and deployment conditions may require alternative arrangements. He noted concerns regarding maintaining examination security when tests are not administered simultaneously but stated that sworn statements and supervised proctoring could help address those concerns. Mr. Duncan stated that under USERRA, the City must defer to the resources, conditions, and availability associated with the military member's duty station when arranging examination administration. Mr. Duncan further stated that guidance had been provided recommending that the City review the assessment center systems used by the cities of Belton and Bryan as examples of alternative promotional systems. He explained that those cities do not

operate under “meet and confer” agreements but do utilize assessment centers, making them useful reference models. Mr. Duncan noted that the presence or absence of meet-and-confer agreements can affect how such systems operate. He further explained that development of an alternative assessment system is not initiated by the Civil Service Commission, but rather by the Chief of Police, who must prepare the proposed process in accordance with the applicable statutes. Mr. Duncan stated that he and the Chief would need to review the statutory requirements further, including provisions relating to the Executive Director. He noted that the Executive Director is generally responsible for administering examinations, but he was uncertain whether that responsibility also extends to administering officer votes regarding approval of alternative assessment systems.

Vice Chairman Hernandez asked whether the recommendation needed to be a formal written request. City Attorney Christopher Duncan confirmed that a written format was the preferred approach.

Chairman Morrow then sought perspective from City Manager Dr. Danielle Kelly on the concept of maintaining two separate promotional processes one for police and one for fire and EMS. Dr. Kelly confirmed that the two processes are already entirely separate from one another and that maintaining distinct processes would not be unusual or problematic. Chairman Morrow expressed his belief that the promotional process is a critical leadership process within any law enforcement agency. He emphasized the importance of selecting the right officer with the right mindset and character and that a multidimensional process one that evaluates not only academic knowledge, but also supervisory capability, emotional intelligence, social skills, and communication would better serve the organization and the community.

Vice Chairman Hernandez indicated agreement, stating he was ready to move forward with a formal recommendation.

City Attorney Christopher Duncan suggested the motion be framed as a formal recommendation to Chief Howell.

A motion was made by Vice Chairman Hernandez to make a recommendation to Chief Howell that she consider looking at alternative promotional processes AKA known as assessment centers and there are multiple types out there. The type that would probably fit best for here is a system that is similar to the what is in play in Bryan Bryan PD near Bryan College Station or Belton PD as a template to look for recommendations and then see what she wants to say or how she wants to move forward and to formally recommend it in writing to present to Chief Howell, seconded by Chairman Morrow with all present and voting “Aye” 2-0. The commission unanimously approved the motion. Commissioner Moore was not present for this motion.

Discussion and review of Rule 5.03 – Source List for Promotional Examinations (City of Alvin):

- **Requirement to assemble a list of exam source materials**
- **Criteria for “reasonably current” publications:**
- **Within 10 years preceding the exam**

- Exceptions allowing older materials if:
- Commonly used in Police/Fire training
- Not obsolete

Discussion and review of Rule 5.04 – Military Accommodation (City of Alvin):

- Legal considerations under Chapter 143.032(b)(1)
- Options for remote or alternative test proctoring during deployment

Discussion and review of Article VII – Vacation, Sick, and Holiday Time

Chairman Morrow introduced this item, noting that the Commission was using the City of Alvin's Civil Service rules as a baseline template. He indicated that he would read through each sub-item and invite discussion, but that several items would likely need to be deferred pending additional information to be gathered by City Manager Dr. Danielle Kelly at the next meeting.

- **7.01 Vacation Leave**

Chairman Morrow read the relevant provision, which states that each public safety service employee shall accumulate vacation leave at a rate no greater than 15 days per year, or at such greater rate as may be applicable to non-civil service employees of the municipality with comparable years of continuous service.

Chairman Morrow asked City Manager Dr. Danielle Kelly whether the City of Freeport currently provides non-civil service employees with more than 15 days per year. Dr. Kelly responded that vacation accrual for city employees is structured in tranches based on years of service and that she did not have the specific breakout figures available at the meeting. She offered to have the complete breakdown ready for the next meeting. Chairman Morrow confirmed he would like a breakdown for Police and Fire and EMS.

Vice Chairman Hernandez confirmed that whatever accrual rate is currently in place for non-civil service employees should be matched for civil service personnel.

- **Accrual rates (minimum 15 days/year or higher if applicable)**
- **6-month waiting period for usage**

Chairman Morrow read the provision stating that no public safety personnel may use vacation leave until he or she has completed six months of continuous employment, though leave shall accrue from the date of employment. City Manager Dr. Danielle Kelly noted that a six-month waiting period is the standard for non-emergency city employees, but that she was not certain of the current policy for police and fire. This item was deferred pending her research.

- **Carryover limitations**

Chairman Morrow read the provision stating that accumulated vacation leave may not be carried forward year to year except in conformity with policies generally applicable to all employees.

- **7.02 Payment for Accumulated Sick Leave**

Chairman Morrow read the provision providing that each public safety employee who leaves classified service for any reason shall be entitled to payment for sick leave accumulated after a specified date, up to a maximum of 90 days. He asked City Manager Dr. Danielle Kelly whether the city currently provides sick leave payouts to regular employees. Dr. Kelly confirmed that the city does not pay out sick leave for non-civil service employees. Chairman Morrow noted that the Commission would need to remain in compliance with the city's existing policies on this matter. This item was deferred.

- **Eligibility upon separation**
- **Maximum payout of 90 days**
- **7.03 Holidays**

Chairman Morrow read the provision stating that each public safety employee shall be entitled to the same number of holidays or days in lieu of holidays as non-civil service employees of the municipality.

- **Alignment with non-civil service employees**

Chairman Morrow summarized that all items under Article VII would be revisited at the next meeting once City Manager Dr. Danielle Kelly had gathered the necessary information.

Discussion and review of Article VIII – Performance and Conduct

Chairman Morrow introduced this item, again referencing the City of Alvin's rules as the baseline framework.

- **8.01 Efficiency Reports/Evaluations**

Chairman Morrow read the provision stating that the Commission shall adopt the City of Freeport's employee evaluation system. He asked City Manager Dr. Danielle Kelly whether this was already the process in place for police, fire, and EMS. Dr. Kelly stated this was only for non responders. Chairman Morrow noted that this item would require the Commission to coordinate with Chief Howell and Chief Motley to understand the current evaluation processes in each department.

Chairman Morrow read the provision requiring that a copy of each officer's efficiency report or evaluation be provided to that officer. He then read the follow-on provision granting employees the right, within 10 calendar days of receiving their evaluation, to prepare a written statement in response, which must then be placed in the personnel file alongside the evaluation itself.

14. Claustrophobia: an inability to function in confined spaces, which is operationally critical for firefighting

15. Acrophobia: a fear of heights, similarly relevant to fire service duties

Vice Chairman Hernandez raised a practical enforcement question, asking who would be responsible for validating that a violation had occurred particularly for broadly worded grounds such as acts showing lack of good moral character. He asked whether it would be the Chief of Police, the Chief of the Fire Department, or an employee's immediate supervisor who would make that determination.

Commissioner Moore offered his perspective, noting that complaints can originate from a variety of sources including co-workers, and pointed to a recent widely publicized incident in Houston where an employee was terminated following a social media post, as a practical illustration of how such conduct can come to light.

City Attorney Christopher Duncan elaborated on the procedural pathway, explaining that regardless of the source co-worker, supervisor, or otherwise the complaint would travel up the chain of command and ultimately reach the Chief. Depending on what disciplinary action the Chief then imposed, the employee would have the right to appeal that decision to the Civil Service Commission, which would then serve as the final arbiter of the matter. Mr. Duncan acknowledged that terms like lack of good moral character are broad and difficult to define with precision. He noted that employees might push back on such characterizations, arguing about free speech protections or the personal nature of their conduct. However, he emphasized that the most critical safeguard against arbitrary or pretextual use of these provisions is consistency of enforcement. He warned that the danger lies not in the breadth of the provision itself but in uneven application if one employee is disciplined for a specific act and another is not disciplined for the same or similar act, that inconsistency creates serious legal and organizational risk. Mr. Duncan also offered a broader reassurance to the Commission, noting that the police and fire departments almost certainly already have department-specific rules governing conduct that their employees are familiar with, and that many of the scenarios the Commission might be concerned about are likely already addressed by existing rules. He encouraged the Commission not to feel pressure to achieve perfection immediately, noting that things can always be changed and that if new situations arise for example, if a department wants to add a specific rule about equipment handling or some other newly emerged operational concern the Chief can return to the Commission to request an amendment.

- **Review of statutory grounds under Chapter 143.051, including:**
- **Conviction of a felony or other crime involving moral turpitude;**

Chairman Morrow read that a civil servant's conviction of a felony or other crime involving moral turpitude constitutes grounds for disciplinary action. Chairman Morrow further read that a violation of one or more provisions of the City Charter by a civil servant also constitutes grounds for disciplinary action.

- **Violation of municipal charter provision**

Chairman Morrow further stated that a civil service violation of one or more provisions of the City Charter constitutes grounds for disciplinary action.

- **Acts of incompetency**

Chairman Morrow stated that acts of incompetence constitute grounds for disciplinary action and read that a civil servant is expected to completely fulfill the functions of his or her rank and position completely acts of incompetence are grounds for disciplinary actions.

- **Neglect of duty**

Chairman Morrow further stated that neglect of duty includes failure to know and understand the functions of one's rank and position and failure to perform those duties. He explained that "shrinking of duties" refers to cowardice or failure to carry out required public safety duties and noted that violations of such standards may subject a civil servant to disciplinary action.

- **Discourtesy to the public or to a fellow employee while the police / FD officer is in the line of duty**

Chairman Morrow also addressed standards relating to discourteous conduct toward the public and fellow employees, stating that civil servants are expected to exercise courtesy toward coworkers, supervisors, subordinates, and members of the public.

- **Acts showing lack of good moral character**

Chairman Morrow stated that civil servants are expected to refrain from conduct, whether on duty or off duty, that demonstrates a lack of good moral character. He noted that dishonesty, including failure to be truthful when questioned by competent authority, constitutes conduct subject to disciplinary action.

- **Drinking intoxicants while on duty or intoxication while off duty**

Chairman Morrow additionally reviewed provisions relating to alcohol and intoxicants, stating that civil servants are prohibited from drinking while on duty, reporting to work under the influence, or becoming intoxicated off duty to the extent that it impairs their ability to perform their duties.

- **Conduct prejudicial to good order**

Chairman Morrow discussed conduct prejudicial to good order, including insubordination and actions that undermine discipline or department operations.

- **Refusal or neglect to pay just debts;**

Chairman Morrow also referenced provisions regarding refusal or neglect to pay just debts, absence without leave, shrinking from duty, and violations of departmental rules, special orders, or regulations, all of which may result in disciplinary action.

- **Absence without leave**
- **Shrinking duty or show cowardice in response to a public safety incident that requires an police / FD officer to carry out his/her duties to protect the public, this to include ACROPHOBIA & CLAUSTROPHOBIA**
- **Violation of an applicable police / FD rule or special order**
- **Violation of any policy, rule regulation of the City of Freeport and generally applicable to the conduct of its municipal employees, except where the application thereof would conflict with the provisions of the Act or these rules.**

City Attorney Christopher Duncan stated that many of these standards likely already exist within the Police and Fire Departments' current policies and procedures. He suggested that the City review the existing departmental regulations and compare them with statutory requirements rather than reinventing the wheel. He further noted that current management and employees are already familiar with the existing rules and enforcement procedures.

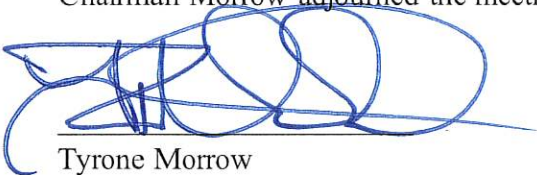
Chairman Morrow asked City Manager Dr. Danielle Kelly, Fire Chief Chris Motley and Police Chief Jennifer Howell to provide, at the next meeting, any existing rules, city ordinances, or departmental policies currently governing on-duty and off-duty conduct for police, fire, and EMS employees. Chairman Morrow also asked for any agency-specific rules from the departments themselves, so the Commission could review them against the framework being developed.

City Manager Dr. Danielle Kelly confirmed she had already noted those requests and would have the materials ready.

Adjourn:

A motion was made by Vice Chairman Hernandez to adjourn, seconded by Commissioner Moore.

Chairman Morrow adjourned the meeting at 6:45P.M.



Tyrone Morrow
Chairman, Freeport Civil Service Commission