

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 20, 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,
Jennifer Howell, Police Chief

Visitors:

Call to Order:

Chairman Morrow called the meeting of the Freeport Civil Service Commission to order at 6:19P.M. on May 20, 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 May 6, 2026.

A motion was made by Vice Chairman Hernandez to approve meeting minutes for May 6, 2026, seconded by Commissioner Moore with all present and voting "Aye" 3-0. The commission unanimously approved the motion.

Review and discussion regarding policy information to be presented by Dr. Kelly, Chief Howell, and Chief Motley concerning accrual rates for vacation leave, sick leave, and holiday time for Police, Fire, and EMS personnel.

Review and discussion regarding current Performance and Conduct policies and the City of Freeport's Efficiency Reports and Evaluation processes utilized for Police, Fire, and EMS personnel.

Police Chief Jennifer Howell provided an overview of the comprehensive packet she had assembled for the Commission. She explained that the document was organized with text in black font representing questions originally submitted by the Chairman Morrow and text in blue font representing her responses, which were sourced either from city policy or from attached supplemental materials. Chief Howell described the packet's contents as encompassing the Police Department's current evaluation instruments including blank copies of evaluation forms used for distinct positions within the department as well as Police Department policies relevant to the Commission's areas of inquiry. She noted that she had inserted intentionally blank separator pages throughout the packet to assist with navigation. She also confirmed that the packet included materials from the Belton Police Department, Bryan Police Department, and Bryan Fire Department regarding their respective alternative assessment processes, which related to later items on the agenda.

Vice Chairman Hernandez asked about the evaluation rating scale, observing that the forms appeared to use a scale of one through six, with six being the highest rating. Police Chief Jennifer Howell confirmed this and clarified the standards: ratings of one and two indicate performance below expectations, a rating of three represents meeting standards or meeting expectations, a four indicates performance slightly above expectations, and ratings of five and six reflect progressively higher levels of performance. Vice Chairman Hernandez followed up by asking what occurs when an employee scores in the below-expectations range. Chief Howell explained that a score in that range generally triggers either remedial training or a counseling response, depending on the nature of the deficiency. She drew a distinction between the two: a lack of overall productivity such as insufficient security checks or traffic enforcement activity would be treated as a counseling matter, while a skills-based deficiency such as substandard report writing would be addressed through a structured remedial training plan. Vice Chairman Hernandez then asked whether a specific deadline

is established for improvement under such plans. Chief Howell confirmed that a defined improvement timeline is typically set, often around 30 days, and described a sample remedial approach for report writing: pairing the employee with a senior officer who excels in that area, enrolling the employee in an online course, and providing examples of high-quality senior officer reports for review. At the end of the remediation period, a follow-up evaluation is conducted to assess progress.

Chairman Morrow asked what occurs if the employee fails to meet the expectations of the performance improvement plan. Police Chief Jennifer Howell noted, with some acknowledgment of the department's good fortune, that remedial plans generally produce the improvement sought. She recalled only one instance during her tenure where a remedial process was ultimately unsuccessful. In that case, the department made multiple attempts using different trainers, deliberately ensuring that any failure was not attributable to a mismatch of personalities or learning styles. After exhausting three separate remedial efforts with that individual, the department proceeded with an indefinite suspension with termination. Chairman Morrow observed that the department invests significantly in its personnel and that employees should be given every reasonable opportunity to succeed but that the nature of the business sometimes requires calling the question. Chief Howell agreed.

Review and discussion of a draft letter to Chief Howell regarding alternate promotional assessment center processes utilized by the City of Bryan Police Department and Belton Police Department as potential promotional methods for the City of Freeport Police Department for informational and comparative best-practice purposes.

Review and discussion regarding promotional assessment center best-practice models under civil service systems and their potential applicability within the City of Freeport Police Department.

Chairman Morrow introduced this item and observed, upon reviewing Police Chief Jennifer Howell's submitted materials, that the Freeport Police Department appeared to already be employing a form of assessment center process in its promotional evaluations. He asked Chief Howell to elaborate. Chief Howell confirmed this, describing what she refers to as a "mini assessment" model currently in use for Corporal and Sergeant promotional processes. For Lieutenant-level positions, she explained, a more comprehensive and standard assessment format is used. She walked the Commission through the process conducted just the previous day for an Administrative Sergeant position, which she described as somewhat different from the standard patrol promotional process. The process Chief Howell described proceeded in four sequential stages. Candidates first completed a 40-minute written examination; for the Administrative Sergeant position, the questions were tailored to administrative functions, whereas for patrol Corporal and Sergeant positions, questions typically draw from the Penal Code, Code of Criminal Procedure, and

Traffic Code. Following the written test, candidates were given 20 minutes to develop a PowerPoint presentation explaining why they should be selected for the position. Upon completion, each candidate presented their PowerPoint to an oral board as a self-advocacy exercise. Finally, the candidates were asked a series of standardized questions by the oral board. Blank copies of the score sheet and candidate instructions, the written test, and the oral board questions were all included in the Commission's packet for review. Chief Howell explained the philosophy behind the multi-format approach, stating that she implemented this process upon her arrival in Freeport and that it initially created some anxiety among staff. However, after candidates completed the process, she asked whether they felt it had been fair and whether it had given them an opportunity to demonstrate their strengths. The response was affirmative across the board. Chief Howell stated that not everybody interviews well, not everybody takes tests well. By creating multiple evaluation formats, the process provides each candidate a different arena in which to shine. Chairman Morrow noted that the multi-component promotional model Chief Howell described is, in substance, consistent with established assessment center best practices.

Review and discussion of written promotional plans utilized by the City of Bryan Police Department and Belton Police Department for informational and comparative purposes.
Review and discussion of the current written promotional plans utilized by the City of Freeport Police Department and Freeport Fire/EMS.

Review and discussion regarding current policies and procedures related to discipline, demotion, promotional bypass, and fitness for duty considerations for the City of Freeport Police Department and Fire/EMS.

Chairman Morrow noted that the policy documents for both the Freeport Police Department and Fire/EMS relating to discipline, demotion, promotional bypass, and fitness for duty were included in the Commission's packet as submitted by Police Chief Jennifer Howell. Chairman Morrow indicated these materials would be reviewed in conjunction with the Alvin Civil Service Rules discussion under Items 14 and 15, and that the Commission would return to Freeport's specific policies as they work toward developing their own rules.

Discussion and review of Article IX – Discipline, Demotion and Bypass from the City of Alvin Local Civil Service Rules, including:

- a. Appeals to the Civil Service Commission**
- b. Disciplinary Appeals Procedures**
- c. Third-Party Hearing Examiner Proceedings**
- d. Hearing Procedures Generally**
- e. Rulings on Evidence**
- f. Mediation and Settlement Procedures**

Chairman Morrow led the Commission through a careful, section-by-section reading and discussion of Article IX of the City of Alvin Local Civil Service Rules, using it as a reference framework for the Commission's own developing rules. Chairman Morrow prefaced the discussion by noting that a permanent HR Director is expected to be in place by the end of June, and that many of the procedural coordination questions would be informed by the Director's future role.

Chairman Morrow summarized Section 9.01, noting it establishes the framework for how disciplinary appeals are scheduled and coordinated. He opened discussion on a central operational question: should appeals be directed to the Commission directly, or should they first be routed through the HR Director for administrative processing? Commissioner Moore expressed support for routing appeals through the Director first, reasoning that the Director should verify that all required documentation is complete before the matter comes before the Commission ensuring the Commission receives a fully prepared package rather than having to manage incomplete submissions. Vice Chairman Hernandez agreed, calling it a more efficient process and noting the value of having compliance screened at the Director level before reaching the Commission. Chairman Morrow accepted this consensus and indicated it would be reflected in the Commission's draft rules. Regarding Section 9.01(B), Chairman Morrow noted the requirement that all appeal paperwork be personally signed by the affected employee or their attorney a straightforward provision establishing that appeals must be formally authenticated. Section 9.01(C), addressing extensions of deadlines, generated brief but substantive discussion. Chairman Morrow read the provision, which permits the appealing employee and the department head to agree to a postponement subject to Commission approval. He asked whether the Commission wished to grant the Director standing authority to approve such extensions without requiring the matter to return to the Commission each time. Police Chief Jennifer Howell offered helpful context from past practice, explaining that even when policy establishes defined timelines, it has historically been common for the department head and the employee's legal representative to work out scheduling accommodations informally citing competing court dates, trainings, or other schedule conflicts as routine causes for adjustment.

Vice Chairman Hernandez stated that at a minimum the Commission should be informed of any such request but expressed uncertainty as to whether the Commission itself or the Director should have final approval authority. Chairman Morrow affirmed that a definitive decision was not required that evening and indicated the question whether the Director alone can approve extensions or whether Commission notification or approval is required would be reserved for the final rule-drafting stage.

Commissioner Moore offered a working framework, suggesting that as long as the Commission is notified and the extension follows established guidelines, Director-level approval would be reasonable.

Chairman Morrow reviewed Section 9.02, which addresses logistics for disciplinary appeals before the Commission. Section 9.02(A) requires that the location and accommodations for all hearings be coordinated by the Director within legally required deadlines. Chairman Morrow asked Police Chief Jennifer Howell whether the city has a facility adequate to host a hearing. City Manager Dr. Danielle Kelly confirmed that both the large conference room upstairs and a conference room downstairs at City Hall are available and that use of either would be at the Commission's discretion. Chairman Morrow indicated the minutes would reflect conference room at City Hall as the designated location, acknowledging the Council Chambers are frequently in use. Section 9.02(B), which assigns the Director responsibility for calling any special meetings necessary to address pre-hearing issues, motions, discovery requests, and other preliminary matters, was noted as straightforward and consistent with standard practice.

Chairman Morrow reviewed Section 9.03, which governs the process when a disciplinary appellant elects to use a third-party hearing examiner in lieu of the Commission. Chairman Morrow explained that Section 9.03(A) places administrative coordination of such proceedings with the Director, who would work with the employee and the department to identify a mutually agreed-upon independent examiner within the statutory timelines established under Chapter 143. Section 9.03(B) reinforces that an employee must timely and properly perfect their appeal under Sections 143.054 and 143.057 of the Texas Local Government Code. Chairman Morrow noted he had distributed printed copies of those statutory provisions to Dr. Kelly and indicated a copy would be placed in the Commission file for future reference. Section 9.03(C) addresses the situation where parties fail to agree on a hearing examiner within the Chapter 143.057 deadline. In that event, the Director may presume no agreement has been reached and proceed to request a list of neutrals from the American Arbitration Association. Chairman Morrow explained the selection process: once a list is provided, each party exercises alternating strikes until a single agreed name remains a process he likened to *voir dire* in a judicial proceeding. He described this as well-established legal procedure and indicated the statutory language would govern without the need for additional Commission elaboration. Section 9.03(D) was noted as establishing that a third-party hearing examiner's decision carries the same weight and authority as a Commission ruling, with the exception that the decision must be rendered within 30 days of a timely appeal. Section 9.03(E) establishes that the rules of procedure and evidence for third-party examiner proceedings are those set by the examiner or the organization under which the examiner was selected, ensuring due process consistent with a formal legal proceeding. Section 9.03(F) requires that the hearing record and the examiner's decision be filed with the Director and maintained in the affected employee's civil service records. Chairman Morrow conducted a thorough walkthrough of Section 9.04, which establishes the procedural framework for all hearings before the Commission. He summarized the key provisions: the rules apply to all Commission hearings, with a parallel set of provisions for independent examiner proceedings; the Texas Rules of Civil Procedure and Criminal Procedure do not strictly govern civil service proceedings, though they may be referenced as guidelines; and an employee may represent themselves, retain legal counsel, or be represented by another appropriate representative.

On the Commission's subpoena authority under Section 9.04(E), the Chair noted the Commission has full statutory authority to compel witness attendance and production of documents. He read the provision stating that either the Commission chair or vice chair shall have authority to sign and issue subpoenas, then expressed his own view that all Commissioners not merely the chair should hold that authority. Both Vice Chairman Hernandez and Commissioner Moore agreed, and Chairman Morrow indicated the Commission's rules would reflect that all members may sign and issue subpoenas. Chairman Morrow reviewed Section 9.04(F), requiring all parties to come to hearings prepared to minimize disruption, and Section 9.04(G), establishing that all disciplinary appeal proceedings are public hearings by default. However, the Chairman Morrow highlighted the provision permitting the Commission to close a hearing upon request of the employee or department head when the subject matter involves personal privacy, a compromised ongoing investigation, or any other legally authorized basis. He noted that such circumstances are entirely foreseeable and that the Commission has clear authority to act accordingly. Section 9.04(H) provides for final resolution of pre-hearing motions and procedural matters before testimony begins. Section 9.04(I) addresses placing witnesses under the rule, which Chairman Morrow explained in detail: upon proper request, all individuals who will serve as witnesses are excluded from the hearing room prior to testimony so that their accounts are not influenced by what they hear others say. Chairman Morrow clarified that neither the appellant nor the department head can be placed under the rule, as both must remain present throughout the proceedings. On Section 9.04(J), Chairman Morrow read that the Commission chair or presiding commissioner shall administer the oath to witnesses providing factual testimony in contested hearings. He again expressed the view that this authority should rest with all Commissioners, not exclusively the chair, and both Commissioners again concurred. Chairman Morrow indicated this would be reflected as an all designation in the Commission's rules. Section 9.04(K) establishes the order of presentation: the party bearing the burden of proof typically the department head in a termination appeal presents first, followed by the responding party, with the burden-bearing party retaining the right to offer rebuttal evidence or testimony. Chairman Morrow illustrated this by example, noting that if Chief Howell had recommended a termination, she would bear the burden of justifying that action and would present first; the employee would then respond, and Chief Howell would have the opportunity to rebut the employee's evidence. Section 9.04(L) addresses the expectation that presentations be as brief and focused as possible. Chairman Morrow acknowledged that hearings can sometimes be drawn out through repetition or extended argument and emphasized that the Commission has a responsibility to manage the process calling the question when a point has been sufficiently made, while doing so with appropriate tact. Section 9.04(P) grants the Commission discretion to control session length, scheduling, recesses, and breaks. Chairman Morrow noted that time management had emerged as a recurring theme throughout the Commission's work and that it would likely continue to be a practical consideration in managing actual proceedings. Section 9.04(Q) addresses deliberations and the issuance of decisions. Chairman Morrow read the provision, which permits the Commission to retire to executive session for deliberations before reconvening in open session to announce its ruling by motion and second. A written order reflecting

the Commission's decision is then to be prepared, memorializing the ruling and signed by the majority of the Commission or by the Director documenting the vote and actions taken. Chairman Morrow reviewed Section 9.05, governing evidentiary standards. He explained that technical courtroom rules of evidence do not strictly apply to civil service hearings but may be referenced as guidelines for the orderly introduction of and objection to evidence. The scope of evidence is limited to factual matters relevant to the contested issue before the Commission. On the question of who rules on evidentiary objections, Section 9.05(D) assigns initial ruling authority to the Commission chair or presiding commissioner, while allowing the chair to confer with the full Commission on any particular objection. Chairman Morrow stated that it was his view this responsibility should be shared among all Commissioners acknowledging that it might add some length to proceedings but expressing that a collaborative approach is preferable to concentrating that authority in a single officer. The Commission agreed, and Chairman Morrow indicated this would again be marked as an all designation in the developing rules. Section 9.05(E), requiring all evidence and testimony to be presented and received in open session, was noted as standard. Chairman Morrow reviewed Section 9.06, which addresses mediation and settlement. He noted that the Alvin rules do not adopt any specific mediation or settlement framework but expressly preserve the parties' ability to reach a mutually agreed resolution through any process the parties themselves select. Chairman Morrow indicated no further decision was required on this provision at this time, and the Commission moved forward.

Discussion and review of Article X – Fitness for Duty from the City of Alvin Local Civil Service Rules, including:
a. Fitness for Duty Procedures
b. Fitness for Duty Provider Lists

Chairman Morrow introduced Article X and read Section 10.01, which establishes that fitness for duty proceedings are governed by Section 143.081 of the Texas Local Government Code. The provision calls for the Commission to appoint a physician, psychiatrist, or psychologist as appropriate to assess the physical or mental fitness of an officer. Chairman Morrow asked Police Chief Jennifer Howell whether the City of Freeport currently maintains relationships with healthcare providers for this purpose. Chief Howell confirmed that the department does not have an in-house provider but uses Concentra for general occupational health and medical matters, and has two local psychological providers for mental health evaluations. She also noted that the department's Fitness for Duty policy (Policy 2.9) was developed in direct response to a Texas Commission on Law Enforcement (TCOLE) mandate she believed effective in 2024 requiring all agencies to have such a policy in place. The department used TCOLE's model policy as its template and built its own policy to mirror those standards closely. Chief Howell further noted that under their current policy, the affected employee retains the right to select their own medical or psychological provider. Section 10.01(B) permits the police chief or fire chief to require an employee to submit a report from their personal physician, psychiatrist, or psychologist in response

to a notice of administrative concern involving physical or mental fitness for duty a provision consistent with Chief Howell's existing departmental practice. Chairman Morrow stated that, although the matter did not require an immediate answer, he wanted the Commission to consider the importance of selecting a medical physician, psychologist, or psychiatrist who specifically works with law enforcement, fire, and EMS personnel. Chairman Morrow explained that not all medical professionals necessarily understand the unique experiences and challenges faced by police officers, firefighters, and EMS personnel. He emphasized that any contracted professional should possess the institutional knowledge necessary to accurately evaluate employees and provide informed assessments to the City and department heads regarding employee well-being and fitness for duty. Section 10.01(A)(1) further allows the chief to request that the Commission make an initial determination to order such a report when a fitness concern exists. Section 10.01(C) addresses what occurs when a report from the employee's own provider does not resolve the question of fitness. Section 10.01(D) was discussed as it relates to officers out on injury or duty leave. Chairman Morrow explained that under Chapter 143.107, the Commission generally cannot call the question on a fitness for duty matter while an employee is still within the protected leave period typically up to one year. He acknowledged the difficult balance this creates, particularly in cases of catastrophic injury, and spoke at length about the practical and human dimensions of those situations. He expressed that the Commission's role is to give employees full and fair opportunity to recover whether from physical or mental injury before any fitness determination is made, while also recognizing the city's obligation to maintain a workforce capable of serving its citizens. Section 10.01(D)(1) was noted as preserving the chief's authority to call for a fitness for duty report even during leave status if the chief has a reasonable basis to believe the officer will be unable to return to duty. Section 10.02 requires the Director to maintain a list of qualified healthcare providers with expertise in physical, psychological, mental, and psychiatric healthcare, available for use by either the employee or the Commission in fitness for duty matters. Chairman Morrow reiterated his earlier position that providers on this list should have a background in treating or evaluating public safety professionals, and that this standard should be incorporated into the Commission's rules.

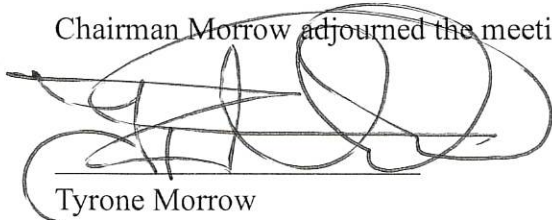
Vice Chairman Hernandez raised an important procedural question regarding HIPAA compliance, asking whether there are specific legal protections governing the confidentiality of medical and psychological information produced through the fitness for duty process particularly with respect to what can be shared with the employee's coworkers or other third parties and whether those restrictions would apply equally to the Commission itself. Chairman Morrow confirmed that HIPAA protections do apply to all medical and psychological records, including those produced in a civil service context, and that access would be appropriately restricted to those with a demonstrated need to know: the Commission members, the Director, and any individuals with a formal role in the proceeding. He further noted that fitness for duty hearings would likely be among the circumstances warranting a closed session, to protect the privacy of the affected employee from public disclosure. Chairman Morrow also committed to ensuring that the final rules incorporate an explicit HIPAA reference to address this concern.

Discussion regarding professional standards and personnel policy consistency related to promotional and disciplinary procedures for Police, Fire, and EMS personnel under Civil Service provisions.

Adjourn:

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

Chairman Morrow adjourned the meeting at 7:11P.M.

A handwritten signature in black ink, appearing to read 'Tyrone Morrow', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the left.

Tyrone Morrow
Chairman, Freeport Civil Service Commission