

ORDINANCE NO. 847

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS CALLING A SPECIAL ELECTION TO BE HELD JOINTLY WITH THE GENERAL ELECTION TO BE HELD ON MAY 4, 2024 FOR VOTER CONSIDERATION ON THE QUESTION OF AMENDMENTS TO THE CITY CHARTER FOR SAID CITY; ESTABLISHING RULES AND REGULATIONS FOR CONDUCTING SUCH ELECTION; PROVIDING FOR NOTICE OF SUCH ELECTION AND PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Granite Shoals initially adopted its Home Rule Charter by election of the citizens on November 8, 2005, which has subsequently been amended from time to time; and

WHEREAS, the City Council has determined that other amendments are needed to the Charter in order to conform with the requirements of state law as well as provide the best economy and most efficient government to its citizenry; and

WHEREAS, in accordance with state law, the City Council of the City of Granite Shoals, Texas, calls a special election to be held jointly with the general election to be held on May 4, 2024, and add to the ballot for voter consideration whether to adopt the amendments to City Charter set forth herein.

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

Section 1. Findings of Fact: All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. Amendments to the Charter: A special municipal election shall be held jointly with the general election on the 4th day of May, 2024, for the purpose of submitting to a vote of the electors whether to adopt new Charter language as shown on Exhibit "A," incorporated by reference for all purposes. The official ballot for the election shall be prepared in accordance with the Texas Election Code and all applicable laws, and at the election, each separate subject of the proposed amendments to the Charter shall read as a separate proposition and shall be added to the ballot as shown on Exhibit "A." If a majority of the qualified voters voting at said election shall vote in the affirmative on each proposition, the language shall be adopted as the Charter for the City and certified in accordance with state law.

Section 3. Each Change a Separate Proposition: The official ballots for the election shall be prepared in accordance with the Texas Election Code and the Local Government Code and all applicable laws so as to permit the electors to vote "FOR" or "AGAINST" each proposition.

Section 4. Conduct of Election: Pursuant to Chapter 31 of the Texas Election Code, the Council orders that the Election be held under an Election Services Contract with the Burnet County Elections Administrator. This contract was approved at the City Council on June 27, 2023.

Pursuant to Chapter 271 of the Texas Election Code, the Council orders that this Election be conducted under the terms and conditions of an Agreement to Conduct Joint Elections with other political subdivisions holding an election on the same date.

The Election shall be conducted by election officers, in accordance with the Texas Election Code and the Constitution and laws of the State of Texas and the United States of America. The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election. The voting at such election shall be by DRE electronic voting device. Early voting at such election shall also be DRE electronic voting device. Early Voting by Mail will be as prescribed by the Burnet County Elections Administrator.

Section 5. Election Day Precincts, Polling Places, Precinct Officials and Voting Times: The presently existing boundaries and territory of the respective Burnet County Election Precincts that are wholly or partially within the territorial boundaries of the City are hereby designated as the voting precincts of the City for the Election.

On Election Day, the polls shall be open from 7:00 AM to 7:00 PM.

Voting will be held for all Granite Shoals precincts at: Granite Shoals Community Center, 1208 N. Phillips Ranch Rd., Granite Shoals, TX 78654.

The returns for precincts in Burnet County will be provided by precinct for the Special Charter Election, and the Burnet County Elections Administrator shall tabulate and provide the election returns for all remaining election items.

Section 5. Early Voting: Early voting by personal appearance shall be conducted at the following locations in accordance with the provisions of the Texas Election Code:

April 30 to MAY 4, 2024

Del 30 de Abril al 4 de Mayo de 2024

Constitutional Amendments and Local Elections

Eleccion sobre enmiendas a la constitucion y elecciones locales

Burnet County, Texas

Condado de Burnet, Texas

Early Voting Locations and Hours

Sitios y Horarios de Votación Adelante

Polling Place <i>Sitio de Votación</i>		Address Domicilio		City Ciudad		
AgriLife Auditorium		607 N. Vanderveer St.		Burnet, TX 78611		
Marble Falls Texas Tech		806 Steve Hawkins Pkwy.		Marble Falls, TX 78654		
Granite Shoals Community Center		1208 N. Phillips Ranch Rd.		Granite Shoals, TX 78654		
Sunday <i>Domingo</i>	Monday <i>Lunes</i>	Tuesday <i>Martes</i>	Wednesday <i>Miércoles</i>	Thursday <i>Jueves</i>	Friday <i>Viernes</i>	Saturday <i>Sábado</i>
	April 29 El 29 de Abril	April 30 El 30 de Abril	May 1 El 1 de Mayo	May 2 El 2 de Mayo	May 3 El 3 de Mayo	May 4 El 4 de Mayo
	8am-5pm	8am-5pm	8am-5pm	7am-7pm	8am-5pm	7am-7pm

Ms. Dawn Wright, City Secretary, is hereby appointed as the Regular Early Voting Clerk for the City. Doug Ferguson, Burnet County Elections Administrator, is hereby appointed Joint Early Voting Clerk for early voting. Doug Ferguson is authorized to make appointments of deputy clerks for early voting in accordance with Section 83.031 *et seq.*, of the TEXAS ELECTION CODE.

Section 6. Appointment of Election Officials. Appointments of the Election Day Presiding Judge and Alternate Presiding Judge will be made by approval of the City Council subsequent to adoption of this ordinance.

Section 7. Notice of Election: The City Secretary is hereby authorized and directed to prepare a form titled "Notice of Election," the contents and form of which shall comply with the requirements of the Texas Election Code and other law and shall include a substantial copy of the proposed amendments and a statement that the changes to the Charter are not anticipated to have any fiscal impact on the City if approved. The City Secretary is directed to publish notice of the election in the City's official newspaper. The notice shall be published the same day in each two successive weeks, with the first publication occurring before the fourteenth (14th) day before the date of the election. To the extent applicable, the City Secretary shall also provide public notice of the election in accordance with the Texas Election Code.

Section 8. Severability: Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional.

Section 9. Repealer: The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

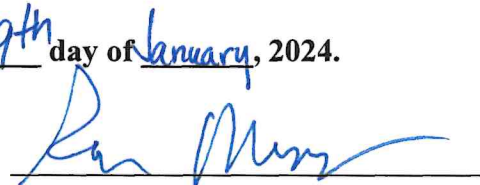
Section 10. Authorization to Execute: The Mayor is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the City Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 11. Effective Date: This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

Section 12. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

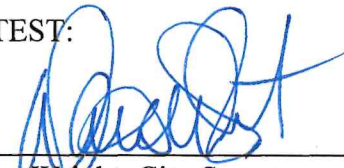
PASSED AND APPROVED ON this the 9th day of January, 2024.

APPROVED:



Ron Munos, Mayor

ATTEST:



Dawn Wright, City Secretary

APPROVED AS TO FORM:



Josh Katz, City Attorney



EXHIBIT "A"

Amendment No. 1 to the City Charter

Nature of the Change:

Change Article III, Section 3.01(2) to remove language from the initial adoption of the Charter in 2005 regarding the appointment of City Council Place 5 because that position is now elected.

Specific Charter Amendment Language:

Section 3.01 Composition

- (1) The "City Council" shall be composed of a "Mayor" and six (6) "Council Members" elected under the Place System, with there being Places 1, 2, 3, 4, 5 and 6. The Mayor and each Council Member shall be elected at large, and unless sooner removed under the provisions of this Charter, shall serve for a term of two (2) years and until their successor has been elected and duly qualified. The Mayor and all of the City Council holding office at the time of passage of this Charter shall continue to hold their respective office until their respective term of office for which they were elected expires.
- (2) Those Council Members whose terms expire in even-numbered years shall be Places 2, 4 and 6. Those Council Members whose terms expire in odd-numbered years shall be Places 1, 3 and 5. By ordinance, the City Council shall number the current places accordingly. ~~Upon adoption of this Charter, the new Place, known as Place 5, shall be considered vacant and shall be filled by appointment in accordance with sec. 3.05(5) of this Charter.~~ The Mayor shall be elected in an odd-numbered year.
- (3) The Mayor and Council Members shall serve for no more than three (3) consecutive terms. Terms served as Council Member shall be considered separately from those served as Mayor; however, no person shall serve more than six (6) consecutive terms as Mayor and Council Member.

Amendment No. 2 to the City Charter

Nature of the Change:

Change Article III, Section 3.05(5) of the City Charter to clarify the process used by City Council to elect a Mayor Pro Tem following the appointment to fill the vacancy of the Mayor Pro Tem position.

Specific Charter Amendment Language:

Section 3.05 Vacancies, Forfeiture and Filling of Vacancies

- (1) The office of a Council Member or the Mayor shall become vacant upon his/her death, resignation, forfeiture of, or removal from office by any manner authorized by law.
- (2) If any member of the City Council fails to attend three (3) consecutive Regular Council Meetings without being excused by the Council, the Council shall, at its next regular meeting, declare the office to be vacant and shall fill such vacancy as set forth in this section.
- (3) Any person on the City Council who ceases to possess the required qualifications for office or who is convicted of a felony or of a misdemeanor involving moral turpitude or is convicted of violating any state laws regulating conflicts of interest of municipal officers shall forfeit his/her office. Every forfeiture shall be declared and enforced by the City Council.
- (4) If there is a vacancy in the office of Mayor, the Mayor Pro Tem shall become Mayor for the unexpired remainder of the Mayor's term.
- (5) A vacancy in the City Council, other than that of the Mayor, shall be filled within thirty (30) days of the occurrence of the vacancy by an eighty (80%) percent vote of the remaining Council Members by selection of a person qualified for the position, as described in this Charter. This appointee shall serve until the next general or special election, as determined by the City Council at the time of the appointment. If the vacated position is that of Mayor Pro Tem, the City Council shall elect a new Mayor Pro Tem at the next regular meeting following the appointment to fill the vacancy of the previous Mayor Pro Tem's City Council position. A new Mayor Pro Tem shall not be elected following an appointment to fill any other vacant City Council seat.
- (6) The City Council shall not have more than two (2) appointed Council Members at any one time. Thereafter, in the event of additional vacancies, the City Council shall order a special election, in compliance with the Texas Election Code and other state laws and regulations, within sixty (60) days of the last vacancy to elect the successor or successors to the additional office or offices vacated. Vacancies filled by special election shall be for the remainder of the term. In the event that a vacancy occurs within ninety (90) days prior to the next general election, no special election shall be called, leaving the seat vacant.
- (7) Notwithstanding the requirement that a quorum of the City Council consists of four (4) members, if, at any time, the membership of the City Council is reduced to less than four (4) members, the remaining members may, by majority action, appoint additional members to raise the membership to four (4). These appointees shall serve until the positions can be filled at the next general or special City election. All vacancies filled by election shall be for the remainder of the unexpired term(s) of the office so filled.

Amendment No. 3 to the City Charter

Nature of the Change:

Amend Article III, Section 3.06 to amend the powers of City Council to conform with

Section 4.02 of the Charter, which grants the City Manager authority to appoint or remove the City Secretary subject to approval of City Council. Also amends Section 3.06 to grant the City Council the authority to eliminate administrative departments and to perform annual reviews of the City Manager, Municipal Judge(s), and City Attorney

Specific Charter Amendment Language:

Section 3.06 Powers of the City Council

All powers of the City and the determination of all matters of policy shall be vested in the City Council. Except where in conflict with and otherwise expressly provided by this Charter, the City Council shall have all powers authorized to be exercised by the Constitution and laws of the United States and the State of Texas and the acts amendatory thereof and supplementary thereto, now or hereafter enacted. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

- (1) Appoint and remove the City Manager and perform an annual review;
- (2) Appoint and remove the Municipal Judge(s) of the Municipal Court and perform an annual review;
- (3) Appoint and remove the City Attorney and perform an annual review;
- (4) ~~Appoint and remove the City Secretary~~ The City Manager shall appoint or remove the City Secretary subject to the approval of the City Council;
- ~~(5)~~ (4) Establish and eliminate administrative departments;
- (5) Adopt the budget of the City;
- (6) Collectively inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs;
- (7) Provide for a Planning and Zoning Commission and other boards as deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City ordinance or by law;
- (8) Adopt and modify the official map of the City;
- (9) Adopt, 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;
- (10) Adopt, 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 part, by disaster;
- (11) Regulate, license and fix the charges or fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire on the public streets and alleys of the City;
- (12) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein; provide

for the erection of fireproof buildings within certain limits; and provide for the condemnation of dangerous structures or buildings or dilapidated structures or buildings or structures or buildings calculated to increase the fire hazard, and the manner of their removal or destruction;

(13) Fix and regulate rates and charges of all utilities and public services and operate municipal utilities; and

(14) Adopt plats.

Amendment No. 4 to the City Charter:

Nature of the Change:

Amend Article III, Section 3.07 to clarify that Council may not dictate the appointment or removal of contractors whom the City Manager is authorized to appoint, and to prohibit the mayor or any council member from holding a contractor position with the City for one year after the expiration of their term of office.

Specific Charter Amendment Language:

Section 3.07 Prohibitions

- (1) Except where authorized by law or by this Charter, no Mayor or Council Member shall hold any other City office or City employment during his/her term as Mayor or Council Member. No former Mayor or Council Member shall hold any compensated appointive office, ~~or~~ City employment, or contractor position with the City until one (1) year after the expiration of the term for which they were elected or appointed to the City Council.
- (2) Members of the City Council shall not in any way dictate the appointment or removal of the City administrative officers, ~~or~~ employees, or contractors whom the City Manager or any of the City Manager's subordinates are empowered to appoint. The City Council, at a meeting called for that purpose, may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers, ~~and~~ employees, and contractors.
- (3) Except for the purpose of inquiries and investigations as provided by this Charter, the City Council shall deal with City officers, ~~and~~ employees, or contractors who are subject to the direction and supervision of the City Manager, solely through the City Manager. The City Council shall not give orders to any such officer, ~~or~~ employee, or contractor, either publicly or privately, except as otherwise provided in this Charter.

Amendment No. 5 to the City Charter:

Nature of the Change:

Amend Article III, Section 3.10 to require the City Attorney to make recommendations to

city council members with a potential conflict of interest regarding an agenda item.

Specific Charter Amendment Language:

Section 3.10. Conflicts of Interest

- (1) Should any member of the City Council have a conflict of interest, pursuant to any laws and/or City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the City Council, the Council Member shall openly declare same before discussion proceeds, and the Council Member is thereby prohibited from discussing the item or voting on the question and is not considered as present and voting for the purposes of the tally.
- (2) The City Attorney shall advise and make recommendations to City Council members with a potential conflict of interest concerning any issue brought forward for a Council vote.

Amendment No. 6 to the City Charter:

Nature of the Change:

Amend Article IV, Section 4.01 to amend the City Manager's qualifications, remove the statement that a City Manager is preferred but not required to be a resident of the City, and to require the City Manager to provide monthly financial updates to the City Council.

Specific Charter Amendment Language:

Section 4.01. City Manager

- (1) The City Council shall appoint, upon the affirmative vote of a majority of the full membership of the City Council, a City Manager who shall serve as Chief Administrative Officer of the City. The City Manager shall be responsible to the City Council for administration of all the affairs of the City, with only those exceptions that are named in this Charter. The City Manager shall be appointed solely upon the City Manager's executive, administrative and educational qualifications, and shall have previous city manager or city administrator or assistant city manager experience and/or a baccalaureate degree in public administration, business administration, or a related field such as economics, government, sociology, or epidemiology when such degree is supplemented by a master's degree in business administration (MBA) or a master's degree in public administration (MPA). ~~While it is preferable that the City Manager be a resident of the City, residency is not required.~~
- (2) The City Council shall fix the compensation of the City Manager, and the City Manager's compensation may be amended, from time to time, in accordance with the City Manager's experience, qualifications and performance.

- (3) The City Manager shall be appointed for an indefinite term, and may be removed at the discretion of the City Council by the affirmative vote of a majority of the full membership of the City Council. Upon decision to remove the City Manager, notice, in writing, of such decision shall be immediately furnished to him/her and the City Council may then suspend him/her from duty.
 - (A) If, within five (5) days after being notified of his/her termination and removal, the City Manager files a written request to the City Council requesting that his/her termination be reconsidered, the City Council shall, as soon as practical, meet with the City Manager in accordance with the Texas Open Meetings Act to review its decision to terminate.
 - (B) Following such review, after affording the City Manager an opportunity to respond to such initial decision to terminate, a new vote shall be taken with regard to the termination of the City Manager.
 - (C) The City Manager shall, from the date of suspension, continue to receive the City Manager's salary pending the final decision of the City Council.
 - (D) This procedure for a review meeting with the City Manager shall not alter the fact that the City Manager serves at the pleasure of the City Council, and the City Manager shall not have, nor should this procedure be construed to grant to the City Manager, any right to continued employment.
- (4) In case of the absence, disability or suspension of the City Manager, the City Council may designate a qualified administrative officer of the City to perform the duties of the office or appoint an interim City Manager.
- (5) The City Manager shall:
 - (A) Appoint, suspend and remove all City employees and appointive administrative officers provided for in this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant thereto;
 - (B) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by law or this Charter;
 - (C) See that all state laws and City ordinances are effectively enforced;
 - (D) Except upon an explanation acceptable to a majority of the City Council, attend all City Council meetings, with the right to take part in discussion, but shall not vote;
 - (E) Prepare and accept, or designate an appropriate department head or City employee to prepare and accept, items for inclusion in the official agenda of all City Council meetings and meetings of all boards and commissions;
 - (F) Prepare and recommend to the City Council the annual budget and capital program and administer the budget as adopted by the City Council;
 - (G) Keep the City Council fully advised, at least monthly ~~quarterly~~, as to the financial conditions and future needs of the City and make such recommendations concerning the affairs of the City, as the City Manager or the City Council deems desirable or necessary;

- (H) Make reports as the City Council may require concerning the operations of the City departments, offices, or agencies subject to the City Manager's direction or supervision; and
- (I) Perform such other duties as are specified in this Charter or may be required by the City Council, which are consistent with this Charter and state and federal law.

Amendment No. 7 to the City Charter:

Nature of the Change:

Amend Article IV, Section 4.02 to remove language describing the job functions of the City Secretary, because the City Manager determines these functions pursuant to Section 4.01(5) of the Charter.

Specific Charter Amendment Language:

Section 4.02. City Secretary

- (1) The City Manager shall appoint or remove the City Secretary subject to the approval of the City Council, and shall appoint or remove such Assistant City Secretaries as the Council shall deem advisable. The City Manager, along with the Mayor, shall review the performance of the City Secretary, and this review shall be shared with the City Council.
- (2) The City Manager and Mayor shall determine the compensation of the City Secretary, and the City Secretary's compensation may be amended, from time to time, in accordance with the City Secretary's experience, qualifications and performance.
- ~~(3) The City Secretary shall:~~
 - ~~(A) Give notice of all official public meetings of the City Council in a manner consistent with this Charter and state laws;~~
 - ~~(B) Except upon an explanation acceptable to a majority of the City Council, attend all public meetings and hearings of the City Council;~~
 - ~~(C) Keep the minutes of the proceedings of all public official meetings and hearings of the City Council in a manner prescribed by the City Council consistent with applicable law;~~
 - ~~(D) Act as custodian of all official public records of the City of Granite Shoals, ensuring that records are maintained and retained as necessary to meet operating requirements, and comply with Texas and U.S. laws and regulations.~~
 - ~~(E) Hold and maintain the seal of the City and affix this seal to all appropriate documents;~~
 - ~~(F) Authenticate, by signature and seal, and record all ordinances, resolutions and proclamations of the City;~~
 - ~~(G) Schedule and oversee all City elections in accordance with the Texas Election Code and any other applicable law.~~

~~(H) Perform such other duties as the City Manager shall assign, and as elsewhere provided for in this Charter. This assignment power does not extend to the City Manager's designees.~~

~~(4) Other Provisions~~

~~(A) In the absence of the City Manager or acting or interim City Manager, the City Secretary shall report to the Mayor.~~

~~(B) During a period when there is no City Manager, work assignment powers will extend to an acting or interim City Manager, but again do not convey to the acting or interim City Manager's designees.~~

~~(C) Council shall have unrestricted access to the City Secretary, and may request records and information without the involvement or approval of the City Manager.~~

(3) Council shall have access to the City Secretary and may request records and information without the involvement or approval of the City Manager.

Amendment No. 8 to the City Charter:

Nature of the Change:

Amend Article IV, Section 4.03 to bring the City's municipal court of record into conformity with state law by providing for a presiding municipal judge and one or more associate municipal judges serving four-year terms.

Specific Charter Amendment Language:

Section 4.03. Municipal Court

(1) The City Council shall establish and cause to be maintained a one or more Municipal Courts of Record. The Court shall have all the powers and duties as are now, or as may be, prescribed by the laws of the State of Texas.

~~(2) The City Council shall appoint, by the affirmative vote of a majority of the full membership of the City Council, such Municipal Judges of the Municipal Court, as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least two (2) years in the State of Texas. The Municipal Judge(s) of the Municipal Court(s) shall be appointed to a term of two (2) years and may be appointed to additional consecutive terms upon completion of the Judge(s) term(s) of office. The appointment of the Municipal Judge(s) may be terminated, with or without cause, at any time by the affirmative vote of a majority of the full membership of the City Council. The Municipal Judge(s) shall receive compensation as may be determined by the City Council.~~ The City Council shall appoint, by the affirmative vote of a majority of the full membership of the City Council, a Presiding Municipal Judge and may appoint one or more Associate Municipal Judges, as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least two (2) years in the State of Texas. The Municipal Judge(s) of the Municipal

Court(s) shall be appointed to a term of four (4) years and may be appointed to additional consecutive terms upon completion of the Judge(s)' term(s) of office. The appointment of the Municipal Judge(s) may be terminated, with or without cause, at any time by the affirmative vote of a majority of the full membership of the City Council. The Municipal Judge(s) shall receive compensation as may be determined by the City Council.

~~(3) The City Council may appoint additional associate Municipal Judges who possess the qualifications specified in Section 4.03(2)~~

(3) The Clerk and Deputy Clerks of the Municipal Court(s) shall have the power to administer oaths, certify affidavits, make certificates, affix the seal of the Court and perform all usual and necessary clerical acts in conducting the business of the Court(s), including but not limited to, the keeping of records and accounts of the Municipal Court(s).

(4) All special expenses and fines imposed by the Municipal Court(s) shall be paid into the City Treasury for the use and benefit of the City, as may be consistent with present and future laws.

Amendment No. 9 to the City Charter:

Nature of the Change:

Amend Article V, Section 4.04 to require the City Attorney to make recommendations to the City Council regarding potential conflicts of interest.

Specific Charter Amendment Language:

Section 4.04. City Attorney

- (1) The City Council shall appoint, by the affirmative vote of a majority of the full membership of the City Council, a competent, duly qualified, licensed and practicing attorney in the State of Texas who shall serve as the City Attorney.
- (2) The City Attorney shall:
 - (A) Serve as the legal advisor to the City Council and City Manager;
 - (B) Represent the City in litigation and legal proceedings as directed by the City Council and the City Manager; and
 - (C) Review and provide opinions as requested by the City Council or City Manager on contracts, legal instruments, ordinances of the City and other City business.
 - (D) The City Attorney shall advise and make recommendations to City Council members with a potential conflict of interest concerning any issue brought forward for a Council vote.
- (3) The City Council shall have the right to retain special counsel at any time that it may deem necessary and appropriate.

- (4) The City Attorney and Special Counsel shall receive compensation as may be determined by the City Council.
- (5) The City Attorney, with approval of the City Council, may select additional attorneys to act for him/her and the City in its representation and/or litigation.
- (6) The City Attorney may be removed, with or without cause, by the affirmative vote of a majority of the full membership of the City Council.

Amendment No. 10 to the City Charter:

Nature of the Change:

Amend Article VI, Section 4.06 to remove the City Secretary from the requirement that the City's personnel rules must include a plan for an annual evaluation of the City Secretary by the City Council.

Specific Charter Amendment Language:

Section 4.06 Personnel System

- (1) Personnel rules shall be prepared by the City Manager and presented to the City Council, who may adopt them by ordinance or resolution, 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.
- (2) The adopted rules shall provide for the following requirements:
 - (A) A pay and benefit plan for all City employment positions;
 - (B) A plan for working hours, attendance policy and regulation and provision for sick and vacation leave;
 - (C) Procedure for the hearing and adjudication of grievances;
 - (D) Additional practices and procedures necessary to the beneficial and equitable administration of the City's personnel system; and
 - (E) A plan for annual, oral and written evaluation based on a job description for all City employees by their immediate supervisor, including evaluation of the City Manager, ~~City Secretary~~, Municipal Judge and City Attorney by the City Council.

Amendment No. 11 to the City Charter:

Nature of the Change:

Amend Article V, Section 5.02 to add a qualification for candidates for elected City offices that they be a qualified voter within the corporate limits of the City prior to the filing date to run for that office, and remain so while in office. The proposed changes would also require a City employee to resign from employment after being sworn in to an elected office.

Specific Charter Amendment Language:

Section 5.02 Filing for Office

- (1) Candidates for elective City offices shall file for office in accordance with the Texas Election Code.
- (2) Candidates for elective City offices shall meet the following qualifications:
 - (A) Shall be a qualified voter within the corporate limits of the City, or recently annexed territory, prior to the filing date, and at all times while in office; at the time of the election for which they are filing;
 - (B) Shall have resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months prior to the filing date;
 - (C) Shall not, at the time of filing or while in office, be in arrears in payment of taxes or other liabilities due the City after the expiration of thirty (30) days following the providing of notice of any delinquency;
 - (D) No candidate may file in a single election for more than one (1) elective office or position;
 - (E) No employee of the City shall continue in such position after being sworn in to elective City office; filing for an elective City office; and
 - (F) Shall comply with all other City ordinances and/or resolutions that may be applicable.

Amendment No. 12 to the City Charter:

Nature of the Change:

Amend Article V, Section 5.04 to clean up language addressing tie votes in council elections and the canvass of council elections.

Specific Charter Amendment Language:

Section 5.04 Official Results

- (1) The candidate for Mayor and each City Council place that receives the highest number of votes cast shall be elected. In the event of a tie, if candidates agree to an alternative resolution in accordance with the Texas Election Code, a ~~runoff recall~~ election will not be required. If no agreement between the candidates is reached, the City Council shall, upon completion of the official canvass of the ballots, issue a call for a runoff election to be held in accordance with the Texas Election Code.
- (2) The returns of every municipal election shall be handled in accordance with the Texas Election Code. These returns shall be delivered or reported to the person performing the duties of the City Secretary as soon as possible after the closing of the polls. Election returns, general and special, shall be presented to the City Council in accordance with the

Texas Election Code, for official canvass and declaration of the results of the canvass election.

Amendment No. 13 to the City Charter:

Nature of the Change:

Amend Article IX, Section 9.02 to require the Planning and Zoning Commission to provide reports or presentations to City Council on potential costs or financial impacts regarding matters brought before the Commission.

Specific Charter Amendment Language:

Section 9.02 Duties and Powers

- (1) The Commission shall be responsible to and act as an advisory board to the City Council. The Commission shall:
 - (A) Review all current and proposed ordinances and amendments pertaining to planning and zoning and make recommendations to the City Council for action to be taken;
 - (B) Make proposals to the City Council to amend, extend and add to the Comprehensive Plan for the physical development of the City;
 - (C) Keep records of its resolutions, findings, determinations, and meeting minutes, which shall be maintained by the City Secretary according to the record management plan for the City as adopted by City Council. These official public records shall be available for review by the public.
 - (D) Provide reports or presentations to City Council, as requested; and
 - (E) Review plats (and re-plats, as requested) and zoning requests and make recommendations to the City Council for final adoption of same.
 - (F) Provide reports or presentations to the City Council regarding cost analysis and/or financial impact to the City regarding matters brought before the Commission.
- (2) The Commission shall have full power to:
 - (A) Exercise the authority of the Commission as provided by state law, this Charter and City ordinances; and
 - (B) Make reports and recommendations relating to the Comprehensive Plan and development of the City.
- (3) A vote of three-fourths ($\frac{3}{4}$) of the Council members present, or four (4) votes, whichever is greater, be required to overrule a recommendation of the Commission that a proposed zoning amendment, supplement or change be denied.

Amendment No. 14 to the City Charter:

Nature of the Change:

Amend Article XI, Section 11.07 to require an appointed Charter Review Commission to begin its functions by June 1st of the year in which it is formed.

Specific Charter Amendment Language:

Section 11.07 Charter Review Commission

- (1) The City Council may appoint a Charter Review Commission at least once every six (6) years to begin June 1st of the year in which the Commission is formed. The Charter Review Commission shall consist of ten (10) citizens of the City who shall:
 - (A) Inquire into the operation of the City government under the Charter and determine whether any provisions require revision. To this end, public hearings may be held. The Commission may compel the attendance of any officer or employee of the City and require submission of any City records;
 - (B) Propose any recommendations it deems desirable to ensure ~~insure~~ compliance with the Charter of the City government; and
 - (C) Report its findings and present its recommendations to the City Council.
- (2) The City Council shall receive and have published in the official newspaper of the City a comprehensive summary of the report presented by the Charter Review Commission, shall consider any recommendations made, and may order any amendments suggested to be submitted to the voters of the City in the manner provided by state law.
- (3) The term of office of the Charter Review Commission shall be for not more than six (6) months, at the end of which time a report shall be presented to the City Council and all records of proceedings of the Charter Review Commission shall be filed with the City Secretary and become a public record.

Amendment No. 15 to the City Charter:

Nature of the Change:

Amend Article XI, Section 11.08 to comply with state law, which requires that voters be allowed to vote to approve or disapprove any one or more proposed charter amendments without having to approve all of the amendments in a single vote.

Specific Charter Amendment Language:

Section 11.08. Submission of Charter to Electors

~~The Charter Commission in preparing this Charter finds and declares that it is impractical to segregate each subject so that the voter may vote "Yes" or "No" on each subject. The Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that this Charter be voted upon as a whole.~~

The ballot for proposed amendments to the Charter shall be prepared so that a voter may approve or disapprove of any one or more amendments without having to approve or disapprove of all of the amendments. (Texas Local Government Code Section 9.004(e)).

Amendment No. 16 to the City Charter:

Nature of the Change:

Amend Article XIV, Section 14.01 to align the Charter with state law regarding the hiring of employees or contractors who are related to the Mayor, City Manager, or any City Council member.

Specific Charter Amendment Language:

Section 14.01 Nepotism

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Council Member or the City Manager shall be employed by or contracted with for the City. In accordance with Texas Government Code Section 573.062, ~~t~~This shall not apply to the following:

- (1) Any person employed by the City for at least six continuous months prior to the person related in the above degree being elected to office, or any person employed by the City for at least thirty days prior to the person related in the above degree being appointed to the office of Mayor, City Council or the City Manager, filing to run for elective office or being nominated for an appointment, or
- (2) Any person who is a seasonal employee or intern of the City.