

ORDINANCE 2021-3814

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD ON THE 1ST DAY OF MAY, 2021, FOR THE PURPOSE OF ADOPTING OR REJECTING PROPOSED AMENDMENTS TO THE LA PORTE, TEXAS, HOME RULE CITY CHARTER, CONCURRENT WITH THE REGULAR MUNICIPAL ELECTION FOR CITY COUNCIL MEMBERS; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE; DESIGNATING THE PLACES AND MANNER OF HOLDING THE ELECTION; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING FOR PUBLIC NOTICE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 24, 2020, the City Council of the City of La Porte authorized the creation of the 2020 Charter Review Commission composed of citizens appointed by the City Council, charging it with review of the City of La Porte Home Rule Charter and to return to the City Council with proposed amendment propositions; and

WHEREAS, on January 11, 2021, the La Porte City Council was briefed on and considered the recommendations of the 2020 Charter Review Commission of La Porte for adoption of proposed amendments to the La Porte Home Rule Charter; and

WHEREAS, the City Council of the City of La Porte, Texas, after considering the recommendations of the 2020 Charter Review Commission of La Porte, has on its own motion determined to submit to the qualified voters for adoption or rejection of certain proposed amendments to the existing Home Rule Charter of the City of La Porte, Texas, pursuant to Section 9.004(a) of the Texas Local Government Code; and

WHEREAS, the City Council of the City of La Porte, Texas, hereby calls a special election to allow the voters to determine whether the Charter should be amended as hereinafter set out; and

WHEREAS, Section 9.004 of the Texas Local Government Code provides that a charter amendment election shall be held not less than thirty (30) days after the passage of the ordinance calling for charter amendments; and

WHEREAS, Section 9.004 of the Texas Local Government Code provides that the charter amendment election shall be held on the first authorized uniform election date prescribed by the Texas Election Code or the earlier of the next general municipal election or the next Presidential election; and

WHEREAS, the City of La Porte is holding a general municipal election for election of City Council members on May 1, 2021, which is the earliest available date to hold a special election for consideration of proposed charter amendments.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1. That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct legislative findings and are adopted as part of this Ordinance for all purposes.

Section 2. That a special election is hereby ordered to be held in the City of La Porte, Texas, on the 1st day of May, 2021, between the hours of seven o'clock (7:00) a.m. and seven o'clock (7:00)

p.m., pursuant to the laws of the State of Texas and the Charter of the City of La Porte, Texas. Said election shall be held for the purpose of adopting or rejecting proposed amendments to the City of La Porte, Texas, Home Rule Charter.

Section 3. The City is hereby divided into six (6) election precincts, corresponding to the boundaries of the six City Council single-member districts. The boundaries of such districts are as established, defined, and outlined in Ordinance 2011-3384. The polling places for these election precincts shall be as follows:

City District/

City Election Precinct

Polling Location

1, 2, 3, and 6

LPISD's ITC Building, 9832 Spencer Highway, La Porte, 77571

4 and 5

City of La Porte City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, 77571

Section 4. Lee Woodward, City Secretary, is appointed as the Early Voting Clerk, and Sharon Harris, Deputy City Secretary, is appointed as the Deputy Early Voting Clerk, for joint early voting in person and voting by mail, and the City of La Porte City Hall, City Council Chamber, 604 West Fairmont Parkway, La Porte, Texas, 77571, is hereby designated as the Main Early Voting Location for early voting for the election.

The places at which Early Voting by personal appearance shall be conducted are designated as the La Porte City Hall, 604 West Fairmont Parkway, La Porte, Texas, (main early voting polling place), and the Instructional Technology Center (ITC Building), 9832 Spencer Highway, La Porte, Texas, (branch early voting polling place).

During the lawful early voting period, such Early Voting Clerk shall keep such locations for early voting open for early voting from 8:00 a.m. - 5:00 p.m., beginning Monday, April 19, 2021, and continuing through Tuesday, April, 27, 2021, with the exception of Tuesday, April 20, 2021, and Tuesday, April 27, 2021, in which case early voting hours shall be from 7:00 a.m. to 7:00 p.m.

Section 5. The City Council has determined, pursuant to Chapter 31 of the Texas Election Code, that the City is authorized to enter into an Election Services Agreement with the La Porte Independent School District (LPISD), and, pursuant to Chapter 271 of the Texas Election Code, the City is authorized to enter into a Joint Election Agreement with LPISD and other participating political subdivisions for this election. The City Secretary and Mayor are hereby authorized to perform all duties and take all actions as required by any election services contract(s) and/or joint election agreement(s) that may be authorized by the City Council.

Section 6. That said special election shall be held in conjunction with the regularly scheduled City Council election on said same date for the purpose of submitting to the voters of the City of La Porte, Texas, the following propositions for amendments to the Home Rule Charter of the City of La Porte, Texas. The official ballots to be used in the special election shall comply with the applicable provisions of the Texas Election Code, shall state each proposed amendment separately and distinctly so that the voters shall pass upon each amendment separately and apart from another so that a voter may vote "For" or "Against" any amendment or amendments without voting "For" or "Against" all such amendments, and shall have written or printed thereon such provisions, markings, and language as may be required by law; and the propositions shall be set forth on said ballots in substantially the following form and language:

CITY OF LA PORTE PROPOSITION A

Shall Article I, Section 1.03. – *Modification of city boundaries.*, be amended to provide that the authority to fix the boundary limits of the city and to annex property, and the procedures for taking such action, shall be in accordance with the laws and constitution of the state, and additionally, that a public hearing shall be required before the disannexation of territory from the city?

_____ FOR (A favor)

_____ AGAINST (Contra)

CITY OF LA PORTE PROPOSITION B

Shall Article I, Section 1.05. – *Powers of the city. b. Enumerated powers. 4. Garbage disposal.* be amended by removing the word “*rubbish*” and inserting in its place the phrase “*other waste*”, in order to clarify that the City Council has authority to adopt regulations for the removal of categories of waste, including hazardous items?

_____ FOR (A favor)

_____ AGAINST (Contra)

CITY OF LA PORTE PROPOSITION C

Shall Article I, Section 1.05 – *Powers of the city. b. Enumerated powers. 5. Nuisances, etc.*, be amended by removing the phrase “*to inspect dairies, slaughter pens, and slaughterhouses inside and outside the limits of the city, from which meat or milk is furnished to the inhabitants of the city*” due to the fact that this activity is regulated at the county and state level?

_____ FOR (A favor)

_____ AGAINST (Contra)

CITY OF LA PORTE PROPOSITION D

Shall Article I, Section Amending Article II, Section 2.02. – *Qualifications. A. Enumerated.* be amended by inserting the word “*resident*” in place of the term “*qualified voter*”, to conform the Charter to state law?

_____ FOR (A favor)

_____ AGAINST (Contra)

CITY OF LA PORTE PROPOSITION E

Shall Article II, Section 2.02 – *Qualifications. A. Enumerated.* be amended by inserting the phrase “*In addition thereto, each candidate for public office must be a qualified voter of the city, must file a sworn application with the city secretary in accordance with state law, and file for only one city office*”, and removing same from Article II, Section 2.04, in order to place such wording under the proper subject heading?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION F

Shall Article II, Section 2.02 – *Qualifications. b. Council to be judge of members' qualifications.* be amended by adding wording establishing procedures and guidelines for City Council to remove a member of City Council for conduct constituting forfeiture of office under the La Porte Charter?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION G

Shall Article II, Section 2.03. *Conduct of elections.* be amended by inserting existing wording located in Section 2.04.d, which reads “*Official ballots. Official ballots shall be prepared in accordance with state law*”, and Section 2.04.e, which reads “*Canvassing elections. Election returns shall be canvassed in accordance with state law*”, in order to place such wording under the proper subject heading?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION H

Shall Article II, Section 2.04. - *Vacancies in city council.* be amended by expanding Section 2.04 to specify under what circumstances the office of Mayor or of a Councilmember becomes vacant, what actions of the Mayor or a Councilmember constitute forfeiture of office, actions resulting in resignation from office, and the process for filing vacancies?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION I

Shall Article II, Section 2.06. - *First meeting of council after canvass.* be amended to allow newly elected members of the City Council to qualify and assume the duties of office as soon as allowable under state law, rather than at the first meeting of City Council after the canvassing of the election?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION J

Shall Article II, Section 2.07. – *Meetings. a. Frequency.* be amended to provide that special meetings of the City Council can be called only by the Mayor, the City Manager, or at the request of three (3) members of City Council?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION K

Shall Article II, Section 2.09. – *Powers of council. j.* be amended by removing the term “*assessment rolls*” and replacing with the term “*certified appraisal rolls*” in both places where it appears, to conform the La Porte Charter to terminology used in state law?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION L

Shall Article II, Section 2.09. – *Powers of council.*, Subsection k., related to City Council approval of expenditures from a contingent appropriation, be removed on the basis that such section as unnecessary and redundant?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION M

Shall Article II, Section 2.10. – *Additional discretionary powers.* Subsection b. *Hospital*, related to authority of the City to own and operate a hospital and manage the finances of same, be amended by removing this subsection in its entirety, as unnecessary?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION N

Shall Article III, Section 3.01. – *City manager. d. Provisions for absence.* be amended by adding wording giving the City Council authority to appoint an officer of the City to perform the duties of City Manager, should the City Manager fail to designate a person to perform his or her duties in the event of absence or disability?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION O

Shall Article III, Section 3.03. – *City secretary.* be amended to provide that the city secretary shall be appointed and removed by the city council only by a vote of the majority of the entire city council?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION P

Shall Article III, Section 3.04. – *Municipal court. b. Municipal judge.* be amended to provide that the municipal court judge shall be appointed and removed by the city council only by a vote of the majority of the entire city council?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION Q

Shall Article IV, Section 4.01. - *Preparation and submission of budget. a. Contents of budget. 1.* be amended by removing the word “*receipts*” and inserting in its place the word “*revenues*”, in order to replace antiquated terminology?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION R

Shall Article IV, Section 4.02. - *Availability of proposed budget.* be amended by removing the phrase “*The city manager shall cause sufficient copies of such to be prepared for distribution to interested persons*” as unnecessary due to the fact that a copy of the budget can be prepared for interested persons on request?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION S

Shall Article IV, Section 4.04. – *Public record.* b. *Availability.* be amended by removing the word “*mimeographed*”, due to being obsolete?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION T

Shall Article V, Section 5.01. – *Division of taxation.* be amended by removing obsolete wording designating the head of the city’s division of taxation as the city tax assessor-collector?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION U

Shall Article V, Section 5.01. – *Division of taxation.* b. *Payment of taxes.* 1. *When due and payable.* be amended by adding wording to specify that taxes required to be paid before the first day of February will not become delinquent until the following business day if the thirty-first day of January is a Saturday, Sunday, or legal holiday?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION V

Shall Article V, Section 5.02. – *Purchase procedure.* be amended by adding wording to allow purchases and contracts of the city to be *executed through the process of charging the appropriate city account to a procurement card*, in addition to by requisition form?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION W

Shall Article V, Section 5.05. – *Borrowing.*, concerning authority of City Council to borrow funds by issuance of negotiable notes, be amended by striking such section in its entirety, due to being obsolete?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION X

Shall Article VI, Section 6.01. – *Power of initiative.* be amended by adding wording to specify that the registered voters of the city shall have power to propose ordinances to city council, known as the initiative, but that such power does not extend to the budget or capital program, granting of franchises, or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees, or in conflict with this Charter, or the Constitution and laws of the State of Texas, to conform the Charter to state law?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION Y

Shall Article VI, Section 6.02. – *Power of referendum.* be amended by adding wording to specify that the right of registered voters to approve or reject any ordinance passed by city council, known as the referendum, does not extend to the budget, capital program, granting of franchises, or ordinance relating to appropriation of money or levying of taxes, or the preservation of public peace, health, or safety under emergency conditions, to conform the Charter to state law?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION Z

Shall Article VI, Section 6.03. - *Procedure for initiative or referendum petition.* a. *Form of petition.* 1. *Text.* be amended by replacing wording requiring that an initiative petition contain the full text of the proposed ordinance with wording providing that the initiative petition signature pages contain only the full caption of the proposed ordinance but with the full text of the proposed ordinance instead attached to the petition signature pages, in order that it may be inspected before the petition is signed?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION AA

Shall Article VI, Section 6.03. - *Procedure for initiative or referendum petition.* a. *Form of petition.* 2. *Signatures.* (a) be amended by removing the requirement that an initiative or referendum petition by signed in ink or indelible pencil?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION BB

Shall Article VI, Section 6.03. - *Procedure for initiative or referendum petition.* a. *Form of petition.* 2. *Signatures.* (b) be amended by changing the requirement that a referendum petition be signed by qualified voters of the city equal in number to at least fifty (50) percent of the number of votes cast in the last regular municipal election, to the requirement that a referendum petition be signed by a minimum of five hundred (500) registered voters of the city?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION CC

Shall Article VI, Section 6.03. - *Procedure for initiative or referendum petition.* a. *Form of petition.* 3. *Circulators.*, requiring that initiative and referendum petitions contain the name and addresses of five (5) qualified voters as petition circulators, be removed in its entirety due to the being inconsistent with federal law?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION DD

Shall Article VI, Sections 6.03. - *Procedure for initiative or referendum petition.* b. *Submission of petition.* 3. *Certification.* (b) *Effect.* and Article VI, Section 6.06. - *Amendment of initiative or referendum ordinances.* be amended by removing the term “*electors*” and replacing with the term “*voters*”?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION EE

Shall Article VI, Section 6.08. - *Procedure for recall petition. a. Affidavit.* be amended by requiring that in any case where a petition is sought for the recall of district councilperson, a voter filing the required affidavit with the City to initiate the recall petition process must reside in that councilperson's district?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION FF

Shall Article VI, Section 6.08. - *Procedure for recall petition. c. Return of petition.* 1. be amended by changing the requirement that a recall petition be signed by qualified voters of the city equal in number to at least fifty (50) percent of those who were qualified voters and voted on the date of the last regular municipal election, to the requirement that a recall petition be signed by a minimum of one thousand (1000) registered voters of the city, and in the case of the recall of district councilperson, a minimum of two hundred-fifty registered voters?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION GG

Shall Article VI, Section 6.10. - *District judge may order election.* be amended by clarifying that should city council fail or refuse to order any initiative or referendum election properly brought by petitioning registered voters of the city under procedures contained in the Charter, that judicial relief may be sought with the appropriate court for issuance of a writ of mandamus to compel compliance with the Charter?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION HH

Shall Article VIII, Section 8.01. - *Publicity of records.* be amended by providing that the release of public records will be governed by procedures established in state law as well as any regulations adopted by City Council consistent with state law?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION II

Shall Article VIII, Section 8.02. - *Employers and officers. a. Personal financial interest.* be amended by requiring that all members of the City Council, officers and employees of the City having a financial interest in any contract or sale to the city of land, material, supplies or services be subject to applicable state law governing conflicts of interest, including but not limited to Texas Local Government Code Chapters 171 and 176, and authorizing the City Council to adopt regulations consistent with such state laws, as necessary?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION JJ

Shall Article VIII, Section 8.02. – *Employers and officers. c. Nepotism* be amended to provide that the prohibition against the hiring of persons related within the second degree by affinity or within the third degree by consanguinity, to the mayor or any councilperson or to the city manager, shall apply only to paid positions, and, that the existing exception for prior continuous employment of two (2) years be revised to provide a prior continuous employment exception of 1) at least 30 days, if the employed person is related to the city manager; or 2) at least six months, if the employed related to a member of city council, to align the Charter with the state nepotism statute?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION KK

Shall Article VIII, Section 8.02. – *Employers and officers. d. Bonds.* be amended to allow the City Council by general ordinance to require bonds of any municipal officers and employees who receive or pay out any monies of the city, and to set the amount of any such bonds?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION LL

Shall Article VIII, Section 8.02. - *Employers and officers. h. Pensions.*, related to the authority of City Council to establish a pension plan for employees, be amended by removing wording that limits eligibility to participate in the pension plan to employees who have been employed by the city for twenty (20) years and who have reached the age of fifty-five (55)?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION MM

Shall Article VIII, Section 8.06. – *Amending this Charter.* be amended by adding wording to clarify that the Charter shall be the subject of a mandatory review at least every ten (10) years, and that the process for proposing and submitting amendments to the Charter by qualified voters of the City shall be in accordance procedures established in state law.?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

CITY OF LA PORTE PROPOSITION NN

Shall the City Charter be amended throughout with a conforming amendment for gender-neutrality, by replacing references to “*his*”, “*him*”, or “*he*” with “*his or her*”, “*him or her*”, or “*he or she*”?

_____ **FOR (A favor)**

_____ **AGAINST (Contra)**

Section 7. If all of the above described propositions are adopted by the qualified voters of the City of La Porte, the following City Charter provisions shall be amended by as reflected on Exhibit A attached hereto and incorporated by reference.

Section 8. Voting at said election, including early voting, shall be by the use of voting machines; and the ballots of said election shall conform to the Texas Election Code, as amended. The City Secretary is hereby authorized and directed to obtain, or cause to be obtained, the necessary electronic tabulating equipment, to arrange for the testing thereof as provided by law and to employ a duly qualified manager and a duly qualified tabulation supervisor to perform the duties respectively imposed on them by law with respect to the processing and tabulation of ballots at the Central Counting Station.

Section 9. That the City Secretary is hereby ordered and directed to give notice of the election by publication in the *Bay Area Observer* on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election. The notice shall include a substantial copy of the proposed amendments.

Section 10. As soon as practicable after the election and the declaration by the Council that amendments have been approved, the Mayor or City Manager shall certify to the Secretary of State an authenticated copy of the amendments under the City’s seal showing approval by the qualified voters of the municipality.

Section 11. The Mayor and/or the City Secretary of the City of La Porte are hereby authorized to execute and/or issue, for and on behalf of the City, such orders, documents, and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

Section 12. Each and every provision, paragraph, sentence and clause of this ordinance has been

separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision; and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

Section 13. The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by Texas open meetings law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 14. This ordinance shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED, this 11th day of January 2021.

CITY OF LA PORTE, TEXAS



Louis R. Rigby, Mayor

ATTEST:



Lee Woodward, City Secretary



APPROVED AS TO FORM:



Clark T. Askins, Assistant City Attorney

EXHIBIT A

AMENDMENT A. Amending Article I, Section 1.03. – *Modification of city boundaries:*

The city council shall have power by ordinance to fix the boundary limits of the city and to provide by ordinance for the extension of said boundary limits, by the annexation of additional territory lying adjacent to the city, the disannexation of territory within the city, and the exchange of territory with other cities and towns, in accordance with the laws and Constitution of the State of Texas. Any area of the City may be disannexed pursuant to rules and procedures established under state law and whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes. The City Council may discontinue said territory as part of the City by ordinance after conducting a public hearing on the matter.

AMENDMENT B. Amending Article I, Section 1.05. - *Powers of the city. b. Enumerated powers.* 4. *Garbage disposal.*

4. Garbage disposal. City council shall by ordinance adopt and prescribe rules and regulations for the handling and disposition of all garbage, trash, and other waste within the city and shall fix charges and compensation to be charged by the city for the removal of garbage, trash and rubbish, providing rules and regulations of the collection thereof.

AMENDMENT C. Amending Article I, Section 1.05 - *Powers of the city. b. Enumerated powers.* 5. *Nuisances, etc.*

5. Nuisances, etc. The city shall have the power to define all nuisances and prohibit the same within the city and outside the city limits for a distance of five thousand (5,000) feet; have power to police all parks or grounds, speedways, or boulevards owned by said city and lying outside of said city, to prohibit the pollution of any stream, drain or tributaries thereof, which may constitute the source of water supply of any city and to provide for policing the same as well as to provide for the protection of any watersheds and the policing of same.

AMENDMENT D. Amending Article II, Section 2.02. – *Qualifications. A. Enumerated.*

a. Enumerated. The mayor and councilpersons shall have been residents of the city for twelve (12) months immediately preceding election day, and continuously during their term of office. A district councilperson shall also be a resident of his or her district for twelve (12) months immediately preceding election day and continuously during his or her term of office. In addition thereto, each candidate for public office must be a qualified voter of the city, must file a sworn application with the city secretary in accordance with state law, and file for only one city office.

AMENDMENT E. Amending Article II, Section 2.02 – *Qualifications. A. Enumerated.*

a. Enumerated. The mayor and councilpersons shall have been residents of the city for twelve (12) months immediately preceding election day, and continuously during their

term of office. A district councilperson shall also be a resident of his or her district for twelve (12) months immediately preceding election day and continuously during his or her term of office. In addition thereto, each candidate for public office must be a qualified voter of the city, must file a sworn application with the city secretary in accordance with state law, and file for only one city office.

AMENDMENT F. Amending Article II, Section 2.02 – *Qualifications. b. Council to be judge of members' qualifications*

- b. Council to be judge of members' qualifications. City council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of council in any such case shall be subject to review by the courts. If a member of the Council is charged with any grounds for forfeiture and/or removal of office under this Charter, a hearing shall be set not less than ten (10) days nor more than thirty (30) days from the date on which the written charges are presented at a meeting of the city council. A written charge must be sworn, and is eligible to be filed only by three (3) members of the city council. At such hearing, the accused shall have the right to present evidence in his or her defense, but he or she shall be disqualified from voting as to his or her innocence or guilt. At the conclusion of the evidence, a vote shall be taken, and upon an affirmative vote of five (5) or more members of the city council, the accused member shall be removed from office and his or her seat declared vacant.*

AMENDMENT G. Amending Article II, Section 2.03. *Conduct of elections.*

2.03. - Conduct of elections.

- a. Regulations. All city elections shall be governed by the laws of the State of Texas. In the event there should be any failure of the general laws or this Charter to provide for some feature of the city elections, city council shall have the power to provide for such deficiency, making all regulations it considers desirable, not inconsistent with the laws of the State of Texas, for the prevention of fraud in such elections and for the recount of ballots in case of doubt or fraud.*

Municipal elections shall be conducted by the appointed election authorities, who shall also have power to make such regulations not inconsistent with this Charter, with any regulations made by council or the laws of the State of Texas.

No informalities in conducting a city election shall invalidate the same, if it be conducted fairly and in substantial compliance with the general laws, where applicable, and the Charter and ordinances of the city.

- b. Official ballots. Official ballots shall be prepared in accordance with state law.*
- c. Canvassing elections. Election returns shall be canvassed in accordance with state law.*
- d. Schedule.*
- 1. Regular election. The regular election for choice of members of council shall be held annually on a uniform election date as determined by state law and as ordered by city council.*

2. *Special election. Council may by ordinance or resolution order a special election, fix the time for holding same and provide necessary means.*

AMENDMENT H. Amending Article II, Section 2.04. - *Vacancies in city council.*

2.04. - *Vacancies, forfeiture, and resignation*

a. *Vacancies. The Office of a Councilmember or of the Mayor shall become vacant upon his or her death, resignation, forfeiture of his or her office, or removal from office.*

b. *Forfeiture of office. A Councilmember or the Mayor shall forfeit his or her office if he or she:*

1. *Lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by law;*
2. *Willfully violates any express prohibition of this Charter;*
3. *Is convicted of a crime involving moral turpitude; or*
4. *Fails to attend three consecutive regular Council meetings without being excused by the Council.*

c. *Resignation. The Mayor of a member of City Council may resign by submitting a statement in writing to the City Secretary. If the mayor or any councilperson shall announce his or her candidacy, or shall in fact become a candidate, in any general, special or primary election for any office of profit or trust under this Charter or the laws of Texas or the United States, other than the office he or she has held, at any time when the unexpired term of the office then held shall exceed one year and thirty (30) days, such announcement or such candidacy shall constitute an automatic resignation of the office then held.*

d. *Filling vacancies. When a vacancy shall develop, the City Council shall provide for the filling of such vacancy by calling a special election to be held within 120 days, in the manner provided by law; provided, however, that if the remainder of the unexpired term of the vacated office is twelve (12) months or less at the time the vacancy occurs, the City Council is authorized to fill the unexpired term by appointment, upon an affirmative vote of five (5) or more members of City Council.*

AMENDMENT I. Amending Article II, Section 2.06. *First meeting of council after canvass.*

As soon as practicable after each City election and in accordance with state law, the city council shall meet and newly elected members of the city council shall qualify and assume the duties of office.

AMENDMENT J. Amending Article II, Section 2.07. – *Meetings.*

- a. *Frequency. City council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. All meetings of council shall be open to the public except as allowed by state law; special meetings shall be called by the Mayor, the City Manager, or at the written request of any three (3) members of the City Council.*

- b. *Rules. City council shall determine its own rules and order of business.*
- c. *Minutes. Minutes of all open meetings of the council shall be recorded as a public record.*

AMENDMENT K. Amending Article II, Section 2.09. – *Powers of council.*

- j. *Approve certified appraisal rolls as returned to it by the appraisal district and adopt same as the certified appraisal rolls to be used for the collection of taxes for the current year.*

AMENDMENT L. Amending Article II, Section 2.09. – *Powers of council.*

~~k.. Control and distribute all contingent appropriations. Expenditures from a contingent appropriation shall require prior approval of council. A contingent appropriation shall be disbursed only by transfer to a departmental appropriation, the spending of which shall be charged to the department or activity for which the appropriation is made.~~

AMENDMENT M. Amending Article II, Section 2.10. – *Additional discretionary powers.*

~~*Hospital.*~~

~~1. Operation. The city shall have the authority to acquire, establish and own, either by purchase, donations, bequest or otherwise, all property that may be useful or necessary for the purpose of establishing and maintaining a municipal hospital. Upon establishment of such hospital, council shall create a hospital board with membership and compensation deemed appropriate by council, which shall operate the hospital subject only to such direction and supervision as shall be contained in any ordinance or ordinances enacted by council.~~

~~2. Finances. All funds belonging to said hospital, whether classed as funds received in course of operation, or otherwise, shall be kept in a separate hospital fund to be used only for the operation and maintenance of said hospital, except that such funds may be used by the city for general operating purposes with the express consent of the hospital board.~~

~~The hospital board shall submit a quarterly operating statement to council, and an annual audit to coincide with the fiscal year of the city.~~

AMENDMENT N. Amending Article III, Section 3.01. – *City manager. d. Provisions for absence.*

- d. *Provisions for absence. Within thirty (30) days after taking office, the city manager shall designate by letter filed with the city secretary a qualified administrative officer of the city to perform his or her duties during his or her temporary absence or disability. Upon receipt of said letter, the city secretary shall advise council of its contents. Said letter shall be in force and effect for the duration of the city manager's employ or until he or she files another such letter. In the event of failure of the Manager to make such designation, the*

Council may by resolution appoint an officer of the City to perform the duties of the City Manager until the City Manager returns or his or her disability shall cease.

AMENDMENT O. Amending Article III, Section 3.03. – *City secretary.* to further define the appointment of the city secretary by inserting as the second sentence

City council shall appoint a city secretary. The city secretary shall be appointed and removed at the will and pleasure of city council by a vote of the majority of the entire city council. The city secretary shall be provided space in the City Hall sufficient to maintain the records entrusted to the care of the city secretary, and shall be entitled to a seat at the council table at all official meetings. The city secretary shall:

- a. Give notice of council meetings.*
- b. Authenticate by his or her signature and record in full in a book kept and indexed for the purpose all ordinances and resolutions.*
- c. Be the custodian of all municipal records. Recommend to the council rules and regulations to be adopted by ordinances to protect the safety and security of all municipal records.*
- d. Hold and maintain the City Seal and affix to all instruments requiring such seal.*
- e. Administer oaths in any matter pertaining to municipal affairs and in accordance with state law.*
- f. The council shall set the compensation of the city secretary.*
- g. Perform such other duties as may be assigned by council, state law or elsewhere in this Charter.*

AMENDMENT P. Amending Article III, Section 3.04. – *Municipal court. b. Municipal judge.*

- a. Establishment. There shall be established and maintained a municipal court with all powers and duties as are now, or may hereafter be, prescribed by the laws of the State of Texas for municipal courts.*
- b. Municipal judge. City council shall appoint a competent attorney, duly licensed by the State of Texas, to be judge of the municipal court. The municipal judge shall be appointed and removed at the will and pleasure of city council by a vote of the majority of the entire city council. He or she shall serve at the pleasure of council and shall receive compensation as may be fixed by council.*
- c. Alternate municipal judge. Council shall have the power to create and appoint additional judges as provided by law.*
- d. Court clerk. Subject to the approval of the municipal judge, the city manager shall appoint a municipal court clerk and deputy clerks. Said clerk or clerks shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court*

thereto and generally do and perform any and all acts usual and necessary by clerks of court in conducting the business thereof.

- e. Costs and fines. All costs and fines imposed by the municipal court, or any court in cases appealed from its judgments, less those designated for the State of Texas, shall be paid into the city treasury for the use and benefit of the city.*

AMENDMENT Q. Amending Article IV, Section 4.01. - *Preparation and submission of budget.*

a. Contents of budget.

- a. Contents of budget. The budget shall provide a complete financial plan for the fiscal year. It shall contain the following:*
- 1. A consolidated statement of revenues and expenditures for all funds.*
 - 2. An analysis of property valuations.*
 - 3. An analysis of tax rate.*
 - 4. Tax levies and tax collections by years for at least ten (10) years or for a number of years for which records are available.*
 - 5. A detailed listing of the resources of each fund.*
 - 6. A summary of proposed expenditures within such funds by department, function and classification.*
 - 7. A revenue and expense statement for all outstanding bonded debt.*
 - 8. A schedule of principal and interest on each issue of outstanding bonds showing rate of interest, maturity dates and amount outstanding.*
 - 9. The appropriation ordinance.*
 - 10. The tax-levying ordinance.*

AMENDMENT R. Amending Article IV, Section 4.02. - *Availability of proposed budget.*

The proposed budget and all attachments shall be a public record in the office of the city secretary, open to public inspection.

AMENDMENT S. Amending Article IV, Section 4.04. – *Public record. b. Availability.*

- b. Availability. The final budget shall be printed or otherwise reproduced and sufficient copies shall be made available for the use of offices, departments and agencies, and for the use of interested persons and civic organizations.*

AMENDMENT T. Amending Article V, Section 5.01. – *Division of taxation.*

There shall be established in the department of finance a division of taxation.

AMENDMENT U. Amending Article V, Section 5.01. – *Division of taxation. b. Payment of taxes. 1. When due and payable.*

All taxes due the city may be paid at any time after the tax rolls for the year have been completed and approved, which shall be not later than October 15. Taxes shall be paid before the

first day of February (or the next business day if the thirty-first day of January is a Saturday, Sunday, or legal holiday) following the year for which the tax was levied, and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as provided by the Texas Property Tax Code.

AMENDMENT V. Amending Article V, Section 5.02. – *Purchase procedure.*

All purchases made and contracts executed by the city shall be pursuant to a requisition from or charged to a procurement card with the approval of the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be binding upon the city unless and until the city manager or designee certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation and allotment balance to pay for the supplies, materials, equipment, or contractual services for which the contract or order is issued. All purchases made and contracts executed by the city shall be made in accordance with the requirements of this charter and all applicable requirements of the Constitution and Statutes of the State of Texas. All contracts for purchases or expenditures must be expressly approved in advance by the council, except that the council may by ordinance confer upon the city manager, general authority to contract for expenditures without further approval of the council for all budgeted items the cost of which does not exceed the constitutional and statutory requirements for competitive bidding.

AMENDMENT W. Amending Article V, Section 5.05. – *Borrowing.*

~~*a. Negotiable notes. In any fiscal year, city council may by resolution authorize borrowing by the issuance and sale of negotiable notes of the city which shall mature and be payable not later than the end of the fiscal year in which the original notes have been issued. All such notes may be sold at not less than par and accrued interest at private sale by the director of the finance department without previous advertisement, but such sale shall be authorized by council. Such notes shall be in anticipation of either of the following:*~~

~~*1. Property taxes. Notes authorized in anticipation of the collection of property taxes in a fiscal year shall be designated "tax anticipation note for the year _____ / _____ / _____" (stating the fiscal year).*~~

~~*2. Other revenues. Notes authorized in anticipation of the collection or receipt of other revenues shall be designated "special revenue note for the year _____ / _____ / _____" (stating the fiscal year).*~~

~~*b. Capital improvements.*~~

~~*1. Power and authority to incur indebtedness. The city shall have the power and authority, by ordinance duly adopted, to borrow money on the credit of the city for permanent public improvements and to issue its general obligation bonds, revenue bonds, refunding bonds, certificates of indebtedness, notes, warrants, or other forms of indebtedness pursuant to and in accordance with the present or hereinafter adopted or amended general and special laws of this state applicable to home rule cities, except as such power and authority is expressly limited or denied by this Charter, or any amendments hereto.*~~

AMENDMENT X. Amending Article VI, Section 6.01. – *Power of initiative.*

The registered voters of the city shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject such ordinance at a city election, such power known as the initiative, but such power shall not extend to the budget or capital program, granting of franchises, or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees, or in conflict with this Charter, or the Constitution and laws of the State of Texas.

AMENDMENT Y. Amending Article VI, Section 6.02. – *Power of referendum.*

The qualified voters shall have power to approve or reject at the polls any ordinance passed by council, or submitted by council to a vote of the qualified voters, such power being known as the referendum, but such power shall not extend to the budget, capital program, granting of franchises, or ordinance relating to appropriation of money or levying of taxes, or the preservation of public peace, health, or safety under emergency conditions. Ordinances submitted to council by initiative petition and passed by council without change shall be subject to the referendum in the same manner as the other ordinances.

AMENDMENT Z. Amending Article VI, Section 6.03. - *Procedure for initiative or referendum petition. a. Form of petition. 1. Text.*

- 1. Text. Initiative petition signature pages shall contain the full caption of the proposed ordinance. The full text of the proposed ordinance shall be attached to the petition signature pages in order that it may be inspected before the petition is signed.*

AMENDMENT AA. Amending Article VI, Section 6.03. - *Procedure for initiative or referendum petition. a. Form of petition. 2. Signatures. (a)*

- a. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any petition paper shall sign his or her name and shall indicate after his or her name his or her place of residence by street and number, or other description sufficient to identify the place.*

AMENDMENT BB. Amending Article VI, Section 6.03. - *Procedure for initiative or referendum petition. a. Form of petition. 2. Signatures. (b)*

The petition shall be signed by a minimum of five hundred (500) registered voters of the city.

AMENDMENT CC. Amending Article VI, Section 6.03. - *Procedure for initiative or referendum petition. a. Form of petition. 3. Circulators.*

AMENDMENT DD. Amending Article VI, Sections 6.03. - *Procedure for initiative or referendum petition. b. Submission of petition. 3. Certification. (b) Effect.* and 6.06. - *Amendment of initiative or referendum ordinances.*

6.03 b. Effect. When a referendum petition or amended petition has been certified as sufficient by the city secretary, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless approved by the voters, as hereinafter provided.

6.06 Amendment of initiative or referendum ordinances. Initiative and referendum ordinances adopted or approved by the voters shall be published, and may be amended or repealed by council, as in the case of other ordinances.

AMENDMENT EE. Amending Article VI, Section 6.08. - *Procedure for recall petition. a. Affidavit.*

- a. Affidavit. Any qualified voter of the city may make and file with the city secretary an affidavit containing the name or names of the officer or officers whose removal is sought and a statement of the grounds for removal. For the recall of a district councilperson, the voter filing the affidavit must reside in that councilperson's district.*

AMENDMENT FF. Amending Article VI, Section 6.08. - *Procedure for recall petition. c. Return of petition.*

- c. Return of petition. To be effective, the recall petition must:*
- 1. For the recall of the Mayor or a Councilperson elected at large, the petition must be signed by a minimum of one thousand (1,000) registered voters of the city. For the recall of a district councilperson, the petition must be signed by a minimum of two hundred fifty (250) registered voters of that councilperson's district.*
 - 2. Be returned and filed with the city secretary within thirty (30) days after the filing of the affidavit required in section 6.08.a.*

AMENDMENT GG. Amending Article VI, Section 6.10. – *Judicial relief.*

Should city council fail or refuse to order any of the elections as provided for in this article, when all the requirements for such election have been complied with by the petitioning voters in conformity with this article of the Charter, then judicial relief may be sought with the appropriate court for issuance of a writ of mandamus to compel compliance with the provisions of this article.

AMENDMENT HH. Amending Article VIII, Section 8.01. – *Publicity of records.*

The public records of the City shall be available to the public subject to the procedures and applicable exceptions established in the Texas Public Information Act. The City Council may adopt regulations for the enforcement of this provision, as necessary.

AMENDMENT II. Amending Article VIII, Section 8.02. – *Employers and officers. a. Personal financial interest.*

All members of the City Council, and all officers and employees of the City, having a financial interest in any contract or sale to the city of land, material, supplies or services shall be subject to and shall comply with applicable state law governing conflicts of interest, including but not limited to Texas Local Government Code Chapters 171 and 176. The City Council may adopt regulations for the enforcement of this provision, as necessary.

AMENDMENT JJ. Amending Article VIII, Section 8.02. – *Employers and officers. c. Nepotism*

No person related, within the second degree by affinity or within the third degree by consanguinity, to the mayor or any councilperson or to the city manager, shall be employed in any office, position or clerkship of the city. This prohibition shall not apply to or prevent the appointment, voting for, or confirmation of any person who shall have been continuously employed in any office, position, or clerkship for the following period prior to the election or appointment, as applicable, of the city council member or city manager related to such employee in the prohibited degree: 1) at least 30 days, if related to the city manager; or 2) at least six months, if related to a member of city council.

AMENDMENT KK. Amending Article VIII, Section 8.02. – *Employers and officers. d. Bonds..*

d. Bonds. Council may by general ordinance require bonds of any municipal officers and employees who receive or pay out any monies of the city. The amount of such bonds shall be determined by council and the cost thereof borne by the city.

AMENDMENT LL. Amending Article VIII, Section 8.02. - *Employers and officers. h. Pensions.*

h. Pensions. City council may establish a pension plan for any employee, or may adopt in lieu thereof any pension system available to cities under state law.

AMENDMENT MM. Amending Article VIII, Section 8.06. – *Amending this Charter. a. to clarify the frequency of charter review by substituting the current text of the first two paragraphs with This Charter shall be the subject of a mandatory review at least every ten (10) years. Amendments to the Charter may be proposed and submitted to the qualified voters of the City in the manner provided in state law.*

a. This Charter shall be the subject of a mandatory review at least every ten (10) years. Amendments to the Charter may be proposed and submitted to the qualified voters of the City in the manner provided in state law.

Each amendment submitted shall contain only one subject and shall be printed separately on the ballot, each proposed amendment being followed by designations for the voter to vote for the amendment or against the amendment.

Each proposed amendment, if approved by the majority of the qualified voters voting at said election, shall become a part of the Charter. The city secretary shall enter notice into the records of the city declaring the same adopted.

AMENDMENT NN. Amending the City Charter throughout with a conforming amendment for gender-neutrality by replacing references to “*his*”, “*him*”, or “*he*” with “*his or her*”, “*him or her*”, or “*he or she*”.