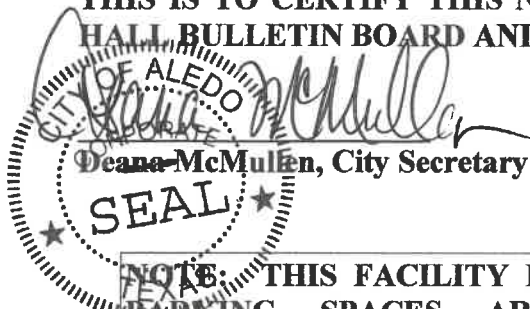


**AGENDA**  
**CITY OF ALEDO**  
**COMMUNITY CENTER**  
**HOME RULE CHARTER COMMISSION**  
**104 ROBINSON COURT**  
**6:00 P.M. - JUNE 17, 2021**

1. Call to order by the Chairman.
2. Roll call and declaration of quorum.
3. Invocation.
4. Pledge of Allegiance.
5. Consider approval of the Commission's meeting minutes of May 20, 2021. (Tabled at the June 3, 2021 meeting.)
6. Consider approval of the Commission's meeting minutes of June 3, 2021. (See Attachment.)
7. Consider approval of the third draft of Arts. I – III, as proposed by Don R. Edmonds, Consultant. (As presented to the Commission at its June 3, 2021 meeting.)
8. Consider approval of the first draft of Arts. IV - VII, as amended by the Commission on June 3, 2021. (See Attachment.)
9. Consider approval of the first draft of Arts. VIII – X, as proposed by Don R. Edmonds, Consultant. (See Attachments.)
10. Consider questions and/or comments by the public.
11. Consider a motion of adjournment.

**THIS IS TO CERTIFY THIS NOTICE OF MEETING WAS POSTED ON THE CITY HALL BULLETIN BOARD AND THE CITY WEBSITE.**



Date Posted 6/11/21 Time \_\_\_\_\_ By [Signature]  
Date removed \_\_\_\_\_ Time \_\_\_\_\_ By \_\_\_\_\_

**NOTE: THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR OTHER ACCOMMODATIONS MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT 817- 441-7016 OR FAX 817-441-7520.**

## **MINUTES**

### **CITY OF ALEDO** **HOME RULE CHARTER COMMISSION** **ALEDO COMMUNITY CENTER** **104 ROBINSON COURT** **6:00 P.M. - MAY 20, 2021**

#### **1. Call to order by Chairman.**

Chairman Bill McLeRoy called the meeting to order at 6:03 p.m. Members present were Chairman Bill McLeRoy, Tiffany Villareal, Kerby Smith, Renee Cartwright, Randy Keck, Joe Bratcher, Stephen Watson, Jason Needham, Ben Clark, Kelli Stumbo, Gordon Hiebert, Dr. Renea Skelton Mr. Don Edmonds, City Attorney Betsy Elam, City Administrator Sharon Hayes and City Secretary Deana McMullen. Members Chris Everett and Stanton Pearson were absent having given prior notice of their absence due to work commitments.

#### **2. Roll call and declaration of quorum.**

City Secretary Deana McMullen called roll and declared there was a quorum present with 12 commissioners in attendance.

#### **3. Invocation.**

Commissioner Tiffany Villareal gave the Invocation.

#### **4. Pledge of Allegiance.**

Chairperson Bill McLeRoy led the Pledge of Allegiance

#### **5. Consider approval of the minutes of the Commission's meeting of May 6, 2021.**

Motion was made by Commissioner Randy Keck, seconded by Commissioner Tiffany Villareal to approve the minutes from the May 6, 2021 Home Rule Commission meeting as presented. Motion carried 12-0

#### **6. Consider approval of a draft of Arts. I – III, as proposed by Don R. Edmonds, Consultant.**

Mr. Edmonds stated that he would like for the Commission to discuss and tentatively approve each Article.

### **ARTICLE I – INCORPORATION AND FORM OF GOVERNMENT**

**Article I: Section 1:01 – No changes**

**Article I: Section 1:02** – Discussion on Form of Government and whether to increase the number of Council members. It was decided that the City shall be vested in an elective council comprised of the Mayor and five (5) council members referred to as the “Council” or “City Council”

**Article I: Section 1:03** – No changes

Motion was made by Commissioner Stephen Watson, seconded by Commissioner Kerby Smith to tentatively approve Article I with changes discussed listed above.  
Motion carried 12-0

## **ARTICLE II: POWERS OF THE CITY**

**Section 2:01** – General Powers of the City

Second sentence was changed to read: it shall have all the powers, rights, authority, privileges, obligations and immunities possible for a City to have under the constitution and the laws of the State of Texas, together with all the implied powers necessary to carry unto execution all the powers granted.

Motion was made by Commissioner Tiffany Villareal, seconded by Renee Cartwright to approve this change.

**Motion carried 12-0**

**Section 2:03** – Annexation

Item #A add statement in any manner not prohibited by state law to the end of the first sentence.

Item #B add words, the Council by ordinance, may discontinue said territory as a part of the City. When the dis-annexation ordinance is passed, the dis-annexed territory shall cease to be a part of the City but, at the City Council’s discretion, the dis-annexed territory shall remain liable for its pro rata share of any indebtedness incurred while the area was a part of the City and the City shall continue to levy, assess, and collect taxes on the property in the dis-annexed territory until such indebtedness has been paid, unless the council determines that it is not necessary or advisable.

Motion was made by Commissioner Ben Clark, seconded by Commissioner Tiffany Villareal to approve the changes to section 2:03 as discussed.

**Motion carried 12-0**

## **Section 2:04 – Eminent Domain**

Motion was made by Commissioner Tiffany Villareal, seconded by Commissioner Kelli Stumbo to approve section 2:04 with changes to add to the sentence, **The City may exercise the power of eminent domain as set by the property code and be required to pay fair market value and the property owner has the right to appeal as per State Law.**

**Motion carried 12-0**

## **Section 2.05 Intergovernmental Relations**

There were no changes on this item and no action on this item.

## **ARTICLE III – CITY COUNCIL**

### **SECTION 3.1 POWERS AND DUTIES**

This is a highly important article and can be seen as the heart of the charter. The proposed language basically mirrors the general law status quo at Aledo city hall. But the Commission has a number of options if it wants to change that situation. Briefly, there follows a number of possibilities—policies and provisions that are commonly found in other Texas charters.

Item 12 was recommended to change as follows:

(12) **establish** ~~fix~~ the salaries and compensation of the City officers and employees **appointed by the City Council**; (the city attorney office recommends a nominal fee for the council to be established in order to provide immunity under the tort claims act) Usually at least **a \$5.00 fee** per meeting attended.

Item 15 was recommended to change as follows:

(15) exercise **inalienable** exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the City and provide for the improvement of same

Motion was made by Commissioner Stephen Watson, seconded by Commissioner Tiffany Villareal to approve items 1-16 in Section 3.1 as discussed and amended.

**Motion carried 12-0**

### SECTION 3.2 Number, Selection and Terms of Office

In this section discussion was made as to the Terms of office for Mayor and City Council members. The discussion was to change the terms of office to a 3 year term from a 2 year term. Changes were made as seen below:

*A.(1) As-to-number, ~~I~~the legislative and governing body of the City shall be composed of a Mayor and five (5) members and shall be known as the "City Council of the City of Aledo." And may be referred to as "Council" or "City Council."*

*B.(2) As-to-selection, ~~I~~the Mayor shall be elected to office from the city at large. The other members of the Council shall be elected to office at large, but by specific place which shall be designated as Place One (1), Two (2), Three (3), Four (4) and Five (5).*

*C.(3) As-to-term, ~~I~~the Mayor and each Council member shall be elected to serve a term of ~~three two~~-years and until ~~their~~ his/her successor is elected and qualified, with transition to three year terms as follows:-*

It was decided to table the items above until the next meeting of the Home Rule Charter Commission. No action was taken.

### SECTION 3.03 QUALIFICATIONS:

**Item 3.03 was recommended to be changed as follows:**

Each of the six Council members, at the time of filing of his/her application for a place upon the ballot, shall meet all qualification requirements of the Texas Election Code; shall be 21 years old; shall be a registered voter in the State of Texas; shall be a resident of the City and shall have resided within the corporate limits of the City for least one year preceding the date of the election at which he/she is a candidate; shall not have been convicted of a felony criminal offense or a crime involving moral turpitude; and shall not be in violation of any other provision in this Charter

Motion was made by Commissioner Kelli Stumbo, seconded by Commissioner Stephen Watson to add the wording, preceding the day of the election.

**Motion carried 12-0**

### SECTION 3.04 JUDGE OF QUALIFICATIONS:

There were no proposed changes to this section. No action was taken.

### SECTION 3.05 PROHIBITIONS:

Changes to read as follows:

Except where authorized by law, no Council member shall hold any other City office or city employment during the term for which that member was elected to the Council, and no former Council member shall hold any compensated appointive City office or employment by the City until **two years** after the expiration of the term for which that member was elected to the Council.

Neither the Council **or Mayor** nor any of its members shall in any manner dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of his/her subordinates are empowered to appoint; but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

Motion was made by Commissioner Tiffany Villareal, seconded by Commission Renea Skelton to approve section 3.05 as discussed.

**Motion carried 12-0**

### **SECTION 3.06 VACANCIES, FORFEITURE OF OFFICE AND FILLING OF VACANCIES**

Changes recommended as follows:

#### **Section 3.06 Vacancies, Forfeiture of Office and Filling of Vacancies**

**A.** The office of a Council member shall become vacant upon the member's death, resignation, removal from or forfeiture of that office.

**B.** A Council member shall forfeit that office if the Council member:

- (1a)** lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by state law;
- (2b)** fails to maintain residence within the City;
- (3e)** intentionally violates any express prohibition of this Charter;
- (4d)** is convicted of a felony criminal offense or a crime of moral turpitude; or violating any state laws regulating conflicts of interest of municipal officers; or
- (5e)** fails to attend three consecutive regular meetings without being excused by the Council.

**C.** A vacancy in a Council office shall be filled by special election within one hundred twenty (120) days after such vacancy occurs, in accordance with the Texas Constitution and the Texas Election Code, as amended. If the vacancy occurs with less than 12 months remaining in

~~the term, Council may appoint a qualified person to fill the unexpired term. A vacancy in the City Council shall be filled for the remainder of the unexpired term, if any, by popular election and in accordance with state law.~~

It was decided to table section 3.06 until the next meeting of the Home Rule Commission.  
No action was taken on this item.

### **Section 3.07 Compensation and Expenses**

~~A. Council members shall be paid a compensation of Five Dollars (\$5.00) for each public meeting they attend serve without compensation.~~

B. Council members may receive reimbursement for necessary expenses incurred in the performance of their duties of office, according to policies to be determined by the Council.

Motion was made by Commissioner Tiffany Villareal, seconded by Commissioner Randy Keck to establish the pay for Aledo City Council members and Mayor to \$5.00 for each official council meeting attended.

**Motion carried 12-0**

### **SECTION 3.08 MAYOR AND MAYOR PRO TEM**

Motion was made by Commissioner Tiffany Villareal, seconded by Commissioner Renea Skelton to strike the sentence below from section 3.08 (A) and (c) to be changed as read below:

~~—The Mayor shall appoint members to all city boards and commissions, subject to confirmation by the Council.~~

C. At the first meeting of the Council following the City's general election, the Council shall elect one of its members to serve a **one-year term** as Mayor Pro Tem of the City. In the absence or disability of the Mayor to perform the duties of that office, the Mayor Pro Tem shall perform all such duties as provided by this charter, but retains the right to vote on Council agenda items.

**Motion carried 12-0**

### **SECTION 3.09 CITY SECRETARY**

Motion was made by Commissioner Renea Skelton, seconded by Commissioner Stephen Watson to leave this section as written.

**Motion carried 12-0**



### **SECTION 3.10 CITY ATTORNEY**

Motion was made by Commissioner Kelly Stumbo, seconded by Commissioner Kerby Smith to leave section 3.10 as written.

**Motion carried 12-0**

### **SECTION 3.11 INVESTIGATIONS**

**Changes to the first sentence were recommended as follows:**

The Council acting as a whole shall have the power to make investigations into city affairs and to inquire into the official conduct of any department, agency, office or employee of the city.

Motion was made by Commissioner Tiffany Villareal, seconded by Commissioner Gordon Hiebert to approve section 3.11 as amended.

**Motion carried 12-0**

### **SECTION 3.12 MEETINGS:**

Changes were recommended as follows to section 3.12 (A)

A. The Council shall meet regularly and at least once each month. The Council may hold as many additional, special meetings during the month as may be necessary for the transaction of the business of the City. Such special meetings may be called as necessary upon written notice to the City Secretary by the Mayor or by any three of the other members of the Council. The City Manager, Mayor, or any three Council members may require items to be placed on the agenda for any regular or special meeting.

Motion was made by Stephen Watson, seconded by Kelli Stumbo to approve item 3.12 as amended to allow for three council members to request for items to be placed on the agenda for any regular or special meeting.

**Motion carried 12-0**

### **SECTION 3.13 RULES OF PROCEDURE**

**Section A was recommended to change as follows:**

- A. The Council shall determine its own rules of procedure and order of business. Four members of the Council shall constitute a quorum to do business, and a majority vote of those attending any meeting at which there is a quorum present shall be sufficient to



adopt any ordinance or resolution, except as otherwise provided in this Charter. The vote upon the passage of all ordinances and resolutions shall be taken by "ayes" and "nays," and the vote of each Council member present shall be entered on the minutes of the meeting.

Motion was made by Commissioner Tiffany Villareal, seconded by Commissioner Joe Bratcher to approve section 3.13 as amended.

**Motion carried 12-0**

### **SECTION 3.14 ACTIONS REQUIRING AN ORDINANCE**

**Section 3.14 was amended by adding the following:**

(3) adopt a budget:

Motion was made by Commissioner Tiffany Villareal, seconded by Commissioner Joe Bratcher to approve section 3.14 as amended by adding item number (3) adopt a budget as stated above.

**Motion carried 12-0**

### **SECTION 3.15 ORDINANCES IN GENERAL**

A.(1) As to form, Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject that shall be clearly expressed in its title. The enacting clause shall read, "Be it ordained by the City Council of the City of Aledo..."

B.(2) As to procedure, An ordinance may be introduced and acted upon at any regular or special meeting of the Council.

C.(3) As to effective date, Except as otherwise provided in this Charter, or by ordinance, or by state law, all ordinances and resolutions passed by the Council shall take effect on the date of adoption.

D.(4) As to publication, Any ordinance imposing any penalty, fine or forfeiture shall, after the passage thereof, be published one (1) time in the official newspaper of the City before the same shall go into effect. In lieu of publication of the full text of the ordinance, it shall be sufficient to publish the descriptive caption or title of the ordinance, stating in summary the purpose of the ordinance and the penalty for violation thereof. The ordinance shall take effect and be in force from and after the publication thereof, unless otherwise provided, and the penalty, fine or forfeiture shall apply on the thirtieth day after publication.

Changes were made to Section 3.15 as suggested above per the city attorney.

Motion was made by Commissioner Tiffany Villareal, seconded by Commissioner Ben Clark to approve as written with the minor changes listed above.

**Motion carried 11-0 with Randy Keck abstaining from voting.**

## **SECTION 3.16 CODES OF TECHNICAL REGULATIONS**

**&**

## **SECTION 3.17 AUTHENTICATION AND RECORDING; CODIFICATION**

**Minor changes were made by city attorney eliminating statements Codification**

~~A.(1) As to authentication and recording, The & B.(2) — As to codification, All~~

Motion was made by Commissioner Tiffany Villareal and seconded by Commissioner Ben Clark to approve Section 3.16 and 3.17 as written with the minor changes noted.

**Motion carried 12-0**

7. Consider questions and/or comments by the public.

There were no questions or comments from any of the public in attendance.

8. Consider a motion to adjourn.

With there being nothing further to discuss or consider motion was made by Commissioner Tiffany Villareal, seconded by Commissioner Kelli Stumbo to adjourn this meeting of the Home Rule Charter commission at 8:41 p.m.

**Motion carried 12-0**

**PASSED AND APPROVED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.**

\_\_\_\_\_  
Bill McLeRoy, Chairman

**ATTEST:**

\_\_\_\_\_  
Deana McMullen, City Secretary

**MINUTES**  
**CITY OF ALEDO**  
**HOME RULE CHARTER COMMISSION**  
**ALEDO COMMUNITY CENTER**  
**104 ROBINSON COURT**  
**JUNE 3, 2021**  
**6:00 PM**

**1. Call to order by Chairman.**

Chairman Bill McLeRoy called the meeting to order at 6:05 p.m.

**2. Roll call and declaration of quorum.**

City Secretary Deana McMullen called roll and declared there was a quorum present for this meeting with Commissioners Tiffany Villareal, Gordon Hiebert, Stanton Pearson and Ben Clark absent from this meeting and having given prior notice of their absence.

City Staff present were City Attorney Betsy Elam and City Secretary Deana McMullen. Consultant Don Edmonds was also present at this meeting.

**3. Invocation.**

Commissioner Kelli Stumbo gave the Invocation

**4. Pledge of Allegiance.**

Chairman Bill McLeRoy led the Pledge of Allegiance

**5. Consider questions and/or comments by the public**

There were no public questions or comments for this meeting.

**6. Consider approval of the minutes of the Commission's meeting of May 20, 2021.**

Following discussion of this item it was determined by the Commission that the minutes from the May 20, 2021 meeting should be tabled until all the changes in Articles I-III were agreed upon and passed.

No action was taken.

**7. Consider approval of draft #2 of Arts. I – III, as previously discussed at the May 20, 2021, Commission meeting.**

Mr. Edmonds stated that the meeting held on May 20, 2021 was a complicated meeting and there were many changes and notes as well as motions to approve items with changes, etc. Mr. Edmonds stated that he did not get all of the changes noted and after he saw the Minutes he since drew up a Draft #3 with all of the changes noted for the Commission to look at following this meeting and then it would be considered for approval and the next meeting on June 17, 2021.

It was decided by the board to table this item until the next meeting on June 17, 2021.

Motion was made by Commissioner Kelli Stumbo, seconded by Commissioner Kerby Smith to table Draft #2 until everyone can look at Draft #3 and take action at the next meeting.

Motion carried 9-0

*(It was noted by Commissioner Jason Needham that all items in Articles I-III were unanimously passed by the Commission with the exception of Section 3.02 "Transitioning to 3-year terms" and Section 3.06 "Vacancies, Forfeiture of Office and Filling Vacancies")*

#### **8. Consider approval of a draft #1 of Articles IV-VII**

In Article IV – Administrative Organizations - Sections 4.01 thru 4.06 There was quite a lot of discussion but no changes were recommended by the Commission.

**Motion was made by Commissioner Stephen Watson, seconded by Commissioner Randy Keck to approve Article IV Section 4.01 thru 4.06 as drafted with no changes.**

**Motion carried 9-0**

In Article V – Municipal Court – Section 5.01 thru Section 5.03 – City Attorney Betsy Elam stated that language needed to be added to Section 5.02 regarding establishing the Municipal Court of Aledo as Court of Record. Language would need to be added regarding the Judge of the Municipal Court.

*the statute requires a 2 or 4 year term and*

*a licensed attorney will be required. It is imperative that there be a "procedure" for removal. The procedure can be as simple as "shall serve a two-year term and may be removed by a majority vote of the City Council after written notice and an opportunity for a public hearing." Without this language, removal may only be by a district court.*

Motion was made by Commissioner Kelli Stumbo, seconded by Commissioner Kerby Smith to approve Article V, Section 5.01 thru Section 5.03 to include the language by legal counsel as set out in Chapter 30 of the Government Code

**Motion carried 9-0**

**Article VI – Financial Procedures, Section 6.01 thru 6.12** – The Commission wanted to change Section 6.05 Procedures for Adoption of the Budget, the last sentence, changing the word favorable to the word *majority*. Section 6.06 the second sentence, change the word proposed to *budgeted* as well as in the last sentence. And in the last sentence change the word Estimated to the word *Budgeted*.

Motion was made by Commissioner Stephen Watson, seconded by Commissioner Kelli Stumbo to approve Article VI, Sections 6.01 thru Section 6.12 as presented and amended.

**Motion carried 9-0**

**Article VII – Bonds, Warrants and other Evidence of Indebtedness, Section 7.01 thru 7.03**

City Attorney Betsy Elam stated that this Article should be looked at and blessed by the Bond Counsel to make sure that all of the wording is correct. They may have additional words to add.

Motion was made by Commissioner Kelli Stumbo, seconded by Commissioner Renee Cartwright to table Article VII pending a response back from the Bond Counsel.

**Motion carried 9-0**

**9. Consider a motion to adjourn.**

There being nothing further to discuss or consider Chairman Bill McLeRoy adjourned this meeting of the Home Rule Charter Commission at 7:42 pm.

**PASSED AND APPROVED THIS THE \_\_\_\_ DAY OF \_\_\_\_\_ 2021.**

\_\_\_\_\_  
**Bill McLeRoy, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Deana McMullen, City Secretary**

## DRAFT #3

(Note to Charter Commission: This draft includes all revisions tentatively agreed to by the Commission at its 5-20-21 meeting. Wordage proposed to be eliminated is denoted as follows: underlined and bracketed Wordage to be added is denoted as follows: *italicized and in bold face type*.

### **CITY OF ALEDO**

#### **PROPOSED HOME RULE CHARTER**

#### **ARTICLE I – INCORPORATION AND FORM OF GOVERNMENT**

##### **Section 1.01 Incorporation**

The inhabitants of the City of Aledo, in Parker County, Texas, within the corporate limits as now established, or hereafter established in the manner prescribed by this Charter, are and shall continue to be a municipal body politic and corporate in perpetuity under the name of the “City of Aledo,” herein referred to as “City.”

##### **Section 1.02 Form of Government**

The municipal government provided by this Charter shall be known as a “Council-Manager” government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution, by the statutory laws of Texas and by this Charter, all powers of the City shall be vested in an elective council, hereinafter referred to as the “Council,” which shall enact local legislation, adopt budgets, determine policies, appoint the City Attorney and the Judge of the Municipal Court. The Council shall also appoint the City Manager, who shall execute the laws and administer the government of the City.

##### **Section 1.03 Boundaries**

The boundaries of the City at the time this Charter is adopted are those that have previously been legally established. These boundaries may be changed through annexation or deannexation, as described in Article II of this Charter.

## **ARTICLE II -- POWERS OF THE CITY**

### **Section 2.01 General Powers of the City**

The City shall be a home rule city, with full power of local self-government, including the right to amend this Charter. [It shall have all the powers possible for a city to have under the constitution and the laws of the State of Texas, together with all the implied powers necessary to carry unto execution all the powers granted.] *It shall have all the powers, rights, authority, privileges, obligations and immunities possible for a City to have under the constitution and the laws of the State of Texas; together with all the implied powers necessary to carry unto execution all the powers granted.* It may use a corporate seal.

The City shall have and succeed to all the rights, property, real, personal and mixed, immunities, powers, privileges and franchises now held, possessed and enjoyed by the City or herein granted and be subject to all its present duties and liabilities, subject to the limitations in this Charter. The City may sue and be sued *but such suit shall not act to waive the City's sovereign immunity*, may plead and be pleaded in all courts, may contract and be contracted with. It may ordain and establish such acts and regulations and ordinances not inconsistent with the constitution and laws of this state, as shall be needful for the government, interest, welfare and good order of the City. It may lease or convey any or all property owned by the City or any of its property within or without the city limits; and it shall have the power to acquire property for any municipal purpose in fee simple or in any lesser interest or estate by purchase, gift, devise, lease or condemnation within or without the city limits and to lease, hold, manage, control or convey the same when no longer required.

### **Section 2.02 Construction of Powers**

The enumeration of particular powers by this Charter shall not be deemed to be exclusive and such powers shall be construed liberally in favor of the City. In addition to the powers enumerated or implied herein, it is intended that the City shall have and may exercise all powers under the constitution and laws of this state, as fully as though they were specifically enumerated by this Charter.

All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner is not detailed herein, then in such manner as may be set forth by ordinance, the state constitution or by state statutes.

### **Section 2.03 Annexation**

The Council shall have the power by ordinance to fix the boundary limits of the City to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, with or without the consent of the territory and inhabitants annexed *in any manner not prohibited by state law*. During the annexation process, the Council shall provide an opportunity for all interested persons to be heard at public hearing(s), in conformance with state law. Upon the final passage of any such ordinance, the boundary limits of the City shall thereafter be fixed in such ordinance. When any additional



territory has been annexed, the same shall be a part of the City, and the property situated therein shall bear its pro rata part of the taxes levied by the City, and the inhabitants thereof shall be entitled to all the rights and privileges of all citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the City.

Whenever there exists within the City any territory not suitable or necessary for city purposes, the Council, *by ordinance*, may discontinue said territory as a part of the City, in accordance with state law. *When the deannexation ordinance is passed, the deannexed territory shall cease to be a part of the City but at the Council's discretion, the deannexed territory shall remain liable for its pro rata share of any indebtedness while the area was a part of the City and the City shall continue to levy, assess, and collect taxes on the property in the deannexed territory until such indebtedness has been paid, unless the Council determines that it is not necessary or advisable.*

#### **Section 2.04 Eminent Domain**

The City shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this charter or by the constitution and laws of the State. The City may exercise the power of eminent domain in any manner authorized or permitted by the constitution and laws of this state. The power of eminent domain shall include the right of the City to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this charter. *The City may exercise such power of eminent domain as set by the property code and be required to pay fair market value and the property owner shall have the right to appeal as per State law.*

#### **Section 2.05 Intergovernmental Relations**

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the State of Texas or any of its political subdivisions or agencies, or the United States or any of its agencies.

### **ARTICLE III -- CITY COUNCIL**

#### **Section 3.01 Powers and Duties**

All powers of the City and the determination of all matters of policy shall be vested in the [City] Council. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are enumerated for greater certainty. The City Council may:

- (1) remove from any office or position of employment in the City government, any officer or employee or member of any board or commission, unless that person reports to the City Manager or is employed in one of the City

departments under the direction of the City Manager;

- (2) establish, consolidate or abolish administrative departments;
- (3) adopt the budget of the City;
- (4) authorize the issuance of bonds and other forms of indebtedness, in accordance with state law;
- (5) provide for such additional boards and commissions, not otherwise provided for in this charter, as may be 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;
- (6) adopt and modify the zoning plan and the building code of the City;
- (7) adopt and modify the official map of the City;
- (8) regulate, license and fix the charges or fares made by any person, firm or corporation 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;
- (9) provide for the establishment and designations of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for the erection of fireproof buildings within said limits, and provide for condemnation of dangerous structures or buildings or dilapidated buildings, or buildings calculated to increase the fire hazard and prescribe the manner of their removal or destruction within said limits;
- (10) adopt, modify and carry out plans for improvement and redevelopment of any area of the City which may have been destroyed in whole or part by disaster;
- (11) adopt, modify and carry out plans for the clearance of slums and the rehabilitation of blighted areas;
- (12) **[fix]** *establish* the salaries and compensation of the City officers and employees *appointed by the Council*;
- (13) provide for a sanitary sewer and water system and require property owners to connect with such sewer system, and provide for penalties for failure to make sanitary sewer connections;
- (14) provide for garbage disposal, and set fees and charges therefore, and provide penalties for failure to pay such fees and charges;

- (15) exercise *inalienable and* exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the City and provide for the improvement of same;
- (16) compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City.

### Section 3.02 Number, Selection and Terms of Office

- (1) *[As to number,]* The legislative and governing body of the City shall be composed of a Mayor and five (5) members and shall be known as the "City Council of the City of Aledo."
- (2) *[As to selection,]* The Mayor shall be elected to office from the city at large. The other members of the Council shall be elected to office at large, but by specific place which shall be designated as Place One (1), Two (2), Three (3), Four (4) and Five (5).
- (3) *[As to term,]* The Mayor and each Council member shall be elected to serve a term of *[two] three* years and until his/her successor is elected and qualified. *The transition to three year terms shall be accomplished as follows:*

*At the first regular Council meeting following the adoption of this charter, lots shall be drawn by the incumbent Council members in order to establish and stagger anew their terms. Two of those lots shall provide for one-year terms and the drawers thereof shall hold office until at least after the regular city election in 2023; two of those lots shall provide for two-year terms and the drawers thereof shall hold office until at least after the regular city election in 2024; and two of those lots shall provide for three-year terms and the drawers thereof shall hold office until at least after the regular city election in 2025. The staggering of terms thus established, as to the office of mayor and as to each of the five places on the Council, shall remain in effect thereafter.*

### Section 3.03 Qualifications

Each of the six Council members, at the time of filing of his/her application for a place upon the ballot, *shall meet all qualification requirement of the Texas election code; shall be 21 years old;* shall be a registered voter in the State of Texas; shall be a resident of the City and shall have resided within the corporate limits of the City for least one year *preceding the date of* the election at which he/she is a candidate; shall not have been convicted of a felony criminal offense or a crime involving moral turpitude; and shall not be in violation of any other provision in this Charter.

### **Section 3.04 Judge of Qualifications**

The Council shall be the sole judge of the election and whether the qualifications set herein and by law have been met by its members and of the grounds for forfeiture of their offices. For these purposes, the Council shall have the power to subpoena witnesses, administer oaths and require the production of evidence. Decisions by the Council as to election and qualifications of its members shall be considered final.

### **Section 3.05 Prohibitions**

Except where authorized by law, no Council member shall hold any other City office or City employment during the term for which that member was elected to the Council, and no former Council member shall hold any compensated appointive City office or employment by the City until two years after the expiration of the term for which that member was elected to the Council.

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any or his/her subordinates are empowered to appoint; but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

Except for the purpose of inquiries, and for investigations under Section 3.11 of this Charter, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to such officer or employee either publicly or privately.

### **Section 3.06 Vacancies, Forfeiture of Office and Filling of Vacancies**

The office of a Council member shall become vacant upon the member's death, resignation, removal from or forfeiture of that office.

A Council member shall forfeit that office if the Council member:

- (1) lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by state law;
- (2) fails to maintain residence within the City;
- (3) intentionally violates any express prohibition of this Charter;
- (4) is convicted of a felony criminal offense or a crime of moral turpitude *or violates any state laws regulating conflicts of interest of municipal officers;*

- (5) fails to attend three consecutive regular meetings without being excused by the Council.

[A vacancy in the City Council shall be filled for the remainder of the unexpired term, if any, by popular election and in accordance with state law.]

*A vacancy in a Council office shall be filled by special election within one hundred, twenty (120) days after such vacancy occurs, in accordance with the Texas Constitution and the Texas election code, as amended. If the vacancy occurs with less than 12 months remaining in the term, the Council may appoint a qualified person to fill the unexpired term.*

### **Section 3.07 Compensation and Expenses**

Council members shall [serve without compensation.] *be paid a compensation of five dollars (\$5.00) for each public meeting they attend.*

Council members may receive reimbursement for necessary expenses incurred in the performance of their duties of office, according to policies to be determined by the Council.

### **Section 3.08 Mayor and Mayor Pro Tem**

The Mayor shall preside over the meetings of the Council and perform such other duties consistent with the office as may be imposed on the Mayor by this Charter and all ordinances and resolutions passed in pursuance thereof. The Mayor may debate and discuss any matters before the Council [and may vote on all issues] being considered, but may not vote except to break a tie or as otherwise provided in this charter. The Mayor shall have no veto power.

[The Mayor shall appoint members to all city boards and commissions, subject to confirmation by the Council.]

The Mayor shall be recognized as the chief executive officer and as the head of the City by all courts for the purpose of serving civil process, by the Governor for the purpose of enforcing military law and for all ceremonial purposes.

At the first meeting of the Council following the City's general election, the Council shall elect one of its members to serve a one-year term as Mayor Pro Tem of the City. In the absence or disability of the Mayor to perform the duties of that office, the Mayor Pro Tem shall perform all such duties while acting as Mayor Pro Tem [may not vote, except to break a tie or as otherwise provided in this charter.] *but shall retain the right to vote on Council agenda items.*



### **Section 3.09 City Secretary**

The City Manager shall appoint, subject to confirmation by the City Council, an officer of the City and such assistants as deemed necessary, who shall have the title of City Secretary. The City Secretary may be removed for cause from office by the City Manager, with the approval of the Council. The City Secretary and assistants shall give notice of Council meetings, shall keep minutes of its proceedings, shall authenticate by signature and shall record in full in a book kept for that purpose all ordinances and resolutions, shall preserve and keep in order all books, papers, records and files of the Council, shall have custody of the seal of the City and shall affix same to such documents and obligations as legally authorized.

The City Secretary and assistants shall perform such other duties as shall be required by this Charter, the Council or the City Manager.

### **Section 3.10 City Attorney**

The Council shall appoint a City Attorney and such assistant city attorneys as from time to time shall be deemed necessary by the Council and who shall be competent, duly licensed and admitted to the practice of law by the State of Texas. The City Attorney shall be legal advisor to and attorney for all officers of the City acting in their official capacities and shall represent the City and its departments in all legal proceedings.

### **Section 3.11 Investigations**

The Council, *acting as a whole*, shall have the power to make investigations into City affairs and to inquire into the official conduct of any department, agency, office or employee of the City. For this purpose the Council shall have the power to administer oaths, to subpoena witnesses and to compel the production of books, papers and other evidence material to the inquiry. The Council shall provide by ordinance penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided in the ordinance.

### **Section 3.12 Meetings**

The Council shall meet regularly and at least once each month. The Council may hold as many additional, special meetings during the month as may be necessary for the transaction of the business of the City. Such special meetings may be called as necessary upon written notice to the City Secretary by the Mayor or by any three of the other members of the Council. *The*

*City Manager, Mayor or any three Council members may require items to be placed on the agenda for any regular or special meeting.*

All meetings, regular or special, shall be held at the City Hall, except if another location is designated by the Council, pursuant to public notification, as required by this Charter and by state law.

### **Section 3.13 Rules of Procedure**

The Council shall determine its own rules of procedure and order of business. Our members of the Council shall constitute a quorum to do business, and a majority vote of those attending any meeting at which there is a quorum present shall be sufficient to adopt any ordinance or resolution, except as otherwise provided in this Charter. The vote upon the passage of all ordinances and resolutions shall be taken by "ayes" and "nays," and the vote of each Council member present shall be entered on the minutes of the meeting.

All meetings of the Council, except for executive sessions authorized by state law, shall be open to the public, and minutes of all proceedings of such open meetings shall be kept, to which any citizen may have access at all reasonable times and which shall constitute the archives of the City.

### **Section 3.14 Action Requiring an Ordinance**

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, all acts of the Council shall be by ordinance which:

- (1) adopt or amend an administrative code or establish, alter, or abolish any city department, office or agency;
- (2) provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) *adopt a budget;*
- (4) levy taxes;
- (5) grant, renew or extend a franchise;
- (6) regulate the rate charged for its services by a public utility;
- (7) authorize the borrowing of money;
- (8) regulate land use and development;
- (9) prescribe standards for issuance of business or other licenses; and



- (10) amend or repeal any ordinance previously adopted.

Acts other than those referred to in the preceding section may be done either by ordinance or resolution.

### **Section 3.15 Ordinances in General**

- (1) [As to form.] Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject that shall be clearly expressed in its title. The enacting clause shall read, "Be it ordained by the City Council of the City of Aledo..."
- (2) [As to procedure.] An ordinance may be introduced and acted upon at any regular or special meeting of the Council.
- (3) [As to effective date.] Except as otherwise provided in this Charter, or by ordinance, or by state law, all ordinances and resolutions passed by the Council shall take effect on the date of adoption.
- (4) [As to publication.] Any ordinance imposing any penalty, fine or forfeiture shall, after the passage thereof, be published one (1) time in the official newspaper of the City before the same shall go into effect. In lieu of publication of the full text of the ordinance, it shall be sufficient to publish the descriptive caption or title of the ordinance, stating in summary the purpose of the ordinance and the penalty for violation thereof. The ordinance shall take effect and be in force from and after the publication thereof, unless otherwise provided, and the penalty, fine or forfeiture shall apply on the thirtieth day after publication.

### **Section 3.16 Codes of Technical Regulations**

The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedures and requirements governing such an adopting ordinance shall be that prescribed for ordinances generally. A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the City Secretary pursuant to Section 3.17.

Copies of any adopted code of technical regulations shall be made available by the City Secretary for purchase at a reasonable price.

### **Section 3.17 Authentication and Recording; Codification**

- (1) [As to authentication and recording.] The City Secretary shall authenticate by signing and shall record in full in properly indexed books kept for the purpose all ordinances and resolutions by the Council.

- (2) [As to codification.] All City ordinances having the force of law shall be codified. The general codification shall be adopted by the Council by ordinance and shall be published in loose-leaf form and shall include this Charter and any amendments thereto. The official copy of the City Code in the office of the City Secretary shall be kept up to date and properly indexed. It shall not be necessary to repeat in this codification any technical codes adopted by reference. Copies of the City Code shall be furnished to City offices, placed in libraries and public offices for free public reference and made otherwise available for purchase by the public at a reasonable price fixed by the Council. Amendments to the City Code shall also be made available for purchase by the public as they become available.

Date: June 10, 2021

To: City of Aledo Charter Commission

From: Don R. Edmonds, Consultant

Subject: Follow-up comments on and revisions of certain provisions in Draft #1 of Arts. IV – VII.

This is to assist you in your ongoing review of Arts. IV – VII of the new charter.

Note that wordage to be eliminated is denoted as follows: [underlined and bracketed.] Wordage to be added is denoted as follows: *italicized and in bold face type.*

#### **Art. IV – Administrative Organization**

Approved by Commission on June 3, 2021.

#### **Art. V – Municipal Court**

City Attorney Elam has suggested to me that 5.02 be revised to require that the Municipal Court Judge be a “qualified attorney licensed by the State of Texas.” I don’t concur with this recommendation.

As it is, I understand that the City currently engages an attorney for this purpose. This is fine, of course, but it’s not required by state law.

If, at some time in the future, the Council decided by ordinance to eliminate its Municipal Court in favor of a Court of Record, an attorney would have to be appointed to this position. There’s no reason, however, to anticipate such a development any time soon.

In the meantime, it seems to me that the Council should not be compelled to engage an attorney for this position (if they don’t care to do so) as a result of a decision by the Charter Commission.

#### **Art. VI – Financial Procedures**

At our last meeting, the Commission decided to change Sec. 5.05 to read as follows:

“After public hearing, the Council shall analyze the budget, making any additions or deletions considered appropriate and shall, at least three (3) days prior to the beginning of the fiscal year, adopt the budget by a [favorable] *majority* vote.”

At our last meeting, the Commission also decided to change Sec. 5.06 to read as follows:

“On final adoption, the budget shall be in effect for the budget year. Final adoption of the budget by the Council shall constitute the official appropriations of proposed *budgeted* expenditures for the year and shall constitute the basis of the official levy of the property tax at the amount of tax to be assessed and collected for that tax year. Estimated *Budgeted* expenditures will in no case exceed proposed revenues plus reserves on hand.”

## **Article VII – Bonds, Warrants and Other Evidence of Indebtedness**

City Attorney Elam, in our June 3<sup>rd</sup> meeting, suggested that the three sections in this article should be submitted to the City’s bond counsel for review. The Commission agreed and tabled further consideration of this article. I immediately contacted City Administrator Hayes and she agreed to secure this review and return it to me as soon as possible, in order to move the project along.

As it developed, the bond counsel recommended rather minor clarifications in the first sentence of Sec. 7.02, as follows:

“It shall be the duty of the Council to levy an annual tax *or establish rates* sufficient to pay the *principal and* interest *when due* and provide the necessary sinking fund required by law on all outstanding general obligation bonds of the City.”

**Date: June 10, 2021**

To: City of Aledo Charter Commission

From: Don R. Edmonds

Subject: Comments on provisions in Draft #1 of Arts. VIII – X

This is to assist you in your initial review of the proposed language in Arts. VIII – X of the new charter.

**Art. VIII – Taxation**

The proposed language is standard in Texas home rule charters.

**Art. IX – Elections**

The proposed language in the first six sections is standard in Texas home rule charters.

Section 9.07 is, however, a significant change for the City of Aledo. It is a result of the Commission's tentative decision to increase the term length for Council members from two years to three years. State law requires that members elected to three-year terms must be so elected by a majority of the voters in the race. This, of course, sets up for the first time the possibility of run-off elections in Aledo.

**Art. X – Initiative, Referendum and Recall**

The proposed language, including all the administrative procedures, is fairly standard in Texas home rule charters. But there are two issues that vary from place to place, as follows: (a) the specification of certain ordinances that are not subject to initiative or referendum; and (b) the number of petitioners required to trigger an initiative, referendum, or recall effort.

As to the first matter, this proposal only prohibits an initiative or referendum effort involving "an ordinance appropriating money or authorizing the levy of taxes or an ordinance repealing an ordinance appropriating money or levying taxes, or on any topic that a court of competent jurisdiction has held to not be subject to initiative or referendum." Courts have held, however, that additional exceptions to the powers of initiative and referendum can be established by a city. Examples include zoning, annexation, salaries of employees, and emergency measures to preserve peace, health, safety, or property. In my view, however, the Commission should think carefully before generally diminishing these "people powers" in the new charter.

As to the petition requirements, this proposal requires that a valid petition for initiative, referendum, or recall must be "signed by registered voters of the city equal in number to at least 20% of the number of registered voters residing in the city at the time of the last city election."

The petition “bar” varies somewhat in Texas home rule charters, but this 20% requirement is commonly in use.

**CITY OF ALEDO**  
**PROPOSED HOME RULE CHARTER**

**ARTICLE VIII -- TAXATION**

**Section 8.01 Powers of Taxation**

The Council shall have the power under the provisions of state law to levy, assess and collect an annual tax on taxable property within the City not to exceed the maximum limits set by the Constitution and laws of the state of Texas. The Council shall have the further power to levy, assess and collect all other types of taxes as provided and permitted by state law.

**Section 8.02 Tax Lien and Liability**

A special lien in favor of the City is hereby created on all real, personal and mixed property located in the City, for all unpaid taxes. The priority of said lien shall be determined in accordance with state law.

**ARTICLE IX -- ELECTIONS**

**Section 9.01 Regular and Special Elections**

Regular City elections shall be held on the first Saturday of May of each year or as otherwise required by the Texas election code, at which time members of the Council, including the Mayor, shall be elected to fill those positions which become vacant that year. The Council may order special elections as authorized by state law, this Charter, or for any other reason the Council deems appropriate. The Council shall fix the hours, place and procedures for holding regular and special elections. Elections shall be held in compliance with applicable state law.

**Section 9.02 Qualified Voters**

All citizens qualified by state law to vote in the City and who satisfy the requirements for voter registration prescribed by state law shall be qualified voters of the City within the meaning of this Charter.

**Section 9.03 Regulation of Elections**

The Council shall make all regulations considered to be necessary or desirable which are not inconsistent with this Charter or state law, for the conduct of City elections, or for the prevention of fraud in such elections, and shall make provisions for a recount of the ballots in



case of doubt or fraud. The Council shall appoint election officials who shall conduct the City elections consistent with this Charter and with regulations made by the Council and by state law, or may contract with other jurisdictions to do so as permitted by the Texas election code. The Council shall provide for the compensation of all election officials in City elections and for all other expenses of holding such elections.

#### **Section 9.04 Filing for Office**

Any person having the qualifications required by this Charter for holding office as a member of the City Council who desires to become a candidate for election to the Council shall have the right to file an application to that effect, in writing, with the City Secretary. The application must provide information in accordance with the Texas election code.

#### **Section 9.05 Official Ballot**

An official ballot shall be drawn up by the City Secretary and it shall contain the names of all candidates for office, except those who may have been withdrawn, have died or have otherwise become ineligible. Names will be placed on the ballot without party designation and each candidate's position on the ballot shall be determined by drawing lots, under the supervision of the City Secretary.

#### **Section 9.06 Conducting and Canvassing Elections**

The returns of each City election shall be delivered to the City Secretary by the election judges. The Council shall canvass the returns, investigate the qualifications of the candidates and declare the official results of the election in the manner and within the time periods provided by state law. Returns of each City election shall be recorded in the minutes of the Council.

#### **Section 9.07 Election by Majority**

The mayor or other Council candidate receiving the majority of all votes cast for the office shall be elected. If no candidate receives a majority, the Council shall, on the first day following the official count, call for a second election to be held as provided by state law. The two candidates receiving the highest number of votes shall have their names placed on the ballot to be prepared by the City Secretary, in the order of their standing in the computation of the votes. In the event of a tie between two or more candidates, they shall draw lots to determine which two are to be the run-off candidates or to determine their places on the ballot. In the event of a tie in the run-off election, the run-off candidates shall draw lots to determine the winner.

### **ARTICLE X -- INITIATIVE, REFERENDUM AND RECALL**

#### **Section 10.01 Power of Initiative**

The people of the City reserve the power to direct legislation by initiative and, in the exercise of such power, may propose any ordinance not in conflict with this Charter or state law, except an ordinance appropriating money or authorizing the levy of taxes, or on any topic that a

court of competent jurisdiction has held to be not subject to initiative. Any initiated ordinance may be submitted by a petition signed by registered voters of the city equal in number to at least twenty (20) percent of the number of registered voters residing in the city at the time of the last regular city election.

#### **Section 10.02 Power of Referendum**

The people of the City reserve the power to approve or reject at the polls any legislation enacted by the Council which is subject to the initiative process under this Charter or on any topic that a court of competent jurisdiction has held to be not subject to referendum. Within thirty (30) days after the final adoption or publication, whichever date is later, of any ordinance which is subject to referendum, a petition, signed by registered voters of the city equal in number to at least twenty (20) percent of the number of registered voters residing in the City at the time of the last regular City election, may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified as sufficient by the City Secretary, the ordinance so 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 it is approved by the voters as herein provided.

#### **Section 10.03 Form of Petition for Initiative and Referendum**

All petition papers circulated for the purpose of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative and referendum petitions need not all be appended to one paper, but to each separate paper there shall be attached a statement of the circulator that he/she personally circulated the foregoing paper, that all the signatures appended thereto were made in his/her presence and that he/she believes them to be the genuine signatures of the persons whose names they purport to be. Each signer of any such petition shall sign his/her name as required by the Texas election code.

#### **Section 10.04 Filing, Examination and Certification of Petitions**

All papers comprising a petition for initiative or referendum shall be assembled and filed with the City Secretary as one instrument. Within thirty (30) days after the petition is filed, the City Secretary shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition has been signed by a sufficient number of qualified electors and shall hold any petition paper entirely invalid which does not have attached thereto the statement signed by the circulator thereof. The City Secretary shall certify the result of this examination to the Council at its next regular meeting. If the City Secretary shall certify that the petition is insufficient, the certificate shall specify the particulars in which it is defective and shall at once notify in writing the person filing the petition of this finding. A petition may be amended at any time within ten (10) days after a notice of insufficiency has been sent by the City Secretary, by filing a supplementary petition. In such event, the same procedures shall then be followed by the City Secretary and Council as in the case of the original petition for the same purpose.

## **Section 10.05 Council Consideration and Submission to Voters**

When the Council receives an authorized initiative petition, certified by the City Secretary to be sufficient, the Council shall either (a) pass the initiated ordinance without amendment within thirty (30) days after the date of the certification to the Council; or (b) submit the initiated ordinance without amendment to a vote of the qualified voters of the City at a regular or special election to be held on the next uniform election date of the state of Texas that allows sufficient time to comply with state law.

When the Council receives an authorized referendum petition, certified by the City Secretary to be sufficient, the Council shall reconsider the referred ordinance. If, upon such reconsideration, such ordinance is not repealed, it shall be submitted to the voters of the City at a regular or special election to be held on the next uniform election date of the state of Texas that allows sufficient time to comply with state law.

Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months, and no ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two (2) years from the date of such election.

## **Section 10.06 Ballot Form and Results of Election**

Ordinances submitted to the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by ballot title, which shall contain a clear, concise statement, without argument, of the substance of such ordinance. The ballot used shall have below the ballot title the following proposition, one above the other in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." Any number of ordinances may be voted on at the same election and may be submitted on the same ballot.

If a majority of electors voting on a proposed initiated ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the City. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

## **Section 10.07 Power of Recall**

The people of the City reserve the power to recall the Mayor or any other member of the Council and may exercise such power by filing with the City Secretary a petition, signed by qualified voters of the City equal in number to at least twenty (20) percent of the number of registered voters residing in the City at the time of the last regular municipal election of the City demanding the removal of the Mayor or other member of the Council. The petition shall be signed and verified in the manner required for an initiative petition, shall contain a general statement of the grounds upon which the removal is sought and one of the signers of each petition paper shall make an affidavit that the statements made therein are true.

## **Section 10.08 Recall Election**

All papers comprising a recall petition shall be assembled and filed with the City Secretary. Within thirty (30) days after the petition is filed, the City Secretary shall determine its sufficiency and, if found to be sufficient, shall certify this fact to the Council at its next regular meeting. If a recall petition is found to be insufficient, it may be amended within ten (10) days after notice of such insufficiency by the City Secretary, by filing a supplementary petition. In that event, the same procedures shall then be followed by the City Secretary and the Council as in the case of an original petition. The finding of insufficiency of a recall petition shall not prejudice the filing of a new petition for the same purpose.

The Council member whose removal is sought by a recall petition may, within five (5) days after such petition has been certified and presented to the Council, request in writing that a public hearing be held to permit him/her to present facts pertinent to the charges specified in the petition. In this event, the Council shall order such public hearing to be held not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

If the Council member whose removal is sought does not resign, the Council shall order a recall election and fix a date for such election to be held on the next uniform election date of the state of Texas that allows sufficient time to comply with state law.

## **Section 10.09 Recall Ballot**

Ballots used in recall elections shall read as follows: "SHALL (name of person or persons) BE REMOVED FROM THE CITY COUNCIL BY RECALL?" Below such question there shall be printed the following as to each person named:

"FOR THE REMOVAL OF (name of person.)"

"AGAINST THE REMOVAL OF (name of person.)"

## **Section 10.10 Results of a Recall Election**

If a majority of the votes cast at a recall election shall be against removal of a Council member named on the ballot, that member shall continue in office. If a majority of the votes cast at such election be for the removal of the Council member named on the ballot, the Council shall immediately declare the office vacant and such vacancy shall be filled in accordance with the provisions of this Charter. A Council member thus removed shall not be a candidate to succeed himself/herself in an election called to fill the vacancy created.

## **Section 10.11 Limitations on Recall**

No recall petition shall be filed against the Mayor or any other Council member within six (6) months after he/she first takes office, nor within six (6) months after an election for his/her recall, nor within six (6) months of the end of his/her term.