

**CITY OF BRADY, TEXAS  
ORDINANCE NO. 1374**

**AN ORDINANCE OF THE CITY OF BRADY ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 4, 2024, FOR THE PURPOSE OF SUBMITTING PROPOSITIONS TO VOTERS FOR PROPOSED AMENDMENTS TO THE CITY CHARTER; SAID ELECTION TO BE HELD IN CONJUNCTION WITH THE CITY'S GENERAL ELECTION**

**WHEREAS**, the Brady City Council (“Council”) created a charter review commission (“CRC”) and appointed persons to the CRC and charged it with reviewing and proposing amendments to the Charter; and

**WHEREAS**, the CRC recommends certain amendments to the City Charter; and

**WHEREAS**, the Council may dispense with full readings of an ordinance by a majority vote of those present, provided the caption is read and the ordinance was distributed to all Council Members at least two (2) days prior to the meeting; and

**WHEREAS**, the Ordinance was distributed to all Council Members at least two (2) days prior to the meeting and a majority vote of Council present and voting approved dispensing with full readings of the Ordinance; and

**WHEREAS**, Council now believes that Brady voters, in accordance with Section 9.004 of the Texas Local Government Code, should vote on the amendments to the City charter, in the form of propositions, at the next uniform election date to be held on May 4, 2024; and

**WHEREAS**, City Council finds it in the public interest to order a special election, to be held in conjunction with next uniform election date on May 4, 2024, for a vote of the electors as to proposed amendments to the Charter; and

**WHEREAS**, Texas Local Government Code requires Charter amendment elections be ordered by ordinance; and

**WHEREAS**, the Brady Charter requires two readings of an ordinance unless an exceptional circumstance exists; and

**WHEREAS**, the City has historically ordered its elections by resolution; and

**WHEREAS**, City Council finds and determines that the requirement of the state law that charter amendment elections must be ordered by ordinance is an exceptional circumstance as contemplated by the City Charter; and

**WHEREAS**, City Council finds and determines that only one reading of this ordinance is required under the City Charter.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS:**

**SECTION ONE.** Council orders that a special election be held by the City of Brady, Texas (“City”) on May 4, 2024. This election will be held in conjunction with the City’s general election on the same date with voting day and early voting locations being the same as the City’s general election. As part of the election, ballot propositions will be submitted to the qualified voters of the City for proposed amendments to the Charter, in accordance with applicable provisions of the City Charter and State law.

**SECTION TWO.** The following measures, with blue, underlined language being additions (added) to the Charter and strike-through language being deletions (~~deleted~~) from the Charter, shall be submitted to the qualified voters of the City at the election in the form of the propositions as provided for in Section Three, below, and in accordance with Section 9.004 of the Texas Local Government Code and other applicable laws and the charter renumbered consistent with said approved measures.

**Measure A**

**Section 1.04 — Particular Powers:**

**The City:**

1. ~~May use a corporate seal, sue and be sued, contract and be contracted with, implead and be impleaded in all courts in all matters whatsoever.~~
2. ~~May own or acquire property within or without its boundaries for any municipal purpose in fee simple or in any lesser [lesser] interest or estate by purchase, gift, devise, lease or condemnation.~~
3. ~~May sell, lease, hold, manage, control and police any property now owned by it or which it may hereafter acquire.~~
4. ~~May, subject to the limitations hereinafter set out, have the right to lease or let its property that is inside or outside its boundaries.~~
5. ~~May contract, own, lease, operate and regulate public utilities.~~
6. ~~May assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation.~~
7. ~~May borrow money on the faith and credit of the City by the issuance and sale of bonds, certificates of obligation, warrants, notes or other evidence of indebtedness of the City.~~
8. ~~May appropriate the money of the City for all lawful purposes.~~
9. ~~May regulate and control the use, for whatever purpose, of the streets and other public places.~~

- ~~10. May make and enforce all police, health, sanitary and regulations [sic].~~
- ~~11. May pass such ordinances as may be expedient for the protection and maintenance of good government, for peace and welfare of the City, for the performance of the functions of the City and for the order and security of its residents.~~
- ~~12. May provide suitable penalties for the violations of any ordinance enacted by the City of Brady.~~
- ~~13. May, except where prohibited by the Constitution and laws of this State or where restricted in this Charter, exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.~~

#### **Section 1.05 — Power of Eminent Domain:**

~~In accordance with the State Constitution and the laws of the State of Texas, the City shall have full power and right to exercise the power of eminent domain where necessary or desirable to carry out any of the powers conferred upon it by this Charter. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution and laws of the State. The City shall have and possess the power of condemnation for any municipal or public purpose even though not specifically enumerated in this charter.~~

#### **Section 2.01 — The Boundaries:**

~~The boundaries and limits of the City of Brady shall, until changed in the manner hereinafter provided, be the same as have heretofore been established and as exists on the date of the adoption of this Charter. Such boundaries are described in the files of the City Secretary.~~

#### **Section 3.04 — Compensation:**

The Mayor shall be paid one hundred dollars (\$100.00) per month. The Mayor Pro Tem shall be paid sixty dollars (\$60.00) per month. Each other Councilman shall be paid fifty dollars (\$50.00) per month. These amounts are not intended to be salaries for services rendered but compensation for routine expenses. This compensation may be reviewed by the Council at five (5) year intervals and be adjusted at the will of the Council; except that no member shall be paid an increased amount during the term of office in which the change was approved. In addition, each shall be paid for any actual and necessary expense incurred while in the discharge of the non-routine duties of the office upon presentation of an itemized statement of such expense to the Council. ~~No member shall hold or exercise more than one (1) civil office of emolument.~~

#### **Section 3.05 — Mayor:**

The Mayor shall be the Chief Executive Officer of the City and shall serve as the ceremonial head of the City government. The Mayor shall preside at meetings of the Council and shall work closely with the Council to provide proper legislative functions, and, with the City Manager, to ensure they are enforced.

The Mayor may participate in the discussion of all matters coming before the Council. The Mayor shall not be entitled to vote on legislative or other matters except in case of a tie when the Mayor shall have the right to cast the deciding vote. The Mayor's right to vote is also expressly provided for in this Charter in Section 3.06 Mayor Pro Tem, and Section 3.07 Removal from Office.

~~The Mayor may have signatory authority for all legal contracts and commitments of the City. The Mayor may sign all ordinances and resolutions as provided in Section 3.16 Ordinances and Section 3.19 Resolutions. The Mayor shall have veto power over ordinances in accordance with Section 3.18 Veto of Ordinances by the Mayor.~~

~~The Mayor may take command of the police and govern the City by proclamation and/or by emergency ordinance in accordance with Section 3.17 Emergency Ordinances and maintain order and enforce all laws.~~

The Mayor or two Council Members shall recommend to the Council appointees for the boards and commissions. The Council shall approve appointees for boards and commissions.

The Mayor shall have all powers provided by this Charter, by the Laws of the State, or by the Council.

### **Section 3.09 Meetings:**

The Council shall hold at least two (2) regular meetings each month and as many special (additional) meetings as necessary to transact the business of the City and citizens.

**Regular and Executive Session Meetings:** The Council shall fix by ordinance the dates and times of the regular meetings, and such meetings must be at least two (2) weeks apart. Executive Session Meetings (closed to the public) shall also be permitted in accordance with the Open Meetings Act. For Regular Meetings and subsequent Executive Session Meetings, public notice shall be given by posting an agenda in accordance with the Open Meetings Act, Chapter 551, Tex. Gov't. Code.

**Special Meetings:** Special (additional) meetings of the Council shall be held if called by the Mayor or by a majority of the Council Members. ~~Speelial Meetings shall be open to the public, and public notice shall be given upon no less than seventy two (72) hours notice by posting an agenda in accordance with the Open Meetings Act, Chapter 551, Tex. Gov't. Code.~~

~~Emergency Meetings: In case of an urgent need to meet regarding a public emergency affecting life, property or the public peace, or essential, time-sensitive City business requiring a response in less than seventy two (72) hour response, the Council may convene for an Emergency Meeting. In the case of an Emergency Meeting, the subjects to be discussed (when applicable) must be posted in City Hall at least two (2) hours before the Emergency Meeting is convened.~~

### **Section 3.10 Quorum:**

Whether or not the Mayor is present, three (3) Councilmembers shall constitute a quorum for the purpose of transacting business unless otherwise stated in this Charter, ~~and no action of the Council shall be valid or binding unless adopted in an open meeting with a quorum present. Less than a quorum may adjourn any meeting.~~

### **Section 3.14 Powers and Duties of the Council:**

1. The Council shall have all the powers necessary and incident to the proper discharge of the duties imposed upon it, and is hereby vested with all powers necessary to carry out the terms and provisions of the Charter; it being intended that the Council shall have all powers that are now or hereafter granted to municipalities by the Constitution, laws of the State of Texas, and by this Charter, except where specific powers are conferred on some other officer by this Charter. ~~The following powers and duties are not exclusive but are enumerated for greater clarity:~~
2. ~~Appoint and remove the City Manager as herein provided;~~
3. ~~Ensure enforcement of the provisions of this Charter and provide adequate administrative organization to enforce same;~~
4. ~~Adopt the budget of the City;~~
5. ~~Call bond elections and authorize the issuance and sale of bonds;~~
6. ~~Provide control of all City finances;~~
7. ~~Provide for boards and commissions as prescribed in this Charter or as deemed necessary and appoint all such boards and commissions upon the recommendations of the Mayor;~~
8. ~~Adopt, modify and carry out the plans proposed by the Planning and Zoning Commission and other boards and commissions;~~
9. ~~Adopt, modify and enforce building codes, fire codes, and health codes;~~
10. ~~Provide for all public utilities and serve as the primary regulatory agency for the rates thereof, whether City owned or furnished by private utility companies;~~
11. ~~To pass ordinances and resolutions as necessary, or as prescribed in this Charter;~~
12. ~~Provide police powers to ensure the safety of all citizens, protect their health, life and property, prevent and summarily abate and remove all nuisances, preserve and enforce good government, order and security of the City and its inhabitants; and~~
13. ~~Make investigations into municipal affairs.~~

### **Section 3.20 Official Bonds for City Employees:**

~~The Council may require the City Secretary and certain other officers to enter into a good and sufficient fidelity bond or insurance in a sum to be determined by the Council. Such bond or insurance shall be conditioned upon a faithful discharge of the duties of such persons and shall be payable to the City of Brady. Such bond or insurance shall be signed as surety by some company authorized to do business under the laws of the State of Texas. The premium of such bond or insurance shall be paid by the City of Brady.~~

**Section 4.08 — Emergency Medical Service:**

~~Emergency Medical Service is included and described in Section 4.04 Fire Department and Emergency Service as amended by Ordinance 1117 at an election held on May 11, 2013.~~

**Section 5.01 — Platting and Property:**

~~Each owner of the tract of land situated within the corporate limits of the City of Brady and its extraterritorial jurisdiction who may divide the same into two (2) or more parts for the purposes of laying out any commercial and/or residential subdivision or any addition to the City, shall comply with the provisions of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Local Government Code, as now exists or as amended.~~

**Section 6.02 — Public Records:**

~~Copies of the budget adopted shall be public records and shall be made available to the public for inspection upon request.~~

**Section 10.01 — Borrowing for Capital Expenditures:**

~~Borrowing. Except as prohibited by law, the Council shall have the power to borrow money by whatever method it may deem to be in the public interest.~~

~~General Obligation Bonds and Certificates of Obligation. The Council shall have the power to borrow money on the credit of the City and to issue general obligation bonds and certificates of obligation for permanent public improvements or for any other public purpose not prohibited by the Constitution and laws of the State of Texas, and to issue refunding bonds to refund outstanding bonds of the City previously issued. All such bonds or certificates of obligation shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which they were issued.~~

~~Revenue Bonds. The Council shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self liquidating municipal function not prohibited by the Constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon the [and] payable from the properties, or interest therein pledged, or the income therefrom, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which issued.~~

~~Bonds Incontestable. All bonds of the City having been issued and sold and having been delivered to the purchaser thereof shall thereafter be incontestable. All refunding bonds issued in exchange for outstanding bonds previously issued shall and after said exchange be incontestable.~~

Ordinance Required. The procedure for adoption of any ordinance relative to borrowing for capital expenditures shall be:

(1) A copy of the proposed ordinance shall be furnished to: (1) each Councilman, (2) the City Attorney, and (3) any citizen of the City for inspection upon request to the City Secretary, at least three (3) days before the date of the meeting at which the ordinance is to be first considered.

(2) Any ordinance relative to borrowing for capital expenditures must follow the procedures stated in Section 3.16 before final passage.

#### **Section 11.01 — Powers of Taxation:**

~~The City shall have the power to levy, assess and collect taxes of every character and type for any municipal purpose not prohibited by the Constitution and laws of the State of Texas.~~

~~The City shall have the power to grant tax exemptions in accordance with the laws of the State of Texas.~~

~~Failure to levy and assess taxes through omission in preparing the appraisal rolls shall not relieve the person, partnership, company or other legal entity so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question, omitting penalty and interest.~~

#### **Section 11.02 — Office of Taxation:**

~~The City shall designate or contract for a Tax Collector for the City. All taxes due the City shall be payable at the office of the City Tax Collector, or at such location or locations as may be designated by the City Council.~~

#### **Section 11.03 — Assessment of Property for Tax Purpose:**

~~The City shall have the power to levy, assess and collect taxes of every character and type for any municipal purpose not prohibited by the Constitution and Laws of the State of Texas.~~

~~Failure to levy and assess taxes through omission in preparing the appraisal rolls shall not relieve the person, partnership, company or other legal entity so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question, omitting penalty and interest.~~

#### **Section 11.04 — Taxes: 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. Taxes for each year shall be paid before February 1 of the next succeeding year, and all such taxes not paid prior to that date shall be deemed delinquent, and shall be subject to penalty and interest as the City Council shall provide by ordinance. The City Council may provide discounts for the payment of taxes prior to January in an amount not to exceed those established by the laws of the State of Texas.~~

**Section 11.05 — Tax Liens:**

All taxable property located in the City on January 1 of each year shall stand charged from that date with a special lien in favor of the City for the taxes due. All persons purchasing any such property on or after January 1 in any year shall take the property subject to the liens provided above. In addition to the liens herein provided, on January 1 of any year, the owner of property subject to taxation by the City shall be personally liable for the taxes due for that year.

The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City appraisal rolls is insufficient to identify such property, the City shall have the right to plead a sufficient description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien or for personal judgment against the owners for such taxes.

**Section 11.06 — Joint Interest in Property:**

Joint or undivided interest in property is provided for by the State of Texas in the Property Tax Code and is coordinated by the designated Tax Collector.

**Section 11.07 — Arrears of Taxes Offset to Debt Against City:**

State Law does not provide for offsets against Property (ad valorem) Taxes.

**Section 13.01 — Publicity of Records:**

All public records of every office, department, or agency of the City shall be open to inspection by any citizen at all reasonable times, provided that records closed to the public by law, shall not be considered public records for the purpose of this section. During normal office hours, any citizen of the City or any duly authorized representative of the press or other news media shall have the right to make copies thereof under such reasonable rules and regulations as may be prescribed by the Council or this Charter and in accordance with the Texas Public Information Act, as may be amended.

**Section 13.03 — Nepotism:**

No person related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood/adoption) to the Mayor, any Councilman or City Manager shall be employed or appointed to any office, position or clerkship of the City. This prohibition shall not apply, however, to any person who shall have been employed by the City prior to and at the time of election or appointment of the official related in the prohibited degree.

No Mayor, Council Member, or City Manager shall have any participation in the evaluation process involving any employees compensated by the City and related to the Mayor, Council Member, or City Manager within the second degree of affinity (marriage) or within the third degree of consanguinity (blood or adoption).

**Section 13.05 — Assignment, Execution and Garnishment:**

The property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ of execution or cost bill. The funds belonging to the City in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officials or agents shall be required to answer any such writ of garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

**Section 13.06 — Power to Settle Claims:**

The Council shall have the authority to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City, except suits by the City to recover delinquent taxes.

**Section 13.10 — Submission of Charter to Voters:**

The Charter Commission in preparing this Charter concludes that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that the Charter be voted upon as a whole and that it shall be submitted to the voters of the City of Brady at any election to be held for that purpose on August 7, 1982. Not less than thirty (30) days prior to such election, the Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City of Brady as appears from the latest certified list of registered voters. If a majority of the qualified voters voting in such an election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Brady, and after the returns have been canvassed, the same shall be declared adopted and the City Secretary shall file an official copy of the Charter with the Records of the City. The City Secretary shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by his signature and the seal of the City, shall be forwarded by the Mayor to the Secretary of State of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at such election.

**Section 13.11 — Amendment of Charter:**

Amendments to this Charter may be framed and submitted to the voters of the city in the manner provided by Chapter 9 Home Rule Municipality, Local Government Code, as now exists or as amended.

**Section 13.13 — City Not Required to Give Bond:**

It shall not be necessary in any action, suit or proceeding in which the City of Brady is a party, for any bond, undertaking, or security to be demanded or executed by or on behalf of the City in any of the State courts, but in all such actions, suits, appeals or proceedings same shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

## **ARTICLE XIV. TRANSITIONAL PROVISIONS**

### **Section 14.01 Schedule:**

~~This Charter shall take effect immediately following adoption by the voters and shall be fully operable within one (1) year after adoption except as provided in this Charter.~~

### **Section 14.02 Officials and Employees:**

~~Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City officials or employees at the time of its adoption.~~

### **Section 14.03 Effect of Charter on Existing Law:**

~~All codes, ordinances, resolutions, rules and regulations in force on the effective date of this Charter shall remain in force until altered, amended or repealed by the Council. The Council shall review and conform all such codes, ordinances, resolutions, rules and regulations so transferred within three (3) years from the effective date of this Charter. All taxes, assessments, liens, encumbrances and demands, or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under the law in force at the time of the beginning of such proceedings or under the law after the adoption of this Charter.~~

## Measure B

### **Section 2.02—Extension of Boundaries:**

The boundaries of the City of Brady may be extended from time to time by the annexation of additional territory by any of the methods hereinafter designated. All annexations of territory to the City must be consistent with State law and must meet the limitations established in Chapter 43, Municipal Annexation, Local Government Code as now exists or as amended. Such annexations shall be accomplished by ordinance providing for the alteration and extensions of the boundary limits.

Prior to the first reading of the ordinance, the Council must publish notice and provide for a public hearing on the proposed annexation in accordance with State law. Only one (1) contiguous area proposed for annexation be described in any one (1) ordinance. Upon final acceptance of property for annexation by any of the methods prescribed herein, the boundaries of the City shall be so extended and the territory shall become a part of the City; and the said land and its residents and future residents shall be bound by the acts, ordinances, codes, resolutions and regulations of the City and such the residents shall be entitled to all the rights and privileges of other citizens of the City.

#### **(1) Annexation by Petition.**

The owners or owner of any property which is without residents, or if inhabited, the majority of the residents of such property who are qualified electors in this State may petition the Council in a written request that the property be annexed to the City of Brady. Such property to be considered for annexation:

- (a) Must be contiguous and adjacent to the limits of the City.
- (b) Must lie entirely within the extraterritorial jurisdiction of the City.
- (c) Must be described in the petition by metes and bounds in such manner as is accepted in this County.

Together with the above written request, the petitioner(s) must submit to the Council a document describing plans for extending utilities and other City services to the area proposed for annexation. This planning document must:

- (a) Be prepared at the expense of the petitioner(s).
- (b) Be coordinated with and/or reviewed by the appropriate members of the City staff prior to its submission to the Council.
- (c) State the estimated costs to the City of extending such utilities and services to the area.
- (d) Estimate a time for providing such utilities and services.

(e) Satisfy the requirements of Chapter 43, Municipal Annexation, Local Government Code, as now exists or as amended.

The Council shall hear all petitions and provide for annexation by ordinance and may accept or refuse the ordinance as prescribed above. The Planning Document shall be appended to the ordinance annexing the proposed area and shall be considered at all readings of the ordinance. The territory described in the ordinance shall become annexed only after the final passage of the ordinance and proper recording in the records of the City.

(2) Annexation by the City.

The Council, upon its own initiative, may annex territory which is contiguous to the limits of the City by the method prescribed herein, subject to other procedural rules as may be prescribed by State Law. Such property:

- (a) Must be described in the annexation ordinance by metes and bounds.
- (b) Must lie entirely within the extraterritorial jurisdiction of the City.
- (c) Must meet the limitations as prescribed in Chapter 43, Municipal Annexation, Local Government Code, as now exists or as amended.

When initiating annexation procedures for annexing a specific area, the Council shall cause to be prepared an ordinance for the annexation of the territory and a document describing the plans for extending utilities and other City services to the area proposed for annexation. This Planning Document must:

- (a) State the estimated costs to the City of extending such utilities and services to the area.
- (b) State the method whereby the costs of such services will be paid.
- (c) Estimate a time schedule for providing such utilities and services.
- (d) Satisfy the requirements of Chapter 43, Municipal Annexation, Local Government Code.

Such [sic] The Planning Document shall be appended to the ordinance annexing the proposed area and shall be considered at all readings of the ordinance. The ordinance shall be subject to public hearing and all the stipulations prescribed in this Section. The territory described in the ordinance shall become annexed only after the final passage of the ordinance and proper recording in the records of the City.

(3) Annexation of City-owned Property.

The City may annex any property owned by the City subject only to the procedural rules as prescribed by State Law. Annexation of City-owned property shall be by ordinance as prescribed for other categories of property.

**Section 3.02 Qualifications:**

To be eligible to be a candidate for, or elected or appointed to the office of Mayor or Council Member, a person must: ~~The Mayor and each Council Member shall, on the date of election, have the following qualifications:~~

1. Be a citizen of the United States;
2. Be a resident of the City of Brady for at least twelve (12) consecutive months preceding the date of the regular filing deadline for a candidate's application for a place on the ballot prior to election day and must remain a resident of the City throughout the elected term;
3. Be a registered voter of the State of Texas;
4. Be 21 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable;
5. Have no felony convictions; and
6. Not be found mentally incapacitated by a court having jurisdiction.

### **Section 3.08 Vacancies:**

The office of Mayor or Councilmember shall become vacant upon the death or resignation of the incumbent, failure to maintain retain residency within the City of Brady throughout the elected term, or upon his or her removal from office by any manner authorized by law or in this Charter. Any vacancy or vacancies, whether in the office of Mayor or places on the Council, shall be filled by special election in accordance with this Charter called for such purposes within one hundred and twenty (120) days after such vacancy or vacancies occur. Vacancies cannot be filled by appointment. The date for special elections to fill vacancies shall be the first uniform election date after the vacancy occurs and for which there is sufficient time to call and give notice of the election as required by law; provided that if no such election date falls within 120 days after the date of the vacancy, the Council shall, without regard for the uniform election dates specified in the Texas Election Code, order such election to be held on a Saturday within 120 days from the date of the vacancy. All vacancies filled by election shall be for the remainder of the unexpired term of the office so filled. No election will be required if the vacated office has a term of 120 days or less remaining.

### **Section 3.11 Voting:**

All members of the Council present, excluding the Mayor, shall vote upon every resolution, ordinance, or other binding action requiring a vote of the Council; provided that, if any member of the Council has a conflict of interest as defined by State law, that fact shall be stated in the minutes and such member shall abstain from consideration of the issue and from voting. A majority vote of the members present, there being a quorum, shall decide all issues except that any ordinance providing for fines, penalties, taxes, franchises, annexation, disannexation, or setting of rates shall

require four (4) affirmative votes to pass. If there are only four (4) members present, one (1) of which is the Mayor, no vote may be taken on any ordinance requiring four (4) votes to pass.

### **City Secretary:**

The City Council shall appoint the City Secretary. ~~The City Secretary shall be a qualified voter of McCullough [McCulloch] County.~~ The City Secretary shall report to the City Council and may be removed by the City Council, but shall work under the general supervision of the City Manager. The duties of the City Secretary shall include:

- (1) Giving notice of City Council, board, and commission meetings;
- (2) Keeping the minutes of the meetings of the City Council;
- (3) Recording in full, and authenticating by the City Secretary's signature all ordinances, resolutions, and contracts;
- (4) Performing such duties as the Council shall assign and those provided by this Charter and State law;
- (5) Maintaining files of all contracts and other legal documents relating to the City; and
- (6) Keeping the City Seal.

### **Section 5.06 Board of Adjustment:**

~~The Council may by ordinance establish a Board of Adjustment which shall have the power to hear and determine appeals from the refusal of building permits, appeals resulting from administrative decisions and to permit exception to or variation from the zoning regulations.~~ Members of the Board of Adjustment shall hold no other City office and no former member of the Council shall serve as a member of the Board of Adjustment until one (1) year after completion of his Council term.

### **Section 6.03 Annual Budget:**

The City's budget shall be submitted, adopted and amended in compliance with state law.

Content. The budget shall provide a complete financial plan of all City funds and activities and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the Council may require. A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, [and] indicate any major changes from the current year in financial policies, expenditures, and revenues, with reasons for such changes. It shall also summarize the City's debt position and

include such other material as the City Manager deems desirable or the Council requires. The budget shall begin with a clear general summary of its contents; and shall show in detail all estimated revenues, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. The proposed budget expenditures shall not exceed the total of estimated funds available from all sources. The budget shall be so arranged as to show comparative figures for actual and estimated revenues and expenditures of the current fiscal year and actual revenue and expenditures of the preceding two (2) fiscal years, compared to the estimate for the budgeted year. It shall include in separate sections:

1. An itemized estimate of the expense of conducting each department, division and office.
2. Reasons for proposed increase or decrease of such items of expenditure compared with the current fiscal year.
3. A narrative statement for each department indicating projects to be accomplished by the department during the year and additional desirable projects to be accomplished if possible. The narrative shall state specifically all capital expenditure items to be purchased during the year, all capital expenditure items to be purchased if funds become available, all major projects on which work will be performed during the year and any extraordinary items included in the budget.
4. A statement of the total probable revenues of the City from taxes for the fiscal year.
5. Tax levies, rates, and collections for the preceding five years.
6. An itemization of all anticipated revenue from utilities and all sources other than the tax levy.
7. The amount required for interest on the City's debts, for sinking fund and for maturing serial bonds.
8. The total amount of outstanding City debts, with a schedule of maturities on bond issues.
9. The total amount established for addition to reserve funds.
10. A capital program, which may be revised and extended each year to indicate capital expenditures pending or in process of construction or acquisition, shall include the following items:
  - (a) A summary of objectives, accomplishments and proposed programs.
  - (b) A list of all capital expenditures which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such expenditures.
  - (c) Cost estimates, method of financing and recommended time schedules for each such expenditure.

(d) The estimated cost of operating and maintaining the facilities to be constructed or acquired.

11. Such other information as may be required by the Council.

Submission. The City Manager shall submit a draft budget on or before the thirtieth (30) day of June of each year. Council shall review the draft budget and revise it as deemed appropriate prior to the proposed budget. The City Manager shall submit to the Council a proposed budget and accompanying message by the first council meeting in August. The Council shall review the proposed budget and revise it as deemed appropriate prior to general circulation for public hearing.

Public Notice and Hearing. The Council shall post in the City Hall and publish in the official newspaper a general summary of the proposed budget and a notice stating:

- (1) The time and places where copies of the message and budget are available for inspection by the public.
- (2) The time and place, not less than fifteen (15) days after such publication, for a public hearing on the budget.
- (3) Such other public hearings as are necessary or required by law.

Amendment Before Adoption. After the hearing the Council may adopt the budget with or without amendment. In amending the budget the Council may add or increase programs or amounts and may delete or decrease any programs or amounts except expenditures required by law or for debt service. No amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated funds available from all sources.

Adoption. The budget shall be finally adopted by ordinance not later than the first day of October. Should the council take no final action on or prior to that day, the budget as submitted shall be deemed to have been finally adopted by the Council.

## Section 7.01 City Elections:

All City Elections shall be conducted pursuant to the requirements of state law.

Schedule. The regular City election will be held annually as prescribed by State Law. The Council shall be responsible for ordering such election.

Special Elections. As allowed in this Charter, the Council may order a special election for ordinances, bond issues, Charter amendments, recall, Council vacancies, initiatives, referendums or other purposes deemed appropriate by the Council. The Council will specify the time and place for holding such special elections in accordance with State law and provide all means for holding same.

Voter Eligibility List. A certified list of voter registrants within the City, as prepared by the County Voter Registrar, shall be maintained current by the City Secretary and shall be available for inspection by any City resident.

Conduct and Regulation of Election. All City elections shall be governed by the Constitution of State of Texas and general laws of the State, this Charter, and ordinances of the City, in the order named. Municipal elections shall be conducted by the election officials appointed or approved by the Council. However, the Council may contract for the conduct of elections if such a service is available in the County.

### **Section 7.02 Filing for Office:**

Each candidate filing for a place on the City Council ballot shall meet the following qualifications:

- (1) Have all the qualifications for a Council Member as described in Section 3.02.
- (2) No candidate may file for more than one (1) office or place per election.
- (3) No candidate may withdraw from an election and file for another office or place at the same election.
- (4) Each candidate shall file such application as required by State Election laws.
- (5) Each candidate shall pay a filing fee of \$100 or submit a petition of 100 qualified voters of the City of Brady.

### **Section 7.03 Official Ballots:**

Names on Ballot. The names of each candidate who has filed for office shall be printed on the official ballots without party designation or symbol. If two (2) or more candidates have a similar surname, their residence addresses shall also be printed with their names on the ballot.

Order of Listing. The order of the candidate's names on the ballot shall be determined by lot in a drawing to be held under the supervision of the City Secretary.

Absentee Ballots. The procedures for voting by absentee ballots shall be consistent with the current edition of the Texas Election Code.

Ballot Title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement approved by majority of the entire Council describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance or other type of election) be adopted?" Immediately below or to the left of such question shall appear in the following order the words "Yes" and "No" each with a square in which the voter may cast his vote by making a cross (x).

Write In Voting. The procedure for write in voting shall be consistent with the Texas Election Code.

**Section 7.04 — Canvassing:**

~~The returns of every municipal election shall be delivered by the election judges to the City Secretary at City Hall not later than twelve (12) hours after the closing of the polls in accordance with State Law. The Council shall canvass the return in accordance with State Law after the conclusion of the election. The returns of every municipal election shall be recorded in the minutes of the Council by totals for each candidate, or, for or against each issue submitted.~~

**Section 7.05 — Election by Majority:**

~~A majority vote for an elective office is that number of votes which is greater than one half (1/2) of the total number of valid ballots cast for the office concerned. Any candidate for elective office who receives a majority vote shall be declared elected.~~

**Section 7.06 — Run Off Election:**

~~In the event no candidate for an elective office receives a majority of the votes cast for that position in the regular or special election, a run off election shall be held between the two (2) candidates who received the greatest number of votes. Such run off election shall be held in accordance with State election laws.~~

**Section 11.08 — Board of Equalization:**

~~The Board of Equalization is provided for by the State of Texas in the Property Tax Code and is coordinated by the designated Tax Collector.~~

**ARTICLE XII. PUBLIC UTILITIES, FRANCHISES AND CONTRACTS\***

The City shall grant, renew, and revoke franchises and contracts consistent with the requirements of State law.

**Section 12.01 — Power to Provide Public Services and Utilities:**

~~The City of Brady shall have the full power granted to cities by the Constitution and laws of the State of Texas unless otherwise restricted in this Charter to:~~

- ~~(1) Buy, own, construct, lease, maintain and operate within and without the limits of the City a system or systems of gas, electricity, telephone, sewage, sanitation, water, parks, airports,~~

~~swimming pools, G. Rollie White Complex, race tracks, transportation, communications, golf course, cemeteries, or any other public service or utility.~~

- ~~(2) Manufacture, produce or provide its own electricity, gas or anything else that may be required by the public for municipal purposes.~~
- ~~(3) Purchase gas, electricity, or any other commodity or article required by the public for municipal purposes and to contract with any person, corporation, or public utility for the purchase of same.~~
- ~~(4) Distribute and/or sell any utility, commodity or service.~~
- ~~(5) Mortgage and encumber such public utility or service systems in the manner provided in Chapter 1502, Public Securities for Municipal Utilities, Parks or Pools, Government Code as now exists or as amended, or any other laws of the State.~~
- ~~(6) Regulate and control the distribution of utilities and services within the City and its environs and to establish standards of service and quality of products.~~
- ~~(7) Establish and enforce the rates to be paid by consumers of any utility or users of any service within the City and its environs.~~

~~These powers shall be vested in the Council and the Council may exercise the power of eminent domain as provided by State Law and this Charter whenever proper and necessary for carrying out the objectives of providing utilities and services to the public for municipal purposes.~~

#### **Section 12.02 — Franchise Power:**

~~The Council shall have the power and authority to grant franchises for the use and occupancy of streets, avenues, alleys and any and all public property belonging to or under the control of the City of Brady, including the airspace over and above the City. Franchise powers shall be exercised in accordance with State Law and the terms of this Charter. No individual, organization, political subdivision, corporation, public utility, or any provider of public service shall be granted a franchise or permit to use such City facilities without first making application to and obtaining consent of the Council by ordinance. The franchise ordinance shall fully describe the terms of the agreement. The terms of such agreements shall be explicit so as to protect the interests of the citizens of Brady and shall include but not be limited to the terms prescribed in this Charter. No franchise ordinance shall be passed as an emergency ordinance. All franchise agreements shall be reviewed by the City Attorney.~~

#### **Section 12.03 — Franchise Not to be Exclusive:**

~~No exclusive franchise shall ever be granted.~~

**Section 12.04 — Transfer of Franchise:**

~~Franchises shall be transferable only to persons, firms, agencies, or corporations taking all or substantially all of the franchise's business in the City and only with the approval of the Council expressed by ordinance.~~

**Section 12.05 — Franchise Renewal Requires Approval:**

~~The expiration date of all franchises shall be specifically stated and the terms shall be extended or renewed only after being considered by the Council and specifically renewed by ordinance.~~

**Section 12.06 — Franchise of Public Utilities:**

~~The Council shall have the power to grant, amend, renew, or extend by ordinance the franchises of all public utilities of every character serving the citizens of Brady. Public utilities include, but are not limited to, individuals, agencies, organizations, and corporations providing electricity, gas, water, sewage service or any similar commodity or utility to the public. The effective period of public utility franchises may be set by the Council but shall not exceed thirty (30) years unless such extended term is specifically approved by a majority of the qualified voters of the City voting in an election called by the Council for that purpose.~~

**Section 12.07 — Franchise for Public Services:**

~~The Council shall have the power to grant, amend, renew or extend by ordinance the franchises of all providers of public services to the citizens of Brady. Public services include, but are not limited to, ambulance services, television cable services, transportation services, communication services, sanitation services, and any other similar service provided to the citizens either now or in the future. The effective period of public service franchises may be set by the Council but shall not exceed ten (10) years.~~

**Section 12.08 — Right of Regulation of Franchises:**

~~Even though the franchise agreement or franchise ordinance may not so state, all grants of franchises as authorized in this Charter shall be subject to the right of the Council to:~~

- ~~(1) Determine, fix and regulate the charges or rates of compensation to be charged by any person, organization, firm or corporation granted a franchise.~~
- ~~(2) Repeal the franchise by ordinance at any time upon the failure of the franchise to comply with the terms of the franchise, the ordinance, this Charter, any applicable statute of the State, or any rule of any applicable governing body.~~

- (3) Establish standards and quality of products or service.
- (4) Require such expansion, extension and improvement of plants and facilities as are necessary to provide adequate service to the public and to require that maintenance of facilities be performed at the highest reasonable standard of efficiency.
- (5) Prescribe the accounts and accounting system to be used so that the franchise will accurately reflect the expenses, receipts, profits and property values used in rendering its service to the public. It shall be deemed sufficient compliance with this requirement if the franchisee keeps its accounts in accordance with the uniform system established by an applicable federal or state agency for such service.
- (6) Examine and audit at any time the accounts and other records of any franchise and to require annual and other reports prescribed in the franchise ordinance.
- (7) Require such compensation, rental and/or franchise fee as may be permitted by law.
- (8) Impose such regulations and restrictions as may be deemed desirable or conducive to the health, safety, welfare and accommodation of the public.
- (9) Require the franchisee to restore at his expense all public or private property to a condition equal to that before being damaged or destroyed by the franchise.

#### **Section 12.09 — Penalty Authorized:**

The Council shall have the power and authority to assess a penalty for failure to comply and to review any franchise at any time to ensure that the franchisee is complying with the terms of the franchise agreement, this Charter, the franchise ordinance and the laws of the State. If in the opinion of the Council the terms of same are not being met, the Council shall so notify the franchisee in writing stating where the franchisee has failed to comply and setting a time for a hearing and deadline for correction. If after the hearing and time set by the Council for correction, the Council may repeal the franchise and/or enforce the penalty for failure to comply.

#### **Section 12.10 — Consent of Property Owners:**

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility. Nothing in this Charter or in any franchise granted hereunder shall ever be construed to deprive any such property as is now or hereafter may be provided by law.

#### **Section 12.11 — Franchise Value Not to be Allowed:**

~~In determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise, nothing shall be included as to the value of any franchise granted by the City.~~

#### **Section 12.12 — Extensions:**

~~All extensions of public utilities shall become a part of the aggregate property of the public utility and shall be subject to all the obligations and rights prescribed in this Charter and the original grant. The right to use and maintain any extension shall terminate with the original grant.~~

#### **Section 12.13 — Other Conditions:**

~~All franchises heretofore granted are recognized as contracts between the City and the franchisee and the contractual rights as contained therein shall not be impaired by the provisions of this Charter except:~~

- ~~(1) The power of the City to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved.~~
- ~~(2) The general power of the City heretofore existing and herein prescribed to regulate the rates and services of a utility including the right to require adequate and reasonable extension of plant and service and to require that maintenance of facilities be performed at the highest reasonable standard of efficiency shall be enforced.~~
- ~~(3) The Council shall review each franchise at its first renewal date subsequent to the adoption of this Charter and may cause the franchise so reviewed to meet the provisions of this Charter.~~

#### **Section 12.14 — Franchise Records:**

~~Every public utility or others holding a franchise with the City of Brady shall file with the City certified copies of all franchises owned or claimed under which such franchisee is operating within the City of Brady. The Council shall acknowledge all franchisee [franchises] in force at that time and shall compile and maintain a public record of franchises.~~

#### **Section 12.15 — Election Required for City Owned Utilities:**

~~In accordance with State law, no City owned electric utility, natural gas system, water system, sewer system, park or swimming pool shall ever be sold or leased in whole or in part without authorization by a majority vote of the qualified voters of the City voting at an election held for that purpose, nor shall the same be encumbered except as authorized by State law and this Charter. Such determination to sell, lease, or encumber such systems or facilities in whole or in part shall~~

~~be ascertained at an election which shall be held in accordance with the laws applicable to the issuance of municipal bonds by the City. Any encumbrance herein authorized shall be payable only from revenues derived from said system.~~

#### **Section 12.16 — Other Contracts Concerning City Property:**

~~The Council shall have the power to grant, amend, renew or extend contracts concerning the management and/or use of any city owned facility where such contract agreement would be in the best interests of the citizens. For purposes of this section, examples of such City facilities are the civic center, lake and related facilities, parks, golf course, swimming pools, G. Rollie White Complex, racing facilities, and any other such property. Such contracts shall fully describe the agreement in explicit terms to protect the interests of the citizens. All contracts shall be reviewed by the City Attorney prior to acceptance of the contract.~~

~~All such contracts shall not exceed ten (10) years. Such contracts shall not be renewed, amended or extended without first being reviewed and approved by the Council.~~

#### **Section 12.17 — Lease or Rent of City Facilities:**

~~The Council may authorize the renting of City owned facilities for the temporary use of an individual, organization, or group provided that the Council prescribes the rules and fees by ordinance.~~

#### **Section 12.18 — Regulation of Rates:**

~~The Council shall by ordinance determine, fix and regulate with proper hearing and notice the rates to be charged for water, gas, electricity and any and all public utilities and public services operating within the City, unless such right is denied by the laws of the State of Texas. The Council shall also regulate the rates to be charged within the City for all public transportation whether for passengers, freight or baggage, including ambulance services. The Council shall by ordinance regulate the rates to be charged for any communication system operating in the City, including cable television, community television antenna services and any other services making use of the airspace over and above the City of Brady. The Council shall not voluntarily transfer the right to regulate utilities and rates for services to any other authority nor shall the Council contract such regulatory right except as authorized by a vote of the people per Section 12.15 of this Charter or when ordered to do so by State Law.~~

### **Section 12.19 — Sale of Utility Services Outside the City:**

The Council shall have the authority and power to sell and provide electricity, water, gas, sewer and/or other utility services to persons or firms outside the City limits of Brady and permit such to connect with City systems under contract with the City. The Council shall not deny service to any citizen within the City by reason of providing service outside the City and shall consider each case on a fair and equitable basis protecting the interest of the citizens of Brady. The Council shall have the authority to regulate the rates for such service, to prescribe the kind of materials used, to inspect same and require the system to meet City codes the same as if the service was inside the City limits. Such regulations may include charges for installing electric or pipe lines. Such regulations may also set penalties for non-compliance.

If the Council is petitioned for service outside the City, the petitioner shall adhere to requirements established by the Council by ordinance as a condition of receiving service.

### **Section 12.20 — Airports:**

The Council is authorized to plan, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police airports and navigation facilities within or without the limits of the City. This authority includes buildings and other facilities related to the airport for purposes of storing and servicing aircraft as well as for the accommodation of air passengers and crews. The Council may use any property. The City may own the property or it may purchase, lease or acquire by eminent domain proceedings any property needed for such purposes. This includes: easements or land outside the airport boundaries as are necessary for safe and efficient operation of the airport. It is intended that this authority is granted in accordance with Chapter 22 County & Municipal Airports, Transportation Code and Chapter 23 Airport Security Personnel, Transportation Code as now exists or as amended.

### **Section 12.21 — Utility Customer Rights:**

The utility customers of the City of Brady have the right to decline installation and the right to request removal of any product and/or service of the City which the customer deems harmful to their person, property or privacy. The City of Brady shall notify customers by mail of these rights and include the manner and date the customer must notify the City of their intent to decline installation and/or request removal of product and/or service. Upon receipt of notification, the City of Brady shall comply with the customer's request to decline installation and/or request removal of the product and/or service within 30 days. The City shall restore all previously provided utilities at no charge to the customer. The City shall not impose a surcharge to customers who decline installation and/or request removal of any product and/or service. The City of Brady is civilly liable to the customer for personal injury, property damage or death during the time the customer was subjected to product and/or service.

## Section 13.04 Personal Conflict of Financial Interest:

All Officers and employees of the City shall comply with state law regarding conflicts of interest.

1. ~~No member of the Council nor any employee of the City with a financial interest, either directly or through any business entity in which such Councilperson or employee has a substantial interest shall vote or deliberate on:~~
  - a. ~~Any contract with the City; or~~
  - b. ~~The sale, lease, or rental to the City of any real property interest, including, without limitation, land, oil, gas or other mineral or hydrocarbon; or~~
  - c. ~~The sale, lease, rental or furnishing to the City of any materials, supplies or services.~~
2. ~~“Business Entity” means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized by law.~~
3. ~~For the purpose of this section, a person has substantial interest in a business entity if:~~
  - a. ~~The person owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more of the fair market value of the business entity or funds received by the person’s gross income for the previous year.~~
  - b. ~~A person has a substantial interest in real property if the interest is an equitable or legal ownership with an appraisal district market value of \$2,500.00 or more.~~
  - c. ~~A person is considered to have a substantial interest under this section if a person related to the person in the first degree by consanguinity (blood/adoption) or affinity (marriage) has a substantial interest under this section.~~
4. ~~This section shall not apply in the following situations:~~
  - a. ~~During or because of a public calamity.~~
  - b. ~~Procurement to preserve or protect the public health or safety or necessary because unforeseen damage to public machinery, equipment, buildings or other property provided an emergency or urgent public necessity exists.~~
  - c. ~~Items or services available from only one source (as defined in Chapter 252 of the Texas Local Government Code, relating to competitive bidding, as amended from time to time).~~
  - d. ~~To the purchase by the City from any employee of any land, buildings or similar real property interests, provided the property is purchased for its appraised market value as evaluated by the Appraisal District appraising the asset and the purchase is approved by the City Council.~~

### **Section 13.15 Noncompliance:**

Any one hundred (100) or more qualified voters of the City may require the City Council to show cause as to an alleged noncompliance with the articles and sections of this Charter. Such voters may petition the City Council for a public hearing concerning an alleged noncompliance, by signing a letter addressed and mailed to the Mayor. The letter must clearly state the incidence(s) of alleged noncompliance and the specific article(s) and/or section(s) that was/were alleged violated, and ask that the Mayor call a public hearing for the purpose of explaining the alleged incidence(s) of noncompliance to the Citizens of Brady.

The Mayor shall call a public hearing to be held within ten (10) days from the receipt of such petition. Such hearing shall be properly announced and a notice of the hearing shall be published in the official newspaper. The entire Council shall be compelled to attend the public hearing, and the Mayor or some other Councilman appointed by the Mayor shall be prepared to explain the alleged noncompliance (s) with the articles and sections of the Charter as specified in the petition. To provide for order, only a delegation of three (3) persons who signed the petition to the Mayor shall be permitted to question the members of the Council, and the questions must pertain to the incidence(s) of noncompliance described in the petition letter. The Mayor shall preside at the hearing and strive to resolve the question of noncompliance. The intent is for the elected officials to explain their actions on the relevant incidence(s) ~~and, therefore, neither the City Attorney nor any other Attorney or other person representing the Councilmembers may speak at the hearing.~~

## **Measure C**

### **Section 8.02 Petition for Recall:**

Before the question of recall of an elected official shall be submitted to the voters of the City, a petition demanding such question shall first be filed with the City Secretary. The petition shall be signed by qualified voters of the City equal in number to at least ~~twenty percent (20%) of the number of votes cast in the last regular municipal election of the City~~ twelve and one-half percent (12.5%) of the number of qualified voters registered to vote at the last general City election or 250, whichever is greater. Each person signing a recall petition shall affix his residence address and date of signing.

### **Section 9.03 Petition:**

Number of Signatures. Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least ~~twenty percent (20%) of the number of votes cast in the last regular municipal election of the City~~ twelve and one-half percent (12.5%) of the number of qualified voters registered to vote at the last general City election or 250, whichever is greater.

## **Measure D**

### **Section 3.02 Qualifications:**

7. No person may resign from their current City Council seat and run in an election during their unexpired term.

**SECTION THREE.** The ballots for the City election must comply with the Texas Election Code and shall have the measures described in Section Two, above, stated as propositions as follows:

**Measure A shall be placed on the ballot in the form of the following Proposition:**

***PROPOSITION A***

Amendments to the City Charter eliminating those provisions which are repetitive of state law.

**FOR**\_\_\_\_\_

**AGAINST**\_\_\_\_\_

**Measure B shall be placed on the ballot in the form of the following Proposition:**

***PROPOSITION B***

Amendments to the City Charter revising and deleting provisions for consistency with State law.

**FOR**\_\_\_\_\_

**AGAINST**\_\_\_\_\_

**Measure C shall be placed on the ballot in the form of the following Proposition:**

***PROPOSITION C***

Amendments to the City Charter revising the requirements for initiative, referendum and recall from a percentage of those who voted in the last election to a percentage of the number of qualified voters registered to vote at the last general City election.

**FOR**\_\_\_\_\_

**AGAINST**\_\_\_\_\_

**Measure D shall be placed on the ballot in the form of the following Proposition:**

***PROPOSITION D***

Amendment to the City Charter revising the qualifications for filing for office adding no person may resign from their current City Council seat and run in an election during their unexpired term.

**FOR**\_\_\_\_\_

**AGAINST**\_\_\_\_\_

**PASSED AND APPROVED ON THIS \_\_\_\_\_ DAY of \_\_\_\_\_, 2024.**

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Aaron Garcia, Mayor

ATTEST:

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City Secretary, Tina Keys