

ORDINANCE NO. 1072-08-15

AN ORDINANCE OF THE CITY OF HONDO, TEXAS ORDERING AND PROVIDING NOTICE OF A SPECIAL ELECTION IN THE CITY OF HONDO, TEXAS ON NOVEMBER 3, 2015 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS, FOR ADOPTION OR REJECTION, PROPOSED AMENDMENTS TO THE EXISTING HOME RULE CHARTER OF THE CITY OF HONDO, TEXAS, AS AMENDED; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THIS ELECTION; AND MAKING PROVISIONS FOR CONDUCT OF THE ELECTION AND PUBLICATION.

THE STATE OF TEXAS
THE COUNTY OF MEDINA
THE CITY OF HONDO

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WHEREAS, the City Council of the City of Hondo, Texas, in the exercise of the discretion reposed in it by the laws of this State, and in accordance with the provisions of Chapter 9 of the Texas Local Government Code, has determined to submit the following proposed amendments to the existing Charter of the City of Hondo at a special election to be held on November 3, 2015, and

WHEREAS, the laws of the State of Texas further provide that Section 3.001 of the Election Code of the State of Texas is applicable to said elections, and in order to comply with said Code, an Order should be passed ordering said election and establishing the procedure to be followed in said election, and designating the voting place for said election; and

WHEREAS, the City Council has appointed persons to a Charter Review Committee ("CRC"), and charged the CRC with reviewing and proposing amendments to the Hondo City Charter; and'

WHEREAS, following a series of public meetings, held pursuant to and in compliance with the Texas Open Meetings Act, the CRC presented its report of proposed Charter amendments to City Council in a public meeting (“the Report”); and

WHEREAS, the Council reviewed the Report and after considering the CRC's proposed amendments, the Council now believes that Hondo voters should vote on the following proposed amendments, in the form of propositions; and

WHEREAS, Texas Local Government Code Section 9.004 governs the amendments to a City's Home Rule Charter; and

WHEREAS, the City Council of the City of Hondo, Texas, finds it in the public interest to order a special election, to be held on November 3, 2015, for a vote of the electors as to the proposed amendments to the Hondo City Charter; and

WHEREAS, the City Council of the City of Hondo, Texas, hereby directs City staff to publish in a newspaper of general circulation in the City on the same day in each of two successive weeks, the date of the first publication to be not less than fourteen days prior to the date of the election on November 3, 2015, a substantial copy of the proposed amendments and an estimate of the anticipated fiscal impact to the City.

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

SECTION ONE. ELECTION ORDER

The City Council of the City of Hondo, pursuant to Section 5.01 (3) of the City Charter, does hereby order an election to be held in the City of Hondo, Texas, on Tuesday, November 3, 2015, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of submitting to the qualified voters of the City, for adoption or rejection, the following proposed amendments to the existing Charter of the City of Hondo, Texas, as amended:

SECTION TWO. The following measures will be submitted to the qualified voters of the City at the election in the form of propositions in accordance with Section 9.004 of the Texas Local Government Code and other applicable laws:

Measure No. 1

SHALL SECTION 3.01 OF THE CITY CHARTER REGARDING COMPOSITION OF THE CITY COUNCIL BE AMENDED TO READ AS FOLLOWS:

SECTION 3.01 Composition

- (1) The "City Council" shall be composed of a "Mayor" and five (5) "Council Members" elected under the Place System, with there being Places 1, 2, 3, 4, and 5. The Mayor and each Council Member shall be elected at large, and unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years and until their successor has been elected and duly qualified. The Mayor and City Council members may not be elected for more than three (3) consecutive terms and must "sit out" for two years prior to being eligible to run for the same elected office, i.e. Mayor or City Council Member. That is, a Council Member completing two consecutive terms is eligible to run for Mayor, and a Mayor completing two consecutive terms is eligible to run for City Council without a "sitting out" period. The previous terms of the City Council Members holding office as of November 2015 shall count toward the term limitations of this Charter.
- (2) The terms of office of Council Members in office as of November 2015 shall continue to be staggered to the same extent they were staggered prior to that date.
- (3) At such time as the City attains twelve thousand (12,000) inhabitants as determined by the U.S. Census, the number of Council Members shall increase to seven (7). Place number 6 shall be elected in the first May after the population of the City attains twelve thousand (12,000) inhabitants as determined to occurred pursuant to this Charter and Place seven (7) shall be elected the first May after the election for Place six (6). Such places shall be elected every three (3) years. The two additional Council Members shall be elected in accordance with the laws of the State of Texas.
- (4) Whenever this Charter requires a calculation of the number of votes required to pass an item based on a majority of the Council Members or a percentage or fraction of the number of Council Members, the Mayor shall not be considered towards determining the

number of Council Members unless specifically stated herein.

The total number of City Council places in existence, without regard to any vacancies, shall be used for determining a majority except where this Charter specifically states the count is based on the number of City Council members present.

Measure No. 2

SHALL SECTION 3.03 OF THE CITY CHARTER REGARDING COMPENSATION OF CITY COUNCIL BE AMENDED TO READ AS FOLLOWS:

SECTION 3.03 Compensation

Compensation of the City Council shall be \$400.00 per month and the compensation for the Mayor shall be \$500.00 per month. Any subsequent increases shall be determined and approved by a vote of the citizens at a regular election to amend this Charter. No increase in such compensation shall take effect until the beginning of the terms of Mayor and/or Council Members elected at the next general election. The City Council and Mayor shall also be entitled to reimbursement for actual expenses incurred in the performance of official duties with the approval of the City Council at a public meeting.

Measure No. 3

SHALL SECTION 3.04 (1) and (2) OF THE CITY CHARTER REGARDING MAYOR AND MAYOR PRO TEM BE AMENDED TO READ AS FOLLOWS:

SECTION 3.04 Mayor and Mayor Pro Tem, Subsections (1) and (2)

- (1) The Mayor occupies the highest elective office in the City and shall preside at meetings of the City Council. The Mayor shall be recognized as head of the City government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council. The Mayor shall not be entitled to vote as a member of the Council, on legislative or other matters, except in case of a tie, when the Mayor shall cast the deciding vote, or where the number of filled City Council positions drops to below 3 due to vacancies caused by death, resignation, forfeiture of, or removal from office by law.
- (2) Before an Ordinance or Resolution adopted by the City Council may take effect, the Ordinance or Resolution must be signed by the Mayor except as authorized further in this paragraph. On any Ordinance or Resolution adopted by the Council to which the Mayor does not execute or file objections within one week after Council approval, the Ordinance or Resolution shall take effect. If the Mayor files objections with the City Secretary within one week after Council approved the Ordinance or Resolution, the action by the Mayor shall be deemed a veto of the original Council action. Mayor's objections must be filed within one week of the original Council action, and must state the Mayor's reason for this filing. The City Secretary will forward copies to each Council Member along with notice that the original item will be added to the next Council agenda for reconsideration by the Council. At the meeting at which the ordinance or resolution is reconsidered an affirmative vote of the majority of the Council Members present shall overturn the Mayor's veto and constitute immediate enactment of the ordinance or

resolution and no further veto authority shall exist with respect to said ordinance or resolution. If an ordinance takes effect automatically without the Mayor's signature by any provision in this paragraph, the City Secretary shall note in the signature block of the ordinance the date and reason the ordinance became effective without signature and shall note that no further signature is necessary.

Measure No. 4

SHALL SECTION 3.05(4) and (5) OF THE CITY CHARTER REGARDING VACANCIES, FORFEITURE AND FILLING OF VACANCIES BE AMENDED TO READ AS FOLLOWS:

SECTION 3.05 Vacancies, Forfeiture and Filling of Vacancies, Subsections 4 and 5

- (4) If a Council Member or the Mayor forfeits his/her office, or the office is declared vacant as required under the Charter, and the Council Member or Mayor does not immediately resign, the City Council and Mayor may conduct a hearing to determine if the office holder has forfeited and should vacate his/her office. Upon the conclusion of the hearing the City Council may, by an affirmative vote of a super-majority of City Council with the Mayor, declare the office of said office holder to be forfeited and vacant. For purposes of this section only: the Mayor has a vote; the place of the individual who is the subject of the vote shall not count; and City Council places which are vacant due to death, resignation, forfeiture of, or removal from office shall not count. A super-majority for purposes of this section shall require five (5) votes if the number of Council places with the Mayor equals seven (7), four (4) if the number of Council places with the Mayor equals five (5) or six (6); and three (3) if the number of Council places with the Mayor equals four (4) or less. Disposition of the matter under this Charter is final and is res judicata. Further relief may be sought in a court of law. The office holder subject to the forfeiture shall not have a vote. The Mayor shall vote unless his/her office is the office subject to the forfeiture.
- (5) A vacancy in the City Council where the term is less than one-year shall be filled by selection of a person qualified for the position, as described in this Charter, within thirty (30) days of the occurrence of the vacancy by a majority vote of the remaining Council Members. This appointee shall serve until the next municipal election at which time a new Council Member shall be elected in accordance with the Texas Constitution and the Texas Election Code. If the vacancy in the City Council were to occur and a year or more is left on the term of the vacated place on the Council, that position must be filled by election in accordance with state law. The provisions of this paragraph shall also apply to filling a vacancy in the Mayor's position in the event State law or this Charter do not otherwise provide a procedure for filling the Mayor's position.

Measure No. 5

SHALL SECTION 3.09 OF THE CITY CHARTER REGARDING QUORUM BE AMENDED TO READ AS FOLLOWS:

SECTION 3.09 Quorum

Three (3) Council Members shall constitute a quorum for the purpose of transacting business. Upon the election of an individual to City Council Place six (6) four (4) Council Members shall constitute a quorum for the purpose of transacting business. No action of the City Council,

except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the City Council places occupied at the time of the vote. The presence of the Mayor at any Council meeting shall not count toward a quorum, except where expressly stated herein.

Vacancy Emergency Provision: When the number of filled City Council positions drops to below three (3) because of vacancies due to death, resignation, forfeiture of, or removal from office, the Mayor shall count towards the quorum and shall be entitled to vote.

Measure No. 6

SHALL SECTION 3.12 OF THE CITY CHARTER REGARDING RULES OF PROCEDURE BE AMENDED TO READ AS FOLLOWS:

SECTION 3.12 Rules of Procedure

- (1) The City Council and all Commissions and Boards shall conduct business in accordance with Robert's Rules of Order or such other rules of procedure which they may adopt by resolution. The City Council shall provide that the citizens of the City shall have a reasonable opportunity to clearly hear and be heard at all regular meetings and public hearings with regard to specific matters under consideration.

The City Council shall provide for minutes to be taken and recorded for all public meetings as required by law. Such minutes shall be a public record and shall be kept and maintained by the City Secretary.

City Council shall adopt Rules of Procedure consistent with this Charter.

The Mayor, City Manager or any two (2) Councilmembers may place items on the agenda prior to the agenda being posted.

Measure No. 7

SHALL SECTION 3.13 (1) OF THE CITY CHARTER REGARDING PASSAGE OF ORDINANCES BE AMENDED TO READ AS FOLLOWS:

SECTION 3.13 Passage of Ordinances in General

- (1) The City Council shall legislate by ordinance, resolution, or order, and the enacting clause of every ordinance shall be "Be it ordained by the City Council of the City of Hondo, Texas. . ." Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title. General appropriation ordinances may contain various items and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance. Copies of each proposed ordinance, in the form required for adoption, shall be furnished to the City Council. Copies of the proposed ordinance, in the form required for adoption, shall be available at the City offices and shall be furnished to citizens upon request to the City Secretary from and after the date on which such proposed ordinance is posted as an agenda item for a City Council meeting and, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the City Council.

Measure No. 8

SHALL SECTION 4.01(4) OF THE CITY CHARTER REGARDING SUSPENSION OR REMOVAL OF CITY MANAGER BE AMENDED TO READ AS FOLLOWS:

SECTION 4.01 City Manager, Subsection (4)

- (4) **Suspension or Removal.** The City Manager may be removed at the discretion of the City Council by the affirmative vote of four (4) City Council Members. Upon the election of an individual to City Council Place 6 or 7, the City Manager may be removed by the affirmative vote of five (5) City Council Members. Upon decision to remove the City Manager, notice, in writing, of such decision shall be immediately furnished to him/her and the City Council may then suspend him/her from duty.
- (A) If, within five (5) working days after being notified of his/her termination and removal, the City Manager files a written request to the City Council requesting that his/her termination be reconsidered, the City Council shall, as soon as practical, meet with the City Manager in accordance with the Texas Open Meetings Act to review its decision to terminate.
- (B) Following such review, after affording the City Manager an opportunity to respond to such initial decision to terminate, a new vote requiring the affirmative vote of four (4) City Council Members (or the affirmative vote of five (5) City Council Members upon the election of an individual to City Council Place 6 or 7) shall be taken with regard to the termination of the City Manager.
- (C) The City Manager shall, from the date of suspension, continue to receive his/her salary pending the final decision of the City Council provided however, that if the Manager is suspended or terminated because of a final conviction for a misdemeanor involving moral turpitude or personal gain, or indicted for any felony, then, in that event, the City shall have no obligation to pay the salary designated in this Section.
- (D) This procedure for a review meeting with the City Manager shall not alter the fact that the City Manager serves at the pleasure of the City Council, and the City Manager shall not have, nor should this procedure be construed to grant to the City Manager, any right to continued employment.

Measure No. 9

SHALL SECTION 5.06 OF THE CITY CHARTER REGARDING OATH OF OFFICE BE AMENDED TO READ AS FOLLOWS:

SECTION 5.06 Oath of Office

Every officer of the City shall, before entering upon the duties of his/her office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Secretary:

"I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of

the office of _____, of the City of Hondo, State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and Laws of the United States and of this State and the Charter and ordinances of this City; and I furthermore solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay,, contributed, or promised to contribute any money, or thing of value,, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, (So Help Me God.)"

Measure No. 10

SHALL SECTION 6.01 OF THE CITY CHARTER REGARDING POWER OF INITIATIVE BE AMENDED TO READ AS FOLLOWS:

SECTION 6.01 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, an ordinance amending an ordinance appropriating money or levying taxes, or an ordinance repealing an ordinance appropriating money or levying taxes. Any initiated ordinance may be submitted by a petition signed by registered voters of the City equal in number to at least twelve and one-half (12.5 %) percent of the number of registered voters residing in the City at the time of the last regular City election.

Measure No. 11

SHALL SECTION 6.02 OF THE CITY CHARTER REGARDING POWER OF REFERENDUM BE AMENDED TO READ AS FOLLOWS:

SECTION 6.02 Power of Referendum

The people of the City reserve the power to approve or reject at the polls any legislation enacted by the City Council, which is subject to the initiative process under this Chapter. Within thirty (30) days after the final adoption or publication, whichever date is later, of any ordinance which is subject to referendum, a notice must be filed with the City Secretary that a petition will be filed. A petition signed by registered voters of the City equal in number to at least twelve and one-half (12.5 %) 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 shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

Measure No. 12

SHALL SECTION 6.07 OF THE CITY CHARTER REGARDING POWER OF RECALL BE AMENDED TO READ AS FOLLOWS:

SECTION 6.07 Power of Recall

The people of the City reserve the power to recall the Mayor or any other member of the City 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 twelve and one-half (12.5 %) 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 members of the City 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. A separate petition shall be required for each individual intended to be recalled.

Measure No. 13

SHALL SECTION 6.12 OF THE CITY CHARTER REGARDING FAILURE OF THE CITY COUNCIL TO CALL AN ELECTION-INITIATIVE, REFERENDUM OR RECALL BE AMENDED TO READ AS FOLLOWS:

SECTION 6.12 Failure of the City Council to Call an Election-Initiative, Referendum or Recall

If all of the requirements of this Charter have been met and the City Council fails or refuses to receive the initiative, referendum or recall petition, or order such initiative, referendum, or recall election, or discharge any other duties imposed on the City Council by the provisions of this Charter with reference to such initiative, referendum, or recall, then the State District Judge of Medina County Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of City Secretary or by the City Council.

Measure No. 14

SHALL SECTION 9.02 OF THE CITY CHARTER REGARDING DUTIES AND POWERS OF THE PLANNING AND ZONING COMMISSION BE AMENDED TO READ AS FOLLOWS:

SECTION 9.02 Duties and Powers

- (1) The Commission shall be responsible to and act as an advisory board to the City Council. The Commission shall:
 - (A) Review all current and proposed ordinances and amendments pertaining to planning and zoning and make recommendations to the City Council for action to be taken;
 - (B) Make proposals to the City Council to amend, extend and add to the Comprehensive Master Plan of the City;
 - (C) If requested by the City Council, a monthly report shall be made in person by a member of the Commission to the City Council;

- (D) Review master plans, subdivision plats, annexation , and zoning requests and make recommendations to the City Council for final adoption of same;
 - (E) Review and make recommendations to the City Council regarding Land Use Assumptions as required; and
 - (F) Perform such other functions as may be duly delegated by the City Council.
- (2) The Commission shall have full power to:
- (A) Exercise the authority of the Commission as provided by state law, this Charter and City ordinances;
 - (B) Administer rules and recommendations pertaining to subdivisions and to platting in territories within the City limits and its extraterritorial jurisdiction; and
 - (C) Make reports and recommendations relating to the Comprehensive Master Plan and development of the City.
- (3) A vote of Four (4) Council Members is required to overrule a recommendation of the Commission that a proposed zoning amendment, supplement or change, or change to a regulation or boundary be denied. Upon the election of an individual to City Council Place 6 but before the election of an individual to City Council Place 7, a vote of Five (5) Council Members is required to overrule a recommendation of the Commission that a proposed zoning amendment, supplement or change, or change to a regulation or boundary be denied. Upon the election of an individual to City Council Place 7, a vote of Six (6) Council Members is required to overrule a recommendation of the Commission that a proposed zoning amendment, supplement or change, or change to a regulation or boundary be denied.

Measure No. 15

SHALL SECTION 9.04 OF THE CITY CHARTER REGARDING THE COMPREHENSIVE MASTER PLAN BE AMENDED TO READ AS FOLLOWS:

SECTION 9.04 The Comprehensive Master Plan: Procedure and Legal Effect

- (1) The existing Comprehensive Master Plan contains recommendations for the growth, development and beautification of the City and its extraterritorial jurisdiction. Additions to and amendments of the Comprehensive Master Plan shall be by ordinance or resolution in accordance with Texas State Law.
- (2) Following the adoption by the City Council of the Comprehensive Master Plan, and any revisions thereto, it shall serve as a guide to all future City Council action concerning land use and development regulations and expenditures for capital improvements. Any proposal which deviates from the Comprehensive Master Plan shall not be authorized until and unless the location and extent thereof shall have been submitted to and approved by the Commission. In case of denial, the Commission shall communicate its reasons to the City Council, which shall have the power to overrule such denial with a vote of a majority of the full Council Membership, and upon such overruling, the City Council or the appropriate office, department or agency shall have authority to proceed.

Measure No. 16

SHALL THE CITY CHARTER BE AMENDED TO ADD ARTICLE IX-A REGARDING BOARD OF ADJUSTMENT TO READ AS FOLLOWS:

ARTICLE IX-A BOARD OF ADJUSTMENT

SECTION 9A.01 Organization

There is hereby established a Board of Adjustment to be composed of no fewer than five (5) regular members who shall be qualified electors of the City. Alternate members may be appointed by the City Council.

SECTION 9A.02 Procedure

The Board shall elect a chairman from among its members to preside at meetings. Four (4) members of the Board shall constitute a quorum for the conduct of business. However, 75% of the membership of the board must hear, and a concurring vote of 75% of the membership is necessary to:

- (1) reverse an order, requirement, decision, or determination of an administrative official;
- (2) decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or
- (3) authorize a variation from the terms of a zoning ordinance.

SECTION 9A.03 Duties and Powers

The Board of Adjustment shall have the powers and duties as indicated in this section, and by Section 211.008, Texas Local Government Code, as now or hereafter amended.

SECTION 9A.04 Appeal from Decision of Board

Any person aggrieved by any decision of the Board of Adjustment, or any officer, department or other board or commission of the City, may appeal the decision or action of the Board of Adjustments by filing a petition for same in a court of competent jurisdiction, setting forth that such decision is illegal in whole or in part, and specifying the grounds for the alleged illegality. Such petition shall be filed with the court within ten (10) days from the day the Board renders its decision, and not thereafter. The official day of Board decision shall be the day that the minutes, of the meeting in which the Board considered the appeal, are filed with the City Secretary. The time period set forth herein shall be deemed jurisdictional.

Measure No. 17

SHALL SECTION 11.03 OF THE CITY CHARTER REGARDING AMENDMENT OF CHARTER BE AMENDED TO READ AS FOLLOWS:

SECTION 11.03 Amendment of Charter

- (1) Amendments to this Charter may be framed and submitted to the qualified voters of the City in the manner provided by the Constitution and the laws of the State of Texas; but, the Charter may not be amended more often than once every two (2) years, as provided by the Texas Constitution.
- (2) A petition to amend the Charter in accordance with Section 9.004, Texas Local Government Code, must comply with the requirements and provisions of Sections 6.03 relating to petitions for initiative, referendum and recall.

Measure No. 18

SHALL THE CITY CHARTER BE AMENDED TO DELETE SECTION 11.05 REGARDING SUBMISSION OF CHARTER TO ELECTORS.

Measure No. 19

SHALL SECTION 12.02 OF THE CITY CHARTER REGARDING DISANNEXATION BE AMENDED TO READ AS FOLLOWS:

SECTION 12.02 Disannexation

Whenever in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes the City Council may disannex said territory as part of the City by ordinance after a public hearing on the issue; however, any territory so disannexed shall be liable for its pro rata share of any debts incurred while it was a part of the city, and the city shall continue to levy and collect taxes on the property within said territory until indebtedness has been discharged.

Measure No. 20

SHALL SECTION 12.14 OF THE CITY CHARTER REGARDING REGULATION OF ALCOHOL BE AMENDED TO READ AS FOLLOWS:

SECTION 12.14 Regulation of Alcohol.

The sale of liquor is prohibited in all residential sections or areas of the City, as designated by any zoning ordinance or Comprehensive Master Plan of the City. The City Council may enact any and all other regulations regarding the sale, consumption, distribution, etc. of alcoholic beverages, as permitted by law.

Measure No. 21

SHALL SECTION 14.02 OF THE CITY CHARTER REGARDING NEPOTISM BE AMENDED TO READ AS FOLLOWS:

SECTION 14.02 Nepotism

All members of the City Council, and all officers and employees of the City, shall be subject to and shall comply with the provisions of general state law regarding nepotism, including but not limited to Chapter 573 of the Texas Government Code. The City Council shall provide, by

ordinance, regulations and procedures for the implementation and enforcement of said Chapter.

In addition, no person related within the second degree by affinity or consanguinity to the Mayor or any Council Member or the City Manager shall be employed by or contracted with for the City.

This shall not apply to any person employed by the City prior to the person related in the above degree filing to run for elective office or being nominated for an appointment. Nothing in this Section shall prohibit the Council from adopting a more restrictive ordinance.

SECTION THREE. The ballots for the City election shall comply with the Texas Election Code and shall have the measures described in Section Two of this Ordinance stated as propositions as follows:

Proposition No. 1

FOR/AGAINST The amendment of SECTION 3.01 OF THE CITY CHARTER to increase the maximum number of terms the Mayor and City Council members may serve from two to three consecutive terms and to clarify other language in the Section to read as follows:

SECTION 3.01 Composition

- (1) The "City Council" shall be composed of a "Mayor" and five (5) "Council Members" elected under the Place System, with there being Places 1, 2, 3, 4, and 5. The Mayor and each Council Member shall be elected at large, and unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years and until their successor has been elected and duly qualified. The Mayor and City Council members may not be elected for more than three (3) consecutive terms and must "sit out" for two years prior to being eligible to run for the same elected office, i.e. Mayor or City Council Member. That is, a Council Member completing two consecutive terms is eligible to run for Mayor, and a Mayor completing two consecutive terms is eligible to run for City Council without a "sitting out" period. The previous terms of the City Council Members holding office as of November 2015 shall count toward the term limitations of this Charter.
- (2) The terms of office of Council Members in office as of November 2015 shall continue to be staggered to the same extent they were staggered prior to that date.
- (3) At such time as the City attains twelve thousand (12,000) inhabitants as determined by the U.S. Census, the number of Council Members shall increase to seven (7). Place number 6 shall be elected in the first May after the population of the City attains twelve thousand (12,000) inhabitants as determined to occurred pursuant to this Charter and Place seven (7) shall be elected the first May after the election for Place six (6). Such places shall be elected every three (3) years. The two additional Council Members shall be elected in accordance with the laws of the State of Texas.
- (4) Whenever this Charter requires a calculation of the number of votes required to pass an item based on a majority of the Council Members or a percentage or fraction of the number of Council Members, the Mayor shall not be considered towards determining the number of Council Members unless specifically stated herein. The total number of City

Council places in existence, without regard to any vacancies, shall be used for determining a majority except where this Charter specifically states the count is based on the number of City Council members present.

Proposition No. 2

FOR/AGAINST The amendment of SECTION 3.03 OF THE CITY CHARTER to increase compensation of the City Council and Mayor by \$100.00 per month to \$400.00 per month for City Council and \$500.00 per month for the Mayor.

Proposition No. 3

FOR/AGAINST The amendment of SECTION 3.04 (1) and (2) OF THE CITY CHARTER to allow the Mayor to vote as a member of Council where the number of filled City Council positions drops to below 3 due to vacancies caused by death, resignation, forfeiture of, or removal from office by law and to clarify other language in the Section to read as follows:

SECTION 3.04 Mayor and Mayor Pro Tem, Subsections (1) and (2)

- (1) The Mayor occupies the highest elective office in the City and shall preside at meetings of the City Council. The Mayor shall be recognized as head of the City government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council. The Mayor shall not be entitled to vote as a member of the Council, on legislative or other matters, except in case of a tie, when the Mayor shall cast the deciding vote, or where the number of filled City Council positions drops to below 3 due to vacancies caused by death, resignation, forfeiture of, or removal from office by law.
- (2) Before an Ordinance or Resolution adopted by the City Council may take effect, the Ordinance or Resolution must be signed by the Mayor except as authorized further in this paragraph. On any Ordinance or Resolution adopted by the Council to which the Mayor does not execute or file objections within one week after Council approval, the Ordinance or Resolution shall take effect. If the Mayor files objections with the City Secretary within one week after Council approved the Ordinance or Resolution, the action by the Mayor shall be deemed a veto of the original Council action. Mayor's objections must be filed within one week of the original Council action, and must state the Mayor's reason for this filing. The City Secretary will forward copies to each Council Member along with notice that the original item will be added to the next Council agenda for reconsideration by the Council. At the meeting at which the ordinance or resolution is reconsidered an affirmative vote of the majority of the Council Members present shall overturn the Mayor's veto and constitute immediate enactment of the ordinance or resolution and no further veto authority shall exist with respect to said ordinance or resolution. If an ordinance takes effect automatically without the Mayor's signature by any provision in this paragraph, the City Secretary shall note in the signature block of the ordinance the date and reason the ordinance became effective without signature and shall note that no further signature is necessary.

Proposition No. 4

FOR/AGAINST The amendment of SECTION 3.05 (4) and (5) OF THE CITY CHARTER to clarify the manner of vote required to declare a City Council Member or Mayor position forfeited or vacant and to fill the position, using the terms super-majority and majority instead of fractions to read as follows:

SECTION 3.05 Vacancies, Forfeiture and Filling of Vacancies, Subsections (4) and (5)

- (4) If a Council Member or the Mayor forfeits his/her office, or the office is declared vacant as required under the Charter, and the Council Member or Mayor does not immediately resign, the City Council and Mayor may conduct a hearing to determine if the office holder has forfeited and should vacate his/her office. Upon the conclusion of the hearing the City Council may, by an affirmative vote of a super-majority of City Council with the Mayor, declare the office of said office holder to be forfeited and vacant. For purposes of this section only: the Mayor has a vote; the place of the individual who is the subject of the vote shall not count; and City Council places which are vacant due to death, resignation, forfeiture of, or removal from office shall not count.

A super-majority for purposes of this section shall require five (5) votes if the number of Council places with the Mayor equals seven (7), four (4) if the number of Council places with the Mayor equals five (5) or six (6); and three (3) if the number of Council places with the Mayor equals four (4) or less. Disposition of the matter under this Charter is final and is res judicata. Further relief may be sought in a court of law. The office holder subject to the forfeiture shall not have a vote. The mayor shall vote unless his/her office is the office subject to the forfeiture.

- (5) A vacancy in the City Council where the term is less than one-year shall be filled by selection of a person qualified for the position, as described in this Charter, within thirty (30) days of the occurrence of the vacancy by a majority vote of the remaining Council Members. This appointee shall serve until the next municipal election at which time a new Council Member shall be elected in accordance with the Texas Constitution and the Texas Election Code. If the vacancy in the City Council were to occur and a year or more is left on the term of the vacated place on the Council, that position must be filled by election in accordance with state law. The provisions of this paragraph shall also apply to filling a vacancy in the Mayor's position in the event State law or this Charter do not otherwise provide a procedure for filling the Mayor's position.

Proposition No. 5

FOR/AGAINST The amendment of SECTION 3.09 OF THE CITY CHARTER to provide that the Mayor shall count towards the quorum in the event the number of City Council positions drops to below three due to a vacancy emergency, to read as follows:

SECTION 3.09 Quorum

Three (3) Council Members shall constitute a quorum for the purpose of transacting business. Upon the election of an individual to City Council Place six (6) four (4) Council Members shall constitute a quorum for the purpose of transacting business. No action of the City Council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the City Council places occupied at the time of the vote. The presence of the Mayor at any Council meeting shall not count toward a quorum, except where

expressly stated herein.

Vacancy Emergency Provision: When the number of filled City Council positions drops to below three (3) because of vacancies due to death, resignation, forfeiture of, or removal from office, the Mayor shall count towards the quorum and shall be entitled to vote.

Proposition No. 6

FOR/AGAINST The amendment of SECTION 3.12 OF THE CITY CHARTER to allow the Mayor, City Manager, or any two Council members to place items on the agenda without the need of a motion, and to make other language in this Section related to rules of procedure more clearly follow procedures in use to read as follows:

SECTION 3.12 Rules of Procedure

- (1) The City Council and all Commissions and Boards shall conduct business in accordance with Robert's Rules of Order or such other rules of procedure which they may adopt by resolution. The City Council shall provide that the citizens of the City shall have a reasonable opportunity to clearly hear and be heard at all regular meetings and public hearings with regard to specific matters under consideration.

The City Council shall provide for minutes to be taken and recorded for all public meetings as required by law. Such minutes shall be a public record and shall be kept and maintained by the City Secretary.

City Council shall adopt Rules of Procedure consistent with this Charter.

- (2) The Mayor, City Manager or any two (2) Councilmembers may place items on the agenda prior to the agenda being posted.

Proposition No. 7

FOR/AGAINST The amendment of SECTION 3.13(1) OF THE CITY CHARTER to clarify language to read as follows:

SECTION 3.13 Passage of Ordinances in General, Subsection (1)

- (1) The City Council shall legislate by ordinance, resolution, or order, and the enacting clause of every ordinance shall be "Be it ordained by the City Council of the City of Hondo, Texas. . ." Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title. General appropriation ordinances may contain various items and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance. Copies of each proposed ordinance, in the form required for adoption, shall be furnished to the City Council. Copies of the proposed ordinance, in the form required for adoption, shall be available at the City offices and shall be furnished to citizens upon request to the City Secretary from and after the date on which such proposed ordinance is posted as an agenda item for a City Council meeting and, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the City Council.

Proposition No. 8

FOR/AGAINST The amendment of SECTION 4.01(4) OF THE CITY CHARTER to provide a clearer method of voting on suspension and removal of the City Manager to read as follows:

SECTION 4.01 City Manager, Subsection (4)

- (4) **Suspension or Removal.** The City Manager may be removed at the discretion of the City Council by the affirmative vote of four (4) City Council Members. Upon the election of an individual to City Council Place 6 or 7, the City Manager may be removed by the affirmative vote of five (5) City Council Members. Upon decision to remove the City Manager, notice, in writing, of such decision shall be immediately furnished to him/her and the City Council may then suspend him/her from duty.
- (A) If, within five (5) working days after being notified of his/her termination and removal, the City Manager files a written request to the City Council requesting that his/her termination be reconsidered, the City Council shall, as soon as practical, meet with the City Manager in accordance with the Texas Open Meetings Act to review its decision to terminate.
- (B) Following such review, after affording the City Manager an opportunity to respond to such initial decision to terminate, a new vote requiring the affirmative vote of four (4) City Council Members (or the affirmative vote of five (5) City Council Members upon the election of an individual to City Council Place 6 or 7) shall be taken with regard to the termination of the City Manager.
- (C) The City Manager shall, from the date of suspension, continue to receive his/her salary pending the final decision of the City Council provided however, that if the Manager is suspended or terminated because of a final conviction for a misdemeanor involving moral turpitude or personal gain, or indicted for any felony, then, in that event, the City shall have no obligation to pay the salary designated in this Section.
- (D) This procedure for a review meeting with the City Manager shall not alter the fact that the City Manager serves at the pleasure of the City Council, and the City Manager shall not have, nor should this procedure be construed to grant to the City Manager, any right to continued employment.

Proposition No. 9

FOR/AGAINST The amendment of SECTION 5.06 OF THE CITY CHARTER to make the Oath of Office more closely follow Texas statutory language, to read as follows:

SECTION 5.06 Oath of Office

Every officer of the City shall, before entering upon the duties of his/her office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Secretary:

"I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____, of the City of Hondo, State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and Laws of the United States and of this State and the Charter and ordinances of this City; and I furthermore solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay,, contributed, or promised to contribute any money, or thing of value,, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, (So Help Me God.)"

Proposition No. 10

FOR/AGAINST The amendment of SECTION 6.01 OF THE CITY CHARTER to clarify the percentage of registered voters required for a petition is twelve and one-half percent (12.5%), not twelve five percent.

Proposition No. 11

FOR/AGAINST The amendment of SECTION 6.02 OF THE CITY CHARTER to clarify the percentage of registered voters required for a petition is twelve and one-half percent (12.5%), not twelve five percent.

Proposition No. 12

FOR/AGAINST The amendment of SECTION 6.07 OF THE CITY CHARTER to clarify the percentage of registered voters required for a petition is twelve and one-half percent (12.5%), not twelve five percent.

Proposition No. 13

FOR/AGAINST The amendment of SECTION 6.12 OF THE CITY CHARTER to change "District Judge" to "State District Judge" for clarification:

Proposition No. 14

FOR/AGAINST The amendment of SECTION 9.02 OF THE CITY CHARTER to provide a clearer method for determining the number of votes required to overrule a recommendation of the Commission and other language clarification, to read as follows:

SECTION 9.02 Duties and Powers

- (1) The Commission shall be responsible to and act as an advisory board to the City Council. The Commission shall:
 - (A) Review all current and proposed ordinances and amendments pertaining to planning and zoning and make recommendations to the City Council for action to be taken;
 - (B) Make proposals to the City Council to amend, extend and add to the

Comprehensive Master Plan of the City;

- (C) If requested by the City Council, a monthly report shall be made in person by a member of the Commission to the City Council;
 - (D) Review master plans, subdivision plats, annexation , and zoning requests and make recommendations to the City Council for final adoption of same;
 - (E) Review and make recommendations to the City Council regarding Land Use Assumptions as required; and
 - (F) Perform such other functions as may be duly delegated by the City Council.
- (2) The Commission shall have full power to:
- (A) Exercise the authority of the Commission as provided by state law, this Charter and City ordinances;
 - (B) Administer rules and recommendations pertaining to subdivisions and to platting in territories within the City limits and its extraterritorial jurisdiction; and
 - (C) Make reports and recommendations relating to the Comprehensive Master Plan and development of the City.
- (3) A vote of Four (4) Council Members is required to overrule a recommendation of the Commission that a proposed zoning amendment, supplement or change, or change to a regulation or boundary be denied. Upon the election of an individual to City Council Place 6 but before the election of an individual to City Council Place 7, a vote of Five (5) Council Members is required to overrule a recommendation of the Commission that a proposed zoning amendment, supplement or change, or change to a regulation or boundary be denied. Upon the election of an individual to City Council Place 7, a vote of Six (6) Council Members is required to overrule a recommendation of the Commission that a proposed zoning amendment, supplement or change, or change to a regulation or boundary be denied.

Proposition No. 15

FOR/AGAINST The amendment of SECTION 9.04 OF THE CITY CHARTER to insert the word, "Master" in the term Comprehensive Master Plan where missing in one phrase for clarification.

Proposition No. 16

FOR/AGAINST The amendment of THE CITY CHARTER to add ARTICLE IX-A creating a Board of Adjustment to read as follows:

ARTICLE IX-A BOARD OF ADJUSTMENT

SECTION 9A.01 Organization

There is hereby established a Board of Adjustment to be composed of no fewer than five (5) regular members who shall be qualified electors of the City. Alternate members may be appointed by the City Council.

SECTION 9A.02 Procedure

The Board shall elect a chairman from among its members to preside at meetings. Four (4) members of the Board shall constitute a quorum for the conduct of business. However, 75% of the membership of the board must hear, and a concurring vote of 75% of the membership is necessary to:

- (1) reverse an order, requirement, decision, or determination of an administrative official;
- (2) decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or
- (3) authorize a variation from the terms of a zoning ordinance.

SECTION 9A.03 Duties and Powers

The Board of Adjustment shall have the powers and duties as indicated in this section, and by Section 211.008, Texas Local Government Code, as now or hereafter amended.

SECTION 9A.04 Appeal from Decision of Board

Any person aggrieved by any decision of the Board of Adjustment, or any officer, department or other board or commission of the City, may appeal the decision or action of the Board of Adjustments by filing a petition for same in a court of competent jurisdiction, setting forth that such decision is illegal in whole or in part, and specifying the grounds for the alleged illegality. Such petition shall be filed with the court within ten (10) days from the day the Board renders its decision, and not thereafter. The official day of Board decision shall be the day that the minutes, of the meeting in which the Board considered the appeal, are filed with the City Secretary. The time period set forth herein shall be deemed jurisdictional.

Proposition No. 17

FOR/AGAINST	The amendment of SECTION 11.03 OF THE CITY CHARTER to add a sub-section (2) establishing the type of petition required to amend the Charter in accordance with Section 9.004 of the Texas Local Government Code, to read as follows:
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SECTION 11.03 Amendment of Charter, Subsection (2)

- (2) A petition to amend the Charter in accordance with Section 9.004, Texas Local

Government Code, must comply with the requirements and provisions of Sections 6.03 relating to petitions for initiative, referendum and recall.

Proposition No. 18

FOR/AGAINST The amendment of THE CITY CHARTER to delete section 11.05 regarding submission of the original charter to electors as this provision is no longer needed.

Proposition No. 19

FOR/AGAINST The amendment of SECTION 12.02 OF THE CITY CHARTER to change the word “de annexed” to “disannexed” for clarification:

Proposition No. 20

FOR/AGAINST The amendment of SECTION 12.14 OF THE CITY CHARTER to insert the word “Master” into “Comprehensive Master Plan” where missing for clarification.

Proposition No. 21

FOR/AGAINST The amendment of SECTION 14.02 OF THE CITY CHARTER to change the degree of consanguinity applicable and to provide other clarification, including reference to the applicable Texas State statutory requirements, to read as follows:

SECTION 14.02 Nepotism

All members of the City Council, and all officers and employees of the City, shall be subject to and shall comply with the provisions of general state law regarding nepotism, including but not limited to Chapter 573 of the Texas Government Code. The City Council shall provide, by ordinance, regulations and procedures for the implementation and enforcement of said Chapter.

In addition, no person related within the second degree by affinity or consanguinity to the Mayor or any Council Member or the City Manager shall be employed by or contracted with for the City. This shall not apply to any person employed by the City prior to the person related in the above degree filing to run for elective office or being nominated for an appointment. Nothing in this Section shall prohibit the Council from adopting a more restrictive ordinance.

SECTION FOUR. POLLING PLACES AND PROCEDURES

Polling Place

Medina County Elections Department, 1202 14th Street, Hondo, Texas 78861

The polls for said election shall be open from 7:00 a.m. to 7:00 p.m. Paper ballots shall be used for the City special election. Accessible voting systems shall also be available in compliance with state and federal laws.

The presiding judge is authorized to appoint the number of clerks authorized by the City Council, which number shall not be less than two clerks nor more than three clerks. The alternate judge shall serve as presiding judge in the event that the regularly appointed presiding judge is unable to serve. The alternate judge shall be appointed by the presiding judge to serve as one of the clerks in the event that the election is conducted by the regularly appointed presiding judge. Election judges shall receive the sum of eleven dollars (\$10.00) per hour and clerks shall receive the sum of eight dollars (\$9.00) per hour for services and training necessary to conduct this election.

Early voting by personal appearance shall be conducted at Medina County Elections Department, 1202 14th Street, Hondo, Texas, for at least eight hours each weekday of the early voting period that is not a legal state holiday, and for at least 12 hours on two weekdays if the early voting period consists of six or more days. Therefore, early voting by personal appearance shall be conducted from Monday, October 19, 2015 through Friday, October 30, 2015 for at least eight hours each weekday, except for Tuesday, October 27, 2015 and Wednesday, October 28, 2015, early voting will take place from 7:00 a.m. until 7:00 p.m., and Thursday October 29, 2015, and Friday, October 30, 2015 early voting will take place from 7:00 a.m. until 5:00 p.m.

Applications for ballot by mail shall be mailed to the:

**Medina County Elections Department
1202 14th Street
Hondo, Texas 78861**

Applications must be received no later than 5:00 p.m. on Friday, October 23, 2015.

The City Secretary is hereby authorized and instructed to procure and furnish all necessary election supplies to conduct said election. The Council appoints the City Secretary as the Custodian of Records ("Custodian") and agent to the Council to perform the duties related to the conduct and maintenance of records of the Election as required under the Texas Election Code during the period ending not earlier than the twenty-second (22nd) month after the Election.

The Office of the City Secretary shall perform all duties normally performed in City elections with respect to early voting, giving notice of the election and preparing the official ballots, be provided that the election shall be generally administered by Medina County Elections Department.

The returns of said election shall be made in accordance with the Texas Election Code and shall be canvassed by the City Council at a regular or special City Council Meeting to be called between November 11-16, 2015.

Section 3. BALLOTS

The official ballots to be used in this special election shall comply with the applicable provisions of the Texas Election Code, and shall state each amendment separately and distinctly so that each voter may vote "FOR" or "AGAINST" any amendment or amendments without voting "FOR" or "AGAINST" all such amendments.

Section 4. ELECTION NOTICE

Notice of the Election, stating in substance the contents of this Ordinance and Order, shall be published one time in the English and Spanish languages, in a newspaper published within the City's territory at least 10 days and no more than 30 days before the Election and as otherwise November be required by the Texas Election Code. Notice of the Election shall also be posted on the bulletin board used by the City to post notices of the City's meetings no later than the 21st day before the Election, or if the 21st day before the Election falls on a weekend or holiday, on the first business day thereafter.

The City Secretary shall serve a duly certified copy of this Election Order and Notice upon the Presiding Judge named in the Election Order not later than the seventh day after the signing of this Election Order and Notice of General City Election or the 15th day before the Special Election, whichever is later.

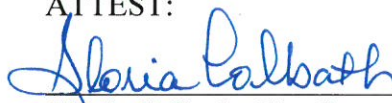
Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this Order be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this Order, but in all respects said remaining portion shall be and remain in full force and effect.

Section 5. STATEMENT OF FISCAL IMPACT

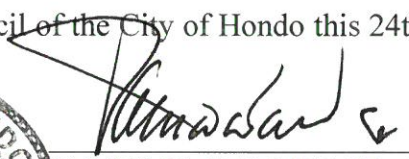
- (1) Pursuant to Section 9.04(c)(2) of the Texas Local Government Code, (requiring a statement of the anticipated fiscal impact to the City if the proposed amendments are approved), the City asserts it is difficult to accurately account for the fiscal impact for all or each of the proposed amendments in light of the peculiar unknown effect to the actual operation of the City government, but an overall analysis reflects that there will be negligible or no fiscal impact to the probable economic cost to the City if one or all of the proposed amendments are approved.

PASSED AND APPROVED by the City Council of the City of Hondo this 24th day of August, 2015.

ATTEST:


Gloria Colbath, City Secretary




JAMES W. DANNER SR., MAYOR

APPROVED AS TO FORM:

William M. McKamie, City Attorney