

**Special Election on Amending the City's Charter**

**By: Kelly Kuenstler, City Manager**

**The following measures will be on the ballot during the November election. Please review each measure and proposition so that you can make an informed decision regarding your city!**

**Measure A**

**Section 4.05 Election Results**

Except as otherwise provided by law, a candidate must receive more votes than any other candidate to win. ~~In the event of a tie, a run-off election shall be held.~~ A tie shall be resolved as provided by the Texas Elections Code.

**Proposition A**

An amendment to the City Charter requiring a tie in an election be resolved consistent with State law.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

---

**Measure B**

**Section 3.08 Vacancies; Forfeiture of Office; Filling of Vacancies**

- B. Forfeiture of Office. A Councilmember or the Mayor shall forfeit his/her office if he/she:
  - 3. Fails to regularly attend City Council meetings without an approved absence obtained by the Mayor either before or after the absence. There shall be a presumption of failure to regularly attend when three (3) regular meetings are missed during a term year without obtaining an approved absence from the City Council Mayor;

**Proposition B**

An amendment to the City Charter requiring the City Council, instead of the Mayor, approve an absence from a City Council Meeting.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

---

**Measure C**

**Section 3.03 Qualifications**

To be eligible to be a candidate for, or elected or appointed to the City Council, the Mayor and each

Councilmember shall meet the following minimum requirements:

- A. Be a qualified voter in the City and State at the time of taking office.
- B. Have resided continuously in the corporate limits of the City for twelve (12) months immediately preceding the date of the deadline for filing for office for the current election cycle.
- C. Not be in violation of any provision in this Charter in the last three years preceding the filing deadline of the applicable election or the date of appointment.
- D. Satisfy any other eligibility requirements prescribed by law for the office for which they are a candidate.

**Proposition C**

An amendment to the City Charter providing that in order to be eligible to be elected or appointed to City Council you must not have been in violation of the City Charter in the last three years preceding the filing deadline or the appointment as applicable.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

---

**Measure D**

**Section 3.08 Vacancies; Forfeiture of Office; Filling of Vacancies**

- B. Forfeiture of Office. A Councilmember or the Mayor shall forfeit his/her office if he/she:
  - 4. If a member of City Council is alleged to have violated ~~violates~~ any provision of this section and does not immediately resign, the City Council may conduct an investigation and hearing pursuant to Section 3.12 of this Charter to determine if the office holder has violated ~~is in violation~~ ~~of this section and forfeited their office.~~ The hearing shall be held within sixty (60) days of the City Council, as a body, learning of the alleged violation.

**Proposition D**

An amendment to the City Charter clarifying when an investigation and hearing related to an alleged forfeiture of office occurs.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

---

**Measure E**

**Section 3.03 Qualifications**

The Mayor and each Councilmember shall meet the following minimum requirements:

- A. Be a qualified voter in the City and State at the time of taking office.
- B. Have resided continuously in the corporate limits of the City for twelve (12) months

immediately preceding the date of the deadline for filing for office for the current election cycle.

C. Not be in violation of any provision in this Charter.

D. Satisfy any other eligibility requirements prescribed by law for the office for which they are a candidate.

E. Not have been determined to have forfeited an office of the City Council within three-years of the first day of the term to be filled at the election or on the date of appointment, as applicable.

### **Proposition E**

An amendment to the City Charter providing for a three-year prohibition on holding office upon having forfeited an office of the City Council.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

---

### **Measure F**

#### **Section 3.08 Vacancies; Forfeiture of Office; Filling of Vacancies**

B. Forfeiture of Office. A Councilmember or the Mayor shall forfeit his/her office if he/she:

5. Fails to continually reside within the City limits of the City of Leon Valley during their term of office.

### **Proposition F**

An amendment to the City Charter providing that should a Councilmember or the Mayor fail to continuously reside within the City Limits during their term of Office that they shall forfeit their office.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

---

### **Measure G**

#### **Section 3.09 Prohibitions**

B. No member of City Council shall be employed in or appointed to the positions of City Manager, City Attorney, or Department Head until three (3) years after the expiration of the term for which he/she was elected to the City Council and for any other compensated City position until one (1) year after the expiration of the term for which he/she was elected to the City Council ~~unless approved by the City Council~~. This subsection shall not apply to a volunteer who receives a stipend that is the same as the stipend received by other similarly situated volunteers.

### **Proposition G**

An amendment to the City Charter prohibiting the City Council from approving an appointment of a prior City Council member to a paid City position within three (3) years after the expiration of their term.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

---

### **Measure H**

#### **Section 3.09 Prohibitions**

E. ~~It shall be unlawful for the Mayor or a Councilmember to~~ No member of City Council shall release any attorney-client privileged communication. The City Council as the governing body of the City solely holds and is entitled to the attorney client-privilege and it may only be waived by an affirmative vote of two-thirds (2/3) of the entire City Council.

### **Proposition H**

An amendment to the City Charter prohibiting individual members of City Council from releasing attorney-client privileged information and requiring that a waiver of the attorney-client privilege be approved by a vote of two-thirds (2/3) of the entire City Council.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

---

### **Measure I**

#### **Section 3.10 Agendas; Procedures**

A. Agendas. A member of City Council may place an item on an agenda ~~by agreement with the concurrence~~ of one additional member of City Council. The member of City Council desiring to place requesting an item be placed on an agenda and the concurring member shall submit in writing, which may be in the form of electronic mail, the request to place the item on an agenda and the concurrence to the City Secretary who shall inquire with members of City Council as to their agreement. The item shall be placed on the next agenda of the City Council meeting occurring on or after the eighth (8th) calendar day after receipt by the City Secretary of the later of either the request or the concurrence. ~~obtaining the agreement of the other member of City Council.~~

At a meeting of City Council, a member of City Council may place an item on an agenda by making a motion to place the item on a future agenda and receiving a second. No discussion shall occur at the meeting regarding the placement of the item on a future agenda.

The Mayor or the City Manager may place any item on any City Council agenda.

### **Proposition I**

An amendment to the City Charter revising the process for Council Members placing an item on a City Council agenda.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

---

**Measure J**

**Section 3.10 Agendas; Procedures**

The Mayor, the City Attorney or the City Manager may place any item on any City Council agenda.

**Proposition J**

An amendment to the City Charter authorizing the City Attorney to place items on the City Council agenda.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

---

**Measure K**

**Section 3.13 Quorum**

Three Councilmembers shall constitute a quorum except where State law provides otherwise.

**Proposition K**

An amendment to the City Charter providing that three Councilmembers constitute a quorum for conducting business.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

---

**Measure L**

**Section 3.12 Council Investigations; Hearings; Process**

B. Hearings Process for Forfeitures of Office and Prohibitions.

5. The City Council shall adopt by ordinance rules of procedures to be followed, which shall not be amended within either 90 days before or after a complaint being filed. Should a complaint be filed within 90 days before or after the rules of procedure have been adopted or amended then the previous rules shall be in effect for the subject complaint;

**Proposition L**

An amendment to the City Charter prohibiting the City Council from amending rules for hearings on forfeitures of office within 90 days of a complaint being filed.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

---

**Measure M**

**Section 5.01 City Manager**

B. Term and Compensation. The City Manager shall be appointed for a definite term upon the affirmative vote of two-thirds (2/3) of the City Council and may be removed at the discretion of the City Council by an affirmative vote of two-thirds (2/3) of the City Council. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the City Council. The City Manager shall receive compensation as may be fixed by an affirmative vote of two-thirds (2/3) of the City Council.

**Proposition M**

An amendment to the City Charter requiring a two-thirds vote of City Council to set the compensation of the City Manager.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

---

**Measure N**

**Section 5.02 Other Departments, Offices, and Agencies**

C. Municipal Court; Judge(s). The City Council shall establish a municipal court. The Mayor shall appoint a licensed attorney of the State of Texas as presiding judge(s) and any such other licensed attorneys of the State of Texas as associate judge(s) as are deemed necessary and the appointment shall be subject to confirmation by the City Council. The judge(s) of the municipal court shall serve a term of two years to run concurrently with the term of Office of the Mayor. The presiding judge and any associate judge may be removed by an affirmative vote of two-thirds (2/3) of the City Council.

**Proposition N**

An amendment to the City Charter providing that the presiding judge and any associate judges of the municipal court may be removed by an affirmative vote of two-thirds (2/3) of the City Council.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

---

**Measure O**

**Section 6.03 Initiative, Referendum and Recall Petition Process; Certificate of City Secretary; Supplementation; Presentation to Council; Council Review**

A. Within thirty (30) calendar days after a petition for initiative or referendum and forty-five (45) calendar days after a petition for recall (the "Original Petition") is filed, the City Secretary, or the City Secretaries designee, shall complete a certificate as to its sufficiency or insufficiency as mandated herein, specifying, if it is insufficient, the particulars wherein it is defective and shall within said period send a

copy of the certificate to the petitioners' committee by first class regular mail and certified mail return receipt requested or by hand delivery with signed proof of delivery to the designated address.

**Proposition O**

An amendment to the City Charter authorizing a designee of the City Secretary to issue a certificate of sufficiency to a petitioners committee.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

---

**Measure P**

**Section 3.12 Council Investigations; Hearings; Process**

B. Hearings Process for Forfeitures of Office and Prohibitions.

9. ~~No public comment shall be allowed unless agreed to by a majority vote of the members of City Council present.~~ Rules for public comment shall be set by City Council;

**Proposition P**

An amendment to the City Charter deleting the prohibition on public comment during forfeiture of office hearings.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

---

**Measure Q**

**Section 6.05 Public Hearing to be Held on Recall Petition**

The individual whose removal is sought may, within ~~five (5)~~ ten (10) working days after such recall petition has been presented to the City Council, request that a special meeting be held to permit him/her to present a response to the reasons for recall specified in the recall petition. In this event, the City Council shall order such special meeting to be held, no more than thirty (30) and no less than fifteen (15) days before early voting.

At any special meeting held under this Section the individual whose removal is sought shall have a thirty (30) minute period to state their response to the recall petition. There shall be no public participation in the special meeting and no other items of business shall be a part of the special meeting.

**Proposition Q**

An amendment to the City Charter extending the time for a council member subject to recall to request a public hearing on a recall petition from five (5) working days to ten working (10) days.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

---

**Measure R**

**Section 6.05 Public Hearing to be Held on Recall Petition**

The individual whose removal is sought may, within five (5) working days after such recall petition has been presented to the City Council, request that a special meeting be held to permit him/her to present a response to the reasons for recall specified in the recall petition. In this event, the City Council shall order such special meeting to be held, at the discretion of the individual whose removal is sought and in compliance with the Texas Open Meetings Act, but in no event ~~no more than thirty (30)~~ and no less than fifteen (15) days before early voting.

At any special meeting held under this Section the individual whose removal is sought shall have a thirty (30) minute period to state their response to the recall petition. There shall be no public participation in the special meeting and no other items of business shall be a part of the special meeting.

**Proposition R**

An amendment to the City Charter giving discretion to an individual subject to recall as to when a public hearing should be held on their recall.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

---

**Measure S**

**Section 6.10 Initiative; Requirements specific to Petition for Initiative; Procedure**

A. A petition for initiative must contain signatures totaling at least ~~three hundred (300)~~ five hundred (500) registered voters and shall otherwise comply with the requirements for petitions in this Article. Each copy of the petition shall have attached to it a copy of the full text of the proposed legislation in the form of an ordinance including a descriptive caption. Each page of the petition shall have, at the top of the page, the full substantive text of the proposed ordinance.

**Proposition S**

An amendment to the City Charter changing the minimum number of signatures necessary to submit an initiative petition from 300 registered voters to 500 registered voters.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

---

**Measure T**

**Section 6.11 Referendum; Requirements specific to Petition for Referendum; Procedure; Effect Prior**

**to Election**

A. A petition for referendum must contain signatures totaling at least ~~three hundred (300)~~ five hundred (500) registered voters and shall otherwise comply with the requirements for petitions in this Article.

**Proposition T**

An amendment to the City Charter changing the minimum number of signatures necessary to submit a referendum petition from 300 registered voters to 500 registered voters.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

**Measure U**

**Section 7.02 General Prohibitions**

A. No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of gender, sexual orientation, race, national origin, sex, political or religious opinions or affiliations, or an otherwise legally protected class.

**Proposition U**

An amendment to the City Charter prohibiting the favoring or discrimination in the removal and appointments to city positions or offices based on gender, sexual orientation or legally protected classes.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

**Measure V**

**Section 7.14 Definitions**

The following constructions apply unless the context in which the word or phrase appears necessarily requires a different construction or unless a different construction is expressly provided for in the section in which the word or phrase appears:

"Days" when not modified by the word "working" shall mean calendar days

"May" creates discretionary authority or grants permission or a power.

"Must" creates or recognizes a condition precedent

"Shall" provides direction or imposes a duty.

"Working days" shall mean weekdays which are not an official City holiday.

**Proposition V**

An amendment to the City Charter defining certain words and phrases.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

---

**Measure W**

**Section 1.02 General Powers**

- A. The City shall have the power of local self-government to the fullest extent permitted by law.
- ~~B. The City shall have all the powers granted to cities by the laws of the State of Texas or other law together with all of the implied powers necessary to carry into execution those powers and those express and implied powers necessary for the government, interests, health, welfare and good order of the City and its inhabitants.~~
- ~~C. All powers shall be exercised and enforced in the manner prescribed by the laws of the State of Texas, in this Charter and by action of City Council.~~

**~~Section 1.03 Intergovernmental Relations~~**

~~The City may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise with the government of Texas or any agency thereof, or with the federal government or any agency thereof, or with the government of any county, city or political subdivision to accomplish any lawful municipal purpose.~~

**~~Section 2.02 Extension of Boundaries Annexation~~**

~~The City Council shall have the full power to annex territory, to extend and enlarge the city boundaries, and to exchange areas with other municipalities.~~

**Section 3.11 Ordinances**

- ~~D. Codification of Ordinances.~~
  - ~~1. The City Council shall have the power to cause the ordinances of the City to be corrected, amended, revised, codified and printed in code form as often as the City Council deems advisable, and such printed code, when adopted by the Council, shall have full force and effect without the necessity of publishing the same or any part thereof in a newspaper;~~
  - ~~2. All printed ordinances or codes of ordinances shall be admitted as evidence in all courts without proof and shall have the same force and effect as did the original ordinance.~~

**Section 4.01 Elections**

- A. The regular City election shall be held annually on the uniform election date in May, or at such other times as may be specified by State Law, at which time officers will be elected to fill those offices which become vacant that year.
- ~~B. The City Council shall fix the place for holding such election.~~
- ~~C. The City Council may, by ordinance or resolution, order a special election, fix the date and place for~~

~~holding same, and provide all means for holding such special election.~~

~~D.— Notice of elections shall be published in a newspaper of general circulation of the City of Leon Valley, such publication to follow the requirements of the Texas Election Code and any applicable law.~~

~~E.— Early voting shall be governed by the general election laws of the State of Texas.~~

#### **Section 4.02 — Regulation of Elections**

~~A.— All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with the ordinances adopted by the City Council for the conduct of elections.~~

~~B.— The City Council shall appoint the election judges and other election officials.~~

#### **Section 5.02 Other Departments, Offices, and Agencies**

~~D. City Secretary. The City Manager shall appoint, and may remove without cause, a City Secretary whose duties and obligations shall be determined and supervised by the City Manager.~~

### **ARTICLE VIII. TRANSITIONAL PROVISIONS**

#### **Section 8.01 — Existing Ordinances and Resolutions**

~~At the time of initial adoption of this Charter, all existing ordinances, resolutions, regulations, and other prior actions of the City Council, not in conflict with this Charter, shall remain in effect without being subject to the referendum provisions of this Charter.~~

#### **Section 8.02 Officers and Employees**

~~A.— Rights and Privileges Preserved. Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.~~

~~B.— Continuance of Office or Employment. Except as specifically provided by this Charter, if at the time this Charter takes full effect, a City administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, he or she shall continue in such position or office until the taking effect of some specific provision under this Charter directing that he or she vacate the office or position.~~

#### **Section 8.03 — Pending Matters**

~~All rights, claims, actions, orders, contracts and legal administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the City department, office, or agency appropriate under this Charter.~~

#### **Section 8.04 — Manner of Submission to Electors**

~~In preparing this Charter, the Charter Commission determined it impractical to segregate each article for a vote of “yes” or “no” on the same, because the Charter is so constructed that in order for it to work and function, it must be adopted in its entirety.~~

#### **Section 8.05 7.16 Severability**

If any term or other provision of this Charter is determined by a court of competent jurisdiction to be invalid, illegal or incapable of being enforced by any rule of law or public policy, all other terms or provisions of this Charter shall nevertheless remain in full force and effect.

**Proposition W**

An amendment to the City Charter deleting and revising provisions of the Charter which are unnecessary or duplicative of State law.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

---

**Measure X**

**Section 3.08 Vacancies; Forfeiture of Office; Filling of Vacancies**

- B. Forfeiture of Office. A Councilmember or the Mayor shall forfeit his/her office if he/she:
  - 2. Is convicted of a misdemeanor involving moral turpitude, a violation of any state laws regulating conflicts of interest of municipal officers, a felony, or is assessed a deferred adjudication or probation for a felony or any state laws regulating conflicts of interest of municipal officers. A member of City Council shall give written notice to the entire City Council within 10 working days of said conviction, deferred adjudication, or probation. Failure to provide the required notice shall result in an automatic forfeiture of office and City Council shall fill said vacancy pursuant to this Charter;

**Proposition X**

An amendment to the City Charter requiring a member of City Council who violates a law which would result in a forfeiture of office to self-report the violation within 10 working days of the violation with a failure to do so resulting in an automatic forfeiture their office.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

---

**Measure Y**

**Section 3.12 Council Investigations; Hearings; Process**

- B. Hearings Process for Forfeitures of Office and Prohibitions.
  - 12. Any complaint filed alleging an allegation of violations of Sections 3.08 or 3.09 of this Charter shall be filed in writing with the City Manager or the Mayor. The individual with which a complaint is filed, either the City Manager or the Mayor, shall provide each member of City Council a copy of the complaint(s) within 24 hours of their receipt of the complaint(s).

**Proposition Y**

An amendment to the City Charter requiring allegations of violations of Section 3.08 or 3.09 of the City Charter be filed with the Mayor or City Manager in writing and that all members of City Council be notified of the allegation within 24 hours.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

---

**Measure Z**

**Section 7.15 Charter Translation**

This Charter shall be translated into Spanish and may be translated into any other language at the discretion of the City council. As to any conflict in interpretation and substance between the English version and any other language the English version shall control.

**Proposition Z**

An amendment to the City Charter requiring the Charter to be translated into Spanish and authorizing the translation into other languages.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

---

**Measure AA**

**Section 6.03 Initiative, Referendum and Recall Petition Process; Certificate of City Secretary; Supplementation; Presentation to Council; Council Review**

A. Within ~~thirty (30)~~ forty-five (45) calendar days after a petition for initiative or referendum and forty-five (45) calendar days after a petition for recall (the "Original Petition") is filed, the City Secretary shall complete a certificate as to its sufficiency or insufficiency as mandated herein, specifying, if it is insufficient, the particulars wherein it is defective and shall within said period send a copy of the certificate to the petitioners' committee by first class regular mail and certified mail return receipt requested or by hand delivery with signed proof of delivery to the designated address.

**Proposition AA**

An amendment to the City Charter amending the time required for the City Secretary to complete a certificate of sufficiency for an initiative or referendum petition from thirty (30) calendar days after the petition filed to forty-five (45) calendar days after the petition is filed.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

---

**Measure BB**

**Section 3.06 Mayor**

A. The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes, for emergency management purposes, and by the governor

for purposes of military law.

B. The Mayor may debate and discuss any policy matters before the City Council, but shall remain neutral and unbiased in dealing with citizens and City Council members, and shall only vote in the event of a tie.

**Proposition BB**

The Mayor may debate and discuss any policy matters before the City Council, but shall remain neutral and unbiased in dealing with citizens and City Council members.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

---

**Measure CC**

**Section 3.01 General Powers and Duties**

A. All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter. The City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

B. The Mayor and City Council are legislators and shall not encroach on the executive responsibilities of the City Manager.

C. The Mayor and City Council collectively, as a body, oversee the operations of the City through the City Manager.

**Proposition CC**

An amendment to the City Charter providing that the Mayor and City Council are not to encroach on the executive responsibilities of the City Manager and that the Mayor and City Council collectively, as a body, oversee the operations of the City through the City Manager.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_