

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS,  
ORDERING AND DECLARING THE 2022 CHARTER AMENDMENTS ADOPTED.**

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**WHEREAS**, on November 08, 2022 the City of Leon Valley held an election on the adoption of amendments to the City's Home Rule Charter; and

**WHEREAS**, on November 15, 2022, the City Council canvassed the votes of said election; and

**WHEREAS**, Texas Local Government Code Section 9.05 (b) provides that an amendment to a charter does not take effect until the governing body of the municipality enters an order in the records of the municipality declaring that the amendment is adopted; and

**WHEREAS**, pursuant to notice of a public meeting held in compliance with the Texas Open Meetings Act, the City Council of the City of Leon Valley, Texas, convened into a regular meeting of the City Council on this the 15th day of November, 2022 for the purpose of entering an order into the records of the City and declaring that the amendments to the City Charter are adopted.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:**

**SECTION 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**SECTION 2. Proceedings.** That an election was duly called and held on November 08, 2022 and final votes were canvassed on November 15th, 2022 on the question of the adoption of amendments to the City of Leon Valley Home Rule Charter.

**SECTION 3. Immediate Adoption of Amendments.** It is hereby ordered that the following amendments are hereby declared to be adopted based on the canvassing of the November 08, 2022 election results:

**The amendments stated in Propositions A through M.**

**SECTION 4.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**SECTION 5.** All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of

such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**SECTION 6.** That all rights and privileges of the City are expressly saved as to any and all violations of the provision of any ordinances repealed by this ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violation and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision

**SECTION 8.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

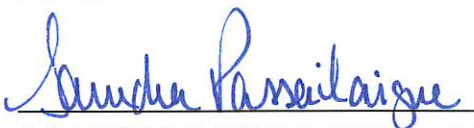
**SECTION 9.** This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Texas Local Government Code.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 6th day of December 2022.

**APPROVED**

  
**CHRIS RILEY**  
MAYOR

Attest:

  
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form:

  
**NICOLE WARREN**  
City Attorney



## HOME RULE

### CHARTER

#### ARTICLE I. FORM OF GOVERNMENT AND POWERS\*

##### Section 1.01 Establishment

- A. The City of Leon Valley shall have a Council/City Manager form of government.
- B. All powers of the City of Leon Valley, hereinafter referred to as the "City," shall be vested in the Council, hereinafter referred to as the "City Council," which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager. The City Manager shall answer to the City Council for the execution of the laws and the administration of the government of the City.

##### Section 1.02 General Powers

- A. The City shall have the power of local self-government to the fullest extent permitted by law.

#### ARTICLE II. BOUNDARIES

##### Section 2.01 Boundaries

The boundaries of the City shall be the same as existed prior to the adoption and ratification of this Charter and as are more fully set out and described by the official map of the City.

##### Section 2.02 Contraction of Boundaries - Disannexation

Any area of the City may be disannexed pursuant to any procedure allowed under state law and whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes. The City Council may discontinue said territory as part of the City after conducting a public hearing and upon the adoption of an ordinance by a two-thirds (2/3) vote of the City Council.

#### ARTICLE III. THE CITY COUNCIL AND MAYOR

##### 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 collectively, as a body, oversee the operations of the City through the City Manager.

##### Section 3.02 Number, Selection, and Term

The membership of City Council (members of City Council) shall be composed of the Mayor and five (5) Councilmembers. The Mayor and Councilmembers shall be elected from the City at-large, by place, and for a two-year term.

##### 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. Satisfy any other eligibility requirements prescribed by law for the office for which they are a candidate.
- D. Maintain residency in the corporate limits of the City throughout their tenure.

##### Section 3.04 Judge of Qualifications

The City Council shall be the sole judge of the election and whether the qualifications set herein and by law have been met by its members and of the grounds for forfeiture of their offices.



### **Section 3.05 Compensation**

- A. The City Council shall not receive any compensation.
- B. The City Council may be reimbursed for expenses incurred in performance of official duties. The policy regulating payment of expenses incurred in performance of official duties shall be determined by the City Council.

### **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 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.

### **Section 3.07 Mayor Pro-Tem**

- A. The Mayor Pro-Tem shall be a Councilmember elected by the City Council at the first regular City Council meeting following each regular City election.
- B. The Mayor Pro-Tem shall act as Mayor during the absence or disability of the Mayor and when acting as Mayor, retain their right to vote as a Councilmember.

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

- A. Vacancies. The Office of a Councilmember or Office of the Mayor shall become vacant upon death, resignation, removal from office by recall, or forfeiture of his/her office.
- B. Forfeiture of Office. A Councilmember or the Mayor shall forfeit his/her office if he/she:
  - 1. Fails to maintain at any time during the term of office any qualification for the office prescribed by this Charter or by law;
  - 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;
  - 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;
  - 4. ~~If a member of City Council is alleged to have violated 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 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.~~
  - 5. Fails to continually reside within the City limits of the City of Leon Valley during their term of office.
- C. Filling of Vacancies. All vacancies with unexpired terms of more than twelve (12) months shall be filled by special election pursuant to state law. All vacancies with unexpired terms of twelve (12) months or less may be filled, at the discretion of City Council, by appointment of the City Council upon a majority vote, may be left vacant for the remainder of the unexpired term or filled by a special election pursuant to state law.

### **Section 3.09 Prohibitions**

- A. ~~No member of City Council shall accept or admit liability or pay any claim for damages asserted against the City. The City Council shall not accept or admit liability without first obtaining a written opinion from the City Attorney regarding the City's liability therein and only then upon a majority vote of the City Council.~~
- 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. 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.~~



~~C. — Except for the purpose of inquiries and investigations, unless otherwise provided in this Charter, the City Council as a whole and its individual members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its individual members shall give orders to any such officer or employee, either publicly or privately.~~

~~D. — Neither the City Council nor any of its members shall dictate to the City Manager the appointment of any person to office or employment. No member of City Council shall interfere with the City Manager in the performance of the duties of that office or prevent the City Manager from exercising the City Manager's own judgment in the appointment of officers and employees whose employment, appointment, and supervision are reserved by this Charter for the City Manager. Except for the purpose of inquiry and investigations, the City Council and its members shall deal with the City Staff solely through the City Manager, and neither the City Council, as a body or any individual member, nor any individual not having administrative or executive functions under this Charter shall give orders to any of the subordinates of the City Manager, either publicly or privately.~~

~~E. — 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.~~

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

A. Agendas. A member of City Council may place an item on an agenda with the concurrence of one additional member of City Council. The member of City Council requesting an item be placed on an agenda and the concurring member shall submit in writing, which may be by electronic mail, the request to place the item on an agenda and the concurrence to the City Secretary. 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.

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

B. Procedures. City Council shall, except as otherwise provided for in this Charter, create rules of procedure for all City Council workshops, regular and special meetings and public hearings by ordinance.

### **Section 3.11 Ordinances**

A. Passage. Except as may otherwise be prescribed in this Charter or other law, all ordinances shall be read in open meeting of the City Council on two (2) separate days provided that all readings of any ordinance may be by descriptive caption only. Any ordinance necessary to protect the public's peace, health, safety and general welfare, may be passed as an emergency and become effective at once upon one (1) reading of the City Council, upon the approval of a majority vote of the City Council members that it is an emergency at said reading and the finding of an emergency shall be stated within the ordinance.

B. Enacting Clauses; Signature and Authentication. The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS" and every ordinance shall be signed by the Mayor or the Mayor Pro-Tem and authenticated by seal and signature of the City Secretary.

C. Publication. The caption or title and penalties of every ordinance imposing any penalty, fine, or forfeiture shall, as soon as practical after passage thereof, be published one (1) time in the official newspaper(s) of the City of Leon Valley. An ordinance required to be published under this section shall take effect the day after publication unless otherwise provided in the ordinance.

### **~~Section 3.12 — Council Investigations; Hearings; Process~~**

~~A. — General. In addition to any other specific authority of investigation and hearing provided for in this Charter, the City Council shall have the power to inquire into the official conduct of any department, agency, appointed boards, office, officers, employees or appointed board members of the City. For the purpose of investigations and hearings, the City Council shall have the power to administer oaths, subpoena witnesses and compel the production of books, papers, and other evidence material to the inquiry. The City Council shall provide, by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence. The City Council shall have the power to punish any such contempt in the manner provided by such ordinance.~~

~~B. — Hearings Process for Forfeitures of Office and Prohibitions.~~



1. ~~All hearings held under this subsection shall be conducted in open session, except that the City Council may conduct a closed session to get advice from its attorney pursuant to the Texas Open Meetings Act;~~
2. ~~The office holder subject to any investigation and/or hearing under this section shall be entitled to written notice of the allegations of forfeiture and/or the alleged violation of this Charter as applicable;~~
3. ~~A special meeting shall be called to hold the hearing;~~
4. ~~A member of City Council who initiated or is the subject of the investigation or hearing shall not sit at the dais and shall not participate in deliberation or vote;~~
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 the subject complaint;~~
6. ~~The City Council shall state the nature of the hearing and the allegations to be considered, shall be provided the results of any investigation and a presentation of the evidence against the office holder including, but not limited to, testimony from individuals;~~
7. ~~The individual who is subject to the hearing shall be provided an opportunity to respond to the allegations and present any relevant evidence including, but not limited to, testimony from individuals;~~
8. ~~The City Council may ask questions of any individual;~~
9. ~~Rules for public comment shall be set by City Council;~~
10. ~~In the case of a violation of Section 3.08 of this Charter, City Council shall vote on the forfeiture and on the affirmative vote of two thirds (2/3) of City Council declare the office of said office holder to be forfeited and vacant;~~
11. ~~In the case of a violation of Section 3.09 of this Charter, City Council may on the affirmative vote of a majority of the City Council take any action it determines to be appropriate including, but not limited to, directing further investigation, requesting further information, vote to enforce a penalty pursuant to Section 7.13 of this Charter, vote to bring an action in municipal court, take a vote of censure; or, upon the affirmative vote of two thirds (2/3) of City Council, declare the office of said office holder to be forfeited and vacant.~~
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).~~

### **Section 3.12 Council Investigations;**

The City Council shall have the power to inquire into the conduct of any department, agency, board, or employee of the city, and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, testimony, and other evidence material to the inquiry. The City Council shall provide by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

### **Section 3.13 Quorum**

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

## **ARTICLE IV. ELECTIONS**

### **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.



#### **Section 4.02 Filing for Office**

- A. Any person having the qualifications set forth under [Section 3.03](#) of this Charter shall have the right to file an application to have their name placed on the official ballot as a candidate for any elective office.
1. Any such application shall be in writing, signed by such candidate, and filed with the City Secretary in accordance with the Texas Election Code and this Charter;
  2. An application filed in accordance herewith shall entitle such applicant to a place on the official ballot.
- B. A candidate for City Council shall specify the place number or position the candidate is seeking.

#### **Section 4.03 Official Ballot**

The names of all candidates for office, except candidates who may have withdrawn, died or become ineligible, shall be placed on official ballots without party designations and shall specify the council place for which each is seeking election.

#### **Section 4.04 Election Results**

Except as otherwise provided by law, a candidate must receive more votes than any other candidate to win. A tie shall be resolved as provided by the Texas Elections Code.

#### **Section 4.05 Taking of Office**

Each newly elected person to the City Council shall be inducted into office as the first item of business at the first regular City Council meeting following the canvass of the votes.

### **ARTICLE V. ADMINISTRATIVE ORGANIZATION**

#### **Section 5.01 City Manager**

- A. Appointment and Qualifications. The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. The City Manager shall be chosen by the City Council solely on the basis of the City Manager's executive and administrative training, experience and ability.
- B. Term and Compensation. The City Manager shall be appointed for a ~~definite~~ indefinite 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 ~~a majority 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. In the event of termination, the City Manager shall not receive more than one (1) times the annual base salary and accrued personal leave. The City Manager shall receive compensation as may be fixed by an affirmative vote of two-thirds (2/3) of the City Council.
- C. Powers and Duties. The City Manager shall have the following powers and duties:
1. The City Manager shall appoint and, when the City Manager deems it necessary for the good of the City, may suspend or remove any City employee except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter. The City Manager may authorize any employee who is subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that employee's department, office or agency;
  2. The City Manager shall direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law;
  3. The City Manager shall attend all City Council meetings, except when excused by the Mayor or Mayor Pro-Tem, and shall have the right to take part in discussion but may not vote;
  4. The City Manager shall see that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by those subject to the City Manager's direction and supervision, are faithfully executed;
  5. The City Manager shall make such reports as the City Council may require concerning the operations of the City departments, offices and agencies subject to the City Manager's direction and supervision;
  6. The City Manager shall keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs of the City as



the City Manager deems desirable;

7. The City Manager shall have the authority to execute on behalf of the City, standard form documents, including but not limited to deeds, releases of liens, rental agreements, easements, right-of-way agreements, joint use agreements, and other similar documents, under the following conditions:

- a. The execution of the document is necessary to carry out a public works project; utilize, maintain or improve a City facility, street, right-of-way, easement, park or other City property, or to implement other City policies; provided that such project, program or policy has been approved by the City Council;
- b. That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the City Council; and
- c. That the form of such document shall be approved by the City Attorney.

8. The City Manager shall perform such other duties as are specified in this Charter or may be required by the City Council.

9. The City Manager shall appoint department heads, including but not limited to, the city secretary, police chief, fire chief, planning and zoning director, library director, human resources director, public works director, economic development director, finance director and assistant city manager(s) upon consent of the majority of the City Council.

D. Review. The City Council shall perform a review of the City Manager's performance at least annually, but no more than twice in any fiscal year.

E. Acting City Manager. By letter filed with the City Secretary, the City Manager shall designate, subject to approval of the City Council, a qualified employee to exercise the powers and perform the duties of City Manager during the City Manager's temporary absence or disability. The City Council may revoke such designation at any time and appoint another individual to serve until the City Manager shall return or his/her disability shall cease.

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

### **A. General Provisions.**

1. Creation of Departments. The City Council may continue or establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, ~~except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to another department.~~

2. Direction by City Manager. All departments, offices and agencies under the direction and supervision of the City Manager shall be administered by an employee appointed by and subject to the direction and supervision of the City Manager.

B. City Attorney. The City Attorney shall be appointed by ~~the City Manager with the approval of~~ the City Council. He or she shall report to the City Council ~~Manager~~ and may be removed from office by the ~~City Manager with approval of the~~ City Council.

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.

D. City Secretary. The City Manager shall appoint a City Secretary whose duties and obligations shall be determined and supervised by the City Manager.

## **Section 5.03 Personnel Rules**

The City Manager shall be responsible for the preparation of personnel rules. Such rules shall be submitted by the City Manager to the City Council. The City Council may accept and adopt such rules as proposed or may adopt them with amendments.

## **ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL**



## **Section 6.01 General Authority**

- A. **Initiative.** The registered voters of the City shall have power to propose ordinances to the Council. Such power shall not extend to the granting of franchises, budget or any capital program, or relating to appropriation of money, issuing of bonds, setting of utility rates and levy of taxes or salaries of City officers or employees, or any other ordinance not subject to initiative as provided by state statute or common law.
- B. **Referendum.** The registered voters of the City shall have power to require reconsideration by the Council of any adopted ordinance. Such power shall not extend to the granting of franchises, budget or any capital program, or relating to appropriation of money, issuing of bonds, setting of utility rates and levy of taxes or salaries of City officers or employees, or any other ordinance not subject to referendum as provided by state statute or common law.
- C. **Recall.** The registered voters of the City shall have the power to petition for recall of the Mayor or any Councilmember.

## **Section 6.02 Commencement of Initiative, Referendum and Recall Petitions; Petitioners' Committee; Affidavit**

- A. Any five (5) registered voters of the City may commence initiative, referendum, or recall proceedings by filing with the City Secretary an affidavit stating they will constitute the petitioners' committee and be responsible for the petition and filing it in proper form, stating their names and addresses and specifying the designated address to which all notices to the committee are to be sent and setting out in full the proposed initiative ordinance or citing the ordinances sought to be reconsidered, or the name of the individual to be recalled.
- B. All papers of a petition shall be uniform in size and style, shall be assembled as one instrument for filing, and shall comply with all requirements for the specific petition. Each signature shall comply with Chapter 277 of the Texas Election Code as it may be amended from time-to-time.
- C. Petitions shall be returned to the Office of the City Secretary for filing within ninety (90) calendar days after filing of the affidavit of petitioners committee and no signature on said petition shall have been affixed prior to the filing of the affidavit of petitioners committee.
- D. Petitions shall only be circulated by a registered voter of the City and the signatures on petitions shall be verified by oath in the following form to be affixed on the bottom of each page of the petitions:

STATE OF TEXAS

COUNTY OF BEXAR

I, \_\_\_\_\_, being first duly sworn, on oath depose and say that I am one of the signers of the above petition, and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person it purports to be.

Signature \_\_\_\_\_

Sworn and subscribed before me this day of 20.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

My commission expires: \_\_\_\_\_

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

- A. Within 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, 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.
- B. A petition certified insufficient for lack of the required number of valid signatures may be supplemented once if the petitioners' committee files a notice of intention to supplement with the City Secretary within three (3) working days after receiving the copy of the Certificate of the City Secretary. The supplementary petition shall be filed within the time specified in Subsection 6.03.C. Such supplementary petition shall comply with the

requirements of Subsections 6.02.B and D, and within ten (10) working days after the supplementary petition is filed, the secretary shall complete a certificate as to the sufficiency of the petition as supplemented and send a copy of such 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 as in the case of an Original Petition.

C. Upon the submission of the Original Petition to the City Secretary, the time line for submission as provided for in Section 6.02 shall be tolled. The petitioners committee shall submit the supplementary petition to the City Secretary within the remaining tolled deadline, said remaining time to be calculated from receipt of the certificate of insufficiency by the petitioner's committee or committee member as applicable. No signature on said supplementary petition shall have been affixed prior to the receipt by the petitioners committee of the certificate of insufficiency.

D. The City Secretary shall, at the next regular Council meeting held in compliance with the Texas Open Meetings Act after completion of certification of the petition or supplementary petition, present such certificate to the Council.

#### **Section 6.04 Requirements Specific to Petitions for Recall**

Before the question of a recall shall be submitted to the registered voters of the City, a petition containing the signatures of at least five hundred (500) registered voters, demanding such question to be so submitted shall first be filed with the Office of the City Secretary pursuant to this Article. The petition shall be addressed to the City Council of the City and shall state distinctly and specifically the alleged action(s) and the factual circumstance(s) surrounding such action(s) taken by the individual that warrant the reason for the recall as to give the individual sought to be removed notice of the matter(s) and thing(s) on which the individual's recall is predicated. If there be more than one (1) reason, said petition shall distinctly and specifically state each reason upon which such petition for removal is predicated and shall distinctly and specifically state the alleged action(s) and the factual circumstance(s) surrounding such action(s) taken by the individual that warrant the recall as to give the individual sought to be removed notice of the matter(s) and thing(s) on which the recall is predicated.

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

The individual whose removal is sought may, within 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, at the discretion of the individual whose removal is sought and in compliance with the Texas Open Meetings Act, but in no even 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.

#### **Section 6.06 Calling of Recall Election**

If the individual whose removal is sought does not resign, then the City Council shall for the next available uniform election date, order an election for holding such recall election. If, after the recall election date is established, the officer vacates his/her position, the election shall be cancelled in accordance with state law.

#### **Section 6.07 Ballots in Recall Election**

Ballots used at recall elections shall conform to the following requirements:

A. With respect to each individual whose removal is sought, the question shall be submitted:

"Shall \_\_\_\_\_ be removed from the office of \_\_\_\_\_ by recall?"

B. Immediately below each such question, there shall be printed the following words, one above the other, in the order indicated:

"Yes"

"No"

#### **Section 6.08 Result of Recall Election**

If a majority of the votes cast at a recall election shall be "No," that is against the recall of the individual named on the ballot, the individual shall continue in office for the remainder of his/her unexpired term, subject to recall as provided herein. If a majority of the votes cast at such election be "Yes," that is for the recall of the individual named on the ballot, the individual shall, regardless of any technical defects in the recall petition, be deemed



removed from office upon passing of the resolution canvassing the election, and the vacancy shall be filled by the City Council as provided for in State law.

#### **Section 6.09 Recall Restrictions**

No petition shall be filed for the recall of an individual within ninety (90) days of the date of the individual's election to City Council or within ninety (90) days before the end of the individual's term on City Council.

#### **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) 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.
- B. Upon presentation to the City Council, it shall become the duty of the City Council, within forty-five (45) calendar days after the date the petition is finally determined sufficient, to pass and adopt such ordinance without alteration as to meaning or effect, or to call for an election, to be held on the soonest date allowed under the Texas Election Code, at which the registered voters of the City shall vote on the question of adopting or rejecting the proposed ordinance.
- C. If a majority of the registered electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon the canvassing of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- D. No ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two (2) years from the date of such election.

#### **Section 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) registered voters and shall otherwise comply with the requirements for petitions in this Article.
- B. Within forty-five (45) days after final sufficiency of the petition, City Council shall either repeal the referred ordinance or order an election to submit the referred ordinance to the registered voters of the City. Said election shall be held on the first available uniform election date authorized by law.
- C. If a majority of the registered electors voting on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results.
- D. A petition for referendum on the same subject matter may only be submitted once every three (3) years.

#### **Section 6.12 Initiative and Referendum; Form of Ballots**

The ballots used when voting upon initiative or referendum shall set forth their nature sufficiently to identify them and shall also set forth, upon separate lines, the words:

"For the Ordinance"

or

"Against the Ordinance"

#### **Section 6.13 Ordinances Passed by Popular Vote, Repeal or Amendment**

Any ordinance adopted by initiative shall not be subject to repeal or substantial modification by action of the Council for a period of three (3) years from the date of the election, except by referendum election called by the Council or by petition as herein provided. Any ordinance repealed by referendum shall not be reinstituted in whole or substantial part by action of the Council for a period of three (3) years from the date of the election, except by referendum election called by the Council or by petition as herein provided.

### **ARTICLE VII. GENERAL PROVISIONS**

#### **Section 7.01 Conflicts of Interest Prohibition**

For purposes of this Section, the term "City Official" means any individual subject to the requirements of Texas Local Government Code, Chapter 171.

It is hereby prohibited for City Council members or a City Official to violate the rules and regulations regarding conflicts of interests as set out in the Texas Local Government Code, Chapter 171, as may be amended hereafter.

#### **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.
- B. No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.
- C. No employee of the city shall continue in such position after becoming a candidate for City Council.

#### **Section 7.03 Regulation of Alcohol**

The City Council may enact any and all other regulations regarding the sale, consumption, distribution, etc. of alcoholic beverages, as permitted by law, including but not limited to the regulation of the sale of liquor in residential sections or areas of the City.

#### **Section 7.04 Disaster Clause**

In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council, or highest surviving City official, if no elected official remains, shall, within twenty-four (24) hours of such disaster, request the highest surviving officers of the Bexar County Commissioners Court to appoint a number of residents of Leon Valley equal to the number necessary to make a quorum to act during the emergency as the City Council. The newly appointed City Council shall call a City election within fifteen (15) days of their appointment, or as provided in the Texas Election Code, for election of the vacant offices, if for good reasons it is known a quorum of the present City Council will never again meet. If it is determined that a quorum of the present City Council will meet again, the appointed Councilmembers shall serve in their position until such time as the present Councilmembers may begin serving.

#### **Section 7.05 Charter Review Committee**

- A. The City Council may ~~shall~~ appoint a Charter Review Committee at any time ~~in the second (2nd) year after this Charter is adopted and every fourth (4th) year thereafter~~. The Charter Review Committee shall consist of thirteen (13) citizens of the City. The citizens appointed shall consist of two (2) appointments by each councilmember and three (3) appointments by the Mayor.
- B. The Committee shall:
  - 1. Inquire into the operation of the City government under the Charter and determine whether any provision requires revision. To this end public hearings may be held. The Committee may request the attendance of any officer or employee of the City and the production of any City records that may be needed; and
  - 2. Propose any recommendations it deems desirable to insure compliance with the Charter; and
  - 3. Report its findings and present its recommendations to the City Council in the form of a report; and
  - 4. File a copy of its report with the Office of the City Secretary where it shall be a public record.
- C. The term of office of the Charter Review Committee shall be for not more than nine (9) months.
- D. Upon finalization of the Charter Review Committee's report, the City Council shall receive the report. Notice shall be published in the official newspaper of the City that a copy of the report is available in the Office of the City Secretary.
- E. The City Council shall consider any recommendations made and may order any recommendations be submitted to the voters of the City in the manner provided by state law.
- F. Nothing in this section prohibits the City Council from forming a Charter Review Committee at any time or from submitting any amendments to the Charter to election on its own initiative at any time in compliance with state law.

#### **Section 7.06 Amendment**

Amendments to this Charter may be framed, proposed, and adopted in any manner provided for herein and by the



laws of the State of Texas.

#### **Section 7.07 Power to Settle Claims**

The City Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character, in favor of or against the City, including suits by the City to recover delinquent taxes after consulting with the City Attorney.

#### **Section 7.08 Service of Process Against the City**

All legal process against the City shall be served upon the City Manager.

#### **Section 7.09 Judicial Notice**

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places provided that the City Secretary certifies the most current City Charter with any amendments.

#### **Section 7.10 Property Not Exempt from Special Assessments**

No property of any kind, by whomsoever owned or held or by whatsoever institution, agency, political subdivision or organization, owned or held, whether in trust or by nonprofit organization, or corporation, or by foundation, or otherwise, (except property of the City), shall be exempt in any way from any special taxes, charges, levies and assessments except where required by state law.

#### **Section 7.11 Bond Requirement**

In addition to any provisions contained herein, the City Council may require any City official, department director, or City employee, before entering upon his/her duties, to execute a good and sufficient bond with a surety company doing business in the State of Texas and approved by the City Council. The premium of such bond shall be paid by the City.

#### **Section 7.12 Construction of Charter**

The Charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a general grant of power and as a limitation of power on the government of the City of Leon Valley in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by this Charter, each and every power under Article XI, Section 5 of the Constitution of Texas, which it would be competent for the people of the City of Leon Valley to expressly grant to the City, shall be construed to be granted to the City by this Charter.

#### **Section 7.13 — Penalty Clause**

~~A. — Criminal Penalty. Any person who by himself [themselves] or with others violates any provision of this charter shall, in addition to any other penalty, be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00). The City Council shall enact an ordinance enforcing this section.~~

~~B. — Civil Penalty. Upon the affirmative vote of two thirds (2/3) of the City Council any person who by himself [themselves] or with others violates any provision of this charter shall be, in addition to any other penalty provided for herein, subject to a civil fine of not more than five hundred dollars (\$500.00).~~

#### **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.

#### **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.

#### **Section 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.