



Dear Leon Valley Citizens:

In 2017, the City of Leon Valley adopted a Home Rule City Charter. On August 16, 2022, after four public meetings and extensive deliberations in open council meetings, the Leon Valley City Council unanimously proposed 13 amendments to our City Charter, to be voted on in the November 8<sup>th</sup>, 2022 election. These proposals were also supported by me as Mayor.

A vote FOR each proposed amendment will approve the amendment. A vote AGAINST will defeat the proposed amendment. Thank you for participating in the November 8<sup>th</sup> election. Please feel free to contact me or any council member with questions.

Sincerely,

**Chris Riley**

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## Special Election on Amending the City's Charter

By: Crystal Caldera, City Manager

The following propositions 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!

### Proposition A

SHALL SECTION 3.01 OF THE CITY CHARTER OF THE CITY OF LEON VALLEY BE AMENDED BY REPEALING/DELETING GENERAL POWERS AND DUTIES OF THE CITY COUNCIL AS LEGISLATORS AND SHALL NOT ENCROACH ON THE EXECUTIVE RESPONSIBILITIES OF THE CITY MANAGER?

This proposition would amend the specifically listed sections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

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

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

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

### Proposition B

SHALL SECTION 3.03 OF THE CITY CHARTER OF THE CITY OF LEON VALLEY BE AMENDED BY REPEALING/DELETING THE QUALIFICATIONS THAT A CANDIDATE OR ELECTED OR APPOINTED CITY COUNCIL MEMBER OR MAYOR MUST NOT HAVE BEEN IN VIOLATION OF THE CITY CHARTER WITHIN THREE YEARS OF APPLICATION OR APPOINTMENT TO OFFICE, A CANDIDATE MAY NOT BE DETERMINED TO HAVE FORFEITED AN OFFICE OF THE CITY COUNCIL WITHIN THREE YEARS, AND ADDING THAT A COUNCIL MEMBER MAINTAIN RESIDENCY IN THE CORPORATE LIMITS OF THE CITY THROUGHOUT THEIR TENURE?

This proposition would amend the specifically listed sections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

#### **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:

~~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.~~

~~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.~~

D. Maintain residency in the corporate limits of the city throughout their tenure.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

**Proposition C**

SHALL SECTION 3.06 OF THE CITY CHARTER OF THE CITY OF LEON VALLEY BE AMENDED BY REPLACING THE MAYOR'S ABILITY TO DISCUSS ANY "POLICY" MATTERS TO ANY MATTERS AND REMOVE LANGUAGE MANDATING A GENERAL DISPOSITION WHEN ADDRESSING COUNCIL MEMBERS AND CITIZENS?

This proposition would amend the specifically listed sections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

**Section 3.06 Mayor**

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.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

**Proposition D**

SHALL SECTION 3.08 OF THE CITY CHARTER OF THE CITY OF LEON VALLEY BE AMENDED BY REPEALING/DELETING THE REQUIREMENT OF IMMEDIATE RESIGNATION, INVESTIGATION AND HEARING PROCESS IN CASE OF VIOLATION OF THE CHARTER AND/OR FORFEITURE OF OFFICE?

This proposition would amend the specifically listed sections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

**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 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.~~

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

**Proposition E**

SHALL SECTION 3.09 OF THE CITY CHARTER OF THE CITY OF LEON VALLEY BE AMENDED BY REPEALING SECTION 3.09 PROHIBITIONS IN ITS ENTIRETY DELETING PROVISIONS THAT PREVENT A

CITY COUNCIL MEMBER FROM ACCEPTING OR ADMITTING LIABILITY, PAY ANY CLAIM FOR DAMAGES WITHOUT WRITTEN OPINION OF THE CITY ATTORNEY, THAT NO MEMBER OF THE CITY COUNCIL BE EMPLOYED IN OR APPOINTED TO THE POSITIONS OF CITY MANAGER, CITY ATTORNEY OR DEPARTMENT HEAD UNTIL THREE (3) YEARS AFTER EXPIRATION OF THE TERM ELECTED, THAT A CANDIDATE OR ELECTED OR APPOINTED CITY COUNCILMEMBER OR MAYOR MUST NOT HAVE BEEN IN VIOLATION OF THE CITY CHARTER WITHIN THREE YEARS OF APPLICATION OR APPOINTMENT TO OFFICE, PROHIBITING CITY COUNCIL FROM DICTATING TO THE CITY MANAGER THE APPOINTMENT OF ANY PERSON TO OFFICE OR EMPLOYMENT AND THE INTERFERENCE OF THE CITY MANAGER IN PERFORMANCE OF DUTIES, AND DELETING PROVISIONS RELATED TO ATTORNEY CLIENT PRIVILEGE?

This proposition would amend the specifically listed sections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

**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.~~

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

**Proposition F**

SHALL SECTION 3.12 OF THE CITY CHARTER OF THE CITY OF LEON VALLEY BE AMENDED BY REPEALING/DELETING SECTION 3.12 COUNCIL INVESTIGATIONS HEARINGS PROCESS IN ITS ENTIRETY AND ADDING 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 AND PROVIDE PENALTIES FOR VIOLATION?

This proposition would amend the specifically listed sections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

**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.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

### **Proposition G**

SHALL SECTION 5.01 OF THE CITY CHARTER OF THE CITY OF LEON VALLEY BE AMENDED BY REPLACING THE CITY MANAGER SHALL BE APPPOINTED FOR AN "INDEFINITE" TERM INSTEAD OF A "DEFINITE" TERM, MAY BE REMOVED BY "MAJORITY" VOTE INSTEAD OF "TWO-THIRDS" VOTE, AND BY ADDING IN THE EVENT OF TERMINATION THE CITY MANAGER SHALL NOT RECEIVE MORE THAN ONE (1) TIMES THE ANNUAL BASE SALARY AND ACCURED PERSONAL LEAVE?

This proposition would amend the specifically listed sections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

### **Section 5.01 City Manger**

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.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

### **Proposition H**

SHALL SECTION 5.01 OF THE CITY CHARTER OF THE CITY OF LEON VALLEY BE AMENDED BY ADDING 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?

This proposition would amend the specifically listed sections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

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

C. Powers and Duties. The City Manager shall have the following powers and duties:

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.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

### **Proposition I**

SHALL SECTION 5.02 OF THE CITY CHARTER OF THE CITY OF LEON VALLEY BE AMENDED BY DELETING LANGUAGE MANDATING THE CREATION OF A DEPARTMENT BEFORE A DEPARTMENT, OFFICE OR AGENCY IS DISCONTINUED OR ASSIGNED?

This proposition would amend the specifically listed sections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

#### **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.~~

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

### **Proposition J**

SHALL SECTION 5.02 OF THE CITY CHARTER OF THE CITY OF LEON VALLEY BE AMENDED BY CHANGING THE APPOINTMENT AND REMOVAL, REPORT OF THE CITY ATTORNEY BY AND TO THE

CITY MANAGER WITH COUNCIL APPROVAL, TO THE APPOINTMENT AND REMOVAL, REPORT OF THE CITY ATTORNEY BY AND TO THE CITY COUNCIL?

This proposition would amend the specifically listed sections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

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

A. General Provisions.

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.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

**Proposition K**

SHALL SECTION 7.05 OF THE CITY CHARTER OF THE CITY OF LEON VALLEY BE AMENDED TO CHANGE THE CITY COUNCIL'S OPTION FROM "SHALL" APPOINT A CHARTER REVIEW COMMITTEE THE SECOND (2<sup>nd</sup>) YEAR AFTER A CHARTER IS ADOPTED AND EVERY FOURTH (4<sup>TH</sup>) YEAR THEREAFTER, TO THE CITY COUNCIL "MAY" APPOINT A CHARTER REVIEW COMMITTEE AT "ANY TIME"?

This proposition would amend the specifically listed sections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

**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.

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

**Proposition L**

SHALL SECTION 7.13 OF THE CITY CHARTER OF THE CITY OF LEON VALLEY BE AMENDED BY REPEALING/DELETING THE CRIMINAL PENALTY OF NOT MORE THAT FIVE HUNDRED (\$500.00) FOR VIOLATIONS OF THE CHARTER?

This proposition would amend the specifically listed sections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

**~~Section 7.13~~ Penalty Clause**

A. ~~Criminal Penalty. Any person who by themselves [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.~~

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

**Proposition M**

SHALL SECTION 7.13 OF THE CITY CHARTER OF THE CITY OF LEON VALLEY BE AMENDED BY REPEALING/DELETING THE CIVIL PENALTY OF NOT MORE THAT FIVE HUNDRED (\$500.00) FOR VIOLATIONS OF THE CHARTER?

This proposition would amend the specifically listed sections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

**~~Section 7.13 — Penalty Clause~~**

~~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).~~

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_