

Charter Amendment Propositions November 2019

Proposition No. 1:

Shall the City Charter be amended throughout to correct non-substantive errors such as misspellings, punctuation, spacing, indenting, grammar and sentence structure, to clarify meanings of terms and use consistent terminology, including changing all references to “city administrator” to “city manager” and all references to “commissioners” to “city council members”, and to outline paragraph numbering and renumbering?

Proposition No. 2:

Shall the City of Ballinger amend the following sections of the City Charter of the City of Ballinger to provide for a “Council-Manager” form of government?

Sections affected:

Section 1.02. Form of government.

~~The municipal government provided by this charter, shall be known as the “Council-Manager Government”. Pursuant to its provisions and subject only to the limitations imposed by the state constitution, the statutes of this State, and this charter, all powers of the city shall be vested in an elected council hereinafter referred to as “the council,” which shall enact local legislation, adopt budgets, determine policies and appoint the city manageradministrator, who in turn, shall be held responsible to the City Council for the execution of the laws and the administration of the governmentthe chief of police, and such other officials as it may deem necessary. All powers of the city shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.~~

Section 3.11. Powers of the city council.

Except as otherwise provided by this charter, all powers of the City of Ballinger and the determination of all matters of policy shall be vested in the city council. Without limitation of the powers granted or delegated to the city by the constitution, statutes, or this charter, and cumulative thereof, the city council shall have the following powers:

- (a) Appoint and remove the city ~~manageradministrator, the chief of police, and the fire marshall and/or chief, as limited by this charter;~~
- (b) Appoint and remove the city attorney;
- (c) ~~Appoint and remove the city judge; all officers, departmental heads, clerks and any and all other employees, after each such person is nominated by the city administrator, limited however by the provisions of article 9, and except in the law and police departments, and after each such person is nominated by the chief of police in the department of police, but reserving the right and power to reject any nomination and require another nomination to be made by the city administrator, except as limited by the provisions of article 9, and by the chief of police, in their respective departments, continuing this procedure until such person is found who is acceptable to the officer making the nomination to the~~

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~~city council; however, if the office of city administrator or chief of police or other nominating officer is vacant, then the city council may appoint (as may be necessary for the proper conduct of the city government) such person or persons who will serve until such officer is appointed, at which time such officer may nominate a person, or persons, for appointment as herein provided;~~

~~(d) Confirm and approve city manager appointments of department heads and approve removal of the police chief and fire chief;~~

~~(e) Establish administrative departments;~~

~~(f) Appoint members of the planning and zoning commission, the board of adjustment, the park and recreation advisory board, the board of equalization, the board of the Ballinger housing authority, and all other boards and commissions serving the City of Ballinger;~~

~~(g) Adopt the budget of the City of Ballinger;~~

~~(h) Fix the salary of the City manager administrator, the city attorney and the city judge chief of police and fire marshal and/or chief, and, in cooperation with the city manager administrator, chief of police or fire marshal and/or chief, in their respective departments, fix other salaries for all other employees of the city;~~

~~(i) Authorize by ordinance the issuance of bonds, assignments of revenue or warrants;~~

~~(j) Approve plats;~~

~~(k) Adopt and modify the official map of the City of Ballinger;~~

~~(l) Adopt and modify the zoning plan which may regulate and fix the height of buildings and other structures, the size of yards and courts, the density of population and the location and use of buildings for trade, industry, business, residence or other purposes;~~

~~(m) Provide for the establishment and designation of fire limits, and prescribe the kind and character of buildings, structures, or improvements which may be erected therein, provide for the alteration of such limits, and provide for the penalty for violation thereof, and provide for the power and authority to require the removal of any building, structure or improvement which had been built, constructed, moved into or made in violation of the then existing fire limits ordinance, either with or without the permission of the city council in office at the time of such violation, and provide for the condemnation of dangerous or dilapidated buildings or structures which increase the fire hazard and for the manner of their removal or destruction;~~

~~(n) Adopt and modify the building code;~~

~~(o) Adopt, modify and carry into effect plans proposed by the planning and zoning commission;~~

~~(p) Regulate, license and fix the charges or fares made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire, or the transportation of freight for hire, or the retail sale and delivery of merchandise or other products, on the public streets or alleys of the City of Ballinger;~~

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- (q) Provide by ordinance for the exercise of the police powers of the City of Ballinger;
- (r) Cooperate for the purposes of establishing and maintaining a free public library with any person, firm, association or political subdivision in the manner prescribed by ordinance;
- (s) Provide by ordinance for the exercise by the City of Ballinger of any and all powers of local self-government not made self-enacting by this charter or by statute;
- (t) Inquire into the conduct of any office, department or agency of the City of Ballinger and make investigations of municipal affairs;
- (u) Provide for an independent audit at least once each year; and
- (v) Shall be the judge of the election and qualifications of its members, and for such purpose shall have the power to subpoena witnesses require the production of records, but the decision of council in any such case shall be subject to review by the courts-

Section 3.12 Council not to interfere in appointments or removals.

Members of the city council shall not in any way dictate the appointment or removal of the City administrative officers or employees whom the city manager or any of the city manager's subordinates are empowered to appoint under this charter. The city council, at a meeting called for that purpose, may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees. The appointment of department heads by the city manager, however, shall be subject to confirmation and approval by the council.

Section 3.13 Council not to direct officers and employees.

Except for the purpose of inquiries and investigations as provided by this charter, the city council shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager. The city council shall not give orders to any such officer or employee either publicly or privately except as otherwise provided in this charter.

Section 7.01. City manager administrator.

- (a) Appointment and qualification: The city manager administrator shall be chosen by the city council solely on the basis of his executive and administrative qualifications. At the time of his appointment he need not be a resident of the city or state but during his tenure of office he shall reside in the city.
- (b) Term and salary: The city manager administrator shall be appointed for an indefinite term or term defined by the city council and may be removed at the will and pleasure of the city council by a vote of the majority of the entire council. The action of the city council in suspending or removing the city manager administrator shall be final, it being the intention of this charter to vest all authority and fix all responsibility of such suspension or removal in the city council. In case of the absence or disability of the city manager administrator the city council may designate some qualified person to perform the duties of office during such absence or disability. The salary of the city manager administrator shall be fixed by the city council.

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(c) Powers and duties: The city ~~manager~~administrator shall be the chief executive officer and head of the administrative branch of the city government. He shall be responsible to the city council for the proper administration of all the affairs of the city placed under his control or by ordinance or resolution by the city council, and to that end he shall have the following duties:

- (1) ~~Appoint, suspend, discipline and remove all City employees and appointive administrative officers, except as provided in this charter, personnel rules adopted by the council or as otherwise provided by law. Nominate all officers, department heads, clerks and any and all other employees to the city council for appointment, limited however by the provisions of article 9, and except the department heads and employees of the law and police departments, but the city council shall have the right and power to reject any nomination and require another nomination to be made by the city administrator, continuing this procedure until a person is found who is acceptable to the city administrator and city council; however, the city administrator shall have the right to remove any such officer, department head, clerk and any and all other employees with or without the consent of the city council, limited however by the provision[s] of article 9 and except department heads and employees of the law and police departments; and the city administrator may make temporary appointments only until the next meeting of the city council to fill any vacancy under his jurisdiction as herein defined which was created from any cause whatsoever, at which meeting or subsequent meetings the city council [may act] as it may deem advisable [and] the same procedure shall be followed as in the first instance of original appointment;~~
- (2) Prepare the annual budget and submit it to the city council and be responsible for its administration after its adoption;
- (3) Prepare and submit to the city council each month a complete report on the finances and administrative activities of the City of Ballinger for the preceding month, and present a compiled complete report thereof at the end of the fiscal year for each preceding fiscal year;
- (4) Attend all meetings of the city council with the right to take part in the discussion, but having no vote;
- (5) Keep the city council advised of the financial condition and future needs of the City of Ballinger and make such recommendations as may seem to him desirable;
- (6) Serve as departmental head of any department, as city secretary, city treasurer, city tax assessor and collector, if in the opinion of the city ~~manager~~administrator and the city council such duplication of duties is advisable;
- (7) Perform such other duties as may be prescribed by this charter or required of him by the city council not inconsistent with this charter.

Section 7.02. Administrative departments.

(a) The city council may, after hearing recommendations of the city manager, establish, abolish, re-designate and/or combine departments, offices or agencies in addition to those provided for by this charter, and may prescribe the functions and duties of such departments, offices and agencies.

(b) Except as otherwise provided elsewhere in this charter, all departments, offices and agencies of the

city shall be under the direction and supervision of the city manager, and shall be administered by city employees appointed by and subject to direction and supervision of the city manager. The city manager may, with the consent of the city council, serve as the head of one (1) or more city departments, offices or agencies or appoint one (1) person as head of two (2) or more of them.

(c) There are hereby created the following administrative departments: Finance, fire, ~~health~~, law, parks and recreation, planning and zoning, police and public utilities. Other departments may be established by ordinance.

Section 8.01. City treasurer.

~~The city manager Upon the nomination of the city administrator, the city council shall~~ appoint a city treasurer; ~~according to the procedure provided in subsection (1) of subdivision (c) of section 7.01 of article 7 hereof;~~ however, if the city ~~manager~~administrator and the city council deem it advisable the office of city treasurer may be held by the city ~~manager~~administrator.

Section 8.04. City tax assessor and collector.

~~Upon the nomination of the city administrator T~~he city ~~manager~~council ~~may~~shall appoint a city tax assessor and collector ~~or the city council may contract for such services according to the procedure provided in subsection (1) of subdivision (c) of section 7.01 of article 7 hereof;~~ however, if the city ~~manager~~administrator and the city council deem it advisable the office of city tax assessor and collector may be held by the city ~~manager~~administrator. There may be appointed one or more deputies as deputy city tax assessor and collector in the same manner as the naming of the city tax assessor and collector.

ARTICLE 9. FIRE DEPARTMENT*

Section 9.01. Firemen.

~~The city manager Upon the nomination of the city administrator, the city council shall~~ appoint a fire marshal ~~and/or chief~~ and such other firemen and employees, ~~according to the procedure provided in subsection (1) of subdivision (c) of section 7.01 of article 7 hereof;~~ however, if the city ~~manager~~administrator and city council deem it advisable the office of fire marshal ~~and/or chief~~ may be held by any other person employed by the city in any capacity. ~~The appointment or removal of the fire marshal and/or chief shall be subject to the confirmation and approval of the city council.~~ If the city ~~manager~~council should consider it advisable and necessary to appoint a fire marshal and/or chief to serve exclusively in such position, then the city ~~manager~~council shall appoint such officer, ~~subject to confirmation and approval by the city council in the same manner as is herein provided for the appointment of a city administrator and chief of police; whereupon said fire marshal and/or chief, whichever may be designated by the city council, shall make the nominations, rather than the city administrator, for the appointment of firemen and other employees in the same manner as is provided for the city administrator and chief of police to make nominations in their respective departments or department, in which event the city administrator would thereafter have no power of nomination of firemen and other employees of the fire department.~~

Section 9.02. Control.

(a) All matters pertaining to the operation of the fire department shall be under the control of the

city ~~manager~~council, and such matters may be controlled by ordinance, resolution or any other action deemed advisable by the city council.

(b) The city ~~manager~~council will consider recommendations and advice given by the president and/or chief of the Ballinger Volunteer Fire Department.

(c) Whenever it is called to the city ~~manager~~council by anyone whomsoever that there is situated within the fire limits as same is defined by ordinance passed in accordance with the provisions of section 3.11, subdivision (m) hereof, a building, structure or improvement violating such fire limits ordinance which violation occurred after such ordinance was made effective, then it shall be mandatory upon the city ~~manager~~council if such violation exists to immediately order the owner or agent of the same or occupant of the premises, to take such corrective measures as may be necessary to eliminate the violation within thirty days after such order is delivered to such owner or agent or occupant, and the city council shall punish by fine all persons failing to comply with such order. In the event of the failure of such persons to comply with such order, the city ~~manager, acting through the city council~~ shall have the additional power to remove such building, structure or improvement violating such ordinance at the expense of the City of Ballinger for the account of the owner of such property and assess the expenses thereof, including condemnation proceedings, as a special tax against the land on which the same is situated as well as on the building, structure or improvement, and the same may be collected as other special taxes provided by statute or by this charter, or by suit in any court of competent jurisdiction. ~~In the event of the failure of the city council to issue such order, or failure to enforce the provisions herein provided for correcting or removing said property, then the members of the city council shall forfeit their respective offices, or may be removed by the provisions of article 5 hereof, or may be required to perform their duties by an injunction of a court of competent jurisdiction.~~

Section ~~12~~1.01. Parks and recreation superintendent and employees.

~~Upon the nomination of the city administrator, T~~he city ~~manager~~council may appoint a superintendent and any other necessary employees required for the administration of the department of parks and recreation, ~~according to the procedure provided in subsection (1) of subdivision (c) of section 7.01 of article 7 hereof.~~ The city council shall provide for such superintendent and employees by any appropriate order, resolution or ordinance, as it may deem advisable and necessary in the premises. The superintendent may hold any other office in any other department of the city as the city ~~manager~~administrator and the city council may consider appropriate.

ARTICLE ~~14~~3. DEPARTMENT OF POLICE*

There shall be established and maintained a department of police to preserve order within the City of Ballinger and to secure the residents of said city from violence and the property therein from injury or loss, and who shall serve as officers of the corporation court under the direction of the city judge while serving in such court.

Section ~~14~~3.01. Chief of police.

~~T~~he chief of police shall be the chief administrative officer in this department. He shall be appointed by the city ~~manager~~council for an indefinite term. ~~The appointment or removal of the police chief shall be subject to confirmation and approval of the city council, as provided in Article 998, Chapter 3, Title 28, of the Revised Civil Statutes of the State of Texas, as now or hereafter amended,~~

~~or removed by the city council. The chief of police He shall be responsible to the city council for the administration of the police is department and for such other matters as may be placed under his control by ordinance or resolution by the city council.~~

Section 143.02. Other policemen, clerks and employees.

~~Upon nomination by the chief of police, T~~ the city ~~manager~~~~council~~ shall appoint such other additional policemen, clerks and employees in the department of police as may be considered necessary; and the chief of police shall nominate to the city ~~manager~~~~council~~ such persons as he may consider suitable for policemen, clerks and employees, but the city ~~manager~~~~council~~ shall have the right and power to reject any nomination and require another nomination to be made by the chief of police, continuing this procedure until a person is found who is acceptable to the chief of police and city ~~manager~~~~council~~; however, the chief of police shall have the right to remove any such policemen, clerks and employees in the department of police with ~~or without~~ the consent of the city ~~manager~~~~council~~; ~~and the chief of police may make temporary appointments until the next meeting of the city council, at which meeting of the city council the same procedure shall be followed as in the first instance of original appointment.~~

14.01(e) Superintendents, managers and employees: ~~Upon nomination of the city administrator, T~~ the city ~~manager~~~~council~~ shall appoint such superintendents, managers and employees of each utility service owned and operated by the city, ~~according to the procedure provided in subsection (1) of subdivision (e) of section 7.01 of article 7 hereof~~; however, if the city ~~manager~~~~administrator~~ and city council deem it advisable any of such positions and offices may be held by the city ~~manager~~~~administrator~~, or any other departmental position.

Proposition 3:

Shall the City of Ballinger amend Section 2.02, "Liabilities, exemptions and limitations", subsection (d) of the City Charter to provide that the City shall not be liable and shall not have waived its immunity from suit for any claim for personal injury, the death of any person or property damage unless within one hundred and eighty days after the occurrence a person files a claim under oath with the city manager?

(d) The City of Ballinger shall never be liable for personal injury, ~~the death of any person~~, or property damages of any kind unless within ~~one hundred and eighty (180)~~~~thirty~~ days after the occurrence thereof a notice in writing, ~~under oath~~, by or on behalf of the person injured ~~or killed~~ or claiming damages is delivered to the city ~~manager~~~~administrator~~ stating specifically and accurately in complete detail the time, the place and the manner of occurrence of the exact injury, ~~death~~ or damages, the full extent thereof, the basis of the claim and the amount of damages claimed or asserted. ~~In case of injuries resulting in death, before the city shall be liable in damages therefor, the person, or persons, claiming such damages shall after the death of the injured person give notice as above required in case of personal injury.~~

Proposition 4:

Shall the City of Ballinger amend Section 2.02, "Liabilities, exemptions and limitations", subsection (e) of the City Charter to provide that the City shall not be liable for personal injury, including death, resulting

from any defect in any public street, highway, alley, grounds or public works of the city unless the specific defect causing the injury or death shall have been known to the city manager?

(e) The City of Ballinger shall never be liable for personal injury, including death, or property damages resulting from any defect in any public street, highway, alley, grounds or public works of the city unless the specific defect causing the injury, death or damage shall have been known to the city ~~manager~~administrator from personal inspection or written notice thereof for a period of at least twenty-four hours prior to the occurrence of the injury, death or damage and proper diligence shall not have been used to rectify the defect after such inspection or notice. Such notice shall be required whether the defect arose from an act or omission of the city itself through its agents or employees or otherwise.

Proposition 5:

Shall the City of Ballinger amend Article 3, Section 3.01 of the City Charter to increase the term of office from two (2) years to four (4) years?

Section 3.01. Number, selection and term.

The city council shall have five members consisting of the mayor and ~~council member~~commissioners numbers one, two, three and four elected by the city at large in the manner prescribed in article 4 hereof, for a term of ~~four~~ two (4) years and until their respective successors have been elected and qualified.

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Proposition 6:

Shall the City of Ballinger amend Article 3, "The City Council", Section 3.02 by deleting subsection (b) regarding the forfeiture of office for failing to possess the required qualifications and for conviction of a felony; and amending Section 3.04, Vacancies, Forfeiture and Filling of Vacancies, by adding subsection (a) to provide that an office of a city council member shall become vacant upon his or her death, resignation, incapacity, forfeiture of, or removal from office by any manner authorized by law; by adding subsection (b) to provide that if a city council member is absent from three consecutive regular meetings of the council, without an explanation reasonably acceptable to the city council his or her office may be declared forfeited after a public hearing; and (c) to provide that any person who ceases to possess the qualifications for office or who is convicted of a felony or a crime of moral turpitude or is convicted of violating any state laws regarding conflicts of interest shall forfeit his or her office after a public hearing?

Section 3.02. Qualifications.

~~(a)~~ Each member of the City Council, in addition to having the other qualifications prescribed by law, shall meet the following requirements:

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1. Shall be a qualified voter of the City of Ballinger.
2. Shall have resided in the City of Ballinger for at least one year next preceding his

election.

3. Shall not hold any other public office of emolument except may be a notary public.

~~(b) If a member of the City Council should cease to possess any of these qualifications or shall be convicted of a felony, he shall immediately forfeit his office.~~

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Section 3.04. Vacancies, Forfeiture and Filling of Vacancies.

(a) The office of a city council member or the mayor shall become vacant upon his or her death, resignation, incapacity, forfeiture of, or removal from office by any manner authorized by law.

(b) If any member of the city council is absent from three (3) consecutive regular meetings, without explanation reasonably acceptable to a majority of the remaining members of the city council, his or her office may be deemed and declared vacant by resolution at the next regular meeting of the city council. The city council shall convene a public hearing before exercising its authority under this provision, and permit the council member to be heard regarding his or absences.

(c) Any person on the city council who ceases to possess the required qualifications for office or who is convicted of a felony or of a misdemeanor involving moral turpitude or is convicted of violating any state laws regulating conflicts of interest of municipal officers shall forfeit his or her office and every forfeiture shall be declared and enforced by the city council. The city council shall convene a public hearing before exercising its authority under this provision, and permit the council member to be heard regarding forfeiture of office.

Proposition 7:

Shall the City of Ballinger amend Section 3.04, "Vacancies, Forfeiture and Filling of Vacancies", subsection (d) of the City Charter to provide that an election to fill a vacancy in the City Council shall be held in accordance with the Texas Election Code?

(d) A single vacancy in the city council shall be filled until the next general election by a majority vote of the remaining members of the city council within fifteen days after the vacancy occurs. If more than one vacancy occurs at the same time, or before a prior vacancy has been filled, the city council shall, ~~within ten days after the last vacancy occurs,~~ call a special election to be held in accordance with the Texas Election Code ~~within forty five days;~~ provided, however, if such vacancies occur within ninety days prior to a general election, no special election shall be held; but in that event the remaining members of the city council may, by a majority vote, choose a person to fill each vacancy until the next general city election when such vacancy shall be filled as in the case of an original election.

Proposition 8:

Shall the City of Ballinger amend Article 3, Section 3.06 of the City Charter to provide that the position of City Secretary shall be appointed and employed by the City Manager?

Section 3.06. City secretary.

~~The city manager shall appoint a city secretary. The appointment of the city secretary shall be subject to confirmation and approval of the city council. Such persons shall report to the city manager who shall establish their compensation and duties. shall be appointed in the same manner as other officers upon nomination by the city administrator and approval of the city council. The city secretary He~~ shall serve as secretary of the city council, give notice of its meetings, keep the journal of its proceedings, authenticate by his or her signature and record in full all ordinances and resolutions, and perform such other duties as this charter may provide or as the city ~~manager~~ administrator may assign ~~to him~~. The city secretary and the city manager may be the same person if the city council should so determine. There may be appointed one or more assistant city secretaries in the same manner as the naming of the city secretary.

Proposition 9:

Shall the City of Ballinger amend Article 3, Section 3.07(a) of the City Charter to provide that the city council shall meet as soon as practicable after each city council election and in accordance with state law to have the newly elected city council members qualify and assume the duties of office?

(a) ~~As soon as practicable after each city council election and in accordance with state law. On the second Tuesday in April, or as soon thereafter as practicable,~~ the city council shall meet at the city hall and the newly elected members shall qualify and assume the duties of office. Thereafter, the city council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each calendar month. All meetings of the city council shall be held at the city hall unless the city council shall designate another place.

Proposition 10:

Shall the City of Ballinger amend Article 3, Section 3.08(a) of the City Charter to change that any action of the city council must be taken by a majority vote of the city council members present and qualified to act instead of three members of the city council?

Section 3.08. Quorum and voting.

(a) Three members of the city council shall constitute a quorum for the transaction of business, and the affirmative vote of a majority of the city council present and qualified to act ~~three members of the city council~~ shall be necessary to pass or repeal any ordinance or take any official action in the name of the city except as may be otherwise provided in this charter or by the general laws of the State of Texas.

Proposition 11:

Shall the City of Ballinger amend Article 3.10 (c) and (d) of the City Charter to clarify the process to adopt ordinances of the city?

(c) A full text of every penal ordinance, or in lieu thereof a descriptive caption or title stating in summary the purpose of the ordinance and the penalty for violation thereof, shall be published at least

twice in the official newspaper of the City of Ballinger. Unless otherwise required by law, every penal ordinance shall become effective only after having been published twice in the official newspaper of the City of Ballinger as described above. ~~within fourteen days after the passage of such ordinance, provided that any penal ordinance shall become effective in not less than twenty days from the date of its passage.~~ All other ordinances, except those specifically required by this charter to be published, are not required to be published in either the official newspaper of the City of Ballinger or in any other publication, and such ordinances shall become effective upon passage or on the date specified therein.

(d) The city council shall have the power to cause the ordinances of the City of Ballinger to be corrected, amended, revised, codified and printed in code form as often as the city council deems necessary and advisable, and such printed code when adopted by the city council shall be in full force and effect without the necessity of publishing the same or any part thereof in the official newspaper except the ordinance adopting the same, or a descriptive caption or title stating in summary the purpose of the ordinance. shall be published one time in the official newspaper of the City of Ballinger. Such printed code shall be admitted in evidence in all courts and places without further proof.

Proposition 12:

Shall the City of Ballinger amend Section 3.11, "Powers of the city council", of the City Charter to provide that the city council shall be the judge of the election and qualifications of its members, subject to review by the courts, and shall have the power to subpoena witnesses and records to make such decisions?

~~(a) Shall be the judge of the election and qualifications of its members, and for such purpose shall have the power to subpoena witnesses require the production of records, but the decision of council in any such case shall be subject to review by the courts-~~

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Proposition 13:

Shall the City of Ballinger amend Article 4, "Nominations and Elections", Section 4.01(a) of the City Charter to provide that any person who meets the qualifications for mayor or city council member as stated in the charter may have their name on the ballot if they file with the city secretary an application on a form approved by the Secretary of State in accordance with the timelines and requirements of the Texas Election Code?

Section 4.01. Nominations and filing for office.

~~(a) Any qualified person who shall meet the qualifications for mayor or city council member as stated in the charter may have their name placed on the ballot as a candidate for mayor or for city council members numberseommissioner one, two, three or four by filing with the city secretary an application on~~

a form approved by the Secretary of State in accordance with the timelines and requirements of the Texas Election Code not more than ninety nor fewer than thirty days prior to the date of election an application in substantially the following form:

I, _____, do hereby declare that I am a candidate for the office of _____ of the City of Ballinger and request that my name be printed upon the official ballot for that office in the next general city election. I am qualified to serve as such officer with respect to the qualifications set forth in the charter. I reside in the City of Ballinger, Texas.

(Signed)

The foregoing petition was filed with the city secretary on the _____ day of _____, 20__.

City Secretary.

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Proposition 14:

Shall the City of Ballinger amend Article 4, "Nominations and Elections", Section 4.01(b), (c) and (d) of the City Charter to delete the alternative method of obtaining a place on the ballot by nomination?

~~(b) As an alternative method, any qualified person may be nominated for mayor or for commissioner one, two, three or four by a written petition signed by twenty five qualified voters of the City of Ballinger, provided the candidate signs the petition, certifying his acceptance. One such petition shall be circulated and signed for each nominee or candidate, but such petition may~~

~~^a State law references Applicability of Election Code, V.T.C.A., Election Code, sec. 1.002; authority to order election by political subdivision, V.T.C.A., Election Code, sec. 3.004.~~

~~be in multiple copies or counterparts. When such petition is filed in multiple copies or counterparts, the same shall be construed as one petition. The circulator of each counterpart shall sign same as herein provided. With each signature the signer shall state his place of residence, giving the street and number or other description sufficient to identify it. Nominating petitions shall be filed with the city secretary not more than ninety nor fewer than thirty days before the election day, and shall be in substantially the following form:~~

~~We, the undersigned electors of the City of Ballinger, hereby nominate, _____, whose residence is in the City of Ballinger, as a candidate for _____ of the City of Ballinger, and request that his name be printed upon the official ballot for that office in the next general city election; and we individually certify that we are qualified to vote for a candidate for such office.~~

~~Name _____ Address _____ Date of Signing _____~~

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(Spaces for twenty-five or more signatures)

Acceptance of Nomination

I am qualified to serve in such office of the City of Ballinger with respect to the qualifications set forth in the charter.

Hereby accept the nomination for such office and agree to serve if elected.

(Signature of Candidate)

Statement of Circulator

The undersigned is the circulator of the foregoing petition containing signatures. Each signature was appended thereto in my presence and is the genuine signature of the person whose name it purports to be.

(Signature of Circulator)

The foregoing petition was filed with the city secretary on the _____ day of _____, 20____.

(City Secretary)

(e) The city secretary shall immediately examine each such petition and notify the candidate and the person, or persons, who filed the petition, or multiple copies or counterparts of petitions, whether it is signed by the required number of qualified voters. If such a petition is found insufficient, the city secretary shall return it, or the multiple copies or counterparts, immediately to the person, or persons, who filed same with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions a new petition or amended petition may be filed for the same candidate. The petition of each candidate nominated to be mayor, or to be commissioner one, two, three or four shall be preserved by the city secretary until the expiration of the term of office for which he has been nominated.

(d) In computing the said ninety days, the date of the election shall not be counted; and in computing the said thirty days, the date of filing and the date of the election shall not be counted.

Proposition 15:

Shall the City of Ballinger amend Section 4.03, "Municipal Elections", subsections (a) and (b) of the City Charter to delete outdated language regarding the first city council elected following the adoption of the new charter in 1963; to provide that the general election for the mayor and city council members shall be held each year on the first Tuesday in November and that any elections shall be conducted in accordance with the requirements of the Texas Election Code?

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Section 4.03. Municipal elections.

(a) The general election for the choice of members of the city council as provided in article 3 shall be held each year on the first Tuesday in ~~November~~April or such other date as required by the Texas Election Code. The city council may by resolution order special elections, which shall be held as nearly as practicable according to the provisions of a general election and the provisions of the charter.

The city council shall determine the hours and places for holding all city elections.

(b) ~~The mayor and the commissioners one, two, three and four shall be elected on the first Tuesday in April, 1963. The mayor and the commissioners one and two shall serve for a term of two years and until their respective successors have been elected and qualified, and the commissioners three and four shall serve for a term of one year and until their respective successors have been elected and qualified, after such election. Thereafter, the mayor and the city council members numbersecommissioners one and two shall be elected on the first Tuesday in November~~April of each odd-numbered year, and the city council members numbersecommissioners three and four shall be elected on the first Tuesday in ~~November~~April of each even-numbered year. If no candidate for the office of mayor or for the offices of either city council members~~commissioners~~ one, two, three or four shall in any general election receive a majority vote of the total votes cast at such general election, the city council shall at a meeting after the general election order a special election to be held in accordance with the requirements of the Texas Election Code~~on the third Tuesday in April of the same year~~, at which only the names of the two candidates who received the highest number of votes shall be printed on the ballot; or if there be a tie requiring more than two names, then the appropriate number shall be printed on the ballot, and such additional elections shall be ordered until a candidate for such office shall have received a majority of the total votes cast at such election. Such additional elections, if any required, shall be ordered by the city council authorized by the Texas Election Code~~on Tuesday not exceeding two weeks between such elections~~.

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Proposition 16:

Shall the City of Ballinger amend Section 4.05, "Conducting elections and canvassing returns", subsection (c) of the City Charter to delete outdated language regarding the canvassing of election returns and provide that the canvassing shall be done in accordance with the requirements of the Texas Election Code?

(c) Immediately after counting the votes, the presiding election judge shall deliver the official returns of the election to the city secretary. ~~Not more than five days after such election~~The city council shall meet and canvass the returns and declare the results in accordance with the requirements of the Texas Election Code. The returns of every municipal election shall be recorded in the minutes of the city council.

Proposition 17:

Shall the City of Ballinger amend Article 5, "Recall of Councilman", Section 5.02(c) of the City Charter to provide that a recall election shall be held on a uniform election date in accordance with the Texas Election Code?

(c) If the member of the city council whose removal is sought does not resign within seven days

after such notice the city council shall thereupon order and fix a date for holding a recall election on a uniform election date in accordance with the Texas Election Code~~not fewer than thirty nor more than sixty days after the petition has been presented to the city council.~~ If no general election is to be held within this time the city council shall provide for a special election.

Proposition 18:

Shall the City of Ballinger amend Article 6, "Initiative and Referendum", Section 6.08 of the City Charter to provide that an election on an initiative petition or referendum petition shall be held on a uniform election date in accordance with the Texas Election Code?

Section 6.08. Submission to electors.

If the city council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the city council shall fail to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the qualified electors on a uniform election date in accordance with the Texas Election Code~~not fewer than thirty nor more than sixty days from the date the city council takes its final vote thereon.~~ If no general city election is to be held within such period the city council shall provide for a special election.

Proposition 19:

Shall the City of Ballinger amend Section 8.02, "Accounting, supervision and control", by deleting subsection (g), which provides that the City shall publish a financial report in the newspaper annually, in its entirety?

~~(g) Publish a financial report of the financial condition of the city, including the status of the general and special accounts, and bonded and other indebtedness, of the city, in the official newspaper of the city in the form and as often as the city council may require but at least once each fiscal year.~~

Proposition 20:

Shall the City of Ballinger amend Section 8.03, "Purchase procedure" of the City Charter by deleting the requirement that all expenditures over \$1,000.00 must be submitted to competitive bidding and providing that all purchasing shall done in accordance with the requirements of applicable State procurement laws?

Section 8.03. Purchase procedure.

The city council shall establish rules and regulations for the purchase of all budgeted supplies, materials and equipment required for any office, department or agency of the city government; provided, however, all contracts or purchases shall be purchased in accordance with the requirements of applicable State procurement laws~~involving an expenditure of more than one~~

~~thousand dollars shall be let to the lowest and best bid by a responsible bidder after there has been an opportunity for competitive bidding, and providing further that the city council shall have the right to reject any and all bids.~~

Proposition 21:

Shall the City of Ballinger amend the City Charter by deleting Section 8.06, "Board of Equalization" in its entirety?

~~Section 8.06. — Board of equalization.~~

~~(a) **Appointment and qualification:** The city council shall each year prior to the first day of June appoint a board of equalization to be composed of three members who are real property tax paying citizens of the City of Ballinger, who are not in arrears in the payment of any taxes or other liabilities due the City of Ballinger, well acquainted with real estate values, one of whom shall be designated as chairman of the board. A majority of the board shall constitute a quorum for the transaction of business. The city secretary shall serve as ex officio secretary to the board. Each member of the board shall be paid for each day he sits as a member thereof such compensation as shall be fixed by the city council.~~

~~(b) **Powers and duties:**~~

- ~~(1) It shall be the duty of the city council, as soon as the assessment rolls are completed, to refer them to the board of equalization;~~
- ~~(2) The board of equalization shall convene each year on the first day of June or as soon thereafter as practicable and continue its labors until its work is completed, provided it shall not continue beyond the tenth day of July of the same year;~~
- ~~(3) The board of equalization shall review the assessment rolls, correct any mistakes or any inequality found therein and make any adjustments that may be necessary to equalize the assessments, to the end that all property within the city shall be assessed as fairly and as uniformly as possible. The board shall be governed in its procedure by the laws of the state relating to the equalization of state and county taxes by the commissioners court;~~
- ~~(4) The board shall have the power, when in session, to compel the attendance of witnesses and the production of all books, documents, stocks, bonds and other papers pertinent to any investigation of the ownership or value of property subject to taxation by the city;~~
- ~~(5) If the board of equalization proposes to decrease or increase any assessment over the amount assessed or rendered, notice shall be issued to the owner or person who has rendered the property, mailed to the last known address, informing him that the assessment of the property is about to be decreased or increased, and giving the property owner or his agent, an opportunity to appear and show cause why the assessment should not be altered. When the owner of the property is unknown, no notice shall be required to be given to anyone whomsoever;~~

~~(c) **Records of proceeding and approval of tax rolls:** The board of equalization shall be required to keep an accurate record of all its proceedings, which shall be available for public inspection. Immediately upon completion of its work, the board shall certify its approval of the assessment rolls;~~

~~which shall be returned to the city council and thereupon adopted by the council as the assessment rolls to be used for the collection of taxes for the current year.~~

Proposition 22:

Shall the City of Ballinger amend Section 8.14, "Effect of Budget" and 8.16, "Amending the Budget" of the City Charter to provide that a copy of the adopted budget and amended budget shall be filed with the office of the city secretary?

Section 8.14. Effect of the budget.

Upon final adoption, the budget shall be in effect for the budget year. Final adoption of the budget by the city council shall constitute the official appropriation of the several amounts stated therein as proposed expenditures for the budget year and shall constitute the official levy of the property tax stated therein as the amount to be assessed and collected by the City of Ballinger for the tax year beginning October first of the same year. A copy of the budget as finally adopted shall be filed with the city secretary, ~~the county clerk of Runnels County and the state comptroller of public accounts in Austin.~~ All appropriations that have not been expended or lawfully encumbered shall lapse at the end of the budget year.

Section 8.16. Amending the budget.

In case of grave public necessity, emergency expenditures to meet unusual and unforeseen conditions, which could not by diligent thought and attention have been included in the original budget, may be authorized by the affirmative vote of at least four members of the city council as an amendment to the original budget. In every case where such amendment is made, a copy of the resolution by the city council adopting the amendment shall be filed with the city secretary, ~~the county clerk of Runnels County and the state comptroller of public accounts in Austin,~~ and attached to the budget originally adopted.

Proposition 23:

Shall the City of Ballinger amend the City Charter by deleting Article 10, "Department of Health" in its entirety?

~~ARTICLE 10. DEPARTMENT OF HEALTH~~

~~Section 10.01. Health officer and other personnel.~~

~~(a) Upon the nomination of the city administrator, the city council may appoint the city health officer, according to the procedure provided in subsection (1) of subdivision (c) of section 7.01 of article 7 hereof. The health officer shall be a licensed physician qualified to practice medicine in the State of Texas. The city health officer shall advise with the city council on a program of public health; shall cooperate in the preparation of a sanitary code; shall cooperate with nearby cities on problems of health and sanitation; shall cooperate with the commissioners court of Runnels County and its agencies, and with the state health department and other departments of the state government in matters pertaining to health and sanitation.~~

~~(b)(a) Upon the nomination of the city administrator, the city council shall appoint such other officers and employees required for the administration of the department of health, according to the procedure provided in subsection (1) of subdivision (c) of section 7.01 of article 7 hereof. The city council shall provide for such officers and employees by any appropriate order, resolution or ordinance as it may deem advisable and necessary in the premises.~~

Proposition 24:

Shall the City of Ballinger amend Section 14.03 and 14.04 of the City Charter by providing that captions of any franchise ordinances shall be published in the newspaper?

Section ~~15~~4.03. Franchises: Public utilities.

The city council shall have power by ordinance to grant, amend, renew and extend, all franchises of all public utilities of every character operating within the City of Ballinger. All ordinances granting, amending, renewing or extending franchises for public utilities shall be read at two separate regular meetings of the city council, and shall not be finally passed until thirty days after the first reading; and no such ordinance shall take effect until thirty days after its final passage; and pending such time, the ~~caption~~full-text of such ordinance shall be published once each week for four consecutive weeks in the official newspaper of the City of Ballinger, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be granted for a term of more than twenty-five years. Any franchise which may be transferred shall not relieve the obligations placed upon the original grantee of the franchise. The city council shall have the right to include in any franchise such other provisions that it may deem advisable not in conflict with state law or any other provisions of this charter.

Section ~~15~~4.04. Franchises: Use of streets.

The city may by ordinance grant franchises or permits for the use and occupancy of streets, avenues, alleys or other public grounds belonging to or under the control of the city. Before such ordinance can become effective, it shall be passed by a majority vote of the entire city council at two regular meetings of the city council; no such ordinance shall take effect until twenty-one days after its passage; pending such time, the ~~caption~~full-text of the ordinance shall be published once each week for two consecutive weeks in the official newspaper of the City of Ballinger, and the expense of such publication shall be borne by the grantee of the franchise and such ordinance shall be subject to referendum as provided in article 6 of this charter.

Proposition 25:

Shall the City of Ballinger amend Section 16.01 of the City Charter by providing that all records of the City shall be available for inspection by any citizen, subject to the provisions of the Texas Public Information Act?

Section ~~17~~6.01. Publicity of records.

~~All~~ records and accounts of every office, department or agency of the City of Ballinger shall be open to inspection by any citizen at all reasonable times and under reasonable regulations established by the

city ~~manager~~ ~~administrator~~, subject to the provisions of the Texas Public Information Act.

Proposition 26:

Shall the City of Ballinger amend Section 16.03 of the City Charter by deleting the provision providing that members of the city council shall not have a financial interest in any contract with the city or in any sale of land to the city and replacing it with provisions regarding the disclosure of conflicts of interest?

Section 17.03. Conflicts of ~~Personal~~ interest.

~~Should any person on the city council have a conflict of interest, pursuant to any state laws and/or the charter and/or city ordinances regulating conflicts of interests of municipal officers, with an agenda item then before the city council, her or she shall openly declare same before discussion proceeds, file any required affidavit, and he or she shall thereby be prohibited from discussing the item and voting on the issue, and shall not be considered as present and voting for the purposes of the tally. Council members who have a conflict of interest are considered present for purposes of constituting a quorum. No officer or employee of the City of Ballinger shall have a financial interest, direct or indirect, in any contract with the City of Ballinger, or be financially interested, directly or indirectly, in the sale to or by the City of Ballinger of any land, except on behalf of the City of Ballinger as an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall forfeit his office or position.~~

Proposition 27:

Shall the City of Ballinger amend its City Charter throughout to replace references to “he” or “him” with references to “he or she” or “him or her” and/or replace gender specific pronouns with gender-neutral pronouns?