

**NOTICE OF GENERAL ELECTION FOR ELECTING THE MAYOR AND
COUNCILMEMBERS FOR PLACES 1 AND 2 AND
NOTICE OF SPECIAL ELECTION ON CHARTER AMENDMENTS
CITY OF BALLINGER, TEXAS**

Notice is hereby given that a General Election for the purpose of electing the Mayor and Councilmembers for Places 1 and 2 and a Special Election for the purpose of considering amendments to the home rule Charter of the City of Ballinger, Texas (“City”), will be held on November 5, 2019, between the hours of 7:00 a.m. to 7:00 p.m. The text of the propositions for amendments to the City Charter and the fiscal impact estimates for each proposition are attached as Exhibit “A”. To provide additional notice, the actual text amendments to the City Charter are also provided in Exhibit “A”. The elections shall be administered by the Runnels County Elections Administrator in accordance with the Texas Elections Code.

Election Day Polling Locations

On Election Day, November 5, 2019, qualified voters who live in Ballinger must vote in the precinct where registered to vote. Polling places shall be open between the hours of 7:00 a.m. and 7:00 p.m. The polling places for the election on Election Day shall be as follows:

Precinct No. 1: Runnels County Election Office
600 Strong Avenue
Ballinger, Texas 76821

Precinct No.2: Elm Creek Grain, LLC
302 Hutchings Avenue
Ballinger, Texas 76821

Precinct No. 7: Ballinger Community Center
300 Crosson Avenue
Ballinger, Texas 76821

Precinct No. 8: Ballinger City Hall
700 Railroad Avenue
Ballinger, Texas 76821

Early Voting Dates and Times

The early voting by personal appearance shall be conducted at the Runnels County Clerk’s Office at the Runnels County Election Office, 600 Strong Avenue, Ballinger, Texas, Texas on the following dates and times:

Between the hours of 8:30 a.m. and 5:00 p.m. on October 21, 23, 24, 25, 28, 30, 31 and November 1, 2019.

Between the hours of 7:00 a.m. and 7:00 p.m. on October 22, 2019 and October 29, 2019.

The early voting clerk shall be Shanna Smith, Runnels County Elections Administrator and her mailing address is 600 Strong Avenue, Ballinger, Texas 76821. All applications for a ballot by mail shall be mailed to the Runnels County Elections Administrator: Runnels County Elections Administrator, Attn: Shanna Smith, 600 Strong Avenue, Ballinger, Texas 76821, or by email at:

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elections@co.runnels.tx.us. Applications for ballots by mail must be received no later than the close of business on October 25, 2019.

All ballots by mail shall be mailed to the Runnels County Elections Administrator: Runnels County Elections Administrator, Attn: Shanna Smith, 600 Strong Avenue, Ballinger, Texas 76821. Ballots by mail must be received no later than 7:00 p.m. on November 5, 2019, unless the carrier envelope does not bear a cancellation mark or a receipt mark, then the ballots by mail must be received no later than the time the polls are required to close on November 5, 2019, except if overseas or military voter deadlines apply.

Issued this 7th day of October, 2019

/s/ Bonita Shields, City Secretary

EXHIBIT "A"

PROPOSED CHARTER AMENDMENTS

Proposition A

Shall the City of Ballinger amend the City Charter of the City of Ballinger throughout, including all amendments approved by the voters of the City of Ballinger in this Charter Amendment election, to change all references to "city administrator" to "city manager"; all references to the "city commission" to the "city council"; and all references to "commissioner" to "city council member" or "commissioners" to "city council members"?

Fiscal Impact: None.

Proposition B

Shall the City of Ballinger amend the following sections of the City Charter of the City of Ballinger to adhere to state and/or federal law? Article 2, Section 2.02(d); Article 3, Sections 3.04 and 3.07(a); Article 4, Section 4.05(c); Article 5, Section 5.03(c); and Article 6, Section 6.08.

Fiscal Impact: None.

If Proposition B is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting those struck through to read in its entirety as follows:

2.02(d) The City of Ballinger shall never be liable for personal injury or property damages of any kind unless within one hundred and eighty (180) ~~thirty~~ days after the occurrence thereof a notice in writing by or on behalf of the person injured or claiming damages is delivered to the city administrator stating specifically and accurately in complete detail the time, the place and the manner of occurrence of the exact injury 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.

3.04 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.

3.07(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

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council shall be held at the city hall unless the city council shall designate another place.

4.05(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—t~~ 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.

5.03(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 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.

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 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 C

Shall the City of Ballinger amend and/or add to the following sections of the City Charter of the City of Ballinger to provide for a “Council-Manager” form of government and to clarify the powers and duties of the City Council and City Manager in furtherance of that form of government? Article 1, Section 1.02; Article 3, Section 3.11; Article 7, Section 7.01(c)(1); Article 8, Sections 8.01 and 8.02; Article 9, Sections 9.01, 9.02; Article 12, Section 12.01; Article 14, Sections 14.01 and 14.02; and Article 15, Section 15.01(e).

Fiscal Impact: None.

If Proposition C is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

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 administrator, who in turn, shall be held responsible to the City Council for the execution of the laws and the administration of the government ~~the 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 administrator, the chief of police, and the fire marshal 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 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 administrator appointments of department heads and the appointment of the city secretary;
- (e) Approve removal of the police chief and paid fire marshal and/or chief;
- ~~(d)~~(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;
- ~~(e)~~(g) Adopt the budget of the City of Ballinger;
- ~~(f)~~(h) Fix the salary of the City administrator, the city attorney and the city judge chief of police and fire marshal and/or chief, and, in cooperation with the city administrator, chief of police or fire marshal and/or chief, in their respective departments, fix other salaries for all other employees of the city;
- ~~(g)~~(i) Authorize by ordinance the issuance of bonds, assignments of revenue or warrants;
- ~~(h)~~(j) Approve plats;
- ~~(i)~~(k) Adopt and modify the official map of the City of Ballinger;

- ~~(j)~~(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;
- ~~(k)~~(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;
- ~~(l)~~(n) Adopt and modify the building code;
- ~~(m)~~(o) Adopt, modify and carry into effect plans proposed by the planning and zoning commission;
- ~~(n)~~(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;
- ~~(o)~~(q) Provide by ordinance for the exercise of the police powers of the City of Ballinger;
- ~~(p)~~(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;
- ~~(q)~~(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;
- ~~(r)~~(t) Inquire into the conduct of any office, department or agency of the City of Ballinger and make investigations of municipal affairs; and
- ~~(s)~~(u) Provide for an independent audit at least once each year.

Section 7.01. City administrator.

(c) Powers and duties: The city 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 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 8.01. City treasurer.

~~Upon the nomination of Tthe 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 administrator and the city council deem it advisable the office of city treasurer may be held by the city administrator.~~

Section 8.04. City tax assessor and collector.

~~Upon the nomination of the city administrator~~ T the city administrator 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 of article 7 hereof; however, if the city administrator and the city council deem it advisable the office of city tax assessor and collector may be held by the city 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 administrator~~ Upon the nomination of the city administrator, the city council may ~~shall~~ appoint a paid fire marshal and/or chief and such other paid 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 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 and/or removal of the paid fire marshal and/or chief shall be subject to the confirmation and approval of the city council. If the city administrator ~~council~~ should consider it advisable and necessary to appoint a fire marshal and/or chief to serve exclusively in such position, then the city administrator 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 paid fire department shall be under the control of the city administrator council, ~~and such matters may be controlled by ordinance, resolution or any other action deemed advisable by the city council.~~

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

(c) Whenever it is called to the attention of the city administrator 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 (mk) 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 administrator 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 administrator, 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 ~~administrator council~~ to issue such order, or failure to enforce the provisions herein provided for correcting or removing said property, then the city administrator may ~~members of the city council shall~~ forfeit his office ~~their respective offices,~~ or may be removed by the provisions of article 5 hereof, or may be required to perform his or her ~~their~~ duties by an injunction of a court of competent jurisdiction.

Section 12.01. Parks and recreation superintendent and employees.

~~Upon the nomination of the city administrator, T~~he city administrator 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 administrator and the city council may consider appropriate.

ARTICLE 14. 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 14.01. Chief of police.

The chief of police shall be the chief administrative officer in this department. He shall be appointed by the city ~~administrator council~~ for an indefinite term. The appointment and/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's department and for such other matters as may be placed under his control by ordinance or resolution by ~~the city council.~~

Section 14.02. Other policemen, clerks and employees.

~~Upon nomination by the chief of police, T~~he city administrator 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 administrator council

such persons as he may consider suitable for policemen, clerks and employees, but the city ~~administrator 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 ~~administratoreouncil~~; 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 ~~administratoreouncil~~; 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.

Section 15.01. General powers.

15.01(e) Superintendents, managers and employees: ~~Upon nomination of the city administrator, The city administratoreouncil 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 (c) of section 7.01 of article 7 hereof;~~ however, if the city administrator and city council deem it advisable any of such positions and offices may be held by the city administrator, or any other departmental position.

Proposition D

Shall the City of Ballinger amend Section 2.02, "Liabilities, exemptions and limitations", subsection (e) of the City Charter of the City of Ballinger to add that the City shall not be liable for death, resulting from any defect in any public street, highway, alley, grounds or public works of the city unless the specific defect causing the death shall have been known to the city manager?

Fiscal Impact: None.

If Proposition D is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

2.02(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 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 E

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

Fiscal Impact: Will result in fewer elections which may save the City thousands of dollars.

If Proposition E is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

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.

Proposition F

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 consolidating such forfeiture language in Section 3.04; by amending subsection 3.02(b) to provide that the city council members shall be the judge of the elections and qualifications of its members; and amending Section 3.04, “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; and renaming Section 3.04 to “Vacancies, forfeitures and filling of vacancies”?

Fiscal Impact: None.

If Proposition F is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

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:

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) The City Council 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. ~~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.~~

Section 3.04. Vacancies, forfeitures 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 or guilty of a willful violation of Article 17, Section 17.03 of this Charter 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 G

If Proposition C is approved by the voters of the City of Ballinger, 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?

Fiscal Impact: None.

If Proposition G is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

Section 3.06. City secretary.

The city administrator 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 administrator 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 signature and record in full all ordinances and resolutions, and perform such other duties as this charter may provide or as the city administrator may assign ~~to him~~. The city secretary and city administrator 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 H

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?

Fiscal Impact: None.

If Proposition H is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

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 I

Shall the City of Ballinger amend Article 3, Sections 3.10 (c) and (d) of the City Charter of the City of Ballinger to clarify the process to adopt ordinances of the city?

Fiscal Impact: None.

If Proposition I is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

3.10(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 J:

If Proposition C is approved by the voters of the City of Ballinger, shall the City of Ballinger amend Article 3 by adding a Section 3.12 to the City Charter of the City of Ballinger to clarify the prohibition against interference with the appointment and removal of City employees under the control and supervision of the City Manager?

Fiscal Impact: None.

If Proposition J is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

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 administrator or any of the city administrator'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 administrator anything pertaining to appointment and removal of such officers and employees. The appointment of department heads by the city administrator, however, shall be subject to confirmation and approval by the council.

Proposition K

If Proposition C is approved by the voters of the City of Ballinger, shall the City of Ballinger amend Article 3 by adding a Section 3.13 to the City Charter of the City of Ballinger to clarify the prohibition that the City Council is not to direct employees under the control and supervision of the City Manager?

Fiscal Impact: None.

If Proposition K is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

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 administrator solely through the city administrator. The city council shall not give orders to any such officer or employee either publicly or privately except as otherwise provided in this charter or in the absence of the city administrator.

Proposition L

Shall the City of Ballinger amend Article 4, "Nominations and Elections", Section 4.01(a) of the City Charter of the City of Ballinger 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

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accordance with the timelines and requirements of the Texas Election Code and deleting the form and timelines prescribed in Section 4.01(a)?

Fiscal Impact: None.

If Proposition L is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

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 ~~his~~ name placed on the ballot as a candidate for mayor or for city council members ~~commissioner~~ numbers 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

Proposition M

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

Fiscal Impact: None.

If Proposition M is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

Section 4.01. Nominations and filing for office.

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~~(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 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 _____~~

~~_____~~

~~(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.~~

~~I 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)

~~(c) — 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 N

Shall the City of Ballinger amend Section 4.03, "Municipal Elections", subsections (a) and (b) of the City Charter of the City of Ballinger 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 on the first Tuesday in November or such other date as required by the Texas Election Code; and that any elections shall be conducted in accordance with the requirements of the Texas Election Code?

Fiscal Impact: None.

If Proposition N is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

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 ~~April~~ November 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, T~~he mayor and

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the city council members ~~commissioners~~ one and two shall be elected on the first Tuesday in November ~~April~~ of each odd-numbered year, and the city council members ~~commissioners~~ 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 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 at intervals authorized by the Texas Election Code ~~on Tuesday not exceeding two weeks between such elections~~.

Proposition O

Shall the City of Ballinger amend Section 7.02, “Administrative Departments”, of the City Charter of the City of Ballinger by adding a subsection (b), which provides that the City Council shall have the authority to, after receiving input from the City Administrator, establish, abolish, re-designate and/or combine departments, offices or agencies, in addition to those provided in the Charter, and may prescribe the functions and duties of such departments; and a subsection (c) providing that all departments shall be under the direction and control of the city administrator, except as otherwise provided in the Charter.

Fiscal Impact: None.

If Proposition O is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

Section 7.02. Administrative departments.

(a) 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.

(b) The city council may, after hearing recommendations of the city administrator, 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.

(c) 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 administrator, and shall be administered by city employees appointed by and subject to direction and supervision of the city administrator. The city administrator 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.

Proposition P

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

Fiscal Impact: Savings of approximately \$500.00 per year.

If Proposition P is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

Section 8.02. Accounting, supervision and control.

~~(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 Q

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

Fiscal Impact: Savings of potentially thousands of dollars per year.

If Proposition Q is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

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 R

Shall the City of Ballinger amend the City Charter of the City of Ballinger by removing, Article 8, Section 8.06 "Board of Equalization," in its entirety; and the references to the Board of Equalization in Article 3, Section 3.11(d)?

Fiscal Impact: None.

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If Proposition R is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

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 S

Shall the City of Ballinger amend Section 8.14, “Effect of Budget” and 8.16, “Amending the Budget” of the City Charter of the City of Ballinger by deleting the requirements that the City budget, and any amendments thereto, shall be filed with the county clerk of Runnels County and the state comptroller of public accounts?

Fiscal Impact: None.

If Proposition S is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

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 T

Shall the City of Ballinger amend the City Charter of the City of Ballinger by deleting Article 10, “Department of Health” in its entirety; and the references to the health department in Article 7, Section 7.02?

Fiscal Impact: None.

If Proposition T is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

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) 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.~~

Section 7.02. Administrative departments.

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.

Proposition U

Shall the City of Ballinger amend Section 15.03 and 15.04 of the City Charter of the City of Ballinger by providing that captions of any franchise ordinances shall be published in the newspaper instead of the full text of the franchise ordinances?

Fiscal Impact: None.

If Proposition U is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

Section 15.03. 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 ~~full text~~ caption 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.

No value shall be assigned to any franchise granted by the City of Ballinger under this charter in fixing reasonable rates and charges for utility service within the city and in determining the just compensation to be paid by the city for public utility property which the city may acquire by condemnation or otherwise. No franchise shall be granted by the city to commence at any time after twelve months subsequent to the passage of the ordinance granting same. No grant or franchise to construct, maintain or operate a public utility and no renewal or extension of such grant shall be exclusive.

Section 15.04. 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 ~~full-text~~ caption 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 V

Shall the City of Ballinger amend Section 17.01 of the City Charter, which provides that all records of the City shall be available for inspection by any citizen, by adding the phrase at the end of the sentence “,subject to the provisions of the Texas Public Information Act”?

Fiscal Impact: None.

If Proposition V is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

Section 17.01. 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 administrator, subject to the provisions of the Texas Public Information Act.

Proposition W

Shall the City of Ballinger amend the City Charter of the City of Ballinger by adding Section 17.11 to permit the City Council, by ordinance, to renumber and rearrange all articles, sections,

and paragraphs of the Charter, or any amendments thereto, and to correct non-substantive errors such as misspellings, punctuation, spacing, indenting, grammar and sentence structure of the Charter, or any amendments thereto, as it shall deem appropriate?

Fiscal Impact: None.

If Proposition W is adopted by the qualified voters of the City of Ballinger, the Charter shall be amended by adding the underscored words and deleting the words struck through to read in its entirety as follows:

Section 17.11. Renumbering, rearranging and correcting non-substantive errors.

The City Council shall have the power, by ordinance, to renumber and rearrange all articles, sections and paragraphs of the Charter or any amendments thereto, and to correct non-substantive errors such as misspellings, punctuation, spacing, indenting, grammar and sentence structure of the Charter, or any amendments thereto, as it shall deem appropriate.