

ORDINANCE NO. 4063

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, ORDERING A SPECIAL ELECTION ON PROPOSED AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF SACHSE TO BE HELD ON NOVEMBER 8, 2022; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE; PROPOSING AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF SACHSE; AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELECTION SERVICES CONTRACT WITH DALLAS COUNTY ELECTIONS DEPARTMENT; PROVIDING FOR DATES FOR EARLY VOTING BY PERSONAL APPEARANCE; PROVIDING FOR DEADLINE FOR APPLICATION FOR ABSENTEE BALLOT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has received a report from the 2022 City of Sachse Charter Review Commission recommending to the City Council proposed amendments to the Home Rule Charter for the City of Sachse; and

WHEREAS, the City Council has reviewed the report from the 2022 City of Sachse Charter Review Commission and the Home Rule Charter of the City of Sachse and has determined that certain amendments are in the best interest of the citizens and to comply with state law; and

WHEREAS, the City Council, after due consideration, desires to conduct a special election on proposed amendments to the Home Rule Charter on the uniform election date of November 8, 2022;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS:

SECTION 1. That an election is ordered for November 8, 2022, for the hereinafter proposed amendments to the Charter of the City of Sachse, contained in Exhibit "A" attached hereto and made a part of this Ordinance for all purposes to be submitted to the qualified voters of the City for their approval or disapproval at an election to be held on November 8, 2022.

SECTION 2. That notice of the election shall be posted on the bulletin board used to post notice of the City Council meetings, be published in a newspaper of general circulation in the City and include a substantial copy of the proposed amendments. That said notice must be published on the same day in each of two successive weeks, with the first publication occurring no earlier than the thirtieth day and no later than the fourteenth day before the date of the election. A copy of the published notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and such person posting the notice shall make a record of the time of posting, starting date and the place of posting.

SECTION 3. In addition to any other notice of the election required by State law, notice of the election shall be posted on the bulletin board used to post notice of the City Council meetings, be published in a newspaper of general circulation published in the City, and include a

substantial copy of the proposed amendments and an estimate of the anticipated fiscal impact to the City if the proposed amendment is approved at the election. Said notice must be published on the same day in each of two successive weeks, with the first publication occurring no earlier than the thirtieth day but before the fourteenth day before the date of the election. A copy of the published notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and the person posting the notice shall make a record of the time of posting, starting date, and the place of posting.

SECTION 4. That the election on the proposed Charter amendments shall be conducted in accordance with an Election Services Contract between the City of Sachse and the Dallas County Elections Department and the Collin County Elections Department for the election on November 8, 2022. The City Manager and/or the City Secretary are hereby authorized to execute an Election Services Contract with the Dallas County Elections Department and Collin County Elections Department for the election on November 8, 2022, and any amendments thereto that will provide for all election appointments, early voting by mail, the voting location as Sachse City Hall Court Room and Michael J. Felix Community Center Reservation Room and hours of voting, payments for election officials, necessary election arrangements, and a runoff election (if applicable).

SECTION 5. That early voting by personal appearance by any qualified Dallas County resident may be conducted at Sachse City Hall Courtroom, 3815-B Sachse Road, Sachse, Texas 75048 and Michael J. Felix Community Center Room A & B, 3815-E Sachse Road, Sachse, Texas 75048, or at any of the other Dallas and Collin County branch locations established by the Election Contract, if any. Early voting by personal appearance for the November 8, 2022, election will be conducted by the Dallas County Elections Department beginning on Monday, October 24, 2022, and continue through Friday, October 28, 2022, between 8:00 a.m. and 5:00 p.m.; on Saturday, October 29, 2022, between 7:00 a.m. and 7:00 p.m.; on Sunday, October 30, 2022, between 12:00 p.m. and 6:00 p.m.; and on Monday, October 31, 2022, through Friday, November 4, 2022, between 7:00 a.m. and 7:00 p.m. Early voting by personal appearance for the November 8, 2022, election will be conducted by the Collin County Elections Department beginning on Monday, October 24, 2022, and continue through Friday, October 28, 2022, between 8:00 a.m. and 5:00 p.m.; on Saturday, October 29, 2022, between 7:00 a.m. and 7:00 p.m.; on Sunday, October 30, 2022, between 11:00 a.m. and 5:00 p.m.; and on Monday, October 31, 2022, through Friday, November 4, 2022, between 7:00 a.m. and 7:00 p.m.

SECTION 6. That applications for early voting ballot by mail shall be mailed to: for Dallas County: Michael J Scarpello – Early Voting Clerk, Dallas County Elections, 1520 Round Table Drive, Dallas, Texas 75247; and for Collin County: Bruce Sherbet – Elections Administrator, Collin County Elections Department, 2010 Redbud Boulevard, Suite 102, McKinney, TX 75069. Applications for early voting ballot by mail must be received no later than the close of business on October 28, 2022.

SECTION 7. That the City Secretary shall present the election returns to the City of Sachse City Council at a City Council meeting for the canvassing of said election in accordance with the Texas Election Code.

SECTION 8. That each amendment submitted must contain only one subject, and the ballot shall be prepared in a manner that the voters may vote “for” or “against” any amendment or amendments without voting “for” or “against” all of said amendments. Each such proposed amendment, if approved by the majority of the qualified voters voting at said election, shall become a part of the Charter of the City of Sachse, Texas.

SECTION 9. That the ballot propositions for the proposed amendments to the Charter are as follows:

Proposition A

Shall Article II, Section 2.02 of the Home Rule Charter be amended to correct a grammatical error?

Proposition B

Shall Article III, Section 3.01 of the Home Rule Charter be amended to provide expressly for the numbering of the City Council Member places?

Proposition C

Shall Article III, Section 3.01 of the Home Rule Charter be amended to clarify the staggering of the dates in which the mayor and city council places are elected?

Proposition D

Shall the transitional provisions regarding the length of terms of the mayor and council members in Article III, Section 3.02 of the Home Rule Charter be repealed and replaced with provisions establishing term limits for the mayor and members of the City Council?

Proposition E

Shall Article III, Section 3.04 of the Home Rule Charter be amended to add the word “until” to correct a grammatical error?

Proposition F

Shall Article III, Section 3.06 (4) of the Home Rule Charter be amended to eliminate the word “uniform” to comply with state law relating to the date of a special election to fill a vacancy in the office of mayor or city council member?

Proposition G

Shall Article III, Section 3.07(i) of the Home Rule Charter be amended to provide the City Council may adopt plats, or delegate such authority to the Planning and Zoning Commission as provided by state law?

Proposition H

Shall Article III, Section 3.09 (1) of the Home Rule Charter be amended to provide that the mayor or three city councilmembers may call for a special meeting of the City Council to be held to eliminate a conflict with state law?

Proposition I

Shall Article III, Section 3.13 of the Home Rule Charter be amended to remove the requirement for the City Council to conduct its meetings in accordance with Roberts Rules of Order because such Section already provides that the City Council shall determine its own order of business?

Proposition J

Shall Article III, Section 3.14 (3) of the Home Rule Charter be amended to provide for the publication ordinances in a newspaper or as otherwise allowed by law?

Proposition K

Shall Article III, Section 3.16 of the Home Rule Charter be amended to add subsection (4) to require the City code of ordinances be accessible on the City's website?

Proposition L

Shall Article III, Section 3.18 of the Home Rule Charter be amended to provide the City Council may require bonds of municipal officers and employees who receive or pay out city funds?

Proposition M

Shall Article V, Section 5.02(c) of the Home Rule Charter be amended to provide a person must have resided within the City for at least 12 months prior to the date of election to conform with state law?

Proposition N

Shall Article VI, Section 6.04 Subsection (3) of the Home Rule Charter be amended to reduce the number of places for signatures on a petition for initiative and referendum from 20 to 10?

Proposition O

Shall Article VI, Section 6.05 (1) of the Home Rule Charter be amended to increase the time-period from 30 days to 60 days in which to file a petition for initiative and referendum?

Proposition P

Shall Article VI, Section 6.05 (2) of the Home Rule Charter be amended to increase the time-period from 30 days to 60 days in which to file a petition for recall?

Proposition Q

Shall Article VII, Section 7.10 of the Home Rule Charter be repealed and reserved for future use to eliminate redundancy with Article VII, Section 7.04?

Proposition R

Shall Article VII, Section 7.20 of the Home Rule Charter be amended to provide that the city manager may appoint a tax assessor/collector for the City, or the City Council may contract with another governmental entity to perform the duties relating to the assessment and collection of property taxes to conform with state law?

Proposition S

Shall Article IX, Section 9.01 (2) of the Home Rule Charter be amended to provide that the planning and zoning commission meet as needed rather than at least once of month?

Proposition T

Shall Article XI, Section 11.07 Subsection (1) (b) of the Home Rule Charter be amended to correct a grammatical error?

Proposition U

Shall Article XI, Section 11.07 (2) of the Home Rule Charter be amended to provide for the posting on the City's website of a comprehensive summary of the Charter Commission report presented to the City Council?

Proposition V

Shall Article XIII of the Home Rule Charter setting forth the transitional provisions enacted upon the original adoption of the Charter be repealed?

Proposition W

Shall the following sections of the Home Rule Charter be amended to provide for gender neutral language without any substantive change: Section 3.05(1), Section 3.06(1), (2) and (3), Section 3.08(1) and (2), Section 3.11, and Section 3.12 of Article III; Section 4.01 (1), (2), (3) and (5), and Section 4.03 of Article IV; Section 6.04(1), (2) and (3), Section 6.09, Section 6.11(1), (2), and (3), Section 6.12(5), and Section 6.13(1) of Article VI; Section 7.15(1) and Section 7.16 (1) and (2) of Article VII; Section 8.01 (5) of Article VIII; Section 9.03 and Section 9.04(2) of Article IX; and Section 14.03, Section 14.05, Section 14.06, and Section 14.08 of Article XIV?

SECTION 10. That should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

SECTION 11. That this Ordinance shall become effective from and after its passage in accordance with law.

DULY APPROVED AND PASSED by the City Council of the City of Sachse, Texas, on the 15th day of August 2022.



APPROVED:




Jeff Bickerstaff, Mayor

DULY ENROLLED:



Leah K. Granger, City Secretary

APPROVED AS TO FORM:



Peter G. Smith, City Attorney
(PGS:8-15-22:TM 130717)

Exhibit "A"

Sec. 2.02 - PUBLIC IMPROVEMENTS

The city shall have the power to construct and maintain, within or without its corporate limits, streets, flood control facilities, and sanitary, water and storm drainage facilities, in, over, under or upon all public property and easements granted for that purpose and to levy assessments for the costs of such improvements. The city shall have the power to collect attorney's fees for the collection of paving assessment in foreclosure cases as allowed under state law. It shall have the power to cause liens to be established for the purpose of securing such levies and shall have the power to compel the use of such improvements by the inhabitants of the city.

Proposition A

Sec. 3.01 – COMPOSITION

The council shall be composed of a mayor and six (6) council members, that is a mayor and six (6) council members elected by numbered places 1, 2, 3, 4, 5 and 6 by the qualified voters of the entire city for staggered terms of three (3) years each or until their successor has been elected or appointed and qualified. ~~Each council position shall be designated as a Place, to be determined as set forth in Sec. 3.02 of this Article. The mayor and council members shall be elected at large, and shall serve for a term of three (3) years as prescribed by the Texas Election Code and until his or her successor has been elected and duly qualified. Elections for two places shall be held each year, and the election for mayor shall be held every three years.~~ If the candidate with the highest number of votes in an election receives less than a majority vote, then a runoff election shall be held between the two candidates receiving the highest number of votes. Such runoff election shall be held pursuant to the provisions of the Texas Election Code and applicable ordinances. To provide for staggered terms of office the mayor and council members in places 5 and 6 are elected for a three (3) year term commencing with the regular municipal election in May 2022, council members in places 3 and 4 are elected for a three (3) year term commencing with the regular municipal election in May 2023, and council members in places 1 and 2 are elected for a three (3) year term commencing with the regular municipal election in May 2024.

Proposition B

Proposition C

Sec. 3.02 - ~~PROCEDURES FOR DETERMINING COUNCIL PLACES AND INITIAL TERMS OF OFFICE LIMITS~~

Commencing with the May 2023 city officer election, no person shall serve as mayor for more than three (3) consecutive elected terms, and no person shall serve as councilmember for more than three (3) consecutive elected terms. No person shall serve as a councilmember and mayor (combined) for more than six (6) consecutive terms. For purposes of this Section and computing the limitations on terms:

Proposition D

Exhibit "A"

(1) A mayor or councilmember, who vacates, for any reason, city office before the end of the term for which such person was elected, shall be considered to have completed that term.

(2) Election to fulfill an unexpired councilmember term, or unexpired mayor term if applicable, shall be computed as follows:

(i) If 50 percent or more of the term is remaining, it shall be included in the computation of term limits; or

(ii) If less than 50 percent of the term is remaining, it shall not be included in the computation of term limits.

Any councilmember or mayor, who is ineligible to run for elected city office due to the limitations on terms as provided herein, shall remain ineligible to hold an elected city office for a period of two years following the expiration of the most recent term of city office for which such person was elected with the exception of a councilmember seeking the office of mayor or the mayor seeking the office of a councilmember.

~~(1) The city councilmember receiving the highest number of votes of the qualified voters of the city who vote in the May 7, 1994 election shall be designated as occupying Place 1, and shall [hold] office for three (3) years. The city councilmember receiving the second highest number of votes of the qualified voters of the city who vote in the May 7, 1994 election shall be designated as occupying Place 2 and hold office for three (3) years. The city councilmember receiving the third highest number of votes of the qualified voters of the city who vote in the May 7, 1994 election shall be designated as occupying Place 3 and shall hold office for two (2) years.~~

~~(2) At the first regularly scheduled council meeting held in February, 1995, the city secretary shall prepare three (3) identical paper ballots. One ballot shall be marked "Place 4", the second "Place 5", and the third "Place 6". Each councilmember who was not elected at the election held on May 7, 1994, shall draw a ballot by lot. The councilmember drawing the [b]allot marked "Place 4" shall be the councilmember for Place 4, the councilmember drawing the ballot marked "Place 5" shall be the councilmember for Place 5, and councilmember drawing the ballot marked "Place 6" shall be the councilmember for Place 6. The councilmember designated as Place 4 shall hold office until the election for councilmembers held in May, 1996. The councilmembers designated as Place 5 and Place 6 shall hold office until the election for councilmembers held in May, 1995.~~

Sec. 3.04 - COMPENSATION

Compensation of the members of the city council shall be determined by the city council by ordinance, but no increase in such compensation shall

Proposition E

Exhibit "A"

take effect until commencement of the terms of mayor and/or council members elected at the next regular election. Members of the city council shall be entitled to reimbursement for actual expenses incurred in the performance of official duties.

Sec. 3.06 - VACANCIES, FORFEITURES AND FILLING OF VACANCIES

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

(2) If any member of the city council is absent from four (4) of seven (7) consecutive regular meetings, without explanation acceptable to a majority of the remaining city council members, his office shall be declared vacant at the next regular meeting of the city council by resolution. In addition, any member of the city council who has been absent for six (6) consecutive regular meetings due to any reason shall have his seat declared vacant at the next regular meeting of the city council by resolution.

(3) Any member of 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 state law concerning conflict of interest shall forfeit his office. Every forfeiture shall be declared and enforced by a majority of the city council.

(4) A vacancy or vacancies in the position of mayor or council member shall be filled by majority vote of the qualified voters at a special election called for such purpose on the next ~~uniform~~ election date as provided by state law. If the candidate with the highest number of votes in such special election receives less than a majority vote, then a runoff election shall be held between the two candidates receiving the highest number of votes. Such special and runoff elections shall be held pursuant to the provisions of the Texas Election Code and applicable ordinances.

Proposition F

Sec. 3.07 - POWERS OF THE CITY COUNCIL

All powers of the City of Sachse and the determination of all matters of policy shall be vested in the city council. Except where in conflict with and otherwise expressly provided by this Charter, the city council shall have all powers authorized to be exercised by the city council by state law and the acts amendatory thereof and supplementary thereto, now or hereafter enacted. Without limitation of the foregoing and among the other powers that may be exercised by the city council, the following are hereby enumerated for greater certainty:

Exhibit "A"

- (a) Appoint and remove the city manager;
- (b) Appoint and remove the municipal court judge(s); (Election of May 13, 2006)
- (c) Appoint and remove the city attorney;
- (d) Appoint and remove the city secretary; (Election of April 5, 1986)
- (e) Establish administrative departments including, but not limited to, police, fire, library, water, sewer, animal control, building inspection and fire marshal.
- (f) Adopt the budget of the city;
- (g) Collectively inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;
- (h) Provide a planning and zoning commission and a board of adjustment and other boards as deemed necessary, and appoint the members of all such boards and commission[s]. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by city ordinance or by law;
- (i) ~~Adopt plans~~ **Reserved:**
- (j) Adopt and modify the official map of the city;
- (k) Adopt, modify and carry out plans in cooperation with the planning and zoning commission for the replanning, improvement and redevelopment of specific areas of the city;
- (l) Adopt, modify and carry out plans in cooperation with the planning and zoning commission for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or part by disaster;
- (m) Regulate, license and fix the charges or fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire on the public streets and alleys of the city;
- (n) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or

Proposition G

Exhibit "A"

improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dangerous structures of buildings or dilapidated buildings or buildings calculated to increase the fire hazard, and the manner of their removal or destruction;

(o) Fix and regulate rates and charges of all utilities and public services.

Sec. 3.09 - MEETINGS OF THE CITY COUNCIL

(1) The city council shall hold at least one (1) regular meeting each month and as many additional meetings as it deems necessary to transact the business of the city. The city council shall fix by ordinance the date and time of the regular meetings. Special meetings of the city council shall be held at the call of the mayor or ~~three a majority~~ of the city council members upon provision of Public notice in accordance with state law.

Proposition H

(2) Notice of regular, special and emergency meetings of the city council shall be given as required by the Texas Open Meetings Act.

Sec. 3.13 - RULES OF PROCEDURE

~~The city council shall conduct its meetings in accordance with Robert's Rules of Order.~~ The city council shall determine its own order of business. The city council shall provide that the citizens of the city shall have a reasonable opportunity to clearly hear and be heard at public hearings with regard to specific matters under consideration. The city council shall provide for minutes to be taken and recorded for all meetings as required by law. Such minutes shall be a public record and shall be kept and maintained by the city secretary.

Proposition I

Sec. 3.14 - PASSAGE OF ORDINANCES IN GENERAL

(1) The city council shall legislate by ordinance only, and the enacting clause of every ordinance shall be "Be it ordained by the City Council of the City of Sachse, Texas ..." Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its caption. General appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Except where an ordinance is repealed in its entirety, the amendatory or repealing ordinance shall set out in full the ordinance sections or subsections to be amended or repealed and shall indicate new language by enclosing it in

Exhibit "A"

quotation marks. Copies of proposed ordinances, in the form required for adoption, shall be furnished to members of the city council before the city council meeting at which such ordinance is to be considered. Copies of the proposed ordinance, in the form required for adoption, shall be available at the city offices and shall be furnished to citizens upon request to the city secretary from and after the date on which such proposed ordinance is posted as an agenda item for a city council meeting and, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the city council.

(2) A proposed ordinance which has been amended in substance after its placement on the agenda for a city council meeting may not be voted on at such city council meeting, unless the mayor announces at such city council meeting the amendments to such ordinance. All persons interested in such ordinance shall have a reasonable opportunity to be heard.

(3) Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published once in its entirety or summary form after adoption, in a newspaper or as otherwise allowed ~~as required~~ by law.

Proposition J

(4) The reading aloud of a title and caption of the ordinance shall suffice as a reading provided printed copies of the ordinance in the form required for adoption are in front of all members of the city council. If a majority of the members' present request that the ordinance be read in its entirety, it must be read.

Sec. 3.16 - AUTHENTICATION, RECORDING, CODIFICATION PRINTING AND DISTRIBUTION

(1) All ordinances and resolutions adopted by the city council shall be authenticated by seal and signature of the city secretary and numbered consecutively as adopted. They shall be properly indexed and placed in a book kept open for public inspection.

(2) The city council shall maintain the codification of ordinances of the city. This codification shall be known and cited as "The Sachse City Code" and shall be in full force and effect without the necessity of such Code or any part thereof being published in any newspaper. The caption, descriptive clause and other formal parts of the ordinances of the city may be omitted without effecting the validity of such ordinances when codified. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the Code. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the city at large.

Exhibit "A"

(3) The city council shall cause all ordinances and amendments to this Charter to be printed promptly following their adoption. A copy of each ordinance and amendment shall be placed in appropriate city offices for public reference.

Proposition K

(4) The city shall cause the code of ordinances to be accessible on the city's website.

Sec. 3.18 – BOND

The city council ~~shall~~ **may** require bonds of all municipal officers and employees who receive or pay out any monies of the city. The amount of the bonds shall be determined by the city council and the cost shall be borne by the city.

Proposition L

Sec. 5.02 - FILING FOR OFFICE

(1) Candidates for city offices shall file for office in accordance with the Texas Election Code.

(2) Candidates for elective city office shall meet the following qualifications:

(a) Shall be at least twenty-one (21) years of age at the time of the election for which they are filing;

(b) Shall be a qualified voter;

(c) Shall have resided within the corporate limits of the city, or annexed territory, for at least ~~twelve six (6)~~ **(12)** months prior to the **date of election** ~~filing deadline~~;

Proposition M

(d) Shall not, after notice of any delinquency, be in arrears in payment of taxes or other liabilities due the city;

(e) No candidate may file in a single election for more than one (1) office or position as provided by this Charter;

(f) No employee, nor any member or volunteer with any board, commission, or department of the city, shall continue in such position upon election and acceptance of the elected position;

(g) No elected official of the city whose term is not expiring in that calendar year shall continue in such elective office after filing for any other elective office provided for in this Charter.

Exhibit "A"

Sec. 6.04 - FORM OF PETITION

(1) All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signer of a petition must be a qualified voter of the City of Sachse and shall personally sign his own name thereto in ink or indelible pencil, and shall write after his name his place of residence within the boundaries of the city, giving name of street and number, if any, and shall also write thereon the date, including the month, day and year his signature was affixed. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or of the ordinance or resolution sought to be reconsidered, or in the case of a recall petition, the identity of the official whose recall is being sought.

(2) Each page of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed, the ordinance or resolution sought to be reconsidered, or the identity of the official whose recall is being sought.

(3) Locations for ~~ten (10) twenty (20)~~ signatures shall be provided on each blank petition.

Proposition N

Sec. 6.05 - PRESENTATION OF PETITIONS

(1) A petition to the city council for initiative or referendum, containing the signatures of qualified voters equal in number to fifteen (15) percent of those who voted in the last general municipal election, or two hundred (200), whichever is greater, shall be filed with the city secretary not later than ~~sixty (60) thirty (30)~~ days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.

Proposition O

(2) A petition to the city council for recall, containing the signatures of twenty (20) percent of the qualified voters registered to vote at the last regular city election, or three hundred (300), whichever is greater, shall be filed with the city secretary no later than ~~sixty (60) thirty (30)~~ days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.

Proposition P

Exhibit "A"

Sec. 7.10 - ~~RESERVED~~CERTIFICATION: COPIES MADE AVAILABLE.

~~A copy of the budget, as fully adopted, shall be filed with the city secretary and such other places required by state law and as the city council may designate. The final budget shall be printed, and copies shall be made available for the use of all offices, agencies, and for the use of interested persons and civic organizations.~~

Proposition Q

Sec. 7.20 - OFFICE OF TAX COLLECTOR

~~There shall be established an office of taxation to collect taxes, the head of which shall be the city tax collector.~~ **The city manager shall appoint a tax assessor/collector for the city, or the city council may contract with a governmental entity or with the board of directors of an appraisal district to perform duties relating to the assessment or collection of taxes. In the assessment and collection of taxes, all provisions of the constitution and general laws of the State of Texas, the ordinances of this city relating thereto, and the provisions of this charter shall be followed.**

Proposition R

Sec. 9.01 – ORGANIZATION

(1) The city council shall create and establish a Planning and Zoning Commission which shall consist of seven (7) members, and may include alternates, who shall be appointed by the city council to staggered, overlapping two (2) year terms. The commission members shall be qualified voters in the city. Any vacancy occurring during the unexpired term of a member shall be filled by the city council. A majority of the members shall constitute a quorum. Removal of members of the planning and zoning commission shall be in accordance with the provisions of Article VIII, Section 8.01(2) of this Charter.

(2) The commission shall meet **as needed** ~~at least once a month~~. The commission shall keep minutes of its proceedings which minutes shall be maintained as a public record by the city secretary. The commission shall serve without compensation.

Proposition S

Sec. 11.07 - CHARTER REVIEW COMMISSION

(1) The city council may appoint a Charter Review Commission of at least fourteen (14) citizens of the city who shall:

(a) Inquire into the operation of the city government under the Charter and determine whether any provisions require revision. To this end, public hearings may be held. The commission may compel

Exhibit "A"

the attendance of any officer or employee of the city and require submission of any city records;

(b) Propose any recommendations it deems desirable to ensure ~~insure~~ compliance with the Charter of the city government;

Proposition T

(c) Report its findings and present its recommendations to the city council.

(2) The city council shall consider ~~receive and have published in the official newspaper of the city a comprehensive summary of the report presented by the commission, shall consider~~ any recommendations made, and may order any amendments suggested to be submitted to the voters of the city in the manner provided by state law as now written or hereafter amended. The city council shall post a comprehensive summary of the report presented by the commission on the city website which may be removed after the date the city council has adopted any amendments approved by the voters at such election. If no election is called the report may be removed from the city website within ninety (90) days after such posting.

Proposition U

(3) The term of office of the commission shall be for not more than six (6) months, at the end of which time a report shall be presented to the city council and all records of proceedings of the commission shall be filed with the city secretary and become a public record.

ARTICLE XIII. - RESERVEDTRANSITIONAL PROVISIONS

Proposition V

~~Sec. 13.01 - EFFECTIVE DATE~~

~~This Charter shall take effect immediately following adoption by the voters.~~

~~Sec. 13.02 - CONTINUATION OF ELECTIVE OFFICES~~

~~Upon adoption of this Charter, the present members of the city council filling elective offices will continue to fill those offices for the terms for which they were elected. If this Charter is adopted, the city council shall, by majority vote, at its first regular meeting after the adoption of this Charter, appoint one (1) additional councilman to serve for a term to coincide with the terms of the councilmen who are elected in the odd numbered years, or until his successor is elected and qualified. Thereafter, the city council shall be elected as provided in this Charter. Persons who, on the date this Charter is adopted, are filling appointive positions with the city which are retained under this Charter, may continue to fill these positions for the term for which they were appointed, unless removed by the city council or by other means provided in this Charter.~~

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~~Sec. 13.03 - CONTINUATION OF~~

~~All city ordinances, bonds, resolutions, rules and regulations in force on the effective date of this Charter shall remain in force until altered, amended, or repealed by the city council, and all rights of the city under existing franchises and contracts are preserved in full force and effect.~~

~~Sec. 13.04 - OFFICERS AND EMPLOYEES~~

~~Except as specifically provided, nothing in this Charter shall affect or impair the rights or privileges of person who are city officers or employees at the time of its adoption.~~

Sec. 3.05 - MAYOR AND MAYOR PRO TEM

(1) The mayor shall be the official head of the city government. ~~He~~₂ shall be the chairman and shall preside at all meetings of the city council. ~~The mayor, and~~ shall have the same voting rights and responsibilities as the other members of the city council, but shall have no power to veto. ~~He~~ The mayor shall, when authorized by the city council, sign all official documents, such as ordinances, resolutions, conveyances, grant agreements, contracts and bonds, unless authorization has been delegated by the city council to the city manager or other official. The mayor shall perform such other duties consistent with this Charter as may be imposed upon the mayor by the city council.

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(2) The mayor pro tem shall be a city council member elected by the city council at the first regular meeting after each regular election of the city council members and/or mayor. The mayor pro tem shall temporarily act as mayor during the disability or absence of the mayor, and in this capacity shall have the rights conferred upon the mayor.

Sec. 3.06 - VACANCIES, FORFEITURES AND FILLING OF VACANCIES

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

(2) If any member of the city council is absent from four (4) of seven (7) consecutive regular meetings, without explanation acceptable to a majority of the remaining city council members, ~~his~~ such member's office shall be declared vacant at the next regular meeting of the city council by resolution. In addition, any member of the city council who has been absent for six (6) consecutive regular meetings due to any reason shall have ~~his~~ such member's seat declared vacant at the next regular meeting of the city council by resolution.

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(3) Any member of 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 state law concerning conflict of interest shall forfeit ~~his~~ **such member's** office. Every forfeiture shall be declared and enforced by a majority of the city council.

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(4) A vacancy or vacancies in the position of mayor or council member shall be filled by majority vote of the qualified voters at a special election called for such purpose on the next uniform election date as provided by state law. If the candidate with the highest number of votes in such special election receives less than a majority vote, then a runoff election shall be held between the two candidates receiving the highest number of votes. Such special and runoff elections shall be held pursuant to the provisions of the Texas Election Code and applicable ordinances.

Sec. 3.08 -PROHIBITIONS

(1) Except where authorized by law of [or] by this Charter, no mayor or city council member shall hold any other city office or city employment during ~~his~~ **their respective terms of office** ~~as mayor or city council member~~. No former mayor or city council member shall hold any compensated appointive office or city employment within one (1) year after the expiration of ~~his~~ **their respective terms of office** ~~as mayor or city council member~~.

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(2) 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 ~~his~~ **the city manager's** subordinates are empowered to appoint. 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.

Proposition W

(3) Except for the purpose of inquiries and investigations as provided by this Charter, members of 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. Members of the city council shall not give orders to any such officer or employee either publicly or privately except as otherwise provided in this Charter.

Sec. 3.11 - CONFLICT OF INTEREST

Should any member of the city council have a conflict of interest pursuant to state law with an agenda item then before the city council, ~~he~~ **such member** shall openly declare same before discussion proceeds and ~~he~~ is ~~thereby~~ **thereafter** prohibited from discussing the item or voting on the

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question, and is not considered as present and voting for the purposes of the tally.

Sec. 3.12 - ABSTENTION

Should any member of the city council choose to abstain from voting on any question before the city council, where no conflict of interest exists, ~~his~~ **such member's** vote shall be recorded as a negative vote in the official minutes of the City of Sachse.

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Sec. 4.01 - CITY MANAGER

(1) The city council shall appoint, upon the affirmative vote of a majority of the full membership of the city council, a city manager who shall serve as chief administrative officer of the city. ~~He~~ **The city manager** shall be responsible to the city council for administration of all the affairs of the city, with only those exceptions that are named in this Charter. The city manager shall be appointed solely upon his executive and administrative qualifications. ~~He~~ **The city manager** need not be a resident of the city when appointed, but shall, within a reasonable time after such appointment, reside within the city during the balance of the tenure **as city manager** ~~of his appointment~~.

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(2) The city council shall fix the compensation of the city manager, ~~and his~~ **which** compensations may be amended, from time to time, in accordance with ~~his~~ experience, qualifications and performance.

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(3) The city manager shall be appointed for an indefinite term, and may be removed at the discretion of the city council by a majority vote of its full membership. Upon decision to remove the city manager, notice, in writing, of such decision shall be immediately furnished to ~~him~~ **the city manager** and the city council may then suspend ~~him~~ **the city manager** from duty.

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(a) If **the city manager**, **files** within five (5) days after being notified of ~~his~~ termination and removal, ~~the city manager files~~ a written request to the city council requesting ~~that his termination be~~ **reconsideration** ~~ed of the termination~~, the city council shall, as soon as practical, meet with the city manager in executive session to review its decision to terminate.

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(b) After such review, after affording the city manager an opportunity to respond to such initial decision to terminate, a new vote shall be taken with regard to termination of the city manager.

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(c) The city manager shall continue to receive ~~his~~ the city manager's current salary pending this final decision of the city council.

(d) This procedure for a review meeting with the city manager shall not alter the fact that the city manager serves at the pleasure of the city council and the city manager shall not have, nor should this procedure be construed to grant to the city manager, right to continued employment.

(4) In case of the absence, disability or suspension of the city manager, the city council may designate a qualified administrative officer of the city to perform the duties of the office.

(5) The city manager shall have the power to:

(a) Appoint, suspend and remove all city employees and appointive administrative officers provided for in this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter;

(b) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by law or this Charter;

(c) See that all state laws and city ordinances are effectively enforced;

(d) Attend all city council meetings, with the right to take part in discussion, but ~~he~~ shall not vote;

(e) Prepare and accept items for inclusion in the official agenda of all city council meetings and meetings of all boards and commissions;

(f) Prepare and recommend to the city council the annual budget and capital program, and administer the budget as adopted by the city council;

(g) Keep the city council fully advised at least quarterly as to the financial conditions and future needs of the city, and make such recommendations concerning the affairs of the city as ~~he~~ the city manager or the city council deems desirable or necessary;

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- (h) Make reports as ~~he~~ the city manager or the city council may require concerning the operations of the city departments, offices or agencies subject to ~~his~~ the city manager's direction or supervision;
- (i) Perform such other duties as are specified in this Charter or may be required by the city council and are consistent with this Charter or state or federal law.

Sec. 4.03 - MUNICIPAL COURT

(2) The city council shall appoint by majority vote of its full membership such municipal judges of the municipal court as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least two (2) years in the State of Texas. In the event a duly qualified attorney is not available, the city council shall then select a qualified person to be the municipal judge. The municipal judge(s) of the municipal court(s) shall be appointed to a term of two (2) years and may be appointed to additional consecutive terms upon completion of ~~his/their~~ the judge's term(s) of office. The appointment of the municipal judge(s) may be terminated at any time by a majority vote of the full membership of the city council. The municipal judge(s) shall receive compensation as may be determined by the city council.

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Sec. 6.04 - FORM OF PETITION

(1) All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signer of a petition must be a qualified voter of the City of Sachse and shall personally sign ~~his~~ the person's own name thereto in ink or indelible pencil, and shall write after ~~his~~ the person's name ~~his~~ the person's place of residence within the boundaries of the city, giving name of street and number, if any, and shall also write thereon the date, including the month, day and year ~~his signature was affixed~~ when the person signed the petition. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or of the ordinance or resolution sought to be reconsidered, or in the case of a recall petition, the identity of the official whose recall is being sought.

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(2) Each page of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that ~~he~~ the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in ~~his~~ the circulator's presence, that ~~he~~ the circulator believes them to be genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed, the ordinance or

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resolution sought to be reconsidered, or the identity of the official whose recall is being sought.

(3) Locations for twenty (20) signatures shall be provided on each blank petition.

Sec. 6.09 - CALLING OF RECALL ELECTION

If the officer whose removal is sought does not resign, then the city council shall order an election and set the date for holding such recall election. The city council shall, not less than 25 days nor more than 35 days after the petition is presented to the city council, call a recall election for a date authorized by state law. If, after the recall election date is established, the officer vacates ~~his~~ the officer’s position, the election shall be cancelled. Any election order so issued shall fully comply with the Texas Election Code.

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Sec. 6.11 -FORM OF BALLOTS

(1) Initiative. Ordinances shall be submitted by ballot title, which shall be prepared in all cases by the city attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. Immediately below the ballot title shall be printed the following two statements, one above the other, in the order indicated:

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“For adoption of the Ordinance” and

“Against adoption of the Ordinance”

Immediately below or immediately adjacent to each statement shall appear a square in which the voter may cast ~~his~~ a vote by making a mark.

(2) Repeal. Ordinances or resolutions being considered for repeal shall be submitted by ballot title, which shall be prepared in all cases by the city attorney. The ballot title may be different from the legal title of any such ordinance or resolution and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance or resolution. Immediately below the ballot title shall be printed the following two statements:

“For repeal of the Ordinance/Resolution” and

“Against repeal of the Ordinance/Resolution”

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Immediately below or immediately adjacent to each statement shall appear a square in which the voter may cast ~~his~~ a vote by making a mark.

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(3) Recall. Ballots used at recall elections shall, with respect to each person whose removal is sought, submit the question:

“Shall (name of person) be removed from the office (name of office) by recall?”

Immediately below each question there shall be printed the two following statements, one above the other, in the order indicated.

“For the removal of..... by recall”

“Against the removal of..... by recall”

Immediately below or immediately adjacent to each statement shall appear a square in which the voter may cast ~~his~~ a vote by making a mark.

Sec. 6.12 - RESULTS OF ELECTION

(5) If a majority of the votes cast on the question of recall at a recall election shall be against the removal of the elected official named on the ballot, ~~he~~ such official shall continue in office for the remainder of ~~his~~ such official’s unexpired term, subject to recall as before within the limitations of Section 6.13 below. If a majority of the votes cast on the question of recall at a recall election shall be for the removal of the elected official named on the ballot, ~~he~~ such official shall, regardless of any technical defects in the recall petition, be deemed removed from office upon certification of the election results by the city secretary and the vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies.

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Sec. 6.13 - LIMITATIONS AND RESTRICTIONS

(1) No recall petition shall be filed against any officer of the city within six (6) months after ~~his~~ such officer’s election, or within six (6) months of such a petition being filed and found insufficient, or within one (1) year after an election for such officer's recall. No such limitations shall apply to appointed city council members.

Proposition W

Sec. 7.15 - PURCHASING

(1) The city council may, by ordinance, give the city manager authority to contract for expenditure without further approval of the city council for all budgeted items not exceeding limits set by the city council. All contracts

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for expenditures involving more than the set limits must be expressly approved in advance by the city council. All contracts or purchases involving more than the limits set by the city council shall be let to the lowest bidder or the bidder that provides the best value as allowed by state law, whose submittal is among those responsive to the needs of the city after there has been opportunity for competitive bidding as provided by law or ordinance, unless competitive bidding is prohibited or not required by state law. The city council, or the city manager, when ~~as he is~~ authorized to act for the city, shall have the right to reject any and all bids.

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Sec. 7.16 - ADMINISTRATION OF BUDGET

(1) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made unless the city manager or ~~his~~ the city manager's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable.

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(2) Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such debt or obligation, and ~~he~~ such officer shall also be liable to the city for any amount so paid.

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Sec. 8.01 - AUTHORITY, COMPOSITION AND PROCEDURES

(5) Any member of a board, commission or committee who is absent from three (3) consecutive regular meetings may be removed by the City Council from such position on the board, commission or committee and ~~his~~ such member's position shall be filled by the city council.

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Sec. 9.03 - PROCEDURE

All rules and regulations adopted by the planning and zoning commission shall be forwarded to the city manager who shall submit them to the city council with ~~his~~ the city manager's recommendations. The city council may adopt or reject any such rules or regulations. If any rules or regulations should be rejected, the planning and zoning commission may modify them and submit such modified rules and recommendations to the city council.

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Sec. 9.04 - THE COMPREHENSIVE PLAN: PROCEDURE AND LEGAL EFFECT

(1) The existing comprehensive plan for the physical development of the city contains recommendations for the growth, development and

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beautification of the city and its extraterritorial jurisdiction. Additions to and amendments of the comprehensive plan shall be by resolution, but before any such revision, the commission shall hold at least one (1) public hearing on the proposed action.

(2) A copy of the proposed revisions to the comprehensive plan shall be forwarded to the city manager who shall submit the proposal to the city council, together with ~~his~~ **the city manager's** recommendations, if any. The city council, after a public hearing, shall adopt or reject such proposed revision or any part thereof as submitted within sixty (60) days following its submission by the city manager. If the proposed revisions or part thereof should be rejected by the city council, the planning and zoning commission may make modifications and again forward it to the city manager for submission to the city council.

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(3) Following the adoption of the comprehensive plan by the city council, it shall serve as a guide to all future city council action concerning land use and development regulations and expenditures for capital improvements.

Sec. 14.03 - WRONGFUL INFLUENCE

No person who seeks appointment or promotion with respect to any city position shall, directly or indirectly, give, render or pay any money, service or other valuable thing to any person for, or in connection with, ~~his~~ **such person's** test, appointment or promotion.

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Sec. 14.05 - EMPLOYEE'S POLITICAL ACTIVITIES

No person who holds any compensated non-elective city position shall make, solicit or receive any contribution for any candidate for public office in the city, or take part in the management, affairs or political campaign of such candidate. ~~He~~ **Such person** may exercise ~~his~~ **the person's** rights as a citizen to express ~~his~~ **an** opinion and cast ~~his~~ **a** vote.

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Sec. 14.06 - PENALTIES

Any person who willfully engages in any of the activities prohibited in Sections 14.02, 14.03, 14.04 or 14.05 of this Article shall be ineligible for appointment or election to a position in the city for a period of five (5) years from that time. If ~~he~~ **such person** is an officer or employee of the city at the time of the violation, ~~he~~ **such person** shall immediately forfeit ~~his~~ **the person's** office or position.

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Sec. 14.08 - CONFLICT OF INTEREST

No officer of the city, whether elected or appointed, or any employee, whether full or part time, shall have a substantial financial interest, direct or indirect, in any contract or other procurement process, a substantial financial interest, direct or indirect, in the sale to or purchase from the city of any land, materials, supplies or services, except on behalf of the city as an officer or employee. The words “substantial interest” as used herein shall be defined in Chapter 171 of the Local Government Code, as amended. Any willful violation of this section shall constitute malfeasance in office and any officer or employee found guilty thereof shall thereby forfeit ~~his~~ such office or position. Any violation of this section with the knowledge, express or implied, of the person or the corporation contracting with or involved in any other procurement process with the city shall render the contract or other procurement process involved voidable by the city manager or a majority vote of the full membership of the city council.

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