



**Final Report**  
**2023/2024 Charter Review Committee**

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## LIST OF PROPOSITIONS

### **PROPOSITION #1:**

#### **Sec. 1.02 Boundaries**

The boundaries of the City of Fredericksburg may be enlarged or extended by the annexation of additional territory by any methods described in the State of Texas Local Government Code and boundaries in the official city map of the City of Fredericksburg, as now or hereafter amended.

### **PROPOSITION #2:**

#### **Sec. 1.04. Contraction of Boundaries.**

Territory within the corporate limits of the City of Fredericksburg may be disannexed by any methods described in the Texas Local Government Code, as now or hereafter amended.

### **PROPOSITION 3**

#### **Sec. 2.02. Eminent Domain.**

The City shall have the full power and right to exercise the power of eminent domain where necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the Constitution and Laws of the State of Texas. The power of eminent domain hereby conferred shall include the right of the City to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.

### **PROPOSITION 4**

#### **Sec. 3.01. Number, Selection and Term.**

The Mayor and Councilmembers shall be known as the "City Council of the City of Fredericksburg." The Mayor and Councilmembers shall be elected from the City at Large. The term for the Mayor and Councilmembers shall be two years. Each member of the City Council shall serve until his or her successor is elected and qualified. The Mayor or Councilmembers may be elected to an unlimited number of terms, but to no more than four consecutive terms, in the same office.

The terms of the Councilmembers shall be staggered so that two (2) members will be elected to a regular term each year. All elections shall be held in the manner provided in Article VI of this Charter. Regular terms of office shall commence in accordance with the Election Code.

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## PROPOSITION 5

### Sec. 3.02. Qualifications.

Each member of the City Council shall be eligible to be a candidate for public elective office in the State of Texas, a qualified voter of the State of Texas, a resident citizen of the City of Fredericksburg and shall have been such resident citizen of the City of Fredericksburg for a period of not less than twelve months immediately preceding his or her election, and shall not be indebted to the City of Fredericksburg provided, however, that any person with the above qualifications, except as the residence, who shall have been a resident for a period of not less than twelve months immediately preceding his or her election of any of the territory not formerly within the corporate limits of said City, but which is annexed under the provisions of this Charter, shall be eligible for said office. If any Councilmember fails to maintain the foregoing qualifications, the City Council must at its next regular meeting declare a vacancy to exist and shall fill said vacancy as set forth in Section 3.07 of this Charter.

- a) **If any Councilmember shall be absent from three consecutive regular meetings without valid excuse, the City Council may declare a vacancy to exist, and fill said vacancy as set forth in Section 3.07 of the Charter.**

## PROPOSITION 6

### Sec. 3.04. Compensation.

Compensation shall be set by municipal ordinance. Commencing **June 1, 2024**, the city council shall receive the following compensation: mayor, **\$1,000.00** per month and each City Councilmember, **\$700.00** per month. In addition, each shall be paid for any actual and necessary expenses incurred while in the discharge of the duties of the office, upon presentation of an itemized statement of such expense to the city council and approved by the City Council. Any adjustments to salary compensation shall be by municipal ordinance. Any increase in salary compensation by ordinance shall not become effective until the date of commencement of terms of office of the councilmembers or mayor elected at the next scheduled regular election.

## PROPOSITION 7

### Section 3.06 Emergency Power of Mayor.

In time of danger or emergency, the Mayor may, with the consent of the City Council, take command of the **Police Department, Fire Department, and Emergency Management** and govern the City by proclamation and maintain order and enforce all laws.

## PROPOSITION 8

### Sec. 4.04. City Secretary

**The City Manager shall employ a City Secretary who shall report to the City Manager. The City Manager shall establish his or her compensation and duties. The City Secretary shall:**

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- (1) Unless excused by the City Manager for good cause, attend all meetings of the City Council and keep accurate minutes of its proceedings;
  - (2) Preserve and keep in order all books, papers, documents, records and files of the City;
  - (3) Authenticate by signing and recording all ordinances and resolutions;
  - (4) Serve as Chief Election Officer for the City and be responsible for the conduct of elections in accordance with this Charter and applicable State of Texas Laws; and
  - (5) Perform such other duties as the Charter, Ordinances, or the City Manager may provide. When authorized by the City Manager and City Council, the City Secretary may appoint assistants, subject to the approval of the City Manager, who may assist in performing any of these functions.

## **PROPOSITION 9**

### **Sec. 6.05. Candidates Elected.**

- (a) The candidate in the regular City election who receives the greatest number of votes cast for the office of Mayor shall be declared elected. In the event of a tie vote between the candidates receiving the highest number of votes cast for the office of Mayor, the City Council and the City Secretary shall follow the laws and procedures provided in the State of Texas Election Code.
- (b) The candidates in the regular City election who receive the greatest and second greatest number of votes cast for the office of Councilmember shall be declared elected. In the event there is a tie vote between candidates so that two candidates for council member do not receive the greatest and second greatest number of votes, the City Secretary shall follow the laws and procedures provided in the State of Texas Election Code.

**Remove item (c)**

## **PROPOSITION 10**

### **Sec. 7.02. Petitions for Recall.**

Before the question of recall of such Elected Official shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of the City Secretary, which petition shall be signed by qualified voters of the City equal in number to at least ten percent (10%) of the total number of registered voters as of the preceding January 1. Each such recall petition and each signature thereon shall comply fully with the requirements of the Texas Election Code, as now or hereafter amended.

## **PROPOSITION 11**

### **Sec. 7.03. Form of Recall Petition.**

Notary Public, State of Texas

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## **PROPOSITION 12**

### **Sec. 7.05. Presentation of Petition to City Council.**

Within sixty (60) days after the date of filing of the recall petition, the person performing the duties of the City Secretary shall verify that the petition is in correct form and is signed by the required number of registered voters. The City Secretary will present the petition, along with his or her findings, to the City Council. The City Council will determine the validity of the petition, and act thereon accordingly.

## **PROPOSITION 13**

### **Sec. 7.06. Public Hearing to be Held.**

The Elected Official-whose removal is sought may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit him or her to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

## **PROPOSITION 14**

### **Sec. 7.07. Election to be Called.**

If an Elected Official whose removal is sought does not resign, then it shall become the duty of the City Council to order an election and to fix a date for holding such recall election, the date of which election shall be the next uniform election date following the date of the public hearing provided that the timing permits compliance with applicable State of Texas Election Laws, otherwise, the date of the election shall be the following uniform election date.

## **PROPOSITION 15**

### **Sec. 7.09. Result of Recall Election.**

If a majority of votes cast at a recall election be "Yes" for the recall of the person named in the ballot, he or she shall be deemed removed from office, and the vacancy filled as provided in Section 3.07 of this Charter.

## **PROPOSITION 16**

### **Sec. 8.02. Initiative.**

Registered voters of the City of Fredericksburg may initiate legislation by submitting a petition addressed to the City Council which requests the submission of a proposed ordinance or resolution to a vote of the registered voters of the City. Said petition must be signed by registered voters of the City equal in number to ten percent (10%) of the number of registered voters as of

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the preceding January 1, and each copy of the petition shall have attached to it a copy of the proposed ordinance or resolution. The petition shall be signed within the same time as recall petitions are signed, in the same manner as recall petitions are signed, and shall be verified by oath and filed with the City Secretary in the manner and form as recall petitions are presented as provided in this Charter. The petition may consist of one or more copies as permitted for recall petitions. Within sixty (60) days after the date of filing of the recall petition, the person performing the duties of the City Secretary shall verify that the petition is in correct form and is signed by the required number of registered voters. The City Secretary will present the petition, along with his or her findings, to the City Council. The City Council will determine the validity of the petition, and act thereon accordingly. If the City Council determines that the petition is valid, it shall become the duty of the City Council at the next Regular City Council Meeting for which public notice can be posted in accordance with the law, to pass and adopt such ordinance or resolution without alteration as to meaning or effect, or to call a special election to be held on the next uniform election date for which full compliance with applicable State of Texas Election Laws is possible.

## **PROPOSITION 17**

### **Sec. 8.03. Referendum.**

Registered voters of the City of Fredericksburg may initiate legislation by submitting a petition addressed to the City Council which request the submission of a proposed ordinance or resolution to a vote of the registered voters of the City. Said petition must be signed by registered voters of the City equal in number to ten percent (10%) of the number of registered voters as of the preceding January 1, and each copy of the petition shall have attached to it a copy of the proposed ordinance or resolution. The petition shall be signed within the same time as recall petitions are signed, in the same manner as recall petitions are signed, and shall be verified by oath and filed with the City Secretary in the manner and form as recall petitions are presented as provided in this Charter. The petition may consist of one or more copies as permitted for recall petitions. Within sixty (60) days after the date of filing of the recall petition, the person performing the duties of the City Secretary shall verify that the petition is in correct form and is signed by the required number of registered voters. The City Secretary will present the petition, along with his or her findings, to the City Council. The City Council will determine the validity of the petition, and act thereon accordingly. If the City Council determines that the petition is valid, it shall become the duty of the City Council at the next Regular City Council Meeting for which public notice can be posted in accordance with the law, to pass and adopt such ordinance or resolution without alteration as to meaning or effect, or to call a special election to be held on the next uniform election date for which full compliance with applicable State of Texas Election Laws is possible.

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## PROPOSITION 18

### Sec. 8.05. Form of Ballots.

The ballots used when voting upon such proposed and referred ordinances, resolutions, or measures, shall set forth their nature sufficiently to identify them and shall set forth upon separate lines the words:

FOR

AGAINST

Or languages provided in the State of Texas Election Code

## PROPOSITION 19

### Sec. 10.05. Public Hearing on Budget.

The City Council shall fix the time and place for a public hearing on the budget and shall cause to be published in a newspaper of general circulation of the City of Fredericksburg a notice of the hearing in compliance with Chapter 102 of the Texas Local Government Code, as now or hereafter amended. All interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.

## PROPOSITION 20

### Sec. 10.18. Enterprise Fund Usage.

The City of Fredericksburg shall not use proceeds or reserves from an Enterprise Fund (including but not limited to the Electric, Water and Sewer, Solid Waste and Drainage Funds) except for expenditures within the purpose of the fund, unless approved by the voters in elections that specify the amount and the money from which Enterprise Funds will be withdrawn.

## PROPOSITION 21

### Sec. 11.06. Consent of Property Owners.

Section 11.06 proposed to be removed from the City Charter with the intent to handle by Ordinances.

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## **PROPOSITION 22**

### **Sec. 12.02. Conflict of Interest.**

Any City Officer, appointee, or employee who has a conflict of interest as defined by Chapter 176, Texas Local Government Code, as now or hereafter amended or by the City Ethics Ordinance then in effect shall disclose that interest as required by law and refrain from voting upon or otherwise deliberating upon or participating in his or her capacity as a City Officer, appointee, or employee in such matter that is the subject of conflict of interest. Any City Officer, appointee, or employee who conceals such a substantial financial interest or violates the requirements of this Section shall be guilty of malfeasance in office or position and shall forfeit his or her office or position.

## **PROPOSITION 23**

### **Sec. 12.17. Grammatical Construction.**

- (a) Whenever in this Charter the singular is used, the plural shall be included; whenever the masculine gender is used and the feminine shall be included.

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## COMMITTEE OBJECTIVE

To judiciously recommend charter revisions that comply with State Law and value added in both governing, as well as operating the City.

Respecting the preservation of the Heritage and History of the Founding Members of our Community.

## GUIDING VALUES

The following values guided the Committee's deliberation on each potential charter revision:

- Ensure in compliance with State Law
- Advancing public accountability
- Improving operational efficiency

## INTRODUCTION

The Committee considered potential Charter changes during 6 months that resulted in 23 proposed Charter Propositions outlined in this Report.

Recognizing that the Committee's role is purely advisory to the City Council, we tried to make our work value added by focusing heavily on discovery or research component for each item under consideration. This Report provides the City Council with both a strong trends and legislative required changes. Additionally, we laid out the pros and cons debates that occurred for each item to give the City Council a road map of the community perspectives that were discussed.

By following the discovery-discussion-decision-making process, the Committee had a significant number of unanimous decisions to both propose-and as frequently, not propose- specific charter amendments.

## **Following the 3 D Process: DISCOVERY>DISCUSSION>DECISION**

Each potential charter revision was put through a rigorous process of discovery, discussion, and decision-making. A great deal of effort was front-loaded in the discovery or research element of the 3 D's to identify conflicts with State Law and best practices. Diverse resources were tapped including, but not limited to:

- Texas Home Rule Charters, considered the quintessential guide to model Texas City Charters, written by Terrell Blodgett and published by Texas Municipal League in 1994 and updated again in 2010.
- 2023 Legislative 88<sup>th</sup> Regular Session and Second Called Session
- Numerous inputs from City Staff, State of Texas Election Code, as well as gaining local historical perspective from past charter committee chairs, City Attorney, and the public.

## COMMITTEE TIMELINE

DATE	WORK TO ACCOMPLISH
July 5, 2023	<ul style="list-style-type: none"> <li>• Mayor &amp; City Council created Charter Review Committee (Ad Hoc) by adopting a Resolution.</li> <li>• Mayor &amp; City Council make Committee Appointments</li> </ul>
July 28, 2023	<ul style="list-style-type: none"> <li>• Provide training to Committee Members</li> <li>• Select the meeting date and time</li> </ul>
August – December	<ul style="list-style-type: none"> <li>• Discovery: Research on Best Practices &amp; Review</li> <li>• Discussion</li> <li>• Complete Preliminary Recommendations and Proposed Propositions</li> </ul>
January 2024	<ul style="list-style-type: none"> <li>• Draft Report</li> <li>• The Committee hold a public hearing to receive citizen input</li> <li>• Prepare Proposed Ballot Language</li> <li>• The Committee presented the Final Report to the City Council (January 16, 2024)</li> </ul>
February 6, 2024	<ul style="list-style-type: none"> <li>• City Council adopts an Ordinance calling the Special Election for May 4, 2024 (including Charter Amendment Propositions)</li> <li>• Publicly Promote City Charter Revision</li> </ul>
May 4, 2024	<ul style="list-style-type: none"> <li>• Election Day</li> </ul>

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**PROPOSITION #1:**

**CURRENT LANGUAGE**

**Sec. 1.02. Boundaries.**

The boundaries of the City of Fredericksburg shall be the same as have heretofore been established and as they existed on the day of ratification of this Charter, which boundaries are more fully set out and described by the official city map of the City of Fredericksburg.

**PROPOSED LANGUAGE**

**Sec. 1.02 Boundaries**

The boundaries of the City of Fredericksburg may be enlarged or extended by the annexation of additional territory by any methods described in the State of Texas Local Government Code and boundaries in the Official City Map of the City of Fredericksburg, as now or hereafter amended.

**Background**

The Charter Review Committee felt this Section needed to be brought into compliance with current State Law.

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**PROPOSITION #2:**

**CURRENT LANGUAGE**

**Sec. 1.04. Contraction of Boundaries.**

Whenever there exists within the corporate limits of the City of Fredericksburg adjoining the other boundaries thereof any territory not suitable or necessary for orderly planning and development of the city, the city council may, if uninhabited, or if the same be inhabited, upon a petition signed by a majority of the qualified voters residing in such territory, by ordinance duly passed, deannex such property as a part of said city; and from and after the entry of such ordinance said territory shall cease to be a part of said city.

**PROPOSED LANGUAGE**

**Sec. 1.04. Contraction of Boundaries.**

Territory within the corporate limits of the City of Fredericksburg may be disannexed by any methods described in the Texas Local Government Code, as now or hereafter amended.

**Background**

The Charter Review Committee felt the original wording was confusing and was not in line with current State Law.

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**PROPOSITION #3:**

**CURRENT LANGUAGE**

**Sec. 2.02. Eminent Domain.**

The City shall have the full power and right to exercise the power of eminent domain where necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the Constitution and Laws of the State of Texas. The City may exercise the power of eminent domain in any manner authorized or permitted by the State of Texas Constitution and laws of the state. The power of eminent domain hereby conferred shall include the right of the City to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.

**PROPOSED LANGUAGE**

**Sec. 2.02. Eminent Domain.**

The City shall have the full power and right to exercise the power of eminent domain where necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the Constitution and Laws of the State of Texas. The power of eminent domain hereby conferred shall include the right of the City to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.

**Background**

The Charter Review Committee felt that the second sentence (The City may exercise the power of eminent domain in any manner authorized or permitted by the State of Texas Constitution and laws of the state) was a repeat of the first sentence.

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## PROPOSITION #4:

### CURRENT LANGUAGE

#### **Sec. 3.01. Number, Selection and Term.**

Councilmembers and shall be known as the "City Council of the City of Fredericksburg." The Mayor and Councilmembers shall be elected from the City at Large. The term for the Mayor and Councilmembers shall be two years. Each member of the City Council shall serve until his or her successor is elected and qualified. The Mayor or Councilmembers may be elected to an unlimited number of terms, but to no more than four consecutive terms, in the same office.

The terms of the Councilmembers shall be staggered so that two (2) members will be elected to a regular term each year. All elections shall be held in the manner provided in Article VI of this Charter. Regular terms of office shall commence on May 15 of each year.

### PROPOSED LANGUAGE

#### **Sec. 3.01. Number, Selection and Term.**

The Mayor and Councilmembers shall be known as the "City Council of the City of Fredericksburg." The Mayor and Councilmembers shall be elected from the City at Large. The term for the Mayor and Councilmembers shall be two years. Each member of the City Council shall serve until his or her successor is elected and qualified. The Mayor or Councilmembers may be elected to an unlimited number of terms, but to no more than four consecutive terms, in the same office.

The terms of the Councilmembers shall be staggered so that two (2) members will be elected to a regular term each year. All elections shall be held in the manner provided in Article VI of this Charter. Regular terms of office shall commence in accordance with the Election Code.

#### **Background**

The State of Texas Election Code provides deadlines, and the current terms of office are in conflict with the Official Canvass Period. Normally the Official Canvass of the Election is held, and the Candidates are issued a Certificate of Election, and the Candidate takes the Oath they are supposed to take office. The Charter requirement of the May 15<sup>th</sup> term created a delay or a rush in the process.

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## PROPOSITION #5:

### CURRENT LANGUAGE

#### Sec. 3.02. Qualifications.

Each member of the City Council shall be eligible to be a candidate for public elective office in the State of Texas, a qualified voter of the State of Texas, a resident citizen of the City of Fredericksburg and shall have been such resident citizen of the City of Fredericksburg for a period of not less than twelve months immediately preceding his or her election, and shall not be indebted to the City of Fredericksburg provided, however, that any person with the above qualifications, except as the residence, who shall have been a resident for a period of not less than twelve months immediately preceding his or her election of any of the territory not formerly within the corporate limits of said City, but which is annexed under the provisions of this Charter, shall be eligible for said office. If any Councilmember fails to maintain the foregoing qualifications, the City Council must at its next regular meeting declare a vacancy to exist and shall fill said vacancy as set forth in Section 3.07 of this Charter. If any Councilmember shall be absent from three consecutive regular meetings without valid excuse, the City Council may declare a vacancy to exist and fill said vacancy as set forth in Section 3.07 of the Charter.

### PROPOSED LANGUAGE

#### Sec. 3.02. Qualifications.

Each member of the City Council shall be eligible to be a candidate for public elective office in the State of Texas, a qualified voter of the State of Texas, a resident citizen of the City of Fredericksburg and shall have been such resident citizen of the City of Fredericksburg for a period of not less than twelve months immediately preceding his or her election, and shall not be indebted to the City of Fredericksburg provided, however, that any person with the above qualifications, except as the residence, who shall have been a resident for a period of not less than twelve months immediately preceding his or her election of any of the territory not formerly within the corporate limits of said City, but which is annexed under the provisions of this Charter, shall be eligible for said office. If any Councilmember fails to maintain the foregoing qualifications, the City Council must at its next regular meeting declare a vacancy to exist and shall fill said vacancy as set forth in Section 3.07 of this Charter.

- b) If any Councilmember shall be absent from three consecutive regular meetings without valid excuse, the City Council may declare a vacancy to exist and fill said vacancy as set forth in Section 3.07 of the Charter.

#### **Background**

The Charter Review Committee felt this paragraph needed to be separated out.

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## PROPOSITION #6:

### CURRENT LANGUAGE

#### **Sec. 3.04. Compensation.**

Compensation shall be set by municipal ordinance. Commencing June 1, 2017, the city council shall receive the following compensation: mayor, \$850.00 per month and each councilmember, \$550.00 per month. In addition, each shall be paid for any actual and necessary expenses incurred while in the discharge of the duties of the office, upon presentation of an itemized statement of such expense to the city council and approved by the city council. Any adjustments to salary compensation shall be by municipal ordinance. Any increase in salary compensation by ordinance shall not become effective until the date of commencement of terms of office of the councilmembers or mayor elected at the next scheduled regular election.

### PROPOSED LANGUAGE

#### **Sec. 3.04. Compensation.**

Compensation shall be set by municipal ordinance. Commencing **June 1, 2024**, the city council shall receive the following compensation: mayor, **\$1,000.00** per month and each councilmember, **\$700.00** per month. In addition, each shall be paid for any actual and necessary expenses incurred while in the discharge of the duties of the office, upon presentation of an itemized statement of such expense to the city council and approved by the City Council. Any adjustments to salary compensation shall be by municipal ordinance. Any increase in salary compensation by ordinance shall not become effective until the date of commencement of terms of office of the councilmembers or mayor elected at the next scheduled regular election.

#### **Background**

The Charter Review Committee felt the need to propose an increase in the Mayor and City Council compensation since it had been 7 years since the last increase. They believe that an increase in compensation would help cover the out-of-pocket expenses and encourage others to participate.

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**PROPOSITION #7:**

**CURRENT LANGUAGE**

**Section 3.06 Emergency Power of Mayor.**

In time of danger or emergency, the mayor may, with the consent of the city council, take command of the police and govern the city by proclamation and maintain order and enforce all laws.

**PROPOSED LANGUAGE**

**Section 3.06 Emergency Power of Mayor.**

In time of danger or emergency, the Mayor may, with the consent of the City Council, take command of the **Police Department, Fire Department, and Emergency Management** and govern the City by proclamation and maintain order and enforce all laws.

**Background**

The Charter Review Committee felt that other departments should be included in the command when it comes to danger or emergency.

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**PROPOSITION #8:**

**CURRENT LANGUAGE**

Currently not in the Charter

**PROPOSED LANGUAGE**

**Sec. 4.04. City Secretary**

The City Manager shall employ a City Secretary who shall report to the City Manager. The City Manager shall establish his or her compensation and duties. The City Secretary shall:

- (6) Unless excused by the City Manager for good cause, attend all meetings of the City Council and keep accurate minutes of its proceedings;
- (7) Preserve and keep in order all books, papers, documents, records and files of the City;
- (8) Authenticate by signing and recording all ordinances and resolutions;
- (9) Serve as Chief Election Officer for the City and be responsible for the conduct of elections in accordance with this Charter and applicable State of Texas Laws; and
- (10) Perform such other duties as the Charter, Ordinances, or the City Manager may provide. When authorized by the City Manager and City Council, the City Secretary may appoint assistants, subject to the approval of the City Manager, who may assist in performing any of these functions.

**Background**

The Charter Review Committee felt that after reading the Texas Home Rule Charters by Terrell Blodgett and the role that the City Secretary has in Municipal Government, this position should be included in the Charter. The City Secretary is also the only position in Municipal Government that is required in the Local Government Code.

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**PROPOSITION #9:**

**CURRENT LANGUAGE**

**Sec. 6.05. Candidates Elected.**

- (a) The candidate in the regular City election who receives the greatest number of votes cast for the office of Mayor shall be declared elected. In the event of a tie vote between the candidates receiving the highest number of votes cast for the office of Mayor, the City Council shall within five (5) days order a special election between the tied candidates to be held between thirty (30) and forty-five (45) days after the said election at which the tie vote was cast.
- (b) The candidates in the regular City election who receive the greatest and second greatest number of votes cast for the office of Councilmember shall be declared elected. In the event there is a tie vote between candidates so that two candidates for council member do not receive the greatest and second greatest number of votes, the city council shall within five (5) days order a special election between the tied candidates to be held between thirty (30) and forty-five (45) days after the said election at which the tie vote was cast.
- (c) The candidate in the regular city election who receives the greatest number of votes cast for the unexpired term of any office shall be declared elected. In the event of a tie vote between the candidates receiving the highest number of votes cast for such office, the city council shall within five (5) days order a special election between the tied candidates to be held between thirty (30) and forty-five (45) days after the said election at which the tie vote was cast.

**PROPOSED LANGUAGE**

**Sec. 6.05. Candidates Elected.**

- (b) The candidate in the regular City election who receives the greatest number of votes cast for the office of Mayor shall be declared elected. In the event of a tie vote between the candidates receiving the highest number of votes cast for the office of Mayor, the City Council and the City Secretary shall follow the laws and procedures provided in the State of Texas Election Code.
- (b) The candidates in the regular City election who receive the greatest and second greatest number of votes cast for the office of Councilmember shall be declared elected. In the event there is a tie vote between candidates so that two candidates for council member do not receive the greatest and second greatest number of votes, the City Secretary shall follow the laws and procedures provided in the State of Texas Election Code.

**Remove item (c)**

**Background**

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The Charter Review Committee felt that the procedures and deadlines in the Election Code should be following when dealing with a tie vote. The Committee felt that removing subsection (c ) since this information is provided in the Election Code.

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**PROPOSITION #10:**

**CURRENT LANGUAGE**

**Sec. 7.02. Petitions for Recall.**

Before the question of recall of such officer shall be submitted to the qualified voters of the city, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of city secretary; which said petition shall be signed by qualified voters of the city equal in number at least thirty percent (30 percent) of the number of votes cast at the last regular election of the city, but in no event less than two hundred (200) such petitioners. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, and shall write after his name, his place of residence, giving name of street and number of place of residence, and shall also write thereon the day, the month and year his signature was affixed.

**PROPOSED LANGUAGE**

**Sec. 7.02. Petitions for Recall.**

Before the question of recall of such Elected Official shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of the City Secretary, which petition shall be signed by qualified voters of the City equal in number to at least ten percent (10%) of the total number of registered voters as of the preceding January 1. Each such recall petition and each signature thereon shall comply fully with the requirements of the Texas Election Code, as now or hereafter amended.

**Background**

The Charter Review Committee felt that these changes would be easier to read and calculate the number of signatures needed as well as better align with the Election Code.

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**PROPOSITION #11:**

**CURRENT LANGUAGE**

**Sec. 7.03. Form of Recall Petition.**

Notary Public, Gillespie County

**PROPOSED LANGUAGE**

**Sec. 7.03. Form of Recall Petition.**

Notary Public, State of Texas

**Background**

A State Law change; Notary Public are for State of Texas and not a County.

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## **PROPOSITION #12:**

### **CURRENT LANGUAGE**

#### **Sec. 7.05. Presentation of Petition to City Council.**

Within thirty (30) days after the date of the filing of the papers constituting the recall petition, the person performing the duties of city secretary shall verify that the petition is in the correct form and is signed by the required number of registered voters. The city secretary will present such petition, along with his findings, to the city council. The city council will determine the validity of the petition, and act on it according to the council's determination of its validity.

### **PROPOSED LANGUAGE**

#### **Sec. 7.05. Presentation of Petition to City Council.**

Within sixty (60) days after the date of filing of the recall petition, the person performing the duties of the City Secretary shall verify that the petition is in correct form and is signed by the required number of registered voters. The City Secretary will present the petition, along with his or her findings, to the City Council. The City Council will determine the validity of the petition, and act thereon accordingly.

#### **Background**

With the changes in the law regarding verification of signatures and other requirements the thirty (30) day timeframe was not enough time to do a thorough job.

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**PROPOSITION #13:**

**CURRENT LANGUAGE**

**Sec. 7.06. Public Hearing to be Held.**

The officer whose removal is sought may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit him or her to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

**PROPOSED LANGUAGE**

**Sec. 7.06. Public Hearing to be Held.**

The Elected Official-whose removal is sought may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit him or her to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

**Background**

With changing officer to Elected Officials, the Charter Review Committee felt that this change will clarify what the State of Texas mandated procedure is.

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**PROPOSITION #14:**

**CURRENT LANGUAGE**

**Sec. 7.07. Election to be Called.**

If an officer whose removal is sought does not resign, then it shall become the duty of the City Council to order an election and fix a date for holding such recall election, the date of which election shall be the next uniform election date following the date of the public hearing provided that the timing permits compliance with applicable State of Texas Election Laws, otherwise, the date of the election shall be the following uniform election date.

**PROPOSED LANGUAGE**

**Sec. 7.07. Election to be Called.**

If an Elected Official whose removal is sought does not resign, then it shall become the duty of the City Council to order an election and to fix a date for holding such recall election, the date of which election shall be the next uniform election date following the date of the public hearing provided that the timing permits compliance with applicable State of Texas Election Laws, otherwise, the date of the election shall be the following uniform election date.

**Background**

With changing officer to Elected Officials, the Charter Review Committee felt that this change will clarify what the State of Texas mandated procedure is.

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**PROPOSITION #15:**

**CURRENT LANGUAGE**

**Sec. 7.09. Result of Recall Election.**

If a majority of the votes cast at a recall election shall be "No," that is, against the recall of the person named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If a majority of the votes cast at such an election be "Yes," that is, for the recall of the person named in the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy filled as provided in Section 3.07 of this Charter.

**PROPOSED LANGUAGE**

**Sec. 7.09. Result of Recall Election.**

If a majority of votes cast at a recall election be "Yes" for the recall of the person named in the ballot, he or she shall be deemed removed from office, and the vacancy filled as provided in Section 3.07 of this Charter.

**Background**

The Charter Review Committee felt that this Section need to be brought into line with the State of Texas Laws.

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## PROPOSITION #16:

### CURRENT LANGUAGE

#### Sec. 8.02. Initiative.

Registered voters of the City of Fredericksburg may initiate legislation by submitting a petition addressed to the city council which requests the submission of a proposed ordinance or resolution to a vote of the registered voters of the city. Said petition must be signed by registered voters of the city equal in number to ten percent (10%) of the number of registered voters of the City Fredericksburg or two hundred (200), whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed within the same time as recall petitions are signed, in the same manner as recall petitions are signed, and shall be verified by oath and presented to the city secretary in the manner and form as recall petitions are verified and preserved as provided in this Charter. The petition may consist of one or more copies as permitted for recall petitions. Such petition shall be filed with the person performing the duties of city secretary. Within thirty (30) days after the filing of such petition, the person performing the duties of city secretary verify that the petition is in the correct form and is signed by the required number of registered voters. The city secretary will present such petition and proposed ordinance or resolution, along with his findings, to the city council. The city council will determine the validity of the petition, and act on it according to the council's determination of its validity. Upon presentation to the city council of the petition and draft of the proposed ordinance or resolutions, and following the determination of the city council of its validity, it shall become the duty of the city council, within ten (10) days or at the next regular council meeting, whichever is later, after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect, or to call a special election, to be held on the next uniform election date provided that the timing permits compliance with applicable election laws, otherwise, the date of the election shall be the following uniform election date.

### PROPOSED LANGUAGE

#### Sec. 8.02. Initiative.

Registered voters of the City of Fredericksburg may initiate legislation by submitting a petition addressed to the City Council which request the submission of a proposed ordinance or resolution to a vote of the registered voters of the City. Said petition must be signed by registered voters of the City equal in number to ten percent (10%) of the number of registered voters as of the preceding January 1, and each copy of the petition shall have attached to it a copy of the proposed ordinance or resolution. The petition shall be signed within the same time as recall petitions are signed, in the same manner as recall petitions are signed, and shall be verified by oath and filed with the City Secretary in the manner and form as recall petitions are presented as provided in this Charter. The petition may consist of one or more copies as permitted for recall petitions. Within sixty (60) days after the date of filing of the recall petition, the person performing the duties of the City Secretary shall verify that the petition is in correct form and is signed by the required number of registered voters. The City Secretary will present the petition, along with his or her findings, to the City Council. The City Council will determine the validity of the petition, and act thereon accordingly. If the City Council determines that the petition is

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valid, it shall become the duty of the City Council at the next Regular City Council Meeting, for which public notice can be posted in accordance with the law, to pass and adopt such ordinance or resolution without alteration as to meaning or effect, or to call a special election to be held on the next uniform election date for which full compliance with applicable State of Texas Election Laws is possible.

### **Background**

The Charter Review Committee felt the need to codify the process with a list of the registered voters would be used.

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## PROPOSITION #17:

### CURRENT LANGUAGE

#### Sec. 8.03. Referendum.

Registered voters of the City of Fredericksburg may require that any ordinance or resolution, in whole or in part, with the exception of ordinances or resolutions issuing bonds (except as required by state law), levying taxes or appropriating money, passed by the city council be submitted to the voters of the city for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after its publication. Said petition shall be addressed, prepared, dated, signed and verified as required for petitions initiating legislation as provided in this Charter and shall be submitted to the person performing the duties of city secretary. Within thirty (30) days after the filing of such petition, the person performing the duties of city secretary shall verify that the petition is in the correct form and is signed by the required number of registered voters. The city secretary will present such petition and proposed ordinance or resolution, along with his findings, to the city council. The city council will determine the validity of the petition, and act on it according to the council's determination of its validity, and following the determination of the city council on its validity, the city council shall within ten (10) days or at the next regular council meeting, whichever is later, reconsider such ordinance or resolution, in whole or in part as stated in the petition, and if it does not entirely repeal same, shall submit it to popular vote as provided in Section 8.02 of this Charter. Pending the holding of such election, such ordinance or resolution, or part thereof as stated in the petition, shall be suspended from taking effect and shall not later take effect unless a majority of the registered voters voting thereon at such election shall vote in favor thereof.

### PROPOSED LANGUAGE

#### Sec. 8.03. Referendum.

Registered voters of the City of Fredericksburg may initiate legislation by submitting a petition addressed to the City Council which request the submission of a proposed ordinance or resolution to a vote of the registered voters of the City. Said petition must be signed by registered voters of the City equal in number to ten percent (10%) of the number of registered voters as of the preceding January 1, and each copy of the petition shall have attached to it a copy of the proposed ordinance or resolution. The petition shall be signed within the same time as recall petitions are signed, in the same manner as recall petitions are signed, and shall be verified by oath and filed with the City Secretary in the manner and form as recall petitions are presented as provided in this Charter. The petition may consist of one or more copies as permitted for recall petitions. Within sixty (60) days after the date of filing of the recall petition, the person performing the duties of the City Secretary shall verify that the petition is in correct form and is signed by the required number of registered voters. The City Secretary will present the petition, along with his or her findings, to the City Council. The City Council will determine the validity of the petition, and act thereon accordingly. If the City Council determines that the petition is valid, it shall become the duty of the City Council at the next Regular City Council Meeting for which public notice can be posted in accordance with the law, to pass and adopt such ordinance or resolution without alteration as to meaning or effect, or to call a special election to be held on the next uniform election date for which full compliance with applicable State of Texas Election Laws is possible.

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## **Background**

The Charter Review Committee felt the need to codify the process with a list of the registered voters would be used.

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**PROPOSITION #18:**

**CURRENT LANGUAGE**

**Sec. 8.05. Form of Ballots.**

The ballots used when voting upon such proposed and referred ordinances, resolutions, or measures, shall set forth their nature sufficiently to identify them and shall set forth upon separate lines the words:

"FOR THE ORDINANCE," and  
"AGAINST THE ORDINANCE," or  
"FOR THE RESOLUTION," and  
"AGAINST THE RESOLUTION."

**PROPOSED LANGUAGE**

**Sec. 8.05. Form of Ballots.**

The ballots used when voting upon such proposed and referred ordinances, resolutions, or measures, shall set forth their nature sufficiently to identify them and shall set forth upon separate lines the words:

FOR  
AGAINST  
Or languages provided in the State of Texas Election Code

**Background**

The Texas Election Code provides what language is to be used on ballots.

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**PROPOSITION #19:**

**CURRENT LANGUAGE**

**Sec. 10.05. Public Hearing on Budget.**

The city council shall fix the time and place for a public hearing on the budget and shall cause to be published in a newspaper of general circulation of the City of Fredericksburg, at least fifteen (15) days before the date of such hearing, a notice of the hearing setting forth the time and place thereof. At any time and place set forth in the notice required by this Section, or at any time and place to which such public hearing shall from time to time be convened, the city council shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.

**PROPOSED LANGUAGE**

**Sec. 10.05. Public Hearing on Budget.**

The City Council shall fix the time and place for a public hearing on the budget and shall cause to be published in a newspaper of general circulation of the City of Fredericksburg a notice of the hearing in compliance with Chapter 102 of the Texas Local Government Code, as now or hereafter amended. All interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.

**Background**

The Charter Review Committee felt the procedure must reflect the requirements of State Law.

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**PROPOSITION #20:**

**CURRENT LANGUAGE**

**Sec. 10.18. Enterprise Fund Usage.**

The City of Fredericksburg shall not use proceeds or reserves from an Enterprise Fund (including but not limited to the Electric, Water and Sewer, Solid Waste and Drainage Funds) except for expenditures within the purpose of the fund, unless approved by the voters in elections that specify the amount and the funds from which funds will be withdrawn.

**PROPOSED LANGUAGE**

**Sec. 10.18. Enterprise Fund Usage.**

The City of Fredericksburg shall not use proceeds or reserves from an Enterprise Fund (including but not limited to the Electric, Water and Sewer, Solid Waste and Drainage Funds) except for expenditures within the purpose of the fund, unless approved by the voters in elections that specify the amount and the money from which Enterprise Funds will be withdrawn.

**Background**

This change would bring this Section in compliance with the Texas Local Government Code.

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**PROPOSITION #21:**

**CURRENT LANGUAGE**

**Sec. 11.06. Consent of Property Owners.**

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance, or operation of any public utility; but nothing in this Charter or in any franchise granted hereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his property as is now or hereafter may be provided by law.

**PROPOSED LANGUAGE**

**Sec. 11.06. Consent of Property Owners.**

Section 11.06 proposed to be removed from the City Charter with the intent to handle by Ordinances.

**Background**

The Charter Review Committee felt the more appropriate place would be best regulated in Ordinances and in individual written Franchise Agreements.

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**PROPOSITION #22:**

**CURRENT LANGUAGE**

**Sec. 12.02. Personal Financial Interest.**

- (a) Any city officer, appointee, or employee who has a substantial financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract with the city or in the sale of land, material, supplies, or services to the city or to a contract supplying the city shall make known that interest to the city council and refrain from voting upon or otherwise participating in his capacity as a city officer, appointee, or employee in the making of such sale or in the making or performance of such contract. Any city officer, appointee, or employee who conceals such a substantial financial interest or violates the requirements of this Section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this Section with the knowledge, express or implied, of the person or corporation contracting with or making sale to the city shall render the contract or sale voidable.
- (b) Where ownership of stock in corporation is involved, such stock ownership in an amount in excess of ten (10) percent of the stock of such corporation shall constitute substantial financial interest.

**PROPOSED LANGUAGE**

**Sec. 12.02. Conflict of Interest.**

Any City Officer, appointee, or employee who has a conflict of interest as defined by Chapter 176, Texas Local Government Code, as now or hereafter amended or by the City Ethics Ordinance then in effect shall disclose that interest as required by law and refrain from voting upon or otherwise deliberating upon or participating in his or her capacity as a City Officer, appointee, or employee in such matter that is the subject of conflict of interest. Any City Officer, appointee, or employee who conceals such a substantial financial interest or violates the requirements of this Section shall be guilty of malfeasance in office or position and shall forfeit his or her office or position.

**Background**

The Charter Review Committee felt that this Section must be brought into compliance with State Law and the City of Fredericksburg's Ethics Ordinance.

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**PROPOSITION #23:**

**CURRENT LANGUAGE**

**Sec. 12.17. Grammatical Construction.**

- (a) Whenever in this Charter the singular is used, the plural shall be included; whenever the masculine gender is used the feminine and neuter shall be included.

**PROPOSED LANGUAGE**

**Sec. 12.17. Grammatical Construction.**

- (a) Whenever in this Charter the singular is used, the plural shall be included; whenever the masculine gender is used, the feminine shall be included.

**Background**

The Committee felt this change would be in line with current grammatical construction.