

ORDINANCE NO. 2021 - 06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF NEW BRAUNFELS, TEXAS, ON MAY 1, 2021 TO SUBMIT PROPOSITIONS TO THE REGISTERED VOTERS OF THE CITY OF NEW BRAUNFELS, TEXAS, FOR PROPOSED AMENDMENTS TO THE CITY CHARTER.

**WHEREAS**, the City Council of the City of New Braunfels, Texas, on February 10, 2020, by majority vote on a second final and reading of an ordinance, opted to submit to the registered voters of the City of New Braunfels, Texas, on May 2, 2020, a uniform election date in the State of Texas, in accordance with Section 9.004 of the Texas Local Government Code and Section 4.01 of the New Braunfels City Charter, and in accordance with other applicable laws, ballot propositions for proposed amendments to the City Charter; and

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas declared a statewide emergency due to the COVID-19 pandemic; and

**WHEREAS**, on March 17, 2020, the Mayor for the City of New Braunfels ordered and signed a Declaration of Local Disaster for New Braunfels, Texas; and

**WHEREAS**, the Governor's executive orders and proclamations suspended portions of the Texas Election Code; and

**WHEREAS**, the Governor of the State of Texas suspended the May 2, 2020, election and authorized local governmental entities to postpone and reschedule/move any ordered elections to November 3, 2020; and

**WHEREAS**, the City Council had already called the special election prior to the declaration of local disaster, and the public had already been provided notices of the election and charter provisions; and

**WHEREAS**, the City Council for the City of New Braunfels passed Ordinance 2020-31 postponing the May 2, 2020, election and rescheduled/moved it to November 3, 2020, pursuant to state law and the authorizations provided for by the Governor's executive orders; and

**WHEREAS**, the City Council after receiving, reviewing and considering the cost estimates of holding the special election in conjunction with the national presidential election scheduled for November 3, 2020, found that it was not fiscally responsible to hold the special election at this time as such estimated costs are several times the costs associated with holding the special election during the May 2021 election; and

**WHEREAS**, the November 3, 2020 election officials confirmed that there are additional early voting days mandated, due to COVID-19 regulations, for the November 3, 2020 presidential election. This is only one factor amongst many contributing to the higher cost; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas desired to hold the special election and intended to hold the special election on charter amendments, but must act responsibly with taxpayer funds in setting a date for such election; and

**WHEREAS**, The City Council approved an ordinance canceling the November 3, 2020 charter amendment special election and granted the Mayor of the City of New Braunfels the authority to sign the order of cancellation of the November 3, 2020 special election; and

**WHEREAS**, such order was signed by the Mayor on August 17, 2020 at a Special meeting; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas authorizes the Mayor to sign the order calling the Special Election and any subsequent orders adjusting the polling locations, dates and times that are subject to change due to agreements with Comal County Elections Department and other joint election agreements up until the final posting deadline of such notice pursuant Texas Election Code (“Code”) § 4.003(a)(b) and (c); and

**WHEREAS**, the City Council of the City of New Braunfels, Texas now desires to call a special election for the May 2021 election to consider such proposed charter amendments, which will provide a significant savings to taxpayers while still allowing the special election to consider the charter amendment propositions.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, THAT:**

**SECTION I  
CALL OF A SPECIAL MUNICIPAL ELECTION**

THAT a special election be held in the City of New Braunfels, Texas on the first Saturday of the month of May, 2021, the same being the 1<sup>st</sup> day in May for the purpose of submitting the following measures contained in Exhibit A, attached and fully incorporated into this ordinance. Such measures are proposed charter amendments and their language is incorporated to this order by reference herein.

**SECTION II  
EARLY VOTING BY PERSONAL APPEARANCE  
(Subject to Change)**

THAT the anticipated main polling places for early voting by personal appearance for the election is:

Comal County Elections Office	396 North Seguin Avenue, New Braunfels
Comal County Offices- Goodwin Annex	1297 Church Hill, New Braunfels

Grace Church	3240 FM 725, New Braunfels
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Early voting by personal appearance shall be conducted between the hours and dates as follows:

Dates	Time
Monday, April 19, 2021- Friday, April 23, 2021	8:00 a.m.- 5:00 p.m.
Saturday, April 24, 2021	9:00 a.m.- 4:00 p.m.
Sunday, April 25, 2021	1:00 p.m.- 6:00 p.m.
Monday, April 26, 2021- Tuesday, April 27, 2021	7:00 a.m.- 7:00 p.m.

## **SUBJECT TO CHANGE**

### **SECTION III EARLY VOTING BY MAIL**

THAT early voting by mail ballot shall be conducted in accordance with applicable provisions of the Texas Election Code.

- A. The address of the Comal County Elections Office, 396 North Seguin Avenue, New Braunfels, Texas 78130, shall be the early voting clerk Bobbie Koepp's, mailing address to which ballot applications and ballots voted by mail may be sent for the City for Comal County residents.

### **SECTION IV POLLING PLACES (Subject to Change)**

THAT the anticipated polling places listed below shall be open on Election Day from 7:00 a.m. to 7:00 p.m. on Saturday, May 1st, 2021:

- A. For Comal County, at such locations as determined and posted by the Comal County Elections Officers. Initial Polling Places have been designated below and are expected to be confirmed.

District 1	Westside Community Center	2932 S IH 35 Frontage Road
District 2	Grace Church	3240 FM 725
District 3	Comal County Senior Citizens Center	655 Landa Street
District 4	Christ Presbyterian Church	1620 Common Street
District 5	Comal County Goodwin Annex	1297 Church Hill Drive
District 6	New Braunfels Municipal Building	424 Castell

## **SUBJECT TO CHANGE**

## **SECTION V METHOD OF VOTING**

THAT use of Hart DRE Verity Touch, Access Touch, and controller voting system, as the term is defined in the Texas Election Code, shall be utilized in connection with the election for Comal County residents. This system shall be utilized for early voting as well as for district voting conducted on Election Day. Cynthia Jaqua is appointed as programmer, and she shall prepare a program for the automatic tabulating equipment. Ample voting equipment shall be provided for early voting and in the specific districts on Election Day. The central counting station is established as the Comal County Elections Office.

## **SECTION VI APPOINTMENT OF PRESIDING JUDGES**

THAT the County Election office of Comal County will appoint the Early Voting Ballot Board, a Presiding Judge for the Early Voting Ballot Board, and a Presiding Judge for the Central Counting Station.

## **SECTION VII GOVERNING LAW**

THAT the election will be held in accordance with the provisions of the Charter of the City of New Braunfels and the laws of the State of Texas. Notice of the election, including a Spanish translation thereof, will be published at least once in the local newspaper in accordance with the Texas Election Code and will be posted on the bulletin board at City Hall at 550 Landa Street, New Braunfels, Texas.

THAT the City Council of the City of New Braunfels, Texas authorizes the Mayor to sign the order calling the Special Election and any subsequent orders adjusting the polling locations, dates and times that are subject to change due to agreements with Comal County Elections Department and other joint election agreements up until the final posting deadline of such notice pursuant Texas Election Code ("Code") § 4.003(a)(b) and (c).

## **SECTION VIII TESTING OF AUTOMATIC TABULATING EQUIPMENT**

THAT testing of the automatic tabulating equipment will be performed and notice thereof will be given in accordance with the Texas Election Code. Each County shall designate the tabulating equipment and personnel required under the Election Code.

## **SECTION IX**

## **COMPENSATION FOR ELECTION WORKERS**

THAT the rate of compensation for all polling workers will be decided by the Comal County Election Offices.

**PASSED, ADOPTED, AND APPROVED:** First reading this the 25th day of January, 2021.

**PASSED, ADOPTED, AND APPROVED:** Second reading this 8<sup>th</sup> day of February, 2021.

CITY COUNCIL OF THE CITY OF  
NEW BRAUNFELS, TEXAS

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RUSTY BROCKMAN, MAYOR

ATTEST:

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CAITLIN KROBOT  
City Secretary

APPROVED AS TO FORM:

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VALERIA M. ACEVEDO  
City Attorney

## **Exhibit A**

### **PROPOSITION A**

SHALL SECTION 3.01 OF THE CITY CHARTER BE AMENDED TO CHANGE TERM LIMITS FOR ALL CITY COUNCIL MEMBERS SO A THIRD TERM MAY RUN CONSECUTIVELY VERSUS THE CURRENT TWO (2) CONSECUTIVE TERM LIMIT BUT KEEPING THE LIFETIME LIMIT OF THREE (3) TERMS OR NINE (9) YEARS, AS CURRENTLY ALLOWED?

**FOR** \_\_\_\_\_

**AGAINST** \_\_\_\_\_

This proposition would allow a Council Member to serve three (3) consecutive three (3) year terms instead of only two (2) consecutive terms; the limit of a total of three (3) year terms will remain unchanged. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

#### **Sec. 3.01. - Number, selection and term.**

The legislative and governing body of the City shall consist of seven (7) Councilpersons and shall be known as the "Council of the City of New Braunfels," and who shall each serve a term of three (3) years.

The City of New Braunfels shall by ordinance be divided into six (6) districts. Each district shall to the extent reasonably possible be equally populated and the City Council shall maintain such equality of population, as from time to time deemed necessary, by ordinance. The districts shall be designated Number 1, 2, 3, 4, 5 and 6. The qualified voters of each district shall elect one (1) Councilmember for each of the six (6) districts. The six (6) Councilmembers so elected from each district shall have been a resident of the district from which the Councilmember is elected for no less than six (6) months prior to filing for office and must continue to reside in said district for his or her entire term of office.

The Mayor of the City of New Braunfels shall be elected by the qualified voters of the City at large and elections for the Mayor shall be held pursuant to Article IV, Elections, of the City Charter of New Braunfels, Texas.

Each Councilperson shall hold office until his or her successor is elected and qualified. Candidates elected at the municipal election shall take office at the regular City Council meeting, the same being at the first regular meeting held after the meeting in which the election returns are canvassed and the result of the election is officially declared.

~~No current or future elected official shall serve more than two (2) consecutive three (3) year terms of office and no more than three (3), three (3) year terms during a lifetime.~~ No elected official shall

serve more than three (3) consecutive three (3) year terms of office and no more than three (3) terms during a lifetime. However, years or time of service that an elected official may serve in filling an unexpired term or a partial term of office shall not be counted toward the above limitations.

The proposition on the ballot shall state as follows:

PROPOSITION A

“SHALL SECTION 3.01 OF THE CITY CHARTER BE AMENDED TO CHANGE TERM LIMITS FOR ALL CITY COUNCIL MEMBERS SO A THIRD TERM MAY RUN CONSECUTIVELY VERSUS THE CURRENT TWO (2) CONSECUTIVE TERM LIMIT BUT KEEPING THE LIFETIME LIMIT OF THREE (3) TERMS OR NINE (9) YEARS, AS CURRENTLY ALLOWED?”

**FOR**

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**AGAINST**

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## PROPOSITION B

SHALL SECTION 3.06 OF THE CITY CHARTER BE AMENDED TO CHANGE THE QUALIFICATIONS AND CONDITIONS FOR FILLING VACANCIES ON THE CITY COUNCIL SO THAT VACANCIES OF TWELVE (12) MONTHS OR LESS CAN BE FILLED, AT THE DISCRETION OF CITY COUNCIL, BY APPOINTMENT OF COUNCIL, LEFT VACANT FOR THE BALANCE OF THE TERM, OR HAVE A SPECIAL ELECTION CALLED TO FILL THE VACANCY WHILE VACANCIES OVER TWELVE (12) MONTHS DURATION WILL CONTINUE TO REQUIRE A SPECIAL ELECTION ?

**FOR**

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**AGAINST**

\_\_\_\_\_

This proposition would allow City Council to use its discretion for vacancies on City Council of 12 months or less to either appoint a temporary replacement, leave the position vacant until the next election or call a special election to fill the position. For vacancies of over 12 months, a special election would still be required to be called with 120 days pursuant to state statute.

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

### **Sec. 3.06. - Vacancies.**

~~Vacancies on the council arising for any causes shall be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur, or as otherwise provided by the laws of the State of Texas.~~

All vacancies on City Council, regardless of cause, with unexpired terms of more than twelve (12) months shall be filled by special election pursuant to state law. All vacancies with unexpired terms of twelve (12) months or less may be filled, at the discretion of City Council, by appointment of the City Council upon a majority vote, may be left vacant for the remainder of the unexpired term or filled by a special election pursuant to state law. An office holder who has forfeited the office under this Charter is ineligible to be appointed to fill an unexpired term created by such forfeiture.



The proposition on the ballot shall state as follows:

**PROPOSITION B**

“SHALL SECTION 3.06 OF THE CITY CHARTER BE AMENDED TO CHANGE THE QUALIFICATIONS AND CONDITIONS FOR FILLING VACANCIES ON THE CITY COUNCIL SO THAT VACANCIES OF TWELVE (12) MONTHS OR LESS CAN BE FILLED, AT THE DISCRETION OF CITY COUNCIL, BY APPOINTMENT OF COUNCIL, LEFT VACANT FOR THE BALANCE OF THE TERM, OR HAVE A SPECIAL ELECTION CALLED TO FILL THE VACANCY WHILE VACANCIES OVER TWELVE (12) MONTHS DURATION WILL CONTINUE TO REQUIRE A SPECIAL ELECTION ?”

**FOR**

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**AGAINST**

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## PROPOSITION C

SHALL SECTION 12.03(a)(6) OF THE CITY CHARTER BE ADOPTED AND SECTION 12.03(b) BE AMENDED TO PROHIBIT AND PENALIZE COUNCIL MEMBERS FROM INTENTIONALLY RESIGNING FROM HIS/HER POSITION AND RUNNING IN A SUBSEQUENT ELECTION TO CIRCUMVENT TERM LIMITS?

**FOR** \_\_\_\_\_

**AGAINST** \_\_\_\_\_

This proposition would allow for penalties and forfeiture if a Council Member intentionally uses the ability to resign his/her position and then re-run to avoid the term limits provisions. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

### **Sec. 12.03. - Prohibitions.**

(a) *Activities prohibited.*

(6) No member of the City Council may knowingly or intentionally attempt to circumvent an adopted term limit by resigning or forfeiting their position in order to avoid the established term limit of three (3) three (3) year terms.

(b) *Penalties.* Any person who by himself or with others violates any of the provisions of paragraphs (1) through (3) of the preceding subsection (a) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars (\$100.00). Any person who by himself or with others violates any of the provisions of paragraph~~s~~ (4) through (6) of the preceding subsection (a) shall be guilty of an offense and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars (\$100.00). Any person convicted under this section shall be ineligible for a period of five (5) years thereafter to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit his office or position.

The proposition on the ballot shall state as follows:

PROPOSITION C

“SHALL SECTION 12.03(a)(6) OF THE CITY CHARTER BE ADOPTED AND SECTION 12.03(b) BE AMENDED TO PROHIBIT AND PENALIZE COUNCIL MEMBERS FROM INTENTIONALLY RESIGNING FROM HIS/HER POSITION AND RUNNING IN A SUBSEQUENT ELECTION TO CIRCUMVENT TERM LIMITS?”

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_

## PROPOSITION D

SHALL SECTION 3.05(c) OF THE CITY CHARTER BE AMENDED TO CLARIFY THE POWER OF THE MAYOR DURING A TIME OF EMERGENCY TO APPOINT ADDITIONAL HELP, PROVIDE AUTHORIZATION FOR SUCH HELP AND UTILIZE ALL ABILITIES AUTHORIZED BY STATE LAW?

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

This proposition would update the charter language in times of emergency, clarifies the role of the mayor to appoint additional help, provide proper authorization for such additional help to perform duties, and utilize all of the authorities authorized by state law in times of emergency or disaster. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

### **Sec. 3.05. - Mayor and Mayor Pro Tem.**

...

(c) *Emergency powers of Mayor.* Whenever the Mayor shall deem it necessary in order to enforce the laws of the City, or to avert danger, or to protect life or property, in case of riot, outbreak, calamity or public disturbance, or when he has reason to fear any serious violation of law or order, outbreak, or any other danger to the City of New Braunfels or the inhabitants thereof, ~~he shall summon into service as a special police force, all or as many of the citizens as in his judgment and discretion may be necessary and proper; and such summons may be made by proclamation or orders addressed to the citizens generally, or those of any ward of the City or subdivision thereof, or such summons may be by personal notification. Such summons shall be made pursuant to a proclamation by the Mayor that an emergency exists in the City of New Braunfels.~~ he/she shall proclaim the emergency and shall utilize such powers and authorizations allowed by local, state and federal law needed to keep the peace and respond to such emergency. During such emergency, the police department of the City of New Braunfels, and such other ~~special police as have been summoned by the Mayor,~~ keepers of the peace and emergency responders as shall be appointed, deputized, or enlisted by the Mayor shall be subject to the orders of the Mayor, and shall perform such duties as he may require. The Mayor shall have authority during the continuance of such emergency to make and enforce such rules, regulations, and orders as are necessary to preserve the public health, safety, and welfare from the threatened danger. During such emergency, such rules, regulations and orders shall have the force and effect of law.

The proposition on the ballot shall state as follows:

PROPOSITION D

“SHALL SECTION 3.05(c) OF THE CITY CHARTER BE AMENDED TO CLARIFY THE POWER OF THE MAYOR DURING A TIME OF EMERGENCY TO APPOINT ADDITIONAL HELP, PROVIDE AUTHORIZATION FOR SUCH HELP AND UTILIZE ALL ABILITIES AUTHORIZED BY STATE LAW?”

**FOR**

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**AGAINST**

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PROPOSITION E

SHALL SECTION 3.05(b) OF THE CITY CHARTER BE AMENDED TO PLACE ADDITIONAL DUTIES ON THE MAYOR PRO TEM TO BE PRIMARILY RESPONSIBLE FOR THE ANNUAL EVALUATIONS OF THE CITY MANAGER, CITY ATTORNEY AND MUNICIPAL COURT JUDGE, WHO REPORT TO CITY COUNCIL, AS IS CURRENT PRACTICE?

**FOR** \_\_\_\_\_

**AGAINST** \_\_\_\_\_

This proposition assigns the primary responsibility of ensuring annual evaluations for charter officials (City Manager, City Attorney, Municipal Court Judge) who report to the City Council upon the mayor pro tem position. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

**Sec. 3.05. - Mayor and Mayor Pro Tem.**

...

(b) *Election of Mayor Pro Tem.* At its first regular meeting following the meeting at which the official election returns are canvassed and the results are declared of each year, the City Council shall elect from among its members a Mayor Pro Tem who shall serve at the pleasure of the City Council, and he shall perform all the duties of Mayor in the absence or disability of the Mayor. Mayor Pro Tem shall have the duty to implement, coordinate, and strive for completion of the annual evaluations of the City Manager, City Attorney and Municipal Court Judge, unless directed otherwise by resolution. The City Council may, by resolution, provide standards, procedures, and instruction on such annual evaluations. ...

The proposition on the ballot shall state as follows:

PROPOSITION E

“SHALL SECTION 3.05(b) OF THE CITY CHARTER BE AMENDED TO PLACE ADDITIONAL DUTIES ON THE MAYOR PRO TEM TO BE PRIMARILY RESPONSIBLE FOR THE ANNUAL EVALUATIONS OF THE CITY MANAGER, CITY ATTORNEY AND MUNICIPAL COURT JUDGE, WHO REPORT TO CITY COUNCIL, AS IS CURRENT PRACTICE?”

**FOR** \_\_\_\_\_

**AGAINST** \_\_\_\_\_

## PROPOSITION F

SHALL SECTIONS 7.01(a) AND 8.04 OF THE CITY CHARTER BE AMENDED TO CLARIFY RESIDENCY REQUIREMENTS FOR THE CITY MANAGER AND CITY ATTORNEY TO ALLOW UP TO ONE HUNDRED TWENTY (120) DAYS AFTER APPOINTMENT TO ESTABLISH RESIDENCY IN THE CITY?

**FOR** \_\_\_\_\_

**AGAINST** \_\_\_\_\_

This proposition allows the City Manager and the City Attorney up to 120 days after his/her appointment to establish residency in the City. It corrects a problem from the past where such officials hired from out of town were required to immediately obtain housing in the City when appointed. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

### **Sec. 7.01. - City Manager.**

(a) *Appointment and qualifications.* The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. He shall be chosen by the City Council solely on the basis of his executive and administrative training, experience, ability, and character, and need not when appointed, be a resident of the City of New Braunfels; however, the City Manager must be a resident of the City within one hundred twenty (120) days of his/her appointment and shall have his/her principal residence in the City continuously while holding that office. No member of the City Council shall during the time of which he is elected and for one (1) year thereafter, be appointed City Manager.

### **Sec. 8.04. - City Attorney.**

The City Council shall appoint a licensed attorney of the State of Texas to be the City Attorney. He shall receive for his services such compensation as may be fixed by the City Council for regular and special duties and shall hold his office at the pleasure of the City Council. The City Attorney or such other attorney selected by him with the approval of the City Council shall represent the City in all litigations and prosecutions in Municipal Court. There may be such Assistant City Attorneys as may be authorized by the City Council. Such Assistant City Attorneys shall be authorized to act for and on behalf of the City Attorney, including representing the City in all litigations and prosecutions in Municipal Court. The City Attorney shall reside within the City Limits of the City of New Braunfels or become a resident of the City within one hundred twenty (120) days of his/her appointment.

The proposition on the ballot shall state as follows:

PROPOSITION F

“SHALL SECTIONS 7.01(a) AND 8.04 OF THE CITY CHARTER BE AMENDED TO CLARIFY RESIDENCY REQUIREMENTS FOR THE CITY MANAGER AND CITY ATTORNEY TO ALLOW UP TO ONE HUNDRED TWENTY (120) DAYS AFTER APPOINTMENT TO ESTABLISH RESIDENCY IN THE CITY?”

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_



PROPOSITION G

SHALL SECTION 7.01(d) OF THE CITY CHARTER BE ADDED TO IMPOSE AN OBLIGATION UPON THE CITY MANAGER TO SUBMIT ANNUALLY TO CITY COUNCIL A FIVE (5) YEAR FINANCIAL FORECAST AND A FIVE (5) YEAR CAPITAL IMPROVEMENT PLAN, AS IS CURRENT PRACTICE?

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_

This proposition codifies a current practice requiring the City Manager to annually submit a five year financial forecast and a five year capital improvement plan to the City Council to allow for better planning. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

**Sec. 7.01. - City Manager.**

(d) The City Manager shall prepare and submit annually to the City Council a five (5) year financial forecast and a five (5) year capital improvement program with appropriate timing ahead of the submission of the “proposed budget” to Council as referenced in Section 9.02.

The proposition on the ballot shall state as follows:

PROPOSITION G

“SHALL SECTION 7.01(d) OF THE CITY CHARTER BE ADDED TO IMPOSE AN OBLIGATION UPON THE CITY MANAGER TO SUBMIT ANNUALLY TO CITY COUNCIL A FIVE (5) YEAR FINANCIAL FORECAST AND A FIVE (5) YEAR CAPITAL IMPROVEMENT PLAN, AS IS CURRENT PRACTICE?”

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_

## PROPOSITION H

SHALL SECTION 9.17 OF THE CITY CHARTER BE AMENDED TO ADJUST CITY MANAGER AUTHORITY FOR COMPETITIVE BIDDING AND PURCHASING FOR BUDGETED ITEMS CURRENTLY SET AT \$25,000.00 TO ALIGN WITH STATE LAW LIMITS, WHICH ARE CURRENTLY SET AT \$50,000.00 AND TO ADJUST AUTOMATICALLY UPON A CHANGE IN STATE LAW?

**FOR** \_\_\_\_\_

**AGAINST** \_\_\_\_\_

This proposition synchronizes the Charter provisions with state law requirements on the City Manager's authority to contract without competitive bidding being utilized for budgeted items and allows for changes made by the Legislature without requiring a Charter election. The City Manager's current authority is \$25,000.00, while current state law limits such authority to \$50,000.00. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

### **Sec. 9.17. - Purchases, Sales and Contracts.**

All purchases made, and contracts entered into, by the City, and all sales, exchanges or other dispositions of property of any kind or character owned by the City, shall be accomplished pursuant to the requirements and procedures of the constitution and laws of the State of Texas, and any ordinance, resolution or motion by the City Council not inconsistent with such constitution and laws. The City Manager shall have the authority to contract for expenditures without further approval of the City Council for all budgeted items ~~not exceeding twenty-five thousand dollars (\$25,000.00)~~ that do not equal or exceed the minimum amount required for mandatory competitive bidding/purchasing set by state law. At the time this charter provision was amended, state law defined such minimum as any amount over fifty thousand dollars (\$50,000.00).

The proposition on the ballot shall state as follows:

PROPOSITION H

“SHALL SECTION 9.17 OF THE CITY CHARTER BE AMENDED TO ADJUST CITY MANAGER AUTHORITY FOR COMPETITIVE BIDDING AND PURCHASING FOR BUDGETED ITEMS CURRENTLY SET AT \$25,000.00 TO ALIGN WITH STATE LAW LIMITS, WHICH ARE CURRENTLY SET AT \$50,000.00 AND TO ADJUST AUTOMATICALLY UPON A CHANGE IN STATE LAW?”

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_

PROPOSITION I

SHALL SECTION 3.08(c) OF THE CITY CHARTER BE AMENDED TO AUTHORIZE THE CITY MANAGER, IN HIS/HER DISCRETION, TO ALLOW COUNCIL MEMBERS TO INTERACT WITH INDIVIDUAL DEPARTMENT HEADS, WITHOUT VIOLATING THE CITY CHARTER?

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_

This proposition would allow the City Manager, at his/her discretion, to consent and allow council members to interact with individual department heads without violating the charter. This allows each City Manager the ability to decide what is more efficient for the City in individual circumstances while still protecting the Council-City Manager form of government. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

**Sec. 3.08. - Prohibitions.**

...

(c) *Interference with administration.* Except for the purpose of inquiries and investigations, unless otherwise provided in this Charter or as authorized in writing by the City Manager prior to action, the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately.

The proposition on the ballot shall state as follows:

PROPOSITION I

“SHALL SECTION 3.08(c) OF THE CITY CHARTER BE AMENDED TO AUTHORIZE THE CITY MANAGER, IN HIS/HER DISCRETION, TO ALLOW COUNCIL MEMBERS TO INTERACT WITH INDIVIDUAL DEPARTMENT HEADS, WITHOUT VIOLATING THE CITY CHARTER?”

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_

## PROPOSITION J

SHALL SECTIONS 8.02 AND 8.03 OF THE CITY CHARTER BE AMENDED FOR THE APPOINTMENT OF MUNICIPAL COURT JUDGES, PROVIDE FOR REMOVAL OF ANY MUNICIPAL COURT JUDGE AND PROVIDE FOR APPOINTMENT OF THE MUNICIPAL COURT CLERK TO COMPLY WITH STATE LAW AND CURRENT PRACTICE?

**FOR** \_\_\_\_\_

**AGAINST** \_\_\_\_\_

This proposition brings the municipal court judge and municipal court clerk positions into conformity with current state law, allows the municipal court judge the ability to appoint temporary replacements, provides for removal authority by the Council when needed, and removes the City Secretary from being the court clerk and allows the City Manager to appoint the court clerk. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

### **Sec. 8.02. - Judge of the Municipal Court.**

~~The judge of said court shall be a licensed, resident attorney of the City of New Braunfels, appointed by the City Council and shall receive such salary as may be fixed by the City Council. In case of the disability or absence of the judge of the Municipal Court, the City Council shall appoint a temporary municipal court judge who shall also be a licensed, resident attorney. The judge of said court shall hold his or her office pursuant to the laws of the State of Texas.~~

(a) The City Council shall appoint a presiding judge for the Municipal Court. The Presiding Judge of the Municipal Court shall be a licensed attorney appointed for a term set by ordinance, but for not less than two years. Any municipal court judge must reside within the City of New Braunfels, or becomes a resident within one hundred twenty (120) days of his/her appointment. All judges shall receive such compensation as may be fixed by the City Council.

(b) The presiding judge may appoint a temporary judge in case of absence. The City Council may, by ordinance, adopt authorizations and procedures for the appointment, compensation, and qualifications of any associate judges.

(c) Removal of Judge. The City Council shall have the authority to remove the presiding judge and any associate judges. All judges may be removed with or without cause. The City Council may, by ordinance, provide for procedures pertaining to any removal.

### **Sec. 8.03. - Clerk of the Municipal Court.**

~~The City Secretary or an Assistant City Secretary shall be ex-officio clerk of said court.~~ The City Manager shall appoint the Clerk of the Municipal Court. The clerk of said court and his or her deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal

of said court thereto, and generally do and perform any and all acts usual and necessary by the clerk of the court in issuing process of said court and conducting the business thereof.

The proposition on the ballot shall state as follows:

**PROPOSITION J**

“SHALL SECTIONS 8.02 AND 8.03 OF THE CITY CHARTER BE AMENDED FOR THE APPOINTMENT OF MUNICIPAL COURT JUDGES, PROVIDE FOR REMOVAL OF ANY MUNICIPAL COURT JUDGE AND PROVIDE FOR APPOINTMENT OF THE MUNICIPAL COURT CLERK TO COMPLY WITH STATE LAW AND CURRENT PRACTICE?”

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_

PROPOSITION K

SHALL SECTION 5.05 OF THE CITY CHARTER BE AMENDED TO CHANGE THE NUMBER OF DAYS AFTER SUBMISSION OF A RECALL PETITION THE CITY SECRETARY MUST PRESENT TO THE CITY COUNCIL FROM FIVE (5) DAYS TO TWENTY (20) DAYS TO ALLOW SUFFICIENT TIME TO PROVIDE ALL REQUIRED DOCUMENTS FOR THE RECALL?

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_

This proposition would change the number of days the City Secretary has to submit a recall petition to the City Council from five (5) days to twenty (20) days to be more in conformity with other cities' charters and ordinances. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

**Sec. 5.05. - Presentation of petition to City Council.**

Within ~~five (5)~~ twenty (20) days after the date of filing of the papers constituting the recall petition, the person performing the duties of City Secretary shall present such petition to the City Council of the City of New Braunfels at a special meeting called for this purpose.

The proposition on the ballot shall state as follows:

PROPOSITION K

“SHALL SECTION 5.05 OF THE CITY CHARTER BE AMENDED TO CHANGE THE NUMBER OF DAYS AFTER SUBMISSION OF A RECALL PETITION THE CITY SECRETARY MUST PRESENT TO THE CITY COUNCIL FROM FIVE (5) DAYS TO TWENTY (20) DAYS TO ALLOW SUFFICIENT TIME TO PROVIDE ALL REQUIRED DOCUMENTS FOR THE RECALL?”

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_

PROPOSITION L

SHALL SECTION 9.18 OF THE CITY CHARTER BE REPEALED AND REMOVE THE DEPARTMENT OF TAXATION, WHICH NO LONGER EXISTS DUE TO STATE REGULATIONS?

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_

Due to state law regulations, the City no longer utilizes a department of taxation. As a result, this proposition removes this provision and avoids confusion as to the department's existence. This proposition would repeal the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

~~Sec. 9.18.—Department of Taxation.~~

~~There shall be established a Department of Taxation to assess and collect taxes, the head of which shall be the City Tax Assessor Collector, which office shall be filled by appointment by the City Manager with concurrence of the City Council.~~

~~The City Tax Assessor Collector shall give a surety bond for faithful performance of his duties, including compliance with all controlling provisions of the State Law bearing upon the functions of his office, in a sum which shall be fixed by the City Council at not less than fifty thousand dollars (\$50,000.00).~~

~~The City Council may, in the interest of economy and efficiency, contract with another political subdivision to handle the assessment and/or collection of taxes.~~

~~The City Tax Assessor Collector may be removed from office by the City Manager with the concurrence of the City Council.~~

The proposition on the ballot shall state as follows:

PROPOSITION L

“SHALL SECTION 9.18 OF THE CITY CHARTER BE REPEALED AND REMOVE THE DEPARTMENT OF TAXATION, WHICH NO LONGER EXISTS DUE TO STATE REGULATIONS?”

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_



## PROPOSITION M

SHALL SECTIONS 1.01, 3.02, 3.05(b)-(c), 3.08(a)-(b), 3.10, 4.05, 5.03, 7.01(a), 7.01(c)(4), 7.03(a), 8.04 AND 12.13 OF THE CITY CHARTER BE AMENDED TO MAKE CORRECTIONS TO TYPOGRAPHICAL ERRORS, SYNTAX, GRAMMAR AND GENDER REFERENCES, AND ALLOW FOR FUTURE CORRECTIONS AND RENUMBERING OF CHARTER WITHOUT A CHARTER ELECTION?

**FOR** \_\_\_\_\_

**AGAINST** \_\_\_\_\_

This proposition allows the City Council to correct typographical and grammar errors and renumber charter provisions without the need for an election, as long as such changes do not change the substance of the provision and also proceeds to correct several typographical and grammar errors as well as gender references in the current text of the charter. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

### **Sec. 1.01. - Preamble.**

All the inhabitants of the City of New Braunfels, Comal County, Texas, residing within the boundaries and limits of said City as are herein established or may hereafter be established, shall be a political subdivision of the State of Texas, incorporated under and to be known by the name and style of the "City of New Braunfels" with such powers, rights and duties as provided in this Home Rule Charter in accordance with the statutes of the State of Texas. Within this charter, a word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. Words used in the present or past tense include the future as well as the present or past.

### **Sec. 3.02. - Qualifications.**

Each member of the City Council shall be a resident citizen of the City of New Braunfels, shall be a qualified voter of the State of Texas, shall have been such resident citizen of the City of New Braunfels for a period of not less ~~then~~ than twelve (12) months immediately prior to election day, and shall not be indebted to the City of New Braunfels; provided, however, that any person with the above qualifications, except as to residence, who shall have been a resident for a period of not less than twelve (12) 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 section 1.04 of this charter, shall be eligible for said office. An elected officer must continue to reside in the City of New Braunfels for his or her entire term. If any elected officer fails to maintain the foregoing qualifications, or shall be absent from three (3) consecutive regularly scheduled

meetings without valid excuse, the City Council must at its next regular meeting declare a vacancy to exist and shall fill said vacancy as set forth in section 3.06 of this charter.

### **Sec. 3.05. - Mayor and Mayor Pro Tem.**

(b) *Election of Mayor Pro Tem.* At its first regular meeting following the meeting at which the official election returns are canvassed and the results are declared of each year, the City Council shall elect from among its members a Mayor Pro Tem who shall serve at the pleasure of the City Council, and he/she shall perform all the duties of Mayor in the absence or disability of the Mayor.

(c) *Emergency powers of Mayor.* Whenever the Mayor shall deem it necessary in order to enforce the laws of the City, or to avert danger, or to protect life or property, in case of riot, outbreak, calamity or public disturbance, or when he/she has reason to fear any serious violation of law or order, outbreak, or any other danger to the City of New Braunfels or the inhabitants thereof, he/she shall summon into service as a special police force, all or as many of the citizens as in his/her judgment and discretion may be necessary and proper; and such summons may be made by proclamation or orders addressed to the citizens generally, or those of any ward of the City or subdivision thereof, or such summons may be by personal notification. Such summons shall be made pursuant to a proclamation by the Mayor that an emergency exists in the City of New Braunfels. During such emergency, the police department of the City of New Braunfels, and such special police as have been summoned by the Mayor, shall be subject to the orders of the Mayor, and shall perform such duties as he/she may require, and shall have the same power while on duty as the regular police of the City of New Braunfels. The Mayor shall have authority during the continuance of such emergency to make and enforce such rules, regulations, and orders as are necessary to preserve the public health, safety, and welfare from the threatened danger. During such emergency, such rules, regulations and orders shall have the force and effect of law.

### **Sec. 3.08. - Prohibitions.**

(a) *Holding other office.* Except where authorized by law, no Council person~~man~~ shall hold any other City office or employment by the City during the term for which he/she was elected to the City Council, and no former Council person~~man~~ shall hold any compensated appointive city office or employment until one (1) year after the expiration of the term for which he/she was elected to the City Council.

(b) *Appointments and removals.* Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the City Manager or any of his/her subordinates are empowered to appoint, unless otherwise provided in this Charter, but the City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

### **Sec. 3.10. - Ordinances in general.**

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 NEW BRAUNFELS, before any ordinance shall be adopted.

Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject, but general appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. All ordinances shall be read in open meeting of the City Council on two (2) separate days provided that all readings of any ordinance may be by descriptive caption only except that one (1) member of the council may require a complete reading of any ordinance upon first reading thereof. Any ordinance necessary to protect the public's peace, health, safety and general welfare, may be passed as an emergency and become effective at once upon one (1) reading of the City Council, upon the approval of a majority vote of the City Council members at said reading.

The City Attorney shall approve each ordinance in writing or shall file with the City Secretary his/her written legal objections thereto. Every ordinance enacted by the City Council shall be signed by the Mayor, Mayor Pro Tem, or by two (2) council members, and shall be filed with and recorded by the City Secretary before the same shall become effective.

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every penal and of every other ordinance required by law or this Charter to be published, by causing the descriptive title or caption of the same to be published at least one time within ten (10) days after final passage thereof in some newspaper of general circulation in the City. The City Secretary shall note on every ordinance and on the record thereof, the dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section.

#### **Sec. 4.05. - Election by majority.**

At any regular or special municipal election, the candidates in each of the six (6) districts on the ballot as required in Section 3.01, who shall have received the majority of votes cast in such election for such ~~district~~ ~~distance~~ shall be declared elected. In the event no such candidate for a designated district on the City Council receives a majority of the votes cast for that district in the regular or special election, a runoff election shall be held between the two (2) candidates who received the greatest number of votes for such district. Such runoff election shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections. At any regular or special municipal election for the election of the Mayor at large pursuant to Section 3.01, the candidate on the ballot who shall have received the most number of votes cast in such election shall be declared elected. In the event of a tie between or among any of the candidates for Mayor receiving the most votes, then a runoff election shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections, except such vote shall be by plurality.

#### **Sec. 5.03. - Form of recall petition.**

The recall petition mentioned above must be addressed to the City Council of the City of New Braunfels, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated. ~~-, and, if~~ **If** there be more than one (1) ground, such as for incompetency, misconduct or malfeasance in office, the petition shall specifically state each

ground with such certainty as to give the officer sought to be removed, notice of the matters and things with which he/she is charged. The signature shall be verified by oath in the following form:

"State of Texas ) (County of Comal )

I, \_\_\_\_\_, being first duly sworn, on oath depose and say that I am one (1) of the signers of the above petition and that the statements made therein are true and each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

	_____
--	-------

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, ~~19~~20\_\_\_\_.

	_____ Notary Public in and for Comal County, Texas."
--	---

#### **Sec. 7.01. - City Manager.**

(a) *Appointment and qualifications.* The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. He/She shall be chosen by the City Council solely on the basis of his/her executive and administrative training, experience, ability, and character, and need not when appointed, be a resident of the City of New Braunfels. No member of the City Council shall during the time of which he/she is elected and for one (1) year thereafter, be appointed City Manager.

(c) *Powers and duties.* The powers herein conferred upon the City Manager by the City Council shall be the following:

...

(4) To perform such other duties as may be prescribed by this Charter or required of him/her by the City Council, not inconsistent with the provisions of this Charter.

#### **Sec. 7.03. - Department of Police.**

There shall be established and maintained a Department of Police to preserve order within the City and to secure the residents of said City from violence and the property therein from injury or loss.

(a) *Chief of Police.* The Chief of Police shall be the Chief Administrative Officer of the Department of Police. The Police Chief shall be appointed by the City Manager, and he/she may be removed from office by the City Manager.

#### **Sec. 8.04. - City Attorney.**

The City Council shall appoint a licensed attorney of the State of Texas to be the City Attorney. He/she shall receive for his/her services such compensation as may be fixed by the City Council for regular and special duties and shall hold his/her office at the pleasure of the City Council. The

City Attorney or such other attorney selected by him/her with the approval of the City Council shall represent the City in all litigations and prosecutions in Municipal Court. There may be such Assistant City Attorneys as may be authorized by the City Council. Such Assistant City Attorneys shall be authorized to act for and on behalf of the City Attorney, including representing the City in all litigations and prosecutions in Municipal Court. The City Attorney shall reside within the City Limits of the City of New Braunfels.

**Sec. 12.13. - Amending the Charter.**

This Charter may be amended by any method permitted by general state law regarding the amendment of charters of home rule municipalities, including but not limited to Chapter 9 of the Local Government Code. The City Council may provide, by ordinance, regulations and procedures for the implementation and enforcement of this Charter. In order to preserve coherency, the City Council shall have the power, by ordinance, to renumber and rearrange all articles, sections, and paragraphs of the Charter, or any amendments thereto, create and adjust a table of contents, or to correct minor grammar or spelling errors, and upon the passage of any such ordinance, a copy thereof, certified by the City Manager, shall be forwarded to the Secretary of State for filing.

The proposition on the ballot shall state as follows:

**PROPOSITION M**

“SHALL SECTIONS 1.01, 3.02, 3.05(b)-(c), 3.08(a)-(b), 3.10, 4.05, 5.03, 7.01(a), 7.01(c)(4), 7.03(a), 8.04 AND 12.13 OF THE CITY CHARTER BE AMENDED TO MAKE CORRECTIONS TO TYPOGRAPHICAL ERRORS, SYNTAX, GRAMMAR AND GENDER REFERENCES, AND ALLOW FOR FUTURE CORRECTIONS AND RENUMBERING OF CHARTER WITHOUT A CHARTER ELECTION?”

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_

## PROPOSITION N

SHALL SECTIONS 4.01, 9.06 AND 9.11 OF THE CITY CHARTER BE AMENDED TO REQUIRE PUBLICATION OF CERTAIN CITY RECORDS ON THE CITY WEBSITE IN ADDITION TO ANY OTHER NOTIFICATION REQUIRED BY LAW?

**FOR** \_\_\_\_\_

**AGAINST** \_\_\_\_\_

This proposition would require certain types of information listed (election notices and budget information) be posted on the City's website in addition to any other notification required by law. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

### **Sec. 4.01. - Elections.**

Regular City elections shall be held annually on the uniform election date in May of each year as determined by future legislatures of the State of Texas, at which time officers will be elected to fill those offices which become vacant that year. The City Council may, by ordinance or resolution, order a special election, fix the date and place for holding same, and provide all means for holding such special election. Notice of the election shall be published in a newspaper published in the City of New Braunfels, such publication to be not earlier than the thirtieth (30th) day nor later than the tenth (10th) day before the election date or otherwise as provided by law. The same notice shall be published on the City Website. In the order, ordinance or resolution of the City Council calling any election at which a Councilperson shall be elected, the City Council shall, in calling such election, designate the place on the ballot for each vacancy to be filled at such election. A regular election is defined as an election other than a primary election that regularly occurs at fixed dates. A special election is defined as an election that is not a regular election or a primary election.

### **Sec. 9.06. - Notice of public hearing on budget.**

At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in a newspaper in the City of New Braunfels and on the City's website a summary of the proposed budget and a notice of the hearing setting forth the time and place thereof at least ten (10) days before the date of such hearing, which hearing shall be set not later than thirty (30) days prior to the beginning of the next fiscal year.

### **Sec. 9.11. - Effective date of budget, certification, copies made available.**

Upon final adoption, the budget shall be in effect for the next ensuing fiscal year. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named. A copy of the budget, as finally adopted, shall be filed with the person performing the duties of City Secretary and the County Clerk of Comal County. The final budget shall be reproduced so that such copies shall be

permanent copies, and the copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations. A digital copy of the final budget shall be made available on the City's website.

The proposition on the ballot shall state as follows:

PROPOSITION N

“SHALL SECTIONS 4.01, 9.06 AND 9.11 OF THE CITY CHARTER BE AMENDED TO REQUIRE PUBLICATION OF CERTAIN CITY RECORDS ON THE CITY WEBSITE IN ADDITION TO ANY OTHER NOTIFICATION REQUIRED BY LAW?”

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_



## PROPOSITION O

SHALL SECTION 3.10 OF THE CITY CHARTER BE AMENDED TO ADJUST THE NUMBER OF ORDINANCE READING REQUIREMENTS FOR ONLY CERTAIN ORDINANCES, CLARIFY EFFECTIVE DATES FOR ALL ORDINANCES AND ADDRESS PUBLICATION REQUIREMENTS FOR ALL ORDINANCES TO BETTER ALLOW COMPLIANCE WITH STATE LAW DEADLINES?

**FOR** \_\_\_\_\_

**AGAINST** \_\_\_\_\_

This proposition would allow certain types of ordinances expressly listed (election ordinances, canvassing ordinances, etc.) to be passed on one reading in order to better allow compliance with state law deadlines. It also provides for effective dates of ordinances if not otherwise specified by the ordinance and publications which are required by state law. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

### **Sec. 3.10. - Ordinances in general.**

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 NEW BRAUNFELS, before any ordinance shall be adopted.

Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject, but general appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. Unless authorized for a single reading by this charter, ~~All~~ ordinances shall be read in open meeting of the City Council on two (2) separate days provided that all readings of any ordinance may be by descriptive caption only except that one (1) member of the council may require a complete reading of any ordinance upon first reading thereof. All ordinances, unless otherwise provided by law or by the terms of such ordinance, shall take effect immediately upon final passage thereof. An ordinance imposing any criminal penalty for any violation of its provisions shall take effect ten (10) days after publication. Any ordinance necessary to protect the public's peace, health, safety and general welfare, may be passed as an emergency and become effective at once upon one (1) reading of the City Council, upon the approval of a majority vote of the City Council members at said reading. Further, any ordinance calling or canvassing an election, ordinances required by state law to approve a contract, annexation ordinances where such annexation first requires at least two (2) public hearings, ordinances setting a tax rate as required by state law, and ordinances adopting a budget if at least two (2) budget workshops or public hearings have occurred to discuss the pending budget may be passed and become effective upon one (1) reading of the City Council.

The City Attorney shall approve each ordinance in writing or shall file with the City Secretary his written legal objections thereto. Every ordinance enacted by the City Council shall be signed by



the Mayor, Mayor Pro Tem, or by two (2) council members, and shall be filed with and recorded by the City Secretary before the same shall become effective.

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every penal ordinance and of every other ordinance required by law or this Charter to be published, by causing the descriptive title or caption and summary of the penalty of the same to be published at least one time within ten (10) days after final passage thereof in some newspaper of general circulation in the City or to be submitted to City's publisher for codified ordinances. The City Secretary shall note on every ordinance and on the record thereof, the dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section.

The proposition on the ballot shall state as follows:

PROPOSITION O

“SHALL SECTION 3.10 OF THE CITY CHARTER BE AMENDED TO ADJUST THE NUMBER OF ORDINANCE READING REQUIREMENTS FOR ONLY CERTAIN ORDINANCES, CLARIFY EFFECTIVE DATES FOR ALL ORDINANCES AND ADDRESS PUBLICATION REQUIREMENTS FOR ALL ORDINANCES TO BETTER ALLOW COMPLIANCE WITH STATE LAW DEADLINES?”

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_

PROPOSITION P

SHALL SECTION 12.03(a)(1) OF THE CITY CHARTER BE AMENDED TO UPDATE PROHIBITIONS ON DISCRIMINATION TO INCLUDE CATEGORIES ENCOMPASSED BY FEDERAL AND STATE LAW BUT NOT CURRENTLY LISTED IN THE CITY CHARTER?

**FOR** \_\_\_\_\_

**AGAINST** \_\_\_\_\_

This proposition updates the discrimination provision in the City Charter to include categories encompassed by federal and state law such as a prohibition on discrimination based on national origin, age, disability, veteran status, and genetic information. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

**Sec. 12.03. - Prohibitions.**

(a) *Activities prohibited.*

(1) In appointments to and removal from any City office or employment, persons shall not be favored or discriminated against because of race, sex, political or religious opinions, or religious affiliations, color, national origin, age, disability, veteran status, genetic information, or any other protected classification which state or federal law prohibits as a basis for such appointment or removal.

The proposition on the ballot shall state as follows:

PROPOSITION P

“SHALL SECTION 12.03(a)(1) OF THE CITY CHARTER BE AMENDED TO UPDATE PROHIBITIONS ON DISCRIMINATION TO INCLUDE CATEGORIES ENCOMPASSED BY FEDERAL AND STATE LAW BUT NOT CURRENTLY LISTED IN THE CITY CHARTER?”

**FOR** \_\_\_\_\_

**AGAINST** \_\_\_\_\_

## PROPOSITION Q

SHALL SECTION 3.09(d) OF THE CITY CHARTER BE ADOPTED TO ALLOW FOR A SUCCESSION PLAN IN CASE OF EMERGENCIES OR DISASTERS TO PROVIDE A MECHANISM TO ESTABLISH AN INTERIM QUORUM OF CITY COUNCIL WHEN A QUORUM CANNOT BE CONVENED DUE TO THE INJURY OR DEATH OF A QUORUM OF ITS MEMBERS?

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_

This proposition would provide authority for potential situations where, due to disaster or emergencies, the City Council cannot be convened due to the injury or death of a quorum of its members. This allows for an automatic, temporary appointment and temporary powers in order to call an election and handle city matters during the emergency or disaster. This proposition would adopt the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

### **Sec. 3.09. - City Council meetings and procedure.**

(d) In the event that a legal quorum of the elected City Council cannot be convened due to a disaster resulting in multiple injuries, deaths, or incapacity of officers, the surviving City Council members and the chairs and vice-chairs, or president and vice-president of the following boards, shall constitute an interim City Council for purposes of meeting in numbers sufficient to constitute an interim City Council quorum, within fifteen (15) days of such disaster, or as provided in the Texas Election Code, and shall call for an election to fill all vacant City Council positions. Such constituted interim City Council shall serve until the requested election occurs and shall possess all powers possessed by the elected City Council. Such qualifying boards, in order of succession, shall be the (1) New Braunfels Economic Development Corporation, (2) Planning Commission, (3) Transportation and Traffic Advisory Board, (4) Zoning Board of Adjustment, and (5) Parks and Recreation Advisory Board. The elected City Council may pass, by ordinance, such succession procedures and authorizations as it deems necessary.

The proposition on the ballot shall state as follows:

PROPOSITION Q

“SHALL SECTION 3.09(d) OF THE CITY CHARTER BE ADOPTED TO ALLOW FOR A SUCCESSION PLAN IN CASE OF EMERGENCIES OR DISASTERS TO PROVIDE A MECHANISM TO ESTABLISH AN INTERIM QUORUM OF CITY COUNCIL WHEN A QUORUM CANNOT BE CONVENED DUE TO THE INJURY OR DEATH OF A QUORUM OF ITS MEMBERS?”

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_

## PROPOSITION R

SHALL SECTION 12.03(a)(4) OF THE CITY CHARTER BE AMENDED TO CHANGE AND CLARIFY THE RESTRICTIONS AND REGULATIONS ON CAMPAIGN ACTIVITIES BY CITY EMPLOYEES AND OFFICIALS WHEN ON DUTY OR OTHERWISE REPRESENTING THE CITY AND REGULATE OFF DUTY POLITICAL PARTICIPATION WHEN SUCH PARTICIPATION CAUSES UNREASONABLE DISRUPTION TO CITY OPERATIONS?

**FOR** \_\_\_\_\_

**AGAINST** \_\_\_\_\_

This proposition updates the charter language to prohibit campaign political activity of city employees while on duty or otherwise representing the City or their position. Employees off duty political participation will not be restricted unless such participation will cause an unreasonable disruption to the city's operations. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

### **Sec. 12.03. - Prohibitions.**

(a) *Activities prohibited.*

...

(4) ~~No person who holds any compensated City position shall solicit or receive any contribution to the campaign funds of any candidate for municipal office or take any part in the management, affairs, or political campaign of any municipal candidate.~~ No person who holds any compensated City position shall participate in political campaigning or related activities during work hours, while otherwise representing the City or their position. The City will not generally restrict or regulate employees off-duty political participation, unless the City Manager believes such participation will cause an unreasonable disruption to the City's operations. The City Council may adopt ordinances consistent with this section.

...

The proposition on the ballot shall state as follows:

PROPOSITION R

“SHALL SECTION 12.03(a)(4) OF THE CITY CHARTER BE AMENDED TO CHANGE AND CLARIFY THE RESTRICTIONS AND REGULATIONS ON CAMPAIGN ACTIVITIES BY CITY EMPLOYEES AND OFFICIALS WHEN ON DUTY OR OTHERWISE REPRESENTING THE CITY AND REGULATE OFF DUTY POLITICAL PARTICIPATION WHEN SUCH PARTICIPATION CAUSES UNREASONABLE DISRUPTION TO CITY OPERATIONS?”

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_