

## **ORDINANCE NO. 2021- 38**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, CANVASSING THE RETURNS OF THE SPECIAL CHARTER AMENDMENT ELECTION OF THE CITY OF NEW BRAUNFELS, TEXAS, COMAL COUNTY, HELD ON MAY 1, 2021 REGARDING EIGHTEEN (18) PROPOSITIONS, ENUMERATED LETTERS (A) THROUGH (R), THAT WERE SUBMITTED TO THE REGISTERED VOTERS OF THE CITY OF NEW BRAUNFELS, TEXAS, DECLARING THE RESULTS OF SAID ELECTION, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code govern the adoption or amendment of a Home-Rule Charter; and

**WHEREAS**, on 8<sup>th</sup> day of February, 2021, the City Council of the City of New Braunfels ordered a Special Election to be held on Saturday, May 1, 2021 for the purpose of proposing amendments to the City Charter to add or amend City Council terms and vacancies, duties of Mayor and Mayor Pro Tem, duties and responsibilities of City Manager, duties of Municipal Court, Judge, and Clerk, other minor clarifications and corrections, emergency succession planning, and rules regarding political campaigning by City of New Braunfels employees; and

**WHEREAS**, the eighteen (18) propositions were submitted to the voters, the election was held and conducted, and the returns reviewed and investigated, all as required by applicable federal, state, and local law, and it is now necessary to declare the official results of the canvass; and

**WHEREAS**, due to the deadlines imposed by state law requiring canvassing to occur as well as other state law obligations, the City Council for the City of New Braunfels declares this is an emergency ordinance, and is necessary to meet state law requirements.

**NOW THEREFORE:**

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

**SECTION 1.** The City Council having convened on this 10<sup>th</sup> day of May, 2021, to canvass the returns of the Special Election held on May 1, 2021, and after canvassing the returns of this election, officially finds and determines that this election was duly ordered; proper notice of this election was given; proper election officers were duly appointed prior to this election; the election was duly held; the City has complied with the federal, state, and local law; and due returns of the result of this election have been made and delivered, all in accordance with the law and the Ordinance calling the election.

**SECTION 2.** The Mayor and City Council of the City of New Braunfels, after opening the returns of the election received from the election judges and delivered to the City Secretary, do officially find and declare the results of the May 1, 2021, Special Charter Amendment Election to be as follows:

**SPECIAL ELECTION – EIGHTEEN (18) CHARTER AMENDMENT PROPOSITIONS**

**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?”

**(PROPUESTA A)**

*(“¿DEBERÁ LA SECCIÓN 3.01 DE LA CARTA DE LA CIUDAD, SER MODIFICADA PARA CAMBIAR LOS LÍMITES DE MANDATO DE TODOS LOS MIEMBROS DEL CONSEJO DE LA CIUDAD CON EL FIN DE QUE SE PUEDA DESEMPEÑAR UN TERCER TÉRMINO CONSECUTIVO, EN VEZ DEL ACTUAL LÍMITE DE DOS (2) TÉRMINOS CONSECUTIVOS, PERO CONSERVÁNDOSE EL LÍMITE VITALICIO DE TRES (3) TÉRMINOS O NUEVE (9) AÑOS, TAL COMO ACTUALMENTE SE PERMITE?”)*

| District<br>( <i>Distrito</i> ) | For<br>( <i>A Favor</i> ) | Against<br>( <i>En Contra</i> ) | Absentee<br>Voting<br>Ballots Cast | Early<br>Voting<br>Ballots<br>Cast | Election Day<br>Voting Ballots<br>Cast | Total Number of<br>Voters Who<br>Cast a Ballot<br>For or Against<br>this Proposition |
|---------------------------------|---------------------------|---------------------------------|------------------------------------|------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------|
| No. 1                           | 72                        | 88                              | 7                                  | 83                                 | 71                                     | 161                                                                                  |
| No. 2                           | 187                       | 215                             | 185                                | 124                                | 99                                     | 408                                                                                  |
| No. 3                           | 736                       | 490                             | 35                                 | 825                                | 403                                    | 1263                                                                                 |
| No. 4                           | 484                       | 498                             | 42                                 | 622                                | 358                                    | 1022                                                                                 |
| No. 5                           | 110                       | 126                             | 10                                 | 145                                | 84                                     | 239                                                                                  |
| No. 6                           | 108                       | 73                              | 12                                 | 101                                | 68                                     | 181                                                                                  |
| Totals                          | 1,697                     | 1,490                           | 291                                | 1,900                              | 1,083                                  | 3,274                                                                                |

**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?”

**(PROPUESTA B)**

*(“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.06 DE LA CARTA DE LA CIUDAD CON EL PROPÓSITO DE CAMBIAR LAS CALIFICACIONES Y CONDICIONES, CON EL FIN DE LLENAR VACANTES EN EL CONSEJO DE LA CIUDAD PARA QUE LAS VACANTES DE DOCE (12) MESES O MENOS SE PUEDAN LLENAR, A DISCRECIÓN DEL CONSEJO DE LA CIUDAD, POR NOMBRAMIENTO DEL CONSEJO, VACANTES POR EL RESTO DEL TÉRMINO, O LLEVAR A CABO UNA ELECCIÓN ESPECIAL EFECTUADA PARA LLENAR LA VACANTE MIENTRAS QUE LAS VACANTES DE MÁS DE DOCE (12) MESES SEGUIRÁN REQUIRIENDO UNA ELECCIÓN ESPECIAL?”)*

| District<br>( <i>Distrito</i> ) | For<br>( <i>A Favor</i> ) | Against<br>( <i>En Contra</i> ) | Absentee<br>Voting<br>Ballots Cast | Early<br>Voting<br>Ballots<br>Cast | Election Day<br>Voting Ballots<br>Cast | Total Number of<br>Voters Who<br>Cast a Ballot<br>For or Against<br>this Proposition |
|---------------------------------|---------------------------|---------------------------------|------------------------------------|------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------|
| No. 1                           | 97                        | 63                              | 7                                  | 83                                 | 71                                     | 161                                                                                  |
| No. 2                           | 261                       | 138                             | 185                                | 124                                | 99                                     | 408                                                                                  |
| No. 3                           | 893                       | 320                             | 35                                 | 825                                | 403                                    | 1263                                                                                 |
| No. 4                           | 644                       | 326                             | 42                                 | 622                                | 358                                    | 1022                                                                                 |
| No. 5                           | 148                       | 89                              | 10                                 | 145                                | 84                                     | 239                                                                                  |
| No. 6                           | 124                       | 56                              | 12                                 | 101                                | 68                                     | 181                                                                                  |
| Totals                          | 2,167                     | 992                             | 291                                | 1,900                              | 1,083                                  | 3,274                                                                                |

**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?”

**(PROPUESTA C)**

*(“¿SE DEBERÁ ADOPTAR LA SECCIÓN 12.03(a)(6) Y MODIFICAR LA SECCIÓN 12.03(b) DE LA CARTA DE LA CIUDAD CON EL FIN DE PROHIBIR Y PENALIZAR LOS MIEMBROS DEL CONSEJO POR RENUNCIAR INTENCIONALMENTE SU PUESTO Y POSTULARSE EN UNA ELECCIÓN SUBSECUENTE PARA CIRCUNVENIR LOS LÍMITES DE LOS TÉRMINOS?”)*

| District<br>( <i>Districto</i> ) | For<br>( <i>A Favor</i> ) | Against<br>( <i>En Contra</i> ) | Absentee<br>Voting<br>Ballots Cast | Early<br>Voting<br>Ballots<br>Cast | Election Day<br>Voting Ballots<br>Cast | Total Number of<br>Voters Who<br>Cast a Ballot<br>For or Against<br>this Proposition |
|----------------------------------|---------------------------|---------------------------------|------------------------------------|------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------|
| No. 1                            | 145                       | 14                              | 7                                  | 83                                 | 71                                     | 161                                                                                  |
| No. 2                            | 355                       | 46                              | 185                                | 124                                | 99                                     | 408                                                                                  |
| No. 3                            | 1114                      | 97                              | 35                                 | 825                                | 403                                    | 1263                                                                                 |
| No. 4                            | 867                       | 111                             | 42                                 | 622                                | 358                                    | 1022                                                                                 |
| No. 5                            | 203                       | 31                              | 10                                 | 145                                | 84                                     | 239                                                                                  |
| No. 6                            | 162                       | 19                              | 12                                 | 101                                | 68                                     | 181                                                                                  |
| Totals                           | 2,846                     | 318                             | 291                                | 1,900                              | 1,083                                  | 3,274                                                                                |

**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?”

**(PROPUESTA D)**

*("¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.05(c) DE LA CARTA DE LA CIUDAD PARA ESCLARECER EL PODER DEL ALCALDE DURANTE UN PERIODO DE EMERGENCIA PARA NOMBRAR AYUDA ADICIONAL, PROPORCIONAR AUTORIZACIÓN PARA TAL AYUDA, Y UTILIZAR TODAS LAS HABILIDADES AUTORIZADAS POR LA LEY ESTATAL?")*

| District<br>( <i>Distrito</i> ) | For<br>( <i>A Favor</i> ) | Against<br>( <i>En Contra</i> ) | Absentee<br>Voting<br>Ballots Cast | Early<br>Voting<br>Ballots<br>Cast | Election Day<br>Voting Ballots<br>Cast | Total Number of<br>Voters Who<br>Cast a Ballot<br>For or Against<br>this Proposition |
|---------------------------------|---------------------------|---------------------------------|------------------------------------|------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------|
| No. 1                           | 122                       | 37                              | 7                                  | 83                                 | 71                                     | 161                                                                                  |
| No. 2                           | 328                       | 70                              | 185                                | 124                                | 99                                     | 408                                                                                  |
| No. 3                           | 1037                      | 177                             | 35                                 | 825                                | 403                                    | 1263                                                                                 |
| No. 4                           | 797                       | 173                             | 42                                 | 622                                | 358                                    | 1022                                                                                 |
| No. 5                           | 188                       | 47                              | 10                                 | 145                                | 84                                     | 239                                                                                  |
| No. 6                           | 145                       | 36                              | 12                                 | 101                                | 68                                     | 181                                                                                  |
| Totals                          | 2,617                     | 540                             | 291                                | 1,900                              | 1,083                                  | 3,274                                                                                |
|                                 |                           |                                 |                                    |                                    |                                        |                                                                                      |

**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?"

**(PROPUESTA E)**

*("¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.05(b) DE LA CARTA DE LA CIUDAD PARA OTORGARLE DEBERES ADICIONALES AL ALCALDE TEMPORAL PARA QUE SEA ÉSTE PRINCIPALMENTE RESPONSABLE POR LAS EVALUACIONES ANUALES DEL ADMINISTRADOR DE LA CIUDAD, EL ABOGADO DE LA CIUDAD, Y EL JUEZ DE LA CORTE*

MUNICIPAL, QUIENES REPORTAN AL CONSEJO DE LA CIUDAD, TAL COMO SE PRACTICA ACTUALMENTE?”)

| District<br>( <i>Distrito</i> ) | For<br>( <i>A Favor</i> ) | Against<br>( <i>En Contra</i> ) | Absentee<br>Voting<br>Ballots Cast | Early<br>Voting<br>Ballots<br>Cast | Election Day<br>Voting Ballots<br>Cast | Total Number of<br>Voters Who<br>Cast a Ballot<br>For or Against<br>this Proposition |
|---------------------------------|---------------------------|---------------------------------|------------------------------------|------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------|
| No. 1                           | 117                       | 40                              | 7                                  | 83                                 | 71                                     | 161                                                                                  |
| No. 2                           | 301                       | 95                              | 185                                | 124                                | 99                                     | 408                                                                                  |
| No. 3                           | 1013                      | 177                             | 35                                 | 825                                | 403                                    | 1263                                                                                 |
| No. 4                           | 756                       | 195                             | 42                                 | 622                                | 358                                    | 1022                                                                                 |
| No. 5                           | 177                       | 55                              | 10                                 | 145                                | 84                                     | 239                                                                                  |
| No. 6                           | 136                       | 45                              | 12                                 | 101                                | 68                                     | 181                                                                                  |
| Totals                          | 2,500                     | 607                             | 291                                | 1,900                              | 1,083                                  | 3,274                                                                                |

#### **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?”

#### **(PROPUESTA F)**

(“¿SE DEBERÁN MODIFICAR LAS SECCIONES 7.01(a) Y 8.04 DE LA CARTA DE LA CIUDAD CON EL FIN DE ESCLARECER LOS REQUISITOS DE RESIDENCIA PARA EL ADMINISTRADOR DE LA CIUDAD Y EL ABOGADO DE LA CIUDAD PARA PERMITIR HASTA CIENTO VEINTE (120) DÍAS DESPUÉS DEL NOMBRAMIENTO PARA ESTABLECER RESIDENCIA EN LA CIUDAD?”)

| District<br>( <i>Districto</i> ) | For<br>( <i>A Favor</i> ) | Against<br>( <i>En Contra</i> ) | Absentee<br>Voting<br>Ballots Cast | Early<br>Voting<br>Ballots<br>Cast | Election Day<br>Voting Ballots<br>Cast | Total Number of<br>Voters Who<br>Cast a Ballot<br>For or Against<br>this Proposition |
|----------------------------------|---------------------------|---------------------------------|------------------------------------|------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------|
| No. 1                            | 113                       | 48                              | 7                                  | 83                                 | 71                                     | 161                                                                                  |
| No. 2                            | 305                       | 93                              | 185                                | 124                                | 99                                     | 408                                                                                  |
| No. 3                            | 969                       | 240                             | 35                                 | 825                                | 403                                    | 1263                                                                                 |
| No. 4                            | 705                       | 254                             | 42                                 | 622                                | 358                                    | 1022                                                                                 |
| No. 5                            | 183                       | 50                              | 10                                 | 145                                | 84                                     | 239                                                                                  |
| No. 6                            | 149                       | 32                              | 12                                 | 101                                | 68                                     | 181                                                                                  |
| Totals                           | 2,424                     | 717                             | 291                                | 1,900                              | 1,083                                  | 3,274                                                                                |

### **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?”

### **(PROPUESTA G)**

(“¿SE DEBERÁ AÑADIR LA SECCIÓN 7.01(d) A LA CARTA DE LA CIUDAD PARA IMPONER UNA OBLIGACIÓN AL ADMINISTRADOR DE LA CIUDAD PARA QUE ANUALMENTE PRESENTE AL CONSEJO DE LA CIUDAD, UN PROYECCIÓN FINANCIERA DE CINCO (5) AÑOS Y UN PLAN DE MEJORAS DE CAPITAL A CINCO (5) AÑOS, TAL COMO SE PRACTICA ACTUALMENTE?”)

| District<br>( <i>Districto</i> ) | For<br>( <i>A Favor</i> ) | Against<br>( <i>En Contra</i> ) | Absentee<br>Voting<br>Ballots Cast | Early<br>Voting<br>Ballots<br>Cast | Election Day<br>Voting Ballots<br>Cast | Total Number of<br>Voters Who<br>Cast a Ballot<br>For or Against<br>this Proposition |
|----------------------------------|---------------------------|---------------------------------|------------------------------------|------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------|
| No. 1                            | 153                       | 7                               | 7                                  | 83                                 | 71                                     | 161                                                                                  |
| No. 2                            | 361                       | 35                              | 185                                | 124                                | 99                                     | 408                                                                                  |
| No. 3                            | 1147                      | 64                              | 35                                 | 825                                | 403                                    | 1263                                                                                 |
| No. 4                            | 884                       | 77                              | 42                                 | 622                                | 358                                    | 1022                                                                                 |
| No. 5                            | 207                       | 27                              | 10                                 | 145                                | 84                                     | 239                                                                                  |
| No. 6                            | 165                       | 16                              | 12                                 | 101                                | 68                                     | 181                                                                                  |
| Totals                           | 2,917                     | 226                             | 291                                | 1,900                              | 1,083                                  | 3,274                                                                                |

#### **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? “

#### **(PROPUESTA H)**

*(“¿SE DEBERÁ MODIFICAR LA SECCIÓN 9.17 DE LA CARTA DE LA CIUDAD CON EL FIN DE AJUSTAR LA AUTORIDAD DEL ADMINISTRADOR DE LA CIUDAD PARA LICITACIÓN PÚBLICA Y COMPRAS DE ARTÍCULOS YA INCLUIDOS EN EL PRESUPUESTO, ACTUALMENTE FIJADO A \$25,000.00 PARA ALINEARSE AL LOS LÍMITES IMPUESTOS POR EL ESTADO, LOS CUALES ACTUALMENTE ESTÁN FIJADOS A \$50,000.00 Y AJUSTARSE AUTOMÁTICAMENTE AL HABER UN CAMBIO EN LA LEY ESTATAL?”)*

| District | For | Against | Absentee | Early | Election Day | Total Number of<br>Voters Who |
|----------|-----|---------|----------|-------|--------------|-------------------------------|
|----------|-----|---------|----------|-------|--------------|-------------------------------|

| <i>(Districto)</i> | <i>(A Favor)</i> | <i>(En Contra)</i> | Voting Ballots Cast | Voting Ballots Cast | Voting Ballots Cast | Cast a Ballot For or Against this Proposition |
|--------------------|------------------|--------------------|---------------------|---------------------|---------------------|-----------------------------------------------|
| No. 1              | 124              | 36                 | 7                   | 83                  | 71                  | 161                                           |
| No. 2              | 274              | 119                | 185                 | 124                 | 99                  | 408                                           |
| No. 3              | 941              | 246                | 35                  | 825                 | 403                 | 1263                                          |
| No. 4              | 687              | 268                | 42                  | 622                 | 358                 | 1022                                          |
| No. 5              | 174              | 58                 | 10                  | 145                 | 84                  | 239                                           |
| No. 6              | 136              | 44                 | 12                  | 101                 | 68                  | 181                                           |
| Totals             | 2,336            | 771                | 291                 | 1,900               | 1,083               | 3,274                                         |

### **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?”

### **(PROPUESTA I)**

*(“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.08(c) DE LA CARTA DE LA CIUDAD PARA AUTORIZAR AL ADMINISTRADOR DE LA CIUDAD, A SU DISCRECIÓN, PERMITIR QUE LOS MIEMBROS DEL CONSEJO INTERACTÚEN CON LOS JEFES DE DEPARTAMENTO SIN VIOLAR LA CARTA DE LA CIUDAD?”)*

| District<br><i>(Districto)</i> | For<br><i>(A Favor)</i> | Against<br><i>(En Contra)</i> | Absentee<br>Voting<br>Ballots Cast | Early<br>Voting<br>Ballots<br>Cast | Election Day<br>Voting Ballots<br>Cast | Total Number of<br>Voters Who<br>Cast a Ballot<br>For or Against<br>this Proposition |
|--------------------------------|-------------------------|-------------------------------|------------------------------------|------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------|
| No. 1                          | 94                      | 63                            | 7                                  | 83                                 | 71                                     | 161                                                                                  |

|        |       |       |     |       |       |       |
|--------|-------|-------|-----|-------|-------|-------|
| No. 2  | 259   | 132   | 185 | 124   | 99    | 408   |
| No. 3  | 837   | 352   | 35  | 825   | 403   | 1263  |
| No. 4  | 628   | 328   | 42  | 622   | 358   | 1022  |
| No. 5  | 148   | 82    | 10  | 145   | 84    | 239   |
| No. 6  | 116   | 65    | 12  | 101   | 68    | 181   |
| Totals | 2,082 | 1,022 | 291 | 1,900 | 1,083 | 3,274 |

**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?”

**(PROPUESTA J)**

*(“¿SE DEBERÁN MODIFICAR LAS SECCIONES 8.02 Y 8.03 DE LA CARTA DE LA CIUDAD PARA EL NOMBRAMIENTO DE LOS JUECES DE LA CORTE MUNICIPAL, Y PROVEER PARA LA REMOCIÓN DE CUALQUIER JUEZ DE CORTE MUNICIPAL Y PROVEER PARA EL NOMBRAMIENTO DE UN SECRETARIO DE LA CORTE MUNICIPAL QUE CUMPLA CON LA LEY ESTATAL Y LA PRÁCTICA ACTUAL?”)*

| District<br>( <i>Distrito</i> ) | For<br>( <i>A Favor</i> ) | Against<br>( <i>En Contra</i> ) | Absentee<br>Voting<br>Ballots Cast | Early<br>Voting<br>Ballots<br>Cast | Election Day<br>Voting Ballots<br>Cast | Total Number of<br>Voters Who<br>Cast a Ballot<br>For or Against<br>this Proposition |
|---------------------------------|---------------------------|---------------------------------|------------------------------------|------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------|
|                                 |                           |                                 |                                    |                                    |                                        |                                                                                      |

|        |       |     |     |       |       |       |
|--------|-------|-----|-----|-------|-------|-------|
| No. 1  | 125   | 32  | 7   | 83    | 71    | 161   |
| No. 2  | 322   | 69  | 185 | 124   | 99    | 408   |
| No. 3  | 1034  | 139 | 35  | 825   | 403   | 1263  |
| No. 4  | 779   | 169 | 42  | 622   | 358   | 1022  |
| No. 5  | 190   | 38  | 10  | 145   | 84    | 239   |
| No. 6  | 142   | 38  | 12  | 101   | 68    | 181   |
| Totals | 2,592 | 485 | 291 | 1,900 | 1,083 | 3,274 |

#### **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?”

#### **PROPUESTA K**

*(“¿SE DEBERÁ MODIFICAR LA SECCIÓN 5.05 DE LA CARTA DE LA CIUDAD CON EL FIN DE CAMBIAR EL NÚMERO DE DÍAS DESPUÉS DE LA PRESENTACIÓN DE UNA SOLICITUD DE REVOCACIÓN QUE EL SECRETARIO DE LA CIUDAD DEBE PRESENTARLA AL CONSEJO DE LA CIUDAD DE CINCO (5) A VEINTE (20) DÍAS PARA PERMITIR SUFICIENTE TIEMPO PARA PROPORCIONAR TODOS LOS DOCUMENTOS REQUERIDOS PARA LA REVOCACIÓN?”)*

| District<br>( <i>Distrito</i> ) | For<br>( <i>A Favor</i> ) | Against<br>( <i>En Contra</i> ) | Absentee<br>Voting<br>Ballots Cast | Early<br>Voting<br>Ballots<br>Cast | Election Day<br>Voting Ballots<br>Cast | Total Number of<br>Voters Who<br>Cast a Ballot<br>For or Against<br>this Proposition |
|---------------------------------|---------------------------|---------------------------------|------------------------------------|------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------|
| No. 1                           | 132                       | 28                              | 7                                  | 83                                 | 71                                     | 161                                                                                  |
| No. 2                           | 320                       | 72                              | 185                                | 124                                | 99                                     | 408                                                                                  |

|        |       |     |     |       |       |       |
|--------|-------|-----|-----|-------|-------|-------|
| No. 3  | 1026  | 144 | 35  | 825   | 403   | 1263  |
| No. 4  | 802   | 141 | 42  | 622   | 358   | 1022  |
| No. 5  | 180   | 51  | 10  | 145   | 84    | 239   |
| No. 6  | 154   | 27  | 12  | 101   | 68    | 181   |
| Totals | 2,614 | 463 | 291 | 1,900 | 1,083 | 3,274 |

**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?”

**(PROPUESTA L)**

*(“¿SE DEBERÁ REVOCAR LA SECCIÓN 9.18 DE LA CARTA DE LA CIUDAD Y REMOVER EL DEPARTAMENTO DE IMPUESTOS, EL CUAL YA NO EXISTE DEBIDO A LOS REGLAMENTOS ESTATALES?”)*

| District<br>( <i>Distrito</i> ) | For<br>( <i>A Favor</i> ) | Against<br>( <i>En Contra</i> ) | Absentee<br>Voting<br>Ballots Cast | Early<br>Voting<br>Ballots<br>Cast | Election Day<br>Voting Ballots<br>Cast | Total Number of<br>Voters Who<br>Cast a Ballot<br>For or Against<br>this Proposition |
|---------------------------------|---------------------------|---------------------------------|------------------------------------|------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------|
| No. 1                           | 155                       | 4                               | 7                                  | 83                                 | 71                                     | 161                                                                                  |
| No. 2                           | 366                       | 28                              | 185                                | 124                                | 99                                     | 408                                                                                  |
| No. 3                           | 1123                      | 56                              | 35                                 | 825                                | 403                                    | 1263                                                                                 |
| No. 4                           | 872                       | 78                              | 42                                 | 622                                | 358                                    | 1022                                                                                 |
| No. 5                           | 208                       | 22                              | 10                                 | 145                                | 84                                     | 239                                                                                  |
| No. 6                           | 168                       | 11                              | 12                                 | 101                                | 68                                     | 181                                                                                  |
| Totals                          | 2,892                     | 199                             | 291                                | 1,900                              | 1,083                                  | 3,274                                                                                |

**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?”

**(PROPUESTA M)**

*(“¿SE DEBERÁN MODIFICAR LAS SECCIONES 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 Y 12.13 DE LA CARTA DE LA CIUDAD CON EL FIN DE CORREGIR ERRORES TIPOGRÁFICOS, SINTÁCTICOS, DE GRAMÁTICA Y DE REFERENCIAS A GÉNERO, Y PERMITIR FUTURAS CORRECCIONES Y RENUMERAR LA CARTA SIN UNA ELECCIÓN DE CARTA?”)*

| District<br>( <i>Distrito</i> ) | For<br>( <i>A Favor</i> ) | Against<br>( <i>En Contra</i> ) | Absentee<br>Voting<br>Ballots Cast | Early<br>Voting<br>Ballots<br>Cast | Election Day<br>Voting Ballots<br>Cast | Total Number of<br>Voters Who<br>Cast a Ballot<br>For or Against<br>this Proposition |
|---------------------------------|---------------------------|---------------------------------|------------------------------------|------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------|
| No. 1                           | 117                       | 42                              | 7                                  | 83                                 | 71                                     | 161                                                                                  |
| No. 2                           | 288                       | 104                             | 185                                | 124                                | 99                                     | 408                                                                                  |
| No. 3                           | 962                       | 224                             | 35                                 | 825                                | 403                                    | 1263                                                                                 |
| No. 4                           | 696                       | 258                             | 42                                 | 622                                | 358                                    | 1022                                                                                 |
| No. 5                           | 169                       | 60                              | 10                                 | 145                                | 84                                     | 239                                                                                  |
| No. 6                           | 136                       | 44                              | 12                                 | 101                                | 68                                     | 181                                                                                  |
| Totals                          | 2,368                     | 732                             | 291                                | 1,900                              | 1,083                                  | 3,274                                                                                |

**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?”

**(PROPUESTA N)**

*(“¿SE DEBERÁN MODIFICAR LAS SECCIONES 4.01, 9.06 Y 9.11 DE LA CARTA DE LA CIUDAD CON EL FIN DE REQUERIR LA PUBLICACIÓN DE CIERTOS REGISTROS DE LA CIUDAD EN LA PÁGINA WEB DE LA CIUDAD ADEMÁS DE CUALQUIER OTRA NOTIFICACIÓN REQUERIDA POR LEY?”)*

| District<br>( <i>Distrito</i> ) | For<br>( <i>A Favor</i> ) | Against<br>( <i>En Contra</i> ) | Absentee<br>Voting<br>Ballots Cast | Early<br>Voting<br>Ballots<br>Cast | Election Day<br>Voting Ballots<br>Cast | Total Number of<br>Voters Who<br>Cast a Ballot<br>For or Against<br>this Proposition |
|---------------------------------|---------------------------|---------------------------------|------------------------------------|------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------|
| No. 1                           | 155                       | 4                               | 7                                  | 83                                 | 71                                     | 161                                                                                  |
| No. 2                           | 361                       | 28                              | 185                                | 124                                | 99                                     | 408                                                                                  |
| No. 3                           | 1128                      | 60                              | 35                                 | 825                                | 403                                    | 1263                                                                                 |
| No. 4                           | 872                       | 87                              | 42                                 | 622                                | 358                                    | 1022                                                                                 |
| No. 5                           | 212                       | 16                              | 10                                 | 145                                | 84                                     | 239                                                                                  |
| No. 6                           | 164                       | 17                              | 12                                 | 101                                | 68                                     | 181                                                                                  |
| Totals                          | 2,892                     | 212                             | 291                                | 1,900                              | 1,083                                  | 3,274                                                                                |

### **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?”

### **(PROPUESTA O)**

*(“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.10 DE LA CARTA DE LA CIUDAD CON EL FIN DE AJUSTAR EL NÚMERO DE REQUISITOS DE LA LECTURA DE ORDENANZAS PARA SÓLO CIERTAS ORDENANZAS, PARA ESCLARECER LAS FECHAS EFECTIVAS PARA TODAS LAS ORDENANZAS, Y PARA ABORDAR LOS REQUISITOS PARA TODAS LAS ORDENANZAS, PARA PERMITIR MEJOR CUMPLIMIENTO CON LAS FECHAS LÍMITE DE LA LEY ESTATAL?”)*

| District<br>( <i>Distrito</i> ) | For<br>( <i>A Favor</i> ) | Against<br>( <i>En Contra</i> ) | Absentee<br>Voting<br>Ballots Cast | Early<br>Voting<br>Ballots<br>Cast | Election Day<br>Voting Ballots<br>Cast | Total Number of<br>Voters Who<br>Cast a Ballot<br>For or Against<br>this Proposition |
|---------------------------------|---------------------------|---------------------------------|------------------------------------|------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------|
| No. 1                           | 128                       | 30                              | 7                                  | 83                                 | 71                                     | 161                                                                                  |
| No. 2                           | 318                       | 72                              | 185                                | 124                                | 99                                     | 408                                                                                  |
| No. 3                           | 1001                      | 164                             | 35                                 | 825                                | 403                                    | 1263                                                                                 |
| No. 4                           | 754                       | 180                             | 42                                 | 622                                | 358                                    | 1022                                                                                 |
| No. 5                           | 180                       | 45                              | 10                                 | 145                                | 84                                     | 239                                                                                  |
| No. 6                           | 134                       | 44                              | 12                                 | 101                                | 68                                     | 181                                                                                  |
| Totals                          | 2,515                     | 535                             | 291                                | 1,900                              | 1,083                                  | 3,274                                                                                |

**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?”

**(PROPUESTA P)**

*(“¿SE DEBERÁ MODIFICAR LA SECCIÓN 12.03(a)(1) DE LA CARTA DE LA CIUDAD PARA ACTUALIZAR LAS PROHIBICIONES ACERCA DE LA DISCRIMINACIÓN PARA QUE INCLUYAN LAS CATEGORÍAS INCLUIDAS EN LAS LEYES FEDERALES Y ESTATALES PERO NO ACTUALMENTE LISTADAS EN LA CARTA DE LA CIUDAD?”)*

| District<br>( <i>Distrito</i> ) | For<br>( <i>A Favor</i> ) | Against<br>( <i>En Contra</i> ) | Absentee<br>Voting<br>Ballots Cast | Early<br>Voting<br>Ballots<br>Cast | Election Day<br>Voting Ballots<br>Cast | Total Number of<br>Voters Who<br>Cast a Ballot<br>For or Against<br>this Proposition |
|---------------------------------|---------------------------|---------------------------------|------------------------------------|------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------|
| No. 1                           | 120                       | 38                              | 7                                  | 83                                 | 71                                     | 161                                                                                  |
| No. 2                           | 316                       | 74                              | 185                                | 124                                | 99                                     | 408                                                                                  |
| No. 3                           | 932                       | 242                             | 35                                 | 825                                | 403                                    | 1263                                                                                 |
| No. 4                           | 708                       | 233                             | 42                                 | 622                                | 358                                    | 1022                                                                                 |
| No. 5                           | 177                       | 49                              | 10                                 | 145                                | 84                                     | 239                                                                                  |
| No. 6                           | 140                       | 38                              | 12                                 | 101                                | 68                                     | 181                                                                                  |
| Totals                          | 2,393                     | 674                             | 291                                | 1,900                              | 1,083                                  | 3,274                                                                                |

**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?”

**(PROPUESTA Q)**

*(“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.09(d) DE LA CARTA DE LA CIUDAD PARA PERMITIR UN PLAN DE SUCESIÓN EN CASO DE EMERGENCIAS O DESASTRES PARA PROPORCIONAR UN MECANISMO PARA ESTABLECER UN CUÓRUM INTERINO DEL CONSEJO DE LA CIUDAD CUANDO UN CUÓRUM NO PUEDE SER CONVOCADO DEBIDO A LA LESIÓN O MUERTE DE UN CUÓRUM DE SUS MIEMBROS?”)*

| District<br>( <i>Districto</i> ) | For<br>( <i>A Favor</i> ) | Against<br>( <i>En Contra</i> ) | Absentee<br>Voting<br>Ballots Cast | Early<br>Voting<br>Ballots<br>Cast | Election Day<br>Voting Ballots<br>Cast | Total Number of<br>Voters Who<br>Cast a Ballot<br>For or Against<br>this Proposition |
|----------------------------------|---------------------------|---------------------------------|------------------------------------|------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------|
| No. 1                            | 134                       | 25                              | 7                                  | 83                                 | 71                                     | 161                                                                                  |
| No. 2                            | 336                       | 55                              | 185                                | 124                                | 99                                     | 408                                                                                  |
| No. 3                            | 1089                      | 99                              | 35                                 | 825                                | 403                                    | 1263                                                                                 |
| No. 4                            | 826                       | 119                             | 42                                 | 622                                | 358                                    | 1022                                                                                 |
| No. 5                            | 190                       | 42                              | 10                                 | 145                                | 84                                     | 239                                                                                  |
| No. 6                            | 155                       | 24                              | 12                                 | 101                                | 68                                     | 181                                                                                  |
| Totals                           | 2,730                     | 364                             | 291                                | 1,900                              | 1,083                                  | 3,274                                                                                |

**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?”

**(PROPUESTA R)**

*(“¿SE DEBERÁ MODIFICAR LA SECCIÓN 12.03(a)(4) DE LA CARTA DE LA CIUDAD CON EL FIN DE CAMBIAR Y ESCLARECER LAS RESTRICCIONES Y REGLAMENTOS EN LAS ACTIVIDADES POR PARTE DE LOS EMPLEADOS Y OFICIALES DE LA CIUDAD CUANDO ESTÁN EJERCIENDO SU OFICIO O GENERALMENTE REPRESENTANDO LA CIUDAD, Y REGULAR LA PARTICIPACIÓN POLÍTICA CUANDO NO FUNJAN DE MANERA OFICIAL CUANDO DICHA PARTICIPACIÓN CAUSA INTERRUPCIÓN IRRACIONABLE A LAS OPERACIONES MUNICIPALES?”)*

| District<br>( <i>Distrito</i> ) | For<br>( <i>A Favor</i> ) | Against<br>( <i>En Contra</i> ) | Absentee<br>Voting<br>Ballots Cast | Early<br>Voting<br>Ballots<br>Cast | Election Day<br>Voting Ballots<br>Cast | Total Number of<br>Voters Who<br>Cast a Ballot<br>For or Against<br>this Proposition |
|---------------------------------|---------------------------|---------------------------------|------------------------------------|------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------|
| No. 1                           | 129                       | 30                              | 7                                  | 83                                 | 71                                     | 161                                                                                  |
| No. 2                           | 319                       | 72                              | 185                                | 124                                | 99                                     | 408                                                                                  |
| No. 3                           | 1012                      | 160                             | 35                                 | 825                                | 403                                    | 1263                                                                                 |
| No. 4                           | 770                       | 173                             | 42                                 | 622                                | 358                                    | 1022                                                                                 |
| No. 5                           | 171                       | 56                              | 10                                 | 145                                | 84                                     | 239                                                                                  |
| No. 6                           | 135                       | 42                              | 12                                 | 101                                | 68                                     | 181                                                                                  |
| Totals                          | 2,536                     | 533                             | 291                                | 1,900                              | 1,083                                  | 3,274                                                                                |

**SECTION 3.** Voting numbers are also broken out by precinct and attached to this ordinance in the New Braunfels Canvass Report provided by Comal County through its contract for holding a joint election and are incorporated for all purposes herein. However, since Comal County was holding joint elections, including elections for certain school districts, some precincts may also include areas which are not within the city limits for the City of New Braunfels and each district had its own ballot for district representation. As a result, the City Council utilized the per district numbers provided by Comal County.

**SECTION 4.** And it appearing to the City Council of the City of New Braunfels, Texas, that the propositions regarding the amendments to the City of New Braunfels Home-Rule Charter by the city, were submitted at said election and that the returns thereof were made, all as required by the Charter of the City of New Braunfels, Texas, and the laws of the State of Texas, by order of the City Council and the law for such cases made and provided, and that at said Special Election there were cast respectively for and against the said proposal the aggregate number of votes as shown by the above.

**SECTION 5.** And the Mayor and the Councilmembers of the City of New Braunfels, Texas, having first canvassed said returns and having found the same in all things correct, the same was thereupon adopted by majority vote of the City Council.

**SECTION 6.** And City Council of the City of New Braunfels, Texas, declares that all propositions which received the majority of votes out of those votes case per proposition are hereby declared to have passed and all propositions which did not receive the majority of votes out of those votes case per proposition, including all tied votes, are hereby declared not to have passed.

**SECTION 7.** And City Council of the City of New Braunfels, Texas, declares that this ordinance constitutes an order in the records of the municipality declaring that the charter amendments which passed are adopted pursuant to Texas Local Government Code. § 9.005(b).

**SECTION 8.** If any part or parts of this ordinance shall be held to be unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not affect the constitutionality or validity of the remaining parts of this ordinance. The City Council hereby declares that it would have passed the remaining parts of this ordinance, if it had known that such part or parts, thereof, would have been declared unconstitutional or invalid, and further declares that such remaining parts shall remain in full force and effect; and, that the provisions hereof are

severable.

**SECTION 9.** It is further ordained that, in view of the fact that it is for the best interest of the citizens of the City of New Braunfels, and one which requires immediate declaration and canvass and result of said Special Election thereby creating an imperative public necessity that the rule requiring ordinances to be read at two regular meetings of the City Council be suspended, the same is hereby suspended, and this ordinance shall take effect and be in full force from and after its passage as an emergency ordinance as made and provided by the Charter of the City of New Braunfels, Texas.

PASSED AND APPROVED this the 10 day of May, 2021.

**CITY OF NEW BRAUNFELS, TEXAS**

---

Rusty Brockman, Mayor

**ATTEST:**

---

Caitlin Krobot, City Secretary

**APPROVED AS TO FORM:**

---

Valeria M. Acevedo, City Attorney