

**ORDINANCE 2022-015(O)**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS TO ORDER A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, TO CONSIDER AMENDMENTS TO THE CHARTER OF THE CITY OF WINDCREST; MAKING PROVISIONS FOR THE CONDUCT OF SUCH SPECIAL ELECTION; AND RESOLVING OTHER MATTERS RELATED TO THE CONDUCT OF SUCH SPECIAL ELECTION**

**WHEREAS**, SECTION 9.004 of the Texas Local Government Code authorizes the governing body of a municipality to submit proposed charter amendments to the qualified voters of the municipality for their approval at an election to be held on the first authorized uniform election date prescribed by the Election Code; and

**WHEREAS**, the City Council has determined that it would be in the public interest for the citizens of the City to consider certain amendments to the City of Windcrest Charter.

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

**SECTION 1.** A special election shall be held on November 8, 2022, a uniform election date, in the City of WINDCREST, Texas, which date is not less than seventy-eight (78) days from the date of the adoption of this ordinance, for the purpose of considering adoption of the charter amendment propositions attached hereto in Exhibit "A".

**SECTION 2.** The official ballots shall be prepared in accordance with the Texas Election Code, as amended, so as to permit electors to vote FOR or AGAINST the aforesaid charter amendment propositions.

**SECTION 3.** Voting on Election Day and during early voting shall be done on Election Systems & Software, Inc. (ES&S) Express Vote® Universal Voting System with DS200® with voting tabulation performed by Bexar County Elections Administrator or a similar system designated by the Bexar County Elections Administrator. Voting by Mail ballot and Provisional Voting shall be done on paper ballot.

**SECTION 4.** The polling place designated for Windcrest voting precincts 4050, 4051, 4107, 4192, and 4195, for voting in the November 8, 2022, special election shall be at a location determined by the Bexar County Elections Administrator and such polling place shall be open on the election day from 7:00 a.m. to 7:00 p.m. Such locations and times may be subject to change once Bexar County Elections Administrator confirms information from appropriate agencies.

**SECTION 5.** The polling places for WINDCREST voting precincts 4050, 4051, 4107, 4192, and 4195, for early voting for the November 8, 2022, general election shall be determined by the Bexar County Elections Administrator and held beginning Monday, October 24, 2022,

through Friday November 4, 2022. Times and locations are yet to be determined and will be posted once they are released.

**SECTION 6.** Applications for ballots by mail shall be mailed to Jacquelyn F. Callanen, Bexar County Elections Administrator, at 203 W. Nueva, Suite 361, San Antonio, Texas 78207. Applications for ballots by mail must be received by the Early Voting Clerk no later than the close of business on the date required by the Texas Election Code.

**SECTION 7.** The City Council authorizes the City Manager, or his designee, to negotiate and enter into an election agreement or agreements with the Bexar County Elections Administrator in accordance with the provisions of the Texas Election Code, and to pay the charges for such election services. The City Manager may also enter into a contract for the conduct of a joint election with other governmental entities in Bexar County, Texas.

**SECTION 8.** Jacquelyn F. Callanen, Bexar County Elections Administrator, is designated as the election officer to conduct the special election on November 8, 2022, and early voting for said election.

**SECTION 9.** Notice of the November 8, 2022 special election shall be posted and published in accordance with the Texas Election Code.

**SECTION 10.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this ordinance for all purposes and are adopted as a part of the judgment and findings of the City.

**SECTION 11.** All ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this ordinance are hereby repealed to the extent of such conflict, and the provisions of this ordinance shall be and remain controlling as to the matters ordained herein.

**SECTION 12.** This ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**SECTION 13.** If any provision of this ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the city council hereby declares that this ordinance would have been enacted without such invalid provision.

**SECTION 14.** It is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

**SECTION 15.** This ordinance shall be in force and effect from after its final passage, and it is so resolved.

**SECTION 16.** If a majority of the votes are cast for any charter amendment proposition, the city council shall declare the proposition passed so that the City of Windcrest Charter will be amended accordingly.

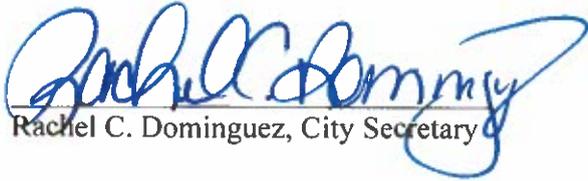
PASSED and APPROVED at the first reading on the 15th of August, 2022 at a regular meeting of the City Council of the City of Windcrest, Texas which meeting as held in compliance with the Open Meetings Act, Tex. Gov't Code, §551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS



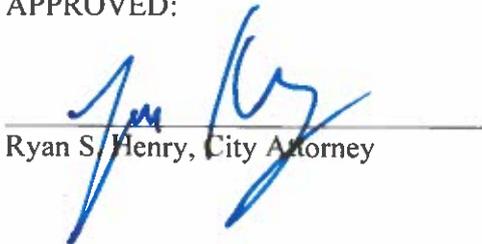
Dan Reese, Mayor

ATTEST:



Rachel C. Dominguez, City Secretary

APPROVED:



Ryan S. Henry, City Attorney



Exhibit A

PROPOSITION A

SHALL SECTIONS 1.04 AND 3.13(B) OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO BRING IT IN LINE WITH STATE LAW PUBLIC HEARING REQUIREMENTS AND ALLOW FOR CERTAIN ANNEXATIONS BY CONSENT OF THE PROPERTY OWNER WITHOUT THE NEED FOR A GENERAL ELECTION?

This proposition would amend section 1.04 and 3.13(B) to align it with the public hearings required by state law after recent legislative amendments and to allow certain types of annexations by request of a property owner without the need for a general election. Strike throughs indicate a deletion and underlined words indicate an addition. 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. 1.04. - Extension of boundaries (annexation).**

1.The boundaries and limits of the City may be enlarged and extended by the acquisition of additional territory, irrespective of size and configuration, by the methods hereinafter set forth and consistent with state law.

2. The City Council shall have the power by ordinance to fix the boundary limits of the City and to provide for the alteration and extension of said boundary limits and the acquisition of additional territory, lying adjacent to the City, in any manner provided by law.

A. Before the City may acquire an area or extend its extraterritorial jurisdiction, the City Manager must present a written report on the financial impact of the proposed acquisition or extension and the adoption of any proposed service plan to the City Council.

B. Unless provided otherwise by this charter, ~~A~~action to acquire an area or extend the City's extraterritorial jurisdiction shall be initiated by ordinance calling for a public vote on the proposed acquisition or extension, which ordinance may be adopted after ~~two public hearings are held at least ten (10) but not more than twenty (20) days after the notice of such public hearings are published in the designated official newspaper of the City~~any public hearings required by state law.

C. The public vote on the proposed acquisition or extension may be scheduled in conjunction with either a special or general election, and a simple majority of voters shall determine whether the acquisition or extension is approved. In the event of a tie, the City Council will vote to settle the tie. Based upon the outcome of the public vote and the City Council vote, if necessary, the City Council will enact an ordinance to fix the boundary limits as approved by the voters.

D. Notwithstanding the above provisions of this charter, the City Council may vote to annex property, consistent with state law requirement:

i. upon the request of a property owner whose property is contiguous to the City's boundaries,

ii. the right-of-way of a street, highway, alley, or other public way or of a railway line, spur, or roadbed if allowed or required by state law,

3. When any additional territory has been so acquired, the same shall be part of the City of Windcrest and the property situated therein shall bear its pro rata part of the taxes levied by the City. The inhabitants thereof shall be entitled to all the rights and privileges of other citizens of the City and shall be bound by the acts, ordinances, resolutions and regulations of the City.

4. The extraterritorial jurisdiction of the boundaries may be extended by the City Council as provided by state law.

### **Section 3.13 Procedures for Passage of Ordinances and Resolutions**

...

A. Ordinances passed upon one reading. Notwithstanding section 3.13(A) above, ordinances which may be passed upon first introduction include ordinances canvassing an election, ordinances calling 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 discussed the pending budget. Any ordinance necessary to protect the public's peace, health, safety and general welfare may be passed as an emergency, such as a natural or manmade disaster as well as other traditional emergency situations, 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 that it is an emergency at said reading and the finding of an emergency shall be stated within the ordinance.

The proposition on the ballot shall state as follows:

#### PROPOSITION A

“SHALL SECTIONS 1.04 AND 3.13(B) OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO BRING IT IN LINE WITH STATE LAW PUBLIC HEARING REQUIREMENTS AND ALLOW FOR CERTAIN ANNEXATIONS BY CONSENT OF THE PROPERTY OWNER WITHOUT THE NEED FOR A GENERAL ELECTION?”

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

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

## PROPOSITION B

SHALL SECTIONS 3.07 AND 3.08 OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO PROVIDE ADDITIONAL PROCEDURES FOR THE FORFEITURE OF OFFICE INCLUDING BUT NOT LIMITED TO ADDITIONAL NOTICE, CLARIFICATION OF TERMS, TIME PERIODS FOR ACTION, PRESENTATION OF EVIDENCE, AND THE DETERMINATION OF WHETHER A COMPLAINT IS FRIVOLOUS?

This proposition would amend section 3.07 and 3.08 to clarify and provide additional procedures for the forfeiture of office including notice, time frames, presentation of evidence, and determination of a frivolous complaint. Strike throughs indicate a deletion and underlined words indicate an addition. 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. 3.07. – Authorization - City Council to judge qualifications of members and Forfeiture.**

The City Council shall be the sole judge of the qualifications of its members and forfeiture of office of any of its members. under Section 3.04, and the grounds for forfeiture of their office under Section 3.08. In order to exercise these powers, the City Council shall have power to subpoena witnesses, administer oaths, and require the production of evidence. ~~A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published one (1) time in the designated official newspaper of the City at least one (1) week in advance of the hearing.~~

- **Sec. 3.08. - ~~Removal of elective officers; grounds for removal.~~ Investigation, Censure, or Removal from City Council**

A. Causes. The Mayor or any City Council member shall be subject to investigation, censure, or removal from office by the City Council for any one (1) or more of the following causes:

1. ~~Incompetence, or other p~~Public misconduct in office;
  2. Conviction of a crime involving moral turpitude, such as crimes of dishonesty, fraud, theft, perjury, embezzlement, misappropriation of funds or public resources. The City Council shall decide if a conviction, once final, qualifies as a crime of moral turpitude;
  3. Failure at any time to possess any of the qualifications of office as provided by this Charter or by state law;
  4. Willful violation of any express prohibition of this Charter, including but not limited to violations of Section 3.085;
  5. Abandonment of office or neglect to perform the duties thereof;
  6. Failure for any other cause to perform the duties of office as required by this Charter or by law;
- or

7. Any of the grounds listed under Texas Local Government Code Section 21.022 and Section 21.025.

**B. Initiation.** Complaint, including Removal proceedings, shall be initiated when a sworn written complaint charging a member of the City Council with an act or omission that is a cause for investigation, discipline, or removal, -such is presented to the Mayor or, if the complaint is against the Mayor, to the *Mayor Pro Tempore*. To be a valid complaint, such complaint must specify the section or sections of the Charter or law the charged member of Council is alleged to have violated and the specific factual basis for the belief a violation has occurred. To be valid, a complaint must demonstrate, on its face, that if all facts are found to be true, such factual allegations would constitute a violation under this section of the charter. The Mayor or the Mayor Pro Tempore receiving the complaint shall, within three (3) business days, forward the complaint to the city attorney and copy the city secretary. The city attorney shall review the complaint and determine, in writing, if the complaint meets the required minimum legal requirements of a complaint under this charter. The city attorney has fourteen (14) calendar days to make such a decision. If the city attorney determines the complaint is not valid, the city attorney shall dismiss the complaint. If the city attorney believes the complaint should be reviewed by an independent outside attorney, in order to avoid the appearance of undue influence or impropriety, the city attorney may refer the complaint to an outside attorney to perform such review. If the city attorney determines a complaint meets the minimum legal requirements, the city attorney ~~The Mayor or Mayor Pro Tempore, may not dismiss a complaint based on the factual allegations but must present the complaint to the City Council. The Mayor or the Mayor Pro Tempore receiving the complaint shall file it with the City Secretary within three (3) working days, who then~~ shall provide a copy to the member complained against and the other City Council Members within three (3) working days of making such written determination. The Mayor or the Mayor Pro Tempore shall set a time and date for a hearing on the complaint determined to meet the minimum legal requirements within sixty (60) days of the presentation of the sworn complaint.

C. Hearing and decision. The remaining members of the City Council must conduct a hearing to hear and review evidence regarding the sworn complaint, if the complaint is determined to meet the minimum requirements of this charter. The city attorney shall prepare a charge summary prior to any hearing, the purpose of which is to advise the public that a sworn complaint has been filed, the name of the complainant, which member of the City Council the complaint is filed against, and the sections alleged to have been violated, but shall not disclose the factual basis of the complaint.

1. The member complained against shall have the right to representation at the hearing and to question and cross-examine witnesses but may not vote on the question of ~~removal~~ whether the member complained against violated any provisions of this charter;
2. Prior to the first hearing on the complaint, the Mayor or Mayor Pro Tempore may instruct the city manager or city attorney to perform an initial investigation of facts to present to the City Council. The results of any initial investigation of facts may be given to the City Council at any time, but the results shall be provided no later than the first hearing on the complaint.

~~23~~. All hearings held under this subsection shall be conducted in open session, except that the City Council may conduct a closed session to get the advice from its attorney pursuant to the Texas Open Meetings Act;

~~34~~. The member complained against and the subject ~~to~~ of any investigation and/or hearing under this section shall be entitled to written notice of the allegations, a copy of the complaint summary, copies of any evidence collected during any pre-hearing investigation and or removal or forfeiture and/or the alleged violation of this Chapter as applicable a copy of the sworn complaint, along with any attachments to the complaint. Other than the complaint summary, such information is confidential during the pendency of the charges and shall not be released while the complaint is pending unless released during a hearing on the complaint. However, such information may be released outside of a hearing if the member complained against consents in writing to such release; or removal or forfeiture and/or the alleged violation of this Chapter as applicable;

~~4~~ 5. A member of City Council who initiated a complaint or is the subject of the investigation or hearing shall not sit at the dais and shall not participate in deliberation or vote on the complaint;

~~5~~ 6. The City Council may adopt by ordinance rules of procedures to be followed during a hearing under this section;

~~6~~ 7. At the beginning of the first hearing on a complaint, while in open session, the presiding officer shall state the nature of the hearing and the allegations to be considered including reading aloud the charge summary;

~~7~~ 8. The City Council shall be provided ~~the results of any investigation and~~ a presentation of the evidence against the member complained against including, but not limited to, testimony from individuals. Such presentation shall be submitted by the complainant. Such results are confidential during the pendency of the charges and shall not be released while the complaint is pending;

~~8~~ 9. The individual who is subject to the hearing shall be provided an opportunity to respond to the allegations and present any relevant evidence including, but not limited to, testimony from individuals;

10. At any hearing, the City Council shall provide an opportunity for members of the public to speak. However, public comments shall not be considered evidence by the City Council unless such comments are sworn to under oath, provided during the investigative portion of the hearing, the member complained of has the opportunity to cross-examine the testifying individual, and the City Council has an opportunity to question the testifying individual.

~~9~~ 11. The City Council may perform such further investigative actions as the City Council determines to be necessary to make a determination on a complaint including, but not limited to, command the presence and testimony of any individual, asking may ask

questions of any individuals s appearing before the City Council and demand the production of documents and other evidence;

~~10~~ 12. In the case of a violation of this section of the Charter or Sections 3.085, City Council shall vote on the removal from office as an individual item. If the City Council determines by a unanimous vote of the City Council present at the hearing, excluding the accused member, that removal is warranted, it shall declare a forfeiture, declare the office holder removed and a position vacant. A vacancy shall be filled consistent with this Charter;

~~11~~ 13. The City Council may, for any violation which is not a qualification for office, impose a censure or other penalty upon a determination the charged member is in violation of this section of the Charter;

~~12~~ 14. Any decision of the City ~~Charter Council~~—shall be voted on in open session. After a vote on whether a violation has occurred, the City Council shall set out, in a subsequent meeting and in a written resolution, its decision. As each remaining member of City Council may have different reasons for a specific vote, the collective grounds for the vote need not be set out in the resolution. Such resolution shall be issued regardless of whether the vote was for or against a determination a violation occurred;

~~13~~ 15. The decision of the City Council shall be final and binding.

16. The City Council may also determine whether a filed complaint was frivolous, including but not limited to whether it was filed in bad faith, or with reckless disregard for the truth. Such determination applies to complaints considered by the City Council as well as complaints dismissed by the city attorney, or his/her designee for failing to meet the minimum requirements of this charter. If a complaint is determined to be frivolous the City Council can impose a penalty on the complainant, including, but not limited to the costs incurred by the City related to the complaint. The City Council may adopt by ordinance rules of procedures and substance regarding frivolous complaints.

The proposition on the ballot shall state as follows:

PROPOSITION B

“SHALL SECTIONS 3.07 AND 3.08 OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO PROVIDE ADDITIONAL PROCEDURES FOR THE FORFEITURE OF OFFICE INCLUDING BUT NOT LIMITED TO ADDITIONAL NOTICE, CLARIFICATION OF TERMS, TIME PERIODS FOR ACTION, PRESENTATION OF EVIDENCE, AND THE DETERMINATION OF WHETHER A COMPLAINT IS FRIVOLOUS?”

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

PROPOSITION C

SHALL SECTION 3.09 (D) OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO CLARIFY THE ORDER OF SUCCESSION TO INCLUDE CHAIRS AND VICE-CHAIRS OF ALL LISTED BOARDS AND COMMISSIONS IN THE EVENT OF AN EMERGENCY?

This proposition would amend section 3.09, specifically subsection (D), to clarify that the chairs and vice chairs of all boards and commissions listed are included in the order of succession in case of emergency. Strike throughs indicate a deletion and underlined words indicate an addition. 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:

**Section 3.09 Vacancies on the City Council**

...

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 forfeiture of offices, the surviving City Council members and the Board chairs, and if necessary, Board Vice Chairs, in order of succession of the (1) ~~Board Vice Chairs of the~~ Economic Development Corporation, (2) Planning and Zoning Commission and (3) Board of Adjustment in numbers sufficient to constitute an interim City Council shall, within fifteen (15) days of such disaster, or as provided in the Texas Election Code, call for an election to fill all vacant City Council positions. Such constituted interim City Council shall serve until the requested election occurs. The proposition on the ballot shall state as follows:

The proposition on the ballot shall state the following:

PROPOSITION C

“SHALL SECTION 3.09 (D) OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO CLARIFY THE ORDER OF SUCCESSION TO INCLUDE CHAIRS AND VICE-CHAIRS OF ALL LISTED BOARDS AND COMMISSIONS IN THE EVENT OF AN EMERGENCY?”

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

PROPOSITION D

SHALL SECTION 5.02 OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO CLARIFY THE DUTIES OF THE CITY MANAGER, SPECIFICALLY THE TIME PERIOD RESTRICTION THAT AN OFFICIAL MUST WAIT BEFORE BEING APPOINTED TO THE POSITION?

This proposition would amend section 5.02 to clarify that a member of the City Council cannot be appointed as the city manager until at least one year has passed since the expiration of the term for which he/she was elected. The current language needs clarification when compared to section 3.085(B), which addresses the same subject. This amendment removes similar language from section 5.02, allowing the wording in section 3.085(B) to control. Strike throughs indicate a deletion and underlined words indicate an addition. 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:

**Section 5.02 City Manager**

**5.02.1** *Qualifications, appointment.* The City Council shall appoint and may remove the City Manager upon the affirmative vote of a majority of the City Council, and shall supervise the City Manager by majority vote. The City Manager shall be chosen and compensated solely on the basis of experience, education, training, ability, and performance. The City Council shall require the City Manager to reside within a reasonable distance as determined by the City Council. The City Council shall establish compensation for the City Manager and review performance on an annual basis. ~~No member of the City Council shall, during the term of office for which they are elected or for one(1) year after leaving office, be appointed City Manager.~~ The City Council shall perform a written review of the City Manager’s performance at least annually, but no more than twice in any fiscal year.

The proposition on the ballot shall state as follows:

PROPOSITION D

“SHALL SECTION 5.02 OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO CLARIFY THE DUTIES OF THE CITY MANAGER, SPECIFICALLY THE TIME PERIOD RESTRICTION THAT AN OFFICIAL MUST WAIT BEFORE BEING APPOINTED TO THE POSITION?”

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

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

PROPOSITION E

SHALL SECTION 5.05 OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO CLARIFY THE FIRE CHIEF AND CITY MANAGER WILL PARTICIPATE IN AN ANNUAL EVALUATION FOR ANY VOLUNTEER FIRE DEPARTMENT CONTRACT AND RELATIONSHIP WITH THE CITY?

This proposition would amend section 5.05 to clarify that the fire chief and city manager must participate in an annual evaluation of the relationship and contract between any volunteer Fire Department and the City. Strike throughs indicate a deletion and underlined words indicate an addition. 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:

**Section 5.05 Fire Department**

The Fire Department shall be established and maintained and the head of such department shall be the Fire Chief. The Fire Chief shall be appointed by the City Council and shall report to the City Manager. The Fire Chief may be removed from office by the City Council by a majority vote. The Fire Chief shall meet the standards of the State of Texas and be responsible for the administration of the fire department and shall evaluate and supervise the department and all its employees. All such evaluations and actions shall be subject to review and modification by the City Manager.

The Fire Chief will participate with the City Manager in the annual evaluation of the relationship and any contract between ~~the~~ any volunteer Fire Department and the City. The working relationship between ~~the~~ any volunteer Fire Department and the City shall be coordinated by the City's Fire Chief and/or the City Manager with approval of the City Council.

The proposition on the ballot shall state as follows:

PROPOSITION E

“SHALL SECTION 5.05 OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO CLARIFY THE FIRE CHIEF AND CITY MANAGER WILL PARTICIPATE IN AN ANNUAL EVALUATION FOR ANY VOLUNTEER FIRE DEPARTMENT CONTRACT AND RELATIONSHIP WITH THE CITY?”

**FOR**

\_\_\_\_\_

**AGAINST**

\_\_\_\_\_

PROPOSITION F

SHALL SECTION 5.06.2 OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO REMOVE THE REQUIREMENT THAT THE CITY SECRETARY SHALL SERVE AS THE ASSISTANT COURT ADMINISTRATOR?

This proposition would amend section 5.06.2, specifically subsection I, to remove the requirement the City Secretary shall be required to serve as the assistant court administrator. Strike throughs indicate a deletion and underlined words indicate an addition. 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:

5.06.2 *Duties:* The City Secretary shall:

- A. Give notice of City Council meetings.
- B. Attend all City Council meetings and keep accurate records of all actions taken by the City Council;
- C. Maintain the official records and files of the City;
- D. Administer oaths required by law;
- E. Attest contracts, assessment certificates, ordinance resolutions, and other legal instruments when executed by the authorized officers of the City;
- F. Serve as the election official for all City elections;
- G. Hold and maintain the City seal and affix it to all appropriate documents as required;
- H. Supervise the administrative staff as directed by the City Council;
- ~~I. ——— Serve as Assistant Court Administrator~~
- I. ~~I.~~ Perform such other duties as may be required by the City Manager, this Charter, or the laws of the State of Texas.

The proposition on the ballot shall state as follows:

PROPOSITION F

“SHALL SECTION 5.06.2 OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO REMOVE THE REQUIREMENT THAT THE CITY SECRETARY SHALL SERVE AS THE ASSISTANT COURT ADMINISTRATOR?”

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

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

PROPOSITION G

SHALL SECTION 6.13 OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO REQUIRE ALL NON-PROFIT ORGANIZATIONS WHICH THE CITY IS AUTHORIZED AND REQUIRED BY LAW TO INCLUDE IN AN INDEPENDENT AUDIT BE INCLUDED ?

This proposition would amend section 6.13 to remove the language that the City shall include only non-profits which receive fifty percent (50%) or more of their funding from the City to language the City shall include all non-profits which it is authorized and required by law to include in the audit. Strike throughs indicate a deletion and underlined words indicate an addition. 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:

**Section 6.13 Independent Audit**

At the close of each fiscal year the City Council shall cause an independent audit to be made of all accounts of the City by a certified public accountant experienced in auditing cities. The audit shall include an audit of all non-profit organizations ~~receiving fifty percent (50%) or more of their income from the City which it is~~ authorized and required by law to be included in the audit. The audit shall be subject to the following:

...

The proposition on the ballot shall state as follows:

PROPOSITION G

“SHALL SECTION 6.13 OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO REQUIRE ALL NON-PROFIT ORGANIZATIONS WHICH THE CITY IS AUTHORIZED AND REQUIRED BY LAW TO INCLUDE IN AN INDEPENDENT AUDIT BE INCLUDED ?”

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

## PROPOSITION H

SHALL SECTION 7.05 OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO REDUCE THE NUMBER OF YEARS BETWEEN INITIATIVES/REFERENDUMS AND COUNCIL ACTION FROM FOUR TO TWO?

This proposition would amend section 7.05 to reduce the number of years between when an initiative or referendum is voted on and when another vote can occur or when the city council can add or repeal a provision from four years to two years. Strike throughs indicate a deletion and underlined words indicate an addition. 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:

### Section 7.05

#### Sec. 7.05. - Initiatives and referendum.

- A. General. Initiative or referendum may be initiated under this Charter by submitting a petition to the City Secretary stating that the purpose of the petition is to initiate an ordinance, or, to request repeal of an ordinance passed by the City Council. The petition must contain the verified signatures in a number of at least twenty percent (20%) of the number of voters who cast a vote in the last Mayoral election in the City of Windcrest.
- B. Initiative. In addition to the required number of signatures, a petition for initiative shall have a copy attached of the full text of the proposed legislation in the form of an ordinance, including a descriptive caption. Each page of the petition shall have, at the top of the page, the full descriptive caption of the proposed ordinance. No ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within ~~four (4)~~ two (2) years from the date of such election. Any ordinance adopted by initiative shall not be subject to repeal or substantial modification by action of the Council for a period of ~~four (4)~~ two (2) years from the date of the election, except by election called by the Council or by referendum petition submitted by registered voters in accordance with this Charter. Notwithstanding the ~~four (4)~~ two (2) year prohibition, the City Council may make required modifications of an ordinance passed by initiative if such modifications are required to bring the ordinance in conformity with state or federal law.
- C. Referendum. In addition to the required number of signatures, a petition for referendum shall have the specific ordinance to be repealed. A petition for referendum on the same subject matter may only be submitted once every ~~four (4)~~ two (2) years. Any ordinance repealed by referendum shall not be reinstated in whole or substantial part by action of the Council for a period of ~~four (4)~~ two (2) years from the date of the election, except by

initiative election called by the Council or by initiative petition submitted by registered voters in accordance with this Charter. The filing of a petition for referendum with the City Secretary, which is found in compliance with this Charter, shall postpone the enforcement of the ordinance in question until the issue has been submitted to the voters or otherwise decided by a court of competent jurisdiction.

The proposition on the ballot shall state as follows:

PROPOSITION H

“SHALL SECTION 7.05 OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO REDUCE THE NUMBER OF YEARS BETWEEN INITIATIVES/REFERENDUMS AND COUNCIL ACTION FROM FOUR TO TWO?”

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

PROPOSITION I

SHALL SECTION 9.02 OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO ADD AUTHORITY FOR ADDITIONAL ALTERNATE MEMBERS TO THE WINDCREST BOARD OF ADJUSTMENT?

This proposition would amend section 9.02 to change the number of alternate members of the Windcrest Board of Adjustment from two (2) to four (4). Strike throughs indicate a deletion and underlined words indicate an addition. 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. 9.02. - Board of Adjustment.

The City Council shall appoint a Board of Adjustment of the City of Windcrest comprised of five (5) regular members and ~~two (2)~~ four (4) alternate members, all of whom shall be citizens of the City of Windcrest, for two (2) year staggered terms. Such appointees may serve with compensation, as determined by the City Council. The City Council shall fill a vacancy on the board for an unexpired term. The Board shall select a Chairperson and Vice Chairperson from among its members.

The proposition on the ballot shall state as follows:

PROPOSITION I

“SHALL SECTION 9.02 OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO ADD AUTHORITY FOR ADDITIONAL ALTERNATE MEMBERS TO THE WINDCREST BOARD OF ADJUSTMENT?”

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

## PROPOSITION J

SHALL SECTION 11.03 OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO CLARIFY THE TERM OF THE CHARTER REVIEW COMMISSION AND WHEN THE TERM BEGINS?

This proposition would amend section 11.03, specifically subsection (B) to clarify that the Charter Review Commission's term of six months begins from the date the first meeting of the Commission is held. Strike throughs indicate a deletion and underlined words indicate an addition. 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. 11.03. - Periodic Charter review.**

The City Council shall appoint, not later than every fifth year subsequent to the official adoption of its initial Home Rule Charter, a Charter Review Commission of seven (7) citizens of the City of Windcrest.

#### A. Duties of the Commission:

1. Inquire into the operation of the city government under the Charter provisions and determine whether any such provisions require revision. The commission shall have access to all City records in the course of its review; will hold periodic public meetings; may hold public hearings; and shall have the power to compel the attendance of any officer or employee of the City at such hearings.
2. If it deems appropriate, develop amendments to this Charter to improve the effective application of the Charter to current conditions.
3. Report its findings in writing, and present its proposed amendments, if any, to the City Council.

B. Term of Commission: The term of this Charter Review Commission shall be six (6) months, or ~~sooner~~less if a report is presented to the City Council prior to expiration of said term. Such term begins from the date the first meeting of the Commission is held. If at the end of the six (6) months term, no report is presented to the City Council, all records of the proceedings of such Commission shall be filed with the City Secretary as a part of the public record, and the periodic review required under this section shall be deemed fulfilled.

C. Action by the City Council: The City Council shall receive and have published in the designated official public newspaper of the City a summary of the report presented by the Charter Review Commission; shall consider any recommendations made, and if Charter amendments are proposed, may order such amendment or amendments be submitted to the voters of the City as provided by the laws of the State of Texas.

The proposition on the ballot shall state as follows:

PROPOSITION J

“SHALL SECTION 11.03 OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO CLARIFY THE TERM OF THE CHARTER REVIEW COMMISSION AND WHEN THE TERM BEGINS?”

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

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

## PROPOSITION K

SHALL SECTIONS 3.13(C), 3.14, 6.05(A), AND 11.03(C) OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO REMOVE REFERENCES TO THE TERM “NEWSPAPER” AND REPLACE WITH LANGUAGE FOR PUBLICATIONS REQUIRED BY STATE LAW?

This proposition would amend sections 3.13(C), 3.14, 6.05(A), and 11.03(C) to remove references to the term “newspaper” and replace it with language requiring publications required by state law. Strike throughs indicate a deletion and underlined words indicate an addition. 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. 3.13. - Procedures for passage of ordinances and resolutions.**

C. Penalty and franchise ordinances. Caption or title and penalties of every ordinance imposing any penalty, fine, or forfeiture shall, as soon as practical after passage thereof, be published one (1) time ~~in the designated official newspaper of the City of Windcrest~~ through any means authorized by state law. All ordinances granting, confirming, extending, renewing, or amending a franchise shall be accepted in writing by the grantees and shall be published as otherwise provided in this Charter.

### **Sec. 3.14. - Code of ordinances.**

The City Council shall have the power to cause the ordinances of the City to be printed, in code form, and shall have the same arranged and digested, as often as the City Council may deem advisable, provided that failure to print the ordinance shall not affect its validity. The City Council shall have power to cause the ordinances of the City to be corrected, amended, revised, codified and printed in code form as often as the Council deems advisable, and such printed code, when adopted by the Council, shall be in full force and effect without the necessity of publishing the same or any part thereof in ~~a newspaper~~ an official publication as authorized by state law. Such printed code shall be admitted in evidence in all courts and places without further proof.

### **Sec. 6.05. - Budget process and adoption.**

The City Manager shall present a recommended budget to the Mayor and City Council no later than the date set by state law. The recommended budget shall become a public document and record when presented to the Mayor and City Council. After receipt of the budget, the City Council shall:

- A. At the first City Council meeting for which timely notice may be given, cause to be posted in City Hall and published in the designated official ~~newspaper~~ publication of the City a general summary of the recommended budget and a notice stating the time and places

where copies of the budget are available for public inspection; the time and place, not less than fifteen (15) days after such publication, of a public hearing on the budget; and such other public hearings as are necessary.

**Sec. 11.03. - Periodic Charter review.**

...

C. Action by the City Council: The City Council shall receive and have published in the designated official ~~public-newspaper publication~~ of the City, as required by state law, a summary of the report presented by the Charter Review Commission; shall consider any recommendations made, and if Charter amendments are proposed, may order such amendment or amendments be submitted to the voters of the City as provided by the laws of the State of Texas.

The proposition on the ballot shall state as follows:

PROPOSITION K

“SHALL SECTIONS 3.13(C), 3.14, 6.05(A), AND 11.03(C) OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO REMOVE REFERENCES TO THE TERM “NEWSPAPER” AND REPLACE WITH LANGUAGE FOR PUBLICATIONS REQUIRED BY STATE LAW?”

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

## PROPOSITION L

SHALL SECTIONS 4.08, 5.02.1, 5.02.3(O), 5.03.1, 5.04, 6.05(B), 6.17, 7.01, 7.05.2, AND 10.3.3 OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO MAKE CHANGES IN WORD CHOICE FOR CLARIFICATION, AND MINOR TYPOGRAPHICAL AND GRAMMATICAL ADJUSTMENTS?

This proposition would amend section 4.08, 5.02.1, 5.02.3(O), 5.03.1, 5.04, 6.05(B), 6.17, 7.01, 7.05.2, and 10.3.3 to make changes in word choice for clarification and make minor typographical and grammatical adjustments. Strike throughs indicate a deletion and underlined words indicate an addition. 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. 4.08. - Oath of office.

All City of Windcrest elected and appointed officers shall take and sign the Oath of Office prescribed for state elective and appointed offices, respectively, by the Constitution of the State of Texas. Every officer of the City shall, before entering upon the duties of the office, take and subscribe to the ~~following~~ oath or affirmation to be signed, filed and kept in the office of the City Secretary.

Sec. 5.02. - City Manager.

5.02.1 Qualifications, appointment. The City Council shall appoint and may remove the City Manager upon the affirmative vote of a majority of the City Council, and shall supervise the City Manager by majority vote. The City Manager shall be chosen and compensated solely on the basis of experience, education, training, ability, and performance. The City Council shall require the City Manager to reside within a reasonable distance as determined by the City Council. The City Council shall establish compensation for the City Manager and review performance on an annual basis. No member of the City Council shall, during the term of office for which they are elected or for one (1) year after leaving office, be appointed City Manager. The City Council shall perform a written review of the City Manager's performance at least annually, but no more than twice in any fiscal year.

5.02.3 Specific powers and duties. The City Manager shall be required to:

...

O. ~~Implant~~ Implement and oversee policies crafted by the City Council

Sec. 5.03. - City Attorney.

5.03.1 Appointment. There shall be a department and office of City Attorney. The City Council shall appoint a competent and licensed attorney who shall have not less than five (5) years' ~~of~~

experience practicing municipal law in Texas. The City Council may retain special counsel or appoint Assistant City Attorneys at any time it deems appropriate and necessary. The City Attorney can be removed with or without cause by an affirmative vote of three members of the City Council. Unless a legal conflict of interest exists, all legal counsel of the City shall be responsible for reporting information to the City Attorney regarding any representation of the City. Pursuant to state law, the City Attorney is the designated attorney for the state in municipal court and any designated prosecutors hold such positions subject to the City Attorney's direction. The City Attorney may designate such special counsel and special prosecutors as he/she deems appropriate to properly represent the interest of the City, or the state in municipal court. All City Attorney designations are subject to funding provided for in the budget or by the City Council. The City Attorney may be appointed or terminated by an affirmative vote of three Council Members at a properly called public meeting.

Sec. 5.04. - Police Department.

The Police Department shall be established and maintained and the head of such department shall be the Police Chief. The Police Chief shall be appointed by the City Council and shall report to the City Manager. The ~~Chief of Police~~ Police Chief may be removed from office by the City Council by a majority vote. The Police Chief shall meet the standards of the ~~S~~state ~~L~~aws of Texas and be responsible for the administration of the police department and shall evaluate and supervise the department and all its employees. All such evaluations and actions shall be subject to review and modification by the City Manager.

Sec. 6.05. - Budget process and adoption.

...

- B. After the first public hearing the ~~City C~~ouncil may adopt the budget with or without amendment following the second reading of the ordinance for the proposed budget. The City Council may amend the recommended budget to add, increase, decrease or delete any programs or amounts, except expenditures required by law or for debt service; provided that no amendment shall increase the authorized expenditures to an amount greater than the total of estimated funds available from all sources.

Sec. 6.17. - Property taxes.

All ad valorem property taxes shall be due and payable on or before the last day of January each year at ~~the office of the Municipal Finance Officer~~ such office or such other place as authorized by the City Council. Such taxes may be paid at any time after the tax rolls for the tax year have been approved and shall become delinquent and be subject to penalties and interest if not paid on or before the last day of January following the levy. The failure to levy or assess taxes does not relieve any owner or property from the tax liability on any taxable property. The tax ceiling for the City of Windcrest shall never exceed fifty percent (50%) of the ceiling set by the State Constitution.

Sec. 7.01. - Powers.

A. General. The people of the City of Windcrest reserve the power to direct legislation by initiative, to reject any legislation enacted by the City Council by referendum, and to recall the Mayor and any or all members of the City Council. However, such power shall not extend to the granting of franchises, budget, or setting of utility rates, and levy of taxes and salaries of City officers or employees, or any other ordinance not subject to initiative as provided by state statute or common law. The powers of initiative and referendum are limited to legislative acts.

The City Council is also authorized to conduct non-binding elections. With the exception of submitting a recall petition as a ballot measure, nothing in this Article should be construed as preventing the City Council from having the authority to submit an ordinance, the repeal of an ordinance, or any other legislative matter to the citizens of Windcrest to consider as a measure at an election.

B. Initiative. The registered voters of the City shall have power to direct legislation by the passage of ordinances through initiative, subject to the limitations set forth in Section 7.01(A).

C. Referendum. The registered voters of the City shall have power to require reconsideration of any adopted ordinance, subject to the limitations set forth in Section 7.01(A).

D. Recall. The registered voters of the City shall have the power to petition for recall of the Mayor or any Council Member.

**Sec. 7.05.2. - Submission to the voters.**

A. Initiative. Upon presentation to the City Council, it shall become the duty of the City Council, within thirty (30) calendar days after the date the petition is finally determined sufficient, to pass and adopt such ordinance without alteration as to meaning or effect, or to call for an election, to be held on the ~~soonest~~ earliest date allowed under the Texas Election Code. If a majority of the registered electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon the canvassing of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

B. Referendum. Upon presentation to the City Council, it shall become the duty of the City Council, within thirty (30) calendar days after the date the petition is finally determined sufficient, to repeal such ordinance or to call for an election, to be held on the ~~soonest~~ earliest date allowed under the Texas Election Code.

**Sec. 10.3. - Ethics, standards of conduct, and conflicts of interest.**

10.3.3 Anti-Discrimination laws apply. There shall be no discrimination in the administration of

the City's business based on race, religion, national origin, sex, age, or political affiliation by any elected or appointed official or City employee except to the extent exceptions are expressly authorized by state or federal law.

The proposition on the ballot shall state as follows:

PROPOSITION L

“SHALL SECTIONS 4.08, 5.02.1, 5.02.3(O), 5.03.1, 5.04, 6.05(B), 6.17, 7.01, 7.05.2, AND 10.3.3 OF THE HOME-RULE CITY CHARTER OF THE CITY OF WINDCREST BE AMENDED TO MAKE CHANGES IN WORD CHOICE FOR CLARIFICATION, AND MINOR TYPOGRAPHICAL AND GRAMMATICAL ADJUSTMENTS?”

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