

RESOLUTION 24-R-114

A RESOLUTION AUTHORIZING A CONTRACT WITH THE COUNTY CLERK OF COMAL COUNTY TO CONDUCT THE NOVEMBER 5, 2024, SPECIAL ELECTION; AUTHORIZING THE ELECTION TO BE HELD AS A JOINT ELECTION; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION AND DECLARING AN EFFECTIVE DATE

WHEREAS, PURSUANT TO Section 9.01(c) of the Home Rule Charter (The "Charter") of the City of Schertz, Texas (the "City"), The City Council may by resolution, order a special election, fix the date and place for holding same, and provide all means for holding such special election; and

WHEREAS, pursuant to Section 12.03(b) of the Charter of the City, the City Review Commission reflected in this Resolution, has recommended amendments to the Charter listed in **Exhibit A**; and

WHEREAS, the City Council of the City hereby determines to submit to the qualified voters of the City for their adoption or rejection certain proposed amendments to the Charter pursuant to the provisions of Sections 12.03 of the Charter and Section 9.004, as amended, Local Government Code; and

WHEREAS, the Council hereby finds and determines that the Charter amendment election shall be held on November 5, 2024, which is the next uniform election date prescribed under the Texas Election Code, as amended; and

WHEREAS, the Council hereby finds and determines that holding the proposed Charter amendment election on the next uniform election date is in the best interests of the citizens of the City; and

WHEREAS, the City will contract with Comal County Clerk (the "Elections Administrator") to conduct this election; and

WHEREAS, the City Secretary shall publish, and post notice of this election as required by applicable law.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

SECTION 1. An election to present proposed amendments to the City Charter shall also be held on November 5, 2024, a uniform election date in the City of Schertz, Texas, which date is not less than thirty (30) days from the date of the final adoption of this resolution (this

"Resolution"). The following measures amending the City Charter shall be submitted to the qualified voters of the City at the special election in the form of propositions in accordance with Section 9.004 of the Texas Local Government Code and other applicable laws:

MEASURE A

Sec. 1.02. Boundaries; Extension, Annexation and Disannexation.

(b) The City Council shall have the power by ordinance to annex territory in accordance with State Law, ~~lying adjacent to the City, with or without the consent of the owners or inhabitants thereof,~~ thereby extending and enlarging the bounds and limits of the City. ~~Such annexations shall be limited and controlled by the applicable annexation laws of the State.~~

MEASURE B



Sec. 1.02. Boundaries; Extension, Annexation and Disannexation.

(c)(ii) Before the 10th day before the hearing date before the Planning and Zoning Commission, written notice of the public hearing shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within ~~200~~1000 feet of the area to be disannexed. The notice may be served by its deposit in the United States mail, properly addressed with postage paid.



MEASURE C

Sec. 4.04-Compensation.

Members of the City Council shall serve with such compensation as determined by the City Council. An increase in compensation shall not be effective for any member of the City Council during the term ~~for which he or she was elected, and the increase was approved~~ in which the increase is effectuated. Payment of expenses incurred in performance of official duty may be approved by the City Council.

MEASURE D

Sec. 4.05-Mayor and Mayor Pro Tem.

The Mayor shall be the official head of the City government. He or she shall be the chairman and shall preside at all meetings of the City Council. The Mayor may vote only in the event of a tie. He or she shall, unless another signatory is otherwise designated by the City Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, ~~official plats,~~ contracts, and bonds. He or she shall appoint special committees as instructed by City Council, with committee membership to be composed of nominees by the City Council. He or she shall perform such other duties consistent with this Charter or as may be imposed upon him or her by City Council. The Mayor shall not have veto powers.

Measure E

Sec. 4.07-Prohibitions.

(a) *Holding other Office.* No Mayor or Councilmember shall hold any compensated City office, ~~nor hold or employment with the city~~ until two (2) years after the expiration of the term for which he or she was elected to the City Council.

Measure F

Sec. 4.09-Meetings and Procedures.

~~(c) *Quorum.* Three Councilmembers (excluding the Mayor) shall constitute a quorum, and no action shall be valid unless adopted by the affirmative vote of three or more members of the City Council. If the Mayor Pro Tem is presiding, he or she shall be counted for purposes of determining a quorum.~~

(c) Quorum. Four Councilmembers (excluding the Mayor) shall constitute a quorum, and no action shall be valid unless adopted by the affirmative vote of four or more members of the City Council. If the Mayor Pro Tem is presiding, he or she shall be counted for purposes of determining a quorum. ~~[EFFECTIVE THE FIRST REGULAR CITY COUNCIL IN NOVEMBER 2016 THAT CONSISTS OF SEVEN CITY COUNCIL MEMBERS]~~

Measure G

Sec. 4.09-Meetings and Procedures.

(e) Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced to the City Council only in written or printed form. The subject or subjects of all ordinances and resolutions shall be clearly expressed in the title. Passage of any Ordinance or Resolution shall only require one reading. ~~Except as may otherwise be prescribed in this Charter, an ordinance shall not be passed at the meeting of the City Council at which it is first introduced, but instead the ordinance or its caption shall be read, and the City Council will determine whether it shall be rejected or further considered at a subsequent meeting of the City Council. If rejected, no further action shall be required. The City Council must take second and final consideration of any ordinance not later than sixty days after the first reading of such ordinance. Notwithstanding the foregoing provisions, if the City Council, by a vote of not less than two-thirds of the members present at the meeting at which an ordinance is first introduced, determines that an emergency exists requiring immediate action, such ordinance may then be voted upon and rejected or passed at that meeting.~~ The enacting clause of all ordinances shall be, "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS", and every ordinance shall be authenticated by the signature of the Mayor and the City Secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by the City Council.

Measure H

Sec. 5.01-Appointment; Qualifications; Compensation.

The City Council shall appoint a City Manager and fix his or her compensation. He or she shall be chosen on the basis of his or her executive and administrative training, experience, ability, and character. He or she need not be a resident of the City or State at the time of his or her appointment, but he or she must agree, prior to such appointment, to become a resident of the City. ~~within four months after the date of his or her appointment. If he or she thereafter fails to~~

~~become a resident of the City within that four month period, he or she shall be deemed to have forfeited his or her appointment and the office shall be declared vacant by announcement of the Mayor at the first meeting of the City Council following the expiration of the four month period.~~ The City Manager shall serve at the will and pleasure of the City Council. He or she shall be employed for or relieved from his or her duties by a vote of a majority of the members of the entire City Council.

Measure I

Sec. 5.03-Powers and Duties of City Manager.

(j) He or she shall keep a written inventory of all real property and all permanent equipment belonging to the City, said inventory to be subject to annual audit. ~~A system shall be established to control the use and replacement of expendable items.~~

Measure J

Sec. 6.06-City Secretary.

(a) The City Council shall appoint a City Secretary who shall act as Secretary of the City Council and who shall hold office at the pleasure of the City Council. The City Secretary shall be the clerical officer of the City Council, and shall keep the minutes, agenda, ordinances and other official records of the City Council and the City. The City Secretary shall be the custodian of the official seal of the City and shall have such other duties and powers prescribed in this Charter and by the City Council. The City Council will set the compensation for the City Secretary. ~~The City Secretary shall report administratively to the City Manager but may be removed from office only by the City Council.~~

Measure K

Sec. 10.03-Petitions.

(a) *Number of Signatures.* Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least ten (10) ~~fifteen (15)~~ percent of the number of voters registered to vote at the last general City election. Recall petitions must be signed by qualified voters of the City equal in number to at least twenty (20) percent of the number of voters registered to vote at the last general City election.

Measure L

Sec. 10.03-Petitions.

(a) *Number of Signatures.* Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least fifteen (15) percent of the number of voters registered to vote at the last general City election. Recall petitions must be signed by qualified voters of the City equal in number to at least fifteen (15) ~~twenty (20)~~ percent of the number of voters registered to vote at the last general City election.

Measure M

Sec. 12.03-Charter Review Commission.

The City Council shall ~~periodically~~ appoint a Charter Review Commission not later than five years after the most recent Charter Review Commission was appointed which shall consist of no less than 5 and no more than 11 citizens of the City.

Measure N

Sec. 12.03-Charter Review Commission.

The City Council shall periodically appoint a Charter Review Commission ~~which shall consist of no less than 5 and no more than 11~~ Each Councilmember shall appoint one member to the Charter Review Commission and the Mayor shall appoint two members to the Charter Review Commission, one who shall serve as the Chair. The members of the Charter Review Commission shall be citizens of the City.

Measure O

Sec. 1.02. Boundaries; Extension, Annexation and Disannexation.

iii. Not later than 30 days after the ~~of~~ completion of the public hearing by the Planning and Zoning Commission the City Council shall hold a public hearing on the proposed disannexation. Before the 15th day before the date of the public hearing, a general description of the property to be disannexed and notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the City.

SECTION 2.

Measure A shall be placed on the ballot in the form of the following Proposition:

Proposition A

Shall the City Charter of the City of Schertz be amended to specify all annexations shall be in accordance with State Law?

FOR _____

AGAINST _____

Measure B shall be placed on the ballot in the form of the following Proposition:

Proposition B

Shall the City Charter of the City of Schertz be amended to increase the area for notification of disannexation from 200 feet to 1,000 feet from the area to be disannexed?

FOR _____ AGAINST _____

Measure C shall be placed on the ballot in the form of the following Proposition:

Proposition C

Shall the City Charter of the City of Schertz be amended to clarify that any increase in city council compensation is not effective for members of the city council during the term which the increase is effectuated?

FOR _____ AGAINST _____

Measure D shall be placed on the ballot in the form of the following Proposition:

Proposition D

Shall the City Charter of the City of Schertz be amended to remove the signing of plats from the list of official documents required to be signed by the Mayor?

FOR _____ AGAINST _____

Measure E shall be placed on the ballot in the form of the following Proposition:

Proposition E

Shall the City Charter of the City of Schertz be amended to clarify that no Mayor or Council Member may be employed by the City until two years after the expiration of their term of office?

FOR _____ AGAINST _____

Measure F shall be placed on the ballot in the form of the following Proposition:

Proposition F

Shall the City Charter of the City of Schertz be amended to remove unnecessary language?

FOR _____ AGAINST _____

Measure G shall be placed on the ballot in the form of the following Proposition:

Proposition G

Shall the City Charter of the City of Schertz be amended to require that passage of an ordinance or resolution require one reading?

FOR _____ AGAINST _____

Measure H shall be placed on the ballot in the form of the following Proposition:

Proposition H

Shall the City Charter of the City of Schertz be amended to remove the requirement that the city manager become a resident of the city within four months after the date of his or her appointment?

FOR _____ AGAINST _____

Measure I shall be placed on the ballot in the form of the following Proposition:

Proposition I

Shall the City Charter of the City of Schertz be amended to remove the requirement for the city manager to establish a system to control the use and replacement of expendable items?

FOR _____ AGAINST _____

Measure J shall be placed on the ballot in the form of the following Proposition:

Proposition J

Shall the City Charter of the City of Schertz be amended to remove the requirement for the city secretary to report administratively to the city manager?

FOR _____ AGAINST _____

Measure K shall be placed on the ballot in the form of the following Proposition:

Proposition K

Shall the City Charter of the City of Schertz be amended to change the percentage of voters required to sign an initiative or referendum petition from fifteen percent to ten percent?

FOR _____ AGAINST _____

Measure L shall be placed on the ballot in the form of the following Proposition:

Proposition L

Shall the City Charter of the City of Schertz be amended to change the percentage of voters required to sign a recall petition from twenty percent to fifteen percent?

FOR _____ AGAINST _____

Measure M shall be placed on the ballot in the form of the following Proposition:

Proposition M

Shall the City Charter of the City of Schertz be amended to require the city council appoint a charter review commission not later than five years after the most recent charter review commission?

FOR _____ AGAINST _____

Measure N shall be placed on the ballot in the form of the following Proposition:

Proposition N

Shall the City Charter of the City of Schertz be amended to provide that each member of the city council appoints a citizen to the charter review commission and the mayor appoints two citizens to the charter review commission, one of which shall be the chair?

FOR _____ AGAINST _____

Measure O shall be placed on the ballot in the form of the following Proposition:

Proposition O

Shall the City Charter of the City of Schertz be amended to clarify that City Council shall hold a public hearing on a proposed disannexation not later than 30 days after the public hearing by the Planning and Zoning Commission?

FOR _____ AGAINST _____

SECTION 3. Pursuant to Section 61.012, as amended, Texas Election Code, the City shall provide at least one accessible voting system in each polling place used in the election. Such voting system shall comply with Texas and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Touch screen machines may be used for early voting and election day voting by personal appearance. Certain early voting may be conducted by mail. The Election Administrators shall also utilize a Central Counting Station (the "Station") as provided by Section 127.001, et seq., as amended, Texas

Election Code. Cynthia Jacqua, the Elections Coordinator for Comal County, has been appointed as the Manager and Presiding Judge of the Station, and they may appoint Station clerks and establish a written plan for the orderly operation of the Station in accordance with the provisions of the Texas Election Code. The Election Administrator will appoint the Tabulation Supervisor, who will also serve as the Programmer for the Station. Lastly, the Election Administrators will publish notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for the Station in accordance with the provisions of the Texas Election Code.

SECTION 4. The City election precincts established for this election shall be the precincts named on Exhibit A attached hereto. A list of the City election precincts and the

polling places designated for each such election precinct are identified on Exhibit A to this Resolution, and this Exhibit is incorporated by reference for all purposes. At least 63 days prior to the scheduled election date, the Council, in coordination with the Elections Coordinator, will identify and formally approve the appointment of the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for this election.

The Presiding Judge shall appoint not less than two (2) resident qualified voters of the County to act as clerks to properly conduct the election. However, if the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. The appointment of such clerks may include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election. In the absence of the Presiding Judge named above, the Alternate Presiding Judge shall perform the duties of the Presiding Judge.

The election shall be held in the City at the precinct locations listed on Exhibit A as prescribed by applicable law, and, on the day of the election, the polls shall be open from 7:00 a.m. to 7:00 p.m.

The Comal County Elections Coordinator's Office, 396 N. Seguin Rd. New Braunfels, TX 78130, is hereby designated as the main early voting place at which early voting shall be conducted. Cynthia Jacqua, Elections Coordinator, Deputy to the County Clerk (whose mailing address is 396 N. Seguin Rd., New Braunfels, Texas 78130) is hereby appointed as the Early Voting Clerk to conduct such early voting in the election. The Early Voting Clerk shall appoint not less than two (2) Deputy Early Voting Clerks in accordance with the provisions of the Texas Election Code. Early Voting shall be conducted on the dates and at the times, and at the locations, identified in Exhibit A.

An Early Voting Ballot Board is hereby established for the purpose of processing early voting results. Cynthia Jacqua, the Elections Coordinator of Comal County will appoint the Presiding Judge of the Early Voting Ballot Board. The Presiding Judge shall appoint not less than two (2) nor more than ten (10) resident qualified voters of the County to serve as members of the Early Voting Ballot Board.

SECTION 5. All resident qualified voters of the City shall be permitted to vote at any one of the early voting locations, and, on the day of the election, such voters shall vote at any

one of the designated polling places. The election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, and the provisions of Texas Revised Civil Statutes, Chapter 1 of Title 22, as amended, and as may be required by any other law. All election materials and proceedings shall be printed in both English and Spanish.

SECTION 6. The anticipated fiscal impact of conducting the election and implementing modifications, if any, to the Charter which may be approved by the voters in such election is currently estimated to be \$38,000.

SECTION 7. A substantial copy of this Resolution shall serve as a proper notice of the election. This notice, including a Spanish translation thereof, shall be posted at the City Hall not less than twenty-one (21) days prior to the date the election is to be held, and be published in a newspaper of general circulation in the City, (a) not more than thirty (30) days, and not less than ten (10) days prior to the day of the election, and (b) on the same day in each of two successive weeks with the first publication occurring not less than fourteen (14) full days prior to the day of the election.

SECTION 8. The Council authorizes the City Manager or his designee to negotiate and enter into a joint election agreement and a contract to conduct the election with the Elections Coordinator in accordance with the provisions of the Texas Election Code.

SECTION 9. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 10. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters ordered herein.

SECTION 11. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 12. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council hereby declares that this Resolution would have been enacted without such invalid provision. The Council hereby authorizes the Mayor and the City Manager of the City to make such technical modifications to this Resolution that are necessary for compliance with applicable Texas or federal law or to carry out the intent of this Council, as evidenced herein.

SECTION 13. It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

SECTION 14. This Resolution shall be in force and effect from and after its final passage and any publication required by law.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, THAT

THIS RESOLUTION WAS PASSED this _____day of _____, 2024.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheree Courney, Deputy City Secretary