

ORDINANCE NO. 17-F

AN ORDINANCE OF THE CITY OF ALVIN ORDERING A SPECIAL ELECTION TO BE HELD ON THE ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF ALVIN; DESIGNATING MAY 6, 2017, AS THE DATE OF THE ELECTION; DESIGNATING THE HOURS, ELECTION PRECINCTS AND POLLING PLACES; AUTHORIZING A JOINT ELECTION; PROVIDING FOR AN ELECTION CONTRACT; PROVIDING FOR THE ELECTION TO BE CONDUCTED BY BRAZORIA COUNTY; PROVIDING FOR NOTICE AND HOLDING OF THE ELECTION; PROVIDING FOR EARLY VOTING; DESIGNATING THE OFFICIAL NEWSPAPER OF THE CITY; AND RELATED MATTERS.

WHEREAS, the Charter Review Commission has studied and reviewed the City Charter of the City of Alvin and made recommendations for the amendment of the City Charter;

WHEREAS, the City Council desires to submit to the voters charter amendments recommended by the Charter Review Commission and the City Council; and

WHEREAS, the City Council desires to contract with Brazoria County to hold and conduct the special election for the City, and such may be held as a joint election pursuant to Resolution 17-R-06 adopted by the City Council on February _____, 2017;

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

Section 1. Special Election; Charter Amendments. A special election is ordered to be held on Saturday, May 6, 2017, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of submitting to the qualified voters of the city propositions on whether the Charter of the City of Alvin, Texas should be amended. The special election shall be held and conducted by Brazoria County, pursuant to a contract authorized by State law, and such election may be held as a joint election. Early voting, both by personal appearance and by mail, will be conducted by the Brazoria County Election Officer, who is designated and appointed as the Early Voting Clerk, in accordance with the *Tex. Elec. Code*. Early voting by personal appearance shall be conducted at places and locations authorized by state law and the Brazoria County Election Officer as described in "Attachment A".

The proposed amendments shall take effect upon their adoption and the entering of an order by the City Council declaring the amendments adopted. The proposed amendments affect only the Articles and sections listed below which are submitted for amendment to read as follows:

ARTICLE I. – INCORPORATION, FORM OF GOVERNMENT AND GENERAL POWERS

Section 5 – Annexation and disannexation.

The council may by ordinance unilaterally annex or disannex any land, property or territory upon its own initiative, or upon a petition submitted by a majority of the voters residing within the territory being annexed or disannexed, upon petition by the owners of the property, or upon a petition signed by a majority of the property owners in a platted subdivision. The council may disannex or release extraterritorial jurisdiction when in the best interest of the city. The procedure for the establishment, modification or extension of the city boundaries, and the annexation or disannexation of territory, may not be inconsistent with any applicable requirements and limitations established by state law. Upon final passage of an ordinance, fixing, establishing or modifying the boundaries of the city, or annexing or disannexing any property by any method prescribed herein, the boundaries of the city shall be so extended or modified as provided in such ordinance. Upon an ordinance annexing property into the city, the territory described in the ordinance shall become a part of the city, and the said land and its residents and future residents shall be bound by the acts, ordinances, codes, resolutions and regulations of the city.

ARTICLE II. – THE COUNCIL

Section 1 – Governing body.

- (a) The governing body of the city shall be a city council composed of seven (7) councilmembers and a mayor, each elected for a term of three years. The council districts shall be designated as Districts A, B, C, D and E and At-Large Positions 1 and 2. The mayor and councilmembers for At-Large Positions 1 and 2 shall be elected from the city at-large. Councilmembers for Districts A, B, C, D and E shall each be elected by vote of the qualified voters residing within a corresponding lettered single member district established by ordinance. The terms of the mayor and councilmembers shall be staggered three year terms. No mayor or councilmember may serve more than three (3) consecutive terms of office (inclusive of unexpired terms) without abstaining from holding office for the position of mayor or councilmember of the city for at least one full term of office.

The mayor and each councilmember shall serve until his or her successor is elected or appointed and qualified to serve. The regular term of office of the mayor and the councilmembers shall commence on the first Thursday following the canvass of the election at which they receive a majority vote. A member of the council elected in a run-off election shall take office on the first Thursday following the day on which the votes for the run-off election are canvassed. The remaining term of a member of council elected at a special election shall commence on the first Thursday after the canvass of votes for the election at which they receive a majority of the votes cast for the office.

- (b) For the purpose of term limits, the office of Mayor shall be considered a separate office from other Council positions; and a member of council may serve up to three (3) terms and be elected to the office of Mayor for three (3) terms, with or without a break in service. A person elected to fill a vacant office shall be deemed to have held that office for a full term if the person serves in that office for more than fifty percent (50%) of the full term.

Section 2 – Qualifications.

On the day prior to the date of the scheduled election to be held for such office, the mayor and councilmembers shall: (i) be at least eighteen years of age; (ii) be citizens of the United States; (iii) be qualified voters of the city; (iv) have been residents of the State of Texas for at least twelve consecutive months; (v) have been residents of the city and the district for which they seek election, or an area having been annexed into the city and/or the district, for at least six consecutive months; and (vi) meet all other qualifications for eligibility set forth in the Texas Election Code. No city employee shall be eligible to file for election as a member of the council; and no candidate for mayor or council shall hold any other elective public office, or any paid office of the city. The mayor or councilmember must resign before filing for any other public office, other than the position then held as mayor or councilmember, unless the election for such other office is scheduled to be held after the expiration of his/her term of office.

Section 3 – Transition. [DELETED IN ITS ENTIRETY]

Section 4 – Vacancies in office.

The office of mayor or councilmember shall become vacant upon the death, resignation, removal from office, or for other disqualification to hold such office. Any vacancy or vacancies, whether in the office of mayor or councilmember, shall be filled by special election called for such purpose; provided however, a vacancy occurring for the office of mayor or a councilmember that has an unexpired term of 12 months or less may be filled by appointment by council. If council elects, or is otherwise required by law, to call a special election to fill a vacancy, then the date for a special election to fill such vacancy shall be the first uniform election date after the vacancy occurs and for which there is sufficient time to call and give notice of the election as required by law. If such vacancy occurs and no election date falls within 120 days after the date of the vacancy, the council shall, without regard for the specified uniform election dates, order such election to be held on a Saturday within 120 days from the date of such vacancy. All vacancies shall be filled for the remainder of the unexpired term of the office so filled.

Section 6 – Investigative powers of the council.

The council shall have the power to inquire into the official conduct of any department, agency, office, officer, or employee of the city, and into any other matters of proper concern to the city. For this purpose, the council shall have the power to administer oaths, subpoena witnesses, and to compel the production of books, papers, and other evidence material to the inquiry. The council may provide by ordinance penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence and shall have the power to punish any such contempt in the manner provided by that ordinance.

Section 8 and throughout the entire Charter.

Change all instances of “city clerk” to “city secretary”.

Section 8 – Mayor and mayor pro tem.

The mayor shall be the chief executive officer of the city. The mayor shall preside at all meetings of the council and shall be recognized as head of the city government for all ceremonial purposes, for the purpose of receiving service of civil process, for emergency purposes, and for military purposes. Although he/she shall have no regular administrative duties, the mayor shall

have the duty of overseeing the general welfare of the city, staying abreast of and projecting the needs of the city, and recommending legislation to the council to address such objectives. The mayor, as a member of the council, shall be entitled to vote only in case of a tie and shall have the power to veto any ordinance or resolution enacted or adopted by the council with the exception of ordinances enacted pursuant to the initiative or referendum process set forth in this Charter. To be effective the veto must be accompanied by a veto message setting forth in writing the mayor's reasons for such veto. The veto and veto message must be filed with the city clerk within seven (7) working days of final reading of the ordinance or resolution. The city clerk shall deliver the mayor's veto and veto message to the city council at or before its next regularly scheduled meeting and such veto and veto message shall automatically be placed on the council agenda at the next regularly scheduled meeting. At any meeting of the council held not less than seven (7) nor more than thirty (30) days after the mayor has vetoed any ordinance or resolution of the council, the council may override such veto by an affirmative vote of two-thirds (2/3) of the council. In that event such ordinance or resolution shall be considered finally passed and approved and shall not be subject to further veto. At the first regular meeting following the election of members of council, the mayor shall appoint one of its members as mayor pro tem, subject to approval by the council. The mayor pro tem shall serve for one year and shall act as mayor during the absence or disability of the mayor, and shall have power to perform every act the mayor could perform if present.

In the event of the absence, disability or disqualification of both mayor and mayor pro tem at any particular meeting of the council, the remaining members shall elect one member as acting mayor, and he/she shall have power to perform every act for such meeting that the mayor could if present.

Section 9 – Meetings of council.

There shall be regular meetings of the council which shall be held at such times and places as shall be prescribed by ordinance or resolution. Special meetings which shall be for a specific purpose (or purposes) may be called at any time by the city manager upon request of the mayor or four (4) councilmembers. Notice of special meetings shall be given to each member of the council. Such notice shall include a statement of the purpose of the special meeting.

Section 12 – Publication of ordinances.

The descriptive caption of every ordinance imposing any penalty, fine or forfeiture for any violation of its provisions shall be published in the official newspaper or as otherwise authorized by state law.

ARTICLE III. - ELECTIONS

Section 3 – The official ballot.

The positions of the members of the council shall be designated on the official ballot as "Member of the council, Districts A, B, C, D and E, and At-Large Positions 1 and 2," and each candidate shall indicate the place that he/she desires to fill. Candidates for Districts A, B, C, D and E must reside within the boundaries of the district for which they seek election. Candidates for At-Large Positions 1 and 2 may reside in any portion of the city. The names of all candidates for office, except such as may have withdrawn, died or become ineligible, shall be placed on the

official ballots without party designations in the order determined in a ballot drawing. Ballots and early voting shall be governed by the general election laws of the State of Texas.

ARTICLE IV. – INITIATIVE, REFERENDUM AND RECALL

Section 2 – Initiative.

Subject only to the limitations provided in this Article, the people of the city shall have the power to propose legislation on any local government issue, except legislation appropriating money, levying taxes, affecting zoning, annexing land, or setting rates, fees or charges.

Section 9 – Action on petition.

Within forty-five (45) days after an initiative or referendum petition has been certified to the council as sufficient, the council shall:

- (a) Adopt the proposed initiative ordinance without any change in substance; or
- (b) Repeal the referred ordinance; or
- (c) Call an election on the proposed or referred ordinance.

ARTICLE V. – ADMINISTRATIVE SERVICES

Section 3 – Powers and duties of the city manager.

The city manager shall:

- (a) Hire, appoint and remove any department head not specifically appointed by the council only with the consent of council. All other employees will be hired, employed, assigned and removed by the city manager in accordance with the personnel policy manual.
- (b) Prepare the budget annually and submit it to the council, and be responsible for its administration after adoption.
- (c) Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.
- (d) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem desirable.
- (e) Perform such duties as may be prescribed by this charter or may be required of him/her by the council, not inconsistent with this charter.

Section 5 – Chief of police. [DELETED IN ITS ENTIRETY]

Section 6 – Limitation on departmental head authority.

Department heads may make recommendations to the city manager regarding the hiring, promotion, demotion, discipline and termination of employees under their supervision but shall have no authority to consummate any such actions in the name of the City of Alvin, unless otherwise designated by the city manager.

Section 8 – Health Officer.

The health authority shall be appointed by the city council. He/she shall be a licensed physician, qualified to practice medicine in the State of Texas.

Section 10 – Employee pay plans, personnel policies, etc.

The council shall provide a system for the classification of employees including pay plans and rules for the appointment, promotion, discipline, grievance, administrative review, and dismissal. The rules shall contain policy statements that clarify employees' rights and benefits, such as vacation, sick leave, retirement and insurance.

Section 11 – Classified service. [DELETED IN ITS ENTIRETY]

Section 12 – City clerk. [DELETED IN ITS ENTIRETY]

ARTICLE VI. - MUNICIPAL COURT

Section 2 – Judge of the municipal court.

The presiding judge of the municipal court shall be appointed by council to serve a term of two (2) years. The judge shall have been a resident of Brazoria County for at least one year immediately prior to his/her appointment. The council shall have authority to appoint associate judges of the municipal court in the same manner and with the same qualifications set forth for the presiding judge. The judge or associate judges shall receive such compensation as may be set by the council. The council shall have the power to create and establish additional municipal courts, with the same or separate jurisdictions, and to appoint additional magistrates for each court so established.

ARTICLE VII. – MUNICIPAL FINANCE

Section 3 – Budget a public record.

The budget and all supporting schedules shall be filed with the person performing the duties of city secretary, submitted to the council and shall be a public record.

Section 4 – Notice of public hearing on budget.

At the meeting of the city council at which the budget is submitted, the council shall fix the time and place of a public hearing on the budget and shall cause to be published in the official newspaper of the city, a notice of the hearing setting forth the time and place thereof, in accordance with state law.

Section 10 – Budget establishes appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. Except as provided in this article or state law, no funds of the city shall be expended nor shall any obligation for the expenditure of money be incurred, except pursuant to the annual appropriation ordinance provided by this article. At the close of each fiscal year, any unencumbered balance of any appropriation shall revert to the fund from which appropriated and become available for re-appropriation for the next fiscal year. The council may transfer any unencumbered appropriated balance or portion thereof from one office, department, or agency to another at any time. The council shall have the authority to transfer appropriation balances from on[e] expenditure account to another within a single office, department, or agency of the city. As part of each fiscal year budget, the city council may authorize the city manager or his or her designee to transfer appropriation balances from one expenditure account to another within a single office or department within a fund. The city manager will report to the city council all

inter-departmental or interfund budget transfers he or she has authorized during the fiscal year according to council requirements.

Section 11 – Purchase procedure.

The city shall develop a uniform guide for purchase procedures for adoption by council. The city shall review the purchase procedures and make recommendations to the council regarding changes, if any, made necessary by federal and/or state laws.

Section 15 – Annual audited financial report.

At the close of each fiscal year, and at such other times as it may deem necessary, the council shall cause an independent audit to be made of all accounts of the city by a certified public accounting firm, recommended by the City Manager or Chief Financial Officer with the approval of the council. The certified public accounting firm so selected shall have no personal interest, directly or indirectly, in the financial affairs of the city or any of its officers. The certified public accounting firm shall perform the audit in accordance with accounting and auditing standards generally accepted in the United States of America and the Governmental Accounting Standards Board. Copies of the comprehensive annual audited financial report shall be placed on file in the offices of the chief financial officer and the city secretary.

Section 18 – Depository and withdrawals.

All monies received by any person, department or agency of the city, for or in connection with affairs of the city, shall be deposited promptly in the city depository or depositories. The council will select a city depository(ies) up to every five (5) years and in accordance with state law. All city funds will be secured by appropriate securities in accordance with state law. All checks, vouchers or warrants for the withdrawal of money from the city depositories shall require two (2) signatures, those being from any two (2) of the following: city manager, chief financial officer, city secretary or mayor.

Section 23 – Ad valorem taxes.

As to the assessment and collection of ad valorem taxes for the city, the city shall follow the law as stated in the Texas Property Code and any other applicable state laws or state agency rules.

Section 29 – Use of sales and use tax.

Funds received by the city as a result of the local sales and use tax, adopted pursuant to Chapter 321 of the Texas Tax Code, shall be apportioned to restrict two-thirds of the funds received to be used only in connection with streets, drainage and sidewalks, and to allocate the remaining one-third of funds received to the general fund. Any and all costs associated with streets, drainage and sidewalks shall be authorized. The portion of sales and use tax funds restricted to use only in connection with streets, drainage and sidewalks shall be maintained in a separate fund by the chief financial officer, which shall be designated in a manner calculated to properly identify same and shall not be used for any purpose other than that expressly authorized by this Charter.

Section 30 – Joint tax administrative agreements; tax department; assessment, collection procedures.

The city council shall have the power to enter into contracts and agreements for joint tax administration services between the city and other governmental agencies, and to establish a tax department, and tax assessment and collection procedures in connection therewith, in accordance with law. Upon receipt of the certified approval roll, steps required by the Property Tax Code shall be taken concerning the effective tax rate. The city may appraise and assess properties only if granted that right by future legislation. The city manager shall provide each councilmember with a copy of the delinquent tax roll at a regular council meeting each July. A copy of the delinquent tax roll shall be made available for public inspection in the city secretary's office.

Section 31 – Department of finance.

Change all instances of 'director of finance' or 'city treasurer' to 'chief financial officer'.

There shall be a department of finance, headed by the Chief Financial Officer, who will report to the city manager. The Chief Financial Officer, shall administer and supervise all financial affairs of the city and to that end shall have authority and may be required to:

- (a) Have custody of and be responsible for all monies belonging to or under the control of the city or any office, department or agency thereof and shall promptly deposit all such monies in the city depository or depositories.
- (b) Examine all contracts, orders, and other documents by which the city government incurs financial obligations, having previously ascertained that money has been appropriated and allotted and will be available when the obligation becomes due and payable.
- (c) Prescribe the forms of receipts, vouchers, bills, claims and bookkeeping procedures to be used by all offices, departments and agencies of the city.
- (d) Audit and approve before payment all bills, invoices, payrolls, and other evidence of claims, demands or charges against the city. The Chief Financial Officer shall, when it is deemed necessary, seek the written advice of the city attorney in order to determine the regularity, legality, and correctness of such claims, demands, or charges, prior to presentation of the same to the council for approval.
- (e) Submit to the council through the city manager a financial statement in sufficient detail to show the exact financial condition of the city at Council's request, but not less than quarterly.
- (f) Submit to the council the comprehensive annual audited financial report at a regular council meeting for council to acknowledge receipt of such report. One or more copies of such report shall be made available for public inspection in the offices of the chief financial officer, and city secretary during normal office hours.
- (g) Invest all funds deemed in excess of current needs in the manner authorized by the laws of the State of Texas; current needs are hereby defined as expenditures to be made within a given ninety (90) day period.
- (h) Have custody of all investments in investor funds of the city, or in the possession of the city in a fiduciary capacity and maintain evidence of the safe-keeping of all bonds and notes of the city and the receipt and delivery of city bonds, warrants, and notes for transfer, registration or exchange. The chief financial officer shall be responsible for the disposition of redeemed, paid and canceled bonds, warrants and notes.

- (i) Maintain a general accounting system for the city government and each of its offices, departments and agencies; account for and exercise financial budgetary control over each office, department, and agency; keep separate accounts for the items of appropriations contained in the city budget, each of which account shall show the amount of the appropriations, the amount paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending office, department or agency of the city to be made daily or at such intervals as the director may deem expedient.
- (j) Pay no claim against the city unless it is evidenced by bill or voucher submitted and approved by the head of the department for which the indebtedness was incurred.

ARTICLE VIII. – MUNICIPAL PLANNING

Section 1 – Planning commission.

The council shall appoint a city planning commission, consisting of not less than five (5) nor more than eleven (11) members who shall be residents of the city, and shall serve without compensation. The commission shall meet when there are matters necessary for consideration by the commission. All minutes of the planning commission meetings shall be submitted to the city council.

Section 3 – Vacancies.

Vacancies occurring in the commission shall be filled within thirty (30) days by the council for the remainder of the unexpired term. Membership shall be accompanied by active participation in the activities of the commission, and any member who is absent from three (3) consecutive regular meetings shall automatically be dropped from membership without an acceptable explanation to a majority of the commission.

Section 6 – Zoning and land use agency. [DELETED IN ITS ENTIRETY]

Section 7 – Adoption of zoning ordinance. [DELETED IN ITS ENTIRETY]

ARTICLE IX – PARKS AND RECREATION

Section 1 – Parks and recreation board created; composition; qualifications, compensation of members.

There is hereby created a parks and recreation board for the city, which shall be composed of not less than seven (7) persons and not more than nine (9) persons who are resident, qualified voters of the city and who have resided within the city for a period of not less than six (6) months immediately preceding their appointment. Members of the parks and recreation board shall be such persons who are known to be interested in leisure time of the people of the city. The city manager shall be an ex officio member of the board. The members of the parks and recreation board shall serve without compensation.

Section 2 – Appointment, term of members.

The members of the parks and recreation board shall be appointed by the city council and each shall hold office for a term of two (2) years or until his/her successor has been duly appointed.

Section 5 – Vacancies.

Vacancies occurring on the board shall be filled within thirty (30) days by the council for the remainder of the unexpired term. Membership shall be accompanied by active participation in the activities of the board, and any member who is absent from three (3) consecutive regular meetings shall automatically be dropped from membership without an acceptable explanation to a majority of the board.

ARTICLE X. – FRANCHISES AND PUBLIC UTILITIES

Section 4 – Ordinance granting franchise. [DELETED IN ITS ENTIRETY]

Section 5 – Transfer of franchise.

No public utility franchise shall be transferable or assigned except with the approval of the council expressed by ordinance. The term "transferable," as used herein, shall not be construed in such a manner as to prevent the franchise holder from pledging said franchise as security for a valid debt or mortgage.

Section 6 – Franchise value not to be allowed. [DELETED IN ITS ENTIRETY]

ARTICLE XI – GENERAL PROVISIONS

Section 2 – Public records.

All public records of every office, department or agency of the city, which are not excepted from disclosure pursuant to the Public Information Act or any other applicable law shall be open to inspection by any member of the public at all reasonable times.

Section 8 – Nepotism.

No person related within the second degree by affinity or the third degree by consanguinity to the mayor, any member of the council or the city manager shall be employed in a paid office, position, clerkship or other service of the city. This prohibition shall not apply, however, to any person who shall have been employed by the city for a period of six (6) months prior to and at the time of the election or the appointment of the official so related to him/her.

Section 10 – Board of ethics and compliance. [DELETED IN ITS ENTIRETY]

Section 16 – Charter review commission.

The council shall appoint, at its first regular meeting in June, the year 2001 and in June of every fourth year thereafter, a Charter review commission of seven (7) residents of the city. The Council may appoint a Charter Review Commission any time after two (2) years has elapsed from the date of appointment of the commission.

It shall be the duty of the Charter review commission to:

- (a) Inquire into the adequacy of, consistency with state and federal law, and currentness of Charter provisions to determine whether any such provisions require revision. To this end one or more public hearings may be held and the commission shall have the power to compel attendance of the city manager and/or city attorney and to require the submission of any of the city records which it may consider necessary to its duties. Issues regarding charter compliance shall be referred to city council for investigation and disposition;
- (b) Make any recommendation it considers desirable to update and/or revise the provisions of the Charter;
- (c) Propose amendments to this Charter to improve the effective application of said Charter to current conditions;
- (d) Report its findings and present its proposed amendments, if any, to the council.

The Charter review commission shall submit its report to the council within six (6) months of the date of its appointment by the council. The council shall receive any report presented by the Charter review commission, shall consider any recommendations made and, if any amendment or amendments be presented as a part of such report, may order such to be submitted to the voters of the city in the manner provided by the applicable statute of the State of Texas.

Except as provided herein, the term of office of the Charter review commission shall not extend beyond eight (8) months. After submission of a report the Charter review commission shall convene for the sole purpose of meeting with council to discuss its report. If no report is issued by the Charter review commission, the term of office shall not extend beyond six (6) months. Furthermore, if no report is presented to the council, then all records of the proceedings of the commission shall be filed with the city manager and become a public record.

Section 17 – Submission of Charter to electors. [DELETED IN ITS ENTIRETY]

Section 2. Charter Amendment Notice and Propositions. Notice of the election shall be given and the election shall be held in compliance with *Chapt. 9, Tex. Loc. Gov't. Code*, and Section 4 of this Ordinance. The ballots for the special election shall comply with the *Texas Election Code* and be in the form provided by the City to Brazoria County for use on the voting devices and ballots used by the City; provided that the official ballot shall be prepared in such a manner as will permit the voters to vote “For” or “Against” the propositions submitted, with the propositions to be expressed on the official ballot in a form substantially as follows:

Proposition No. 1
Annexation and disannexation

Shall Article I, Section 5, of the City Charter be amended to eliminate additional annexation and disannexation procedural requirements in the absence of applicable State law?

FOR _____ AGAINST _____

Proposition No. 2
Governing Body

Shall Article II, Section 1, of the City Charter be amended to revise term limits to eliminate the nine (9) year tenure restriction for holding the office of mayor or councilmember by providing that no mayor or councilmember may serve more than three (3) consecutive terms of office (inclusive of unexpired terms) without abstaining from holding office for the position of mayor or councilmember of the city for at least one full term of office?

FOR _____ AGAINST _____

Proposition No. 3
Qualifications

Shall Article II, Section 2, of the City Charter be amended to delete the reference concerning indebtedness to the city being a disqualification for eligibility for office?

FOR _____ AGAINST _____

Proposition No. 4
Transition

Shall Article II, Section 3, of the City Charter be amended to delete the completed 2006 term transition of the governing body?

FOR _____ AGAINST _____

Proposition No. 5
Vacancies in Office

Shall Article II, Section 4, of the City Charter be amended to conform with State law to provide the procedure for filling a vacancy of office?

FOR _____ AGAINST _____

Proposition No. 6
Investigative Powers of the Council

Shall Article II, Section 6, of the City Charter be amended to update terminology and allow council the discretion to provide a penal ordinance for contempt by failing or refusing to obey a subpoena?

FOR _____ AGAINST _____

Proposition No. 7
Throughout the entire Charter

Throughout the City Charter, shall all instances of “city clerk” be changed to “city secretary”?

FOR _____ AGAINST _____

Proposition No. 8
Mayor and Mayor Pro Tem

Shall Article II, Section 8, of the City Charter be amended to provide that the mayor shall appoint a mayor pro tem at the first regular meeting following the election of members of council?

FOR _____ AGAINST _____

Proposition No. 9
Meetings of Council

Shall Article II, Section 9, of the City Charter be amended to permit the mayor and city council to take appropriate action at a properly called special city council meeting?

FOR _____ AGAINST _____

Proposition No. 10
Meetings of Council

Shall Article II, Section 9, of the City Charter be amended to allow notice of special meetings to be given to each member of council in a manner other than each councilmember’s regular address?

FOR _____ AGAINST _____

Proposition No. 11
Publication of Ordinances

Shall Article II, Section 12, of the City Charter be amended to provide for publishing of ordinances in the official newspaper or as otherwise authorized by State law?

FOR _____ AGAINST _____

Proposition No. 12
Publication of Ordinances

Shall Article II, Section 12, of the City Charter be amended to delete the requirement that ordinances require ten days after publication to take effect?

FOR _____ AGAINST _____

Proposition No. 13
The Official Ballot

Shall Article III, Section 3, of the City Charter be amended to provide for the official ballot process in accordance with the general election laws of the State?

FOR _____ AGAINST _____

Proposition No. 14
Initiative

Shall Article IV, Section 2, of the City Charter be amended to delete the redundant language concerning the adoption of an ordinance proposed by the initiative process?

FOR _____ AGAINST _____

Proposition No. 15
Action on Petition

Shall Article IV, Section 9, of the City Charter be amended to eliminate the requirement for a formal legal opinion from the city attorney as a prerequisite for council taking action on a petition?

FOR _____ AGAINST _____

Proposition No. 16
Powers and Duties of the City Manager

Shall Article V, Section 3, of the City Charter be amended by removing the requirement that the city manager present the council an inventory of all city owned property and equipment and a written status report on all franchises granted by the city as part of the annual budget?

FOR _____ AGAINST _____

Proposition No. 17
Chief of Police

Shall Article V, Section 5, of the City Charter describing the procedure for appointment and other qualifications of the Chief of Police be deleted in its entirety?

FOR _____ AGAINST _____

Proposition No. 18
Limitation on Department Head Authority

Shall Article V, Section 6, of the City Charter be amended to authorize the city manager to delegate certain duties concerning the employment processes for city employees?

FOR _____ AGAINST _____

Proposition No. 19
Health Authority

Shall Article V, Section 8, of the City Charter be amended to conform with State law by providing that the Health Authority administer laws relating to public health?

FOR _____ AGAINST _____

Proposition No. 20
Employee Pay Plans, Personnel Policies, etc.

Shall Article V, Section 10, of the City Charter be amended to authorize city council to provide rules, plans and city policies and practices concerning promotions and other personnel matters?

FOR _____ AGAINST _____

Proposition No. 21
Classified Service

Shall Article V, Section 11, of the City Charter concerning classified services be deleted in its entirety?

FOR _____ AGAINST _____

Proposition No. 22
City Clerk

Shall Article V, Section 12, of the City Charter concerning the procedure for appointment and other duties and responsibilities of the city clerk be deleted in its entirety?

FOR _____ AGAINST _____

Proposition No. 23
Judges of the Municipal Court

Shall Article VI, Section 2, of the City Charter be amended to delete the character qualifications for the judge of the municipal court?

FOR _____ AGAINST _____

Proposition No. 24
Judges of the Municipal Court

Shall Article VI, Section 2, of the City Charter be amended to establish that all municipal judges are appointed by city council?

FOR _____ AGAINST _____

Proposition No. 25
Judges of the Municipal Court

Shall Article VI, Section 2, of the City Charter be amended to change all references of “alternate” judge to “associate” judge?

FOR _____ AGAINST _____

Proposition No. 26
Budget a Public Record

Shall Article VII, Section 3, of the City Charter, be amended to delete the requirement that the city manager provide copies of the budget to all interested persons?

FOR _____ AGAINST _____

Proposition No. 27
Notice of Public Hearing on Budget

Shall Article VII, Section 4, of the City Charter, be amended to provide that notice of the public hearing on the budget will be provided in accordance with State law?

FOR _____ AGAINST _____

Proposition No. 28
Budget Establishes Appropriations

Shall Article VII, Section 10, of the City Charter, be amended to permit the city manager, or his or her designee, to transfer authorized appropriation balances from one account or fund to another within a single office or department?

FOR _____ AGAINST _____

Proposition No. 29
Budget Establishes Appropriations

Shall Article VII, Section 10, of the City Charter, be amended to require the city manager to report all inter-departmental or interfund budget transfers to city council?

FOR _____ AGAINST _____

Proposition No. 30
Purchase Procedure

Shall Article VII, Section 11, of the City Charter, be amended to eliminate the requirement that purchase procedures can only be adopted by ordinance?

FOR _____ AGAINST _____

Proposition No. 31
Purchase Procedure

Shall Article VII, Section 11, of the City Charter, be amended to provide that the city shall review the purchase procedures every two years and make recommendations to the council regarding changes?

FOR _____ AGAINST _____

Proposition No. 32
Annual Audited Financial Report

Shall Article VII, Section 15, of the City Charter, be amended to update the language to current practice and terminology concerning independent audits of the city performed by a certified public accounting firm that is recommended by the city manager or chief financial officer and approved by the council?

FOR _____ AGAINST _____

Proposition No. 33
Annual Audited Financial Report

Shall Article VII, Section 15, of the City Charter, be amended to eliminate the requirement that the annual audit be published in the city's official newspaper?

FOR _____ AGAINST _____

Proposition No. 34
Depository and Withdrawals

Shall Article VII, Section 18, of the City Charter, be amended to update the language concerning the selection of a depository to conform to State law?

FOR _____ AGAINST _____

Proposition No. 35
Throughout the entire Charter

Throughout the City Charter, shall all instances of "finance director" be changed to "chief financial officer"?

FOR _____ AGAINST _____

Proposition No. 36
Ad Valorem Taxes

Shall Article VII, Section 23, of the City Charter, be amended to delete outdated language and update the language concerning the assessment and collection of ad valorem taxes to conform with State law?

FOR _____ AGAINST _____

Proposition No. 37
Use of Sales and Use Tax

Shall Article VII, Section 29, of the City Charter, be amended to apportion two-thirds of sales and use tax funds received by the city to be used only in connection with streets, drainage, and sidewalks?

FOR _____ AGAINST _____

Proposition No. 38
Joint Tax Administrative Agreements;
Tax Department, Assessment, Collection Procedures

Shall Article VII, Section 30, of the City Charter, be amended to remove the city manager's duty to take aggressive action to collect delinquent taxes?

FOR _____ AGAINST _____

Proposition No. 39
Joint Tax Administrative Agreements;
Tax Department, Assessment, Collection Procedures

Shall Article VII, Section 30, of the City Charter, be amended to reflect that a copy of the delinquent tax roll shall be made available for public inspection in the city secretary's office?

FOR _____ AGAINST _____

Proposition No. 40
Department of Finance

Shall Article VII, Section 31, of the City Charter, be amended to update provisions to current practices by deleting the publication requirement for the city financial statement?

FOR _____ AGAINST _____

Proposition No. 41
Planning Commission

Shall Article VIII, Section 1, of the City Charter, be amended to reduce the maximum number of members of the city planning commission from fifteen to eleven?

FOR _____ AGAINST _____

Proposition No. 42
Planning Commission

Shall Article VIII, Section 1, of the City Charter, be amended to provide that the commission is not required to meet monthly but shall meet when there are matters necessary for consideration by the commission?

FOR _____ AGAINST _____

Proposition No. 43
Vacancies

Shall Article VIII, Section 3, of the City Charter, be amended to provide the ability for a majority of the planning commission to approve excused absences of commission members?

FOR _____ AGAINST _____

Proposition No. 44
Zoning and Land Use Agency

Shall Article VIII, Section 6, of the City Charter, concerning zoning and land use agency be deleted in its entirety?

FOR _____ AGAINST _____

Proposition No. 45
Adoption of Zoning Ordinance

Shall Article VIII, Section 7, of the City Charter, providing additional requirements for adoption of a zoning ordinance be deleted in its entirety?

FOR _____ AGAINST _____

Proposition No. 46
Parks and Recreation Board Created, Composition,
Qualifications, Compensation of Members

Shall Article IX, Section 1, of the City Charter, be amended to change the number of board members of the parks and recreation board from seven persons to not less than seven persons and not more than nine persons?

FOR _____ AGAINST _____

Proposition No. 47
Appointment, term of members

Shall Article IX, Section 2, of the City Charter, be amended to clarify that parks and recreation board members are appointed by council?

FOR _____ AGAINST _____

Proposition No. 48
Vacancies

Shall Article IX, Section 5, of the City Charter, be amended to provide the ability for a majority of the parks and recreation board members to approve excused absences of board members?

FOR _____ AGAINST _____

Proposition No. 49
Ordinance Granting Franchise

Shall Article X, Section 4, of the City Charter, creating additional publication requirements for ordinances granting a franchise be deleted in its entirety?

FOR _____ AGAINST _____

Proposition No. 50
Transfer of Franchise

Shall Article X, Section 5, of the City Charter, be amended to include a requirement that any assignment of a public utility franchise would require council approval?

FOR _____ AGAINST _____

Proposition No. 51
Franchise Value Not To Be Allowed

Shall Article X, Section 6, of the City Charter, establishing that no value shall be assigned to any franchise granted by the city be deleted in its entirety?

FOR _____ AGAINST _____

Proposition No. 52
Public Records

Shall Article XI, Section 2, of the City Charter, be amended to provide updated terms and name of the Public Information Act to conform with State law?

FOR _____ AGAINST _____

Proposition No. 53
Nepotism

Shall Article XI, Section 8, of the City Charter, be amended to prohibit the city from employing a person related within the second degree by affinity or the third degree by consanguinity to the mayor, any member of the council or the city manager?

FOR _____ AGAINST _____

Proposition No. 54
Board of Ethics and Compliance

Shall Article XI, Section 10, of the City Charter, establishing a board of ethics and compliance be deleted in its entirety?

FOR _____ AGAINST _____

Proposition No. 55
Charter Review Commission

Shall Article XI, Section 16, of the City Charter, be amended to require that commission members be residents of the city?

FOR _____ AGAINST _____

Proposition No. 56
Charter Review Commission

Shall Article XI, Section 16, of the City Charter, be amended to delete the requirement for council to publish the commission report in the newspaper?

FOR _____ AGAINST _____

Proposition No. 57
Submission of Charter to Electors

Shall Article XI, Section 17, of the City Charter, requiring the original charter to be submitted to voters be deleted in its entirety?

FOR _____ AGAINST _____

Section 3. Election Procedures. The Brazoria County Election Officer and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the Joint Election Agreement and Contract for Election Services, (hereafter called the “Election Agreement”) with the City and the law governing the holding of city charter elections by home rule cities of the State of Texas; and the official ballots, together with such other election materials as are required by the *Texas Election Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

Section 4. Notice of Election. Notice of the election shall be given and the election shall be held in compliance with the provisions of *Chapt. 9, Tex. Loc. Gov't. Code, and the Tex. Elec. Code*. Notice of the election shall be by publishing the Notice of Election, in both English and Spanish. Notice of the election shall be published in a newspaper of general circulation published in the City; and shall be published on the same day in each of two successive weeks, with the first publication occurring before the fourteenth (14) day before the date of the election; and by posting of the notice on the bulletin board used for posting notices of meetings of City Council at City Hall not later than the twenty-first (21st) day before the election. The notice shall include a fiscal note providing that the estimated fiscal impact of the amendments will be less than \$100.00.

Section 5. Early Voting. Early voting, both by personal appearance and by mail, will be conducted by the Brazoria County Election Officer, who is designated and appointed as the Early Voting Clerk, in accordance with the *Tex. Elec. Code*. Early voting by personal appearance shall be conducted at places and locations authorized by state law and the Brazoria County Election Officer as described in “Attachment A”. Early voting shall commence on Monday, April 24, 2017, and continue through Tuesday, May 2, 2017, and early voting polls shall remain open for the time specified by the *Tex. Elec. Code*. Early voting shall also be held at any time and location authorized by the Brazoria County Election Officer. Early voting by City residents may be conducted at any Brazoria County early voting location and any location exclusively designated by the Brazoria County Election Officer.

Section 6. Election Precincts and Polling Places. The election precincts for the election shall be the election precincts established by Brazoria County, provided that each shall contain and include geographic area that is within the City. The polling place for each such election precinct shall be the polling place established by Brazoria County for such election precincts in Brazoria County and voting by residents of the City. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns for precincts in Brazoria County will be provided by precinct and the Brazoria County Election Officer shall tabulate and provide the election returns for the election.

Section 7. Joint Election. The City agrees to conduct a joint election with other political subdivisions within Brazoria County, provided that such political subdivision holds an election on May 6, 2017, in all or part of the same territory as the City (the “Political Subdivisions”). The joint election shall be conducted in accordance with State law, this Ordinance, and the Joint Election Agreement and Contract for Election Services with Brazoria County (“Election Agreement”) approved by the City Council on February _____, 2017.

Section 8. Duties of City Clerk and Election Officer. The City Clerk, or designee, is instructed to aide the Brazoria County Election Officer in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Agreement. The City Clerk is further authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Tex. Elec. Code*; provided that, pursuant to the Election Agreement between Brazoria County and the City, the Brazoria County Election Officer shall have the duty and be responsible for organizing and conducting the election in compliance with the *Tex. Elec. Code*; and for providing all services specified to be provided in the Election Agreement. The Brazoria County Election Officer shall give the notices required by the *Tex. Elec. Code* to be given for the election not required to be given by the City under the Election Agreement.

Section 9. Official Newspaper. It is hereby found and determined that THE ALVIN SUN is a newspaper published within the City of Alvin, Texas, is a newspaper of general circulation within the City, and is the official newspaper of the City of Alvin. The City Clerk is hereby authorized and directed to cause notice to be given as directed above in Section 4 of this Ordinance. Further orders are reserved until the returns of the election are made by the duly authorized election officials and received by this body.

Section 10. General. The election shall be held and conducted by the Brazoria County Election Officer in compliance with the *Texas Election Code* and the Election Agreement.

Section 14. Effective Date. This Ordinance shall be in force and effect from and after its passage as required by law, and it is so ordained.

Section 15. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Tex. Gov’t. Code*.

PASSED AND APPROVED on this the _____ day of February, 2017.

ATTEST:

CITY OF ALVIN, TEXAS

By: _____
Dixie Roberts, City Clerk

By: _____
Paul A. Horn, Mayor