

Cumulative List of Recommended City Charter Amendments*

1. Change all references to “municipal government” to “city government.” [Sections 1.01 and 1.02]

Purpose: To provide clarity and consistency throughout the City Charter

2. Amend Section 1.03, Statement of Goals, to provide that the city government should:
 - promote high quality affordable housing
 - include protection of the San Marcos River, its springs, aquifer, and tributaries

Purposes: To explicitly include high-quality affordable housing with the existing enumeration of the characteristic of a high quality of life already included in the City Charter. To emphasize the particular importance of protecting the city’s treasured natural features.

3. Allow the address shown on a person’s Texas Identification card to be used, in addition to a current driver’s license, as proof of residence for purposes of qualifying to run for and hold office on the city council. [Section 3.02(a)(2)(A)]

Purpose: To allow additional state documents to be used and accepted as proof of residence to qualify for public elections

4. ~~Amend Section 3.02(a)(6) to require Council members to remain current on all financial obligations to the city in order to continue to hold office. Under the current city charter, only financial obligations arising from the duties of the office are considered. If this amendment is approved, having delinquent city utility accounts or delinquent property taxes would disqualify a council member from continuing to hold office and disqualify an individual with such outstanding debts from filing an application to run for council. See also, Section 5.03— Filing For Office.~~

~~**Purpose:** To elect council members with sufficient personal financial management skills and avoid possible conflicts of interest due to outstanding city debts~~

5. Change all references to the position of “mayor pro tempore” to “mayor pro tem.” [Section 3.05]

Purpose: To provide clarity and consistency throughout the City Charter

6. Change all references to the position of “city secretary” to “city clerk” [Sections 3.09 and 6.02]

Purpose: To provide clarity and consistency throughout the City Charter

7. Require the city attorney to approve or file written objections to proposed ordinances prior to consideration by the city council. [Section 3.11(b)]

Purpose: Clarifies existing language to make sure council receives legal advice regarding the validity of proposed ordinances before consideration and action by council

8. Correct a reference in the first sentence of Section 3.12 from “chapter” to “charter”

Purpose: To provide clarity and consistency throughout the City Charter

9. Require the affirmative vote of at least five members of the city council to remove the city manager. [Section 4.01(b)]

Purpose: This provision strengthens the operation of San Marcos as a "council-manager government" as defined in the City Charter by insulating the City Manager from political pressures from the council.

10. Allow the city clerk to authenticate ordinances and resolutions by electronic signature. [Section 4.02]

Purpose: Allows for efficient and modern operation of city government.

11. Clarify that names of candidates can be listed electronically on the ballot instead of being printed as they would be on paper ballots. [Section 5.04]

Purpose: Allows for efficient and modern operation of city elections.

12. Amendments to Section 7.01 – Planning and Zoning Commission – Qualifications:

- Remove all remaining references to the ETJ member

Purpose: The ETJ position was removed from the City Charter by voters effective March 15, 2015. The removal of out-of-date ETJ language from section 7.01 makes it easier to understand how current membership in the P&Z commission is determined.

- Eliminate property ownership as a requirement to serve on the P&Z
- Increase residency requirement from three years to five years to serve on P & Z

Purpose: To encourage civic participation and expand the pool of San Marcos citizens eligible for appointment to this public commission, including long-term local residents impacted by decisions made by P&Z, and encourages participation by members with knowledge of the community.

- ~~Prohibit the appointment of more than two professional realtors to the P & Z~~

~~**Purpose:** The Charter presently instructs City Council to appoint a diverse set of P&Z commissioners “which includes geographic, professional, gender, racial, and viewpoint diversity. [Section 7.01]” This provision ensures that a broad range of professions are represented on Planning and Zoning.~~

13. Amendments to Section 7.02 – Planning and Zoning Commission – Powers and Duties:

- Require the planning staff to follow all city ordinances rules and regulations and consult with the city attorney before making any recommendations to the Planning and Zoning Commission
- Require the Planning and Zoning Commission to follow all city ordinances, rules, and regulations before making any recommendations to the city council

Purpose: This provision makes current city practice a City Charter requirement.

- Require city council decisions on conditional use permit appeals to be based on Texas laws, Federal laws, city ordinances and regulations in addition to the record before the Planning and Zoning Commission

Purpose: This provision allows the City Council to consider all relevant laws and regulations in its public hearings related to conditional use permits.

- ~~• Prohibit the assessment of a fee to appeal a decision on conditional use permit to the city council~~

~~**Purpose:** This provision provides citizens of San Marcos free access to their elected officials related to public matters~~

14. Require the proposed city budget to be made available at city hall, at the San Marcos Public Library, and on the city’s website. Require the adopted budget and supporting schedules to be published on the city’s website. [Sections 8.02 and 8.05]

Purpose: Promote transparency and public awareness of city government

15. Require proposed ordinances granting a public utility franchise to be made available at the San Marcos Public Library, at city hall, and on the city’s website. [Section 11.04]

Purpose: Promote transparency and public awareness of city government

16. Require updates to annual financial disclosure forms by council members, council appointees, and board and commission members within 30 days of any significant changes. [Section 12.02(a)(2)]

Purpose: Public officials are currently required to file financial disclosure forms every 12 months. This provision assures San Marcos citizens on-going accuracy and transparency regarding public official’s financial disclosures if there is a significant change within that one-year timeframe.

17. Prohibit council members and employees from having a financial interest in the purchase from the city of any land, materials, supplies, or service. [Section 12.02(a)(3)]

Purpose: To avoid conflicts of interest and ensure public trust, the City Charter already prohibits current council members and city employees from financial benefit in the *sale* of any land, materials, supplies, or service. This provision increases protection by prohibiting this potential conflict to financial interest the *purchase* of land, materials, supplies, or service as well.

18. Prohibit council members from having a financial interest in the sale to the city of any land, materials, supplies, or service for a period of two years from the date of leaving office; rendering contracts entered into in violation of this provision voidable by city manager or city council. [Section 12.02; add a new subsection (a)(4)]

Purpose: Public office is meant for the public good and not for personal enrichment. Currently, only active councilmembers are prevented from having a financial interest in city deals. In contrast, currently both active city employees (Section 12.02) and former employees within two years of employment (San Marcos Ethics Ordinance) are prevented from having a financial interest in city deals. This provision amends the charter to apply the same prohibition to council members for period of two years after leaving office.

19. Correct punctuation errors - Insert a comma, known as the Oxford comma or serial comma, immediately before the coordinating conjunction (usually “and” or “or”) in a series of three or more items – in each instance where this occurs in the city charter

Purpose: To provide clarity and consistency throughout the City Charter

20. Amend the powers of the Ethics Review Commission; granting the authority to conduct hearings regarding alleged violations of the city charter, render advisory opinions regarding potential violations of the city charter, and make recommendations regarding such violations. [Section 12.02(c), subparagraphs (2),(3), and (4)]

Purpose: This amendment makes clear the importance of public officials to follow the City Charter in addition to existing State conflict of interest laws and the San Marcos Code of Ethics ordinances and provides a process for accepting and hearing complaints regarding charter violations.

21. Amendments to Section 12.03, Nepotism:

- Rename this section to read: “12.03 Nepotism and Conflict of Interest”
- Rephrase the sentence structure of the current provision to make it less cumbersome and to provide greater clarity
- Prohibit direct supervision of an employee by his/her relative, roommate, or sexual partner

- Require supervisors to report relationships with subordinates promptly to the Human Resources Department
- Defining “relative” to include persons related within the third degree by blood or within the second degree by affinity (marriage, including common law marriage)
- Prohibit a “public official” from appointing his or her business associate to a “public board or commission”
- Defining “business associate” and “sexual partner”

Purpose: This provision increases public trust in financial interests of public officials and avoids potential conflicts of interests by public officials and city employees.

22. Amendments to Section 8.02, Preparation and submission of budget:

- Add a provision requiring the city council to hold a visioning workshop by January 31st of each year
- Add a provision to require the city council to hold a ~~policy budget~~ budget policy workshop on or before February 27th of each year
- Require the council to conduct a public hearing and to formulate the budget policy statement by March 31st of each year instead of April 30th
- Re-letter the subsections of this section to follow the sequential steps in the process for formulating the budget policy statement

Purpose: This provision provides citizens and city staff more time to review proposed city budget goals before the adoption of a city budget. It also promote transparency and public awareness of city government

~~23. Provide for removal of the mayor or a council member from office, upon the affirmative vote of five members of the council, for substantial violations of the city charter [Section 3.17]~~

~~**Purpose:** This provision makes clear the importance of the Mayor and Council Members to follow the City Charter by providing an option for enforcement of the Charter.~~

24. Require candidates for mayor or city council to take an oath agreeing to comply with the Code of Fair Campaign Practices set forth in Section 258.004 of the Texas Election Code [Section 5.03]

Purpose: The State Election Code provision encourages campaigns that are decent, honest, and fair to encourage healthy competition and open discussion of issues and candidate qualifications and to discourage practices that cloud the issues or unfairly attack opponents. This provision makes it a City Charter requirement that candidates take an oath to comply with the Code of Fair Campaign Practices to help retain the community culture of San Marcos, to encourage citizens to offer themselves for public service without fear of the politics of personal destruction, and to keep local elections issue oriented.

25. Require the salary range of each city position to be published on the city's website [New Section 4.07]

Purpose: Promote financial transparency and public awareness of city government

26. Require all campaign contributions and reports filed by candidates to be legible. The city clerk shall enforce this provision and retain the records.

Purpose: Promote financial transparency and public awareness in public elections via candidate reports that are clearly and readily understood.

*LIST IS COMPLETE THROUGH MAY 3, 2017 AND INCLUDES PURPOSE STATEMENTS FOR EACH PROPOSED AMENDMENT APPROVED AT THE ERC'S FINAL MEETING