

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, ORDERING A GENERAL AND SPECIAL ELECTION TO BE HELD ON NOVEMBER 7, 2017 FOR THE PURPOSE OF ELECTING A CITY COUNCIL MEMBER FOR PLACE 3, A CITY COUNCIL MEMBER FOR PLACE 4 AND TO SUBMIT PROPOSED AMENDMENTS TO THE SAN MARCOS CITY CHARTER TO THE VOTERS; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THIS ELECTION; MAKING PROVISIONS FOR CONDUCTING THE ELECTION; PROVIDING FOR THE APPROVAL OF THIS ORDINANCE AS AN EMERGENCY MEASURE ON ONLY ONE READING; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. A general and special election is ordered to be held by the City of San Marcos (the "City") at the various polling places and election precincts within the corporate limits of the City, as hereinafter designated, on November 7, 2017 from the hours of 7:00 a.m. to 7:00 p.m. This General and Special City Election will be conducted jointly with Hays County and will be administered for the City by the Hays County Elections Administrator. At the General Election the qualified voters of the City will elect a City Council Member for Place 3 and a City Council Member for Place 4 with each Council Member position having a term of three years. At the concurrent Special City Election, the voters will consider proposed amendments to the San Marcos City Charter as set forth in this ordinance. The official canvass of the election shall be held November 15, 2017 following Election Day. In the event it becomes necessary to conduct a Runoff Election, it will be necessary to call the Runoff Election the same day the final canvass of the main election is completed, November 15, 2017. The Runoff Election shall be held not earlier than the 20<sup>th</sup> nor later than the 45<sup>th</sup> day after the date the final canvass of the Regular Election is completed. Canvass of the returns of the Runoff Election, if necessary, shall be held no earlier than the 8<sup>th</sup> day not later than the 11<sup>th</sup> day following the date of the Runoff Election.

SECTION 2. The ballots for the City election will conform to the requirements of the Texas Election Code, and will contain the following propositions that correspond to and summarize each of the proposed charter text amendments set forth in section 3 of this ordinance:

## **PROPOSITION - A**

**FOR/AGAINST** The amendment of Sections 1.01 and 1.02 to replace references to “municipal government” with the term “city government.”

### **TEXT AMENDMENT – FOR PROP “A”**

**CHANGES:** SECTIONS 1.01 AND 1.02 OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

#### **Sec. 1.01. - Establishment and purposes of Charter.**

We the people of San Marcos, do ordain and establish this Charter as the foundation of our **city municipal** government, a home-rule city with the name "City of San Marcos". We further ordain that the City of San Marcos will exist for the purposes enumerated in this Charter, and will have the organizational structure described in this Charter, and will have the powers, duties, limitations, and immunities stated in this Charter.

#### **Sec. 1.02. - Form of government.**

The **city municipal** government provided by this Charter shall be known as the "council-manager government." Pursuant to this Charter and subject only to the limitations imposed by the state constitution, the statutes of the state and by this Charter, all powers of the city shall be vested in an elective council, hereinafter referred to as the "council", which shall in an open and transparent manner, enact local legislation, adopt budgets, determine policies and appoint the city manager, who in turn shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this Charter, or if the manner not be prescribed, then in such manner as may be prescribed by ordinance.

## **PROPOSITION - B**

**FOR/AGAINST** The amendment of Section 1.03 of the City Charter (Statement of Goals) to add the following as goals of the city government: to promote high quality affordable housing; and to conserve and protect the San Marcos River, its springs, aquifer, and tributaries.

### **TEXT AMENDMENT - FOR PROP “B”**

SECTION 1.03 OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

#### **Sec. 1.03. - Statement of Goals.**

The goals of the city government are to safeguard the health, safety and welfare of the city's residents, provide for a high quality of life including, but not limited to, neighborhood integrity,

a clean and abundant water supply, a cost-efficient electricity supply, efficient police and fire departments, educational opportunities, effective road and transportation systems, a healthy business environment, well maintained parkland and recreational opportunities, foster intergovernmental liaison and communication, encourage responsible citizenship, promote sound community and economic development, to promote high quality affordable housing, conserve and protect the city's natural resources and environment and, in particular the San Marcos River, its springs, aquifer, and tributaries.

### **PROPOSITION - C**

**FOR/AGAINST** The amendment of Section 3.02 of the City Charter (Qualifications of Council Members) to allow the address shown on a current Texas identification card to be used, in addition to a current Texas driver's license, to prove the person's principal physical residence is in the city.

### **TEXT AMENDMENT – FOR PROP “C”**

SECTION 3.02 OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

#### **Sec. 3.02. - Qualifications.**

- (a) Each member of the city council, in addition to having other qualifications prescribed by law:
  - (1) Shall be a qualified voter of the city;
  - (2) Shall have had his or her principal physical residence for at least one year preceding the election within the corporate limits of San Marcos and shall maintain his or her principal physical residence within the corporate limits of San Marcos throughout his or her term of office; for purposes of this subsection, a person must meet all of the following to meet the requirement for a "principal physical residence" in the city:
    - (A) The person must use the residence address for voter registration, and **current** driver's license **or Texas identification card** purposes;
    - (B) The person must use the residence address as the person's home address on documents such as employment records, resumes, business cards, government forms and loan applications;
    - (C) The person must not claim a homestead exemption on any property other than the residence;
  - (3) Shall not hold any other office or employment under the city government while a member of the council, except a member of the city council may be appointed by the city council to represent the council on any board, commission, committee, organization or entity in the council's sole discretion so long as that person's service does not extend beyond the person's council term;
  - (4) Shall not be an officer or director of any public service company within the city, or outside the city but serving inhabitants of the city, nor be the owner or proprietor of any public service company in the city. "Public service company" is defined as any company, individual, partnership, corporation or other entity recognized by law that

uses any of the city's streets, alleys, highways or other public property to carry out its principal purposes, including but not limited to water, wastewater, gas, electricity and, telecommunications utilities, commercial railway or street railway services, public transit services, solid waste collection, and vehicles for hire railway or street railway services, public transit services, solid waste collection, and vehicles for hire.

- (5) Shall not have a financial interest in the sale to the city of any land, materials, supplies or service, outside of the person's position with the city. Shall remain current on all financial obligations to the city relating to the duties of the council member. The city council shall determine that the qualifications of its own members are continually met. If the council determines that any member of the council has ceased to possess any of these qualifications or has been convicted of a felony, that member shall immediately forfeit office.

### **PROPOSITION - D**

FOR/AGAINST      The amendment of Section 3.05 of the City Charter to change all references to “mayor pro tempore” to “mayor pro tem” and to require the appointment of a deputy mayor pro tem after each regular election of council members.

### **TEXT AMENDMENT - FOR PROP “D”**

SECTION 3.05 OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

#### **Sec. 3.05. - Mayor, mayor pro tempore and deputy mayor pro tempore.**

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, and for emergency management purposes. The mayor, as a member of the council, shall be entitled to vote upon all matters considered by the council but shall have no veto power. At its first meeting following each regular election of council members, the council shall by election designate a mayor pro tempore, and ~~may shall~~ in addition designate a deputy mayor pro tempore, who each shall serve in such capacity for a period of one year; provided, however, that in the event a runoff election is required the city council shall not designate a mayor pro tempore or deputy mayor pro tempore until the runoff election is completed and the duly elected candidates have been officially seated on the council. The mayor pro tempore 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. The deputy mayor pro tempore shall act as mayor during the absence or disability of the mayor and mayor pro tempore, and shall have power to perform every act the mayor could perform if present.

**PROPOSITION - E**

**FOR/AGAINST**      The amendment of Section 3.09 of the City Charter (Meetings of the City Council) to require the council to hold twenty-two regular meetings at a minimum each year instead of requiring the council to hold two regular meetings each month.

**TEXT AMENDMENT – FOR PROP “E”**

SECTION 3.09 OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

**Sec. 3.09. - Meetings of the city council.**

The city council shall hold ~~at least two~~ **twenty-two** regular meetings ~~in~~ at a minimum each ~~month~~ **year** at a time to be fixed by it for such regular meetings, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the city and its citizens. All meetings of the city council shall be held within the city, except that the city council may conduct a meeting at a location outside the city after publishing notice of the meeting in one issue of a newspaper in general circulation in the City of San Marcos. All meetings of the city council shall be public; however the council may recess for the purpose of discussing in a closed session any matter permitted to be so discussed by state law, provided that the general subject matter for consideration is expressed in the motion calling for such a session and that final action thereon shall not be taken by the council until the matter is placed on the agenda. Special meetings of the council shall be called by the city secretary upon the written request of the mayor or any three members of the city council.

The city council shall provide by ordinance for procedures to call meetings, set meeting agendas, conduct meetings, provide for reasonable time limits on presentations to the council and any other matters necessary to the efficient and fair conduct of the public's business.

**PROPOSITION - F**

**FOR/AGAINST**      The amendment of Sections 3.09 and 6.02 of the City Charter to replace all references to the “city secretary” with the term “city clerk.”

**TEXT AMENDMENT - FOR PROP “F”**

SECTIONS 3.09 AND 6.02 OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

**Sec. 3.09. - Meetings of the city council.**

The city council shall hold ~~at least two~~ **twenty-two** regular meetings ~~in~~ at a minimum each ~~month~~ **year** at a time to be fixed by it for such regular meetings, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the city and its citizens. All meetings of the city council shall be held within the city, except that the city council may conduct a meeting at a location outside the city after

publishing notice of the meeting in one issue of a newspaper in general circulation in the City of San Marcos. All meetings of the city council shall be public; however the council may recess for the purpose of discussing in a closed session any matter permitted to be so discussed by state law, provided that the general subject matter for consideration is expressed in the motion calling for such a session and that final action thereon shall not be taken by the council until the matter is placed on the agenda. Special meetings of the council shall be called by the city **secretary clerk** upon the written request of the mayor or any three members of the city council.

The city council shall provide by ordinance for procedures to call meetings, set meeting agendas, conduct meetings, provide for reasonable time limits on presentations to the council and any other matters necessary to the efficient and fair conduct of the public's business.

**Sec. 6.02. - Power of referendum.**

The people reserve the power to approve or reject at the polls any legislation enacted by the council which is subject to the initiative process under this Charter. Prior to or within thirty days after the effective date of any ordinance which is subject to referendum, a petition by at least ten per cent of the qualified voters of the city may be filed with the city **secretary clerk** requesting that any such ordinance be either repealed or submitted to the vote of the people. When such a petition has been certified as sufficient by the city **secretary clerk**, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided. Notwithstanding the foregoing, no zoning district boundary ordinance shall be subject to the referendum process.

**PROPOSITION - G**

**FOR/AGAINST**      The amendment of Section 3.11 of the City Charter (Passage of Ordinances) to require the city attorney to approve the legality of ordinances or file written objections prior to consideration by the city council instead of after adoption.

**TEXT AMENDMENT - FOR PROP "F"**

SECTION 3.11 OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

**Sec. 3.11. - Procedure for passage of ordinances.**

- (a) The council shall legislate by ordinance, and the enacting clause of every ordinance shall be: "Be it ordained by the City Council of the City of San Marcos".
- (b) The city attorney shall approve the legality of all ordinances **adopted prior to consideration** by the council, or shall file with the city clerk written legal objections thereto. Evidence of approval by the city attorney may be by notation on the ordinance itself, or by separate instrument.
- (c) Every ordinance enacted by the council shall be signed by the mayor, the

mayor pro tem, or two council members and shall be filed with and recorded by the city clerk.

- (d) All proposed ordinances requiring a public hearing or hearings shall be finally acted upon by the city council within 90 days of the most recent public hearing at which it was considered. If final action does not occur within the 90 day period following the public hearing, then another public hearing shall be held before final action on the ordinance. Unless notice requirements are provided by other law, the city clerk shall publish a notice of each public hearing by the city council on an ordinance in a newspaper of general circulation in the city, city website or local media outlets before the public hearing.
- (e) Ordinances shall be presented to council and acted on in open meetings on two separate days, unless:
  - (1) an ordinance is posted and adopted as an emergency measure with only one reading by the favorable vote of five or more council members; or
  - (2) the adoption of an ordinance under a different procedure is expressly authorized by state law.
- (f) An ordinance relating to the changing of a future land use map or zoning district designation shall not be adopted as an emergency measure and shall be adopted only upon approval in two separate readings on two separate days no less than seven days apart.

At the time of the first presentation each ordinance shall be read aloud unless it is publicly posted, available at a readily accessible location and filed with the city clerk at least 72 hours prior to the meeting at which it is to be considered, in which event only the caption need be read aloud. All ordinances shall be effective upon final reading or publication if publication is required by state law.

### **PROPOSITION – H**

**FOR/AGAINST**      The amendment of Section 4.01 of the City Charter (City Manager) to require a vote of at least five member of the city council, instead of four, to remove the city manager.

### **TEXT AMENDMENT – FOR PROP “H”**

SECTION 4.01 OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

**Sec. 4.01. - City manager.**

- (a) *Appointment and qualifications:* The city council shall appoint a city manager who shall be the chief administrative and executive officer of the city, and shall be responsible to the city council for the administration of all the affairs of the city. The manager shall be chosen by the city council on the basis of education, executive and administrative training, experience and ability; and need not, when appointed, have his or her

principal physical residence in the City of San Marcos. The manager shall establish his or her principal physical residence in the city, within 90 days after appointment, and shall have his or her principal physical residence in the city continuously thereafter while holding that office.

- (b) *Term and salary:* The city manager shall not be appointed for a definite term, but may be removed by a vote of ~~the majority~~ five members of the entire council. The action of the city council in suspending or removing the city manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility of each suspension or removal in the city council. In case of temporary absence or disability, the city manager may designate by letter filed with the city clerk a qualified administrative officer of the city to perform the duties of the city manager for a period not to exceed 30 days. In the event of failure of the city manager to make such designation, the council may by resolution appoint an officer of the city to perform the duties of the city manager, until the manager shall return or the disability shall cease. The city manager shall receive compensation as may be fixed by the council.
- (c) *Duties of the city manager:*
- (1) To appoint and remove all employees of the city, except where such authority is reserved to the city council or otherwise prescribed by this Charter or by state law.
  - (2) To appoint an assistant or assistants with the approval of the city council, and to supervise, direct and control all administrative units of the city, except those supervised by other appointees of the council.
  - (3) To prepare and submit the annual budget to the city council in accordance with the requirements of this Charter and state law.
  - (4) To keep the city council fully advised of the financial condition and needs of the city.
  - (5) To recommend to the city council for action such administrative measures as the manager deems necessary or expedient.
  - (6) To perform other duties as provided by this Charter and as prescribed by the city council.

### **PROPOSITION - I**

**FOR/AGAINST**      The amendment of Section 4.02 of the City Charter (City Clerk) to allow the city clerk to authenticate ordinances and resolutions by electronic signature.

### **TEXT AMENDMENT – FOR PROP “I”**

SECTION 4.02 OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

**Sec. 4.02. - City clerk.**

The city council shall appoint a city clerk, who shall give notice of council meetings,



shall keep the minutes of the proceedings of such meetings, shall authenticate by signature **or electronic signature** all ordinances and resolutions, and shall perform such other duties as city council, shall assign and those elsewhere provided for in this Charter. The city clerk's compensation shall be fixed by the city council. The city clerk may appoint an assistant or assistants with the approval of the council. The city clerk shall establish his or her principal physical residence in the city, within 90 days after appointment, and shall have his or her principal physical residence in the city continuously thereafter while holding that office. Appointment, and shall have his or her principal physical residence in the city continuously thereafter while holding that office.

(a) *Term and salary:* The city manager shall not be appointed for a definite term, but may be removed by a vote of **the majority five members** of the entire council. The action of the city council in suspending or removing the city manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility of each suspension or removal in the city council. In case of temporary absence or disability, the city manager may designate by letter filed with the city clerk a qualified administrative officer of the city to perform the duties of the city manager for a period not to exceed 30 days. In the event of failure of the city manager to make such designation, the council may by resolution appoint an officer of the city to perform the duties of the city manager, until the manager shall return or the disability shall cease. The city manager shall receive compensation as may be fixed by the council.

(b) *Duties of the city manager:*

- (1) To appoint and remove all employees of the city, except where such authority is reserved to the city council or otherwise prescribed by this Charter or by state law.
- (2) To appoint an assistant or assistants with the approval of the city council, and to supervise, direct and control all administrative units of the city, except those supervised by other appointees of the council.
- (3) To prepare and submit the annual budget to the city council in accordance with the requirements of this Charter and state law.
- (4) To keep the city council fully advised of the financial condition and needs of the city.
- (5) To recommend to the city council for action such administrative measures as the manager deems necessary or expedient.
- (6) To perform other duties as provided by this Charter and as prescribed by the city council.

### **PROPOSITION - J**

**FOR/AGAINST**

The amendment to add a new section 4.07(Publication of Salaries) to require the salary range of each city position to be published on the city's website.

**TEXT AMENDMENT – FOR PROP “J”**

SECTION 4.07 WOULD BE ADDED TO THE CITY CHARTER AND IT WOULD READ AS FOLLOWS:

**Sec. 4.07. - Publication of salaries**

The salary range of each city position shall be published on the city’s website.

**PROPOSITION – K**

**FOR/AGAINST**      The amendment of Section 5.03 of the City Charter (Filing For Office) to require all candidates to sign the code of fair campaign practices in the Texas Election Code and require campaign contribution reports to be legible.

**TEXT AMENDMENT – FOR PROP “K”**

SECTION 5.03 OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

**Sec. 5.03. - Filing for office.**

Any qualified person as defined in Section 3.02 who desires to become a candidate in a general election to a place on the city council shall file with the city clerk at least 62 days prior to the election day an application for his or her name to appear on the ballot. All candidates shall sign the code of fair campaign practices provided in Section 258.004 of the Texas Election Code. For an election to be held on the date of the general election for state and county officers, the date of the filing deadline is the 70th day before election day. Such application shall clearly designate the place on the council to which the candidate seeks election and shall contain the candidate's sworn statement of compliance with the qualifications for holding the office sought under the laws of Texas and the provisions of this Charter. All campaign contribution reports filed by candidates shall be legible.

**PROPOSITION – L**

**FOR/AGAINST**      The amendment of Section 5.04 of the City Charter (The Official Ballot) to reword the first sentence thereof to read as follows:

“The names of all candidates for office, except such as may have withdrawn, died, or become ineligible, shall be printed included on the official ballots without party designation.”

**TEXT AMENDMENT – FOR PROP “L”**

SECTION 5.04 OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

**Sec. 5.04. - The official ballot.**

The names of all candidates for office, except such as may have withdrawn,

died, or become ineligible, shall be ~~printed-included~~ on the official ballots without party designation. The order on the ballot of the names of the candidates for each respective council place shall be determined by lot in a drawing to be held under the supervision of the city clerk, at which drawing each candidate or the candidate's named representative shall have a right to be present. Incumbent council members seeking reelection must file for the place for which they were originally elected; provided that, however, a council member originally elected to place 1, 2, 3, 4, 5 or 6 may file for the place of mayor and a member holding the place of mayor may file for election as council member place 1, 2, 3, 4, 5 or 6.

### **PROPOSITION - M**

#### **FOR/AGAINST**

The amendment of Section 7.01 of the of the City Charter (Planning and Zoning Commission) to eliminate real property ownership as a requirement for appointment or continued service on the commission; increase the residency requirement for appointment from three years to five years; and delete obsolete references to a commission member residing in the city's extraterritorial jurisdiction.

### **TEXT AMENDMENT - FOR PROP "M"**

SECTION 7.01 OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

#### **Sec. 7.01. - Planning and zoning commission.**

- (a) A city planning and zoning commission is established. The commission shall consist of nine members appointed for staggered three-year terms. Commission members shall be appointed by the council and serve without compensation.
- (b) To be eligible for appointment to the commission, ~~all eight of the~~ commission members must have resided ~~and owned real property~~ in the city for a period of ~~three five~~ years before the date of appointment, ~~and the remaining member must have resided and owned real property in the city's extraterritorial jurisdiction for a period of three years before the date of appointment.~~ To be eligible for continued service on the commission, the commission members ~~appointed as city residents~~ must maintain residence ~~and property ownership in the city,~~ and the commission member appointed as an extraterritorial jurisdiction resident must maintain residence and property ownership in the extraterritorial jurisdiction. ~~Effective March 1, 2015 the ETJ member of the commission shall be deleted and a qualified city resident member shall be appointed.~~
- ~~[(c)]~~ ~~To be eligible for election and continued service as chair of the commission, a commission member must reside in the city.~~
- ~~(d)~~ The council shall establish, by ordinance, the month in which appointments are made, and the month in which terms of office commence. The council may prescribe, by ordinance, educational requirements to be met after persons are appointed to the commission.

- (e)d In making appointments to the commission, council shall seek to ensure broad citizen representation which includes geographic, professional, gender, racial, and viewpoint diversity. The commission shall establish bylaws to govern rules of procedure and the annual election of officers. All meetings of the commission shall be open to the public.

### **PROPOSITION – N**

**FOR/AGAINST** The amendment of Section 7.02 of the City Charter (Powers and Duties of the Planning and Zoning Commission) to add a provision that requires the planning and zoning staff to consult with the city attorney and follow all city ordinances, rules, and regulations before making any recommendations to the commission; and requires the commission to follow all city ordinances, rules, and regulations before making any recommendations to the city council.

### **TEXT AMENDMENT – FOR PROP “N”**

SECTION 7.02, SUBPART 1, OF THE CITY CHARTER RELATING TO THE POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION WOULD BE AMENDED TO READ AS FOLLOWS:

#### **Sec. 7.02. - Powers and duties of the commission.**

The commission shall have the power and be required to:

- (1) Be responsible to and act as an advisory body to the council on all matters related to the physical growth and development of the city. The Planning and Zoning staff shall follow all city ordinances, rules, and regulations and confer with the city attorney before making any recommendations to the Planning and Zoning Commission. The Planning and Zoning Commission shall follow all city ordinances, rules, and regulations before making any recommendations to the City Council.

### **PROPOSITION - O**

**FOR/AGAINST** The amendment of Section 7.02 of the City Charter (Powers of the Planning and Zoning Commission) to clarify that a vote of at least six members of the city council (currently stated as” a three-fourths vote of the council”) is required to reverse the denial of a conditional use permit by the commission and require appeals to the council on conditional use permit applications to be based on Texas and federal laws, city ordinances, and regulations.

### **TEXT AMENDMENT – FOR PROP “O”**

SECTION 7.02, SUBPART 4, OF THE CITY CHARTER, PERTAINING TO THE APPROVAL OF CONDITIONAL USE PERMITS, WOULD BE AMENDED TO READ AS FOLLOWS :

**Sec. 7.02. - Powers and duties of the commission.**

The commission shall have the power and be required to:

- (4) Hold public hearings and approve or deny conditional use permit applications made under the city's zoning ordinances, subject to an appeal of such decisions to the city council. The council, on appeal, may uphold, modify, or reverse the decision of the commission. The council may reverse a decision of the commission to deny a permit only by a three-fourths vote of at least six members of the council in favor of reversal. Appeals to the council on conditional use permit applications will be based on the record before the Planning and Zoning Commission, Texas and Federal laws, and San Marcos city ordinances and regulations. The decision on appeals before city council and will be governed by the substantial evidence rule. Decisions of the commission to revoke or suspend conditional use permits will be final and may not be appealed to the council.

**PROPOSITION - P**

**FOR/AGAINST**

The amendment of Section 8.02 of the City Charter (Preparation and Submission of Budget) and Section 8.05 (Budget a Public Record) to require the city council to take the following actions each year in the preparation of the city budget: conduct a visioning session by January 31; conduct a budget policy workshop by February 27th; formulate a budget policy statement by March 31st; make copies of the proposed budget available at the San Marcos Public Library, at City Hall, and on the city's website; and publish the adopted budget and all supporting schedules on the city's website.

**TEXT AMENDMENT - FOR PROP "P"**

SHALL SECTIONS 8.02 AND 8.05 OF THE CITY CHARTER BE AMENDED TO READ AS FOLLOWS:

**Sec. 8.02. - Preparation and submission of budget.**

- (e) (a) By January 31<sup>st</sup> of each year, council shall hold a visioning session. By February 27<sup>th</sup> of each year the city council shall hold a budget policy workshop.
- (b) By April 30<sup>th</sup> March 31<sup>st</sup> of each year, after a public hearing, the city council shall formulate a policy statement to be used by the city manager as direction during the preparation of the proposed budget.
- (a) (c) The city manager, not less than 30 days prior to the time the city council makes its tax levy for the current fiscal year, shall file with the city clerk a proposed budget, which budget shall provide a complete financial plan for the fiscal year, and shall contain a budget message explaining the budget, containing an outline of the proposed financial policies of the city for the ensuing fiscal year, setting forth the reasons for salient changes from the previous fiscal year in expenditure and revenue items, and explaining any major changes in financial policy. Copies of the proposed

budget shall be made available at the San Marcos Public Library, at City Hall, and on the city's website.

**Sec. 8.05. - Budget a public record.**

The budget and all supporting schedules shall be filed with the city clerk, submitted to the city council and shall be a public record. The city manager shall provide copies for distribution to all interested persons. The budget and all supporting schedules shall be published on the city's website and publish the adopted budget and all supporting schedules on the city's website.

**PROPOSITION – Q**

**FOR/AGAINST**

The amendment of Section 11.04 of the City Charter (Ordinance Granting Franchise to make the city's current practice of making the full text of an ordinance granting a public utility franchise available at the San Marcos Public Library, at City Hall, and on the city's website a charter requirement.

**TEXT AMENDMENT – FOR PROP “Q”**

SECTION 11.04 OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

**Sec. 11.04. - Ordinance granting franchise; public hearing.**

All ordinances granting, renewing, extending or amending a public utility franchise shall be read at three separate regular meetings of the council, and shall not be finally passed until 30 days after the first reading; and no such ordinance shall take effect until 30 days after its final passage. The council shall conduct a public hearing on any such franchise ordinance before the first reading of the ordinance. Notice of the public hearing, including the full text of the ordinance shall be published once before the first reading, in a newspaper of general circulation in the city, and shall be made available at the San Marcos Public Library, at City Hall, and on the city's website, and the expense of such publication shall be borne by the applicant for the franchise.

**PROPOSITION - R**

**FOR/AGAINST**

The amendment of Section 12.02(a)(2) of the City Charter (Personal Interest and Code of Ethics) to add a provision to require updating of annual financial disclosure statements filed by city council members and members of boards and commissions within thirty days of any significant changes that would, if not disclosed, render the statement misleading or incomplete.

**TEXT AMENDMENT - FOR PROP “R”**

SECTION 12.02, SUBSECTION (A)(2), OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

**Sec. 12.02. - Personal interest and code of ethics.**

- (a)
- (1) The code of ethics adopted by the city council under subsection (b) of this section shall require annual disclosure by members of the city council and city boards and commissions of their relevant interests in business entities and real property as defined under state law and city ordinances. The financial disclosures shall be updated within 30 days of any significant change in the interests of an official – even if such a change is temporary. For this part “significant” means a change in interest that would tend to render the annual financial disclosure misleading or incomplete.

**PROPOSITION – S**

**FOR/AGAINST** The amendment of Section 12.02(a)(3) of the City Charter (Personal Interest and Code of Ethics) to prohibit members of the city council and city employees from purchasing land, materials, supplies or services from the city with the exception of purchases made available to all members of the public.

**TEXT AMENDMENT – FOR PROP “S”**

SECTION 12.02, SUBSECTION (A)(3), OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

**Sec. 12.02. - Personal interest and code of ethics.**

- (a)
- (1) No member of the city council, and no employee of the city shall have a financial interest in the sale to the city or purchase from the city of any land, materials, supplies or service, outside of the person's position with the city. Any person having such an interest shall be ineligible for election as a city council member or appointment as an employee of the city, and any city council member or employee who acquires such an interest shall forfeit the office or employment. Any violation of this provision with the actual or constructive knowledge of the city council member or employee shall render the contract voidable by the city manager or the city council. These provisions shall not apply to acquisitions of property by the city as a result of eminent domain proceedings or the threat of eminent domain proceedings. These provisions shall not apply to purchases from the city of land, materials, supplies or

services that are made available for purchase to all members of the public.

**PROPOSITION - T**

**FOR/AGAINST**

The amendment adding a new subsection 12.02(4) to the City Charter to prohibit former council members from having any financial interest in the sale to the city of any land or interest in land or in a contract for consulting, development, or construction services for a period of two years after leaving office. Allowing the council or city manager to void contracts entered into in violation of this provision. Providing an exception for the city's acquisition of land or an interest in land from a former council member under the threat of eminent domain proceedings.

**TEXT AMENDMENT – FOR PROP “T”**

SECTION 12.02 OF THE CITY CHARTER WOULD BE AMENDED BY ADDING SUBSECTION (A)(4) AND IT WOULD READ AS FOLLOWS:

**Sec. 12.02. - Personal interest and code of ethics.**

(a)

- (1) For a period of two years from the date of leaving office, a city council member shall not have any financial interest in the sale to the city of any land or interest in land or in any contract for consulting, development, or construction services. Any violation of this subsection with the actual or constructive knowledge of the former city council member shall render the contract voidable by the city manager or the city council. These provisions shall not apply to acquisitions of property by the city as a result of eminent domain proceedings or the threat of eminent domain proceedings.

**PROPOSITION – U**

**FOR/AGAINST**

The amendment of Section 12.02, Subsection (c) of the City Charter (Duties of the Ethics Review Commission) to add a new provision that gives the Commission the authority to conduct hearings and make recommendations regarding alleged violations of the city charter.

**TEXT AMENDMENT - FOR PROP “U”**

SECTION 12.02, SUBSECTION (C) OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

**Sec. 12.02. - Personal interest and code of ethics.**

- (b) Duties of the ethics review commission:



- (1) The ethics review commission shall meet at least once a year to review the code of ethics of the City of San Marcos and make recommendations, if any, to the city council.
- (1) Conduct hearings into allegations of violations of the city's code of ethics, ~~or~~ a state conflict of interest law, or the city charter according to the procedures set forth in the city's ethics ordinance.
- (2) Render advisory opinions on potential conflicts of interest, ~~or~~ violation of the city's code of ethics, or the city charter at the request of a public official or ~~employee covered by the code of ethics~~.
- (3) Recommend to appropriate authorities cases for prosecution or other action for violation of the code of ethics, ~~or~~ a state conflict of interest law, or the city charter.
- (4) Review and monitor financial reports required by the Texas Election Code with respect to city- sponsored elections.

### **PROPOSITION - V**

#### **FOR/AGAINST**

The amendment to Section 12.03 of the City Charter (Nepotism) to reword the section caption to include both nepotism and conflict of interest; prohibit the employment or appointment of a business partner or person related within the second degree by affinity or within the third degree by consanguinity to the mayor, a council member, the city manager, city clerk, city attorney or presiding judge of the city to any office, position, board, or commission of the city; and provide an exemption for persons who have been continuously serving in their office or position for at least six months prior to the election or appointment of the related public official.

### **TEXT AMENDMENT – FOR PROP “V”**

SECTION 12.03 OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

#### **Sec. 12.03. – Nepotism and Conflict of Interest**

~~The members of the city council, and, the city manager, city clerk, city attorney and presiding judge of the municipal court are the public officials of the city who are subject to the nepotism prohibitions defined under State law.~~

- (a) Public officials of the City of San Marcos are subject to the nepotism prohibitions defined under State law. For purposes of this section, the following are defined as public officials:
  - (1) The mayor and members of city council
  - (2) City Manager
  - (3) City Clerk
  - (4) City Attorney
  - (5) Presiding judge of the municipal court

No business partner or person related, within the second degree by affinity or within the third degree by consanguinity, to the mayor or any member of the city council or other public official of the city shall be employed or appointed to any office, position, board, or commission of the city. This prohibition shall not apply, however, to any person who shall have been continuously employed by the city for a period of at least six months prior to the election or appointment of the public official so related to him or her.

**PROPOSITION – W**

**FOR/AGAINST** Amending the City Charter to correct grammatical, punctuation and spelling errors.

**TEXT AMENDMENT – FOR PROP “W”**

**SECTION 3.**

If approved by the voters, the San Marcos City Charter would be amended as follows: [proposed deleted text is shown with strikethroughs and proposed added text is underlined]: