

**ORDINANCE NO. 768**

**AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS AMENDING ORDINANCE NO. 767 CALLING A SPECIAL ELECTION TO BE HELD JOINTLY WITH THE GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2019 FOR VOTER CONSIDERATION ON THE QUESTION OF AMENDMENTS TO THE CITY CHARTER FOR SAID CITY; ESTABLISHING RULES AND REGULATIONS FOR CONDUCTING SUCH ELECTION; PROVIDING FOR NOTICE OF SUCH ELECTION AND PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the City of Granite adopted Ordinance No. 767 calling a special election on the question of amendments to the City Charter at its regular City Council meeting of August 13, 2019; and

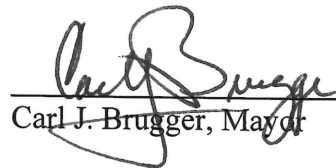
**WHEREAS**, the City Council has determined that a minor revision to Section 6, "Notice of Election" within Ordinance 767 is necessary to conform that Ordinance to the requirements of state law;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS:**

**"Section 7. Notice of Election:** The City Secretary is hereby authorized and directed to prepare a form titled "Notice of Election," the contents and form of which shall comply with the requirements of the Texas Election Code and other law and shall include a substantial copy of the proposed amendments and a statement that the changes to the Charter are not anticipated to have any fiscal impact on the City if approved. The City Secretary is directed to publish notice of the election in the City's official newspaper. The notice shall be published the same day in each two successive weeks, with the first publication occurring before the fourteenth (14<sup>th</sup>) day before the date of the election. To the extent applicable, the City Secretary shall also provide public notice of the election in accordance with the Texas Election Code."

**PASSED AND APPROVED ON this the 27<sup>th</sup> day of August, 2019.**

APPROVED:

  
\_\_\_\_\_  
Carl J. Brugger, Mayor

ATTEST:

  
\_\_\_\_\_  
Elaine Simpson, City Secretary

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APPROVED AS TO FORM:

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Josh Katz, City Attorney

## **EXHIBIT “A”**

### **Amendment No. 1 to the City Charter**

#### **Nature of the Change:**

Change Article I, Section 1.01 of the City Charter to more accurately define the powers and nature of the municipal government of the City of Granite Shoals, Texas.

#### **Specific Charter Amendment Language:**

##### Section 1.01 Form of Government

The inhabitants of the City of Granite Shoals, Burnet County, Texas, residing within its corporate limits, as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate, in perpetuity, under the name of the “City of Granite Shoals” with such powers, privileges, rights, duties, authorities and immunities as are herein provided, or as allowed by law.

The municipal government provided for by this Charter shall be known as the “Council-Manager” form of government. ~~Pursuant to its provisions, and subject only to the limitations imposed by the Constitution, laws and statutes of the State of Texas and by this Charter, all~~ All powers of the City of Granite Shoals (hereinafter referred to as the City) shall be vested in an elected City Council (hereinafter referred to as the City Council) which shall enact local legislation, adopt budgets, determine policies and appoint a City Manager, who in turn, will be held responsible to the City Council for the execution of the laws and the administration of the government of the City.

### **Amendment No. 2 to the City Charter:**

#### **Nature of the Change:**

Change Article I, Section 1.02 of the City Charter to define the boundaries of the City as including annexations by the City.

#### **Specific Charter Amendment Language:**

##### Section 1.02 Boundaries

~~The inhabitants bounds and limits of the City, Burnet County, Texas, residing within its corporate limits, as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic established and corporate, described as being those boundaries established in perpetuity, under the name original incorporated proceedings of the City, filed of Granite Shoals” with such record in the office of the Clerk of the County of Burnet, County, Texas, and those boundaries established and changed thereafter in all annexation ordinances and proceedings of the City.~~

### **Amendment No. 3 to the City Charter:**

#### **Nature of the Change:**

Create Article II, Section 2.05, which will define the City's existing eminent domain authority pursuant to the Texas Constitution and state law.

#### **Specific Charter Amendment Language:**

##### SECTION 2.05      Eminent Domain

The City shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the Constitution and laws of the State of Texas. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution and laws of this State. This power of eminent domain shall include the right of the City to take the fee in land so condemned and shall include the right to condemn public property for such purposes as provided by the statutes of the State of Texas. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.

### **Amendment No. 4 to the City Charter:**

#### **Nature of the Change:**

Amend Article II, Section 2.03 to reflect that the City may contract with other cities or political subdivisions, as allowed by state law.

#### **Specific Charter Amendment Language:**

##### Section 2.03    Intergovernmental Relations

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or any state civil division or agency and its political subdivisions, or the United States or any of its agencies.

### **Amendment No. 5 to the City Charter:**

#### **Nature of the Change:**

Amend Article III, Section 3.05 to require that Council fill vacancies on the Council that occur if a Council member fails to attend three consecutive Regular Council Meetings without being excused.

#### **Specific Charter Amendment Language:**



### Section 3.05 Vacancies, Forfeiture and Filling of Vacancies

- (1) The office of a Council Member or the Mayor shall become vacant upon his/her death, resignation, forfeiture of, or removal from office by any manner authorized by law.
- (2) If any member of the City Council ~~is absent from~~ fails to attend three (3) consecutive ~~regular meetings, Regular Council Meetings~~ without ~~explanation acceptable to a majority of being excused by the remaining Council Members, his/her office, the Council shall be declared vacant, at the~~ its next regular meeting of the City Council by resolution, declare the office to be vacant and shall fill such vacancy as set forth in this section.
- (3) Any person on the City Council who ceases to possess the required qualifications for office or who is convicted of a felony or of a misdemeanor involving moral turpitude or is convicted of violating any state laws regulating conflicts of interest of municipal officers shall forfeit his/her office. Every forfeiture shall be declared and enforced by the City Council.
- (4) If there is a vacancy in the office of Mayor, the Mayor Pro Tem shall become Mayor for the unexpired remainder of the Mayor's term.

#### **Amendment No. 6 to the City Charter:**

##### **Nature of the Change:**

The proposed changes to Article III, Section 3.13 allow the City to make more information available electronically and cut down on printing paper copies of various documents.

##### **Specific Charter Amendment Language:**

#### Section 3.13. Passage of Ordinances in General

- (1) The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be "Be it ordained by the City Council of the City of Granite Shoals, Texas ...." Each proposed ordinance shall be introduced in the City Council only in written or printed form. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title. General appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated.

After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Copies of each proposed ordinance shall be furnished to the City Council. Copies of the proposed ordinance shall be made available at for review by the public. ~~City offices and shall be furnished to citizens upon request to the City Secretary from and after the date on which such proposed ordinance is posted as an agenda item for a City Council meeting.~~

- (2) All persons interested in such ordinance shall have a reasonable opportunity to be heard prior to adoption.
- (3) Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published ~~twice~~ at least once in its entirety, summary form or the caption thereof after adoption, in a newspaper designated as the official newspaper of the City.

#### **Amendment No. 7 to the City Charter:**

##### **Nature of the Change:**

The proposed changes to Article III, Section 3.15 allow the City to make more information available electronically and cut down on printing paper copies of various documents.

##### **Specific Charter Amendment Language:**

#### Section 3.15. Authentication, Recording, Codification, Printing and Distribution

- (1) All ordinances and resolutions of City Council proceedings adopted by the City Council and signed by the Mayor, shall be authenticated by seal and signature of the person performing the duties of the City Secretary and numbered consecutively as adopted. They shall be properly indexed ~~and placed in a book kept open for public inspection,~~ bound, and maintained according to the record management plan for the City as adopted by City Council. They shall be available for review by the public in such formats as may be approved by City Council.
- (2) The City Council ~~may maintain~~ maintains a codification of ordinances of the City. This codification shall be known and cited as “The Granite Shoals City Code” and shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when codified. Every general ordinance, enacted subsequent to such codification, shall be enacted as an amendment to the code. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. ~~Copies of the code~~ The City Code shall be furnished maintained by the City Secretary according to City Officers, placed in the City offices and made record management plan for the City as adopted by City Council. ~~The City Code shall be available for purchase review by the public at a reasonable price to be fixed~~ in such formats as approved by the City Council.
- (3) The City Council shall cause all ~~ordinances and~~ amendments to this Charter to be printed promptly following their adoption. A copy of each ~~ordinance and~~ amendment shall be ~~placed in appropriate~~ available from the City offices Secretary for public reference. ~~Printed ordinances and The City Charter amendments shall be sold to the public at a reasonable~~



~~price to be fixed~~ available for review by the public in such formats as approved by City Council.

### **Amendment No. 8 to the City Charter:**

#### **Nature of the Change:**

The proposed changes to Article IV, Section 4.02 would require the City Secretary report to the City Manager, who is the chief administrative officer of the City. The City Manager, along with the Mayor, would oversee the City Secretary's performance review. Other changes are proposed to clarify the City Secretary's role within the City.

#### **Specific Charter Amendment Language:**

##### Section 4.02. City Secretary

- (1) The City ~~Council~~ Manager shall appoint or remove, ~~with or without cause,~~ the City Secretary ~~upon subject to the affirmative vote of a majority of the full membership approval of the City Council, and shall appoint or remove such Assistant City Secretaries as the Council shall deem advisable. The City Manager, along with the Mayor shall review the performance of the City Secretary, and this review shall be shared with the City Council.~~
- (2) The City Manager and Mayor shall fix determine the compensation of the City Secretary, and the City Secretary's compensation may be amended, from time to time, in accordance with the City Secretary's experience, qualifications and performance.
- (3) The City Secretary shall:
  - (A) Give notice of all official public meetings of the City Council in a manner consistent with this Charter and state laws;
  - (B) Except upon an explanation acceptable to a majority of the City Council, attend all public meetings and hearings of the City Council;
  - (C) Keep the minutes of the proceedings of all public official meetings and hearings of the City Council in a manner prescribed by the City Council consistent with applicable law;
  - (D) Act as custodian of all official ~~records of the City Council;~~ public records of the City of Granite Shoals, ensuring that records are maintained and retained as necessary to meet operating requirements, and comply with Texas and U.S. laws and regulations.
  - (E) Hold and maintain the seal of the City and affix this seal to all appropriate documents;
  - (F) Authenticate, by signature and seal, and record all ordinances, resolutions and proclamations of the City;
  - ~~(G) Perform such other duties, as may be required by the City Council, which are consistent with this Charter and state and federal law; and~~
  - (G) Schedule and oversee all City elections in accordance with the Texas Election Code and any other applicable law.
  - (H) Perform such other duties as the City Manager shall assign, and as elsewhere provided for in this Charter. This assignment power does not extend to the City Manager's designees.

(4) Other Provisions:

- (A) In the absence of the City Manager or acting or interim City Manager, the City Secretary shall report to the Mayor.
- (B) During a period when there is no City Manager, work assignment powers will extend to an acting or interim City Manager, but again do not convey to the acting or interim City Manager's designees.
- (C) Council shall have unrestricted access to the City Secretary, and may request records and information without the involvement or approval of the City Manager.

**Amendment No. 9 to the City Charter:**

**Nature of the Change:**

The proposed changes to Article IV, Section 4.03 reflect the City's adoption of a municipal court of record, and conform the Charter to state law requirements for such courts.

**Specific Charter Amendment Language:**

Section 4.03 Municipal Court

- (1) The City Council shall establish and cause to be maintained a Municipal Court. The Court shall have all the powers and duties as are now, or as may be, prescribed by the laws of the State of Texas.
- (2) The City Council shall appoint, by the affirmative vote of a majority of the full membership of the City Council, such Municipal Judges of the Municipal Court, as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least two (2) years in the State of Texas. ~~In the event a duly qualified attorney is not available, the City Council shall then select a qualified person to be the Municipal Judge.~~ The Municipal Judge(s) of the Municipal Court(s) shall be appointed to a term of two (2) years and may be appointed to additional consecutive terms upon completion of the Judge(s) term(s) of office. The appointment of the Municipal Judge(s) may be terminated, with or without cause, at any time by the affirmative vote of a majority of the full membership of the City Council. The Municipal Judge(s) shall receive compensation as may be determined by the City Council.
- ~~(2) In the event of failure of any Municipal Judge to perform the Judge(s) duties, the Mayor shall act in the Municipal Judge's place and stead (and in the event of a vacancy, until a Municipal Judge is appointed by the City Council to fill the vacancy). If the Mayor acts as Municipal Judge, the Mayor shall be compensated at the same salary, if any, as the Municipal Judge for whom the Mayor is acting.~~



- (3) The City Council may appoint additional associate Municipal Judges who possess the qualifications specified in Section 4.03(2).

**Amendment No. 10 to the City Charter:**

**Nature of the Change:**

The proposed changes to Article V, Section 5.04 are primarily for clarification and of the process to determine election results, which must be in accordance with the Texas Election Code.

**Specific Charter Amendment Language:**

Section 5.04      Official Results

- (1) The candidate for Mayor and each City Council place that receives the highest number of votes cast shall be elected, ~~and in each election for a place on the City Council, the candidate for City Council that receives the highest number of votes cast shall be elected.~~ In the event of a tie, if candidates agree to an alternative resolution in accordance with the Texas Election Code, a recall election will not be required. If no agreement between the candidates is reached, the City Council shall, upon completion of the official canvass of the ballots, issue a call for a runoff election to be held ~~within thirty (30) days following the issuance of such call, or in accordance with the Texas Election Code, unless the candidates agree to an alternative resolution in accordance with the Texas Election Code.~~
- (2) The returns of every municipal election shall be handled in accordance with the Texas Election Code. These returns shall be delivered ~~from the election judges or reported~~ to the person performing the duties of the City Secretary ~~and the Mayor at City Hall~~ as soon as possible after the closing of the polls. Election returns, general and special, shall be presented to the City Council ~~at their next meeting following~~ in accordance with the election, at which time the City Council shall Texas Election Code, for official canvass and declare declaration of the results of the election., which shall be recorded in the minutes of the meeting.

**Amendment No. 11 to the City Charter:**

**Nature of the Change:**

The proposed changes to Article VI, Section 6.02 make the number of signatures for a recall petition a fixed number, rather than using the number of votes cast in the previous general City election, which would be variable.

**Specific Charter Amendment Language:**

## Section 6.02 Petitions for Recall

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary, which said petition must contain the number of valid signatures totaling at least ~~twenty-five percent (25%) of the number of votes cast at the last general City election~~ six and a half (6.5) percent of the number of registered voters residing in the City at the time the petition is filed. The petitions, signatures, and verifications shall be governed by the requirements of the Texas Election Code.

### **Amendment No. 12 to the City Charter:**

#### **Nature of the Change:**

Changes to Article VI, Section 6.11 are proposed to reflect the fact that there may be topics subject to referendum that are not currently enumerated in the Charter, and for clarification of the Charter.

#### **Specific Charter Amendment Language:**

##### Section 6.11 General Power of Initiative and Referendum

~~The qualified voters of the City, in addition to the method of legislation herein before provided, shall have the power of direct legislation by the initiative and referendum.~~

- (1) Initiative: Such power shall not extend to the budget, or any capital program, or setting rates, fees or charges, or ordinance ~~not subject to initiative~~, as provided by state law, relating to appropriation of money, issuing of bonds and levy of taxes or salaries of City officers or employees not subject to initiative.
- (2) Referendum: Such power shall not extend to the budget or any capital program or emergency ordinance or ordinance ~~not subject to referendum~~ as provided by state law, relating to appropriation of money, issuing of bonds or levy of taxes not subject to referendum.

### **Amendment No. 13 to the City Charter:**

#### **Nature of the Change:**

The proposed changes to Article VI, Section 6.02 make the number of signatures for an initiative a fixed number, rather than using the number of votes cast in the previous general City election, which would be variable.

#### **Specific Charter Amendment Language:**

## Section 6.12 Initiative

- (1) Following a review by the City Attorney for enforceability and legality, qualified voters of the City may initiate legislation by submitting a petition addressed to the City Council, which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must contain the number of valid signatures totaling at least six and a half (6.5) percent of the number of registered voters residing in the City at the time the petition is filed ~~twenty-five percent (25%) of the number of votes cast at the last general City election~~, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed, as provided in this Article, and shall be verified by oath in the manner and form provided for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted for recall petitions. Such petition shall be filed with the person performing the duties of City Secretary.

### **Amendment No. 14 to the City Charter:**

#### **Nature of the Change:**

The proposed changes to Article VI, Section 6.13 make the section consistent with Section 6.12 and state law.

#### **Specific Charter Amendment Language:**

##### Section 6.13 Referendum

Qualified voters of the City may require that any ordinance or resolution, with the exception of ordinances or resolutions appropriating money or levying taxes, passed by the City Council be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution, or within thirty (30) days after its publication. Said petition shall be subject to the same requirements as those for Initiative, and shall be addressed, signed and verified as required for recall petitions in this Article and shall be submitted to the person performing the duties of City Secretary.

Within twenty-one (21) days after the filing of such petition, the person performing the duties of City Secretary shall present said petition to the City Council. Upon presentation to the City Council, it shall become the duty of the City Council, within two (2) regularly scheduled City Council meetings after the receipt thereof, to reconsider such ordinance or resolution and, if the City Council does not entirely repeal the same, shall submit it to popular vote as provided in Section 6.12 of this Charter.

### **Amendment No. 15 to the City Charter:**

#### **Nature of the Change:**



Currently, the Charter requires publication of the entire ordinance, which can be lengthy. The proposed change to Section 6.16 would amend the Charter to require publication of only the ballot language and the portion of the Code to be changed.

**Specific Charter Amendment Language:**

Section 6.16 Publication of Proposed and Referred Ordinances

The person performing the duties of City Secretary of the City shall publish at least twice in the official newspaper of the City the proposed or referred ~~ordinance or resolution~~ ballot language and the portion of the Code being changed within fifteen (15) days before the date of the election and shall give such other notices and do such other things relative to such election as are required by law in municipal elections and by the ordinance or resolution calling said election.

**Amendment No. 16 to the City Charter:**

**Nature of the Change:**

The proposed changes to Section Article VII, Section 7.10 reflect the fact that budget information may be made available electronically and/or via the City's website, and removes requirements for printed copies.

**Specific Charter Amendment Language:**

Section 7.10. Certification; Copies Made Available.

A copy of the budget, as finally adopted, shall be filed with the person performing the duties of City Secretary and such other places required by state law or as the City Council shall designate. The final budget shall be ~~printed or otherwise reproduced and sufficient copies~~ maintained by the City Secretary according to the record management plan for the City as adopted by City Council. ~~The city budget shall be made available for the use of all offices, agencies, and for the use of interested persons and civic organizations review by the public in such formats as approved by City Council.~~

**Amendment No. 17 to the City Charter:**

**Nature of the Change:**

The proposed changes to Section Article VII, Section 7.14 would require an election any time General Obligation bonds are issued by the City.

**Specific Charter Amendment Language:**

Section 7.14 Borrowing

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*Ordinance No. 768*

*City of Granite Shoals – August 27, 2019*



- (1) The City shall have the right and power, except as prohibited by law or this Charter, to borrow money by whatever method it may deem to be in the public interest.
- (2) General Obligation Bonds and Certificates of Obligation.
  - (A) The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds and certificates of obligation for permanent public improvements or any other public purpose not prohibited by law and this Charter and to issue refunding bonds to refund outstanding bonds previously issued. All such bonds and certificates of obligation shall be issued in conformity with the laws of the State of Texas and a favorable vote of at least five (5) Council Members and shall be used only for purposes for which they were issued.
  - (B) ~~(B) When state law requires an election to issue any bond, the~~ When General Obligation Bonds are issued, an election requiring an affirmative vote of the registered voters must be called before any bonds shall be issued. The City Council shall prescribe the procedure for calling and holding such elections, shall define the voting precincts and shall provide for the return and canvass of the ballots cast at such elections.
  - (C) If, at such elections, a majority of the ~~voters~~ voters shall be in favor of creating such a debt or refunding outstanding valid bonds of the City, it shall be lawful for the City Council to issue bonds as proposed in the ordinance submitting same. However, if a majority of the voted polled shall be against the creation of such debt or refunding such bonds, the City Council shall be without authority to issue the bonds. In all cases when the City Council shall order an election for the issuance of bonds of the City, it shall, at the same time, submit the question of whether or not a tax shall be levied upon the property within the City for the purpose of paying the interest on the bonds and to create a sinking fund for their redemption.

#### **Amendment No. 18 to the City Charter:**

##### **Nature of the Change:**

The proposed changes to Section Article VII, Section 7.18 removes the requirement for the City to publish a summary of the independent audit in the City's official newspaper, and makes copies available for public review.

##### **Specific Charter Amendment Language:**

###### **Section 7.18. Independent Audits**

At the close of each fiscal year, and at such other times as ~~may be deemed necessary, the desired~~ by City Council, city staff shall call for an independent audit to be made of all accounts of the City by a certified public accountant. The certified public accountant selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. The report of audit, with the auditor's recommendations, will be made to the City Council. ~~Upon completion of the audit, the summary shall be published immediately in the official newspaper of the City and~~

~~copies of the audit placed on file in the office of the person performing the duties of City Secretary, as a public record. After presentation and acceptance by the City Council, the audit report will be maintained according to the record management plan for the City as adopted by City Council and shall be available for review by the public in such formats as may be approved by City Council.~~

#### **Amendment No. 19 to the City Charter:**

##### **Nature of the Change:**

The proposed changes to Section Article VIII, Section 8.01 clarify that Board and Commission meeting minutes are public records, and gives Boards and Commissions more flexibility in presenting and approving their meeting minutes.

##### **Specific Charter Amendment Language:**

#### **Section 8.01. Authority, Composition and Procedures**

- (1) The City Council shall create, establish or appoint, as may be required by the laws of the State of Texas or this Charter, or deemed desirable by the City Council, such boards, commissions and committees as it deems necessary to carry out the functions and obligations of the City. The City Council shall, by ordinance or resolution, prescribe the purpose, composition, function, duties, accountability and tenure of each board, commission and committee where such are not prescribed by law or this Charter.
- (2) Individuals who are property owners or reside in the City may be appointed by the City Council to serve on one (1) or more boards, commissions or committees. Such appointees shall serve at the pleasure of the City Council and may be removed at the discretion of the City Council. Except as otherwise provided in this Charter, members of any such board, commission or committee shall serve without compensation, but may be reimbursed for actual expenses as approved by the City Council.
- (3) All boards, commissions or committees of the City shall ~~keep and maintain~~ create minutes of any proceedings held ~~and. Such meeting minutes shall submit a written report of such proceedings to be transferred to, and maintained by, the City Secretary according to the record management plan for the City as adopted by City Council. Council no more than three (3) weeks following each meeting. The minutes shall be available for review by the City Council and the public.~~

#### **Amendment No. 20 to the City Charter:**

##### **Nature of the Change:**

The proposed changes to Section Article IX, Section 9.01 clarify that Planning and Zoning Commission members must be property owners or residents of the City and can hold no other City office. The proposed change removes the need for the Commission to appoint



a Secretary, as the City Secretary serves in this capacity.

**Specific Charter Amendment Language:**

Section 9.01 Organization of Planning and Zoning Commission

- (1) There is hereby established a Planning and Zoning Commission (the “Commission”) which shall consist of at least seven (7) members who ~~shall be appointed by the City Council~~ are property owners or residents of the City, and who shall be appointed by the City Council. Members of the Commission shall hold no other City office. Any vacancy occurring during the unexpired term of a member shall be filled by the City Council for the remainder of the unexpired term. The Commission shall elect from its members a Chairman and Vice Chairman, ~~and Secretary~~ to serve for two (2) years beginning in the month following the general City election in odd numbered years. Members of the Commission may be removed, with or without cause, by an affirmative vote of a majority of the full membership of the City Council.

**Amendment No. 21 to the City Charter:**

**Nature of the Change:**

The proposed changes to Section Article IX, Section 9.02 clarify that Planning and Zoning Commissioners will not be required to maintain official City records, and that the City Council may request presentations and reports from the Commission at desired intervals.

**Specific Charter Amendment Language:**

Section 9.02. Duties and Powers.

- (1) The Commission shall be responsible to and act as an advisory board to the City Council. The Commission shall:
- (A) Review all current and proposed ordinances and amendments pertaining to planning and zoning and make recommendations to the City Council for action to be taken;
  - (B) Make proposals to the City Council to amend, extend and add to the Comprehensive Plan for the physical development of the City;
  - (C) Keep ~~public~~ records of its resolutions, findings, ~~and~~ determinations, ~~If requested and meeting minutes, which shall be maintained by the City Council, a monthly report shall be made in person by a member of the Commission~~ Secretary according to the City Council; and record management plan for the City as adopted by City Council. These official public records shall be available for review by the public.
  - (D) Provide reports or presentations to City Council, as requested; and
  - (E) Review plats (and re-plats, as requested) and zoning requests and make recommendations to the City Council for final adoption of same.

## **Amendment No. 22 to the City Charter:**

### **Nature of the Change:**

The proposed changes to Section Article IX, Section 9.04 simplifies the process for the adoption or rejection of revisions to the City's Comprehensive Plan by requiring the City to comply with existing state law, other provisions of the City's Charter, and the City's ordinances.

### **Specific Charter Amendment Language:**

#### **Section 9.04 The Comprehensive Plan: Procedure and Legal Effect**

- (1) The existing Comprehensive Plan for the physical development of the City contains recommendations for the growth, development and beautification of the City and its extraterritorial jurisdiction. Additions to and amendments of the Comprehensive Plan shall be by ordinance or resolution, but before any such revision, the Commission shall hold at least one (1) public hearing on the proposed action.
- ~~(2) A copy of the proposed revisions to the Comprehensive Plan shall be forwarded to the City Manager who shall submit the proposal to the City Council, together with his recommendations, if any. The City Council, after a public hearing, shall adopt or reject such proposed revision, or any part thereof, as submitted within sixty (60) days following its submission by the City Manager. If the proposed revisions, or part thereof, should be rejected by the City Council, the City Council may request the Commission to make other modifications and again forward it to the City Manager for submission to the City Council.~~
- ~~(3) Following the adoption by the City Council of the Comprehensive Plan, and any revisions thereto, it shall serve as a guide to all future City Council action concerning land use and development regulations and expenditures for capital improvements. Any proposal, other than expenditures for capital improvements, which deviates from the Comprehensive Plan shall not be authorized until and unless the location and extent thereof shall have been submitted to and approved by the Commission. In case of denial, the Commission shall communicate its reasons to the City Council, which shall have the power to overrule such denial with a vote of three fourths (3/4) of the Council Members present, or four (4) votes, whichever is greater, and upon such overruling, the City Council or the appropriate office, department or agency shall have authority to proceed.~~
- (2) The Commission shall have full power to:
  - (A) Exercise the authority of the Commission as provided by state law, this Charter and City ordinances; and
  - (B) Make reports and recommendations relating to the Comprehensive Plan and development of the City.
- (3) A vote of three-fourths (3/4) of the Council members present, or four (4) votes, whichever is greater, be required to overrule a recommendation of the Commission that a proposed zoning amendment, supplement or change be denied.

## **Amendment No. 23 to the City Charter:**



**Nature of the Change:**

The proposed changes to Section Article IX, Section 9.05 provides that the Board of Adjustment shall select a Presiding Officer and Secretary from its members.

**Specific Charter Amendment Language:**

Section 9.05 Board of Adjustment

- (2) The Board shall consist of no fewer than five (5) nor more than seven (7) property owners or residents of the City. The members of the Board shall be appointed by the City Council for a term of two (2) years or until their successors are appointed and qualified. The Board shall elect a Presiding Officer and Secretary from among its appointed members. The City Council may remove a Board Member for cause upon written charge and after a public hearing. Vacancies on the Board shall be filled for the unexpired term by the City Council. ~~The Board shall elect a Presiding Officer from among its appointed members.~~ Three-fourths of the appointed members shall constitute a quorum for the transaction of business.

**Amendment No. 24 to the City Charter:**

**Nature of the Change:**

The proposed changes to Section Article XI, Section 11.10 expand the prohibition of the sale of liquor and beer in residential sections of the City to include wine.

**Specific Charter Amendment Language:**

Section 11.10 Regulation of ~~Liquor and Beer~~ Alcoholic Beverages

The sale of liquor, beer, and ~~beer~~ wine is prohibited in all residential sections or areas of the City, as designated by any zoning ordinance or Comprehensive Plan of the City. The City Council may enact any and all other regulations regarding the sale, consumption, distribution, etc. of alcoholic beverages, as permitted by law.

**Amendment No. 25 to the City Charter:**

**Nature of the Change:**

The proposed changes to Section Article XII, Section 12.05 enables process to be served upon the City Secretary, as the City Secretary is generally at City Hall during business hours.

**Specific Charter Amendment Language:**

Section 12.05. Service of Process against the City

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*Ordinance No. 768*

*City of Granite Shoals – August 27, 2019*

All legal process against the City shall be served upon both the ~~Mayer and~~ person performing the duties of City Manager Secretary.

**Amendment No. 26 to the City Charter:**

**Nature of the Change:**

The proposed changes to Section Article XII, Section 12.10 removes any reference to the City of Granite Shoals Chamber of Commerce, as none exists.

**Specific Charter Amendment Language:**

Section 12.10. Disaster Clause

In case of disaster when a legal quorum of the elected City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council, or highest surviving City official, if no elected official remains, must, within twenty-four (24) hours of such disaster, request the highest surviving officers of the ~~local Chamber of Commerce and the~~ Board of Trustees of the local school district and the County Judge of Burnet County to appoint a commission to act during the emergency and call a City election within fifteen (15) days of such disaster, or as provided in the Texas Election Code, for election of a required quorum, if for good reasons it is known a quorum of the present City Council will never again meet.

**Amendment No. 27 to the City Charter:**

**Nature of the Change:**

The proposed changes to Section Article XIV, Section 14.02 adds sexual orientation to the City Charter's equality of rights provision.

**Specific Charter Amendment Language:**

Section 14.02 Equality of Rights

Equality of rights under state and federal law shall not be denied or abridged with respect to appointment to or removal from any position because of race, gender, sexual orientation, age, national origin, political or religious opinions or affiliations.

**Amendment No. 28 to the City Charter:**

**Nature of the Change:**

The proposed changes to Section Article XIV, Section 14.07 precludes a person who owes taxes or other liabilities to the City for more than 90 days from holding an office or position within the City.

**Specific Charter Amendment Language:**

Section 14.07. Indebtedness to City

No person who, after notice of any delinquency, is in arrears more than 90 days in the payment of taxes or any other liabilities due the City, shall be qualified to hold an elective or appointive ~~or compensative~~ position of the City.

**Amendment No. 29 to the City Charter:**

**Nature of the Change:**

The proposed changes to Section Article XIV, Section 14.09 would require City officers and employees to comply with the Texas Local Government Code with regard to the acceptance of gifts or other privileges.

**Specific Charter Amendment Language:**

Section 14.09. No Officer or Employee to Accept Gifts, Etc.

- ~~(1) No officer or employee of the City shall ever accept, directly or indirectly, any gift, favor or privilege during the term of office of such officer, or during employment of such employee. No officer or employee is prohibited from engaging in the following activities:~~
- ~~(A) Attending social functions, ground breakings, or civic events pertinent to the public relations and operations of the City;~~
  - ~~(B) Exchange gifts with his/her family and relatives;~~
  - ~~(C) Exchanging gifts at church functions or City parties or functions where only City officers and employees and their families are invited or attend; or~~
  - ~~(D) Exchanging gifts or receiving a bonus from his/her place of fulltime employment.~~
- ~~(2) No officer is prohibited from receiving campaign contributions as provided for in the Texas Election Code.~~
- ~~(3) Any officer or employee of the City who shall violate the provisions of this section shall be guilty of a misdemeanor and may be punished by any fine that may be prescribed by ordinance for this offense, and may forthwith be removed from office or employment.~~

Officers and employees will conform to Local Government Code regulations governing gifts, benefits and contributions. The City Council will adopt a Code of Ethics in accordance with state law that will regulate the ethics for all officers and employees of the city.