

**NOTICE OF CHARTER AMENDMENT PROPOSITIONS
CITY OF KERRVILLE, TEXAS
NOVEMBER 5 , 2019 ELECTION**

FOR PUBLICATION ON OCTOBER 12 AND OCTOBER 19, 2019.

[The sample election ballot, report from the Charter Review Commission, ordinance setting election, and other information may be found on the City's website (www.kerrvilletx.gov) and in the City Secretary's office.]

ELECTION DAY : Tuesday, November 05, 2019 , 7:00 am - 7:00 pm

Precinct 1 : River Hills Mall, 200 Sidney Baker, Kerrville TX

Precinct 2 : Union Church, 101 Travis Street, Kerrville TX

Precinct 3 : Cailloux City Center, 910 Main Street, Kerrville TX

Precinct 4 : Kerr County Courthouse Ingram Annex, 3350 Junction Hwy, Ingram TX

EARLY VOTING (all precincts):

DATES:

October 21 - October 22, 2019 7:00 am - 7:00 pm

October 23 - October 25, 2019 8:00 am - 6:00 pm

October 28 - November 01, 2019 7:30 am - 6:00pm

LOCATIONS:

Cailloux City Center , 910 Main Street, Kerrville TX and Kerr County **Courthouse Ingram Annex** , 3350 Hwy 27, Ingram TX.

CONTACT INFORMATION :

Bob Reeves

Kerr County Tax Assessor/Collector and Voter Registrar

Kerr County Courthouse

700 Main Street, Suite 124

Kerrville, Texas 78028

Telephone: 830-792-2242

PROPOSITION A: Amendment to the City Charter authorizing the prohibition of the sale of liquor in all or parts of residential areas of the City.

Section 1.07. - Sale of Liquor Prohibited

The City may regulate or otherwise prohibit the sale of liquor in all or part of the residential areas of the City as authorized by this charter provision and State law.

Fiscal Impact: There is no anticipated fiscal impact to the City from the passage of this amendment.

PROPOSITION B: Amendments to the City Charter to provide clarity as to meaning and intent and eliminating inconsistencies.

Section 2.02. - Qualifications for Councilmembers

Each member of the City Council, in addition to having other qualifications required by law:

- a. Shall be a qualified voter of the State of Texas;
- b. Shall be at least eighteen (18) years of age;
- c. Shall be a resident of the City for at least twelve (12) consecutive months preceding the election day; provided, however, that any person who shall have been a resident for a period of not less than twelve (12) consecutive months immediately preceding the election of any territory not formerly within the corporate limits of the City, but which is annexed under the provision of this charter, shall be eligible for said office; ...

Section 2.03. - Term of Office

- a) The members of the City Council shall hold their offices for a term of two years and until their successors have been elected and duly qualified in accordance with this Charter. Five Councilmembers will be elected at large, two in one year for Places One and Two, and the following year, three will be elected for Places Three, Four, and Mayor, respectively.

Section 3.01. - Canvass of Election; Meetings of the Council, Boards, and Commissions; Compliance with Open Meetings Act

Following each municipal election, the Council shall meet at the usual place for holding its meetings, canvass the election in accordance with state law, and the newly elected members shall assume the duties of office without party or partisan mark or designation. Council shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the City Secretary upon request of the Mayor, the City Manager, or a majority of the members of the Council. Any such notice shall state the subject or subjects that shall be considered. All meetings of the Council shall be open to the public, and the rules of the Council shall provide that the citizens of the City shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered; but the Council may by a majority vote of all the members authorize a closed meeting. Council and its boards, commissions, and committees shall comply fully with the provisions of the Texas Open Meeting [Law Act](#) as amended.

Sections 4.01 - 4.08

~~Section 4.01. -- Municipal Elections :~~

~~The regular election for members of City Council shall be held as provided by state law, or as provided by ordinance adopted in accordance with state law. The Council may, in accordance with state law, order special elections.~~

~~Section 4.02. -- Elections :~~

~~The City shall conduct all elections in accordance with state law.~~

~~Section 4.03. -- Application for Candidacy :~~

~~Any person who lawfully qualifies and is a registered voter, may file an application for election for a Place on the City Council. The name of such candidate and Place for which he is filing will be affixed by the City Secretary at the time of issuance of an application form. Such application shall include a petition signed by not less than 100 qualified and registered voters of the City. The application and the signatures thereon as well as the affidavits of the circulators shall meet the requirements of state law. All papers comprising an application shall be assembled and filed with the City Secretary in accordance with state law. Signatures are not required where the application includes a filing fee of \$100.00. The City Secretary shall review the petition as required by state law and if the petition is found to be insufficient, the City Secretary shall return it immediately to the person who filed it, with a written statement certifying why the petition is found to be "insufficient." Within the time authorized by state law such a petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate. If the application complies with this section and state law, the City Secretary shall place such name on the ballot.~~

Application forms shall be obtained from the City Secretary, as they are promulgated by the Texas Secretary of State.

~~Section 4.04.-- Places~~ :

~~There shall be five places: One, Two, Three, Four, and Mayor.~~

~~Section 4.05.-- Ballots~~ :

~~The names of candidates shall be placed on the ballot in accordance with state law.~~

~~Section 4.06.-- Election of Councilmembers by Plurality~~ :

~~At the regular municipal election, the voters shall vote for one candidate for each place listed on the ballot. The candidate for each place listed on the ballot who shall have received the greatest number of votes for that place cast in such election shall be declared elected; and in case of a tie vote, by lot.~~

~~Section 4.07.-- Laws Governing City Elections~~ :

~~All City elections shall be governed, except as otherwise provided by the Charter, by the laws of the State of Texas governing general and municipal elections, so far as same may be applicable thereto; and in event there should be any failure of the general laws of this Charter to provide for some feature of the City elections, then the City Council shall have the power to provide for such deficiency, and no informalities in conducting a City election shall invalidate the same, if it be conducted fairly and in substantial compliance with the general laws, where applicable, and the Charter and ordinances of the City.~~

~~Section 4.08.-- Canvassing Elections~~ :

~~The City shall conduct an election canvass following a general or special election in accordance with state law.~~

Section 4.01. - Municipal Elections .

All City elections shall be governed, except as otherwise provided by the Charter, by the laws of the State of Texas.

Section 4.02. - Election of Councilmembers by Plurality, places .

There will be five places: One, Two, Three, Four, and Mayor. At the regular municipal election, the voters may vote for one candidate for each place listed on the ballot. The candidate for each place listed on the ballot who receives the greatest number of votes for that place cast in such election shall be declared elected; and in case of a tie vote, by lot.

Section 4.03. - Application for Candidacy .

Any person, who lawfully qualifies and is a registered voter, may file an application for election for a Place on the City Council. The name of such candidate and Place for which he is filing will be affixed by the City Secretary at the time of issuance of an application form. Such application must include a petition signed by not less than 100 qualified and registered voters of the City. The application and the signatures thereon as well as the affidavits of the circulators must meet the requirements of state law. All papers comprising an application must be assembled and filed with the City Secretary in accordance with state law. Signatures are not required where the application includes a filing fee of \$100.00. The City Secretary shall review the petition as required by state law and if the petition is found to be insufficient, the City Secretary shall immediately notify the person who filed it, with a written statement certifying why the petition is found to be "insufficient." Within the time authorized by state law such a petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate. If the application complies with this section and state law, the City Secretary shall place such name on the ballot. Application and petition forms must be obtained from the City Secretary, as they are promulgated by the Texas Secretary of State.

Section 5.04. - Petitions for Recall .

... The petition must contain the number of valid signatures of qualified voters totaling the greater of (a) five percent (5%) of the registered voters entitled to vote at the last City election; or (b) thirty-five percent (35%) of the number of persons who voted in the most recent City election; **but in no case fewer than the signatures from three-hundred (300) qualified voters registered to vote in the City.** Each signer of such recall petition shall personally sign their name thereto and shall write after their name their place of residence, giving the name of the street and the number, and shall also write thereon the day, the month, and the year their signature was affixed.

Section 5.11. - Initiative; Petition; Procedure .

- a. ... Said petition must contain the number of valid signatures totaling the greater of (a) five percent (5%) of the registered voters entitled to vote at the last City election; or (b) thirty-five percent (35%) of the number of persons who voted in the most recent City election; **but in no case fewer than the signatures from three hundred (300) qualified voters registered to vote in the City.** Each copy of the petition shall have attached to it a copy of the full text of the proposed ordinance. The petition, its form and content, shall be the same as for recalls as provided in Section 5.05 above. The certification of the City Secretary, and any amendment to the

petition and its presentation to City Council shall be the same as for recalls as provided in Section 5.06 above.

Section 5.12. - Referendum; Petition; Procedure; Effect Prior to Election

- a. ... Said petition must contain the number of valid signatures totaling the greater of (a) five percent (5%) of the registered voters entitled to vote at the last City election; or (b) thirty-five percent (35%) of the number of persons who voted in the most recent City election; ~~but in no case fewer than the signatures from three hundred (300) qualified voters registered to vote in the City.~~ The petition, its form and content, shall be the same as for recalls as provided in Section 5.05 above. The certification of the City Secretary, any amendment to the petition and its presentation to City Council shall be the same as for recalls as provided in Section 5.06 above.

Section 5.12. - Referendum; Petition; Procedure; Effect Prior to Election

- a. ...Council shall either repeal the referred ordinance or submit the referred ordinance to the qualified voters of the City at the next uniform election date as authorized by law within thirty (30) days after the date the petition was finally determined sufficient.

Section 7.01 City Attorney; Qualifications

- a. ~~The City Council shall appoint a City Attorney from recommendations of the City Manager; or by any member of the City Council. The City Attorney shall receive for his services such compensation as may be determined by the City Council. The City Attorney shall be in charge of all legal questions as may arise within the City; or by members of the City Council. The City Attorney shall be a qualified attorney who is duly licensed to practice law in the State of Texas. The City Attorney shall be the chief legal advisor of and attorney for the City and all departments and officers thereof in matters relating to their official powers and duties. It shall be the City Attorney's duty either personally or by such assistants as the City Attorney may delegate; to perform all services incident to the legal matters of the City. The City Attorney will attend such City Council meetings as needed when requested; to give advice in writing when so requested by the Council or City Manager; or by a department head when needed to clarify positions or actions. The City Attorney will act as legal counsel; or defend or prosecute as the case may be; all offenses against the law as defined by ordinances; or other laws of the City or~~

state, as may be required. The City Attorney will review all contracts, bonds and other instruments in writing in which the City is concerned, and endorse on each his approval of the form and correctness thereof, and perform such other duties of a legal nature as maybe determined by the City Council. In addition to the duties imposed upon the City Attorney by this Charter or required of the City Attorney by ordinance or resolution of the City Council, the City Attorney shall perform any duties imposed upon the legal officers of the Municipal Court when or if needed. The City Attorney shall have authority to appoint one or more assistants, subject to approval of the City Council. The performance of the City Attorney and assistants shall be reviewed annually by the City Council, and their reappointment or dismissal shall be made at that time. The City Attorney and his assistants, may be removed at any time by majority vote of the City Council. The City Council shall appoint a licensed attorney of the State of Texas to be the City Attorney. The City Attorney shall review all contracts and other instruments in writing in which City Council is concerned, endorse approval of the form and correctness of such, and perform other duties of a legal nature as may be determined by City Council. The City Attorney shall receive for services such compensation as may be fixed by City Council for regular and special duties and shall hold office at the pleasure of Council. The City Attorney, or such other assistant attorneys selected by the City Attorney with the approval of City Council, shall represent the City in all legal matters, to include prosecution within municipal court. ~~Notwithstanding the above provisions, the~~

- b. The City Council or the City Attorney, following written notice to Council, may engage special legal counsel to represent the City of Kerrville in any specific matter or for the performance of any specifically delineated duties otherwise to be performed by the City Attorney at any time it deems necessary and appropriate.
- c. At least annually, City Council shall review the performance of the City Attorney.

Section ~~10.01~~ 3.08. - Creation of Boards, Commissions, and Committees

- a. The City Council may create, ~~and~~ provide for, and dissolve such Boards, Commissions, and/or Committees as the City Council may deem appropriate or necessary ~~to accomplish and further any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety, and convenience of the City or its inhabitants. In establishing any such Board, Commission, or Committee, the Council shall determine the qualifications as necessary.~~

Section 13. ~~0706~~. - Extensions .

All extensions of public utilities within the City limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in Section ~~16.04~~[13.03](#). In case of an extension of a public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

Section 14.09. Meaning of Words and Designations.

All words and designations used in this Charter are to be taken and construed in the sense in which they are understood in common language, taking into consideration the context and subject matter relative to which they are employed. [The gender of the wording throughout this Charter shall always be interpreted to mean either sex. All singular words shall include the plural and all plural words shall include the singular. All references to the state law or laws of the State of Texas, however expressed in this Charter, shall mean “as presently enacted or as may be amended or superseded”. The use of the word “City” in this Charter shall mean the City of Kerrville, Texas, and the use of the word “Charter” shall mean this Home Rule Charter.](#)

Section 5.02. - Commencement of Petition; Petitioners ' Committee; Affidavit .

Any three (3) qualified voters [of the City](#) may commence recall, initiative, or referendum proceedings by filing with the City Secretary an affidavit stating they will constitute the petitioners committee and be responsible for [preparing and](#) circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent and naming the Councilmember(s) to be recalled or setting out in full the proposed initiative ordinance or citing the ordinances sought to be reconsidered.

Section 2.01. - The City Council .

Except as otherwise provided in this Charter, all powers of the City shall be vested in a Council of five (5) members, to be known as the Kerrville City Council. The members of the Council shall be elected from the City of Kerrville at large in

a manner prescribed elsewhere in this Charter [without party or partisan mark or designation](#). The Mayor is a member of the Council and may be referred to in this Charter as a “Councilmember.”

Fiscal Impact: There is no anticipated fiscal impact to the City from the passage of this amendment.

PROPOSITION C: Amendment to the City Charter creating a qualification for City Council prohibiting the candidate from being related within the second degree of affinity or third degree of consanguinity to anyone employed in an executive position with the City.

Section 2.02. - Qualifications for Councilmembers .

- e. At the time that a candidate's application for a place on the ballot is submitted, or thereafter, such candidate shall not be related within the second degree of affinity or third degree of consanguinity to anyone employed by the City and who holds an executive position with the City, which is defined as the head of any department or division within the City. The City Manager shall indicate such positions within his or her budget.

Fiscal Impact: There is no anticipated fiscal impact to the City from the passage of this amendment.

PROPOSITION D: The amendment to the City Charter prohibiting a councilmember from serving in office for more than three full successive terms.

Section 2.03. - Term of Office .

- b. No Councilmember may serve more than three (3) full terms in succession.

Fiscal Impact: There is no anticipated fiscal impact to the City from the passage of this amendment.

PROPOSITION E: Amendment to the City Charter requiring any councilmember, upon filing an application to run for mayor, to automatically resign his or her office effective the day following the canvass for such election.

Section 2.03. - Term of Office .

- c. Any Councilmember, upon filing an application to run for mayor, shall have automatically resigned his or her office effective on the day following the canvass for such election.

Fiscal Impact: There is no anticipated fiscal impact to the City from the passage of this amendment.

PROPOSITION F: Amendment to the City Charter requiring City Council to fill a vacancy within forty-five (45) days after such vacancy occurs.

Section 2.04. - Vacancies .

Vacancies in the City Council, including a vacancy resulting from a recall election, shall be filled by the Council for the remainder of the unexpired term. The Council shall appoint a qualified elector to fill a vacancy within ~~thirty (30)~~ forty-five (45) days after such vacancy occurs, as determined by state law. For purposes of this section and the Charter, a "qualified elector" or "qualified voter" means a "registered voter" in accordance with state law.

Fiscal Impact: There is no anticipated fiscal impact to the City from the passage of this amendment.

PROPOSITION G: Amendment to the City Charter providing that when the Mayor is incapacitated such that he or she is unable to perform the duties of office that the Mayor Pro Tem shall act as Mayor for the duration the disability.

Section 3.02. - Mayor and Mayor Pro Tem .

Following the canvass of a regular election, the Council shall choose one of its members (other than the Mayor) as Mayor Pro Tem. The Mayor shall preside at meetings of the Council and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him or her by this Charter and the ordinances of the City. He or she shall be recognized as the head of the City government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency, the Mayor is authorized to act in accordance with federal and state law and City policy. If a vacancy occurs in the Office of Mayor, the Council shall appoint a successor Mayor for the remaining term, in accordance with Section 2.04. If the Mayor is absent or ~~disabled~~ incapacitated such that he or she is unable to perform the duties of office, the Mayor Pro Tem shall act as Mayor for the duration of the period of such absence or disability. If the Mayor Pro Tem is also absent or disabled, then the Council shall elect a Presiding Officer to act in the place of the Mayor Pro Tem.

Fiscal Impact: There is no anticipated fiscal impact to the City from the passage of this amendment.

PROPOSITION H: Amendments to the City Charter revising and deleting provisions which are redundant of or inconsistent with State law.

Section 3.07. - Publication of Penal Ordinances .

- a. ~~A penal ordinance is one wherein certain acts or omissions are defined as a crime, and a punishment provided therefor. A general ordinance, the violation of which is a misdemeanor as under any other ordinance, is not a penal ordinance.~~

Section 5.06. - Recall; Petition; Procedure .

- b. Amendment. ~~A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners committee files a notice of intention to amend it with the City Secretary within five (5) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the~~

requirements of Section 4.05, and within five (5) days after it is filed, the Secretary shall complete a certificate as to the sufficiency of the petition as amended and send a copy of such certificate to the petitioners committee by certified mail or by hand delivery to a committee member as in the case of an original petition. If the City Secretary finds a petition insufficient for lack of the required number of valid signatures, the petitioner may file one supplementary petition by the deadline in accordance with state law and Sections 5.04 and 5.05. The City Secretary shall notify the petitioner as to the sufficiency of the petition not later than the fifth regular business day after the date of its receipt.

Section 5.12. - Referendum; Petition; Procedure; Effect Prior to Election

- b. Pending the holding of such election, the ordinance shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof. ~~Unless otherwise provided by law, any~~ Any election for a referendum under this Charter shall be held in accordance with state law on the first authorized uniform election date ~~that occurs after the seventieth (70th) day~~ after the decision by the City Council.

~~Section 9.03. -- Municipal Court Clerk~~

~~There shall be a clerk or clerks of said Court who shall be appointed and who may be removed by the City Manager. The said Clerk shall have authority to administer oaths and affirmations.~~

ARTICLE XI. -- TAXATION

Section 11.01. -- Power to Tax :

The City Council shall have the power, not inconsistent with state laws, as amended from time to time, to levy, assess and collect taxes upon taxable properties, real, personal tangible, and intangible; and to levy, assess and collect occupation, sales, and other taxes.

Section 11.02. -- Property Subject to Tax :

The City Council through the passing of such ordinances as may be required, formulate the procedures for assessing and collecting all authorized taxes.

Section 13.01. -- Powers of the City :

In addition to the City's power to buy, own, construct, maintain, and operate utilities and to manufacture and distribute electricity, gas, or anything else that may be needed or used by the public (see powers made part of this Charter in Section 1.02); the City shall have such further powers as may now or hereafter be granted under the Constitution and of the State of Texas.

Section 14.01. - Publicity of Records .

All records of the City, except those protected by executive sessions, or state and federal statutes, shall be open to inspection by any person during the regular posted office hours of the City Hall [and in accordance with the Texas Public Information Act](#).

Section 14.06. -- Amending the Charter :

Amendments to this Charter may be framed and submitted to the voters of the City in any manner provided by state law.

Section 5.01. - General Authority .

- b. Initiative. The qualified voters of the City shall have power to propose ordinances to the City Council. Such power shall not extend to the budget, ~~or any~~ capital program, ~~or relating to~~ appropriation of money, ~~issuing~~ issuance of bonds, setting of utility rates, ~~and~~ levy of taxes, ~~or~~ annexations, salaries of City officers or employees, or any other ordinance not subject to referendum as provided by state ~~statute or case~~ law.
- c. Referendum. The qualified voters of the City shall have power to require reconsideration by the City Council of any adopted ordinance. Such power shall not extend to the budget, ~~or any~~ capital program, ~~or relating~~ relate to the appropriation of money, ~~issuing~~ issuance of bonds, setting of utility rates, ~~and~~ levy of taxes, ~~or~~ annexations, salaries of City officers or employees, or any other ordinance not subject to referendum as provided by state ~~statute or case~~ law.

Fiscal Impact: There is no anticipated fiscal impact to the City from the passage of this amendment.

PROPOSITION I: Amendments to the City Charter providing that when a vacancy is filled by appointment the appointee serves only through the remainder of the unexpired term

Section 5.10. - Result of Recall Election .

- b. Where a vacancy(s) occurs due to a recall election, the remaining Councilmembers, including where the remaining Councilmembers number two or less, shall appoint a qualified elector(s) for the recalled place(s), which such person(s) may serve only through the ~~canvassing of the next municipal election remainder of the unexpired term. The appointed person(s) may choose to become a candidate at such election but in any case, the person elected at the election will only serve through the remainder term, if applicable.~~

Fiscal Impact: There is no anticipated fiscal impact to the City from the passage of this amendment.

PROPOSITION J: Amendments to the City Charter increasing the time for submitting a petition for referendum on an ordinance from within ten days of the adoption of the ordinance to within thirty days of the adoption of the ordinance.

Section 5.12. - Referendum; Petition; Procedure; Effect Prior to Election .

- a. Qualified voters of the City may require that any ordinance, with the exception of ordinances dealing with any budget or any capital program, or relating to appropriation of money, issuing of bonds, setting of utility rates

and levy of taxes or salaries of City officers or employees, or any other ordinance not subject to referendum as provided by state statute or case law, 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 ~~ten~~ thirty (~~10~~)30 days after the date the ordinance sought to be reconsidered was adopted.

Fiscal Impact: There is no anticipated fiscal impact to the City from the passage of this amendment.

PROPOSITION K: Amendments to the City Charter requiring the city manager to designate a qualified City executive to perform the duties of city manager by written notice to the City Council.

Section 6.01. - City Manager .

The Council shall appoint an officer whose title shall be City Manager and who shall be chief executive and the head of the administrative branch of the City government. By written notice to City Council ~~letter filed with the City Secretary,~~ the City Manager shall designate ~~;~~ subject to approval of the Council, a qualified City executive administrative officer to exercise the powers and perform the duties of city manager during periods of his or her temporary absence or disability. The Council may annul such designation at any time and appoint another ~~officer for the~~ City executive to serve until the City Manager ~~shall~~ returns from his absence or until his disability shall cease to perform his or her duties.

Fiscal Impact: There is no anticipated fiscal impact to the City from the passage of this amendment.

PROPOSITION L: Amendment to the City Charter requiring the City Council to annually review the performance of the City Manager.

Section 6.01. - City Manager .

...The City Council shall annually review the performance of the City Manager, and The the City Manager shall receive such compensation as may be fixed by the City Council

Fiscal Impact: There is no anticipated fiscal impact to the City from the passage of this amendment.

PROPOSITION M: Amendment to the City Charter providing that, within sixty (60) days of any regular election, a vote to remove a City Attorney who has been in the service of the City for more than one year requires a four-fifths vote of the members of City Council.

Section 7.01 City Attorney; Qualifications

d. City Council may not remove a City Attorney who has been in the service of the City for more than one year prior to a regular City election within sixty (60) days subsequent to such election except by a four-fifths vote of the members of City Council.

Fiscal Impact: There is no anticipated fiscal impact to the City from the passage of this amendment.

PROPOSITION N: Amendment to the City Charter simplifying the budget process and requiring compliance with state law and the industry standards and best practices prescribed by the Government Finance Officers Association.

Section 8.01. - Development and Submission of City Budget and Budget Message.

a. Development. The City Manager shall prepare each year a budget to cover all proposed expenditures of the government of the City for the succeeding year. Such budget shall be carefully itemized so as to make as clear a comparison as practicable between expenditures included in the proposed budget and actual expenditures for the same or similar purposes for the preceding year. The budget shall also show as definitely as possible each of the various projects for which appropriations are set up in the budget and the estimated amount of money carried in the budget for each of these projects. The budget shall also contain **a complete financial statement of the City showing all outstanding obligations of the City, the cash on hand to the credit of each and every fund, the funds received from all sources during the previous year, the funds available from all sources during the ensuing year, the estimated revenue available to cover the proposed budget, and the estimated rate of tax which will be required.**

b. Accounting Practices. The City Manager shall prepare and present the budget according to budget award guidelines currently established by the Government Finance Officers Association, or its successor organization.

c. Submission. On or before the 31st day of July of each year, the City Manager shall submit to the City Council and City Secretary a budget for the ensuing fiscal year and an accompanying budget message. The full text of the proposed budget and message shall be made available for public review in the office of the City Secretary, at the City's library, and prominently linked on the City's website.

~~Section 8.03. -- Budget Message :~~

~~The City Manager's budget message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to~~

organizational goals and community priorities. It shall outline the proposed financial policies of the City for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position, including factors affecting the ability to raise resources through debt issues, and include such other material as the City Manager deems desirable.

Section 8.0 43. - City Council Action on Budget .

- b. Amendment Before Adoption. After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, ~~provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income.~~

Section 8.0 43. - City Council Action on Budget .

- d. "Publish" defined. As used in this section and this article, the term "publish" refers to making the information available on the City's website and otherwise complying with state law ~~means to print in the contemporary means of information sharing, which includes, a newspaper of general circulation which is published in the City, and on the City's website.~~ In addition, the budget shall be made available in the office of the City Secretary and in the City's library.

Section 8.0 45. - Budget .

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable ~~or the City Council may require~~ for effective management and an understanding of the relationship between the budget and the City's strategic goals. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy; ~~and~~ all proposed expenditures, ~~including the amount of salary or compensation of officers and employees~~ and debt service for the ensuing fiscal year; and shall be so arranged as to show comparative figures for ~~actual and estimated~~ income and

expenditures of the current and ~~fiscal year and actual income~~ preceding ~~expenditures of the~~ fiscal year. It shall indicate in separate sections:

- a. ~~The~~ Proposed revenues and goals and expenditures for current operations during the ensuing fiscal year, for each city fund detailed for each fund; by department or by other organization unit, and program, purpose or activity, method of financing such expenditures, and ~~methods to measure outcomes and performance related to the goals;~~
- b. Proposed goals and performance measures for each operational department; and
- c. ~~b~~Proposed long term financial planning in the form of a five year forecast of revenues and expenditures for the General and Water Funds and at least five years of capital project expenditures and associated financing sources; ~~longer term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practicable, the proposed method of financing each such capital expenditure, and methods to measure outcomes and performances related to goals; and~~
- e. The proposed goals, anticipated income and expense, profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the City, and methods to measure outcomes and performance related to the goals. For any fund, the total proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.

Section 8.0 ~~67~~ - Amendments After Adoption .

- d. Transfer of Appropriations. ~~At any time during the fiscal year, the City Council may by ordinance transfer part of all the unencumbered appropriation balance from one department, fund, or organizational unit to the appropriation for other departments or organizational units or a new appropriation.~~ The ~~manager~~ City Manager may transfer appropriated funds among line items within a ~~department~~ fund, or organizational unit and shall report such transfers to the Council in writing in a timely manner as long as the transfer results in a \$0.00 net impact to the fund.

Fiscal Impact: There is no anticipated fiscal impact to the City from the passage of this amendment.

PROPOSITION O: Amendment to the City Charter requiring the municipal court judge to be a qualified attorney licensed to practice law in the State of Texas.

Section 9.02. - Municipal Court Judge .

The Municipal Judge, whether one or more, shall preside over the Municipal Court. He or she shall be appointed by the City Council and must be a qualified attorney who is duly licensed to practice law within the State of Texas. The Judge shall be appointed for a term not to exceed two (2) years, and shall hold office at the pleasure of the City Council. If for any reason the Judge shall temporarily fail to act, the Mayor or Mayor Pro Tem of the City is hereby authorized to appoint a replacement who shall act in the place of the Judge and who shall have all of the powers and discharge all of the duties of said office. During either twelve (12) month period beginning at the date of appointment, more than two (2) consecutive or six (6) total absences over and above prior approved vacation and sick leave, shall be cause for automatic removal from office by the City Council. The Judge, or anyone acting in his place, shall receive such compensation as may be determined by the City Council.

Fiscal Impact: There is no anticipated fiscal impact to the City from the passage of this amendment.

PROPOSITION P: Amendment to the City Charter authorizing the Mayor, on his or her own initiative and without Council action, to create and make appointments to ad hoc committees.

Section ~~10.01~~ 3.08. - Creation of Boards, Commissions, and Committees .

b. Irrespective of the City Council's authority, the Mayor is authorized, on his or her own initiative and without Council action, to create and make appointments to an ad hoc committee(s).

Fiscal Impact: There is no anticipated fiscal impact to the City from the passage of this amendment.

PROPOSITION Q: Amendment to the City Charter revising the approval process for ordinances granting, renewing, or extending franchises to be consistent with the process of adopting all other ordinances of the City.

Section 13. ~~0201~~. - Franchises –Powers of the City Council .

The City Council shall have power by ordinance to grant, amend, renew, and extend all franchises, and to regulate all public utilities of every character within the City of Kerrville, and for such purposes is granted full power. ~~All ordinances granting, amending, renewing, or extending franchises for public utilities, shall be read at three (3) separate regular meetings of the City Council, and shall not be finally passed until thirty (30) days after the first reading; and no such ordinance shall take effect until sixty (60) days after final passage, unless otherwise provided by state law; and pending such time, the ordinance shall be published by caption (not full text) as prescribed by state law once each week for four (4) consecutive weeks in the official newspaper published in the City of Kerrville, and~~

~~the expense of such publication shall be borne by the proponent of the franchise.~~

No public utility franchise shall be transferred except upon the approval of the City Council expressed by ordinance; and copies of all transfers and mortgages or other documents affecting the title or use of public utilities shall be filed with the City Manager within ten (10) days after the execution thereof. Such franchise shall not be transferred indirectly through the acquisition of the capital stock of the grantee company by another corporation, except through the approval by City Council and the filing of all documents relating to the purchase of such stock, including the corporation affiliations of the purchasing company.

Fiscal Impact: There is no anticipated fiscal impact to the City from the passage of this amendment.

PROPOSITION R :

Section 14.03.-- Official Bonds :

The Director of Finance, and such other officers or employees as the Council may by general ordinance require so to do, shall give bond in such amount and with such surety as may be approved by the Council. The premiums on such bonds may be paid by the City.

Fiscal Impact: Amendment to the City Charter deleting the requirement that the Director of Finance and other various officers of the City give a bond to the City.