



ORDINANCE NO. 1345

AN ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 2, 2021 IN THE CITY OF CIBOLO, TEXAS TO SUBMIT PROPOSITIONS ON AMENDMENTS TO THE CITY OF CIBOLO HOME RULE CHARTER; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Charter of the City of Cibolo ("City") was adopted in September 2004 and was last amended in November 2018, and has served the City and its citizens well; and

WHEREAS, in accordance with Section 11.05 of the Cibolo City Charter, the City Council appointed a ten (10) member Charter Review Commission to determine whether any Charter provisions require revision; and

WHEREAS, the Charter Review Commission met from January 2021 through June 2021 to review the City Charter and in July, the Commission finalized its report of its findings in writing, and presented its proposed amendments to the City Council; and

WHEREAS, the City Council has reviewed the changes proposed by the Charter Review Commission and now wishes to submit the proposed charter amendments to the Charter for submission to the qualified voters of the City on the next uniform election date, November 2, 2021; and

WHEREAS, pursuant to Texas Local Government Code Section 9.004(e), more than one amendment may be combined in one ballot proposition as long as the amendments contain only one subject; and

WHEREAS, pursuant to the Texas Local Government Code Section 9.004 a ballot for proposed charter amendments shall be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments; and

WHEREAS, the City Council hereby finds and determines that propositions to be submitted are in compliance with the Texas Local Government Code and that the holding of this election on the uniform election date set forth below is in conformance with all applicable election laws.

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

SECTION 1. A Special Election shall be held on the 2nd day of November, 2021, a uniform election date, in the City of Cibolo Texas ("City") which date is not less than thirty (30) days from the date of the adoption of this ordinance (the "Ordinance"), for the purpose of submitting the following propositions to the qualified voters of the City to amend the Charter of the City.

SECTION 2. The City Council of the City of Cibolo authorizes the Mayor to sign the order calling the Special Election and any subsequent orders adjusting the polling locations, dates and times that are subject to change due to agreements with the Guadalupe County Elections Department and other joint election agreements up until the final posting deadline of such notice pursuant Texas Election Code ("Code") § 4.003(a)(b) and (c).

SECTION 3. Ballot Propositions. The official ballots shall be prepared in accordance with the Texas Election Code, as amended, so as to permit electors to vote "FOR" or "AGAINST" the aforesaid proposition. Voters should place an "X" in the square beside the statement indicating the way they wish to vote.

SECTION 4. The following measures will be submitted to the qualified voters of the City at the election to be held on the date specified in the previous section in the form of propositions in accordance with Section 9.004 of the Texas Local Government Code and the City Charter.

I. AMENDMENTS

PROPOSITION ONE

Shall Sections 1.03, 1.04, 4.01 (5) (D), 4.04 (6), 4.05 (3), 5.02 (2) (E), 5.04, 12.05 and 14.10 (I) of the City Charter be amended to require submission to the qualified voters of the City to eliminate provisions which have become inoperative because they have been superseded by state law; replace obsolete references and update terminology to current legal usage?

FOR _____ AGAINST _____

Article I Sections 1.03, 1.04, Article IV Sections 4.01 (5) (D), 4.04 (6), 4.05 (3), Article V Sections 5.02 (E), 5.04, Article XII, Section 12.05 and Article XIV, Section 14.10 (I) of the City Charter shall be amended to eliminate provisions which have become inoperative because they have been superseded by state law; replace obsolete references; update terminology to current legal usage, and to eliminate obsolete transitional provisions so that the paragraphs when amended, shall read as follows:

SECTION 1.03 Extensions of Boundaries

The boundaries of the City may be enlarged and extended by the annexation of additional territory, regardless of size and configuration, by the methods hereinafter set forth:

SECTION 1.04 Disannexation

Whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes, the City Council may, after a public hearing on the issue, disannex said territory as part of the City by ordinance as prescribed by state law.

SECTION 4.01 City Manager

(5) The City Manager shall:

(D) Attend or designate a city executive to attend all City Council, Commission, and Board meetings, with the right to take part in discussion, but shall not vote;

SECTION 4.04 City Attorney

(6) The City Attorney may be removed, without cause, by the affirmative vote of a majority of the full membership of the City Council.

SECTION 4.05 Administrative Departments, Offices and Agencies

(3) The City Manager may recommend that the City Council enter into an outside contract for Tax Collector services, whose duties and functions shall be those usual to the office and consistent with the laws of the State of Texas, as they may apply to City or County Tax Collectors.

SECTION 5.02 Filing for Office

(2) Candidates for elective City offices shall meet the following qualifications:

- (E) ~~No employee of the City shall continue in such position after filing for an elective City office;~~

SECTION 5.04 Official Results

(1) The City candidate for elective office receiving a majority, meaning more than fifty (50) percent, of the votes cast shall be declared the winner. In the event that no Mayoral or Council Member candidate receives a majority of all votes cast for any one place at such election, the City Council shall, upon completion of the official canvass of the ballots, issue a call for a runoff election to be held in accordance with the Texas Election Code (Tex. Election Code, § 1.001 et seq.). At such runoff election, the two (2) candidates receiving the highest number of votes (or three (3) persons in case of a tie for second place) shall be the candidates in the final runoff election.

SECTION. 12.05 Service of process against the city

All legal process against the City shall be served upon either ~~both~~ the City Secretary or Mayor and the City Manager.

SECTION. 14.10 Council investigations; hearings; process

- (I) ~~No public comments shall be allowed unless agreed to by a majority vote of City Council. Rules for public comment shall be set by City Council.~~

PROPOSITION TWO

Shall Sections 3.01 (2) and (3) of the City Charter be amended to revise the seven (7) single member council districts to four (4) council member districts and three (3) at large council members?

FOR _____ AGAINST _____

Article III Sections 3.01(2) and (3) of the City Charter shall be amended to allow for the election of seven (7) council members, four (4) representing districts and three (3) at large, when amended, shall read as follows:

SECTION 3.01 Composition

(2) The City shall by ordinance, be divided into four (4) districts. ~~Each of these~~ districts shall to the extent reasonably possible, be equally populated and the City Council shall

maintain such equality of population, as from time to time deemed necessary, by ordinance. The districts shall be designated Places 1, 2, 3, and 4. The qualified voters of each district shall elect one (1) Council Member for each of the (4) districts.

(3) The Mayor and three (3) of the City Council Members shall be elected at large by the qualified voters of the city and shall meet the qualifications provided for in this Chapter. The at large council districts shall be designated Places 5, 6, and 7...

TRANSITIONAL LANGUAGE IF PROPOSITION TWO IS PASSED: Upon the release and acceptance of the 2020 Census, but no earlier than November 15, 2022, the City shall retain a demographer to develop the new four districts for the City, which will need to be approved by the City Council. The four Council members elected in November 2021, will continue to serve the Districts that were in place at the time of their election. The three Council members elected in November 2022 will continue to serve the Districts that were in place at the time of their election. In November 2024, elections would be for newly created Districts 1 and 4 and at large council districts 5 and 6. In November 2025, elections would be for newly created Districts 2 and 3 and at large council district 7 and Mayor.

PROPOSITION THREE

Shall section 3.01 (3) of the City Charter be amended to authorize the increase of the number of terms the Mayor and/or Council may serve in the same office from two (2) to three (3) consecutive three (3) year terms and allow a Councilmember whose termed out of office to run for Mayor without any delay?

FOR _____ AGAINST _____

Article III. Sections 3.01 (3) of the City Charter shall be amended to authorize the increase of the number of terms the Mayor and/or Council to serve in the same office from two (2) to three (3) consecutive three (3) year terms and allow a Councilmember whose termed out of office to run for Mayor without any delay, so that the paragraph when amended, shall read as follows:

(3) ...The Mayor and all City Council Members can serve three (3) consecutive terms in the same office. At large councilmember and district councilmember is deemed the same office for the three (3) consecutive term limitation. After the third consecutive term, the Mayor shall not be eligible to hold another office on City Council for a period of one (1) year from the date of the previous election. After the third consecutive term, a Council Member shall be eligible to run for Mayor without any delay.

TRANSITIONAL LANGUAGE: Any elected official who is currently serving their second term of office, will be eligible to run for a third three-year term.

PROPOSITION FOUR

Shall section 3.03 (1) of the City Charter be amended to provide compensation to the members of City Council at a rate of \$100 per month and compensation to the mayor for his services at a rate of \$150 per month to take effect on the first day after current members are re-elected to their position or upon newly elected members at the next general election?

FOR _____ AGAINST _____

Article III. Section 3.03 (1) of the City Charter shall be amended to provide compensation to the members of City Council at a rate of \$100 per month and compensation to the mayor for his services at a rate of \$150 per month to take effect on the first day after current members are re-elected to their position or upon newly elected members at the next general election, so that the paragraph when amended, shall read as follows:

Sec. 3.03. - Compensation.

- (1) Each member of the Council shall receive as compensation for their services \$100 per month and the Mayor shall receive as compensation for services \$150 per month beginning on the first day after current members are re-elected to their position or upon newly elected members at the next general election.

PROPOSITION FIVE

Shall section 3.04 (2) of the City Charter be amended to make clear that the Mayor Pro Tem shall be elected annually at the first regular meeting in December?

FOR _____ AGAINST _____

Article III, Section 3.04 shall be amended to make clear that the Mayor Pro Tem shall be elected annually at the first regular meeting in December, when amended, shall read as follows:

Section 3.04 (2) Mayor and Mayor Pro Tem

- (2) The Mayor Pro Tem shall be a Council Member elected annually by the City Council at the first regular Council meeting in December. The Mayor Pro Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity, shall have all the rights conferred upon the Mayor and shall still be entitled to vote as a Council Member.

PROPOSITION SIX

Shall sections 3.06 of the City Charter be amended clearly identify the Powers of the City Council that are authorized under current state law or City Charter?

FOR _____ AGAINST _____

Article III, Section 3.06 of the City Charter be amended to clearly identify the Powers of the City Council that are authorized under current state law or City Charter, so that said paragraph, so when amended, shall read as follows:

SECTION 3.06 Powers of the City Council

All powers and authority which are expressly or impliedly conferred on or possessed by the City shall be vested in and exercised by the City Council. Without limitation of the foregoing, those powers and duties of the City Council include the following:

1. Select, appoint, review, and dismiss the City Manager, with or without cause;
2. To select, appoint, review, and dismiss the Municipal Judge(s) of the Municipal Court, with or without cause;
3. Select, appoint, review, and dismiss the City Attorney, with or without cause;
4. Select, appoint, review, and dismiss the City Secretary, with or without cause;
5. Inquire into the official conduct of any department, agency, office, officer or employee of the City and make investigations as to municipal affairs.
6. Establish, abolish, redesignate and/or combine departments, offices or agencies in addition to those provided for by this Charter, and to prescribe the functions and duties of such departments, offices and agencies.
7. Adopt the budget of the City;
8. Establish boards and other Committees or study or work groups, and appoint individuals thereto as shall be required by law or deemed necessary by the City Council.
9. Adopt and modify the official map of the City;
10. Fix and regulate rates and charges of all utilities and public services to operate municipal utilities;
11. Adopt, modify and carry out planning and zoning decisions and plans for the planning, improvement, development and redevelopment of the City.
12. Exercise exclusive jurisdiction upon, over, and under the public streets, sidewalks, alleys, and public grounds of the City, including the right to impose charge and set conditions for the use of such property.
13. Exercise the power of eminent domain of any manner authorized or permitted by the constitution and laws of this State. City may adopt stricter laws or regulations than allowed under state law.
14. Adopt development Master Plans;

15. Provide for the development and maintenance of a Comprehensive Plan and Capital improvement Plan in accordance with Texas State Law.

PROPOSITION SEVEN

Shall section 4.01 (1) of the City Charter be amended to clarify the required qualifications for the position of City Manager?

FOR _____ AGAINST _____

Article IV, Section 4.01 (1) shall be amended to clarify the required qualifications for the position of City Manager, so when amended, shall read as follows:

Section 4.01. City Manager

- (1) The City Council shall appoint, upon the affirmative vote of a majority of the full membership of the City Council, a City Manager who shall serve as Chief Administrative Officer of the City. The City Manager shall be responsible to the City Council for administration of all the affairs of the City, with only those exceptions that are named in this Charter. The City Manager shall be appointed solely upon the City Manager's executive, administrative and educational qualifications and shall have previous city manager, assistant city manager or administrator experience, and/or a degree in a related field. The City Manager need not be a resident of the City when appointed, but shall, within a reasonable time (no more than one year), after such appointment, reside within the City during the balance of the tenure of their appointment. No Mayor or member of the City Council shall, during the term to which he/she is elected and for two years thereafter, be appointed City Manager.

PROPOSITION EIGHT

- (1) Shall section 4.02 of the City Charter be amended to clarify that the City Secretary while reporting to the City Manager for administrative purposes, may only be disciplined or removed from office by the City Council?

FOR _____ AGAINST _____

Article IV, Section 4.02 shall be amended to clarify that the City Secretary while reporting to the City Manager for administrative purposes, may only be disciplined or removed from office by the Council, so when amended, shall read as follows:

SECTION 4.02 City Secretary

The City Council shall fix 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. The City Secretary shall report administratively to the City Manager but may only be disciplined or removed from office by the Council

PROPOSITION NINE

Shall section 4.03 (2) of the City Charter be amended to increase the term of the Municipal Judge from a two (2) year term to a three (3) year term to coincide with the Mayor's term of office?

FOR _____ AGAINST _____

Article IV, Section 4.03 (2) shall be amended to increase the term of the Municipal Judge from a two (2) year term to a three (3) year term to coincide with the Mayor's term of office, so when amended, shall read as follows:

Section 4.03. Municipal Court

The City Council shall appoint, by the affirmative vote of a majority of the 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 three (3) years which shall coincide with the terms of the Mayor and may be appointed to additional consecutive terms upon completion of their term(s) of office. The appointment of the Municipal Judge(s) may be terminated, without cause, at any time by the affirmative vote of a three fourths majority of the City Council. The Municipal Judge(s) shall receive compensation as may be determined by the City Council.

PROPOSITION TEN

Shall section 6.13 (1) of the City Charter be amended to clarify the length of time signatures are valid for a petition for Initiative to make it consistent with Recall and Referendum provisions?

FOR _____ AGAINST _____
Article VI, Section 6.13 (1) shall be added to clarify the length of time signatures are valid

for a petition for Initiative to make it consistent with Recall and Referendum provisions, so that the paragraph, when added shall read as follows:

SECTION 6.13 Initiative

- (1) 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 to a vote of the qualified voters of the City. Said petition must contain the number of valid signatures totaling at least five percent (05%) of the qualified voters registered to vote 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 but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five (45) days prior to the filing of such petition or petitions with the person performing the duties of City Secretary.

PROPOSITION ELEVEN

Shall section 7.13 (2) (D) of the City Charter be added so that if City Council wants to use general obligation bonds that have been issued but not expended, Council shall hold a public hearing to allow voters to provide input on whether the funds can be used for any other purpose?

FOR _____ AGAINST _____

Article VII, Section 7.13 (D) shall be added so that if City Council wants to use general obligation bonds that have been issued but not expended, Council shall hold a public hearing to allow voters to provide input on whether the funds can be used for any other purpose, so that the paragraph, when added shall read as follows:

SECTION 7.13 Borrowing

- (D) Any general obligation bonds issued but not expended for the purpose(s) approved by voters, such bonds must be utilized to pay back the bonds issued. If City Council decides to use issued but not expended bonds for any other purpose, Council shall hold a public hearing to allow voters to provide input on whether the funds can be used for any other purpose.

PROPOSITION TWELVE

Shall section 11.05 (1) of the City Charter be amended to revise the number of members to the City Charter Commission from ten (10) to no less than seven (7) and no more than fifteen (15) ?

FOR _____ AGAINST _____

Article XI, Section 11.05 (1) shall be amended to revise the number of members to the City Charter Commission from ten (10) to no less than seven (7) and no more than fifteen (15), so that the paragraph, when added shall read as follows:

SECTION. 11.05 Charter review commission

(1) The City Council shall appoint a Charter Review Commission at least once every six (6) years. The Charter Review Commission shall consist of no less than seven (7) and no more than fifteen (15) citizens of the City

II. BALLOT PROPOSITIONS

PROPOSITION ONE

Shall Sections 1.03, 1.04, 4.01 (5) (D), 4.04 (6), 4.05(3), 5.02 (2) (E), 5.04, 12.05 and 14.10 (I) of the City Charter be amended to require submission to the qualified voters of the City to eliminate provisions which have become inoperative because they have been superseded by state law; replace obsolete references and update terminology to current legal usage?

FOR _____ AGAINST _____

PROPOSITION TWO

Shall Sections 3.01 (2) and (3) of the City Charter be amended to revise the seven (7) council member districts to four (4) council member districts and three (3) at large council members?

FOR _____ AGAINST _____

PROPOSITION THREE

Shall section 3.01 (3) of the City Charter be amended to authorize the increase of the number of terms the Mayor and/or Council may serve in the same office from two (2) to three (3) consecutive three (3) year terms and allow a Councilmember whose termed out of office to run for Mayor without any delay?

FOR _____ AGAINST _____

PROPOSITION FOUR

Shall section 3.03 (1) of the City Charter be amended to provide compensation to the members of City Council at a rate of \$100 per month and compensation to the Mayor for his services at a rate of \$150 per month to take effect on the first day after current members are re-elected to their position or upon newly elected members at the next general election?

FOR _____ AGAINST _____

PROPOSITION FIVE

Shall section 3.04 (2) of the City Charter be amended to make clear that the Mayor Pro Tem shall be elected annually at the first regular meeting in December?

FOR _____ AGAINST _____

PROPOSITION SIX

Shall sections 3.06 of the City Charter be amended clearly identify the Powers of the City Council that are authorized under current state law or City Charter?

FOR _____ AGAINST _____

PROPOSITION SEVEN

Shall section 4.01 (1) of the City Charter be amended to clarify the required qualifications for the position of City Manager?

FOR _____ AGAINST _____

PROPOSITION EIGHT

- (1) Shall section 4.02 of the City Charter be amended to clarify that the City Secretary while reporting to the City Manager for administrative purposes, may only be disciplined or removed from office by the City Council?

FOR _____ AGAINST _____

PROPOSITION NINE

Shall section 4.03 (2) of the City Charter be amended to increase the term of the Municipal Judge from a two (2) year term to a three (3) year term to coincide with the Mayor's term of office?

FOR _____ AGAINST _____

PROPOSITION TEN

Shall section 6.13 (1) of the City Charter be amended to clarify the length of time signatures are valid for a petition for Initiative to make it consistent with Recall and Referendum provisions?

FOR _____ AGAINST _____

PROPOSITION ELEVEN

Shall section 7.13 (2) (D) of the City Charter be added so that if City Council wants to use general obligation bonds that have been issued but not expended, Council shall hold a public hearing to allow voters to provide input on whether the funds can be used for any other purpose

FOR _____ AGAINST _____

PROPOSITION TWELVE

Shall section 11.05 (1) of the City Charter be amended to revise the number of members to the City Charter Commission from ten (10) to no less than seven (7) and no more than fifteen (15) ?

FOR _____ AGAINST _____

SECTION 4. City Council has adopted an Ordinance calling for a General Election and such ordinance included the legal requirements for calling an election. The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the Special Election, whether or not expressly authorized herein.

SECTION 5. Severability. That should any part, section, subsection, paragraph, sentence, clause or phrase contained in this ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION 6. Effective Date. This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

PASSED and APPROVED this 10 day of August, 2021.



Stosh Boyle, Mayor

ATTEST:



Peggy Cimics, City Secretary

APPROVED AS TO LEGAL FORM:

Frank J. Garza, City Attorney

