

**ORDINANCE NO. 15-28**

**AN ORDINANCE OF THE CITY OF GRANBURY, TEXAS,  
CALLING AN ELECTION FOR NOVEMBER 3, 2015 FOR  
THE PURPOSE OF AMENDING THE CITY CHARTER;  
PROVIDING A SEVERABILITY CLAUSE; AND  
PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Granbury, Texas is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, it is the intention of the City Council to call an election to submit proposed amendments to the City Charter to the voters in accordance with Section 9.004 of the Texas Local Government Code; and

**WHEREAS**, an election to submit to voters proposed amendments to the City Charter is required by law to be held on the uniform election date that occurs 30 days after the election is ordered and Section 3.005 of the Texas Election Code requires that a special election be ordered not later than the 70<sup>th</sup> day before the date of the election; and

**WHEREAS**, Section 41.001 of the Texas Election Code specifies that November 3, 2015 is a uniform election date.

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

**SECTION 1. CHARTER AMENDMENT ELECTION CALLED**

The City Council does hereby, on its own motion, order an election to submit to the voters of the City of Granbury proposed amendments to the City Charter. The proposed amendments to the City Charter are set forth in substantially similar form in Exhibit "A" attached to this ordinance and incorporated herein for all purposes and are hereby approved by the City Council for submission to the voters. The election shall be conducted according to the laws of the State of Texas, and shall be held on Tuesday, November 3, 2015 from 7:00 a.m. to 7:00 p.m. at the following locations:

Acton Baptist Church, 3500 Fall Creek Highway, Granbury, Texas 76049

Generations Church, 5718 East Highway 377, Granbury, Texas 76049

Lakeside Baptist Church, 500 West Bluebonnet Drive, Granbury, Texas 76048

Pecan Activity Center (PAC), 9145 Plantation Drive, Granbury, Texas 76049

The Way Church, 4322 East Highway 377, Granbury, Texas 76049

First Baptist Church, 1851 Weatherford Highway, Granbury, Texas 76048

Hood County Annex Number 1, 1410 West Pearl Street, Granbury, Texas 76048

Lipan Church of Christ, 119 North Caddo Street, Lipan, Texas 76462

St. Frances Cabrini Church, 2301 Acton Highway, Granbury, Texas 76049

Tolar Community Center, 120 Tolar Cemetery Road, Tolar, Texas 76476

## **SECTION 2. BALLOTS**

The official ballots for said election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote “YES” or “NO” on each proposition, with the ballots to contain such provisions, markings and language as required by law, and with the propositions to be expressed substantially as set forth in Exhibits “B” and “C” attached to this ordinance and incorporated herein for all purposes.

## **SECTION 3. EARLY VOTING**

The Hood County Clerk is hereby authorized and instructed to provide and furnish all necessary supplies to conduct the election, in accordance with this ordinance and the Election Code. Early voting will be commenced on Monday, October 19, 2015 and continue Monday through Friday on each day that is not a state holiday through Friday, October 30, 2015 at the following location:

Hood County Annex One, 1410 W. Pearl, Granbury, Texas 76048

## **SECTION 4. NOTICE**

**(a) Notice of Election.** Notice of the special election, including a Spanish translation thereof, shall be posted not later than the twenty-first (21<sup>st</sup>) day before the election on the bulletin board, or window at City Hall used for the posting of notices of meetings of the city council and shall be published at least once, not earlier than the thirtieth (30<sup>th</sup>) day nor later than the tenth

(10<sup>th</sup>) day before the election in the newspaper published and of general circulation in the City of Granbury.

**(b) Publication of Amendments.** Additionally, in accordance with Section 9.004(c) of the Local Government Code, notice shall be published in a newspaper of general circulation in Granbury on the same day, in each of two consecutive weeks, with the first publication occurring on or before the 14<sup>th</sup> day before election day. The notice shall contain a substantial copy of the proposed amendments.

## **SECTION 5. AMENDMENTS AND PROCEDURAL MATTERS**

Matters contained in this ordinance relating to discretionary, procedural matters may be amended by resolution of the City Council, and procedural matters not established by this ordinance will be established by separate resolution.

## **SECTION 6. OTHER ACTION**

The Mayor and City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any additional action necessary to comply with provisions of the Texas Election Code or other state and federal statutes and constitutions in carrying out the conduct of the election, whether or not expressly authorized herein.

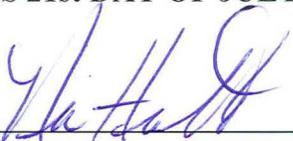
## **SECTION 7. SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

## **SECTION 8. EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

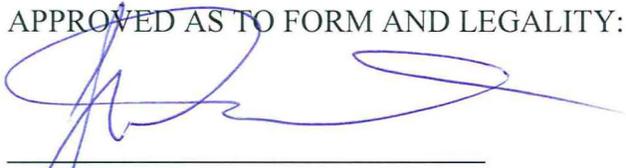
PASSED AND APPROVED ON THIS 21st DAY OF JULY 2015.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
CITY ATTORNEY



## EXHIBIT "A"

An election will be held on November 3, 2015, from 7:00 a.m. to 7:00 p.m. for the purpose of allowing voters to determine whether to amend the City Charter of the City of Granbury, Texas. Persons interested in voting on this issue may contact the City Secretary of the City of Granbury for information about polling places and other information pertaining to the election. The specific amendments being proposed are as follows:

### **Section 2.01 Number, Selection, Term of Office and Compensation**

The governing and law making body of the City of Granbury shall consist of a Mayor and five (5) Councilpersons, and said body shall be known as the "City Council of the City of Granbury." The members of the City Council of the City of Granbury shall be the only elective officers of the City and shall run for office by place and be elected from the City at large in the manner provided in Article 3, for a term of three (3) years, or until their successors are duly elected and qualified. Said Mayor and Councilpersons shall be reimbursed by an expense allowance and by special vouchers for any lawful expenditures made in behalf of the City for expenses incurred in the performance of their duties when approved by the Council. ~~At such time as the population of the City of Granbury shall reach 15,000, representation shall be determined by three (3) single member districts, determined by the Council to be equal in population and equitable in geographical boundaries, with two (2) places remaining at large.~~

### **Section 2.04 Council to be the Judge of the Qualification of Its Own Members**

The City Council shall be the judge of the election and qualifications of its own members and of the Mayor, and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the Council shall, as soon as practicable after a regular or special election, either at a called meeting of said Council, called for that purpose, or at the next regular meeting, but in any event ~~within five (5) calendar days after the closing of the polls on a date that is not later than any date set out in state law~~, canvass the returns and declare the results of such election.

### **Section 2.05 Vacancies, Forfeiture of Office and Filling of Vacancies**

- A. VACANCIES. The office of a council member or Mayor shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized by law.
- B. FORFEITURE OF OFFICE. A council member or the Mayor shall immediately forfeit that office if that person:

1. lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by law;
  2. is found guilty of Official Misconduct as described in Section 2.05 C [and D](#);
  3. is convicted of a felony; or
  4. fails to attend three consecutive regular meetings of the Council without being excused by the Council.
- C. In the event an allegation of official misconduct is raised by any Council member or the City Manager, the City Council shall be authorized by a vote of a majority of its membership to expel such offending member from the Council if found guilty after a public hearing and thereby determine the office forfeited and create a vacancy in the place held by such member.
- D. **OFFICIAL MISCONDUCT.** Official Misconduct means intentional, unlawful behavior relating to official duties and includes intentional or negligent failure, refusal, or neglect to perform a duty imposed on the council member (including Mayor) by law.
- E. **CONTINUED SERVICE.** Upon a vacancy in office occurring, the City Council shall, immediately declare the office to be vacant and shall fill such vacancy as set forth in Subsection F of this Section. Except in the case of death, removal from office or forfeiture of office, a council member whose office becomes vacant shall continue to serve until a successor is duly qualified in accordance with state law.
- F. **FILLING OF VACANCIES.** In the event that a vacancy occurs in any City Council seat, the vacancy must be filled by a special election to be called by the City Council as mandated by state law after the occurrence of the vacancy.

## **Section 2.08 City Secretary**

The City Council shall appoint or remove a City Secretary who shall give notice of the Council meetings; shall keep minutes of its proceedings; shall authenticate by his/her signature and record in full in a book kept for that purpose all ordinances and resolutions; shall preserve and keep in order all books, papers, records and files of the City Council; shall have custody of the seal of the City and shall affix same to such documents and obligations only of the City as required by the Charter or by the City Council. ~~and shall serve as Public Information Officer for the City.~~

The City Council shall also appoint a Deputy City Secretary to serve as City Secretary in the absence or disability of the City Secretary. The City Secretary and Deputy City Secretary shall both be Notaries Public.

### Section 2.11.1 Quorum

The Mayor and three (3) members of the Council, qualified and serving, shall constitute a quorum for all meetings for the transaction of all business. No action of the Council shall be valid or binding unless adopted by the affirmative vote of a majority of the City Council present. Decisions on annexation or disannexation require favorable votes by not less than four (4) members of the Council. In the Mayor's absence, any four (4) members of the Council constitute a quorum. When the Council is reduced to less than four (4) members by death, resignation, non-residence or for any other reason, the remaining members of the Council shall constitute a quorum for the purpose of ~~filling vacancies on the Council~~ calling a special election.

### Section 4.05 Council Consideration and Submission to Voters

When the Council receives an authorized initiative petition certified by the City Secretary to be sufficient, the Council shall either:

- a. Pass the initiated ordinance without amendment within thirty (30) days after the date of the certification to the Council; or
- b. Submit said initiated ordinance without amendment to a vote of the qualified voters of the City at a regular or special election to be held ~~within one hundred twenty (120) days after the date of the certification to the council~~ on the next uniform election date; or
- c. At such election, submit to a vote of the qualified voters of the City said initiated ordinance without amendment, and an alternative ordinance on the same subject proposed by the Council, such election to be ordered ~~not later than the forty-fifth (45th) day before election day~~ in accordance with state law.

When the Council receives an authorized referendum petition certified by the City Secretary to be sufficient, the Council shall reconsider the referred ordinance, and if upon such reconsideration, such ordinance is not repealed, it shall be submitted to the voters at a regular or special election to be held ~~not more than one hundred twenty (120) days after the date of the certification to the Council~~ on the next uniform election date. Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months, and no ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two (2) years from the date of such election.

## Section 4.10 Results of a Recall Election

If a majority of the votes cast at a recall election shall be against removal of the individual named on the ballot, he shall continue in office. If a majority of the votes cast at such election be for the removal of the individual named on the ballot, the Council shall immediately declare his office vacant and such vacancy shall be filled in accordance with the provisions of the Charter for the filling of vacancies. An individual thus removed shall not be a candidate to succeed himself in, an election called to fill the vacancy thereby created, nor shall that individual be eligible to hold office again in the City for a four (4)-year period.

## Section 11.04 ~~The Municipal Utilities Advisory Board~~

~~A. There shall be established a Municipal Utilities Advisory Board to be composed of five (5) members, appointed by the council for two (2) year terms and until their respective successors have been appointed and qualified; provided that the members of the first board appointed under this provision shall at their organizational meeting draw for terms as follows:~~

- ~~1. Two (2) shall draw a one (1) year term;~~
- ~~2. Three (3) shall draw a two (2) year term;~~
- ~~3. At the expiration of each of the terms so provided for, a member successor shall be appointed for a term of two (2) years.~~

~~B. Members of the Board may be removed for cause by a majority vote of the City Council.~~

~~C. The City Manager and department heads responsible for Public works and Finance activities shall be ex officio members of the Board. They shall attend all meetings of the Board and shall have the right to discuss any matter that is under consideration by the Board, but shall have no vote.~~

~~D. The members of the Municipal Utility Advisory Board shall be customers of the City of Granbury Municipal Utility System; and no members shall be in arrears in the payment of any taxes or other liabilities due the City. "In arrears" is defined herein to mean that payment has not been received within ninety (90) days from due date.~~

~~E. At its organizational meetings, and annually thereafter, as soon as the newly appointed member (or members) has qualified, the Board shall select from its own membership a chairman, vice chairman, and secretary. Any three (3) of the regularly appointed members shall constitute a quorum. The Board shall determine its own rules and order of business. The Board shall meet at least once quarterly; all meetings shall be open to the public and a permanent record of proceedings maintained.~~

## ~~Section 11.05 Powers and Duties of the Municipal Utilities Advisory Board~~

- ~~A. The Board shall be responsible to, and serve as an advisory board to the City Council in matters regarding public utilities, and shall perform such additional duties as may be prescribed by City Ordinance.~~
- ~~B. Draft proposals for the annual city budget for the utility functions and responsibilities of the City of Granbury shall be submitted by the City Manager to the Board for review and recommendation, prior to being submitted to the City Council. The Board shall recommend to the City Manager such changes as they deem appropriate. In the draft budget submitted to the City Council for final action, the City Manager shall clearly identify and explain changes, if any, made in the recommendations submitted by the Board to the City Manager.~~
- ~~C. Before finalizing decisions involving significant expansions or contractions of the utility systems and the making of additions and betterments thereto or extensions thereof, the incurring of indebtedness, the issuance of bonds, and the fixing of rates and charges for utility services, the proposed actions shall be submitted by the City Council to the Board for review and recommendation to the City Council; the Board shall within thirty (30) days communicate its recommendations to the Council. The Council shall have authority to establish reasonable guidelines and time limits in which to require recommendation from the Board if such recommendations are to have significant bearing on the deliberations of the City Council; and provided further that all rates and charges for utility services shall be reviewed by the Board and recommendations made to the City Council for revision or reenactment by the Council at intervals not exceeding five (5) years and beginning with the year 1988.~~
- ~~D. The Board shall submit annually to the council, not less than one hundred twenty (120) days prior to the beginning of the budget year, a list of recommended capital improvements which, in the opinion of the Board, ought to be constructed during the forthcoming five (5) year period. Such list shall be arranged in order of preference, with recommendations as to which projects should be constructed in which year.~~

## **EXHIBIT “B”**

### **BALLOT LANGUAGE**

#### **Proposition No. 1 “Voting Districts”**

Shall the Granbury Home Rule Charter be amended by amending Section 2.01 to remove the requirement that, when the city population reaches 15,000 people, city council representation shall be determined by three (3), single-member voting districts while the remaining two (2) council places shall continue to be elected at large?

#### **Proposition No. 2 “Council Elections”**

Shall the Granbury Home Rule Charter be amended by amending Section 2.04 to clarify that the city council must canvass its elections no later than the date required by state law?

#### **Proposition No. 3 “Forfeiture of Office”**

Shall the Granbury Home Rule Charter be amended by amending Section 2.05 to clarify that a member of city council shall immediately forfeit his/her office upon being found guilty of Official Misconduct?

#### **Proposition No. 4 “Public Information Officer”**

Shall the Granbury Home Rule Charter be amended by amending Section 2.08 to remove the requirement that the City Secretary serve as the city’s Public Information Officer?

#### **Proposition No. 5 “Quorum”**

Shall the Granbury Home Rule Charter be amended by amending Section 2.11.1 to clarify that in the case of a vacancy on the city council, the remaining members of the council shall constitute a quorum for the purpose of calling a special election?

#### **Proposition No. 6 “Petition”**

Shall the Granbury Home Rule Charter be amended by amending Section 4.05 to clarify that any elections initiated by a petition shall be held on election dates as established by state law?

**Proposition No. 7    “Recall”**

Shall the Granbury Home Rule Charter be amended by amending Section 4.10 to remove the requirement that a member of city council whom is removed as a result of a recall election is not eligible to run for council again for a period of four (4) years?

**Proposition No. 8    “Utilities”**

Shall the Granbury Home Rule Charter be amended by removing Sections 11.04 and 11.05 which create the Municipal Utilities Advisory Board and set out the powers and duties of that board?

## ANEXO “C”

### LENGUAJE DE LA BOLETA DE VOTACIÓN

#### **Proposición Nro. 1 “Distritos de votación”**

¿Deberá enmendarse la Carta Orgánica de Gobierno Autónomo de Granbury a través de la modificación de la Sección 2.01 para sacar el requisito de que, cuando la población de la ciudad llega a 15,000 personas, la representación en el consejo municipal será determinada por tres (3) distritos de votación de miembro único mientras los restantes dos (2) lugares en el consejo seguirán siendo sometidos al voto general?

#### **Proposición Nro. 2 “Elecciones del consejo”**

¿Deberá enmendarse la Carta Orgánica de Gobierno Autónomo de Granbury a través de la modificación de la Sección 2.04 para aclarar que el consejo municipal debe realizar el escrutinio de sus elecciones a más tardar para la fecha requerida por la ley estatal?

#### **Proposición Nro. 3 “Pérdida del cargo”**

¿Deberá enmendarse la Carta Orgánica de Gobierno Autónomo de Granbury a través de la modificación de la Sección 2.05 para aclarar que un miembro del consejo municipal deberá de inmediato abandonar su cargo al ser hallado culpable de mala conducta por parte de un funcionario público?

#### **Proposición Nro. 4 “Oficial de información pública”**

¿Deberá enmendarse la Carta Orgánica de Gobierno Autónomo de Granbury a través de la modificación de la Sección 2.08 para sacar el requisito de que el Secretario de la Ciudad cumpla la función de oficial de información pública de la ciudad?

#### **Proposición Nro. 5 “Quórum”**

¿Deberá enmendarse la Carta Orgánica de Gobierno Autónomo de Granbury a través de la modificación de la Sección 2.11.1 para aclarar que en caso de producirse una vacante en el consejo municipal, el resto de los miembros del consejo constituirá un quórum a fin de convocar una elección especial?

#### **Proposición Nro. 6 “Petición”**

¿Deberá enmendarse la Carta Orgánica de Gobierno Autónomo de Granbury a través de la modificación de la Sección 4.05 para aclarar que cualquier elección iniciada por una petición deberá celebrarse en las fechas de elección dispuestas por la ley estatal?

**Proposición Nro. 7 “Destitución”**

¿Deberá enmendarse la Carta Orgánica de Gobierno Autónomo de Granbury a través de la modificación de la Sección 4.10 para sacar el requisito de que un miembro del consejo municipal que es removido de su cargo como consecuencia de una elección de destitución no es elegible para postularse para el consejo nuevamente por un periodo de cuatro (4) años?

**Proposición Nro. 8 “Servicios públicos”**

¿Deberá enmendarse la Carta Orgánica de Gobierno Autónomo de Granbury a través de la remoción de las Secciones 11.04 y 11.05 que crean la Junta Asesora de Servicios Públicos Municipales y describen las facultades y funciones de la misma?