

**NOTICE OF GENERAL ELECTION FOR ELECTING COUNCILPERSONS  
PLACE THREE (3) AND PLACE FIVE (5) AND  
NOTICE OF SPECIAL ELECTION FOR CITY CHARTER  
AMENDMENTS CITY OF GRANBURY, TEXAS**

Notice is hereby given that a General Election for the purpose of electing Councilpersons Place Three (3) and Place Five (5), and a Special Election for the purpose of considering amendments to the Home Rule Charter of the City of Granbury, Texas (“City”), will be held on November 6, 2018, between the hours of 7:00 a.m. to 7:00 p.m. The text of the propositions for amendments to the City Charter are attached as Exhibit “A”. No fiscal impact is anticipated if the proposed amendments are approved at the election. To provide additional notice, the actual text amendments to the City Charter required to implement the propositions are also provided in Exhibit “A.” The elections shall be administered by the Hood County Elections Administrator in accordance with the Texas Election Code, the City Charter and the Contract for Election and Joint Election Agreement.

**Election Day Polling Locations**

Voting on Election Day, November 6, 2018, shall be conducted between the hours of 7:00 a.m. to 7:00 p.m. City of Granbury registered voters can vote at any of the following polling places:

Acton Baptist Church  
3500 Fall Creek Highway  
Granbury, Texas 76049

First Baptist Church  
1851 Weatherford Highway  
Granbury, Texas 76048

Generations Church  
5718 East Highway 377  
Granbury, Texas 76049

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

Lakeside Baptist Church  
500 West Bluebonnet Drive  
Granbury, Texas 76048

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

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

St. Frances Cabrini Catholic Church  
2301 Acton Highway  
Granbury, Texas 76048

The Way Church  
4332 East Highway 377  
Granbury, Texas 76049

Tolar Community Center  
120 Tolar Cemetery Road  
Tolar, Texas 76476

**Early Voting Dates and Times**

Hours for Early Voting by Personal Appearance:

Monday, October 22, 2018 through Friday, October 26, 2018, 8:00 a.m. – 5:00 p.m.

Saturday, October 27, 2018, 7:00 a.m. – 7:00 p.m.

Monday, October 29, 2018 through Friday, November 2, 2018, 7:00 a.m. – 7:00 p.m.

Early voting by personal appearance will be conducted at Hood County Annex 1, 1410 West Pearl Street, Granbury, Texas 76048. Jenise 'Crickett' Miller, Hood County Elections Administrator is appointed as Early Voting Clerk. Any qualified voter for the General and Special Election may vote early by personal appearance.

**Ballot by Mail**

Applications for ballots by mail must be received no later than the close of business on Friday, October 26, 2018. Applications for ballot by mail shall be mailed to:

Jenise 'Crickett' Miller  
Hood County Elections Administrator  
1410 West Pearl Street  
Granbury, Texas 76048

Issued this 7<sup>th</sup> day of August 2018.

**EXHIBIT "A"**

**CHARTER AMENDMENT PROPOSITIONS**

**MEASURE 1 shall be placed on the ballot in the form of the following Proposition:**

**PROPOSITION A**

Amendments to the City Charter for efficiency, clarity and eliminating provisions which are redundant of State Law or other provisions of the Charter.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**Measure 2 shall be placed on the ballot in the form of the following Proposition:**

**PROPOSITION B**

Amendments to the City Charter eliminating those provisions which are inconsistent with or in violation of State or Federal Law and adding language to ensure consistency with State or Federal Law.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**Measure 3 shall be placed on the ballot in the form of the following Proposition:**

**PROPOSITION C**

Amendment to the City Charter to prohibit any previous City Council member from being appointed to any office or position until after two years have passed from the end of their last term of office.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**Measure 4 shall be placed on the ballot in the form of the following Proposition:**

**PROPOSITION D**

Amendment to the City Charter to require a vote of not less than four (4) Members of the City Council for the appointment or removal of the City Manager, City Secretary, City Attorney and Municipal Judge.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**Measure 5 shall be placed on the ballot in the form of the following Proposition:**

PROPOSITION E

Amendment to the City Charter providing that only the City Council or the City Manager have authority to give direction to the City Attorney.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**Measure 6 shall be placed on the ballot in the form of the following Proposition:**

PROPOSITION F

Amendments to the City Charter changing the calculation of signatures necessary for a recall, initiative or referendum petition from forty (40) percent of the number of votes cast at the last regular municipal election of the City to fifteen (15) percent of the qualified voters registered to vote at the last general city election.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**Measure 7 shall be placed on the ballot in the form of the following Proposition:**

PROPOSITION G

Amendment to the City Charter allowing a referendum petition to be brought at any time.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**Measure 8 shall be placed on the ballot in the form of the following Proposition:**

PROPOSITION H

Amendments to the City Charter requiring the City Council to either pass an initiated ordinance without amendment within thirty (30) days after the date of the certification to the Council; or submit the initiated ordinance without amendment to a vote of the qualified voters of the City.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**Measure 9 shall be placed on the ballot in the form of the following Proposition:**

PROPOSITION I

Amendment to the City Charter to provide that an ordinance adopted by a vote of the people may only be repealed after the expiration of two (2) years by a vote of not less than four (4) Members of the City Council.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**Measure 10 shall be placed on the ballot in the form of the following Proposition:**

PROPOSITION J

Amendments to the City Charter defining official misconduct, providing for when official misconduct occurs, requiring City Council to adopt an ordinance to give an official accused of misconduct due process and requiring a vote of not less than four (4) Members of City Council to expel a Council Member found guilty of misconduct.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**Measure 11 shall be placed on the ballot in the form of the following Proposition:**

PROPOSITION K

Amendment to the City Charter to specify that no action of the Council shall be valid or binding unless adopted by the affirmative vote of a majority of the City Council.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**Measure 12 shall be placed on the ballot in the form of the following Proposition:**

PROPOSITION L

Amendment to the City Charter giving the City Manager or his/her designee authority to sign contracts.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**Measure 13 shall be placed on the ballot in the form of the following Proposition:**

PROPOSITION M

Amendment to the City Charter requiring the City Manager, or in his/her absence, his/her designee to attend all City Council meetings.

FOR\_\_\_\_\_ AGAINST\_\_\_\_\_

**Measure 14 shall be placed on the ballot in the form of the following Proposition:**

PROPOSITION N

Amendment to the City Charter to require a vote of not less than four (4) Members of the City Council for the approval of a budget and budget amendments.

FOR\_\_\_\_\_ AGAINST\_\_\_\_\_

**Measure 15 shall be placed on the ballot in the form of the following Proposition:**

PROPOSITION O

Amendments to the City Charter to require City Officials and City Council Members to comply with the Conflict of Interest laws of the State of Texas.

FOR\_\_\_\_\_ AGAINST\_\_\_\_\_

**Measure 16 shall be placed on the ballot in the form of the following Proposition:**

PROPOSITION P

Amendments to the City Charter requiring the City to comply with all applicable laws regarding the performance and payment bonds in the construction of public works projects.

FOR\_\_\_\_\_ AGAINST\_\_\_\_\_

**Measure 17 shall be placed on the ballot in the form of the following Proposition:**

PROPOSITION Q

Amendment to the City Charter providing for a process to reconstitute an interim City Council when, due to death or injury, a quorum cannot be assembled to conduct business.

FOR\_\_\_\_\_ AGAINST\_\_\_\_\_

**Measure 18 shall be placed on the ballot in the form of the following Proposition:**

**PROPOSITION R**

Amendment to the City Charter providing that the Mayor, as a member of the City Council, has the right to vote on all items that come before the City.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**Measure 19 shall be placed on the ballot in the form of the following Proposition:**

**PROPOSITION S**

Amendment to the City Charter requiring the City Manager, within sixty (60) days after taking office, to designate by letter filed with the City Secretary, a qualified administrative officer employee of the City to perform the duties of the City Manager in his or her absence.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**Measure 20 shall be placed on the ballot in the form of the following Proposition:**

**PROPOSITION T**

Amendment to the City Charter creating a chart which shows the votes necessary to take certain actions which shall be filled in by the City Attorney consistent with the City Charter and approved by City Council by ordinance.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**PROPOSED CITY CHARTER AMENDMENTS TEXT CHANGES**

*(Language proposed to be deleted from the City Charter is indicated by strike through. Language proposed to be added to the City Charter is underlined).*

**MEASURE 1**

**Section 1.03 General Powers of the City**

The City of Granbury shall have all powers granted to municipalities by the Constitution and laws of the State of Texas, together with all of the implied powers necessary to carry into execution such granted powers. ~~The City may use a corporate seal; may sue, and be sued; may contract and be contracted with; may cooperate with the government of the State of Texas or any agency or any~~

~~political subdivision thereof or with the Federal Government or any agency thereof, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety, and convenience of the City and its inhabitants; may acquire property within or without its corporate limits for any municipal purpose in fee simple, or in any lesser interest or estate, by purchase, gift, device [devise], lease or condemnation, and subject to the provisions of this Charter, may sell, lease, mortgage, hold, manage, improve and control such property as may now or hereafter be owned by it; provided however, the City shall not sell, convey, mortgage, or otherwise alienate any public utility without prior approval of the qualified voters of the City; may exercise the power of eminent domain where necessary or desirable to carry out any of the powers conferred upon it by this Charter, or by the Constitution and laws of the State of Texas; may pass ordinances and enact such regulations as may be expedient for the maintenance of the City and the welfare, health, morals, comfort, safety and convenience of its inhabitants.~~

~~The powers hereby conferred upon the City shall include, but are not restricted to, the powers conferred expressly and permissively by Chapter 147, Page 307, of the Acts of the 33rd Legislature, Regular Session, enacted in 1913 pursuant to the Home Rule Amendment of the Constitution of Texas, known as the Enabling Act and the implementing statutes of the Local Government Code of the State of Texas, as now or hereafter amended, all of which are adopted. In addition to the powers enumerated herein, and subject only to the limitations imposed by the State Constitution, the State Laws, and this Charter, the City shall have, without the necessity of express enumeration in the Charter, each and every power which, by virtue of Article XI, Section V, of the Constitution of Texas, the people of the City are empowered by election to grant to or confer upon the City by expressly and specifically granting and enumerating the same herein. All such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed in this Charter; or when not prescribed herein, in such manner as shall be provided by the ordinance or the Council.~~

#### **Section 1.04 — Streets and Public Property**

~~The City shall have exclusive dominion, control, and jurisdiction in, upon, over, and under the public streets, sidewalks, alleys, highways, public squares, and public ways within the corporate limits of the City, and in, upon, over, and under all public property of the City. With respect to each and every public street, sidewalk, alley, highway, public square, public park, or other public way within the corporate limits of the City, the City shall have the power to establish, maintain, improve, alter, abandon, or vacate the same; to regulate the use thereof; and to abate and remove in a summary manner any encroachment thereon.~~

#### **Section 1.05 — Street Development and Improvement**

~~The City shall have the power to develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys, highways, and other public ways within the corporate limits and the extraterritorial jurisdiction of the City by laying out, opening, narrowing, widening, straightening, extending, lighting and establishing building lines along the same; by purchasing, condemning and taking property therefor for filling, grading, raising, lowering, paving, repaving, and repairing, in a permanent manner, the same; and by constructing, reconstructing, altering, repairing and realigning curbs, gutters, drains, sidewalks, culverts and other appurtenances and~~



~~incidentals in connection with such development and improvement authorized hereinabove, or any combination or parts thereof. The cost of such development or improvement may be paid partly or entirely by assessments levied as a lien against the property abutting thereon and against the owners thereof, and such assessments may be levied in any amounts and under any procedure not prohibited by State Law; provided that no assessment shall be made against such land or owners in excess of actual cost of said improvements.~~

~~As an alternate and cumulative method of developing, improving, and paving any and all public streets, sidewalks, alleys, highways, and other public ways within its corporate limits, the City shall have the power and authority to proceed in accordance with Chapter 106, Page 489, Acts 1927, Fortieth Legislature, First Called Session, as now or hereafter amended, the same being Article 1105b of the Revised Civil Statutes of Texas, 1925.~~

### **Section 1.06 Boundaries**

The boundaries and limits of the City of Granbury, until changed in the manner herein provided, shall be the same as have heretofore been established and exist on the date of the adoption of this Charter, which boundaries are more fully set out in ~~metes and bounds and in ordinances compiled in a book called, official Record Describing Metes and Bounds of the City of Granbury,~~ and an official boundary map of the City, both of which are now and shall hereafter be in the office of the City Secretary of the City of Granbury.

### **Section 1.07 Annexation and Disannexation**

~~B. — ANNEXATION REQUIREMENTS. The annexation ordinance shall describe the territory to be annexed. Notice shall be published and public hearing held as required by state law. Amendments not enlarging or extending the boundaries set forth in the proposed ordinance may be incorporated into the proposed ordinance without the necessity of republication of said notice. The additional territory annexed shall be part of the city and the property situated therein shall bear its pro rata part of the taxes levied by the city as provided by state law. The inhabitants thereof shall be entitled to all the rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the city.~~

C. DISANNEXATION. The council may, by ordinance, disannex any territory within the corporate boundaries of the city, if the council determines that the territory is not necessary or suitable for city purposes. Decisions on annexation or disannexation require favorable votes by not less than four (4) Members of the City Council. ~~When the disannexation ordinance is passed, the disannexed territory shall cease to be part of the city; but the disannexed territory shall remain liable for its pro rata share of any indebtedness incurred while the area was part of the city and the city shall continue to levy, assess, and collect taxes on the property in the disannexed territory until such indebtedness has been paid. The council shall further have the power to exchange territory within the corporate boundaries or extraterritorial jurisdiction of the city with other municipalities.~~

## **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 (collectively referred to as “Members of City Council”) 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 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

## **Section 2.03 Qualifications**

~~Each of the five (5) Councilpersons and Mayor~~ Member of City Council shall be a citizen of the United States of America and a registered qualified voter of the State of Texas and shall be at least 18 years of age; and shall live within the Corporate Limits of the City of Granbury; shall have resided for at least one (1) year, next preceding the election at which they are candidates, within the Corporate Limits of the City of Granbury, and shall not be in arrears in the payment of taxes or other liability due the City nor be disqualified by any reason of any provision of any other section of this Charter; shall not have been previously convicted of a felony; and shall not be in current litigation against the City of Granbury.

## **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 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 2.07 Mayor - Mayor Pro Tem**

The Mayor of the City shall preside over the meetings of the City Council and perform such other duties consistent with the office as may be imposed upon him by this Charter and the ordinances and resolutions passed in pursuance hereof. As a member of the Council, the Mayor may participate in the discussion of all matters coming before the Council, and but shall be entitled to vote only in case of a tie upon all affairs considered by the council and shall have no veto power. He shall sign all contracts and conveyances made or entered into by the City and all bonds issued under the provisions of this charter and shall be the chief executive officer of the City. He shall be recognized as the official head of the City by the court for the purpose of serving civil process, by the governor for the purpose of enforcing military law, and for all ceremonial purposes. Perform such other duties during a local disaster as provided for in State law. ~~In time of danger or emergency, and upon official declaration by the Mayor of such emergency, the Mayor may take command of the police and govern the City by proclamation and maintain order and enforce all laws.~~

The Mayor Pro Tem shall be selected from ~~among the members of~~ the five (5) Councilpersons; shall be selected each year at the first regular meeting following the general city election, and shall in the absence or disability of the Mayor perform all the Mayor's duties.

### **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~~ preserve 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.

### **Section 2.11 Rules of Procedure**

The City Council shall determine its own rules of procedure. At the first meeting of the City Council following the annual municipal election, the City Council shall adopt their rules of procedure. The Rules of Procedure shall be consistent with the Home Rule Charter and in the event there is any conflict between the Charter and the Rules of Procedure adopted by the City Council, the provisions of the Home Rule Charter shall prevail and be controlling. All meetings of the City Council shall be open to the public, except as provided by State Law, and minutes of all open proceedings shall be kept, to which any citizen may have access at all reasonable times and which shall be taken by ayes and nays made in open meeting by a canvass of the City Council, and the vote of each Councilperson shall be entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the Mayor and the City Secretary.

#### **Section 2.11.1 Quorum**

~~The Mayor and three (3)~~ Any four (4) Members of the City Council, ~~qualified and serving~~, shall constitute a quorum for all meetings for the transaction of all business. No action of the City 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 members of the Council constitute a quorum.~~ When the Membership of City Council is reduced to less than four (4) ~~members by death, resignation, nonresidence or for any other reason~~, the remaining ~~m~~Members of the City Council shall constitute a quorum for the purpose of calling a special election.

#### **Section 2.16 Incumbents**

~~The incumbent City Council members shall continue in office for the term to which they were elected or until their successors shall have been elected and shall have been qualified.~~

### **~~Section 3.02 Special Elections~~**

~~The Council may, by ordinance or resolution, call such special elections as are authorized by State law and this Charter, fix the time and place of holding same, and provide all means for holding such special elections, provided that every special election shall be called and held according to the provisions of the general election laws of the State of Texas. (Section 3.02 amended by election held November 7, 2006)~~

### **~~Section 3.03 Regulation of Elections~~**

~~All general and special elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with this Charter and ordinances or resolutions adopted by the Council for the conduct of elections. The Council shall appoint the election judges and shall provide for the compensation of all election officials in the city elections and for all other expenses in holding said elections. (Section 3.03 amended by election held November 7, 2006)~~

### **~~Section 3.04 Judge of Election~~**

~~The City Council shall be the judge of the election and qualification of its own members and the mayor, subject to review of the courts in case of contest. (Section 3.04 amended by election held November 7, 2006)~~

### **~~Section 3.05 Filing for Office~~**

~~Any qualified person who desires to become a candidate for election to the office of Mayor or City Councilperson shall file an application in accordance with state law. Such application shall be filed in the office of the City Secretary. (Section 3.05 amended by elections held May 4, 2002 and November 7, 2006)~~

### **~~Section 6.03 Procedure in the Municipal Court~~**

~~All complaints, prosecutions, the service of process, commitment of those convicted of offenses, the collection and payment of fines, the attendance and service of witnesses and juries, punishment for contempt, bail and the taking of bonds shall be governed by the provisions of Title 2 of the Code of Criminal Procedure of the State of Texas applicable to Municipal Courts.~~

### **~~Section 7.17 Powers of Taxation~~**

~~The Council shall have the power to levy, assess, and collect taxes on property located in the city for any municipal purpose. The tax rate shall be calculated, published and adopted in accordance with state law.~~

## **~~Section 8.02 Manner of Issuance~~**

~~Bonds and warrants of the City of Granbury shall be issued in the manner provided by the general laws of the State of Texas.~~

## **~~Section 8.03.1 Debt Obligations~~**

~~The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds for permanent public improvements or any other public purpose not prohibited by law and this Charter, and to issue refunding bonds to refund outstanding bonds previously issued. All such bonds shall be issued in conformity with the laws of the State of Texas and shall be used only for purposes for which they were issued. In addition, the City shall have the authority to issue other forms of debt in accordance with State law.~~

## **~~Section 10.01 Boards and Commissions~~**

~~B. The City Council shall have authority to establish by ordinance such boards and commissions as it may deem necessary for the conduct of City business and management of municipal affairs. The authority, functions and responsibilities of such boards and commissions shall be such as is spelled out in the ordinance establishing them. All existing boards and commissions heretofore established shall be continued in accordance with the ordinance or other acts under which they have been created, or until the City Council shall by ordinance abolish, modify or alter the ordinances or acts under which they exist. Notwithstanding any other provision of this Charter, the elected City Council shall have paramount authority over all matters affecting the budgets, appropriation of funds, expenditures, purchases and sale of properties and procedures for accounting therefor, consistent with the express provisions of its Charter and applicable provisions of the State Constitution and laws of the State.~~

## **~~Section 10.03 Planning and Zoning Commission Powers and Duties~~**

~~The Planning and Zoning Commission shall recommend to the City Council approval or disapproval of proposed changes in the Zoning Ordinance, Zoning Cases, Specific Use Permits, Master Plan, Land Use Plan, Master Thoroughfare Plan, Commercial Site Plans and recommend approval or disapproval of all subdivision plats.~~

~~The Commission shall be responsible to and act as an advisory body to the Council and shall have and perform such additional duties as may be prescribed by ordinance.~~

## **~~Section 11.08 Ordinance Granting Franchises~~**

~~All ordinances granting, amending, renewing, or extending franchises for public utilities shall be read at two separate regular meetings of the Council and shall not be passed until thirty (30) days after its final reading; and pending such time, the full text of such ordinance shall be published once each week for two (2) consecutive weeks in a newspaper of the City of Granbury and the expense of~~

such publication shall be borne by the proponent of the franchise. The granting of Public Utility franchises by the City Council shall be governed by the following regulations:

#### **~~Section 12.08 Condemnation of Dangerous Structures~~**

~~Whenever, in the opinion of the governing body of the City of Granbury, or the appropriate commission, any building, fence, shed, awning, cave, excavation, structure, object or thing of any kind or part thereof may fall or collapse and injure persons or property, the City may order the owner or agent of the same or occupant of the premises to take such corrective measures as the governing body may direct, and may punish by fine all persons failing to do so. Upon his failure to comply, the governing body shall have the additional power to remove the same on account of the owner of the property and assess the expenses thereof, including condemnation proceedings, as a special tax against the land or improvements, and the same may be collected as other special taxes provided for in this charter, or by suit in any court of competent jurisdiction.~~

#### **~~Section 12.09 Building Permits~~**

~~The City of Granbury shall have power to prohibit the erection or construction of any building or structure of any kind within the City of Granbury without a permit first having been issued by the City for the construction or erection of such building or structure, and may authorize a fee to be charged for such permit, and in pursuance of said authority, may authorize the inspection by the City of all buildings or structures during the progress of their construction and may require that all buildings shall be constructed in conformity with the building code which exists in said City or shall hereafter be passed.~~

#### **~~Section 12.10 Pools, Ponds, Lakes and Drilling Operations~~**

~~The City of Granbury shall have power to control or prohibit construction of pools, ponds, or lakes receiving water from a recognizable stream, creek, branch, or natural drainage. The City may control location, construction, height of structure, depth and size of body of water to be impounded. No pool, pond, or lake receiving water from a recognizable stream, creek, branch, or natural drainage, shall be constructed without first obtaining a permit issued by the City.~~

~~The City of Granbury may, by ordinance, prohibit the drilling of water wells for commercial, industrial and agricultural purposes, and may provide regulations for the drilling and use of water wells for commercial, industrial, agricultural and domestic purposes.~~

#### **~~Section 12.12 Amendment of the Charter~~**

~~This Charter may be amended no more than once every two (2) years as provided by the laws of the State of Texas.~~

## MEASURE 2

### Section 1.07 Annexation and Disannexation

A. ANNEXATION BY CITY COUNCIL. The council shall have the power by ordinance, to fix the boundaries of the city and to provide for the alteration or extension of said boundaries, pursuant to any laws of the State of Texas now or hereafter enacted, ~~with or without the consent of the owners or inhabitants of such territory.~~

### Section 2.03 Qualifications

Each of the five (5) Councilpersons and Mayor shall be a citizen of the United States of America and a registered qualified voter of the State of Texas and shall be at least 18 years of age; and shall live within the Corporate Limits of the City of Granbury; shall have resided for at least one (1) year, next preceding the election at which they are candidates, within the Corporate Limits of the City of Granbury, and shall not be in arrears in the payment of taxes or other liability due the City nor be disqualified by any reason of any provision of any other section of this Charter; and shall not have been previously convicted of a felony; and shall not be in current litigation against the City of Granbury.

### ~~Section 4.12 Failure of City Council to Call a Recall Election~~

~~In cases where all of the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed upon said City Council by the provisions of this Charter with reference to such recall, then the County Judge of Hood County, Texas, shall discharge any such duties herein provided to be discharged by the person performing the duties of City Secretary or by the City Council.~~

### Section 8.01 Powers to Issue

The City shall have the power to borrow money on the credit of the City in accordance with the Constitution and laws of the State of Texas as the same may be amended from time to time, for permanent public improvements or for any other public purpose not now or hereafter prohibited by the Constitution and laws of the State of Texas, including funding economic development programs permitted under the Constitution and laws of the State of Texas. The City shall have the power to issue bonds and other obligations payable from ad valorem taxes levied and collected by the City, revenue bonds, funding and refunding bonds, certificates of obligation, contractual obligations, notes, warrants and any other evidences of indebtedness permitted by the Constitution and laws of the State of Texas as are now authorized or as may hereafter be authorized to be issued by the Constitution and laws of the State of Texas. The City shall have the right to refund any outstanding bonds or obligations by the issuance of refunding bonds in accordance with the provisions permitted by the then applicable laws of the State of Texas.

~~In keeping with the Constitution of the State of Texas and not contrary thereto, the City of Granbury shall have the power to borrow money on the credit of the City for any public purpose not now or~~

~~hereafter prohibited by the Constitution and laws of the State of Texas, and shall have the right to issue all tax bonds, revenue bonds, funding and refunding bonds, time warrants and other evidence of indebtedness as now authorized or as may hereafter be authorized to be issued by cities and towns by the laws of the State of Texas.~~

No bonds, warrants or certificates of indebtedness or any other borrowing or [of] monies shall be made and the City shall not become obligated for same to be used for the operation of the regular administrative and operating budgets of the City of Granbury. ~~The City Council may not issue bonds or borrow money in an emergency except for the health, safety and welfare of its citizens.~~

### **Section 10.02 The Planning and Zoning Commission**

There shall be established a Planning and Zoning Commission which shall consist of eight (8) citizens from the City of Granbury and such alternate members as the City Council in its discretion shall determine to be appropriate. The members of said Commission shall be appointed by the City Council for a term of two (2) years. The initial appointment of the Planning and Zoning Commission members by the Council shall designate which members shall serve two (2) years and which members shall serve one (1) year, and on each succeeding year thereafter, the Council shall select replacements for the Planning and Zoning Commission members whose terms have expired. The Commission shall elect a chairman and a vice-chairman from among its members and shall meet not less than once each month. Said Chairman shall not vote except in the case of a tie. Vacancies and unexpired terms shall be appointed by the Council for the remainder of the term. A majority of the members shall constitute a quorum, and the affirmative majority vote of the quorum shall be necessary for the passage of any recommendation to the City Council. Members of the Commission may be removed by the Council.

The Commission shall keep minutes of its proceedings which shall be of public record. The Commission shall serve without compensation.

Each candidate for an appointment as a member of the Planning and Zoning Commission shall meet the following requirements:

- a. Shall be a registered voter of the City.
- b. Shall have resided for at least twelve (12) months preceding his appointment within the corporate limits of the City, including territory annexed prior to his appointment.
- ~~c. Shall not 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.~~

### **Section 11.01 General Powers Respecting Utilities**

Except as otherwise provided for by law, the City of Granbury may license, regulate, fix the rates, control and supervise public utilities of all kinds. In addition to such public utilities as it may now own, the City of Granbury may own, acquire, construct, maintain and operate any other public utility that may be approved by a majority of the qualified voters of the City voting therefor at an election held for such purpose; and shall have power for the purpose of operating and maintaining any such utility, and for distributing such service throughout the City and any portion thereof, but in



such condemnation proceedings, no allowance shall be made for the value of any franchise and only the actual physical assets shall be purchased by the City.

### **Section 12.01 Public Records of the City**

~~The City shall comply with the requirements of the Texas Public Information Act. Every ordinance or resolution, upon its becoming effective, shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the Mayor or Mayor Pro Tem and attested by the City Secretary as herein provided, which book and a duplicate copy thereof shall be kept in a fireproof City depository. All public records of every office, department, or agency of the City shall be open to inspection by any citizen at all reasonable times, provided that police records and vital statistics records, and any other records closed to the public by law, shall not be considered public records for the purposes of this Section.~~

### **Section 12.05 Notice of Claim**

The City of Granbury shall not be held responsible on account of any claim for damages to any person unless the City has actual notice of the claim or the person making such complaint or claiming such damages shall, within sixty (60) days after the time at which it is claimed such damages were inflicted upon such person, file with the City Secretary, a true statement under oath, as to the nature and character of such damages or injuries, the extent of the same, and the place where same happened, the circumstances under which same happened, the conditions causing same, with a detailed statement of each item of damages and the amount thereof, and if it be for personal injuries, giving a list of the witnesses, if any known to affiants, who witnessed such accident.

## **MEASURE 3**

### **Section 2.02 Prohibiting Holding or Running for Other Office**

No person elected to the City Council shall, during the term for which he/she was elected, or for a period of two years from the end of said term, be appointed to any office or position in the service of the City. If a member of the Council, or a member of any Board appointed by the Council, or any officer or employee appointed by the Council who is serving a term of more than two years shall become a candidate for nomination or election to any publicly elected office, other than when seeking re-election to the same position on the City Council, he/she automatically resigns his/her office upon such candidacy.

## **MEASURE 4**

### **Section 2.08 City Secretary**

The City Council shall appoint or remove a City Secretary, by a vote of not less than four (4) Members of the City Council, 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.

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 2.09 City Attorney**

The City Council shall appoint or remove a City Attorney, by a vote of not less than four (4) Members of the City Council, who shall be a competent attorney, duly licensed and admitted to the practice of law by the State of Texas. The City Attorney shall be the legal advisor of the Council and provide legal advice and services as directed by the Mayor, City Council, or City Manager. The City Attorney, or such other attorneys with the approval of the City Council, shall represent the City in all litigation and legal proceedings.

### **Section 5.01 The City Manager**

A. Appointment. The Council shall appoint a City Manager, by a vote of not less than four (4) Members of the City Council, for an indefinite term, who shall be the chief administrative officer of the City. He shall be chosen by the Council solely on the basis of his executive and administrative training, experience, ability and character, and without regard to political consideration. He need not, when appointed be a resident of the City of Granbury, but during his tenure of office, he shall reside in the city of Granbury. No member of the Council shall, during the term for which elected, be chosen as City Manager. The City Manager shall receive such compensation as may be fixed by the Council.

B. Removal. The Council may remove the City Manager, by a vote of not less than four (4) Members of the City Council, ~~upon the affirmative vote of a majority of the Council~~. The action of the Council in suspending or removing the City Manager shall be final, it being the intention of the Charter to vest all authority and fix all responsibility for such suspension in the City Council

### **~~Section 5.03 Removal of the City Manager~~**

~~The Council may remove the City Manager, upon the affirmative vote of a majority of the Council. The action of the Council in suspending or removing the City Manager shall be final, it being the intention of the Charter to vest all authority and fix all responsibility for such suspension in the City Council.~~

### **Section 6.02 Judges of the Municipal Court**

The Municipal Court shall consist of a presiding magistrate and such alternate magistrates as the Council determines necessary, and who shall be known as the judges of the Municipal Court. The Judges, as may be authorized, shall be appointed by the Council, by a vote of not less than four (4)

~~Members of the City Council, by affirmative vote of at least three (3) of the five (5) council members of the City Council.~~ The Judge(s) shall receive such compensation as may be set by the Council. The Judge(s) may be removed for cause, after hearing, by a vote of not less than four (4) Members of the City Council. ~~by affirmative vote of at least three (3) of the five (5) council members of the City Council.~~ In the event of any vacancy in the office of the Municipal Judge by death, resignation or otherwise, the vacancy shall be filled in the same manner as original appointments.

Whenever the Municipal Judge is temporarily unable to act for any reason, the Mayor is authorized to appoint a qualified person to act in the place and stead of the Municipal Judge, and the appointee shall have all the powers and discharge all the duties of the office, and shall receive the same compensation therefor as is payable to the regular Municipal Judge while he is so acting.

The Judge(s) shall successfully complete all training and education as required by State Law.

## **MEASURE 5**

### **Section 2.09 City Attorney**

The City Council shall appoint or remove a City Attorney, who shall be a competent attorney, duly licensed and admitted to the practice of law by the State of Texas. The City Attorney shall be the legal advisor of the Council and provide legal advice and services as directed by the ~~Mayor,~~ City Council, or City Manager. The City Attorney, or such other attorneys with the approval of the City Council, shall represent the City in all litigation and legal proceedings.

## **MEASURE 6**

### **Section 4.01 Power of Initiative**

The people of the City of Granbury reserve the power of direct legislation by initiative, and in the exercise of power, may propose any ordinance not in conflict with this Charter, the State Constitution, or the State Laws, except for the following: any ordinance appropriating money; authorizing the levy of taxes; establishing, raising or lowering utility rates; or any ordinance repealing an ordinance appropriating money, levying taxes, or establishing or changing utility rates. Any initiated ordinance may be submitted to the Council by a petition signed by registered qualified voters of the City of Granbury, equal in number to at least ~~forty~~ fifteen percent (~~40~~ 15%) of the qualified voters registered to vote at the last general city election ~~of the number of votes cast at the last regular municipal election of the City,~~ or such petition must be signed by 200 registered, qualified voters, whichever is greater.

### **Section 4.02 Power of Referendum**

The people reserve the power to approve or reject at the polls any legislation enacted by the Council which is subject to the initiative process under this Charter, except an ordinance which is enacted for the immediate preservation of the public peace, health or safety which contains a statement of its

urgency and which is adopted by the favorable votes of the requisite number of Councilpersons required by this Charter to enact emergency legislation. Prior to the effective date of any ordinance which is subject to referendum, petition signed by registered qualified voters of the City, equal in number to at least ~~forty~~ fifteen percent (~~40~~ 15%) of the qualified voters registered to vote at the last general city election ~~of the number of votes cast at the last regular municipal election of the City~~, or signed by 200 registered qualified voters, whichever is greater, may be filed with the City Secretary requesting that ~~such~~ an ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified as sufficient by the City Secretary, the ordinance specified by the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

#### **Section 4.07 Power of Recall**

The people of the City reserve the power to recall any member of the Council and may exercise such power by filing with the City Secretary a petition, signed by registered qualified voters of the City equal in number to at least ~~forty~~ fifteen percent (~~40~~ 15%) of the qualified voters registered to vote at the last general city election ~~of the number of votes cast at the last regular municipal election of the City~~, or by 200 registered qualified voters, whichever is greater, demanding the removal of a member of the City Council. The petition shall be signed and verified in the manner required by the form prescribed below. Such petition shall contain a statement of the specific acts of misfeasance and/or malfeasance for which the removal is sought, and one of the signers of each petition paper shall make an affidavit as prescribed below. The following form of petition and acknowledgment is herein prescribed:

### **MEASURE 7**

#### **Section 4.02 Power of Referendum**

The people reserve the power to approve or reject at the polls any legislation enacted by the Council which is subject to the initiative process under this Charter, except an ordinance which is enacted for the immediate preservation of the public peace, health or safety which contains a statement of its urgency and which is adopted by the favorable votes of the requisite number of Councilpersons required by this Charter to enact emergency legislation. ~~Prior to the effective date of any ordinance which is subject to referendum,~~ A petition signed by registered qualified voters of the City, equal in number to at least forty percent (40 %) of the number of votes cast at the last regular municipal election of the City, or signed by 200 registered qualified voters, whichever is greater, may be filed with the City Secretary requesting that such ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified as sufficient by the City Secretary, the ordinance specified by the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

## **MEASURE 8**

### **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 on the next uniform election date; or
- e. ~~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 in accordance with state law.~~

### **Section 4.06 Ballot Form and Results of Election**

The ballot used in voting upon an initiated or referred ordinance shall state the caption of the ordinance and below the caption shall set forth on separate lines the words: "For the Ordinance," and "Against the Ordinance."

~~An initiated ordinance and an alternative ordinance proposed by the Council which are submitted at the same election shall be appropriately identified as the initiated or referred ordinance and as the ordinance proposed by the Council.~~

Any number of ordinances may be voted upon at the same election in accordance with the provisions of this Article. An ordinance submitted and receiving an affirmative majority of the votes cast, shall thereupon be effective as an ordinance of the City. An ordinance so adopted may be repealed or amended at any time after the expiration of two (2) years by a four-fifths (4/5) vote of the Council. A referred ordinance which is not approved by a majority of the votes cast shall be deemed thereupon repealed.

## **MEASURE 9**

### **Section 4.06 Ballot Form and Results of Election**

The ballot used in voting upon an initiated or referred ordinance shall state the caption of the ordinance and below the caption shall set forth on separate lines the words: "For the Ordinance," and "Against the Ordinance."

An initiated ordinance and an alternative ordinance proposed by the Council which are submitted at the same election shall be appropriately identified as the initiated or referred ordinance and as the ordinance proposed by the Council.

Any number of ordinances may be voted upon at the same election in accordance with the provisions of this Article. An ordinance submitted and receiving an affirmative majority of the votes cast, shall thereupon be effective as an ordinance of the City. An ordinance so adopted may

be repealed or amended at any time after the expiration of two (2) years by a vote of not less than four (4) Members of the City Council ~~by a four fifths (4/5) vote of the Council~~. A referred ordinance which is not approved by a majority of the votes cast shall be deemed thereupon repealed.

## MEASURE 10

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

- A. VACANCIES. The office of a councilmember 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 ~~councilmember or the Mayor~~ Member of City Council shall ~~immediately~~ forfeit that office if that person
1. is found guilty of Official Misconduct as described in Section 2.05.C and D;
  2. is convicted of a felony; or
  3. 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 Member of City Council ~~member~~ or the City Manager, the City Council shall be authorized by a vote of ~~a majority of its membership~~ not less than four (4) Members of the City Council to expel such offending member from the Council if found guilty after a public hearing, conducted pursuant to a process adopted by City Council by ordinance, and thereby determine the office forfeited and create a vacancy in the place held by such member.
- D. OFFICIAL MISCONDUCT. intentional or knowing violation of a Law committed while acting in an official capacity as a City Council Member, intentional violation of this Charter Section 2.11.2, Section 5.05 or Section 12.03. ~~intentional, unlawful behavior relating to official duties and includes intentional or negligent failure, refusal, or neglect to perform a duty imposed on the councilmember (including Mayor) by law.~~
1. Law means the constitution or a statute of this state or of the United States, a written opinion of a court of record, or a City of Granbury ordinance.

2. A person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.
3. A person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

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 councilmember whose office becomes vacant shall continue to serve until a successor is duly qualified in accordance with state law.

**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.

## **MEASURE 11**

### **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 members of the Council constitute a quorum. When the Council is reduced to less than four (4) members by death, resignation, nonresidence or for any other reason, the remaining members of the Council shall constitute a quorum for the purpose of calling a special election.

### **Section 2.11.3 Validity of Action**

No action of the City Council shall be valid or binding unless adopted by the affirmative vote of a majority of the City Councilpersons.

## MEASURE 12

### Section 2.07 Mayor - Mayor Pro Tem

The Mayor of the City shall preside over the meetings of the City Council and perform such other duties consistent with the office as may be imposed upon him by this Charter and the ordinances and resolutions passed in pursuance hereof. As a member of the Council, the Mayor may participate in the discussion of all matters coming before the Council, but shall be entitled to vote only in case of a tie upon all affairs considered by the council, and shall have no veto power. He ~~shall sign all contracts and conveyances made or entered into by the City and all bonds issued under the provisions of this charter, and~~ shall be the chief executive officer of the City. He shall be recognized as the official head of the City by the court for the purpose of serving civil process, by the governor for the purpose of enforcing military law, and for all ceremonial purposes. In time of danger or emergency, and upon official declaration by the Mayor of such emergency, the Mayor may take command of the police and govern the City by proclamation and maintain order and enforce all laws.

### Section 5.02 Powers and Duties of the City Manager

The City Manager shall be responsible to the Council for the proper administration of all the affairs of the City. The powers herein conferred upon the City Manager shall include, but shall not be limited to the following:

I. Signing, or designation of appropriate individual to sign contracts.

## MEASURE 13

### Section 5.02 Powers and Duties of the City Manager

The City Manager shall be responsible to the Council for the proper administration of all the affairs of the City. The powers herein conferred upon the City Manager shall include, but shall not be limited to the following:

G. Either he/she or their designee are to attend all meetings of the Council, and he/she shall be notified of all meetings of the Council; ~~and~~

## MEASURE 14

### Section 7.05 Proceeding on Adoption of Budget

After public hearing, the Council shall analyze the budget, making any additions or deletions which they feel appropriate, and shall, at least twenty (20) days prior to the beginning of the next fiscal year, adopt the budget by a vote of not less than four (4) Members of the City Council ~~by a favorable majority vote of all members of the Council.~~



## **Section 7.10 Budget Amendments and Emergency Appropriations**

At any time in any fiscal year, the Council may, pursuant to this Section, make budget amendments to meet a pressing need for public expenditure, for other than regular or recurring requirements, to protect the public health, safety or welfare. Such amendments shall be by ordinance adopted, by a vote of not less than four (4) Members of the City Council, by the favorable votes of not less than three (3) of the Councilmembers qualified and serving, and shall be made only after public notice and upon recommendation of the City Manager. In cases of grave public necessity, in which an emergency expenditure is needed in unusual and unforeseen conditions which could not, by reasonable diligent thought and attention, have been included in the original budget, an amendment to the original budget may be authorized by the Council, without the need for prior public notice, and with the following additional requirements:

- a. That a quorum of the City Council and the Mayor sign a statement that the conditions above stated exist and setting out in brief form the factual basis for their conclusion;
- b. Publish the affidavit in a paper of city-wide publication once in the week immediately following their decision; and
- c. Hold a public hearing to brief the public and answer questions, as primary item of business on the agenda of the next regularly scheduled City Council meeting.

## **MEASURE 15**

### **Section 2.11.2 Conflict of Interest**

Each ~~Councilperson~~ Member of City Council has the responsibility to abstain from voting or participation in the deliberation on any matter in which he/she has a conflict of interest as defined by ~~this Charter, the City Council Rules of Procedure~~ or state law, and such conflict of interest shall be clearly stated by the person for purpose of record. Otherwise, all ~~Councilperson~~ Member of City Council qualified to vote are required to vote either aye or nay on all proposed ordinances and resolutions.

### **Section 12.02 Personal Interest in City Contracts**

For purposes of this Section the term "City Official" means any individual subject to the requirements of Texas Local Government Code, Chapter 171.

It is hereby prohibited for Members of City Council or a City Official to violate the rules and regulations regarding conflicts of interests as set out in the Texas Local Government Code, Chapter 171.

~~No officer or employee of the City of Granbury shall have a financial interest, direct or indirect, in any contract with the City, or be financially interested directly, or indirectly in the sale to the City of any land, materials, supplies, or services, except on behalf of the City as an officer or employee. Any knowing and willful violation of this Section shall constitute malfeasance in office~~

~~and any officer or employee guilty thereof shall be removed from his office or position. Any violation of this Section with the knowledge, expressed or implied, of the person or corporation contracting with the governing body of the City shall render the contract involved void.~~

### ~~Section 12.03 Officers Not to be Interested in Franchises; Forfeiture of Office~~

~~No officer or employee of the City of Granbury shall accept, directly or indirectly, any gift, favor, privilege or employment from any public utility corporation enjoying a grant of any franchise privilege or easement from said city, during the term of office of such officer or during the employment of such employee of the City, except as may be authorized by law or ordinance. Any employee or officer of the City who shall violate the provisions of this Section shall be guilty of a misdemeanor and shall be punished by such fine as may be prescribed by ordinance for this offense, and may be forthwith removed from office.~~

## MEASURE 16

### Section 12.04 Mechanic, Material or Labor Claim

The City shall comply with all applicable laws regarding the performance and payment bonds in the construction of public works projects.

~~All subcontractors, materialmen, mechanics, and laborers upon any public works of the City of Granbury are hereby required to notify the City of all claims they may have against the contractor on account of such work, subject to proof of payments by the said contractor, and when such notice has been given, the City shall retain an amount from any funds due the contractors, sufficient to satisfy such claims; provided that such notice must be given at any time after such indebtedness becomes due and before the City's final settlement with the contractor; and provided further, that no contractor or subcontractor shall issue any checks, on or on account of, any public works of said City.~~

### ~~Section 12.07 Bond of Contractors~~

~~The governing body of the City of Granbury shall require sufficient payment and performance bonds of all contractors, with a good corporate surety thereon, acceptable to the governing body of the City of Granbury.~~

## MEASURE 17

### Section 12. Government Reformation

In case of a situation when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council, or highest surviving City official, if no elected official remains, and the highest surviving officers of the Hood County Commissioners Court shall, within sixty (60) days of such disaster, appoint a number of residents of

the City equal to the number necessary to make a quorum to act during the emergency as the City Council. The newly appointed City Council shall call a City election within 15 days of their appointment, or as provided in the Texas Election Code, for election of the vacant offices, if for good reasons it is known a quorum of the present City Council will never again meet. If it is determined that a quorum of the present City Council will meet again, the appointed Council Members shall serve in their position until such time as the present Council Members may begin serving.

## **MEASURE 18**

### **Section 2.07 Mayor - Mayor Pro Tem**

The Mayor of the City shall preside over the meetings of the City Council and perform such other duties consistent with the office as may be imposed upon him by this Charter and the ordinances and resolutions passed in pursuance hereof. As a member of the Council, the Mayor may participate in the discussion of all matters coming before the Council, ~~and but~~ shall be entitled to vote ~~only in case of a tie~~ upon all affairs considered by the Council, ~~and shall have no veto power~~. He shall sign all contracts and conveyances made or entered into by the City and all bonds issued under the provisions of this Charter, ~~and shall be the chief executive officer of the City~~. He shall be recognized as the official head of the City by the court for the purpose of serving civil process, by the governor for the purpose of enforcing military law, and for all ceremonial purposes. In time of danger or emergency, and upon official declaration by the Mayor of such emergency, the Mayor may take command of the police and govern the City by proclamation and maintain order and enforce all laws.

The Mayor Pro Tem shall be selected from among the members of the five (5) Councilpersons; shall be selected each year at the first regular meeting following the general city election, and shall in the absence or disability of the Mayor perform all the Mayor's duties.

### **Section 2.11.1 Quorum**

~~The Mayor and three (3)~~ Four (4) 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 members of the Council constitute a quorum. When the Council is reduced to less than four (4) members by death, resignation, nonresidence or for any other reason, the remaining members of the Council shall constitute a quorum for the purpose of calling a special election.

### **Section 2.11.3 Validity of Action**

No action of the City Council shall be valid or binding unless adopted by the affirmative vote of a majority of the **Members of** City Council.

**SHOULD MEASURE ELEVEN (11) AND MEASURE EIGHTEEN (18) BOTH BE ADOPTED THEN THE ADOPTION OF MEASURE ELEVEN (11) SHALL BE NULL AND VOID.**

**MEASURE 19**

**Section 5.06 Absence of the City Manager**

The City Manager, ~~within sixty (60) days after taking office,~~ shall designate by letter filed with the City Secretary, a qualified ~~administrative officer~~ employee of the City to perform the duties of the City Manager in his absence ~~or disability.~~ ~~Such designation shall be subject to prior approval by at least three (3) of the five (5) Council members of the City Council.~~ The Assistant City Manager is ~~authorized to perform the same duties and have the same powers as the City Manager while he is acting in his stead.~~ ~~No member of the Council shall serve as Assistant City Manager.~~ From time to time the City Manager may remove and appoint in his stead another Assistant City Manager, also with the prior approval of the City Council as indicated above. In the event of failure of the City Manager to make such designation, the Council may, by resolution, appoint an officer of the City to perform the duties of the City Manager until he shall return or the disability or illness exceeding thirty (30) days, ~~where his duties could not be performed properly,~~ the Manager's salary may be continued at the discretion of the Council.

**MEASURE 20**

**Section 2.11.3 Validity of Action**

The following schedule is provided for purposes of clarity on validity of actions as provided for in this Charter:

<u>Action</u>	<u>Votes Necessary with four (4) Members of City Council Present</u>	<u>Votes Necessary with five (5) Members of City Council Present</u>	<u>Votes Necessary with six (6) Members of City Council Present</u>
<u>Section 2.11.3 - Legislative and Administrative actions other than as provided for herein</u>			
<u>Section 1.07 Votes on annexation or dis-annexation</u>			
<u>Section 2.05 – Vote to expel a Member of the City Council upon finding of official misconduct</u>			
<u>Section 2.08 - Votes on the appointment or removal of the City Secretary</u>			
<u>Section 2.09 - Votes on the appointment or removal of the City</u>			

<u>Attorney</u>			
<u>Section 4.06 - Votes on the repeal or amendment of an initiated ordinance</u>			
<u>Section 5.03 – Votes on the appointment or removal of the City Manager</u>			
<u>Section 6.02 - Votes on the appointment or removal of the Presiding and Alternate Magistrate Judges of Municipal Court</u>			
<u>Section 7.05 – Votes on the adoption of the City budget.</u>			
<u>Section 7.10 – Votes on an amendment to the City Budget</u>			

After the Results of the Election on this Measure 21 the City Attorney Shall fill in the chart based on the outcome of the election and the City Council shall approve same for inclusion in the Charter.