

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD IN SAID CITY ON THE 3RD DAY OF NOVEMBER, 2015, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN ANGELO, TEXAS, THE ADOPTION OR REJECTION OF CERTAIN PROPOSITIONS EACH PROVIDING FOR AMENDMENT TO THE HOME RULE CHARTER OF THE CITY OF SAN ANGELO; MAKING PROVISION FOR THE CONDUCT OF THAT ELECTION AND OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS RESOLUTION; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of San Angelo, Texas, having appointed a Charter Review Committee to make recommendations to the City Council for Charter amendments, and having considered each recommendation made by the Committee, pursuant to the provisions of Texas Local Government Code Section 9.004, has determined that it is in the best interest of the citizens of the City of San Angelo to submit to the qualified voters of the City for their adoption or rejection certain propositions for amendment to the City of San Angelo Home Rule Charter; and

WHEREAS, the meeting at which this resolution was considered was open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Title 5, Chapter 551, Texas Government Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS:

Section 1. That all of the above premises are found to be true and correct and are incorporated into the body of this resolution as if copied in their entirety.

Section 2. That a special election is hereby ordered for the 3rd day of November, 2015, being the next uniform election date which is not less than sixty-two (62) days from the date of this resolution, between the hours of 7:00 A.M. and 7:00 P.M. for the purpose of submitting to the qualified voters of the City for their approval or disapproval certain propositions for amendments to the Home Rule Charter of the City of San Angelo, Tom Green County, Texas, as set forth on **Exhibit "A"** attached hereto and made a part of this Resolution for all purposes as

though set out herein word for word with the current Charter section or subpart of Charter section set forth in its entirety and followed by the same Charter section or subpart of section as amended by the proposition.

Section 3. That voting at and on said election shall be by use of digital scan ballots which shall conform to the Texas Election Code, as amended, so as to permit the electors to vote “YES” or “NO” on each proposition, with the official ballots to contain such other provisions, markings and language as required by law, and with the Propositions and the instructions for use thereof to be expressed substantially as follows:

**CHARTER AMENDMENT ELECTION
CITY OF SAN ANGELO
COUNTY OF TOM GREEN, TEXAS**

November 3, 2015

OFFICIAL BALLOT

Place a mark in the space provided beside the statement indicating the way you desire to vote:

PROPOSITION NO. 1

YES ___ Shall Section 8 “Term of Office” of the City Charter be amended to provide for four year, staggered terms for Mayor and Council Members?

NO ___

PROPOSITION NO. 2

YES ___ Shall Section 8 “Term of Office” of the City Charter be amended to provide term limits of eight consecutive years excluding partial terms for Mayor or Council Member?

NO ___

PROPOSITION NO. 3

YES ___ Shall Section 9 “Qualifications” of the City Charter be amended to provide qualifications for candidates seeking election, and for members to hold the offices of Council Member or

NO ___ Mayor, include at the time of election that the person must be 18 years of age or older, must be a resident of the City (Mayor) and resident of Single Member District (Council Member), must not be an employee of the City, must not hold any other elected office; and, must comply with all conflict of interest and conflict disclosure laws?

PROPOSITION NO. 4

YES ___ Shall Section 9 “Qualifications” of the City Charter be amended to add a provision that any question of City Council regarding conflict of interest of the Mayor or of a council Member

NO ___ be referred to the City Attorney for a legal opinion?

PROPOSITION NO. 5

YES ___ Shall Section 10 “Compensation and Attendance” of the City Charter be amended to provide for an increase in annual compensation for Mayor and Council Members to forty-

NO ___ two hundred dollars (\$4,200.00) for Mayor, and thirty-six hundred dollars (\$3,600.00) for Council Member, payable in accordance with current payroll practices?

PROPOSITION NO. 6

- YES** ___ Shall Section 14 “Vacancies” of the City Charter be amended to provide that when a vacancy in any elective office shall occur, and an election is required, that the election be held on the first uniform election date under state law?
- NO** ___

PROPOSITION NO. 7

- YES** ___ Shall Subpart “G” of Section 47 “Initiative and Referendum” of the City Charter be amended to allow more timely means of notification by deleting the requirements that the City Clerk shall immediately notify the initiative or referendum committee of deficiencies by certified mail?
- NO** ___

PROPOSITION NO. 8

- YES** ___ Shall Section 60 “Chief of Police” and 61 “Qualifications” of the City Charter be amended by changing the office of Chief of Police from elective to appointed, subject to approval of City Council without the two year residency requirement?
- NO** ___

Section 4. That Early Voting by personal appearance shall be conducted each weekday, 19th day of October, 2015, through 30th day, of October 2015, from 7 A.M. to 7 P.M., 7at the Tom Green County Election Office, located on the first floor of the Judge Edd B. Keyes Annex Building, 113 Beauregard Avenue, San Angelo, Texas.

Application for ballot by mail shall be mailed to:

City Clerk, City of San Angelo
c/o Vona Hudson, Tom Green County Elections Administrator
Judge Edd B. Keyes Annex Building
113 West Beauregard Ave.
San Angelo, Texas 76903

Applications for ballot by mail must be received no later than the close of business on Tuesday, October 23, 2015.

Section 5. The election day polling places where qualified voters shall cast ballots will be at the locations designated on Exhibit “B”, adopted as part of this Resolution, and designated by Tom Green County as outlined in the Election Code Section 42.002 entitled “Required Use of County Precincts”.

Section 6. Said election shall be conducted and the results canvassed and announced as prescribed by the General Election Laws of the State of Texas, as amended, and only duly qualified electors shall be qualified to vote.

Section 7. That the City Clerk is directed and required to publish notice of said election in a newspaper of general circulation published in San Angelo, Texas, and post notice of said election as required by law.

Section 8. The terms and provisions of this Resolution shall be deemed to be severable in that if any portion of this Resolution shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Resolution.

Section 9. This Resolution shall be effective from and after the date of adoption.

PASSED, APPROVED and ADOPTED on the 18th day of August, 2015.

THE CITY OF SAN ANGELO

ATTEST:

Dwain Morrison, Mayor

Bryan Kendrick, City Clerk

Approved as to Content:

Approved as to Form:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

EXHIBIT "A"
PROPOSITIONS
CITY OF SAN ANGELO GENERAL ELECTION
NOVEMBER 3, 2015

1. Section 8 TERM OF OFFICE

CURRENT SECTION 8:

Section 8. Term of Office: The Mayor and each Council member shall serve a term of two (2) years and until his successor is elected and qualified unless sooner removed from office by death, resignation or recall, except that the term of the City Council members elected in 1977 shall be for one (1) year. At the regular municipal election in 1978, three (3) council members shall be elected for one (1) year terms and three (3) council members shall be elected for two (2) year terms. Thereafter all terms shall be for two (2) years. If a City Council Member ceases to be a resident of the district from which he was elected, he shall be deemed to have automatically resigned from office.

PROPOSED SECTION 8:

“Section 8. Term of Office: The Mayor and each Council Member shall serve a term of four (4) years and until his successor is elected and qualified unless sooner removed from office by death, resignation or recall, to become effective in the general election to be held for Mayor and Single Member Districts 2, 4 and 6 in 2017; and, in the general election to be held for Single Member Districts 1, 3 and 5 in 2019, except that Council Members for Single Member Districts 1, 3 and 5 shall be elected for three year terms in the 2016 general election. If a City Council Member ceases to be a resident of the district from which he was elected, he shall be deemed to have automatically resigned from office.”

2. CURRENT SECTION 8:

(No term limits are currently provided for.)

PROPOSED SECTION 8: (Addition of a new subpart)

No person shall serve as Mayor or Council Member for more than eight consecutive years, excluding service for any partial term.

3. **CURRENT SECTION 9**

SECTION 9. QUALIFICATIONS:

A. In addition to the requirements prescribed by law, the following shall be the qualifications for the Members of the City Council:

1. Candidates for the City Council shall have been City residents for the 12 months next preceding the election and Candidates for Single Member District representatives shall have been residents of their respective districts for 6 months next preceding the election.
2. No Member shall be an employee of the City.
3. All candidates must possess the qualifications of a voter.
4. No person shall be eligible for the City Council who, at the time of taking office, is delinquent in payment of a valid tax levy, assessment paving lien or contractual debt or is indebted to the City in any sum of money on judgment.
5. No Member shall have an interest in the profits or emoluments of any contract, job, work or service for the City.
6. No Member shall have an interest in the sale to the City of any supplies, equipment or material.

B. Any Member who shall cease to possess any of the qualifications herein required shall forfeit his office.

C. Any contract in which a Member is or becomes interested may be declared void by the Council.

D. Each person elected to City office, as a condition to being administered the oath of office, shall have filed with the City Clerk a signed, sworn statement indicating that he or she is in compliance with the above stated qualifications and requirements.

E. Each person subject to this provision shall file with the City Clerk a signed, sworn, updated revision of this statement, annually, while in office.

PROPOSED SECTION 9

A. In addition to the requirements prescribed by law, the following qualifications for candidates seeking election to the offices of Council Member or Mayor, and for holding those offices at the time of election are as follows:

- 1. must be 18 years of age or older;*
- 2. must be a resident of the City (Mayor) and resident of Single Member District (Council Member);*
- 3. must not be an employee of the City;*
- 4. must not hold any other elected office: and*
- 5. must comply with all conflict of interest and conflict disclosure laws.*

B. The Mayor or any Council Member who shall cease to possess any of the qualifications herein required shall forfeit his office.

C. Each person elected to City office, as a condition to being administered the oath of office, shall have filed with the City Clerk a signed, sworn statement averring that he or she is in compliance with the above stated qualifications and requirements, which sworn statement shall be updated and filed with the City Clerk annually during the person's term of office.

4. CURRENT SECTION 9

SECTION 9. QUALIFICATIONS:

(There is no practice provided for Council to address conflicts of interest.)

PROPOSED SECTION 9: (Addition of a new subpart)

Any question of City Council regarding conflict of interest of the Mayor or of a Council Member shall be referred to the City Attorney for a legal opinion.

5. CURRENT SECTION 10

SECTION 10. COMPENSATION AND ATTENDANCE:

The compensation of the Mayor shall be eighteen hundred (\$1,800.00) dollars, and of each Council member shall be fifteen hundred (\$1,500.00) dollars per annum, payable in monthly

installments, provided that if Chapter Two of this proposed Charter is adopted and becomes a part of this Charter the compensation of the Mayor shall be six hundred (\$600.00) dollars per annum and of each Council member shall be five hundred (\$500.00) dollars per annum, payable in monthly installments, provided, however, that in either event the Mayor or either Council member shall forfeit ten (\$10.00) dollars of his salary if absent from any regular meeting of the Council, unless such absence from the meeting is unavoidably necessitated in the services of such officer on business of the city away from the city at the time the meeting is held.

PROPOSED SECTION 10

Section 10 Compensation and Attendance: The annual compensation of the Mayor shall be forty-two hundred dollars (\$4,200.00), and of each Council member shall be thirty-six hundred dollars (\$3,600.00), payable in accordance with current payroll practices, provided however that the Mayor or Council Member shall forfeit ten (\$10.00) dollars of his/her salary if absent from any regular meeting of the Council, unless such absence from the meeting is unavoidably necessitated in the services of such officer on business of the city away from the city at the time the meeting is held.

6. CURRENT SECTION 14

SECTION 14. VACANCIES:

Where a vacancy in any elective office shall occur, except a vacancy created as a result of conditions contained in [Section 13](#), the vacant office shall be filled by a unanimous vote of the remaining Mayor and/or City Council members for the unexpired term. In the event that a unanimous vote cannot be obtained within 30 days from the date of the vacancy, the vacant office shall be filled by a special election for the remainder of the unexpired term in the same manner as provided in this charter for the regular election of such offices. Such election shall be held on a Saturday within 90 days following the creation of the vacancy; provided however, that where a vacancy occurs within 90 days of the normal expiration date of the office, no special election to fill the vacancy shall be called unless more than two vacancies occur.

PROPOSED SECTION 14

Section 14. VACANCIES: Where a vacancy in any elective office shall occur, except a vacancy created as a result of conditions contained in [Section 13](#), the vacant office shall be filled by a unanimous vote of the remaining Mayor and/or City Council members for the unexpired term. In the event that a unanimous vote cannot be obtained within 30 days from the date of the vacancy, the vacant office shall be filled by a special election for the remainder

of the unexpired term in the same manner as provided in this charter for the regular election of such offices. Such election shall be held on the first uniform election date under state law, no sooner than 30 days after ordering the election; provided however, that where a vacancy occurs within 90 days of the normal expiration date of the office, no special election to fill the vacancy shall be called unless more than two vacancies occur.

7. CURRENT SECTION 47, Subpart G:

SECTION 47. INITIATIVE AND REFERENDUM:

G. If the City Clerk should find that an insufficient number of valid signatures have been submitted, the Secretary [Clerk] shall immediately notify the committee by certified mail specifying the deficiency; within ten (10) days following receipt of said notice, the committee may file an amended petition. Within ten (10) days after receipt of the amended petition, the City Clerk shall certify to the Council that the petitions are sufficient or insufficient and, if they are sufficient, shall deliver the same to the Council;

PROPOSED SECTION 47, Subparts G

G. If the City Clerk should find that an insufficient number of valid signatures have been submitted, the City Clerk shall immediately notify the committee specifying the deficiency; within ten (10) days following receipt of said notice, the committee may file an amended petition. Within ten (10) days after receipt of the amended petition, the City Clerk shall certify to the Council that the petitions are sufficient or insufficient and, if they are sufficient, shall deliver the same to the Council;

8. CURRENT SECTION 60:

SECTION 60. CHIEF OF POLICE:

There is hereby created the elective office of Chief of Police for the City of San Angelo.

PROPOSED SECTION 60

The Chief of Police shall be appointed by the City Manager subject to the approval of City Council and shall be the administrative head of the City of San Angelo Police Department and be responsible to the City Council for administration of the Police Department. Upon the May

2016 expiration of the last elected Chief's term of office the currently sitting Chief shall be appointed to remain in that position until such time of his resignation or termination. .

CURRENT SECTION 61:

SECTION 61 QUALIFICATIONS:

The Chief of Police shall have been a resident of the City of San Angelo for a period of at least two years immediately prior to his election and shall possess the qualifications of electors in said city.

PROPOSED SECTION 61

Deleted in its entirety

Exhibit "B"

**POLLING PLACES FOR NOVEMBER 3, 2015 SPECIAL ELECTION
AND RELATED EARLY VOTING DATES**

Early Voting (Votacion Adelantada)

October 19-23, 8 am to 5 pm (el 19 de octubre hasta el 23 de octubre, desde las 8 hasta las 5)

October 26-28, 8 am to 5 pm (el 26 de octubre hasta el 28 de octubre, desde las 8 hasta las 5)

October 29-30, 7 am to 7 pm (el 29 de octubre hasta el 30 de octubre, desde las 7 hasta las 7)

Edd B. Keyes Building, 113 W. Beauregard, 1st floor (Piso Primero)

During early voting, any voter may go to this location and vote on all the issues for which they are eligible. (Durante la votación temprana, cualquier votante puede ir a este lugar y votar en todos los temas para los cuales son elegibles)

Election Day (Dia de las Elecciones)

November 3, 2015, 7 am to 7 pm

(el 3 de noviembre, 2015, desde las 7 hasta las 7)

Angelo Bible Church - 3506 Sherwood Way

Belmore Baptist Church - 1214 S. Bell St.

Calvary Baptist Church - 2401 Armstrong St.

Christoval Community Center - 20022 Main St., Christoval

Community Hospital - 3501 Knickerbocker Rd.

Concho Valley Transit District - 510 N. Chadbourne St.

First Assembly of God Church - 1442 Edmund Blvd.

Grape Creek ISD Admin. Bldg. - 8207 US Hwy 87 N

Keating Paint & Body Shop - 5050 N. Chadbourne St.

Paulann Baptist Church - 2531 Smith Blvd.

Plaza del Sol Apts. - 4375 Oak Grove Blvd.

SA (Public) Housing Authority - 420 E. 28th St.

Southgate Church of Christ - 528 Country Club Rd.

Segunda Iglesia Bautista - 530 W Ave T
St. Ambrose Catholic Church - 8602 Loop 570, Wall
St. Paul Presbyterian Church - 11 N. Park St.
Veribest Baptist Church - 50 FM 2334, Veribest
Wesley United Methodist - 301 W 18th St.
West Texas Rehab - 1925 University Ave
TXDOT - 4502 Knickerbocker Rd. Bldg E

On Election Day, any voter may go to any one of these locations and vote on all the issues for which they are eligible. (El día de elección, cualquier votante puede ir a cualquiera de estos lugares y votar sobre todas las cuestiones para los cuales son elegibles.)