

ORDINANCE NUMBER 949-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 2, 2020, TO SUBMIT PROPOSED CHARTER AMENDMENTS TO THE VOTERS FOR THEIR APPROVAL; PROVIDING AN ESTIMATE OF THE ANTICIPATED FISCAL IMPACT TO THE CITY IF THE PROPOSED AMENDMENTS ARE APPROVED; PROVIDING FOR THE PUBLICATION OF NOTICE OF THE ELECTION; AND MAKING OTHER FINDINGS AND PROVISIONS RELATING TO THE HOLDING OF SUCH ELECTION.

\* \* \* \* \*

**WHEREAS**, the City of Dickinson is a home-rule municipal corporation by virtue of a special charter election held on January 8, 1987; and

**WHEREAS**, the City Council of the City of Dickinson, Texas established a Charter Review Commission during the October 22, 2019 regular city council meeting for the purpose of reviewing the city charter, as amended, (the "Charter") and making recommendations for changes to the Charter; and

**WHEREAS**, after meeting on five occasions and systematically reviewing the Charter, the charter review commission presented its final report of recommendations to council during the January 14, 2020 regular city council meeting; and

**WHEREAS**, the City Council accepted the final report as presented; and

**WHEREAS**, the city attorney received and reviewed the final report and has not proposed any changes to the proposed amendments that the city attorney deems necessary or desirable; and

**WHEREAS**, the City Council has determined that the anticipated fiscal impact to the City of the proposed amendments if adopted is \$0.00 per year or negligible; and

**WHEREAS**, the City Council now orders a Special Election on Saturday, May 2, 2020 so that voters within the City may consider each proposed amendment to the Charter; and

**WHEREAS**, this special election is being ordered not later than 78 days before the election day.

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

Section 1. The facts and matters contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. In accordance with the general laws and Constitution of the State of Texas, a special election shall be held concurrently with the city general municipal election on Saturday, May 2, 2020, at which special election there shall be submitted to the qualified voters of the City, for their action thereon, proposed amendments to the Dickinson City Charter as set forth in this ordinance.

Section 3. The ballots for the City special election will conform to the requirements of the Texas Election Code, and shall contain the following propositions that correspond to and summarize each of the proposed measures or charter text amendments set forth in section 4 of this ordinance, which the voters may vote "FOR" or "AGAINST":

PROPOSITION A: Shall the Charter be amended to adopt the Council-Manager form of government?

PROPOSITION B: Shall the Charter be amended to provide Council the power to provide for approval of subdivision plats and to carry out plans for areas destroyed by disaster?

PROPOSITION C: Shall the Charter be amended to require a person to be a resident of the city for at least twelve months immediately preceding their election to the City Council?

PROPOSITION D: Shall the Charter be amended to permit the City Council to appoint a person to fill a vacant Councilmember position within one year of a regular election?

PROPOSITION E: Shall the Charter be amended to permit publication of ordinances, notices and other matters as permitted by State law?

PROPOSITION F: Shall the Charter be amended to require an amendment relating to the administration of the City's finances including requiring earlier submission of budget and publication of the budget as permitted by state law?

PROPOSITION G: Shall the Charter be amended to increase the amount of the City's disaster contingency fund?

PROPOSITION H: Shall the Charter be amended to provide for the contract and purchase of goods and services consistent with state procurement laws?

PROPOSITION I: Shall the Charter be amended to allow the appointment of Councilmembers to serve on boards, commissions and committees where permitted by State law?

PROPOSITION J: Shall the Charter be amended to prohibit any City officer or employee from participating in any vote or decision in which the person has a personal interest?

PROPOSITION K: Shall the Charter be amended to require the periodic review of the Charter by a Council appointed Charter Commission?

PROPOSITION L: Shall the Charter be amended to permit the publication of the report of the Charter Review Commission on the City's website?

PROPOSITION M: Shall the Charter be amended to provide for gender neutral terminology and to correct other terms, spelling and capitalization without making any substantive changes?

PROPOSITION N: Shall the Charter be amended to conform to the general laws of the State of Texas?

PROPOSITION O: Shall the Charter be amended to permit Council to renumber and rearrange the sections of the Charter by ordinance?

PROPOSITION P: Shall the Charter be amended to prohibit a former Mayor or Councilmember from holding any compensated appointive office or city employment within five (5) years after the expiration of the term?

PROPOSITION Q: Shall the Charter be amended to prohibit an active employee from serving on any City board, commission or committee?

PROPOSITION R: Shall the Charter be amended to delete the requirement that the Mayor Pro Tem becomes the Mayor in the event of a vacancy in the office of Mayor?

PROPOSITION S: Shall the Charter be amended to allow for nonbinding referendums?

PROPOSITION T: Shall the Charter be amended to limit the terms of office for the Mayor and Councilmembers?

PROPOSITION U: Shall the Charter be amended to provide for compensation of the Mayor and Councilmembers not to exceed \$75 per meeting or \$1,800 per year, whichever is less?

PROPOSICIÓN A: ¿Se deberá enmendar la Carta Orgánica para adoptar la forma de gobierno consejo-administrador?

PROPOSICIÓN B: ¿Se deberá enmendar la Carta Orgánica para darle al Consejo la facultad para disponer la aprobación de planos catastrales de subdivisiones e implementar planes para áreas destruidas por un desastre?

PROPOSICIÓN C: ¿Se deberá enmendar la Carta Orgánica para requerirle a una persona que sea residente de la ciudad al menos los doce meses inmediatamente anteriores a su elección para el Consejo Municipal?

PROPOSICIÓN D: ¿Se deberá enmendar la Carta Orgánica para permitirle al Consejo Municipal designar a una persona para cubrir un puesto vacante de Concejal dentro de un año de una elección regular?

PROPOSICIÓN E: ¿Se deberá enmendar la Carta Orgánica para permitir la publicación de ordenanzas, avisos y otros asuntos según lo permitido por ley estatal?

PROPOSICIÓN F: ¿Se deberá enmendar la Carta Orgánica para requerir una enmienda referente a la administración de las finanzas de la Ciudad que incluya requerir la presentación del presupuesto y la publicación del presupuesto antes según lo permitido por ley estatal?

PROPOSICIÓN G: ¿Se deberá enmendar la Carta Orgánica para aumentar la cantidad del fondo de contingencias para desastres de la Ciudad?

PROPOSICIÓN H: ¿Se deberá enmendar la Carta Orgánica para disponer la contratación y la compra de productos y servicios en conformidad con las leyes estatales para adquisiciones?

PROPOSICIÓN I: ¿Se deberá enmendar la Carta Orgánica para permitir la designación de Concejales para trabajar en juntas, comisiones y comités donde lo permita la ley estatal?

PROPOSICIÓN J: ¿Se deberá enmendar la Carta Orgánica para prohibir que cualquier funcionario o empleado de la Ciudad participe en cualquier votación o decisión en la que la persona tenga un interés personal?

PROPOSICIÓN K: ¿Se deberá enmendar la Carta Orgánica para requerir la revisión periódica de la Carta Orgánica por una Comisión de la Carta Orgánica designada por el Consejo?

PROPOSICIÓN L: ¿Se deberá enmendar la Carta Orgánica para permitir la publicación del informe de la Comisión de Revisión de la Carta Orgánica en el sitio web de la Ciudad?

PROPOSICIÓN M: ¿Se deberá enmendar la Carta Orgánica para disponer terminología neutra en materia de género y corregir otros términos, ortografía y uso de mayúsculas sin realizar ningún cambio sustancial?

PROPOSICIÓN N: ¿Se deberá enmendar la Carta Orgánica para ajustarse a las leyes generales del Estado de Texas?

PROPOSICIÓN O: ¿Se deberá enmendar la Carta Orgánica para permitirle al Consejo reenumerar y reacomodar las secciones de la Carta Orgánica mediante una ordenanza?

PROPOSICIÓN P: ¿Se deberá enmendar la Carta Orgánica para prohibirle a un exAlcalde o exConcejal ocupar cualquier cargo por designación remunerado o empleo en la ciudad dentro de los cinco (5) años después del vencimiento de su término?

PROPOSICIÓN Q: ¿Se deberá enmendar la Carta Orgánica para prohibir que un empleado activo trabaje en cualquier junta, comisión o comité de la Ciudad?

PROPOSICIÓN R: ¿Se deberá enmendar la Carta Orgánica para eliminar el requisito de que el Alcalde Pro Tempore pase a ser Alcalde en caso de una vacante en el cargo de Alcalde?

PROPOSICIÓN S: ¿Se deberá enmendar la Carta Orgánica para disponer referendos no vinculantes?

PROPOSICIÓN T: ¿Se deberá enmendar la Carta Orgánica para limitar los términos de los cargos para el Alcalde y los Concejales?

PROPOSICIÓN U: ¿Se deberá enmendar la Carta Orgánica para disponer que la remuneración del Alcalde y de los Concejales no supere la cantidad menor entre \$75 por asamblea o \$1,800 por año?

Section 4. If one or more of the following measures are approved by the voters, the Dickinson City Charter would be amended as follows: [proposed deleted text is shown with ~~strikethroughs~~ and proposed added text is underlined]:

**TEXT AMENDMENT – FOR PROPOSITION “A” (Council Manager Form of Government)**

**1.02 - Form of government.**

The municipal government provided by this charter shall be known as the ~~mayor-council-manager~~ form of government. Pursuant to the provisions and subject only to the limitations imposed by the constitution and the laws of the State of Texas and by this charter, all powers of the city shall be vested in ~~and exercised by~~ an elective city council, which shall enact local legislation, adopt budgets, determine policies, and appoint the city manager, who shall execute the laws and administer the government of the city. ~~All powers of the city shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance or state law.~~

**2.01 - General.**

The city shall be an incorporated home rule city with full powers and rights of self-government, as provided in or not prohibited by the constitution, statutes, laws of the State of Texas, or this charter, as presently in existence or hereafter amended. By way of example, but not by way of limitation, the city shall specifically have the powers described in other sections of this charter and as described below:

- a. To adopt, enact, establish and enforce codes, licenses, and ordinances, policies, and resolutions for the maintenance of good government and the interest and well-being of its inhabitants.

...

**3.04 – Presiding officer; ~~M~~mayor and mayor pro tem.**

- a. The mayor shall be recognized as the official head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts, and bonds. ...
- b. The mayor shall ~~have the power to see that all state laws and city laws are effectively enforced, prepare and recommend to [the] city council the annual budget, and~~ perform such other duties as may be required by [the] city council, as specified in this charter, or as required by State law.

**3.06 - Powers of the city council.**

All powers and authority which are conferred on or possessed by the city ~~the determination of all matters of policy~~ shall be vested in ~~and exercised by~~ [the] city council; provided that [the] city council shall have no power to exercise those powers which are expressly conferred on other city officers by this charter. Without limitation of the foregoing, and among the other powers that may be exercised by the council, the following are here [sic] enumerated for greater certainty:

- a. ~~Establish, consolidate, or abolish administrative departments and distribute the work of divisions. Appoint and remove the city manager; ...~~

**3.07 - Prohibitions.**

- a. Except where authorized by law or by this charter, no mayor or councilmember shall hold any other city office or city employment during ~~his~~ the person's term as mayor or councilmember. No former mayor or councilmember shall hold any compensated appointive office or city employment within one (1) year after the expiration of ~~his~~ the person's term as mayor or councilmember.
- b. Except for the purpose of inquiries and investigations authorized by [the] city council, the individual members of the city council members shall deal with the administrative service solely through the city manager and neither the council nor any member of the council shall not give orders to any city officer or employee subordinates of the city manager either publicly or privately, nor interrupt the normal working schedule of such employees.
- c. Neither the council nor any of its members shall direct the appointment of any person to, or any person's removal from, office by the city manager or by any of the city manager's subordinates; provided, however, that the appointment of city secretary and chief of police shall be subject to the approval of the city council.

**3.08 - Meetings of the city council.**

- a. [The] city council shall hold at least one (1) regular meeting each month and as many additional meetings as it deems necessary to transact the business of the city. [The] city council shall fix by ordinance the date and time of the regular meetings. Special meetings of [the] city council shall be held at the call of the mayor, the city manager, or a majority of the three (3) councilmembers upon provision of public notice in accordance with state law. All meetings shall be open to the public and shall be held and notice given in accordance with state law as now or hereafter amended, except where executive sessions are authorized by state law. ....
- e. The agenda for the meetings of city council shall be prepared by the ~~mayor~~ city manager, with input from the mayor, and posted by the city secretary in the manner required by state law. Any ~~councilmember~~ member of council may request that an item be placed on the agenda by request to the city manager or council at an open meeting; however, the mayor is not obligated to comply unless such request is timely submitted in writing and signed by three (3) councilmembers. The item shall then be included on the next appropriate agenda.

**4.01 - City administrator manager.**

- a. The city council shall hire and appoint the city ~~administrator~~ manager who shall serve as the chief ~~administrative executive officer and head of the administrative branch of city government.~~ The city manager of the city shall serve at the pleasure of the city council. He- The city manager need not be a resident of the city when appointed and may reside outside the city only with the approval of the city council.
- b. [The] city council shall fix the compensation of the city ~~administrator~~ manager.
- c. The city ~~administrator~~ manager shall be appointed for an indefinite term, and may be removed by the affirmative vote of four (4) ~~councilmembers~~ of the council. The action of [the] city council in removing the city ~~administrator~~ manager shall be final. [The] city council shall appoint an acting city ~~administrator~~ manager during all vacancies of said office.
- d. [The] city manager shall be responsible to the city council ~~may delegate to and confer upon the city administrator those powers and duties as in their judgement may be proper for the proper and efficient administration of all city affairs. The city administrator shall be responsible to the mayor and city council in the performance of such duties and to that end the city manager shall have the power and shall be required to:~~

- appoint and employ and, when necessary for the good of the service, remove all officers and employees of the city except as otherwise provided by this charter and except as the city manager may authorize the head of a department to appoint and remove subordinates in such department;
- prepare the budget annually and submit it to the council and be responsible for its administration after adoption;
- enforce the charter and ordinances;
- control work of all department created by the charter and ordinances;
- attend council meetings;
- keep the council advised as to the financial condition of city, and to prepare and report to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year;
- execute documents as executive of city;
- appoint assistants and delegate powers to them;
- administer the city's pension and benefits programs;
- conduct investigations as deemed necessary, or as directed by council; and
- perform such other duties assigned by council not inconsistent with this charter.

**4.02 - City secretary.**

- a. The ~~mayer~~ city manager shall appoint, subject to the approval of [the] city council, a city secretary, who shall be appointed for an indefinite term, and may be removed by the city manager only with approval ~~action~~ of [the] city council. ~~[The] city council shall fix the compensation of the city secretary. ...~~

**4.03 - Municipal court.**

...

- e. The city manager shall appoint the clerk and deputy clerks of the municipal court who shall have the power to administer oaths, affidavits, make certificates, affix the seal of the municipal court, and perform all acts usual and necessary by the clerks of said court, in conducting the business thereof, including but not limited to, the keeping of records and accounts of the municipal court. ...

**4.04 - City attorney.**

...

- b. The city attorney shall serve as the legal advisor to the ~~mayer and~~ city council and city manager; represent the city's interests in litigation and legal proceedings as directed by the city council and city manager; review and provide opinions as requested by the ~~mayer or~~ city council or city manager on contracts, legal instruments, ordinances of the city and other items of city business. ...

**4.05 - Department of police.**

A department of police shall be established and maintained to preserve order within the city and to secure the residents of said city from violence and the property therein from injury or loss.

- a. The chief of police shall be the chief administrative officer of the department of police and shall be appointed by the ~~mayer~~ city manager with the approval of [the] city council, for an indefinite term, and may be removed by the city manager with the approval of ~~the affirmative vote of four (4) council members~~. The chief of police shall be responsible to the city ~~administrator~~ manager, and with the approval of the city ~~administrator~~ manager shall appoint and remove the employees of said department. ~~The chief of police may be removed from office only by action of [the] city council.~~
- b. ~~[The] city council shall fix the compensation of the chief of police.~~
- eb. No persons, except as otherwise provided by the laws of the State of Texas, shall act as special police within the city.

**4.07 - Administrative departments and offices.**

- a. ~~[The] city manager with approval of the council may, after hearing recommendations of the city administrator,~~ establish, redesignate or combine departments and offices.

b. Except as provided elsewhere in this charter, all departments, offices and agencies of the city shall be under the direction and supervision of the city ~~administrator~~ manager. ~~With the consent of [the] city council, the city administrator may serve as the head of one (1) or more city departments or offices, or appoint one (1) person as the head of two (2) or more departments.~~

**4.08 - Personnel system.**

Personnel rules shall be prepared by the city ~~administrator~~ manager and presented to [the] city council, which may adopt such rules by ordinance, with or without amendment. The adopted rules shall establish the city as an equal opportunity employer and shall govern the equitable administration of the personnel system of the city.

**7.14 - Purchasing.**

a. The city council may, by ordinance, give the city ~~administrator~~ manager authority to contract for expenditures without further approval of [the] city council for all budgeted items not exceeding limits set by [the] city council. ... The city council, or city ~~administrator~~ manager in such cases as ~~he~~ the city manager is authorized to contract for the city, shall have the right to reject any and all bids.

b. Emergency contracts as authorized by law and this charter may be negotiated by the city council or city ~~administrator~~ manager if given authority by [the] city council, without competitive bidding. Such emergency shall be declared by the mayor and approved by [the] city council, or may be declared by [the] city council.

**7.15 - Administration of budget.**

a. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made unless the city ~~administrator~~ manager or ~~his~~ the city manager's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. ...

d. The city ~~administrator~~ manager shall submit a monthly report to [the] city council covering the revenues and expenditures of the city in such form as requested by [the] city council.

**TEXT AMENDMENT – FOR PROPOSITION “B” (Powers of Council)**

**2.02 - Public improvements.**

The city shall have the power to construct and maintain, within or without its corporate limits, streets, flood control facilities; and sanitation, water, and storm drainage facilities; in, over, under or upon all public property or easements granted for that purpose. The city shall also have the power by ordinance to levy assessments for the cost of such improvements and to cause liens to be established, as provided by law, for the purpose of securing the payment of such levies and shall have the power to enforce and require the use of such improvements.

**3.04 – Presiding officer; ~~M~~mayor and mayor pro tem.**

a. ... ~~The mayor~~ He shall be the presiding officer of the city council with the right to vote on all matters but shall vote only in the case of a tie vote. ~~He shall have the power to veto legislation of city council within three (3) days after passage thereof, but the veto may be overridden by an affirmative vote of four (4) councilmembers at a regular or special meeting occurring within thirty (30) days of the veto.~~ When authorized by [the] city council, the mayor shall sign ~~at~~ official documents, such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts, and bonds.

**3.06 - Powers of the city council.**

All powers and ~~authority which are conferred on or possessed by the city~~ the determination of all matters of policy shall be vested in ~~and exercised by~~ [the] city council; provided that [the] city council shall have no power to exercise those powers which are expressly conferred on other city officers by this charter. Without limitation of the foregoing, and among the other powers that may be exercised by the council, the following are here [sic] enumerated for greater certainty: ....

f. ~~Adopt~~ Approve or provide for the approval of subdivision plats;

q. Authorize the issuance of bonds by a bond ordinance; and

r. Adopt, modify and carry out plans for the replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction or redevelopment of any area or district that may have been destroyed in whole or in part by disaster.

**TEXT AMENDMENT – FOR PROPOSITION “C” (Increasing Council Residency)**

**3.02 - Qualifications of members.**

Each member of city council shall be a resident of the city, shall be at least twenty-one (21) years of age, shall be a qualified voter, shall have been a resident citizen of the city for a period of at least ~~six (6)~~ twelve (12) months immediately preceding ~~his the~~ election, ~~and shall not be indebted to the city, with the exception of indebtedness being contested in accordance with the law.~~ Failure of a member of the city council to maintain the residency requirement shall result in such office being automatically vacated.

**TEXT AMENDMENT – FOR PROPOSITION “D” (Filling Vacancy)**

**3.05 - Vacancies.**

...

e. If a vacancy occurs on city council such vacancy shall be filled, for the remainder of the unexpired term, at a special election held for such purpose. Such election shall be called within one hundred twenty (120) days after such vacancy or vacancies occur. If the remainder of the unexpired term of the vacated office is twelve (12) months or less, then the council is authorized to fill the unexpired term by appointment if the appointment is made within thirty (30) days of the vacancy.

**TEXT AMENDMENT – FOR PROPOSITION “E” (Publication as Permitted by State Law)**

**12.03 - Official newspaper.**

[The] city council shall declare annually an official newspaper of general circulation in the city. All ordinances, notices, and other matters required by this charter, city ordinance, or the constitution and laws of the State of Texas shall be published in the official newspaper or as otherwise permitted by state law.

**TEXT AMENDMENT – FOR PROPOSITION “F” (Administration of City Finances)**

**7.02 - Submission of budget.**

On or before the first day of the ~~eleventh~~ tenth month of the fiscal year, the ~~mayor~~ city manager shall submit a budget to [the] city council for the ensuing fiscal year with an accompanying message.

**7.04 - Public hearing on budget.**

Prior to adoption of the budget, [the] city council shall call a public hearing and have the hour, date, and place published in the official newspaper ~~and posted in three (3) different places as designated by [the] city council~~ or as otherwise provided by state law.

**TEXT AMENDMENT – FOR PROPOSITION “G” (Increase City Disaster Fund)**

**7.07 - Disaster contingency fund.**

There is established a disaster contingency fund which shall not ~~exceed~~ be less than seven (7) percent of the total current annual budget. Excesses occurring in this fund are to be transferred to the general fund at the end of the current fiscal year. This fund shall be used only in the event of disaster as declared by the mayor. The annual budget may provide for appropriations to this fund not to exceed two (2) percent of the total current budget. This fund shall be carried forward from year to year and shall not be considered an unencumbered fund balance as referred to in 7.06. Expenditures from this fund shall be approved by the city council.

**TEXT AMENDMENT – FOR PROPOSITION “H” (Purchase Goods and Services by State Law)**

**7.14 - Purchasing.**

a. ... All contracts for expenditures involving more than the limits set by the city council shall be let ~~to the lowest bidder whose submittal is most responsive and most advantageous to the needs of the city.~~ in

accordance with the provisions of state law. There must be an opportunity for competitive bidding as provided by law or ordinance.

**TEXT AMENDMENT – FOR PROPOSITION “I” (Appointments)**

**8.01 - Authority, composition and procedures.**

- a. In addition to a planning and zoning commission, [the] city council shall create, establish or appoint, as may be required by the laws of the State of Texas or this charter, such boards, commissions, and committees as it deems necessary or desirable to carry out the function, duties, accountability and tenure of each board, commission, and committee where such are not prescribed by law or this charter. ....
- d. Members of [the] city council shall not be appointed to any board, commission, or committee created or established by [the] city council other than in an advisory capacity, except as permitted by state law. This does not preclude subcommittees made up entirely of city council members.

**TEXT AMENDMENT – FOR PROPOSITION “J” (Conflicts of Interests)**

**12.15 - Personal interest in city contract.**

~~No officer or employee of the city shall have a financial interest, direct or indirect, in any contract with the city, or shall be financially interested, directly or indirectly, in the sale by the city of any land, materials, supplies, or service, except on behalf of the city as an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall be subject to removal from his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with [the] city council shall render the contract involved voidable by [the] city council.~~ participate in a vote or decision on any matter involving a business entity or real property in which the official or employee has a substantial interest as provided by state law.

**TEXT AMENDMENT – FOR PROPOSITION “K” (Periodic Charter Review)**

**12.18 - Charter review commission.**

At least every ten (10) years, the city council may shall appoint a charter review commission of five (5) citizens of the city.

**TEXT AMENDMENT – FOR PROPOSITION “L” (Notice of Charter Review Report)**

**12.18 - Charter review commission.**

...

- b. [The] city council shall receive any report and have published in a newspaper of general circulation in the city or on the City’s website a summary of all proposed amendments recommended by the final report of the charter review commission. ...

**TEXT AMENDMENT – FOR PROPOSITION “M” (Gender Neutrality and Nonsubstantive Changes)**

**1.06 - Definitions.**

[The following definitions shall apply in this charter:]

*City* —The City of Dickinson.

*City council* —The mayor and councilmembers acting as a group.

*Councilmembers* —Persons elected to the city council other than the mayor.

~~*Officers* —City councilmembers, elected city officials, and city department heads.~~

*Qualified voters* —Residents of the city, properly registered to vote, in accordance with the Texas Election Code.

**3.06 Powers of the City Council.**

- h. Adopt and modify and carry out plans in cooperation with the planning and zoning commission for the replanning, improvement, and redevelopment of specific areas of the city;

- i. Adopt and modify and carry out plans in cooperation with the planning and zoning commission for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by disaster; ...
- m. ~~Shall have the power to~~ License and regulate any business, occupation, profession or trade when authorized by state law; ...
- o. ~~Shall~~ Conduct all business in official meetings held and called pursuant to the provisions of the charter and applicable laws of the State of Texas. Individual members of [the] city council shall have power to act for the city only with specific authorization by [the] city council in an official meeting; ~~and...~~
- p. ~~Shall~~ Appoint a city tax collector or contract for the collection of city property taxes consistent with the laws of the State of Texas; ...

**3.05 - Vacancies.**

- a. The office of the mayor or councilmember shall become vacant upon ~~his~~ the person's death, resignation, forfeiture of, disqualification, or removal from office by any manner authorized by law.
- b. If any member of [the] city council is absent from three (3) regular meetings within a six-month period, without explanation acceptable to a majority of the remaining ~~council~~ members of council, ~~his~~ the person's office shall be declared vacant at the next regular meeting of [the] city council.
- c. Any member of [the] city council who ceases to maintain the required qualifications for office (as delineated in 3.02), or who is convicted of a felony or a misdemeanor involving moral turpitude or who is convicted of violating a state law concerning conflict of interest, shall forfeit ~~his~~ the member's office. Every forfeiture shall be declared and enforced by a majority vote of [the] city council.
- d. In the event of a vacancy in the office of the mayor, the mayor pro tem shall become the mayor, thereby vacating ~~his~~ the mayor pro tem's ~~city~~ councilmember position.

**5.03 - Filing for office.**

Any qualified citizen who desires to become a candidate for city office shall file an application with the city secretary ~~for his name~~ to appear on the ballot. Candidate qualifications are outlined in 3.02 and prohibitions in 3.07. Nothing other than the candidate's name shall appear on the ballot, except as provided by state law.

**6.03 - Circulation and form of petitions.**

...

- b. All pages of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signer of a petition must be a registered voter of the city and shall write after his name his address, giving name of street and number, ~~his~~ the person's voter registration number, and shall also write thereon the date ~~his~~ the person's signature was affixed. Petitions shall contain or have attached throughout their circulation the full text of the ordinance proposed or sought to be reconsidered, or in the case of recall petition, a statement which distinctly and specifically states the ground(s) upon which such petition for removal is predicated. If there be more than one (1) ground, the statement shall specifically state each ground with such certainty as to give the officer(s) sought to be removed notice of such matters with which ~~he~~ the officer is charged.
- c. Each page of the petition shall have attached to it, when filed, an affidavit executed by the circulator stating that ~~he~~ the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in ~~his~~ the circulator's presence, that ~~he~~ the circulator believes them to be genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed, or sought to be reconsidered, or the identity of the official whose recall is being sought. ....

**6.07 - Public hearing on recall of elected officers.**

a. An elected official whose removal is sought by recall may, within five (5) days after such recall petition has been presented to [the] city council, request that a public hearing be held to permit ~~him~~ such officer to present facts pertinent to the charges specified in the petition. Should a request be made, [the] city council shall order a public hearing be held not less than seven (7) days nor more than fifteen (15) days after receiving such request for a public hearing. ...

**6.09 - Calling of recall election.**

If the officer whose removal is sought does not resign, [the] city council shall order an election and set the date for holding such recall election. The date selected for the recall election shall be the earliest date permitted by Texas election laws, but not earlier than thirty (30) days after the date the petition was presented to [the] city council, or from the date of the public hearing, if one was held. If, after the recall election date is established, the officer vacates ~~his~~ the position, the election shall be cancelled.

**8.01 - Authority, composition and procedures.**

a. In addition to a planning and zoning commission, [the] city council shall create, establish or appoint, as may be required by the laws of the State of Texas or this charter, such boards, commissions, and committees as it deems necessary or desirable to carry out the function, duties, accountability and tenure of each board, commission, and committee where such are not prescribed by law or this charter.

**9.02 - Planning and zoning commission.**

At the direction of the city council, the planning and zoning commission shall have duties and powers as follows:

- (1) To investigate, consider, and recommend to the city council, prior to approval of same, all plats of new subdivisions within the city or its extraterritorial jurisdiction and to perform all duties imposed upon city planning and zoning commissions by the statutes of the state;
- (2) Make reports and recommendations relating to the comprehensive community plan and development of the city; and
- (3) Such other duties as may be delegated from time to time to the planning and zoning commission by the city council.

**12.18 Charter Review Commission.**

a. It shall be the duty of such charter review commission to:

...

- (4) Report its findings and present its proposed amendments, if any, to [the] city council. Any report of the charter review commission shall be delivered to the city attorney at least thirty (30) days prior to its presentation to [the] city council. Within such time, and no later than ten (10) days prior to its presentation to [the] city council, the city attorney shall advise the charter review commission in writing, of any changes in proposed amendments which ~~he~~ the city attorney deems necessary or desirable. A copy of the city attorney's recommendations shall be attached to the report of the charter review commission at the time of its presentation to [the] city council.

**TEXT AMENDMENT – FOR PROPOSITION “N” (Conforming to General Law)**

**1.05 - Disannexation.**

[The] city council, after a public hearing and an affirmative vote of five (5) members of council~~members~~, may by ordinance disannex any property lying within the boundary limits of the city, and lying adjacent to the city limits, and subject to the procedural rules prescribed by state law.

**3.11 - Authentication, recording, printing and distribution.**

- a. All ordinances and resolutions adopted by [the] city council shall be authenticated by [the] seal and signature of the city secretary and numbered consecutively as adopted. They shall be properly indexed and placed in a book kept open for public inspection or as otherwise provided by state law.
- b. [The] city council shall cause all ordinances and amendments to this charter to be printed promptly following their adoption. A copy of each ordinance and amendment shall be placed in appropriate city

offices for public reference. Printed ordinances and charter amendments shall be made available for purchase by the public at a reasonable price fixed by [the] city council.

**3.13 - Bonds required.**

[The] city council shall require bonds of all municipal officers and employees who receive or pay out any monies of the city as required by state law. The amount of the bonds shall be determined by the city council and the cost shall be borne by the city.

**12.10 - Notice of claim.**

The city shall not be held liable on account of any claim for the death of any person or injuries to any person or damages to any property unless the person making such complaint or claiming such damages shall, within ~~ninety (90) days~~ six (6) months after the time at which it is claimed such damages were inflicted upon such person or property, file with the city a written statement under oath, stating the nature and character of such damages or injuries, the extent of same, the place where same happened, the circumstances under which same happened and the conditions causing same, with a detailed statement of each item of damage and the amount thereof, and if it be for personal injuries, giving a list of any witnesses known by the affiant to have seen the accident.

**TEXT AMENDMENT – FOR PROPOSITION “O” (Renumbering)**

**12.19. - Rearrangement and Renumbering.**

The city council shall have the power, by ordinance, to renumber and rearrange all articles, sections, subsections, paragraphs, and subparagraphs of this Charter or any amendments thereto, as it shall deem appropriate.

**TEXT AMENDMENT – FOR PROPOSITION “P”  
(Mayor and Council prohibited as Employees for 5 years)**

**3.07. - Prohibitions.**

- a. Except where authorized by law or by this charter, no mayor or councilmember shall hold any other city office or city employment during his term as mayor or councilmember. No former mayor or councilmember shall hold any compensated appointive office or city employment within ~~one~~ five (±5) years after the expiration of his term as mayor or councilmember.

**TEXT AMENDMENT – FOR PROPOSITION “Q” (Active Employees cannot Serve on Boards)**

**8.01. – Authority, composition and procedures.**

...

- e. Active city employees shall not be appointed to any board, commission, or committee created or established by [the] city council other than in an advisory capacity.

**TEXT AMENDMENT – FOR PROPOSITION “R”  
(Mayor Pro Tem not to become Mayor, if Vacant)**

**3.05. - Vacancy.**

...

- d. ~~In the event of a vacancy in the office of the mayor, the mayor pro tem shall become the mayor, thereby vacating his city council position.~~

**TEXT AMENDMENT – FOR PROPOSITION “S” (Allow for Nonbinding Referendums)**

**6.01 - General authority.**

...

- b. Referendum: The qualified voters of the city... or any other ordinance not subject to referendum. The city council shall have the power to call an election for a nonbinding referendum to be held on the same date as an election called by the city.

**TEXT AMENDMENT – FOR PROPOSITION “T” (Limiting Terms of Office)**

**3.01 - Number, term, and election of city council.**

a. The legislative and governing body of the city shall consist of a mayor and six (6) councilmembers known as the “city council.” The mayor and all councilmembers shall be elected from the city at large, and each councilmember shall occupy a position on the city council, such positions being numbered 1 through 6 consecutively. Any candidate for the office of councilmember shall file an application for a specific position on the city council, such as “Councilmember Position No. 1.” The ballot for an election for councilmember shall show each position on city council as a separate office designated by position number.

ab. The mayor and each councilmember shall be elected to serve for three-year terms. The three-year terms of office of councilmembers shall be staggered, and the initial election for said offices shall be as follows:

(1) The three council positions to be filled in the 1995 general election shall be known as council position numbers 2, 4, and 6.

(2) The three council positions to be filled in the 1996 general election shall be known as council position numbers 1, 3, and 5.

c. No person may be elected to serve more than three consecutive full or regular three year terms as the mayor or a councilmember, or serve or be appointed or elected to serve more than 10 consecutive years on the city council. Any person appointed or elected as the mayor or a council member may not be appointed or elected to any office on the council within three years of the end of the person’s prior service on the city council. Provided, however, any service on the city council prior to June 1, 2013 shall not be considered as prior service.

**TEXT AMENDMENT – FOR PROPOSITION “U” (Council Compensation)**

**3.03 - Compensation.**

Each member of council shall receive a salary of Seventy-Five Dollars (\$75.00) for each regular meeting that the officer attends; provided, however, such compensation shall not exceed One Thousand Eight Hundred Dollars (\$1,800.00) in any twelve (12) month period. In addition, [M]members of [the] city council shall be entitled to reimbursement for actual expenses incurred in the performance of official duties with the approval of [the] city council at a public meeting. No other compensation shall be allowed.

Section 5. The City Council has determined and estimates that there would be no anticipated fiscal impact to the City of Dickinson if any one or more of the proposed amendments is approved at the election except as follows:

Section 6. Notice of the election shall be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day of the date of the election. The notice shall be published in substantially the following form:

“NOTICE OF SPECIAL ELECTION-CHARTER AMENDMENTS-CITY OF DICKINSON, TEXAS

A Special Election will be held on May 2, 2020, 7:00 a.m. to 7:00 p.m. to consider amendments to the home-rule city charter. There is no anticipated fiscal impact to the City for the proposed propositions. The full text of the proposed amendments is online at ci.dickinson.tx.us. The proposed charter amendments are:

PROPOSITION A: Shall the Charter be amended to adopt the Council-Manager form of government?

PROPOSITION B: Shall the Charter be amended by to provide Council to the powers to provide for approval of subdivision plats, to authorize issuance of bonds, and to carry out plans for areas destroyed by disaster?

PROPOSITION C: Shall the Charter be amended to require a person to be a resident of the city for at least twelve months immediately preceding their election to the City Council?

PROPOSITION D: Shall the Charter be amended to permit the City Council to appoint a person to fill a vacant councilmember position within one year of a regular election?

PROPOSITION E: Shall the Charter be amended to permit the publication of ordinances, notices and other matters as permitted by State law?

PROPOSITION F: Shall the Charter be amended to require an amendment relating to the administration of the City’s finances including requiring earlier submission of budget and publication of the budget as permitted by state law?

PROPOSITION G: Shall the Charter be amended to increase the amount of the City's disaster contingency fund?

PROPOSITION H: Shall the Charter be amended to provide for the contract and purchase of goods and services consistent with state procurement laws?

PROPOSITION I: Shall the Charter be amended to allow the appointment of Councilmembers to serve on boards, commissions and committees where permitted by State law?

PROPOSITION J: Shall the Charter be amended to prohibit any City officer or employee from participating in any vote or decision in which the person has a personal interest?

PROPOSITION K: Shall the Charter be amended to require the periodic review of the Charter by a Council appointed Charter Commission?

PROPOSITION L: Shall the Charter be amended to permit the publication of the report of the Charter Review Commission on the City's website?

PROPOSITION M: Shall the Charter be amended to provide for gender neutral terminology and to correct other terms, spelling and capitalization without making any substantive changes?

PROPOSITION N: Shall the Charter be amended to conform to the general laws of the State of Texas?

PROPOSITION O: Shall the Charter be amended to permit Council to renumber and rearrange the sections of the Charter by ordinance?

PROPOSITION P: Shall the Charter be amended to prohibit a former Mayor or Councilmember from holding any compensated appointive office or city employment within five (5) years after the expiration of the term?

PROPOSITION Q: Shall the Charter be amended to prohibit an active employee from serving on any City board, commission or committee?

PROPOSITION R: Shall the Charter be amended to delete the requirement that the Mayor Pro Tem becomes the Mayor in the event of a vacancy in the office of Mayor?

PROPOSITION S: Shall the Charter be amended to allow for nonbinding referendums?

PROPOSITION T: Shall the Charter be amended to limit the terms of office for the Mayor and Councilmembers?

PROPOSITION U: Shall the Charter be amended to provide for compensation of the Mayor and Councilmembers not to exceed \$75 per meeting or \$1,800 per year, whichever is less?

#### AVISO DE ELECCION ESPECIAL - ENMENDAR LA CARTA ORGÁNICA - LA CIUDAD DE DICKINSON, TEXAS

Se celebrará una elección especial el 2 de Mayo, 2020, 7:00 a.m. - 7:00 p.m. por considerar enmiendas al Carta Orgánica de la ciudad. No hay impacto fiscal anticipado de la Ciudad al pasar estas enmiendas. El texto completo de las enmiendas propuestas está en línea en [ci.dickinson.tx.us](http://ci.dickinson.tx.us). Las enmiendas a la Carta Orgánica propuestas son:

PROPOSICIÓN A: ¿Se deberá enmendar la Carta Orgánica para adoptar la forma de gobierno consejo-administrador?

PROPOSICIÓN B: ¿Se deberá enmendar la Carta Orgánica para darle al Consejo la facultad para disponer la aprobación de planos catastrales de subdivisiones e implementar planes para áreas destruidas por un desastre?

PROPOSICIÓN C: ¿Se deberá enmendar la Carta Orgánica para requerirle a una persona que sea residente de la ciudad al menos los doce meses inmediatamente anteriores a su elección para el Consejo Municipal?

PROPOSICIÓN D: ¿Se deberá enmendar la Carta Orgánica para permitirle al Consejo Municipal designar a una persona para cubrir un puesto vacante de Concejal dentro de un año de una elección regular?

PROPOSICIÓN E: ¿Se deberá enmendar la Carta Orgánica para permitir la publicación de ordenanzas, avisos y otros asuntos según lo permitido por ley estatal?

PROPOSICIÓN F: ¿Se deberá enmendar la Carta Orgánica para requerir una enmienda referente a la administración de las finanzas de la Ciudad que incluya requerir la presentación del presupuesto y la publicación del presupuesto antes según lo permitido por ley estatal?

PROPOSICIÓN G: ¿Se deberá enmendar la Carta Orgánica para aumentar la cantidad del fondo de contingencias para desastres de la Ciudad?

PROPOSICIÓN H: ¿Se deberá enmendar la Carta Orgánica para disponer la contratación y la compra de productos y servicios en conformidad con las leyes estatales para adquisiciones?

PROPOSICIÓN I: ¿Se deberá enmendar la Carta Orgánica para permitir la designación de Concejales para trabajar en juntas, comisiones y comités donde lo permita la ley estatal?

PROPOSICIÓN J: ¿Se deberá enmendar la Carta Orgánica para prohibir que cualquier funcionario o empleado de la Ciudad participe en cualquier votación o decisión en la que la persona tenga un interés personal?

PROPOSICIÓN K: ¿Se deberá enmendar la Carta Orgánica para requerir la revisión periódica de la Carta Orgánica por una Comisión de la Carta Orgánica designada por el Consejo?

PROPOSICIÓN L: ¿Se deberá enmendar la Carta Orgánica para permitir la publicación del informe de la Comisión de Revisión de la Carta Orgánica en el sitio web de la Ciudad?

PROPOSICIÓN M: ¿Se deberá enmendar la Carta Orgánica para disponer terminología neutra en materia de género y corregir otros términos, ortografía y uso de mayúsculas sin realizar ningún cambio sustancial?

PROPOSICIÓN N: ¿Se deberá enmendar la Carta Orgánica para ajustarse a las leyes generales del Estado de Texas?

PROPOSICIÓN O: ¿Se deberá enmendar la Carta Orgánica para permitirle al Consejo reenumerar y reacomodar las secciones de la Carta Orgánica mediante una ordenanza?

PROPOSICIÓN P: ¿Se deberá enmendar la Carta Orgánica para prohibirle a un exAlcalde o exConcejal ocupar cualquier cargo por designación remunerado o empleo en la ciudad dentro de los cinco (5) años después del vencimiento de su término?

PROPOSICIÓN Q: ¿Se deberá enmendar la Carta Orgánica para prohibir que un empleado activo trabaje en cualquier junta, comisión o comité de la Ciudad?

PROPOSICIÓN R: ¿Se deberá enmendar la Carta Orgánica para eliminar el requisito de que el Alcalde Pro Tempore pase a ser Alcalde en caso de una vacante en el cargo de Alcalde?

PROPOSICIÓN S: ¿Se deberá enmendar la Carta Orgánica para disponer referendos no vinculantes?

PROPOSICIÓN T: ¿Se deberá enmendar la Carta Orgánica para limitar los términos de los cargos para el Alcalde y los Concejales?

PROPOSICIÓN U: ¿Se deberá enmendar la Carta Orgánica para disponer que la remuneración del Alcalde y de los Concejales no supere la cantidad menor entre \$75 por asamblea o \$1,800 por año?"

Section 7. The present boundaries of the City, constituting one election precinct, the polls shall be open for voting on Election Day, Saturday May 2, 2020, from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place:

**POLLING PLACE**

City of Dickinson City Hall  
4403 Highway 3  
Dickinson, Texas 77539

Section 8. Early voting by personal appearance shall be conducted by Galveston County Elections Division Early Voting Clerk in accordance with the agreement with Galveston County as approved by Resolution 1807-2020 of the City Council, and, in accordance with Sections 83.032 and 83.034 of the Texas Election Code, the Early Voting Clerk may appoint one or more deputy early voting clerks. Said clerks shall not permit anyone to vote early by personal appearance on any day that is not a regular working day for the Early Voting Clerk's office, and, under no circumstances, shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. Early voting shall occur at any Galveston County polling location.

The Early Voting Clerk shall keep said office open for early voting by personal appearance from 8:00 a.m. until 5:00 p.m. Monday through Friday, on each day except Saturday and Sunday and official City holidays, commencing on Monday, April 20, 2020 and terminating on Tuesday, April 28, 2020. Extended hours for Early Voting shall be April 27 and April 28, 2020 from 7:00 a.m. to 7:00 p.m. Early voting shall be conducted in accordance with the requirements of the Texas Election Code.

The Early Voting Clerk's mailing address to which ballot applications and ballots voted by mail may be sent is:

Dwight Sullivan, Galveston County Clerk

Attention: Ballots by Mail  
Galveston County Justice Center  
P.O. Box 17253  
Galveston, TX 77552-7253

The Early Voting Clerk, in accordance with the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

All ballots cast shall be counted by an Early Voting Ballot Board. The Early Voting Ballot Board for said election shall be appointed by the Galveston County Elections Division.

Section 9. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

Section 10. Said election shall be held in accordance with the TEXAS ELECTION CODE and the Federal Voting Rights Act of 1965, as amended.

Section 11. This Ordinance shall become effective immediately upon its passage.

**PASSED AND APPROVED** on first reading the 4th day of February, 2020.

**PASSED AND APPROVED** on second reading the 11th day of February, 2020.  
(Third Reading Suspended)

**PASSED, APPROVED, AND ADOPTED** on third and final reading this the \_\_\_\_ day of \_\_\_\_\_, 2020.



ATTEST:

Alun W. Thomas  
Alun W. Thomas, City Secretary  
City of Dickinson, Texas

Julie Masters  
Julie Masters, Mayor  
City of Dickinson, Texas

APPROVED AS TO FORM AND CONTENT:

David W. Olson  
David W. Olson, City Attorney  
City of Dickinson, Texas