

ORDINANCE NO. 2022-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUERO, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 7, 2022, FOR THE PURPOSE OF SUBMITTING PROPOSITIONS TO THE QUALIFIED VOTERS FOR PROPOSED AMENDMENTS TO THE CITY'S HOME RULE CHARTER; CALLING AN ELECTION ON SAID PROPOSITIONS; PROVIDING FOR PUBLIC NOTICE AND AN EFFECTIVE DATE FOR THE SUBMISSION OF THE CHARTER AMENDMENTS; THAT SUCH ELECTION SHALL BE HELD FOR RESIDENTS OF DISTRICTS NOS. 1, 2, 3 AND 4 AT THE DEWITT COUNTY ANNEX LOCATED AT 115 NORTH GONZALES STREET IN CUERO, TEXAS(SINGLE POLLING PLACE); APPROVING AND APPOINTING AN ELECTIONS ADMINISTRATOR TO CONDUCT THE ELECTION; APPOINTING ELECTION OFFICIALS; APPROVING THE SHARING OF EXPENSES WITH OTHER POLITICAL SUBDIVISIONS HOLDING AN ELECTION AND UTILIZING THE SAME ELECTIONS ADMINISTRATOR AND POLLING PLACE; APPOINTING THE ELECTIONS ADMISTRATOR AS EARLY VOTING CLERK; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THIS ELECTION; APPOINTING AN EARLY VOTING BALLOT BOARD AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; DIRECTING THE PUBLICATION OF NOTICE OF SUCH ELECTION; PROVIDING FOR A FISCAL IMPACT ESTIMATE; AND DECLARING AN EMERGENCY.

WHEREAS, on August 13, 2018, the City Council appointed persons to a Charter Review Commission ("CRC") and charged the CRC with reviewing and proposing amendments to the Cuero City Charter; and

WHEREAS, following a series of meetings, all of which were open to the public, the CRC presented its Report of proposed Charter amendments to City Council in a public meeting; and

WHEREAS, the Council reviewed the Report and after considering the CRC's proposed amendments as well as other charter amendments, the Council now believes that Cuero voters, in accordance with Section 9.004 of the Texas Local Government Code, should vote on the following amendments, in the form of propositions; and

WHEREAS, during the time leading up to the May 7, 2022, election, the Council believes it necessary to make the amendments available for public review on the City's website, and in the office of the City Secretary; and

WHEREAS, the City Council of the City of Cuero, Texas, finds it in the public interest to order a special election, to be held in conjunction with the City's general election on May 7,

2022, for a vote of the electors as to the proposed amendments to the Cuero City Home Rule Charter;

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

SECTION ONE. A special election is ordered to be held by the City of Cuero, Texas (“City”) on Saturday, May 7, 2022 for the purpose of submitting amendments to the Home Rule Charter of the City (propositions) to the qualified voters and official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote for or against the proposed amendments with ballots to contain such provisions, markings and language required by law.

SECTION TWO. The following propositions will be submitted to the qualified voters of the City at the election in the form of propositions in accordance with Section 9.004 of the Texas Local Government Code and Section 12.10 of the Cuero City Charter and other applicable laws:

PROPOSITION A

FIRST. AMEND ARTICLE III, “THE CITY COUNCIL”, SECTION 3.06(2)(C), “VACANCIES, FORFEITURES OF OFFICE & FILLING VACANCIES” TO READ AS FOLLOWS:

**SECTION 3.06
VACANCIES, FORFEITURES OF OFFICE & FILLING VACANCIES**

2. Any member of the City Council or the Mayor shall automatically be deemed to have forfeited such office and shall be removed therefrom by a majority vote of the remaining members of the Council by resolution and enforced by the Council if that person:

C. fails to attend three (3) **consecutive** regularly scheduled council meetings without being excused by the Council.

PROPOSITION B

SECOND. AMEND ARTICLE IV “ADMINISTRATIVE SERVICES”, SECTION 4.01 “CITY MANAGER”, B “TERM AND SALARY” AS FOLLOWS:

**SECTION 4.01
CITY MANAGER**

B. Term and Salary;

The City Manager shall not be appointed for a definite term, but may be removed at the will and pleasure of the City Council, by a vote of the majority of the entire Council. The action of the

City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal, in the City Council. **The City Council shall have the sole responsibility of setting the salary of the City Manager.**

PROPOSITION C

THIRD. AMEND ARTICLE VI, “INITIATIVE, REFERENDUM AND RECALL”, SECTION 6.03 “FORM OF PETITIONS TO READ AS FOLLOWS:

SECTION 6.03 FORM OF PETITIONS

Initiation petition papers shall contain the full text of the proposed legislation in the form of an ordinance, including a descriptive caption. Referendum petition papers shall contain a sufficient description of the ordinance sought to be referred to identify it, or if the ordinance has been passed by the Council, the full text of the ordinance sought to be referred shall be included in such papers. The signatures to the initiative or referendum petitions need not be all appended to one (1) paper, but each signer shall sign his/her name in ink or indelible pencil, together with a notation showing his/her residence address. No signature shall be counted where there is reason to believe it is not the actual signature of the purported signer or this it is a duplication either of name or handwriting used in any other signature on the petition, and no signature shall be counted unless the residence address of the signer is shown, or unless it is signed exactly as the name of the voter appears on the official copy of the current list of exempt voters. Before signatures on any petition paper may be counted, **an affidavit shall be attached thereto and signed by** one (1) of the signers of such petition paper, as qualified voter. **Such affidavit shall be** an oath **taken** before the City Secretary or any other officer competent to administer oaths, that the statements made therein are true, that each signature to the paper appended is the genuine signature of the person whose name purports to be signed thereto, and that such signatures were placed thereon in his/her presence.

PROPOSITION D

FOURTH. AMEND ARTICLE VIII, “FINANCIAL PROCEDURE”, SECTION 8.09, “VOTE REQUIRED FOR ADOPTION” TO READ AS FOLLOWS:

SECTION 8.09 VOTE REQUIRED BY ADOPTION

The budget shall be adopted by a favorable vote of the majority of the members of the whole City Council. The budget (appropriation) ordinance and the tax levying ordinance shall be also adopted by the favorable vote of a majority of the members of the whole City Council, **with the exception that if the tax rate exceeds the effective tax rate, then the tax levying ordinance**

shall be adopted by the favorable vote of at least 60% of the members of the whole City Council.

SECTION THREE. That the ballots for said election shall be printed thereon the following propositions with a vote presented “for” or “against” to be provided to the side of each proposition:

PROPOSITION A

FOR/AGAINST **AMEND ARTICLE III, “THE CITY COUNCIL”, SECTION 3.06(2) (C), “VACANCIES, FORFEITURES OF OFFICE & FILLING VACANCIES”**

PROPOSITION B

FOR/AGAINST **AMEND ARTICLE IV “ADMINISTRATIVE SERVICES”, SECTION 4.01 “CITY MANAGER”, B “TERM AND SALARY”**

PROPOSITION C

FOR/AGAINST **AMEND ARTICLE VI, “INITIATIVE, REFERENDUM AND RECALL”, SECTION 6.03 “FORM OF PETITIONS”**

PROPOSITION D

FOR/AGAINST **AMEND ARTICLE VIII, “FINANCIAL PROCEDURE”, SECTION 8.09, “VOTE REQUIRED FOR ADOPTION”**

SECTION FOUR. Such propositions shall be translated into the Spanish language and shall appear on the ballot, together with instructions to voters, in both Spanish and English languages. Each voter at such election shall mark an “X” in the box beside the proposition indicating their vote either “FOR” or “AGAINST” for the proposed amendment.

SECTION FIVE: That such election shall be held in the manner and form prescribed by the laws of the State of Texas, and at such election all qualified voters in the City are authorized to vote.

SECTION SIX: The Proper notice in English and Spanish of said election shall be given by publication in the *Cuero Record*, a newspaper of general circulation published in the City of Cuero. The Notice shall be published on the same day of each of two successive weeks, the date of the first publication to be not less than 14 days prior to the date set for such election. A

substantial copy of the proposed amendments shall be set out in such Notice. The notice shall include an estimate of the anticipated fiscal impact to the City of Cuero if the proposed amendments are approved at the election. The form of the Notice shall be substantially as set out in NOTICE OF ELECTION TO AMEND CITY CHARTER attached to and made a part hereof of for all purposes. The notice shall be translated into the Spanish language and the Notice in Spanish shall be published at the same times and in the same newspaper as the Notice in English.

SECTION SEVEN: The City finds and determines that the election date herein designated is the earliest authorized uniform election date on which the proposed amendments may be submitted to the voters.

SECTION EIGHT: Said election shall be held at DeWitt County Annex, 115 North Gonzales, Cuero, DeWitt County, Texas (single polling place), for all voters who reside in single-member Districts Nos. One (1), Two (2), Three (3) and (4).

SECTION NINE: The following are hereby appointed election judges for said election, to-wit:

DISTRICTS ONE (1), TWO (2), THREE (3) AND FOUR (4) AT DEWITT COUNTY ANNEX:

Presiding Judge: To be determined by DeWitt County Elections Clerk

Alternate Presiding Judge: To be determined by DeWitt County Elections Clerk

The compensation for election judges and clerks is hereby fixed at \$10.00 per hour. It is further ORDERED that the officers of said election shall make due return of all votes cast at said election as provided by law.

SECTION TEN. It is ORDERED that the Elections Administrator approved and appointed by the County Commissioners for the County of DeWitt in the State of Texas to conduct the DeWitt County Elections is APPROVED and APPOINTED to conduct the said City of Cuero's Municipal Election to be held on May 7, 2022, and that said appointment is subject to terms and contract for election services and joint election agreement to be approved by this City Council.

SECTION ELEVEN. It is ordered that all political subdivisions utilizing the services of the said Elections Administrator for their respective elections with the same polling place shall share in the cost of such elections as agreed pursuant to the terms of a joint election agreement pursuant to Chapter 271 of the Texas Elections Code.

SECTION TWELVE. It is ORDERED that the Elections Administrator approved by the County Commissioners of DeWitt County, in the State of Texas shall serve as early voting clerk in accordance with law and that the regular dates and hours that early voting will be conducted are as follows: Monday, April 25, 2022 through Tuesday, May 3, 2022 from 8:00 o'clock a.m. until 12:00 o'clock noon and from 1:00 o'clock p.m. until 5:00 o'clock p.m. Monday, April 25, 2022 and Tuesday, April 26, 2022, from 7:00 o'clock a.m. until 7:00 o'clock p.m. and terminating April 28, 2022. The main early voting polling place for personal appearance shall be

at the Elections Administrator's location at the DeWitt County Annex at 115 N. Gonzales Street, Cuero, DeWitt County, Texas. Applications for ballot by mail shall be mailed to: Elections Administrator, P.O. Box 169, Cuero, Texas 77954.

SECTION THIRTEEN. An Early Voting Ballot Board is hereby appointed consisting of a Presiding Judge and two members.

SECTION FOURTEEN. Proper notice of said election shall be posted not later than the 21st day before such election at the City Hall of the City of Cuero on the Bulletin Board used for posting notices of the meetings of City Council and by publishing such notice at least once, not earlier than the 30th or later than the 10th day before such election day in the Cuero Record, a newspaper of general circulation published in the City of Cuero.

SECTION FIFTEEN. In order for these amendments to be put to the voters in a timely manner and that the said election may be held in a timely manner, it is necessary that this Ordinance be adopted immediately. Such facts constitute an emergency for the preservation of the public health, safety, and business demanding that the Rule which requires ordinances to be read at more than one meeting of the City Council be and the same is hereby suspended and this Ordinances shall take effect immediately upon and after its passage on first reading.

UPON MOTION OF COUNCILMEMBER ADAMS, SECONDED BY COUNCILMEMBER ALLEN, THAT THE ORDINANCE BE ADOPTED. AYES: 7 NAYES: 0 MOTION CARRIED THIS 23rd DAY OF FEBRUARY, 2022.

SARA POST MEYER, MAYOR

ATTEST:

JENNIFER ZUFELT, CITY SECRETARY

APPROVED AS LEGALITY

JAMES K. CRAIN, III

