

City of Wauauga

Website: www.wataugatx.org

Analyses of Proposed Charter Amendments



November 5, 2019
Election



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General Information

During the August 15, 2019 City Council Meeting, the City Council discussed and considered action on an Ordinance ordering a special election to be held on November 5, 2019 for the purpose of submitting to the qualified voters, for adoption or rejection, certain proposed amendments to the existing Charter of the City of Watauga, Texas.

The City Council approved sending 27 amendments to the Charter to the voters for consideration during the November 5, 2019 election.

Measure A

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend Section 1.01, Subsection 3.06(a), Subsection 3.07(m), Subsection 7.01A and Subsection 7.01C of the City Charter to clarify that the form of government adopted by the City is the "council-manager" form of government?

Summary Analysis

Establishes that the City of Watauga has adopted the council-manager form of municipal government. Establishes that all powers of the City are vested in the city council, that the city manager is the chief administrative and executive officer of the City, and that the mayor is the ceremonial and governmental head of the City.

Text of Measure A

Shall Section 1.01, Subsection 3.06(a), Subsection 3.07(m), Subsection 7.01A and Subsection 7.01C of the City Charter, regarding the council-manager form of government, be amended to read:

"Sec. 1.01. - Form of government.

The municipal government provided by this Charter shall be known as the "council-manager government." Pursuant to its provisions, and subject only to the limitations imposed by applicable law and by this Charter, all powers of the city shall be vested in an elective council, hereinafter referred to as the "city council," which shall enact local legislation, adopt budgets, determine policies, and appoint the city manager, who in turn, shall be held responsible to the city council for the execution of the laws and the administration of 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 applicable law.

. . . .

Sec. 3.06. - Mayor and mayor pro tem.

- (a) The mayor shall be recognized as the ceremonial and governmental head of the city. The mayor shall preside at all meetings of the city council, shall rule on questions of procedure at city council meetings, shall vote only in case of a tie vote of the city council, and shall have veto power as provided in section 3.13 of this Charter. The

mayor shall sign all ordinances, resolutions, proclamations, bonds and other documents as required by applicable law. The mayor shall have no regular administrative duties.

. . . .

Sec. 3.07. - Specific powers of the city council.

All powers and authority granted to the city by the Constitution of the State of Texas shall be vested in the city council, except as otherwise provided by law or this Charter. The city council shall provide for the exercise thereof and for the performance of all duties and obligations imposed upon the city by law and this Charter and shall be specifically granted the powers set forth below:

. . . .

(m) Fix the salaries and compensation of the city officers and employees. Establish qualifications, rules and standards of and for all employees of the city.

. . . .

Sec. 7.01. - City manager.

A. Appointment and qualifications. The mayor shall recommend the appointment of a city manager, subject to approval by the city council by vote in accordance with the procedure set forth in section 3.09(c) of this Charter, who shall be the chief administrative and executive officer of the city and shall be responsible to the city council for the administration of all the affairs of the city. The city manager shall be chosen by the city council solely on the basis of executive and administrative training, education, experience, ability and character. No member of the city council shall during the time for which he or she is elected and for two (2) years thereafter be appointed city manager.

. . . .

C. Powers and duties. The powers herein conferred upon the city manager shall include but shall not be limited to the following:

1. Appoint and remove any employee of the city except those employees whose appointment or election is otherwise provided by applicable law or this Charter.
2. Prepare and submit the annual budget and a five year capital improvement program to the city council as prescribed in article IX of this Charter.

3. Submit to the city council a report for each month on the finances and administrative activities of the city and a complete report as of the end of each fiscal year.
4. Provide each department head with a monthly financial report of his or her department.
5. Attend all meetings of the city council except when excused by the city council.
6. Make a written report to the city council each month on all department expenditures.
7. Execute all contracts and related instruments as provided in the procurement policy.
8. Execute on behalf of the city, standard form documents, including but not limited to deeds, releases of liens, rental agreements, easements, right-of-way agreements, joint use agreements, and other similar documents, under the following conditions:
 - a. The execution of the document is necessary to carry out a public works project; to utilize, maintain or improve a city facility, street, right-of-way, easement, park or other city property; or to implement other city policies, provided that such project, program or policy has been approved by the city council;
 - b. That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the city council; and
 - c. That the form of such document shall be approved by the city attorney.
9. Perform such other duties as may be prescribed by this Charter or required by the mayor, as directed by the city council, not inconsistent with provisions of this Charter.
10. Appoint, by letter filed with the city secretary, a qualified administrative officer of the city to perform his or her duties during his or her temporary absence. The appointment shall be made from a list of qualified individuals previously approved by the city council. In the event of failure of the city manager to make such appointment, or in the case of disability of the city manager, the city council may, by resolution, appoint an officer or employee of the city, other than an elected official, to perform the duties of the city manager until he or she shall return or his or her disability shall cease."

Measure B

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend Section 1.02 of the City Charter in order to clarify the boundaries of the City as being those boundaries established in the original incorporation proceedings of the City of Watauga and those boundaries established and changed thereafter by all annexation and disannexation proceedings of the City of Watauga and to require the city secretary to maintain records of such proceedings?

Summary Analysis

Establishes the boundaries of the City of Watauga as those boundaries established in the original incorporation proceedings as amended by subsequent annexations and disannexations. Removes the map as an exhibit to the Charter and instead provides that the city secretary's office will maintain a current record of the City's boundaries.

Text of Measure B

Shall Section 1.02 of the City Charter, regarding the boundaries of the city, be amended to read:

"Sec. 1.02. - Boundaries of the city.

The inhabitants of the City of Watauga, Tarrant County, Texas, residing within its corporate limits, as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate, in perpetuity, under the name of the "City of Watauga" with such powers, privileges, rights, duties, authorities, and immunities, as are herein provided.

The boundaries of the City of Watauga are hereby established and described as being those boundaries heretofore established in the original incorporation proceedings of the said City of Watauga and those boundaries established and changed thereafter in accordance with section 1.03 of this Home Rule Charter by all annexation or disannexation ordinances and proceedings of the City of Watauga maintained in the office of the city secretary of the City of Watauga."

Measure C

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend Section 2.01 of the City Charter to clarify the City of Watauga is granted "all powers granted to municipal corporations by applicable law"?

Summary Analysis

Clarifies that the City shall have and may exercise all powers of local self-government and all powers granted to municipal corporations by applicable law.

Text of Measure C

Shall Section 2.01 of the City Charter, regarding the general powers of the city, be amended to read:

"Sec. 2.01. - General powers adopted.

The City of Watauga may exercise all powers that now are or hereafter may be granted to municipalities by applicable law. All such powers, whether expressed or implied shall be exercised and enforced in the manner prescribed by this Charter, and when not prescribed herein, in such manner as may be provided by ordinance or resolution of the city council of the City of Watauga. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby or appropriate to the exercise to such powers, it is intended that the City of Watauga shall have and may exercise all powers of local self-government, and all powers granted to municipal corporations by applicable law."

Measure D

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend Section 3.01 of the City Charter to establish place numbers for the seven city councilmembers, to provide that all members of city council are to be elected by majority vote, and to delete transitional language?

Summary Analysis

Defines place numbers for the seven city councilmember positions to better describe each place. Defines the term “member of city council” to mean the mayor or an individual councilmember. Clarifies terms of office for members of city council.

Text of Measure D

Shall Section 3.01 of the City Charter, regarding the number, selection and term of members of the City’s governing body be amended to read:

“Sec. 3.01. - Number, selection, term of the governing body.

The legislative and governing body of the city shall be known as the “city council of the City of Watauga” and shall consist of eight members including seven councilmembers elected by place number and a mayor. The term “member of city council” shall mean the mayor or an individual councilmember. The place numbers for the seven (7) councilmembers shall be known as Place 1, Place 2, Place 3, Place 4, Place 5, Place 6 and Place 7. All members of the city council are to be elected pursuant to majority vote from the city at large. The members of the city council shall be elected under the general provisions of article IV of this Charter for terms of office as set forth below, provided however, that if the dates specified for a general or special election in applicable law are altered or amended, such terms shall extend until the next date specified for conducting a general or special election following the expiration of the originally contemplated term.

Terms of office for members of the city council shall be two years in accordance with the following schedule. Regular terms of office shall commence immediately following the canvass of votes for the election as provided by this Charter. Terms of office for councilmembers in places 1, 2, 6 and 7 shall expire in May of even-numbered years. Terms of office for mayor and councilmembers in places 3, 4 and 5 shall expire in May of odd-numbered years.

Each member of the city council shall hold office until a successor is elected and duly sworn, unless removed under the provisions of this Charter.”

Measure E

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend Subsection 3.03(b) of the City Charter, to provide that the canvass of the election be performed in accordance with the Texas Election Code?

Summary Analysis

Reverts to state law for conduct of election canvassing.

Text of Measure E

Shall Subsection 3.03(b) of the City Charter, regarding the canvassing of elections, be amended to read:

“(b) The council shall be the judge of the election of its members, subject to review by statutorily authorized election contests held in accordance with applicable law. The canvass of the election shall be held in accordance with the provisions of applicable law. Two members of the city council may constitute a quorum for the purpose of canvassing an election.”

Measure F

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend Section 3.05 of the City Charter, to provide that attendance at jury service constitutes an excused absence for a member of city council from a city council meeting, to provide that vacancies in council can be filled by appointment and to remove proof beyond reasonable doubt as a standard for establishing the forfeiture of office by a member of city council?

Summary Analysis

Provides that the failure of the mayor or a councilmember to attend a regularly scheduled meeting of the city council may be excused for reasons of jury service. Removes the existing Charter's requirement that an act or omission constituting a basis for forfeiture of office must be proven beyond a reasonable doubt and instead allows city council to find upon majority vote that an act constituting the basis for forfeiture of office has been established. Provides that vacancies in city council can be filled by appointment as allowed by law.

Text of Measure F

Shall Section 3.05 of the City Charter, regarding vacancies, forfeiture of office and filling vacancies, be amended to read:

“Sec. 3.05. - Vacancies; forfeiture of office; filling of vacancies.

Vacancies. The office of the mayor or a councilmember shall become vacant upon death, written resignation submitted to the city secretary, removal from office in any manner authorized by this Charter, applicable law or forfeiture of office.

Forfeiture of office. The mayor or a councilmember shall forfeit his or her office if he or she (1) lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by law, (2) willfully violates any express prohibition of this Charter, (3) is convicted of a felony or crime involving moral turpitude, or (4) fails to attend any three consecutive regularly scheduled meetings of the city council without being excused. Failure to attend a meeting under subsection (4) of this paragraph may only be excused for reasons of jury service, personal emergency, incapacitation, or personal vacation away from the City of Watauga with notice. Intent to be absent for reason of personal vacation shall be provided in writing to the city secretary prior to the meeting at which the mayor or councilmember will not

be in attendance. Additionally, a total of four absences, excused or unexcused, for reasons other than jury service in any six regularly-scheduled meetings, beginning on the date of the first absence from a regular meeting, shall constitute automatic forfeiture of said office.

Forfeiture proceedings shall be initiated at the next regularly scheduled meeting of the city council following the recall election or the act or omission constituting the basis for forfeiture of office, as applicable. For purposes of this section, determination of what shall constitute a sufficient "personal emergency" shall be in the discretion of the remaining members of the city council by majority vote in open session. If the city council by majority vote in open session finds that the act constituting the basis for forfeiture of office provided for in this section has been established, the city council shall order initiation of proceedings to replace the mayor or councilmember. Neither the mayor nor a councilmember charged with an act subjecting him or her to forfeit his or her office may participate in such vote.

Filling of vacancies. Subject to and consistent with applicable law, any vacancy or vacancies occurring on such governing body may be filled by appointment by majority vote remaining members of the city council.

Notwithstanding the requirements in section 3.09 of this Charter specifying that a quorum of the city council consists of five members, if at any time there are four or more vacancies on the city council, the remaining members shall call for a special election within 120 days after the vacancy or vacancies occur in order that such vacancy or vacancies can be filled by majority vote of the qualified voters.”

Measure G

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend the City Charter by renumbering existing Subsection 3.06(d) and Subsection 3.06(e) as Subsection 3.06(f) and Subsection 3.06(g), respectively, adding a new Subsection 3.06(d) and Subsection 3.06(e), and amending Subsection 3.07(a), to grant the mayor the power to recommend appointments to boards and commissions and to appoint special subcommittees of the city council, subject to the acceptance or rejection of the remaining members of city council?

Summary Analysis

Grants the mayor the power to recommend appointments to city boards and commissions, subject to the consent and approval of the remaining members of city council. Grants the mayor the power to create subcommittees of three members or less of the city council and to appoint members of city council to such subcommittees.

Text of Measure G

Shall the City Charter be amended by renumbering existing Subsection 3.06(d) and Subsection 3.06(e) as Subsection 3.06(f) and Subsection 3.06(g), respectively; and by adding new Subsections 3.06(d) and 3.06(e) and amending Subsection 3.07(a) to read:

“Sec. 3.06. - Mayor and mayor pro tem.

. . . .

(d) Except as otherwise provided by applicable law and this charter, the mayor shall have the power to recommend appointment of members to city boards and commissions, subject to the consent and approval of the remaining members of city council. Such approval must be in accordance with the voting procedure set forth in section 3.09(c) of this Charter.

(e) The mayor shall have the power to create special subcommittees of three members or less of the city council as he or she deems advisable or as instructed by the city council. The mayor shall have the power to appoint members of the city council to such subcommittees.

. . . .

Sec. 3.07. - Specific powers of the council.

All powers and authority granted to the city by the Constitution of the State of Texas shall be vested in the city council, except as otherwise provided by law or this Charter. The city council shall provide for the exercise thereof and for the performance of all duties and obligations imposed upon the city by law and this Charter and shall be specifically granted the powers set forth below:

- (a) With the exception of the mayor, be responsible for confirming or rejecting recommended appointments made by mayor or city manager.”

Measure H

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend Section 3.08 of the City Charter, to provide that, except as allowed by the Charter, city council may not direct the removal of a city employee nor interfere with administration and to remove proof beyond reasonable doubt as a standard for establishing violation of such provision?

Summary Analysis

Provides that members of the city council shall not direct the removal of any city employee or administrative officer or interfere with administration, except as otherwise provided for by the Charter. Removes the existing requirement that violation of this provision must be proven beyond a reasonable doubt.

Text of Measure H

Shall Section 3.08 of the City Charter, regarding actions prohibited by councilmembers, be amended to read:

“Sec. 3.08. - Prohibitions.

- (a) Holding other office. Except where authorized by law no member of the city council, including the mayor, shall hold any other city office or employment by the city during the term for which he or she was elected to the city council, and no former mayor or councilmember shall hold any compensated appointive city office or employment until two years after the expiration of the term for which he or she was elected.
- (b) Appointments and/or removals. The members of the city council shall in no way dictate the appointment or removal of any city administrative officer or employee whom the city manager or any other subordinates are empowered to appoint, unless otherwise provided in this Charter. In regard to the appointment or removal of any city administrative officer or employee, the city council and its members shall deal solely through the city manager. A willful violation of the foregoing provision by a member of the city council shall constitute misconduct. The remaining members of the city council by majority vote may expel such offending member upon a finding, in a public hearing, that such willful violation had been committed. The member of

city council that is the subject of the expulsion shall not be permitted to vote on the issue. Such expulsion shall create a vacancy in the place held by such member. Members of city council removed from office under this provision shall not continue to perform the duties of their office until a successor is duly qualified pursuant to applicable law.

- (c) Interference with administration. Except for investigations conducted pursuant to section 3.10 of this charter, the city council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager. The city council and its members acting individually shall not give orders or instructions to any officer or employee except in the state of a declared emergency. Members of the city council, acting individually, shall not give orders or instructions to the city manager, either publicly or privately, except in a state of a declared emergency. Such prohibition shall not apply to a request that an item be placed on a city council meeting agenda for consideration by the city council. A willful violation of the foregoing provision by a member of the city council shall constitute misconduct. The remaining members of the city council by unanimous vote may expel such offending member upon a finding, in a public hearing, that such willful violation had been committed. The member of city council that the subject of the expulsion shall not be permitted to vote on the issue. Such expulsion shall create a vacancy in the place held by such member. Members of city council removed from office under this provision shall not continue to perform the duties of their office until a successor is duly qualified pursuant to applicable law.
- (d) Admission of liability. Neither the city council nor its members shall accept or admit liability or pay any claim for damages asserted against the city without first obtaining a written opinion from the city attorney regarding the liability of the city.
- (e) [Repealed.]
- (f) [Repealed.]
- (g) [Repealed.]
- (h) Willful action subject to conduct. For purposes of this Home Rule Charter, a person acts willfully with respect to the nature of his or her conduct when it is his or her conscious objective or desire to engage in the conduct knowing that such conduct is expressly prohibited.”

Measure I

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend Section 3.09 of the City Charter to remove the requirement that city council meeting minutes be posted on the bulletin board, to remove voting by a show of hands, to establish five member of city council constitute a quorum, to provide that, when vacancies exist on council, a majority of the nonvacant positions on city council constitute a quorum, and to provide that members of the city council must vote on every action requiring a vote except as prohibited by a conflict of interest?

Summary Analysis

Removes requirement that minutes from city council meetings be posted on the city bulletin board. Requires all members of the city council authorized to vote to vote on every action requiring a vote, except as prohibited by applicable law, and removes voting by show of hands as votes are recorded by an electronic device. Provides that a quorum is five members of city council, except that in the event of vacancies, a majority of the number of nonvacant positions shall constitute a quorum. Provides that no action by the city council shall be valid unless adopted by the affirmative vote of a majority of the members of city council attending a meeting at which an action is considered and a quorum is present.

Text of Measure I

Shall Section 3.09 of the City Charter, regarding city council meetings and procedure, be amended to read:

“Sec. 3.09. - Meetings and rules of procedure.

- (a) Meetings. Regular city council meetings shall be held at a location in the city and the city council shall meet regularly not less than one time each month and at such other times as the city council may prescribe. Special meetings may be held on the call of the mayor or a majority of the members of the city council. Workshops and other such meetings where no action will be taken by the city council may be held in a location outside the city, subject to applicable law and a visual or audible recording shall be made and preserved for each meeting.

All meetings shall be held and public notice thereof given as required by applicable law. Closed meetings shall be conducted as authorized by applicable law.

- (b) Minutes and rules. The city council shall determine its own rules and order of business and shall provide for keeping minutes of its proceedings. The minutes shall be a public record.
- (c) Voting. Except as prohibited by conflict of interest laws or this charter, all members of the city council authorized to vote shall vote “aye” or “nay” on every action requiring a vote. The nature of a conflict of interest shall be concisely stated in the minutes. Voting, except on procedural motions, shall be accomplished by an electronic device which shall reflect the ayes and nays. Tabulation of the voting by the city council shall be announced in open meetings by the mayor or his or her duly appointed representative. All members of the city council may have one vote and only one vote on each item and issue. Five members of the city council shall constitute a quorum. In the event that there are vacancies on the city council, a majority of the number of nonvacant positions on city council shall constitute a quorum. Unless otherwise provided by applicable law, no action by the city council shall be valid unless adopted by the affirmative vote of a majority of the members of city council attending the meeting at which the action is considered and in which there is a quorum present.”

Measure J

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend Subsection 3.07(e), Subsection 3.08(c) and Section 3.10 of the City Charter to provide rules for city council investigations of city departments, agencies, boards, offices, officers, employees or appointed board members?

Summary Analysis

Authorizes the city council to investigate any department, agency, appointed board, office, officer, employee or appointed board member of the city and provides rules for such investigations. Grants the city council the power to administer oaths, subpoena witnesses, compel production of evidence and impose penalties for the failure to obey such a subpoena or produce evidence material to the investigation.

Text of Measure J

Shall Subsection 3.07(e), Subsection 3.08(c) and Section 3.10 of the City Charter, regarding city council investigations, be amended to read:

“Sec. 3.07. - Specific powers of the city council.

All powers and authority granted to the city by the Constitution of the State of Texas shall be vested in the city council, except as otherwise provided by law or this Charter. The city council shall provide for the exercise thereof and for the performance of all duties and obligations imposed upon the city by law and this Charter and shall be specifically granted the powers set forth below:

. . . .

- (e) Conduct or direct the conduct of investigations pursuant to section 3.10 of this Charter.

. . . .

Sec. 3.08. - Prohibitions.

. . . .

- (c) Interference with administration. Except for investigations conducted pursuant to section 3.10 of this charter, the city council or its members shall deal with city

officers and employees who are subject to the direction and supervision of the city manager solely through the city manager. The city council and its members acting individually shall not give orders or instructions to any officer or employee except in the state of a declared emergency. Members of the city council, acting individually, shall not give orders or instructions to the city manager, either publicly or privately, except in a state of a declared emergency. Such prohibition shall not apply to a request that an item be placed on a city council meeting agenda for consideration by the city council. A willful violation of the foregoing provision by a member of the city council shall constitute misconduct. The remaining members of the city council by unanimous vote may expel such offending member upon a finding, in a public hearing, that such willful violation had been committed. The member of city council that the subject of the expulsion shall not be permitted to vote on the issue. Such expulsion shall create a vacancy in the place held by such member. Members of city council removed from office under this provision shall not continue to perform the duties of their office until a successor is duly qualified pursuant to applicable law.

. . . .

Sec. 3.10. Investigation by the city council.

The city council shall have the power to inquire or direct the inquiry into the official conduct of any department, agency, appointed board, office, officer, employee or appointed board member of the city. The city council, for such investigation, shall have the power to administer oaths, subpoena witnesses, compel the production of any evidence material to the inquiry or direct same to be done. The city council shall provide, by ordinance, penalties for failing or refusing to obey any such subpoena or to produce any evidence. No member of the city council shall ever vote upon any matter involving the consideration of his or own official conduct.”

Measure K

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend 3.11 of the City Charter to provide prima facie proof of ordinance and to provide for publication by caption when an ordinance contains a penalty?

Summary Analysis

Provides that City of Watauga ordinances may be proved prima facie by a code of ordinances printed by authority of the city or by a copy of the ordinance certified by the city secretary. Provides that any ordinance imposing a penalty may be published by its caption rather than its preamble.

Text of Measure K

Shall Section 3.11 of the City Charter, regarding legislation by ordinance, be amended to read:

“Sec. 3.11. - Ordinance in general.

The city council shall legislate by ordinance, and the enacting clause of every ordinance shall be, "Be it ordained by the city council of the City of Watauga."

The city attorney shall approve all ordinances as to form and legality. Every ordinance enacted by the city council shall be signed by the mayor or mayor pro tem, in the mayor's absence, and shall be filed with and recorded by the city secretary.

All ordinances shall be submitted at an open meeting of the city council and may be finally passed and adopted on the first submission subject to affirmative vote of the city council in accordance with the voting procedure set forth in section 3.09(c) of this Charter with a reading of the caption or preamble of the ordinance unless otherwise specified or required by applicable law or this Charter.

An ordinance of the City of Watauga may be proved prima facie by a code of ordinances printed by authority of the city or by a copy of the ordinance certified by the city secretary to be a true copy of the same.

Except as otherwise provided by applicable law or this Charter, the city secretary shall give notice of the enactment of any ordinance imposing any penalty, fine or forfeiture for any violation of any of its provisions, and of every other ordinance required by applicable law or this Charter to be published, by causing the said ordinance, or a caption of the ordinance and

penalty, to be published at least one time after final passage thereof in the official city newspaper. The affidavit of such publication by the publisher of the newspaper taken before any officer authorized to administer oaths and filed with the city secretary, shall be conclusive proof of the legal publication and promulgation of such ordinance. All ordinances shall be effective after approval by the city council, approval by the mayor and attestation of the city secretary. Every ordinance shall be authenticated by the signature of the mayor and city secretary.

Any ordinance or resolution, other than an emergency measure or the budget, which authorizes or requires the expenditure or diversion of any city funds for any purpose or proposes any new ad valorem property tax increase or decrease, shall have a separate statement submitted and signed by the city manager outlining the fiscal impact and probable gain or loss in income or cost of the measure each year for the first five years after its passage and a statement as to whether or not there will be costs involved thereafter. Such separate statement shall not become a part of the ordinance or resolution but shall remain with the ordinance or resolution throughout the entire legislative process, including submission to the mayor.

An ordinance providing for an emergency measure is an ordinance addressing the immediate preservation of life, health, property or the public peace as set forth in section 3.12. The city council shall, within its discretion, declare what measures are emergency measures, and any ordinance carrying an emergency clause shall be construed to be an emergency measure, which emergency shall be set forth and defined in the preamble of such ordinance. An ordinance addressing an emergency measure shall be passed and adopted on the first reading of the caption or preamble.”

Measure L

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend Sections 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08, 6.09, and 6.10 of the City Charter to clarify that the qualified voters of Watauga may enact or rescind resolutions as well as ordinances through initiative and referendum?

Summary Analysis

Clarifies that qualified voters can enact or rescind resolutions through the legislation by the people.

Text of Measure L

Shall Sections 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08, 6.09 and 6.10 of the City Charter, regarding direct legislation by the people of the City of Watauga, be amended to read:

“Sec. 6.02. - Initiative.

The people of the City of Watauga reserve the power of direct legislation by initiative, and in exercise of such power may propose any ordinance or resolution except: (1) ordinances appropriating money or levying taxes, and (2) ordinances repealing ordinances appropriating money or levying taxes, not in conflict with this Charter, or applicable law. Any initiated ordinance or resolution may, subject to the above, be submitted by the qualified voters of the City of Watauga, by submitting a petition addressed to the city council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the city. Said petition must be signed by qualified voters of the city equal in number to 30 percent of the number of votes cast at the last regular municipal election of the city, or 350, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same form and manner as recall petitions are signed as provided in section 5.02 of this Charter and shall be verified by oath in the same manner provided for recall petitions in section 5.03 of this Charter. The petition may consist of one or more copies known as "recall petitions" in the same form and manner as provided in section 5.04 of this Charter. Such petition shall be filed with the city secretary. Within 20 days after filing of such petition, the city secretary shall present said petition and proposed ordinance or resolution to the city council. Upon presentation to it of the petition and the draft of the proposed ordinance or resolution, it shall become the duty of the city council, within ten days after the receipt thereof, to pass and adopt such ordinance or resolution without

alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election, to be held as provided by applicable law, at which the qualified voters of the City of Watauga shall vote on the question of adopting or rejecting the proposed legislation.

However, if any other municipal election is to be held within 60 days after the filing of the petition, the question may be voted on at such election.

Sec. 6.03. - Referendum.

Qualified voters of the city may require that any ordinance or resolution, with the exception of ordinances or resolutions authorizing the issuance of either tax bonds or revenue bonds, whether original or refunding, passed and adopted by the city council be submitted to the qualified voters of the city for consideration of its repeal, by submitting a petition for this purpose within 90 days after final passage and adoption of said ordinance or resolution, or within 90 days after its publication. Said petition shall be addressed, prepared, signed, and verified as in the same form and manner as provided in section 6.02 of this Charter, and shall be submitted to the city secretary. Immediately upon the filing of such petition, the city secretary shall present said petition to the city council. Thereupon, the city council shall immediately consider the repeal of such ordinance or resolution, and if it does not entirely repeal the same, shall submit the consideration of repeal to popular vote in the same manner as provided in section 6.02 of this Charter. Pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote against the repeal of same.

Should the popular vote be to uphold the ordinance or resolution, no other referendum election may be held on the same and/or similar ordinance or resolution within six months. But should the same and/or similar ordinance or resolution be passed, adopted and approved by the city council after invalidation by popular vote, a referendum petition may be filed again as outlined in article VI of this Charter.

Sec. 6.04. - Voluntary submission of legislation by the city council.

The city council, upon its own motion and by vote in accordance with the procedure set forth in section 3.09(c) of this Charter, may submit to popular vote at any election for adoption or rejection any proposed ordinance or resolution or measure, in the same manner and with the same force and effect as provided in this article for submission on petition, and may in its discretion call a special election as provided by applicable law for this purpose.

Sec. 6.05. - Form of ballots.

The ballots used when voting upon such proposed and referred ordinances, resolutions or measures, as provided in this article, shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words:

"FOR THE ORDINANCE" and
"AGAINST THE ORDINANCE," or
"FOR THE RESOLUTION" and
"AGAINST THE RESOLUTION"

Sec. 6.06. - Publication of proposed and referred ordinance or resolution.

The city secretary shall publish at least once in the official newspaper of the City of Watauga, the notice of special initiative or referendum election, as applicable, and the preamble of proposed or referred ordinance or resolution, and shall give such other notices and do such other things relative to such election as are required in general municipal elections or by the ordinance or resolution calling said election.

Sec. 6.07. - Adoption of ordinances or resolutions.

If a majority of the qualified voters voting on a proposed ordinance or resolution or measure shall vote in favor thereof, it shall thereupon, or at any time fixed therein, become effective as a law or as a mandatory order of the city council.

Sec. 6.08. - Inconsistent ordinances or resolutions.

If the provisions of two or more proposed ordinances or resolutions passed at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes shall prevail.

Sec. 6.09. - Ordinance or resolutions passed by popular vote, repeal or amendment.

No ordinance or resolution which may have been passed, adopted and approved by the city council as a result of popular vote under the provisions of this article shall be repealed or amended, except by the city council, in response to an initiative or referendum vote or as provided in this article.

Sec. 6.10. - Further regulations by city council.

The city council may pass, approve and adopt ordinances or resolutions providing other and further regulations for carrying out the provisions of this article not inconsistent herewith.”

Measure M

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend Subsection 3.07(f), Subsection 3.07(h), Subsection 3.07(w), Section 3.11 and Subsection 7.02 of the City Charter to relocate provisions regarding powers and duties of boards and commissions to the section of the City Charter concerning boards and commissions, to relocate the provisions regarding the city secretary's duty to maintain the official map to the section of the City Charter concerning the city secretary, and to relocate provisions regarding the codification of ordinances to the section of the City Charter concerning ordinances?

Summary Analysis

Reorganizes Charter by relocating certain provisions related to boards, commissions, city secretary and ordinances to the sections of the Charter to which they relate. No substantive changes are involved.

Text of Measure M

Shall Subsections 7.02(4), 7.02(5), and 7.02(6) of the City Charter be renumbered as Subsections 7.02(5), 7.02(6), and 7.02(7), respectively; and shall Subsection 3.07(f), Subsection 3.07(h), Subsection 3.07(w), Section 3.11 and Section 7.02 of the City Charter be amended and a new Subsection 7.02(4) be added to read:

“Sec. 3.07. - Specific powers of the city council.

All powers and authority granted to the city by the Constitution of the State of Texas shall be vested in the city council, except as otherwise provided by law or this Charter. The city council shall provide for the exercise thereof and for the performance of all duties and obligations imposed upon the city by law and this Charter and shall be specifically granted the powers set forth below:

. . . .

(f) Provide for such additional boards and commissions, not otherwise provided for in this Charter, as may be deemed necessary.

. . . .

(h) Adopt and modify the official map of the city.

. . . .

(w) To cause the general ordinances of the city to be codified and printed in code form.

. . . .

Sec. 3.11. - Ordinance in general.

The city council shall legislate by ordinance, and the enacting clause of every ordinance shall be, "Be it ordained by the city council of the City of Watauga."

The city attorney shall approve all ordinances as to form and legality. Every ordinance enacted by the city council shall be signed by the mayor or mayor pro tem, in the mayor's absence, and shall be filed with and recorded by the city secretary.

All ordinances shall be submitted at an open meeting of the city council and may be finally passed and adopted on the first submission subject to affirmative vote of the city council in accordance with the voting procedure set forth in section 3.09(c) of this Charter with a reading of the caption or preamble of the ordinance unless otherwise specified or required by applicable law or this Charter.

An ordinance of the City of Watauga may be proved prima facie by a code of ordinances printed by authority of the city or by a copy of the ordinance certified by the city secretary to be a true copy of the same.

Except as otherwise provided by applicable law or this Charter, the city secretary shall give notice of the enactment of any ordinance imposing any penalty, fine or forfeiture for any violation of any of its provisions, and of every other ordinance required by applicable law or this Charter to be published, by causing the said ordinance, or a caption of the ordinance and penalty, to be published at least one time after final passage thereof in the official city newspaper. The affidavit of such publication by the publisher of the newspaper taken before any officer authorized to administer oaths and filed with the city secretary, shall be conclusive proof of the legal publication and promulgation of such ordinance. All ordinances shall be effective after approval by the city council, approval by the mayor and attestation of the city secretary. Every ordinance shall be authenticated by the signature of the mayor and city secretary.

Any ordinance or resolution, other than an emergency measure or the budget, which authorizes or requires the expenditure or diversion of any city funds for any purpose or proposes any new ad valorem property tax increase or decrease, shall have a separate statement submitted and signed by the city manager outlining the fiscal impact and probable gain or loss in income or cost of the measure each year for the first five years after its passage and a statement as to whether or not there will be costs involved thereafter. Such separate statement shall not become a part of the ordinance or resolution but shall remain with the

ordinance or resolution throughout the entire legislative process, including submission to the mayor.

An ordinance providing for an emergency measure is an ordinance addressing the immediate preservation of life, health, property or the public peace as set forth in section 3.12. The city council shall, within its discretion, declare what measures are emergency measures, and any ordinance carrying an emergency clause shall be construed to be an emergency measure, which emergency shall be set forth and defined in the preamble of such ordinance. An ordinance addressing an emergency measure shall be passed and adopted on the first reading of the caption or preamble.

. . . .

Sec. 7.02. - City secretary.

The city council shall appoint the city secretary. The city secretary shall not be appointed for a definite term and may be removed from office by the city council, by voting in accordance with the procedure set forth in section 3.09(c) of this Charter. The city secretary shall be required to:

. . . .

4. Maintain the official map of the city in the city hall of Watauga, Texas.”

Measure N

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend Section 7.03 of the City Charter to allow City Council discretion in establishing city departments?

Summary Analysis

Removes requirement that city council establish certain departments and instead provides city council the discretion to establish departments as the city council sees fit.

Text of Measure N

Shall Section 7.03 of the City Charter, regarding city departments and services, be amended to read:

“Sec. 7.03. - City departments and services.

The city council shall establish and maintain departments in sufficient numbers and specialty to effectively provide services of the city and may include administration, finance, tax, public works, parks, police, reserve police, fire, volunteer fire, emergency medical and any other necessary municipal services.”

Measure O

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend Section 7.07 of the City Charter to establish that boards and commissions established by city council shall have all powers and duties conferred and created by the Charter, city ordinance, or applicable law and to require that, except as prohibited by conflict of interest laws of the City Charter that all members of a board or commission must vote on every action requiring a vote?

Summary Analysis

Provides that members of boards and commissions shall be appointed by the mayor, subject to the approval of the remaining members of city council. Requires that members of boards and commissions vote on all matters before them except when a conflict exists to avoid unnecessary abstentions. Provides that boards and commissions shall have all powers and duties derived from the Charter, city ordinance or applicable law.

Text of Measure O

Shall Section 7.07 of the City Charter, regarding departments, boards, and commissions established by city council, be amended to read:

“Sec. 7.07. - Other departments, boards and commissions.

The council may abolish or consolidate any office or department. The council may divide the administration of any such department as it may deem advisable and may create new departments.

The council shall create, as may be required by law or circumstances, those boards and commissions which are deemed necessary to carry out the function and obligations of the city. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by city ordinance, or by applicable law. The city council shall prescribe accountability and tenure of each board and commission where such are not prescribed by law. The city council shall prescribe the purpose, composition, function and duty of each board or committee where such are not prescribed by law. The members of such boards and commissions shall be appointed by the mayor, subject to the approval and consent of the remaining members of city council. Except as prohibited by conflict of interest laws or this charter, all members of a board or commission authorized to vote shall vote “aye” or “nay”

on every action requiring a vote. The nature of a conflict of interest shall be concisely stated in the minutes.”

Measure P

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend Section 8.04 of the City Charter to require the city attorney to approve as to form and legality ordinances and resolutions, and, as determined necessary by the city, contracts, documents and legal instruments?

Summary Analysis

Removes language providing for city attorney input into policy and instead requires city attorney to provide legal review of city legal documents.

Text of Measure P

Shall Section 8.04 of the City Charter, regarding the review as to form and legality by the city attorney, be amended to read:

“Sec. 8.04. - City attorney.

The mayor shall recommend the appointment of a competent and duly licensed attorney practicing law in the State of Texas who shall be the city attorney. The city attorney shall receive for his or her services such compensation as may be fixed by the city council and shall hold his or her office at the pleasure of the city council. The city attorney, or such other attorneys approved by the city council, shall represent the city in all litigation. The city attorney shall be the legal advisor of, and attorney and counselor for, the city, all offices and departments and for all officers and employees of the city in matters relating to their official powers and duties.

The city attorney must:

- a. Be a resident of this state.
- b. Be a citizen of the United States.
- c. Be a licensed attorney in good standing in Texas.
- d. Have been licensed by the Supreme Court of Texas to practice law in Texas for five or more years.

The city attorney shall review and approve as to form and legality all ordinances and resolutions and, as determined necessary by the city, any contracts, documents and legal instruments.

The city council shall have the right to retain special counsel any time it determines such action to be necessary.

The city attorney shall perform all services incident to the position as may be required by applicable law, by this Charter, by ordinance or as directed by the city council.”

Measure Q

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend Section 9.02, Subsection 9.04A, and Subsection 9.07B of the City Charter, to replace all instances of the word “income” with the word “revenue,” to provide the city shall provide notice regarding the budget in accordance with applicable law, to prohibit expenditures that would cause a cash deficit, to provide that the city shall adopt a budget by the date established by applicable law, and to provide the ability for City Council to appropriate fund reserves for current fiscal year expenditures?

Summary Analysis

Replaces all instances of term “income” with “revenue” as city does not generate income. Requires compliance with state law regarding notice and adoption of budget. Prohibits cash deficit spending. Amends Charter to utilize surplus fund reserves, when available and deemed appropriate, for purchases in a current fiscal year.

Text of Measure Q

Shall Section 9.02, Section 9.04A, and Subsection 9.07B of the City Charter, regarding municipal finance, be amended to read:

“Sec. 9.02. - Annual budget.

- A. Content. The budget shall provide a complete financial plan of all city funds and activities and, except as required by applicable law or this Charter, shall be in such form as the city manager deems desirable or the city council may require. A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, and indicate any major changes from the current year in financial policies, expenditures, and revenues, with reasons for such changes. It shall also summarize the debt position of the city and include such other material as the city manager deems advisable. The budget shall begin with a clear, general summary of its contents. It shall show in detail all estimated revenue and indicate the proposed property tax levy. All proposed expenditures shall not exceed the total estimated revenue. The budget shall be so arranged as to show comparative figures for actual

and estimated revenue and expenditures of the preceding fiscal year, compared to the estimate for the budgeted year. It shall include in separate sections:

1. An itemized estimate of the expense of conducting each department, division and office.
2. Reasons for proposed increases or decreases of such items of expenditure compared with the current fiscal year.
3. A separate schedule for each department, indicating tasks to be accomplished by the department during the year, and additional desirable tasks to be accomplished if possible.
4. A statement of the total probable revenue of the city from taxes for the period covered by the estimate.
5. Tax levies, rates, and collections for the preceding five years.
6. An itemization of all anticipated revenue from sources other than the tax levy.
7. The amount required for interest on the city's debts, for sinking fund and for maturing serial bonds.
8. The total amount of outstanding city debt, with a schedule of maturities on bond issues.
9. Such other information as may be required by the city council.
10. Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition; subsidiary budgets for each utility giving detailed revenue and expenditure information shall be attached as appendices to the budget.
11. A capital program, which may be revised and extended each year to indicate capital improvements pending or in process of construction or acquisition, and shall include the following items:
 - (a) A summary of proposed programs.
 - (b) A list of capital improvements which are proposed to be undertaken during the five fiscal years next ensuing with appropriate supporting information as to the necessity for such improvements.
 - (c) Cost estimates, method of financing and recommended time schedules for each such improvement.

- (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
- B. Submission. On or before the first day of August of each year, the city manager shall submit to the city council a proposed budget and an accompanying message. The city council shall review the proposed budget and revise as deemed appropriate prior to general circulation for public hearing.
- C. Public notice and hearing. In accordance with applicable law, the city council shall provide notice stating (1) the times and places where copies of the message and budget are available for inspection by the public, and (2) the time and place for a public hearing on the budget.
- D. Amendment before adoption. After the public hearing, the city council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by applicable law or for debt service or which would cause a cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated revenue plus funds available from prior years.
- E. Adoption. The city council shall adopt the budget by ordinance as specified in article III of this Charter by the date established by applicable law. Adoption of the budget will require an affirmative vote of two-thirds of the voting members of the city council. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.
- F. Failure to adopt. If city council fails to adopt the budget on or prior to such day, the amounts appropriated for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis with all items prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal year. The levy of property tax normally approved as a part of the budget adoption, will be set to equal the total current fiscal year tax receipts, unless the ensuing fiscal year budget is approved as hereinabove provided.

. . . .

Sec. 9.04. - Amendments after adoption.

- A. Supplemental appropriations. If during the fiscal year the city manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the city

council may carry the excess into the next fiscal year or, by ordinance, may make supplemental appropriation within the same fiscal year up to the amount of such excess.

. . . .

Sec. 9.07. - Borrowing.

The city, upon a two-thirds majority vote of the councilmembers, shall have the power, except as prohibited by applicable law, to borrow money by whatever method it may deem to be in the public interest.

. . . .

- B. Revenue bonds. The city shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the Constitution and applicable law, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable from properties, or interest therein pledged, or the revenue therefrom, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with applicable law.”

Measure R

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga delete Section 9.03 of the City Charter to remove language duplicative of state law regarding public records?

Summary Analysis

Removes duplicative provision of Charter regarding production public records.

Text of Measure R

Shall Subsection 9.03 of the City Charter, regarding public records, be deleted.

Measure S

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend Section 9.08 of the City Charter, to provide that all municipal purchases comply with applicable municipal procurement laws?

Summary Analysis

Reverts to state bidding law for regulations relating to city purchases.

Text of Measure S

Shall Section 9.08 of the City Charter, regarding the city's power to purchase, be amended to read:

"Sec. 9.08. - Purchasing.

The city council shall pass, adopt and approve by resolution a written purchasing policy applicable to all contracts, purchases and expenditures for goods and services in the city.

The city manager, all department heads and employees shall faithfully adhere to the requirements of the written purchasing policy. Failure to do so shall constitute sufficient basis for termination.

However, all contracts, purchases and expenditures exceeding the maximum amount permitted by applicable law in effect at the time of the expenditure, without requiring competitive bidding or proposals, must be expressly passed, adopted and approved in advance by the city council and be subject to applicable law regulating municipal procurement. The city council shall retain the right to reject any and all bids.

Contracts for purchases that are necessary because of a public calamity, as authorized by applicable law may be negotiated by the city council or the city manager, if granted authority by the city council, without the necessity of competitive bidding. Such emergency shall be declared by the mayor. All expenditures must be supported by documentation justifying such expenditures."

Measure T

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend the Section 10.09 of the City Charter, to remove the prohibition on council waiving penalties and interest and extending time for payment of taxes?

Summary Analysis

Removes prohibition of city council to waive penalties and interest for delinquent taxes and to extend time for the payment of taxes.

Text of Measure T

Shall Section 10.09 of the City Charter, regarding payment and delinquency of taxes, be amended to read:

“Sec. 10.09. - Taxes; when due and payable.

All taxes due the City of Watauga shall be payable at the office of the city tax assessor-collector and may be paid at any time after the tax rolls for the year have been completed and approved, which shall not be later than October 1. Taxes shall be paid on or before January 31 and such taxes not paid on or prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as provided by applicable law. The city council may provide further by ordinance that all taxes either current or delinquent, due the City of Watauga may be paid by installments. Failure to levy and assess taxes through omission in preparation of the approved tax roll shall not relieve the person, firm or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipt for the years in question.”

Measure U

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend Section 11.01 of the City Charter to remove the requirement that members of the planning and zoning commission must own real property within the city?

Summary Analysis

Removes the requirement that a person must own property to be appointed to the planning and zoning commission.

Text of Measure U

Shall Section 11.01 of the City Charter, regarding the qualification of the members of the planning and zoning commission, be amended to read:

“Sec. 11.01. - The planning and zoning commission.

There shall be established by the city council a planning and zoning commission which shall consist of seven persons who are residents in the City of Watauga.”

Measure V

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga delete Section 14.06 of the City Charter providing for separability as duplicative of Section 14.17 of the City Charter?

Summary Analysis

Deletes a duplicative provision of the Charter regarding severability.

Text of Measure V

Shall Section 14.06 of the City Charter, regarding separability, be deleted.

Measure W

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend the City Charter to add a new Section 14.18 to authorize City Council to rearrange and renumber charter provisions by ordinance?

Summary Analysis

Gives city council authority to renumber and reorganize the provisions of the Charter in the future without the necessity of a Charter election.

Text of Measure W

Shall the City Charter be amended by adding a new Section 14.18 regarding rearrangement and renumbering of charter provisions to read:

“Sec. 14.18. - Rearrangement and Renumbering

The 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.”

Measure X

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend Section 14.14 of the City Charter to clarify that the failure of any person serving on the city council or a city board or serving as an employee of the city to make known a conflict of interest or to disqualify oneself if required shall constitute grounds for disciplinary action and such failure need not be subject to proof beyond a reasonable doubt?

Summary Analysis

Removes the burden of proof beyond a reasonable doubt for the imposition of disciplinary action for a city official's or city employee's failure to report a conflict. Makes nonsubstantive revisions for ease of reading.

Text of Measure X

Shall the last paragraph of Section 14.14 of the City Charter, regarding conflict of interest be amended to read:

“The failure by any person to make known a conflict of interest and failure to disqualify oneself as required shall constitute grounds for disciplinary action by the city council. Such disciplinary action may include reprimand or removal from office to the extent allowed by applicable law. An action constituting a reprimand requires a majority vote of the voting members of the city council. Any action for removal from office requires a unanimous vote of the voting members of the city council. The councilmember the subject of the removal issue shall not be permitted to vote.”

Measure Y

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend the City Charter to provide for gender neutrality in charter provisions, to conform all references to the city secretary, to conform all references to the passage of legislation, to conform all references to qualified voters and to provide rules for wording interpretation?

Summary Analysis

Makes charter language gender neutral. Conforms references to the city secretary and qualified voters to the terms “city secretary” and “qualified voters”, respectively. Provides internally consistent references to the actions of passing, adopting and approving city legislation. Provides definitions for the terms “City”, “Charter” and “qualified voter”.

Text of Measure Y

Shall the City Charter be amended to make the following non-substantive revisions to ensure clear wording interpretation: revise all references to “he” to read “he or she”; revise all references to “his” to read “his or her”; revise all references to “him” to read “him or her”; revise all references to “himself” to read “himself or herself”; revise the phrase “they continue” in Section 13.05 to “he or she continues”; revise all references to “chairman” to “chairperson”; revise all references to “councilman” to “councilmember”; revise all references to “councilmen” to read “councilmembers”; to conform all references to the “person performing the duties of city secretary” to “city secretary”; to conform all references to the passage of legislation by the city council to “pass and adopt” and to the acceptance of legislation by the mayor to “approve”; to conform all references to “voter” or “registered voter” to “qualified voter”; and to amend Section 14.12 of the City Charter regarding wording interpretation of charter provisions to read:

“Sec. 14.12. - Wording Interpretation.

The use of any gender herein shall be applicable to all genders. The use of the word “City” in this Charter shall mean the City of Watauga, Texas, and the use of the word “Charter” shall mean this Home Rule Charter. The term “qualified voter” shall mean a person who meets all legal requirements of applicable law and this Charter for becoming a registered voter and is also registered to vote.”

Measure Z

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend the City Charter to conform references to city council, to conform references to state and federal law and to delete language providing that expressions of law include enactments and amendments, such language having been rendered surplusage by Section 14.08 of this Charter?

Summary Analysis

Provides internally consistent references to “city council”. Simplifies references to statutes to “applicable law” to avoid the necessity of amending the Charter when statutes are recodified or renumbered. Removes surplus wording in existing Charter that provides statutes include enactments and subsequent amendments.

Text of Measure Z

Shall the City Charter be amended to make the following non-substantive revisions: revise all references to “council” to read “city council” except as in Section 1.01 of this City Charter; conform all references to state and/or federal law to read “applicable law”, except the references in the Preamble, Section 3.07, Section 8.02, Section 14.05 and Section 14.08; and delete language providing that expressions of law include enactments and amendments, such language having been rendered surplusage by Section 14.08 of this Charter.

Measure AA

Wording on Ballot

FOR/AGAINST

Shall the City of Watauga amend the City Charter to correct grammar, typographical errors and scriveners' errors?

Summary Analysis

Corrects grammar, typographical errors and scriveners' errors without altering meaning of affected provisions.

Text of Measure AA

Shall the City Charter be amended to make the following non-substantive revisions to correct grammar, typographical errors, and scriveners' errors: to reword Subsection 3.02(a) to "shall have been a resident of the City of Watauga for a period of not less than 12 months immediately preceding his or her election or (ii) shall have been a resident of the city or of territory annexed into the City under the provisions of this Charter during the 12-month period preceding his or her election;"; to reword Subsection 3.02(e) to "shall be 21 years of age or older at the time of assuming office;"; to apply the qualifications of office in Section 3.02 to the office of mayor; to reword Subsection 3.06(c) to "The mayor shall have the power to recommend appointment or removal of the city manager, the city secretary and the city attorney, subject to the consent and approval of the remaining members of city council. Such approval must be in accordance with the voting procedure set forth in Section 3.09(c) of this Charter."; to reword Subsection 3.06(f) to "Election of mayor pro tem: at its first regular meeting following the regular city council election, the city council shall elect from its members, in accordance with the voting procedure set forth in Section 3.09(c) of this Charter, a mayor pro tem who shall serve for a term of one year. The mayor pro tem shall perform all duties of the mayor in the absence or disability of the mayor or in instances where the mayor is unable to preside on specific issues and items due to a declared conflict of interest. In the event of resignation or vacancy of the office of mayor pro tem, the office shall be filled for the remainder of the one-year term of office by election by the city council at the next regular meeting of the city council following the resignation or vacancy."; to reword Subsection 3.07(g) to "Adopt and modify the zoning plan and building codes, including electrical and plumbing codes, of and for the city, and require building permits."; to substitute the word "replanning" in Subsection 3.07(j) with "planning"; to revise the second phrase in Subsection 3.07(o) to read "Define nuisances, prohibit same and provide penalties for violations."; to reword Subsection

3.07(r) to “Litigate, defend, compromise and settle any and all claims, demands, and lawsuits of every kind and character on behalf of the City of Watauga.”; to add “in” in Section 4.01; to delete the phrase “Run off election” in repealed Section 4.05; to replace “constitution” with “constituting” in Section 5.05; to add “days” after “15” in Section 5.06; to delete the duplicate “on the ballot” in Section 5.09; to correct the term “3.5” with “3.05” in Section 5.09; to reword Section 5.10 to read “No recall petition shall be filed against any elected or appointed member of the city council within six months after his or her election or appointment, within six months prior to the expiration of the term of office or within six months after an election for such recall.”; to capitalize “United States” in Section 7.06; to add “and” in Section 9.02A; to add “of” in Subsection 9.02A11(c); to add “to” in Subsection 9.04A.; to reword the phrase “reduction of transfer or” to “reduction or transfer of” in Subsection 9.04F; to retitile Section 11.05 of the Charter as “Zoning Board of Adjustment”; to reword Section 11.05 as “There shall be a zoning board of adjustment as specified by applicable law.”; to delete the word “council” in Subsection 12.10.(a); to add the word “seven” to Section 13.05; and to delete Section 14.06.