



**CITY COUNCIL
WORKSHOP SESSION MINUTES
CHARTER REVIEW
APRIL 6, 2022**

PRESENT:

Dr. Christopher Harvey, Mayor

COUNCIL MEMBERS:

Emily Hill, Mayor Pro Tem, Place 1
Anne Weir, Place 2
Maria Amezcua, Place 3
Sonia Wallace, Place 4
Aaron Moreno, Place 5
Vacant, Place 6

CITY STAFF:

Scott Dunlop, Interim City Manager
Lluvia T. Almaraz, City Secretary
Paige Saenz, City Attorney

WORKSHOP SESSION – 5:00 P.M.

With a quorum of the Council Members present, the workshop session of the Manor City Council was called to order by Mayor Harvey at 5:13 p.m. on Wednesday, April 6, 2022, in the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

PLEDGE OF ALLEGIANCE

Mayor Harvey let the Pledge of Allegiance.

PUBLIC COMMENTS

No one appeared to speak at this time.

REGULAR AGENDA

1. Discussion of Previous Charter Elections

City Secretary Almaraz discussed previous Charter Elections.

2. Discussion of Home Rule Charter and Recommendations

Mayor Harvey discussed the attached Ordinance No. 578 regarding previous amendments.

The discussion was held regarding vacancies in council and special elections regulations.

The discussion was held regarding the following Sections.

- Article III. The City Council – Section 3.04 City Council Judge of its Members; and Section 3.06 Quorum and Attendance.

The discussion was held regarding clarification on Council attendance for meetings.

City Attorney Saenz clarified that the Excusal from Attendance was in placed under the City Council Rules of Procedure, Section 5 – Duties and Privileges of Council Members, Section 5.05. Excusal from Attendance.

The discussion was held regarding the attendance requirement recommendations to be added to the Charter to refer to the Council Rules of Procedures.

Mayor Harvey requested for Section 3.04 City Council Judge of its Members; and Section 3.06 Quorum and Attendance of the City Charter to reflect same language of the Rules of Procedure – Section 5 – Duties and Privileges of Council Members - Section 5.05. Excusal from Attendance.

- Article III. The City Council – Section 3.09 Compensation

The discussion was held regarding the clarification of council compensation.

The discussion was held regarding additional meetings council is currently attending.

The discussion was held regarding the removal of Section 3.09 Compensation from the Charter.

City Secretary Almaraz stated that City Attorney Saenz would propose some ballot language for Council to review on a later date to be voted on at that time regarding Section 3.09 Compensation.

- Article IV. The Authority and Limitations of the City Council – Section 4.01 Mayors; Section 4.02 Mayor Pro-Tem; and Section 4.05 Prohibitions.

Mayor Harvey requested for the same language to be added back into Section 4.01 Mayors.

Mayor Harvey requested for Section 4.02 Mayor Pro-Tem regarding term of appointment to be changed from one (1) year to two (2) year terms.

The discussion was held regarding clarification on Section 4.05 Prohibitions regarding Council giving orders directly to any city employee.

Mayor Harvey explained the operations of Council-Manager form of government.

- Article VII. Administrative Services – Section 7.01 City Manager; Section 7.04 Department Directors; and Section 7.07 City Secretary.

The discussion was held regarding clarification on who the City Manager reports too.

The discussion was held regarding the clarification of Section 7.04. Department Directors.

The discussion was held regarding Section 7.07. City Secretary regarding who City Secretary reports too.

Mayor Harvey requested for a survey to be presented to Council on how other City's Charter's state regarding the role of the City Secretary and who the position reports too.

The discussion was held regarding the clarification on Section 7.03 Administrative Department; and Section 7.05 Department Organization.

The discussion was held regarding the clarification on the Department Organizational Chart.

The discussion was held regarding clarification on Section 7.10 Municipal Court.

City Secretary Almaraz stated she would discuss with Court Administrator to clarify revisions proposed.

3. Discussion of Future Topics.

Mayor Harvey suggested the following Sections for review on the next meeting.

- Article III. The City Council - Section 3.05 Vacancies in Office
- Article VII. Administrative Services - Section 7.10 Municipal Court
- Article X. Planning and Development; Community Committees - Section 10.10 (correction on numbering)
- Article XIII. General Provisions - Section 13.05 Community Service Organizations; and Section 13.07 Succession

4. Set Workshop Schedule

Charter Review Workshop was set for May 4, 2022, at 5:00 p.m.

There was no further discussion.

ADJOURNMENT

The Workshop Session of the Manor City Council Adjourned at 6:50 p.m. on Wednesday, April 6, 2022.

These minutes approved by the Manor City Council on the 20th day of April 2022. (*Audio recording archived*)

APPROVED:

Dr. Christopher Harvey
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary

ORDINANCE NO. 578

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON THE ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF MANOR; PROVIDING FOR THE ELECTION TO BE CONDUCTED IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THE RESOLUTION CALLING THE 2020 GENERAL ELECTION; AND RELATED MATTERS.

Whereas, the Charter Review Commission studied and reviewed the City Charter of the City of Manor, and made recommendations for the amendment of the City Charter;

Whereas, the City Council desires to submit to the voters the charter amendments set forth herein; and

Whereas, the City Council is contracting with the Travis County Elections Officer to hold and conduct the election for the City (the "Election Agreement"), and such election may be held as a joint election;

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

SECTION 1: A special election is ordered to be held in the city on Tuesday, November 3, 2020, for the purpose of submitting to the qualified voters of the city propositions on whether the Charter of the City of Manor should be amended. The special election shall be held and conducted by the Travis County Elections Officer, pursuant to a contract authorized by state law, and such election may be held as a joint election with Travis County and/or any other government jurisdiction contracting with Travis County therefore and located within the same territory as the City. The proposed amendments shall take effect upon their adoption and the entering of an order by the City Council declaring the amendments adopted. The proposed amendments affect only the Articles and sections listed below and submitted for amendment to read as follows (with proposed new language being underlined, bolded, and italicized and language proposed to be removed is struck through):

Article I

Incorporation, Form of Government and Powers of the City

Section 1.07. – Annexation and Disannexation.

The council may by ordinance unilaterally annex or disannex any land, property or territory upon its own initiative, upon a petition submitted by a majority of the voters residing within the territory being annexed or disannexed or upon petition by the owners of the property, ***as authorized by applicable law***. The procedure for the establishment, modification or extension of the city boundaries, including the annexation or disannexation of territory, may not be inconsistent with any applicable requirements and limitations established by state law; provided that absent procedures being established by state law the action may be taken by

ordinance adopted after one public hearing is held at least ten but not more than 20 days after notice of such public hearing is published in a newspaper of general circulation in the city and posted on the City's website. Upon final passage of an ordinance, fixing, establishing or modifying the boundaries of the city or annexing or disannexing any property by any method prescribed herein, the boundaries of the city shall be so extended or modified as provided in such ordinance. Upon an ordinance annexing property into the city, the territory described in the ordinance shall become a part of the city, and the said land and its residents and future residents shall be bound by the acts, ordinances, codes, resolutions and regulations of the city.

A good and sufficient legal description of the land area being considered for annexation or disannexation, together with a map or plat prepared at the initiator's expense showing the location of such land area, shall be presented to the council at a public meeting prior to final action on such annexation or disannexation. Land disannexed from the city shall not be relieved from any unpaid lawful assessments or taxes levied by the city against the property while such land or property was a part of the city.

**Article II.
Boundaries of the City**

Section 2.01. – Boundaries.

The boundaries and limits of the city shall, until changed in the manner herein provided, be the same as have heretofore been established and as exist on the date of the adoption of this charter. The boundaries and territorial limits of the city may from time to time by ordinance be fixed, decreased, modified or extended, and property may be annexed into the city or disannexed from the city, with or without the consent of any voter or of any landowner in the affected area, unless consent is required by applicable law.

**Article III.
The City Council**

Section 3.01. - Governing Body.

(a) The governing body of the city shall be a city council composed of six council members and a mayor, each elected for four years pursuant to the transition schedule in subsection (c), ~~each elected for a term of two years~~. When used in this charter or any other city document "council person" or "council member" includes the mayor unless the context indicates otherwise.

(b) The mayor shall be elected from the city at large. The council members shall be elected from the city at large, by Place. Each seat on the council, except for the position of mayor, will be numbered, as Place 1 through Place 6. The council member occupying a particular seat will be identified by the Place number assigned to that council seat. ~~The mayor and the three council members occupying Places 1, 3, and 5 shall be elected in odd numbered years and the three council members occupying Places 2, 4, and 6, shall be elected in even numbered years. The candidate who receives the largest number of votes for a particular office shall be declared elected for that office.~~

(c) Beginning with the November 2021 general election, the council shall transition to four-year terms as provided in this subsection.

(1) The candidates elected to Places 2, 4, and 6 in the November 2020 general election shall serve two-year terms.

(2) For the November 2021 general election, the Mayor and Places 1, 3, and 5 will be elected for three-year terms.

(3) For the November 2022 general election, Places 2, 4, and 6 will be elected to four-year terms.

(4) For the November 2024 general election, the Mayor and Places 1, 3, and 5 will be elected for four-year terms.

(5) Thereafter, the candidates elected to the city council in the November general election will be elected to four-year terms.

Section 3.02. –Term Limitations.

(a) The mayor and council members shall be elected in the manner provided in Article V of this charter to serve for no more than three consecutive terms. A partially served term shall count as a term for the purposes of this subsection. Terms served as council member shall be considered separately from those served as mayor. However, no person may serve more than six consecutive terms as mayor and council member. After completing three consecutive terms, a person may again run for office after one full year of not holding any appointed or elected position on the council. Non-consecutive terms shall not be limited. Terms served prior to the adoption of this charter shall not be considered for the purpose of term limitations.

[SECTION 3.05 IF BOTH PROPOSITION B AND D PASS]

Section 3.05. - Vacancies in Office.

- ~~(a)~~ The office of mayor or council member shall become vacant as provided in Section 3.10, or upon death, resignation, removal from office of the incumbent, or, for individuals elected to office, failure to take the oath of office by the first regular city council meeting following the canvass of the election at which the individual receives a plurality majority vote, or, for individuals appointed to office, by the first meeting following the individual's appointment. ~~Any vacancy or vacancies, whether in the office of mayor or council member, may be filled by special election called for such purpose or by the majority of the remaining council members appointing a qualified person to fill the vacancy. All appointees to vacancies shall serve for the remainder of the unexpired term of the office so filled.~~
- (b) A vacancy for an unexpired term that exceeds twelve months, that occurs when two places on council have been filled by appointment, or that occurs in the office of mayor, shall be filled by special election called for such purpose. The date for a special election to fill a vacancy shall be the first uniform election date after the vacancy occurs and for which there is sufficient time to call and give notice of the election as

required by law; provided that, if a vacancy occurs and no such election date falls within 120 days after the date of the vacancy, the council shall, without regard to the specified uniform election dates, order such election to be held on a Saturday within 120 days from the date of the vacancy. No special election will be required if the vacated office has a term of 120 days or less remaining as of the date of the first council meeting held after the date of the vacancy.

- (c) If a vacancy occurs for an unexpired term of twelve months or less for a position other than the mayor when there are less than two place on council filled by appointment, then the vacancy may be filled by either special election called for such purpose or by the majority of the remaining council members appointing a qualified person to fill the vacancy. Vacancies filled by appointment must be filled within forty-five days from the date the vacancy occurs.
- (d) All appointees or persons elected to vacancies as provided in this section shall serve for the remainder of the unexpired term of the office so filled.

[SECTION 3.05 IF PROPOSITION B PASSES AND PROPOSITION D FAILS]

Section 3.05. - Vacancies in Office.

- (a) The office of mayor or council member shall become vacant as provided in Section 3.10, or upon death, resignation, removal from office of the incumbent, or, for individuals elected to office, failure to take the oath of office by the first regular city council meeting following the canvass of the election at which the individual receives a plurality majority vote, or, for individuals appointed to office, by the first meeting following the individual's appointment. ~~Any vacancy or vacancies, whether in the office of mayor or council member, may be filled by special election called for such purpose or by the majority of the remaining council members appointing a qualified person to fill the vacancy. All appointees to vacancies shall serve for the remainder of the unexpired term of the office so filled.~~
- (b) A vacancy shall be filled by special election called for such purpose. The date for a special election to fill a vacancy shall be the first uniform election date after the vacancy occurs and for which there is sufficient time to call and give notice of the election as required by law; provided that, if a vacancy occurs and no such election date falls within 120 days after the date of the vacancy, the council shall, without regard to the specified uniform election dates, order such election to be held on a Saturday within 120 days from the date of the vacancy. No special election will be required if the vacated office has a term of 120 days or less remaining as of the date of the first council meeting held after the date of the vacancy.
- (c) All persons elected to vacancies as provided in this section shall serve for the remainder of the unexpired term of the office so filled.

Section 3.09 - Compensation.

The mayor shall not be paid and each other council member shall not be paid. The mayor shall be paid one hundred fifty dollars and each council member shall be paid seventy-five dollars for each city council meeting attended each month, up to a maximum of two per month. They The mayor and council members shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties, as budgeted and duly authorized. No staff or assistant shall be provided for any member of the council.

Section 3.10. - Automatic Resignation.

The office of mayor or council member shall become vacant upon such member's announcement of candidacy or becoming a candidate in any general, special, or primary election, or any office of profit or trust under the laws of the State of Texas or the United States other than the office then held, at any time during the member's term, and ~~when the unexpired term of the office then held exceeds one year and 30 days, [and]~~ such announcement or such candidacy shall constitute an automatic resignation of the office then held. The city council may not appoint a person who vacates his or her place on council under this ~~subsection~~ to fill the resulting vacancy.

Article IV. The Authority and the Limitations of Council**Section 4.01. - Mayor.**

The mayor serves as the ceremonial head of the city and shall preside at all meetings of the council and provide the leadership necessary to good government. He or she shall work with the council to obtain legislation in the public interest and with the city manager to ensure the same is enforced and participate in the discussion and vote on all legislative and other matters coming before the council. The mayor shall have signatory authority for all legal contracts and commitments of the city, sign all ordinances and resolutions, work and coordinate with the city manager and the council, but may not bind or obligate the city in any way without prior authorization from the council and to the extent provided by state law in time of declared emergency, may ~~take command of the police and~~ govern the city by proclamation, ~~maintain order and enforce all laws;~~ provided that the mayor must immediately call for an emergency meeting of the city council to consider the appropriate actions for the city during the emergency; and perform ceremonial duties.

Article V. Elections**Section 5.01. - Notice and Order for Elections.**

City elections shall be ordered and notice thereof given as provided in the Texas Election Code. The council shall establish the procedures and order elections except as provided therein. If not otherwise provided for by state law, all elections shall be ordered at least 62 days prior to the date of election and notice shall be given by publication and posting on the City's website not more than 30 days and not less than 20 days immediately preceding the date of election. Notice of election shall be published in a newspaper published within the city, and if there be no such publication, notice shall be published in a newspaper of general circulation within the city.

Section 5.02. - General Elections.

(a). Beginning with the general election to be held in 2016 and for each successive general election, the general city election shall be held annually on the uniform election date in November.

(b) Beginning in November 2021, the mayor and council members are elected by majority plurality vote.

~~(b). The terms of office for the members of the city council elected to Places 2, 4, and 6 in May 2014 shall be extended until their respective successors qualify for office following the November 2016 election. The terms of office for the mayor and the members of the city council elected to Places 1, 3, and 5 in May 2015 shall be extended until their respective successors qualify for office following the November 2017 election.~~

Section 5.08. - Voters and Voting.

Every registered voter who has been a resident of the city for the period of time required by state law~~30 days or more~~ prior to the date of the election shall be entitled to vote in city elections. Early voting and the hours the polls are open shall be as established by state law, or absent state law providing therefor, as established by ordinance.

Section 5.09. - Election Results.

The mayor and council members are elected by majority plurality vote. No measure shall be adopted except by a majority vote and a tie vote shall defeat the measure.

Section 5.11. Run-Off Election. If no candidate for an elective office receives a majority of the votes cast for that position in the regular or special election, a run-off election shall be held between the two (2) candidates who received the greatest number of votes. Such run-off election shall be held in accordance with State election laws on a Saturday within the period set by state law for holding runoff elections. The candidate receiving the highest number of votes cast for the office in the run-off election shall be declared elected.

Section 5.12.11. - Term of Office.

The mayor and each council member shall serve until his or her successor is elected or appointed and qualified to serve. The regular term of office of the mayor and the council members shall commence on the first regular council meeting following the canvass of the election at which they receive a majority plurality vote. The remaining term of a member of council elected at a special election shall commence on the first regular council meeting after the canvass of votes for the election at which they receive a majority plurality of the votes cast for the office.

Article VI. Initiative and Referendum

Section 6.03. - Referendum.

The people of the city shall have the power to require reconsideration by the council of any adopted ordinance regarding any issue that would be a proper subject for an initiative, ~~and if~~ If the council fails to repeal an ordinance so reconsidered, the people shall have the power to approve or reject the ordinance at an election. Such power does not extend to the budget; capital expenditures; levy of taxes; any bonds, certificates of obligation or any similar obligations; zoning; annexation; or any rates, fees and charges; provided that tax increases shall be subject to petition as provided by state law.

Section 6.10. - Procedure and Results of Election.

Not more than 30 and not less than 15 days prior to the special election, the city secretary shall cause the proposed or referred ordinance to be published in its entirety at least once in a newspaper of general circulation in the city and posted on the city's website until the date of the election.

The ballots used when voting upon such proposed and referred ordinances shall set forth the nature of the ordinance sufficiently to identify the ordinance and shall also set forth a proposition as provided in this charter. If a majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances adopted by the council. If conflicting ordinances are approved at the same election, the ordinance receiving the greatest number of affirmative votes shall prevail.

An ordinance adopted by initiative may not be repealed or amended at any time prior to the expiration of two years from the date of its adoption, except at an election held for such purpose or such amendment being approved by the council by not less than six affirmative votes.

If a majority of the qualified voters on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results. If a majority of the qualified voters voting on a referred ordinance vote for the ordinance, it shall be upheld; in such event, [it] may not again be the subject of a petition within 12 months following the date of such election.

Article VII. Administrative Services

Section 7.08. - Public Works Department.

There will shall be established a public works department to administer, supervise and coordinate the construction and maintenance of the streets, parks, water/wastewater and thoroughfares, the drainage system, and all public property and equipment not the responsibility of another department. The department will shall have and be responsible for other duties, projects and works as provided by ordinance or assigned by the city manager.

The director of public works will shall administer and manage the department. *The director of such department is appointed and removed by the city manager.*

Section 7.11. - Human Resources.

The office of Human Resources will be established. The city shall be an equal opportunity employer and the service of each officer and employee shall be "at will". The administration of human resources of the city shall be governed by written rules and regulations to be known as "Personnel Policies". The city manager or his or her designee shall prepare such policies and recommend their adoption to the council. Such policies shall not be inconsistent with this charter and will become effective when approved by the council by ordinance. All policies so adopted and not inconsistent with this charter shall have the force and effect of law.

Article VIII. Finance

Section 8.05. - Budget Process and Adoption.

The city manager is responsible for the timely preparation and presentation of the budget, and shall present his or her recommended or draft budget to the city council no later than 60 days prior to October 1st of each year. In the absence of the truth-in-taxation calculations being provided in advance of the sixtieth day, the city manager shall provide a draft budget and a recommended budget not less than ten days following receipt from Travis County of the calculations, if after the sixtieth day before October first (1st). The proposed budget shall become a public document and record when presented to the council. From and after its receipt of the budget, the city council shall:

- (a) At the first council meeting for which timely notice may be given, cause to be posted in city hall and on the City's website a general summary of the proposed budget and a notice stating the time and places where copies of the budget are available for public inspection; of a public hearing on the budget; and such other public hearings as are required by state law.
- (b) After public hearing(s) the council may adopt the budget with or without amendment. The council may amend the proposed budget to add, increase, decrease or delete any programs or amounts, except expenditures required by law or for debt service; provided that no amendment shall increase the authorized expenditures to an amount greater than the total of estimated funds available from all sources.
- (c) The budget shall be finally adopted by ordinance not later than September 30th; provided that if the council takes no final action on or prior to such day, the budget as submitted by the city manager is deemed to have been finally adopted by the council.

Section 8.11. - Bonds and Financial Obligations.

The council may by ordinance authorize the issuance of any tax or revenue bonds, refunding bonds, certificates of obligation, warrants, notes, certificates of participation, tax anticipation notes or other evidence of indebtedness or obligation, for any permanent public improvement or any emergency, or any other public purpose not prohibited by law, subject only to the following limitations:

- (a) No general obligation bonds, other than refunding bonds, shall be issued except as approved by a majority vote at an election held for such purpose;
- (b) No indebtedness or obligation shall be issued except in compliance with the requirements of state law;
- (c) No form of indebtedness other than general obligation bonds approved by public vote may be issued without public notice and a public hearing being held in compliance with state law; the published notice, published in a newspaper of general circulation in the city and posted on the city's website, must clearly summarize the relevant statutory provisions providing for a petition and election, if any; and
- (d) The authorization for bonds authorized but not issued shall expire ten years after the date of authorization.

Article X. Planning and Development; Community Committees

Section 10.07. - ~~Planning and Development Services~~ Department.

The city council ~~will~~ ~~may~~ create by ordinance such department(s) as necessary to provide technical and administrative support in the areas of planning, growth management and land development, or the city manager may assign such duties to any other department or officer of the city. The director of such department is appointed and removed by the city manager.

The department of Development Services will be established. The director of planning will administer and manage the department and will have and be responsible for the duties, projects and works as provided by this charter, ordinance, or as assigned by the city manager. The director of such department is appointed and removed by the city manager

Section 10.10. Community Committees. The following community committees are hereby established. The City Council shall adopt an ordinance providing for the membership, qualifications, terms, duties, and other matters determined appropriate by the City Council regarding the committees.

- (a) Community Collaborative Committee. The community collaborative committee shall serve to promote communication between the City and the community on issues affecting the City as a whole. The community collaborative committee shall include representatives from the City's homeowners' associations, community non-profit associations, the school district, charter schools, and other members of the community as determined appropriate by the City Council.
- (b) Economic Development Committee. The economic development committee will be made up of representatives from the City, the local business community, and other persons determined appropriate by the City Council. The economic development committee shall serve as a resource for marketing the City and promoting the economic development of the City.
- (c) Public Safety Committee and Community Advisory Committee. The public safety committee shall serve to provide input on the programs and activities of the Police Department and other areas of public safety and to assist in bridging relationships between the community and local police, fire, EMS and to provide direction in matters of public safety. The committee will be made up of members of city council and city

staff, and additional members of the community if determined appropriate by the City Council. The public safety committee shall recommend for appointment by the city council persons to serve on a community advisory committee. The community advisory committee shall receive input from the community on ideas, areas of concern, and complaints regarding public safety matters, and shall perform other functions established by the City Council by ordinance.

- (d) Emergency Management Committee. The emergency management committee shall serve to coordinate and integrate activities and capabilities needed to mitigate against, prepare for, respond to, and recover from emergencies, declared disasters or hazards. The committee will be made up of members of city council and city staff, and additional members of the community if determined appropriate by the City Council.

Article XI. Public Utilities, Franchises and Contracts

Section 11.02. - Franchises.

The council shall have the power and authority to grant franchises for the use and occupancy of streets, avenues, alleys and any and all public property belonging to or under the control of the city. Except as specifically authorized and provided otherwise by state law, no individual, organization, entity, political subdivision, corporation, public utility or any provider of public service shall provide any service within the city requiring the use or occupancy of any street, public right-of-way or property without first being granted a franchise or permit to use such city facilities. The franchise ordinance or permit shall fully describe the terms of the agreement, and regardless of the title given, shall be subject to the terms of this Article. The terms of such agreements shall be explicit so as to protect the interests of the citizens and shall include but not be limited to the terms prescribed in this charter. No franchise ordinance or permit shall be passed except on two readings held after a public hearing for which ten days' notice is given in a newspaper of general circulation in the city and posted on the City's website, unless applicable state or federal law requires the issuance of the franchise or permit within a specific time period, in which case the franchise ordinance or permit will be approved in accordance with the procedures established by ordinance.

Article XII. Ethics and Conflicts

Section 12.01. - Ethics Commission.

The city council shall adopt, and periodically modify and amend, an ordinance providing an ethics policy and code of conduct applicable to the officers, employees, boards and commission members of the city. An ethics commission composed of a minimum of five qualified voters of the city shall be established to advise the council on the content and requirements of the ethics policies and ordinance and to hear and decide complaints filed pursuant to such policies and ordinance. The council shall receive applications from and interview persons interested in serving on the ethics commission. After concluding the interview process, each Each council member has the right to recommend appointment of qualified citizens to serve, subject to the approval by vote of the council. Should the council approve a seven member ethics commission, each council member shall appoint one member to the commission, subject to the approval by vote of the council. If a sufficient number of qualified voters do not apply to fill vacancies on the commission, the council may appoint up to two residents of the extraterritorial jurisdiction to serve on the ethics commission. The

council may not appoint any person related to a member of the council within the first degree of consanguinity or affinity. The members of such commission are appointed, supervised and removed by the city council and shall meet upon a complaint or grievance being filed or at the request of the council or the city manager. The ethics commission has authority and power to investigate complaints; gather and hear evidence; issue and enforce subpoenas to compel the attendance of witnesses and collection and presentation of any evidence or documents; decide ethics complaints based on the information and facts submitted; issue written opinions; issue verbal or written reprimands and to admonish; and in appropriate circumstances, to recommend to the city council and/or the city manager as appropriate more severe disciplinary action, including removal, termination, civil litigation or criminal charges. The ethics commission shall be advised by independent legal counsel nominated by the city attorney and appointed by the council.

Section 12.04. - Conflict of Interest.

No elected or appointed officer or employee of the city shall participate in the deliberation or decision on any issue, subject or matter before the council or any board or commission, if the officer or employee, or a family member related to the officer or employee within the first degree of consanguinity or affinity, has a personal financial or property interest, direct or indirect, in the issue, subject or matter that is different from that of the public at large. An interest arising from job duties, compensation or benefits payable by the city shall not constitute a personal financial interest.

Article XIII. General Provisions

Section 13.06. - Public Records.

All public records of every office, department, or agency of the city, that are not subject to a privilege against disclosure that is recognized by state or federal law are open to inspection by the public all reasonable times in accordance with state law and the policies and procedures established by the City that are consistent with state law; provided that the following records shall not be considered public records for the purpose of this section:

- ~~(a) records that may be closed to the public pursuant to state law;~~
- ~~(b) records that are attorney-client privileged;~~
- ~~(c) records that regard a competitive bid or proposal that has not been finally awarded;~~
- ~~(d) records that regard the active negotiation of a contract or pending acquisition of property;~~
- ~~or~~
- ~~(e) records that that include information that is protected by a right of privacy established by statute or constitution.~~

Section 13.07. - Succession.

If four or more positions on the city council become vacant at any time due to disaster or an event that results in the death or inability to serve of four or more members, the mayor, mayor pro-tem, majority of the surviving members of council, or if there be but one, any surviving member, may call a special election to fill the vacant positions. In such event, pending the election, if there are three surviving members of the city council, they constitute a

quorum. If there are not at least three surviving members, the following officers of the city in the order listed shall serve with the surviving members of the council on an interim basis as necessary to result in a four-member quorum:

- (a) the chair of the planning and zoning commission;
- (b) the vice chair of the planning and zoning commission;
- (c) the city manager;
- (d) the chief of police;
- (e) the city secretary; and
- (f) the finance director; and**
- ~~(g)~~ **(g)** the director of public works.

If such surviving officers not be sufficient in number to constitute a quorum, the remainder shall constitute a quorum until the officers elected at the special election take office.

Section 13.08. - Charter Review.

The council will ~~shall~~ review the charter every two years to determine if any amendment should be considered. The council will ~~shall~~ appoint a charter review commission, consisting of seven qualified voters of the city, at least every fifth year. The terms of each charter review commission will ~~shall~~ be six months and such commission will ~~shall~~ review, hold hearings upon and make recommendations for the amendment, if any, of this charter. Any resulting charter elections will ~~shall~~ be noticed and held in compliance with state law.

SECTION 2. Notice of the election shall be given and the election shall be held in compliance with the provisions of the Texas Election Code and Chapter 9, Texas Local Government Code, in all respects. The ballot propositions for the special election shall comply with the Tex. Elec. Code and be in the form provided by the City to the Travis County Elections Officer for use on the voting devices and ballots used by Travis County; provided that the official ballot shall be prepared in such a manner as will permit the voters to vote "For" or "Against" each proposition submitted, with the propositions to be expressed on the official ballot in a form substantially as follows:

**CITY OF MANOR PROPOSITION A
Annexation**

Shall Section 1.07 and Section 2.01 of the City Charter be amended to require consent to annexation of land by the City as required by state law?

_____ Yes _____ No

**CITY OF MANOR PROPOSITION B
City Council Four-Year Term of Office**

Shall Section 3.01 of the City Charter be amended to increase the terms of office for the Mayor and City Council from two-year to four-year terms, and to provide for transition to four year terms, and shall Sections 3.05, 5.02, 5.09, and 5.11 be amended and Section 5.12 be added to make the Charter consistent with state law for four-year terms by providing for election by majority vote, providing for runoff elections if no candidate is elected by majority vote, and providing for special elections to fill vacancies on council?

_____ Yes _____ No

**CITY OF MANOR PROPOSITION C
Term Limits**

Shall Section 3.02 of the City Charter be amended to clarify that partial terms of office count towards term limits?

_____ Yes _____ No

**CITY OF MANOR PROPOSITION D
Council Vacancy Filled by Appointment**

If four-year terms are adopted, shall Section 3.05 of the City Charter be amended to provide that the Council may fill a vacancy that occurs when there are 12 months left on the term either by appointment or special election, unless there are already two places on Council that have been filled by appointment?

_____ Yes _____ No

**CITY OF MANOR PROPOSITION E
Council Compensation**

Shall Section 3.09 of the City Charter be amended to compensate the Mayor in the amount of \$150 per council meeting and each City Councilmember in the amount of \$75 per council meeting attended each month, up to a maximum of two?

_____ Yes _____ No

**CITY OF MANOR PROPOSITION F
Automatic Resignation Upon Announcing for Office**

Shall Section 3.10 of the City Charter be amended to provide that a Councilmember’s announcement of candidacy for another office at any time during their term creates a vacancy in office?

_____ Yes _____ No

**CITY OF MANOR PROPOSITION G
Powers of the Mayor**

Shall Section 4.01 of the City Charter be amended to remove the authorization of the Mayor to “take command of the police” and “maintain order and enforce all law” during times of declared emergency?

_____ Yes _____ No

**CITY OF MANOR PROPOSITION H
Posting of Notices on City Website**

Shall Sections 1.07, 5.01, 6.10, 8.05, 8.11, and 11.02 of the City Charter be amended to require notices described in those sections be posted on the City’s website as well as published in the newspaper?

_____ Yes _____ No

CITY OF MANOR PROPOSITION I
Residency Requirement for Voters

Shall Section 5.08 of the City Charter be amended to conform the residency requirements for voters to what is required by state law?

_____ Yes _____ No

CITY OF MANOR PROPOSITION J
Power of Referendum

Shall Section 6.03 of the City Charter be amended to clarify the section describing the power of referendum granted under the Charter?

_____ Yes _____ No

CITY OF MANOR PROPOSITION K
Public Works

Shall Section 7.08 of the City Charter be amended to add parks to the duties of the public works department and to state that the public works director is appointed and removed by the City Manager?

_____ Yes _____ No

CITY OF MANOR PROPOSITION L
Human Resources

Shall Section 7.11 of the City Charter be amended to establish the office of Human Resources?

_____ Yes _____ No

CITY OF MANOR PROPOSITION M
Development Services Department

Shall Section 10.07 of the City Charter be amended to establish the department of Development Services to be managed by a director of planning, to provide for the duties of the planning director, and state that the planning director is appointed and removed by the City Manager?

_____ Yes _____ No

CITY OF MANOR PROPOSITION N
Community Committees

Shall Section 10.10 be added to the City Charter to establish the community collaborative committee, the economic development committee, the public safety committee, and the emergency management committee and to provide for the makeup and duties of the committees?

_____ Yes _____ No

CITY OF MANOR PROPOSITION O
Franchise Authority

Shall Section 11.02 of the City Charter be amended to address preemption by state and federal law of the City's franchise authority and procedures for granting a franchise?

_____ Yes _____ No

**CITY OF MANOR PROPOSITION P
Ethics Commission**

Shall Section 12.01 of the City Charter be amended to establish an application and interview process for appointing ethics commission members, to allow for appointment of up to two residents of the extraterritorial jurisdiction to the commission if there are not enough qualified applicants from the city limits, and to prohibit appointment of persons related within the first degree of affinity or consanguinity to the city council?

_____ Yes _____ No

**CITY OF MANOR PROPOSITION Q
Conflict of Interest**

Shall Section 12.04 of the City Charter be amended to prohibit elected or appointed officers or employees of the city from participating in decisions on matters if a family member related to the officer or employee within the first degree of consanguinity or affinity has a personal financial or property interest in the matter?

_____ Yes _____ No

**CITY OF MANOR PROPOSITION R
Public Records**

Shall Section 13.06 of the City Charter, which governs public records, be amended to confirm this section to state law?

_____ Yes _____ No

**CITY OF MANOR PROPOSITION S
Succession**

Shall Section 13.07 of the City Charter be amended to add the finance director to persons within the chain of succession?

_____ Yes _____ No

CITY OF MANOR PROPOSITION T
Charter Review Cycle – Change “Shall” to “Will”

Shall Section 13.08 of the City Charter, governing the frequency of City Charter reviews, be amended to change the word “shall” to “will” wherever it appears in this section?

_____ Yes _____ No

SECTION 3. The election precincts for the election shall be the election precincts established by Travis County, provided that each shall contain and include geographic area that is within the City and the election precincts are in accordance with the City Charter.

SECTION 4. Notice of the election shall be given by posting a notice containing a substantial copy of this ordinance on the bulletin board used for posting notice of meetings of the governing body at the City Hall not later than the twenty-first (21st) day before the election, provided that Exhibit A may be made available in the office of the City Secretary for review upon request, and by publishing said Notice of Election on the same day in each of two successive weeks, with the first such publication occurring before the fourteenth (14th) day before the date of the election. The notice that is posted, and the notice that is published in a newspaper of general circulation within the city, will be written in both English and Spanish.


SECTION 5. The elections shall be held and conducted by the Travis County Election Officer in compliance with state law, the City Charter, the Election Agreement, and the resolution calling the 2020 general election except where it clearly conflicts with this Ordinance; provided that Chapter 9, Texas Local Gov’t Code shall apply to the special election. And, this Ordinance shall be in force and effect from and after its passage on the date shown below.

SECTION 6. The City Council finds and declares the adoption, passage and implementation of this ordinance is an emergency and necessary for the preservation and protection of the citizens.

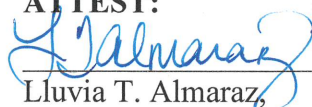
SECTION 7. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on this the 5th day of August 2020.

THE CITY OF MANOR, TEXAS



Dr. Larry Wallace Jr.,
Mayor

ATTEST:


Luvia T. Almaraz,
City Secretary

