

RESOLUTION NO. _____

A RESOLUTION ORDERING AND CALLING A CHARTER ELECTION ON PROPOSED AMENDMENTS, DURING THE GENERAL ELECTION IN MISSION, TEXAS TO BE HELD ON MAY 4, 2024, AND OTHER MATTERS RELATING TO SAID ELECTION.

WHEREAS, the Mission City Charter was adopted by election in 1961, creating the first home-rule charter; and

WHEREAS, the Mission City Charter has only been amended previously on January 17, 1987 and May 10, 2008; and

WHEREAS, on or about September 25, 2023, the Mission City Council established a Charter Review Committee, charged with considering and making recommendations to the City Council, including but not limited to technical and other updated amendments; and

WHEREAS, the Charter Review Committee convened several times throughout the remainder of 2023 and finally presented its Committee Report to the Mission City Council on January 8, 2024 during a City Council Workshop; and

WHEREAS, on January 22, 2024, during a public hearing, the Mission City Council conducted a First Reading on the Mission Charter Propositions to be placed on the Election Ballot; and

WHEREAS, on February 12, 2024, during another public hearing, the Mission City Council conducted a Second and Final Reading on the Mission Charter Propositions to be placed on the Election Ballot; and

WHEREAS, the Mission City Council desires to submit the hereinafter set forth amendments to said Charter to the electorate of the City of Mission; and

WHEREAS, pursuant to the requirement of Article 3 of the Charter of the City of Mission an election is to be called to be held in the City of Mission, Texas, on the fourth (4) of May, 2024, for the purpose of electing Councilmembers for Places Two and Four for the City of Mission, Texas (hereinafter called "General Election"); and

WHEREAS, the Mission City Council deems it efficient and expedient to submit the proposed amendments to the existing Mission City Charter to its voters on the General Election date, as stated above.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS:

In compliance with the Mission City Charter and in accordance with the Constitution and laws of the State of Texas, the City Council hereby orders that a special election, hereinafter, "election" be held in conjunction with the General Election on May 4, 2024, between the hours of 7:00 AM and 7:00 PM, which is within the time prescribed by law, at the places designated for the General Election, for the purpose of submitting to the qualified voters of the City of

Mission, for adoption or rejection, the proposed amendments as shown in detail in Exhibit "A" to the existing Mission City Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MISSION:

SECTION 1. PROPOSITIONS: The official ballots to be used in said election shall be prepared in accordance with the Texas Elections Code, and shall have printed thereon the following PROPOSITIONS to be expressed substantially as follows:

MISSION PROPOSITION A

Shall Section 1.01 of the City Charter be amended to provide that the provisions of the charter shall be construed liberally to favor the City of Mission?

FOR []
AGAINST []

MISSION PROPOSITION B

Shall Article 1 of the City Charter be amended to simplify the provisions relating to expansion and contraction of the city's boundaries by deleting Sections 1.03 through 1.06, providing that the procedures for annexation are to be conducted according to the provisions of state law, and renumbering the remaining sections?

FOR []
AGAINST []

MISSION PROPOSITION C

Shall Section 2.01 of the City Charter be amended to simplify the enumeration of the city's powers and to provide that it will have the power of local government to the fullest extent permitted by law?

FOR []
AGAINST []

MISSION PROPOSITION D

Shall Section 3.01.C of the City Charter be amended to provide, to the extent permitted by law, that the regular municipal elections for the City of Mission to elect a Mayor and/or member of City Council shall be held during the November uniform election date?

FOR []
AGAINST []

MISSION PROPOSITION E

Shall Section 3.01.H of the City Charter be amended to establish a term limit for the office of mayor of three (3) four-year terms?

FOR []
AGAINST []

MISSION PROPOSITION F

Shall Section 3.06 of the City Charter be amended to revise the process for filling vacancies on the city council to be consistent with the requirements of the Texas Constitution?

FOR []
AGAINST []

MISSION PROPOSITION G

Shall Section 3.09 of the City Charter be amended to provide meetings of the city council must be conducted in accordance with the Texas Open Meetings Act?

FOR []
AGAINST []

MISSION PROPOSITION H

Shall Section 3.11 of the City Charter be amended to revise the process for publishing city ordinances to also include other means as allowed by state law?

FOR []
AGAINST []

MISSION PROPOSITION I

Shall Section 3.14 of the City Charter be amended to provide that audits of the city's books and accounts are to be filed with the City Secretary?

FOR []
AGAINST []

MISSION PROPOSITION J

Shall Section 3.14 of the City Charter be amended to remove the requirement that the city's semiannual simplified financial report be published in a local newspaper?

FOR []
AGAINST []

MISSION PROPOSITION K

Shall Section 3.15 of the City Charter be added to establish the position of internal auditor?

FOR []
AGAINST []

MISSION PROPOSITION L

Shall Sections 4.02 and 4.08 of the City Charter be amended to clarify that the chief of police and the fire chief are appointed by and responsible to the city manager and revising the existing language so that the sections relating to the fire and police departments are consistent?

FOR []
AGAINST []

MISSION PROPOSITION M

Shall Section 4.05.B of the City Charter be amended to remove the requirement that Mission Municipal court judges be qualified voters of the City of Mission?

FOR []
AGAINST []

MISSION PROPOSITION N

Shall Section 4.05.B of the City Charter be amended to remove the requirement that the City Secretary or an assistant City Secretary be ex officio clerk of the municipal court?

FOR []
AGAINST []

MISSION PROPOSITION O

Shall various sections of the City Charter, including Section 4.05 (terms of municipal law judges), Section 5.01 (conduct of elections), Section 9.18 (appraisal and rendition of property), Section 11.02 (financial interest in transactions with the city) and Section 11.03 (drilling operations in the city), to define the city's responsibilities and limitations in terms of the controlling state statute?

FOR []
AGAINST []

MISSION PROPOSITION P

Shall Section 4.06 of the City Charter be amended to define the duties of the city attorney and provide guidelines to limit the use of outside counsel?

FOR []
AGAINST []

MISSION PROPOSITION Q

Shall Section 4.09 of the City Charter be amended to remove Council's authority to combine the city's Police and Fire Departments into one (1) department?

FOR []
AGAINST []

MISSION PROPOSITION R

Shall the City Charter be amended by revising Section 5.03 to set out the qualifications and procedures for candidates filing to run for the office of mayor or councilmember, deleting Section 5.04 (official ballot), Section 5.05 (laws governing city elections), and Section 5.06 (canvassing elections) as matters governed by state statute, and renumbering the remaining section in article 5 accordingly?

FOR []
AGAINST []

MISSION PROPOSITION S

Shall the City Charter be amended by revising various sections of Article 7 to clarify the procedure for calling an initiative or referendum election where an ordinance is sought to be adopted or repealed pursuant to a citizen petition including making clear that the power of referendum does not extend ordinances appropriating money, to clarify the rule for interpreting inconsistent ordinances adopted at the same election, to change the period during which an initiated ordinance may not be amended or repealed by the city council to two rather than four years, and to conform publication standards to those set out in state law?

FOR []
AGAINST []

MISSION PROPOSITION T

Shall Section 8.01 of the City Charter be amended to define the authority of the Planning and Zoning Commission to advise the City Council on zoning matters and to provide that the City of Mission and its Planning and Zoning Commission shall have authority of planning and zoning and of subdivision and platting of land to the full extent permitted by the Constitution and laws of the State of Texas.

FOR []
AGAINST []

MISSION PROPOSITION U

Shall Article 9 of the City Charter be amended to clarify the time by which the city manager is to present a proposed budget, to clarify the time and place of a public hearing on the budget, to delete the requirement that the annual budget include a contingency appropriation of up to three percent of the total budget, to clarify that the estimated expenditures in the budget shall not exceed estimated revenues, to provide for public availability of copies of the budget, to conform the subject of and procedures for taxation to the requirements of the State of Texas Property Tax Code, and to make non-substantive typographic changes. (§§ 9.02, 9.07, 9.11, 9.13, 9.14, 9.18, and 9.22)

FOR []
AGAINST []

MISSION PROPOSITION V

Shall the City Charter be amended to delete Section 9.16 relating to a City Department of Taxation and Section 9.19 authorizing the establishment of a joint tax office by joining with other taxing entities?

FOR []
AGAINST []

MISSION PROPOSITION W

Shall the City Charter be amended to delete the requirement that a city treasurer be appointed?

FOR []
AGAINST []

MISSION PROPOSITION X

Shall the City Charter be amended to delete the requirement that a City Health Officer be appointed?

FOR []
AGAINST []

SECTION 2: Said election shall be conducted and held in accordance with the Charter of the City of Mission and the laws of the State of Texas and with a voting system certified by the Texas Secretary of State.

SECTION 3: BILINGUAL ELECTION MATERIALS: All election materials (including notice of the election, ballots, instructions cards, affidavits, and other forms which voters may be required to sign) and all early and later voting materials shall be printed in both English and Spanish, or Spanish translation thereof, and/or other assistance shall be provided, as required by the Texas Elections Code and by all federal requirements as required by applicable state and federal laws, each as amended.

SECTION 4: QUALIFIED VOTERS: Only duly qualified voters of the City of Mission determined to be eligible to vote in the General Election shall be permitted to vote in this election, and the ballots and manner of holding such election shall be governed by the law governing other general elections, except where otherwise provided by the Constitution, statutes, and the Mission City Charter.

SECTION 5: EARLY VOTING: Early voting by personal appearance will be conducted by the County of Hidalgo Elections Administrator and will be held at the following locations and times (times may be amended pending consensus from all entities):

- Mission Parks & Recreation Conference Room, 721 N. Bryan Road

- Mission Boys & Girls Club Gym at Bannworth Park, 1822 N. Shary Road
 - Monday, April 22, 2024 – 7 a.m. – 7 p.m.
 - Tuesday, April 23, 2024 – 7 a.m. – 7 p.m.
 - Wednesday, April 24, 2024 – 7 a.m. – 7 p.m.
 - Thursday, April 25, 2024 – 7 a.m. – 7 p.m.
 - Friday, April 26, 2024 – 7 a.m. – 7 p.m.
 - Saturday, April 27, 2024 – 7 a.m. – 7 p.m.
 - Monday, April 29, 2024 – 7 a.m. – 7 p.m.
 - Tuesday, April 30, 2024 – 7 a.m. 7 p.m.

Every qualified voter who desires to cast an early vote and expects to be absent on the day of said election, or is otherwise entitled to vote early under the provisions of the applicable statutes of the State of Texas, shall upon proper application be entitled to an official ballot and the right to cast such ballot in accordance with the early voting laws of the State of Texas, particularly Title 7, Texas Election Code.

Applications for early ballots to be voted by mail shall be made to Early Voting Clerk, Hilda Salinas Elections Administrator, P.O. Box 659, 213 S. Closner, Edinburg, TX 78540-0659 or her designated assistant who shall conduct the early voting in said election in the manner prescribed by the applicable statutes of the State of Texas. The period for accepting applications for early ballots to be voted by mail for the General Election is hereby scheduled through April 23, 2024.

SECTION 6: ELECTION DAY: The polls will be open Election Day from 7:00 a.m. – 7:00 p.m. on Saturday, May 4, 2024 at the following locations:

- Mission Parks & Recreation, 721 N. Bryan Road
- Mission Boys & Girls Club Gym at Bannworth Park, 1822 N. Shary Road
- Mission High School Neuhaus Gym, 1802 W. 18th (Cleo Dawson)

SECTION 7: NOTICE: The City Secretary is hereby directed to give notice of said election by posting said notice at the City Hall and to give notice by publication and otherwise as required by law.

SECTION 8: EFFECTIVE DATE: This Resolution shall become effective immediately upon its adoption.

INTRODUCED at a **PUBLIC HEARING AND PASSED** by City Council on **FIRST READING** on the 22nd day of January, 2024.

PASSED, APPROVED and **ADOPTED** by City Council on **SECOND AND FINAL READING** on this the 12th day of February, 2024.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

APPROVED AS TO FORM:

Victor A. Flores, City Attorney