

**ORDINANCE NO. 1107**

**AN ORDINANCE CALLING A GENERAL ELECTION AND A SPECIAL ELECTION TO BE HELD JOINTLY WITH NUECES COUNTY ON NOVEMBER 8, 2022 IN THE CITY OF ROBSTOWN, TEXAS TO ELECT ONE-UTILITY BOARD OF TRUSTEE, POSITION NO. FIVE AND TO SUBMIT PROPOSITIONS ON AMENDMENTS TO THE CITY OF ROBSTOWN HOME RULE CHARTER; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.**

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**WHEREAS**, the term for One-Utility Board of Trustee Position No. 5 is set to expire in November 2022 and there is a need to call for a General Election; and

**WHEREAS**, the City Charter of the City of Robstown (“City”) was adopted in March 1948 and was last amended in November 2019, and has served the City and its citizens well; and

**WHEREAS**, Special Legal Counsel with the assistance of City staff, has reviewed the Charter and has made recommendations to the City Council for Charter Amendments; and

**WHEREAS**, on July 8, 2022 the City Council reviewed the changes proposed by Special Legal Counsel and City staff and now wishes to submit the proposed charter amendments to the Charter for submission to the qualified voters of the City on the next uniform election date, November 8, 2022; and

**WHEREAS**, pursuant to Texas Local Government Code Section 9.004(e), more than one amendment may be combined in one ballot proposition as long as the amendments contain only one subject; and

**WHEREAS**, pursuant to the Texas Local Government Code Section 9.004 a ballot for proposed charter amendments shall be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments; and

**WHEREAS**, the City Council hereby finds and determines that propositions to be submitted are in compliance with the Texas Local Government Code and that the holding of this election on the uniform election date set forth below is in conformance with all applicable election laws; and

**WHEREAS**, the Texas Constitution, the *Texas Election Code* (the “Code”), and the City Charter are applicable to said General and Special Elections (hereinafter collectively referred to

as the “election” or “elections”), and in order to comply with applicable laws, an ordinance is required to call the elections and establish procedures consistent with the Constitution, the Code, and the Charter; and

**WHEREAS**, the City has made provision to contract with Nueces County to conduct the City's election, pursuant to *Chapter 31, Tex. Elec. Code*, and *Chapter 791, Tex. Gov't Code* (the “Contract for Election Services” or “contract”), and such contract provides for political subdivisions subject to the contract that hold election on the same day in all or part of the same territory to hold a joint election as authorized in *Chapter 271, Tex. Elec. Code*;

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

**SECTION 1.** A General and Special Election shall be held on the 8<sup>th</sup> day of November, 2022, a uniform election date, in the City of Robstown Texas (“City”) which date is not less than thirty (30) days from the date of the adoption of this ordinance (the “Ordinance”), for the purpose of submitting the following propositions to the qualified voters of the City to amend the Charter of the City.

**SECTION 2.** The City Council of the City of Robstown authorizes the Mayor to sign the order calling the General and Special Election and any subsequent orders adjusting the polling locations, dates and times that are subject to change due to agreements with the Nueces County Elections Department and other joint election agreements up until the final posting deadline of such notice pursuant Texas Election Code (“Code”) § 4.003(a)(b) and (c).

**SECTION 3.** The Nueces County Election Officer and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the Contract for Election Services, the City Charter, and the law governing the holding of general and special elections; and the official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

**SECTION 4.** Early voting, both by personal appearance and by mail, will be conducted by the Nueces County Election Officer, who is designated and appointed as the Early Voting Clerk, in accordance with the *Tex. Elec. Code*. Early voting by personal appearance shall be conducted at places and locations authorized by state law and the designated by the Nueces County Election Officer. Early voting shall commence on October 24, 2022, and ending on November 4, 2022, and early voting polls shall remain open for the time specified by the *Tex. Elec. Code*.

**SECTION 5. Ballot Propositions.** The official ballots shall be prepared in accordance with the Texas Election Code, as amended, so as to permit electors to vote "FOR" or "AGAINST" the aforesaid charter proposition. Voters should place an "X" in the square beside the statement indicating the way they wish to vote.

**SECTION 6.** The following measures will be submitted to the qualified voters of the City at the election to be held on the date specified in the previous section in the form of propositions in accordance with Section 9.004 of the Texas Local Government Code and the City Charter.

**I. ELECTION**

**ONE-UTILITY BOARD OF TRUSTEE POSITION NO. 5  
VOTE FOR ONE OR NONE**

One-Utility Board of Trustee Position No. 5:  \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**II. CHARTER AMENDMENTS**

**PROPOSITION ONE**

Shall Article I Sections 1, 2, Article II Sections 1(a), 1(d), 2(a) 3, 4(a), Article III, Sections 1, 2 and 5 of the City Charter be amended to require submission to the qualified voters of the City to eliminate provisions which have become inoperative because they have been superseded by state law; replace obsolete references and update terminology to current legal usage?

FOR \_\_\_\_       AGAINST \_\_\_\_

Article I Sections 1, 2, Article II Sections 1(a), 1(d), 2(a) 3, 4(a), Article III, Sections 2 and of the City Charter shall be amended to eliminate provisions which have become inoperative because they have been superseded by state law; replace obsolete references; update terminology to current legal usage, and to eliminate obsolete transitional provisions so that the paragraphs when amended, shall read as follows:

**Sec. 1. Incorporation.**

The inhabitants of the City of Robstown, Texas, within its corporate limits as established by state law, and as established or extended by the Charter of the City of Robstown, Texas, as amended. The city council shall have the power by an ordinance to fix or define the

boundary limits of the City of Robstown in accordance with Chapter 43 of the Texas Local Government Code. The City of Robstown, Texas, is hereby constituted a body politic and corporate, in perpetuity, under the name "City of Robstown," hereinafter referred to as the "city," with such powers, privileges, rights, duties and immunities as are herein provided and as authorized by the Texas Constitution and state laws.

**Sec. 2. Powers.**

The City shall have all the powers granted to municipal corporations and to cities by the Constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The City may acquire property within or outside its corporate limits for any City purpose in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation, and may sell, lease mortgage, hold, manage and control such property as its interests may require; may furnish municipal services, both within and without its corporate limits; and, except as prohibited by the Constitution of this State or restricted by this Charter, the City shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

**ARTICLE II. CITY COUNCIL**

**Sec. 1. Membership and Term.**

(a) The city council shall consist of a mayor and six council members elected by majority vote at large, with each council member running for office in a numbered place position. Any person having the qualifications provided by state law and this charter who is a resident of the city shall be eligible as a candidate for mayor or any one of the six council member places.

(d) Newly elected council members shall take office at the first council meeting after the votes are canvassed from the regular election; provided, however, that in the event a run-off election is required, newly elected run-off council members shall take office at the first council meeting after the votes are canvassed from the run-off election.

**Sec. 2. Election Procedures.**

(a) Candidates for mayor or city council shall file with the city secretary within the time provided by law an application to appear on the ballot. ~~The candidate shall not owe delinquent taxes to the city, and the~~ application shall meet the requirements of the Texas Election Code, as the same may be amended from time to time.

**Sec. 3. Runoff Elections.**

If no candidate for mayor or a council member for a specific place receives a majority of all votes cast for such office at any regular or special election, there shall be held a runoff

election at which the two candidates receiving the highest number of votes in the regular or special election shall stand for election. Such runoff election will be held in accordance with the Texas Election Code.

**Sec. 4. The Mayor Pro Tem.**

(a) At the first regular council meeting after the canvassing of a Mayoral general election, the city council shall nominate and confirm one of the council members who shall be known and designated as mayor pro tem, and he or she shall receive no extra pay by reason of being or acting as mayor pro tem.

**ARTICLE III. ADMINISTRATION**

**Sec. 1. City Secretary.**

The city council shall appoint a City Secretary, upon nomination by the Mayor. The City Secretary may be employed for an indefinite term, but may be removed at the will and pleasure of the council by a majority vote of the City Council, after having been allowed a fair and impartial hearing before said City Council, if hearing is requested. The said City Secretary need not be a resident of the City of Robstown, and need possess only (such) qualifications as the City Council deems necessary. The said City Secretary shall also be the ~~Treasurer and Tax Collector Assessor~~ of the City, and shall furnish such fidelity bonds as the City Council requires, but in no event shall the total of such bonds be less than \$50,000.00. The City Secretary shall be paid such compensation as is set by the City Council.

**Sec. 2. Chief of Police.**

The city council shall appoint a Chief of Police upon nomination by the Mayor, who shall hold office for a term beginning at the time of his appointment and ending at the time of the next regular election, unless sooner removed by a majority vote of the city council after having been allowed a fair and impartial hearing before the city council, if such hearing is requested. The Chief of Police need not be a resident of the City of Robstown, and need possess qualifications required by State Law and any other qualifications as the city council deems necessary. The Chief of Police shall be paid such compensation as is set by the city council.

**Sec. 5. Municipal Court.**

The City Council shall establish and cause to be maintained a Municipal Court. The Court shall have all the powers and duties as are now, or as may be, prescribed by the laws of the State of Texas. The City Council shall appoint a municipal judge(s) upon nomination by the Mayor. The Municipal Judge(s) of the Municipal Court(s) shall be appointed to a term of two (2) years. The appointment of the Municipal Judge(s) may be terminated at any time by the affirmative vote of a two-thirds majority of the City Council, after due notice and a public

hearing. The Municipal Judge(s) shall receive compensation as may be determined by the City Council.

**PROPOSITION TWO**

Shall Article IV, section 2 (a-d) of the City Charter be amended to allow for the City Council to appoint members of the public utilities board and to provide all matters pertaining to the public utilities board be in accordance with state law and as prescribed by City Council ordinance?

FOR \_\_\_\_       AGAINST \_\_\_\_

Article IV, section 2 (a-d) of the City Charter be amended to allow for the City Council to appoint members of the public utilities board and to provide all matters pertaining to the public utilities board be in accordance with state law and as prescribed by City Council ordinance, so that the paragraph, when added shall read as follows:

**Sec. 2. Public Utilities Owned by City.**

- (a) City shall have the power to acquire, own, operate and maintain any character of public utility, including, without limitation, water, gas, light, power, transportation systems, by any lawful means.
  
- (b) So far as not inconsistent with the terms and provisions of any existing encumbrance, including outstanding obligations, or the general laws of the State of Texas, including Chapter 552 if the Texas Local Government Code, the City Council shall appoint a public utilities board, for the purpose of managing, controlling, and operating any or all of any such utility system or systems or properties at any time acquired or owned or held by the City. The municipally owned entity shall be known as the public utilities board of said City, and consist of five (5) members, one of whom shall be the Mayor of the City. The Board has full power and authority to make rules and regulations governing the furnishing of electric and gas service and full authority with reference to making extensions, improvements and additions to the systems, and to adopt rules for the orderly handling of the utilities affairs. The Board is further empowered to appoint and employ all officers.

**Transitional language** In order to affect transition of an appointed Board, the Charter provision will allow elected board to complete terms but upon the expiration of their elected terms, any new member shall be appointed by the City council.

- (c) The compensation of the members of the public utilities board, their terms of office, the powers and duties of the public utilities board and the members, and all matters pertaining to their organization and duties, shall be as prescribed by the City Council in the ordinance creating such board.

(d) Qualifications of Public Utilities Board. Besides the Mayor, no person shall be eligible for membership on the public utilities board who is not a customer of the utility, a citizen of the City of Robstown, who has resided within the city at least two (2) years consecutive prior to their appointment, and no person shall be eligible who is directly or indirectly engaged or interested in the generation, distribution and/or sale of electric energy, gas or other utilities, or who holds any other public office.

~~(a) Board of Trustees generally. From and after the effective date of this Charter, the management and control of any public utility owned by the City of Robstown, together with all properties incident thereto, shall be, and is hereby placed in the hands of a Board of Trustees, consisting of five (5) members, of whom one shall always be the mayor of the City of Robstown, as hereinafter set forth.~~

~~(b) Appointments to Board; Mayor to fill position No. 1. The following persons, being resident, tax-paying citizens of the City of Robstown, Texas, are hereby appointed members of, and shall constitute said Board of Trustees, and shall take office immediately:~~

~~Position No. 1, R.E. Cooke, Mayor~~

~~Position Nos. 2, 3, 4, and 5 shall be the following named appointed persons: George B. Wilson, Position No. 4, William Bauer, Jr., Position No. 2, H.B. Nichols, Position No. 3, H.E. Dare, Position No. 5.~~

~~Position No. 1 shall at all times be filled by the then duly elected qualified and acting mayor of the City of Robstown, Texas. The term of the office of the present Mayor, R.E. Cooke, shall cease when his successor, as mayor, shall have been duly elected and qualified as Mayor, at which time said successor shall automatically become a member of said Board, as provided by law, and each succeeding mayor, upon being duly elected and qualified, shall automatically succeed to Position No. 1 of said Board of Trustees.~~

~~Upon the death, resignation, and removal of any Trustee, a successor shall be appointed and elected by the mayor and city council to fill the unexpired period of time until regular election. The regular term of office shall be for a period of four (4) years, except as provided herein. At the expiration of the term of office of any Trustee, his successor shall be elected by the qualified voters at the same time that other city officials are elected in April, and the laws governing the election of the mayor and councilmen shall govern the election of all Trustees.~~

~~(The terms of office of the trustees shall be as follows: Position No. 2 shall be for 2 years, expiring April, 1985; Position No. 3 shall be for 1 year, expiring April, 1984; Position No. 4 shall be for 4 years, expiring April, 1987; and Position No. 5 shall be for 3 years, expiring April, 1986.)~~

(c) ~~Qualifications of Trustees. No person shall be eligible for membership on said Board of Trustees for Position No. 2, Position No. 3, Position No. 4, and Position No. 5, who is not~~

~~a property owning, tax-paying citizen of the City of Robstown, who has resided within said city less than two (2) years consecutive next prior to his appointment or election, and no person shall be eligible who is directly or indirectly engaged or interested in the generation, distribution and/or sale of electric energy, gas or other utilities, or who holds any other public office.~~(d) — Compensation of Trustees. The total compensation paid to each member of the Board of Trustees shall be \$10.00 for each regular meeting and \$6.00 for each special meeting of the Board, which said member attends, but the total compensation paid any member for any calendar month shall not exceed \$22.00.

~~(e) — Meetings, quorum officers and seal of board: Regular Meetings of the Board shall be held prior to the 10th of each month. All meetings shall be held at the Regular Meeting place of the city council of the City of Robstown. Special Meetings may be held at any time without notice of unanimous consent, provided all members of the Board are present at the meetings. Special meetings may be called at any time by the chairman of the Board or at the request of any two (2) members of the Board, but notice of said meeting shall be delivered to all members not less than twenty-four (24) hours prior to the time set for said meeting. A quorum shall consist of three members of the Board. The Board shall, at the first Regular Meeting in each year, select, from its members holding positions Number two (2) through five (5) inclusive, a chairman and a vice chairman, who shall perform the usual duties incident to said office for a period of one year.~~

~~The Board shall appoint a secretary, who shall be a resident of the City of Robstown and proper minutes and records shall be made of all meetings and of all proceedings and said minutes and records shall be public documents and shall be kept on file at the office of the secretary, at all times subject to inspection by the public at reasonable office hours.~~

~~The Board shall adopt a seal which shall be used by the secretary in the proper attestation of all records and documents.~~

~~(f) — Bonds for personnel handling funds. All persons who handle, collect or disburse any money or funds from or pertaining to the operation of said public utility system shall be required to execute and furnish fidelity bonds executed by a surety company authorized to do business in the State of Texas and approved by the Board in an amount not less than double the maximum amount of money or funds which said person may have in his possession or control at any one time, but in no event shall any fidelity bond be for an amount less than \$2,000.00, the premium on said bond to be paid out of revenues of the system. Personal bonds shall not be accepted.~~

~~All fidelity bonds shall be made payable to the City of Robstown, Texas.~~

~~(g) — Removal of Trustees. Any Trustee, except the mayor, shall ipso facto cease to be a member of said Board of Trustees and the office which he holds shall be and is here declared vacant who shall fail to comply at all times with the following conditions:~~

~~(1) — Failure to attend any six consecutive regular meetings.~~

~~(2) — Failure to attend any six regular meetings during any calendar year.~~



~~(3) — Failure to attend more than three consecutive meetings of the Board without filing with the secretary a sworn statement certifying that he was unable to attend [on] account of illness or absence from the city.~~

~~(4) — Cease to be an owner of real property situated within the city limits of the City of Robstown, Texas, or cease to be a resident elector thereof.~~

~~(5) — Upon becoming, directly or indirectly, engaged in or interested in the generation, distribution and/or sale of electric energy.~~

~~(6) — Upon acceptance of and qualification for any other public office.~~

At the time that any position of the Board of Trustees is vacated for any of the foregoing conditions the mayor and city council shall appoint a successor as provided above.

~~(h) — General powers and duties of Board. It shall be the duty of the said Board of Trustees and said Board of Trustees shall have the power to:~~

~~(1) — RULES. It shall be the duty of the said Board of Trustees to prescribe all necessary rules and regulations governing the control, management and operation of said utility systems.~~

~~(2) — SUPERVISION:~~

~~a. — To employ a supervisor empowered to observe and report from time to time the financial and operation conditions of such system to the Board of Trustees and the city council of the City of Robstown, Texas.~~

~~b. — The Board of Trustees shall have the power to fix the compensation to be paid the supervisor for such services.~~

~~(3) — SUPERINTENDENT. To employ a general superintendent and to define his duties and powers.~~

~~(4) — PERSONNEL. To employ and discharge any and all employees without recourse.~~

~~(5) — COMPENSATION. To fix the compensation of all employees and to prescribe their respective duties and powers.~~

~~(6) — LEGAL COUNSEL:~~

~~a. — To employ or retain legal counsel, and to fix the compensation for such services.~~

~~b. — Such counsel so retained shall be present at each and every regular and special meeting, except when said Board of Trustees shall be in executive session, unless the Board shall see fit to request attendance of counsel upon such executive session.~~

~~(7) — PURCHASE OF MATERIALS, ETC. To purchase all materials, equipment and supplies necessary for the system to render adequate and efficient service and to make any such additions, extensions and betterments as may be required subject to all terms, conditions and restrictions of this ordinance [Charter] and the ordinance authorizing the issuance of the revenue bonds to finance said system, and the applicable statutes of the State of Texas.~~

~~No materials, equipment or supplies shall be purchased and no contracts for an addition, extension or betterment shall be awarded without first submitting such purchase or contract to competitive sealed bids. Notice of the time and place when and where such contracts or purchase will be made shall be published one or more times in a newspaper of general circulation in Robstown, Texas, the date of the first publication to be not less than ten (10) days prior to the date set for the opening bids. All bids shall be publicly opened and read aloud and said contract shall be awarded and said materials, equipment and supplies shall be purchased from the lowest responsible bidder on the respective type of construction selected, except the Board shall have the right to reject any or all bids; provided, that in case of unforeseen damage to the machinery, equipment and properties constituting the system where it becomes necessary to act at once, this provision shall not apply and provided further that it shall not be applied to contracts for personal or professional services, not [nor] to purchase of consumable supplies and miscellaneous equipment amounting to less than five thousand (\$5,000.00) dollars.~~

~~(i) — Budget. The Board of Trustees shall, on or before the first of January of each year, adopt a detailed annual budget, showing separately the amounts set aside for salaries, labor, materials, repairs, maintenance, depreciation, replacement, extensions, interest and the creation of a sinking fund to pay off all bonds and indebtedness against the system.~~

~~A copy of said budget shall be printed in a newspaper of general circulation in Robstown, Texas, and a clearly legible copy shall be posted on a bulletin board at the electric power plant and a copy shall be filed with the City Secretary.~~

~~(j) — Audit of books and records. The Board of Trustees shall, at the first meeting in January of each year, employ a reputable certified accountant who shall make a detailed audit of all the books and records of the Board of Trustees and of the utility system and shall prepare a complete audit report for the preceding calendar year, a copy of which shall be filed with the Trustees and a summary of which shall be published in a newspaper of general circulation in Robstown, Texas.~~

~~(k) — Compliance with rules, regulations and ordinances. The Board of Trustees shall not permit any person, firm or corporation to take or use any electric energy and/or any other services, equipment or facilities of said public utilities who shall fail to comply with the daily [duly] established rules and regulations and ordinances established and adopted by the city council of the City of Robstown, Texas, applicable for said system.~~

#### **GOVERNING LAWS:**

~~(1) — No such system or systems shall ever be sold until such sale is authorized by a two-~~

~~thirds vote of the qualified electors living and owning real property within the corporate limits of the City of Robstown; nor shall same be encumbered for more than five thousand (\$5,000.00) dollars except for purchase money or to refund any existing indebtedness or for repairs or reconstruction, unless authorized in like manner. Such vote where required shall be ascertained at an election of which notice shall be given in like manner as in cases of the issuance of municipal bonds of such city.~~

~~(2) — In all matters where this Ordinance [Charter] is silent, the laws and rules governing the city council of the City of Robstown, Texas, shall govern said Board of Trustees, so far as applicable.~~

~~a. — The accounts and books of each utility system shall be kept separately, so as to prevent mingling.~~

~~b. — At all times the said Board of Trustees shall keep and maintain the following reserves:~~

~~1. — Gas System: \$10,000.00 in cash operating fund, also a minimum total of \$30,000.00 in cash and U.S. bonds, in replacement, insurance, and depreciation fund, and each year a sum equal of 5% gross income shall be added until fund reaches a total of \$75,000.00. At least three years requirement in cash and U.S. bonds in the bond and interest fund whenever any bonds are outstanding.~~

~~2. — Electric System: \$20,000.00 in cash operating fund, also a minimum total of \$115,000.00 in cash and U.S. bonds in replacement, insurance and depreciation fund, and each year a sum equal of 10% of gross income shall be added until such fund reaches a total of \$200,000.00. At least three years requirement in cash and U.S. bonds in the bond and interest fund whenever any bonds are outstanding.~~

~~Whenever there are no outstanding bonds against a particular system, it shall be known as an unencumbered system, either gas, electric or other utility as the case may be. After the above requirement reserves are provided for, the remaining annual earned profit from any unencumbered system shall be paid by the Board of Trustees, 50% to bond, interest and sinking fund and 50% to the general fund of the City of Robstown, to be used by the city council. By the first day of April of each year the Board of Trustees shall notify the council of the anticipated amount to be paid, if any, from each utility system, during the coming fiscal year, so the amount may be included in the budget of the city council. This amount should be paid to the City within ten (10) days after the annual budget is finally approved by the city council.~~

~~State law reference Municipal utilities, V.T.C.A., Local Government Code, sec. 402.001-et seq.~~

### **PROPOSITION THREE**

Shall Article II, Section 1 (b) of the City Charter be amended to increase the term of office for Mayor and Council from two (2) to three (3) years, allow for staggered terms and limit the Mayor and Council to serve no more than three consecutive three year terms?

FOR \_\_\_\_             AGAINST \_\_\_\_

Article II, Section 1 (b) and 1(c) of the City Charter shall be amended to increase the term of office for Mayor and Council from two (2) to three (3) years and allow for staggered terms, and limit the Mayor and Council to serve no more than three consecutive three year terms shall read as follows:

(b) The mayor and members of the city council shall be elected for staggered terms of three years and shall hold office until their respective successors have been elected and qualified. The regular election shall be held on the uniform election date in November, or at such other times as may be authorized by State law and designated by City Council by ordinance at least six months prior to the regular election.

c) The mayor and council member can serve no more than three (3) consecutive three-year terms. After the third consecutive term, the mayor and council member shall not be eligible to hold another office on city council for a period of one (1) year from the date of the previous election. A partial term served of 365 days or longer shall constitute a full term for purposes of this section.

**Transition Language:** Terms served prior to the November 2022 election shall not apply to the term limits if adopted.

**Transition Language:** In order to affect transition from two year to three year terms, and to allow for staggered terms, the following shall occur: At the November 2023 regular election, Mayor, Place One, Place Two and Place Three shall be elected to a three-year term. In November 2023, Place Four, Place Five and Place Six shall be elected to a two-year term. In November 2025, Place Four, Place Five and Place Six shall be elected to a three-year term

**PROPOSITION FOUR**

Shall Article II section 12 (a) of the City Charter be amended to make clear that if terms are increased to three (3) years, then an election would be required to fill the vacancy in the Mayor’s position or Councilmember position if more than 365 days remain in their term?

FOR \_\_\_\_             AGAINST \_\_\_\_

Article II section 12 (a) of the City Charter be amended to make clear that if terms are increased to three (3) years, an election would be required to fill the vacancy in the Mayor’s position or Councilmember position if more than 365 days remain in their term, when amended, shall read as follows:

**Sec. 12. Vacancy in Office of Mayor or Council Member.**

(a) In the event of death, resignation, permanent disability, forfeiture of office or recall of the mayor or council member, or if for any reason a vacancy shall exist in the office of mayor or council member, and if there are 365 days or more remaining on the term of the

vacated office, the city council shall call an election to fill such vacancy. If there are less than 365 days remaining in the term of the vacant elected office, the city council may, by majority vote of the remaining members of the city council, at its discretion, leave the office vacant, or appoint a new Mayor of Council member to fill such vacancy for the remainder of the term.

**Transition Language:** This Amendment will only go into effect if council terms are increased to three year terms.

**PROPOSITION FIVE**

Shall Article II section 13 of the City Charter be amended to clarify that if a majority of councilmembers are recalled, an election will be called by the remaining councilmembers on the first legally allowable election date and that at least three councilmembers shall constitute a quorum to conduct city business until such election is held?

FOR \_\_\_\_       AGAINST \_\_\_\_

Article II section 13 of the City Charter be amended to clarify that if a majority of councilmembers are recalled, an election will be called by the remaining councilmembers on the first legally allowable election date and that at least three councilmembers shall constitute a quorum to conduct city business until such election is held, so when amended, shall read as follows:

**Sec. 13. Vacancies in Office of Council Member upon a Recall Election.**

In the event a majority of the council members are recalled at the same recall election, then the vacancies in the offices theretofore held by them shall be filled by a special election to be held on the first legally allowable uniform election date with said newly elected council members to serve out the remainder of the respective term of the place to which they were elected. Such election shall be forthwith called by the then remaining council members, and if there be no remaining council members, such election shall be held on the first legally allowable uniform election date without the necessity of an order.

In the event a majority of the council members are recalled at the same recall election, the remaining members of the City Council, if at least three, shall constitute a quorum in order to conduct business of the City.

**PROPOSITION SIX**

Shall Article I Section 3 (d) of the City Charter be amended to eliminate the requirement of having the City Attorney revise an initiative ordinance submitted by the voters?

FOR \_\_\_\_       AGAINST \_\_\_\_

Article I Section 3 (d) of the City Charter shall be amended to eliminate the requirement of having the City Attorney revise an initiative ordinance submitted by the voters, when amended, shall read as follows:

**SECTION 3.01 Composition**

d) ~~In the case of an initiative, the city attorney shall draft an ordinance in legal form, consistent with the laws of the State and the United States, incorporating in substance the text submitted.~~ The city secretary shall present the initiative or the request for referendum to the city council at its next regular meeting. Forty-five days from the date of presentment shall be allotted to the city council to consider the adoption of such ordinance by initiative. In the case of referendum, the city council shall have until the adjournment of the next regular city council meeting to reconsider such ordinance.

**III. BALLOT PROPOSITIONS**

**PROPOSITION ONE**

Shall Article I Sections 1, 2, Article II Sections 1(a), 1(d), 2(a) 3, 4(a), Article III, Sections 1, 2 and 5 of the City Charter be amended to require submission to the qualified voters of the City to eliminate provisions which have become inoperative because they have been superseded by state law; replace obsolete references and update terminology to current legal usage?

FOR \_\_\_\_       AGAINST \_\_\_\_

**PROPOSITION TWO**

Shall Article IV, section 2 (a-d) of the City Charter be amended to allow for the City Council to appoint members of the public utilities board and to provide all matters pertaining to the public utilities board be in accordance with state law and as prescribed by City Council ordinance?

FOR \_\_\_\_       AGAINST \_\_\_\_

**PROPOSITION THREE**

Shall Article II, Section 1 (b) of the City Charter be amended to increase the term of office for Mayor and Council from two (2) to three (3) years, allow for staggered terms and limit the Mayor and Council to serve no more than three consecutive three year terms?

FOR \_\_\_\_       AGAINST \_\_\_\_

**PROPOSITION FOUR**

Shall Article II section 12 (a) of the City Charter be amended to make clear that if terms are increased to three (3) years, then an election would be required to fill the vacancy in the Mayor’s position or Councilmember position if more than 365 days remain in their term?

FOR \_\_\_\_       AGAINST \_\_\_\_

**PROPOSITION FIVE**

Shall Article II section 13 of the City Charter be amended to clarify that if a majority of councilmembers are recalled, an election will be called by the remaining councilmembers on the first legally allowable election date and that at least three councilmembers shall constitute a quorum to conduct city business until such election is held?

FOR \_\_\_\_       AGAINST \_\_\_\_

**PROPOSITION SIX**

Shall Article I Section 3 (d) of the City Charter be amended to eliminate the requirement of having the City Attorney revise an initiative ordinance submitted by the voters?

FOR \_\_\_\_       AGAINST \_\_\_\_

**SECTION 4.** City Council has adopted an Ordinance calling for this General and Special Election and the City has met its legal requirements for calling an election. The Mayor and the City Secretary of the City, in consultation with Special Legal Counsel, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the General and Special Election, whether or not expressly authorized herein. The City will enter into a contract with Nueces County Elections Administrator outlining dates and locations for early voting and locations for November 8, 2022 election day.

**SECTION 5. Severability.** That should any part, section, subsection, paragraph, sentence, clause or phrase contained in this ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

**SECTION 6. Effective Date.** This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROBSTOWN, TEXAS:**

**That the foregoing ordinance was read for the First and Final reading on this the 15<sup>th</sup> day of August 2022 with the following votes:**

Mayor	Gilbert Gomez	Mayor	<u>"Aye"</u>
Mayor Pro Tem	Mary Ann Y. Saenz	Place No. 1	<u>"Aye"</u>
Council Members:	Nelda Sanchez	Place No. 2	<u>"Aye"</u>
	Cordelia Bosquez	Place No. 3	<u>"Nay"</u>
	Jimmy Morales	Place No. 4	<u>"Aye"</u>
	Joe Carrion	Place No. 5	<u>"Aye"</u>
	Esmi Cueva Limon	Place No. 6	<u>"Aye"</u>

**PRESENTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROBSTOWN, TEXAS THIS 15<sup>th</sup> DAY OF AUGUST 2022.**

  
Gilbert Gomez, Mayor

**ATTEST:**

  
Beatriz Charo, City Secretary

**APPROVED AS TO FORM:**

  
Frank Garza, City Attorney - Special Counsel