

CITY OF INGLESIDE
ORDINANCE NO. 2017-01

AN ORDINANCE ORDERING AN ELECTION TO BE HELD ON MAY 6, 2017 IN THE CITY OF INGLESIDE FOR THE PURPOSE OF SUBMITTING AMENDMENTS TO THE INGLESIDE CITY CHARTER; DESIGNATING THE PLACE OF HOLDING SUCH ELECTION; NAMING THE OFFICERS THEREOF; PRESCRIBING THE FORM OF BALLOT; PROVIDING FOR NOTICES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, COUNTY OF SAN PATRICIO, STATE OF TEXAS:

I.

CALL OF ELECTION

That the City Council, pursuant to and in accordance with its Charter and Section 9.004 and Section 9.005, Texas Local Government Code, does hereby submit the following proposed amendments (designated Proposition 1 through and including 9 in Article II of this Ordinance) to the Ingleside City Charter to the legally qualified voters of the City at the City Election to be held on May 6, 2017; and that on Exhibit A hereto attached, all words proposed to be omitted from present Charter provisions are designated by unbroken lines superimposed over said words and all matter proposed to be added (new

matter) is underscored by unbroken lines, the various provisions hereinafter designated to be amended to read as they appear on the said Exhibit attached with the omission of those portions upon which there is superimposed an unbroken line.

II.

BALLOT QUESTIONS

That the form of the ballot shall be as follows:

CHARTER AMENDMENT

PROPOSITION 1

Should Section 3.15 of the City Charter be amended to eliminate the requirement that notice of the availability of the audit at City Hall be published in a newspaper?

Vote YES _____

Vote NO _____

CHARTER AMENDMENT

PROPOSITION 2

Should Section 4.01.E.6 of the City Charter be amended to give the City Manager 90 days after the end of a fiscal year to provide the annual report to the Council ?

Vote YES _____

Vote NO _____

CHARTER AMENDMENT

PROPOSITION 3

Should Section 4.01.E.6 of the City Charter be amended to eliminate the requirement that the audit be included in the annual report submitted by the City Manager?

Vote YES _____

Vote NO _____

CHARTER AMENDMENT

PROPOSITION 4

Should Section 4.01.E of the City Charter be amended by adding a new subpart 12 to specify that one of the City Manager's duties is to sign contracts approved by the City Council?

Vote YES _____

Vote NO _____

CHARTER AMENDMENT

PROPOSITION 5

Should Section 5.01.F of the City Charter be amended to eliminate the requirement that the City Secretary maintain the County Tax Assessor's list of registered voters at the Office of the City Secretary and to simply advise that the list can be obtained from the County Voters Registrars/Election Administration Office?

Vote YES _____

Vote NO _____

CHARTER AMENDMENT

PROPOSITION 6

Should Section 5.02.A.2 of the City Charter be amended to eliminate the requirement that a candidate for Council not be in arrears in the payment of taxes or any other liabilities due to the City?

Vote YES _____

Vote NO _____

CHARTER AMENDMENT

PROPOSITION 7

Should Section 5.02.A.6 of the City Charter be added to provide that a councilperson who runs for another elective public office, whether state, federal or county, must resign from the Council?

Vote YES _____

Vote NO _____

CHARTER AMENDMENT

PROPOSITION 8

Should Section 5.03.D of the City Charter be amended to eliminate the specific language required on a ballot and to instead provide that the wording and order of the ballot shall be in accordance with Texas Election law?

Vote YES _____

Vote NO _____

CHARTER AMENDMENT

PROPOSITION 9

Should Section 7.07 of the City Charter be amended to provide that any funds not expended, disbursed or encumbered be deemed excess funds to be appropriated by the Council?

Vote YES _____

Vote NO _____

III.

ELECTION-DATE, TIME AND PLACE

The election is hereby scheduled and set for May 6, 2017. The polling place shall be Voting Precincts No. 109 and 114 at the Humble Recreational Facility located at 2821 Main Street, in the City of Ingleside, San Patricio County, Texas. The polls shall be open from 7:00 o'clock a.m. until 7:00 o'clock p.m. on the day of the election. The use of direct recording entry voting system for election day and early voting in person is here by authorized. The use of paper ballots for early voting by mail is further authorized.

IV.

ELECTION JUDGE

The San Patricio County Elections Administrator shall appoint the Presiding Judges and Alternate Presiding Judges and deliver a writ of election to said Judges.

V.

ABSENTEE VOTING

The San Patricio County Elections Administrator, Pam Hill, is hereby appointed administrator and early voting clerk for this election. The San Patricio Elections Administrator will conduct the election, handle the administrative details, and provide the returns of the city election for canvassing by the City Council, all in accordance with the City Charter and the Constitution and laws of the State of Texas. City Secretary, Kimberly Sampson is appointed as a joint clerk for early voting. Early voting by personal appearance

will be conducted each weekday at the Humble Recreational Facility located at 2821 Main Street, Ingleside, Texas beginning on April 24, 2017 and ending on May 2, 2017.

VI.

GENERAL GOVERNING LAW

Said election shall be held under the provisions of the Charter of the City of Ingleside, Texas, the Constitution and Laws of the State, and the Voting Rights Act of 1965, and amendments thereto, insofar as they may be applicable.

VII.

POSTING

The City Secretary is hereby directed and instructed to post a properly executed copy of the Notice of this election at each of the polling places named above. Said Notice shall be posted not less than thirty (30) days before the date of such election and said notice shall be posted in both English and Spanish.

VIII.

PUBLICATION OF ELECTION NOTICE

The City Secretary shall give notice of this election in accordance with the terms and provisions of the Texas Election Code.

IX.

EFFECTIVE DATE

This Ordinance is effective immediately upon its passage and approval subject to the Department of Justice approval.

X.

READING

As provided by Article III, Section 3.11.B of the Charter of the City of Ingleside, this ordinance or the caption of it shall be read at two City Council meetings with at least two weeks elapsing between each reading.

XI.

SEVERANCE

Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

XIII.

PUBLICATION OF ORDINANCE

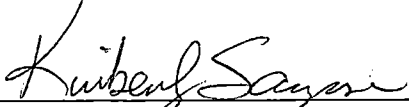
As provided by Article III, Section 3.11.C of this Charter of the City of Ingleside, ballots shall be published one time in the official newspaper of the City of Ingleside, San Patricio County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

PASSED, ORDAINED, APPROVED AND ADOPTED this 10 day of January, 2017.

CITY OF INGLESIDE

BY: 
Honorable Luis Lamas, Mayor

ATTEST:


CITY SECRETARY

First Reading: 11-13-16

Second Reading: 12-15-16 & 1-10-17

EXHIBIT A

TO ORDINANCE CALLING CHARTER AMENDMENT ELECTION

REFLECTING THE ARTICLES AND SECTIONS OF THE CHARTER WHICH ARE PROPOSED FOR AMENDMENT, WORDS PROPOSED TO BE DELETED BEING INTERLINED AND WORDS PROPOSED TO BE ADDED BEING UNDERLINED.

ARTICLE III. - CITY COUNCIL

Section 3.15. - Audits and examination of city books and accounts.

The City Council shall cause an independent annual audit to be made of the books and accounts of each and every department of the City. At the close of each fiscal year and at such other times as it may deem necessary, a complete audit shall be made by a certified public accounting firm who shall have no interest, directly or indirectly, in the financial affairs of the city or any of its offices. The firm shall be selected by the City Council. The City Council shall issue a request for proposals no less than every 3 years. The audit shall include a recapitulation of all audits made during the course of each fiscal year. All audit reports shall be filed with the City Council, shall be available for public inspection, and shall be made a part of the archives of the City. ~~Notification shall be published in the official newspaper that the audit report is available for inspection in the City offices.~~

ARTICLE IV. - ADMINISTRATIVE SERVICES

Section 4.01. - City manager.

E. Duties of the City Manager: The City Manager shall be required to:

1. Appoint, and when he/she deems necessary for the welfare of the City, suspend or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law or personnel rules adopted pursuant to this Charter;
2. Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law;
3. Assure that all laws, provisions of this Charter, and acts of the City Council, subject to enforcement by him/her or by officers and employees subject to his/her direction or supervision, are faithfully executed;
4. Attend all City Council meetings and have the right to take part in discussions; however, he/she may not vote;
5. Prepare and submit to the City Council the annual budget and capital program and administer the budget as adopted by the City Council;
6. Prepare and submit to the City Council, within ~~60~~ 90 days of the end of the fiscal year, an Annual Report on the finances and administrative activities of the City, as of the end of each fiscal year. ~~The Report of Individual Audit, as required elsewhere in this Charter, shall be incorporated into the Annual Report submitted by the City Manager;~~

7. Keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations concerning the affairs of the City as he/she deems desirable or necessary;
8. Make reports as the City Council may require concerning the operations of the City Departments, offices, or agencies subject to his/her direction or supervision;
9. Prepare and accept items for inclusion on the agenda of all official meetings;
10. Perform such other duties as are specified in this Charter or may be required by the City Council and not inconsistent with this Charter;
11. When the hiring or firing of a department head is deemed necessary, the City Manager shall inform the City Council prior to the action to be taken;
12. Sign contracts the Council has approved.

ARTICLE V. - ELECTIONS

Section 5.01. - City elections.

- F. Voter Eligibility List: A certified list of voter registrants within the City can be requested at the County Voters Registrars/Election Administrative Office. ~~A certified list of voter registrants within the City, as prepared by the County Tax Assessor-Collector, shall be maintained current by the City Secretary. If for a purpose relating only to a City election or to candidates or issues involved in such election, any organization, group or person who requests a list of qualified voters of the City,~~

~~permission to copy the current list shall be granted by the City Secretary at a fee set by the City Council.~~

Section 5.02. - Filing for office.

A. Eligibility to File for Office: Each candidate for an elective position in the City of Ingleside shall meet the following requirements:

1. The candidate shall be a qualified voter of the City of Ingleside and a resident of Ingleside for a period of at least one year prior to the date of election.
2. ~~At the time of filing for office, the candidate shall not be in arrears in the payment of any taxes or other liabilities due the City.~~
3. No candidate may file for more than one office or position per election.
4. No city employee shall be a candidate for any office while an employee of the City.
5. A council person may run for another position on the council only if the council person resigns in writing from the position which is presently held. Said resignation must be filed with the office of the city secretary no less than 30 days before the deadline date for City Council candidates to file for office. Such a resignation cannot be withdrawn and cannot be made to be conditional on any event. Said council person shall continue to serve in the position from which he or she resigned until the earlier to occur of the following: when his or her successor takes office; or, if said council person is elected to a new position, on the day said council person assumes the newly held position to which he or she was most recently elected.

6. A council person may run for another elected position of public office (such as school board, county office, state office, or federal office (any elected positions)) only if the council person resigns in writing from the council position which is presently held. Said resignation must be filed with the office of the city secretary no less than _____ days before the deadline date for candidates to file for the other public office. Such a resignation cannot be withdrawn and cannot be made to be conditional on any event. Said council person shall continue to serve in the position from which he or she resigned until the earlier to occur of the following: when his or her successor takes office; or, if said council person is elected to a new position, on the day said council person assumes the newly held position to which he or she was most recently elected.

Section 5.03. - Official ballots.

D. Ballots for Ordinances, Bond Issues, and Charter Amendments: An ordinance, bond issue or Charter amendment, to be voted on by registered voters of the City, shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement, approved by majority of the whole City Council, describing the substance of the measure without argument or prejudice. ~~Below the ballot title shall appear the following question: "Shall the above-described (ordinance) (bond issue) (amendment) be adopted?" Immediately below or to the left of such question shall appear, in the following order, the words "Yes" and "No" each with a square in which the voter may cast his/her vote by marking a cross X. If the voter uses a plus sign or a checkmark, or any other mark that clearly shows his/her~~

~~intention in such space, it shall be counted.~~ The wording and order of the ballot shall be in accordance with Texas Election Law.

ARTICLE VII. – MUNICIPAL FINANCE

Section 7.07. - Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation. Any funds not expended, disbursed or encumbered shall be deemed excess funds and shall be appropriated by the City Council.