



**AGENDA
CITY OF WINDCREST, TEXAS**

SPECIAL CITY COUNCIL MEETING

August 24, 2015

9:00 A.M.

NOTICE IS HEREBY GIVEN THAT A SPECIAL WINDCREST CITY COUNCIL MEETING WILL BE HELD AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 24th DAY OF AUGUST 2015 STARTING AT 9:00 A.M. DURING THE MEETING THE FOLLOWING SUBJECTS WILL BE CONSIDERED AND THE COUNCIL MAY TAKE ACTION ON ANY OF THE LISTED SUBJECTS.

THE CITY COUNCIL RESERVES THE OPTION TO RECESS THE MEETING ON AUGUST 24, 2015 AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, AUGUST 25, 2015 AT 9:00 A.M. AT THE WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS.

IT IS ANTICIPATED THAT MEMBERS OF OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES MAY ATTEND THE MEETING IN NUMBERS THAT MAY CONSTITUTE A QUORUM OF SUCH OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES, SO THAT NOTICE IS HEREBY GIVEN THAT THE MEETING IS ALSO A MEETING OF THE OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES WHOSE MEMBERS ARE IN ATTENDANCE. THE MEMBERS OF THE OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES MAY PARTICIPATE IN DISCUSSIONS WHICH OCCUR AT THE MEETING, BUT NO ACTION WILL BE TAKEN BY THE OTHER BOARDS, COMMISSIONS AND COMMITTEES WHOSE MEMBERS ARE IN ATTENDANCE.

Ordinance No. 618 (09/20/10), Repealing Ordinance No. 593

At all City Council, City Commission or City Board meetings, the agenda shall include a "citizens to be heard" item. It is suggested that Citizens wishing to speak during this item sign in on the sign up roster prior to the meeting. During "citizens to be heard" comments, each individual may speak on an agenda item or any other matter affecting the city. In addition to the "citizens to be heard" portion of meetings, a person may make comments on agenda items prior to the vote on the agenda item. A member of the public will have a total of six (6) minutes to be heard during a City Council, City Commission or City Board Meeting. This does not include any responses from the body. The six (6) minutes time limit authorized herein may not be transferred to another speaker in whole or in part. The presiding Officer or his/her designee will assign a Time Keeper to each meeting. The Time Keeper will maintain strict compliance of the six (6) minute rule, stopping speakers who exceed the allotted time. As authorized by Section 551.042 of the Texas Government Code, the Presiding Officer may direct a City Official to make a statement of specific factual information in

response to an inquiry made by a member of the public or of the City Council, or; a recitation of existing policy in response to an inquiry made by a member of the public or the City Council. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting. Any question posed by a Citizen, Council Member, Board Member or Commission Member for which an answer is not available at a meeting shall be answered by a member of the staff or Presiding Officer at the next regular meeting of the Body, if an answer is reasonably available and prudent. If the information is sensitive, staff will seek advice from the City Attorney.

REQUEST ALL PAGERS AND CELL PHONES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL. CITIZENS ARE ASKED TO REFRAIN FROM TALKING DURING COUNCIL PROCEEDINGS.

Meeting Chair: please remind each participant in your meeting that they must speak into a microphone; the recording is the Official Minutes of your meeting and all who speak must be recorded. All guest speakers and citizens to be heard must speak from podium. Please interrupt speakers during meeting if you recognize that they are not speaking into microphone and have them do so.

I. Call to Order, Pledge of Allegiance, Invocation and Announcement

II. Citizens to be Heard on Subsequent and Non-Subsequent Agenda Items

1. A member of the public will have three (3) minutes to discuss non-subsequent agenda items.
2. A member of the public will have six (6) minutes to discuss subsequent agenda items.
3. City Council may discuss and respond to current and past agendas on subsequent and non-subsequent agenda items by citizens to be heard.

III. Presentations

City Council will receive a presentation from Frank Garza, Attorney regarding the final Charter Review Commission recommended amendments to the Windcrest Charter. (Att. 1)

IV. Ordinances **"In conjunction with the first reading of an ordinance, a motion should be made to either "reject the proposed ordinance" or "to forward the proposed ordinance to a subsequent City Council meeting for final adoption at its second reading". **

1. City Council will review, discuss and may take action on Ordinance No. 2015-732(O) an ordinance calling an election to be held on November 3, 2015 in the City of Windcrest, Texas to submit propositions on amendments to the City of Windcrest 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. *Second Reading* (Att. 2)
2. City Council will review, discuss and may take action on Ordinance No. 2015-733(O), an ordinance to order a general election on November 03, 2015 for the purpose of electing a Mayor and two

council members to city council places four and five for the City of Windcrest; making provisions for the conduct of such election and resolving other matters related to the conduct of such election. *Second Reading* (Att. 3)

V. Resolutions

None

VI. Discuss and Act

City Council will review, discuss and may take action regarding the voter petition received by the city on August 11, 2015 requesting an election to amend the charter of the city pursuant to Section 9.004 of the Texas Local Government Code.

VII. General Announcements & Future Agenda Items Requested

Per Ordinance No. 618, repealing Ordinance No. 593; Section 9: Every agenda shall include an item entry granting a member the opportunity to propose an item for consideration of future agendas for Regular or Special Meetings. Any member may request the inclusion of such items at any meeting.

VIII. Adjournment

The City Council reserves the right to retire into executive session whenever it is considered necessary and legally justified under the Texas Government Code, Subchapter D, Sections 551.071 et. seq. including, but not limited to, consultation with attorney, real property, prospective gifts, personnel matters, exclusion of witness, security devices, and economic development matters.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the City Council of the City of Windcrest is a true and correct copy of said Notice and was posted on the bulletin board at City Hall of said City in a convenient place to the public and said Notice was posted more than seventy-two hours prior to the meeting on August 24, 2015.

By:  , City Secretary

In compliance with the Americans With Disabilities Act, the City of Windcrest Council Chambers are wheelchair accessible, and accessible parking spaces are available. The City of Windcrest will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact Kelly Rodriguez, City Secretary, at 210-655-0022 ext. 2150 or Fax 210-655-8776.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ August, 2015.

**PROPOSED CHANGES TO WINDCREST CITY CHARTER
FINAL REPORT**

**Approved by Charter Commission
As of July 23, 2015**

ARTICLE III – CITY COUNCIL

~~Section 3.05 City Council to Judge Qualifications of Members~~

~~The City Council shall be the judge of the qualifications of its members under Section 3.04, and the grounds for forfeiture of their office under Section 3.08. In order to exercise these powers, the City Council shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published one (1) time in the designated official newspaper of the City at least one (1) week in advance of the hearing.~~

Section 3.06~~5~~ Terms of Office

The Mayor's term of office shall be for a period of two (2) years. The five (5) City Council members shall have a term of two (2) years each. The Mayor and two (2) City Council members shall be elected ~~one-odd numbered~~ years, and three (3) City Council members elected the ~~next even numbered~~ years. (Non-substantive – clarification language, does not change intent)

Section 3.07~~6~~ Compensation

Members of the City Council may receive compensation as set by City ordinance, except that City Council members shall be entitled to reimbursement of all necessary and reasonable expenses incurred in the performance of their official City Council duties, upon approval of such expenses by the City Council. (Non-substantive – renumbering, does not change intent).

Section 3.07 City Council to Judge Qualifications of Members

The City Council shall be the judge of the qualifications of its members under Section 3.04, and the grounds for forfeiture of their office under Section 3.08. In order to exercise these powers, the City Council shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published one (1) time in the designated official newspaper of the City at least one (1) week in advance of the hearing. (Non-substantive – renumbering, does not change intent).

Section 3.08 Removal of Elective Officers; Grounds for Removal

A. Causes. The Mayor or any City Council member shall be subject to removal from office for any one (1) or more of the following causes:

- (1) Incompetence, misfeasance or malfeasance in office;
- (2) Conviction of a crime involving moral turpitude;

- (3) Failure at any time to possess any of the qualifications of office as provided by this Charter or by State Law;
- (4) Willful violation of any express ~~prohibition-provision~~ of this Charter or State and/or local Ethics rule; (Substantive)
- (5) Abandonment of office or neglect to perform the duties thereof;
- (6) Failure for any other cause to perform the duties of office as required by this Charter or by law; or
- (7) Any of the grounds listed under Texas Local Government Code Section 21.022 and Section 21.025.

B. Initiation. Removal proceedings ~~shall-must~~ be initiated when a sworn written complaint charging a member of the council with an act or omission that is a cause for removal is presented to the Mayor or, if the complaint is against the Mayor, to the Mayor ~~pPro tTempore~~. The ~~Mayor or Mayor Pro Tempore~~person receiving the complaint shall file it with the City Secretary within three (3) working days. ~~The City Secretary who shall-must~~ provide a copy to the member complained against and all other council members within three (3) working days of receipt. The Mayor or the Mayor ~~pPro tTempore~~ when the complaint is against the Mayor, shall-must set a time and date for a hearing in accordance with Section 3.07 to be conducted on the complaint within 60 days of the day the Mayor or Mayor Pro Tempore received presentation-of the sworn complaint. (Non-substantive – clarification language, does not change intent)

C. Hearing and decision. The remaining members of the City Council ~~shall-must~~ conduct a hearing to hear and review evidence regarding the sworn complaint. The member complained against shall have a right to representation at the hearing and to question and cross-examine all witnesses, but ~~must may~~ not vote on the question of removal. Based on the evidence presented at the hearing, the City Council ~~shall-must~~ make a decision in public on whether the member should be removed from office and ~~shall-must~~ issue an order setting out its decision. ~~If it determines by at least an eighty percent (80%) affirmative vote that removal is warranted, it~~ If all members of the City Council present at the hearing – other than the member complained against – affirmatively vote to indicate that removal is warranted, the Council shall declare a vacancy to be filled no sooner than the next regular meeting and in accordance with section 3.09. The decision of the city council shall be final and binding so long as it is made in good faith. (Non Substantive – clarification language on process).

Section 3.10 Meetings/Quorum

Regular meetings of the City Council shall be held at such times as may be prescribed from time to time by resolution of the City Council. Special meetings ~~shall-must~~ be called by the City Secretary upon the written request of the Mayor, the City Manager, or two (2) members of the City Council. Notice of any regular or special meetings of the City Council ~~shall-must~~ state the subject(s) to be considered at the meeting and ~~shall-must~~ be posted to the public in accordance with the laws of the State of Texas. A quorum shall consist of three (3) City Council members. The City Council may sanction its members for misconduct, and may compel the attendance of

absent members. Items may be placed on the agenda by the request of the Mayor, the City Manager, or a City Council Member. Posted agendas ~~will~~must provide for “Citizens to be Heard” allowing citizens the opportunity to address the City Council on topics not on the agenda for no more than three minutes. Citizens ~~shall~~must also have an opportunity to address the council during consideration of the posted agenda items for no more than six minutes. These opportunities for citizens to speak ~~will~~must be included in the agendas of all Council Meetings, Special Council Meetings and Workshops before the Council conducts its public business. This rule applies to all boards and city commissions. (Substantive – requires citizens to be heard at the beginning of meetings)

Section 3.14 Code of Ordinances

The City Council shall have the power to cause the ordinances of the City to be printed and posted on the internet, in code form, and shall have the same arranged and digested, as often as the City Council may deem advisable, provided that failure to print the ordinance shall not affect its validity. (Non-substantive - updating actual practice)

ARTICLE IV – CITY ADMINISTRATION AND ELECTIONS

Section 4.01 City Elections

The general City election shall be held annually on the ~~second Saturday in May~~ first Tuesday after the first Monday in November, or the date nearest thereto as may be required by State Law. Each qualified voter shall be entitled to vote. Candidates for each seat, including the Mayor, shall be elected at large. (Non-substantive- compliance with state law and practice)

Section 4.04 Municipal Campaign Funds

- (a) A candidate for City Council or Mayor may not accept more than five hundred dollars (\$500.00) in political contributions from any individual or single entity during a contribution cycle or post-election cycle and those funds will be placed in one bank account.
- (b) A political action committee, whether it be general or specific, that is formed for the purpose of supporting or opposing a candidate for the City Council or Mayor may not accept more than five hundred dollars (\$500.00) in political contributions from any individual or single entity during an contribution cycle or post-election cycle.
- (c) An individual or entity cannot make a political contribution in cash exceeding fifty dollars (\$50.00) to a candidate for Mayor or City Council, or to a political action committee formed for the purpose of supporting or opposing a municipal candidate or officeholder, nor can any of these candidates or political action committees accept political contributions in cash exceeding fifty dollars (\$50.00), from a single donor during a reporting period. This restriction includes tickets to fund-raising events.
- (d) The following constitutes a **contribution cycle**:

The contribution cycle begins on July 1 of the calendar year before the date of the regular municipal election, and ends on the date of the regular municipal election.

(e) The following constitutes a **post-election cycle**:

The post-election cycle begins on the day after the regular municipal election, and ends on the 90th day after the date of the regular municipal election.

(f) If any complaint is filed for a violation of this Section, the member complained against shall have a public hearing in accordance with Sections 3.07 and 3.08 of the Charter.

(Substantive – adds new provision to Charter)

ARTICLE V – DEPARTMENTS, OFFICES AND AGENCIES

5.02.3 Specific Powers and Duties

The City Manager shall be required to:

(f) Keep the City Council advised of the financial condition and needs of the City and make such recommendations as ~~seem desirable~~ appropriate. (Non-substantive - clarification)

Section 5.04 Police Department

The Police Department shall be established and maintained and the head of such department shall be the Police Chief. The Police Chief shall be appointed by the City Council and shall report to the City Manager. The Chief of Police may be removed from office by the City Council by majority vote. The Police Chief shall meet the standards of the State Laws of Texas and be responsible for the administration of the police department and shall evaluate and supervise the department and all its employees. All such evaluations and actions shall be subject to review and modification by the City Manager.

5.04.1 Reports

The chief of police must submit a detailed monthly report of all crimes reported within the city limits, including the street name and block number, to the city council and shall be posted on the city's website. (Substantive- Adding Police Department Section)

Section 5.05 Fire Department

The Fire Department shall be established and maintained and the head of such department shall be the Fire Chief. The Fire Chief shall be appointed by the City Council and shall report to the City Manager. The Fire Chief may be removed from office by the City Council by a majority vote. The Fire Chief shall meet the standards of the State of Texas and be responsible for the administration of the fire department and shall evaluate and supervise the department and all its employees. All such evaluations and actions shall be subject to review and modification by the City Manager.

The Fire Chief will participate with the City Manager in the annual evaluation of the relationship and any contract between the volunteer fire department and the city. The working relationship

between the volunteer fire department and the city shall be coordinated by the city's fire chief and/or the city manager with approval of the city council. (Substantive – Adding Fire Department Section)

Section 5.06 City Secretary (all 5.04 sections renumbered) (Non-substantive)

Section 5.07 Municipal Court of Record (all 5.05 sections renumbered) (Non-substantive)

Section 5.08 Public Works

The Public Works Department shall be established and maintained and the head of such department shall be the Public Works Director. The Public Works Director shall be appointed by the City Council and shall report to the City Manager. The Public Works Director may be removed from office by the City Council by a majority vote. The Public Works Director shall administer, supervise and coordinate the construction and maintenance of the streets and thoroughfares, the drainage system, and all public property and equipment not the responsibility of another department. The department shall have and be responsible for other duties, projects and works as provided by ordinance or assigned by the City Manager. (Substantive – Adding Public Works Department)

ARTICLE VI - FINANCE

Section 6.13 Independent Audit

At the close of each fiscal year the City Council shall cause an independent audit to be made of all accounts of the City by a certified public accountant experienced in auditing cities. The audit shall include an audit of all non-profit organizations receiving fifty percent (50%) or more of their income from the City. The audit shall be subject to the following:

(c) The City Council shall not select the same auditor for more than ~~three-five~~ (35) consecutive years and the auditor selected shall not be, or have been within the immediate preceding three (3) years, a business associate of the certified public accountant or firm that performed the audit prior to such selection. **(Substantive)**

Section 6.16 ~~Tax Assessor-Collector~~ RESERVED

~~The Municipal Finance Officer shall have the responsibility and duty for assessing and collecting taxes and the City Manager may appoint an officer in such department to perform such duties; provided that the City may contract for such services at the discretion of the City Council. (Non-substantive)~~

ARTICLE VII - RECALL, INITIATIVE AND REFERENDUM AND NON-BINDING ELECTIONS

Section 7.4.2 ~~Two Year Recall Limitation and Consecutive Term Exception~~

Elected officials shall not be subject to recall during the first six (6) months of that official's first term of office. The final six (6) months of an elected official's term of office shall be exempt from recall. **(Non-substantive)**

ARTICLE X - GENERAL

10.3.5 Conflicts Of Board, Commission and Committee Appointments

No member of the City Council or employee of the city may be appointed to serve on boards or commissions. A member of council may be appointed to committees, study groups, or other entities created by the City to provide advisory services to the City. A city employee may serve as a resource to any board, commission, committee, study group or other entity created by the City but may not be a voting member. (Substantive)

10.4.2 City Elections

The Mayor and Council Members shall be elected for a term of two years according to the election cycle currently established (i.e. In November of even numbered years May 2008 the Council Members for Places 1, 2, and 3 shall be elected. In May 2009 In November of odd numbered years the Office of Mayor and Council Members for Places 4 and 5 shall be elected). (Non-substantive).

ARTICLE XII—SUBMISSION OF THE CHARTER TO ELECTORS

Section 12.01 Official Presentation of the Charter

~~The Charter Commission, in preparing this Charter, determines that it is not feasible to separate Charter subjects to permit “Yes” or “No” votes by individual subject. The Charter is constructed as an entity of function; therefore, it is necessary to adopt it in its entirety. For this reason, the Charter Commission directs that the Charter be voted upon as a whole. The Charter, in both English and Spanish, shall be submitted to the qualified voters of the City of Windcrest at an election to be held for the purpose of Charter Acceptance/Rejection.~~

~~In not less than thirty (30) days prior to such an election, the City Council of the City of Windcrest shall require the City Secretary to mail a copy of this Charter in both English and Spanish, with a cover letter, defining the voting parameters (the document is voted on as a whole document) to each qualified voter of the City of Windcrest.~~

~~The City Secretary shall submit the draft Charter to the Department of Justice no later than sixty (60) days prior to election.~~

Section 12.02 Official Implementation of the Charter

~~If a majority of the votes cast are in favor of the adoption of this Charter, it shall immediately become the governing law of the City of Windcrest, Texas until amended or repealed. The Mayor shall certify an authenticated Charter copy with the City of Windcrest seal, showing the approval by qualified voters, to the Secretary of State. The City Secretary shall file an official copy of the Charter with the City.~~

~~If a majority of the votes cast are against this Charter, it is rejected and the City remains a General Law City. (Non-substantive)~~



ORDINANCE NO. 2015-732(O)

AN ORDINANCE CALLING AN ELECTION TO BE HELD ON NOVEMBER 3, 2015 IN THE CITY OF WINDCREST, TEXAS TO SUBMIT PROPOSITIONS ON AMENDMENTS TO THE CITY OF WINDCREST 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.

WHEREAS, the City Charter of the City of Windcrest ("City") was adopted in 2007 and amended in November 2010, and has served the City and its citizens well; and

WHEREAS, in accordance with Section 11.03 of the Windcrest City Charter, the City Council appointed a seven (7) member Charter Review Commission to determine whether any Charter provisions require revision and such Section of the Charter requires this action not later than the fifth year after the Charter's last review; and

WHEREAS, the Charter Review Commission met from May through July to review the City Charter and at their meeting of July 23, 2015, the Commission finalized its report of its findings in writing, and presented its proposed amendments to the City Council; and

WHEREAS, the Commission has recommended changes in the Charter for submission to the qualified voters of the City on the next uniform election date; and

WHEREAS, under state law, the City is empowered by the Texas Constitution to amend its Charter in any manner which it might desire, so long as those amendments do not conflict with the Constitution and the general law of the state; and

WHEREAS, the governing body of the City may authorize the inclusion of the Commission's amendments; 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 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.

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

SECTION 1. A Special Election shall be held on the 3rd day of November, 2015, a uniform election date, in the CITY OF WINDCREST, 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. 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 proposition. Voters should place an "X" in the square beside the statement indicating the way they wish to vote.

SECTION 3. 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. AMENDMENTS

PROPOSITION ONE

Shall Sections 3.05, 3.06, 3.07, 3.08 3.08 ((B), 3.08 (C), 3.14, 4.01, 5.02.3, 5.06, 5.07, 6.16, 6.17, 7.4.2, 10.4.2 and Article XII, Sections 12.01 and 12.02 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; update terminology to current legal usage, and to eliminate obsolete transitional provisions?

FOR ____☐ AGAINST ____☐

Article III Sections 3.05, 3.06, 3.07, 3.08 (B), 3.08 (C), 3.14, Article IV Section 4.01, Article V Sections 5.02.3, 5.06, 5.07, Article VI Sections 6.16, 6.17, Article VII Section 7.4.2 Article X Section 10.4.2 and Article XII, Sections 12.01 and 12.02 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:

~~Section 3.05 City Council to Judge Qualifications of Members~~

~~The City Council shall be the judge of the qualifications of its members under Section 3.04, and the grounds for forfeiture of their office under Section 3.08. In order to exercise these powers, the City Council shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published one (1) time in the designated official newspaper of the City at least one (1) week in advance of the hearing.~~

~~Section 3.056 Terms of Office~~

~~The Mayor's term of office shall be for a period of two (2) years. The five (5) City Council members shall have a term of two (2) years each. The Mayor and two (2) City Council members shall be elected one odd-numbered years, and three (3) City Council members elected the next even-numbered years.~~

~~Section 3.057 City Council to Judge Qualifications of Members~~

~~The City Council shall be the judge of the qualifications of its members under Section 3.04, and the grounds for forfeiture of their office under Section 3.08. In order to exercise these powers, the City Council shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published one (1) time in the designated official newspaper of the City at least one (1) week in advance of the hearing.~~

Section 3.08 Removal of Elective Officers; Grounds for Removal

B. Initiation. Removal proceedings shall be initiated when a sworn written complaint charging a member of the council with an act or omission that is a cause for removal is presented to the Mayor or, if the complaint is against the Mayor, to the Mayor ~~pro-tem~~ Pro Tempore. ~~The person Mayor, or the Mayor Pro Tempore~~ receiving the complaint shall file it with the City Secretary within three (3) working days, ~~who~~ The City Secretary shall provide a copy to the member complained against and all other council members within three (3) working days of receipt. The Mayor or the Mayor ~~pro-tem~~ Pro Tempore shall set a time and date for a hearing in accordance with Section 3.07 to be conducted on the complaint within 60 days of the ~~presentation day~~ the Mayor or Mayor Pro Tempore received of the sworn complaint.

C. Hearing and decision. The remaining members of the City Council ~~shall~~ must conduct a hearing to hear and review evidence regarding the sworn complaint. The member complained against shall have a right to representation

at the hearing and to question and cross-examine all witnesses, but ~~may~~ must not vote on the question of removal. Based on the evidence presented at the hearing, the City Council ~~shall~~ must make a decision in public on whether the member should be removed from office and shall issue an order setting out its decision. ~~If it determines by at least an eighty percent (80%) affirmative vote that removal is warranted, it~~ If all members of the City Council present at the hearing – other than the member complained against – affirmatively vote to indicate that removal is warranted the Council shall declare a vacancy to be filled no sooner than the next regular meeting and in accordance with section 3.09. The decision of the city council shall be final and binding so long as it is made in good faith.

Section 3.14 Code of Ordinances

The City Council shall have the power to cause the ordinances of the City to be printed and posted on the internet, in code form, and shall have the same arranged and digested, as often as the City Council may deem advisable, provided that failure to print the ordinance shall not affect its validity.

Section 4.01 City Elections

The general City election shall be held annually on the ~~second Saturday in May~~ first Tuesday after the first Monday in November, or the date nearest thereto as may be required by State Law. Each qualified voter shall be entitled to vote. Candidates for each seat, including the Mayor, shall be elected at large

5.02.3 Specific Powers and Duties

The City Manager shall be required to:

(f) Keep the City Council advised of the financial condition and needs of the City and make such recommendations as ~~seem desirable~~ appropriate.

Section 5.06 City Secretary (all 5.04 sections renumbered to 5.06)

Section 5.07 Municipal Court of Record (all 5.05 sections renumbered to 5.07)

Section 6.16 ~~Tax Assessor-Collector~~ RESERVED

~~The Municipal Finance Officer shall have the responsibility and duty for assessing and collecting taxes and the City Manager may appoint an officer in such department to perform such duties; provided that the City may contract for such services at the discretion of the City Council.~~

Section 6.17 Property Taxes

All ad valorem property taxes shall be due and payable on or before the last day of ~~January~~ December each year at the office of the Municipal Finance Officer or such other place as authorized by the City Council. Such taxes may be paid at any time after the tax rolls for the tax year have been approved and shall become delinquent and be subject to penalties and interest if not paid on or before the last day of ~~January~~ December following the levy. The failure to levy or assess taxes does not relieve any owner or property from the tax liability on

any taxable property. The tax ceiling for the City of Windcrest shall never exceed fifty (50) % of the ceiling set by the State Constitution.

Section 7.4.2 ~~Two-Year Recall Limitation and Consecutive Term Exception~~

Elected officials shall not be subject to recall during the first six (6) months of that official's first term of office. The final six (6) months of an elected official's term of office shall be exempt from recall.

10.4.2 City Elections

The Mayor and Council Members shall be elected for a term of two years according to the election cycle currently established (i.e. In ~~May 2008~~ November of even numbered years the Council Members for Places 1, 2, and 3 shall be elected. In ~~May 2009~~ November of odd numbered years the Office of Mayor and Council Members for Places 4 and 5 shall be elected).

~~ARTICLE XII—SUBMISSION OF THE CHARTER TO ELECTORS~~

~~Section 12.01 Official Presentation of the Charter~~

~~The Charter Commission, in preparing this Charter, determines that it is not feasible to separate Charter subjects to permit “Yes” or “No” votes by individual subject. The Charter is constructed as an entity of function; therefore, it is necessary to adopt it in its entirety. For this reason, the Charter Commission directs that the Charter be voted upon as a whole. The Charter, in both English and Spanish, shall be submitted to the qualified voters of the City of Windcrest at an election to be held for the purpose of Charter Acceptance/Rejection.~~

~~In not less than thirty (30) days prior to such an election, the City Council of the City of Windcrest shall require the City Secretary to mail a copy of this Charter in both English and Spanish, with a cover letter, defining the voting parameters (the document is voted on as a whole document) to each qualified voter of the City of Windcrest.~~

~~The City Secretary shall submit the draft Charter to the Department of Justice no later than sixty (60) days prior to election.~~

~~Section 12.02 Official Implementation of the Charter~~

~~If a majority of the votes cast are in favor of the adoption of this Charter, it shall immediately become the governing law of the City of Windcrest, Texas until amended or repealed. The Mayor shall certify an authenticated Charter copy with the City of Windcrest seal, showing the approval by qualified voters, to the Secretary of State. The City Secretary shall file an official copy of the Charter with the City.~~

~~If a majority of the votes cast are against this Charter, it is rejected and the City remains a General Law City.~~

PROPOSITION TWO

Shall Section 3.10 of the City Charter be amended to require all meetings of the City Council, whether Regular, Special or workshop meetings, to include a “Citizens to be Heard” and such citizens must be allowed to speak prior to any public business taken place?

FOR ____☐ AGAINST ____☐

Article III. Section 3.10 of the City Charter shall be amended so that all meetings of the City Council, whether Regular, Special or workshop meetings must include a “Citizens to be Heard” section and such citizens must be allowed to speak prior to any public business, so that the paragraph when amended, shall read as follows:

Section 3.10 Meetings/Quorum

Regular meetings of the City Council shall be held at such times as may be prescribed from time to time by resolution of the City Council. Special meetings ~~shall~~ must be called by the City Secretary upon the written request of the Mayor, the City Manager, or two (2) members of the City Council. Notice of any regular or special meetings of the City Council ~~shall~~ must state the subject(s) to be considered at the meeting and ~~shall~~ must be posted to the public in accordance with the laws of the State of Texas. A quorum shall consist of three (3) City Council members. The City Council may sanction its members for misconduct, and may compel the attendance of absent members. Items may be placed on the agenda by the request of the Mayor, the City Manager, or a City Council Member. Posted agendas ~~will~~ must provide for “Citizens to be Heard” allowing citizens the opportunity to address the City Council on topics not on the agenda for no more than three minutes. Citizens ~~shall~~ must also have an opportunity to address the council during consideration of the posted agenda items for no more than six minutes. These opportunities for citizens to speak ~~will~~ must be included in the agendas of all Council Meetings, Special Council Meetings and Workshops before the Council conducts its public business. This rule applies to all boards and city commissions.

PROPOSITION THREE

Shall section 3.08 (A) of the City Charter be amended to impose an additional cause for removal for the Mayor and City Council?

FOR ____☐ AGAINST ____☐

Article III. Section 3.08 (A) of the City Charter shall be amended to add an additional cause for removal of the Mayor or councilmember, so that the paragraph when amended, shall read as follows:

Section 3.08 Removal of Elective Officers; Grounds for Removal

A. Causes. The Mayor or any City Council member shall be subject to removal from office for any one (1) or more of the following causes:

- (4) Willful violation of any express ~~prohibition~~ provision of this Charter or State and/or local Ethics rule;

PROPOSITION FOUR

Shall newly developed Section 5.04 be added to establish by City Charter the Police Department and outlining that the head of such department shall be the Police Chief and that the Police Chief shall be appointed and may be removed by the City Council but shall report to the City Manager?

FOR ____☐ AGAINST ____☐

Article V, Section 5.04 shall be amended establishing by Charter the Police Department which shall be led by the Chief of Police, so that said paragraph, when added, shall read as follows:

Section 5.04 Police Department

The Police Department shall be established and maintained and the head of such department shall be the Police Chief. The Police Chief shall be appointed by the City Council and shall report to the City Manager. The Chief of Police may be removed from office by the City Council by a majority vote. The Police Chief shall meet the standards of the State Laws of Texas and be responsible for the administration of the police department and shall evaluate and supervise the department and all its employees. All such evaluations and actions shall be subject to review and modification by the City Manager.

PROPOSITION FIVE

Shall newly developed Section 5.04.1 be added to require the chief of police to submit a detailed monthly report of all crimes reported within the city limits, including the street name and block number, to the city council and shall be posted on the City's website?

FOR ____☐ AGAINST ____☐

Article V, Section 5.04.1 shall be amended to require the Chief of Police to submit a detailed monthly report of all crimes reported within the city limits so that said paragraph, when added, shall read as follows:

5.04.1 Reports

The chief of police must submit a detailed monthly report of all crimes reported within the city limits, including the street name and block number, to the city council and shall be posted on the city's website.

PROPOSITION SIX

Shall newly developed Section 5.05 be added to establish by City Charter the Fire Department and outlining that the head of such department shall be the Fire Chief and that the Fire Chief shall be appointed and may be removed by the City Council but shall report to the City Manager?

FOR ____☐ AGAINST ____☐

Article V, Section 5.05 shall be amended establishing by Charter the Fire Department which shall be led by the Fire Chief, so that said paragraph, when added, shall read as follows:

Section 5.05 Fire Department

The Fire Department shall be established and maintained and the head of such department shall be the Fire Chief. The Fire Chief shall be appointed by the City Council and shall report to the City Manager. The Fire Chief may be removed from office by the City Council by a majority vote. The Fire Chief shall meet the standards of the State of Texas and be responsible for the administration of the fire department and shall evaluate and supervise the department and all its employees. All such evaluations and actions shall be subject to review and modification by the City Manager.

The Fire Chief will participate with the City Manager in the annual evaluation of the relationship and any contract between the volunteer Fire Department and the City. The working relationship between the volunteer Fire Department and the City shall be coordinated by the City's Fire Chief and/or the City Manager with approval of the city council.

PROPOSITION SEVEN

Shall newly developed Section 5.08 be added to establish by City Charter the Public Works Department and outlining that the head of such department shall be the Public Works Director and that the Director shall be appointed and may be removed by the City Council but shall report to the City Manager?

FOR ____☐ AGAINST ____☐

Article V, Section 5.08 shall be amended establishing by Charter the Public Works Department which shall be led by the Public Works Director, so that said paragraph, when added, shall read as follows:

Section 5.08 Public Works

The Public Works Department shall be established and maintained and the head of such department shall be the Public Works Director. The Public Works Director shall be appointed by the City Council and shall report to the City Manager. The Public Works Director may be removed from office by the City Council by a majority vote. The Public Works Director shall administer, supervise and coordinate the construction and maintenance of the streets and thoroughfares, the drainage system, and all public property and equipment not the responsibility of another department. The department shall have and be responsible for other duties, projects and works as provided by ordinance or assigned by the City Manager.

PROPOSITION EIGHT

Shall sections 6.13 (c) of the City Charter be amended to increase the number of years that the City Council may not select the same auditor from three (3) years to no more than five (5) consecutive years?

FOR ____☐ AGAINST ____☐

Article VI, Section 6.13 (c) shall be amended to allow the City Council to increase the number of years that the City Council selects the same auditor from three (3) years to five (5) consecutive years, so that the paragraph, when amended shall read as follows:

(c) The City Council shall not select the same auditor for more than ~~three (3)~~ **five (5)** consecutive years and the auditor selected shall not be, or have been within the immediate preceding three (3) years, a business associate of the certified public accountant or firm that performed the audit prior to such selection.

PROPOSITION NINE

Shall section 10.3.5 of the City Charter be amended clarifying when Council members and city employees may be appointed to city council appointed boards, commissions, committees and study groups?

FOR ____☐ AGAINST ____☐

Article X, Section 10.3.5 shall be amended to clarify when Council members and city employees may be appointed to city council appointed boards, commissions, committees and study groups, so that said paragraph, when amended, shall read as follows:

10.3.5 Conflicts-Of Board, Commission and Committee Appointments

No member of the City Council or employee of the city may be appointed to serve on boards or commissions. A member of council may be appointed to committees, study groups, or other entities created by the City to provide advisory services to the City. A city employee may serve as a resource to any board, commission, committee, study group or other entity created by the City but may not be a voting member.

PROPOSITION TEN

Shall section 4.04 of the City Charter be added in order to establish municipal campaign contribution limitations by individuals, entities and political action committees, defining contribution cycle and post-election cycle and the process for how complaints will be processed?

FOR ____☐ AGAINST ____☐

Article IV, Section 4.04 shall be added in order to establish municipal campaign contribution
2015-732(O)

limitations by individuals, entities and political action committees, defining contribution cycle and post-election cycle and the process for how complaints will be processed, so that said paragraph, when added, shall read as follows:

Section 4.04 Municipal Campaign Funds

- (a) A candidate for City Council or Mayor may not accept more than five hundred dollars (\$500.00) in political contributions from any individual or single entity during a contribution cycle or post-election cycle and those funds will be placed in one bank account.
- (b) A political action committee, whether it be general or specific, that is formed for the purpose of supporting or opposing a candidate for the City Council or Mayor may not accept more than five hundred dollars (\$500.00) in political contributions from any individual or single entity during an contribution cycle or post-election cycle.
- (c) An individual or entity cannot make a political contribution in cash exceeding fifty dollars (\$50.00) to a candidate for Mayor or City Council, or to a political action committee formed for the purpose of supporting or opposing a municipal candidate or officeholder, nor can any of these candidates or political action committees accept political contributions in cash exceeding fifty dollars (\$50.00), from a single donor during a reporting period. This restriction includes tickets to fund-raising events.
- (d) The following constitutes a **contribution cycle**:
The contribution cycle begins on July 1 of the calendar year before the date of the regular municipal election, and ends on the date of the regular municipal election.
- (e) The following constitute a **post-election cycle**:
The post-election cycle begins on the day after the regular municipal election, and ends on the 90th day after the date of the regular municipal election.
- (f) If any complaint is filed for a violation of this Section, the member complained against shall have a public hearing in accordance with Sections 3.07 and 3.08 of the Charter.

2. BALLOT PROPOSITIONS

PROPOSITION ONE

Shall Sections 3.05, 3.06, 3.07 (B), 3.08 (C), 3.10, 3.14, 4.01, 5.02.3, 5.06, 5.07, 6.16, 6.17, 7.4.2, 10.4.2 and Article XII, Sections 12.01 and 12.02 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; update terminology to current legal usage, and to eliminate obsolete transitional provisions?

FOR ☐ AGAINST ☐

PROPOSITION TWO

Shall Section 3.10 of the City Charter be amended to require all meetings of the City Council, whether Regular, Special or workshop meetings, to include a “Citizens to be Heard” and such citizens must be allowed to speak prior to any public business taken place?

FOR ____☐ AGAINST ____☐

PROPOSITION THREE

Shall section 3.08 (A) of the City Charter be amended to impose an additional cause for removal for the Mayor and City Council?

FOR ____☐ AGAINST ____☐

PROPOSITION FOUR

Shall newly developed Section 5.04 be added to establish by City Charter the Police Department and outlining that the head of such department shall be the Police Chief and that the Police Chief shall be appointed and may be removed by the City Council but shall report to the City Manager?

FOR ____☐ AGAINST ____☐

PROPOSITION FIVE

Shall newly developed Section 5.04.1 be added to require the chief of police to submit a detailed monthly report of all crimes reported within the city limits, including the street name and block number, to the city council and shall be posted on the City’s website?

FOR ____☐ AGAINST ____☐

PROPOSITION SIX

Shall newly developed Section 5.05 be added to establish by City Charter the Fire Department and outlining that the head of such department shall be the Fire Chief and that the Fire Chief shall be appointed and may be removed by the City Council but shall report to the City Manager?

FOR ____☐ AGAINST ____☐

PROPOSITION SEVEN

Shall newly developed Section 5.08 be added to establish by City Charter the Public Works Department and outlining that the head of such department shall be the Public Works Director and that the Director shall be appointed and may be removed by the City Council but shall report to the City Manager?

FOR ____☐ AGAINST ____☐

PROPOSITION EIGHT

Shall sections 6.13 (c) of the City Charter be amended to increase the number of years that the City Council may not select the same auditor from three (3) years to no more than five (5) consecutive years?

FOR ____☐ AGAINST ____☐

PROPOSITION NINE

Shall section 10.3.5 of the City Charter be amended clarifying when Council members and city employees may be appointed to city council appointed boards, commissions, committees and study groups?

FOR ____☐ AGAINST ____☐

PROPOSITION TEN

Shall section 4.04 of the City Charter be added in order to establish municipal campaign contribution limitations by individuals, entities and political action committees, defining contribution cycle and post-election cycle and the process for how complaints will be processed?

FOR ____☐ AGAINST ____☐

SECTION 4. City Council shall adopt an Ordinance calling for an Election and such ordinance will include the requirements for calling an election.

SECTION 5. Necessary Action. That the Mayor and the City Secretary of the City, in consultation with the City Attorney, 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 election, whether or not expressly authorized herein.

SECTION 6. Severability. That should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION 7. Effective Date. This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

PASSED and APPROVED this ____ day of August, 2015.

Alan E. Baxter, Mayor

ATTEST:

Kelly Rodriguez, City Secretary

APPROVED AS TO LEGAL FORM:

Michael S. Brennan, City Attorney



ORDINANCE NO. 2015-733(O)

AN ORDINANCE TO ORDER A GENERAL ELECTION ON NOVEMBER 3, 2015 FOR THE PURPOSE OF ELECTING A MAYOR AND TWO COUNCIL MEMBERS TO CITY COUNCIL PLACES FOUR AND FIVE FOR THE CITY OF WINDCREST; MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION AND RESOLVING OTHER MATTERS RELATED TO THE CONDUCT OF SUCH ELECTION.

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

1) That a General Election is hereby ordered to be held on November 3, 2015 in the City of Windcrest, Texas for the purpose of electing a Mayor and two Council Members to City Council Place Four and City Council Place Five. The Mayor and each Council Member elected shall serve a term of two years, with their terms terminating in November 2017, or when their successors are duly elected and qualified.

2) That at said election each of the foregoing named City Council positions shall be voted upon separately and that the candidate receiving the highest number of votes for each said City Council position shall be elected to such office.

3) That qualified persons desiring to be candidates in the aforementioned City Council Places shall file for election as such candidates with the City Secretary beginning at 8:00 a.m. on the 25th day of July, 2015 and not later than 5:00 p.m. on the 24th day of August, 2015.

4) Voting on Election Day and during early voting shall be done on Election Systems & Software, Inc. (ES&S) iVotronic™ Touch Screen Voting Unit with ballot tabulation performed by Bexar County Elections Administrator. Voting by Mail ballot and Provisional Voting shall be done on paper ballot.

5) The polling place designated for Windcrest voting precincts 4050, 4051, 4107, and 4175 for voting in the November 3, 2015 General Election shall be the Windcrest Elementary School located at 465 Faircrest, Windcrest, Texas and such polling place shall be open on said election day from 7:00 a.m. to 7:00 p.m.

6) The polling places designated for Windcrest voting precincts 4050, 4051, 4107, and

4175 for Early Voting for the November 3, 2015 General Election shall be selected and published by the Bexar Elections Administrator. Early Voting will be conducted each weekday from 8:00 a.m. to 6:00 p.m. from October 19, 2015 through October 30, 2015. Weekend early voting will be conducted on Saturday, October 24, 2015 from 10:00 a.m. to 6:00 p.m. and Sunday, October 25, 2015 from 12:00 p.m. to 6:00 p.m. Extended hours for Early Voting will be conducted on October 29, 2015 through October 30, 2015 from 8:00 a.m. to 8:00 p.m.

7) Applications for ballot by mail shall be mailed to Bexar Elections Administrator, 1103 S. Frio, Ste. 100, San Antonio, Texas 78207.

8) Jacqueline F. Callanen, Bexar Elections Administrator, is designated as the election officer to conduct the General Election of November 3, 2015 and Early Voting for the General Election. She shall appoint a sufficient number of clerks to assist in the proper conduct of the election and other persons to serve with her as a Early Voting Ballot Board.

9) Notice of the November 3, 2015 General Election of the City of Windcrest shall be posted and published in accordance with the Election Code of the State of Texas.

10) The City Manager is authorized to enter into a contract with Bexar County Elections Administrator to conduct the election ordered herein and committing to pay the fee charged by the Bexar County Elections Administrator for such services. The City Manager is furthermore authorized to enter into a contract for the conduct of a joint election with other governmental entities in Bexar County, Texas.

PASSED AND APPROVED this ____ day of _____, 2015.

Alan Baxter, Mayor

ATTEST:

Kelly Rodriguez, City Secretary

APPROVED AS TO FORM:

Michael S. Brenan, City Attorney