

**ORDINANCE NO. 15-08-20-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS ORDERING AND PROVIDING NOTICE OF A SPECIAL ELECTION ON THE 3<sup>rd</sup> DAY OF NOVEMBER, 2015, IN THE CITY OF LAGO VISTA TO CONSIDER THE CHARTER AMENDMENTS PRESENTED BY THE LAGO VISTA CHARTER REVIEW COMMITTEE AND APPROVED BY THE CITY COUNCIL SET FORTH AS EXHIBIT A HERETO; DECLARING BALLOT LANGUAGE FOR SUCH PROPOSITIONS FOR AMENDMENT; PROVIDING FOR NOTICE OF ELECTION; PROVIDING ELECTION PRECINCT AND POLLING PLACES; PROVIDING FOR EARLY VOTING; PROVIDING AN EFFECTIVE DATE AND OPEN MEETINGS CLAUSE AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City Council of the City of Lago Vista (City Council), by Ordinance No. 15-05-21-03("the Election Order"), ordered a special election for Tuesday, November 3, 2015, the next uniform election date, for the purpose of electing the following officials for this City: Mayor, Council Member, Place 1; Council Member, Place 3; and Council Member, Place 5; and

**WHEREAS**, the City Council has been presented various recommended Charter Amendments by the Lago Vista Charter Review Committee; and

**WHEREAS**, the City Council has approved those Charter Amendments as set forth as Exhibit A, attached hereto and incorporated herein for all purposes and finds it to be in the public interest to call a special election to be held jointly with the special election for electing officials to be held on November 3, 2015, and add to the ballot for voter consideration propositions for amendment of specific sections of the Charter; and

**WHEREAS**, pursuant to the previous Election Order, the City Council has authority pursuant to Chapter 31, Texas Election Code, has already established the procedures and contract with the Travis County Election Officer to obtain certain election services; and

**WHEREAS**, the City Council has authority pursuant to Chapter 271, Texas Election Code, to enter into joint election agreements with other political subdivisions holding elections on the same day in all or part of the same territory;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS that:**

**SECTION 1.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**SECTION 2.** There is hereby called a Special Election to be participated in by the qualified voters of the City of Lago Vista, Texas, to be held jointly on the 3rd day of November, 2015, between the hours of 7:00 am and 7:00 pm (the "Election"), and at the election, for the purpose of amending the Home Rule Charter of the City of Lago Vista. The propositions shall be added to the ballot and submitted for consideration by the voters of the City of Lago Vista, Tx:

**SECTION 3.** The official ballots for the Charter election shall be prepared in accordance with the Texas Election Code and the Local Government Code and all applicable laws so as to permit the electors to vote "FOR" or "AGAINST" each proposition.

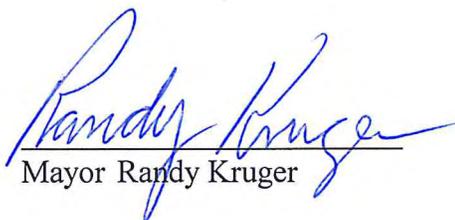
**SECTION 4.** All such other provisions as were set out in the Election Order including but not limited to Notice of the election, the election judges, alternate judges and clerks, early voting, election precincts; poll hours; etc. that are required pursuant to and in compliance with the provisions of the *Tex. Elec. Code* are hereby adopted and approved as though fully set forth herein; and

**SECTION 5.** It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

**AND, IT IS SO RESOLVED.**

**PASSED AND APPROVED** this 20<sup>th</sup> day of August, 2015.

**LAGO VISTA, TEXAS**

  
Mayor Randy Kruger

ATTEST:



Sandra Barton, City Secretary

**EXHIBIT A.**

Proposition 1 ballot language shall read:

**Shall Article III, Section 3.02, Qualifications subsection (b), be amended to remove the words "or annexed area" to conform to state law requirements?**

For

Against

**In the event that Proposition 1 is approved by the voters on November 3, 2015, Article III, Section 3.02, Qualifications subsection (b) shall thereafter read as follows:**

b) Be a registered voter residing in the City for at least one (1) year prior to the date of the election;

Proposition 2 ballot language shall read:

**Shall Article III, Section 3.09, Filling Vacancies, be amended to allow the Chairperson of the Planning and Zoning Commission and the Chairperson of the Board of Adjustment, to select Chairpersons from any other standing City Council Committee who, together with any remaining members of the City Council, shall immediately call an election and serve as members of a temporary City Council of not more than five (5) members that shall be able to act and conduct urgent City business in cases where less than a quorum of members of the City Council are able to serve.**

For

Against

**In the event that Propositions 2 is approved by the voters on November 3, 2015, Section 3.09, Filling Vacancies, shall thereafter read as follows:**

**Section 3.09 Filling Vacancies.** Within thirty (30) days of declaring a vacancy, the Council, by a majority vote of the remaining members of the Council, shall appoint to the vacancy a person possessing the qualifications specified in this Charter. If two or more vacancies exist and there is more than 180 days before a general City election, the remaining members of the City Council shall, within thirty (30) days of the occurrence of the multiple vacancies, call a special election to fill the vacancies for the remainder of the unexpired terms. If there are less than 180 days before the next general City election,

or if no uniform election date at which members of the Council may be elected will occur prior to the next general city election, a majority of the remaining members of the Council shall appoint qualified persons to fill the vacancies until the general election. All persons holding office by appointment shall serve only until an election is held to fill that position and the person elected to that position is seated. If no qualified candidate files for election to the office of Mayor or a Council place for any special or general election, the Council shall appoint a qualified person to fill the position until the next general election.

If at any time there are no members of the City Council able to serve, or if a quorum of the Council is not able to serve, the following individuals together with the members of the City Council, if any, remaining and able to serve, shall immediately call an election to fill the City Council vacancies and act as a temporary City Council to conduct City business that is deemed urgent and that should not be postponed until after elections are held: The Chairperson of the Planning and Zoning Commission; and the Chairperson of the Board of Adjustment; and those individuals shall select from any standing City Council Committee that Committee's Chairperson. The temporary City Council shall total five (5).

Proposition 3 ballot language shall read:

**Shall Article III, Section 3.17, Publication of Ordinances, be amended to require that all ordinances that shall be published in a newspaper of general circulation shall also be posted to the City's website prior to being enrolled and codified into the City's Code of Ordinances as well as the posting of Resolutions, Proclamations, and Official Notices.**

For

Against

**In the event that Proposition 3 is approved by the voters on November 3, 2015, Section 3.17, Publication of Ordinances, shall thereafter read as follows:**

**Section 3.17 Publication and Posting of Ordinances and Other Documents.** Except as otherwise required by state law or this Charter, the City Secretary shall give notice of the enactment of every ordinance imposing any penalty, fine or forfeiture and every ordinance relating to the budget, franchises, taxes, or public utilities and public service providers and the setting of the rates, fees and charges thereof. This shall be done by causing the ordinance in full or its caption, including the penalty if any, to be published at least one (1) time in a newspaper of general circulation within the City and posted on the City's website until such ordinance becomes codified into the City's Code of Ordinances. The provisions of this section shall not apply to the correction, amendment, revision or codification of the ordinances of the City in book or pamphlet form. The

City Secretary shall also ensure that all Resolutions, Proclamations, and Official Notices be posted on the City's website.

Proposition 4 ballot language shall read:

**Shall Article III, Section 3.22, Transition, of the City Charter directing the method of transition on and after the general City elections held in 2005 and 2006 after approval of the City Charter be deleted and all subsequent sections be renumbered?**

For

Against

**In the event that Proposition 4 is approved by the voters on November 3, 2015, Section 3.22, Transition, shall be deleted in its entirety and all subsequent sections renumbered.**

Proposition 5 ballot language shall read:

**Shall Article V, Section 4.01, City Manager, of the City Charter be amended to provide clarification of the administrative duties and responsibilities of the City Manager, clarify that the City Manager is the chief administrative officer, clarify that the City Manager is solely responsible for employment decisions except for the City Secretary, City Attorney and the Police Chief, and clarify that the Mayor and/or City Council do not direct the employees under the City Manager's authority?**

For

Against

**In the event that Proposition 5 is approved by the voters on November 3, 2015, Section 4.01, City Manager, shall thereafter read as follows:**

**Section 4.01 City Manager.** The Council shall appoint a City Manager who shall be chosen primarily on the basis of his/her executive and administrative training, experience and ability. The affirmative vote of five (5) members of the Council shall be required to appoint a person as City Manager. Within six (6) months after employment, the City Manager shall reside within the City, unless the Council approves an outside residence. The City Manager shall receive compensation as determined by the Council. The compensation shall be agreed upon prior to employment and the Council may contract with the City Manager to establish the terms of employment. The Council shall reserve the right to raise or lower the compensation at its sole discretion. The City Manager may be removed or suspended at the sole discretion of the Council by an affirmative vote of five (5) members of the Council.

The City Manager is the chief administrative officer of the City, responsible to the Council for the efficient administration of all the City's affairs placed in the Manager's charge by or under this Charter. The City Manager shall:

- (a) Implement the general policies established by the Council and faithfully enforce all applicable state laws and City ordinances;
- (b) Appoint, supervise and/or give direction to all departments, offices, and agencies of the City and hire, suspend or remove any employee of the City except for department heads which require Council approval for employment or removal;
- (c) Sign all legal contracts and commitments of the City, but may not bind or obligate the City in any way without prior authorization from the City Council;
- (d) Prepare all agendas in conjunction with the Mayor and attend all meetings of the Council except when excused by the Council. He/she shall have the right to take part in all discussions but shall not have a vote;
- (e) Prepare and submit the proposed annual budget and administer the approved City budget in accordance with this Charter;
- (f) Prepare and present to the Council a complete annual report of the financial and administrative activities of the City for the preceding year. This report shall be due one hundred twenty (120) days after the end of the fiscal year;
- (g) Make reports as the City Council may require concerning the operations of City departments, offices, and agencies subject to the City Manager's supervision.
- (h) Prepare and submit to the Council monthly financial reports and keep the Council advised on the financial condition and future needs of the City;
- (i) Provide staff support services for the Mayor and Council Members, consistent with the intent and requirements of this Charter;
- (j) Ensure that all terms and conditions imposed in favor of the City, or its inhabitants, in any public utility franchise or other franchise or contract are faithfully kept and performed. Upon knowledge of any violation thereof, he/she shall call same to the attention of the City Attorney, whose duty it shall be to advise the City Manager and the City Council of such steps as may be necessary to enforce the same;
- (k) Perform such other duties as are specified in this Charter, or duties not inconsistent with this Charter as required by the City Council.

The City Manager shall designate by letter filed with the City Secretary, a qualified administrative officer of the City, subject to approval by the Council, to perform the duties of the City Manager in his/her absence or disability from his/her duties. No member of the Council shall act as City Manager. No member of the Council shall, during the time for which he or she is elected, or for one (1) year thereafter, be appointed City Manager.

The Council, except as provided for in Section 3.06 of this Charter, shall direct and supervise the City Manager only by majority vote. Except for the purposes of inquiries and investigations under this subsection, the City Council or its members shall deal with employees who are subject to the supervision of the City Manager solely through the City Manager. Neither the Council nor its members shall give orders to or in any way exercise the influence of their office on such officer or employee, either publicly or privately, except as otherwise provided in this Charter.

Proposition 6 ballot language shall read:

**Shall Article V, Section 5.01, City Elections, of the City Charter be amended to move the City Council election date from May to November and set forth transition terms for Places 2, 4 and 6 to the November election date?**

For

Against

**In the event that Proposition 6 is approved by the voters on November 3, 2015, Section 5.01, City Elections, shall thereafter read as follows:**

**Section 5.01 City Elections.** Beginning with the general City election to be held in 2016 and for each successive general City election, the general City election shall be held annually on the uniform election date in November in accordance with the election laws of the State of Texas. The members of the Council for Places 2, 4 and 6 in office upon the adoption of this amendment shall serve on the Council until November of 2016. Thereafter, all terms of office for all members shall be as set forth in Section 3.01. The Council shall fix the places for holding such election, and the City Secretary shall give notice of the election in the manner required by the laws of the State of Texas. The Council may, by ordinance, call special elections as required or authorized by state law or this Charter. The Council shall fix the time and places for such special elections, direct the City Secretary to give notice thereof and provide all means for holding same. A certified list of registered voters residing within the City shall be obtained by the City Secretary for each election. All City elections shall be held in accordance with state law, this Charter, and the ordinances, resolutions and orders adopted by the Council for the conduct of elections. The Council shall provide for the election, appoint election judges and other officials and shall determine and provide for their compensation and for all other expenses of holding municipal elections. In the absence of state law providing regulations for the conduct of any election, or any related action or procedure, the council shall provide such regulations by ordinance.

Proposition 7 ballot language shall read:

Shall Article VII, Section 7.03, Planning and Zoning Commission, of the City Charter be amended to remove the specific duties, terms and make-up of the Planning and Zoning Commission from the Charter and allow those to be established solely by ordinance?

For

Against

In the event that Proposition 7 is approved by the voters on November 3, 2015, shall thereafter read as follows:

**Section 7.03 Planning and Zoning Commission.** A Planning and Zoning Commission is established to perform such duties and functions as are required or authorized by state law, this Charter and the enabling ordinance. The number of members and additional duties of the Planning and Zoning Commission shall be provided by ordinance.

Proposition 8 ballot language shall read:

Shall Article VII, Section 7.05, Road and Grounds Committee, be deleted in its entirety from the Charter and all subsequent sections be renumbered, allowing the City Council by ordinance to determine what other committees it desires or needs to fulfill its duties and responsibilities.

For

Against

In the event that Proposition 8 is approved by the voters on November 3, 2015, Section 7.05 shall be deleted in its entirety.

Proposition 9 ballot language shall read:

Shall Article VII, Section 7.06, Building Committee, be deleted in its entirety from the Charter and all subsequent sections be renumbered, allowing the City Council by ordinance to determine what other committees it desires or needs to fulfill its duties and responsibilities.

For

Against

In the event that Proposition 9 is approved by the voters on November 3, 2015, Section 7.06 shall be deleted in its entirety.