

ORDINANCE NO. 2019-__

AN ORDINANCE ENTERING AN ORDER IN THE RECORDS OF THE MUNICIPALITY DECLARING THAT THE CHARTER AMENDMENTS ARE ADOPTED; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on November 6, 2018, there was held within and throughout the territory of the City of League City, Texas (the “City”) an election (the “Election”), to provide for the registered voters of the City to vote on separate propositions for the amendment of the City Charter, a copy of a sample ballot being attached hereto as Exhibit “A” and appearing from the returns, duly and legally made, there were cast at the Election 38,872 ballots. Each voter received one (1) ballot for the propositions from which each of the propositions received the following number of votes:

PROPOSITION A	For	22,436	Against	6,921
PROPOSITION B	For	26,670	Against	4,513
PROPOSITION C	For	26,902	Against	3,417
PROPOSITION D	For	24,836	Against	4,109
PROPOSITION E	For	28,057	Against	2,046
PROPOSITION F	For	25,702	Against	3,065
PROPOSITION G	For	27,370	Against	2,131
PROPOSITION H	For	17,430	Against	9,942
PROPOSITION I	For	25,869	Against	3,025
PROPOSITION J	For	24,972	Against	3,918
PROPOSITION K	For	25,555	Against	2,916
PROPOSITION L	For	22,136	Against	5,472
PROPOSITION M	For	24,599	Against	3,467
PROPOSITION N	For	22,445	Against	5,541
PROPOSITION O	For	23,286	Against	4,715

WHEREAS, under Section 9.005 of the Texas Local Government Code, a charter amendment does not take effect until the governing body of the municipality enters an order in the records of the municipality declaring that the charter amendment is adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The facts and opinions in the preamble to this Ordinance are true and correct.

Section 2. The Election was duly called, Notice of the Election was given in accordance with law, and the Election as held in accordance with law.

Section 3. The City Council has examined such returns and opened and canvassed the vote of such election on November 20, 2018.

Section 4. The City hereby enters an order into the record declaring the following amendments adopted and the City Charter shall be changed to reflect these approved amendments:

Proposition A. *-Shall Article I, Section 4 of the League City Charter, relating to the City's authority to extend its boundaries, be amended to replace the listing of detailed steps from state law with a provision that states that the City's boundaries may only be modified in accordance with state law; which will read as follows:*

Article I, Section 4. - Adjustment of Boundaries. (NEW LANGUAGE)

The boundaries of the City of League City may be extended or adjusted by any methods allowed under state law. Existing uses on newly annexed land shall be permitted to continue, but new uses may only be commenced in conformance with the City's zoning ordinances.

Proposition B *- Shall Article II, Section 2.B of the League City Charter be amended to clarify that no person shall serve more than two full consecutive terms as Mayor nor more than two full consecutive terms in any Council Position regardless of position number; which will read as follows:*

Article II, Section 2. – Qualifications of Mayor and Council Members (NEW LANGUAGE)

B. No person shall serve more than two full consecutive terms as Mayor nor more than two full consecutive terms in any Council Position, regardless of position number.

Proposition C *-Shall Article II, Section 7 of the League City Charter, which provides that a member of the Council automatically vacates the member's office for missing three consecutive meetings of the City Council without valid excuse, be amended to clarify that the vacancy becomes effective thirty days after the third missed meeting to allow the City Council the opportunity to excuse the absence if the Council finds that a justifiable reason for the absence exists; which will read as follows:*

Section 7. - Failure to attend meetings. (NEW LANGUAGE)

Any member of the City Council remaining absent for three (3) consecutive meetings of the City Council of any kind, including regular meetings, special meetings or workshops, unless absence is excused by a simple majority the City Council for a reason found to be justifiable by the City Council, shall be determined to have vacated his office, which vacancy shall be filled in accordance with the Charter. The vacancy shall become effective thirty (30) days after the date of the third consecutively missed meeting of the City Council. Without limiting the grounds for justifiable absence, sickness or leave of absence obtained in advance at a regular meeting, shall be deemed justifiable grounds for failure to attend a meeting.

Proposition D *-Shall Article II, Section 8 of the League City Charter be amended to clarify that the Mayor Pro Tem shall be elected for a one-year term by the City Council at its second regularly scheduled meeting every November; which will read as follows:*

Article II, Section 8. – Mayor pro tem. (NEW LANGUAGE)

The City Council shall, at its second meeting in November of every year or as soon as possible after November if there is not a second Council meeting in November, elect by simply majority one (1) of its members as Mayor Pro Tem, who shall perform the duties of the Mayor in case of his absence or inability to perform the duties of this office, and who shall for such time, be vested with all the powers of the Mayor.

Proposition E -*Shall Article II, Section 12 of the League City Charter be amended to clarify that all actions taken by the City Council, not just adoption of ordinances and resolutions, require a majority vote of the members present; which will read as follows:*

Article II, Section 12. – Voting on Ordinances and Resolutions. (NEW LANGUAGE)

The votes upon all ordinances, resolutions, and other action of the City Council shall be recorded and entered upon the minutes of the proceedings of the City Council; and every ordinance, resolution, and any other action item shall require a final passage the affirmative vote of a majority of the members present, except where otherwise specifically provided in this Charter or by other law.

Proposition F -*Shall Article II, Section 17 of the League City Charter be amended to delete all references to the City Secretary also serving as “Treasurer and Assessor and Collector of Taxes” since the City Secretary does not serve in that role for the City, given that the City uses the county tax assessors/collectors for that function; which will read as follows:*

Article II, Section 17. - Appointive officers. (NEW LANGUAGE)

The City Council shall appoint a competent person to be City Secretary to perform such duties as the City Council may prescribe. He shall, before entering upon the duties of his office, give a good and sufficient bond of not less than five thousand dollars (\$5,000.00), the amount thereof to be fixed by the City Council, and said bond to be approved by said City Council and filed and recorded in the minutes thereof. Said City Secretary shall be invested and charged with, and shall exercise all the powers, rights, and duties conferred upon the imposed by the General Laws of Texas, upon the City Secretary, except such powers, rights and duties as the City Council may by ordinance delegate to another and shall exercise such other power and rights and perform such other duties as may be prescribed by ordinance of the City Council.

The City Council shall also have the power and authority by ordinance to create such boards, commissions, agencies and offices, in addition to those specially provided for by this Charter, or by the laws of the State of Texas, and to provide for the expense and operation of same and the compensation to be paid such members, officers, and/or employees, as it may deem advisable. Such boards, commissions, agencies, and officers shall have all the powers and privileges and perform the duties that may be prescribed by ordinance, and the City Council may abolish, at any time it may see fit, any board, commission, agency or office which it creates, and may discharge any appointed officer, member, or employee; provided the offices of City Secretary may not be abolished under the terms of this section.

Proposition G *Shall Article II, Section 22 of the League City Charter be amended to state that a record of all votes of the City Council, not just those involving ordinances and resolutions, is to be maintained; which will read as follows:*

Article II, Section 22. - Passage of ordinances and resolutions. (NEW LANGUAGE)

Ordinances and resolutions shall be introduced in the Council only in written or printed form. Each ordinance shall be confined to one (1) subject. No ordinance shall be passed until it has been

read on two (2) separate days, unless the requirements for reading it on two (2) separate days be dispensed with by the affirmative vote of a four-fifths (4/5) majority of the voting members of City Council present at the meeting. The final reading of each ordinance shall be in full, unless a written or printed copy thereof shall have been furnished to each member of the Council prior to such reading. Ordinances will be adopted on final reading by majority vote. The votes taken upon all action items shall be entered upon the Journal of the Proceedings of the Council. It shall not be necessary that an ordinance be written in full upon the Journal of the City Council, but it shall be sufficient to refer therein to the number assigned to such ordinances in the Record of Ordinances to be maintained by the City Secretary. The enacting clause of all ordinances shall be "Be it ordained by the City Council of City of League City"; but the same may be omitted when published in book or pamphlet form. Nothing herein is intended to change the mandatory provisions of the Law of Texas with respect to the manner of adopting and publishing particular ordinances or to repeal provisions of this Charter relating to particular ordinances.

Proposition H - *Shall Article VII, Section 5 of the League City Charter be amended to clarify that the City Council may transfer appropriations from one directorate to another; which will read as follows:*

Article VII, Section 5. – Transfer of appropriations. (NEW LANGUAGE)

The Council may transfer any unencumbered appropriation balance or portion thereof from one directorate, department, division or agency to another, at any time. The City Manager shall have authority, without Council authority, to transfer appropriation balances from one expenditure account to another within a single directorate, department, division or agency.

Proposition I - *Shall Article VIII, Section 2 of the League City Charter be amended to delete all reference to the "City Tax Assessor and Collector" since the City does not employ a person in that position and instead uses the county tax assessors/collectors for that function; which will read as follows:*

Article VIII, Section 2. - Assessment of property for tax purposes. (NEW LANGUAGE)

All property, real, personal, or mixed, having a situs within the corporate limits of the City of League City on January 1st of each year, not expressly exempted by law, shall be subject to taxation by the City of League City for such year. The City hereby requires the county tax assessor and collector for each county in which the City of League City's corporate limits extend to assess and collect the taxes on property within such corporate limits within that county in the manner in which that county assesses and collects its taxes. The mode and manner of making renditions, tax lists, assessments, and tax rolls shall be determined by state law.

Proposition J - *Shall Article VIII, Section 3 of the League City Charter, which provides for a 3-person Board of Directors to adjust assessed property values, be deleted since the City has never utilized such a board but instead uses the county appraisal districts for that function; which will read as follows:*

Article VIII, Section 3. - Reserved. (NEW LANGUAGE)

Proposition K - *Shall Article VIII, Section 4 of the League City Charter be amended to delete all reference to the "City Tax Assessor and Collector" since the City does not employ a person in that position and instead uses the county tax assessors/collectors for that function; which will read as follows:*

Article VIII, Section 4. – Taxes: when due and payable. (NEW LANGUAGE)

All taxes due the City of League City shall be payable at the office of the County Tax Assessor and Collector that has been designated by the City. Due dates, delinquencies, and related matters shall be governed by state law.

Proposition L -*Shall Article VIII, Section 6 of the League City Charter, which discusses how property owners communicate with the appraisal district in situations where there is a joint interest in property, be deleted since this section provides no rule for or pertain in any way to the City or its officials or employees; which will read as follows:*

Article VIII, Section 6. –Reserved. (NEW LANGUAGE)

Proposition M - *Shall Article IX, Section 8 of the League City Charter be amended to remove the reference to the City's previous red-light camera vendor; which will read as follows:*

Article IX, Section 8. – Photographic traffic enforcement prohibited (NEW LANGUAGE)

The deployment of photographic traffic enforcement systems, and any contracts or franchises or renewals related thereto on City public rights-of-way shall be prohibited.

Proposition N -*Shall Article X, Section 17 of the League City Charter be amended to remove the requirement that the City Secretary pay the premium for his/her bond since the City is required to pay the premiums for all bonds required for its other officers and employees; which will read as follows:*

Article X, Section 17. – Official Bond (NEW LANGUAGE)

The City Secretary and such other officers or employees as the City Council may by general ordinance require to do, shall give bond in such amount and with a solvent surety company as may be approved by the City Council. The premiums on such bonds shall be paid by the City.

Proposition O -*Shall Article X, Section 21 of the League City Charter, which requires that all warrants or claims for payment be approved by the City Manager and City Council before payment may be issued, be deleted since such requirement slows the transaction of City business and state laws and other controls already exist to ensure that only lawful claims are paid; which will read as follows:*

Article X, Section 21. – Reserved (NEW LANGUAGE)

Section 5. It is hereby found and determined that the meeting at which this ordinance was passed was open to the public and that advance public notice of the time, place and purpose of said meeting was given as required by law.

Section 6. As soon as practicable, the Mayor of the City of League City shall certify to the Texas Secretary of State an authenticated copy of the Charter showing all amendments that were approved by the voters of the City of League City at the Special Election of November 6, 2018.

Section 7. As soon as practicable, the Mayor of the City of League City shall certify to the U. S. Department of Justice an authenticated copy of the Charter showing all amendments that were approved by the voters of the City of League City at the Special Election of November 6, 2018.

Section 8. All ordinances and agreements and parts of ordinances and agreements in conflict

herewith are hereby repealed to the extent of the conflict only. This ordinance shall be effective immediately upon passage.

APPROVED first reading the _____ day of _____, 2019.

APPROVED second reading the _____ day of _____, 2019.

PASSED and ADOPTED the _____ day of _____, 2019.

PAT HALLISEY,
Mayor

ATTEST:

DIANA M. STAPP,
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN,
City Attorney