

STATE OF TEXAS

**AN AMENDED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS ORDERING A GENERAL ELECTION TO BE HELD NOVEMBER 8, 2022 FOR THE PURPOSE OF ELECTING CITY COUNCIL MEMBERS FOR DISTRICTS THREE, FIVE, SEVEN AND EIGHT; ORDERING A SPECIAL ELECTION TO BE HELD NOVEMBER 8, 2022 TO CONSIDER CHANGES TO THE CITY CHARTER; ORDERING THAT NOTICE OF THE ELECTION BE PUBLISHED; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the Seguin City Charter provides that the City shall hold elections on even numbered years during the November uniform election date for the purpose of electing four council members in each election: and

**WHEREAS**, Chapter 9 of the Texas Local Government Code and Section 12.13 of the City Charter provides that suggested changes to the city charter be put to the voters for approval; and

**WHEREAS**, Guadalupe County, by contract with the City, will conduct the election including providing for early voting and election day polling places; and

**WHEREAS**, the Order of Election shall be issued at a later date within the timeframe set by State law.

**NOW THEREFORE BE IT RESOLVED** by the City Council of Seguin, Texas:

**PART 1.** The City Council hereby calls for a General and Special Election to be held on the November 8, 2022, uniform election day.

**PART 2.** The general and special election will be held in accordance with the provisions of the Charter and ordinances of the City of Seguin and the laws of the State of Texas. Candidates for City Council Members for Districts Three, Five Seven and Eight may begin filing for the office on Monday July 25, 2022, at 8:00 a.m. The deadline for filing by candidates for the aforementioned positions is 5:00 p.m. on August 26, 2022.

**PART 3.** The following Propositions will be submitted to the qualified voters of the City at the election in accordance with Texas Local Government Code Section 9.004 and Section 12.13 of the Seguin City Charter and with other applicable laws:

**PROPOSITION A.**

Amending the term limitations for city council member to allow a person to fill a council vacancy of less than two years without that two-year period counting towards the eight-year term limitation.

Existing Language:

Section 3.02. - Qualifications.

The mayor shall be a resident citizen of the City of Seguin, at least twenty-one (21) years of age, and a qualified voter of the State of Texas, and shall have been a resident of the City of Seguin for a period of not less than twelve (12) months immediately preceding his or her election.

Each councilmember shall be a resident citizen of the City of Seguin, at least twenty-one (21) years of age, shall have been a resident of the City of Seguin and the district from which he or she is elected for a period of at least six (6) months immediately preceding the election, and shall be a qualified voter of the State of Texas. If the mayor or any councilmember fails to maintain the foregoing qualifications or shall be absent from three (3) consecutive regularly scheduled meetings without valid excuse, or shall move from the district in which he or she was elected, the city council must at its second regular meeting thereafter declare a vacancy to exist and fill said vacancy as set forth in Section 3.06 of this Charter.

Neither the mayor nor any city councilmember may hold the office to which elected for more than eight (8) years. Neither the mayor nor any city councilmember may run for election or reelection if the term of office for which they are running when added to the time which they will have served in office upon election will exceed eight (8) years.

Proposed Language, third paragraph only (redlined):

Neither the mayor nor any city councilmember may hold the office to which elected for more than eight (8) years. Except where a new council member is elected to fill an unexpired term, Neither the mayor nor any city councilmember may run for election or reelection if the term of office for which they are running when added to the time which they will have served in office upon election will exceed eight (8) years. In the case of an election to fill a council member vacancy wherein the remaining term is less than two, the new council member's term to fill the remaining term shall not count towards the eight (8) year limitation.

**PROPOSITION B.**

Amending the requirement that the city council hold at least two meetings per month

Section 3.08. – Meetings of the city council

Existing language:

The city council shall hold at least two (2) regular meetings in each month at a time to be fixed by the council for such regular meetings, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the city. All meetings of the city council shall be public except where otherwise authorized by law, and shall be held at the City Hall, except that the city council may designate another place for such meetings after publishing due notice thereof in one issue of the official newspaper of the City of Seguin. The mayor or any other two (2) members of the city council may call special meetings of the council at any time.

Proposed Language (redlined):

The city council normally holds ~~shall hold at least~~ two (2) regular meetings in each month at a time to be fixed by the council for such regular meetings, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the city. All meetings of the city council shall be public except where otherwise authorized by law, and shall be held at the City Hall, except that the city council may designate another place for such meetings after publishing due notice thereof in one issue of the official newspaper of the City of Seguin. The mayor or any other two (2) members of the city council may call special meetings of the council at any time.

### **PROPOSITION C.**

Amending the requirement that new ordinances be published in the official newspaper and adding the requirement that publication be in the manner provided by Texas law.

#### **Section 3.10 – Procedure of passage of Ordinances**

Existing Language:

Every ordinance shall be introduced in written or printed form and shall take effect upon passage thereof or at the time indicated therein; provided, that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten (10) days from the date of its passage, subject to the provisions of Section 8.03 of this Charter. The city secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof by causing the caption or title, including the penalty, of such ordinance to be published in the official newspaper of the City of Seguin at least once within ten (10) days after passage of said ordinance. The city secretary shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published, as required by the Charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided, that the provisions of this section shall not apply to the correction, amendment, revision and codification of ordinances of the city for publication in book or pamphlet form. Except as otherwise provided by Article VIII of this Charter, it shall be necessary to the validity of any ordinance that it shall:

- (1) Be in the hands of each city councilmember and shall be distributed to the local news media at the time of a regularly scheduled session of the city council prior to the meeting at which the said ordinance is to be formally presented to the city council;
- (2) Said proposed ordinance shall be read at least two (2) successive council sessions and may be voted on and passed at the second session after the second reading by the city council; and
- (3) In case of an "emergency," which may be declared by a two-thirds vote of the city councilmembers, it shall be necessary to the validity of an ordinance that it be read only

one time at one session of the city council at which session the city council may pass said ordinance.

Proposed Language (redlined):

Every ordinance shall be introduced in written or printed form and shall take effect upon passage thereof or at the time indicated therein; provided, that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten (10) days from the date of its passage, subject to the provisions of Section 8.03 of this Charter. The city secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof by causing the ~~caption or title, including the penalty, of such ordinance to be published on the City's website and as otherwise required by State law in the official newspaper of the City of Seguin~~ at least once within ten (10) days after passage of said ordinance. ~~The city secretary shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published, as required by the Charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided, that the provisions of this section shall not apply to the correction, amendment, revision and codification of ordinances of the city for publication in book or pamphlet form.~~ Except as otherwise provided by Article VIII of this Charter, it shall be necessary to the validity of any ordinance that it shall:

- (1) Be in the hands of each city councilmember and shall be distributed to the local news media at the time of a regularly scheduled session of the city council prior to the meeting at which the said ordinance is to be formally presented to the city council;
- (2) Said proposed ordinance shall be read at least two (2) successive council sessions and may be voted on and passed at the second session after the second reading by the city council; and
- (3) In case of an "emergency," which may be declared by a two-thirds vote of the city councilmembers, it shall be necessary to the validity of an ordinance that it be read only one time at one session of the city council at which session the city council may pass said ordinance.

#### **PROPOSITION D.**

Amending the section to remove the residence requirement and to provide for future growth by designating a presiding judge and the ability to add associate judge.

Section 5.02 – Judge of the municipal court.

Existing Language:

The judge of said court shall be a licensed resident attorney appointed by the city council and shall receive such salary as may be fixed by the city council. In case of disability or absence of the presiding judge of the municipal court, the city council shall appoint a licensed resident attorney to serve during the absence of the regularly appointed judge or to complete the unexpired term.

His term of office shall be two (2) years. The judge of the municipal court may be removed for cause, after a hearing, by the affirmative vote of five (5) of the councilmembers qualified and serving.

Proposed Language (redlined):

The presiding judge of said court shall be a licensed ~~resident~~ attorney appointed by the city council and shall receive such salary as may be fixed by the city council. In case of disability or absence of the presiding judge of the municipal court, the city council shall appoint a licensed ~~resident~~ attorney to serve during the absence of the regularly appointed judge or to complete the unexpired term. The city council may appoint a licensed attorneys to serve as associate judges as the need arises. ~~His~~ The term of office for all judges shall be two (2) years. ~~Any~~ The judge of the municipal court may be removed for cause, after a hearing, by the affirmative vote of five (5) of the councilmembers qualified and serving.

#### **PROPOSITION E.**

Amending the section to make allowance for the expansion of the city attorney office and to comply with longstanding practice.

Existing Language:

Section 5.04. - City attorney.

The city manager, subject to the approval of the city council, shall appoint a licensed attorney to be the city attorney. The city attorney shall receive such compensation as may be fixed by the city council for the regular and special duties. The city attorney or such other attorney selected by the city attorney with approval by the city manager shall represent the city in all litigation. The city attorney shall be the legal advisor of and the attorney and counsel for the city and all offices and departments thereof.

Proposed Language (redlined):

The city manager, subject to the approval of the city council, shall appoint a licensed attorney to be the city attorney. ~~The city attorney shall receive such compensation as may be fixed by the city council for the regular and special duties.~~ The city attorney or such other attorney selected by the city attorney with approval by the city manager shall represent the city in all litigation. The city attorney shall be the legal advisor of and the attorney and counsel for the city and all offices and departments thereof. The city attorney with approval of the city manager may appoint such assistant city attorneys as needed.

#### **PROPOSITION F.**

Change the requirement that the budget must be presented to council by August 1 to require that presentation be in accordance with State law.

Section 10.02 – Preparation and submission of budget.

Existing Language:

The city manager shall submit a proposed budget containing a complete financial plan for the fiscal year. Such a budget shall be submitted to the city council not more than one hundred twenty (120) days but not less than sixty (60) days prior to the beginning of each fiscal year. The budget shall contain the following:

- (a) A budget message shall outline the proposed financial policies of the city for the fiscal year, shall set forth the reason for any changes in expenditures and revenue items from the previous fiscal year, and shall explain any major change in financial policies.
- (b) A consolidated statement of anticipated receipts and proposed expenditures for all funds.
- (c) An analysis of property valuations.
- (d) An analysis of tax rates.
- (e) Tax levies and tax collections by year for the last five (5) years.
- (f) General fund resources in detail.
- (g) Special fund resources in detail.
- (h) Summary of proposed expenditures by fund, function, department and activity.
- (i) Detailed estimates of expenditures shown separately for each activity to support summary as described in subsection (h) above.
- (j) A revenue and expense statement for all types of bonds.
- (k) A description of all bond issues outstanding, showing rates of interest, date of issue, maturity date, amount authorized, amount issued, and the amount outstanding on each.
- (l) A schedule of requirements for the principal and interest of each issue of bonds.
- (m) The appropriation ordinance.
- (n) The tax levying ordinance.

Proposed Language (redlined):

The city manager shall submit a proposed budget containing a complete financial plan for the fiscal year. Such a budget shall be submitted to the city council in accordance with State law. ~~not more than one hundred twenty (120) days but not less than sixty (60) days prior to the beginning of each fiscal year.~~ The budget shall contain the following:

- (a) A budget message shall outline the proposed financial policies of the city for the fiscal year, shall set forth the reason for any changes in expenditures and revenue items from the previous fiscal year, and shall explain any major change in financial policies.
- (b) A consolidated statement of anticipated receipts and proposed expenditures for all funds.
- (c) An analysis of property valuations.

- (d) An analysis of tax rates.
- (e) Tax levies and tax collections by year for the last five (5) years.
- (f) General fund resources in detail.
- (g) Special fund resources in detail.
- (h) Summary of proposed expenditures by fund, function, department and activity.
- (i) Detailed estimates of expenditures shown separately for each activity to support summary as described in subsection (h) above.
- (j) A revenue and expense statement for all types of bonds.
- (k) A description of all bond issues outstanding, showing rates of interest, date of issue, maturity date, amount authorized, amount issued, and the amount outstanding on each.
- (l) A schedule of requirements for the principal and interest of each issue of bonds.
- (m) The appropriation ordinance.
- (n) The tax levying ordinance.

#### **PROPOSITION G.**

Change the requirement that notice of the budget hearing be published in the local newspaper to publication in the manner required by State law.

#### **Section 10.04. – Budget – A public record**

Existing Language:

The budget and all supporting schedules shall be a public record. It shall be filed with the person performing the duties of city secretary, and it shall be submitted to the city council. The council shall, in accordance with State law, fix the time and place for a public hearing on the budget, and publish notice of the budget hearing in the official newspaper of the City of Seguin.

Proposed Language (redlined):

The budget and all supporting schedules shall be a public record. It shall be filed with the person performing the duties of city secretary, and it shall be submitted to the city council. The council shall, in accordance with State law, fix the time and place for a public hearing on the budget, and publish notice of the budget hearing in the manner required by State law. ~~in the official newspaper of the City of Seguin.~~

#### **PROPOSITION H.**

Change the means of providing copies of the budget to primarily electronic.

Section 10.09 – Effective date of budget; certification; copies made available.

Existing Language:

Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be filed with the person performing the duties of city secretary, the county clerk of Guadalupe County and the state comptroller of public accounts at Austin. The final budget shall be printed, mimeographed or otherwise reproduced and copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations.

Proposed Language (redlined):

Upon final adoption, the budget shall be in effect for the fiscal year. An electronic copy of the budget, as finally adopted, shall be filed with the person performing the duties of city secretary, the county clerk of Guadalupe County and the state comptroller of public accounts at Austin. The final budget shall be ~~printed, mimeographed or otherwise~~ electronically reproduced and copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations. Paper copies of the budget may be obtained by those unable to access electronic versions.

**PROPOSITION I.**

Change the means of publication for franchise ordinances from the newspaper to on the City's webpage as well as in accordance with State law.

Section 11.02 – Franchise power of council.

Existing Language

(a) The city council shall have power by ordinance to grant, amend, renew and extend all franchises of all public utilities of every character operating within the City of Seguin. All ordinances granting, amending, renewing or extending franchises for public utilities shall be read at two (2) separate meetings of the city council. Upon passage, the city secretary shall have such franchise ordinance published in accordance with State law and the official newspaper of the City of Seguin at least once within ten (10) days after passage of said ordinance, and the expense of such publication shall be borne by the proponent of the franchise.

(b) Where the powers of annexation included in Article I are exercised by the city, and there exists public utility property adequately serving the inhabitants thereof, the owner of such utility property shall be granted a franchise to continue its operations in such annexed territory for a period of not less than twenty (20) but not more than twenty-five (25) years from the date of the annexation of such territory. The city retains the right to negotiate with the utility for the utility's property prior to this time if the city council deems it to be in the best interests of the city.

(c) No public utility franchise shall be granted for a term of more than twenty (20) years nor be transferable except with the approval of the city council expressed by ordinance.

Proposed Language (redlined):

(a) The city council shall have power by ordinance to grant, amend, renew and extend all franchises of all public utilities of every character operating within the City of Seguin. All



ordinances granting, amending, renewing or extending franchises for public utilities shall be read at two (2) separate meetings of the city council. Upon passage, the city secretary shall have such franchise ordinance published in accordance with State law and on the City's webpage or the official newspaper of the City of Seguin at least once within ten (10) days after passage of said ordinance, and the expense of such publication shall be borne by the proponent of the franchise.

(b) Where the powers of annexation included in Article I are exercised by the city, and there exists public utility property adequately serving the inhabitants thereof, the owner of such utility property shall be granted a franchise to continue its operations in such annexed territory for a period of not less than twenty (20) but not more than twenty-five (25) years from the date of the annexation of such territory. The city retains the right to negotiate with the utility for the utility's property prior to this time if the city council deems it to be in the best interests of the city.

(c) No public utility franchise shall be granted for a term of more than twenty (20) years nor be transferable except with the approval of the city council expressed by ordinance.

## **PROPOSITION J.**

Change the requirement to publish in the local newspaper the audit of utility accounts to publication on the City's website and in any other manner required by State law.

Section 11.09 - Accounts of municipally owned utilities.

Existing Language:

Accounts shall be kept for each public utility owned or operated by the city, in such manner as to show the true and complete financial results of such city ownership and operation, including all assets and all liabilities, appropriately subdivided by classes, depreciation reserve, other reserves and surplus; also revenues, operating expenses including depreciation, interest payments, rental and other disposition of annual income. The accounts shall show actual capital cost to the city of each public utility owned, also the costs of all extensions, additions and improvements, and the source of funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any city government department. The city council shall cause an annual audit report to be made by a licensed public accountant and shall publish in the official newspaper of the City of Seguin a summary of such report showing the financial results of such city ownership and operation, giving the information specified in this section and such other data as the city council shall deem expedient.

Proposed Language (redlined):

Accounts shall be kept for each public utility owned or operated by the city, in such manner as to show the true and complete financial results of such city ownership and operation, including all assets and all liabilities, appropriately subdivided by classes, depreciation reserve, other reserves and surplus; also revenues, operating expenses including depreciation, interest payments, rental and other disposition of annual income. The accounts shall show actual capital cost to the city of each public utility owned, also the costs of all extensions, additions and improvements, and the source of funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any city government department.

The city council shall cause an annual audit report to be made by a licensed public accountant and shall publish ~~in the manner required by State law and on the City's website, in the official newspaper of the City of Seguin~~ a summary of such report showing the financial results of such city ownership and operation, giving the information specified in this section and such other data as the city council shall deem expedient.

**PART 4.** The dates and polling places for both early and election day voting shall be established in accordance with the Joint Election Services Contract and published in the Order and Notice of Election.

**PART 5.** This Resolution is in full force and effect from and after the date of its passing.

**PASSED AND ADOPTED** on this 6<sup>TH</sup> day of September 2022.

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**DONNA DODGEN**  
**MAYOR**

**ATTEST:**

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**Kimberly Allison**  
**Deputy City Secretary**