

## Proposition A

An amendment to the City Charter revising and deleting sections which are inconsistent with State law to be consistent with State law.

### **Section 1.07 Annexation and Disannexation.**

~~Extension of the City Limits by Petition—Whenever a majority of the legally qualified property owners who are citizens of the State of Texas and inhabitants of any territory adjoining the City of Coleman, or in case there are no qualified voters in said territory, the persons owning a majority of the land in the area to be annexed, may present a written petition to the Council requesting annexation, and shall attach to said petition an affidavit from one or more of their number, to the effect that said petition is signed by a majority of such qualified voters, or in the case there are no qualified voters in said territory and that the persons signing the petition own a majority of the land in said territory. Thereupon the Council, at a regular session or in special session held not sooner than thirty (30) days after the presentation of said petition may, by ordinance, annex such territory to the City of Coleman, and thence forth the said territory shall be a part of the City of Coleman.~~

~~The inhabitants thereof shall be entitled to all the rights and privileges of other citizens and shall be bound by the acts, ordinances, resolution, and regulations of the said City.~~

~~Extension of Boundaries— The boundaries of the City of Coleman may be enlarged and extended by annexation of additional territory, irrespective of size and configuration, in any of the methods hereinafter designated.~~

~~(a) — **Extending Limits in Accordance with Article 974 of the Revised Civil Statutes of Texas, as now or hereinafter Amended.** Where such additional territory adjoins the corporate limits of the City and contains three or more inhabitants qualified to vote for members of the State Legislature, such adjacent territory may be annexed into the City in the manner and in conformity with the procedure set forth in Article 974 of the Revised Statutes of the State of Texas 1925, as now or hereafter amended.~~

~~(b) — **Annexation of Unoccupied Lands on Petition of Owner.** The owners or owner of any land which is without residents, adjacent to the City, may, by petition to the City Council in writing, request the annexation of such contiguous and adjacent land, describing it by metes and bounds. The City Council shall thereafter, and not less than five (5) days and not more than thirty (30) days after the filing of such petition, hear such petition and the arguments for and against the same, and grant or refuse such petition, as the City Council may see fit. If the City Council grants such petition, it may by proper ordinance, receive and annex such territory as a part of the City.~~

~~(c) — **Annexation by Amendment to Charter.** The boundary limits of the City may be fixed, and additional territory added or annexed thereto by amendment to the Charter of the City.~~

~~(d) — **Extending Limits by Action of the City Council.** The City Council shall have power by ordinance to fix the boundary limits of the City of Coleman and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said City, with or~~

~~without the consent of the residents or the owners of the territory annexed. All annexation under this subsection shall specify in the official Service Plan, that utilities will be installed within the time frame required in Section 43.056 of the Local Government Code.~~

~~(e) **Annexation by Any Other Method Provided by Law.** Additional territory may be annexed to the City in any manner and by any procedure that may now be provided by law or that may be hereafter provided, or in such manner as shall be provided by ordinances or resolutions of the City Council; same shall be in addition to the methods hereinabove provided.~~

~~(f) **Annexed Territory to Become Part of the City** Upon completion of any one of the procedures herein above provided, the territory so annexed shall become a part of the City, and said land and its residents and future residents shall be provided, within a timely manner, all the rights and privileges of other citizens of the City, and shall be bound by the acts, ordinances, resolutions, and regulations of the City.~~

~~Disannexation—~~

- (a) The boundaries of the City of Coleman may be enlarged and extended by annexation of additional territory, irrespective of size and configuration in accordance with State law.
- (b) Whenever there exists within the corporate limits of the City any territory not suitable or necessary for City purposes, the Council may, upon a petition signed by the majority of the qualified voters residing in such territory, if the same be inhabited, or without any such petition if the same be uninhabited, by ordinance duly passed, discontinue said territory as a part of the said City. Said petition and ordinance shall specify accurately the metes and bounds of the territory sought to be eliminated from the City, and shall contain a plat designating such territory so that the same can be definitely ascertained; and when said ordinance has been duly passed, the same shall be entered into the minutes and records of the City. From and after the entry of such ordinance, said territory shall cease to be a part of said City, but said territory shall still be liable for its pro-rata share of any debts incurred while said area was a part of said City; and the City shall continue to levy, assess, and collect taxes on the property within said territory to pay the indebtedness incurred while said area was a part of the City as though the same had not been excluded from the boundaries of the City. Provided, however, that in the event such disannexation shall be initiated unilaterally by the City without application of the residents residing within such areas to be disannexed, or the owners thereof, then in such event, the City shall not continue to levy, assess, and collect taxes on such disannexed area, as herein provided.

#### **Section 2.04 Qualifications.**

Each of the four (4) Council members, the Mayor, and Chief of Police shall be citizens of the United States of America and a registered qualified voter of the State of Texas, and shall be at least 18 years of age; and shall live within the corporate limits of the City of Coleman, and shall have resided within the corporate limits for at least one (1) year preceding the election at which

they are candidates. Each of the four (4) City Council persons shall have lived within the Ward for which they are filing for a minimum of one (1) year immediately preceding the election at which they are a candidate. They shall not be ~~in arrears in the payment of any taxes or other liability due the City~~ nor be disqualified by reason of any provision of any other section of this Charter.

### **Section 2.05 Council to be the Judge of the Qualification of its Own Members.**

The City Council shall be the judge of the election and qualifications of its own members, and for such purpose shall have power to subpoena witnesses and require the production of records. ~~The Council shall, within five (5) calendar days after a regular or special election, either at a called meeting of said Council, called for that purpose; or at the next regular meeting, canvass the returns and declare the results of each election.~~

### **Section 3.02 Regulation of Elections.**

The Council ~~shall conduct all elections consistent with State law. shall make all regulations considered to be necessary or desirable which are not inconsistent with this Charter or the laws of the State of Texas, for the conduct of municipal elections, or for the prevention of fraud, and shall make provisions for recount of the ballots in case of doubt or fraud. The Council will appoint election officials who will conduct the municipal elections consistent with this Charter, regulations made by the Council, and the laws of the State of Texas. The Council shall provide for the compensation of all election officials in City elections and for all other expenses of holding such elections.~~

### **Section 3.03 Filing for Office.**

Any qualified person who desires to become a candidate for election to the office of Mayor, City Council Member, or Chief of Police, shall file with the City Secretary ~~not less than forty-five (45) days prior to the election,~~ an application in substantially the following form:

### **Section 3.06 — Election Runoff.**

~~In the event any candidate for any said office fails to receive a majority of all votes cast for all candidates for such offices at such election, the Council shall, on the first day following completion of the official counting of the ballots cast at said first election, issue a call for a second election to be held in the City within thirty (30) days; at which said second election, the two candidates receiving the greatest number of votes for any such office in the first election at which no one was elected by receiving a majority of all votes cast for all candidates for such election, shall again be~~

voted for. In the event of a tie between two candidates for any office at said second election, they shall cast lots to determine who shall be elected to such office.

#### **Section 4.05 Council Consideration, and Submission to Voters.**

When the Council receives an authorized initiative petition certified by the City Secretary to be sufficient, the Council shall either:

- (a) Pass the initiated ordinance, without amendment, within thirty (30) days after the date of the certification to the Council; or
- (b) Submit said initiated ordinance, without amendment, to a vote of the registered voters of the City at a ~~regular or~~ special election to be held on the first uniform election date authorized by law within ninety (90) days after the date of the certification to the Council; or
- (c) At such election, submit to a vote of the registered voters of the City said initiated ordinance without amendment, and an alternative ordinance on the same subject proposed by the Council.

When the Council receives an authorized referendum petition certified by the City Secretary to be sufficient, the Council shall reconsider the referred ordinance. If upon such reconsideration such ordinance is not repealed, it shall be submitted to the voters at a ~~regular or~~ special election to be held on the first uniform election date authorized by law not more than ninety (90) days after the date of the certification to the Council. ~~Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months.~~

No ordinance on the same subject as the initiated ordinance, which has been defeated at any election, may be initiated by the voters within two (2) years from the date of such election.

#### **Section 7.02 Preparation and Submission of Budget.**

~~The City Manager, prior to June 1st of each year, shall prepare and submit to the Council, the budget covering the next fiscal year, which shall contain the information described below. In preparing the budget, each employee, officer, board, and department shall assist the City Manager by furnishing all necessary information.~~

- ~~(a) The City Manager's budget message shall outline the proposed financial policies for the next year, with explanations of any change from previous years in expenditures, and any major changes of policy; and a complete statement regarding the financial condition of the City.~~
- ~~(b) An estimate of all revenue from taxes and other sources, including the present tax structure, rates, and property evaluation, for the ensuing year. —~~
- ~~(c) A carefully itemized list of proposed expenses by office, department, agency, employee, and project for the budget year, as compared to actual expenses of the last fiscal year, and the present year-to-date expenses.~~

~~(d) — A description of all outstanding bond indebtedness, showing amount, purchaser, date of issue, rate of interest, and maturity date, as well as any other indebtedness which the City has incurred and which has not been paid.~~

~~(e) — A statement proposing any capital expenditures deemed necessary for undertaking during the next budget year, and recommended provisions for financing.~~

The City Manager shall keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs of the City as the City Manager deems desirable. The City Manager shall prepare and present an annual budget to the City Council in accordance with state law.

**~~Section 11.06 — Transfer of Franchise.~~**

~~No franchise shall be transferable except to persons, firms, or corporations taking all or substantially all of the holder's business in the City of Coleman, and except with the approval of the Council, expressed by ordinance. All liabilities to the City of Coleman shall be paid in full at the time of the transfer.~~