

ORDINANCE NO. 16-013

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF GALVESTON ON THE 7TH DAY OF MAY 2016, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF GALVESTON, TEXAS, CERTAIN PROPOSITIONS FOR THE AMENDMENT OF THE CITY CHARTER; PROVIDING THAT THE TERMS OF THE MAYOR AND MEMBERS OF CITY COUNCIL CONSIST OF THREE YEARS AND PROVIDING THAT PERSONS WHO HAVE SERVED PREVIOUS TWO YEAR TERMS ARE NOT PRECLUDED FROM SERVING A TOTAL OF THREE FULL TERMS; CLARIFYING AND FURTHER DEFINING QUALIFICATIONS TO BE A CANDIDATE FOR THE OFFICES OF MAYOR AND CITY COUNCIL; PROVIDING FOR THE APPOINTMENT OF THE CITY MANAGER, CITY ATTORNEY, CITY SECRETARY, CITY COLLECTOR OF TAXES, CITY AUDITOR, AND JUDGE OF THE MUNICIPAL COURT BY THE CITY COUNCIL, PROVIDING FOR LIMITS ON THE TIMING AND TERMS OF SUCH APPOINTMENTS, AND LIMITING THE TIME FOR THE COUNCIL TO ENTER AN INITIAL CITY MANAGER CONTRACT; PROVIDING FOR THE SELECTION OF AN ACTING MAYOR PRO TEM AND PROVIDING THAT THE CITY COUNCIL SHALL ENACT AN ORDINANCE APPOINTING ONE OF ITS MEMBERS TO EXERCISE EMERGENCY MANAGEMENT POWERS IN THE ABSENCE OR DISABILITY OF THE MAYOR AND MAYOR PRO TEM; MOVING THE CURRENT SECTIONS OF THE CITY CHARTER RELATING TO THE POSITIONS OF CITY SECRETARY AND CITY AUDITOR TO ARTICLE V (ADMINISTRATIVE ORGANIZATION) OF THE CITY CHARTER; PROVIDING THAT THE COUNCIL PRESCRIBE THE REQUIREMENTS FOR THE PUBLICATION OF ORDINANCES IN CONFORMITY WITH STATE LAW; CLARIFYING THAT TERM LIMITS APPLY TO ALL MAYORS AND MEMBERS OF COUNCIL ELECTED AS OF AND AFTER 2014; ELIMINATING THE REQUIREMENT THAT A PETITION TO INITIATE LEGISLATION BE DRAFTED BY AN ATTORNEY AND PROVIDING THAT ANY SUCH PETITION BE FILED WITH THE CITY SECRETARY; PROVIDING A TIME CERTAIN FOR THE ADOPTION OF THE BUDGET AND PROVIDING FOR AN INTERIM BUDGET WHERE THE FINAL BUDGET HAS NOT BEEN TIMELY ADOPTED; AUTHORIZING EMERGENCY APPROPRIATIONS AFTER A NATURAL OR MAN-MADE DISASTER THAT RESULTS IN THE ISSUANCE OF A PROCLAMATION OF PUBLIC DISASTER BY THE PRESIDENT OF THE UNITED STATES OR THE GOVERNOR OF THE GREAT STATE OF TEXAS AND PROVIDING THAT, IN SUCH CASE, THE TOTAL AMOUNT OF EMERGENCY EXPENDITURES IS NOT LIMITED TO TEN PERCENT OF THE TAX LEVY FOR GENERAL PURPOSES IN THAT YEAR; EXCEPTING BORROWING TO MEET A PROCLAIMED PUBLIC DISASTER FROM THE REQUIREMENTS OF ELECTION AND VOTER APPROVAL; PROVIDING THAT THE SALE OF BONDS SHALL BE DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS; PROVIDING THAT THE CITY WILL OBTAIN WRITTEN COMPETITIVE BIDS ON PURCHASES OR CONTRACTS WHEN REQUIRED

BY LAW, PROVIDING THAT THE CITY MANAGER'S AUTHORITY TO ENTER CONTRACTS WITHOUT COUNCIL APPROVAL BE ESTABLISHED BY ORDINANCE WHEN COMPETITIVE BIDDING OR PROCUREMENT IS NOT REQUIRED, REQUIRING REPORTING BY THE CITY MANAGER OF EXPENDITURES AS REQUIRED BY ORDINANCE, AND PROVIDING FOR THE EXEMPTION FOR COMPETITIVE BIDDING OF PURCHASES MADE AT PUBLIC AUCTION WHEN THE AMOUNT BID DOES NOT REQUIRE COMPETITIVE BIDDING UNDER STATE LAW AND IS IN AN AMOUNT PERMITTED BY ORDINANCE; PROVIDING FOR THE EXCLUSION OF THE DEBT SERVICE OF CAPITAL IMPROVEMENT BONDS APPROVED BY THE VOTERS AND ISSUED AFTER JULY 1, 2016 FROM THE LIMITATION OF THE TAX RATE; PROHIBITING ILLEGAL DISCRIMINATION AGAINST ANY PERSON APPOINTED BY THE COUNCIL TO ANY BOARD COMMISSION, COMMITTEE AND AGENCY OF THE CITY AND TO ANY CITY EMPLOYEE AND ALLOWING EMPLOYEES OF THE CITY OR ANY AGENCY THEREOF TO RUN FOR POLITICAL OFFICE WHILE CONTINUING THEIR POSITION WITH THE CITY; PROVIDING THAT ALL ORDINANCES, NOTICES AND OTHER MATTERS REQUIRED TO BE PUBLISHED BE PUBLISHED IN ACCORDANCE WITH STATE LAW; AUTHORIZING COUNCIL TO ESTABLISH THE VALUE OF PROPERTY THAT WOULD BE SUBJECT TO THE CITY MANAGER'S AUTHORIZATION TO APPROVE AS A ROUTINE SALE OR DISPOSITION; DELETING THE REQUIREMENT THAT THE ETHICS COMMISSION ENFORCE THE CODE OF ETHICS AND PROVIDING THAT THE COMMISSION REPORT ITS INVESTIGATION FINDINGS TO CITY COUNCIL; PROVIDING THAT A PURPOSE IN THE FORMATION OF THE MUNICIPAL GOVERNMENT IS TO PRESERVE AND PROTECT THE EQUAL STATUS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES AND OF THE STATE OF TEXAS OF ALL INDIVIDUALS AND DELETING SPECIFIC REFERENCES RESTRICTING THOSE PROTECTIONS TO MATTERS OF RACE, CREED OR POLITICAL AFFILIATION; ALLOWING FOR THE PARTICIPATION OF THE MEMBERS OF COUNCIL AND THEIR ELIGIBLE DEPENDENTS IN THE CITY OF GALVESTON'S EMPLOYEE HEALTH PLAN AT THE SAME COST AS IS AVAILABLE TO EMPLOYEES OF THE CITY; PROVIDING FOR THE WORDING AND FORM OF THE BALLOT AS TO EACH PROPOSED AMENDMENT; PROVIDING THE MEANS AND METHODS OF CONDUCTING THE ELECTION; DESIGNATING THE POLLING PLACES; APPOINTING OFFICIALS OF THE ELECTION; DESIGNATING HOURS FOR VOTING; PROVIDING FOR PUBLICATION OF NOTICE OF THE ELECTION; PROVIDING FOR BILINGUAL ELECTION REQUIREMENTS; PROVIDING FOR A SEVERABILITY CLAUSE; DECLARING FINDINGS OF FACT; PROVIDING AN OPEN MEETINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE FOR THE PROPOSED AMENDMENTS; AND MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the City Council desires to submit to the qualified voters of the City of Galveston, Texas proposed amendments to the City Charter; and

WHEREAS, in accordance with Article III, Section 1(a) of the City Charter, no election to consider a Charter amendment has been held in the two years preceding May 7, 2016; and

WHEREAS, Section 41.001(a) of the Texas Election Code provides that political subdivisions, such as the City of Galveston, may call and hold elections only at certain dates in the year; and

WHEREAS, May 7, 2016, a uniform election date, is a date that the City of Galveston may hold an election to submit amendments to the City Charter under the provisions of Section 41.001 of the Texas Election Code.

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. It is ordered that an election be held on the 7th day of May, 2016, between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m., at which election the following twenty (20) propositions for amendments to the Charter of the City of Galveston shall be submitted to the qualified voters of the City for their action thereon. The ballot propositions for the amendments to the City Charter are set forth below, a separate number being assigned to each subject on which an amendment is proposed for convenience in reference.

PROPOSITION NO. ONE

(Relating to increasing the terms of the Mayor and Members of City Council from two to three years.)

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE THAT THE TERMS OF THE MAYOR AND MEMBERS OF CITY COUNCIL CONSIST OF THREE YEARS AND TO PROVIDE THAT PERSONS WHO HAVE SERVED PREVIOUS TWO YEAR TERMS ARE NOT PRECLUDED FROM SERVING A TOTAL OF THREE FULL TERMS?

In the event of approval of this proposition, Section 1 of Article II of the City Charter shall be amended to read and provide as follows, and Section 1a shall be added to read as follows:

Section 1. Number and Term of Office. The Council shall have seven (7) members, consisting of the Mayor and six (6) other Councilmembers who shall be elected in the manner provided by this Charter to serve for terms of three (3) years each, except as may otherwise be provided under Section 2 of Article III of this Charter.

Section 1a Effective for the 2018 municipal election and for all elections thereafter, a person who has previously served as Mayor or as a member of the City Council for two terms of two years each shall be permitted to run for a single three year term, and a person who has previously served as Mayor or as a member of the City Council for a single term of two years shall be permitted to run for two three years terms.

In the event of approval of this proposition, Section 7(a) of Article II shall be amended to read and provide as follows:

- (a) Creation of the Office of Mayor, Qualifications, Term. There is hereby established the office of Mayor of the City of Galveston, the incumbent of which shall possess the same qualifications as those prescribed in this Charter for a Councilmember. The Mayor shall be elected by the qualified electors of the City of Galveston in the manner as this Charter provides and shall serve for the term set by this Charter and until the Mayor's successor shall have been elected and qualified unless sooner removed as provided by this Charter.

PROPOSITION NO. TWO

(Relating to the purchasing procedures of the City contained in Section 17 (2)(3) & (6) of Article VII amending the Section to delete the requirement that bids be obtained on all expenditures in excess of One Thousand Dollars, deleting the authority of the City Manager to execute contracts not in excess of Fifteen Thousand Dollars, providing that competitive bids will be obtained on purchases as required by state law, conferring on Council the authority to enact an Ordinance defining the level of contract amount the City Manager may execute without obtaining pre-authorization by Council, and providing for the City Manager to file a report with Council for all expenditure made in excess of Fifteen Thousand Dollars, and exempting amounts spent at a public auction when the amount bid does not require competitive bidding under state law and is in an amount authorized by Council by Ordinance.)

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE THAT THE CITY WILL OBTAIN WRITTEN COMPETITIVE BIDS ON PURCHASES OR CONTRACTS WHEN REQUIRED BY LAW, TO PROVIDE THAT THE CITY MANAGER'S AUTHORITY TO ENTER CONTRACTS WITHOUT COUNCIL APPROVAL BE ESTABLISHED BY ORDINANCE WHEN COMPETITIVE BIDDING OR PROCUREMENT IS NOT REQUIRED, AND BY ORDINANCE REQUIRE REPORTING BY THE CITY MANAGER OF EXPENDITURES MADE, AND TO PROVIDE FOR PURCHASES MADE AT PUBLIC AUCTION BE MADE IN ACCORDANCE WITH STATE LAW?

In the event of approval, of this proposition, Section 17 (2) (3) & (6) of Article VII shall be amended to read and provide as follows:

Section 17. Purchase Procedure.

(2) It shall be the policy of the City to obtain written competitive bids on purchases or contracts when required to comply with the laws of the State of Texas. When bids are received the purchase or contract shall be awarded to the lowest and best bid excepting that the City shall reserve the right to reject any and all bids for cause stated.

(3) The Council may by ordinance confer upon the City Manager the power and authority to enter upon such purchases and contracts without further action of the Council where the expenditure is provided in the budget and does not exceed the amount over which competitive bidding or procurement is required. All other expenditures must have the express approval of the Council, in advance. In the event of a declared local state of disaster or emergency, the City Manager shall have the authority to enter upon purchases and contracts in an amount not to exceed ten (10) percent of the City's current annual budget in accordance with state and federal procurement laws, provided a quorum of Council is unable to be present at a meeting. The City Manager shall report to Council all expenditures made in a report available in a public forum or medium as required Council in said ordinance. Council may in its discretion raise the amount of the expenditures requiring such a report.

(6) The purchase of items made at publicly advertised auctions shall be made in accordance with State law.

PROPOSITION NO. THREE

(Relating to the sale of City property, eliminating the requirement that Council approval be required when the value of the property exceeds One Thousand Dollars, and providing the Council may adopt an Ordinance that sets the property value requiring prior City Council approval for sale.)

SHOULD THE CITY CHARTER BE AMENDED TO AUTHORIZE COUNCIL, WITHIN THE LIMITS SET BY STATE LAW, TO ESTABLISH THE VALUE OF PROPERTY THAT WOULD BE SUBJECT TO THE CITY MANAGER’S AUTHORIZATION TO APPROVE AS A ROUTINE SALE OR DISPOSITION?

In the event of approval, of this proposition, Section 16 of Article XIV shall be read and provide as follows:

Section 16. Sale of Property. No City property shall be sold or otherwise disposed of without the prior approval of the Council. The Council may by ordinance give authority to the City Manager for the routine sale or other disposition of personal property as permitted by state law or in a lesser amount determined by Council.

PROPOSITION NO. FOUR

(Relating to the addition of Section 2(c) of Article VIII to provide for the exclusion of debt service for capital improvement bonds approved by the voters from the limitation of the tax rate imposed in Article VIII §2 of the Charter.)

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE FOR THE EXCLUSION OF THE DEBT SERVICE OF CAPITAL IMPROVEMENT BONDS APPROVED BY THE VOTERS AND ISSUED AFTER JULY 1, 2016 FROM THE LIMITATION OF THE TAX RATE?

In the event of approval, of this proposition, Section 2(c) of Article VIII shall be read and provide as follows:

Section 2(c). Partial exception for capital improvement bonds. The debt service for capital improvement bonds approved by the voters and issued after July 1, 2016 or for bonds for the refunding of capital improvement bonds approved by the voters and issued after July 1, 2016 shall be excluded from the limitation of the tax rate imposed by Article VIII Section 2 of this Charter.

PROPOSITION NO. FIVE

(Relating to the adoption of the budget by the second regularly scheduled meeting of Council in September, and providing that in the event the Council fails to pass a budget before the beginning of the fiscal year, the City Manager's last proposed budget will take effect until the final approval of a budget by Council.)

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE A TIME CERTAIN FOR THE ADOPTION OF THE BUDGET AND TO PROVIDE FOR AN INTERIM BUDGET WHERE THE FINAL BUDGET HAS NOT BEEN TIMELY ADOPTED?

In the event of approval, of this proposition, Section 8 of Article VII shall be amended to read and provide as follows:

Section 8. Approval of the Budget. After the public hearing thereon the Council shall approve and adopt the budget by the second regularly scheduled Council meeting in September, either in the same form as submitted by the City Manager or with such changes as the Council may find to be necessary or desirable. No budget shall be adopted or appropriation made unless the anticipated revenues for the fiscal year equal or exceed the authorized expenditures. The adoption of the budget shall require a favorable vote of at least a majority of all the members of the Council. In the event the budget has not been adopted by the beginning of the fiscal year, the latest budget proposed by the City Manager shall take and remain in effect until the budget is finally adopted by the Council.

PROPOSITION NO. SIX

(Relating to the renumbering of present Section 10 of Article VII and adding a section related to emergency appropriations after a natural or man-made disaster that results in the issuance of a Proclamation of Public Disaster by the President of the United States or Governor of the Great State of Texas and providing that such appropriations not be subject to the same limitations as apply to more routine and less severe emergencies.)

SHOULD THE CITY CHARTER BE AMENDED TO AUTHORIZE EMERGENCY APPROPRIATIONS AFTER A NATURAL OR MAN-MADE DISASTER THAT RESULTS IN THE ISSUANCE OF A PROCLAMATION OF PUBLIC DISASTER BY THE PRESIDENT OF THE UNITED STATES OR THE GOVERNOR OF THE GREAT STATE OF TEXAS AND TO FURTHER PROVIDE THAT, IN SUCH CASE, THE TOTAL AMOUNT OF EMERGENCY EXPENDITURES IS NOT SUBJECT TO THE SAME LIMITATIONS THAT APPLY TO MORE ROUTINE AND LESS SEVERE EMERGENCIES?

In the event of approval, of this proposition, Section 10 of Article VII shall be amended to read and provide as follows:

Section 10. Emergency Appropriations.

- (1) At any time in any fiscal year, the Council may, pursuant to this section, make emergency appropriations only in a case of grave public necessity to meet an unusual and unforeseen condition that could not have been included in the original budget through the use of reasonably diligent thought and attention. Such appropriations shall be by ordinance adopted by the favorable vote of five members of the Council and shall be made only upon recommendation of the City Manager. The total amount of such emergency appropriations made in any fiscal year shall not exceed ten per centum of the tax levy for general purposes in that fiscal year. Should the unappropriated and unencumbered revenues, income and available funds of the City for such fiscal year be not sufficient to meet the expenditures under the appropriation authorized by this section, thereby creating a deficit, it shall be the duty of the Council to include the amount of such deficit in its budget and said deficit shall be paid off and discharged not later than thirty-six (36) months from the date the appropriation was made. If the Council amends the budget to meet an emergency, the Council shall file a copy of its ordinance in accordance with State law.
- (2) At any time in any fiscal year, where the City has experienced a natural or man-made disaster that results in the issuance of a Proclamation of Public Disaster by the President of the United States or Governor of the Great State of Texas, the Council may make emergency appropriations to alleviate the effects of the natural or man-made disaster, and the limitations on the total amount of emergency expenditures set out in the preceding section shall not apply.

PROPOSITION NO. SEVEN

(Relating to the limitation on borrowing Section 15a of Article VII amending the prohibition against borrowing or the issuance of general obligation bonds or any other instrument or series of instruments to evidence the obligation created thereby unless first submitted to all of the qualified voters so such prohibition does not apply to borrowing to meet a natural or man-made disaster that results in the issuance of a Proclamation of Public Disaster by the President of the United States or Governor of the Great State of Texas.)

SHOULD THE CITY CHARTER BE AMENDED TO EXEMPT BORROWING TO MEET A MAN-MADE OR NATURAL DISASTER PROCLAIMED BY THE GOVERNOR OR THE PRESIDENT OF THE UNITED STATES FROM THE LIMITATIONS THAT APPLY TO BORROWING REQUIRED BY OTHER EMERGENCY APPROPRIATIONS?

In the event of approval, of this proposition, Section 15a of Article VII shall be amended to read and provide as follows:

Section 15a. Limitation on Borrowing. The City shall not borrow, or issue general obligation bonds, or any other instrument, or series of instruments to evidence the obligation created thereby unless first submitted to all of the qualified voters in the City for their approval at an election duly called and held for such purposes. This section shall not apply to borrowing to meet a natural or man-made disaster resulting in the declaration of a Proclamation of Public Disaster by the President of the United States or the Governor of the Great State of Texas, emergency appropriations, borrowing in anticipation of taxes, or borrowing as otherwise provided by the City Charter. This section shall not apply to refunding bonds of the City previously issued, so long as the issuance of refunding bonds does not result in a higher total expenditure by the City. This section shall not apply to revenue bonds or certificates of obligation which shall be issued in accordance with State law. Six (6) or more members of the Council must approve the issuance of revenue bonds or certificates of obligation.

PROPOSITION NO. EIGHT

(Relating to the sale of bonds in Section 16 of Article VII deleting the existing text in the Section entirely and providing that the sale of bonds shall be done in accordance with the laws of the State of Texas.)

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE THAT THE SALE OF BONDS SHALL BE DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS?

In the event of approval, of this proposition, Section 16 of Article VII shall be amended to read and provide as follows:

Section 16. Sale of Bonds. All bonds shall be sold in accordance with the laws of the State of Texas.

PROPOSITION NO. NINE

(Relating to the publication of Ordinances, providing that the City Council shall adopt an Ordinance which provides that Ordinances be published in accordance with the provisions of state law.)

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE THAT THE COUNCIL SHALL PRESCRIBE THE REQUIREMENTS FOR THE PUBLICATION OF ORDINANCES IN CONFORMITY WITH STATE LAW?

In the event of approval, of this proposition, Section 13 of Article II shall be amended to read and provide as follows:

Section 13. The City Council shall by Ordinance prescribe the requirements for the publication of ordinances in conformity with the laws of the State of Texas.

PROPOSITION NO. TEN

(Relating to publication of ordinances, notices, and other matters requiring publication under this Charter, renaming Section 12 of Article XIV of the Charter, and requiring notices, ordinances and matters requiring publication under this Charter to be published in the manner prescribed by state law.)

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE THAT ALL ORDINANCES, NOTICES AND OTHER MATTERS REQUIRED TO BE PUBLISHED IN ACCORDANCE WITH STATE LAW?

In the event of approval, of this proposition, Section 12 of Article XIV shall be read and provide as follows:

ARTICLE XIV. - GENERAL PROVISIONS

Section 12. Publications. The Council shall have power to designate by ordinance a newspaper of general circulation in the City as the official newspaper. The City shall cause to be published all ordinances, notices and other matters which are required by this Charter, the ordinance of the City, or the constitution or laws of the State of Texas, to be officially published in the manner prescribed by law.

PROPOSITION NO. ELEVEN

(Relating to the powers of Council to appoint the positions of City Manager, City Attorney, City Secretary, City Collector of Taxes, City Auditor and Judge of the Municipal Court and by amending Article V, Section 1, of the City Charter by identifying Council appointees, providing the terms and conditions to hire Council appointees, providing that no Council appointee can be hired within sixty days of a Council election, and providing that the compensation of a Council appointee is fixed by Council, and limiting the time within which the Council may enter an initial City Manager contract.)

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE FOR THE APPOINTMENT OF THE CITY MANAGER, CITY ATTORNEY, CITY SECRETARY, CITY COLLECTOR OF TAXES, CITY AUDITOR, AND JUDGE OF THE MUNICIPAL COURT BY THE CITY COUNCIL; TO PROVIDE FOR LIMITS ON THE TIMING AND TERMS OF SUCH APPOINTMENTS; AND TO LIMIT THE TIME FOR THE COUNCIL TO ENTER AN INITIAL CITY MANAGER CONTRACT?

In the event of approval, of this proposition, Section 4 of Article II shall be amended to read and provide as follows:

Section 4. Powers of the Council. All powers and authority that are expressly or impliedly conferred on or possessed by the City shall be vested in and exercised by the Council; provided that the Council shall not exercise those powers that are expressly conferred upon other City Officers by this Charter. Council shall have authority to appoint the City Manager, the City Attorney, the City Secretary, City Collector of Taxes, the City Auditor, and Judge of the Municipal Court under this Charter.

In the event of approval, of this proposition, Section 1 of Article V shall be amended to read and provide as follows:

ARTICLE V. - ADMINISTRATIVE ORGANIZATION

Section 1. Council Appointees. The Council shall appoint a City Manager, a City Attorney, a City Auditor, a City Secretary, a Collector of Taxes, and a Municipal Judge. Except for the City Manager, each may either be appointed for an indefinite term and be removed by majority vote of the entire membership of the Council, or at the Council's discretion may be appointed or contracted for a definite term not to exceed two (2) years. Provided, however, that no appointee be appointed nor awarded a contract sixty (60) days before any City Council election.

The action of the Council in suspending or removing an appointee shall be final. . The compensation for an appointee shall be fixed by the Council. No member of the Council shall, during the time for which the member is elected or for two (2) years thereafter, be appointed to any of the positions set out above.

Section 1a. The City Manager. The Council shall appoint a City Manager, who shall be the chief administrative and executive officer of the City. The City Manager shall be chosen by the Council solely on the basis of administrative and executive training, experience and ability. The City Manager shall reside and be domiciled in the City no later than 90 days after the effective

date of hire and shall continue to reside and be domiciled in the City while serving as City Manager.

The City Manager may either be appointed for an indefinite term and be removed by majority vote of the entire membership of the Council, or at the Council's discretion may be appointed or contracted for a definite term not to exceed two (2) years. Provided, however, that the City Manager shall not be initially appointed nor awarded an initial contract sixty (60) days before or after any City Council election. If the Council is renewing an appointment or contract of the person holding the position of City Manager, the sixty days constraint in the prior sentence does not apply.

The action of the Council in suspending or removing the City Manager shall be final. The compensation for the City Manager shall be fixed by the Council. No member of the Council shall, during the time for which the member is elected or for two (2) years thereafter, be chosen as City Manager.

PROPOSITION NO. TWELVE

(Relating to the positions of City Secretary and City Auditor by , replacing Section 9 of Article II of the City Charter related to the City Secretary and creating a new Section 7 of Article V of the City Charter requiring the appointment of a City Secretary, requiring the City Secretary to take up residence in the City within 90 days of appointment, providing for the appointment of Assistant City Secretaries upon recommendation of the City Secretary and approval of the City Council, providing for such Assistant City Secretaries to serve at the pleasure of the City Secretary, and providing for the duties of the City Secretary and by replacing Section 3 of Article VII of the City Charter related to the City Auditor and creating a new Section 8 of Article V of the City Charter providing for the appointment of a City Auditor, requiring the City Auditor to take up residence in the City within 90 days of appointment, providing for the appointment of Assistant City Auditors upon recommendation of the City Auditor and approval of the City Council, providing for such Assistant City Auditors to serve at the pleasure of the City Auditor, providing for the removal of the City Auditor, and providing for the duties of the City Auditor.)

SHOULD THE CITY CHARTER UNDERGO A NON-SUBSTANTIVE REORGANIZATION TO MOVE THE CURRENT SECTIONS OF THE CITY CHARTER, RELATING TO THE POSITIONS OF CITY SECRETARY AND CITY AUDITOR TO ARTICLE V (ADMINISTRATIVE ORGANIZATION) OF THE CITY CHARTER?

In the event of approval of this proposition, Section 9 of Article II shall be amended to read and provide as follows:

Section 9. Reserved.

In the event of approval of this proposition, Section 7 of Article V shall be created to read and provide as follows:

Section 7. City Secretary. The Council shall appoint the City Secretary, who shall serve at the pleasure of the Council. The City Secretary shall reside and be domiciled in the City no later than ninety (90) days after the effective date of hire and shall continue to reside and be domiciled in the City while serving as City Secretary. There shall be such Assistant City Secretaries as appointed by Council on the recommendation of the City Secretary. Any Assistant City Secretary shall serve at the pleasure of the City Secretary. There shall be such other staff who shall be hired by and serve at the pleasure of the City Secretary. The City Secretary shall keep the minutes and other records of the Council, shall receive service of civil process, and shall have such other duties and responsibilities as may be assigned by this Charter, City Ordinance and/or the Council.

In the event of approval of this proposition, Section 3 of Article VII shall be amended to read and provide as follows:

Section 3. Reserved.

In the event of approval of this proposition, Section 8 of Article V shall be created to read and provide as follows:

Section 8. City Auditor. There shall be a qualified City Auditor who shall be appointed by the Council and be responsible directly to the Council. The City Auditor shall reside and be domiciled in the City no later than ninety (90) days after the effective date of hire and shall continue to reside and be domiciled in the City while serving as City Auditor. The City Auditor may be removed only by a majority of the City Council. The City Auditor shall have such duties, responsibilities and staff as determined by ordinance including the responsibility to conduct or cause to be conducted, financial, performance, investigative, and other audits following government auditing standards as promulgated by the Comptroller General of the United States. The City Auditor shall assist the City Council in establishing accountability and in improving City system and service delivery. There shall be such Assistant City Auditors as appointed by Council on the recommendation of the City Auditor. Any Assistant City Auditor shall serve at the pleasure of the City Auditor.

PROPOSITION NO. THIRTEEN

(Relating to the qualifications to be a candidate for the offices of the Mayor and Members of City Council, providing for a minimum age of eighteen years of age, providing for separation from employment with the City or any agency of the City of any employee elected to Mayor or Council, providing that all candidates for the office of Mayor be domiciled and have their principal physical residence in the City for a period of one year prior to election, and adopting the requirements for public office set forth in Texas statutes unless superseded by the City Charter to the extent allowed by law.)

SHOULD THE CITY CHARTER BE AMENDED TO CLARIFY AND FURTHER DEFINE QUALIFICATIONS TO BE A CANDIDATE FOR THE OFFICES OF MAYOR AND CITY COUNCIL?

In the event of approval, of this proposition, Section 2 of Article II shall be amended to read and provide as follows:

Section 2. Qualifications. At the time of election, each Councilmember shall be a qualified voter of the City of Galveston, and shall hold no other elective public office. A person elected to Council must have attained the age of eighteen (18) years of age. A person elected to Council who is employed by the City or any agency of the City will be separated from employment with the City or any agency of the City on the day the person takes office. Each Councilmember elected to represent a district shall have been domiciled and shall have had his or her principal physical residence in such district for a period of not less than one (1) year immediately preceding the Councilmember's election. The Mayor shall have been domiciled and shall have had his or her principal physical residence in the City for a period of not less than one (1) year immediately preceding the Mayor's election. For the purposes of this section, a person must meet all of the following to meet the requirement for a "principal physical residence", if applicable:

- (a) The person must use the residence address for voter registration and driver's license purposes;
- (b) The person must use the residence address as the person's home address on documents such as employment records, resumes, business cards, government forms, and loan applications;
- (c) The person must not claim a homestead exemption on any property other than the residence.

The requirements for eligibility to be a candidate for public office, set forth in the Texas Election Code, shall apply to candidates for Mayor and City Council unless superseded by this Charter, and in the event of such a conflict the provisions of the Charter shall apply to the extent allowed by law. If a Councilmember shall cease to possess any of these qualifications, or shall be convicted of a crime involving moral turpitude, the office of the Councilmember shall immediately become vacant.

PROPOSITION NO. FOURTEEN

(Relating to prohibited acts in the appointment, promotion, and removal of any individual appointed by the Council to any board, commission, committee, or agency of the City and persons employed in the administrative service of the City, deleting the provision prohibiting appointive officers and employees from continuing in office after becoming a candidate for office, and adding a provision allowing employees to run for office.)

SHOULD THE CITY CHARTER BE AMENDED TO PROHIBIT ILLEGAL DISCRIMINATION AGAINST ANY PERSON APPOINTED BY THE COUNCIL TO ANY BOARD COMMISSION, COMMITTEE AND AGENCY OF THE CITY AND TO ANY CITY EMPLOYEE AND TO ALLOW EMPLOYEES OF THE CITY OR ANY AGENCY THEREOF TO RUN FOR POLITICAL OFFICE WHILE CONTINUING THEIR POSITION WITH THE CITY?

In the event of approval, of this proposition, Section 3 of Article IX shall be read and provide as follows:

Section 3. Prohibited Acts. (a) No person appointed by the Council to any board, commission, committee, or agency of the City and no person employed in the administrative service of the City, or who seeks an appointment thereto, shall be appointed, promoted, reduced, removed, or in any way favored or discriminated against in violation of federal or state law.

(b) Reserved.

(c) No appointive officer or employee of the City shall make a contribution to the campaign fund of any person seeking election to a City office or to any political party supporting a candidate for election to a City office, nor shall the officer or employee be solicited for this purpose, but the right to express an opinion or cast a vote as a citizen shall not be limited.

(d) No person seeking appointment to or retention in or promotion in the administrative service of the City shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or on account of or in connection with the appointment or promotion, or any examination conducted therefor.

(e) Any person who either alone or with others willfully violates any provision of this section shall be ineligible for appointment or election to a position in the City for a period of four years, and if the person is an officer or employee of the City the person shall immediately forfeit the office or position he or she holds.

(f) A person who is employed by the City or any agency thereof is permitted to run for any political office in this State, County, or City.

PROPOSITION NO. FIFTEEN

(Relating to term limits for the Mayor and City Council members, clarifying the effective date of such limits.)

SHOULD THE CITY CHARTER BE AMENDED TO CLARIFY THAT TERM LIMITS APPLY TO ALL MAYORS AND MEMBERS OF COUNCIL ELECTED AS OF AND AFTER 2014?

In the event of approval, of this proposition, Section 16 of Article II shall be amended to read and provide as follows:

Section 16. Limitation on Number of Terms of Councilmembers. *Effective for the 2014 municipal election* and for all elections thereafter, a person who has served as Mayor for a total period of six (6) years or as a member of the City Council for six (6) years shall not again be eligible to serve in that office until at least six (6) years out of office have elapsed since the last term in office has ended. For purposes of this section, a person may in addition to serving six (6) years as a Councilmember also serve six (6) years as Mayor for a total of twelve (12) years, but will not be eligible to serve as a member of Council or as Mayor until at least six (6) consecutive years out of office have elapsed since the last term of office has ended.

Any amount of time for which a person fills a City Council vacancy shall not be counted towards the six (6) years in determining term limits.

Section 17. Limitation on employment. No member of the Council shall, during the time for which the member is elected or for two (2) years thereafter, be employed by either the Park Board or the Wharves Board.

PROPOSITION NO. SIXTEEN

(Relating to the selection of an acting Mayor Pro Tem in the event of unavailability of the Mayor and relating to the Emergency Powers of the Mayor and Mayor Pro Tem, providing for the Council to have authority to enact an Ordinance to appoint one of its members to exercise emergency powers in the absence or disability of the Mayor and Mayor Pro Tem, and providing for the cessation of that member's exercise of emergency powers.)

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE FOR THE SELECTION OF AN ACTING MAYOR PRO TEM AND TO PROVIDE THAT THE CITY COUNCIL SHALL ENACT AN ORDINANCE APPOINTING ONE OF ITS MEMBERS TO EXERCISE EMERGENCY MANAGEMENT POWERS IN THE ABSENCE OR DISABILITY OF THE MAYOR AND MAYOR PRO TEM?

In the event of approval, of this proposition, Section 7(b) of Article II shall be amended to read and provide as follows:

Section 7. Mayor and Mayor Pro Tem.

- (b) Mayor Pro Tem. At the first regular meeting of the Council after the introduction of newly elected Councilmembers following each regular election of Councilmembers, the Council shall elect one of its members as Mayor Pro Tem who shall hold such office and title for a period of one year and until a successor Mayor Pro Tem is elected as provided herein. If the Mayor Pro Tem is unavailable, the Council may select one of its members to perform the function of Mayor Pro Tem during such time of unavailability.

In the event of approval of this proposition, Section 15 of Article II shall be amended to read and provide as follows:

Section 15. Emergency Powers. In the event of a disaster or emergency, the Mayor, or in the Mayor's absence or disability, the Mayor Pro Tem shall have all the emergency management powers and duties as authorized by State law. The Council shall by Ordinance provide for the designation of a member of Council who will have all the emergency management powers and duties as authorized by State law in the event of the absence or disability of both the Mayor and Mayor Pro Tem and provide authority of the Mayor Pro Tem or Council designee to exercise emergency powers shall cease when the Mayor ceases to be absent or disabled. The Ordinance will further make provisions for succession of government as well as the cessation of emergency powers.

PROPOSITION NO. SEVENTEEN

(Relating to the requirements of a Petition for Initiative or Referendum, deleting the necessity that proposed legislation be drafted by an attorney, and providing for the filing of such legislation with the Office of the City Secretary.)

SHOULD THE CITY CHARTER BE AMENDED TO ELIMINATE THE REQUIREMENT THAT A PETITION TO INITIATE LEGISLATION BE DRAFTED BY AN ATTORNEY AND TO PROVIDE THAT ANY SUCH PETITION BE FILED WITH THE CITY SECRETARY?

In the event of approval of this proposition, Section 3 of Article IV shall be amended to read and provide as follows:

Section 3. Requirements of Petition for Initiative or Referendum. Petitions to initiate proposed legislation not in conflict with existing State or federal law or for a referendum on legislation that has been enacted by the Council shall be signed by qualified voters of the City equal in number to at least ten (10) percent of all the qualified voters in the City. The petition to initiate legislation shall contain the full text of the proposed ordinance. An original copy of the proposed legislation must be filed with the City Secretary at least ten (10) days prior to the commencement of circulation or signing of the initiative petition, and the petition for a referendum shall contain at least the full descriptive caption of the ordinance on which a referendum is asked and the date of its enactment by the Council. Any petition for initiative or referendum must be presented to the Council, with the minimum number of signatures as required by this Charter, within one hundred twenty (120) days after any petition is first distributed to be signed. No signature to a petition shall be counted unless it is followed by the printed name of the signer, the printed street address of the signer, the signer's current voter registration number as shown on the voter's registration certificate, the date the voter signed the petition, and the petition must also comply with any additional requirements prescribed by applicable State law. It shall not be necessary that a voter's registration number be in the signer's own handwriting. At the end of the petition there shall be a verification made by the person who has circulated the petition, sworn to before a Notary Public, that each signature appearing is the genuine signature of the person whose name purports to be signed to the petition, and was made in the presence of the person so verifying.

A petition to initiate legislation or for a referendum may consist of a number of separate petitions, which shall be counted together to determine the number of voters who have signed the petition, but each separate petition shall in that case fulfill all of the requirements as to form and verification.

PROPOSITION NO. EIGHTEEN

(Relating to the City Ethics Commission, amending Section 21 of Article XIV to delete the requirement that the Commission enforce the Code of Ethics and to provide that at the conclusion of its investigation the Commission is to report its findings to Council.)

SHOULD THE CITY CHARTER BE AMENDED TO DELETE THE REQUIREMENT THAT THE ETHICS COMMISSION ENFORCE THE CODE OF ETHICS AND PROVIDE THAT THE COMMISSION WILL REPORT ITS INVESTIGATION FINDINGS TO CITY COUNCIL?

In the event of approval, of this proposition, Section 21 of Article XIV shall be read and provide as follows:

Section 21. Recognizing that public office is a public trust and that all public officials, city employees, and members of committees, commissions or boards should act in a manner that does not conflict with proper public interest, City Council shall adopt a "Code of Ethics" and appoint an Ethics Commission. The Ethics Commission shall be comprised of seven residents, appointed by City Council in accordance with the "Code of Ethics." The Ethics Commission shall monitor the "Code of Ethics," which shall apply to all elected and appointed officials, members of committees, commissions, or boards, whether such officials or members are paid or unpaid, and to all city employees. The Ethics Commission shall investigate any alleged violation of the City Charter and reports its findings to City Council.

PROPOSITION NO. NINETEEN

(Relating to the Preamble of the City Charter, amending the Preamble to provide that a purpose in the formation of the municipal government is to preserve and protect the equal status under the Constitution and laws of the United States and the laws of the State of Texas of all individuals, and deleting specific references restricting those protections to matters of race, creed or political affiliation.)

SHOULD THE PREAMBLE OF THE CITY CHARTER BE AMENDED TO PROVIDE THAT A PURPOSE IN THE FORMATION OF THE MUNICIPAL GOVERNMENT IS TO PRESERVE AND PROTECT THE EQUAL STATUS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES AND OF THE STATE OF TEXAS OF ALL INDIVIDUALS AND DELETING SPECIFIC REFERENCES RESTRICTING THOSE PROTECTIONS TO MATTERS OF RACE, CREED OR POLITICAL AFFILIATION?

In the event of approval, of this proposition, the Preamble of the City Charter shall be amended to read and provide as follows:

PREAMBLE

In order to establish a municipal government which will preserve and protect the God-given and lawful rights, and the equal status under the Constitution and laws of the United States and of the State of Texas of every individual, which will attract able and sincere persons to the public service, and which will protect our natural resources, and which will ensure the proper and efficient expenditure of the public funds, the people of this community, exercising their rights of self-government and affirming their beliefs in those principles do ordain these provisions for the Charter of this City.

PROPOSITION NO. TWENTY

(Relating to allowing Members of City Council and their eligible dependents to participate in the City of Galveston's Employee Health Insurance Plan.)

SHOULD THE CITY CHARTER BE AMENDED TO ALLOW FOR THE PARTICIPATION OF THE MEMBERS OF COUNCIL AND THEIR ELIGIBLE DEPENDENTS IN THE CITY OF GALVESTON'S EMPLOYEE HEALTH PLAN AT THE SAME COST AS IS AVAILABLE TO EMPLOYEES OF THE CITY?

In the event of approval of this proposition, Section 8 of Article II shall be amended to read and provide as follows:

Section 8.

- A. Salaries. The members of the Council shall receive no salaries.
- B. Health Insurance. The members of Council, and through them their eligible dependents, may elect to participate in the City of Galveston's Employee Health Insurance Plan. The members of Council may elect to obtain such coverage within thirty days of taking office or during any open enrollment period conducted by the City. The members of Council will be responsible for the payment of premiums to the City at the same rate as is charged to City employees. Members of Council will remain eligible to participate in the City of Galveston's Health Insurance during their term of office. After their departure from office, members of Council may maintain coverage under the City's Health Insurance for the same length of time and at the same cost as would a former employee of the City under COBRA.

SECTION 3. Each respective Proposition as detailed in Section 2 above shall appear on the ballot of this election in the following form:

SPECIAL ELECTION

City of Galveston, Texas

May 7, 2016

OFFICIAL BALLOT

Charter Amendment Propositions

PROPOSITION NO. ONE

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE THAT THE TERMS OF THE MAYOR AND MEMBERS OF CITY COUNCIL CONSIST OF THREE YEARS AND TO PROVIDE THAT PERSONS WHO HAVE SERVED PREVIOUS TWO YEAR TERMS ARE NOT PRECLUDED FROM SERVING A TOTAL OF THREE FULL TERMS?

- FOR
- AGAINST

PROPOSITION NO. TWO

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE THAT THE CITY WILL OBTAIN WRITTEN COMPETITIVE BIDS ON PURCHASES OR CONTRACTS WHEN REQUIRED BY LAW, TO PROVIDE THAT THE CITY MANAGER'S AUTHORITY TO ENTER CONTRACTS WITHOUT COUNCIL APPROVAL BE ESTABLISHED BY ORDINANCE WHEN COMPETITIVE BIDDING OR PROCUREMENT IS NOT REQUIRED, TO REQUIRE REPORTING BY THE CITY MANAGER OF EXPENDITURES MADE IN EXCESS OF FIFTEEN THOUSAND DOLLARS, AND TO PROVIDE FOR THE EXEMPTION FROM COMPETITIVE BIDDING OF PURCHASES MADE AT PUBLIC AUCTION WHEN THE AMOUNT BID DOES NOT REQUIRE COMPETITIVE BIDDING UNDER STATE LAW AND IS IN AN AMOUNT PERMITTED BY ORDINANCE?

- FOR
- AGAINST

PROPOSITION NO. THREE

SHOULD THE CITY CHARTER BE AMENDED TO AUTHORIZE COUNCIL, WITHIN THE LIMITS SET BY STATE LAW, TO ESTABLISH THE VALUE OF PROPERTY THAT WOULD BE SUBJECT TO THE CITY MANAGER'S AUTHORIZATION TO APPROVE AS A ROUTINE SALE OR DISPOSITION?

- FOR
- AGAINST

PROPOSITION NO. FOUR

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE FOR THE EXCLUSION OF THE DEBT SERVICE OF CAPITAL IMPROVEMENT BONDS APPROVED BY THE VOTERS AND ISSUED AFTER JULY 1, 2016 FROM THE LIMITATION OF THE TAX RATE?

- FOR
- AGAINST

PROPOSITION NO. FIVE

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE A TIME CERTAIN FOR THE ADOPTION OF THE BUDGET AND TO PROVIDE FOR AN INTERIM BUDGET WHERE THE FINAL BUDGET HAS NOT BEEN TIMELY ADOPTED?

- FOR
- AGAINST

PROPOSITION NO. SIX

SHOULD THE CITY CHARTER BE AMENDED TO AUTHORIZE EMERGENCY APPROPRIATIONS AFTER A NATURAL OR MAN-MADE DISASTER THAT RESULTS IN THE ISSUANCE OF A PROCLAMATION OF PUBLIC DISASTER BY THE PRESIDENT OF THE UNITED STATES OR THE GOVERNOR OF THE GREAT STATE OF TEXAS AND TO FURTHER PROVIDE THAT, IN SUCH CASE, THE TOTAL AMOUNT OF EMERGENCY EXPENDITURES IS NOT SUBJECT TO THE SAME LIMITATIONS THAT APPLY TO MORE ROUTINE AND LESS SEVERE EMERGENCIES?

- FOR
- AGAINST

PROPOSITION NO. SEVEN

SHOULD THE CITY CHARTER BE AMENDED TO EXEMPT BORROWING TO MEET A MAN-MADE OR NATURAL DISASTER PROCLAIMED BY THE GOVERNOR OR THE PRESIDENT OF THE UNITED STATES FROM THE LIMITATIONS THAT APPLY TO BORROWING REQUIRED BY OTHER EMERGENCY APPROPRIATIONS?

- FOR
- AGAINST

PROPOSITION NO. EIGHT

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE THAT THE SALE OF BONDS SHALL BE DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS?

- FOR
- AGAINST

PROPOSITION NO. NINE

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE THAT THE COUNCIL SHALL PRESCRIBE THE REQUIREMENTS FOR THE PUBLICATION OF ORDINANCES IN CONFORMITY WITH STATE LAW?

- FOR
- AGAINST

PROPOSITION NO. TEN

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE THAT ALL ORDINANCES, NOTICES AND OTHER MATTERS REQUIRED TO BE PUBLISHED IN ACCORDANCE WITH STATE LAW?

- FOR
- AGAINST

PROPOSITION NO. ELEVEN

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE FOR THE APPOINTMENT OF THE CITY MANAGER, CITY ATTORNEY, CITY SECRETARY, CITY COLLECTOR OF TAXES, CITY AUDITOR, AND JUDGE OF THE MUNICIPAL COURT BY THE CITY COUNCIL; TO PROVIDE FOR LIMITS ON THE TIMING AND TERMS OF SUCH APPOINTMENTS; AND TO LIMIT THE TIME FOR THE COUNCIL TO ENTER AN INITIAL CITY MANAGER CONTRACT?

- FOR
- AGAINST

PROPOSITION NO. TWELVE

SHOULD THE CITY CHARTER UNDERGO A NON-SUBSTANTIVE REORGANIZATION TO MOVE THE CURRENT SECTIONS OF THE CITY CHARTER, RELATING TO THE POSITIONS OF CITY SECRETARY AND CITY AUDITOR TO ARTICLE V (ADMINISTRATIVE ORGANIZATION) OF THE CITY CHARTER?

- FOR
- AGAINST

PROPOSITION NO. THIRTEEN

SHOULD THE CITY CHARTER BE AMENDED TO CLARIFY AND FURTHER DEFINE QUALIFICATIONS TO BE A CANDIDATE FOR THE OFFICES OF MAYOR AND CITY COUNCIL?

- FOR
- AGAINST

PROPOSITION NO. FOURTEEN

SHOULD THE CITY CHARTER BE AMENDED TO PROHIBIT ILLEGAL DISCRIMINATION AGAINST ANY PERSON APPOINTED BY THE COUNCIL TO ANY BOARD COMMISSION, COMMITTEE AND AGENCY OF THE CITY AND TO ANY CITY EMPLOYEE AND TO ALLOW EMPLOYEES OF THE CITY OR ANY AGENCY THEREOF TO RUN FOR POLITICAL OFFICE WHILE CONTINUING THEIR POSITION WITH THE CITY?

- FOR
- AGAINST

PROPOSITION NO. FIFTEEN

SHOULD THE CITY CHARTER BE AMENDED TO CLARIFY THAT TERM LIMITS APPLY TO ALL MAYORS AND MEMBERS OF COUNCIL ELECTED AS OF AND AFTER 2014?

- FOR
- AGAINST

PROPOSITION NO. SIXTEEN

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE FOR THE SELECTION OF AN ACTING MAYOR PRO TEM AND TO PROVIDE THAT THE CITY COUNCIL SHALL ENACT AN ORDINANCE APPOINTING ONE OF ITS MEMBERS TO EXERCISE EMERGENCY MANAGEMENT POWERS IN THE ABSENCE OR DISABILITY OF THE MAYOR AND MAYOR PRO TEM?

- FOR
- AGAINST

PROPOSITION NO. SEVENTEEN

- FOR
- AGAINST

SHOULD THE CITY CHARTER BE AMENDED TO ELIMINATE THE REQUIREMENT THAT A PETITION TO INITIATE LEGISLATION BE DRAFTED BY AN ATTORNEY AND TO PROVIDE THAT ANY SUCH PETITION BE FILED WITH THE CITY SECRETARY?

- FOR
- AGAINST

PROPOSITION NO. EIGHTEEN

SHOULD THE CITY CHARTER BE AMENDED TO DELETE THE REQUIREMENT THAT THE ETHICS COMMISSION ENFORCE THE CODE OF ETHICS AND PROVIDE THAT THE COMMISSION WILL REPORT ITS INVESTIGATION FINDINGS TO CITY COUNCIL?

- FOR
- AGAINST

PROPOSITION NO. NINETEEN

SHOULD THE PREAMBLE OF THE CITY CHARTER BE AMENDED TO PROVIDE THAT A PURPOSE IN THE FORMATION OF THE MUNICIPAL GOVERNMENT IS TO PRESERVE AND PROTECT THE EQUAL STATUS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES AND OF THE STATE OF TEXAS OF ALL INDIVIDUALS AND DELETING SPECIFIC REFERENCES RESTRICTING THOSE PROTECTIONS TO MATTERS OF RACE, CREED OR POLITICAL AFFILIATION?

- FOR
- AGAINST

PROPOSITION NO. TWENTY

SHOULD THE CITY CHARTER BE AMENDED TO ALLOW FOR THE PARTICIPATION OF THE MEMBERS OF COUNCIL AND THEIR ELIGIBLE DEPENDENTS IN THE CITY OF GALVESTON'S EMPLOYEE HEALTH PLAN AT THE SAME COST AS IS AVAILABLE TO EMPLOYEES OF THE CITY?

- FOR
- AGAINST

As to the foregoing propositions, each voter shall indicate his/her vote by marking the appropriate box which registers either a vote "FOR" or a vote "AGAINST" the proposition.

SECTION 4. The Special Election hereby ordered and called shall be held and conducted in accordance with all applicable provisions of the provisions of this Ordinance, the requirements of the Charter of the City of Galveston, and the Constitution and laws of the State of Texas regulating the holding of elections. The election called and ordered shall also be conducted in accordance with the provisions of the Election Services Agreement by and between the City and Galveston County (approved by City Council on January 28, 2016) and the Joint Election Agreement by and between the City and the College District (approved by City Council

on January 28, 2016). The ballots used in voting herein shall conform to all requirements of the laws of the State of Texas governing same.

SECTION 5. (a) In accordance with Chapter 43 and other applicable provisions of the Texas Election Code, this election shall be conducted utilizing countywide polling places as designated by the County of Galveston. The City Council hereby designates the locations listed in **Exhibit 1** as additional countywide polling places to be utilized for this joint election.

(b) The County of Galveston shall appoint eligible persons as presiding election judges and alternate presiding election judges to conduct the election in the respective voting precincts in accordance with the Texas Election Code.

(c) The presiding judge of each such Election Precinct shall appoint at least two (2), but no more than five (5), qualified voters to serve as election clerks. The alternate presiding judge shall serve as one of the clerks in an election conducted by the regularly appointed presiding judge. At least one clerk who is Spanish speaking shall be appointed to serve at each polling place. Compensation for the election judge and the alternate judge and clerks shall be fixed at a rate of \$10.00 per hour.

SECTION 6. The Special Election hereby called shall be held between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m. on May 7, 2016, at the above designated polling places by such eligible persons designated by the County of Galveston and in accordance with state law.

SECTION 7. Voting machines and/or ballot boxes shall be used in the election in accordance with the provisions of the laws of the State of Texas relating to the use of voting machines, ballot boxes, and elections. The Hart Intercivic Direct Record Electronic (DRE) Machine will be utilized in this election.

SECTION 8. (a) In compliance with Section 271.006 of the Texas Election Code, Dwight D. Sullivan, Galveston County Clerk is appointed as the Early Voting Clerk. Other deputy early voting clerks shall be appointed as needed to process early voting mail and to conduct early voting by personal appearance. The main early voting polling place is designed as the Galveston County Justice Center, 600 – 59th Street, 2nd Floor Conference Room, Galveston, Texas 77551. Early voting by personal appearance is also available at the Galveston County Courthouse, 722 Moody (21st Street), Galveston, Texas 77550, the Joe Faggard Community Center, 1750 Highway 87, Crystal Beach, Texas 77650, and such other early voting polling places as designated by the Early Voting Clerk.

(b) Qualified electors voting early who are unable to vote in person shall vote by mail as prescribed by the laws of the State of Texas. The Early Voting Clerk's address to which ballot applications and ballots voted by mail may be sent to: Dwight D. Sullivan, Early Voting Clerk, County of Galveston, P. O. Box 17253, Galveston, Texas 77553-7253; or may be delivered to Dwight D. Sullivan, Early Voting Clerk, County of Galveston, 600 – 59th Street, 2nd Floor, Galveston, Texas 77551. The first day to apply for a ballot by mail was January 1, 2016, and the last day to apply is April 26, 2016 (received, not postmarked). The deadline for a Federal Post Card Application is April 26, 2016.

(c) Early voting by personal appearance shall begin on Monday, April 25, 2016, and end on Tuesday, May 3, 2016, and shall be conducted during the following hours:

<i>Day</i>	<i>Date</i>	<i>Hours of Operation</i>
Monday	April 25, 2016	8:00 a.m. until 7:00 p.m.
Tuesday	April 26, 2016	8:00 a.m. until 7:00 p.m.
Wednesday	April 27, 2016	8:00 a.m. until 7:00 p.m.
Thursday	April 28, 2016	8:00 a.m. until 7:00 p.m.
Friday	April 29, 2016	8:00 a.m. until 7:00 p.m.
Monday	May 2, 2016	7:00 a.m. until 7:00 p.m.
Tuesday	May 3, 2016	7:00 a.m. until 7:00 p.m.

There will be no early voting by personal appearance on Saturday, April 30, 2016 and Sunday, May 1, 2016.

(d) The City Council hereby appoints Betty Jo Dyda to the Early Voting Ballot Board.

Compensation for members of the Early Voting Ballot Board shall be the same as that fixed for presiding election judges, except that if the Board completes the work in less than 10 hours, the member may be paid for ten (10) hours in accordance with section 87.005 of the Texas Election Code.

SECTION 9. (a) Notice of said election shall be given (1) by filing a copy of this election Ordinance with the City Secretary, and (2) by publication as required by state law. The notice shall be in accordance with state law.

(b) The Mayor is hereby authorized to sign an "Order of Election" and "Notice of Special Election." Council directs the City Secretary to post the "Order of Election" and publish and post the "Notice of Special Election" in both English and Spanish in accordance with state law.

SECTION 10. Officers of the election shall immediately at the close of the election return to the City Council the results of the election in respect to each voting precinct. The City Council shall canvass the returns and declare the results of the election as provided in the agreement between the City and the County and as permitted by law.

SECTION 11. The provisions of 52 U.S.C.A §10503, 28 C.F.R. Part 55, and section 272.001, et. seq., of the Texas Election Code, regarding members of a single-language minority, shall be observed with respect to printing, programming, and disseminating voting notices, forms, balloting materials, instructions, assistance or other materials or information relating to

the electoral process, including ballots, and all such election materials shall be printed, programmed, processed, and/or provided in the Spanish language as well as the English language; and at each Election Precinct there shall be a Judge, Alternate Judge or Clerk who is fluent in the Spanish language and who shall be instructed and required to provide assistance to any voter desiring same.

SECTION 12. The County of Galveston shall appoint eligible persons in the following capacities in accordance with the Texas Election Code and those persons shall have the duties and responsibilities as prescribed by state law:

Central County Station Manager, Clerk, Tabulation Supervisor, Assistant to Tabulation Supervisor, Judge of the Central County Station, and Clerks.

SECTION 13. The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election and to comply with federal, state, and local law in the conduct thereof. This will be provided through the Election Services of Galveston County.

SECTION 14. The Mayor shall issue all necessary orders, writs, and notices for the election, and returns of the election shall be made to the presiding officer of the City Council immediately after the closing of the polls. The City Council reserves the right to amend or modify this ordinance, including, but not limited to, the propositions submitted, ballot language, election judges, precincts, and election clerk compensation.

SECTION 15. A copy of this Ordinance shall be delivered to the presiding judges, along with the election judges' notice of appointment.

SECTION 16. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

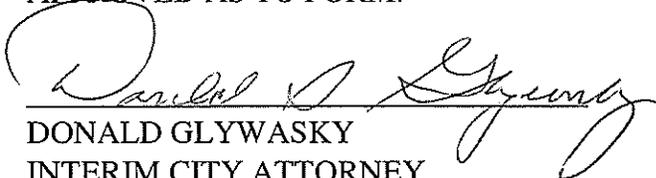
SECTION 17. It is hereby officially found and determined that notice of the meeting at which this Ordinance is adopted was given as required by the Texas Open Meetings Act and that such meeting has been open to the public at all times when this Ordinance was discussed and acted on.

SECTION 18. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 19. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter, this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 20. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:


DONALD GLYWASKY
INTERIM CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its special meeting held on the 11th day of February, 2016, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 10th day of February, 2016.



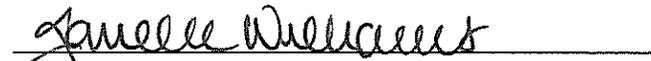

JANELLE WILLIAMS
City Secretary for the City Council
of the City of Galveston, Texas

EXHIBIT 1

Election Day Locations

Saturday, May 7, 2016

for

City of Galveston

and

Galveston Community College District

1. UTMB – Rebecca Sealy Building
404 – 8th Street
(1st Floor Classroom)
Galveston, Texas 77550

2. Galveston County Courthouse
722 Moody (21st Street)
(2nd Floor Mezzanine)
Galveston, Texas 77550

3. GISD Administration Building
3904 Avenue T
Galveston, Texas 77550

4. L. A. Morgan Elementary School
1410 – 37th Street
Galveston, Texas 77550

5. Alamo School
5200 Avenue N ½
Galveston, Texas 77551

6. Weis Intermediate School
7100 Stewart Road
Galveston, Texas 77551

7. Seaside Baptist Church
16534 San Luis Pass Road
Jamaica Beach, Texas 77554

8. Joe Faggard Community Center
(College District Only)
17650 Highway 87
Crystal Beach, Texas 77650