



**NOTICE OF SPECIAL MEETING
GOVERNING BODY OF MARBLE FALLS, TEXAS
Monday, November 21, 2016 – noon**

A quorum of the Marble Falls Economic Development Corporation
and the Planning & Zoning Commission may be present

Notice is hereby given that on the 21st day of November, 2016 the Marble Falls City Council will meet in special session at noon in the City Hall Council Chambers located at 800 3rd Street, Marble Falls, Texas, at which time the following subjects will be discussed:

1. CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT

2. REGULAR AGENDA

- (a) Discussion and Action on [Resolution 2016-R-11C](#) canvassing the returns and declaring the results of a Charter Amendment Election held on November 8, 2016. **Christina McDonald, City Secretary**

- (b) Discussion and Action on an [order](#) adopting the amendments to the City Charter as a result of the November 8, 2016 Charter Amendment Election. **Christina McDonald, City Secretary**

3. ADJOURNMENT.

“The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues) and as authorized by the Texas Tax Code, including, but not limited to, Section 321.3022 (Sales Tax Information).”

In compliance with the Americans with Disabilities Act, the City of Marble Falls will provide for reasonable accommodations for persons attending City Council Meetings. To better serve you, requests should be received 24 hours prior to the meeting. Please contact Ms. Christina McDonald, City Secretary at (830) 693-3615.

Certificate of Posting

I, Christina McDonald, City Secretary for the City of Marble Falls, Texas, do certify that this Notice of Meeting was posting at City Hall, in a place readily accessible to the general public at all times, on the 18th day of November, 2016 at 9:30 am and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

/s/ Christina McDonald
Christina McDonald, TRMC
City Secretary

November 21, 2016

2. REGULAR AGENDA

- (a) Discussion and Action on Resolution 2016-R-11C canvassing the returns and declaring the results of a Charter Amendment Election held on November 8, 2016. ***Christina McDonald, City Secretary***
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Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
November 21, 2016**

Agenda Item No.: 2(a)
Presenter: Christina McDonald, City Secretary
Department: Administration
Legal Review:

AGENDA CAPTION

Discussion and Action on Resolution 2016-R-11C canvassing the returns and declaring the results of a Charter Amendment Election held on November 8, 2016.

BACKGROUND INFORMATION

The official election results for the November 8, 2016 Charter Amendment Election have been submitted by the Burnet County Elections Administrator.

The canvass is simply an examination by the City Council of the returns and the ballots/votes cast in the election.

Council will review the returns then approve the resolution declaring the results of the special election.

RESOLUTION 2016-R-11C

**A RESOLUTION CANVASSING ELECTION RETURNS AND
DECLARING THE RESULTS OF THE SPECIAL ELECTION
HELD ON NOVEMBER 8, 2016, FOR THE PURPOSE OF
AMENDING THE CITY CHARTER OF THE CITY OF
MARBLE FALLS.**

WHEREAS, a special election was held in the City of Marble Falls, Texas on November 8, 2016 for the purpose of amending the City Charter; and

WHEREAS, said election was duly and legally held in conformity with the election laws of the State of Texas, and the results of said election have been verified and returned by the proper judges and clerks; and

WHEREAS, it appears that a total of 2303 ballots were cast in such election; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, STATE OF TEXAS:

Section 1. The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

Section 2. The official canvass of the returns of the special election held on November 8, 2016, reflects that the following proposition received the number of votes set opposite the proposition:

| | |
|--------------------------|-----------------------|
| <u>Proposition No. 1</u> | <u>Votes Received</u> |
| FOR | 1669 |
| AGAINST | 151 |
| | |
| <u>Proposition No. 2</u> | <u>Votes Received</u> |
| FOR | 1098 |
| AGAINST | 604 |
| | |
| <u>Proposition No. 3</u> | <u>Votes Received</u> |
| FOR | 1321 |
| AGAINST | 469 |
| | |
| <u>Proposition No. 4</u> | <u>Votes Received</u> |
| FOR | 842 |
| AGAINST | 898 |

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|--------------------------|-----------------------|
| <u>Proposition No. 5</u> | <u>Votes Received</u> |
| FOR | 776 |
| AGAINST | 989 |

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|--------------------------|-----------------------|
| <u>Proposition No. 6</u> | <u>Votes Received</u> |
| FOR | 1012 |
| AGAINST | 731 |

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|--------------------------|-----------------------|
| <u>Proposition No. 7</u> | <u>Votes Received</u> |
| FOR | 1234 |
| AGAINST | 471 |

| | |
|--------------------------|-----------------------|
| <u>Proposition No. 8</u> | <u>Votes Received</u> |
| FOR | 943 |
| AGAINST | 791 |

Section 3. The official canvass of the returns of the special election held on November 8, 2016, reflects that the following propositions were approved:

Proposition No. 1 – Amend Section 3.06 (a)(Vacancies, Forfeiture of Office, Filling Vacancies) and Section 10.05 (Oath of Office) to require that newly elected or re-elected Councilmembers or Mayor must take the oath of office within 30 days of the election (i.e. the canvass) or the office will become vacant. Section Sec 3.06 (a) shall be amended and a new third sentence in Sec 10.05 shall be added to amend these sections which amendments shall hereafter read as follows:

Section 3.06 – Vacancies, Forfeiture, Filling of Vacancies.

a) Vacancies: The office of a Councilmember or the office of the Mayor shall become vacant if the Councilmember or the Mayor fails to take the oath of office within 30 days of the election (i.e. the canvass), or upon death, resignation or removal from office in any manner authorized by law or by forfeiture of office.

Section 10.05 - Oath of Office

The officers of the City shall, whether elected or appointed, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed by the Constitution of the State of Texas. The oath shall be administered by the Mayor, Mayor Pro-Tem, City Secretary or other person authorized by law to administer oaths. The oath of office of a newly elected or re-elected Mayor or Councilmember shall occur within 30 days of the election (i.e. the canvass) or the office will become vacant.

Proposition No. 2 – Amend the third, fourth and fifth paragraphs of Section 3.13, Ordinances in General, of the Charter to change the requirements for two readings of an ordinance and the publication of two notices of an ordinance to one reading and one publication of notice, except as otherwise required by State Law. The fourth and fifth paragraphs of Section 3.13 will be deleted

and the third paragraph of Section 3.13, Ordinances in General, shall be amended to hereafter read as follows:

Section 3.13 – Ordinances in General.
Paragraph 3.

Unless otherwise required by State Law, all ordinances of the City shall be read at one (1) regular Council Meeting and the caption of the ordinance published in at least one issue of the official newspaper of the City of Marble Falls with the publication occurring at least fourteen (14) days before passage of the Ordinance.

Paragraph 4 and 5 shall be deleted.

Proposition No. 3 - Amend the second sentence of Section 7.13, Depository, of the Charter to allow the City Manager to designate an alternate city employee the authority to execute checks in the absence or unavailability of the City Manager. The second sentence of Section 7.13, Depository shall be amended to hereafter read as follows:

Section 7.13 – Depository.
Second sentence.

All checks, vouchers, or warrants for the withdrawal of money from the city depositories shall be signed by the City Manager, or by the Mayor in the absence of the City Manager, or by the City Manager's designee, if both the City Manager and the Mayor are absent or unavailable and countersigned by a city official designated by the City Council. Provided, that the Council, under such regulations and limitations as it may prescribe, may by ordinance authorize the use of machine-imprinted facsimile signatures of said Mayor or City Manager on such checks, vouchers and warrants.

Proposition No. 6 - The first sentence of Section 10.07, Surety Bonds, of the Charter is amended to provide that the City Council shall have the discretion to designate which officers and employees of the City that handle money shall be required to provide a surety bond to the City instead of mandating that all officers and employees that handle money be required to provide a surety bond. The first sentence of Section 10.07, Surety Bonds shall be amended to hereafter read as follows:

Section 10.07 – Surety Bonds
First sentence.

The Council shall determine which city officers and employees whose duties will include the handling of moneys, before starting employment or entering the duties of office, shall make a surety bond in an amount and with a surety company acceptable to the Council.

Proposition No. 7 – The second sentence of Section 10.04, Nepotism, of the Charter is amended to be consistent with State Law, to change the requirement for continuous employment of a city employee from two years to six months in order to allow the employee to remain employed by the City in the event that a relative is elected as Mayor or to the City Council or from two years to thirty days if a relative is hired as the City Manager or other appointing officer. The second sentence of Section 10.04, Nepotism shall be amended to hereafter read as follows:

Section 10.04 – Nepotism
Second sentence.

No person related within the second degree by affinity, nor within the third degree by consanguinity to the Mayor, a Councilmember, the City Manager, or other appointing city officer, may be appointed to a paid position of the City. This prohibition shall not apply to a person who is a current city employee and has been a city employee for six (6) months or longer at the time of the election of the Mayor or Councilmember or thirty (30) days or longer at the time of the appointment of the City Manager or other appointing city officer.

Proposition No. 8 - Section 5.05, Filing for Office, subsection (c) of the Charter is amended by removing subsection (c) which subsection requires that a candidate for elective office not be in arrears in the payment of taxes or other liabilities due the City and which qualification requirement is contrary to State Law. Section 5.05, Filing for Office, subsection (c) is deleted and the other subsections renumbered accordingly.

PASSED, ADOPTED AND APPROVED on this 21st day of November, 2016.

John Packer, Mayor

ATTEST:

Christina McDonald, TRMC
City Secretary

November 21, 2016

2. REGULAR AGENDA

- (b) Discussion and Action on an order adopting the amendments to the City Charter as a result of the November 8, 2016 Charter Amendment Election. **Christina McDonald, City Secretary**
-

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
November 21, 2016**

Agenda Item No.: 2(b)
Presenter: Christina McDonald, City Secretary
Department: Administration
Legal Review:

AGENDA CAPTION

Discussion and Action on an order adopting the amendments to the City Charter as a result of the November 8, 2016 Charter Amendment Election.

BACKGROUND INFORMATION

The attached order adopts the amendments to the City Charter.

After approval of the order by the City Council the City Secretary will prepare a Certification of Charter Amendment for the Mayor to sign and submit to the Secretary of State which in turn files and records the certification.

A copy of the adopted charter amendments will also be provided to Municipal Code to codify and print updated copies of our charter.

ORDER

**AN ORDER DECLARING THAT AMENDMENTS TO THE CHARTER OF THE
CITY OF MARBLE FALLS ARE HEREBY ADOPTED.**

WHEREAS, the City of Marble Falls ordered a special election to be held on November 8, 2016 for the purpose of amending the City Charter; and

WHEREAS, the voters did vote to amend the following Sections of the Charter of the City of Marble Falls.

NOW, THEREFORE BE IT ORDERED BY THE COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, that the following Sections of the Charter of the City of Marble Falls be amended as follows:

Article 3. The City Council

Section 3.06. a). Vacancies, Forfeiture, Filling of Vacancies.

Subsection "a" shall read as follows:

- a) Vacancies: The office of a Councilmember or the office of the Mayor shall become vacant if the Councilmember or the Mayor fails to take the oath of office within 30 days of the election (i.e. the canvass), or upon death, resignation or removal from office in any manner authorized by law or by forfeiture of office.

Article 10. General Provisions and Transition

Section 10.05. Oath of Office

A new third sentence is added and the section shall read as follows:

The officers of the City shall, whether elected or appointed, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed by the Constitution of the State of Texas. The oath shall be administered by the Mayor, Mayor Pro-Tem, City Secretary or other person authorized by law to administer oaths. The oath of office of a newly elected or re-elected Mayor or Councilmember shall occur within 30 days of the election (i.e. the canvass) or the office will become vacant.

Article 3. The City Council

Section 3.13. Ordinances in General.

The third paragraph shall read as follows:

Unless otherwise required by State Law, all ordinances of the City shall be read at one (1) regular Council Meeting and the caption of the ordinance published in at least one issue of the official newspaper of the City of Marble Falls with the publication occurring at least fourteen (14) days before passage of the Ordinance.

Article 3. The City Council

Section 3.13. Ordinances in General.

The fourth and fifth paragraphs of Section 3.13 shall be deleted.

Article 7. Municipal Finance.

Section 7.13. Depository.

The second sentence of Section 7.13 is deleted and a new second sentence is added so that Section 7.13 reads as follows:

All moneys received by any person, department or agency of the City for or in connection with affairs of the City shall be deposited promptly in the city depository or depositories, which shall be designated by the Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All checks, vouchers, or warrants for the withdrawal of money from the city depositories shall be signed by the City Manager, or by the Mayor in the absence of the City Manager, or by the City Manager's designee, if both the City Manager and the Mayor are absent or unavailable and countersigned by a city official designated by the City Council. Provided, that the Council, under such regulations and limitations as it may prescribe, may by ordinance authorize the use of machine-imprinted facsimile signatures of said Mayor or City Manager on such checks, vouchers and warrants. Two real signatures shall be required for all checks in excess of \$5,000.00.

Article 10. General Provisions and Transition

Section 10.07. Surety Bonds

The first sentence of Section 10.07 is deleted and a new first sentence is added so that section 10.07 shall read as follows:

The Council shall determine which city officers and employees whose duties will include the handling of moneys, before starting employment or entering the duties of office, shall make a surety bond in an amount and with a surety company acceptable to the Council. The surety company must be authorized to do business in Texas. The condition of the surety bond shall be that the principal will faithfully perform the duties of office and account for and pay to the City all moneys and property coming into the principal's hands and belonging to the City and comply with applicable state law. The City will pay the premiums for these bonds.

Article 10. General Provisions and Transition

Section 10.04. Nepotism

The second sentence in Section 10.04 is deleted and a new second sentence is added so that Section 10.04 shall read as follows:

No person related within the second degree by affinity, nor within the third degree by consanguinity to the Mayor, a Councilmember, the City Manager, or other appointing city officer,

may be appointed to a paid position of the City. This prohibition shall not apply to a person who is a current city employee and has been a city employee for six (6) months or longer at the time of the election of the Mayor or Councilmember or thirty (30) days or longer at the time of the appointment of the City Manager or other appointing city officer.

Article 5. Elections

Section 5.05. Filing for Office

Delete subsection (c) and renumber other subsections accordingly.

SIGNED AND APPROVED THIS 21ST DAY OF NOVEMBER, 2016.

John Packer, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina McDonald, City Secretary

Patty Akers, City Attorney