

City of West University Place
Harris County, Texas

Ordinance No. 1986

AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL CHARTER ELECTION HELD IN THE CITY OF WEST UNIVERSITY PLACE, TEXAS, ON NOVEMBER 5, 2013; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EMERGENCY.

WHEREAS, on August 26, 2013, the City Council of the City of West University Place, Texas, (the "City") adopted Ordinance No. 1981, which ordered that a special election be held for the purpose of submitting proposed City Charter amendments to the qualified voters of the City, as authorized by Section 9.004 of the Texas Local Government Code, which amendments were submitted, on the Council's own motion, to amend the City Charter as follows:

(In the text of the proposed amendments, words ~~stricken out~~ would be deleted from the Charter. All other words would be in the Charter if the amendments are adopted. Words to be added are typically shown by underlining.)

PROPOSED CHARTER AMENDMENTS

Amend Section 2.03 of the Charter as follows:
Section 2.03 – Limit on Successive Terms.

No person shall serve as Mayor for more than ~~two~~ three successive terms and no person shall serve as Council Member for more than ~~two~~ three successive terms.

Amend Section 4.01 of the Charter as follows:
Section 4.01 – Power of Initiative.

The people of the City reserve the power of direct legislation by initiative, and in the exercise of that power may propose any ordinance, except ordinances appropriating money or levying taxes or ordinances repealing ordinances appropriating money or levying taxes, not in conflict with this Charter or the Constitution or laws of the State of Texas. Any initiated ordinance may be submitted to the Council by a petition signed by qualified voters of the City equal in number to at least ~~three~~ five per cent of all qualified voters of the City.

Amend Section 4.02 of the Charter as follows:
Section 4.02 – Power of Referendum.

The people of the City reserve the power to approve or reject at the polls any Council legislation which is subject to the initiative process under this Charter, except that ordinances

authorizing the issuance of either tax or revenue bonds, whether original or refunding bonds, shall not be subject to referendum. The people may by petition require voter approval of ad valorem tax increase as provided by the laws of the State of Texas. Before, or within 90 days after, the effective date of any ordinance which is subject to referendum, a petition signed by qualified voters of the City, equal in number to at least ~~three~~ five per cent of all qualified voters of the City, may be filed with the City Secretary requesting that the ordinance be either repealed or submitted to a vote of the people. When the petition has been certified as sufficient by the City Secretary, the ordinance specified in the petition shall not go into effect, or further action thereon shall be suspended if it has gone into effect, until and unless it is approved by the voters as herein provided.

Amend Section 4.06 of the Charter as follows:

Section 4.06 – Results of Election.

Any number of ordinances may be voted on at the same election in accordance with the provisions of this Article. If a majority of the legal votes cast is in favor of an initiated ordinance, it shall thereupon be effective as an ordinance of the City. An ordinance thus adopted may not be repealed or amended until after the expiration of two years and then, for the next six years, only by a vote of four-fifths of the Council Members qualified and serving. Eight years after adoption, such ordinance may be repealed or amended by simple majority of the Council Members then qualified and serving. A referred ordinance which is rejected by a majority of the legal votes cast in a referendum election shall be thereby repealed. An ordinance thus rejected may not be reenacted until after the expiration of two years and then only by a vote of four-fifths of the Council Members qualified and serving.

Amend Section 6.02 of the Charter as follows:

Section 6.02 – City Manager: Powers and Duties.

a. The City Manager shall be responsible to the Council for the efficient and economical administration of the City government. The City Manager shall have the authority, with approval of the City Council, to appoint all department heads and the City Secretary. The City Manager shall have the authority, after consultation with the Council, to remove all department heads and the City Secretary. Unless otherwise provided in this Charter, the City Manager shall also have the authority to appoint and remove all other employees of the City. The City Manager may authorize the head of any department to appoint and remove subordinates in that department. Except for the purpose of obtaining information,

the Council and its members shall deal with employees through the City Manager.

- b. The City Manager shall:
 - (1) Prepare and submit annually to Council a budget and administer the budget after its adoption;
 - (2) Advise the Council of the financial condition and future financial needs of the City;
 - (3) Recommend to the Council the salaries to be paid to each appointed officer and employee of the City;
 - (4) Recommend to the Council in writing actions or policies the City Manager considers desirable;
 - (5) Attend all meetings of the Council with the right to take part in discussion but with no vote;
 - (6) Administer the enforcement of all City ordinances; and,
 - (7) Perform all other duties directed by the Council and not inconsistent with this Charter.

Amend Section 6.03 of the Charter as follows:
Section 6.03 – City Secretary.

~~a. The Council shall appoint a City Secretary. The City Secretary shall be entitled to compensation for services as established by the Council and shall serve at the pleasure of the Council. With approval of Council, the City Secretary shall appoint Assistant City Secretaries in number as approved by the Council.~~

b. The City Secretary or an Assistant City Secretary shall give notice of Council meetings; shall keep the minutes of proceedings of Council meetings; shall authenticate by signature and record in full in a book kept and indexed for that purpose, all ordinances and resolutions; shall hold and maintain the City Seal, and affix the seal to all instruments requiring it; and shall perform other duties required by the Council, this Charter, or the laws of the State of Texas as an officer of the City.

WHEREAS, said election was called and notice was given in accordance with the law, and the election was held in all material respects in conformity with the law; and

WHEREAS, the returns of such election have been duly and legally made and submitted to the City Council, and the City Council has examined such returns, including the tabulation attached hereto as Exhibit A and made a part hereof for all purposes;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE:

Section 1. All of the recitals contained in the preamble to this Ordinance are found to be true and are adopted as findings of fact by this City Council and as part of its judgment, particularly the tabulation of returns of the election set out in Exhibit A.

Section 2. (a) The City Council now formally canvasses the returns of such elections, and it is hereby adjudged, determined and declared that:

- (1) 983 qualified voters of the City, being more than a majority of the qualified voters of the City voting at said election, have voted against and disapproved the proposed amendment to Section 2.03 of the Charter set out in the preamble of this Ordinance; and
- (2) 961 qualified voters of the City, being more than a majority of the qualified voters of the City voting at said election, have voted against and disapproved the proposed amendment to Section 4.01 of the Charter set out in the preamble of this Ordinance; and
- (3) 943 qualified voters of the City, being more than a majority of the qualified voters of the City voting at said election, have voted against and disapproved the proposed amendment to Section 4.02 of the Charter set out in the preamble of this Ordinance; and
- (4) 1,008 qualified voters of the City, being more than a majority of the qualified voters of the City voting at said election, have voted for and approved the proposed amendment to Section 4.06 of the Charter set out in the preamble of this Ordinance; such proposed amendment has been adopted; and the Charter of the City is amended as provided in such amendment; and
- (5) 1,124 qualified voters of the City, being more than a majority of the qualified voters of the City voting at said election, have voted for and approved the proposed amendment to Section 6.02 of the Charter set out in the preamble of this Ordinance; such proposed amendment has been adopted; and the Charter of the City is amended as provided in such amendment; and
- (6) 1,102 qualified voters of the City, being more than a majority of the qualified voters of the City voting at said election, have voted for and approved the proposed amendment to Section 6.03 of the Charter set out in the preamble.

(b) This Ordinance shall constitute the official act of the City Council in examining, counting, and declaring the results of the charter amendment election of November 5, 2013, and it shall further constitute the order of the City Council required by Section 9.005 of the TEXAS LOCAL GOVERNMENT CODE. This Ordinance shall be signed and immediately entered into the records of the City, whereupon the proposed amendments to the City Charter takes effect as provided in said Section 9.005. The City Secretary shall endorse this Ordinance to indicate when this Ordinance is entered into the records of the City and takes effect. The Mayor or chief executive officer of the City shall certify the amendment to the Texas Secretary of State as provided in Section 9.006 of the TEXAS LOCAL GOVERNMENT CODE.

Section 3. The City Secretary is hereby authorized and directed to make the appropriate entries of information in the election register maintained by the City in accordance with provisions of Section 67.006 of the TEXAS ELECTION CODE.

Section 4. If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance and the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances shall not be affected thereby.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 6. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 7. The public importance of this measure and the requirement of the law create an emergency and an urgent public necessity requiring that this ordinance be passed and take effect as an emergency measure, and a state of emergency is hereby declared. This ordinance is accordingly passed as an emergency measure and shall take effect immediately upon adoption and signature.

CONSIDERED, PASSED, APPROVED AND ADOPTED on first and final reading on November 18, 2013, 2013.

Seal

Attest:

Signed:

Thelma A. Lenz, City Secretary

Bob Fry, Mayor

Recommended By:

Reviewed By:

Michael Ross, City Manager

Alan Petrov, City Attorney

Exhibit A
(Official Canvass Report Follows This page)