

**ORDINANCE NO. 1119**

**AN ORDINANCE CALLING A GENERAL ELECTION AND A SPECIAL ELECTION TO BE HELD JOINTLY WITH NUECES COUNTY ON NOVEMBER 5, 2024 IN THE CITY OF ROBSTOWN, TEXAS TO ELECT ONE-UTILITY BOARD OF TRUSTEE, POSITION NO. 3 AND TO SUBMIT PROPOSITIONS ON AMENDMENTS TO THE CITY OF ROBSTOWN HOME RULE CHARTER; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the term for One-Utility Board of Trustee Position No. 3 is set to expire in November 2024 and there is a need to call for a General Election; and

**WHEREAS**, the City Charter of the City of Robstown (“City”) was adopted in March 1948 and was last amended in November 2019, and has served the City and its citizens well; and

**WHEREAS**, Special Legal Counsel with the assistance of City staff, has reviewed the Charter and has made recommendations to the City Council for Charter Amendments; and

**WHEREAS**, in June 2024 the City Council reviewed possible Charter changes proposed by Special Legal Counsel and City staff and now wishes to submit the proposed amendments to the City Charter for submission to the qualified voters of the City on the next uniform election date, November 5, 2024; and

**WHEREAS**, per the Texas Local Government Code Section 9.004(e), more than one amendment may be combined in one ballot proposition as long as the amendments contain only one subject; and

**WHEREAS**, per the Texas Local Government Code Section 9.004 a ballot for proposed charter amendments shall be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all the amendments; and

**WHEREAS**, the City Council hereby finds and determines that propositions to be submitted are in compliance with the Texas Local Government Code and that the holding of this election on the uniform election date set forth below is in conformance with all applicable election laws; and

**WHEREAS**, the Texas Constitution, the *Texas Election Code* (the “Code”), and the City Charter are applicable to said General and Special Elections (hereinafter collectively referred to as the “election” or “elections”), and in order to comply with applicable laws, an ordinance is required to call the elections and establish procedures consistent with the Constitution, the Code, and the Charter; and

**WHEREAS**, the City has made provisions to contract with Nueces County to conduct the City's election, pursuant to *Chapter 31, Tex. Elec. Code*, and *Chapter 791, Tex. Gov't Code* (the "Contract for Election Services" or "contract"), and such contract provides for political subdivisions subject to the contract that hold elections on the same day in all or part of the same territory to hold a joint election as authorized in *Chapter 271, Tex. Elec. Code*;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROBSTOWN, TEXAS THAT:**

**SECTION 1.** A General and Special Election shall be held on the 5<sup>th</sup> day of November 2024, a uniform election date, in the City of Robstown Texas ("City") which date is not less than thirty (30) days from the date of the adoption of this ordinance (the "Ordinance"), for the purpose of submitting the following propositions to the qualified voters of the City to amend the Charter of the City.

**SECTION 2.** The City Council of the City of Robstown authorizes the Mayor to sign the order calling the General and Special Election and any subsequent orders adjusting the polling locations, dates and times that are subject to change due to agreements with the Nueces County Elections Department and other joint election agreements up until the final posting deadline of such notice pursuant Texas Election Code ("Code") § 4.003(a)(b) and (c).

**SECTION 3.** The Nueces County Election Officer and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the Contract for Election Services, the City Charter, and the law governing the holding of general and special elections; and the official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

**SECTION 4.** Early voting, both by personal appearance and by mail, will be conducted by the Nueces County Election Officer, who is designated and appointed as the Early Voting Clerk, in accordance with the *Tex. Elec. Code*. Early voting by personal appearance shall be conducted at places and locations authorized by state law and the designated by the Nueces County Election Officer. Early voting shall commence on October 21, 2024, and ending on November 1, 2024, and early voting polls shall remain open for the time specified by the *Tex. Elec. Code*.

**SECTION 5. Ballot Propositions.** The official ballots shall be prepared in accordance with the Texas Election Code, as amended, so as to permit electors to vote "FOR" or "AGAINST" the aforesaid charter proposition. Voters should place an "X" in the square beside the statement indicating the way they wish to vote.

**SECTION 6.** The following measures will be submitted to the qualified voters of the City at the election to be held on the date specified in the previous section in the form of propositions in accordance with Section 9.004 of the Texas Local Government Code and the City Charter.

**I. ELECTION**

**ONE-UTILITY BOARD OF TRUSTEE POSITION NO. 3  
VOTE FOR ONE OR NONE**

Utility Board of Trustee Position No. 3:  \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**II. CHARTER AMENDMENTS**

**PROPOSITION ONE**

Shall Article I Sections 1, 2, Article II Sections 1(a), 1(d), 2(a) 3, 4(a), Article III, Sections 1, 2 and 5 of the City Charter be amended to require submission to the qualified voters of the City to eliminate provisions which have become inoperative because they have been superseded by state law; replace obsolete references and update terminology to current legal usage?

FOR       AGAINST

Article I Sections 1, 2, Article II Sections 1(a), 1(d), 2(a) 3, 4(a), Article III, Sections 2 and of the City Charter shall be amended to eliminate provisions which have become inoperative because they have been superseded by state law; replace obsolete references; update terminology to current legal usage, and to eliminate obsolete transitional provisions so that the paragraphs when amended, shall read as follows:

**Sec. 1. Incorporation.**

The inhabitants of the City of Robstown, Texas, within its corporate limits as established by state law, and as established or extended by the Charter of the City of Robstown, Texas, as amended. The city council shall have the power by an ordinance to fix or define the boundary limits of the City of Robstown in accordance with Chapter 43 of the Texas Local Government Code. The City of Robstown, Texas, is hereby constituted a body politic and corporate, in perpetuity, under the name "City of Robstown," hereinafter referred to as the "city," with such powers, privileges, rights, duties and immunities as are herein provided and as authorized by the Texas Constitution and state laws.

## **Sec. 2. Powers.**

The City shall have all the powers granted to municipal corporations and to cities by the Constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The City may acquire property within or outside its corporate limits for any City purpose in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation, and may sell, lease mortgage, hold, manage and control such property as its interests may require; may furnish municipal services, both within and without its corporate limits; and, except as prohibited by the Constitution of this State or restricted by this Charter, the City shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

## **ARTICLE II. CITY COUNCIL**

### **Sec. 1. Membership and Term.**

(a) The city council shall consist of a mayor and six council members elected by majority vote at large, with each council member running for office in a numbered place position. Any person having the qualifications provided by state law and this charter who is a resident of the city shall be eligible as a candidate for mayor or any one of the six council member places.

(d) Newly elected council members shall take office at the first council meeting after the votes are canvassed from the regular election; provided, however, that in the event a run-off election is required, newly elected run-off council members shall take office at the first council meeting after the votes are canvassed from the run-off election.

### **Sec. 2. Election Procedures.**

(a) Candidates for mayor or city council shall file with the city secretary within the time provided by law an application to appear on the ballot. ~~The candidate shall not owe delinquent taxes to the city, and the~~ application shall meet the requirements of the Texas Election Code, as the same may be amended from time to time.

### **Sec. 3. Runoff Elections.**

If no candidate for mayor or a council member for a specific place receives a majority of all votes cast for such office at any regular or special election, there shall be held a runoff election at which the two candidates receiving the highest number of votes in the regular or special election shall stand for election. Such runoff election will be held in accordance with the Texas Election Code.

### **Sec. 4. The Mayor Pro Tem.**

(a) At the first regular council meeting after the canvassing of a Mayoral general election, the city council shall nominate and confirm one of the council members who shall be known and designated as mayor pro tem, and he or she shall receive no extra pay by reason of being or acting as mayor pro tem.

**ARTICLE III. ADMINISTRATION**

**Sec. 1. City Secretary.**

The city council shall appoint a City Secretary, upon nomination by the Mayor. The City Secretary may be employed for an indefinite term but may be removed at the will and pleasure of the council by a majority vote of the City Council, after having been allowed a fair and impartial hearing before said City Council, if hearing is requested. The said City Secretary need not be a resident of the City of Robstown, and need possess only (such) qualifications as the City Council deems necessary. The said City Secretary shall also be the Treasurer ~~and Tax Collector-Assessor~~ of the City and shall furnish such fidelity bonds as the City Council requires, but in no event shall the total of such bonds be less than \$50,000.00. The City Secretary shall be paid such compensation as is set by the City Council.

**Sec. 2. Chief of Police.**

The city council shall appoint a Chief of Police upon nomination by the Mayor, who shall hold office for a term beginning at the time of his appointment and ending at the time of the next regular election, unless sooner removed by a majority vote of the city council after having been allowed a fair and impartial hearing before the city council, if such hearing is requested. The Chief of Police need not be a resident of the City of Robstown, and need possess qualifications required by State Law and any other qualifications as the city council deems necessary. The Chief of Police shall be paid such compensation as is set by the city council

**Sec. 5. Municipal Court.**

The City Council shall establish and cause to be maintained a Municipal Court. The Court shall have all the powers and duties as are now, or as may be, prescribed by the laws of the State of Texas. The City Council shall appoint a municipal judge(s) upon nomination by the Mayor. The Municipal Judge(s) of the Municipal Court(s) shall be appointed to a term of two (2) years. The appointment of the Municipal Judge(s) may be terminated at any time by the affirmative vote of a two-thirds majority of the City Council, after due notice and a public hearing. The Municipal Judge(s) shall receive compensation as may be determined by the City Council.

**PROPOSITION TWO**

Shall Article II, Section 1 (b) of the City Charter be amended to increase the term of office for Mayor and Council from two (2) to four (4) years and limit the Mayor and Council to serve no more than three consecutive four year terms?

FOR       AGAINST

Article II, Section 1 (b) and 1(c) of the City Charter shall be amended to increase the term of office for Mayor and Council from two (2) to four (4) years and limit the Mayor and Council to serve no more than three consecutive four year terms shall read as follows:

(b) The mayor and members of the city council shall be elected to terms of four years and shall hold office until their respective successors have been elected and qualified. The regular election shall be held on the uniform election date in November, or at such other times as may be authorized by State law and designated by City Council by ordinance at least six months prior to the regular election.

c) The mayor and council member can serve no more than three (3) consecutive four-year terms. After the third consecutive term, the mayor and council member shall not be eligible to hold another office on city council for a period of one (1) year from the date of the previous election. A partial term served of 365 days or longer shall constitute a full term for purposes of this section.

**Transition Language:** Terms served prior to the November 2024 election shall not apply to the term limits if adopted.

**Transition Language:** In order to affect transition from two year to four year terms the following shall occur: At the November 2025 regular election, Mayor and all members of the Council shall be elected to a four-year term.

### **PROPOSITION THREE**

Shall Article II section 12 (a) of the City Charter be amended to make clear that if terms are increased to four (4) years, then an election would be required to fill the vacancy in the Mayor’s position or Councilmember position if more than 365 days remain in their term?

FOR \_\_\_       AGAINST \_\_\_

Article II section 12 (a) of the City Charter be amended to make clear that if terms are increased to four (4) years, an election would be required to fill the vacancy in the Mayor’s position or Councilmember position if more than 365 days remain in their term, when amended, shall read as follows:

#### **Sec. 12. Vacancy in Office of Mayor or Council Member.**

(a) In the event of death, resignation, permanent disability, forfeiture of office or recall of the mayor or council member, or if for any reason a vacancy shall exist in the office of mayor or council member, and if there are 365 days or more remaining on the term of the vacated office, the city council shall call an election to fill such vacancy. If there are less than 365 days remaining in the term of the vacant elected office, the city council may, by majority vote of the remaining members of the city council, at its discretion, leave the office vacant, or appoint a new Mayor or Council member to fill such vacancy for the remainder of the term.

**Transition Language:** This Amendment will only go into effect if council terms are increased to four year terms.

**PROPOSITION FOUR**

Shall Article II section 13 of the City Charter be amended to clarify that if a majority of councilmembers are recalled, an election will be called by the remaining councilmembers on the first legally allowable election date and that at least three councilmembers shall constitute a quorum to conduct city business until such election is held?

FOR                       AGAINST

Article II section 13 of the City Charter be amended to clarify that if a majority of councilmembers are recalled, an election will be called by the remaining councilmembers on the first legally allowable election date and that at least three councilmembers shall constitute a quorum to conduct city business until such election is held, so when amended, shall read as follows:

**Sec. 13.    Vacancies in Office of Council Member upon a Recall Election.**

In the event a majority of the council members are recalled at the same recall election, then the vacancies in the offices theretofore held by them shall be filled by a special election to be held on the first legally allowable uniform election date with said newly elected council members to serve out the remainder of the respective term of the place to which they were elected. Such election shall be forthwith called by the then remaining council members, and if there be no remaining council members, such election shall be held on the first legally allowable uniform election date without the necessity of an order.

In the event a majority of the council members are recalled at the same recall election, the remaining members of the City Council, if at least three, shall constitute a quorum in order to conduct business of the City.

**PROPOSITION FIVE**

Shall Article I Section 3 (d) of the City Charter be amended to eliminate the requirement of having the City Attorney revise an initiative ordinance submitted by the voters?

FOR                       AGAINST

Article I Section 3 (d) of the City Charter shall be amended to eliminate the requirement of having the City Attorney revise an initiative ordinance submitted by the voters, when amended, shall read as follows:

**SECTION 3.01 Composition**

d) ~~In the case of an initiative, the city attorney shall draft an ordinance in legal form,~~

consistent with the laws of the State and the United States, incorporating in substance the text submitted. The city secretary shall present the initiative or the request for referendum to the city council at its next regular meeting. Forty-five days from the date of presentment shall be allotted to the city council to consider the adoption of such ordinance by initiative. In the case of referendum, the city council shall have until the adjournment of the next regular city council meeting to reconsider such ordinance.

### **III. BALLOT PROPOSITIONS**

#### **PROPOSITION ONE**

Shall Article I Sections 1, 2, Article II Sections 1(a), 1(d), 2(a) 3, 4(a), Article III, Sections 1, 2 and 5 of the City Charter be amended to require submission to the qualified voters of the City to eliminate provisions which have become inoperative because they have been superseded by state law; replace obsolete references and update terminology to current legal usage?

FOR \_\_\_       AGAINST \_\_\_

#### **PROPOSITION TWO**

Shall Article II, Section 1 (b) of the City Charter be amended to increase the term of office for Mayor and Council from two (2) to four (4) years and limit the Mayor and Council to serve no more than three consecutive four year terms?

FOR \_\_\_       AGAINST \_\_\_

#### **PROPOSITION THREE**

Shall Article II section 12 (a) of the City Charter be amended to make clear that if terms are increased to four (4) years, then an election would be required to fill the vacancy in the Mayor's position or Councilmember position if more than 365 days remain in their term?

FOR \_\_\_       AGAINST \_\_\_

#### **PROPOSITION FOUR**

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FOR \_\_\_       AGAINST \_\_\_



**PROPOSITION FIVE**

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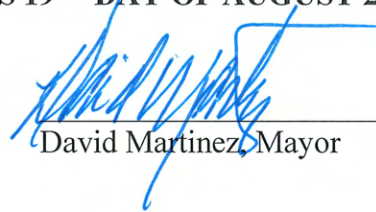
FOR \_\_\_       AGAINST \_\_\_

**SECTION 4.** City Council has adopted an Ordinance calling for this General and Special Election and the City has met its legal requirements for calling an election. The Mayor and the City Secretary of the City, in consultation with Special Legal Counsel, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the General and Special Election, whether or not expressly authorized herein. The City will enter into a contract with Nueces County Elections Administrator outlining dates and locations for early voting and locations for November 5, 2024, election day.

**SECTION 5. Severability.** That should any part, section, subsection, paragraph, sentence, clause or phrase contained in this ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

**SECTION 6. Effective Date.** This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

**PASSED AND APPROVED THIS 19<sup>TH</sup> DAY OF AUGUST 2024.**

  
\_\_\_\_\_  
David Martinez, Mayor

ATTEST:

  
\_\_\_\_\_  
Jacinda Martinez, City Secretary