EXHIBIT A
Proposed Charter Amendments

Below are the proposed amendments to the Home Rule Charter. Words and punctuation proposed to be added are underlined; words and punctuation proposed to be deleted are marked with ~~strikethrough~~. The proposed amendments to the Home Rule Charter are designated below in order of their appearance on the ballot along with the ballot proposition associated with each such proposed amendment. Where a section of the Charter is affected by more than one Proposition, if there is a hierarchy of priority between the two Propositions, the section shall be listed under the Proposition that is more specific or that takes priority in significance (example: conforming to state law takes priority over punctuation). Where a section of the Charter is affected by more than one Propositions of equal significance, the Proposition shall appear under both Propositions (example: candidate to be 21 on date of election and candidate not to be in arrears in taxes or liabilities due to the City).

CITY OF DECATUR PROPOSITION A

Shall the Charter be amended to correct non-substantive capitalization, punctuation, grammar, and sentence structure errors and remove or clarify references to outdated position titles, functions, or word usage?

1.02 - Corporate Boundaries.

(a) The boundaries of the City shall be as they exist when this Charter is adopted, until changed by the City Council.

(b) The boundaries and limits of the City shall be those established on an official map duly adopted by the City Council by ordinance and amended from time to time to include annexations and disannexations from the corporate limits. The City Secretary shall at all times keep a correct and complete legal description and official map on file, with recent annexations and disannexations.

1.05 - Form of Government.

The municipal government provided by this Charter shall be known as "Council-Manager Form of Government." Pursuant to the provisions of, and subject only to the limitations imposed by, the ~~State~~ Constitution and laws of the State of ~~Laws~~ Texas and this Charter, all powers of the City shall be vested in an elective council, hereinafter referred to as the "Council."

1.06 - General Powers of the City.

(a) The City shall have all powers, functions, rights, privileges and immunities of every name and nature, that are now or hereafter may be granted to a Home Rule City by the Constitution and laws of ~~this~~ the State of Texas, together with all implied powers necessary to carry into execution all such powers granted.

(b) Among such powers, the City shall have police powers, the power to adjust boundaries, the power to contract and to co-operate with the government of the State of Texas or any agency or subdivision thereof, ~~or~~ and the power to contract and co-operate with the federal government or any agency thereof to accomplish any lawful purpose. The City may use a corporate seal.~~;~~ The City may acquire property within or without its corporate limits for any purpose in fee simple, or in any lesser interest or estate by purchase, gift, devise, lease, exchange, or condemnation~~,~~, and subject to the provisions of this Charter, the City may sell, lease, mortgage, hold, manage, improve, exchange and control property as may now or hereafter be owned by it; may access, levy and collect taxes for general and special purposes on all lawful subjects of taxation; may borrow money and appropriate money for all lawful purposes; may furnish municipal services as provided by state law, both within and without its corporate limits; may provide for the expenditure of public funds for a retirement system, group health, life and accident insurance coverage, and surety bonds for City employees or officers; may pass ordinances, resolutions, and enact such regulations as may be expedient for the maintenance of good government, order, and peace of the City and the interest, welfare, health,

morals, comfort, safety, security, and convenience of the City for its inhabitants consistent with the provisions of this Charter.

1.10 - Platting of Property.
Should any property situated within the corporate limits of the City ~~or within the extraterritorial jurisdiction of the City,~~ be hereafter platted into blocks and lots, the owner or owners of the property shall comply with the ~~comprehensive master plan~~ Comprehensive Master Plan of the City, all provisions of the ordinances, rules, and regulations of the City, and all provisions of the applicable ~~State~~ state laws.

1.12 - Solid Waste Disposal.
The City shall have the power to provide for and/or own a solid waste collection and disposal system as well as regulation of all sanitary ~~land fills~~ landfills. The Council shall have the right by ordinance to adopt and prescribe rules and regulations for the handling of all garbage, trash, and rubbish in the City and shall further have the right to fix charges and compensation to be charged by the City for the removal of garbage, trash, and rubbish, and to provide rules and regulations for the collection thereof.

1.13 - Sanitary Sewer System.
The City shall have the power to provide for and/or own a sanitary sewer system and to require property owners to connect their premises with such sewer ~~systems~~ system; to prescribe rules, regulations, and restrictions with reference to use, consumption, waste, payment, cutoff, turn on, connections, and management of such system; ~~, and~~ to prescribe penalties for violation of such rules and regulations; and shall further have the right to fix charges, rates, and compensation to be charged by the City for sewage service, to provide rules and regulations for the collection thereof, and to provide for fixing a lien against the property~~,~~ of the owners of which fail or refuse to pay such charges and compensation.

1.14 - Water System.
The City shall have the power to provide for and/or own a water system and to require property owners to connect their premises with such water systems; ~~and~~ to prescribe rules, regulations, and restrictions with reference to use, consumption, waste, payment, cutoff, turn on, connections, and management of such system; ~~, and~~ to prescribe penalties for violation of such rules and regulations; and shall further have the right to fix charges, rates, and compensation to be charged by the City for water service, to provide rules and regulations for the collection thereof, and to provide for fixing a lien against the property~~,~~ when the owners of which fail or refuse to pay such charges and compensation.

1.17 - Police.
The Council shall, by ordinance or otherwise, provide means to preserve order within the City; ~~, and~~ to secure residents of said City from violence; ~~, and~~ to secure property therein from injury or loss; ~~,~~ and for the establishment, maintenance, support, and regulation of a Police Department.

3.03 - Investigative Powers of the Council.
The Council as a whole shall have the power to inquire into or investigate the official conduct of any department, agency, officer, or employee of the City and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, records or other evidence~~, and as it~~. The Council shall provide by Ordinance~~, to punish~~ punishment and ~~fix~~ penalties for contempt for failure or refusal to obey any such subpoena or to produce any such books, papers, records, or other evidence. All powers granted by this section shall be exercised only in a meeting of a quorum of the Council held in compliance with the Texas Open Meetings Act.

3.06 - Appointive Offices.
In addition to the elected officers, the other officers of the City shall be the City Manager, City Attorney, and such other officers as the Council may from time to time direct. The Council may abolish or consolidate such offices and positions as it may deem to be in the best interest of the City and may divide the administration of such offices or positions as it may deem advisable, create new offices and positions, and discontinue any office or position at its discretion, except the offices of City Manager, City Secretary, and City Attorney. Removal of officers appointed by the ~~city council~~ City Council shall be at the discretion of the Council, by vote of the majority of the entire Council.

3.09 - Action Requiring an Ordinance.

(a) The Council shall legislate by ordinance. In addition to other acts required by law or by a specific provision of this Charter to be done by ordinance, those acts of the Council shall be by ordinance which:

(1) adopt, amend, or establish an administrative code;

(2) alter or abolish any City board, department, office, or agency;

(3) provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(4) levy taxes, except as otherwise provided in Chapter 9 of this Charter with respect to the property tax levied by adoption of the budget;

(5) grant, renew, or extend a franchise;

(6) regulate the rate charged for services by a public utility;

(7) authorize the borrowing of money that cannot be repaid within the current fiscal year;

(8) convey, lease, or authorize the conveyance or lease of any lands of the City;

(9) adopt, with or without amendment, ordinances proposed under the initiative power; and

(10) amend or repeal any ordinance previously adopted, except as otherwise provided in Chapter 8 of this Charter with respect to the repeal of ordinances reconsidered under the referendum power.

(b) Acts other than those referred to in the preceding sentence may be done either by ordinance, resolution, or minute order.

3.12 - Emergency Ordinances.

The Council may adopt emergency ordinances only to meet public emergencies affecting the life, health, property, or the public peace in accordance with ~~State~~ state law. In particular, such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly ~~designed~~ designated in the title as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing ~~it~~ the emergency in clear and specific terms. An emergency ordinance can be adopted with or without amendment or rejected at the meeting at which it was introduced. The affirmative vote of four (4) members of the Council shall be required for adoption. After adoption, the ordinance shall be published as required for other adopted ordinances but may become effective immediately upon enactment.

4.01 - Administrative Departments.

(a) There shall be such administrative departments as are established by this Charter and may be established by ordinance, and excepting as otherwise provided in this Charter, these administrative departments shall be under the direction of the City Manager. The Council shall have power by ordinance to establish administrative departments or offices not herein provided by this Charter. The Council may discontinue, ~~redesignate~~ re-designate, or combine any of the departments and/or administrative offices. No changes shall be made bCouncil in the organization of the administrative service of the City until the recommendations of the City Manager thereon shall have been given an opportunity to be heard by the Council.

(b) The head of each department shall be a chief, director, superintendent, or coordinator who shall be appointed by the City Manager, and such chief, director, ~~or~~ superintendent, or coordinator shall have supervision and control over ~~his~~ their department. Two or more departments may be headed by the same individual, and the City Manager may act as City Secretary and may head one or more departments.

4.02 - Appointment and Qualifications.

(a) The Council, by majority vote of the entire Council qualified and serving, shall appoint a City Manager, who shall be the chief administrative officer of the City.

(b) The method of selection shall be left to the discretion of the Council so long as the method ~~insures~~ ensures orderly, non-partisan action toward securing a competent and qualified

person to fill the position. The City Manager shall be chosen solely upon the basis of the person's administrative training, experience, ability, and character.

(c) Neither the Mayor nor any Councilmember may be appointed City Manager or acting City Manager while holding office or for a period of two (2) years thereafter.

(d) The City Manager shall establish residency in the City of Decatur unless excused by City Council.

4.03 - Compensation.

The City Manager shall receive compensation as may be ~~fixed~~ set by the Council according to the person's experience, education, and training.

4.04 - Term and Removal.

(a) The City Manager may be appointed for a definite term but may be removed at the discretion of the Council, by the affirmative vote of five (5) members of the Council, unless otherwise provided by contract.

(b) If removed after serving six (6) months, ~~he~~ the City Manager may demand written charges and the right to be heard thereon at a public meeting of the Council prior to the date on which ~~his~~ the City Manager's final removal shall take effect. ~~; but pending~~ Pending such hearing the Council may suspend ~~him~~ the City Manager from office.

(c) The action of the Council in suspending or removing the City Manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the Council.

(d) The Council is authorized to enter into a contract with a City Manager to establish additional terms of employment.

4.06 - Powers and Duties.

The City Manager shall be the chief administrative officer and head of the administrative branch of the City. He shall be responsible to the Council for the proper administration of all the affairs of the City and to that end shall have the power and be required to:

(1) In cooperation with the City Attorney, see that all ~~State~~ state laws and City ordinances are effectively enforced.

(2) Appoint, suspend, and/or remove all or any one of the heads of departments and all subordinate officers and employees of the City.

(3) Exercise control over all departments and subdivisions thereof created by this Charter or that may hereafter be created by the Council, except as hereinafter provided.

(4) See that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof to call the same to the attention of the City Attorney, whose duty it shall be to take such steps as may be necessary to enforce the same.

(5) Attend all meetings of the Council, except when excused by the Council.

(6) Prepare a proposed budget annually and submit it to the Council each year and be responsible for its administration after its adoption.

(7) Administer the budget of the City.

(8) Prepare and submit to the Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.

(9) Keep the Council advised of the financial condition and future needs of the City and make such recommendations as may seem to ~~him~~ the City Manager advisable.

(10) Prepare personnel rules subject to the approval of the Council.

(11) Perform such other duties as may be prescribed by this Charter or required ~~of him~~ by the Council.

4.07 - Acting City Manager.

(a) The City Manager, within thirty (30) days after taking office, shall designate by letter filed with the City Secretary, a qualified administrative officer of the City to perform the duties of the City Manager in ~~his~~ the City Manager's absence or disability. Such designation shall be subject to approval of the Council. No member of the City Council shall serve as Acting City

Manager. Upon resignation or termination of the City Manager, the Acting City Manager shall perform the duties of the City Manager until a new City Manager or Acting City Manager is appointed by the Council.

(b) Should the need for an Acting City Manager occur prior to the City Manager submitting a designee or prior to the Council's approval of the City Manager's designee, the Council shall appoint an Acting City Manager.

(c) The City Manager may select a different Acting City Manager by repeating the letter of designation and obtaining the Council's approval.

7.01 - City Elections.
The regular City Election shall be held annually on the first Saturday in May or other date established by ~~State~~ state law, at which time officers will be elected to fill those offices, the terms of which expire that year. The Council shall fix the hours and place for holding such election. Notice of the election shall be published according to ~~State~~ state law. In the order, ordinance, or resolution of the Council calling any election, at which more than one (1) Council member shall be elected, the Council shall, in calling such election, provide for a separate place on the ballot for each vacancy to be filled at such election, designating such places as Place No. One, Place No. Two, etc.; and in case an unexpired term is to be filled at such election, the place for the unexpired term shall be so designated.

7.02 - Special Elections.
The Council, by ordinance or resolution, may call such special elections as are authorized by ~~State~~ state law, this Charter, or for any other reason the Council deems necessary, fix the time and place of holding same, and provide all means for holding such special elections in accordance with ~~State~~ state law.

7.07 - Official Ballots.

(a) Candidates Names on Ballots: The names of all candidates who have filed for office shall be printed on the official ballots without party designation. The order on the ballot of the names of the candidates for each office or position shall be determined by lot in a drawing to be held under the supervision of the City Secretary, or as otherwise required by ~~State~~ state law.

(b) Early Voting shall be governed by ~~the Texas Election Code~~ state law.

7.09 - Runoff in Event of Tie.
In the event there is a tie vote, and no candidate receives a plurality of the votes cast, there shall be a runoff election held in accordance with ~~State~~ state law.

7.10 - Notification of City Officers.
The City Secretary, with the concurrence of the Council, shall promptly notify all persons elected to office. A candidate who is elected in a regular or special City election shall, after taking the oath of office as prescribed herein, take office and enter upon ~~his~~ their duties at the next Council meeting after the date of the election.

8.01 - Initiative, Referendum, and Recall.

(a) The Power of Initiative: The qualified voters of the City shall have power to propose ordinances to the Council, and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a City election, provided that such power shall not extend to the budget or capital program or any ordinance relating to zoning, appropriation of money, levy of taxes, issuance of bonds and notes, borrowing of money, salaries of City officers or employees, ~~or~~ matters related to administration of municipal employees, annexation, ~~or~~ municipal boundary adjustments, or in any instance where a court of proper jurisdiction determines that the initiated ordinance has been removed from the field of initiative. Such initiative power may be used to enact a new ordinance, or to repeal or ~~to~~ amend sections of any existing ordinances.

(b) The Power of Referendum: The qualified voters of the City shall have power to require reconsideration by the Council of any adopted ordinance, and if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election provided that such power shall not extend to the budget or capital program or any ordinance relating to zoning,

appropriation of money, levy of taxes, issuance of bonds and notes, borrowing of money, salaries of City officers or employees, ~~or~~ matters related to administration of municipal employees, annexation, ~~or~~ municipal boundary adjustments, or in any instance where a court of proper jurisdiction determines that the referred ordinance has been removed from the field of referendum.

(c) The Power of Recall. Any member of the City Council may be removed from office by a recall election held by the qualified voters of a Councilmember's constituency. As used herein, "constituency" means the qualified voters eligible to vote for the Councilmember whose removal is sought either by geographic district established according to Section 2.02(d) of this Charter or at large, as the case may be.

(d) ~~Qualified Voter Defined. As used in this Charter, a qualified voter is a person who possesses voter qualifications established by the Election Code, and is a registered voter as defined by the Election Code.~~ [Moved to Definitions section]

(e) ~~Business Day Defined. As used in this Chapter, business day shall mean every day except Saturdays, Sundays, and official municipal holidays.~~ [Moved to Definitions section]

8.02 - Commencement of Proceedings for Initiative and Referendum; Petitioners' Committee; Affidavit.

(a) Any fifteen (15) qualified voters may commence initiative or referendum proceedings by filing with the City Secretary an affidavit stating they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form ~~stating their~~. The affidavit shall state the names and addresses of the fifteen (15) qualified voters and ~~specifying~~ specify the address to which all notices to the committee are to be sent~~, and setting out in~~. The affidavit shall set forth in full the proposed initiative ordinance or ~~citing~~ cite the ordinance sought to be reconsidered.

(b) Promptly after the affidavit of the Petitioners' Committee is filed, the City Secretary shall verify that the applicants are qualified voters, and if they are, shall issue the appropriate petition blanks to the Petitioners' Committee.

8.03 – Petitions for Initiative and Referendum

(a) Number of Signatures: Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least twenty (2) percent of the total number of qualified voters registered to vote at the last regular City election.

(b) Form and Content: All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the signer's printed name, the signer's voter registration number, the county of registration, the signer's residence address, and date of signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) Affidavit of Circulator: Each paper of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Time for Filing Petitions: Referendum petitions must be filed within sixty (60) days after adoption by the Council of the ordinance sought to be reconsidered. Initiative petitions must be filed within sixty (60) days after issuance of the appropriate petition blanks to the Petitioners' Committee~~;~~. ~~a~~Additional time as specified in 8.04 shall be allowed for amending petitions. All petitions shall be filed with the City Secretary.

8.04 - Procedure After Filing Petition for Initiative or Referendum.

(a) Review by City Secretary and City Attorney. Upon the filing of a petition, the City Secretary shall review the petition to determine the existence of the requisite number of signatures of qualified and registered voters and whether the form of the petition complies with the provisions of this Charter. The City Secretary shall also review the petition to determine the

genuineness of the signatures. The City Attorney shall review the petition for legal sufficiency. The Council may provide by ordinance the punishment and penalties for contempt for failure or refusal to obey any subpoena, or request for production of evidence issued by the City Secretary or City Attorney.

(b) Certificate of City Secretary. Within ten (10) business days after the petition is filed, the City Secretary, with advice from the City Attorney, shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the Petitioners' Committee by registered mail.

(c) Amendment by Petitioner. A petition certified insufficient for lack of the required number of valid signatures or due to inadequate form or content may be amended ~~once~~ one time if the Petitioners' Committee files a notice of intention to amend it with the City Secretary within five (5) business days after receiving the copy of such certificate and files a supplementary petition upon additional papers within ten (10) business days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 8.03 ~~and within~~. Within five (5) business days after it is filed, the City Secretary shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition.

(d) Submission to City Council. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the Petitioners' Committee does not elect to amend as provided in subsection (c) within the time required, the City Secretary shall promptly present this certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

8.07 - Results of Election for Initiative and/or Referendum.

(a) Initiative: If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) Referendum: If a majority of the qualified electors voting on a referred ordinance ~~vote against it,~~ in favor of the repeal of the ordinance, the ordinance shall be considered repealed upon certification of the election results.

8.08 - Commencement of Recall Proceedings; Petitioners' Committee; Affidavit.

Any fifteen (15) qualified voters of the Mayor's or a Councilmember's constituency may commence recall proceedings by filing with the City Secretary an affidavit stating they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form ~~stating their~~. The affidavit must state the names and addresses of the fifteen (15) qualified voters and ~~specifying~~ specify the address to which all notices to the committee are to be sent~~, and setting out~~. The affidavit must set forth the name of the Councilmember to be removed and a clear and concise statement of the grounds for ~~his~~ the Councilmember's removal. As used herein for purposes of recall, "Councilmember" shall include the office of Mayor.

8.09 - Recall Petitions.

(a) Number of Signatures: Recall petitions must be signed by qualified voters of the Councilmember's constituency, equal in number to at least twenty (20) percent of the total number of qualified voters registered to vote at the last regular City election.

(b) Form and Content: All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the signer's printed name, the signer's voter registration number, the county of registration, the signer's residence address, and date of signing. Recall petitions shall contain the name of the Councilmember whose removal is sought, and a clear and concise statement of the grounds for ~~this~~ removal. There shall be a separate petition for each Councilmember whose removal is sought.

(c) Affidavit of Circulator: Each paper of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that ~~he~~ the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in ~~his~~ the circulator's presence, and that ~~he~~ the circulator believes them to be the genuine signatures of the persons whose names they purport to be.

(d) Time for Filing Petitions: No signature to a recall petition shall remain effective or be counted if it was placed upon the petition more than forty-five (45) days prior to filing of the recall petition with the City Secretary.

8.10 - Procedure After Filing Petition for Recall.

(a) Review by City Secretary and City Attorney. Upon the filing of a petition, the City Secretary shall review the petition to determine the existence of the requisite number of signatures of qualified voters and whether the form of the petition complies with the provisions of this Charter. The City Secretary shall also review the petition to determine the genuineness of the signatures. The City Attorney shall review the petition for legal sufficiency. The Council may provide by ordinance the punishment and penalties for contempt for failure or refusal to obey any subpoena or request for production of evidence issued by the City Secretary or City Attorney.

(b) Within ten (10) business days after the petition is filed, the City Secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the Petitioners' Committee by registered mail.

(c) A petition certified insufficient for lack of the required number of valid signatures or due to inadequate form or content may be amended once if the Petitioners' Committee files a notice of intention to amend it with the City Secretary within five (5) business days after receiving the copy of this certificate and files a supplementary petition upon additional papers within ten (10) business days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 8.09 ~~and within~~. Within five (5) business days after it is filed, the City Secretary shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition.

(d) If a petition or amended petition is certified sufficient or if a petition or amended petition is certified sufficient and in compliance with the terms of this Chapter of the Charter, the City Secretary shall promptly present this certificate to the Council at its next regular council meeting or at a specially called meeting and immediately shall notify the Councilmember whose removal is sought and provide ~~him~~ the Councilmember with a copy of ~~his~~ the petition.

(e) If the Councilmember whose removal is sought does not resign within seven (7) days after the certified petition is presented to the Council, the City Council, at its next regular meeting or at a specially called meeting, shall order a recall election to be held on the first uniform election date occurring on or after the 45th day after the date the election is ordered.

8.11 - Public Hearing.

The elected official whose removal is sought may, within five (5) days after such recall petition has been presented to the Council, request that a public hearing be held to permit ~~him~~ the elected official to present facts pertinent to the charges specified in the recall petition. In this event, the Council shall order such public hearings to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

8.14 - Limitation on Recall.

No recall petition shall be filed against an elected official within six (6) months after ~~he~~ the elected official takes office, or within one year after a failed recall election.

8.15 - Failure of City Council to Call an Election.

In case all of the requirements of this Charter shall have been met and the Council shall fail or refuse to receive the initiative, referendum, or recall petition or order such initiative, referendum, or recall election, or

fail to discharge other duties imposed upon said Council by the provisions of this Charter with reference to such initiative, referendum, or recall~~, then the County Judge of Wise County, Texas, shall discharge any such duties herein provided to be discharged by the City Secretary or by the Council. In addition~~ any qualified voter in the City may seek judicial relief in the District Court of Wise County, Texas, to have any of the provisions of this Charter pertaining to initiative, referendum, or recall carried out by the proper official. Any qualified voter of the City who prevails in a judicial action to secure adherence under this provision shall be refunded the qualified voter's filing fees and reasonable attorney's fees.

9.02 - Annual Budget.
The operating budget report shall explain the budget in fiscal terms and in terms of work programs for the ensuing fiscal year. It shall outline the proposed financial policies of the City and shall include such other materials as the City Manager deems necessary. The source or basis of the estimates shall be part of the forecast.

The budget shall contain the following:

(1) Comparative figures for the actual and estimated tax rate, revenues, and other income and expenditures to compare the current and prior fiscal year.

(2) The proposed expenditures of each office, department, or function, and reasons for proposed increases or decreases.

(3) A schedule showing the debt service requirement due on all outstanding indebtedness and on any proposed debt.

(4) The source or basis of the estimates.

(5) The total of the proposed expenditures shall not exceed the total estimated income and the balance of available funds.

(6) Such other information as may be required by ~~State~~ state law, the Council, or deemed appropriate by the City Manager.

9.03 - Capital Facilities and Property Budget.
The City Manager shall propose annually a five (5) year Capital Facilities and Property budget, which may be revised and extended each year to indicate capital improvements pending or in process of construction or acquisition and which shall provide the following items:

(a) A summary of proposed programs;

(b) A list of all capital facilities and property improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(c) Cost estimates, ~~method~~ methods of financing, and recommended time schedules for each such improvement with the estimated effect on the tax levy; and

(d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired over the five (5) year period.

9.04 – Submission.
The City Manager shall submit to the Council a proposed budget and accompanying ~~message~~ report on or before the first day of August of each year. The Council shall review the proposed budget and revise it as deemed appropriate prior to general circulation for public hearing.

9.05 - Public Notice and Hearing.
The Council shall post in the City Hall and publish in the official newspaper as required by ~~State~~ state law prior to any required public hearing on the budget a notice stating the time and place where copies of the ~~message~~ report and budget are available for inspection by the public and the time and place of each public hearing on the budget.

9.06 - Amendment before Adoption.
The Council may adopt the budget with or without amendment at a regular or special meeting. In amending the budget, the Council may add or increase any programs or ~~amount~~ amounts and may delete or decrease any programs or amounts~~,~~ except expenditures required by law or for debt service or ~~for~~ to address an

estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.

9.07 - Adoption.
The Council, by majority vote, shall adopt the budget by ordinance not later than the 30th day of September. Adoption of the budget shall constitute appropriations of the ~~amount~~ amounts specified therein as expenditures from the ~~fund~~ funds indicated~~,~~ and shall constitute a levy of the property tax therein proposed.

9.09 - Failure to Adopt a Budget.
If the Council fails to adopt the budget by the beginning of the fiscal year, the amounts appropriated for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a ~~month to~~ month-to-month basis with all items in ~~it~~ the budget pro-rated accordingly until such time as the Council adopts a budget for the ensuing fiscal year.

9.10 – Public Records.
Copies of the approved operation budget, capital facilities~~ and~~, property budget, and supporting papers shall be filed with the City Secretary and shall be public records available to the public for inspection upon request.

9.14 – Reduction of Appropriations.
If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial actions taken by ~~him~~ the City Manager and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose the Council may by ordinance reduce one or more appropriations.

9.18 – Authority to Incur Indebtedness.
The Council shall have the power to incur, create, refund, and refinance indebtedness and borrow money for public purposes; to issue special or general obligation bonds, revenue bonds, funding and refunding bonds, time warrants, certificates of obligation, and other evidences of indebtedness and to secure and pay the same in the manner and in accordance with the procedures provided and required by ~~State~~ state law.

9.25 – Tax Rate.
The tax rate shall be calculated, publicized, and adopted in accordance with ~~State~~ state law.

9.26 – Other Rules and Regulations.
Except as otherwise provided by law or this Charter, the Council shall have the power to provide by ordinance such rules, regulations, and mode of procedure to enforce and facilitate the collection by and payment to the Tax Assessor and Collector of all taxes due the City as it may deem expedient ~~and,~~. The Council may provide such penalty and interest as prescribed by ~~State~~ state law for the failure to pay such taxes.

10.03 - Power to Grant Franchise.
The Council shall have the power by ordinance, after public hearing, to grant, renew, and extend all franchises for all utilities of every character operating within the City and~~,~~ to amend the same , provided, however, that no franchise shall be granted for an indeterminate term~~,~~ and that no franchise shall be granted for a term exceeding twenty (20) years from the date of the grant, renewal, or extension. Council action on all ordinances granting, renewing, extending, or amending a utility franchise shall comply with the applicable provisions set forth in Section 3.11 of this Charter. No grant or franchise to construct, maintain, or operate a public utility and no renewal or extension of such grant shall be exclusive. All required publication costs shall be paid by the utility.

10.08 - Municipal Owned Utilities.
The Council shall by ordinance have the right to:

(a) Set rates of ~~city~~ City-owned public services; and

(b) Require any ~~city~~ City-owned public services to keep accounts of financial operations. Accounts must show actual ~~cost~~ costs of each service to the City, including costs of extensions and improvements and ~~source~~ sources of funds extended for these purposes. Costs and revenues of services furnished to other cities ~~of~~ or government agencies must be included.

11.04 - Purpose, Object, Powers, and Duties of the Planning and Zoning Commission.
The Planning and Zoning Commission is created to act as an advisory board to the Council in matters relating to the physical development of the City. The Commission is expected to advise the Council on matters relating to zoning; public improvements; civic improvements; City planning; opening, widening, and changing of streets; routing of public utilities; controlling and regulating traffic upon the public streets and ways of the City; development of regulatory ordinances; annexation proposals/plans; and such other matters related to City improvements as the Commission and Council may deem beneficial to the City. The specifically delegated duties of the Commission shall be as follows:

(a) Recommend a ~~comprehensive master plan~~ Comprehensive Master Plan for the physical development of the City together with its related components.

(b) Conduct periodic reviews of the City's ~~comprehensive master plan~~ Comprehensive Master Plan and its component elements to recommend modifications, changes, revisions, or updates to ensure that the ~~comprehensive master plan~~ Comprehensive Master Plan adequately and accurately reflects the policy, goals and objectives of the City.

(c) Hold required public hearings on any proposed changes to the zoning plan, map, and ordinances of the City for the purpose of making recommendations to the Council on the reasonableness of these proposals. To recommend any change to the plan, map, or ordinances of the City where the Commission deems it necessary in the furtherance of the City's ~~comprehensive master plan~~ Comprehensive Master Plan.

(d) Conduct appropriate hearings on any proposals for the subdivision/platting of land within the corporate limits of the City and its extraterritorial jurisdiction pursuant to the provisions of state law and requirements of the City's subdivision regulation ordinances. The Commission shall take action on those proposals as it deems appropriate and conforming to the requirements of the City's ~~comprehensive master plan~~ Comprehensive Master Plan. The Commission shall ensure that proposals for subdivision or development of land are consistent with the City's plan components as an element of the review process. As an element of this Charter, the City of Decatur has determined that it is a reasonable legislative enactment to require subdivision plats to conform to the City's Comprehensive Master Plan and failure to achieve conformance shall be a legitimate ground for the denial of a development proposal.

(e) The Commission shall hold such hearings as are mandated by the Council and state law on any proposals for annexation or for the development of ~~capital improvement programs~~ Capital Improvement Programs or plans to secure information for the purpose of making recommendations to the City Council on these proposals.

11.07 - Legal Effect of the Comprehensive Master Plan
Upon adoption or modification of a ~~comprehensive master plan~~ Comprehensive Master Plan or element or portion thereof by the City Council, all land development regulations including zoning regulations and districts, subdivision regulations, roadway or thoroughfare plans, all public improvements, public facilities, public utilities projects and all City regulatory actions relating to land use~~, subdivision~~. Subdivision and development approval shall be consistent with the ~~comprehensive master plan~~ Comprehensive Master Plan and each element or portion thereof, as adopted or modified. It is the intent of the City that to the maximum extent permitted under state law, City development regulations of every type shall require conformity to the purpose and intent of the ~~comprehensive master plan~~ Comprehensive Master Plan as a condition of approval for development proposals. A development proposal which is inconsistent with the ~~comprehensive master plan~~ Comprehensive Master Plan may be approved by the appropriate board, commission, or Council only if that board, commission, or Council notes the inconsistency with the plan and states a specific reason or basis for the approval not withstanding the inconsistency. An approval of a development project that is inconsistent with the ~~comprehensive master plan~~ Comprehensive Master Plan shall immediately mandate a review of that portion of the comprehensive master plan Comprehensive Master Plan to determine if plan modification is necessary or appropriate.

12.01 – ~~12.01~~ Effect of Charter on Existing Law.
All ordinances, resolutions, rules, and regulations in force in the City on the effective date of this Charter, and not in conflict with this Charter, shall remain in force until altered, amended, or repealed. All taxes, assessments, liens, encumbrances, and demands, of or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under the law in force at the time of beginning of such proceedings or under the law after the adoption of this Charter.

12.02 - Continuation of Present Offices.
All persons holding administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department, or agency of the City by ~~the laws of the State~~ state law shall, if such office, department, or agency be abolished by this Charter or under its authority, be thereafter exercised and discharged by the office, department, or agency designated by the Council unless otherwise provided herein.

12.07 - Bond or Security Not Required.
It shall not be necessary in any action, suit, or proceeding in which the ~~city~~ City is a party, for any bond, including a supersedeas bond, undertaking or security to be demanded or executed by or on behalf of said ~~city~~ City in any of the state courts, but in all such actions, suits, appeals, or proceedings same shall be conducted in the same manner as if such bond, undertaking, or security had been given as required by law.

12.09 - Continuance of Contracts and Succession of Rights.
All contracts entered into by the City or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or ordinances existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws or ordinances. All suits, taxes, penalties, forfeitures and all other rights, claims, and demands, which have accrued under the laws, heretofore in force governing the City shall belong to and be vested in and shall be prosecuted by and for the use and benefit of the ~~corporation hereby~~ City, and shall not in any way be diminished, affected or prejudiced by the adoption and taking effect of this Charter.

12.11 - Indemnification of Officers.
The Council may, by appropriate ordinance, provide for the indemnification and defense of the officers and employees of the City, including members of the Council, or any board, commission, or committee, including volunteers, against any loss, cost, or expense, including court costs and attorneys' fees, to the extent allowed by law, arising out of any claim, suit, or judgment, or settlement thereof, resulting from any alleged negligent act or omission of such officer, employee, member, or volunteer during the discharge of his duties and within the scope of his office, employment, membership, or assigned voluntary position with the City, or in any other case where the City is directed or authorized by law to do so~~, provided however, that such~~. Such indemnification will not be provided for any act arising out of the intentional or knowing violation of any penal statute or ordinance arising out of any conduct determined by final judgment to be an act of fraud or to have been taken with the intent to deceive or defraud, or for any personal or private business of such officer, employee, member, or volunteer, or for the gross negligence or official misconduct or willful or wrongful act or omission of such officer, employee, member, or volunteer.

12.13 - Garnishment.
No funds of the City shall be subject to garnishment, and the City shall never be required to answer in any garnishment proceedings.

12.15 - Assignment of Wages.
The City shall never be liable to the assignee of any wages of any officer, agent, or employee of said City, whether earned or unearned, upon any claim or account whatsoever, and as to the City such assignment shall be absolutely void.

12.17 - Severability Clause.
If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part to which such holding shall directly apply.

CITY OF DECATUR PROPOSITION B

Shall the Charter be amended to remove non-substantive references to specific state laws that may change over time and replace those references with a general reference to "state law" except in reference to the Texas Open Meetings Act?

5.06 - Municipal Court Jurisdiction.
The municipal court of record has the jurisdiction provided by ~~Chapter 30 of the Government Code~~ state law for municipal courts of record.

5.07 - Terms of State Law Adopted.
The municipal court of record is established pursuant to the authority granted ~~in Subchapter A, Chapter 30, of the Government Code~~ by the laws of the State of Texas, known as the Uniform Municipal Courts of Record Act, and the terms set forth therein are hereby adopted governing the operation of said court.

7.01 - Exception of Election Code.
In the event there is a conflict between any of the provisions of this Charter and ~~the Texas Election Code~~ state law or an omission of any elements or provisions necessary for the conduct of an election, then those provisions of ~~the Texas Election Code~~ state law then existing shall prevail.

7.08 - Canvassing and Election Results.
Returns of every municipal election shall be delivered forthwith by the election judges to the City Secretary with a copy of the returns being sent to the Mayor. The Council shall canvass the returns, investigate the qualifications of the candidates and declare the official results of the election prior to the first regular Council meeting following delivery of the votes to the City Secretary all in accordance with ~~the Texas Election Code~~ state law. The results of every municipal election shall be recorded in the minutes of the Council. The qualified person receiving a plurality of the votes cast for any office shall thereupon be declared elected by said Council. The decision of the Council, as to qualifications of candidates, shall be conclusive and final for all purposes.

8.06 - Action on Initiative or Referendum Petitions.

(a) Action by Council: When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner prescribed for enacting ordinances or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City.

(b) Submission to Voters: The vote of the City on a proposed or referred ordinance shall be held on the next election date authorized by ~~the Texas Election Code~~ state law that is at least forty-five (45) days after the date of the final Council vote thereon. Copies of the proposed or referred ordinance shall be made available at the polls and shall be published at least once in the official newspaper of the City within fifteen (15) days before the date of the election.

(c) Withdrawal Signatures: No signature shall be withdrawn from any petition after such petition has been filed with the City Secretary.

11.01 - State Law Adopted—Zoning.
The City Council shall have the power and authority to zone the City and to pass all necessary ordinances, rules, and regulations governing same, under and by virtue of the authority given to cities and the legislative bodies thereof by ~~the Texas Local Government Code, together with all amendments which may hereafter be made thereto~~ state law.

11.02 - State Law Adopted—Subdivision Regulation.
The Council shall have the power and authority to regulate the layout, development, and platting of the subdivisions of land within the City and its extraterritorial jurisdiction and to pass all necessary ordinances, rules, and regulations governing same, under and by virtue of the authority given to cities and the legislative bodies thereof by ~~the Texas Local Government Code, together with amendments which may hereafter be made thereto~~ state law.

11.03 - The Planning and Zoning Commission.

(a) There shall be established by the Council a Planning and Zoning Commission ("P&Z" or "Commission"), with no more than seven (7) members, which shall have all the powers and authority set forth in ~~the Texas Local Government Code, as amended~~ state law and such additional powers and privileges as may be duly assigned to it by the ordinances of the City. If the Council chooses, it may establish separate planning and zoning boards and establish the duties of each.

(b) A member of the Commission may be removed with the consent of a majority of the Council. If a vacancy occurs upon the ~~Planning and Zoning~~ Commission, by either resignation or otherwise, the Council shall appoint a commissioner to fill such a vacancy for the unexpired term. The Commission shall keep minutes of its proceedings which shall be a public record. The Commission shall serve without compensation. No member of the ~~Planning and Zoning~~ Commission shall hold another salaried or elected City office.

11.05 – Board of Adjustment.
The Council shall appoint a Board of Adjustment which shall have all of the powers and authority as set forth in ~~the Local Government Code, and as hereafter amended~~ state law and such additional powers and privileges as may be duly assigned to it by the ordinances of the City.

12.03 - Public Meetings.
All meetings of the Council and all boards and commissions appointed by the Council shall be governed by the provisions of the Texas Open Meetings Act~~, Texas Government Code~~ and any amendments thereto. This section shall not be construed to require any action or measure beyond that required by state law.

12.19 - Amendment of Charter.
Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided ~~in the Texas Local Government Code, as now or hereafter enacted, or amended~~ by state law.

CITY OF DECATUR PROPOSITION C

Shall the Charter be amended to eliminate the portions of the Charter that are preempted by state law and to add clauses to recognize that if a conflict arises between the Charter and state law that state law prevails?

1.03 - Annexation.

(a) The Council shall have the power by ordinance to fix boundaries of the City and to provide for the alteration or the extension of said boundaries, pursuant to any laws of the State of Texas now or hereinafter enacted ~~with or without the consent of the owners or inhabitants of such territory~~.

(b) The annexation ordinance shall describe the territory to be annexed. Notice shall be published and public hearings held as required by state law. Amendments not enlarging or

extending the boundaries set forth in the proposed ordinance may be incorporated into the proposed ordinance without the necessity of republication of said notice. The additional territory annexed shall be a part of the City and the property situated therein shall bear its pro rata part of the taxes levied by the City as provided by state law. The inhabitants thereof shall be entitled to all the rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City.

1.04 - Disannexation.
The Council may~~, by ordinance,~~ disannex any territory within the corporate boundaries of the City if the Council determines the territory is not necessary or suitable for City purposes and may exchange territory with other municipalities. When the disannexation ~~ordinance is passed~~ occurs, the disannexed territory shall cease to be a part of the City ~~but the disannexed territory shall remain liable for its pro rata share~~. Refund of ~~any indebtedness incurred while the area was a part of the City and the City shall continue to levy, assess and collect~~ taxes ~~on the property~~ and fees shall be in ~~the disannexed territory until such indebtedness has been paid~~ accordance with state law.

1.09 - Power to Acquire Property Inside and Outside the City for Any Lawful Purposes.
The City shall have the power to sell and to acquire by condemnation or purchase either private or public property located inside or outside of the corporate limits for any lawful purposes in accordance with state law.

1.10 - Platting of Property.
Should any property situated within the corporate limits of the City ~~or within the extraterritorial jurisdiction of the City,~~ be hereafter platted into blocks and lots, the owner or owners of the property shall comply with the ~~comprehensive master plan~~ Comprehensive Master Plan of the City, all provisions of the ordinances, rules and regulations of the City, and all provisions of the applicable ~~State~~ state laws.

1.11 - Street Powers.
The City shall have exclusive domain, ~~control and~~ jurisdiction, and control over and under the public highways, streets, and alleys of the municipality in~~, upon,~~ accordance with state law. The City may control, regulate, or remove an encroachment or obstruction on a public street or alley of the municipality; open, close, or change a public street or alley of the municipality; and improve a public highway, street, or alley of the municipality. Such exclusive domain, jurisdiction, and control shall include control over and under all ~~alleys, streets, highways,~~ gutters, ~~and sidewalks, situated in the City, and the power to layout, establish, open, alter, widen, lower, extend, grade, drain, abandon and improve streets, alleys,~~ sidewalks, squares, parks, public places, and bridges ~~and regulate~~ located within the ~~use thereof,~~ City. Encroachments and ~~require the removal from streets, sidewalks, alleys, and other public property or places of all~~ obstructions~~, telegraph,~~ shall include, but not be limited to, telephone or other utility poles~~, carrying electric wires or signs, encroachments of every nature or character upon any said streets and sidewalks, and to vacate and close private ways; and when a street or alley has been vacated or abandoned, the City shall have the right to sell the same in any manner, and shall have the power to assess property owners for improvements~~. Such exclusive dominion, control, and jurisdiction ~~in, upon,~~ over ~~or~~ and under the public highways, streets, ~~avenues, sidewalks, parkways,~~ and alleys of the City shall also include~~, but not be limited to,~~ the right to regulate, locate, relocate, remove, or prohibit the location of all utility pipes, lines, wires, or other property of any sort. ~~Any listing of a specific authority shall not limit or exclude any other power the City has over alleys, streets, highways, gutters, sidewalks, or other public rights of way. The right to control and use of the public streets, highways, sidewalks, gutters, and alleys is hereby declared to be inalienable to the City, except by ordinances not in conflict with this Charter.~~

1.18 - Health.
The Council shall have the power to provide for a Health Department and ~~to~~ establish all necessary rules and regulations protecting the health of the City and for the establishment of quarantine stations, pest houses, emergency hospitals, and to provide for the adoption of necessary quarantine laws to protect the inhabitants against contagious or infectious diseases. Such general laws shall include the following powers, but not to the exclusion of other powers:

(a) The Council shall have the power, by ordinance or otherwise, to regulate, license, and inspect persons, firms, corporations, common carriers, or associations operating, managing, or conducting any hotel or any other public sleeping or eating place, or any place or vehicle where food or drink or containers ~~thereof~~, of any kind ~~is~~ are manufactured, prepared, stored, packed, served, sold, or otherwise handled within the City limits; and shall have the power to prescribe health regulations with reference to any and all workers or employees hired or used in or about any of said places or vehicles~~, or about said places and vehicles;~~ or who deliver products to and from said places and vehicles; and shall have the power to inspect, license, and regulate the sanitary condition of said places and vehicles and to condemn all articles not wholesome or fit for human consumption.

(b) The Council shall have the power to license, require occupation fees or taxes, and ~~to~~ prescribe health regulations with respect to places of business, their persons, and their workers and employees, and shall have the power to prescribe all necessary health regulations.

(c) The Council shall have the power to define all nuisances and prohibit the same within the City and outside the City limits to the extent allowed by state law to protect the citizens of the City; to have power to police all parks or grounds~~, speedways, or boulevards~~ owned by the City and lying both outside and inside the City; to prohibit the pollution of any stream, draw, drain or tributaries thereof, water deposit and reservoir, whether above or below the ground, which may constitute the source of storage of water supply, and to provide for policing the same, as well as to provide for the protection of any watersheds and the policing of same, to inspect, license, and regulate dairies, slaughter pens, and slaughter houses inside or outside the limits of the City.

(d) The Council shall have the power to provide for fixing of penalties for failure of any person, firm, corporation, or association to comply with any such rules and regulations so prescribed by the Council under the provisions of this section; it being the intention to vest in the Council not only powers expressly enumerated in this section but all other powers reasonably necessary for the protection of the health of the City and its inhabitants.

3.11 - Procedure for Enacting Ordinances and Resolutions; Publications.

(a) Ordinances and resolutions may be passed at any regular meeting or special meeting called for that purpose provided notice has been given in accordance with the Texas Open Meetings Act.

(b) All ordinances exclusive of emergency ordinances defined by Section 3.12 of this Charter shall be considered and passed in open ~~meeting~~ meetings of the Council at two separate Council meetings. On second presentation the Council may consider and approve any changes it deems necessary from the ordinance presented at first reading, unless otherwise provided by state law. Every ordinance, resolution, or motion shall require on passage the affirmative vote of a majority of the members present unless more is required by state law or this Charter.

(c) The descriptive caption or title of an ordinance that imposes a penalty, fine, or forfeiture and the penalty for violating the ordinance shall be published at least once in the official newspaper of the City or as otherwise provided in state law.

(d) An ordinance required to be published takes effect when the publication requirement is satisfied, unless the ordinance provides otherwise, and an ordinance that is not required to be published takes effect when adopted unless the ordinance provides otherwise.

(e) All ordinances and resolutions may be admitted and received in all courts, subject to the rules of evidence and laws of jurisdictions where proof of such ordinances and resolutions are tendered, without further proof.

10.01 - Inalienability of Control of Public Property.

The sole right of control, easement, use, ownership of and title to the public streets, sidewalks, highways, bridges, alleys, public places, and other real property of the City is hereby declared to be inalienable, except by ordinance adopted by a majority of the City Council or as may be provided by state law.

10.02 -Powers of the City.
The City shall have the power to buy, sell, construct, lease, maintain, operate, and regulate public services and utilities within or without the City limits to the extent allowed by state law. The City shall have the power to distribute and sell such public utility services, including but not limited to: water, gas, electric, telephone, cable, waste management, and transportation services. The City shall have such regulatory powers as may now or hereafter be granted under the Constitution and laws of the State of Texas.

10.05 - Right of Franchise.
All grants, renewals, extensions, or amendments of utility franchises shall be subject to the following rights of the City unless otherwise provided by state law:

(a) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing

(b) To require an adequate extension of plant and service as is necessary to provide adequate service to the public~~,~~ and to require maintenance of the plant and fixtures at the highest reasonable standard of efficiency.

(c) To require at any time compensation and rental for use of public streets, sidewalks, highways, bridges, alleys, and public places.

(d) To require the franchisee to restore at the franchisee's expense, all public or private property to a condition equally as good as or better than before disturbed by construction, repair. or removal. The franchise holder in opening and refilling of all earth openings shall repair the pavement and do all other work necessary to complete restoration of streets, sidewalks, or grounds to a condition equally as good or better as when disturbed.

(e) To the extent allowed by state law, require every franchisee to furnish within a reasonable time to the City, without cost to the City, a general map with updates outlining the location, character, size, length, and terminals of all facilities of such franchisee in, over, and ~~under-ground~~ underground of property in the City and to provide detailed information on request in a format as specified by the City.

(f) To impose other reasonable regulations, requirements, and conditions as may be deemed necessary to promote the health, safety, welfare, or accommodation of the public and to ~~insure~~ ensure safe, efficient and continuous service to the public.

CITY OF DECATUR PROPOSITION D

Shall the Charter be amended to adjust City Council terms from four 2-year terms to three 3-year terms and establish a schedule through which the new 3-year terms shall take effect to assure that one city-wide election shall occur each year?

2.02- Elected Officers.
The Mayor and the members of the Council shall be elected and hold office as herein provided:

(a) Each Councilperson shall be elected to and occupy a place on the Council, such places being numbered one (1), two (2), three (3), four (4), five (5), and six (6).

(b) Four (4) members of the Council whose positions shall be places one (1), two (2), three (3) and four (4), shall be residents of and elected by the qualified voters of single-member geographical districts of the City, known as districts one (1), two (2), three (3), and four (4), as such districts may from time to time be determined by the City Council in accordance with Section 2.02(d), and created and described by ordinance. Two (2) members of the Council and the Mayor shall be elected by the qualified voters of the entire City, commonly known as at-large. The two at-large members of the Council shall occupy places five (5) and six (6).

(c) All members of the Council and the Mayor shall be elected for terms as follows:
~~(1) Councilmember terms expiring in May of 2004 shall be designated Places 4, 5, and 6. Councilmember terms expiring in May of 2005 shall be designated Places 1, 2, and 3.~~
~~(2) At the regular city election held in May of 2005, Places 1 and 3 shall be elected to single member districts created in accordance with Section 2.02(d) for terms of one (1) year, and thereafter be elected to single member districts for two (2) year terms.~~

~~(3) At the regular city election held in May of 2005, Place 2 shall be elected to a single member district created in accordance with Section 2.02(d) for a two (2) year term, and thereafter be elected to a single member district for two (2) year terms.~~
~~(4) Place 4 shall be elected at large for a term of one (1) year at the regular city election held in May 2004, and thereafter be elected to a single member district created in accordance with Section 2.02(d) for two (2) year terms.~~
~~(5) Place 5 shall be elected at large for terms of two (2) years at the regular city election held in May of 2004, and thereafter be elected at large for two (2) year terms.~~
~~(6) Place 6 shall be elected at large for a term of one (1) year at the regular city election held in May of 2004, and thereafter be elected at large to two (2) year terms.~~

(1) The Mayor shall be elected at large for a two (2) year term at the regular city election held in May of 2026 and thereafter shall be elected at large to terms of three (3) years.

(2) The Councilmember term for the single-member district of Place 1 expiring in 2026 shall be elected to a term of two (2) years at the regular city election held in May of 2026, and, should the person holding the seat of Place 1 on November 4, 2025 become re-elected in May of 2026, that person shall be eligible to run for one additional term of two (2) years at the regular city election held in May of 2028; thereafter, Place 1 shall be elected for three-year terms. If the person holding the seat of Place 1 on November 4, 2025 does not become re-elected in May of 2026, thereafter, Place 1 shall be elected for three-year terms.

(3) The Councilmember term for the single-member district of Place 2 expiring in 2027 shall be elected for a term of three (3) years at the regular city election held in May of 2027 and shall thereafter be elected for terms of three (3) years.

(4) The Councilmember term for the single-member district of Place 3 expiring in 2026 shall be elected to a term of two (2) years at the regular city election held in May of 2026 and shall thereafter be elected for terms of three (3) years beginning with the regular city election held in May of 2028.

(5) The Councilmember term for the single-member district of Place 4 expiring in 2027 shall be elected for a term of two (2) years beginning in May of 2027 and shall thereafter be elected for terms of three (3) years beginning with the regular city election held in 2030.

(6) The Councilmember term at large of Place 5 expiring in 2026 shall be elected for a term of three (3) years at the regular city election held in May of 2026 and shall thereafter be elected at large for terms of three (3) years.

(7) The Councilmember term at large of Place 6 expiring in 2027 shall be elected for terms of three (3) year terms at the regular city election held in May of 2027 and shall thereafter be elected for three (3) year terms.(d) The Council shall from time to time create and describe by ordinance election districts known as districts one (1), two (2), three (3), and four (4). Such districts shall be created so that each will contain, as nearly as possible, a population equivalent to the others, according to the latest available census data.

2.03 – ~~Limitation on Consecutive Terms~~ Term Limits for Elected Officials

(a) A person who has served as Mayor ~~or Councilmember whether at large or by single member districts~~ for four (4) consecutive two year terms or for three (3) consecutive three year terms shall not again be eligible to become a candidate for, or to serve in the office of Mayor ~~or Councilmember~~ until the ~~second~~ general election held in the third year after ~~the fourth~~ that Mayor's final consecutive full two or three year term (as applicable) has expired.

(b) ~~For the purposes of this section a term of office shall be defined as an elected period of two (2) years (defined as from general election date to general election date). A person elected or appointed to fill an unexpired term may serve four additional consecutive terms.~~ A person who has served as Councilmember (whether at large or by single member district) for four (4) consecutive two year terms or for three (3) consecutive three year terms shall not again be eligible

to become a candidate for, or to serve in the office of Councilmember until the general election held in the third year after that Councilmember's final consecutive full two or three year term (as applicable) has expired.

(c) A person who has served as Mayor for any combination of two and three year terms that total nine (9) or more years of service shall not again be eligible to become a candidate for or serve in the office of Mayor until the general election held in the third year after their last consecutive two or three year term (as applicable) as Mayor has expired.

(d) A person who has served as Councilmember for any combination of two and three year terms that total nine (9) years or more of service shall not again be eligible to become a candidate for or serve in the office of Councilmember until the general election held in the third year after their last consecutive two or three year term (as applicable) as Councilmember has expired.

(e) A Councilmember shall be considered to serve consecutive terms if serving in different places consecutively, however, it shall not be considered a consecutive term when a councilmember is elected to the office of Mayor. Provided, however~~,~~:

(1) A person who has served eight consecutive 2-year terms as both Mayor and Councilmember shall not again be eligible to serve in either capacity until the ~~second~~ general election held in the third year after ~~the~~ their eighth consecutive full 2-year term as Mayor and/or Councilmember has expired ; and

(2) ~~This provision~~ A person who has served six consecutive 3-year terms as both Mayor and Councilmember shall ~~apply~~ not again be eligible to ~~Place 5~~ serve in either capacity until the ~~Mayor in 2004, Places 2, 4, and 6 commencing at the May, 2005~~ general election held in the third year after their sixth consecutive full 3-year term as Mayor and/or Councilmember has expired; and

(3) Regardless of term length, a person who was elected as Councilmember in 2024 or 2025 and serves seven consecutive terms as both Mayor and Councilmember shall ~~apply not again be eligible~~ to ~~Places 1 and 3~~ serve in either capacity until the ~~May, 2006~~ general election, held in the third year after their seventh consecutive full term (regardless of term length) as Mayor and/or Councilmember has expired; and

(4) For the purposes of this section, a Term of Office and the length of a term of office shall be defined as an elected period of two (2) or three (3) years, as applicable. A person elected or appointed to fill an unexpired term after the date this Charter takes effect may serve three additional consecutive 3-year terms.

(f) In the event that any Councilmember holding office on November 4, 2025 in Places 1, 3, and 5 is re-elected to any of those places in the 2026 election and then resigns to run for mayor in 2028 and is elected mayor, their terms as Councilmember shall still be considered to have run consecutively for the purposes of term limits under this section.

CITY OF DECATUR PROPOSITION E

Shall the Charter be amended to clarify that candidates for the positions of Mayor and Councilmember must be at least 21 years old on the day of their election or appointment?

2.04 - Qualifications.

(a) Candidates. Each person who becomes a candidate for Mayor or Councilmember shall meet the following qualifications:

(1) be at least twenty-one (21) years of age on the ~~first~~ day of ~~the form to be filed~~ election or ~~date of~~ appointment;

(2) be a citizen of the United States;

(3) be a registered and qualified voter of the City;

(4) reside and have resided for at least twelve (12) months preceding the election within the corporate limits of the City;

(5) no candidate may file for more than one office or position number per election;

(6) no employee of the City shall continue in such position after becoming a candidate for a City elective office;

(7) no candidate shall, at the time of filing or while in office, be arrears in payment of taxes or other liabilities due to the City after the expiration of thirty (30) days following the providing of the notice of any delinquency; and

(8) shall comply with all other City ordinances and/or resolutions that may be applicable.

(b) When any member of the Council no longer possesses all of the qualifications specified in this section or is convicted of a felony or any offense involving moral turpitude while in office, the office shall immediately and automatically become vacant. The Council shall be the judge of the qualifications of its members in accordance with Section 2.08(b) and for these purposes shall have the power to subpoena witnesses and require the production of records.

CITY OF DECATUR PROPOSITION F

Shall the Charter be amended to state that no candidate for Mayor or Councilmember may be in arrears in payment of taxes or other liabilities due to the City of Decatur, Texas?

2.04 - Qualifications.

(a) Candidates. Each person who becomes a candidate for Mayor or Councilmember shall meet the following qualifications:

(1) be at least twenty-one (21) years of age on the ~~first~~ day of ~~the form to be filed~~ election or ~~date of~~ appointment;

(2) be a citizen of the United States;

(3) be a registered and qualified voter of the City;

(4) reside and have resided for at least twelve (12) months preceding the election within the corporate limits of the City;

(5) no candidate may file for more than one office or position number per election;

(6) no employee of the City shall continue in such position after becoming a candidate for a City elective office;

(7) no candidate shall, at the time of filing or while in office, be arrears in payment of taxes or other liabilities due to the City after the expiration of thirty (30) days following the providing of the notice of any delinquency; and

(8) shall comply with all other City ordinances and/or resolutions that may be applicable.

(b) When any member of the Council no longer possesses all of the qualifications specified in this section or is convicted of a felony or any offense involving moral turpitude while in office, the office shall immediately and automatically become vacant. The Council shall be the judge of the qualifications of its members in accordance with Section 2.08(b) and for these purposes shall have the power to subpoena witnesses and require the production of records.

CITY OF DECATUR PROPOSITION G

Shall the Charter be amended to require candidates for elected office to maintain the qualifications of office consistently from the date the candidate files their application to run for office forward?

7.05 - Filing for Office/Procedures.

Each candidate for an elective office shall meet and maintain the qualifications set forth in Section 2.04 from the date the candidate their application to run for elected office. Any person so qualified who desires to become a candidate for election shall file an application with the City Secretary, in accordance with ~~the Texas Election Code~~ state law.

CITY OF DECATUR PROPOSITION H

Shall the Charter be amended to clarify the duties of the Mayor to remove outdated powers and to follow state law provisions regarding mayoral duties?

2.06 - Presiding Officer—Duties of the Mayor.
The Mayor shall preside over the meetings of the Council and perform such other duties consistent with the office as may be imposed upon him by this Charter and by ordinances and resolutions passed in pursuance thereof. ~~He~~ The Mayor shall participate in the discussion of all matters coming before the Council and shall have a vote on all matters before the Council ~~council. He~~. The Mayor shall be recognized as the official head of the City by the courts, for ~~the purpose~~ purposes of ~~enforcing military law~~ exercising disaster and emergency powers, and for all ceremonial purposes.

CITY OF DECATUR PROPOSITION I

Shall the Charter be amended to make it clear that the Mayor and City Attorney can place items on agendas for City Council meetings?

2.11 - Rules of the Council: Minutes and Procedures.

(a) The City Council shall determine its own rules of procedure and may compel the attendance of its members. Minutes of the proceedings of the City Council shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the City. The vote upon the passage of all ordinances shall be by roll call and entered upon the minutes, and the full caption of every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose. Each ordinance and resolution shall be authenticated by the signature of the presiding officer and the person performing the duties of the City Secretary and maintained in the office of the City Secretary.

(b) Any item requested by one (1) or more members of the Council, the Mayor, the City Manager, or the City Attorney shall be placed on the agenda by the City Secretary. The Mayor will establish the order of the agenda for each Council meeting. The City Secretary shall prepare the agenda, which shall be publicly posted at City Hall in accordance with the Texas Open Meetings Act.

CITY OF DECATUR PROPOSITION J

Shall the Charter be amended to make it clear that the City Attorney's duty to represent the City includes all foreseen, contemplated, or pending litigation and solidify the City Attorney's rights of access to the City's evidence to include administrative remedies as directed by the City Manager?

6.01 - City Attorney.

(a) The Council shall appoint a competent, duly qualified, licensed, and practicing attorney in the State of Texas, to be an attorney for the City, hereinafter referred to as the "City Attorney." ~~He~~ The City Attorney shall serve at the discretion of the Council and ~~he~~ shall receive for ~~his~~ their services such compensation as may be fixed by the Council. The City Attorney shall be the adviser of, and attorney for, all of the offices and departments of the City and shall represent the City in all foreseen, contemplated, or pending litigation and legal proceedings; provided, that the Council may retain special counsel at any time they deem same appropriate and necessary.

(b) ~~He~~ The City Attorney shall access, review, and concur or dissent upon all documents, contracts, ~~and~~ legal instruments, or information in another medium in which the City may have an interest. The City attorney shall have the power to subpoena and interview witnesses and compel the production of evidence that may exist in any medium from any department or employee as may

be required by the City Attorney in the exercise of the City Attorney's legal representation of the City. The City Attorney shall perform other duties prescribed by this Charter, by ordinance, or as directed by the Council.

(c) Any department head or employee who fails to comply with subsection provision (b) shall be suspended by the City Manager until such time as the department head or employee complies with the request of the City Attorney and may be subject to termination for cause by the City Manager.

(d) The Council may contract with an attorney or with a firm of attorneys who may designate one (1) member of said firm, with Council approval, to serve as City Attorney.

CITY OF DECATUR PROPOSITION K

Shall the Charter be amended to add the position and duties of the City Secretary?

4.08 – City Secretary.

The City Manager shall appoint a City Secretary subject to approval of the Council. The City Secretary shall act as the clerk of the council, give notice of its meetings, keep the journal of its proceedings, authenticate by signature and record in full a book kept for that purpose all ordinances and resolutions, and perform such other duties as this Charter may provide, as the City Manager may assign, or as required by state law.

4.09 – Duties of the City Secretary.

The duties and powers of the City Secretary shall be as follows:

(a) Give notice of all official city council meetings in a manner consistent with this Charter and state law.

(b) Attend all public meetings and hearings of the City Council.

(c) Record the minutes of all official meetings of the Council; provided, however, only the captions of duly enacted ordinances and resolutions shall be recorded in the minutes.

(d) Be the custodian of all municipal records of the Council.

(e) Recommend to the Council rules and regulations to be adopted by ordinances to protect the safety and security of the municipal records.

(f) Hold and maintain the City seal and affix to all instruments requiring such seal.

(g) Inquire into or investigate the genuineness of any signature on and the factual sufficiency of any initiative, referendum, or recall petition filed with the City Secretary in accordance with the provisions of this Charter, and for that purpose the City Secretary shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, records, and other evidence.

(h) Perform such other duties as may be required by the Council or required by other law.

4.10 Acting City Secretary.

In such case as there may be an absence in the position of City Secretary, the City Manager may designate an Acting City Secretary.

CITY OF DECATUR PROPOSITION L

Shall the Charter be amended to clarify that a majority vote of the City Council is required for the filling of a vacancy on the City Council?

2.08 – Vacancies~~;~~ and Forfeiture of Office: Filling of Vacancies.

(a) Vacancies. The office of the Mayor or a Councilmember shall become vacant upon the Mayor or Councilmember's death, resignation, removal from office (in any manner authorized by law), or forfeiture of office.

(b) Forfeiture of Office. The Mayor or a Councilmember shall forfeit ~~his or her~~ their office if during a term of office, the Mayor or Councilmember:

(1) lacks any qualification for the office prescribed by this Charter or by other law;

(2) violates any expressed prohibition of this Charter;

(3) is convicted of a felony crime or is convicted of a crime involving moral turpitude; or

(4) fails to attend three consecutive regular meetings of the Council without being excused by the Council.

(c) ~~The~~ Forfeiture of Office shall be determined by the Council ~~shall by~~ upon an affirmative ¾ vote of the entire membership~~, be the~~. The Council's decision shall be final ~~judge~~ in matters involving ~~forfeiture of office~~ Forfeiture of Office by a Councilmember or the Mayor. As used in this section only, the term "entire membership" shall mean the six council members who are not the subject of the forfeiture vote.

(d) Filling of Vacancies. If one vacancy occurs on the Council then the remaining members shall fill the vacancy for the unexpired term and may do so by appointment or by calling a special election. If two or more simultaneous vacancies occur, then the remaining members of the Council shall call a special election to fill the vacancies for the unexpired terms. Vacancies shall be filled by a majority vote of the Council.

CITY OF DECATUR PROPOSITION M

Shall the Charter be amended to clarify that in the instance of a recall election, if the recall election results in a tie vote, the recall petition did not pass with a majority of votes cast, and the elected official shall continue in office?

8.13 - Results of Recall Election.

If a majority of the votes cast at a recall election shall be against removal of the elected official named on the ballot, ~~he~~ the elected official shall continue in office. If the majority of the votes cast at the election be for the removal of the elected official named on the ballot, the Council shall immediately declare the ~~his~~ elected official's office vacant and such vacancy shall be filled in accordance with Section 2.08 of this Charter for the filling of vacancies. In the instance of a tie vote in a recall election, the recall petition did not pass with a majority of votes case, and the elected official shall continue in office.

CITY OF DECATUR PROPOSITION N

Shall the Charter be amended to clarify that in a forfeiture of office action, the ¾ vote required of the of the entire membership of the City Council excludes the Councilmember who is the subject of the forfeiture vote?

2.08 – Vacancies~~;~~ and Forfeiture of Office: Filling of Vacancies.

(a) Vacancies. The office of the Mayor or a Councilmember shall become vacant upon the Mayor or Councilmember's death, resignation, removal from office (in any manner authorized by law), or forfeiture of office.

(b) Forfeiture of Office. The Mayor or a Councilmember shall forfeit ~~his or her~~ their office if during a term of office, the Mayor or Councilmember:

(1) lacks any qualification for the office prescribed by this Charter or by other law;

(2) violates any expressed prohibition of this Charter;

(3) is convicted of a felony crime or is convicted of a crime involving moral turpitude; or

(4) fails to attend three consecutive regular meetings of the Council without being excused by the Council.

(c) ~~The~~ Forfeiture of Office shall be determined by the Council ~~shall by~~ upon an affirmative ¾ vote of the entire membership~~, be the~~. The Council's decision shall be final ~~judge~~ in matters involving ~~forfeiture of office~~ Forfeiture of Office by a Councilmember or the Mayor. As used in this section only, the term "entire membership" shall mean the six council members who are not the subject of the forfeiture vote.

(d) Filling of Vacancies. If one vacancy occurs on the Council then the remaining members shall fill the vacancy for the unexpired term and may do so by appointment or by calling a special election. If two or more simultaneous vacancies occur, then the remaining members of the Council shall call a special election to fill the vacancies for the unexpired terms. Vacancies shall be filled by a majority vote of the Council.

CITY OF DECATUR PROPOSITION O

Shall the Charter be amended to clarify that a Mayor or up to one (1) Councilmember may serve on a board, committee, or commission that is advisory in nature?

7.06 - Holding Other Office.

(a) No person elected to the Council shall, during the term for which ~~he~~ the person is elected to the Council, hold or be appointed to any office~~, position~~ or employment in the service of the City, and no former member of the Council shall hold any compensated, appointive city office or employment until one (1) year after the expiration of the term for which ~~he~~ the person is elected to the Council. This Section shall not prohibit a member of the Council from serving on the board of an economic development corporation, crime control and prevention district, or other ~~instrumentality of the City~~ Instrumentality of the City. In addition, the Council may appoint up to one (1) Councilmember to an advisory board of the City.

~~(b) If any member of a board or commission appointed by the Council shall become a candidate for election to any public office of the City, he shall immediately upon his being elected, forfeit his place as a member of such board or commission.~~

(b) If any employee of the City becomes a candidate for election to any public office of the City of Decatur they shall, immediately upon becoming a candidate, forfeit the employment held with the City.

CITY OF DECATUR PROPOSITION P

Shall the Charter be amended to include electronic publications in the list of allowable publication methods when publication of documents or notices is required unless state law requires otherwise?

12.05 - Official Newspaper and Publication on City Website.

The Council may designate by resolution one or more newspapers of general circulation in the City as the official newspaper of the City and shall cause to be published therein all ordinances, notices, and other matters which are required to be published by this Charter, the ordinances of the City or the Constitution or laws of the State of Texas. Publication may be allowed electronically in lieu of publication in official newspapers, if allowed by state law.

CITY OF DECATUR PROPOSITION Q

Shall the Charter be amended to adjust the term of office of the Municipal Judge to the minimum allowable term provided by state law?

5.02 - Municipal Court Judge.

The judge of the ~~municipal court of record~~ Municipal Court of Record in the City of Decatur shall be appointed by the City Council by ordinance for ~~a term of two (2) years~~ the minimum term provided by state law. The municipal judge must be a ~~licenses~~ licensed attorney in good standing in the ~~state~~ State of Texas and must have two or more years of experience in the practice of law in Texas. The judge must be a citizen of the United States and the ~~state~~ State of Texas.

CITY OF DECATUR PROPOSITION R

Shall the Charter be amended to incorporate into the Charter the provisions of the 2010 ordinance creating the Decatur Municipal Court of Record?

CHAPTER V. - MUNICIPAL COURT OF RECORD

5.01 - Court Established.

The City Council has established the Decatur municipal court as a municipal court of record on September 10, 2018 in order to provide a more efficient disposition of cases arising in the City and in order to more effectively enforce the ordinances of the City. The municipal court was established to be known as "The Municipal Court of Record in the City of Decatur."

5.02 - Municipal Court Judge.

The judge of the Municipal Court of Record in the City of Decatur shall be appointed by the City Council by ordinance for the minimum term provided by state law. The municipal judge must be a licensed attorney in good standing in the State of Texas and must have two or more years of experience in the practice of law in Texas. The judge must be a citizen of the United States and the State of Texas.

The City Council shall establish the salary of the judge which shall not be based directly or indirectly on fines or costs collected by the court. Such salary may not be diminished during the term for which the judge is appointed.

5.03 - Appointment of Court Clerk and Court Personnel.

The City Manager shall appoint a Clerk of the Municipal Court of Record in the City of Decatur who shall perform duties in accordance with state law and City ordinance. During the proceedings of the court, the Clerk and other court personnel shall serve at the direction of the municipal court judge. At all other times the Clerk shall serve at the direction and supervision of the City Manager who shall have the authority to remove the Court Clerk or other personnel according to the rules set forth in the City's personnel policies. The Clerk of the municipal court of record shall keep the records of the Municipal Court of Record in the City of Decatur, issue, process, and perform the duties described in state law.

The City shall require the Court Clerk, before entering upon the duties of the office, to execute a good and sufficient surety company bond, in such amount as the City may demand, payable to the City and conditioned for the faithful performance of the duties of the office. The premium of such bond is to be paid by the City.

5.04 – Vacancy of Municipal Judge and Associate Judge(s).

If a vacancy occurs in the office of a municipal judge of the Municipal Court of Record in Decatur, Texas, the City Council shall by ordinance appoint a qualified person to fill the office for the remainder of the unexpired term. The City Council may appoint more than one qualified person as an associate judge to be available to serve for a municipal judge who is temporarily absent due to illness, family death, continuing legal or judicial education programs, or any other reason. The municipal judge shall select one of the qualified persons appointed by the City Council to serve during the absence of the municipal judge. The associate judge, while serving as a municipal judge, has all the powers and shall discharge all the duties of a municipal judge. An associate judge must meet the qualifications prescribed for the municipal judge. The City Council shall set the compensation for the associate judge.

5.05 - Fines.

All monies received as court-imposed fines or penalties shall be paid into the general fund of the City treasury, unless otherwise required by state law.

5.06 - Municipal Court Jurisdiction.

The Municipal Court of Record has the jurisdiction provided by state law for municipal courts of record.

5.07 - Terms of State Law Adopted.
The Municipal Court of Record is established pursuant to the authority granted by the laws of the State of Texas, known as the Uniform Municipal Courts of Record Act, and the terms set forth therein are hereby adopted governing the operation of said court.

5.08 - Court Reporter.
The proceedings of trials in the Municipal Court of Record shall be recorded by a good quality electronic recording device and kept for a period of one hundred and twenty days after the last day of the court proceedings, trial, or denial of a motion for a new trial, whichever occurs last. If the case is appealed, the proceedings shall be transcribed from the recording by an official court reporter. The municipal court clerk shall appoint a court reporter who must meet the qualifications provided by law for official court reporters.

5.09 - Jury.
The court clerk shall supervise the selection of persons for jury service in the Municipal Court of Record.

5.10 – Clerk's Record and Reporter's Record Preparation Fees.
In the event of an appeal, the appellant shall pay a fee in the amount of $25 for preparation of the Clerk's Record. The clerk shall note the payment of the Clerk's Record fee on the docket of the court. The appellant shall pay for the Reporter's Record.

CITY OF DECATUR PROPOSITION S

Shall the Charter be amended to adjust the time period for which the court must keep a recorded copy of a trial from 21 days to 120 days to allow for the operation of the appellate timetable?

5.08 - Court Reporter.
The proceedings of trials in the Municipal Court of Record ~~municipal court of record~~ shall be recorded by a good quality electronic recording device and kept for a period of ~~twenty-one~~ one hundred and twenty days after the last day of the court proceedings, trial, or denial of a motion for a new trial, whichever occurs last. If the ~~cases~~ case is appealed, the proceedings shall be transcribed from the recording by an official court reporter. The municipal court clerk shall appoint a court reporter who must meet the qualifications provided by law for official court reporters.

CITY OF DECATUR PROPOSITION T

Shall the Charter be amended to clarify that the City may conduct elections and secure election judges through contract with another governmental entity, such as Wise County?

7.03 - Regulation of Elections.
All general and special elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with this Charter and ordinances or resolutions adopted by the Council for the conduct of elections. The Council shall ~~appoint~~ arrange for the appointment of the election judges and shall ~~provide~~ ensure the provision of the compensation of all election officials in the City elections and for all other expenses in holding said elections.

CITY OF DECATUR PROPOSITION U

Shall the Charter be amended to require all employees who handle money to execute surety bonds?

4.05 – ~~Bond of City Manager.~~ Bonds Required.
The Council shall require bonds of all municipal officers and employees who receive or pay out any monies of the City including the City Manager before entering upon the duties of ~~his office~~ the officers' or employees' positions, to execute a good and sufficient surety company bond, in such amount as the Council may demand, payable to the City and conditioned for the faithful performance of the duties of ~~his office~~ the officers' or employees' positions. The premium of such bond is to be paid by the City.

CITY OF DECATUR PROPOSITION V

Shall the Charter be amended to add an Anti-Nepotism provision that would prohibit employees or contractors of the City from being related to the Mayor, Councilmembers, or City Manager within the third degree of consanguinity (blood) or second degree of affinity (marriage) unless the employee or contractor has been continuously employed by the City for at least two years?

2.14 – Anti-Nepotism.
No person related within the second degree of affinity (by marriage) or within the third degree of consanguinity (by blood) to the Mayor or any City Councilmember or the City Manager shall be employed by or contracted with the city. This prohibition shall not apply to a person who has been continuously employed by or contracted with the city for two (2) or more years prior to the election of the Mayor, City Councilmember, or the appointment of the City Manager to whom the employee or contractor is so related.

CITY OF DECATUR PROPOSITION W

Shall the Charter be amended to add a Definitions appendix that includes definitions for Budget, Capital Improvement Program, Comprehensive Master Plan, Council-Manager Form of Government, Entire Membership of City Council, Home Rule, Initiative, Instrumentality of the City, Referendum, Recall, and Term of Office?

APPENDIX: DEFINITIONS

Budget shall have the meaning and requirements set forth in state law and shall include a comprehensive financial plan that outlines the City's proposed expenditures and anticipated revenues for the fiscal year. The budget shall serve as a roadmap for how the City will allocate its resources to provide services to its residents and manage its operations. The budge shall reflect the complete state of the City's financial activities including anticipated revenues, proposed expenditures, and outstanding obligations and shall reflect the City Council's priorities and policies.

Capital Improvement Program, also known as the *CIP*, shall mean the comprehensive, multi-year plan that outlines the City's planned capital projects and their associated funding sources. It serves as a roadmap for maintaining, upgrading and expanding the City's infrastructure and public assets, typically for a period of 5 to 10 years, including, but not limited to, road construction, park improvements, building renovations, and utility expansions or upgrades. The CIP is a crucial tool for the City to manage its physical assets, plan for future needs, and ensure the efficient and effective delivery of public services.

Comprehensive Master Plan shall mean the long-term document that guides the future development of the City. It shall outline the community's vision and goals for various aspects like land use, transportation, housing, infrastructure, drainage, etc. The Comprehensive Master Plan shall typically span 20 years or more. The Comprehensive Master Plan shall serve as a foundation for zoning regulations, capital improvement projects, and other policy decisions related to growth and development in the City.

Council-Manager Form of Government shall mean that the City Manager is the non-partisan professional administrator hired by the City Council to run the day-to-day operations and administration of the City. The elected City Council shall be the policy-making and legislative body of the City and shall conduct all business of the City required by this Charter and state law. The City Council shall focus on establishing City policies and goals, and the City Manager shall implement those policies and manage city departments and employees in accordance with those policies. Under the Council-Manager Form of Government, the City Council shall not interfere with the operations or administration of the City. Accordingly, the City Council shall not direct City staff or engage in conduct with City staff that would undermine the City Manager's ability to manage City employees, operations, and administration.

Entire Membership of council *or Entire Council* shall mean all seven council members, except in the instance of a vote on forfeiture of office in which case "entire membership" or "entire council" shall mean the six council members who are not the subject of the forfeiture vote.

Home Rule is a form of government that grants municipalities in Texas the power to manage their affairs without the state's permission or approval. This authority, granted in the Texas Constitution, applies to municipalities having more than five thousand (5000) inhabitants, that, by a majority vote of the qualified voters of the municipality, adopt or amend a city charter at an election held for that purpose. A city charter is a legal document that defines the *Home Rule* municipality's organization, powers, functions, and procedures. *Home Rule* municipalities operate differently than General Law municipalities in that the powers of General Law municipalities are limited to those expressly granted by state law. *Home Rule* municipalities have the full power of self-government and may take any action in the interest of the citizens' health, safety, and welfare which is not preempted by the Texas and U.S. Constitutions or federal or state laws.

Initiative shall mean the process that allows the citizens of the City of Decatur, Texas to place a new ordinance on a ballot for election.

Instrumentality of the City means an entity created by or pursuant to state law that acts as an agent or mechanism of the City to carry out governmental functions or provide public services. An *Instrumentality of the City* does not have the full powers of government but carries out specifically authorized purposes.

Referendum shall mean the process that allows the citizens of the City of Decatur, Texas to ask the voters whether to uphold or repeal an ordinance.

Recall shall mean the process that allows the citizens of the City of Decatur, Texas to remove an elected official.

Term of Office shall mean, as applied to terms of councilmembers and the mayor, and elected term whether or not served to completion.

CITY OF DECATUR PROPOSITION X

Shall the Charter be amended to remove or adjust language that applies only to the original charter which was approved in 2003 without removing historical context but to ensure the provisions of the amended Charter make sense?

11.07 - Comprehensive Master Plan.

~~No later than two (2) years after the adoption of this Charter, the~~ The City Council of the City of Decatur shall adopt and maintain a ~~comprehensive master plan~~ Comprehensive Master Plan projecting for at least five (5) years the growth and physical development of the City pursuant to state law. The City Council shall establish and adopt by ordinance a procedure for periodic review and/or revision of the ~~comprehensive master plan~~ Comprehensive Master Plan. The City may adopt the ~~comprehensive master plan~~ Comprehensive Master Plan by resolution or by ordinance following a public hearing upon which public input is received. The purpose of the ~~comprehensive master plan~~ Comprehensive Master Plan is to guide the growth and development of the City and to establish the standards that the City will seek ~~to attain~~ through the adoption of its development regulations to include its zoning regulations, subdivision regulations, building and construction regulations, landscaping regulations, signage regulations, and other related police power enactments. The ~~comprehensive master plan~~ Comprehensive Master Plan shall identify the goals and objectives of the community for growth and development and shall serve as the basis of the City's ~~capital improvement program~~ Capital Improvement Program for the development and construction of public works infrastructure.

12.20 - Submission of Amended Charter to Voters.

~~The Charter Commission in preparing this Chater concludes that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons, theChater Commission directs that the said Chater be voted upon as a whole and that it shall be submitted to the qualified voters of the City at an election to be held for that purpose on Saturday, February 1, 2003.~~ Not less than thirty days prior to ~~such~~ an election on any Charter amendments, the Council shall cause the City Secretary to ~~mail~~ make a copy of this Charter available to each qualified voter of the City as appears from the latest certified list of registered voters. The City Secretary shall make available a physical copy of the proposed Charter for inspection by the public at the Decatur City Hall and shall place an electronic copy on the City's official website. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of any amendments to this Charter, ~~it~~ the amendments shall immediately become the governing law of the City until amended or repealed.

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EXHIBIT B
Ballot Propositions

At the Election, the following ballot propositions shall be submitted to the qualified voters of Decatur, Texas in conformance of the requirements of the Texas Election Code:

CITY OF DECATUR PROPOSITION A

Shall the Charter be amended to correct non-substantive capitalization, punctuation, grammar, and sentence structure errors and remove references to outdated position titles, functions, or word usage?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION B

Shall the Charter be amended to remove non-substantive references to specific state laws that may change over time and replace those references with a general reference to "state law" except in reference to the Texas Open Meetings Act?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION C

Shall the Charter be amended to eliminate the portions of the Charter that are preempted by state law and to add clauses to recognize that if a conflict arises between the Charter and state law that state law prevails?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION D

Shall the Charter be amended to adjust City Council terms from four 2-year terms to three 3-year terms and establish a schedule through which the new 3-year terms shall take effect to assure that one city-wide election shall occur each year?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION E

Shall the Charter be amended to clarify that candidates for the positions of Mayor and Councilmember must be at least 21 years old on the day of their election or appointment?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION F

Shall the Charter be amended to state that no candidate for Mayor or Councilmember may be in arrears in payment of taxes or other liabilities due to the City of Decatur, Texas?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION G

Shall the Charter be amended to require candidates for elected office to maintain the qualifications of office consistently from the date the candidate files their application to run for office forward?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION H

Shall the Charter be amended to clarify the duties of the Mayor to remove outdated powers and to follow state law provisions regarding mayoral duties?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION I

Shall the Charter be amended to make it clear that the Mayor and City Attorney can place items on agendas for City Council meetings?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION J

Shall the Charter be amended to make it clear that the City Attorney's duty to represent the City includes all foreseen, contemplated, or pending litigation and solidify the City Attorney's rights of access to the City's evidence to include administrative remedies as directed by the City Manager?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION K

Shall the Charter be amended to add the position and duties of the City Secretary?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION L

Shall the Charter be amended to clarify that a majority vote of the City Council is required for the filling of a vacancy on the City Council?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION M

Shall the Charter be amended to clarify that in the instance of a recall election, if the recall election results in a tie vote, the recall petition did not pass with a majority of votes cast, and the elected official shall continue in office?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION N

Shall the Charter be amended to clarify that in a forfeiture of office action, the ¾ vote required of the of the entire membership of the City Council excludes the Councilmember who is the subject of the forfeiture vote?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION O

Shall the Charter be amended to clarify that a Mayor or up to one (1) Councilmember may serve on a board, committee, or commission that is advisory in nature?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION P

Shall the Charter be amended to include electronic publications in the list of allowable publication methods when publication of documents or notices is required unless state law requires otherwise?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION Q

Shall the Charter be amended to adjust the term of office of the Municipal Judge to the minimum allowable term provided by state law?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION R

Shall the Charter be amended to incorporate into the Charter the provisions of the 2010 ordinance creating the Decatur Municipal Court of Record?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION S

Shall the Charter be amended to adjust the time period for which the court must keep a recorded copy of a trial from 21 days to 120 days to allow for the operation of the appellate timetable?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION T

Shall the Charter be amended to clarify that the City may conduct elections and secure election judges through contract with another governmental entity, such as Wise County?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION U

Shall the Charter be amended to require all employees who handle money to execute surety bonds?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION V

Shall the Charter be amended to add an Anti-Nepotism provision that would prohibit employees or contractors of the City from being related to the Mayor, Councilmembers, or City Manager within the third degree of consanguinity (blood) or second degree of affinity (marriage) unless the employee or contractor has been continuously employed by the City for at least two years?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION W

Shall the Charter be amended to add a Definitions appendix that includes definitions for Budget, Capital Improvement Program, Comprehensive Master Plan, Council-Manager Form of Government, Entire Membership of Council, Home Rule, Initiative, Instrumentality of the City, Referendum, Recall, and Term of Office?
FOR: _____ AGAINST: _____

CITY OF DECATUR PROPOSITION X

Shall the Charter be amended to remove or adjust language that applies only to the original charter which was approved in 2003 without removing historical context but to ensure the provisions of the amended Charter make sense?
FOR: _____ AGAINST: _____