

Proposed Charter Amendments

The City Council has proposed some amendments to the City Charter and called for an election regarding the proposed amendments to be held Saturday May 10th. The purpose of this article is to educate the citizens on the proposed amendments as well as the purpose and effect of each proposed amendment.

The City Charter basically serves as the “constitution” for the City. In general, the Charter establishes the form of government the City will operate under, provides for the rights and powers of the City and the City Council, provides the procedures for municipal elections, and the like. The citizens of Joshua adopted the first Charter in 1998 officially establishing Joshua as a Home Rule Municipality in the state of Texas, and adopting the Council-Manager form of local government. Section 9.004 of the Texas Local Government Code states:

“The governing body of a municipality on its own motion may submit a proposed charter amendment to the municipality’s qualified voters for their approval at an election.”

Ten (10) years have passed since the original charter was adopted, and many state laws and other requirements have changed in that time. This in mind, the City Council felt the need to review the Charter to determine if there were any amendments that should be proposed to the voters. Most of the proposed amendments are suggested to bring the Charter in line with current state laws or defer to state law in areas where those laws control. Other amendments are proposed to make some changes in the length of the term of the Mayor and City Council, and/or to clarify some procedures such as adoption of the budget, surety bond requirements and signature authority.

All of the proposed amendments are listed below in the form in which they will appear on the ballot. Below each Proposition is an explanation of the purpose and effect of the proposed amendment. The purpose and effect information will not appear on the ballot, and is being provided in this article and on the City web site for informational purposes only.

PROPOSED CHARTER AMENDMENT BALLOT PROPOSITIONS

Proposition No. 1: CITY BOUNDARIES

Shall the Joshua Home Rule Charter be amended to provide that an updated map of the City will be kept in the office of the City Secretary by amending Section 1.03?

Purpose and Effect: To include language that specifically states that the City Secretary will keep an official boundary map on record at all times that reflects all annexations and/or disannexations as is required by state law.

Proposition No. 2: CLARIFICATION OF HOME RULE AUTHORITY

Shall the Joshua Home Rule Charter be amended to clarify the City's home rule authority over annexation, public property, streets and utilities by amending Sections 1.04, 2.03(C) and (D), and 9.05, adding Section 9.01(A)?

Purpose and Effect: Adds language to clarify the City’s authority as a Home Rule Municipality under State law to set its boundaries including annexation and disannexation of property, to control public property especially City streets and rights-of-

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way, and to regulate public services including utilities by granting, extending or renewing franchise agreements.

Proposition No. 3:

CITY COUNCIL

Shall the Joshua Home Rule Charter be amended to provide that members of the City Council shall not be compensated except for reimbursements with the approval of the Council; to provide that a City Council Member shall not hold any other compensated office or employment while serving as a Council Member; to allow state law to control over conflicts with holding other public office; and to clarify that all meetings will be held in accordance with the Texas Open Meetings Act by amending Sections 3.02, 3.05(A) and 3.08?

Purpose and Effect: Eliminates the monthly meeting stipend currently provided to the Mayor (\$15 per month) and City Council members (\$10 per month) and provides that the Mayor and members of the City Council shall be reimbursed for authorized and necessary City related expenses provided they submit documentation of the expenses. All reimbursements must have approval of the City Council. This also clarifies that all meetings of the City Council shall be held in accordance with the Texas Open Meetings Act, and that no member of the City Council shall hold any compensated office of the City during their term on the City Council.

Proposition No. 4:

ORDINANCES

Shall the Joshua Home Rule Charter be amended to revise procedures for the adoption of emergency ordinances and to require that the City Council provide for a codification of ordinances to be maintained in a manner readily available to the public by amending Sections 3.09 and 3.10(B)?

Purpose and Effect: To clarify that emergency ordinances can only be considered to meet a public emergency that affects life, health and or property of the public (Texas Open Meetings Act requirements apply), and that the City must maintain an electronic version of the Code of Ordinances that is readily available to the public.

Proposition No. 5:

CITY COUNCIL TERM

Shall the Joshua Home Rule Charter be amended to provide for three year terms for the Mayor and Council Members by amending Section 4.01?

Purpose and Effect: To change the term of office for the Mayor and members of the City Council from two (2) years to three (3) years. The term limit of four (4) consecutive terms will remain. Once fully implemented, the Mayor and City Council Places one (1) and three (3) will be elected one year, City Council Places four (4) and six (6) will be elected the following year, and City Council places two (2) and five (5) will be elected the third year. Implementation of this plan would begin in 2010 and be fully in place following the 2012 Council election.

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Proposition No. 6:

ELECTIONS, CANDIDATE QUALIFICATIONS AND VACANCIES

Shall the Joshua Home Rule Charter be amended to provide that elections will be held in accordance with state law; that a candidate for City Council must be 21 years old on the date of the election; and to provide for appointment to fill a vacancy on the City Council in certain circumstances, by amending Sections 4.02, 4.05, 4.09 and 4.10?

Purpose and Effect: To defer to state law in the governance of City elections, raise the minimum age requirement for candidates from 18 to 21, simplify procedures for runoff elections, and provide a procedure for filling vacancies on the City Council in accordance with the Texas Constitution. This would allow the City Council to appoint someone to fill a vacancy on the City Council by majority vote only when an election is not required by the Texas Constitution. In general, the Texas Constitution requires an election when there is more than one vacancy on the City Council and when any vacant seat has more than one year remaining in its term.

Proposition No. 7:

ADMINISTRATION

Shall the Joshua Home Rule Charter be amended to revise the duties of the City Manager, City Secretary and City Attorney; and to create prohibitions against discrimination, accepting gifts and violations of the Charter for all officers and employees of the City by amending Sections 5.01(A) and 5.03(A) and (C) and by adding Section 5.04?

Purpose and Effect: To clarify the City Manager's authority to appoint, discipline or terminate heads of administrative departments, administrative officers and other employees of the City. To change the requirement of City Council approval for the City Manager to combine, abolish, or create administrative departments to require that the City Manager notify the City Council of such action at the next regular City Council meeting. To provide for the day to day supervision of the City Secretary by the City Manager while maintaining the City Council's authority to appoint, discipline or terminate the City Secretary. To clarify that the City Attorney serves at the will of the City Council.

Proposition No. 8:

FINANCE

Shall the Joshua Home Rule Charter be amended to provide for appropriations on a month by month basis in the event a budget is not adopted; to revise procedures regarding amendment of the budget; to provide for emergency appropriations and the issuance of emergency notes; to provide that items of City property may be sold according to procedures established by the City Council; to change an authorized signatory for disbursement of City funds; and to authorize property tax exemptions not prohibited by state law by adding Section 6.02(B), amending Sections 6.08, adding Section 6.08(D), and amending Section 6.13, 6.15 and 6.18?

Purpose and Effect: To provide that if the council fails to adopt a budget for the new fiscal year in accordance with State law that the amounts appropriated in the current fiscal year's budget shall be deemed adopted for the coming fiscal year until the Council adopts a budget for the new fiscal year. To clarify and permit the City Council to authorize emergency appropriations and/or emergency notes only in the event of a natural disaster or man-made calamity that affects life, health, public property, or the public

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peace. To defer the procedures for the sale of City property to City ordinance. To clarify that all expenditures shall be signed by an Elected Official of the municipality authorized by the City Council, and the City Manager or City Manager's authorized designee.

Proposition No. 9:

INITIATIVE, REFERENDUM AND RECALL

Shall the Joshua Home Rule Charter be amended to change the criteria for initiative, referendum and recall by amending Section 10.05?

Purpose: To change the signature requirement for petitions for initiative or referendum from 15% of those who voted in the last general election to 15% of registered voters within the City. To change the signature requirement for petitions for the recall of City council members from 35% of those who voted in the last general municipal election to 15% of registered voters within the City.

Proposition No. 10:

GENERAL PROVISIONS

Shall the Joshua Home Rule Charter be amended to require that all minutes be maintained in accordance with state law; to provide that state nepotism laws shall control; to revise the requirements for surety bonds for employees; to except diminutive matters from the gift prohibition; and to provide that property of the City shall not be subject to execution by amending Sections 11.01, 11.06, 11.07, 11.09, and 11.17?

Purpose: To provide that meeting records shall be maintained in accordance with state law. To restrict employment of relatives of the City Manager, City Council or department heads in accordance with state law. To clarify requirements for surety bonds of City employees who handle money belonging to the City. To provide that no City Official or employee shall except gifts, directly or indirectly, with the exception diminutive matters (as defined by state law). To clarify that public property including any property owned by the City is not subject to garnishment or execution of any kind.

If you would like a copy of the original Charter, please contact the City Secretary at 817-558-7447 or citysecretary@cityofjoshuatx.us for information on how to obtain a copy.

Early voting will be held at City Hall beginning April 28th and running through May 6th. Election Day is May 10th. On Election Day voting will be held at the Joshua Community Room. See the City web site www.cityofjoshuatx.us for detailed election information including exact voting hours and locations.