



**CITY OF LEON VALLEY
SPECIAL CITY COUNCIL MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Monday, November 21, 2022 at 7:30 AM

AGENDA

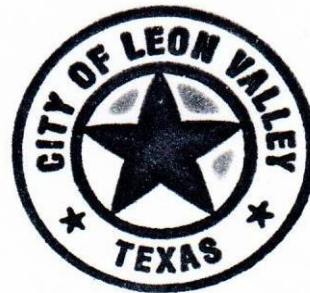
The City of Leon Valley City Council Shall Hold an In-Person Meeting with A Quorum of Members of City Council to Be Physically Present in The Leon Valley City Council Chambers, 6400 El Verde Road, Leon Valley, Texas 78238. Some Members of City Council May Appear and Participate in The Meeting by Videoconference Pursuant to The Requirements Set Forth in The Texas Open Meetings Act.

Citizens May E-Mail Public Comments To citizenstobeheard@leonvalleytexas.gov. All Other Citizen Participation May Be Provided In-Person at City Council Chambers.

1. Call to Order; Determine a Quorum is Present, Pledge of Allegiance
2. **Regular Agenda**
 1. Discussion and Possible Action on a Resolution Canvassing the November 08, 2022, Special Election
 2. Presentation and Discussion on an Ordinance of The City Council of The City of Leon Valley, Texas, Ordering and Declaring The 2022 Charter Amendments Adopted (1st Read as Required by City Charter) S. Passailaigue, City Secretary
3. **Citizens to be Heard**
4. **Adjournment**

A handwritten signature in blue ink that reads "Sandra Passailaigue".

SAUNDRA PASSAILAIGUE, TRMC
City Secretary
November 16, 2022 at 10:31 AM



MAYOR AND COUNCIL COMMUNICATION

DATE: November 15, 2022

TO: Mayor and Council

FROM: Sandra Passailaigue, City Secretary

THROUGH: Crystal Caldera, City Manager

SUBJECT: Discussion and Possible Action on a Resolution Canvassing the November 08, 2022, Special Election

SPONSOR(S): N/A

PURPOSE

The purpose of this item is to present, discuss and consider acceptance of the November 08, 2022 Special Election votes by canvass.

SEE LEON VALLEY

Social – The electoral process enables residents of Leon Valley who are qualified voters to engage in the promotion and provision of a superior quality of life through the determination of its elected leadership.

Economic – N/A

Environmental – N/A

FISCAL IMPACT

N/A

STRATEGIC GOALS

N/A

RECOMMENDATION

Staff recommends approval of this canvass of the votes from the qualified voters of the November 08, 2022 Leon Valley Special Election.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

RESOLUTION No.

**A RESOLUTION AND ORDER OF THE LEON VALLEY, TX., CITY COUNCIL
CANVASSING THE RETURNS AND DECLARING THE OFFICIAL RESULTS OF
CITY OF LEON VALLEY, TEXAS, NOVEMBER 08, 2022 SPECIAL CHARTER
AMENDMENT ELECTION**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
LEON VALLEY, TEXAS:**

There came to be considered the returns of a Special Election held on the November 03, 2020, for the purpose of considering amendments to the Leon Valley City Charter.

Measures, amending the City Charter, were given to the qualified voters of the City at the Special Election in the form of propositions in accordance with Section 9.004 of the Texas Local Government Code and other applicable laws with votes FOR and AGAINST each proposition as shown below:

Proposition A

Shall Section 3.01 of the City Charter of the City of Leon Valley be amended by repealing/deleting general powers and duties of the City Council as legislators and shall not encroach on the executive responsibilities of the city manager?

FOR 1920 AGAINST 1346

Proposition B

Shall Section 3.03 of the City Charter of the City of Leon Valley be amended by repealing/deleting the qualifications that a candidate or elected or appointed city council member or mayor must not have been in violation of the City Charter within three years of application or appointment to office, a candidate may not be determined to have forfeited an office of the City Council within three years, and adding that a council member maintain residency in the corporate limits of the City throughout their tenure?

FOR 2323 AGAINST 989

Proposition C

Shall Section 3.06 of the City Charter of the City of Leon Valley be amended by replacing the Mayor's ability to discuss any "Policy" matters with any matters and remove language mandating a general disposition when addressing council members and citizens?

FOR 1995 AGAINST 1262

Proposition D

Shall Section 3.08 of the City Charter of the City of Leon Valley be amended by repealing/deleting the requirement of immediate resignation, investigation, and hearing process in case of violation of the charter and/or forfeiture of office?

FOR 1830 AGAINST 1441

Proposition E

Shall Section 3.09 of the City Charter of the City of Leon Valley be amended by repealing section 3.09 prohibitions in its entirety deleting provisions that prevent a City Council member from accepting or admitting liability, pay any claim for damages without written opinion of the city attorney, that no member of the City Council be employed in or appointed to the positions of city manager, city attorney or department head until three (3) years after expiration of the term elected, that a candidate or elected or appointed City Councilmember or Mayor must not have been in violation of the City Charter within three years of application or appointment to office, prohibiting City Council from dictating to the city manager the appointment of any person to office or employment and the interference of the city manager in performance of duties, and deleting provisions related to attorney client privilege?

FOR 1986 AGAINST 1260

Proposition F

Shall Section 3.12 of the City Charter of the City of Leon Valley be amended by repealing/deleting Section 3.12 Council Investigations Hearings Process in its entirety and adding the City Council shall have the power to inquire into the conduct of any department, agency, board, or employee of the City, and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, testimony, and other evidence material to the inquiry and provide penalties for violation?

FOR 2169 AGAINST 1054

Proposition G

Shall Section 5.01 of the City Charter of the City of Leon Valley be amended by replacing the city manager shall be appointed for an “Indefinite” term instead of “Definite” term, may be removed by “Majority” vote instead of “Two-Thirds” vote, and by adding In The Event Of Termination The City Manager Shall Not Receive More Than One (1) Times The Annual Base Salary And Accrued Personal Leave?

FOR 2087 AGAINST 1150

Proposition H

Shall Section 5.01 of the City Charter of the City of Leon Valley be amended by adding the city manager shall appoint department heads, including but not limited to, the city secretary, police chief, fire chief, planning and zoning director, library director, human resources director, public works director, economic development director, finance director and assistant city manager(s) upon consent of the majority of the City Council?

FOR 2107 AGAINST 1105

Proposition I

Shall Section 5.02 of the City Charter of the City of Leon Valley be amended by deleting language mandating the creation of a department before a department, office or agency is discontinued or assigned?

FOR 1988 AGAINST 1203

Proposition J

Shall Section 5.02 of the City Charter of the City of Leon Valley be amended by changing the appointment and removal, report of the city attorney by and to the city manager with council approval, to the appointment and removal, report of the city attorney by and to the City Council?

FOR 2253 AGAINST 929

Proposition K

Shall Section 7.05 of the City Charter of the City of Leon Valley be amended to change the City Council's option from "Shall" appoint A Charter Review Committee the second (2nd) year after a Charter is adopted and every fourth (4th) year thereafter, to the City Council "May" appoint a Charter Review Committee at "any time"?

FOR 2226 AGAINST 980

Proposition L

Shall Section 7.13 of the City Charter of the City of Leon Valley be amended by repealing/deleting the criminal penalty of not more than five hundred (\$500.00) for violations of the Charter?

FOR 1890 AGAINST 1325

Proposition M

Shall Section 7.13 of the City Charter of the City of Leon Valley be amended by repealing/deleting the civil penalty of not more than five hundred (\$500.00) for violations of the Charter?

FOR 1910 AGAINST 1313

That the election was duly called; that notice of said election was given in accordance with law and that said election was held in accordance with law; that the following measures are hereby declared to be approved by the registered voters of the City of Leon based on the canvassing of the November 08, 2022 election results:

Propositions A through M

It is further found and determined that in accordance with the order of this governing body that the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board located at the Leon Valley City Hall, a place convenient to the public, and said notice having been so posted and remaining posted continuously for at least 72 hours preceding the date of this meeting. A copy of the return of said posting shall be attached to the minutes of this meeting and shall be made a part thereof for all intents and purposes.

PASSED and **APPROVED** this the 21st day of November, 2022.

APPROVED

CHRIS RILEY
Mayor

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney

Summary Results Report
November 8, 2022 Joint General, Special, Charter and
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November 8, 2022

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Statistics

	TOTAL	Election Day	Absentee	Early Voting
Registered Voters - Total	1,230,335			
Ballots Cast - Total	543,164	151,394	32,564	359,206
Ballots Cast - Blank	129	20	74	35
Voter Turnout - Total	44.15%			

Received by
CITY SECRETARY
Date: 11-17-2022
Time: 11:15 AM

Jaquelyn F. Callan

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CITY OF LEON VALLEY - PROPOSITION A

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	1,920	58.79%	381	152	1,387
AGAINST	1,346	41.21%	286	55	1,005
Total Votes Cast	3,266	100.00%	667	207	2,392
Overvotes	0		0	0	0
Undervotes	468		111	47	310
Contest Totals	3,734		778	254	2,702

CITY OF LEON VALLEY - PROPOSITION B

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	2,323	70.14%	469	159	1,695
AGAINST	989	29.86%	206	52	731
Total Votes Cast	3,312	100.00%	675	211	2,426
Overvotes	0		0	0	0
Undervotes	422		103	43	276
Contest Totals	3,734		778	254	2,702

CITY OF LEON VALLEY - PROPOSITION C

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	1,995	61.25%	400	135	1,460
AGAINST	1,262	38.75%	270	73	919
Total Votes Cast	3,257	100.00%	670	208	2,379
Overvotes	0		0	0	0
Undervotes	462		108	31	323
Contest Totals	3,719		778	239	2,702

CITY OF LEON VALLEY - PROPOSITION D

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	1,830	55.95%	388	129	1,313
AGAINST	1,441	44.05%	288	83	1,070
Total Votes Cast	3,271	100.00%	676	212	2,383
Overvotes	0		0	0	0
Undervotes	448		102	27	319
Contest Totals	3,719		778	239	2,702

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CITY OF LEON VALLEY - PROPOSITION E

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	1,986	61.18%	408	140	1,438
AGAINST	1,260	38.82%	255	70	935
Total Votes Cast	3,246	100.00%	663	210	2,373
Overvotes	0		0	0	0
Undervotes	473		115	29	329
Contest Totals	3,719		778	239	2,702

CITY OF LEON VALLEY - PROPOSITION F

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	2,169	67.30%	437	161	1,571
AGAINST	1,054	32.70%	214	51	789
Total Votes Cast	3,223	100.00%	651	212	2,360
Overvotes	0		0	0	0
Undervotes	496		127	27	342
Contest Totals	3,719		778	239	2,702

CITY OF LEON VALLEY - PROPOSITION G

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	2,087	64.47%	401	173	1,513
AGAINST	1,150	35.53%	257	39	854
Total Votes Cast	3,237	100.00%	658	212	2,367
Overvotes	0		0	0	0
Undervotes	482		120	27	335
Contest Totals	3,719		778	239	2,702

CITY OF LEON VALLEY - PROPOSITION H

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	2,107	65.60%	403	167	1,537
AGAINST	1,105	34.40%	244	45	816
Total Votes Cast	3,212	100.00%	647	212	2,353
Overvotes	0		0	0	0
Undervotes	507		131	27	349
Contest Totals	3,719		778	239	2,702

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CITY OF LEON VALLEY - PROPOSITION I

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	1,988	62.30%	372	152	1,464
AGAINST	1,203	37.70%	273	57	873
Total Votes Cast	3,191	100.00%	645	209	2,337
Overvotes	0		0	0	0
Undervotes	528		133	30	365
Contest Totals	3,719		778	239	2,702

CITY OF LEON VALLEY - PROPOSITION J

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	2,253	70.80%	448	158	1,647
AGAINST	929	29.20%	191	51	687
Total Votes Cast	3,182	100.00%	639	209	2,334
Overvotes	0		0	0	0
Undervotes	537		139	30	368
Contest Totals	3,719		778	239	2,702

CITY OF LEON VALLEY - PROPOSITION K

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	2,226	69.43%	432	164	1,630
AGAINST	980	30.57%	211	46	723
Total Votes Cast	3,206	100.00%	643	210	2,353
Overvotes	1		0	1	0
Undervotes	512		135	28	349
Contest Totals	3,719		778	239	2,702

CITY OF LEON VALLEY - PROPOSITION L

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	1,890	58.79%	380	128	1,382
AGAINST	1,325	41.21%	271	80	974
Total Votes Cast	3,215	100.00%	651	208	2,356
Overvotes	0		0	0	0
Undervotes	504		127	31	346
Contest Totals	3,719		778	239	2,702

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CITY OF LEON VALLEY - PROPOSITION M
Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	1,910	59.26%	385	131	1,394
AGAINST	1,313	40.74%	268	79	966
Total Votes Cast	3,223	100.00%	653	210	2,360
Overvotes	0		0	0	0
Undervotes	496		125	29	342
Contest Totals	3,719		778	239	2,702

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Statistics

	TOTAL	Election Day	Absentee	Early Voting
Registered Voters - Total	1,308			
Ballots Cast - Total	563	162	23	378
Ballots Cast - Blank	2	0	2	0
Voter Turnout - Total	43.04%			

CITY OF LEON VALLEY - PROPOSITION A

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	278	57.80%	83	11	184
AGAINST	203	42.20%	50	7	146
Total Votes Cast	481	100.00%	133	18	330
Overvotes	0		0	0	0
Undervotes	82		29	5	48

CITY OF LEON VALLEY - PROPOSITION B

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	327	67.42%	94	13	220
AGAINST	158	32.58%	41	3	114
Total Votes Cast	485	100.00%	135	16	334
Overvotes	0		0	0	0
Undervotes	78		27	7	44

CITY OF LEON VALLEY - PROPOSITION C

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	267	55.51%	86	7	174
AGAINST	214	44.49%	48	13	153
Total Votes Cast	481	100.00%	134	20	327
Overvotes	0		0	0	0
Undervotes	82		28	3	51

CITY OF LEON VALLEY - PROPOSITION D

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	254	52.48%	77	10	167
AGAINST	230	47.52%	60	9	161
Total Votes Cast	484	100.00%	137	19	328
Overvotes	0		0	0	0
Undervotes	79		25	4	50

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CITY OF LEON VALLEY - PROPOSITION E

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	276	57.86%	87	10	179
AGAINST	201	42.14%	48	10	143
Total Votes Cast	477	100.00%	135	20	322
Overvotes	0		0	0	0
Undervotes	86		27	3	56

CITY OF LEON VALLEY - PROPOSITION F

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	315	66.46%	93	14	208
AGAINST	159	33.54%	38	6	115
Total Votes Cast	474	100.00%	131	20	323
Overvotes	0		0	0	0
Undervotes	89		31	3	55

CITY OF LEON VALLEY - PROPOSITION G

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	285	59.25%	84	15	186
AGAINST	196	40.75%	51	6	139
Total Votes Cast	481	100.00%	135	21	325
Overvotes	0		0	0	0
Undervotes	82		27	2	53

CITY OF LEON VALLEY - PROPOSITION H

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	312	66.10%	89	16	207
AGAINST	160	33.90%	42	4	114
Total Votes Cast	472	100.00%	131	20	321
Overvotes	0		0	0	0
Undervotes	91		31	3	57

CITY OF LEON VALLEY - PROPOSITION I

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	284	60.55%	81	12	191
AGAINST	185	39.45%	49	8	128
Total Votes Cast	469	100.00%	130	20	319
Overvotes	0		0	0	0
Undervotes	94		32	3	59

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CITY OF LEON VALLEY - PROPOSITION J

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	318	67.52%	90	11	217
AGAINST	153	32.48%	40	9	104
Total Votes Cast	471	100.00%	130	20	321
Overvotes	0		0	0	0
Undervotes	92		32	3	57

CITY OF LEON VALLEY - PROPOSITION K

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	315	65.90%	91	16	208
AGAINST	163	34.10%	41	4	118
Total Votes Cast	478	100.00%	132	20	326
Overvotes	0		0	0	0
Undervotes	85		30	3	52

CITY OF LEON VALLEY - PROPOSITION L

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	276	57.50%	84	10	182
AGAINST	204	42.50%	50	10	144
Total Votes Cast	480	100.00%	134	20	326
Overvotes	0		0	0	0
Undervotes	83		28	3	52

CITY OF LEON VALLEY - PROPOSITION M

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	277	57.83%	86	11	180
AGAINST	202	42.17%	48	9	145
Total Votes Cast	479	100.00%	134	20	325
Overvotes	0		0	0	0
Undervotes	84		28	3	53

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Statistics

	TOTAL	Election Day	Absentee	Early Voting
Registered Voters - Total	2,406			
Ballots Cast - Total	1,271	232	74	965
Ballots Cast - Blank	8	0	8	0
Voter Turnout - Total	52.83%			

CITY OF LEON VALLEY - PROPOSITION A

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	684	60.16%	115	41	528
AGAINST	453	39.84%	90	17	346
Total Votes Cast	1,137	100.00%	205	58	874
Overvotes	0		0	0	0
Undervotes	134		27	16	91

CITY OF LEON VALLEY - PROPOSITION B

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	834	72.21%	141	49	644
AGAINST	321	27.79%	68	14	239
Total Votes Cast	1,155	100.00%	209	63	883
Overvotes	0		0	0	0
Undervotes	116		23	11	82

CITY OF LEON VALLEY - PROPOSITION C

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	722	63.72%	119	43	560
AGAINST	411	36.28%	84	15	312
Total Votes Cast	1,133	100.00%	203	58	872
Overvotes	0		0	0	0
Undervotes	133		29	11	93

CITY OF LEON VALLEY - PROPOSITION D

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	647	57.16%	114	36	497
AGAINST	485	42.84%	94	25	366
Total Votes Cast	1,132	100.00%	208	61	863
Overvotes	0		0	0	0
Undervotes	134		24	8	102

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CITY OF LEON VALLEY - PROPOSITION E

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	706	62.76%	118	39	549
AGAINST	419	37.24%	81	20	318
Total Votes Cast	1,125	100.00%	199	59	867
Overvotes	0		0	0	0
Undervotes	141		33	10	98

CITY OF LEON VALLEY - PROPOSITION F

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	765	68.55%	123	46	596
AGAINST	351	31.45%	73	14	264
Total Votes Cast	1,116	100.00%	196	60	860
Overvotes	0		0	0	0
Undervotes	150		36	9	105

CITY OF LEON VALLEY - PROPOSITION G

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	751	67.17%	122	51	578
AGAINST	367	32.83%	77	8	282
Total Votes Cast	1,118	100.00%	199	59	860
Overvotes	0		0	0	0
Undervotes	148		33	10	105

CITY OF LEON VALLEY - PROPOSITION H

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	733	66.33%	112	49	572
AGAINST	372	33.67%	82	9	281
Total Votes Cast	1,105	100.00%	194	58	853
Overvotes	0		0	0	0
Undervotes	161		38	11	112

CITY OF LEON VALLEY - PROPOSITION I

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	698	63.11%	106	43	549
AGAINST	408	36.89%	91	14	303
Total Votes Cast	1,106	100.00%	197	57	852
Overvotes	0		0	0	0
Undervotes	160		35	12	113

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CITY OF LEON VALLEY - PROPOSITION J

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	789	71.66%	130	46	613
AGAINST	312	28.34%	65	13	234
Total Votes Cast	1,101	100.00%	195	59	847
Overvotes	0		0	0	0
Undervotes	165		37	10	118

CITY OF LEON VALLEY - PROPOSITION K

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	790	71.49%	132	47	611
AGAINST	315	28.51%	62	11	242
Total Votes Cast	1,105	100.00%	194	58	853
Overvotes	0		0	0	0
Undervotes	161		38	11	112

CITY OF LEON VALLEY - PROPOSITION L

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	655	58.96%	109	33	513
AGAINST	456	41.04%	89	25	342
Total Votes Cast	1,111	100.00%	198	58	855
Overvotes	0		0	0	0
Undervotes	155		34	11	110

CITY OF LEON VALLEY - PROPOSITION M

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	661	59.55%	105	33	523
AGAINST	449	40.45%	93	26	330
Total Votes Cast	1,110	100.00%	198	59	853
Overvotes	0		0	0	0
Undervotes	156		34	10	112

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Statistics

	TOTAL	Election Day	Absentee	Early Voting
Registered Voters - Total	78			
Ballots Cast - Total	42	8	0	34
Ballots Cast - Blank	0	0	0	0
Voter Turnout - Total	53.85%			

CITY OF LEON VALLEY - PROPOSITION A

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	19	48.72%	7	0	12
AGAINST	20	51.28%	1	0	19
Total Votes Cast	39	100.00%	8	0	31
Overvotes	0		0	0	0
Undervotes	3		0	0	3

CITY OF LEON VALLEY - PROPOSITION B

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	31	79.49%	4	0	27
AGAINST	8	20.51%	4	0	4
Total Votes Cast	39	100.00%	8	0	31
Overvotes	0		0	0	0
Undervotes	3		0	0	3

CITY OF LEON VALLEY - PROPOSITION C

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	24	64.86%	7	0	17
AGAINST	13	35.14%	1	0	12
Total Votes Cast	37	100.00%	8	0	29
Overvotes	0		0	0	0
Undervotes	5		0	0	5

CITY OF LEON VALLEY - PROPOSITION D

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	19	50.00%	6	0	13
AGAINST	19	50.00%	2	0	17
Total Votes Cast	38	100.00%	8	0	30
Overvotes	0		0	0	0
Undervotes	4		0	0	4

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CITY OF LEON VALLEY - PROPOSITION E

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	20	54.05%	6	0	14
AGAINST	17	45.95%	2	0	15
Total Votes Cast	37	100.00%	8	0	29
Overvotes	0		0	0	0
Undervotes	5		0	0	5

CITY OF LEON VALLEY - PROPOSITION F

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	27	72.97%	7	0	20
AGAINST	10	27.03%	1	0	9
Total Votes Cast	37	100.00%	8	0	29
Overvotes	0		0	0	0
Undervotes	5		0	0	5

CITY OF LEON VALLEY - PROPOSITION G

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	27	72.97%	5	0	22
AGAINST	10	27.03%	3	0	7
Total Votes Cast	37	100.00%	8	0	29
Overvotes	0		0	0	0
Undervotes	5		0	0	5

CITY OF LEON VALLEY - PROPOSITION H

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	23	62.16%	5	0	18
AGAINST	14	37.84%	3	0	11
Total Votes Cast	37	100.00%	8	0	29
Overvotes	0		0	0	0
Undervotes	5		0	0	5

CITY OF LEON VALLEY - PROPOSITION I

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	28	75.68%	7	0	21
AGAINST	9	24.32%	1	0	8
Total Votes Cast	37	100.00%	8	0	29
Overvotes	0		0	0	0
Undervotes	5		0	0	5

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CITY OF LEON VALLEY - PROPOSITION J

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	25	67.57%	7	0	18
AGAINST	12	32.43%	1	0	11
Total Votes Cast	37	100.00%	8	0	29
Overvotes	0		0	0	0
Undervotes	5		0	0	5

CITY OF LEON VALLEY - PROPOSITION K

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	26	72.22%	7	0	19
AGAINST	10	27.78%	1	0	9
Total Votes Cast	36	100.00%	8	0	28
Overvotes	0		0	0	0
Undervotes	6		0	0	6

CITY OF LEON VALLEY - PROPOSITION L

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	19	52.78%	6	0	13
AGAINST	17	47.22%	2	0	15
Total Votes Cast	36	100.00%	8	0	28
Overvotes	0		0	0	0
Undervotes	6		0	0	6

CITY OF LEON VALLEY - PROPOSITION M

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	19	52.78%	7	0	12
AGAINST	17	47.22%	1	0	16
Total Votes Cast	36	100.00%	8	0	28
Overvotes	0		0	0	0
Undervotes	6		0	0	6

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Statistics

	TOTAL	Election Day	Absentee	Early Voting
Registered Voters - Total	1,817			
Ballots Cast - Total	889	174	88	627
Ballots Cast - Blank	3	0	3	0
Voter Turnout - Total	48.93%			

CITY OF LEON VALLEY - PROPOSITION A

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	469	60.13%	77	56	336
AGAINST	311	39.87%	66	21	224
Total Votes Cast	780	100.00%	143	77	560
Overvotes	0		0	0	0
Undervotes	109		31	11	67

CITY OF LEON VALLEY - PROPOSITION B

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	567	71.50%	104	62	401
AGAINST	226	28.50%	40	16	170
Total Votes Cast	793	100.00%	144	78	571
Overvotes	0		0	0	0
Undervotes	96		30	10	56

CITY OF LEON VALLEY - PROPOSITION C

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	493	62.72%	82	54	357
AGAINST	293	37.28%	67	23	203
Total Votes Cast	786	100.00%	149	77	560
Overvotes	0		0	0	0
Undervotes	97		25	5	67

CITY OF LEON VALLEY - PROPOSITION D

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	463	58.76%	85	52	326
AGAINST	325	41.24%	60	25	240
Total Votes Cast	788	100.00%	145	77	566
Overvotes	0		0	0	0
Undervotes	95		29	5	61

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CITY OF LEON VALLEY - PROPOSITION E

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	495	62.90%	92	57	346
AGAINST	292	37.10%	53	20	219
Total Votes Cast	787	100.00%	145	77	565
Overvotes	0		0	0	0
Undervotes	96		29	5	62

CITY OF LEON VALLEY - PROPOSITION F

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	523	67.40%	92	60	371
AGAINST	253	32.60%	49	17	187
Total Votes Cast	776	100.00%	141	77	558
Overvotes	0		0	0	0
Undervotes	107		33	5	69

CITY OF LEON VALLEY - PROPOSITION G

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	500	64.35%	83	62	355
AGAINST	277	35.65%	59	16	202
Total Votes Cast	777	100.00%	142	78	557
Overvotes	0		0	0	0
Undervotes	106		32	4	70

CITY OF LEON VALLEY - PROPOSITION H

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	499	64.72%	88	58	353
AGAINST	272	35.28%	51	17	204
Total Votes Cast	771	100.00%	139	75	557
Overvotes	0		0	0	0
Undervotes	112		35	7	70

CITY OF LEON VALLEY - PROPOSITION I

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	493	64.36%	83	55	355
AGAINST	273	35.64%	55	19	199
Total Votes Cast	766	100.00%	138	74	554
Overvotes	0		0	0	0
Undervotes	117		36	8	73

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CITY OF LEON VALLEY - PROPOSITION J

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	547	71.78%	97	58	392
AGAINST	215	28.22%	37	15	163
Total Votes Cast	762	100.00%	134	73	555
Overvotes	0		0	0	0
Undervotes	121		40	9	72

CITY OF LEON VALLEY - PROPOSITION K

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	539	70.18%	93	56	390
AGAINST	229	29.82%	42	18	169
Total Votes Cast	768	100.00%	135	74	559
Overvotes	0		0	0	0
Undervotes	115		39	8	68

CITY OF LEON VALLEY - PROPOSITION L

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	466	60.84%	85	47	334
AGAINST	300	39.16%	52	25	223
Total Votes Cast	766	100.00%	137	72	557
Overvotes	0		0	0	0
Undervotes	117		37	10	70

CITY OF LEON VALLEY - PROPOSITION M

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	475	61.45%	84	50	341
AGAINST	298	38.55%	54	23	221
Total Votes Cast	773	100.00%	138	73	562
Overvotes	0		0	0	0
Undervotes	110		36	9	65

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Statistics

	TOTAL	Election Day	Absentee	Early Voting
Registered Voters - Total	2,215			
Ballots Cast - Total	969	202	69	698
Ballots Cast - Blank	4	0	4	0
Voter Turnout - Total	43.75%			

CITY OF LEON VALLEY - PROPOSITION A

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	470	56.69%	99	44	327
AGAINST	359	43.31%	79	10	270
Total Votes Cast	829	100.00%	178	54	597
Overvotes	0		0	0	0
Undervotes	140		24	15	101

CITY OF LEON VALLEY - PROPOSITION B

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	564	67.14%	126	35	403
AGAINST	276	32.86%	53	19	204
Total Votes Cast	840	100.00%	179	54	607
Overvotes	0		0	0	0
Undervotes	129		23	15	91

CITY OF LEON VALLEY - PROPOSITION C

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	489	59.63%	106	31	352
AGAINST	331	40.37%	70	22	239
Total Votes Cast	820	100.00%	176	53	591
Overvotes	0		0	0	0
Undervotes	145		26	12	107

CITY OF LEON VALLEY - PROPOSITION D

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	447	53.92%	106	31	310
AGAINST	382	46.08%	72	24	286
Total Votes Cast	829	100.00%	178	55	596
Overvotes	0		0	0	0
Undervotes	136		24	10	102

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CITY OF LEON VALLEY - PROPOSITION E

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	489	59.63%	105	34	350
AGAINST	331	40.37%	71	20	240
Total Votes Cast	820	100.00%	176	54	590
Overvotes	0		0	0	0
Undervotes	145		26	11	108

CITY OF LEON VALLEY - PROPOSITION F

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	539	65.73%	122	41	376
AGAINST	281	34.27%	53	14	214
Total Votes Cast	820	100.00%	175	55	590
Overvotes	0		0	0	0
Undervotes	145		27	10	108

CITY OF LEON VALLEY - PROPOSITION G

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	524	63.59%	107	45	372
AGAINST	300	36.41%	67	9	224
Total Votes Cast	824	100.00%	174	54	596
Overvotes	0		0	0	0
Undervotes	141		28	11	102

CITY OF LEON VALLEY - PROPOSITION H

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	540	65.30%	109	44	387
AGAINST	287	34.70%	66	15	206
Total Votes Cast	827	100.00%	175	59	593
Overvotes	0		0	0	0
Undervotes	138		27	6	105

CITY OF LEON VALLEY - PROPOSITION I

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	485	59.66%	95	42	348
AGAINST	328	40.34%	77	16	235
Total Votes Cast	813	100.00%	172	58	583
Overvotes	0		0	0	0
Undervotes	152		30	7	115

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CITY OF LEON VALLEY - PROPOSITION J

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	574	70.78%	124	43	407
AGAINST	237	29.22%	48	14	175
Total Votes Cast	811	100.00%	172	57	582
Overvotes	0		0	0	0
Undervotes	154		30	8	116

CITY OF LEON VALLEY - PROPOSITION K

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	556	67.89%	109	45	402
AGAINST	263	32.11%	65	13	185
Total Votes Cast	819	100.00%	174	58	587
Overvotes	1		0	1	0
Undervotes	145		28	6	111

CITY OF LEON VALLEY - PROPOSITION L

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	474	57.66%	96	38	340
AGAINST	348	42.34%	78	20	250
Total Votes Cast	822	100.00%	174	58	590
Overvotes	0		0	0	0
Undervotes	143		28	7	108

CITY OF LEON VALLEY - PROPOSITION M

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
FOR	478	57.94%	103	37	338
AGAINST	347	42.06%	72	21	254
Total Votes Cast	825	100.00%	175	58	592
Overvotes	0		0	0	0
Undervotes	140		27	7	106



LEONVALLEY

Canvassing of the Vote November 08, 2022, City of Leon Valley Special Election

Special City Council
Meeting

November 21, 2022

Sandra Passailaigue,
City Secretary

Official Canvass

- Official tabulation of the election results
- Includes the tabulation for each proposition
- Total number of votes received by precinct
- Records preserved for 22 months
- Summary of all votes will be sent to the Secretary of State

Official Canvass

- Canvass documents prepared by Bexar County Elections Administrator.
- Final Document was received:
November 17, 2022, at 11:15 AM

CITY OF LEON VALLEY, TEXAS - NOVEMBER 08, 2022, SPECIAL ELECTION RESULTS

PROPOSITION A	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	1920	58.79%	381	152	1387
Against	1346	41.21%	286	55	1005
Total Votes Cast	3,266	100.00%	667	207	2392
<i>Overvotes</i>	0		0	0	0
<i>Undervotes</i>	468		111	47	310
<i>Contest Totals</i>	3734		778	254	2702
PROPOSITION B	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	2323	70.14%	469	159	1695
Against	989	29.86%	206	52	731
Total Votes Cast	3312	100.00%	675	211	2426
<i>Overvotes</i>	0		0	0	0
<i>Undervotes</i>	422		103	43	276
<i>Contest Totals</i>	3734		778	254	2702

PROPOSITION C	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	1995	61.25%	400	135	1460
Against	1262	38.75%	270	73	919
Total Votes Cast	3257	100.00%	670	208	2379
<i>Overvotes</i>	0		0	0	0
<i>Undervotes</i>	462		108	31	323
<i>Contest Totals</i>	3719		778	239	2702
PROPOSITION D	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	1830	55.95%	388	129	1313
Against	1441	44.05%	288	83	1070
Total Votes Cast	3271	100.00%	676	212	2383
<i>Overvotes</i>	0		0	0	0
<i>Undervotes</i>	448		102	27	319
<i>Contest Totals</i>	3719		778	239	2702
PROPOSITION E	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	1986	61.30%	408	140	1438
Against	1260	38.82%	255	70	935
Total Votes Cast	3246	100.00%	663	210	2373
<i>Overvotes</i>	0		0	0	0
<i>Undervotes</i>	473		115	29	329

PROPOSITION F	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	2169	67.30%	437	161	1571
Against	1054	32.70%	214	51	789
Total Votes Cast	3223	100.00%	651	212	2360
Overvotes	0		0	0	0
Undervotes	496		127	27	342
Contest Totals	3173		778	239	2702
PROPOSITION G	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	2087	64.47%	401	173	1513
Against	1150	35.53%	257	39	854
Total Votes Cast	3237	100.00%	658	212	2367
Overvotes	0		0	0	0
Undervotes	482		120	27	335
Contest Totals	3719		778	239	2702
PROPOSITION H	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	2107	65.60%	403	167	1537
Against	1105	34.40%	244	45	816
Total Votes Cast	3212	100.00%	647	212	2353
Overvotes	0		0	0	0
Undervotes	507		131	27	349
Undervotes	3719		778	239	2702

PROPOSITION I	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	1988	62.30%	372	152	1464
Against	1203	37.70%	273	57	873
Total Votes Cast	3191	100.00%	645	209	2337
Overvotes	0		0	0	0
Undervotes	528		133	30	365
Contest Total	3719		778	239	2702
PROPOSITION J	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	2253	70.80%	448	158	1647
Against	929	29.20%	191	51	687
Total Votes Cast	3182	100.00%	639	209	2334
Overvotes	0		0	0	0
Undervotes	537		139	30	368
Contest Totals	3719		778	239	2702
PROPOSITION K	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	2226	69.43%	432	164	1630
Against	980	30.57%	211	46	723
Total Votes Cast	3206	100.00%	643	210	2353
Overvotes	1		0	1	0
Undervotes	512		135	28	349
Contest Totals	3719		778	239	2702

PROPOSITION L	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	1890	58.79%	380	128	1382
Against	1325	41.21%	271	80	974
Total Votes Cast	3215	100.00%	651	208	2356
<i>Overvotes</i>	0		0	0	0
<i>Undervotes</i>	504		127	31	346
<i>Contest Totals</i>	3719		778	239	2702
PROPOSITION M	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	1910	59.26%	385	131	1394
Against	1313	40.74%	268	79	966
Total Votes Cast	3223	100.00%	653	210	2360
<i>Overvotes</i>	0		0	0	0
<i>Undervotes</i>	496		125	29	342

S.E.E. Statement

Social Equity – The electoral process enables residents of Leon Valley who are qualified voters to engage in the promotion and provision of a superior quality of life through the determination of its elected leadership.

Environmental Stewardship – Not applicable

Economic Development – Not applicable

Next Steps

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Present a first read ordinance to Adopt the 2022 Charter Amendments – 11-15-2022



Present a second read ordinance for adoption of the 2022 Charter Amendments – 12-06-2022



City Secretary will certify to the Texas Secretary of State, an authenticated copy of the 2022 Charter Amendments.



The Secretary of State shall file the certification.



Any Questions ?

MAYOR AND COUNCIL COMMUNICATION

DATE: November 15, 2022

TO: Mayor and Council

FROM: Sandra Passailaigue, City Secretary

THROUGH: Crystal Caldera, City Manager

SUBJECT: Presentation and Discussion on an Ordinance of The City Council of The City of Leon Valley, Texas, Ordering and Declaring The 2022 Charter Amendments Adopted (1st Read as Required by City Charter)

SPONSOR(S): N/A

PURPOSE

The purpose of this item is to present an ordinance adopting the 2022 Charter Amendments in accordance with Title 2, Subtitle A, Chapter 9 of the Texas Local Government Code ("TLGC") which governs the Adoption or Amendment of a Home Rule Charter, which is authorized by Art. XI, Sec. 5 of the Texas Constitution.

NEXT STEPS

1. Present a first read ordinance to Adopt the 2022 Charter Amendments – 11-15-2022
2. Present a second read ordinance for adoption of the 2022 Charter Amendments – 12-06-2022
3. City Secretary will certify to the Texas Secretary of State, an authenticated copy of the 2022 Charter Amendments.
4. The Secretary of State shall file the certification.

SEE LEON VALLEY

Social – The Charter benefits the City of Leon Valley by providing better policy and service delivery to the citizens.

Economic – The Charter promotes economic development by enabling City Council freedom to enact laws that will better accommodate and provide a more inviting area for new businesses.

Environmental – The Charter will enable City Council to enact laws that protect our City's natural resources, and freedom to enact comprehensive conservation legislation.

FISCAL IMPACT

N/A

STRATEGIC GOALS

N/A

RECOMMENDATION

Staff recommends approval.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

CHARTER

ARTICLE I. FORM OF GOVERNMENT AND POWERS***Section 1.01 Establishment**

- A. The City of Leon Valley shall have a Council/City Manager form of government.
- B. All powers of the City of Leon Valley, hereinafter referred to as the “City,” shall be vested in the Council, hereinafter referred to as the “City Council,” which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager. The City Manager shall answer to the City Council for the execution of the laws and the administration of the government of the City.

Section 1.02 General Powers

- A. The City shall have the power of local self-government to the fullest extent permitted by law.

ARTICLE II. BOUNDARIES**Section 2.01 Boundaries**

The boundaries of the City shall be the same as existed prior to the adoption and ratification of this Charter and as are more fully set out and described by the official map of the City.

Section 2.02 Contraction of Boundaries - Disannexation

Any area of the City may be disannexed pursuant to any procedure allowed under state law and whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes. The City Council may discontinue said territory as part of the City after conducting a public hearing and upon the adoption of an ordinance by a two-thirds (2/3) vote of the City Council.

ARTICLE III. THE CITY COUNCIL AND MAYOR**Section 3.01 General Powers and Duties**

- A. All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter. The City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.
- B. The Mayor and City Council collectively, as a body, oversee the operations of the City through the City Manager.

Section 3.02 Number, Selection, and Term

The membership of City Council (members of City Council) shall be composed of the Mayor and five (5) Councilmembers. The Mayor and Councilmembers shall be elected from the City at-large, by place, and for a two-year term.

Section 3.03 Qualifications

To be eligible to be a candidate for, or elected or appointed to the City Council, the Mayor and each Councilmember shall meet the following minimum requirements:

- A. Be a qualified voter in the City and State at the time of taking office.
- B. Have resided continuously in the corporate limits of the City for twelve (12) months immediately preceding the date of the deadline for filing for office for the current election cycle.
- C. Satisfy any other eligibility requirements prescribed by law for the office for which they are a candidate.
- D. Maintain residency in the corporate limits of the City throughout their tenure.

Section 3.04 Judge of Qualifications

The City Council shall be the sole judge of the election and whether the qualifications set herein and by law have been met by its members and of the grounds for forfeiture of their offices.

Section 3.05 Compensation

{Section}.22.

- A. The City Council shall not receive any compensation.
- B. The City Council may be reimbursed for expenses incurred in performance of official duties. The policy regulating payment of expenses incurred in performance of official duties shall be determined by the City Council.

Section 3.06 Mayor

- A. The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes, for emergency management purposes, and by the governor for purposes of military law.
- B. The Mayor may debate and discuss any matters before the City Council, but ~~shall remain neutral and unbiased in dealing with citizens and City Council members, and~~ shall only vote in the event of a tie.

Section 3.07 Mayor Pro-Tem

- A. The Mayor Pro-Tem shall be a Councilmember elected by the City Council at the first regular City Council meeting following each regular City election.
- B. The Mayor Pro-Tem shall act as Mayor during the absence or disability of the Mayor and when acting as Mayor, retain their right to vote as a Councilmember.

Section 3.08 Vacancies; Forfeiture of Office; Filling of Vacancies

- A. Vacancies. The Office of a Councilmember or Office of the Mayor shall become vacant upon death, resignation, removal from office by recall, or forfeiture of his/her office.
- B. Forfeiture of Office. A Councilmember or the Mayor shall forfeit his/her office if he/she:
 - 1. Fails to maintain at any time during the term of office any qualification for the office prescribed by this Charter or by law;
 - 2. Is convicted of a misdemeanor involving moral turpitude, a violation of any state laws regulating conflicts of interest of municipal officers, a felony, or is assessed a deferred adjudication or probation for a felony or any state laws regulating conflicts of interest of municipal officers. A member of City Council shall give written notice to the entire City Council within 10 working days of said conviction, deferred adjudication, or probation. Failure to provide the required notice shall result in an automatic forfeiture of office and City Council shall fill said vacancy pursuant to this Charter;
 - 3. Fails to regularly attend City Council meetings without an approved absence obtained by the Mayor either before or after the absence. There shall be a presumption of failure to regularly attend when three (3) regular meetings are missed during a term year without obtaining an approved absence from the City Council;
 - 4. ~~If a member of City Council is alleged to have violated any provision of this section and does not immediately resign, the City Council may conduct an investigation and hearing pursuant to Section 3.12 of this Charter to determine if the office holder has violated this section and forfeited their office. The hearing shall be held within sixty (60) days of the City Council, as a body, learning of the alleged violation.~~
 - 5. Fails to continually reside within the City limits of the City of Leon Valley during their term of office.
- C. Filling of Vacancies. All vacancies with unexpired terms of more than twelve (12) months shall be filled by special election pursuant to state law. All vacancies with unexpired terms of twelve (12) months or less may be filled, at the discretion of City Council, by appointment of the City Council upon a majority vote, may be left vacant for the remainder of the unexpired term or filled by a special election pursuant to state law.

~~Section 3.09 Prohibitions~~

- A. ~~No member of City Council shall accept or admit liability or pay any claim for damages asserted against the City. The City Council shall not accept or admit liability without first obtaining a written opinion from the City Attorney regarding the City's liability therein and only then upon a majority vote of the City Council.~~
- B. ~~No member of City Council shall be employed in or appointed to the positions of City Manager, City Attorney, or Department Head until three (3) years after the expiration of the term for which he/she was elected to the City Council and for any other compensated City position until one (1) year after the expiration of the term for which he/she was elected to the City Council. This subsection shall not apply to a volunteer who receives a stipend that is the same as the stipend received by other similarly situated volunteers.~~

~~C.—Except for the purpose of inquiries and investigations, unless otherwise provided in this Charter Council as a whole and its individual members shall deal with City officers and employees who are in the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its individual members shall give orders to any such officer or employee, either publicly or privately.~~

{Section}.22.

~~D.—Neither the City Council nor any of its members shall dictate to the City Manager the appointment of any person to office or employment. No member of City Council shall interfere with the City Manager in the performance of the duties of that office or prevent the City Manager from exercising the City Manager's own judgment in the appointment of officers and employees whose employment, appointment, and supervision are reserved by this Charter for the City Manager. Except for the purpose of inquiry and investigations, the City Council and its members shall deal with the City Staff solely through the City Manager, and neither the City Council, as a body or any individual member, nor any individual not having administrative or executive functions under this Charter shall give orders to any of the subordinates of the City Manager, either publicly or privately.~~

~~E.—No member of City Council shall release any attorney-client privileged communication. The City Council as the governing body of the City solely holds and is entitled to the attorney-client privilege and it may only be waived by an affirmative vote of two-thirds (2/3) of the entire City Council.~~

Section 3.10 Agendas; Procedures

A. Agendas. A member of City Council may place an item on an agenda with the concurrence of one additional member of City Council. The member of City Council requesting an item be placed on an agenda and the concurring member shall submit in writing, which may be by electronic mail, the request to place the item on an agenda and the concurrence to the City Secretary. The item shall be placed on the next agenda of the City Council meeting occurring on or after the eighth (8th) calendar day after receipt by the City Secretary of the later of either the request or the concurrence.

At a meeting of City Council, a member of City Council may place an item on an agenda by making a motion to place the item on a future agenda and receiving a second. No discussion shall occur at the meeting regarding the placement of the item on a future agenda.

The Mayor, the City Attorney or the City Manager may place any item on any City Council agenda.

B. Procedures. City Council shall, except as otherwise provided for in this Charter, create rules of procedure for all City Council workshops, regular and special meetings and public hearings by ordinance.

Section 3.11 Ordinances

A. Passage. Except as may otherwise be prescribed in this Charter or other law, all ordinances shall be read in open meeting of the City Council on two (2) separate days provided that all readings of any ordinance may be by descriptive caption only. Any ordinance necessary to protect the public's peace, health, safety and general welfare, may be passed as an emergency and become effective at once upon one (1) reading of the City Council, upon the approval of a majority vote of the City Council members that it is an emergency at said reading and the finding of an emergency shall be stated within the ordinance.

B. Enacting Clauses; Signature and Authentication. The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS" and every ordinance shall be signed by the Mayor or the Mayor Pro-Tem and authenticated by seal and signature of the City Secretary.

C. Publication. The caption or title and penalties of every ordinance imposing any penalty, fine, or forfeiture shall, as soon as practical after passage thereof, be published one (1) time in the official newspaper(s) of the City of Leon Valley. An ordinance required to be published under this section shall take effect the day after publication unless otherwise provided in the ordinance.

Section 3.12—Council Investigations; Hearings; Process

~~A.—General. In addition to any other specific authority of investigation and hearing provided for in this Charter, the City Council shall have the power to inquire into the official conduct of any department, agency, appointed boards, office, officers, employees or appointed board members of the City. For the purpose of investigations and hearings, the City Council shall have the power to administer oaths, subpoena witnesses and compel the production of books, papers, and other evidence material to the inquiry. The City Council shall provide, by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence. The City Council shall have the power to punish any such contempt in the manner provided by such ordinance.~~

~~B.—Hearings Process for Forfeitures of Office and Prohibitions.~~

~~1.— All hearings held under this subsection shall be conducted in open session, except that the Council may conduct a closed session to get advice from its attorney pursuant to the Texas Open Meetings Act;~~

{Section}.22.

~~2.— The office holder subject to any investigation and/or hearing under this section shall be entitled to written notice of the allegations of forfeiture and/or the alleged violation of this Charter as applicable;~~

~~3.— A special meeting shall be called to hold the hearing;~~

~~4.— A member of City Council who initiated or is the subject of the investigation or hearing shall not sit at the dais and shall not participate in deliberation or vote;~~

~~5.— The City Council shall adopt by ordinance rules of procedures to be followed, which shall not be amended within either 90 days before or after a complaint being filed. Should a complaint be filed within 90 days before or after the rules of procedure have been adopted or amended then the previous rules shall be in effect the subject complaint;~~

~~6.— The City Council shall state the nature of the hearing and the allegations to be considered, shall be provided the results of any investigation and a presentation of the evidence against the office holder including, but not limited to, testimony from individuals;~~

~~7.— The individual who is subject to the hearing shall be provided an opportunity to respond to the allegations and present any relevant evidence including, but not limited to, testimony from individuals;~~

~~8.— The City Council may ask questions of any individual;~~

~~9.— Rules for public comment shall be set by City Council;~~

~~10.— In the case of a violation of Section 3.08 of this Charter, City Council shall vote on the forfeiture and on the affirmative vote of two-thirds (2/3) of City Council declare the office of said office holder to be forfeited and vacant;~~

~~11.— In the case of a violation of Section 3.09 of this Charter, City Council may on the affirmative vote of a majority of the City Council take any action it determines to be appropriate including, but not limited to, directing further investigation, requesting further information, vote to enforce a penalty pursuant to Section 7.13 of this Charter, vote to bring an action in municipal court, take a vote of censure; or, upon the affirmative vote of two-thirds (2/3) of City Council, declare the office of said office holder to be forfeited and vacant.~~

~~12.— Any complaint filed alleging an allegation of violations of Sections 3.08 or 3.09 of this Charter shall be filed in writing with the City Manager or the Mayor. The individual with which a complaint is filed, either the City Manager or the Mayor, shall provide each member of City Council a copy of the complaint(s) within 24 hours of their receipt of the complaint(s).~~

Section 3.12 Council Investigations;

The City Council shall have the power to inquire into the conduct of any department, agency, board, or employee of the city, and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, testimony, and other evidence material to the inquiry. The City Council shall provide by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

Section 3.13 Quorum

Three Councilmembers shall constitute a quorum except where State law provides otherwise.

ARTICLE IV. ELECTIONS

Section 4.01 Elections

A. The regular City election shall be held annually on the uniform election date in May, or at such other times as may be specified by State Law, at which time officers will be elected to fill those offices which become vacant that year.

Section 4.02 Filing for Office

{Section}.22.

A. Any person having the qualifications set forth under [Section 3.03](#) of this Charter shall have the right to file an application to have their name placed on the official ballot as a candidate for any elective office.

1. Any such application shall be in writing, signed by such candidate, and filed with the City Secretary in accordance with the Texas Election Code and this Charter;
2. An application filed in accordance herewith shall entitle such applicant to a place on the official ballot.

B. A candidate for City Council shall specify the place number or position the candidate is seeking.

Section 4.03 Official Ballot

The names of all candidates for office, except candidates who may have withdrawn, died or become ineligible, shall be placed on official ballots without party designations and shall specify the council place for which each is seeking election.

Section 4.04 Election Results

Except as otherwise provided by law, a candidate must receive more votes than any other candidate to win. A tie shall be resolved as provided by the Texas Elections Code.

Section 4.05 Taking of Office

Each newly elected person to the City Council shall be inducted into office as the first item of business at the first regular City Council meeting following the canvass of the votes.

ARTICLE V. ADMINISTRATIVE ORGANIZATION

Section 5.01 City Manager

A. Appointment and Qualifications. The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. The City Manager shall be chosen by the City Council solely on the basis of the City Manager's executive and administrative training, experience and ability.

B. Term and Compensation. The City Manager shall be appointed for a ~~definite~~ indefinite term upon the affirmative vote of two-thirds (2/3) of the City Council and may be removed at the discretion of the City Council by an affirmative vote of ~~a majority two-thirds (2/3)~~ of the City Council. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the City Council. In the event of termination, the City Manager shall not receive more than one (1) times the annual base salary and accrued personal leave. The City Manager shall receive compensation as may be fixed by an affirmative vote of two-thirds (2/3) of the City Council.

C. Powers and Duties. The City Manager shall have the following powers and duties:

1. The City Manager shall appoint and, when the City Manager deems it necessary for the good of the City, may suspend or remove any City employee except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter. The City Manager may authorize any employee who is subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that employee's department, office or agency;
2. The City Manager shall direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law;
3. The City Manager shall attend all City Council meetings, except when excused by the Mayor or Mayor Pro-Tem, and shall have the right to take part in discussion but may not vote;
4. The City Manager shall see that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by those subject to the City Manager's direction and supervision, are faithfully executed;
5. The City Manager shall make such reports as the City Council may require concerning the operations of the City departments, offices and agencies subject to the City Manager's direction and supervision;
6. The City Manager shall keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs of the C

the City Manager deems desirable;

{Section}.22.

7. The City Manager shall have the authority to execute on behalf of the City, standard form documents, including but not limited to deeds, releases of liens, rental agreements, easements, right-of-way agreements, joint use agreements, and other similar documents, under the following conditions:

- a. The execution of the document is necessary to carry out a public works project; utilize, maintain or improve a City facility, street, right-of-way, easement, park or other City property, or to implement other City policies; provided that such project, program or policy has been approved by the City Council;
- b. That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the City Council; and
- c. That the form of such document shall be approved by the City Attorney.

8. The City Manager shall perform such other duties as are specified in this Charter or may be required by the City Council.

9. The City Manager shall appoint department heads, including but not limited to, the city secretary, police chief, fire chief, planning and zoning director, library director, human resources director, public works director, economic development director, finance director and assistant city manager(s) upon consent of the majority of the City Council.

D. Review. The City Council shall perform a review of the City Manager's performance at least annually, but no more than twice in any fiscal year.

E. Acting City Manager. By letter filed with the City Secretary, the City Manager shall designate, subject to approval of the City Council, a qualified employee to exercise the powers and perform the duties of City Manager during the City Manager's temporary absence or disability. The City Council may revoke such designation at any time and appoint another individual to serve until the City Manager shall return or his/her disability shall cease.

Section 5.02 Other Departments, Offices, and Agencies

A. General Provisions.

1. Creation of Departments. The City Council may continue or establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, ~~except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to another department.~~

2. Direction by City Manager. All departments, offices and agencies under the direction and supervision of the City Manager shall be administered by an employee appointed by and subject to the direction and supervision of the City Manager.

B. City Attorney. The City Attorney shall be appointed by ~~the City Manager with the approval of~~ the City Council. He or she shall report to the City Council ~~Manager~~ and may be removed from office by the ~~City Manager with approval of the~~ City Council.

C. Municipal Court; Judge(s). The City Council shall establish a municipal court. The Mayor shall appoint a licensed attorney of the State of Texas as presiding judge(s) and any such other licensed attorneys of the State of Texas as associate judge(s) as are deemed necessary and the appointment shall be subject to confirmation by the City Council. The judge(s) of the municipal court shall serve a term of two years to run concurrently with the term of Office of the Mayor. The presiding judge and any associate judge may be removed by an affirmative vote of two-thirds (2/3) of the City Council.

D. City Secretary. The City Manager shall appoint a City Secretary whose duties and obligations shall be determined and supervised by the City Manager.

Section 5.03 Personnel Rules

The City Manager shall be responsible for the preparation of personnel rules. Such rules shall be submitted by the City Manager to the City Council. The City Council may accept and adopt such rules as proposed or may adopt them with amendments.

Section 6.01 General Authority

{Section}.22.

- A. Initiative. The registered voters of the City shall have power to propose ordinances to the Council. Such power shall not extend to the granting of franchises, budget or any capital program, or relating to appropriation of money, issuing of bonds, setting of utility rates and levy of taxes or salaries of City officers or employees, or any other ordinance not subject to initiative as provided by state statute or common law.
- B. Referendum. The registered voters of the City shall have power to require reconsideration by the Council of any adopted ordinance. Such power shall not extend to the granting of franchises, budget or any capital program, or relating to appropriation of money, issuing of bonds, setting of utility rates and levy of taxes or salaries of City officers or employees, or any other ordinance not subject to referendum as provided by state statute or common law.
- C. Recall. The registered voters of the City shall have the power to petition for recall of the Mayor or any Councilmember.

Section 6.02 Commencement of Initiative, Referendum and Recall Petitions; Petitioners' Committee; Affidavit

- A. Any five (5) registered voters of the City may commence initiative, referendum, or recall proceedings by filing with the City Secretary an affidavit stating they will constitute the petitioners' committee and be responsible for the petition and filing it in proper form, stating their names and addresses and specifying the designated address to which all notices to the committee are to be sent and setting out in full the proposed initiative ordinance or citing the ordinances sought to be reconsidered, or the name of the individual to be recalled.
- B. All papers of a petition shall be uniform in size and style, shall be assembled as one instrument for filing, and shall comply with all requirements for the specific petition. Each signature shall comply with Chapter 277 of the Texas Election Code as it may be amended from time-to-time.
- C. Petitions shall be returned to the Office of the City Secretary for filing within ninety (90) calendar days after filing of the affidavit of petitioners committee and no signature on said petition shall have been affixed prior to the filing of the affidavit of petitioners committee.
- D. Petitions shall only be circulated by a registered voter of the City and the signatures on petitions shall be verified by oath in the following form to be affixed on the bottom of each page of the petitions:

STATE OF TEXAS

COUNTY OF BEXAR

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition, and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person it purports to be.

Signature _____

Sworn and subscribed before me this day of 20.

NOTARY PUBLIC, STATE OF TEXAS

My commission expires: _____

Section 6.03 Initiative, Referendum and Recall Petition Process; Certificate of City Secretary; Supplementation; Presentation to Council; Council Review

- A. Within forty-five (45) calendar days after a petition for initiative or referendum and forty-five (45) calendar days after a petition for recall (the "Original Petition") is filed, the City Secretary, or the City Secretaries designee, shall complete a certificate as to its sufficiency or insufficiency as mandated herein, specifying, if it is insufficient, the particulars wherein it is defective and shall within said period send a copy of the certificate to the petitioners' committee by first class regular mail and certified mail return receipt requested or by hand delivery with signed proof of delivery to the designated address.
- B. A petition certified insufficient for lack of the required number of valid signatures may be supplemented once if the petitioners' committee files a notice of intention to supplement with the City Secretary within three (3) working days after receiving the copy of the Certificate of the City Secretary. The supplementary petition shall be filed within the time specified in Subsection 6.03.C. Such supplementary petition shall comply with the

requirements of Subsections 6.02.B and D, and within ten (10) working days after the supplementary filed, the secretary shall complete a certificate as to the sufficiency of the petition as supplemented and a copy of such certificate to the petitioners' committee by first class regular mail and certified mail return receipt requested or by hand delivery with signed proof of delivery to the designated address as in the case of an Original Petition.

{Section}.22.

C. Upon the submission of the Original Petition to the City Secretary, the time line for submission as provided for in Section 6.02 shall be tolled. The petitioners committee shall submit the supplementary petition to the City Secretary within the remaining tolled deadline, said remaining time to be calculated from receipt of the certificate of insufficiency by the petitioner's committee or committee member as applicable. No signature on said supplementary petition shall have been affixed prior to the receipt by the petitioners committee of the certificate of insufficiency.

D. The City Secretary shall, at the next regular Council meeting held in compliance with the Texas Open Meetings Act after completion of certification of the petition or supplementary petition, present such certificate to the Council.

Section 6.04 Requirements Specific to Petitions for Recall

Before the question of a recall shall be submitted to the registered voters of the City, a petition containing the signatures of at least five hundred (500) registered voters, demanding such question to be so submitted shall first be filed with the Office of the City Secretary pursuant to this Article. The petition shall be addressed to the City Council of the City and shall state distinctly and specifically the alleged action(s) and the factual circumstance(s) surrounding such action(s) taken by the individual that warrant the reason for the recall as to give the individual sought to be removed notice of the matter(s) and thing(s) on which the individual's recall is predicated. If there be more than one (1) reason, said petition shall distinctly and specifically state each reason upon which such petition for removal is predicated and shall distinctly and specifically state the alleged action(s) and the factual circumstance(s) surrounding such action(s) taken by the individual that warrant the recall as to give the individual sought to be removed notice of the matter(s) and thing(s) on which the recall is predicated.

Section 6.05 Public Hearing to be Held on Recall Petition

The individual whose removal is sought may, within ten (10) working days after such recall petition has been presented to the City Council, request that a special meeting be held to permit him/her to present a response to the reasons for recall specified in the recall petition. In this event, the City Council shall order such special meeting to be held, at the discretion of the individual whose removal is sought and in compliance with the Texas Open Meetings Act, but in no even no less than fifteen (15) days before early voting.

At any special meeting held under this Section the individual whose removal is sought shall have a thirty (30) minute period to state their response to the recall petition. There shall be no public participation in the special meeting and no other items of business shall be a part of the special meeting.

Section 6.06 Calling of Recall Election

If the individual whose removal is sought does not resign, then the City Council shall for the next available uniform election date, order an election for holding such recall election. If, after the recall election date is established, the officer vacates his/her position, the election shall be cancelled in accordance with state law.

Section 6.07 Ballots in Recall Election

Ballots used at recall elections shall conform to the following requirements:

A. With respect to each individual whose removal is sought, the question shall be submitted:

"Shall _____ be removed from the office of _____ by recall?"

B. Immediately below each such question, there shall be printed the following words, one above the other, in the order indicated:

"Yes"

"No"

Section 6.08 Result of Recall Election

If a majority of the votes cast at a recall election shall be "No," that is against the recall of the individual named on the ballot, the individual shall continue in office for the remainder of his/her unexpired term, subject to recall as provided herein. If a majority of the votes cast at such election be "Yes," that is for the recall of the individual named on the ballot, the individual shall, regardless of any technical defects in the recall petition, be deemed

removed from office upon passing of the resolution canvassing the election, and the vacancy shall be City Council as provided for in State law.

{Section}.22.

Section 6.09 Recall Restrictions

No petition shall be filed for the recall of an individual within ninety (90) days of the date of the individual's election to City Council or within ninety (90) days before the end of the individual's term on City Council.

Section 6.10 Initiative; Requirements Specific to Petition for Initiative; Procedure

A. A petition for initiative must contain signatures totaling at least three hundred (300) registered voters and shall otherwise comply with the requirements for petitions in this Article. Each copy of the petition shall have attached to it a copy of the full text of the proposed legislation in the form of an ordinance including a descriptive caption. Each page of the petition shall have, at the top of the page, the full substantive text of the proposed ordinance.

B. Upon presentation to the City Council, it shall become the duty of the City Council, within forty-five (45) calendar days after the date the petition is finally determined sufficient, to pass and adopt such ordinance without alteration as to meaning or effect, or to call for an election, to be held on the soonest date allowed under the Texas Election Code, at which the registered voters of the City shall vote on the question of adopting or rejecting the proposed ordinance.

C. If a majority of the registered electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon the canvassing 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.

D. No ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two (2) years from the date of such election.

Section 6.11 Referendum; Requirements Specific to Petition for Referendum; Procedure; Effect Prior to Election

A. A petition for referendum must contain signatures totaling at least three hundred (300) registered voters and shall otherwise comply with the requirements for petitions in this Article.

B. Within forty-five (45) days after final sufficiency of the petition, City Council shall either repeal the referred ordinance or order an election to submit the referred ordinance to the registered voters of the City. Said election shall be held on the first available uniform election date authorized by law.

C. If a majority of the registered electors voting on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results.

D. A petition for referendum on the same subject matter may only be submitted once every three (3) years.

Section 6.12 Initiative and Referendum; Form of Ballots

The ballots used when voting upon initiative or referendum shall set forth their nature sufficiently to identify them and shall also set forth, upon separate lines, the words:

"For the Ordinance"

or

"Against the Ordinance"

Section 6.13 Ordinances Passed by Popular Vote, Repeal or Amendment

Any ordinance adopted by initiative shall not be subject to repeal or substantial modification by action of the Council for a period of three (3) years from the date of the election, except by referendum election called by the Council or by petition as herein provided. Any ordinance repealed by referendum shall not be reinstituted in whole or substantial part by action of the Council for a period of three (3) years from the date of the election, except by referendum election called by the Council or by petition as herein provided.

ARTICLE VII. GENERAL PROVISIONS

Section 7.01 Conflicts of Interest Prohibition

For purposes of this Section, the term "City Official" means any individual subject to the requirements of Texas Local Government Code, Chapter 171.

It is hereby prohibited for City Council members or a City Official to violate the rules and regulations conflicts of interests as set out in the Texas Local Government Code, Chapter 171, as may be amended {Section}.22.

Section 7.02 General Prohibitions

- A. No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of gender, sexual orientation, race, national origin, sex, political or religious opinions or affiliations, or an otherwise legally protected class.
- B. No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.
- C. No employee of the city shall continue in such position after becoming a candidate for City Council.

Section 7.03 Regulation of Alcohol

The City Council may enact any and all other regulations regarding the sale, consumption, distribution, etc. of alcoholic beverages, as permitted by law, including but not limited to the regulation of the sale of liquor in residential sections or areas of the City.

Section 7.04 Disaster Clause

In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council, or highest surviving City official, if no elected official remains, shall, within twenty-four (24) hours of such disaster, request the highest surviving officers of the Bexar County Commissioners Court to appoint a number of residents of Leon Valley equal to the number necessary to make a quorum to act during the emergency as the City Council. The newly appointed City Council shall call a City election within fifteen (15) days of their appointment, or as provided in the Texas Election Code, for election of the vacant offices, if for good reasons it is known a quorum of the present City Council will never again meet. If it is determined that a quorum of the present City Council will meet again, the appointed Councilmembers shall serve in their position until such time as the present Councilmembers may begin serving.

Section 7.05 Charter Review Committee

A. The City Council ~~may~~ **shall** appoint a Charter Review Committee ~~at any time in the second (2nd) year after this Charter is adopted and every fourth (4th) year thereafter.~~ The Charter Review Committee shall consist of thirteen (13) citizens of the City. The citizens appointed shall consist of two (2) appointments by each councilmember and three (3) appointments by the Mayor.

B. The Committee shall:

1. Inquire into the operation of the City government under the Charter and determine whether any provision requires revision. To this end public hearings may be held. The Committee may request the attendance of any officer or employee of the City and the production of any City records that may be needed; and
2. Propose any recommendations it deems desirable to insure compliance with the Charter; and
3. Report its findings and present its recommendations to the City Council in the form of a report; and
4. File a copy of its report with the Office of the City Secretary where it shall be a public record.

C. The term of office of the Charter Review Committee shall be for not more than nine (9) months.

D. Upon finalization of the Charter Review Committee's report, the City Council shall receive the report. Notice shall be published in the official newspaper of the City that a copy of the report is available in the Office of the City Secretary.

E. The City Council shall consider any recommendations made and may order any recommendations be submitted to the voters of the City in the manner provided by state law.

F. Nothing in this section prohibits the City Council from forming a Charter Review Committee at any time or from submitting any amendments to the Charter to election on its own initiative at any time in compliance with state law.

Section 7.06 Amendment

Amendments to this Charter may be framed, proposed, and adopted in any manner provided for herein and by

Section 7.07 Power to Settle Claims

The City Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character, in favor of or against the City, including suits by the City to recover delinquent taxes after consulting with the City Attorney.

Section 7.08 Service of Process Against the City

All legal process against the City shall be served upon the City Manager.

Section 7.09 Judicial Notice

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places provided that the City Secretary certifies the most current City Charter with any amendments.

Section 7.10 Property Not Exempt from Special Assessments

No property of any kind, by whomsoever owned or held or by whatsoever institution, agency, political subdivision or organization, owned or held, whether in trust or by nonprofit organization, or corporation, or by foundation, or otherwise, (except property of the City), shall be exempt in any way from any special taxes, charges, levies and assessments except where required by state law.

Section 7.11 Bond Requirement

In addition to any provisions contained herein, the City Council may require any City official, department director, or City employee, before entering upon his/her duties, to execute a good and sufficient bond with a surety company doing business in the State of Texas and approved by the City Council. The premium of such bond shall be paid by the City.

Section 7.12 Construction of Charter

The Charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a general grant of power and as a limitation of power on the government of the City of Leon Valley in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by this Charter, each and every power under Article XI, Section 5 of the Constitution of Texas, which it would be competent for the people of the City of Leon Valley to expressly grant to the City, shall be construed to be granted to the City by this Charter.

~~**Section 7.13 Penalty Clause**~~

~~A. **Criminal Penalty.** Any person who by himself [themselves] or with others violates any provision of this charter shall, in addition to any other penalty, be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00). The City Council shall enact an ordinance enforcing this section.~~

~~B. **Civil Penalty.** Upon the affirmative vote of two-thirds (2/3) of the City Council any person who by himself [themselves] or with others violates any provision of this charter shall be, in addition to any other penalty provided for herein, subject to a civil fine of not more than five hundred dollars (\$500.00).~~

Section 7.14 Definitions

The following constructions apply unless the context in which the word or phrase appears necessarily requires a different construction or unless a different construction is expressly provided for in the section in which the word or phrase appears:

“Days” when not modified by the word “working” shall mean calendar days “May” creates discretionary authority or grants permission or a power. “Must” creates or recognizes a condition precedent

“Shall” provides direction or imposes a duty.

“Working days” shall mean weekdays which are not an official City holiday.

Section 7.15 Charter Translation

This Charter shall be translated into Spanish and may be translated into any other language at the discretion of the City Council. As to any conflict in interpretation and substance between the English version and any other language the English version shall control.

Section 7.16 Severability

If any term or other provision of this Charter is determined by a court of competent jurisdiction to be illegal or incapable of being enforced by any rule of law or public policy, all other terms or provisions of this Charter shall nevertheless remain in full force and effect.

{Section}.22.

**AFFIDAVIT OF CERTIFICATION OF AMENDMENT AND AUTHENTICITY OF THE
CITY OF LEON VALLEY'S HOME RULE CHARTER AMENDMENTS**

THE STATE OF TEXAS §
 §
COUNTY OF BEXAR §

BEFORE ME, the undersigned authority, on this day personally appeared Chris Riley being by me duly sworn, deposed as follows:

My name is Chris Riley. I am over the age of twenty-one (21) years, am of sound mind and am fully capable of making this affidavit. The testimony recited below is within my personal knowledge and is true and correct.

I am the Mayor of City of Leon Valley. Attached hereto as Exhibit" A" is a true and correct copy of the City of Leon Valley's Home Rule City Charter as amended by the citizens of Leon Valley on November 08, 2022. In addition, attached hereto as Exhibit "B" is a true and correct copy of the minutes canvassing the election held on November 15, 2022 amending the City's Home Rule Charter.

**Chris Riley, Mayor
City of Leon Valley, TX**

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority on this 6th day of December 2022, to certify which witness my hand and official seal.

**Saundra Passailaigue, TRMC
City Secretary
City of Leon Valley, TX
Notary Public, State of Texas**

(S E A L)

ORDINANCE No. 2022-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS,
ORDERING AND DECLARING THE 2022 CHARTER AMENDMENTS ADOPTED.**

WHEREAS, on November 08, 2022 the City of Leon Valley held an election on the adoption of amendments to the City's Home Rule Charter; and

WHEREAS, on November 15, 2022, the City Council canvassed the votes of said election; and

WHEREAS, Texas Local Government Code Section 9.05 (b) provides that an amendment to a charter does not take effect until the governing body of the municipality enters an order in the records of the municipality declaring that the amendment is adopted; and

WHEREAS, pursuant to notice of a public meeting held in compliance with the Texas Open Meetings Act, the City Council of the City of Leon Valley, Texas, convened into a regular meeting of the City Council on this the 15th day of November, 2022 for the purpose of entering an order into the records of the City and declaring that the amendments to the City Charter are adopted.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

SECTION 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2. Proceedings. That an election was duly called and held on November 08, 2022 and final votes were canvassed on November 15th, 2022 on the question of the adoption of amendments to the City of Leon Valley Home Rule Charter.

SECTION 3. Immediate Adoption of Amendments. It is hereby ordered that the following amendments are hereby declared to be adopted based on the canvassing of the November 08, 2022 election results:

The amendments stated in Propositions A through M.

SECTION 4. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 5. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of

such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 6. That all rights and privileges of the City are expressly saved as to any and all violations of the provision of any ordinances repealed by this ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violation and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision

SECTION 8. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 9. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Texas Local Government Code.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 6th day of December 2022.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney

CHARTER

ARTICLE I. FORM OF GOVERNMENT AND POWERS***Section 1.01 Establishment**

- A. The City of Leon Valley shall have a Council/City Manager form of government.
- B. All powers of the City of Leon Valley, hereinafter referred to as the “City,” shall be vested in the Council, hereinafter referred to as the “City Council,” which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager. The City Manager shall answer to the City Council for the execution of the laws and the administration of the government of the City.

Section 1.02 General Powers

- A. The City shall have the power of local self-government to the fullest extent permitted by law.

ARTICLE II. BOUNDARIES**Section 2.01 Boundaries**

The boundaries of the City shall be the same as existed prior to the adoption and ratification of this Charter and as are more fully set out and described by the official map of the City.

Section 2.02 Contraction of Boundaries - Disannexation

Any area of the City may be disannexed pursuant to any procedure allowed under state law and whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes. The City Council may discontinue said territory as part of the City after conducting a public hearing and upon the adoption of an ordinance by a two-thirds (2/3) vote of the City Council.

ARTICLE III. THE CITY COUNCIL AND MAYOR**Section 3.01 General Powers and Duties**

- A. All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter. The City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.
- B. The Mayor and City Council collectively, as a body, oversee the operations of the City through the City Manager.

Section 3.02 Number, Selection, and Term

The membership of City Council (members of City Council) shall be composed of the Mayor and five (5) Councilmembers. The Mayor and Councilmembers shall be elected from the City at-large, by place, and for a two-year term.

Section 3.03 Qualifications

To be eligible to be a candidate for, or elected or appointed to the City Council, the Mayor and each Councilmember shall meet the following minimum requirements:

- A. Be a qualified voter in the City and State at the time of taking office.
- B. Have resided continuously in the corporate limits of the City for twelve (12) months immediately preceding the date of the deadline for filing for office for the current election cycle.
- C. Satisfy any other eligibility requirements prescribed by law for the office for which they are a candidate.
- D. Maintain residency in the corporate limits of the City throughout their tenure.

Section 3.04 Judge of Qualifications

The City Council shall be the sole judge of the election and whether the qualifications set herein and by law

been met by its members and of the grounds for forfeiture of their offices.

{Section}.22.

Section 3.05 Compensation

- A. The City Council shall not receive any compensation.
- B. The City Council may be reimbursed for expenses incurred in performance of official duties. The policy regulating payment of expenses incurred in performance of official duties shall be determined by the City Council.

Section 3.06 Mayor

- A. The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes, for emergency management purposes, and by the governor for purposes of military law.
- B. The Mayor may debate and discuss any matters before the City Council, but shall only vote in the event of a tie.

Section 3.07 Mayor Pro-Tem

- A. The Mayor Pro-Tem shall be a Councilmember elected by the City Council at the first regular City Council meeting following each regular City election.
- B. The Mayor Pro-Tem shall act as Mayor during the absence or disability of the Mayor and when acting as Mayor, retain their right to vote as a Councilmember.

Section 3.08 Vacancies; Forfeiture of Office; Filling of Vacancies

- A. Vacancies. The Office of a Councilmember or Office of the Mayor shall become vacant upon death, resignation, removal from office by recall, or forfeiture of his/her office.
- B. Forfeiture of Office. A Councilmember or the Mayor shall forfeit his/her office if he/she:
 - 1. Fails to maintain at any time during the term of office any qualification for the office prescribed by this Charter or by law;
 - 2. Is convicted of a misdemeanor involving moral turpitude, a violation of any state laws regulating conflicts of interest of municipal officers, a felony, or is assessed a deferred adjudication or probation for a felony or any state laws regulating conflicts of interest of municipal officers. A member of City Council shall give written notice to the entire City Council within 10 working days of said conviction, deferred adjudication, or probation. Failure to provide the required notice shall result in an automatic forfeiture of office and City Council shall fill said vacancy pursuant to this Charter;
 - 3. Fails to regularly attend City Council meetings without an approved absence obtained by the Mayor either before or after the absence. There shall be a presumption of failure to regularly attend when three (3) regular meetings are missed during a term year without obtaining an approved absence from the City Council;
 - 4. Fails to continually reside within the City limits of the City of Leon Valley during their term of office.
- C. Filling of Vacancies. All vacancies with unexpired terms of more than twelve (12) months shall be filled by special election pursuant to state law. All vacancies with unexpired terms of twelve (12) months or less may be filled, at the discretion of City Council, by appointment of the City Council upon a majority vote, may be left vacant for the remainder of the unexpired term or filled by a special election pursuant to state law.

Section 3.09 Agendas; Procedures

- A. Agendas. A member of City Council may place an item on an agenda with the concurrence of one additional member of City Council. The member of City Council requesting an item be placed on an agenda and the concurring member shall submit in writing, which may be by electronic mail, the request to place the item on an agenda and the concurrence to the City Secretary. The item shall be placed on the next agenda of the City Council meeting occurring on or after the eighth (8th) calendar day after receipt by the City Secretary of the later of either the request or the concurrence.

At a meeting of City Council, a member of City Council may place an item on an agenda by making a motion to place the item on a future agenda and receiving a second. No discussion shall occur at the meeting regarding the placement of the item on a future agenda.

The Mayor, the City Attorney or the City Manager may place any item on any City Council agenda.

- B. Procedures. City Council shall, except as otherwise provided for in this Charter, create rules of procedure

all City Council workshops, regular and special meetings and public hearings by ordinance.

{Section}.22.

Section 3.10 Ordinances

A. Passage. Except as may otherwise be prescribed in this Charter or other law, all ordinances shall be read in open meeting of the City Council on two (2) separate days provided that all readings of any ordinance may be by descriptive caption only. Any ordinance necessary to protect the public's peace, health, safety and general welfare, may be passed as an emergency and become effective at once upon one (1) reading of the City Council, upon the approval of a majority vote of the City Council members that it is an emergency at said reading and the finding of an emergency shall be stated within the ordinance.

B. Enacting Clauses; Signature and Authentication. The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS" and every ordinance shall be signed by the Mayor or the Mayor Pro-Tem and authenticated by seal and signature of the City Secretary.

C. Publication. The caption or title and penalties of every ordinance imposing any penalty, fine, or forfeiture shall, as soon as practical after passage thereof, be published one (1) time in the official newspaper(s) of the City of Leon Valley. An ordinance required to be published under this section shall take effect the day after publication unless otherwise provided in the ordinance.

Section 3.11 Council Investigations

The City Council shall have the power to inquire into the conduct of any department, agency, board, or employee of the city, and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, testimony, and other evidence material to the inquiry. The City Council shall provide by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

Section 3.12 Quorum

Three Councilmembers shall constitute a quorum except where State law provides otherwise.

ARTICLE IV. ELECTIONS

Section 4.01 Elections

A. The regular City election shall be held annually on the uniform election date in May, or at such other times as may be specified by State Law, at which time officers will be elected to fill those offices which become vacant that year.

Section 4.02 Filing for Office

A. Any person having the qualifications set forth under [Section 3.03](#) of this Charter shall have the right to file an application to have their name placed on the official ballot as a candidate for any elective office.

1. Any such application shall be in writing, signed by such candidate, and filed with the City Secretary in accordance with the Texas Election Code and this Charter;

2. An application filed in accordance herewith shall entitle such applicant to a place on the official ballot.

B. A candidate for City Council shall specify the place number or position the candidate is seeking.

Section 4.03 Official Ballot

The names of all candidates for office, except candidates who may have withdrawn, died or become ineligible, shall be placed on official ballots without party designations and shall specify the council place for which each is seeking election.

Section 4.04 Election Results

Except as otherwise provided by law, a candidate must receive more votes than any other candidate to win. A tie shall be resolved as provided by the Texas Elections Code.

Section 4.05 Taking of Office

Each newly elected person to the City Council shall be inducted into office as the first item of business at the first regular City Council meeting following the canvass of the votes.

Section 5.01 City Manager

- A. Appointment and Qualifications. The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. The City Manager shall be chosen by the City Council solely on the basis of the City Manager's executive and administrative training, experience and ability.
- B. Term and Compensation. The City Manager shall be appointed for an indefinite term upon the affirmative vote of two-thirds (2/3) of the City Council and may be removed at the discretion of the City Council by an affirmative vote of a majority of the City Council. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the City Council. In the event of termination, the City Manager shall not receive more than one (1) times the annual base salary and accrued personal leave. The City Manager shall receive compensation as may be fixed by an affirmative vote of two-thirds (2/3) of the City Council.
- C. Powers and Duties. The City Manager shall have the following powers and duties:
1. The City Manager shall appoint and, when the City Manager deems it necessary for the good of the City, may suspend or remove any City employee except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter. The City Manager may authorize any employee who is subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that employee's department, office or agency;
 2. The City Manager shall direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law;
 3. The City Manager shall attend all City Council meetings, except when excused by the Mayor or Mayor Pro-Tem, and shall have the right to take part in discussion but may not vote;
 4. The City Manager shall see that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by those subject to the City Manager's direction and supervision, are faithfully executed;
 5. The City Manager shall make such reports as the City Council may require concerning the operations of the City departments, offices and agencies subject to the City Manager's direction and supervision;
 6. The City Manager shall keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs of the City as the City Manager deems desirable;
 7. The City Manager shall have the authority to execute on behalf of the City, standard form documents, including but not limited to deeds, releases of liens, rental agreements, easements, right- of-way agreements, joint use agreements, and other similar documents, under the following conditions:
 - a. The execution of the document is necessary to carry out a public works project; utilize, maintain or improve a City facility, street, right-of-way, easement, park or other City property, or to implement other City policies; provided that such project, program or policy has been approved by the City Council;
 - b. That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the City Council; and
 - c. That the form of such document shall be approved by the City Attorney.
 8. The City Manager shall perform such other duties as are specified in this Charter or may be required by the City Council.
 9. The City Manager shall appoint department heads, including but not limited to, the city secretary, police chief, fire chief, planning and zoning director, library director, human resources director, public works director, economic development director, finance director and assistant city manager(s) upon consent of the majority of the City Council.
- D. Review. The City Council shall perform a review of the City Manager's performance at least annually, but no more than twice in any fiscal year.
- E. Acting City Manager. By letter filed with the City Secretary, the City Manager shall designate, subject to

approval of the City Council, a qualified employee to exercise the powers and perform the duties of C during the City Manager's temporary absence or disability. The City Council may revoke such design {Section}.22.
time and appoint another individual to serve until the City Manager shall return or his/her disability shall cease.

Section 5.02 Other Departments, Offices, and Agencies

A. General Provisions.

1. Creation of Departments. The City Council may continue or establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies.
2. Direction by City Manager. All departments, offices and agencies under the direction and supervision of the City Manager shall be administered by an employee appointed by and subject to the direction and supervision of the City Manager.

B. City Attorney. The City Attorney shall be appointed by the City Council. He or she shall report to the City Council and may be removed from office by the City Council.

C. Municipal Court; Judge(s). The City Council shall establish a municipal court. The Mayor shall appoint a licensed attorney of the State of Texas as presiding judge(s) and any such other licensed attorneys of the State of Texas as associate judge(s) as are deemed necessary and the appointment shall be subject to confirmation by the City Council. The judge(s) of the municipal court shall serve a term of two years to run concurrently with the term of Office of the Mayor. The presiding judge and any associate judge may be removed by an affirmative vote of two-thirds (2/3) of the City Council.

D. City Secretary. The City Manager shall appoint a City Secretary whose duties and obligations shall be determined and supervised by the City Manager.

Section 5.03 Personnel Rules

The City Manager shall be responsible for the preparation of personnel rules. Such rules shall be submitted by the City Manager to the City Council. The City Council may accept and adopt such rules as proposed or may adopt them with amendments.

ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL

Section 6.01 General Authority

A. Initiative. The registered voters of the City shall have power to propose ordinances to the Council. Such power shall not extend to the granting of franchises, budget or any capital program, or relating to appropriation of money, issuing of bonds, setting of utility rates and levy of taxes or salaries of City officers or employees, or any other ordinance not subject to initiative as provided by state statute or common law.

B. Referendum. The registered voters of the City shall have power to require reconsideration by the Council of any adopted ordinance. Such power shall not extend to the granting of franchises, budget or any capital program, or relating to appropriation of money, issuing of bonds, setting of utility rates and levy of taxes or salaries of City officers or employees, or any other ordinance not subject to referendum as provided by state statute or common law.

C. Recall. The registered voters of the City shall have the power to petition for recall of the Mayor or any Councilmember.

Section 6.02 Commencement of Initiative, Referendum and Recall Petitions; Petitioners' Committee; Affidavit

A. Any five (5) registered voters of the City may commence initiative, referendum, or recall proceedings by filing with the City Secretary an affidavit stating they will constitute the petitioners' committee and be responsible for the petition and filing it in proper form, stating their names and addresses and specifying the designated address to which all notices to the committee are to be sent and setting out in full the proposed initiative ordinance or citing the ordinances sought to be reconsidered, or the name of the individual to be recalled.

B. All papers of a petition shall be uniform in size and style, shall be assembled as one instrument for filing, and shall comply with all requirements for the specific petition. Each signature shall comply with Chapter 277 of the Texas Election Code as it may be amended from time-to-time.

C. Petitions shall be returned to the Office of the City Secretary for filing within ninety (90) calendar days

filing of the affidavit of petitioners committee and no signature on said petition shall have been affixed to the filing of the affidavit of petitioners committee.

{Section}.22.

D. Petitions shall only be circulated by a registered voter of the City and the signatures on petitions shall be verified by oath in the following form to be affixed on the bottom of each page of the petitions:

STATE OF TEXAS

COUNTY OF BEXAR

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition, and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person it purports to be.

Signature _____

Sworn and subscribed before me this day of 20.

NOTARY PUBLIC, STATE OF TEXAS

My commission expires: _____

Section 6.03 Initiative, Referendum and Recall Petition Process; Certificate of City Secretary; Supplementation; Presentation to Council; Council Review

A. Within forty-five (45) calendar days after a petition for initiative or referendum and forty-five (45) calendar days after a petition for recall (the "Original Petition") is filed, the City Secretary, or the City Secretaries designee, shall complete a certificate as to its sufficiency or insufficiency as mandated herein, specifying, if it is insufficient, the particulars wherein it is defective and shall within said period send a copy of the certificate to the petitioners' committee by first class regular mail and certified mail return receipt requested or by hand delivery with signed proof of delivery to the designated address.

B. A petition certified insufficient for lack of the required number of valid signatures may be supplemented once if the petitioners' committee files a notice of intention to supplement with the City Secretary within three (3) working days after receiving the copy of the Certificate of the City Secretary. The supplementary petition shall be filed within the time specified in Subsection 6.03.C. Such supplementary petition shall comply with the requirements of Subsections 6.02.B and D, and within ten (10) working days after the supplementary petition is filed, the secretary shall complete a certificate as to the sufficiency of the petition as supplemented and send a copy of such certificate to the petitioners' committee by first class regular mail and certified mail return receipt requested or by hand delivery with signed proof of delivery to the designated address as in the case of an Original Petition.

C. Upon the submission of the Original Petition to the City Secretary, the time line for submission as provided for in [Section 6.02](#) shall be tolled. The petitioners committee shall submit the supplementary petition to the City Secretary within the remaining tolled deadline, said remaining time to be calculated from receipt of the certificate of insufficiency by the petitioner's committee or committee member as applicable. No signature on said supplementary petition shall have been affixed prior to the receipt by the petitioners committee of the certificate of insufficiency.

D. The City Secretary shall, at the next regular Council meeting held in compliance with the Texas Open Meetings Act after completion of certification of the petition or supplementary petition, present such certificate to the Council.

Section 6.04 Requirements Specific to Petitions for Recall

Before the question of a recall shall be submitted to the registered voters of the City, a petition containing the signatures of at least five hundred (500) registered voters, demanding such question to be so submitted shall first be filed with the Office of the City Secretary pursuant to this Article. The petition shall be addressed to the City Council of the City and shall state distinctly and specifically the alleged action(s) and the factual circumstance(s) surrounding such action(s) taken by the individual that warrant the reason for the recall as to give the individual sought to be removed notice of the matter(s) and thing(s) on which the individual's recall is predicated. If there be more than one (1) reason, said petition shall distinctly and specifically state each reason upon which such petition for removal is predicated and shall distinctly and specifically state the alleged action(s) and the factual circumstance(s) surrounding such action(s) taken by the individual that warrant the recall as to give the individual

sought to be removed notice of the matter(s) and thing(s) on which the recall is predicated.

{Section}.22.

Section 6.05 Public Hearing to be Held on Recall Petition

The individual whose removal is sought may, within ten (10) working days after such recall petition has been presented to the City Council, request that a special meeting be held to permit him/her to present a response to the reasons for recall specified in the recall petition. In this event, the City Council shall order such special meeting to be held, at the discretion of the individual whose removal is sought and in compliance with the Texas Open Meetings Act, but in no even no less than fifteen (15) days before early voting.

At any special meeting held under this Section the individual whose removal is sought shall have a thirty (30) minute period to state their response to the recall petition. There shall be no public participation in the special meeting and no other items of business shall be a part of the special meeting.

Section 6.06 Calling of Recall Election

If the individual whose removal is sought does not resign, then the City Council shall for the next available uniform election date, order an election for holding such recall election. If, after the recall election date is established, the officer vacates his/her position, the election shall be cancelled in accordance with state law.

Section 6.07 Ballots in Recall Election

Ballots used at recall elections shall conform to the following requirements:

A. With respect to each individual whose removal is sought, the question shall be submitted:

“Shall _____ be removed from the office of _____ by recall?”

B. Immediately below each such question, there shall be printed the following words, one above the other, in the order indicated:

“Yes”

“No”

Section 6.08 Result of Recall Election

If a majority of the votes cast at a recall election shall be “No,” that is against the recall of the individual named on the ballot, the individual shall continue in office for the remainder of his/her unexpired term, subject to recall as provided herein. If a majority of the votes cast at such election be “Yes,” that is for the recall of the individual named on the ballot, the individual shall, regardless of any technical defects in the recall petition, be deemed removed from office upon passing of the resolution canvassing the election, and the vacancy shall be filled by the City Council as provided for in State law.

Section 6.09 Recall Restrictions

No petition shall be filed for the recall of an individual within ninety (90) days of the date of the individual’s election to City Council or within ninety (90) days before the end of the individual’s term on City Council.

Section 6.10 Initiative; Requirements Specific to Petition for Initiative; Procedure

A. A petition for initiative must contain signatures totaling at least three hundred (300) registered voters and shall otherwise comply with the requirements for petitions in this Article. Each copy of the petition shall have attached to it a copy of the full text of the proposed legislation in the form of an ordinance including a descriptive caption. Each page of the petition shall have, at the top of the page, the full substantive text of the proposed ordinance.

B. Upon presentation to the City Council, it shall become the duty of the City Council, within forty-five (45) calendar days after the date the petition is finally determined sufficient, to pass and adopt such ordinance without alteration as to meaning or effect, or to call for an election, to be held on the soonest date allowed under the Texas Election Code, at which the registered voters of the City shall vote on the question of adopting or rejecting the proposed ordinance.

C. If a majority of the registered electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon the canvassing 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.

D. No ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two (2) years from the date of such election.

Section 6.11 Referendum; Requirements Specific to Petition for Referendum; Procedure; Election

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- A. A petition for referendum must contain signatures totaling at least three hundred (300) registered voters and shall otherwise comply with the requirements for petitions in this Article.
- B. Within forty-five (45) days after final sufficiency of the petition, City Council shall either repeal the referred ordinance or order an election to submit the referred ordinance to the registered voters of the City. Said election shall be held on the first available uniform election date authorized by law.
- C. If a majority of the registered electors voting on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results.
- D. A petition for referendum on the same subject matter may only be submitted once every three (3) years.

Section 6.12 Initiative and Referendum; Form of Ballots

The ballots used when voting upon initiative or referendum shall set forth their nature sufficiently to identify them and shall also set forth, upon separate lines, the words:

“For the Ordinance”

or

“Against the Ordinance”

Section 6.13 Ordinances Passed by Popular Vote, Repeal or Amendment

Any ordinance adopted by initiative shall not be subject to repeal or substantial modification by action of the Council for a period of three (3) years from the date of the election, except by referendum election called by the Council or by petition as herein provided. Any ordinance repealed by referendum shall not be reinstituted in whole or substantial part by action of the Council for a period of three (3) years from the date of the election, except by referendum election called by the Council or by petition as herein provided.

ARTICLE VII. GENERAL PROVISIONS

Section 7.01 Conflicts of Interest Prohibition

For purposes of this Section, the term “City Official” means any individual subject to the requirements of Texas Local Government Code, Chapter 171.

It is hereby prohibited for City Council members or a City Official to violate the rules and regulations regarding conflicts of interests as set out in the Texas Local Government Code, Chapter 171, as may be amended hereafter.

Section 7.02 General Prohibitions

- A. No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of gender, sexual orientation, race, national origin, sex, political or religious opinions or affiliations, or an otherwise legally protected class.
- B. No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.
- C. No employee of the city shall continue in such position after becoming a candidate for City Council.

Section 7.03 Regulation of Alcohol

The City Council may enact any and all other regulations regarding the sale, consumption, distribution, etc. of alcoholic beverages, as permitted by law, including but not limited to the regulation of the sale of liquor in residential sections or areas of the City.

Section 7.04 Disaster Clause

In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council, or highest surviving City official, if no elected official remains, shall, within twenty-four (24) hours of such disaster, request the highest surviving officers of the Bexar County Commissioners Court to appoint a number of residents of Leon Valley equal to the number necessary to make a quorum to act during the emergency as the City Council. The newly appointed City Council shall call

City election within fifteen (15) days of their appointment, or as provided in the Texas Election Code of the vacant offices, if for good reasons it is known a quorum of the present City Council will never {Section}.22. If it is determined that a quorum of the present City Council will meet again, the appointed Councilmembers shall serve in their position until such time as the present Councilmembers may begin serving.

Section 7.05 Charter Review Committee

- A. The City Council may appoint a Charter Review Committee at any time. The Charter Review Committee shall consist of thirteen (13) citizens of the City. The citizens appointed shall consist of two (2) appointments by each councilmember and three (3) appointments by the Mayor.
- B. The Committee shall:
1. Inquire into the operation of the City government under the Charter and determine whether any provision requires revision. To this end public hearings may be held. The Committee may request the attendance of any officer or employee of the City and the production of any City records that may be needed; and
 2. Propose any recommendations it deems desirable to insure compliance with the Charter; and
 3. Report its findings and present its recommendations to the City Council in the form of a report; and
 4. File a copy of its report with the Office of the City Secretary where it shall be a public record.
- C. The term of office of the Charter Review Committee shall be for not more than nine (9) months.
- D. Upon finalization of the Charter Review Committee's report, the City Council shall receive the report. Notice shall be published in the official newspaper of the City that a copy of the report is available in the Office of the City Secretary.
- E. The City Council shall consider any recommendations made and may order any recommendations be submitted to the voters of the City in the manner provided by state law.
- F. Nothing in this section prohibits the City Council from forming a Charter Review Committee at any time or from submitting any amendments to the Charter to election on its own initiative at any time in compliance with state law.

Section 7.06 Amendment

Amendments to this Charter may be framed, proposed, and adopted in any manner provided for herein and by the laws of the State of Texas.

Section 7.07 Power to Settle Claims

The City Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character, in favor of or against the City, including suits by the City to recover delinquent taxes after consulting with the City Attorney.

Section 7.08 Service of Process Against the City

All legal process against the City shall be served upon the City Manager.

Section 7.09 Judicial Notice

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places provided that the City Secretary certifies the most current City Charter with any amendments.

Section 7.10 Property Not Exempt from Special Assessments

No property of any kind, by whomsoever owned or held or by whatsoever institution, agency, political subdivision or organization, owned or held, whether in trust or by nonprofit organization, or corporation, or by foundation, or otherwise, (except property of the City), shall be exempt in any way from any special taxes, charges, levies and assessments except where required by state law.

Section 7.11 Bond Requirement

In addition to any provisions contained herein, the City Council may require any City official, department director, or City employee, before entering upon his/her duties, to execute a good and sufficient bond with a surety company doing business in the State of Texas and approved by the City Council. The premium of such bond shall be paid by the City.

Section 7.12 Construction of Charter

{Section}.22.

The Charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a ~~general grant~~ of power and as a limitation of power on the government of the City of Leon Valley in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by this Charter, each and every power under Article XI, Section 5 of the Constitution of Texas, which it would be competent for the people of the City of Leon Valley to expressly grant to the City, shall be construed to be granted to the City by this Charter.

Section 7.13 Definitions

The following constructions apply unless the context in which the word or phrase appears necessarily requires a different construction or unless a different construction is expressly provided for in the section in which the word or phrase appears:

“Days” when not modified by the word “working” shall mean calendar days “May” creates discretionary authority or grants permission or a power. “Must” creates or recognizes a condition precedent

“Shall” provides direction or imposes a duty.

“Working days” shall mean weekdays which are not an official City holiday.

Section 7.14 Charter Translation

This Charter shall be translated into Spanish and may be translated into any other language at the discretion of the City Council. As to any conflict in interpretation and substance between the English version and any other language the English version shall control.

Section 7.15 Severability

If any term or other provision of this Charter is determined by a court of competent jurisdiction to be invalid, illegal or incapable of being enforced by any rule of law or public policy, all other terms or provisions of this Charter shall nevertheless remain in full force and effect.

Presentation and Discussion on an Ordinance of The City Council of The City of Leon Valley, Texas, Ordering and Declaring The 2022 Charter Amendments Adopted (1ST Reading)

Special City Council Meeting
November 21, 2022
Saundra Passailaigue, City Secretary



{Section}.22.

Background

- **The proposed propositions were presented at the following public meetings:**
 - March 26, 2022, Annual Town Hall Meeting
 - June 04, 2022, Special City Council Workshop
 - June 18, 2022, City Council/Manager Retreat
 - July 12, 2022, Special City Council Meeting
 - July 19, 2022, Regular City Council Meeting
 - August 02, 2022, Regular City Council Meeting
 - August 16, 2022, Regular City Council Meeting
 - October 22, 2022, Coffee with the Mayor & City Council

Next Steps

{Section}.22.

Present a first read ordinance to
Adopt the 2022 Charter
Amendments – 11-15-2022

Present a second read ordinance
for adoption of the 2022 Charter
Amendments – 12-06-2022

City Secretary will certify to the
Texas Secretary of State, an
authenticated copy of the 2022
Charter Amendments.

The Secretary of State shall file
the certification.

S.E.E. Statement

{Section}.22.

Social Equity – The Charter benefits the City of Leon Valley by providing better policy and service delivery to the citizens.

Environmental Stewardship – The Charter promotes economic development by enabling City Council freedom to enact laws that will better accommodate and provide a more inviting area for new businesses.

Economic Development – The Charter will enable City Council to enact laws that protect our City's natural resources, and freedom to enact comprehensive conservation legislation.



Any
Questions ?