



Marshall Charter Amendments

VOTE Saturday, May 2, 2020

16 Propositions for City Charter Amendments

The Marshall City Commission on November 21, 2019, created a City Charter Review Committee to review the City Charter for the City of Marshall. The original Charter was created in 1909 and amended in 1923; 1927; 1932; 1939; 1962 and 2010.

On May 2, 2020 the citizens of Marshall will have an opportunity to vote on 16 amendments to the City Charter.

What is a City Charter Amendment Election?

It is a Special Election to consider amendments to the City Charter.

What is a City Charter?

A City Charter is like the Constitution of the United States. The Charter is the local laws of how the City Government is to govern and operate. The Charter can only be changed in an election specifically stating the revisions to the City Charter by a vote of the majority of registered voters.

How were the City Charter Amendments selected?

The City Charter Review Committee reviewed the 1999 proposed new Charter and updated the document to make the provisions consistent with state law. In addition, the current City Charter was reviewed, and the members of the committee raised questions, concerns, etc. about the City Charter and discussed how each issue raised should be handled and worded. The City Charter Review Committee met in posted meetings open to the public between December 14, 2019 and February 4, 2020. Once the wording and intent of various changes were decided and agreed upon by the City Charter Review Committee, the amendments were recommended to the City Commission. The City Commission reviewed the changes and discussed the items at a Public Meeting on February 10, 2020. The City Commission then considered revisions, additions, or deletions to the recommendations and chose to accept as presented all recommended amendments and approved final passage of Ordinance No O-20-05 on February 13, 2020.

Residents are encouraged to review the items in advance and educate themselves on the propositions before early voting begins on April 20, 2020.

The Proposed Charter Amendments are as follows:

PROPOSITION A Incorporation, Form of Government, Boundaries and Official Map

Shall ARTICLE I, IN GENERAL Sec. 2 through Sec. 11 of the City Charter be amended as ARTICLE I INCORPORATION AND FORM OF GOVERNMENT to provide for the incorporation of the home-rule City of Marshall; Council-Manager form of government and boundaries for the City of Marshall, Texas and the official map?

Summary of Changes: This proposition amends the current Charter to change from a Commission-Manager form of government to a Council-Manager form of government. Elected officials will be known as Council members instead of Commission members.

PROPOSITION B Powers of the City as allowed by state law

Shall ARTICLE II, CORPORATE POWERS Sec.12 through 22 of the City Charter; be amended as ARTICLE II POWERS OF THE CITY to provide for the general powers and construction of the general powers of the City, annexation and disannexation, and intergovernmental relations of the City as allowed by state law?

Summary of Changes: This proposition amends the current Charter to allow the general powers of the City as allowed by Texas state law.

PROPOSITION C City Council and Officers: City Secretary, City Attorneys, Prosecutor and outside Counsel, City Manager and Municipal Judges

Shall ARTICLE III, CITY COMMISSION AND OFFICERS Sec. 23 through Sec. 30 of the City Charter and Article V Chairman Sec. 109 through Sec.114 be amended as ARTICLE III CITY COUNCIL AND OFFICERS, to provide for a Mayor, Mayor Pro Tem and City Council, and City appointed officers, to provide for the general powers and duties of the City Council; to provide for the number, selection, and boundaries of City Council districts and to allow for redistricting; to provide for qualifications and that the City Council is the judge of a Council member's qualifications; to prohibit dual office holding and interference with staff; to provide for no compensation but to allow reimbursement for necessary expenses of office; to provide for meetings, rules of procedure and Council investigations and to amend Article VII, City Secretary and Article VIII City Attorney of the City Charter to provide by new Secs. 3.10 and 3.11 for the Council to appoint the City Secretary and City Attorney, Prosecutor and other assistant City Attorneys, outside Counsel or volunteer attorney to assist the City Attorney and for the Council to proscribe the duties of the City Secretary and City Attorney, to amend ARTICLE VI, City Manager, by Article IV, Administrative Organization to provide for the City Manager, the City Manager's appointment, qualifications, compensation, removal or suspension, an acting City Manager, City Manager powers and duties and additional administrative organization as provided for by the City Council; and to amend ARTICLE X, CORPORATION, Sec. 160 through 174 of the City Charter and replace with a new ARTICLE V MUNICIPAL COURT to provide for the Municipal Court of the City of Marshall, the jurisdiction of the municipal court; provide for the appointment of the Chief Municipal Judge and other municipal judges by the City Council; municipal judge qualifications, compensation and powers and to provide for the Clerk and Deputy Clerk of the Municipal Court appointed by the City Manager and their powers?

Summary of Changes: This proposition amends the current Charter provisions for the City

Commission and Officers to provide for a Mayor, Mayor Pro Tem and Council, Council districts, redistricting; a City Secretary, City Attorney, Assistant City Attorneys, Prosecutor and Special Counsel, City Manager, Acting City Manager, Municipal Court, Municipal Court Judge and Municipal Court Clerk and provides for Council and Officer's qualifications, powers, compensation, removal or suspension.

PROPOSITION D Ordinances require one (1) reading and procedures for adoption of Ordinances and Emergency Ordinances

Shall ARTICLE IX, ORDINANCES, Sec. 175 to Sec. 185 be amended as ARTICLE III, Secs. 3.15 through 3.17 to provide for action requiring an ordinance, ordinances in general, ordinances to require one (1) reading, the form, procedures for adoption, effective date and publication of ordinances, and emergency ordinances as allowed by state law?

Summary of Changes: This proposition amends the current Charter to allow procedures for City Ordinances and Emergency Ordinances to be adopted following one (1) reading and approval by the City Council.

PROPOSITION E Financial Procedures for Budgeting, Budget procedures; Audits, Purchasing and Investment Procedures as allowed by state law

Shall Sec. 77 through 78.4 of the City Charter providing for the budget, Sec. 102 providing for an Audit; Sec. 17 real estate purchase; Sec. 36 through 39 providing for contracts, purchases and appropriations be amended to be consistent with state law as ARTICLE VI, FINANCIAL PROCEDURES for the preparation and submission of the budget; procedures for budget approval and amendment of the budget, public hearings and appropriations and funding, auditing of City finances and purchasing and investment procedures as allowed by state law?

Summary of Changes: This proposition amends the current Charter to allow preparation and submission of the budget; procedures for budget approval and amendment of the budget, public hearings and appropriations and funding, auditing of City finances and purchasing and investment procedures as allowed by state law.

PROPOSITION F Taxation and Tax Liens and Liability

Shall Sec. 14 Taxes; References to the Tax Assessor Collector; references to the collection of taxes; Sec. 299 Payment of taxes and delinquent taxes of the City Charter providing for the power to tax, collection and for tax liens of the City Charter be amended as ARTICLE IX TAXATION to allow powers of taxation, tax liens and liability as allowed by state law?

Summary of Changes: This proposition amends the current Charter to provide for taxation, tax liens and liability as allowed by state law.

PROPOSITION G Elections conducted as allowed by state law

Shall Article XII Elections Sec. 186 to Sec. 192 of the City Charter be amended as ARTICLE IX Elections to provide for elections to be conducted as allowed by state law?

Summary of Changes: This proposition amends the current Charter to define elections to be held

according to state law.

PROPOSITION H Initiative and Referendum

Shall Sec. 193 providing for referendum be amended as ARTICLE X FOR INTIATIVE AND REFERENDUM to provide for the right of the people to initiate legislation or to approve or reject legislation enacted by the Council and to provide procedures for initiative and referendum as allowed by state law?

Summary of Changes: This proposition amends the current Charter to allow citizens to petition to initiate legislation or petition to reject ordinances enacted by Council; provides procedures as allowed by state law.

PROPOSITION I Vacancies, Forfeitures of Office and Filing of Vacancies

Shall Sec. 32, Sec. 33, Sec. 35 providing for Resignation and election and Sec. 71, Vacancy, and Sec. 72 Resignation of the City Charter be amended by adding Sec. 3.07 to provide for vacancies, and forfeitures of office and filing of vacancies in the office of a Council member by either appointment or calling an election to fill the vacancy and provided that if four-year terms are adopted the appointment may only be made within the first year of office as allowed by the Texas Constitution?

Summary of Changes: This proposition amends the current Charter with a procedure to fill Council member vacancy or forfeiture. Appointment to the seat may only be made within the first year and a Special Election will be called filling the remaining three (3) years of the term.

PROPOSITION J Franchises and Public Utilities for the City to regulate by ordinance the transfer, regulations and rates and require two readings of the Ordinance

Shall Article XIII Franchises Sec. 194 to Sec. 200 of the City Charter be amended as ARTICLE XI FRANCHISES AND PUBLIC UTILITIES to provide for the power of the City to grant and regulate all franchises of public utilities by ordinance; provide for the transfer, regulation, and rates of public utility franchises; and proscribe penalties by ordinance and require two (2) readings of a public utility franchise ordinance?

Summary of Changes: This proposition amends the current Charter to allow the City to require two readings of an Ordinance to transfer, regulate, regulate rates and penalties for public utilities and franchises.

PROPOSITION K General Provisions for Financial Interest, Oath of Office, Prohibited Activities, Claims against the City, Liens, Assignments, Garnishment and Security Bonds and Transitional Provisions for vested rights and effect on existing laws

Shall sections providing for financial interests of officers and employees of the City Charter be amended as ARTICLE XII GENERAL PROVISIONS to provide for financial interests of the Mayor, Mayor Pro Tem and all City elected or appointed officials to comply with state law regarding personal interests in contracts, oaths, prohibited activities, claims against the City to require notice and allow meritorious claims to be settled by the City Manager and for Liens, Assignment and Garnishment and to provide for a new ARTICLE XIII TRANSITIONAL

PROVISIONS to provide for the vested rights or privileges of persons who are City officers or employees and for the effect on existing laws at the time of the adoption of amendments to the City Charter?

Summary of Changes: This proposition amends the current Charter to provide for financial interests of the Mayor, Mayor Pro Tem and Officers to be as allowed by state law, provides for claims against the City, settlement of meritorious claims; provides for liens, assignment, garnishment and for the vested rights or privileges of City officers or employees and for the effect on existing laws of the adoption of amendments to the City Charter.

PROPOSITION L Council allowed to Renumber and Rearrange Charter by Ordinance as long as no substantive change made.

Shall the City Charter be amended to add a new Section 12.09 to allow the Council, by ordinance, to renumber and rearrange all articles, sections, subsections, paragraphs and subparagraphs of this Charter or any amendments hereto, correct typographical errors as the Council shall deem appropriate, including the power to conform cross-references in the body of the text of this Charter, so long as no substantive change is made?

Summary of Changes: This proposition amends the current Charter to allow the Council to move the text within the Charter and correct spelling errors as long as they do not change the text approved by the citizens of Marshall.

PROPOSITION M Repeal obsolete provisions, provisions preempted by state and federal law and provisions within the general power of the city as allowed by state law.

Shall obsolete provisions of the City Charter be repealed, including Sec. 6 through Sec. 8 Local Option Liquor elections ; Sec. 29 Jury Duty; Sec. 30 Surety; Sec. 31 Free Service; Sec. 40 School Board contracts; Sec. 41 Religious or Political Beliefs; Article III, Division 2 Political Influence, Sec. 42 through Sec. 49; Sec. 89 Charitable institutions; Sec. 90 Orphanages; Sec 91 Pensions; Sec. 92 Buildings; Sec. 9 Sewer system; Sec. 94 Sewer districts; Sec. 95 Plumbing; Sec. 96 Quarantine; Sec. 98 City Depository; Article IV Committees Sec. 99 through 101 Article XIV Parks Sec. 202 through 210; Article XV Schools, Sec. 211 to Sec. 241; Article XVI Railways Sec. 242 through Sec. 254; and Article XVIII Streets Sec. 265 through Sec. 274; that are no longer necessary or are preempted by the Texas Constitution, state or federal law and are within the general powers of the City as allowed by state law?

Summary of Changes: This proposition amends the current Charter to remove provisions that are obsolete, no longer allowed state law, or provided by state or federal law or are within the general powers of the City as allowed by state law.

PROPOSITION N Recall of a Council member by petition of least fifteen (15) percent of the number of registered voters in the Council member's district and for limitations on recall within six (6) months after an election for the Council member's recall

Shall Sec. 62 and Sec. 63 Recall of a Council member of the City Charter be amended to provide for the right of the people to provide for recall of a Council member by petition of at least fifteen

(15) percent of the number of registered voters in the Council member's district as allowed by state law and for limitations on recall for any Council member within six (6) months after an election for the Council member's recall?

Summary of Changes:

PROPOSITION O Terms and Term Limits

Shall ARTICLE III, Sec. 64 Term of two (2) years and Sec. 64.1 City Commissioner term limits be amended as follows:

Section 3.04 Terms and Term Limits

- a. **Terms.** Except for Council Members elected to serve an unexpired term or in emergency situations as provided in section 3.17 of this Charter, each Council member elected shall serve a term of four years.
- b. **Transition.** To transition to four-year terms, only those Council Members whose terms begin with the May 01, 2021, general election shall serve a term of three-years and the three-year term shall expire with the May 4, 2024, general election. Four-year terms and the accruing of consecutive terms as provided for in this section shall include only the Council Member terms beginning with the May 07, 2022, general election and all other terms arising out of subsequent general elections-
- c. **Term Limits.** Council members shall serve not more than two (2) consecutive four-year terms arising out of a general election for a district and not more than a total period of eight consecutive years as a Council member of a district, regardless of which Council member district or districts a person serves.

Summary of Changes: This proposition amends the current Charter to allow Council members to serve a four-year term and elections to be held every other year. Term limits will remain the same with Council members to serve no more than eight years total.

PROPOSITION P Bonds, Warrants and Other Evidence of Indebtedness as allowed by state law

Shall Sec. 82 through Sec. 88 of the City Charter be amended as ARTICLE VII BONDS, WARRANTS AND OTHER EVIDENCE OF INDEBTEDNESS be amended and replaced with new ARTICLE VII BONDS, WARRANTS AND OTHER EVIDENCE OF INDEBTEDNESS for the City Council the right to issue all tax bonds, revenue bonds, funding and refunding bonds, time warrants and other evidence of indebtedness be consistent with state law and allow for the right of the people to petition the City to call an election on the proposed debt as allowed by state law and allow for revenue bonds issued by the City to be submitted for approval by a majority of registered voters, voting at an election held for such purpose, unless the resolution directing publication of notice of intention to issue said revenue bonds is approved by a two-thirds majority vote of the Council members.

Summary of Changes: This proposition amends the current Charter to allow tax bonds, revenue bonds, funding and refunding bonds, time warrants and other evidence of indebtedness be

consistent with state law and allows citizens to petition to call an election as allowed by state law and provides that revenue bonds will be submitted to the voters for approval unless the Council passes a resolution by two-thirds (2/3) vote to issue revenue bonds.

ATTACHMENT "A"

**CITY OF MARSHALL
PROPOSED CHARTER AMENDMENTS
CHARTER ELECTION DATE MAY 2, 2020**