FINAL APPROVED CHANGES TO
KYLE CITY CHARTER
May 2016

Sec. 3.05. - City Council Judge of its Members. (redline version)

The council shall be the judge of the election and qualifications of its members, may determine the rules of its proceedings, and shall have power to compel the attendance of absent members and to punish members for disorderly conduct. After due notice and opportunity to be heard, upon not less than six affirmative votes the council shall have the power to remove any elected officer for conviction of a felony, ~~gross immorality~~, ~~habitual drunkenness~~, ~~corruption, misconduct or malfeasance in office~~, conviction of a misdemeanor during their term of office involving a crime of moral turpitude. Misdemeanors involving moral turpitude are those that involve dishonesty, fraud, deceit, misrepresentation, deliberate violence, or that reflect adversely on a member's honesty or trustworthiness, or failing to continuously reside with the city and/or the district from which elected. Officers or employees of the city appointed directly by the council may be removed by majority vote of the council at any time after notice in compliance with the open meetings laws.

Sec. 3.05. - City Council Judge of its Members. (clean version)

The council shall be the judge of the election and qualifications of its members, may determine the rules of its proceedings, and shall have power to compel the attendance of absent members and to punish members for disorderly conduct. After due notice and opportunity to be heard, upon not less than six affirmative votes the council shall have the power to remove any elected officer for conviction of a felony, conviction of a misdemeanor during their term of office involving a crime of moral turpitude. Misdemeanors involving moral turpitude are those that involve dishonesty, fraud, deceit, misrepresentation, deliberate violence, or that reflect adversely on a member's honesty or trustworthiness, or failing to continuously reside with the city and/or the district from which elected. Officers or employees of the city appointed directly by the council may be removed by majority vote of the council at any time after notice in compliance with the open meetings laws.

Sec. 4.01. - Mayor. (redline version)

The mayor shall serve as the ceremonial head of the city, preside at all meetings of the council and provide the leadership necessary to good government. He or she shall work with the council to obtain legislation in the public interest and with the city manager to ensure that the same is enforced, and participate in the discussion and vote on all legislative and other matters coming before the council. The mayor shall have signatory authority for all legal contracts and commitments of the city; sign all

ordinances and resolutions; ~~recommend appointees for the boards and commissions;~~ work and coordinate with the city manager and the council; and, to the extent provided by state law in time of declared emergency, may take command of the police and govern the city by proclamation, maintain order and enforce all laws.

Sec. 4.01. - Mayor. (clean version)

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Sec. 4.03. - The City Council. (redline version)

The following powers and duties of the council are not exclusive but are enumerated for greater clarity:

(f) Provide for boards and commissions as deemed necessary by the council, and as required by this charter, and appoint and remove all such boards and commissions ~~upon the recommendation of the mayor~~ provided that, if an appointment or removal has been considered at two regular meetings and no recommendation has been made the council may take action by motion and vote;

(g) Adopt, modify, reject and carry out the plans proposed by the planning commission and other boards and commissions;

(o) For good cause, subject to the provisions in this charter, order a recall election to be held for or with respect to any member of the city council;

(p) Appoint and remove the city attorney, the municipal judge, and the associate municipal judges subject to the provisions in this charter;

(t) Recommend appointees for boards and commissions.

Sec. 4.03. - The City Council. (clean version)

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(p) Appoint and remove the city attorney, the municipal judge, and the associate municipal judges subject to the provisions in this charter;

(t) Recommend appointees for boards and commissions.

Section 4.05 Prohibitions (redline version)

Neither the council nor any of its members shall instruct or request the City Manager or any of the City Manager's subordinates to appoint to or remove from office or employment any person except with respect to those offices which are to be filled by appointment by the council under the provisions of this Charter. Except as provided for in Section 4.03 of this Charter, the City Council shall deal with the administrative and management functions of the city solely through the City Manager and other Council appointees, as appropriate, and shall not give directives to the City Manager's subordinates either publicly or privately.

Section 4.05 Prohibitions (clean version)

Neither the council nor any of its members shall instruct or request the City Manager or any of the City Manager's subordinates to appoint to or remove from office or employment any person except with respect to those offices which are to be filled by appointment by the council under the provisions of this Charter. Except as provided for in Section 4.03 of this Charter, the City Council shall deal with the administrative and management functions of the city solely through the City Manager and other Council appointees, as appropriate, and shall not give directives to the City Manager's subordinates either publicly or privately.

5.02 General Elections (redline version)

~~The general city election shall be held annually on the first Saturday in May, or if such not be authorized the date nearest thereto as may be established by law. The mayor and~~

~~councilmembers shall be elected by majority vote~~.

(a). The general city election shall be held annually on the Tuesday in November in accordance with the Texas Election Code, or if such not be authorized the date nearest thereto as may be established by law. The mayor and councilmembers shall be elected by majority vote.

(b). **Transitional Provision**: Councilmembers of Districts 1 and 3 that are elected in May 2016 shall have their terms extended until November 2019. The Mayor and councilmembers of Districts 2 and 4 shall have terms extended until November 2017. Councilmembers of Districts 5 and 6 shall have terms extended until November 2018.

5.02 General Elections (clean version)

(a). The general city election shall be held annually on the Tuesday in November in accordance with the Texas Election Code, or if such not be authorized the date nearest thereto as may be established by law. The mayor and councilmembers shall be elected by majority vote.

(b). **Transitional Provision**: Councilmembers of Districts 1 and 3 that are elected in May 2016 shall have their terms extended until November 2019. The Mayor and councilmembers of Districts 2 and 4 shall have terms extended until November 2017. Councilmembers of Districts 5 and 6 shall have terms extended until November 2018.

Section 5.11. Run-Off Election. (redline version)

If no candidate for an elective office receives a majority of the votes cast for that position in the regular or special election, a runoff election shall be held between the two (2) candidates who received the greatest number of votes. Such runoff election shall be held in accordance with State election laws ~~on the third Saturday following the election~~. The candidate receiving the highest number of votes cast for the office in the runoff election shall be declared elected and if the runoff results in a tie vote, the tie shall be broken in a manner that is not inconsistent with the Texas Election Code, or by lot or chance as agreed by and between the candidates.

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not inconsistent with the Texas Election Code, or by lot or chance as agreed by and between the candidates.

Section 7.10. City Attorney. (redline version)
There shall be a city attorney who shall be appointed and may be removed by the council and reports to the City Manager. The city attorney shall be a competent and duly licensed attorney and shall have not less than five (5) years experience practicing municipal law in Texas. He or she shall receive for his or her services such compensation as may be fixed by the council and shall advise the city on all legal matters and represent the city in all litigation and other legal matters. The city attorney may appoint assistant city attorneys, and the council may retain different or additional attorneys for specific matters when it deems same to be necessary.

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Section 8.09. Depository. (redline version)

The council shall from time to time select a depository or depositories for city funds on the basis of bids received from such institutions; provided that the council may by resolution invest reserve funds in any state or federally chartered bank or savings institution. All monies received by any person, department or agency of the city for or in connection with affairs of the city shall be promptly deposited in the city depository or depositories. All checks, vouchers, or warrants for the withdrawal of money from the city depositories shall ~~be signed by the city manager and the director of finance~~ require two authorized signatures. Of the two signatures, one must be either the City Manager or Director of Finance. The council may authorize the use of machine imprinted facsimile signatures of such persons on such checks, vouchers and warrants.

Section 8.09. Depository. (clean version)

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Section 8.11. Bonds and Financial Obligations. (redline version)

(e) the issuance of indebtedness of obligation should not have a repayment period greater than the life of the asset(s) as defined by General Accepted Accounting Principles purchased through the issuance of these indebtedness or obligations.

(f) no indebtedness or instrument of obligation exceeding 5% of the annual assessed valuation of the city shall be issued without a binding referendum being placed on the ballot approving such expenditure.

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(f) no indebtedness or instrument of obligation exceeding 5% of the annual assessed valuation of the city shall be issued without a binding referendum being placed on the ballot approving such expenditure.

Section 13.10 Open Meeting Compliance. (redline version)

All meetings, hearings and workshops of the Council, any Board, Commission, or Committee of the City, shall be held in compliance with the Texas Open Meetings Act and shall provide time for public comment.

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