

ORDINANCE NO. 1107

**AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON THE QUESTION OF THE ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF KYLE; DESIGNATING NOVEMBER 3, 2020 AS THE DATE OF THE SPECIAL ELECTION; PRESCRIBING THE FORM OF THE BALLOT; PROVIDING FOR ELECTION PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.**

**Whereas**, the City Council desires to submit to the voters the charter amendments that are set forth in this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:**

**SECTION 1:** A special election is ordered to be held in the city on Tuesday, November 3, 2020, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of submitting to the qualified voters of the city propositions on whether the Charter of the City of Kyle should be amended. The proposed amendments shall take effect upon their adoption and the entering of an order by the City Council declaring the amendments adopted. The proposed amendments affect only the Articles and sections listed below which are submitted for amendment to read as follows in this section. In this ordinance, the proposed new language appears in bold and underlined text, and language proposed to be removed appears stricken through. The amended sections that are approved by the voters will appear in the City Charter after the election results are canvassed with the bold and underline markings added, and the stricken language will be removed from the City Charter.

**Article I. Incorporation, Form of Government and Powers of the City**

**Sec. 1.07. – Annexation and Disannexation.**

The council may by ordinance unilaterally annex or disannex any land, property or territory upon its own initiative, or upon a petition submitted by a majority of the voters residing within the territory being annexed or disannexed, upon petition by the owners of property, or upon a petition signed by a majority of the property owners in a platted subdivision, **as authorized by applicable law.** The council may disannex or release extraterritorial jurisdiction when in the best interest of the city. **The procedure for the establishment, modification or extension of the city boundaries, and the annexation or disannexation of territory, will be applied in a manner consistent with applicable State law. Absent procedures being established by State law, prior to exercising said rights to annex or disannex territory, one public hearing will be held at least ten (10) but not more than twenty (20) days after notice of such public hearings are published in a newspaper of general circulation throughout the city. Additionally, notices**

will appear in any official means of public dissemination established by the City Council. The procedure for the establishment, modification or extension of the city boundaries, and the annexation or disannexation of territory, may not be inconsistent with any applicable requirements and limitations established by state law; provided that absent procedures being established by state law the action may be taken by ordinance adopted after two public hearings are held at least ten (10) but not more than twenty (20) days after notice of such public hearings are published in a newspaper of general circulation in the city. Upon final passage of an ordinance, fixing, establishing or modifying the boundaries of the city, or annexing or disannexing any property by any method prescribed herein, the boundaries of the city shall be so extended or modified as provided in such ordinance. Upon an ordinance annexing property into the city, the territory described in the ordinance shall become a part of the city, and the said land and its residents and future residents shall be bound by the acts, ordinances, codes, resolutions and regulations of the city.

## **Article II. Boundaries of the City**

### **Sec. 2.01. – Boundaries.**

The boundaries and limits of the city shall, until changed in the manner herein provided, be the same as have heretofore been established and as existed on the date of the adoption of this charter. The boundaries and territorial limits of the city may from time to time by ordinance be fixed, decreased, modified or extended, and property may be annexed into the city or disannexed from the city, ~~with or without the consent of any voter or of any landowner in the affected~~ as authorized by state law and the City Charter. See also Section 1.07.

## **Article V. Elections**

### **Sec. 5.06. - Polling Places.**

The council shall establish one or more election precincts and provide polling places as necessary for city elections. Until established otherwise by ordinance or required otherwise by state law, the entire city shall be one election precinct and the city hall or the city hall annex shall be ~~the a~~ a polling place for all city elections.

## **Article VI. Initiative, Referendum and Recall**

### **Sec. 6.15. - Non-binding ballot propositions.**

The council is authorized to call elections on ballot propositions that are non-binding in nature when the council wishes to obtain an informal indication of the position of the city's voters on an issue. The ordinance calling an election under this section must be approved by the affirmative vote of at least six members of council. The following shall apply to elections on non-binding ballot propositions:

- (1) The ballots must clearly label each proposition as non-binding in the heading of the proposition.**
- (2) The ballot cannot contain an indication of the effect that approval or disapproval of a proposition will have on the position of the city council on any issue.**
- (3) The ballot language may not contain more than one subject.**
- (4) Each proposition must avoid including multiple components which are not compatibly interrelated.**
- (5) The ordinance calling the election and the ordinance declaring the result of the election must both contain a clear statement that the non-binding propositions are not binding on the city council.**
- (6) The city council shall not place a non-binding proposition on a ballot as a substitute or alternative for a binding proposition the council is obligated to place on the same ballot.**

## **Article VII. Administrative Services**

### **Sec. 7.06. – Police Department.**

- (a) There shall be a police department to preserve order and protect the residents and property. The chief of police shall be responsible for the administration of the police department and shall evaluate and supervise the department and all its employees. All such evaluations and actions shall be subject to review and modification by the city manager. **Police department procedures and policies shall be subject to review and modification by the City Council.**
- (b) **The City of Kyle Police Department shall collaborate with a committee established by the City Council to have oversight over the development of standard operating policies and strategies, providing timely data sharing, and deploying resources that aim to: (1) protect all citizens, businesses, and property within the City; (2) promote transparency within the police department to the community, to also include data sharing communication in the forms of: in person briefings, news publications, and social media on a quarterly basis; and (3) reduce crime by increasing positive community engagement and promoting cooperation with all citizens through training, education, and community policing models. Annually, the Police Chief or designee shall provide the full City Council with a comprehensive report about police department operations, crime statistics, training initiatives, and other information requested by the City Council. The City Council shall adopt an ordinance implementing the terms of this subsection.**

## **Article XIII. General Provision**

### **Sec. 13.11. – Non-substantive Revisions.**

- (1) The City Council may, without approval of the voters, adopt an ordinance that makes the following types of revisions to this Charter:**

**(A) Correcting numbering errors, and renumbering sections to correct numbering errors; and**

**(B) Correcting errors in spelling, grammar, cross-references and punctuation.**

**(2) A revision adopted under this section is not intended to and is not to be interpreted as making any substantive change in any Charter provision. Any revision adopted under this section that changes the substantive meaning of the Charter shall be void.**

**Section 2. Charter Amendment Notice and Propositions.** Notice of the election shall be given and the election shall be held in compliance with *Chapt. 9, Tex. Loc. Gov't. Code*, and Section 4 of this Ordinance. The ballots for the special election shall comply with the *Texas Election Code* and be in the form provided by the City to the Hays County Elections Administrator, pursuant to the Contract for Election Services, for use on the voting devices and ballots used by the City; provided that the official ballot shall be prepared in such a manner as will permit the voters to vote “Yes” or “No” on the propositions submitted, with the propositions to be expressed on the official ballot in a form substantially as follows:

**CITY OF KYLE PROPOSITION A**  
**Annexation**

Shall Article I, Section 1.07, and Article II, Section 2.01, of the City Charter be amended to require consent to annexation of land by the City as required by state law and to conform annexation and disannexation procedures to state law?

\_\_\_\_\_ YES      \_\_\_\_\_ NO

**CITY OF KYLE PROPOSITION B**  
**Election Precincts and Polling Places**

Shall Article V, Section 5.06 of the City Charter be amended to provide that the election precincts for City elections are those established by ordinance or state law and to provide that City Hall may be one of the polling places during City elections?

\_\_\_\_\_ YES      \_\_\_\_\_ NO

**CITY OF KYLE PROPOSITION C**  
**Council-Initiated Non-Binding Ballot Propositions**

Shall Article VI, Section 6.15 (Non-binding Ballot Propositions) be added to the City Charter to authorize the City Council to call elections on ballot propositions that are non-binding in nature when the council wishes to obtain an informal indication of the city’s voters on an issue?

\_\_\_\_\_ YES      \_\_\_\_\_ NO

**CITY OF KYLE PROPOSITION D**  
**Police Department Oversight**

Shall Article VII, Section 7.06 of the City Charter be amended to provide that police department procedures and policies shall be subject to review and modification by the City Council, to require the Police Chief to provide the City Council with an annual report about police department operations, and to provide for the City Council to establish a committee with oversight over standard operating policies and strategies, data sharing, and use of resources of the police department for the purpose of promoting public safety, transparency, and crime reduction through community policing models?

\_\_\_\_\_ YES      \_\_\_\_\_ NO

**CITY OF KYLE PROPOSITION E**  
**Non-Substantive**

Shall Section 13.11 (Non-substantive Revisions) of the City Charter be added to grant the City Council authority to make non-substantive revisions to the City Charter for numbering, spelling, grammar, cross-references, and punctuation without obtaining separate approval of the voters in a Charter amendment election?

\_\_\_\_\_ YES      \_\_\_\_\_ NO

**SECTION 3.** The election precincts for the election shall be the election precincts established by the Hays County Elections Administrator, provided that each shall contain and include geographic area that is within the City and the election precincts are in accordance with the City Charter.

**SECTION 4.** Notice of the election shall be given by posting a notice containing a substantial copy of this ordinance on the bulletin board used for posting notice of meetings of the governing body at the City Hall not later than the twenty-first (21st) day before the election and by publishing said Notice of Election on the same day in each of two successive weeks, with the first such publication occurring before the fourteenth (14th) day before the date of the election. The notice that is posted, and the notice that is published in a newspaper of general circulation within the city, will be written in both English and Spanish.

**SECTION 5.** The elections shall be held and conducted by the Hays County Elections Administrator in compliance with state law, the City Charter, the Election Agreement, and the ordinance calling the 2020 general election except where there is a clear conflict with this ordinance and provided that

Chapter 9, Texas Local Gov't Code shall apply to the special election. And, this Ordinance shall be in force and effect from and after its passage on the date shown below.

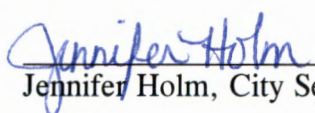
**SECTION 6.** It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

**PASSED AND APPROVED** on this the 17<sup>th</sup> day of August 2020.

**PASSED AND FINALLY APPROVED** on this the 17<sup>th</sup> day of August 2020.

City of Kyle

Attest:

  
Jennifer Holm, City Secretary

  
Travis Mitchell, Mayor