

**NOTICE OF SPECIAL ELECTION ON CHARTER AMENDMENTS
CITY OF LA GRANGE, TEXAS**

To the registered voters of the City of La Grange, Texas:

Notice is hereby given that a Special Election for the purpose of considering amendments to the Home Rule Charter of the City of La Grange, Texas, will be held on May 1, 2021, between the hours of 7:00 a.m. to 7:00 p.m. The actual text amendments to the City Charter are provided in Exhibit "A," which is incorporated herein as if fully set forth verbatim. The Special Election shall be administered by the Fayette County Elections Administrator in accordance with the Texas Elections Code.

Election Day Polling Locations

On Election Day, May 1, 2021, qualified voters who live in La Grange must vote at the below listed polling place. The polling place shall be open between the hours of 7:00 a.m. and 7:00 p.m. The polling place for the Special Election on Election Day shall be as follows:

Wards 1, 2, 3, and 4: City Hall Council Chambers
 155 E. Colorado
 La Grange, TX 78945

Early Voting Dates and Times

Early voting by personal appearance shall be held at the Fayette County Courthouse, 151 N. Washington Street, Room # 108 La Grange, TX 78945, on the following dates and times:

Between the hours of 7:00 a.m. and 7:00 p.m. on April 19, 2021;

Between the hours of 8:00 a.m. and 5:00 p.m. on April 20, 21, 22, and 23, 2021;

Between the hours of 7:00 a.m. and 7:00 p.m. on April 26, 2021;

Between the hours of 8:00 a.m. and 5:00 p.m. on April 27, 2021.

The early voting clerk shall be Terri Hefner. All applications for a ballot by mail shall be mailed to Terri Hefner, Early Voting Clerk, P. O. Box 605, La Grange, TX 78945. Fax # (979) 968- 6426 or email at elections@co.fayette.tx.us. Applications for ballots by mail must be received no later than the close of business on April 20, 2021.

Issued this the 23rd day of March, 2021.

/s/ Janet Bayer, City Secretary

EXHIBIT "A"
CHARTER AMENDMENT PROPOSITIONS

PROPOSITION NO. A

Shall Section 2.03(c) of the La Grange City Charter be amended to conform with Texas law limiting a city's annexation authority? If approved, the section will read:

Section 2.03(c) Annexation of lands by ordinance:

The City Council may by ordinance annex territory adjacent to the City ~~with or without the consent of the inhabitants or owners thereof~~, subject to such procedural rules as may be prescribed by law.

PROPOSITION NO. B

Shall Section 3.02 of the La Grange City Charter be amended to conform with the U.S. Constitution by deleting restrictions on the indebtedness of candidates? If approved, the section will read:

Section 3.02. Qualifications:

The Mayor and each member of the City Council shall be a resident citizen of the City of La Grange and shall be a qualified voter of the State of Texas, shall have been such resident citizen of the City of La Grange for a period of not less than [than] twelve (12) months immediately preceding ~~his~~ the election, ~~and shall not be indebted to the City of La Grange.~~

PROPOSITION NO. C

Shall Section 3.11. of the La Grange City Charter be amended to remove certain unenforceable references to compelling meeting attendance? If approved, the section will read:

Section 3.11 Rules of Procedure:

The City Council shall determine its own rules and order of business and shall provide for keeping of minutes of its proceedings. These minutes shall be a public record. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes. Five (5) members of the City Council shall constitute a quorum, ~~but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner of the City Council.~~ No action of the City Council, except

as otherwise provided in the preceding sentence, and Section 3.02 of this Charter shall be valid or binding unless adopted by the affirmative vote of a majority of the entire City Council.

PROPOSITION NO. D

Shall Section 4.02(a) of the La Grange City Charter be amended to delete the requirement that the Chief of Police reside in the City of La Grange within six (6) months after appointment? If approved, the section will read:

Section 4.02(a) Chief of Police:

The City Council shall appoint the Chief of Police who shall be the chief administrative officer of the Department of Police. The Chief of Police shall be appointed by the City Council for an indefinite term. The Chief of Police shall be responsible to the City Council for the administration of the department and the carrying out of the directives of the City Council. The Chief ~~He~~ may be removed from office by the City Council. The Chief of Police need not be a resident of the City of La Grange ~~at the time of his appointment, but must establish his residency within the City within six (6) months of his appointment.~~

PROPOSITION NO. E

Shall Section 4.04 of the La Grange City Charter be amended to delete the requirement that the City Attorney be practicing law in the City? If approved, the section will read:

Section 4.04 City Attorney:

The City Council shall appoint a competent and duly licensed attorney practicing law in ~~the City of La Grange, Texas,~~ to be the City Attorney. The City Attorney ~~He~~ shall receive for ~~his~~ their services such compensation as may be fixed by the City Council and shall hold office at the pleasure of City Council. The City Attorney or such other attorneys selected by the City Attorney ~~him~~ with the approval of the City Council, shall represent the City in all litigations. The City Attorney ~~He~~ shall be the legal advisor for, and attorney and counsel for, the City and all officers and departments thereof.

PROPOSITION NO. F

Shall Section 4.05 of the La Grange City Charter be repealed because it refers to a position that no longer exists and is not needed? If approved, the section shall be deleted in its entirety:

~~Section 4.05. Utilities department manager:~~

~~The City Manager shall appoint the Utilities Department Manager of the City of La Grange with the approval of the City Council....~~

PROPOSITION NO. G

Shall Section 5.02(a) of the La Grange City Charter be amended to exclude the requirement that the Judge of the City's municipal court be a qualified voter of the City? If approved, the section will read:

Section 5.02 Judge of the municipal court:

The Judge of the Municipal Court shall be a qualified voter ~~of the City~~, shall hold office at the pleasure of the City Council, and shall receive such salary as may be fixed by ordinance of the City Council.

PROPOSITION NO. H

Shall Section 6.02 of the La Grange City Charter be amended to defer to the Texas Election Code regarding ballot applications? If approved, the section will read:

Section 6.02 ~~Nominations~~ Ballot Applications:

~~Any person having the qualifications set forth for Mayor or Councilmember ~~man~~ under Section 3.02 of this Charter and state law shall have the right to file an application to have ~~his~~ their name placed on the official ballot as a candidate for any elective office in accordance with the Texas Election Code. ~~and such application in writing shall include name, address, telephone number, date of birth, date of residency, and shall be signed by such candidate and accompanied by his loyalty affidavit as prescribed by Texas Election Code, Article 6.02. The application shall be filed with the City Secretary Clerk or appropriate authority not less than thirty (30) days (in computing said thirty (30) days, the date of filing and the date of the election shall not be counted) prior to the date of election and shall entitle such applicant to a place on the official ballot. A filing fee in such amount as may hereafter be set by the City Council, will be paid to the City Secretary Clerk by each candidate upon presentation of application.~~~~

PROPOSITION NO. I

Shall Section 7.01 of the La Grange City Charter be amended to provide a six-month waiting period before the recall of recently-elected or appointed officials? If approved, the section will read:

Section 7.01. Scope of recall:

Any person holding an elected office, whether elected to office by the qualified voters of the City or appointed by the City Council to fill a vacancy, shall be subject to recall and removal from office by the qualified voters of the City on grounds of incompetency, misconduct or malfeasance in office. A petition for recall cannot be filed sooner than six (6) months following the date on which the person was most recently elected or appointed.

PROPOSITION NO. J

Shall Section 7.02 of the La Grange City Charter be amended to clarify applicability to the Mayor. If approved, the section heading will read:

Section 7.02. Petitions for Recall of the Mayor:

PROPOSITION NO. K

Shall Section 7.04 of the La Grange City Charter be amended to conform with the Texas Election Code regarding the expiration of signatures on a petition? If approved, the section will read:

Section 7.04 Various papers constituting petition:

The petition may consist of one or more copies, or subscription lists, circulated separately, and the signatures thereto may be upon the papers or paper containing the form of petition, or upon any other papers attached thereto. Verifications provided for in the preceding section of this article may be made by one or more petitioners, and the several parts of copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than ~~forty five (45)~~ one hundred eighty (180) days prior to the filing of such petition or petitions with the persons performing the duties of the City Secretary. All papers comprising a recall petition shall be filed with the person performing the duties of City Secretary on the same day, and the said Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to ~~his~~ their La Grange address.

PROPOSITION NO. L

Shall Section 7.07 of the La Grange City Charter be amended to conform with the Texas Election Code regarding uniform election dates? If approved, the section will read:

Section 7.07 Election to be called:

If an officer whose removal is sought does not resign, then it shall become the duty of the City Council to order an election and fix a date for holding such recall election, the date of which election shall be on the next uniform election date for which the election can be called in compliance with the Texas Election Code not less than twenty five (25) nor more than forty five (45) days from the date such petition was presented to the City Council, or from the date of the public hearing if one was held.

PROPOSITION NO. M

Shall Section 7.12 of the La Grange City Charter be amended to clarify the ability of voters within a Ward to recall a Councilmember? If approved, the section will read:

Section 7.12. Petitions for Recall of officials Councilmembers:

In each case where the recall of a Councilmember is sought, the Sections of this Article insofar as applicable shall apply to the Ward from which the Councilmember was elected, rather than the City as a whole. That is, the petition must be signed by qualified voters and in the percentage stated, of the Ward equal in number to at least twenty (20) percent of the number of qualified voters in the Ward as of the last regular municipal election of the City, but in no event less than fifty (50) such petitioners, from the Ward from which the Councilmember was elected. ~~and a~~ Any such recall election shall be held only among the qualified voters of ~~in~~ the Ward from which the Councilmember whose recall is sought was elected or appointed.

PROPOSITION NO. N

Shall Section 8.03 of the La Grange City Charter be amended to update the process for referendum petitions and elections? If approved, the section shall read:

Section 8.03. Referendum:

Qualified voters of the City of La Grange may require that any ordinance passed by the City Council, be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after its publication. ~~Referendum does not apply to~~ or resolution with the exception of ordinances or resolutions enacting zoning, or related to personnel or administrative matters, levying taxes, appropriating money, authorizing the issuance of either tax or revenue bonds whether original or refunding, or setting utility rates, ~~passed by the City Council, be~~

~~submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after its publication.~~ Said petition shall be addressed, prepared, signed and verified as required for petitions initiating legislation as provided in Section 8.02 of this Charter and shall be submitted to the person performing the duties of the City Secretary. Immediately upon the filing of such petition, the person performing the duties of City Secretary shall present said petition to the City Council. Thereupon the City Council shall immediately reconsider such ordinances ~~or resolutions~~ and if it does not entirely repeal the same, shall submit it to popular vote as provided in Section 8.04 of this Charter. Pending the holding of such election, such ordinance ~~or resolution~~ shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters cast ballots in favor of retaining such ordinances ~~or resolutions~~.

PROPOSITION NO. O

Shall Section 8.09 of the La Grange City Charter be amended to include a waiting period before ordinances passed by popular vote can be repealed or amended and an exception when required by law? If approved, the section shall read:

Section 8.09. Ordinances passed by popular vote, repeal or amendment:

No ordinance ~~or resolution~~ which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article shall be repealed or amended within one (1) year except by the City Council in response to a referendum petition or by submission to popular vote as provided in Section 8.04 of this Charter, or when required by law.

PROPOSITION NO. P

Shall Section 9.02 of the La Grange City Charter be amended to remove the deadline for submitting a proposed budget to the City Council in order to comply with current state law? If approved, the section shall read:

Section 9.02. Preparation and submission of budget:

The City Manager shall submit a proposed budget containing a complete financial plan for each fiscal year. Such a budget shall be submitted to the City Council ~~not more than one hundred twenty (120) days but not less than sixty (60) days~~ within a reasonable time prior to the beginning of each fiscal year. The budget shall contain the following:

PROPOSITION NO. Q

Shall Section 11.18 of the La Grange City Charter be repealed because it refers to an election in 1983 and is no longer applicable? If approved, the section shall be deleted in its entirety:

~~Section 11.18.— Submission of charter to voters:~~

~~The Home Rule Charter Commission in preparing this Charter finds and decides that it is impracticable to segregate each subject so as to permit a vote of “yes” or “no” on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of La Grange at an election to be held for that purpose on the 15th day of January, 1983....~~

PROPOSITION NO. R

Shall the La Grange City Charter be amended throughout to replace gender -specific language with gender-neutral terminology?

PROPOSITION NO. S

Shall the La Grange City Charter be amended throughout to update statutory references and replace antiquated legal citations?

Fiscal Impact for Proposition No. A – Proposition No. S: None.